

From: [MCALEENAN, KEVIN K](#)
To: (b) (6); [Fulghum, Chip](#)
Cc: (b) (6); [FLANAGAN, PATRICK S](#)
Subject: FW: Integrated BSIP with Revisions
Date: Monday, October 02, 2017 10:13:20 PM
Attachments: (b) (5)

Deputy/Chip,

As discussed last week, please see the draft of the Border Security Improvement Plan requires by the Approps Bill. It is being sent up through channels, but wanted to send direct as we promised to get it to the Dept today. Thanks,

Kevin

From: KOLBE, KATHRYN
Sent: Monday, October 02, 2017 7:42:32 PM
To: MCALEENAN, KEVIN K
Cc: VITIELLO, RONALD D (USBP); FLANAGAN, PATRICK S; (b) (6), (b) (7)(C)
Subject: Integrated BSIP with Revisions

Commissioner,

Attached is the final integrated BSIP with revisions. Made some final changes to the verbiage & I'm told DHS said they wanted to add S1's photo and phone number. Please advise if you have further changes & thanks for your patience.

VR, KK

Kathryn L. Kolbe
Executive Assistant Commissioner
Enterprise Services
U.S. Customs and Border Protection
Office (b) (6), (b) (7)(C)
Cell (b) (6), (b) (7)(C)

From: [FLANAGAN, PATRICK S](#)
To: [MCALEENAN, KEVIN K](#)
Cc: [ALLES, RANDOLPH D](#)
Subject: Materials on EO Implementation
Date: Thursday, January 26, 2017 12:37:01 PM
Attachments:

NON-RESPONSIVE

[EAS12BII.DOCX](#)

C1,

I have compiled all EO implementation materials into one email.

V/R

Patrick

Patrick Flanagan
Customs and Border Protection
Department of Homeland Security

(b) (6), (b) (7)(C)

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Executive Order on Border Security/Federal Lands Access

EXECUTIVE SUMMARY:

The United States Border Patrol has historically experienced many challenges when trying to gain access to Federal and private lands along the border, for both the purposes of vehicle patrol and the addition of tactical infrastructure. Below are some of the benefits, impacts and implementation requirements relating to land access on Federal and private lands; however, more research must be done regarding what impacts the Executive Action will have.

BENEFITS:

The Executive Order provides for increased or unfettered access to lands along or adjacent to the border. This will result in:

- Quicker access for response to incursions;
- The ability to install/erect border security infrastructure such as fencing;
- All weather roads;
- Detection capability;
- Increased safety to agents/officers/public;
- Additional Funds for Land Managers; and
- Increased partnership with other agencies.

EXAMPLES

(b) (7)(E)

IMPACTS:

Gaining increased access to federal lands will have a significant impact to enforcement operations, and likely have numerous unintended consequences. With regard to implementation, some of the possible concerns for DHS would include:

- Mitigation funds to provide remediation for any environmental impact to protected lands;
- May require legal action against agencies charged with protecting designated federal lands to prevent unnecessary roadblocks to access;
- May strain relationships with other agencies and/or non-government organizations concerned with the preservation and protection of designated federal lands;
- Will require additional personnel assigned to liaison efforts in the various locations; and
- Will require additional training being provided to agents and other law enforcement personnel.

IMPLEMENTATION:

The implementation of the Executive Order will build an increased partnership with the Federal, State, and Local communities. However, it is incumbent upon the Lead governing agencies to review current law and dictate the policies outlining additional Federal, State and Local access to their lands. In addition, below are a few examples of processes which will need to take place.

- Coordination between DHS and the respective lead governing agencies of said land to set guidelines or policy for this EO.
- Coordination between the respective local points of contact for all agencies involved, to include the agencies governing the lands, will need to take place to allow for building of relationships and training.
- Synergy and Synchronization with Border Patrol Operational Requirements and Planning Processes to ensure all Border Patrol liaisons are speaking the same language as we move to deploy future projects along the border in wilderness and other culturally sensitive and environmental areas.
- Vet all new operational Environmental regulations/policies initiatives for environmental impacts when conducted on Federal lands.
- Formalize specialized training for new operational personnel to provide environmental sensitivity awareness, endangered species, and all Cultural and Environmental laws, and Tribal Consultation.
- Provide outreach and education initiatives (Internal and External) (including NGOs) for the education of USBP at all levels to operate in highly sensitive environmental and cultural resource rich areas across the Northern and Southern borders.
- Conduct an in-depth Law review for any additional outcomes and issues.
- Liaison with local community to enhance relationships for greater access to private lands as afforded by 8 USC 1357.
- Levy congress to provide the means to allow DHS to fund state and county road repairs, which is hindered by Comptroller policy.

From: [MCALEENAN, KEVIN K](#)
To: (b) (6), (b) (7)(C)
Subject: FW: Presidential Transition Tech Assist- OMB 01062016 wPriority.xlsx
Date: Friday, January 06, 2017 12:05:17 PM
Attachments: [Presidential Transition Tech Assist- OMB 01062016 wPriority.xlsx](#)

(b) (6), (b) (7)(C)

Does this accord with what we discussed last night?

KM

Requirement Type	New Miles	Acquisition/Initial Costs ROM (-50%/+100%) Cost	(b) (7)(E)Recurring Costs (Maintenance and Repair)	Total End State Cost
New Primary PF	(b)(7)(E)	\$	(b) (5)	
Replacement Primary PF And VF to PF		\$		
RGV Real Estate (b) (7)(E)		\$		
Southwest Border Road Maintenance		\$		
Total Costs		\$	(b) (5)	

PRIORITY	Requirement Type	Miles (original)	Updated Mileage 1/6/17	Acquisition/Initial Costs ROM (- 50%/+100%) Cost	(b) (7)(E)Recurring Costs (Maintenance and Repair)	Total End State Cost
	New Primary PF TOTAL	(b)(7)(E)		\$	(b) (5)	
(b) (7)(E)	Primary Pedestrian Fence (SDC)	(b)(7)(E)		\$		
	Primary Pedestrian Fence (EPT)			\$		
	Primary Pedestrian Fence (RGV)			\$		
	Replacement Primary PF And VF to PF TOTAL			\$		
	PF & VF Primary Replacement Fence (SDC)			\$		
	PF & VF Primary Replacement Fence (ELC)			\$		
	PF & VF Primary Replacement Fence (YUM)			\$		
	PF & VF Primary Replacement Fence (TCA)			\$		
	PF & VF Primary Replacement Fence (EPT)			\$		
	RGV Real Estate (b) (7)(E)			\$		
	Southwest Border Road Maintenance			\$		

Mileage is subject to fluctuate as addition planning activities and GIS mapping occurs.

PRIORITY	Requirement Type	Miles (original)	Updated Mileage 1/6/17	Acquisition/Initial Costs ROM (-50%/+100%) Cost	(b) (7)(E)curring Costs (Maintenance and Repair)	Total End State Cost
(b) (7)(E)	Primary Pedestrian Fence (RGV)	(b)(7)(E)	(b)(7)(E)	\$	(b) (5)	(b) (5)
	RGV Real Estate (b) (7)(E)			\$		
	Southwest Border Road Maintenance			\$		
	PF & VF Primary Replacement Fence (SDC)			\$		
	PF & VF Primary Replacement Fence (YUM)			\$		
	PF & VF Primary Replacement Fence (TCA)			\$		
	Primary Pedestrian Fence (EPT)			\$		
	Primary Pedestrian Fence (SDC)			\$		
	PF & VF Primary Replacement Fence (ELC)			\$		
	PF & VF Primary Replacement Fence (EPT)			\$		

Mileage is subject to fluctuate as addition planning activities and GIS mapping occurs.

		Required Miles	ROM Cost per Mile	Estimated One Time ENV Mitigation Cost	Estimated One Time Land Acquisition Cost	Estimated One Time Labor Costs	Estimated One Time Costs	Estimated Recurring Costs Annually	Est. One-Time and Recurring Costs
SDC	Primary Pedestrian Fence (SDC)	(b)(7)(E)							
EPT	Primary Pedestrian Fence (EPT)								
RGV	Primary Pedestrian Fence (RGV)								
TOTALS									
			avg cost	(b) (5)					
							Av. Cost Per Mile	\$	(b) (5)

ASSUMPTIONS

- All estimates should be considered rough order of magnitude, -50%/+100% as defined by the Project Management Body of Knowledge, Third Edition.
- Primary fence design assumes an (b) (7)(E)
- Cost per mile for primary and secondary pedestrian fence is based on average costs associated with the construction of PF225 fence, does not account for market fluctuations (e.g. increased fuel costs, labor, raw materials) that may increase cost to construct.
- Cost per mile does not account for site conditions not experienced during the construction of PF225, though impacts from unencountered site conditions are predicted to be minimal.
- Recurring costs assume a (b) (7)(E) seful life for pedestrian fence.
- Estimates for "recurring costs" reflect average maintenance costs per mile of fence and roads. Assumes the maintenance and repair costs at (b) (5) for fence per mile and \$(b) (5) for roads per mile annually.
- Labor estimates include federal employee and contract support for project management and associated disciplines required to ramp up to construction capable as well as service provider PMO labor costs.
- (b) (5)
- Outyear costs are calculated in 2016 dollars.
- Assumes (b) (5) schedule to complete, (b) (5).
- Cost per mile for real estate is assumed to be (b) (5) mile in order acquire the land, access and staging areas.

NOTES

- This estimate does not include any funding in support of DOJ for services for land acquisition.

2

4

Sector	New Primary (PF)	Replacement Primary (PF)	sector	location
Big Bend	(b) (7)(E)		BBT	(b) (7)(E)
Blaine			BLW	
Del Rio			DRT	
El Centro			ELC	
El Paso			EPT	
Houlton			HLT	
Havre			HVM	
Laredo			LRT	
Rio Grande Valley			RGV	
San Diego			SDC	
Spokane			SPW	
Swanton			SWB	
Tucson			TCA	
Yuma			YUM	
Total				

From: (b) (6), (b) (7)(C)
To: [MCALEENAN, KEVIN K](#); [FLANAGAN, PATRICK S](#); (b) (6), (b) (7)(C)
Subject: RE: I need the definition of border security from the Senate CIR bill that passes in June of 2013
Date: Friday, January 06, 2017 9:52:32 AM
Attachments: (b) (5)

Sir,

Attached is the bill. I believe what you are looking for is on page 12. I will be right up.

(b) (6), (b) (7)(C)

Adjutant for Deputy Commissioner McAleenan

(b) (6), (b) (7)(C)(desk)
(bb)

(b) (6), (b) (7)(C)

From: MCALEENAN, KEVIN K

Sent: Friday, January 06, 2017 9:46 AM

To: FLANAGAN, PATRICK S <(b) (6), (b) (7)(C)>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C); (b) (6), (b) (7)(C) >

Subject: I need the definition of border security from the Senate CIR bill that passes in June of 2013

From: (b) (6), (b) (7)(C)
To: [MCALEENAN, KEVIN K](#); (b) (6), (b) (7)(C); [FLANAGAN, PATRICK S](#)
Cc: [OC BRIEFING STAFF](#); (b)(6);(b)(7)(C)
Subject: S2BB- Arizona Trip- 06/08/17-06/09/17
Date: Wednesday, June 07, 2017 11:24:44 AM
Attachments: (b) (5)

FYI

From: (b) (6)
Sent: Wednesday, June 07, 2017 11:03 AM
Cc: (b) (6)
Subject: S2BB- Arizona Trip- 06/08/17-06/09/17

Attached is the Briefing Book for the Deputy Secretary's upcoming travel to Arizona.

(b) (6)
Office of the Executive Secretary
U.S. Department of Homeland Security
C: (b) (6)
O: (b) (6)

From: (b) (6), (b) (7)(C)
To: [MCALEENAN, KEVIN K](#); [VITIELLO, RONALD D \(USBP\)](#) (b) (6), (b) (7)(C) [FLANAGAN, PATRICK S](#)
Cc: [OC BRIEFING STAFF](#); (b)(6);(b)(7)(C)
Subject: AS2BB - 09.26.17
Date: Monday, September 25, 2017 4:17:17 PM
Attachments: (b) (5)

Attached, please find the AS2BB for Tuesday, 9/26. Thank you.

