

USIBWC SECTION 3 PROGRESS REPORT: 2014 – 2017

The United States Section, International Boundary and Water Commission (USIBWC) is proud to report on the last three (3) years of Cultural Resource work at the USIBWC. Our mission is to provide binational solutions to issues that arise during the application of United States – Mexico treaties regarding boundary demarcation, national ownership of waters, sanitation, water quality, and flood control in the border region. This is the first time we have submitted this report as a land management agency. We have chosen to answer each question individually as stated below.

1. Building upon previous Section 3 reports, how many historic properties have been identified by your agency in the past three (3) years? Have your identification methods improved? Approximately what percentage or portion of inventory has been surveyed and evaluated for the National Register?

The USIBWC in the last three (3) years has identified seven (7) new historic properties. A total of zero (0) identified properties have been evaluated as National Register Eligible. We have had no properties that were evaluated as National Register Listed or Eligible. One site in Presidio, Texas (41PS1211) has potential but was not evaluated in detail. The total number of historic properties we have is over 1000 prehistoric and historic sites, with over 950 at Falcon Reservoir. The others vary from 10 to 20 in California and Arizona, and around 10 in New Mexico. In Texas, Falcon Reservoir has over 950 sites, including the Fort Brown National Historical Landmark (NHL) at Brownsville and several National Register Districts along the International Border with Mexico.

Our identification procedures have not changed in the last three (3) years. We use Indefinite Delivery, Indefinite Quantity (IDIQ) contractors for our cultural projects. The USIBWC has one Cultural Resources Specialist (CRS) for the agency and handles the United States - Mexico border where USIBWC properties exist. As projects arise, and feasible in scope and scale, the CRS conduct limited surveys and report writing. The USIBWC will use IDIQ contractors for most projects. As of September 2017, we have at least 80% of our lands surveyed.

Our heritage assets vary in scope and location. The international land boundary monuments, 276 monuments, that run from El Paso, Texas to San Diego, California have not been evaluated for National Register Eligibility by the agency. It was found that other federal and state land management agencies have recorded them as *their* property and evaluated them. The CRS is working on nominating these monuments as a National Register Multiple Property Historical District which will entail formal evaluation as Eligible for the National Register. The various New Deal projects from the 1930s along the border are also critical as heritage assets but are used today for flood and irrigation operations. Along the Rio Grande River, our levees and monuments have been evaluated as eligible but are not nominated for the National Register except as various historic districts along the border. At Brownsville, Texas, the only National Historical Landmark we have is Fort Brown from the Mexican – American War of 1846 to 1848.

Presently, we have added new archeological sites at Falcon Reservoir and in Presidio, Texas, and in the Canalization Project of New Mexico. These new sites and our evaluation of Falcon and

Amistad Villages as eligible have increased our number of historic resources but have helped to construct Programmatic Agreements (PA) for these management areas.

2. Does your agency have policies that promote awareness and identification of historic properties?

The USIBWC mission is centered on flood control and other issues along the border regions. We follow Section 106 of the National Historic Preservation Act and 36 CFR 800. We have developed several Programmatic Agreements (PA) with State Historic Preservation Officers (SHPO) for specific areas of land owned by USIBWC. This is for properties that our levees and other projects will impact. USIBWC has conducted archeological and architectural surveys for projects pertaining and funded to our mission objectives. We have completed around 90% of our 106 undertakings for funded projects and our Section 110 work at 50%. This Section 110 work is for projects that are discussed at professional conferences and in publications or on the website.

USIBWC measures progress with annual reports to our PA partners and reports to Congress. We do not use benchmarks as many of our projects are based on funding due to maintenance and replacement of resources as identified. The Cultural Resources Specialist keeps a log of project work and consultation for the individual projects.

3. Describe reporting mechanisms or programs your agency uses to manage information about historic properties. What information do they contain about your historic properties?

USIBWC manages information on several state databases for site forms and reports. For archeological sites in California, information is sent to the South Coastal Information Center at San Diego State University in San Diego, CA. In Arizona, we send to the Arizona State Historic Preservation Office, a division of Arizona State Parks in Phoenix, AZ. New Mexico information is sent to New Mexico Historic Preservation Division and associated branches in Santa Fe, NM. Texas information is stored at the Texas Archeological Research Laboratory (TARL) in Austin, Texas. We also keep paper and electronic files at our Headquarters Office in El Paso, TX for all recorded sites and reports.

Information is used by the CRS for specific projects. The CRS has access to each states Cultural Resources database and maps and those internally at the USIBWC. This information is used to give an historical background to engineers or outside contractors to assist in 106 compliance and construction.

