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**TIJUANA RIVER INTERNATIONAL FLOOD CONTROL
PROJECT**

GOVERNMENT

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON INTER-AMERICAN AFFAIRS

OF THE

COMMITTEE ON FOREIGN AFFAIRS

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH CONGRESS

SECOND SESSION

ON

H.R. 7573 and S. 2540 (H.R. 13825)

TO AUTHORIZE THE CONCLUSION OF AN AGREEMENT
FOR THE JOINT CONSTRUCTION BY THE UNITED STATES
AND MEXICO OF AN INTERNATIONAL FLOOD CONTROL
PROJECT FOR THE TIJUANA RIVER IN ACCORDANCE
WITH THE PROVISIONS OF THE TREATY OF FEBRUARY 3,
1944, WITH MEXICO, AND FOR OTHER PURPOSES

MARCH 14, 1966

Printed for the use of the Committee on Foreign Affairs



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TIJUANA RIVER INTERNATIONAL FLOOD CONTROL PROJECT

MONDAY, MARCH 14, 1966

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON INTER-AMERICAN AFFAIRS,
Washington, D.C.

The Subcommittee on Inter-American Affairs met in open session, pursuant to notice, at 10:10 a.m., in room 2200, Rayburn Building, Hon. Armistead I. Selden (chairman of the subcommittee) presiding.

Mr. SELDEN. The meeting will come to order.

The subcommittee has before it this morning H.R. 7573, a bill to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project on the Tia Juana River in accordance with provisions of the treaty of February 3, 1944, with Mexico and for other purposes.

(The text of H.R. 7573 follows:)

[H.H. 7573, 89th Cong., 1st sess.]

A BILL To authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tia Juana River in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is hereby authorized to conclude with the appropriate official or officials of the Government of Mexico an agreement for the joint construction, operation, and maintenance by the United States and Mexico, in accordance with the provisions of the treaty of February 3, 1944, with Mexico, of an international flood control project for the Tia Juana River, which shall be located and have substantially the characteristics described in "Report on an International Flood Control Project, Tia Juana River Basin", prepared by the United States Section, International Boundary and Water Commission, United States and Mexico.

SEC. 2. If agreement is concluded pursuant to section 1 of this Act, the said United States Commissioner is authorized to construct, operate, and maintain the portion of such project assigned to the United States, and there is hereby authorized to be appropriated to the Department of State for use of the United States Section, such sums as may be necessary to carry out the provisions of this Act: *Provided*, That no part of any appropriation made shall be expended for construction on any land, site, or easement, except such as has been acquired by donation and the title thereto has been approved by the Attorney General of the United States.

Mr. SELDEN. In this connection the subcommittee also has before it a similar Senate bill, S. 2540, which passed the Senate on March 8.

We are very happy to have with us this morning to testify before the subcommittee the Honorable Lionel Van Deerlin, a Representative from the State of California; the Honorable Frank Curran, mayor of the city of San Diego; Mr. Walter Hahn, assistant city manager, city of San Diego; Mr. Carl Barch, Deputy Director, Office of Mexican

Affairs, Department of State; the Honorable J. F. Friedkin, Commissioner, International Boundary and Water Commission, United States and Mexico; Lt. Col. Edmund R. Preston, Jr., of the Corps of Engineers. I understand Mr. T. R. Martin from the Office of Mexican Affairs and Mr. John B. Moore, comptroller, International Boundary Commission, are also with us.

If I have omitted any who are appearing this morning, if you will let Mr. Brandt know, we will see that your names are included in the record. We will be very happy to hear first from our colleague, the Honorable Lionel Van Deerlin.

STATEMENT OF HON. LIONEL VAN DEERLIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. VAN DEERLIN. Thank you, Mr. Chairman.

I want to thank both of you for being here on this wet Monday. We have quite a concentration of manpower on hand. You will be happy to know that they all realize the very persuasive qualities of brevity. I see no reason, starting at this hour, why we shouldn't have everything wrapped up and require no one to return for an afternoon session.

The reason, as you know, that H.R. 7573 is before this subcommittee rather than being in Public Works is that it involves an agreement under treaty with Mexico, covering a flood control project on a river which is an international river twice over, you might say. The biggest tributary to the Tijuana River comes from the United States into Mexico and then flows back again, selecting a point about 5 miles inland from the ocean between Baja California and San Diego County, a portion of San Diego County which I am privileged to represent.

You have already noted the Senate's passage earlier this month of similar legislation introduced by Senators Kuchel and Murphy.

Mr. Frank Curran, the mayor of San Diego, will emphasize the great importance of this legislation to San Diego. Mr. Joseph Friedkin, who is the International Boundary Commissioner, will give you the international aspects and review steps already taken on both sides of the border.

Mr. Bartch, who is Deputy Officer in charge of Mexican Affairs of the State Department, will emphasize the importance to our relations with Mexico in this legislation, and although Colonel Preston of the Army Engineers will not have a formal statement, he is here to answer any questions concerning the engineering need and the cost-benefit ratio that is very favorable in this project.

It might occur to you that San Diego County is part of the arid Southwest. This is very true. I would only recall for you our colleague Mo Udall's favorite saying about the rainfall in his district down around Tucson, Ariz. He says, "We only get about 7 inches of rain there a year, but you ought to be there the day we get it."

Not only in the years like 1916, 1927, and 1933, when we had very damaging floods that for several days cut San Diego County off from the rest of California, but as recently as this winter that is not yet completed, San Diego has experienced damaging floods. Compared with normal rainfall of 9 or 10 inches, we have already had 17 inches of rain or more. This has prompted it to be rated as a disaster area for Small Business Administration loans, and is the

newest indication we have that you never know when these 100-year floods are going to strike in our part of the country.

The area under scrutiny for this project is a built-up, very valuable part of the country. The city of Tijuana has a population close to a quarter of a million now. Any backup of flooding in there will produce devastation and tragedy of the worst kind. The properties on our side of the border have great potential for future industrial and urban development.

In introducing Mayor Curran, I would like to throw in a personal note. I can attest to his reputation for truth and veracity back at least 35 years, I am afraid I have to say, because we were in high school together.

The mayor has been in office now as a councilman or mayor for more than 10 years. He is highly esteemed by the citizens of San Diego, and will give you, I am sure, a complete rundown on the importance of the passage of H.R. 7573 to the city of San Diego, which goes all the way to the border now. Thank you very much, Mr. Chairman.

Mr. SELDEN. Thank you, Congressman.

We will be happy now to hear from Mayor Curran.

STATEMENT OF HON. FRANK CURRAN, MAYOR OF THE CITY OF SAN DIEGO, CALIF.

Mr. CURRAN. Mr. Chairman and members of the subcommittee, I am Mayor Frank Curran from the city of San Diego and I wish to make a brief statement in support of the Tijuana River flood control project.

We will be available for any questions or other information that the testimony might develop the need for.

The ties between Tijuana, Baja California, Mexico, and the city of San Diego are strong. Our respective economies depend heavily upon one another and our social and cultural lives are closely interwoven. The Tijuana River flood control channel is one of but many cooperative projects presently underway in the San Diego area between the Governments of the United States and Mexico for the protection of health, safety, the furtherance of our historic and cultural heritage, and the expansion of our economic relationships. Examples of this cooperation are the emergency sewer connections now being developed for Tijuana into the metropolitan sewer system of the city of San Diego, the program for assisting Baja California in developing an adequate supply of fresh water, and, an almost completed border area planning program.

This planning program, which receives policy guidance from a group on which Federal, State, city, and Mexican officials serve, encompasses an area of 17,500 acres, lying at the southwest corner of California. It is bounded by the city of Tijuana on the south, the Pacific Ocean on the west, the steep slopes of Otay Mesa on the east and the Otay River Valley on the north.

The program, financed jointly by the Federal Government—under provisions of section 701 of the Housing Act of 1954—and the city of San Diego, has been primarily designed to increase commerce and social-cultural interchange between the United States and Mexico. Provision of the Tijuana River flood control channel is essential in securing the objectives of this planning program.

The Government of Mexico is already authorized to proceed with the design and construction of the flood control facility for their side of the border. The part of the facility in Mexico will protect both United States and Mexican lives and property. It is vital that this country proceed simultaneously with our stream protection in order to construct the improvement at a minimum cost. It must be recognized that the American improvement, like the Mexican improvement, will protect lives and property on both sides of the border.

The urgency of this improvement is illustrated by the attitude of the property owners adjoining the proposed flood control project. Within a very short time of being advised of the proposed improvement, the property owners in the Tijuana Valley signified by letter to the San Diego City Council that they would be willing to assume their per acre assessment in accordance with Federal policies on cost sharing between the Federal Government and local interests for this protection. In addition, the City Councils of San Diego and Imperial Beach have strongly indicated their willingness to assume their share of the substantial local costs estimated to be \$4,190,000.

The city of San Diego feels that it is essential that this flood control project be constructed at the earliest possible time. Our neighbors in Mexico share our belief in the necessity of the project and have already acted to assure development of the project facilities on their side of the border. I respectfully urge you, Mr. Chairman and members of this subcommittee, to take appropriate action on this vital project.

I have purposefully kept my remarks brief, Mr. Chairman, in deference to your busy schedule. In the event you or any of the members have any questions, however, I will be most pleased to attempt to answer them.

ESCALATED LOCAL COSTS

Mr. SELDEN. Thank you very much, Mayor Curran.

You indicated in your statement that the people affected in this area have already stated their willingness to assume their share of the local cost, which is estimated to be \$4,190,000. I understand these are 1963 figures and the cost may have escalated since that time. If that is correct, do you feel they will also be willing to assume the cost of any escalation that may have taken place?

Mr. CURRAN. My answer would be in two parts. First, I doubt, because of our continuing concern and interest in this project and watching the prices and the other things involved in it, that we have escalated enough to make an appreciable difference. The second part to the answer is that if there is a definite escalation of any amount we will proceed on the basis that this has to be compensated for and the people and the city involved would be willing to accept their responsibility.

Mr. SELDEN. Mr. Roybal.

Mr. ROYBAL. I have no questions. I would, however, like to compliment you, Mayor Curran, for the work you have done on this project. I agree that this is one of the most important projects that you could be working on. You have done an excellent job on it and I want to take this opportunity to compliment you.

Mr. SELDEN. Mr. Whalley.

Mr. WHALLEY. Mr. Chairman, is the cost of the complete project given anywhere?

Mr. CURRAN. I think the testimony that will follow mine will produce those figures. Mr. Friedkin has all the technical information. I am representing primarily the political philosophy rather than the technical.