(b) (6), (b) (7)(C)

Program Manager, CBPTASKING & OC Briefing Staff
Office of the Executive Secretariat
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
To: [MCALEENAN, KEVIN K](#); [VITIELLO, RONALD D \(USBP\)](#); [FLANAGAN, PATRICK S](#); (b) (6), (b) (7)(C)
Cc: [OC BRIEFING STAFF](#); (b)(6);(b)(7)(C)
Subject: AS2BB - 09.26.17
Date: Tuesday, September 26, 2017 3:38:21 PM
Attachments: (b) (5)

Attached, please find the AS2BB for Wednesday, 9/27.

(b) (6), (b) (7)(C)

Program Manager, CBPTASKING & OC Briefing Staff
Office of the Executive Secretariat
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

From: [LOWRY, KIM M](#)
To: [MCALEENAN, KEVIN K](#); [ALLES, RANDOLPH D](#)
Cc: [FLANAGAN, PATRICK S](#); (b) (6), (b) (7)(C); [KOLBE, KATHRYN](#); [FRIEL, MICHAEL J](#); (b) (6), (b) (7)(C)
Subject: RE: HSGAC wall hearing today
Date: Tuesday, April 04, 2017 9:44:13 PM
Attachments: [20170404 - AAR - HSGAC Hearing on Fencing with Former CBP Leaders.docx](#)

This time with attachment!

From: LOWRY, KIM M
Sent: Tuesday, April 04, 2017 9:37:23 PM
To: MCALEENAN, KEVIN K; ALLES, RANDOLPH D
Cc: FLANAGAN, PATRICK S; (b) (6), (b) (7)(C); KOLBE, KATHRYN; FRIEL, MICHAEL J; (b) (6), (b) (7)(C)
Subject: HSGAC wall hearing today

C1/C2

OCA attended the wall hearing today. Please see attached for AAR and below for a few highlights.

I will share with OLA.

VR

Kim

Summary: On Tuesday, April 4, 2017, two former CBP Senior Executives and a professor from the University of Texas – Rio Grande Valley testified before the Senate Homeland Security and Governmental Affairs Committee at a hearing entitled “Fencing along the Southwest Border.” Former Acting CBP Commissioner and former USBP Deputy Chief Colburn spoke about the efficacy of infrastructure and the importance of the right mix of technology, personnel and tactical infrastructure on a location-by-location basis. Though ostensibly about fencing, much of the hearing discussion centered on technology/situational awareness and peripheral issues.

Of note: Sen. McCaskill cited her “\$70 billion” cost estimate that CBP has disputed which she continues to characterize as having been informed by our recent briefing. Sen. Harris implied (but did not explicitly state) that polygraph waivers amount to relaxing of standards. Sen. Hoeven spent quite a bit of time on the value of metrics. Sen. Daines initially expressed skepticism that volume had decreased from January to February and would like to know when we have March data available.

CBP CONGRESSIONAL AFFAIRS EVENT SUMMARY

EVENT DATE: Tuesday, April 4, 2017; 9:30 a.m.
PRIMARY OCA TEAM: Border, Air & Marine Operations
PRIMARY OCA STAFF: (b) (6), (b) (7)(C)
TYPE OF EVENT: Hearing entitled “Fencing along the Southwest Border”
COMMITTEE: U.S. Senate Committee on Homeland Security and Governmental Affairs
LOCATION: Dirksen Senate Office Building, Room 342

WITNESS

1. David V. Aguilar, former CBP Acting Commissioner and former Chief, U.S. Border Patrol
2. Ronald Colburn, former Deputy Chief, U.S. Border Patrol
3. Dr. Terence M. Garrett, Professor and Chair, Public Affairs and Security Studies Department, University of Texas, Rio Grande Valley

CONGRESSIONAL ATTENDEES

Majority	Minority
Sen. Ron Johnson (R-WI), <i>Chairman</i>	Sen. Claire McCaskill (D-MO) <i>Ranking Member</i>
Sen. James Lankford (R-OK)	Sen. Thomas Carper (D-DE)
Sen. John Hoeven (R-ND)	Sen. Heidi Heitkamp (D-ND)
Sen. Steve Daines (R-MT)	Sen. Kamala Harris (D-CA)
<i>NOTE: The following Members attended portions of the hearing, but did not speak:</i>	
Sen. Rob Portman (R-OH)	Sen. Jon Tester (D-MT)
	Sen. Gary Peters (D-MI)
	Sen. Maggie Hassan (D-NH)

EXECUTIVE SUMMARY

On Tuesday, April 4, 2017, two former CBP Senior Executives and a professor from the University of Texas – Rio Grande Valley testified before the Senate Homeland Security and Governmental Affairs Committee at a hearing entitled “Fencing along the Southwest Border.” Former Acting CBP Commissioner and former USBP Deputy Chief Colburn spoke about the efficacy of infrastructure and the importance of the right mix of technology, personnel and tactical infrastructure on a location-by-location basis. Though ostensibly about fencing, much of the hearing discussion centered on technology/situational awareness and peripheral issues.

KEY HIGHLIGHTS:

Opening statement by Chairman Johnson

- Chairman Johnson referenced his recent trip to Israel several times and shared his observations regarding fencing on that nation’s borders, to include acknowledgment of the challenge of tunnels.
- Noted this was the 22nd hearing on border security which remain priority one for the committee.

Opening statement by Ranking Member McCaskill

- Ranking Member McCaskill stated there is consensus on the need for security, but that President Trump is the only one calling for a contiguous, complete, concrete wall.
- Cited her “\$70 billion” cost estimate that CBP has disputed which she continues to characterize as having been informed by our recent briefing.
- Expressed concern that \$20 million was being taken from RVSS cameras for the wall prototype when agents say technology is more important than new wall.
- Agreed that some wall/fence is needed.
- Discussed land acquisition and eminent domain concerns, highlighting the case of a farmer whose land fell between the river and the fence whose house burned down because emergency services couldn’t access it (still attempting to verify). The Chairman noted that in 90+ cases, the landowner couldn’t be identified.

Opening Statement by former Acting Commissioner Aguilar

- Key statement: “Illegal border crossings have dropped dramatically, our border communities are some of the safest cities and communities in the United States, and trade between our two nations is thriving. The barriers and infrastructure built and expanded between 2005 and 2011 along the border played a large part in the enhanced control of our southwest border. We have done much to secure the border but there is much more to do.”
- Discussed the importance of infrastructure and its role in border enforcement, to include the need to factor in personnel and technology.
- Noted the adverse environmental impact of the flow of illegal traffic mitigated by infrastructure; outlined land ownership concerns (mostly in Texas); and tribal autonomy factors.
- Outlined threats at the border.
- Conclusion: “Border Patrol Agents and the Border Patrol as an organization agree that properly constructed, placed, and supported physical infrastructure is essential to border security.”

Opening Statement by former Deputy Chief Colburn

- Recapped history of past fencing from barbed wire fences to demarcate the border in the late 1970s to early chain link fencing in urban areas in the mid-1990s then pivoted to homeland security after 9/11 and the large-scale systems deployed in Yuma Sector in the mid 2000s.
- Discussed high-threat, high volume environment in Yuma at the time and the dramatic short-term impact infrastructure had on the region.

Opening Statement by Dr. Garrett

- Expressed concerns about the costs to the American taxpayer and cited 39% support/59% oppose favorability of the border wall concept.
- “Border walls have become part and parcel to corporate strategies to garner profits in the new era of post-911 insecurity.” Cited Boeing and SBInet specifically.

CBP CONGRESSIONAL AFFAIRS EVENT SUMMARY

- Spoke about eminent domain concerns and cited a statement given by Dr. Juliet García in 2008 related to infrastructure construction that impacted University of Texas at Brownsville/Texas Southmost College (now part of the University of Texas – Rio Grande Valley).
- Cited his belief that poor, Spanish speaking landowners fared worse than wealthier, English speaking landowners in these matters.
- Also referenced statements made by Judge Andrew Hannon and RGV National Border Patrol Council official Chris Cabrera.

Chairman Johnson

- Actual costs. Israeli border fence costs about \$2.9M per mile. Projected a southwest border fence would cost \$5B-\$8B. Acknowledged 350 miles of existing pedestrian fence and 300 miles of vehicle barriers, inquiring “how good is current fencing?”
 - Aguilar: Purpose of fence is to impede. Quite a bit needs to be replaced. How much is required will have to come from local Chief Patrol Agents. Stressed need to focus on national interest above parochial concerns in these matters.
- Referenced the Israeli border fence again – fifteen feet high, see-through, reinforced with rebar to prevent cutting; resulting in a five-minute response time.
 - Aguilar: Fence is most effective in areas where agents have seconds to minutes to make an apprehension. Discussed evasion techniques used by smugglers, to include tunnels, catapults and ultra-light aircraft.
- How did the situation in Texas result in levees?
 - Aguilar: Consulted with local to design. Reinforced levees and placed fence on top.
- Can the model be used other placed in Texas?
 - Aguilar: There are areas that could be accommodated by this design.
- Cost estimates?
 - Colburn: All nine sector Chiefs have cited the need for more fencing and repair of existing fencing. Recapped what is deployed in Yuma Sector.
- Inferred that “a couple hundred miles of fencing” is what is needed.
 - Colburn: Noted the Israeli’s work in fencing technology that works in sandy areas (“floating fence”).

Ranking Member McCaskill

- Repairs are important. Inquired about the importance of situational awareness related to visibility through the fence for agent safety.
 - Aguilar: Southbound line of sight is important, but can also be achieved with technology.
- Reiterated concern about taking aware technology funding for wall prototype design. Is resistance to land acquisition anticipated?
 - Dr. Garrett: Yes. Cited a golf community populated with many winter Texans. Also cited an article written by Kristian Hernandez for the *Monitor* in which a Hidalgo County Judge expressed opposition to the wall, but supported the levee style design if it must be built.
- Inquired if the government routinely underestimates time and costs of land acquisition.
 - Dr. Garrett: Yes. Also diverts judicial resources away from criminal prosecution.
- Impact on the security of cities like Brownsville?

CBP CONGRESSIONAL AFFAIRS EVENT SUMMARY

- Dr. Garrett: Ranked the “safest city in Texas.” Noted that crime has dropped on the U.S. side of the border.
- Rank order of resources deployment used to be personnel then technology then tactical infrastructure?
 - Aguilar: Correct. Current situation, technology would rank first followed by personnel or infrastructure depending on the location.
 - Colburn concurred.

Senator Lankford

- What did you see in terms of delays during the 2006 deployment? Were you able to proceed in other places concurrently?
 - Colburn: Yuma did not experience significant delays like other places as 95% of the land was already federally owned. Environmental considerations play into the process. Able to construct for \$1M per mile in some places versus \$5M per mile in others. No “cookie cutter solutions.”
- What technologies does the agency need? What doesn’t the agency have?
 - Aguilar: Technologies that provide situational awareness such as IFTs, RVSS, MSS...
- Towers – how close together? Two miles?
 - Aguilar: Placement of towers through view-shed process. Challenges experienced with Tohono O’odham Nation in Arizona. New technologies like tethered drones. Discussed limits of some technologies, to include foliage in Texas not seen in places like Arizona.

Senator Carper

- “Stream of consciousness”: “Just use some common sense.” Spending money we don’t have; waste. “Find out what works and do more of that.” More Mexicans returning back to Mexico than coming into the U.S. from Mexico. Miserable conditions in Central America and we are complicit in their misery. Funding for the Alliance for Prosperity initiative. Need for immigration reform (and previous Senate-passed version), guest worker program. Force multipliers: helicopters, VADER, drones, horses, sensors, towers, intelligence, landowner outreach.
 - Aguilar: “And more.” How you put those resources together is important. Situational awareness is critical.
- Walls/fences work, but 1,900 miles worth?
 - Colburn: Consequences are also important.
 - Dr. Garrett: Cited a human trafficking study from an expert at the Wilson Center. Leverage for intelligence.
- Cautioned against “unwise, unaffordable” spending.
- Chairman JOHNSON added a comment about Carrizo cane eradication.

