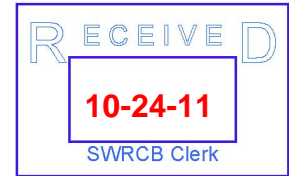




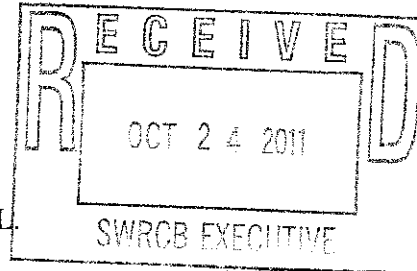
OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

October 20, 2011



Jeanine Townsend
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000



Re: Comment Letter - New River DO TMDL.

Dear Ms. Townsend:

The International Boundary and Water Commission, United States Section (USIBWC) appreciates the opportunity to review and comment on the subject action. The USIBWC understands the proposed action will place the New River at the International Boundary to 12 miles downstream into a Total Maximum Daily Load (TMDL) status due to low dissolved oxygen levels in the New River.

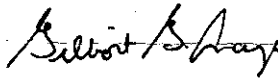
The USIBWC has reviewed the data collected at this site by USIBWC personnel and our data shows that during the past 5 years the dissolved oxygen has a seasonal occurrence of not meeting the 5.0 mg/L standard; however, our data also shows that the dissolved oxygen levels are improving. During the past two years, dissolved oxygen levels have been meeting the 5.0 mg/L standard and as such do not meet the criteria for a TMDL.

In addition, the TMDL implementation plan proposes in Phase 1 to request that the federal government (USIBWC and USEPA) develop and submit to the Regional Board a New River DO TMDL Implementation Report that describes measures taken or proposed to ensure Mexico does not cause or contribute to violations of this TMDL within one year after USEPA approval of the TMDL. The USIBWC works with Mexico to recognize and resolve bi-national issues along the United States – Mexico border; however, Mexico is a sovereign nation and the USIBWC cannot ensure that Mexico will agree to or meet any conditions established by the State of California for this TMDL. The USIBWC will continue to make every effort to resolve environmental issues in the New River but will not be submitting the requested report. The USIBWC will continue, as requested, to conduct water quality and DO monitoring in the New River at the International Boundary, and to submit monitoring data and reports to the Regional Board.

In lieu of a TMDL, the USIBWC would like to recommend the development of a watershed protection plan. This will provide a framework that will lead to achieving the same goals and will allow for stakeholder input and voluntary efforts to reduce the dissolved oxygen problems in the New River. Any TMDL will be unenforceable in the country of Mexico and places undue burden on the regulated stakeholders in the United States.

Thank you again for the opportunity to review and comment on the subject document for the proposed TMDL listing. Should you or your staff have questions, please contact me at (915) 832-4702 or Mr. Wayne Belzer at (915) 832-4703.

Sincerely,

A handwritten signature in black ink, appearing to read "Gilbert G. Anaya", is written over a horizontal dashed line.

Gilbert G. Anaya
Division Chief
Environmental Management Division