Mr. SELDEN. Mr. Gross.

Mr. GROSS. With that answer I will withhold any questions at this time.

Mr. CURRAN. I will be glad to come back and answer any other questions.

Mr. SELDEN. Thank you, Mayor Curran. I note Mr. Hahn, the assistant city manager of the city of San Diego, is here. Do you have any statement?

Mr. HAHN. I have no comment at this time, Mr. Chairman.

Mr. SELDEN. Our next witness is the Honorable J. F. Friedkin, Commissioner, International Boundary and Water Commission United States and Mexico. Commissioner Friedkin, we are happy to have you back before this subcommittee, and we will be pleased to hear from you on this particular project.

STATEMENT OF HON. J. F. FRIEDKIN, COMMISSIONER, INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Mr. FRIEDKIN. I am glad to be back before this subcommittee and this time in support of H.R. 7573. We have already submitted to the committee our full report on behalf of this project, which includes as an appendix to the report the technical report by the Corps of Engineers covering their study, survey, and report on this project. I also have submitted to you a summary statement for the record. I am prepared to make an oral presentation in summary.

(The Commissioner's summary statement is as follows:)

STATEMENT OF HON. J. F. FRIEDKIN, COMMISSIONER, INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Mr. Chairman and members of the subcommittee, I appreciate this opportunity to appear before you in support of H.R. 7573, a bill to authorize the conclusion of an agreement with Mexico to construct an international flood control project for the Tijuana River in San Diego, Calif., Tijuana, Baja California, in accordance with the provisions of the treaty of February 3, 1944, with Mexico.

The contemplated agreement would provide for a joint project with Mexico for construction of a concrete-lined flood control channel 8.4 miles in length for the lower reaches of the Tijuana River, of which 2.7 miles would be in Mexico and built by its Government at its expense, and 5.7 miles in the United States at its expense, under a coordinated plan for design, construction, operation, and maintenance through the International Boundary and Water Commission, United States and Mexico.

The Tijuana River is an international river located in the extreme southwest corner of the United States and northwest corner of Mexico. This river begins in Mexico near the city of Tijuana, Baja California, where it is formed by the junction of two tributaries, one from the United States, and the other from Mexico. It flows northwestward in Mexico about 5 miles, thence across the boundary line into the United States, where it continues westward through lands of the city of San Diego, Calif., approximately 5.7 miles to discharge into the Pacific Ocean.

The flow in the Tijuana River is usually small, but at intervals it discharges floods of great magnitude which spread over the entire width of the valley in both

countries to cause widespread damages. Until controlled, such floods preclude extensive urban and industrial development except at the risk of major damages.

The rapidly growing cities of San Diego, Calif., and Tijuana, Baja California, with present metropolitan populations of about 1 million and 270,000, respectively, have reached the point where utilization of the lands of the Tijuana River flood plain is needed for their further growth and expansion. For this reason, authorities in the United States and in Mexico urge early measures to confine and control floods in this river in the two countries. The problem is regarded in both countries as international in scope, requiring for its solution an international project sponsored by the two Governments.

At the request of the U.S. Commissioner, the District Engineer, U.S. Army Engineer District, Los Angeles, Calif., Corps of Engineers, made a survey and report on the justification and most feasible plan for control of the part of the Tijuana River in the United States. He finds that there is a serious flood problem and that an economically feasible plan for protective works in the United States consists of a concrete-lined flood channel to connect with the Mexican works at the boundary, and extend westward along the southerly limits of the flood plain, a distance of approximately 5.7 miles to the Pacific Ocean.

The estimated (1965) total first cost of the recommended works in the United States is \$15,400,000, of which \$13,300,000 would be for construction and \$2,100,000 for lands, rights-of-way, and relocations. The estimated average annual costs, including operation and maintenance, would be \$565,000. The ratio of benefits to costs is 1.4 to 1.

The joint planning, construction, operation, and maintenance by the two Governments would be through their respective sections of the International Boundary and Water Commission, in accordance with the terms of the 1944 treaty with Mexico. As agent of the U.S. section of the Commission, the Corps of Engineers would perform the design and supervise construction of the work in the United States.

Of the total estimated cost of \$15,400,000 to the United States, the Council of the City of San Diego, Calif., agreed by resolutions to assume the responsibility for payment of an estimated \$4,500,000, the final allocations to be based upon final costs. This cost sharing is in accord with Federal practices for domestic flood control projects.

My colleague, the Mexican Commissioner, advises that he already has authorization of his Government to enter into agreement for the international project and that his Government is much interested in early undertaking of this project jointly with the United States.

This completes my general statement, Mr. Chairman, and I would be happy to answer any questions you or the members of the subcommittee may have.

Mr. SELDEN. You may proceed.

Mr. GROSS. Pardon me, Mr. Chairman, might I ask, Mr. Friedkin, did you say 7573?

Mr. FRIEDKIN. Yes, sir.

Mr. GROSS. Are we considering H.R. 7573, Mr. Chairman, or S. 2540?

Mr. SELDEN. We are considering both. There is not a great deal of difference in the two bills.

Mr. FRIEDKIN. We are in support of the Senate bill, too.

Mr. GROSS. All right. Just so I know what we are working on.

AUTHORIZATION TO ENTER AGREEMENT

Mr. FRIEDKIN. The contemplated agreement with Mexico which we ask authorization to enter into, would provide for a joint undertaking by the United States and Mexico of the construction of 8.4 miles of concrete-lined river channel for the Tijuana River, 2.7 miles of which would be in Mexico and built and paid for by Mexico; 5.7 miles would be in the United States to be built and paid for by the United States. The work in the two countries would be coordinated and supervised by the International Boundary and Water Commission.

The 1944 treaty with Mexico contemplated such a flood control project but it was not specifically authorized in the treaty. Therefore, we come to you asking authorization to enter into this agreement with Mexico.

AREA INVOLVED

Referring to the map, the Tijuana project area, as I am sure you are familiar, is in the far southwest corner of the United States, the far northwest corner of Mexico. The Tijuana River Basin itself is situated partly in Mexico and partly in the United States. On this map the green shaded areas is the Tijuana River Basin. The total basin area is about 1,700 square miles of which 70 percent is in Mexico and about 30 percent in the United States.

However, the areas in the United States are higher elevations and are capable of about as much flood runoff as in Mexico. It is, as you see, an international basin, situated partly in both countries.

This is a map of the lower portion of the Tijuana River, the boundary line being the red line between the United States and Mexico. To the south of the boundary is the city of Tijuana and to the north, the cities of San Diego and Imperial Beach. The Tijuana River itself is formed by the confluence of two tributaries, one from the United States and one from Mexico. Formed at this point [pointing to the map] the river flows in a meandering channel in a broad flood plain through lands of the city of Tijuana, a distance of about 5 miles to the international boundary. At the boundary the river crosses into the United States to continue westward through lands of the city of San Diego, a distance of about 6 miles, to discharge into the Pacific Ocean.

NEED FOR PROJECT

The flow of this river is usually small. Often there is practically no flow. But on the other hand, at intervals floodflows occur which inundate most and at times all of the valley floor on the Tijuana River both in the United States and in Mexico. There are about 5,200 acres in the United States comprising the valley floor and about 2,300 acres on the Mexican side of the valley floor in the cities of San Diego and Tijuana, respectively. In 1916 there was a flood of nearly 100,000 second-feet which inundated the valley on both sides. Since 1938 there have been 10 floods which have overflowed the river channel and flooded partially or entirely the valley floor.

Mr. Gross. What year?

Mr. FRIEDKIN. 1938. The Corps of Engineers study indicates a capability of this watershed to produce a flood of 135,000 second-feet. This is about 10 times the average flow of the Potomac River here in Washington. This attests to the view of Congressman Van Deerlin that this area is subject to seldom but heavy rains.

There can be no extensive urban or commercial development in either the valley floor of the United States or in Mexico until there is control of this river, except at the risk of great damages. The city of San Diego, now with the metropolitan area having a total population of about 1 million, is reaching the point where it needs to develop the lower Tijuana Valley lands, particularly in connection with the border development program.

On the Mexican side the city of Tijuana has a population of about 270,000 people. It has grown all over the hills to the east, south, and west of the city of Tijuana. This city needs to develop the lands of the Tijuana Valley in Mexico. So the interests of the State of California, the city of San Diego, the interests of the State of Baja California, Mexico, and of Tijuana, urge an international flood control project to control this river so that the valley floor in both countries can be developed.

INTERNATIONAL-TYPE PROJECT

On the international need or the need for an international-type project, let me go into this for just a moment. For either country to develop independently or separately a channel would be more costly for that country and could cause damages to the other country.

Let me illustrate: To construct only a channel for the U.S. part of the river, without coordination with Mexico, there would have to be a levee built across the boundary line to funnel the waters into the United States. This would back waters up into Mexico and could cause damages. On the other hand, Mexico, to build a channel only in Mexico, separately and independently of the United States, would have to build levees along the boundary to protect its land. Furthermore, Mexico would have to provide at the boundary an energy dissipating unit in order that the concentrated flows coming out of its lined channel would not cause damages in the United States.

So we have a very basic interdependence of the channel in one country with the channel of the other. The further point is the need for a coordinated project in both countries, since the United States is dependent upon the levee works in Mexico, because a break in Mexico would result in flooding in the United States. Similarly, Mexico is dependent upon the United States, since a break in the left-bank levee in this country could cause flooding in the city of Tijuana. Thus, there is an important need for coordination and a joint international project.

CORPS OF ENGINEERS REPORT

Soon after the request of the Governor of California, and the authorities of the San Diego area for an international project, my office called upon the Corps of Engineers of the U.S. Army, which is the domestic flood control agency in this country, to make a study and report on the need, the most feasible plan and justification for a flood control project in the United States. The district engineer of the U.S. Army Engineer District at Los Angeles reports there is a serious problem. There is urgent need for flood control. He finds the most feasible plan would be a concrete-lined channel in the United States, 5.7 miles in length, extending along the alinement indicated on the map, following along the boundary and foothills and extending to the ocean.

This channel would have a bottom width of about 230 feet in the upstream part and in the lower part 310 feet, with a depth of 20 to 29 feet. It would have a capacity of 135,000 second-feet to take care of the design or maximum flood which may be anticipated.

BENEFIT-COST RATIO

The district engineer advises that the estimated costs under 1965 prices amounts to \$15,400,000. The annual cost including amortization of the capital investment and operation and maintenance is \$565,000 per year. The annual benefits the district engineer estimates at \$765,000, making a favorable benefit to cost ratio of 1.4 to 1.