Senator Heitkamp

- Reiterated McCaskill’s points that no one knowledgeable has called for a concrete wall across the entire border and border security as a common goal. Referenced our large northern border. Claimed “no one engages with locals (on the southwest border).” Entered statements from the Tohono O’odham Nation and Howard Buffett into the record.

CBP CONGRESSIONAL AFFAIRS EVENT SUMMARY

- Chairman JOHNSON challenged her assertion that no one has engaged, noting that Mr. Buffett had previously testified. Cross-talk about the wall ensued.
- How much land needs to be acquired?
 - Aguilar: private land is mostly in Texas; federal land elsewhere.
- No clear idea on deployment until report is finished (report called for by the Executive Order). Called for the “smart” use of resources. Spoke about engagement with Mexico, who is a critical partner.
 - Aguilar: Relationship between the U.S. and Mexico is unprecedented at present (in a positive way).
- Better relations with Canada.
 - Aguilar: Better developed, but relations with Mexico vastly improved. Provided advice on securing Mexico’s southern border.
- Look forward to the report. Should include partnerships and tribal outreach.
 - Aguilar: USBP does an excellent job building community relations.
- Chairman JOHNSON referenced the upcoming STAFFDEL as well as previous CODELs.

Senator Harris

- Outlined three priorities laid out in 2012 National Border Patrol Strategy. Viewed sophisticated smuggling tunnels in California while state AG. Also spoke of ultra-light aircraft and panga boats. “If money is spent on a wall, won’t traffic just go around?”
 - Aguilar: As long as the demand is present.
- Contrasted supply-and-demand for drugs with migration draws. What are CBP’s resource priorities?
 - Aguilar: Technology first then personnel or tactical infrastructure depending on the location. Cited the success in the “soccer field” area around San Diego that used to be “ceded” but now has high-value homes and commercial development.
- During the last major hiring surge, attempts by the cartels to embed agents/officers in CBP led to ABCA implementation. Expressed concern about “loosening standards” (did not expressly reference polygraph waiver, but was implied).
 - Aguilar: Lowering standards is unacceptable. Lessons learned from past hiring surges are being used.
- Made a comment about criminal organizations using incentives to corrupt agent and officers.
- Chairman JOHNSON referenced a November 2016 report on the insatiable demand for drugs and noted sources of agreement by both the majority and the minority.

Senator Hoeven

- Talk about the mix of resources.
 - Aguilar: Technology – highest need. Situational awareness impacts response times.
- What resources? Drones, sensors, etc?
 - Aguilar: Depends on locations. IFT versus mobile towers plus air support. Packaging of resources; must factor in personnel and infrastructure.
- DHS is taking this approach?
 - Aguilar: Absolutely.
- Importance of metrics? Useful to identify areas of improvement.

CBP CONGRESSIONAL AFFAIRS EVENT SUMMARY

- Colburn: Strength in the right mix of resources, rapidly deployed. TCO now employ flexible, sophisticated business models and tactics. Field commanders will not ask for more than what they need.
- How do you know?
 - Colburn: Field expertise. Technology continues to evolve. Look for less expensive, off the shelf and able to integrated.
- Use of metrics?
 - Colburn: Some metrics are easy; some are not. Shared a story with an Arizona sheriff where he asked the question “when will you get rid of all crime?” to frame discussion on border security.
- Importance of agreed-upon metrics. Fosters public understanding.
 - Dr. Garrett: What about economic security? Fears of lost revenue from reduced trade and travel in RGV region. Lost jobs; reduced investment by Mexican nationals.

Senator Daines

- Cited CBP’s March 8 press release touting a 40% reduction in apprehensions with skepticism as most years see an increase from January to February.
 - Aguilar: This has happened before. Believes that as of the end of March, may be a 67% decrease.
- “My interest in even more peaked.”
 - Aguilar: When substantive action is taken, the message resonates. Results in short-term drops. If there is no further action taken, numbers will rise again. Spoke to the “gain, maintain, expand” model of improving border security.
- What needs to be done to maintain lower numbers?
 - Aguilar: Address resource needs, to include those of supporting entities like ICE and HHS. Judicial resources.
- Tactical infrastructure needs are means to an end. What are the priorities by rank?
 - Aguilar: View BP requirements systematically, to include legislative avenues (i.e., immigration reform).
- In terms of infrastructure?
 - Aguilar: Fund it. Appropriate for it.
- Legal authorities exist?
 - Dr. Garrett: Hemispheric policy to stop flow needed. Efforts to reduce domestic drug consumption.
- Secretary Kelly takes wide view.
 - Colburn: Recently toured entire southwest border. Most Chiefs said the current drop is due to time needed to assess psychological impact of new political climate.
- Expressed that many Americans have expressed “fundamental feelings about enforcing the rule of law.”
 - Colburn: Supporting Mexico in their efforts to secure their borders; seeing immigration challenges like those we experienced with Mexico over past decades.

Chairman Johnson

- Need to stem the flow. Reduce the demand for drugs. Clear the court backlog (five year wait for notices to appear). Stop incentives. Raised Wisconsin anecdote about Capone having a summer place on an island and him having low tolerance for crime in that community.

CBP CONGRESSIONAL AFFAIRS EVENT SUMMARY

Attempted to draw a parallel to why border cities have experienced lower crime rates in recent years.

- Aguilar: Disagreed. Crime was rampant in these communities a few short years ago. Example – clothes stolen off clotheslines; breaking and entering into homes. Increase in enforcement resources resulted in reductions in crime.
- Colburn: Cartel-on-cartel violence across the border demonstrates success on our part. Cartels “make ISIS look like amateurs.”
- Dr. Garrett: Mexican military engagement with cartels as well. Most border violence is now in Mexico.

~ End of Hearing ~

From: (b) (6), (b) (7)(C)
To: [MCALEENAN, KEVIN K](#); (b) (6), (b) (7)(C); [FLANAGAN, PATRICK S](#); (b) (6), (b) (7)(C)
Cc: [OC BRIEFING STAFF](#); (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)
Subject: S1BB - Thursday 02.09.17 and Friday 02.10.17
Date: Wednesday, February 08, 2017 7:16:12 PM
Attachments: NON-RESPONSIVE
(b) (5)

FYI

From: (b) (6)
Sent: Wednesday, February 08, 2017 6:24 PM
To: (b) (6) >
Subject: S1BB - Thursday 02.09.17 and Friday 02.10.17

Attached is Secretary Kelly's briefing book for his trip to Nogales, AZ and San Diego, CA on Thursday, February 9, 2017 and Friday February 10, 2017.

(b) (6)
Office of the Executive Secretary
Department of Homeland Security
Desk: (b) (6)
BB: (b) (6)

From: (b) (6), (b) (7)(C)
To: [MCALEENAN, KEVIN K](#); (b) (6), (b) (7)(C); [FLANAGAN, PATRICK S](#); (b) (6), (b) (7)(C)
Cc: [OC BRIEFING STAFF](#); (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)
Subject: AS2BB - Monday 03.06.17
Date: Friday, March 03, 2017 6:20:33 PM
Attachments: (b) (5)

FYI

From: (b) (6)
Sent: Friday, March 03, 2017 6:13 PM
To: (b) (6) >
Subject: AS2BB - Monday 03.06.17

Attached is Acting Deputy Secretary Fulghum's briefing book for Monday, March 6, 2017

(b) (6)
Office of the Executive Secretary
Department of Homeland Security
Desk: (b) (6)
BB: (b) (6)

"ESEC: Excellent Service Endless Commitment"

From: (b) (6), (b) (7)(C)
To: [MCALEENAN, KEVIN K](#); [FLANAGAN, PATRICK S](#); (b) (6), (b) (7)(C)
Cc: [OC BRIEFING STAFF](#); (b) (6), (b) (7)(C)
Subject: S1BB - Monday 03.06.17
Date: Friday, March 03, 2017 6:21:07 PM
Attachments: (b) (5)

FYI

From: (b) (6)
Sent: Friday, March 03, 2017 6:14 PM
To: (b) (6) >
Subject: S1BB - Monday 03.06.17

Attached is Secretary Kelly's briefing book for Monday, March 6, 2017.

(b) (6)
Office of the Executive Secretary
Department of Homeland Security
Desk: (b) (6)
BB: (b) (6)

"ESEC: Excellent Service Endless Commitment"

From: (b) (6) on behalf of [Fulghum, Chip](#)
To: [S2 Internal](#); (b) (6); [MCALEENAN, KEVIN K](#); [Scialabba, Lori L](#); (b) (6) [ALLES](#); [RANDOLPH D](#); (b) (6) [JACKSTA, LINDA L \(AC HRM\)](#); [Roncone, Stephen](#); [Pane, Karen W](#); [Moore, Joseph D](#); [Hochman, Kathleen T](#); [Lewis, Donald R](#); [Fluegeman](#); (b) (6), (b) (7)(C) [CBP COMMISSIONER SCHEDULER](#); (b) (6) [Kolbe, Kathryn](#); (b) (6)
Cc: (b) (6) [#FLETC-DO-Staff](#); (b) (6) [KOLBE, KATHRYN](#)
Subject: Meeting on EO Resource Plan and Assumptions
Attachments: (b) (5)
NON-RESPONSIVE

Briefing Materials Attached

Dial-in: (b) (7)(E) PIN #: (b) (7)(E)

Attendees:

AS2 Fulghum

Jennifer Higgins

(b) (6)

CBP Kevin McAleenan, Randolph Alles

CIS Lori Scialabba (b) (6)

(b) (6), (b) (7)(C), (b) (6), (b) (7)(C)

USCG (b) (6), VADM (b) (6), Vice Commandant, ADM (b) (6)

FLETC (b) (6)

FEMA (b) (6)

CBP (b) (6) (CBP CFO), Linda Jacksta (CBP HCO)

ICE (b) (6), (b) (7)(C) (ICE ACFO), (b) (6), (b) (7)(C) (ICE HCO)

USCIS (b) (6) (USCIS CFO), (b) (6) (USCIS HCO)

FLETC (b) (6) (FLETC CFO), (b) (6) (FLETC HCO)

USCG (b) (6) (USCG CFO), (b) (6) (USCG HCO)

MGMT (b) (6) (OCFO/FO), (b) (6) (HRMS)

Task Force (b) (6) (Task Force Lead)

OCFO (b) (6)

OCHCO (b) (6)

CBP Kathryn Kolbe

Re: Meeting on EO Resource Plan and Assumptions

POC:

(b) (6)

BM:

<<EO Requirements Consolidated (2-15-17) v2.docx>> <<Copy of Exec Orders Reqs Costs (Summary).xlsx>>

From: (b) (6), (b) (7)(C)
To: [MCALEENAN, KEVIN K](#); [FLANAGAN, PATRICK S](#); (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C); [OC BRIEFING STAFF](#)
Subject: AS2BB - Thursday 03.02.17
Date: Wednesday, March 01, 2017 7:01:53 PM
Attachments: (b) (5)

FYI

From: (b) (6)
Sent: Wednesday, March 01, 2017 6:36 PM
To: (b) (6) >
Subject: AS2BB - Thursday 03.02.17

Attached is Acting Deputy Secretary Fulghum's briefing book for Thursday, March 2, 2017

(b) (6)
Office of the Executive Secretary
Office of the Secretary
Department of Homeland Security
(b) (6)

ESEC: Excellent Service, Endless Commitment

From: (b) (6), (b) (7)(C)
To: [MCALEENAN, KEVIN K](#); [FLANAGAN, PATRICK S](#); (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C) [OC BRIEFING STAFF](#)
Subject: S1BB - Thursday 03.02.17
Date: Wednesday, March 01, 2017 7:10:58 PM
Attachments: (b) (5)

FYI

From: (b) (6)
Sent: Wednesday, March 01, 2017 7:09 PM
To: (b) (6) >
Subject: S1BB - Thursday 03.02.17

Attached is Secretary Kelly's briefing book for Thursday, March 2, 2017.

