

## **LOWER RIO GRANDE FLOOD CONTROL PROJECT** **DESCRIPTION**

The Lower Rio Grande Flood Control Project (LRGFCP) is located in both the United States and Mexico and extends from the town of Penitas, Texas to the Gulf of Mexico, a distance of about 180 river miles. The LRGFCP provides flood protection to urban, suburban, and highly developed irrigated lands in the Rio Grande / Rio Bravo delta in both countries. Each country designed, constructed, and maintains the portion of the project located in its territory.

### **BACKGROUND**

The United States Section, International Boundary and Water Commission (USIBWC) maintains the United States portion of the LRGFCP by mowing and clearing brush growing within the river and off-river floodways. In settlement of a 1989 law suit, the USIBWC agreed to prepare an environmental impact statement for alternative vegetation management practices for the LRGFCP (See, Status) and consult with the United States Fish and Wildlife Service (USFWS) on the potential effect of vegetative maintenance on endangered species.

The USIBWC prepared a biological assessment in February 1993 regarding the impacts of the LRGFCP maintenance activities on endangered species. The USIBWC and USFWS agreed on certain principles to accommodate the flood control requirements of the international LRGFCP and to not hinder or preclude establishment and enhancement of wildlife travel corridors by the USFWS. The USFWS biological opinion (BO) issued in May 1993 concluded the formal section 7 consultation with a non-jeopardy determination and stated that USIBWC's maintenance of the project with incorporation of agreed upon principles will not jeopardize the continued existence of federally listed endangered species. Vegetation maintenance provisions of the BO include maintenance within a 75-foot wide area along the low banks of the Rio Grande with a 33-foot wide vegetated travel corridor immediately landward of the 75-foot area. The vegetation management associated with the BO occurs along the 34.5-mile long river reach (River Mile [RM] 28.00 to RM 62.50) covering the Brownsville and Matamoros area.

A meeting with USFWS-Corpus Christi on October 2, 2002 resulted in an agreement to issue a new BO. The USFWS submitted a draft BO for USIBWC review on April 18, 2003, and the USIBWC provided comments May 7, 2003. The final BO issued May 23, 2003 also concludes with a non-jeopardy determination and contains stipulations, including avoid maintenance activities during breeding season, annual progress reports, form a coordination workgroup of stakeholder representatives, obtain easements for the wildlife travel corridor in timely manner, etc.

Pursuant to the Memorandum of Understanding (MOU) between the USFWS and the USIBWC (MOU No. 1448-00002-96-0816, dated June 11, 1996), the USIBWC has the right to enter into properties acquired by USFWS and maintain vegetation according to the provisions in the BO. This MOU expired in 2001, and a new MOU was executed by the USFWS and USIBWC to keep the status quo of cooperative management on USFWS refuge lands within the 34.5-mile reach of the LRGFCP. The new agreement (MOU No. 1448-20181-02-K917, dated September 17, 2002) is similar to the 1996 MOU except for a one (1) year agreement term rather than five (5) years. It is expected to provide adequate time for continued USIBWC maintenance on USFWS refuge lands within the 34.5-mile reach until the EIS is completed.

Upstream from RM 62.50, vegetation maintenance is neither currently performed nor regularly performed by the USIBWC. The USIBWC, as a Wetland Reserve Program (WRP) partner through an agreement (MOU No. IBM 96-53, dated November 25, 1996) with National Fish and Wildlife Foundation (NFWF), provided survey crews to work with the USFWS's state certified surveyor to define lands to be acquired for wildlife habitat in 1997. That work included surveys of two wildlife tracks in Starr County near RM 217.5 and RM 224 for establishment of wildlife travel corridors and wildlife habitat. The MOU with NFWF remains in force (there is no expiration date), and the USIBWC plans to continue to partner with the USFWS in its acquisition of lands for wildlife habitat and travel corridors within the LRGFCP when requested.

## **STATUS**

Cooperative efforts between USFWS and USIBWC continue in areas previously acquired by USFWS as shown by the MOU renewal in September 2002 for continued USIBWC maintenance on refuge lands within the 34.5-mile reach. The USIBWC, through the United States Army Corps of Engineers, Galveston District and its consultant, LopezGarcia Group, submitted a preliminary draft EIS on April 30, 2002 for agency review. Significant comments from Texas Parks and Wildlife Department and USFWS required further revisions be made to the document. The Draft EIS for alternative vegetation management practices for the LRGFCP was released for public review and comments on July 2, 2003. Also available is the Draft EIS Public Meeting Summary Report that includes all statements given by speakers during the public meeting and a summary of all written comments received during the comment period. The Final EIS was released to Environmental Protection Agency for filing and to agencies and public for review on December 18, 2003. The Record of Decision was signed February 9, 2004. It documents and confirms the selection of the Preferred Alternative, Continued Maintenance (No-Action).

## **GOALS**

Ensure that USIBWC maintenance activity for flood control capabilities does not jeopardize the continued existence of endangered species in the LRGFCP. Acquire lands through the combined efforts of the USIBWC and USFWS that can provide both wildlife travel corridors and flood control maintenance easements along the Rio Grande.