I mentioned earlier that the bill contemplates an agreement with Mexico for the joint supervision by the Commission. So far as the United States is concerned, the U.S. Section would ask the Corps of Engineers to perform the design work and supervise the construction in the United States, as the agent for the U.S. Section.

LOCAL PARTICIPATION

The city of San Diego, as Mayor Curran well presented, has together with the property owners, fully cooperated in the solution of this problem. The city, by resolutions dated May 21, 1964, and July 29, 1965, has agreed to share in the costs of this project to the extent of a now-estimated \$4,500,000.

Mr. Chairman, there is a difference from the earlier reported estimate due to escalation in the estimates from 1963 to 1965.

Mr. SELDEN. This is an increase; is it not?

Mr. FRIEDKIN. Yes, sir. This is an estimate. The extent and how true this increase, we won't know until we get the final costs. There is a definite commitment and full cooperation on the part of the city and on the part of the landowners, for sharing of costs in accord with the Federal policies for cost sharing on domestic flood control projects.

AGREEMENT BY MEXICO

My colleague, the Commissioner for the Mexican Section of our International Boundary and Water Commission, advises that he already has the authorization of his Government to enter into the proposed agreement. He also advises, and I have his confirmation just last week, that the Mexican Government is very much interested in early undertaking of this project with the United States as a joint project.

Mr. Chairman and gentlemen, this completes my summary statement. I would be glad to attempt to answer any questions. I would like to introduce, if I may, first, Col. Edmund R. Preston, whom you introduced earlier. We have had excellent support and cooperation and coordination by the Corps of Engineers on this project. As I mentioned earlier the technical work was prepared by the Corps of Engineers. Colonel Preston does not have a statement but he is available here for your call for any information.

Mr. SELDEN. Colonel Preston, would you come up and take a chair? There may be questions for you also.

Mr. FRIEDKIN. Mr. Carl Bartch does have a statement of the Office of Mexican Affairs, Department of State.

Mr. SELDEN. Before you begin, Mr. Bartch, let us ask Mr. Friedkin some questions and then we will move on to your statement.

MEXICAN COSTS

Mr. Friedkin, what is the estimated cost of the Mexican share of this project?

Mr. FRIEDKIN. Around \$7 million. They do the part in their country. The \$15,400,000 figure which I gave you is for the work in the United States which is 5.7 miles in length. The work in Mexico is 2.7 miles and is to be performed by Mexico.

LOCATION OF NEW CHANNEL

Mr. SELDEN. I note that a section of this channel is along the U.S. side of the boundary line. Is there any reason why it was put on our side of the line rather than on the Mexican side of the line?

Mr. FRIEDKIN. Yes, sir. The present channel of the Tijuana River, the natural channel is here, on the U.S. side of the line. We felt that the new channel should also be in the United States, since the natural channel is on the U.S. side. One of the earlier plans was to aline the new channel right down the center of the valley, along the alinement of the present river channel. This would have split the valley. For more economic development and better use of the valley the channel was put down on one side.

Mr. SELDEN. I understand. In other words, the United States will have access to that portion of the valley when the new channel is built?

Mr. FRIEDKIN. Yes, sir.

Mr. GROSS. Mr. Chairman, could I ask a question on that point? Is it proposed that San Diego and other interests will build out into that valley?

U.S. AREAS AFFECTED

Mr. FRIEDKIN. Yes, sir. These are proposed new developments. There is development in the valley now, largely agriculture with some residential. There are about 250 homes in the valley. There is the Ream Field of the Navy, there is Border Field here, also of the Navy. This project will permit more development of the valley. This is one of the reasons why the city of San Diego, the landowners are contributing to the cost of this development.

There are two military areas:

(a) Border Field occupies 305 acres, in the Tijuana Valley, subject to inundation. Of the total area in this field, 259 acres are used by the Navy for communication towers and radar screens. The remaining 118 acres are leased to private interests for ranching.

(b) Ream Field occupies 196 acres in the valley subject to inundation. It is used by the Navy—as an airfield for helicopter and training planes. (In addition, this field occupies 425 acres outside of the valley.)

The part of these two military installations in the Tijuana Valley have an estimated present (1963) value of \$1 million and estimated damages from the standard project flood on the Tijuana River would amount to about \$200,000.

There are in addition in the Tijuana Valley 233 acres of land owned by local public entities and used for public purposes. These comprise the city of Imperial Beach, 57 acres; San Diego School District, 105

acres; Tijuana Valley Water Co., 33 acres; and the San Ysidro Irrigation District, 38 acres.

MAXIMUM FLOOD CONTROL

Mr. GROSS. Then it is not proposed to hold this basin—this water basin as a discharge outlet for floodwaters? You are going to build in there—

Mr. FRIEDKIN. Yes, sir. The purpose of the project is to protect the valley floor from flooding; the floodwaters will instead be confined and contained in a concrete-lined channel which would permit the improvement of this valley land.

Mr. GROSS. What I am trying to get at is, if this is approved are you going to be able to contain the water that comes down in this new channel and still develop and take up the expansion joint—in other words, are you going to have enough expansion joint there when the floodwaters do come?

Mr. FRIEDKIN. Yes, sir, Mr. Gross. The channel would be designed to take care of the maximum probable flood of the Tijuana River. The design project flood as the corps has determined from its study is 135,000 second-feet.

Mr. GROSS. That is the trouble in our country in some instances. Industry builds into a stream, restricts the expansion joint, and Congress has to come along and do something else in order to alleviate the narrower channel for the discharge of flood waters.

Mr. FRIEDKIN. May I repeat again, the new channel would be designed to take the full quantity of the floodwaters. With no quantity overflowing the valley outside of the channel. It would contain and confine all floodwaters to the channel.

Mr. GROSS. How far does the Pacific come up?

Mr. FRIEDKIN. Only a short distance, sir. There is practically no tidal inflow up the channel. There is a natural tidal bar across the channel mouth. At the end of the new channel there would be a 400-foot rock jetty that would go out in the surf to help keep the channel open.

Mr. GROSS. How far up is there water now the year round? Is there any water on either side of that channel that you show there?

Mr. FRIEDKIN. You mean at the mouth of the river, sir?

Mr. GROSS. At the lower reaches of the river.

Mr. FRIEDKIN. Near the ocean? Practically none. There is a natural bar that looms across the mouth. There is some swampland that is close to the ocean and that is all.

OWNERSHIP OF RIVER CHANNEL

Mr. SELDEN. Who will own the property that is now in the river channel?

Mr. FRIEDKIN. The United States. The city of San Diego will acquire the rights-of-way, will acquire these properties from the private landowners, donate them to the Federal Government for this project. This is the land for the new river channel.

Mr. SELDEN. No. I asked who will then own the lands that are now in the present river channel?

Mr. FRIEDKIN. The private owners will continue to own—

Mr. SELDEN. Do the private owners own the river channel?

Mr. FRIEDKIN. Mr. Hahn, in the State of California, what is your law?

**STATEMENT OF WALTER HAHN, ASSISTANT CITY MANAGER,
CITY OF SAN DIEGO, CALIF.**

Mr. HAHN. The private owners and some governmental interest do own the entire present river channel.

Mr. SELDEN. You mean that the river channels in California are owned by private interests?

Mr. HAHN. That is right. This is not tideland properties. This is simply a river channel. The underlying fee does vest in the property owners in the area.

Mr. SELDEN. Then adjacent property owners own the river channel.

Mr. HAHN. Yes, that is right. The river channel has been farmed in the past years.

WATER USE

Mr. ROYBAL. If this is the case, then have you reached any agreement with Mexico as to the use of the water after this is constructed? Are we going to have problems with regard to water use?

Mr. FRIEDKIN. I don't believe so. This is purely a flood control project to take care of the floodwaters coming down the river. We do have separately an authorization under the treaty to enter negotiations and develop a treaty for division of waters with Mexico. We do have this under consideration but this is a separate matter which is to be dealt with later.

Mr. ROYBAL. Supposing the people who now own that river bottom feel there is not enough water coming in from the Mexican side. Will there then be some kind of protest that would in effect create problems or do you have that pretty well worked out?

Mr. FRIEDKIN. This is a part of the project I did not present in my discussion. At the present time the farmers in this area irrigate by pumping from the ground waters. This is the source of their water for irrigation. This ground water is now largely recharged by overflows of the river at times of flood. With the new concrete-lined river channel it will deprive the river of the natural overflow and natural recharge. And to compensate for this, the project plan provides for a diversion from the new channel near the boundary when there is water in the river, up to 30 second-feet, with a spreading area for such waters to percolate into the ground or continue down the old channel, to percolate into the ground to replace the present natural recharge. There should not be any problem. This has been worked out with the State of California authorities as well as the local authorities by the Corps of Engineers.

ROLE OF CORPS OF ENGINEERS

Mr. Gross. Mr. Chairman, if I could ask a question.

On what basis is the Corps of Engineers in this project if this is owned, privately owned, even the river bed privately owned? It apparently is not navigable, so on what basis does the Corps of Engineers get into this?

**STATEMENT OF LT. COL. EDMUND R. PRESTON, JR., ASSISTANT
DIRECTOR OF CIVIL WORKS FOR THE PACIFIC DIVISIONS, OF-
FICE OF THE CHIEF OF ENGINEERS, DEPARTMENT OF THE
ARMY**

Colonel PRESTON. We are acting as the agent of the International Boundary and Water Commission. We were requested by them on a consulting and an engineering basis, to assist. Our participation, thus far, has been in that role. The plan, I think, so far as Mr. Friedkin has outlined it, is for the Corps of Engineers, if the work is authorized, to do the design and the construction for the International Boundary and Water Commission. We are only in that role.

Mr. GROSS. It seems to me that is an important role.

Colonel PRESTON. Yes, sir.

Mr. FRIEDKIN. May I go back of that a little bit. The Corps of Engineers, to be sure, is the domestic flood control agency in the United States. There was in the early stages an authorization to the Corps of Engineers by the Congress to make a flood control study in this area. We have been merely following up on that authorization for the study with our own authorization for study of international rivers. For an international flood control project.

Mr. GROSS. Isn't this an unusual situation?

Colonel PRESTON. We have had several instances of this, sir. There are not too many situations of this sort.

Mr. GROSS. Mr. Chairman, I have a few other questions.

Mr. SELDEN. If you don't mind, let me finish mine and then we will go down the line.

BENEFIT-COST RATIO

Colonel, what is the Corps of Engineers estimate of the benefit-to-cost ratio?

