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INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

February 29, 2012

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

Dave Navecky
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423-0001

Subject: Docket No. FS35554, Eagle Pass Railroad, LLC- Proposed Rail Line Construction and Operation- Maverick County, Texas

Dear Mr. Navecky:

I refer to the letter from the Surface Transportation Board (Board), Office of Environmental Analysis (OEA), dated February 3, 2012, regarding the notice to construct and operate a new rail line in Maverick County, Texas. The Board requests information for identifying any resources that are under the jurisdiction of the United States Section, International Boundary and Water Commission (USIBWC), that would require coordination, permitting, and/or approval.

With regard to the above, the USIBWC provides flood protection for communities along the international reach of the Rio Grande, operates the Amistad and Falcon International Dams, ensures water deliveries under the 1944 Water Treaty, and maintains the international boundary in accordance with the 1970 Boundary Treaty. In addition, under Article IV-B of the 1970 Boundary Treaty, any projects undertaken by either country must ensure that said works do not cause deflection or obstruction of the normal flow of the river or its flood flows. As stated in the letter, the proposed project would require the Board to apply to the U.S. Department of State for a Presidential Permit. As part of the permitting process, the USIBWC should be consulted, as early in the process as possible, not only to review the environmental document pursuant to the National Environmental Policy Act but, also insure compliance with the 1970 Boundary Treaty. The USIBWC will need copies of hydraulic studies and associated models and site specific drawings for the proposed rail line. Please provide a copy of the draft environmental document and other project information when they become available for review.

If you have any questions or need additional information, please feel free to call me or have the person you designate call Mr. Gilbert Anaya at (915) 832-4702 or to gilbert.anaya@ibwc.gov.

Sincerely,

John L. Merino, P.E.
Principal Engineer

cc: Victoria Rutson, Director
Office of Environmental Affairs
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423-0001