

ORIGINAL

C
Nov 90

SWD

MEMORANDUM OF UNDERSTANDING
BETWEEN
SOUTHWESTERN DIVISION, U.S. ARMY CORPS OF ENGINEERS
AND
UNITED STATES SECTION, INTERNATIONAL BOUNDARY (IBWC)
AND WATER COMMISSION, UNITED STATES AND MEXICO

This Memorandum of Understanding entered into this 27th day of November 1990, between the Southwestern Division, U. S. Army Corps of Engineers, hereinafter referred to as the "Corps", and the United States Section, International Boundary and Water Commission, United States and Mexico, hereinafter referred to as the "United States Section", WITNESSETH:

WHEREAS, the United States Section is authorized under 22 U.S.C.A. Sec. 277a, as amended, to construct, operate and maintain flood control works on the Rio Grande, and is authorized under 22 U.S.C.A. Sec. 277d-12, as amended, to expend from appropriations available to it such sums as may be necessary for prosecution of emergency flood fighting and rescue operations, repairs or restoration of any flood control works threatened or destroyed by floodwaters of the Rio Grande; and

WHEREAS, the Corps has authority under 33 U.S.C.A. Sec. 701n, as amended, to expend funds and engage in emergency flood fighting, rescue operations, and repairs or restoration of any flood control works threatened or destroyed by floods, including the strengthening, raising, extending, or other modifications thereof as may be necessary in the discretion of the Chief of Engineers for the adequate functioning of the work for flood control; and

WHEREAS, in order that all domestic obligations and functions prescribed by said laws and all international responsibilities of the United States Section may be coordinated and fulfilled in the manner contemplated, it is considered to be mutually desirable to define and set forth the specific jurisdiction and functions to be exercised by the United States Section and the Corps with respect to the Rio Grande and its tributaries in the States of New Mexico and Texas.

NOW, THEREFORE, the parties hereto agree as follows:

1. The United States Section shall be the responsible agency to prosecute emergency flood fighting and rescue

Article 1

operations, repairs or restoration of any flood control works of the Rio Grande (and for coordination of such activities as may be necessary with authorities of the Mexican Section of the International Boundary and Water Commission), as follows:

- (a) On the main stem of the Rio Grande from Caballo Dam to the beginning of the international boundary at El Paso, Texas; then downstream to the mouth of the Rio Grande at the Gulf of Mexico, including 96 miles of river levees of the Lower Rio Grande Flood Control Project from Penitas, Texas to a point 15 miles below Brownsville, Texas.
- (b) Interior floodways of the Lower Rio Grande Flood Control Project, extending 137 miles in length.

2. The Corps shall have the responsibility for flood emergency preparation, flood fighting, rescue operations, and the repair and restoration of any flood control work threatened or destroyed by floodwaters on tributaries of the Rio Grande below Caballo Dam.

3. The flood fighting resources of the Corps and the United States Section shall be available to one another upon request for such assistance. For such purpose, it is agreed that the following principles and procedures will, to the extent practicable, govern cooperation between the parties hereto:

- (a) During emergencies, close liaison will be maintained between Principal Engineer of the United States Section and the appropriate Corps District Commander, or his designated representative, for the exchange of all pertinent information and basic hydrologic data.
- (b) If so requested by the United States Section, assistance of the Corps will be furnished, on a cost-reimbursable basis, by the Albuquerque Engineer District in the reach of the Rio Grande from Caballo Dam to the mouth of the Pecos River; by the Fort Worth Engineer District in the reach from the mouth of the Pecos River to Falcon Dam; and by the Galveston Engineer District from Falcon Dam to the Gulf of Mexico.
- (c) If so requested by the Corps, assistance will be furnished, on a cost-reimbursable basis, by authority and approval of the El Paso Headquarters of the United States Section for tributaries along reaches of the Rio Grande below Caballo Dam in the United States under jurisdiction of the said Corps.

- (d) Each District Commander of the Corps will designate an assistant who will represent his District in all contacts with the United States Section. The Commissioner of the United States Section will designate his representatives for all contacts with the Engineer Districts of the Corps.
- (e) Each party to this Understanding will endeavor to provide the closest association and maximum cooperation and participation possible under the laws, regulations, and responsibilities governing it.
- (f) It is understood that available forces of the Corps will continue, as in the past, to perform rescue work when, through any circumstance, such forces are the only ones in proximity to a scene of immediate need on the Rio Grande and interior floodways of the Lower Rio Grande Flood Control Project under the jurisdiction of the United States Section.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the date first hereinabove stated.

UNITED STATES SECTION, INTERNATIONAL
BOUNDARY AND WATER COMMISSION, UNITED
STATES AND MEXICO, El Paso, Texas

By Narendra N. Gunaji
Dr. Narendra N. Gunaji, Commissioner

SOUTHWESTERN DIVISION, U.S. ARMY CORPS
OF ENGINEERS, Dallas, Texas

By Stanley G. Genega
Stanley G. Genega
Brigadier General, U.S. Army
Commanding General