Colonel PRESTON. 1.4, sir. The same as Mr. Friedkin pointed out.

Mr. SELDEN. The reason I asked, if I am not mistaken, you had one report issued in May 1964 showing a 2.1 ratio.

Colonel PRESTON. I have no such figure, sir. The last estimate submitted to the Boundary Commission was based on the 1963 values which showed 1.5 to 1. Based on 1965 values, the figure is 1.4 to 1, the difference being an escalation in the charges.

Mr. FRIEDKIN. Mr. Chairman, there was an earlier report of 1964 which did show the benefit-cost ratio of 2.1 to 1, of which you speak.

Mr. SELDEN. This report was made by the Corps of Engineers, was it not?

Mr. FRIEDKIN. Yes sir; however, there is an addendum to this report which is with your copy which modifies the earlier estimate.

Mr. SELDEN. What made that tremendous difference in only a period of a year?

Colonel PRESTON. I would like to confer on that, sir. Actually, sir, reduction in the benefits was the basis. I think the difference might be attributable to the stage of planning that was represented by that earlier figure. The current figures based on 1963 and 1965 values reflect benefits that total \$765,000 per year at the 1963 and 1965 levels and charges, or costs, of \$508,000, and \$565,000, respectively. These data appear to be reasonably firm. We are, at the

moment, at a reasonably firm level. I think the earlier figure of 2.1 might be taken as preliminary and not firm.

Mr. SELDEN. I have been dealing with the Corps of Engineers for a long time and I have never seen such a large change in a benefit-to-cost ratio. I was right on this, however. The Corps of Engineers did show a 2.1 to 1 in 1964. I might also add that the State of California, only 2 years ago, showed a ratio of 2.2 to 1. So there is a good deal of variation and I would like to have it firmly stated now for the record that the benefit-to-cost ratio is 1.4 to 1.

Incidentally, the Senate report on S. 2540 shows 1.5 to 1. So we have been up and down the track on that one.

Mr. FRIEDKIN. The latest figures are based on 1965 costs and benefits.

Mr. SELDEN. I might say at that 1.4 to 1 is still a good benefit-to-cost ratio. But there is a good deal of difference between 2.1 and 1.4, as I understand the Corps of Engineers estimates.

Mr. Whalley.

Mr. WHALLEY. Can you tell me how wide the present river channel is?

Mr. FRIEDKIN. It is only 50 to 100 feet. But at flood times it spreads out to the width of the valley which averages about 1.3 miles. The new channel here will have a right-of-way of about 450 feet.

CONTRIBUTION—CITY AND PRIVATE

Mr. WHALLEY. It seems the adjacent property owners will greatly benefit from this flood control project. Will they contribute anything?

Mr. FRIEDKIN. Yes, sir; as the mayor stated, they will contribute to the cost.

Mr. WHALLEY. That is in addition to what San Diego will give?

Mr. FRIEDKIN. It is divided there. The city of San Diego will contribute all the right-of-way costs, location of bridges, utilities. The farmers in the valley will contribute part for the appreciation of land values and the city of San Diego also part.

Mr. WHALLEY. The total of both is \$4,190,000.

Mr. FRIEDKIN. Yes. To keep the figures straight, this figure is also up from \$4,190,000 to \$4,500,000 and if there were a further advance, as the chairman said, as the mayor said, they would assume them.

Mr. GROSS. I am not acquainted with the geography. On this map I see a boundary line. I assume this is the U.S. territory, this hump that goes up to the north?

Mr. FRIEDKIN. The watershed—is this the same as you have before you?

Mr. GROSS. I think so. It isn't colored here.

Mr. FRIEDKIN. This is the same.

Mr. GROSS. This is U.S. territory?

Mr. FRIEDKIN. Yes, sir. The heavy line on the map is the international boundary, and that is Mexican territory south of the line.

RESERVOIRS

Mr. GROSS. I note two reservoirs up here.

Mr. FRIEDKIN. Yes, sir; Barrett and Moreno Reservoirs on the——

Mr. GROSS. Who built those?

Mr. FRIEDKIN. The city of San Diego. They are for water supply.

Mr. GROSS. Do they control the water in the tributaries to this stream?

Mr. FRIEDKIN. To the extent of their capacity; yes, sir. We have had spills at both the reservoirs at times of flood.

Mr. GROSS. Do they control all the tributaries to this?

Mr. FRIEDKIN. The major part of the tributaries on the U.S. side, but not all of them. Similarly there is a reservoir on the Mexican side of the basin, at just about where I am pointing here, known as Rodriguez Reservoir, which controls part of the watershed in Mexico. This is only for domestic use. There is no flood control storage. There is about one-third of the entire drainage basin which is entirely uncontrolled.

WATERSHED

Mr. GROSS. Does the Tijuana River come out of that hump, that U.S. territory up there?

Mr. FRIEDKIN. The Tijuana River is formed by a major tributary coming out of the hump area and a major tributary on the Mexican side which joins here to form the Tijuana River.

Mr. GROSS. It flows up out of Mexico, too?

Mr. FRIEDKIN. Yes sir.

Mr. GROSS. I wondered how in the world this river came down. That is apparently north.

Mr. FRIEDKIN. There are two stream systems here. One coming in from Mexico and moving northwestward and meeting here (pointing to the map) with the stream system known as Cottonwood from the United States.

TIJUANA RIVER FLOODS

Mr. GROSS. The flow from Mexico doesn't contribute to floods; does it?

Mr. FRIEDKIN. Yes, sir; it does. The Rodriguez Reservoir spilled, they had heavy spills in 1938—

Mr. GROSS. With reservoirs above, and below in Mexico, you can't control the floodwaters?

Mr. FRIEDKIN. No. This is only for the domestic conservation of waters. They are not adequate to handle floods. Floods occur during years of heavy rainfall and at these times the reservoirs fill and spill. Mr. Hahn, you may want to comment on this, also.

Mr. HAHN. In answer, I think, to your question, Congressman, the two reservoirs under the jurisdiction of the city of San Diego, Moreno and Barrett—incidentally, they are both sizable reservoirs—to give you an example of overflow, Moreno overflowed in 1916, 1917, 1927, and 1928; in 1941, 1942, 1943, and 1944. Barrett overflowed in approximately the same years. They do not give full protection against floodflow in this valley. In fact, with 2 years of heavy rainfall, one following the other, they are bound to overflow.

ALTERNATIVE METHOD

Mr. FRIEDKIN. May I say further, in computing the design flood requirement here, the Corps of Engineers did, to be sure, take into account the existing reservoirs on the watershed.

Mr. GROSS. What I am trying to get at is, can't you expand the reservoir system to control floods and further insure the water supply for San Diego and Tijuana? I assume they both get water from up there.

Mr. FRIEDKIN. Mr. Gross, this was an alternative which was carefully considered. But the cost of either enlarging existing reservoirs or putting additional reservoirs was much more than the proposed project, and moreover, the reservoir sites are not available to control all the flow of the river.

Mr. GROSS. Does the Corps of Engineers concur that reservoir sites are not available in that area?

Colonel PRESTON. Yes; based on the economics, sir.

Mr. SELDEN. Mr. Whalley.

DESIGN OF PROJECT AND WATERFLOW

Mr. WHALLEY. How wide is the channel of the new stream?

Mr. FRIEDKIN. The bottom width varies from 230 to 310 feet.

Mr. WHALLEY. Will this be straight wall or slope wall?

Colonel PRESTON. Slope wall.

Mr. WHALLEY. How much faster will the concrete wall shoot the water through than the regular channel?

Mr. FRIEDKIN. It will be somewhere between 10 and 20 times as fast. The water will be at super critical velocity. It will be very fast.

Mr. WHALLEY. Will this be a sloping wall?

Mr. FRIEDKIN. One on two slopes.

Mr. WHALLEY. You are going to increase the width from 50 to 100 feet to 230?

Mr. FRIEDKIN. The present low-flow channel, which carries only a trickle of water, will be increased in width. But the present flood channel spreads the entire width of the channel, a mile or more in places, and it will be reduced to 230 to 310 feet.

Mr. WHALLEY. How often does it get that way?

Mr. FRIEDKIN. The last time the river spread over the valley was in 1938. However, just this last year we had it spreading over a good part of the valley floor—not entirely, but over a good part.

VALLEY PROPERTY—IRRIGATION

Mr. GROSS. What is in this valley, residential property?

Mr. FRIEDKIN. Mostly now it is farm properties, agricultural development properties. There are about 250 residential properties along the margin.

Mr. GROSS. Truck farming, I take it?

Mr. FRIEDKIN. Yes, sir.

Mr. GROSS. That must be irrigated?

Mr. FRIEDKIN. They are watered by pumping from the ground waters. For the replenishment of ground waters special diversion is being made from the new channel as I described before.

Mr. GROSS. I have been trying for a long time to get a flood control project in Waterloo, Iowa, and I still haven't got it. Now you fellows come in here and apparently move pretty fast with this deal. I would like to see mine go forward.

We have had some serious floods. We can't build reservoirs out there for the land is too flat.

Mr. WHALLEY. Why don't you move to San Diego, Mr. Gross?

Mr. GROSS. I guess I will have to do something.

Mr. SELDEN. Are there any further questions that any members would like to ask Mr. Friedkin or Colonel Preston?

If not, then, thank you very much, Mr. Commissioner, and thank you Colonel Preston.

We would like now to hear from Mr. Bartch, the Deputy Director, Office of Mexican Affairs, Department of State.

STATEMENT OF CARL E. BARTCH, DEPUTY DIRECTOR, OFFICE OF MEXICAN AFFAIRS, DEPARTMENT OF STATE

Mr. BARTCH. Thank you. Mr. Chairman and members of the subcommittee, I appreciate this opportunity to appear before you. The project Commissioner Friedkin has described is the kind of project in which the International Boundary and Water Commission can be so helpful both to the United States and Mexico. Both countries have watched the need for the Tijuana channelization project grow over more than a decade.

Each Government could have proceeded independently, with little regard for the interests of the other, channelizing that part of the Tijuana River running through its own territory.

We asked the United States and Mexican Commissioners to consider whether, by acting jointly, the two Governments might resolve the international problems that would have been presented to each by attempting independent action on an international waterway; and whether they might at the same time achieve other advantages from joint planning, simultaneous construction, and international supervision of operation and maintenance.

Partially as a consequence of measures approved and supported by this subcommittee in recent years, our relations with Mexico have never been better. New joint projects are already underway at various places along the border. Amistad Dam rises on the Rio Grande, soon to bring that river under control. A clearing project for flood control on the lower Colorado River is practically complete and under regular international maintenance.