(b) (6)
Office of the Executive Secretary
Office of the Secretary
Department of Homeland Security
(b) (6)

ESEC: Excellent Service, Endless Commitment

From: [FLANAGAN, PATRICK S](#)
To: [MCALEENAN, KEVIN K](#)
Subject: FW: URGENT!!!! CBS EVENING NEWS INQUIRY -- TOHONO O'ODHAM NATION & THE WALL
Date: Monday, April 24, 2017 5:02:59 PM

V/R
Patrick

Patrick Flanagan

(b) (6), (b) (7)(C)

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From: FLANAGAN, PATRICK S
Sent: Monday, April 24, 2017 4:55 PM
To: FRIEL, MICHAEL J <(b) (6), (b) (7)(C)>
(b) (6), (b) (7)(C)
Cc: LOWRY, KIM M <(b) (6), (b) (7)(C)>
Subject: RE: URGENT!!!! CBS EVENING NEWS INQUIRY -- TOHONO O'ODHAM NATION & THE WALL

(b) (6), (b) (7)(C) are you good with the below?

V/R
Patrick

Patrick Flanagan

(b) (6), (b) (7)(C)

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From: FRIEL, MICHAEL J
Sent: Monday, April 24, 2017 4:53 PM
To: FLANAGAN, PATRICK S <(b) (6), (b) (7)(C)>
(b) (6), (b) (7)(C)
Cc: LOWRY, KIM M <(b) (6), (b) (7)(C)>
Subject: FW: URGENT!!!! CBS EVENING NEWS INQUIRY -- TOHONO O'ODHAM NATION & THE WALL

Breaking CBS News inquiry re: TO Nation is against the border wall...

Proposed response:

(b) (5)

From: (b) (6)
Sent: Monday, April 24, 2017 4:08 PM
To: FRIEL, MICHAEL J <(b) (6), (b) (7)(C) >; Media Inquiry <MediaInquiry@HQ.DHS.GOV>; Lapan, David (b) (6); (b) (6)
(b) (6)
cc: (b) (6), (b) (7)(C) >
Subject: RE: URGENT!!!! CBS EVENING NEWS INQUIRY -- TOHONO O'ODHAM NATION & THE WALL

Adding (b) (6) who was checking her files- CBS did reach out, we have not sent anything yet. Would you have a proposed statement?

(b) (6)

From: FRIEL, MICHAEL J
Sent: Monday, April 24, 2017 4:06 PM
To: Media Inquiry <MediaInquiry@HQ.DHS.GOV>; Lapan, David (b) (6)
(b) (6)
cc: (b) (6), (b) (7)(C)
Subject: FW: URGENT!!!! CBS EVENING NEWS INQUIRY -- TOHONO O'ODHAM NATION & THE WALL

See the below. Want to ensure we're coordinated on this inquiry.

Are you in touch with CBS on this already? Looks like we're at the deadline for tonight's broadcast.

R/S

Mike

From: (b) (6), (b) (7)(C)

Sent: Monday, April 24, 2017 4:03 PM

To: Washington, Karinda <(b) (6), (b) (7)(C)>

>

Cc: (b) (6)

>

>

> ; FRIEL, MICHAEL J <(b) (6), (b) (7)(C)>

Subject: RE: URGENT!!!! CBS EVENING NEWS INQUIRY -- TOHONO O'ODHAM NATION & THE WALL

Adding Mike Friel from CBP OPA.

From: (b) (6)

Sent: Monday, April 24, 2017 3:55 PM

To: (b) (6), (b) (7)(C)

>

Cc: (b) (6)

>

>

>

Subject: RE: URGENT!!!! CBS EVENING NEWS INQUIRY -- TOHONO O'ODHAM NATION & THE WALL

Importance: High

Hi (b) (6)

Please see the highlighted section below. We believe CBP should be lead on the response in preparation for tonight's broadcast. Can you assist?

As you know OPE/IGA has been working closely with Tohono O'odham Nation on their request to meet with S1 and S2. IGA's Tribal Affairs Director (b) (6) is also cc'd.

Thank you,

(b) (6)

(b) (6) | Acting Chief of Staff

Office of Partnership and Engagement

U.S. Department of Homeland Security

Desk (b) (6) | Mobile (b) (6) | (b) (6)

From: (b) (6)

Sent: Monday, April 24, 2017 3:02 PM

To: (b) (6)

Cc: (b) (6)

Subject: RE: URGENT!!!! CBS EVENING NEWS INQUIRY -- TOHONO O'OODHAM NATION & THE WALL

Thank you. Standing by...

(b) (6)

Communications Director
Sustainability and Environmental Programs
Office of the Chief Readiness Support Officer
U.S. Department of Homeland Security

(b) (6)

(b) (6)

Leading the way with Affordable Readiness

From: (b) (6)

Sent: Monday, April 24, 2017 3:00 PM

To: (b) (6) >

Cc: (b) (6)

Subject: RE: URGENT!!!! CBS EVENING NEWS INQUIRY -- TOHONO O'ODHAM NATION & THE WALL

Importance: High

Adding OPE's (b) (6).

(b) (6) – as discussed, can you all help us develop a response to the below? I understand your office has worked directly with the TOHONO O'ODHAM NATION.

CRSO – keeping you all on the chain for visibility.

Thank you,

(b) (6)

Public Affairs Officer
Office of the Under Secretary for Management
U.S. Department of Homeland Security
d: (b) (6) | m: (b) (6)

From: (b) (6)

Sent: Monday, April 24, 2017 2:54 PM

To: (b) (6) >

Cc: (b) (6)

Subject: URGENT!!!! CBS EVENING NEWS INQUIRY -- TOHONO O'ODHAM NATION & THE WALL

Importance: High

Folks – short fused...high profile. Can we piece together a response quickly for USM review?

(b) (6)

Public Affairs Officer

Office of the Under Secretary for Management

U.S. Department of Homeland Security

d: (b) (6) | m: (b) (6)

From: (b) (6)

Sent: Monday, April 24, 2017 2:49 PM

To: (b) (6) >

Subject: FW: CBS EVENING NEWS INQUIRY -- TOHONO O'ODHAM NATION & THE WALL

Importance: High

(b) (6)

Short fuse here – what would we ordinarily say? Is there NEPA language we need to include as well?

Let me know what you would propose as a response so I can flag it for folks here.

From: (b) (6)]

Sent: Monday, April 24, 2017 1:01 PM

To: (b) (6) >

Cc: Media Inquiry <MediaInquiry@HQ.DHS.GOV>

Subject: CBS EVENING NEWS INQUIRY -- TOHONO O'ODHAM NATION & THE WALL

Hello:

The CBS Evening News with Scott Pelley is doing a story on the Tohono O'odham Nation's opposition to any plans that involve building a border wall on its land. What is Homeland Security's response? We would like to include the response in tonight's piece.

Please respond as soon as possible because we are working on deadline for tonight's broadcast.

Sincerely,

(b) (6)

(b) (6)

Producer

CBS Evening News with Scott Pelley

(b) (6) (b) (6)

(b) (6)

From: [MCALEENAN, KEVIN K](#)
To: [FLANAGAN, PATRICK S](#)
Subject: FW: Staff Draft of Border Bill
Date: Monday, March 20, 2017 11:55:34 AM
Attachments: (b) (5)
Importance: High

Please staff out appropriately.

From: (b) (6) [mailto:(b) (6)]
Sent: Monday, March 20, 2017 11:54 AM
To: MCALEENAN, KEVIN K (b) (6), (b) (7)(C) >
Subject: FW: Staff Draft of Border Bill
Importance: High

If you have trouble falling asleep tonight.

From: (b) (6), (b) (7)(C)
To: ALLES, RANDOLPH D.; (b) (6), (b) (7)(C) FLANAGAN, PATRICK S.; (b) (6) FRIEL, MICHAEL J.; (b) (6), (b) (7)(C) ; LOWRY, KIM M.; MCALEENAN, KEVIN K.; (b) (6), (b) (7)(C)
Subject: OPA Daily Report - April 25, 2017
Date: Tuesday, April 25, 2017 3:17:51 PM
Attachments: image004.png

OPA Daily Report – April 25, 2017

Media:

- CBP Office of Public Affairs responded to Paul Facey, of “CBS Evening News with Scott Pelley,” regarding the Tohono O’odham Nation’s opposition to plans that involve building a border wall on its land. Lead: Mike Friel

CBP Statement:

“U.S Customs and Border Protection is committed to implementing the President’s Executive Order on border security and immigration enforcement improvements, which directs CBP to construct a border wall, deploy technology and hire additional border agents in order to secure the southwest border. We also remain committed to consulting with the Tohono O’odham Nation regarding CBP’s efforts to secure the border. As we have experienced in border communities such as San Diego, California, Nogales, Arizona, and El Paso, Texas, border security improvements, including physical barriers on the border, have proven to significantly reduce illegal cross border activity in those areas, as measured by arrests and drug seizures.”

Social Media:

Tweets:

Tweet Activity



Impressions: number of individuals that viewed the tweet on Twitter.

Engagements: number of times an individual interacted with the tweet, i.e., liked, favorited, shared, etc.

Communication and Outreach:

CBP.gov (Team Lead: (b) (6), (b) (7)(C))

- Published the [Border Patrol Agent Entrance Exam Preparation Guide](#) and the [CBP Officer Entrance Exam Preparation Guide](#).

Internal Communications (Lead: (b) (6), (b) (7)(C))

- **Email message:** REMINDER: Federal Pharmaceutical Take-Back Event

CBPSpeaks (Lead: (b) (6), (b) (7)(C))

DHS Speakers Bureau cleared the following speaking engagement:

- (b) (6), (b) (7)(C), division chief, U.S. Border Patrol, is scheduled to speak at the 4th Annual Wharton School of D.C. Innovation Summit on May 9 in Bethesda, Maryland. Topic: Relationships and collaboration between federal, state, local, tribal, NGO and industry. Closed press.

Visual Communications:

- Video Branch recorded a pen-and-pad with Deputy Assistant Secretary for Media Operations/Press Secretary for DHS David Lapan and media representatives. Provided an audio recording of the meeting to his office for review.
- Uploaded to CBP Flickr three photos of CBP providing a tour to DHS Secretary John Kelly at the Cross Border Xpress in San Diego near San Ysidro.
- Added one slide to the CBPNow digital signage playlist.



(b) (6), (b) (7)(C)

Chief of Staff - Office of Public Affairs
U.S. Customs and Border Protection

Office: (b) (6), (b) (7)(C) * Mobile: (b) (6), (b) (7)(C)

From: [KOLBE, KATHRYN](#)
To: [MCALEENAN, KEVIN K](#)
Cc: [VITIELLO, RONALD D \(USBP\)](#); [FLANAGAN, PATRICK S](#) (b) (6), (b) (7)(C)
Subject: Integrated Border Security Improvement Plan for Final Review
Date: Saturday, September 30, 2017 5:48:34 PM
Attachments: (b) (5)

Commissioner,

The Integrated Border Security Improvement Plan is attached for your review.

Unfortunately, some outstanding issues remain, like pagination and the Secretary's photo. We will fix those remaining issues Monday (before it goes to DHS & OMB), but you can accomplish a substantive review of this integrated version.

This version of the BSIP incorporates changes made pursuant to DHS comments and incorporates the Border Wall & Border Metrics reports as appendices. The substantive changes that have been made are as follows:

- Ownership of the Report: The legislative language requires this report come from the DHS Secretary. Thus, the report has been amended (see pages ii-iii) to reflect that this is a DHS report. This also includes additional language on pages 4-6 describing the DHS border security enterprise.

- Activities and Milestones: Text was added under the goals and objectives to provide a general overview of the activities and milestones associated with each objective to better comply with the legislative requirement.