Since we are a small agency, we do not use the Federal Real Property Council's Guide for Real Property Inventory for cultural resources. This does not denote we will not use it, but now, using the various state databases for project and site information for cultural resources information is adequate. The state databases are secure and password protected.

4. Has your agency employed partnerships to assist in the identification and evaluation of historic properties?

USIBWC properties are smaller holdings than most Federal agencies and spread out along the U.S. – Mexico borderlands. The exceptions to this are our holdings that are more than one (1) acre in size for comparison. These are located along the border in San Diego, CA.; the Rio Grande River from Percha Dam in Central New Mexico down to the Gulf of Mexico in Texas. Large holdings are located at Amistad and Falcon Dams and Reservoirs. We use the various SHPO databases for information and our IDIQ contractors for projects related to ground disturbing activity. Partnerships we have or are working on establishing are Memorandums of Understanding (MOUs) with the National Park Service (NPS) at National Parks, Bureau of Land Management (BLM) and with individual State Parks along the border. USIBWC is also preparing Memorandums of Agreement (MOAs), as applicable with federal and state agencies. Our last MOA was with El Paso County on the demolition of the Fabens – Caseta International Bridge in 2016. We have a standing MOA with several Texas agencies for the Visual Impacts in the Chihuahueta Historic District in El Paso, Texas. Programmatic Agreements (PA) are written for projects to alleviate consultation for projects less than an Environmental Assessment (EA) or Environmental Impact Statement (EIS). These partnerships have helped alleviate our consultation with the SHPOs but also allows us to conduct work for the projects to be completed.

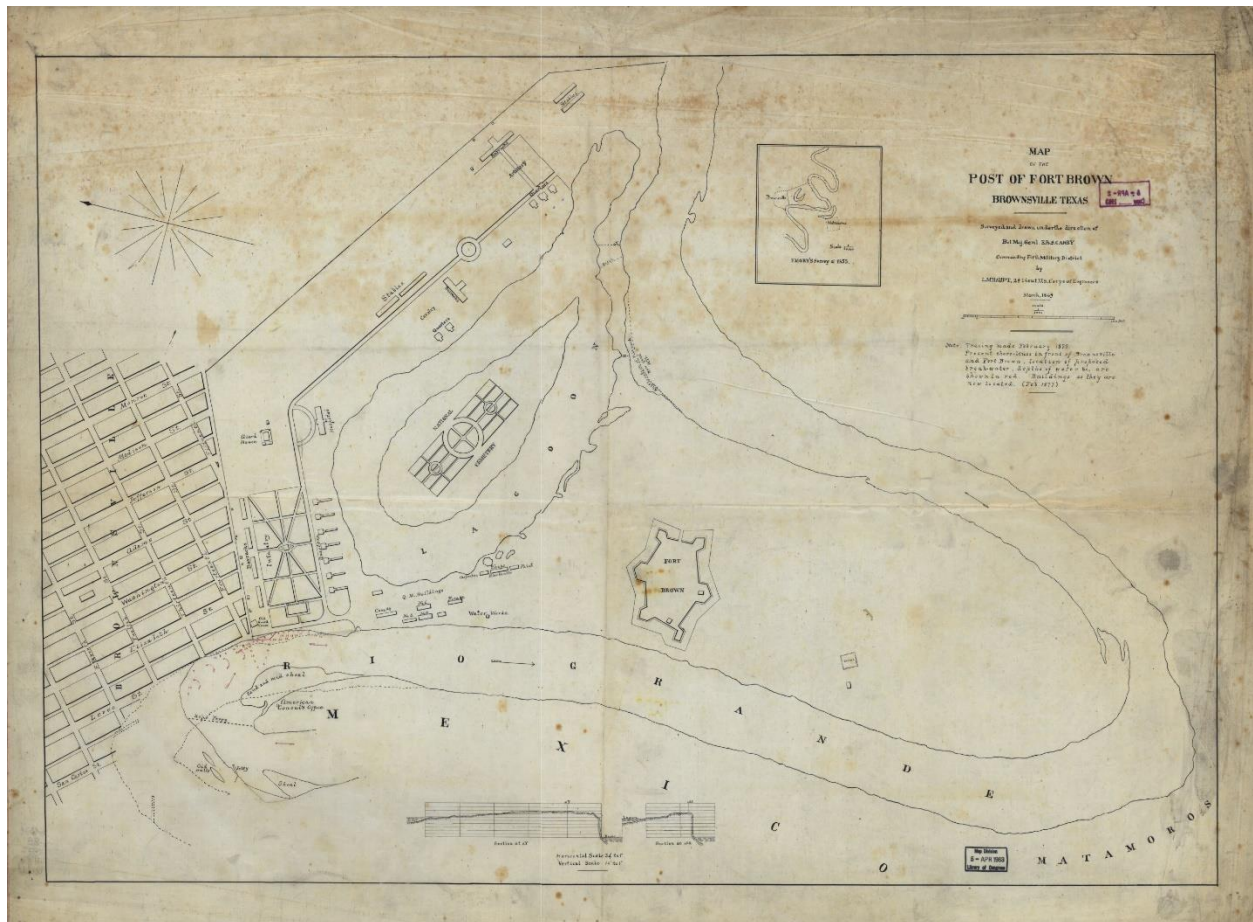
USIBWC falls under the guidance of the State Department and works directly with our Mexican counterpart on treaty and Minutes issues. For projects in the United States, we use MOUs, MOAs, PAs, or Interagency Agreements.