Similarly, the Government of Mexico has been ready for several years to join with the United States in the Tijuana channelization project. It has postponed a project of its own so that the two Governments could proceed jointly, if that should be the wish of the Congress.

There would seem to be no doubt of the advantages of a joint undertaking. We are fortunate in having already in existence, and with ample experience, a Commission which, under the treaty of 1944, can engage in such an international project.

The Department of State accordingly recommends enactment of the pending bill, which would authorize the U.S. Section of the Commission to undertake the project for the United States.

Thank you, Mr. Chairman.

Mr. SELDEN. Are there any questions any of the members would like to ask Mr. Bartch?

COMMITMENT BY MEXICAN GOVERNMENT

Mr. GROSS. Yes, I would like to ask Mr. Bartch a question. Mr. Friedkin spoke of the assurance from the Mexican Government or some representative of the Mexican Government that they are ready to proceed. Do we have anything in writing to that effect?

Mr. BARTCH. I understand this assurance was given orally rather than in writing, was it not, Mr. Friedkin?

Mr. FRIEDKIN. Yes. I can give full assurance, although not in writing, that the Mexican Commissioner has the authorization of his Government to enter into an agreement for this proposed project.

Also I have his assurance, his advice, that the Mexican Government is very much interested in early starting dates. I do not have this in writing. However his verbal assurances as well as written have been firm.

Mr. GROSS. Is this budgeted?

Mr. FRIEDKIN. No, sir; it is not. We cannot of course ask for budgeting until we have authorization.

AUTHORIZATION OF FUNDS

Mr. SELDEN. Let me ask you a question, Mr. Friedkin. I notice both bills provide open-end authorizations. This subcommittee has been reluctant in the past to vote open-end authorizations. Would there be any objection from the Corps of Engineers or the Boundary Commission if we wrote in a specific authorization, a limitation on the amount that can be spent but in accordance with your estimate?

Mr. FRIEDKIN. No, Mr. Chairman, with one qualification, if I may. With a ceiling figure, and we appreciate your need for such, we would need to put in a ceiling figure which would cover costs at the time of construction which is estimated for 1969 completion. On this basis the Federal cost on this would be \$12,600,000. This is allowing for escalation from now to 1969.

We could suggest a figure there of \$12,600,000 for the total Federal cost on this for the committee's consideration.

FEDERAL AND LOCAL COST PARTICIPATION

Mr. SELDEN. You feel there will be an increase in that time of approximately \$2 million?

Mr. FRIEDKIN. Yes, sir; \$1.7 million. Present Federal cost is estimated \$10,900,000, under 1965 costs. We are suggesting a ceiling figure of \$12.6 million to allow for the escalation to 1969.

Mr. MONAGAN. What is the local cost estimate?

Mr. FRIEDKIN. The cost is estimated, as of 1965, at \$4,500,000.

Mr. GROSS. Let me go over this briefly again. That river channel is owned by private interests or private and public interests?

Mr. FRIEDKIN. Yes, sir.

Mr. GROSS. Owned by public and private interests?

Mr. FRIEDKIN. Yes, sir.

RIGHTS-OF-WAY

Mr. GROSS. In order to cure this flood situation you want to relocate the river channel. Is Federal taxpayers' money going to be used to acquire the right-of-way for the new channel?

Mr. FRIEDKIN. No, sir; Mr. Gross, The rights-of-way for the new channel would be acquired by the local interests, the city of San Diego interests.

Mr. GROSS. The private landowners who control the present channel are not going to donate—

Mr. FRIEDKIN. Yes, sir; the private landowners will also participate in the costs of this project because their lands will be enhanced by this project.

Mr. GROSS. I would think they would be, and tremendously enhanced.

Mr. FRIEDKIN. They will contribute to the cost.

Mr. GROSS. This is why it is becoming more difficult by the minute to—

Mr. FRIEDKIN. Their participation is in accord with the Corps of Engineers policy for domestic flood control projects.

LAND ACQUISITION

Mr. GROSS. What are the land acquisition costs?

Mr. FRIEDKIN. The total is estimated at \$2,100,000 for lands, et cetera, and the land appreciation cost at \$2,400,000, making the total local contribution, non-Federal contribution, of \$4,500,000 (1965 estimate).

RESETTLEMENT COSTS

Mr. SELDEN. Will there be any resettlement costs either on the Mexican or United States side?

Mr. FRIEDKIN. No, sir; the value paid for the lands, by the city, would cover resettlement costs. There are only a few residential properties in that new river channel location in the United States.

Mr. SELDEN. Would that be taken care of by local interests and not constitute a cost to the Federal Government?

Mr. FRIEDKIN. That is right.

Mr. SELDEN. What about on the Mexican side?

Mr. FRIEDKIN. On the Mexican side there may be a problem. Mexico does have to clear part of its lands for the new channel on its side. This the Mexican Government would undertake.

Mr. SELDEN. They will pay for the entire cost for any resettlement on the Mexican side?

Mr. FRIEDKIN. Yes, sir.

Mr. GROSS. We are not putting up any money for the Mexican work?

Mr. FRIEDKIN. No, sir.

LAND ENHANCEMENT

Mr. MONAGAN. You used an expression that I am not familiar with. I think you said "land appreciation."

Mr. FRIEDKIN. Land enhancement.

Mr. MONAGAN. In other words, the increase in value to the land as a result of the installation of this facility?

Mr. FRIEDKIN. Yes, sir.

Mr. MONAGAN. Is this assessed against the individual landowners? There is about \$2 million?

Mr. FRIEDKIN. May I ask the City of San Diego Authority how they are handling this?

LOCAL ASSESSMENT PROCEDURE

Mr. HAHN. Land enhancement is a new procedure for our local government also, Mr. Congressman.

We have set up an assessment procedure within the framework of our city charter under which we will be able to assess property benefited from this improvement and they will pay their share of the cost. The city is also proposing out of its general fund to contribute approximately \$1 million of the amount. Then the city of Imperial Beach, sir, will also participate in this because some of the properties within their corporate limits are also benefited.

Mr. MONAGAN. As I understood the testimony, there was \$2,100,000 for land acquisition and would that come out of general revenues of the municipalities that were affected?

Mr. HAHN. Yes. Under our State laws, the State of California will also participate in this project in connection with the right-of-way acquisition. It will be partly city costs out of general fund revenues and partly from the State of California.

Mr. MONAGAN. So of the \$2 million for land acquisition, that will come out of general revenues, either municipal or State? Then the remaining 2-million-plus would come as a result of assessments on the individual taxpayers who are benefited?

Mr. HAHN. That is correct.

Mr. MONAGAN. To that extent, the benefit is being paid for by these landowners?

Mr. HAHN. That is correct. They, to use these lands, I think this committee should realize, will have to do a great deal more work once the channel is built. They have many thousands and millions of dollars to spend in that basin to really upgrade the property to the point where it can be fully utilized.

COST SHARING

Mr. MONAGAN. The local interests are paying about 25 percent of the cost?

Mr. FRIEDKIN. Twenty-nine percent.

Mr. MONAGAN. The Federal paying \$12,600,000?

Mr. FRIEDKIN. Yes, sir—the estimated 1969 cost.

Mr. MONAGAN. What is the justification for that? Has this been gone into?

Mr. SELDEN. Somewhat, but you may want to pursue it further.

Mr. MONAGAN. I just wondered as to the justification of this division of expense.

Mr. FRIEDKIN. The Federal flood control cost sharing policy for domestic projects is based on equal sharing by the Federal Government and non-Federal interests of the portion of the first cost of the

project allocated to appreciation in land value on the basis of the relation between land appreciation benefits and total benefits.

Mr. MONAGAN. The benefits have been calculated according to the normal standard—

Mr. FRIEDKIN. Yes, sir; by the Corps of Engineers.

Mr. MONAGAN. What sort of damage has been involved in these floods here? Of what order of magnitude?

Mr. FRIEDKIN. The order of magnitude of damages, with the present development in the river, and with the maximum flood of record, with the valley inundated from side to side, would be about \$1,300,000, that is with the present development.

Mr. MONAGAN. Is that related to a particular flood, or is that annual?

Mr. FRIEDKIN. This is related to a major flood, as occurred in 1916, which would inundate the entire valley. With lesser floods, it would be much less. There is contemplated there would be improvements in this valley. In fact, there are already plans made for extensive improvements in this valley without a flood control project. With the present improvements the standard project flood would result in damages over \$2 million.

Mr. MONAGAN. What has been the maximum experience in any particular flood?

Mr. FRIEDKIN. There were several lives lost in 1916. The maximum flood we have of record was 1916 which approached about 100,000 cubic feet per second.

Mr. MONAGAN. I didn't mean in terms of water, but property damage.

Mr. FRIEDKIN. The estimated damage in 1916 was \$200,000 with the small improvements in the valley at that time. The maximum of record with today's improvements would be in the order of around 2 million dollars.

Mr. GROSS. A million dollars a year?

Mr. FRIEDKIN. No, sir; this is with the maximum flood so far that has been experienced in this area with today's developments in the valley. This has been largely an agricultural area.

Mr. GROSS. Over what period of time?

Mr. FRIEDKIN. This is the period of record, 1900 to date.

Mr. MORSE. What is the aggregate?

Colonel PRESTON. I might explain, sir, as another point, the economics of this project are evaluated on a 100-year life. The average annual flood damages that would be prevented by the proposed project, based on its history, is estimated at \$335,000 a year over the whole period. These are 1965 values. When the project is evaluated, the framework, economically, is the 100-year life.

Mr. GROSS. Why 100 years? Just as a matter of curiosity.

Colonel PRESTON. On the normal project—I would say normal in the sense that the other projects of this sort throughout the country are evaluated on that basis, either 50 or 100 years—to make a realistic appraisal of the objective which the project is designed to reach, we naturally have to choose some timespan. This is in line with the method of evaluation of other flood control projects about the United States.

Mr. GROSS. In that damage figure, are you talking about damage in Mexico as well as on this side?

Mr. FRIEDKIN. Only in the United States.

Mr. MONAGAN. The reason I asked this is that I am familiar with some flood control projects. There are some in the Naugatuck Valley in my own district, where the cost of a dam that was to cut down half of the prospective flood damage was about \$8 million and the damage would run into the hundreds of millions. So this is quite a contrast between that, which was the damage done in one particular flood, and this proposal here where the average annual damage is \$335,000 and the total cost of the project is \$16 million.

Mr. SELDEN. Isn't this reflected in the benefit-cost ratio?