- Financial Data: The legislative language requests information on the "planned obligation of funds from Fiscal

Year (FY) 2018 through FY 2021. However, it was noted that FY2019 - FY2021 information is generally

considered pre-decisional. This is noted on p.23, paragraph 4 with the recognition that funding for FYs 2019-

2021 will be addressed in future budget cycles. It is also noted that the Impedance and Denial report

contained in Appendix B does include financial estimates through FY 2021 because CBP has already

projected those funding amounts. These are not life-cycle costs, but rather ROM construction investments.

- Impedance and Denial Prioritization Strategy: Per your guidance, this has been added as Appendix B in this

report. It is referenced in various sections of the BSIP where impedance and denial is discussed (see pages:

7, 16, 23, 41)

- Border security metrics have been added as Appendix D on page 153.

We were informed yesterday that the Secretary promised Capitol Hill this report next week, during her HSGAC testimony (last week). OMB continues to request the report and we assured them yesterday that it was in final review & DHS should receive the report first thing next week, after which it would be sent to OMB for clearance.

VR, KK

Kathryn L. Kolbe
Executive Assistant Commissioner
Enterprise Services
U.S. Customs and Border Protection
Office (b) (6), (b) (7)(C)
Cell (b) (6), (b) (7)(C)

Kathryn L. Kolbe
Executive Assistant Commissioner
Enterprise Services
U.S. Customs and Border Protection
Office (b) (6), (b) (7)(C)
Cell (b) (6), (b) (7)(C)

From: [LOWRY, KIM M](#)
To: [MCALEENAN, KEVIN K](#); [ALLES, RANDOLPH D](#)
Cc: [FLANAGAN, PATRICK S](#); (b) (6), (b) (7)(C)
Subject: RE: HEARING TRANSCRIPT 02-07-2017 S1 before CHS
Date: Tuesday, February 07, 2017 8:27:15 PM
Attachments: [AAR CHS Hearing on Border Security S Kelly State and Local Panel....docx](#)

Sirs

Second to last email tonight. Attached is the OCA AAR for the second panel today.

VR

Kim

From: LOWRY, KIM M
Sent: Tuesday, February 07, 2017 7:26:57 PM
To: MCALEENAN, KEVIN K; ALLES, RANDOLPH D
Cc: FLANAGAN, PATRICK S; (b) (6), (b) (7)(C)
Subject: FW: HEARING TRANSCRIPT 02-07-2017 S1 before CHS

C1/C2

Please see attached and below

VR

Kim

From: (b) (6)
Sent: Tuesday, February 07, 2017 6:15:24 PM
To: LOWRY, KIM M; (b) (6)
Subject: FW: HEARING TRANSCRIPT 02-07-2017 S1 before CHS

FYI. Attached and below you will find the S1's transcript from today's hearing.

(b) (6)

(b) (6)
Acting Chief of Staff
Office of Legislative Affairs
Department of Homeland Security

(b) (6) (office)
(b) (6) (cell)

From: (b) (6) On Behalf Of DHS Legislative Affairs
Sent: Tuesday, February 7, 2017 6:07 PM
To: (b) (6)

(b) (6)
(b) (6)
(b) (6)
(b) (6)
(b) (6)

CBP CONGRESSIONAL AFFAIRS EVENT SUMMARY

EVENT DATE: Tuesday, February 7, 2017
Panel I: 10:00 a.m.; Panel II: 2:00 p.m.
PRIMARY OCA TEAM: Border, Air & Marine Operations
PRIMARY OCA STAFF: (b) (6) (Panel I) and (b) (6) (Panel II)
TYPE OF EVENT: Hearing entitled "Ending the Crisis: America's Borders and the Path to Security"
COMMITTEE: House Committee on Homeland Security
LOCATION: House Visitor Center

WITNESS

Panel I

1. The Honorable John F. Kelly, Secretary, U.S. Department of Homeland Security

Panel II:

1. Mr. Steve C. McCraw, Director, Texas Department of Homeland Security
2. Mr. Joe Frank Martinez, Sheriff, Val Verde County, Texas
3. Mr. Leon N. Wilmot, Sheriff, Yuma County, Arizona
4. The Honorable Eddie Treviño, Jr., County Judge, Cameron County, Texas

COMMITTEE HEARING LINK:

<https://www.c-span.org/video/?423321-1/homeland-security-secretary-john-kelly-testifies-us-border-security>

CONGRESSIONAL ATTENDEES (**Indicates that the Member attended both Panels)

Majority	Minority
Rep. Michael McCaul (R-TX-10) <i>Chairman</i> **	Rep. Bennie Thompson (D-MS-2) <i>Ranking Member</i> **
Rep. Lamar Smith (R-TX-21)	Rep. Shelia Jackson Lee (D-TX-18)
Rep. Peter King (R-NY-2)	Rep. James Langevin (D-RI-2)
Rep. Mike Rogers (R-AL-3)	Rep. Cedric Richmond (D-LA-2)
Rep. Jeff Duncan (R-SC-3)	Rep. William Keating (D-MA-9)
Rep. Tom Marino (R-PA-10)	Rep. Donald Payne (D-NJ-10)
Rep. Lou Barletta (R-PA-11)	Rep. Filemon Vela (D-TX-34) **
Rep. Scott Perry (R-PA-4) **	Rep. Bonnie Watson Coleman (D-NJ-12) **
Rep. John Katko (R-NY-24)	Rep. Kathleen Rice (D-NY-4)
Rep. Will Hurd (R-TX-23) **	Rep. J. Luis Correa (D-CA-46)
Rep. Martha McSally (R-AZ-2)	Rep. Val Butler Demings (D-FL-10)
Rep. John Ratcliffe (R-TX-4)	Rep. Nanette Diaz Barragán (D-CA-44) **
Rep. Dan Donovan (R-NY-11)	
Rep. Mike Gallagher (R-WI-8)	
Rep. Clay Higgins (R-LA-3)	
Rep. John Rutherford (R-FL-4) **	

CBP CONGRESSIONAL AFFAIRS EVENT SUMMARY

Rep. Thomas Garrett, Jr. (R-VA-5)	
Rep. Brian Fitzpatrick (R-PA-8)	

EXECUTIVE SUMMARY

On February 7, 2017, DHS Secretary Kelly testified before the House Committee on Homeland Security. Top tier topics discussed were the President's Executive Order (EO on vetting and the EO involving a border wall. Specific questions on vetting included concerns of terrorists using cover of refugee status as a way of entering the U.S., reasoning of the seven countries that were selected as part of the EO regarding vetting, if more countries should be added or taken of the list, and if there was confusion and chaos during DHS/CBP's efforts to implement executive order. Specific questions on border security included concerns on how the wall would be paid for, would wall extend across whole southwest border, what exactly was meant by "barrier", and what are the elements of a layered approach to protect our borders. Additional questions included overall northern, southern and costal border security, hiring of more Border Patrol Agents as indicated in the EO, front line agent and officer (CBP) morale and ability to perform their job, need for ramping up of courts/judges (ICE) to implement executive order direction on quick deportations, need for reduction in U.S. drug demand, tactics used by cartels and smugglers to get products (drugs, people, counterfeit money, weapons) into the U.S., and DHS's cybersecurity mission.

GET BACKS

1. Ranking Member Thompson: guidance CBP workforce personnel were provided once the executive order regarding vetting was signed.
2. Rep. Correa: Count of Special Interest Aliens coming from Mexico versus Canada.
3. Rep. Barragán: Specific examples of refugees slipping through existing vetting process.

KEY TAKE AWAYS

Opening statement by Chairman McCaul

- Discussed executive orders and looking forward to being updated on efforts to execute.

Opening statement by Ranking Member Thompson

- Executive order on 7 foreign countries will make our borders less safe and distracts our border personal from doing their job of protecting our border and prescreening visitors from far away countries. Opposes America tax payers paying for a border wall.

Opening Statement by Secretary Kelly

- Discussed military background, security challenges facing our country, pride in meeting DHS employees, importance of executing the law, and executing new administration's executive orders of a physical barrier and vetting.

Chairman McCaul

- What are lessons learned for trying to implement the extreme vetting order?
 - We got a cursory look at drafts and intent was to get it out quick. However, in retrospect, I should have asked it to be delayed so we could have talked further with congress and agencies on execution of order.
- What is this wall going to look like, cost, and how we are going to pay for it?
 - Just visited south Texas (McAllen) on this specific issue. Talked to ICE and CBP. Asked if we need more wall? Answer: "We need to extend some walls, fill in some areas with physical barriers (want barriers we cannot see through), and then add technology where appropriate." I'll go to Tucson and then San Diego next to ask same question. Priority is to build wall in places where front line says we need it right now.

CBP CONGRESSIONAL AFFAIRS EVENT SUMMARY

- 100 percent visibility is what we want.

Ranking Member Thompson

- Do you believe, as the President has tweeted, that the court order staying the executive order has allowed bad people in?
 - It's possible. EO's "travel pause" is to get our arms around vetting.
- Does that mean your people aren't doing their job?
 - No
- Than what does this add?
 - Looks further at 7 countries vetting and refugee vetting. I believe current vetting is loose. Info we receive from those countries is not what we should be betting our country's safety on.
- If we have let in people that are bad actors or should not have been let in, will you provide those names to the committee?
 - When we know they are a bad persons, of course.
- So you can't tell us until...?
 - Not until the boom.
- We still have to follow the law.
 - Our concern is vetting on the other end. Important to look at adding measures on the other end; countries where people are coming from.
- Can you provide us with the guidance that was provided to workforce when vetting executive order was signed?
 - Took as get back.

Rep. King

- Clarify where the 7 countries came from and if you think we should add to that list?
 - Came from previous administration and congressional statements that they are state sponsors of terrorism as well as counties that don't have embassies. Will take a look as we go forward on if they should remain on the list.

Rep. Jackson Lee

- Yemen mission, executive order on vetting, Bannon on National Security Council – I believe administration is off its wheels. Do you have any evidence of anyone coming to this country these last five years from the 7 countries?
 - Individuals from these countries have committed terrorist acts in Europe.
- But not in the U.S.?
 - I think that is correct, but can't base my view of protecting U.S. on the hope that they will never come here.
- Why was Saudi Arabia not included?
 - List is about cooperation from countries. Saudi Arabia, we may not like everything they do, but they do have good police an intelligence forces, so have good intelligence on who we are vetting there.
- What excuse do you give for children not being let in (showed pictures) who have been vetted and are refugees that now we won't let in?
 - This is a pause as we [reexamine] this process and start to look and evaluate how well these countries can vet these people.

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Rep. Rogers

- How do you see the securing of the border coming together with technology, type of wall (assuming you mean a virtual wall with mix of tech, barriers, and manpower)?
 - CBP and local LEOs will tell you exactly where they want a wall built right now. I will rely on them for recommendations. As we build out the wall we will support it with technology (aerostats, sensors on ground) and manpower. Concerned that some of the current tech used is from the 1980s, so need to look at upgrading that. Where we can't build a wall right now, we'll look to control border with tech and patrol.
- What's your timeline?
 - Hard to say. Depends on funding. Would like to see us well underway in two years. Currently have 650 miles of barrier now we maintain. More wall being built in San Diego sector. It's going to take time but places we could get a this right away,
- I'm going to introduce legislation to put a tax on some products from Mexico to generate money for wall resources. Have you heard of other suggestions for how we are going to pay for wall?
 - I have not. White House is working this. Haven't heard specifics.

Rep. Langevin

- Was refugee ban based on specific new evidence DHS has?
 - Based on countries that can't help us properly vet people. Countries in disarray, especially the country of Syria. Pause gives me time to work with CIA, DoD, State, etc to decide what other vetting we need. Right now it's too minimal.
- Agree that the U.S. has real threats from terrorists, and vetting is critical, but this order will make us less safe not more. Strong vetting is already in place. It's kept us safe.
- NY Times story says ban would hurt our soldiers overseas. Do you believe ban will hurt safety of military fighters over in Iraq?
 - No

Rep. Duncan

- Is President Trump's order a Muslim ban?
 - No
- Do you believe order is necessary to ensure US safety?
 - Yes
- Read previous administration leader (Sec Johnson, CIA Director, military generals) statements on vetting and border security stating. Statements conveyed ideas of: Don't know much about Syrian refugees. Hard to vet them. Records not good or lost. ISIL/terrorists will use this to their advantage and try to enter U.S. Customs & Border Protection. This new OE is good policy. I support this policy.