5. Provide specific examples of major challenges, successes, and/or opportunities your agency has experienced in identifying historic properties over the past three years.

At the USIBWC, we strive to preserve historic structures and sites as pertinent, but a portion of our mission is flood control and many areas are either inundated or at risk of destruction in these areas. A success we have is the preservation of Fort Brown.

Fort Brown NHL: In Brownsville, TX we have the remaining earthen fortifications of Fort Brown on USIBWC lands. A “Star” shaped fort that is the location where the Mexican – American War started in 1846. This NHL was an active golf course under permit for the last 50 years with various local entities. The golf course closed a few years ago, and the land was left as is, in a state of acquiescence. The original levee system continued around the peninsula. The area changed in the intervening years and in 2012, we reconstructed parts of our lower Rio Grande Levee system. Unfortunately, the levee went through the remains of the original Fort Brown (Map 1). When we started to improve our levees in the area in 2012, we wrote a limited time MOU in 2012 and a five (5) year MOU with Palo Alto Battlefield National Historical Park of the National Park Service (NPS) for archeological monitoring in 2014. When reconstruction of the levee thru the fort was conducted, the NPS archeologist monitored the area for cultural resources. A few years later after the golf course closed, under the MOU, the NPS archeologist reported a looting incident at the site and this was investigated and measures of protection implemented. As of 2017, we have had no incidents at the site or associated sites in the area. We are in the process of transferring this site

and up to 200 acres of land associate here to the NPS as part of the Palo Alto Battlefield National Historical Park.



Map 1: Fort Brown and Brownsville in 1869

International Boundary Monuments: The International Boundary Monuments / Markers start from El Paso, Texas, west of the Rio Grande River in New Mexico at Monument 1. They continue west to Monument 258 in San Diego, California ending close to the Pacific Ocean. A total of 276 markers are present, some are obelisks and others are markers placed as points of reference. It has been discovered that many of the Monuments have been recorded on the United States side by other State and Federal agencies as their property. USIBWC is in the process to correct site forms with accurate information, history and record. We are also working on a National Register of Historic Places Multiple Property Nomination for the 258 monuments from the 1800s. This is a lengthy process due to the number of them and the locations.



Monument 1: On the border with Mexico facing West.

Fabens Bridge MOA: This agreement is with El Paso County on the demolition of the Fabens – Caseta International Bridge in 2016. This historic bridge was replaced with a larger Port of Entry to the north. Originally constructed in the 1930s, this bridge was demolished under our treaty guidelines.



Fabens – Caseta International Bridge: View to Northwest. HAER TX-3399, 2015.

Chihuahuita Historic District MOA: A standing MOA signed in 2014 with several Texas agencies pertaining to the Visual Impacts in the in El Paso, Texas area. This historic district will be impacted by the new Border Highway. This MOA allows for educational materials to be written for dissemination to the community on Chihuahuita History.

6. Have your agency's programs and procedures to protect historic properties, including compliance with Sections 106, 110, and 111 of NHPA, changed over the past three years in ways that benefit historic properties?

In the last three (3) years and earlier, our duties to these sections of the NHPA has improved. We now work hand in hand with all the State SHPOs to a point that our consultations are approved within the 30 day time frame or less. Our CRS, Mark Howe, has worked to fix our compliance so that USIBWC is known for quality and timely work and consultation. Mr. Mark Howe is the only person on staff at USIBWC in Archeology, but works with other staff for training and administrative compliance. This training with USIBWC staff and associated MOUs with other agencies, has allowed him to be able to manage a wide range of locations (Pacific Ocean to Gulf of Mexico). Declining travel budgets only allow travel when specific projects need him to be there or for Native American Graves and Protection Act (NAGPRA) related items are an issue. Training is conducted if requested by our CRS and funding dependent or completed by online webinars and associated with other agencies. USIBWC did conduct Archeological Resources Protection Act Training (ARPA) in 2015 with a host of City, State and Federal agencies at Fort Bliss, TX.