Mr. FRIEDKIN. Yes, sir.

Mr. SELDEN. What was the benefit-cost ratio on your project?

Mr. MONAGAN. I don't recall now.

STANDARD BENEFIT-COST RATIO

Mr. MORSE. What is the standard or acceptable benefit-to-cost ratio?

Colonel PRESTON. A dollar returned for a dollar invested is the minimum that we normally consider.

Mr. GROSS. If the gentleman will yield.

Mr. MONAGAN. I yield.

Mr. GROSS. There is no recreational factor and there is no power factor in this, is there?

Colonel PRESTON. That is correct.

Mr. GROSS. This is strictly flood control.

Mr. FRIEDKIN. Yes.

LAND ENHANCEMENT FACTOR

Mr. MORSE. No other factors except the flood prevention aspects were fed into the cost ratio? Land enhancement?

Colonel PRESTON. Land enhancement is provided for. It is reflected in the cash contribution by the local people.

Mr. MORSE. Is it part of the benefit-cost ratio?

Mr. FRIEDKIN. Yes, sir.

Mr. MORSE. What would the benefit-cost ratio be without the land enhancement ingredient?

Colonel PRESTON. The flood control benefits, I can give you this in this way, the flood control benefits amount to 44 percent of the total benefits, and the land enhancement is the remaining 56 percent.

Mr. MORSE. Without the land enhancement factor, the benefit-cost ratio would be 0.7 or less?

Colonel PRESTON. It would be in that magnitude.

Mr. MORSE. It is less than the standard.

Mr. SELDEN. You take in the land enhancement in all projects?

Colonel PRESTON. We would take into account the land enhancement benefit in arriving at a benefit-to-cost ratio.

Mr. MORSE. You said a few moments ago. Colonel, that you required a benefit-cost ratio to be 1 to 1, right?

Colonel PRESTON. I may have oversimplified that, sir. The benefit-to-cost ratio as calculated for the project as a whole, representing the return on the investment, normally must be 1 to 1 before we would consider it economically justified.

Mr. SELDEN. Will the gentleman yield?

Mr. MORSE. Yes.

Mr. SELDEN. Aren't all projects figured on the same basis?

Colonel PRESTON. Yes, sir.

Mr. MORSE. What is the minimum actual benefit-to-cost ratio that is acceptable excluding all other factors except the flood prevention factor for domestic projects?

Colonel PRESTON. Sir, I may, as I said, have oversimplified my answer to the previous question, and it ties into this one. Land enhancement is a flood control benefit. The answer to your question is still 1 to 1. We don't normally recommend to Congress or the administration the construction of a project less than 1 to 1.

DEFINITION OF LAND ENHANCEMENT

Mr. MORSE. What do you mean by "land enhancement"?

Colonel PRESTON. It is the appreciation in the real estate which comes about directly as a result of the construction of the project. If you have for example, in the flood plain shown in blue on the map before you, an area which is subject to periodic flooding, you have possibly quite a low value on the real estate. If, on the other hand, you channelize the water and you produce a protected area where a real estate developer can build apartment houses or other developments, you have raised the value of his property. Consequently we take that into account in the economics of a project of this sort.

CONTRIBUTION BY PROPERTY OWNERS

Mr. MORSE. What proportion of land enhancement value is the private owner required to contribute?

Colonel PRESTON. We have here, sir, equal sharing by the Federal Government and the local interests, non-Federal interests, of that part of the first cost of the project which is allocated to land enhancement.

The figures that Mr. Friedkin has given you for the cash contribution of \$2,400,000 represents that equal sharing by the Federal Government and the non-Federal interests.

Mr. MORSE. In other words, if I owned riparian lands here which had a value today of \$10,000, and their value was to be increased to \$20,000 by virtue of this project, I would be required to contribute, as a private owner, something less than 50 percent and probably something less than 25 percent?

Colonel PRESTON. Sir, the only way I could—

Mr. MORSE. Is that accurate?

APPORTIONMENT OF PROJECT COST

Colonel PRESTON. I think in principle that is accurate. The only way I could answer is that we make an assessment, or apportionment of a portion of the project cost to a non-Federal entity, in this case the city of San Diego, or Imperial Beach. The way they break that down to the local interests is strictly up to them. In this particular case I think they have indicated they have further assessed part of that cost against the individual owners in the area which would, I think, in your case amount to what you said.

Mr. FRIEDKIN. May I add to this, Mr. Morse?

Mr. MORSE. Yes, indeed.

Mr. FRIEDKIN. What you say is right in principle, sir. There are two reasons why the local interest only participate to the amount of 50 percent. One is that the local interests have to develop the land themselves at their cost. There need to be the streets and utilities and other development costs to them. The second reason is that a part of the benefits of development is much more widespread than simply the individual property owner. These are the two reasons—the philosophy back of the equal sharing.

Mr. MONAGAN. I would like to ask something else. I think of this flood control program as being one where the Government goes in and in cooperation provides dams to prevent damage that is anticipated because of past experience. That is what has happened in the North-east. There is an aspect to this as I hear the testimony here, of enhancing the value of the land.

FLOOD CONTROL AND LAND ENHANCEMENT COSTS

Can you isolate in the cost the amount that is devoted to flood control and the proportion that is devoted to simply enhancing the land which seems to me to be a totally different function?

Colonel PRESTON. Yes, sir, on the annual benefits basis I indicated before, \$335,000 a year to damage prevention, based on a hundred-year life.

Mr. MONAGAN. That is the flood control, the damage.

Colonel PRESTON. The additional benefit of \$430,000 a year, representing 56 percent of the benefits, is attributable to the land enhancement, giving a total of \$765,000 total benefits on an annual basis.

Mr. FRIEDKIN. In most Corps of Engineers projects such as you speak of, where most of the benefit is in damages, there is no participation by the local interest for the land-enhancement costs.

Mr. MONAGAN. They acquire the rights-of-way or something like that?

REQUIREMENT FOR COST SHARING

Mr. FRIEDKIN. It is all Federal costs except for the rights-of-way. But here, in the case where there is an appreciable land-enhancement cost, the requirement is that the local interests share in this.

Mr. MONAGAN. I would think there would be. This is a new concept to me. I wasn't aware that we were involved in it. I am interested to the degree that we are contributing appreciation that isn't compensated for.

Colonel PRESTON. I might add, sir, we have had other projects which are not international in character where this same process had been followed. This is not limited to this project alone.

Mr. MONAGAN. The Public Works Committee normally would be involved in this.

Colonel PRESTON. Yes.

Mr. WHALLEY. Would it be possible to supply for the record the present market value of the land as compared with the anticipated market value of the land after the project was completed?

Mr. FRIEDKIN. Yes.

(The following information was subsequently submitted by Commissioner Friedkin:)

PRESENT AND ANTICIPATED LAND VALUES—TIJUANA VALLEY

The estimated present (1963) value for the total of 5,200 acres of lands and improvements in the Tijuana Valley in the United States amounts to \$20,700,000.

Of the total area, 2,700 acres is expected to appreciate in value by reason of its availability for a higher use incident to the flood control improvement. The remaining acreage is either already being utilized for a higher use, is in salt marsh or tidal lands, or is needed for the new project (338 acres).

The 2,700 acres expected to appreciate in value because of the project has a presently (1963) estimated land value of \$2,760 per acre or \$7,450,000.

With the project, the Corps of Engineers estimates that over the next 25 years the 2,700 acres of lands would be put to a higher use, and that at the end of that period they would have a land value of \$6,570 per acre or a total value in 1988 of about \$17,700,000.

MAINTENANCE OF PROJECT

Mr. WHALLEY. Who is going to maintain the project after it is completed?

Mr. FRIEDKIN. The United States would through our International Boundary and Water Commission.

Mr. SELDEN. Our portion of it?

Mr. FRIEDKIN. Yes.

Mr. WHALLEY. What would be the approximate cost?

Mr. FRIEDKIN. Presently, \$17,000 a year.

Mr. GROSS. The big end of it is in the United States, isn't it?

Mr. FRIEDKIN. Yes.

Mr. GROSS. How much in Mexico?

Mr. FRIEDKIN. 2.7 miles are in Mexico and 5.7 miles in the United States.

FACTORS IN LAND ENHANCEMENT

Mr. GROSS. Does the Corps of Engineers take into consideration in strictly flood control project enhancement, if it can be called enhancement, urban renewal or urban development as part of the cost-to-benefit ratio?

Colonel PRESTON. We do, sir.

Mr. GROSS. One other question, and I think I will be through. I assume there are bridges across the present river channel.

Mr. FRIEDKIN. Yes. There are two bridges that have to be built. They will have to be replaced at the cost of the local interests.

Mr. GROSS. Then we are not going to get a bill later for bridges connecting the United States and Mexico?

Mr. FRIEDKIN. No, sir.

DOMESTIC PROJECTS

Mr. SELDEN. In connection with the questions that have been asked, Colonel, I think it is important to emphasize a point, if it is correct, by your answer to the following question: In figuring your benefit-cost ratio, have you done so on this project just as you have done on all domestic projects?

Colonel PRESTON. Essentially that is correct, sir.

Mr. SELDEN. Are there any further questions?

Mr. GROSS. "Essentially." That is qualifying it, Mr. Chairman. Is there any unessential element?

Colonel PRESTON. I only qualified it in the sense that we normally would take account of the entire project where here we have only a portion of a channel to figure out benefits and costs on.

Mr. MORSE. Mr. Chairman, what is the total Mexican cost going to be?

Mr. FRIEDKIN. It is estimated around \$7 million.

Mr. SELDEN. Are there any further questions?

If not, I ask unanimous consent to include in the record in connection with these hearings the reports from the executive branch of the Government, including Mr. Friedkin's letter of August 4, 1965, and any maps that the staff may feel will be beneficial. I understand that Congressman Wilson may also have some comment, which will be inserted at this point.

(The documents referred to follow:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 21, 1966.

HON. THOMAS E. MORGAN,
Chairman, Foreign Affairs Committee,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The need for quick and positive action to implement the joint construction by the United States and Mexico of an international flood control project for the Tijuana River has been dramatically emphasized by the heavy rain and floods of recent months.

In 1961, I originated a resolution authorizing the expenditure of \$65,000 for the Corps of Engineers to conduct a survey on how best to control the Tijuana River flood problem. The House Public Works Committee approved this resolution and the study ultimately produced the program being proposed.