Rep. Richmond

- Is Steven Bannon a Dept of Homeland Security employee?
 - No
- Are you a standing member of the National Security Council?
 - Yes
- Has an advisory to the president been a standing member to the National Security Council?
 - Don't know; Hard for me to believe there hasn't been in the past.
- Find it appalling and disgraceful that Bannon is on the NSC.

CBP CONGRESSIONAL AFFAIRS EVENT SUMMARY

- In the ban it mentions 9/11; 15 of the 19 terrorists that committed 9/11 were from Saudi Arabia, so why isn't that country on the list?
 - They have very good intelligence and police foundation, which makes vetting possible.
- If it's not a Muslim ban and this is just a pause, how do we have an un-pause for Christians?
 - It's a case by case basis that I oversee for who we let in.
- Glad there is a way to do this case by case, but are we going to put persecuted first or a religion first?
 - We will not use religion as basis, persecution yes, but not religion.
- Will you keep voting infrastructure as part of critical infrastructure?
 - Yes.
- President Trump says there are 3 to 5 million people he thinks voted illegally. Are we going to investigate?
 - We should assist all states to make sure voting systems are protected.

Rep. Barletta

- Are the critics correct? Have there been no problems at all from these 7 countries?
 - My job is to protect the Homeland. Hope is not a course of action for me. Judges are in a different world; have academic discussions in a vacuum. I'm charged with protecting our nation, and can't rely on hope that they won't do us harm.
- My district is overrun with illegal migrants committing crimes and no one is speaking for the victims of these crimes. Interior EO established Victims of Crimes Committed by Removal Aliens office. How soon will that be setup?
 - Being setup as we speak. Currently setup in ICE. Asked them to raise it to the Secretary level. We need better visibility on these criminal cases that happen at the hands of illegal migrants. Intent is to have them serve them time, and then once paroled send them out of our country.

Rep. Keating

- Recent article stated Boston marathon attack would have been averted if for this EO. I was on that committee, and that's not true. Words matter.
 - Public officials at every level need to be exacting in their words to the public.
- Homegrown terrorism is my number one domestic terrorism concern; do you agree?
 - I wouldn't say the most because there are many that are pressing, but it's important.
- Chain of command issue in enacting order. Confusion from gov't, airlines, private side in enacting order. There was chaos. Do you agree?
 - If you talk to CBP that were working the counters, they don't know what you are talking about. There was no chaos.

Rep. Perry

- DHS ranked last in morale as place to work in federal government. Do you think previous administration's action, and press, has had an adverse effect on your employees (USBP especially)?
 - Yes. New at this job, but in talking to front line employees their morale has suffered. Feel hands tied behind their backs. EOs should help them be able to do their job and lift morale.
- Noted that we have caught terrorists here on U.S. soil, and lines at airports are worth our safety.

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- USBP Union noted that law enforcement has been hand cuffed and USBP required to let people go; migrants claiming minor status but actually gang members and trafficking drugs. Can you tell us today, what has changed in policy
 - Various policies that hampered them have been lifted. We need to reinforce surge of courts/judges to get after illegal aliens and properly deport. We can pick them up all day long but got to process them and deport them. Laws are there, and they are good laws.

Rep. Payne, Jr.

- No evidence of terrorists from the 7 countries. Countries not on that list – Lebanon, Egypt, United Arab Emirates, Saudi Arabia. Think these may need to be added?
 - Not a Muslim ban. Countries you mention have systems to help us vet. Countries on the list, put on by the last administration, do not have systems in place to help us feel confident about vetting.
- Recent EO directs you to hire 5000 USBP agents. What is the time frame for hiring these additional agents?
 - We will add to the ranks ICE and CBP people, but we will not lower standards and training. I don't think we will get 10,000 and 5,000 on board in the next couple of years, and I would rather have quality people in those roles than lower standards.

Rep. Katko

- Agree that hope is not an option, and appreciate all you're doing to keep us safe.
- My district (NY-24) is overwhelmed with heroin. By tightening up the border can you tell me how it will help curb this problem?
 - If the drugs are in the U.S. than we've lost. Columbia is our best friends in helping fight this fight. We are never going to get to zero. We don't have a drug demand reduction strategy in the U.S, and that's embarrassing. People in the south (Guatemala) tell us to stop lecturing them about drugs being made and start fixing the demand. We have to get in the business of Drug Demand Reduction. This is not a new problem – 60s and 70s – but then it was in the inner city it got less coverage, but now people are dying everywhere (rural, suburbs) so people care more, and we should capitalize on this concern.
- If you strengthen the southern border will it help?
 - Yes

Rep. Vela

- Is building a wall a real viable option?
 - He's asked me to look at what we need. There are places we need physical barriers right now, and other places we need it when we can afford it and have time to build.
- Building 2000 mile wall is not the best way to achieve border security?
 - It's a layered defense. Must also focus on (1) Drug Demand Reduction, (2) Help southern countries, (3) Immigration system that doesn't take years to return migrants to their countries, etc.
- Forcefully reject the idea of building a wall along the southern border. Mexico is a huge ally.
 - If 100% of drugs and illegal migrants and counterfeit drugs are coming up through the southwest border, than we need to do something on the southwest border.

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Combination of barriers, technology, manpower. The SW border is a gaping wound in our defenses.

- Has someone at CBP said you need to build a 2000 mile wall?
 - Frontline can only speak to their sector and frontline says barriers work and must be backed up by tech and manpower.
- 14 billion dollars to build a wall is a good use of resources?
 - Need physical barriers backed up by technology and people. Frontline can tell you where they need 2, 20, 50 miles built today, tomorrow, and in the future.
- Threat of terrorist entering this country is at our airports, sea points, and at southern and northern border. If we are obsessed with only the southern border aren't we missing the boat?
 - We do great at the airports, Canada is a great partner, but right now we have a completely exposed flank called the SW border. Mexican partnering is important. Need to push border 1500 miles south.

Rep. Hurd

- Need to stop talking about wall building business and need to talk about security business. 828 miles in my district. Showed natural barriers in 23rd TX district of lake, river and cannon, and asked if these count as physical barriers.
 - Secretary applied "Yes, they are a physical barrier to movement, but need to be patrolled as well" to questions.
- Do you think these are good places to build a wall?
 - I'd like to talk to the people that patrol those area.
- They will tell you they need horses [talking about cannon specific area]. San Diego doesn't need horses.
 - If that's what they need, that's what we'll look at.

Rep. Watson Coleman

- How can you say this is not a ban on Muslim when President Trump's own words have said otherwise?
 - It's a pause and it's not being done because they are Muslim but because info we can obtain from their countries for vetting. Is lacking.
- Concerned with countries not included in this ban, like Saudi Arabia? Why not them when we've included other countries that have no examples of committing acts of terrorism in the U.S.
 - Pre 9/11 we did things differently than we do post 9/11. We can work with Saudis on vetting records and info needed.
- Current vetting process for refugees from Syria is even more layered than normal vetting. Most are old, ill, and children. Why do we need to put a pause on these individuals? What is the threat? What is the reasoning?
 - Pause is to ensure we have current vetting needs in place. Pause does not put a hardship on people who have already been waiting a year or two. Understand conditions are terrible there but security here is critical.
- I know nothing is perfect, but let's not forget all the good work already being done in vetting.

Rep. McSally

- Submitted union statement for the record [look into getting copy].

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- Four main areas of concern:
- (1) Measurement of border security is currently insufficient. Asked USBP Chief Vitiello last year what percent of the 2000 mile border they had SA on. Answer – 56%. Not acceptable.
- (2) We are seeding territory. USBP talks about defense in depth and that we have days or hours to intercept illegals, but for those of us that live there, that is just not the case.
- (3) Checkpoints - fixed check points don't actually work, and we don't even take metrics to know if they would work. We may small time smugglers, but cartels are smarter.
- (4) Actual number of USBP patrolling border versus doing other work is wrong ratio. What is that number?
 - Have heard from front line agents/officers some of the concerns you mention and I will take a look at all this.

Rep. Rice

- Article reports that Mr Bannon told you not to lift the green card part of the EO.
 - Every part of that article was wrong. Reporter (or sources) made it up.
 - I work for one man – President Trump.
- I'm sure you meant you work for the American people first and foremost.
- If EOs are going to continue at this pace, how will you make sure you are better involved in process to craft EOs and how they are rolled out?
 - I was involved in some of the writing of the EOs, but in future we will more fully engage congressional leadership before rolling out EOs.
- President Trump spent 18 months talking about banning Muslims. You are now saying it's a "pause" and not geared towards Muslims. If that's true, what ways would you recommend to make vetting better? The EO was void of suggestions.
 - Campaign rhetoric is different than when you sit in the actual seat. He's tasked me to protect the nation and get control of the SW border.
- Bring us suggestions on the vetting process.
- President Trump has said the press doesn't report on terrorists incidents. Do you agree?
 - Think they do their best, but they go with the story and facts they have. Real info is in classified realm, and they can't cover that.
- Do you know what terrorist incidents the President was referring to?
 - No.

Rep. Ratcliffe

- Texas has heard a lot of tough talk for a long time, but not real action. They've lost faith in federal government. I concerned that we deport illegals on Tuesday and they cross the "imaginary unsecured line" again on Wednesday. I'm grateful administration and you will take these threats seriously.
- Digital borders are even more difficult to defend. Cybersecurity is the national security issue of our time. Affects personal information, infrastructure, economy, etc. DHS cybersecurity mission is immense. Look forward to working with you on this.
- Will DHS maintain role it currently has in protecting .gov domain?
 - Yes. Threat is changing faster than we are keeping up with it. Sensitive to this concern. Got to partner with industry.

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Chairman McCaul

- Soon to be published Executive Order on cyber must be worked with this committee. Do not want it to be against current law. This is critical.
 - We are working with your staff. Leaked draft is not the real one. We will make sure EO says the right things and works on the right things, and will work on this with Congress.

Rep. Correa

- Muslim citizens in my community, and around the country, are sacred.
- We must address immigration with good public policy. DACA covers good people that do good needed work here. Why kick them out?
 - I have to uphold what the law says. If the law is bad, I urge you to change the law.
- 20/30 years ago drugs came through the Caribbean. We were so good at curbing this that we shifted the drug road through Mexico. We made there country less safe through our actions. If we stop it in Mexico, won't they just move to Canada or somewhere else?
 - Agree. Drug demand is huge factor. They are mailing it now. They will find a way.
- Can you give me a count of SIAs coming from Mexico versus Canada?
 - Took as a get back.
- Mexico immigration is all time low due to economic growth. If we tax commerce in Mexico, aren't we just going to hurt there economy and then hurt stability.
 - Agree that if people are better off economically and socially in their own countries, they will stay home with their families.

Rep. Donovan

- When will you nominate FEAM administrator?
 - Trying to find the right people. Confirming them is long tedious work but important. Career public servants have stepped up and are very capable (FEMA great example). Not sure of timeline for political appointees.
- EO on interior – we depend on federal funds and grants for certain areas (believe he was referring to Operations Stonegarden). Is there guidance on how they might be affected?
 - Locals LEOs have said “please don't penalize us for actions of elected officials.” I will make sure we do this in a measured way to ensure police/sheriff deps have what they need.

Rep. Demings

- Data analytics is imperative to securing the border. Joint partnering is imperative. Do you agree?
 - Yes.
- Have you met with any stakeholders yet for data analytic partnering?
 - Not yet, two weeks on job, but will.
- We are hearing that refugee vetting checks is minimal. But our vetting process is most robust in the world. What's wrong with our process?
 - The process now is as good as it can be based on past philosophy and realities of countries that are in collapse. People interviewing refugees don't have a lot to work with. They just have to take the word of the individual. I don't think that's enough. President Trump doesn't think it's enough. Need better way to track records, money, where they've lived, contacts, etc. – anything of that nature to get our hands

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around this. I can't say that all 7 countries will come off in 80 days, but I hope some of them will.