7. Has your agency employed partnerships to assist in the protection of historic properties?

USIBWC has partnered with Palo Alto Battlefield National Historical Park (NPS) for the protection and monitoring of Fort Brown in Brownsville, TX. We are working on establishing partnerships with Coronado National Monument (NPS) in Arizona for helping with the maintenance of our monuments on the border. USIBWC is working with various State Parks and other federal agencies in writing MOUs and MOAs that will benefit the agencies for monitoring, education and compliance.

Our partnerships in Historic Preservation help our agency due to having a large land and river border we cover, but limited budgets for travel and program work. Our success has been limited due to the slow progress of review and approvals of the MOUs, MOAs and PAs in both state and federal review. It is noted that our PAs and MOUs have aided in historic preservation by increased monitoring, inspection and compliance at sites that are not checked by our office on a yearly basis. By having our partners monitor and keeping USIBWC informed as to what is happening locally, this has been a big benefit for Section 106 compliance. These partnerships have helped to educate people in these areas about the integrity of sites, Section 106 and how they can take a personal responsibility in site protection and monitoring for the USIBWC.

8. Does your agency use program alternatives such as Programmatic Agreements, Program Comments, and other tools to better manage and protect your agency's historic properties?

USIBWC has several Programmatic Agreements (PA) in place. The PA on Flood Control Projects along the Rio Grande in Texas has helped to limit Texas Historical Commission (THC) or TxSHPO consultation for small projects where significant prior impacts have occurred. The Amistad and Falcon Dams and Reservoirs PAs have resulted in reduced consultation as well and are instrumental on how USIBWC can accomplish project specific work at the locations without lengthy consultation. We are currently in the signature stage for the NMSHPO PA that will be signed this year. This PA has been in-process for two years to refine consultation for our

Canalization Project and River Restoration projects in New Mexico. We are a signatory on the PA with U.S. Customs and Border Protection and various tribes, SHPOs and other border agencies.

All the PAs are designed for maximum efficiency for the USIBWC in the consultation process and have helped in monitoring, project work and historic preservation. Yearly reports to the state SHPOs is completed for the PAs as this addresses what we have done or will do pertaining to agreements in the PAs.

9. Provide specific examples of major challenges, successes, and/or opportunities your agency has encountered in protecting historic properties over the past three (3) years.

An example of this is in Question 5.

10. Do your agency's historic federal properties contribute to local communities and their economies? Is the use of historic properties encouraged and promoted within your agency?

USIBWC properties are located along the border with Mexico and many are in towns and cities. Since our agency's mission is primarily flood control and water treaties, we make a point to examine how these points will impact the local communities in economic development. In California, many of the sites on our land are inaccessible to the general public as they are the International Monuments or pertain to flood control levees and treatment of sewage along the Tijuana River. International Border Monument 258 at the Border Field State Park (California State Parks) is behind the CBP wall and can be seen through it or accessible from Mexico. In Arizona and New Mexico, our properties are limited and public access is along the rivers. We do post signs along the areas of our levees for access but historical properties are not affected by public use. In Texas, unless these are related to border security or our dams, most access is open but we are not in the operation of economic development or heritage tourism. We do not keep track of visitors to our historic properties as most of them are static in nature or scope and not easily accessible.



Original Monument 258 from *Views of the Monuments*, 1892 – 1895.

11. Explain how your agency uses historic properties to foster heritage tourism, when consistent with agency missions.

The USIBWCs mission is not in the business of Heritage Tourism on our properties. We do work with various other federal, state and local agencies that have this as part of their mission. Several National historic trails run along USIBWC properties that we work with consistently. USIBWC works with the National Park Service in preservation and conservation of many historic trails that cross the border. The National Park Service keeps a record of visits to the trails or events for heritage tourism. Because of the proximity to the border areas, many of our buildings or monuments are not accessible or have restricted access. In all, we are not an agency that directly fosters heritage tourism but does work with other agencies whose mission is.



Smeltertown and American Dam, east and south to the International Border with Mexico. Picture taken on August 18, 1939.

12. If your agency is subject to the requirements of the Federal Assets Sale and Transfer Act (Property) and the Federal Property Management Reform Act (described above) how will their requirements affect your agency's ability to protect and use its historic properties?