This project is of great importance to the city of San Diego as we are annually faced with the threat of severe damage to property, and hazard to residents. The feasibility, construction, operation, and maintenance of the welcomed improvements in the United States are dependent upon the construction, operation, and maintenance of similar works in the Tijuana River in Mexico and it is anticipated that such action will be carried out under the supervision of the International Boundary and Water Commission, United States and Mexico, as an international project.

Mr. Chairman, the need for full congressional support of the Tijuana flood control project by all facts presented is more than adequately justified. I appreciate having this opportunity to make clear to each member of your distinguished Foreign Affairs Committee that I give my full backing to this valuable flood control plan.

Sincerely,

BOB WILSON,
Member of Congress.

DEPARTMENT OF STATE,
Washington, August 26, 1965.

HON. THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter of July 27, 1965, requesting the Department's comments on H.R. 7573 entitled "A bill to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tia Juana River in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes." The Department and U.S. Commissioner Friedkin on the International Boundary and Water Commission were consulted in the drafting of this bill and concur in its provisions.

The Tijuana River, formed by the confluence in Mexico of tributaries heading in both the United States and Mexico, flows northwesterly through Tijuana, Mexico, and the cities of San Diego and Imperial Beach, Calif. It meanders over a flood plain up to 2 miles in width. Although the river is dry for long periods, even small floods inundate most of its valley in both countries. It is capable of discharging high floods up to 135,000 cubic feet per second. This is more than 10 times the average flow of the Potomac at Washington. Until the river is controlled, there can be no urban development in the valley lands in any of the cities through which it flows, except at the risk of serious flood damages.

For control of the river on its side, Mexico has definite plans and has in fact started channelization to provide a narrow concrete-lined floodway extending 2.7 miles to the boundary. Work at the moment is suspended so that construction can be coordinated with the plans being made in the United States for an international project. The cities of San Diego and Imperial Beach are similarly desirous of developing their parts of the Tijuana Valley for residential and commercial purposes, and of including parks and recreational areas for improvement of this border area. The opportune time for control of the river would appear to be now when design, construction, and operation and maintenance can be fully coordinated between the two Governments.

The Corps of Engineers has prepared a plan which it recommends for control of the Tijuana River in the United States. The total first cost is estimated to amount to \$14,540,000. The Corps finds that the project would be economically justified with a benefit-cost ratio of 1.5:1, provided the project is fully coordinated with the project in Mexico. U.S. Commissioner Friedkin concurs in the plan, and believes that the Mexican Government would agree to a joint project along the lines proposed. A copy of his letter supporting the project and describing it in some detail is enclosed.

By resolutions dated May 21, 1964, and July 29, 1965, the city of San Diego, Calif. has agreed to share in the cost of the U.S. part of the project in accord with the Federal policy for domestic flood control projects. The city's share will amount to \$4,190,000 or 29 percent of the total first cost of the project.

By enactment of H.R. 7573 the Congress would authorize the U.S. Commissioner to conclude with the Mexican Commissioner an agreement for the two Governments to construct works substantially like those described in Commissioner Friedkin's "Report on an International Flood Control Project for the Tijuana Basin," submitted with his enclosed letter. The report of the Corps of Engineers dated May 1, 1964, and addendum dated July 9, 1965, are incorporated in the Commissioner's report.

Enactment of the bill would further authorize construction jointly with Mexico of the works agreed upon and authorize appropriations to carry out the U.S. part of the work. As you know, the Senate's advice and consent to ratification of the treaty of 1944 with Mexico stipulated that no commitment for works to be built by the United States, other than those specifically provided for in the treaty, should be made without the prior approval of the Congress. The Department is accordingly following the typical procedure for the authorization of an International Boundary and Water Commission project not authorized specifically by treaty. Once agreement is reached with Mexico, the Department of State would request funds to proceed with construction of the works in the United States provided for in the agreement. The contemplated agreement with Mexico would provide that each Government pay the cost of the works in its territory.

The Commissioner's recommendations appear to be well-founded with respect to both the need for flood control in the valley of this international river, and the desirability of an international project. The Department recommends enactment of the bill.

H.R. 7573 uses the name "Tia Juana River" throughout. Since the treaty of 1944 with Mexico adopted the Mexican name "Tijuana River" in both the English and Spanish texts, the bill might be amended to conform to this usage.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this project.

Sincerely yours,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations
(For the Secretary of State).

28 TIJUANA RIVER INTERNATIONAL FLOOD CONTROL PROJECT

INTERNATIONAL BOUNDARY AND WATER COMMISSION,
UNITED STATES AND MEXICO,
El Paso, Tex., August 4, 1965.

Hon. DEAN RUSK,
*Secretary of State,
Washington, D.C.*

DEAR MR. SECRETARY: I submit herewith for your review, and subject to your approval, for transmission to the Congress, my report recommending U.S. participation with Mexico in a joint international project to provide improvements for flood control in the Tijuana River Valley, in California, and Baja California. This report was prepared under authority of Public Law 286, 74th Congress, in accordance with the 1944 water treaty with Mexico, and in pursuance of the provisions of Minute No. 182 of the International Boundary and Water Commission. The report is in response to a resolution by the U.S. interests in the Tijuana Valley, endorsed by the Governor of California.

The Tijuana River has its source partly in the United States and partly in Mexico. It is formed by the confluence of two tributaries in Mexico, flows northwestward 2.7 miles through the city of Tijuana, Baja California to the international boundary, crosses the boundary into the United States, and continues westward through lands in the cities of San Diego and Imperial Beach, Calif., a distance of about 6 miles to discharge into the Pacific Ocean. The Tijuana River is therefore international in character.

The river meanders in a flood plain 1 to 2 miles wide. There is little or no flow in the river for long periods, but even small floods inundate most of its flood plain in both countries. It is capable of discharging high floods up to 135,000 cubic feet per second. Neither country can fully develop its lands along the river until flood-control works are installed. Each is dependent upon flood protective works constructed in the other country. For these reasons, authorities and interests in both countries regard the problem of control of its floods as a matter for international action. They propose resolution of the problem by a joint international flood control project to assure optimum coordination in the design, construction, and operation of works in the two countries, to secure maximum feasible benefits for the interests in each country. Under the contemplated, agreement with Mexico, each Government would pay the cost of construction operation, and maintenance of works in its country.

Authorities of the cities of San Diego and Imperial Beach, and of the State of California urge early construction of flood protective works to enable undertaking of residential and commercial improvements, and an extensive border improvement plan for cultural and recreational developments in the Tijuana Valley in this country. Similarly, Mexican authorities urge early construction of flood-control works in their country to enable planned border improvements in their city of Tijuana. Because of the urgency, Mexico has in fact started channelization works in its country as a domestic project, but work is suspended with the view to coordination of design and construction with works in the United States as an international project.

For control of the part of the Tijuana River in the United States, the district engineer, U.S. Army Engineer District, Los Angeles, made a survey and report dated May 1, 1964, with addendum dated July 9, 1965, which is attached to and forms a part of my enclosed report. The district engineer finds that flood control improvements are needed in the part of the Tijuana River Valley in the United States, are engineeringly feasible, and economically justified in connection with similar flood control improvements to be constructed by Mexico in its territory. He states that construction, operation and maintenance of the improvements in the two countries should be fully coordinated under a single international project. He recommends that from the terminus of the Mexican channel at the international boundary, there be constructed a concrete trapezoidal channel 5.5 miles in length to the Pacific Ocean. This channel would confine the flood waters to a narrow waterway, and thus enable development of the lands in the major part of the flood plain. The estimated first cost would be \$14,540,000, of which \$12,600,000 would be for construction and \$1,940,000 for lands and relocations.

The district engineer reports that the average annual benefits from construction of the proposed Tijuana River channel improvements amount to \$765,000, of which \$335,000 would accrue from flood damages prevented, and \$430,000 would accrue from increased utilization of land of which 75 percent would accrue to local private landowners. The annual charges, at the interest rate of 3½

percent prescribed for such Federal projects, amount to \$508,000. The ratio of benefits to cost is 1.5:1.

The district engineer also advises that in accordance with the Federal policy for domestic flood control projects, the local interests should (1) contribute the total costs of necessary lands and relocations of public facilities, estimated to amount to \$1,940,000, and (2) contribute 17.8 percent of the construction cost, presently estimated to amount to \$2,250,000, because the project would result in large land value appreciation to local private owners. The total estimated local contribution would therefore amount to \$4,190,000. The remaining estimated Federal cost would be \$10,350,000.

I concur in the findings of the district engineer.

The city of San Diego, Calif., by Resolution No. 180058, dated May 1, 1964, agreed to assume the costs estimated to amount to \$1,940,000 for necessary lands and relocations in the United States; and by Resolution No. 184420, dated July 29, 1965, the city agreed to assume 17.8 percent of the construction cost of the part of the Tijuana River flood control project in this country, presently estimated at \$2,250,000, with the final amount to be based upon actual costs. Copies of the resolutions are contained in the enclosed report as exhibits D and E.

Congressman Van Deerlin introduced in the House of Representatives, on April 22, 1965, H.R. 7573:

"To authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tia Juana River in accordance with the provisions of the Treaty of February 3, 1944, with Mexico, and for other purposes."

I recommend that the Department support enactment of this legislation, and submit the enclosed "Report of an International Flood Control Project, Tijuana River Basin in California and Baja California," to the Congress for its consideration in connection with that proposed legislation.

Respectfully submitted.

J. F. FRIEDKIN, *Commissioner*.

Enclosures.¹

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 23, 1966.

Hon. THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington, D.C.

DEAR MR. MORGAN: This responds to your request for the views of this Department on H.R. 7573, a bill "To authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tia Juana River in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes."

We have no objection to enactment of this legislation.

The bill authorizes the Secretary of State, acting through the International Boundary and Water Commission, to conclude an agreement for the joint construction, operation, and maintenance of an international flood control project of the Tia Juana River. Following the conclusion of such an agreement the U.S. Commissioner is authorized to construct, operate, and maintain the U.S. portion of the project and the bill authorizes appropriation for that purpose. The bill prohibits expenditures for construction on any land, site, or easement except such as has been acquired by donation upon approval of title by the Attorney General.

The plan for the project was formulated by the U.S. Corps of Engineers. It envisions the improvement of the channel of the Tia Juana River in both countries by a coordinated plan which would protect the extensive flood plains of the river and permit their development for residential, industrial, and recreational purposes.

Enactment of this legislation would not disadvantageously affect any project or program in existence or anticipated by this Department.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

KENNETH HOLUM,
Assistant Secretary of the Interior.

¹ Retained in committee file.