- Is the list prioritized?
 - No. Two are state sponsors of terrorism, and others don't have an embassy.

Rep. Gallagher

- Domestic radicalization most concerns me.
 - Trying to get in someone's head doesn't work. Solution needs to be with parents, spouses, communities, watching sites people are going on and reporting it. Whether its extremists coming out of Christian churches, mosques, synagogues, need to watch them and report when they see signs or radicalization. Federal and state government can't do it. Got to start in the home, communities.
- To what extent will you engage Muslims, here and abroad, to combat terrorism issues?
 - In Iraq, we targeted bad guys with guns, but also worked with churches, communities, and built up partnerships and protect good people to combat terrorism. Message is the same to all people – keep an eye on your children, siblings, and report what you see. We don't need to tell them not do bad things, but need to assure them of importance to watch and report on concerns they have about people becoming radicalized.

Rep. Barragán

- Trump tweeted “check very carefully.” What was DHS not doing before that order that they are doing now.
 - Doing business as normal; obeying judge's ruling.
- Doing nothing new or different?
 - Men and women who work counters always do their work very carefully.
- Any specific examples of refugees slipping through?
 - Take for the record.
- Do you know how many countries don't have U.S. embassy?
 - No.
- Do you think it's more than 7 countries that don't have embassies?
 - Take as get back.
- So should we close our borders to all countries that don't have embassies?
 - If there are countries that don't have embassies not on this list I'm sure its cause we have confidence in there law/intel programs.
- You testified there was no chaos at CBP?
 - At airports, that is correct.
- I was at LAX and saw chaos. I asked to speak with someone at CBP and office was shut down. As a Congresswoman, I couldn't ask questions. People coming off the plane indicated chaos.
 - CBP people said they were doing their normal jobs and allowed who should pass to pass, and who should have further screening got that screening. Frontline people were focused on doing their jobs. There's a number for congress to engage DHS leadership about these issues which we can get you.

Rep. Rutherford

- I represent Port of Jackson. Talk about your experiences with Southern Command on maritime security and drug interdictions.

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- We can see drugs coming up thanks to joint interagency taskforce. Great deal of clarity in that area. Couple years back we did see some flow coming up the island chain through Puerto Rico and Dominican Republic again, but USCG closely watches and interdicts that. As we try to stem the border flow along the SQ border cartels will adjust to maritime area, but we have great relationships with Dominican Republic and have strong ways to interdict.
- Support USCG Cutters?
 - Yes.

Rep. Fitzpatrick

- Opioids is an epidemic that disproportionally affects the north east. Do you have a comprehensive strategy on not just slowly it down but stopping it?
 - Drug Demand Reduction critical. Cartels are brilliant in how they do business. Saw a need that U.S. wanted more heroine, so they started growing poppies. Brilliant business men that respond to demand. We need to work on border security (layered approach), follow/go after the money, work on demand reduction, strengthen ports of entry security, etc.

Rep. Higgins

- I don't think last administration used social media enough to track potential terrorist. To what extent will we increase this in the vetting process?
 - Already looking at enhanced/additional screening, regardless of vetting EO, that may involve asking for websites and passwords. Kinds of things we are thinking about.

Rep. Garrett

- Series of quick direct questions on Secretary Kelly's duty under the constitution to protect the constitution, U.S. security, and if more vetting than less is good.
 - Secretary Kelly answered in the affirmative to all.

~ End of Panel I ~

PANEL II

Testimony of Steve McCraw, Director, Texas Department of Public Safety

- Spoke of the mandate received from the Texas Legislature to support U.S. Border Patrol operations in response to the 2014 migrant surge. Noted concurrent rises in narcotics and human trafficking in the region.
- Spoke of the importance of focusing on fighting drugs before they enter the country. Stated a belief in "defense in height" (use of fencing, cameras, aerostats, etc.) to keep the fight at the Rio Grande rather than "defense in depth" (relates to Rep. McSally's earlier statements). Expressed that he believes that USBP, under Chief Vitiello's leadership, can get the job done. Further stated that he "hopes to get out of the {border security} business" citing approximately 4,000 highway deaths, gang violence in large cities, and other challenges.

Testimony of Joe Frank Martinez, Sheriff, Val Verde County, Texas

- Spoke of his involvement in the Texas Border Sheriff's Coalition (TBSC) and the Southwest Border Sheriff's Coalition which he chairs.
- Provided an extensive breakdown of southwest border geography, to include National Parks, privately owned lands. Discussed the role of the sheriff in these places.
- Stated that local law enforcement encounter immigration as a secondary crime in conjunction with crimes against public safety (i.e., people and property).
- Mentioned a TBSC border security plan that discusses resource requirements and collaboration. Called it a "regional solution to a national problem."

Testimony of Leon Wilmot, Sheriff, Yuma County, Arizona

- Described the surge experienced in the Yuma region in 2005-06 when there were approximately 300,000 apprehensions. Created a strain on resources and resulted in a spike in ancillary crimes.
- Quoted testimony given by Sheriff Mark Dannels of Cochise County, Arizona, before Senate HSGAC in March 2015 that described the sophistication of transnational criminal organizations.
- Cited USBP's success in 2005-06 which resulted in a 90%+ drop in apprehensions.
- Cited the need for technology, manpower, and funding of Operational Streamline (100% prosecution) and Operation Stonegarden.
- Expressed support for updating the mid-2000s strategy of "border security first, immigration reform second." (Note: see *Secure Border Initiative Fact Sheet*, November 2005)
- Expressed belief that administration of Operation Stonegarden should be removed from FEMA and relocated to the Department.
- Called for full funding of the State Criminal Alien Assistance Program (SCAAP). Claims Yuma County is reimbursed at five cents on the dollar for costs associated with incarceration undocumented criminal aliens.
- Believes that enforcement is a "legal and moral requirements more than a funding figure."

Testimony of Eddie Treviño, Jr., County Judge, Cameron County, Texas

- Spoke of the need for "common sense solutions" and against unfunded federal mandates.
- Cautioned against "misguided rhetoric toward border communities."
- Stated that the "border wall concept is ineffective and creates a false sense of security"; promoted a virtual wall of cameras, sensors, UAVs, etc., in addition to border roads to improve surveillance capabilities.
- Cited the need for resources to be routed to the Judiciary to clear the backlog of 500,000+ immigration cases.
- Expressed concerns about future labor market needs and cautioned against changes to NAFTA or implementation of a "border tax."

Questions from Chairman McCaul

- Chairman noted that he is starting his seventh term seeking to solve the problem. Said that "finally, there is the political will in Washington to address" it. Commended Texas

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leadership for stepping up. Knowing that there will be a border defense supplemental bill, what will Texas request?

- Director McCraw estimated \$2.3 billion based on what has already been spent; deferred to Governor Abbott. Discussed how to leverage existing capabilities. Noted that it takes time to build infrastructure and hire additional agents. Cited a need for resources that can be deployed to assist the border security mission. Further cited Texas DPS's metrics to prove success (referencing Rep. McSally's statements earlier questioning). Stated that it is "disgraceful that those who have assaulted Border Patrol Agents have not been prosecuted."
- Chairman McCaul stated that he was "trying to build a record on this." He stated that you "can't build a wall (in the Rio Grande Valley); you can build levees. The 'wall' is a rhetorical device. Asked the panel how they would best describe the wall?
 - Director McCraw discussed Texas DPS's metrics to apply "control levels." Stated that fences, etc., work for us and against cartels. A wall is "an obstacle, not a barrier. It becomes a barrier when you have enough Border Patrol Agents to respond."
 - Sheriff Martinez added that "fence is just a barrier. Manpower is more important." Gave an example of having one deputy to cover 84 miles of border; supplemented by a dozen or so Border Patrol Agents. Express a preference for barriers at strategic locations supplemented by agents and technology.
 - Sheriff Wilmot stated the need to examine natural and man-made boundaries, looking at the border section by section. Noted that in his area, there are Native American reservations with sovereign lands, the Barry M. Goldwater Range, and the Cabeza Prieta National Wildlife Refuge.
 - Chairman McCaul asked if access to federal lands would be helpful. Sheriff Wilmot said that it would citing success in the area in 2006-08.
 - Judge Treviño stated that he was surprised to learn that access to public lands was limited and expressed concern about outdated technology in use. Stated the need for boots on the ground to direct resources. Said that there is "no consensus of a definition of what constitutes a secure border. As long as there is a criminal element, it will always try to circumvent the law."

Questions from Ranking Member Thompson

- "Why not come up with a sound policy that addresses border security rather than a product like a fence?" "One size fits all model creates challenges – river, lakes, tribal lands." "You all (local law enforcement) will be consulted rather than the Washington/Big Brother/federal government coming in and telling you what to do." 1,500 persons short in CBP allotment on hiring over past two years; 5,000 additional will create 6,500 deficit." Technology to see 10, 15, 20 miles away would enable law enforcement to reposition assets. Are you (sheriffs) able to train with CBP?
 - Sheriff Martinez said that his agency and USBP work well together, but are not able to train together. Other-than-Mexican aliens are referred to Border Patrol.
 - Sheriff Wilmot stated that local officers are able to train with USBP (e.g., search and rescue); acknowledged Yuma Sector Chief Patrol Agent Tony Provaznik by name. Noted that the mechanism to achieve this is Operation Stonegarden. Stated that sheriffs needs a legal means of honoring wants and warrants in other jurisdictions.

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- Judge Treviño noted that his region already has 54 miles of fence. He discussed the impact of 1,500 existing CBP vacancies [OCA note: accurate number is 2,600 – 1,600 Border Patrol Agents and 1,000 CBP Officers], claiming that local officers are “quasi-federal agents” due to their extensive support. Clarified that his position is *not* judicial; acts as a county commission chairman. Noted the effect of losses of Border Patrol Agents to other agencies for pay reasons. He spoke about the strain on local resources – arrest, detention, etc. of criminals. Said that additional resources are *needs* not *wants*.

Questions from Rep. Perry

- Assaults against Border Patrol Agents are not being prosecuted? Is the impetus for this failure from the federal government?
 - Director McCraw cited the case of fallen agent Alexander Kirpnick (which occurred in the Tucson Sector in June 1998) as a successful example of prosecuting violence against agents. Noted that Gov. Abbott discussed the issue with Sec. Kelly. He had no comment on the federal failure question.
- Rep. Perry stated that there should be a penalty for assault. He speculated that most people are not aware of restrictions on access to select federal lands. He further noted that some areas that access isn't the issue; the trouble is that the agency cannot build infrastructure. The eradication of Carrizo cane was also discussed.
- Rep. Perry asked if counties were having trouble getting Stonegarden money from FEMA. He further asked if SCAAP funding was going to “sanctuary cities.”
 - Sheriff Wilmot stated his belief that SCAAP funding should be prioritized to compliant communities, citing his county's \$2 million spent of jail costs. He could not confirm Rep. Perry's assertion about sanctuary cities.
- Rep. Perry asked if the “government to the south” (i.e., Mexico) is doing anything to help from a tactical or financial standpoint.
 - Sheriff Wilmot discussed the benefits of collaboration with the Mexican government in Yuma Sector's success; cited the binational Policia Internacional Sonora-Arizona (PISA) program.

Questions from Rep. Vela

- Rep. Vela inquired about the need for positive relations with Mexican counterparts?
 - Sheriff Wilmot agreed.
- Rep. Vela asked how the diversion of resources to the border has impacted Texas communities.
 - Director McCraw outlined the practice of detailing DPS troopers from around the state to the border region. Details are seven days, fourteen hours a day. The advantage is that there is a positive impact upstate. The Director said that he can see a correlation but not a direct causation between these details and the increase in highway related fatalities.
- Rep. Vela inquired about the environmental impact that a wall would have from a flood control standpoint as well as from a security standpoint.
 - Judge Treviño projected a minimal impact. Speculated that it would not impact the water table which was the initial concern. Amistad/Falcon Dams serve as

CBP CONGRESSIONAL AFFAIRS EVENT SUMMARY

back-ups. Development on both sides of the border has increased water usage reducing flooding threat.