Many of the USIBWC properties are over 50 years of age and many were constructed in the 1930s. Under the "Reduce the Footprint" policy, we are limited to any new construction by the amount of current space allocations. At several of our facilities, Falcon Village for one, we have demolished two buildings to add additional space to our new Administration Building. This is helpful as the two buildings were originally single family housing at Falcon Reservoir. At Fort Hancock, Texas, our current administration building has been reused and remodeled from its original design as an all-in-one shop from the 1930s. This Footprint policy will either allow USIBWC to reuse the space there or to demolish and rebuild a modern administration and shop building. In Brownsville, Texas the closing of the Fort Brown Golf Course has not affected USIBWC except letting the land go fallow with no additional construction in this area and the cancellation of the lease. In comparison, the two Acts do restrict our construction of new buildings and footprints as many of our buildings are over 50 years of age.

13. *How is your agency meeting the requirements of EO 13693, Planning for Federal Sustainability in the Next Decade?*

The life expectancy of many of the USIBWC buildings has passed and they are not current with many Environmental and Accessibility Acts of Congress. Many of the buildings should be torn down, remodeled or new buildings built for compliance to new federal laws and executive orders. The Fort Hancock Administration building may be rehabilitated for continued use, but the internal structure and outside frame changes will be preserving the internal structure of the 1930s. The Amistad Administration was torn down in 2014 before it became historic in age as it was not suitable for the unique mission of the USIBWC and Amistad Dam and Village. This also occurred for Falcon Reservoir Administration building and the Falcon Village area. We have faced some resistance to not preserving the buildings, but they currently did not fit post 9/11 security measures or means or were past their designed life expectancy. In the new buildings and those being remodeled, we comply with LEED criteria for sustainability and resiliency goals.

14. *Does your agency use, or has it considered using, Section 111 (now 54 U.S.C. § 306121) of NHPA to lease or exchange historic properties?*

The Fort Brown NHL in Brownsville, Texas was first leased in the 1940s to the City of Brownsville and portions to the University of Texas – Brownsville and Texas Southmost College. After the closure of the Fort Brown Memorial Golf Course in 2015, and the lack of maintenance to the area, the USIBWC canceled the leases in 2016 for this area. Currently, under our MOU with Palo Alto Battlefield (NPS), they monitor the Fort site on our behalf which is located on the old Golf Course. We have been in negotiations with NPS to surplus this land to them as another part of the Palo Alto Battlefield park. This is currently on hold for various reasons, but the groundwork has been laid to eventually turn this over to NPS with the caveat for our levees and flood protection in the lower Rio Grande Valley to remain.

At Falcon Reservoir, the lands we manage have had 158 Grazing leases encompassing over 22,000 acres since the 1950s when we took over the lands for reservoir storage. At that time, the United States did not have Section 106 of the National Historic Preservation Act (NHPA) or other Cultural and Environmental laws we have today. USIBWC has eliminated agricultural use (agricultural fields) from the leases, but has continued for grazing only. The leases are for in-kind replacement of current structures and fences only. Since USIBWC land is from the river to the arbitrary “307 line” this is usually underwater and lessees may mow for range land improvement only. We have found that the grazing leases are not helpful as for cost recovery and monitoring costs of the lands for compliance. We are in the process of drafting an Environmental Assessment (EA) to examine whether to eliminate or improve the grazing process at Falcon Reservoir. The lease program has not shown any improvement over the last three (3) years and many lessees are in arrears with annual payments.

15. *Explain how your agency has employed the use of partnerships to assist in the use of historic properties.*

As a small agency with limited resources, we use limited time partnerships to help us in our mission and in historic preservation. These consist of MOUs and MOAs, with Interagency Agreements (IAs) for larger projects. All our partnerships in historic preservation deal with either mutual support with other local, state and federal agencies with cost initiatives. These partnerships have benefited the agency for cultural resources by using local agencies to check on archeological concerns that would take the CRS time to travel to. This has helped to either let projects proceed, no adverse effect, or the local specialist to halt the project until the CRS can travel there or examine remotely what has been found. We currently do not use volunteers due to management concerns and the nature of our mission.

16. Explain how your agency has employed the use of partnerships to assist in the use of historic properties.

As stated before, we have used partnerships at Fort Brown NHL for monitoring, working with the Department of Defense (DoD) with ARPA training under an IA and we are working with other state and federal agencies on lands that we control. Overall, due to our mission, we preserve many of the historic structures and archeological sites we have. As a small agency, the USIBWC strives to preserve and protect historic resources after Section 106 consultations have completed. We continue to work towards more cost sharing partnerships with other agencies and with contractors on various historical projects.