30 TIJUANA RIVER INTERNATIONAL FLOOD CONTROL PROJECT

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., February 21, 1966.

HON. THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department concerning H.R. 7573, a bill "To authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tia Juana River in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes."

The bill would authorize the Secretary of State, acting through the U.S. Commissioner for the International Boundary and Water Commission, to conclude an agreement with Mexican officials for the joint construction and operation by the United States and Mexico of an international flood control project for the Tia Juana River. This would implement the February 3, 1944, Treaty between the United States and Mexico, 59 Stat. 1219. No authorized appropriations are to be expended for construction, except on land acquired by donation and as to which title has been approved by the Attorney General.

The bill would only affect this Department in that we would be called upon to approve title to the donated land. We have no objection to performing this service.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

RAMSEY CLARK,
Deputy Attorney General.

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C., February 11, 1966.

HON. THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on H.R. 7573, to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tia Juana River in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes.

The proposed legislation would authorize the Secretary of State, acting through the U.S. Commissioner, International Boundary and Water Commission, United States and Mexico, to conclude with the appropriate officials of the Government of Mexico, an agreement for the joint construction, operation, and maintenance by the United States and Mexico, in accordance with the provisions of the treaty of February 3, 1944, with Mexico, of an international flood control project for the Tia Juana River.

The Treasury Department has no comment to make on the proposed legislation.

The Department was advised by the Bureau of the Budget that there was no objection from the standpoint of the administration's program to the submission to the Committee on Foreign Relations of an identical report on S. 2540, an identical bill.

Sincerely yours,

FRED B. SMITH,
Acting General Counsel.

Mr. SELDEN. If there are no further questions, the hearing is concluded.

I would like to request that the members stay for a few minutes to discuss the setting of a time for further consideration of this legislation.

I want to thank all the witnesses who appeared this morning. The committee will now recess for a few minutes while the witnesses leave.

(At 11:30 a.m. the subcommittee adjourned.)

APPENDIX

RESOLUTION No. 180058 OF THE CITY OF SAN DIEGO, CALIF.

Whereas, the Secretary of State is negotiating with the Mexican Government for joint participation in the construction, operation, and maintenance of flood control facilities on the Tia Juana River from within Mexico to the Pacific Ocean; and

Whereas it is of great importance to the city of San Diego that steps be taken as soon as possible to provide Tia Juana River flood control facilities within the city of San Diego in order to eliminate the threat of severe damage to property and hazard to residents of the south San Diego area; and

Whereas it is anticipated that the Tia Juana River flood control project will be approved by Congress in 1964 and the International Boundary and Water Commission will include this project in its 1965-66 budget; and

Whereas the Corps of Army Engineers has estimated the total cost of the flood control facilities to be constructed within the United States to be \$14,540,000, of which the sum of \$12,600,000 is proposed to be borne by the Federal Government; and

Whereas it is proposed that the city of San Diego shall assume the following obligations and responsibilities in connection with said project:

1. Provide without cost to the United States all land, easements, and rights-of-way necessary for construction and operation of the project;

2. Hold and save the United States free from damages due to the construction and operation of the project;

3. Make any alterations to existing improvements, other than railroads or improvements constructed and maintained by the United States, which may be required because of the construction works;

4. Prevent encroachments on the flood channel which would reduce its design capacities; and

5. Take steps to prevent encroachment upon existing defined waterways tributary to the project, by zoning or other means such as enlargement or other modification of the existing waterway facilities to prevent the minor flood problems on these tributary waterways from developing into problems of serious proportions; and

Whereas the cost of fulfilling said obligations and responsibilities to be assumed by the city is estimated at \$1,940,000, as more specifically set forth as follows:

Rights of way.....	\$1, 220, 000
Road and bridge relocations.....	575, 000
Utility relocations.....	25, 000
Water spreading system (ground water recharging).....	120, 000
Total.....	1, 940, 000

and

Whereas upon completion of each phase of the work it is expected that the State will reimburse the city for the city's expenditures: Now, therefore, be it

Resolved, by the Council of the City of San Diego, That the intent of the Council in the premises be, and it is hereby declared as follows:

That the city of San Diego will participate in the Tia Juana River flood control project to the extent hereinabove set forth, and that approximately \$1 million in capital outlay funds will be included in the city's budget for 1965-66 to act as a revolving fund from which the city may advance such amounts as may be required to meet the non-Federal obligations.

Presented by: _____

Approved: EDWARD T. BUTLER, *City Attorney*.

By _____

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Passed and adopted by the Council of the City of San Diego on May 21, 1964, by the following vote:

Yeas: Councilmen Cobb, de Kirby, Scheidle, Hitch, Hom, Walsh, Mayor Curran.

Nays: None.

Absent: None.

Authenticated by:

FRANK E. CURRAN,
Mayor of the City of San Diego, Calif.
PHILLIP ACKER,
City Clerk of the City of San Diego, Calif.
By RUTH KLAUER, *Deputy.*

[SEAL]

I hereby certify that the above and foregoing is a full, true and correct copy of Resolution No. 180058 passed and adopted by the Council of the City of San Diego, Calif., May 21, 1964.

PHILLIP ACKER,
City Clerk of the City of San Diego, Calif.
By RUTH KLAUER, *Deputy.*

[SEAL]

RESOLUTION No. 184420

Whereas, pursuant to the request of the city of San Diego and other interests in the State of California, the U.S. Section of the International Boundary and Water Commission, United States and Mexico, and the Corps of Engineers, Los Angeles District, have developed an engineeringly feasible and economically justified project for flood control improvements in the Tijuana River Basin within the city of San Diego as described and recommended in the report by the District Engineer, U.S. Army Engineer District, Los Angeles, Calif., dated May 1, 1964; and

Whereas it is of great importance to the city that steps be taken as soon as possible to provide Tijuana River flood control improvements within the city of San Diego in order to eliminate the threat of severe damage to property and hazard to residents of the South San Diego area; and

Whereas the feasibility, construction, operation, and maintenance of the recommended improvements in the United States are dependent upon the construction, operation, and maintenance of similar works in the Tijuana River in Mexico, and it is anticipated that such construction, operation, and maintenance will be carried out under the supervision of the International Boundary and Water Commission, United States and Mexico, as an international project; and

Whereas Congressman Van Deelen has introduced in the House of Representatives H.R. 7573, "To authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tijuana River in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes; and

Whereas the Corps of Engineers, U.S. Army, has determined that the benefits of the flood control improvements are more than sufficient to justify the project costs, that a large percentage of such benefits is of special nature; and

Whereas the benefits from flood damages prevented and those of special nature accrue predominantly to lands within the city of San Diego; and

Whereas the benefits of special nature are of such magnitude as to require a contribution from local interests toward the cost of construction of the project in accord with domestic procedures of agencies of the U.S. Government; and

Whereas the amount of the required local contribution toward the cost of construction of the project has been determined by the Corps of Engineers to be 17.8 percent of the construction cost presently estimated at \$2,250,000, the final amount of contribution to be based upon actual costs; and

Whereas it is understood that this contribution of 17.8 percent (presently estimated as \$2,250,000, the final amount to be based on actual costs) is in addition to the obligations and responsibilities stated and assumed by the city in its Resolution No. 180058 adopted May 21, 1964: Now, therefore, be it

Resolved by the Council of the City of San Diego, as follows:

That the city of San Diego agrees to assume responsibility for the required contribution to the Federal Government of 17.8 percent of the cost of construction of the recommended Tijuana flood control improvements. The contribution presently estimated at \$2,250,000 (the final amount of contribution to be

determined after actual costs have been determined) will be paid as determined by the city, either in a lump sum prior to commencement of construction or in installments prior to commencement of pertinent work items, in accordance with construction schedules as approved by the U.S. commissioner.

Presented by: _____

Approved: _____

EDWARD T. BUTLER,
City Attorney.

By JAMES S. MILCH,
Deputy.

Passed and adopted by the Council of the City of San Diego on July 29, 1965,
by the following vote:

Yeas: Councilmen Cobb, de Kirby, Scheidle, Hom, Walsh.

Nays: None.

Absent: Councilman Hitch.

Authenticated by:

FRANK E. CURRAN,
Mayor of the City of San Diego, Calif.
PHILLIP ACKER,
City Clerk of the City of San Diego, Calif.
By RUTH E. KLAUER,
Deputy.

[SEAL]

I hereby certify that the above and foregoing is a full, true, and correct copy of Resolution No. 184420 passed and adopted by the Council of the City of San Diego, Calif., July 29, 1965.

PHILLIP ACKER,
City Clerk of the City of San Diego, Calif.
By ELFA F. HAMEL,
Deputy.

[SEAL]

COUNTY OF SAN DIEGO, CALIF., RESOLUTION NO. 28, RE SUPPORT OF TIA JUANA
RIVER FLOOD CONTROL PROJECT

On motion of Supervisor Gibson, seconded by Supervisor Cozens, the following resolution is adopted:

Whereas there exists an urgent and present need for the design and construction of a flood control channel in the Tia Juana River area of the County of San Diego, State of California, and the Republic of Mexico; and

Whereas all of such area lying within the County of San Diego is within the corporate limits of the city of San Diego and said city is the local sponsoring agency for such project; and

Whereas the city of San Diego acting as such local sponsoring agency is presently seeking to obtain Federal and State funds to further accomplish the design and construction of such flood control channel; and

Whereas it is to the best interests of not only the United States of America and the Republic of Mexico, but to the county of San Diego, State of California, and the inhabitants thereof, that such flood control channel in the Tia Juana River flood plain be constructed: Now, therefore, be it

Resolved, That the County of San Diego hereby declares its support for such project and endorses to the fullest extent the efforts of the city of San Diego acting as the local sponsoring agency to secure Federal and State funds necessary for the Tia Juana River flood control project.

Passed and adopted by the Board of Supervisors of the County of San Diego, State of California, this 22d day of March 1966 by the following vote:

Ayes: Supervisors Gibson, Boney, Dent, Austin, and Cozens.

Noes: Supervisors. None.

Absent. Supervisors. None.

STATE OF CALIFORNIA,
County of San Diego, ss:

I Helen Kleckner, clerk of the Board of Supervisors of the County of San Diego, State of California, hereby certify that I have compared the foregoing copy with the original resolution passed and adopted by said board, at a regular meeting thereof, at the time and by the vote therein stated, which original resolution is

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now on file in my office; that the same contains a full, true, and correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of said board of supervisors, this 22d day of March 1966.

[SEAL]

HELEN KLECKNER,
Clerk of the Board of Supervisors.
By FLORINDA CLARK,
Deputy.