- Rep Vela asked about the economic impact of seasonal residents.
 - Judge Treviño stated that the high number is an indication of the safety of region.

Questions from Rep. Hurd

- Rep. Hurd asked if Operations Stonegarden is restrictive in how funds are used.
 - Sheriff Martinez expressed that he would like more flexibility in how to spend the funds. All agencies are short on manpower. He would like to apply funds to base salaries for additional deputies.
 - Rep. Hurd clarified that these funds can only be used for overtime.
 - Director McCraw noted that there are alternative funding streams for base salaries. He noted that Stonegarden funds are only available to counties, not states.
 - Sheriff Wilmot stated that the program restricts types of equipment counties may purchase. Funds are broken down in fixed percentages for overtime, equipment, vehicle fleets. He stated that he would like to see DHS have more flexibility to approve different types of equipment.
- Rep. Hurd noted the debate on what “operational control” means. Cited Texas DPS’s border security levels. Asked if there is reticence from federal partners to accept the definitions and if other states had similar measures?
 - Director McCraw said that this was not the case. He stated that his people must be able to substantiate their claim; he cited use of GPS technology as key to their metrics.
- Rep. Hurd noted that he was out of time, but will follow-up on intelligence sharing.

Questions from Rep. Watson-Coleman

- Rep. Watson-Coleman noted that Cameron County owns three international bridges; asked about their economic impact. Inquired how CBP staffing shortages have impacted the local community (wait times, etc.)?
 - Judge Treviño noted that because of the shortage, there have been impacts. Folks live on one side and work on the other. Flow of people to eat, shop, seek medical care are affected. He emphasized the importance of cross-border relationships and stated his belief that wait times should be as minimal as possible while ensuring safety.
- Rep. Watson-Coleman asked “What would you tell the federal government?”
 - Judge Treviño cited the need for increases in staffing and investment in infrastructure. Noted that the Gateway Bridge was built in the 1960s, no subsequent investment; compared these to El Paso area bridges.
- Rep. Watson-Coleman inquired “How does wall impact border security?”
 - Director McCraw reiterated his “Obstacle, not a barrier” point and stated that agencies must exploit technology and natural barriers.
 - Sheriff Martinez added that “Fence in and of itself is not the only answer.”

CBP CONGRESSIONAL AFFAIRS EVENT SUMMARY

- Sheriff Wilmot noted that in Yuma County, most of the area has fences or vehicle barriers and that these had a dramatic impact on reducing the number of migrant deaths.

Questions from Rep. Rutherford

- Rep. Rutherford brought up ICE's 287(g) delegated authority program. Asked the panel to share experiences/impact of program? "Is it well utilized?"
 - Director McCraw said that it varies based on locale and works well in large jails.
 - Sheriff Martinez added that detainers are honored in Val Verde County.
 - Sheriff Wilmot noted that Yuma County has used the program in the past; but only employs it when overtime is available. He taps into local federal resources (presumable ICE) to go through paperwork to identify candidates.

Questions from Rep. Barragán

- Rep. Barragán requested unanimous consent to enter a statement from the National Immigration Council into the record. She stated that she had seen photos of people climbing over the fence then asked "who is the wall most effective against –the cartels or economic migrants?"
 - Director McCraw replied that barriers are equally effective against all threats and that, unless manpower can respond, fence itself has minimal impact.
- Rep. Barragán asked about response times for those "hopping the fence"?
 - Sheriff Martinez said that he cannot speak to USBP response times, but cited Del Rio Sector apprehension figures for a recent week.
 - Rep. Barragán followed up by asking if these were true apprehension or if these were migrants turning themselves in to authorities.
 - Sheriff Martinez again deferred to USBP. Judge Treviño added that apprehensions are down from where they were ten years ago. Overall, the border is more secure today than it has been in the past.
- Rep. Barragán asked who would suffer if Stonegarden funds were redirected out of FEMA?
 - Sheriff Wilmot clarified that these funds are not commingled with other programs (such as disaster relief) and that there would be no impact to FEMA programs.
- Rep. Barragán inquired about the prevention of deaths in the desert?
 - Sheriff Wilmot stated that in 2006, Yuma was busiest region in the nation and that his office was recovering bodies in the desert on a frequent basis. Added that the deterrence factor and the combination of personnel, technology and infrastructure all had an effect on reducing these deaths.
 - Sheriff Martinez mentioned the high number of migrant deaths in Brooks County which is not on the immediate border. [OCA note: These deaths are connected to those attempting to circumvent the Falfurrias checkpoint.]

Additional Questions from Chairman McCaul

- Chairman McCaul discussed the advantages of a brick-and-mortar wall versus fencing, citing the ability to see through fencing which provides an advantage to law enforcement.

CBP CONGRESSIONAL AFFAIRS EVENT SUMMARY

- Director McCraw noted that the ability to see through it is of value.
- Sheriff Martinez discussed viewing fencing in Israel.
- Judge Treviño added that agents have expressed that fences give them the opportunity to see without being seen which provides a tactical advantage.
- Sheriff Wilmot closed the discussion by expressing the importance of funding U.S. Attorneys. He cited that local attorneys must travel to Phoenix when courthouse in Yuma is operating under capacity.

~ End of Hearing ~

From: (b)(6);(b)(7)(C)
To: [MCALEENAN, KEVIN K](#)
Cc: [FLANAGAN, PATRICK S](#)
Subject: FW: NG Visit to TCA / RGV
Date: Friday, March 03, 2017 10:12:55 PM
Attachments: NON-RESPONSIVE
[NGB Visit 03-05-2017 \(13\).doc](#)

FYSA, includes attachments with itineraries

(b) (6), (b) (7)(C)

From: LOWRY, KIM M
Sent: Friday, March 03, 2017 9:15:58 PM
To: (b) (6), (b) (7)(C)
Subject: FW: NG Visit to TCA / RGV

(b) (6), (b) (7)(C)

FYI

From: (b) (6)
Sent: Friday, March 03, 2017 10:19:09 AM
To: LOWRY, KIM M; (b) (6)
Cc: (b) (6)
Subject: RE: NG Visit to TCA / RGV

Alerted COS and DCOS in an email based on your initial heads up. Thanks.

From: LOWRY, KIM M
Sent: Friday, March 3, 2017 10:14 AM
To: (b) (6)
Cc: (b) (6), (b) (7)(C)
>
Subject: FW: NG Visit to TCA / RGV

(b) (6)

Please see attached. This is a follow on to my earlier email. I believe these are the docs that CBP will send to the DHS front office.

Thanks Kim

From: (b) (6), (b) (7)(C)
Sent: Friday, March 03, 2017 9:35:16 AM
To: FLANAGAN, PATRICK S; (b) (6), (b) (7)(C)
Cc: LOWRY, KIM M; FRIEL, MICHAEL J; (b) (6), (b) (7)(C); ALLES, RANDOLPH D; (b) (6), (b) (7)(C)
Subject: NG Visit to TCA / RGV

Sir / Ma'am,

National Guard has reached out direct to the Sectors to coordinate a visit w/ their staff and also requested border tour for both Tucson and Rio Grande Valley Sectors. Attached are their travel itineraries along with the participants. It should be noted that there are two Hill staffers along for the ride as well.

Can you please forward along to DHS for their visibility??

Thanks,

(b) (6), (b) (7)(C)



U .S. Customs and Border Protection
Tucson Sector, Arizona
March 5, 2017
Visit by:
(b) (6)
Chief, National Guard Bureau

1. (b) (6) (CNGB)
 2. (b) (6) (SASC Staffer)
 3. (b) (6) (SASC Staffer)
 4. (b) (6) (SEA)
 5. (b) (6) (Aide)
 6. (b) (6) (PSO)
 7. (b) (6) (LL)
 8. (b) (6) (CAG)
 9. (b) (6) (Aide to SEA)
 10. (b) (6) (PA)
 11. (b) (6) (Dir J3/7)
 12. (b) (6) (Aide to J3/7)
 13. (b) (6) (TX TAG)
 14. (b) (6) (AZ TAG)
 15. **AZ TAG Aide ?**
-

Pending:

Airport pick-up/tarmac access (Maj. (b) (6))
Marked lead and trail vehicle w/long arms

Media Operations

Lead NGB - SSG (b) (6)
CBP – ACPA (b) (6), (b) (7)(C)
No media expected, no media engagements authorized
Post visit statement/media releases will be coordinated by NGB and CBP

Photographer:

SSG (b) (6) (PSO) will share w/CBP

Recommended Attire:

Military Uniform of the day
CBP/USBP (Summer Rough Duty)

Vehicle Convoy

Radio Frequency: **TBD**
(17) total passengers (including (A)CPA (b)(6);(b)(7)(C) and **NGL WC**)
Vehicles must stay in convoy the entire time
Vehicle seating manifests/briefers: Pending from AZNG (b) (6)

Vehicle (NGL) #1 (lead vehicle/caged/traffic): **Marked XXXX USBP Tahoe (MXXXXX)**
Driver: **NGL-BCLTBD** (Call sign, Cell number), Briefer: N/A, Passenger: N/A



**U.S. Customs and Border Protection
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(b) (6)
Chief, National Guard Bureau**

Vehicle (TCA-FOB) #2 (b) (7)(E)
Driver: **NGL-BCLTBD**, Briefer: (A)CPA (b)(6);(b)(7)(C) Passengers: (b) (6)

Vehicle (TCA-PIO) #3 (b) (7)(E)
Driver/Briefer: **ACPA** (b)(6);(b)(7)(C) Passengers: (b) (6)

Vehicle (TCA-PIO) (b) (7)(E)
Driver/Briefer: **TCA-SBPA** (b)(6);(b)(7)(C), Passengers: (b) (6)

Vehicle (NGL) #5 (b) (7)(E)
Driver: **TCA IPT TBD**, Briefer: **NGL TBD (WC?)**, Passengers: (b) (6)

Vehicle (AZNG) #6 (b) (7)(E)
Driver: **AZNG TBD**, Briefer: N/A, Passengers: (b) (6)

Vehicle (TCA-IPT) (b) (7)(E)
Driver: **TBD TCA-IPT** (Call sign/cell number), Briefer: N/A, Passengers: None

Traffic Control
(b) (7)(E)

Sunday, March 5, 2017

0800 Depart Tucson Sector to Davis-Monthan AFB
Transportation provided by: **ACPA** (b)(6);(b)(7)(C)
(A)Chief Patrol Agent (b)(6);(b)(7)(C) joins CNGB Border Tour

0830 DEPART: Davis-Monthan AFB (KDMA)

0830-1030 Depart Davis-Monthan AFB (KDMA) via AZ NG LUH-72/UH60
(~2 Hrs) Border Flight (4 aircraft)
UH60s (3) and LUH72 (1) Passenger Seating/Manifest pending. (A)CPA (b)(6);(b)(7)(C)
will fly with (b) (6)

*** Pending per AZNG**

TOPICS during the Flight: (b) (6) *please update)*

- Various types of barriers/fence along the International Boundary
- Known Human and Contraband Smuggling routes
- Scout Activities



**U.S. Customs and Border Protection
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March 5, 2017
Visit by:
(b) (6)
Chief, National Guard Bureau**

- Geographic Elements and considerations
- Tohono O'odham Nation Reservation considerations
- Areas of known RIP Crews Drug activities
- DHS assets deployed with limits and capabilities

SPECIFIC LOCATIONS:

- **Pending from AZNG**
- Briefing provided by (b)(6);(b)(7)(C) (A) Chief Patrol Agent (CPA)

- 1030 Wheels down Nogales, AZ**
* Airport: Nogales International (OLS)
* Location: 11 Access Way, Nogales, AZ 85621
* **Vehicle will be staged on Tarmac (Coordinated by AZNG (b) (6))**
* Greeted by: ACPA (b)(6);(b)(7)(C) **NGL WC TBD**, SBPA (b)(6);(b)(7)(C) & (NGL/TCA IPT) BCL-Staff
- 1030-1040 Depart Nogales International Airport en route Nogales Line Tour**
- 1040-1130 CBP Ride Nogales Line Tour**
* **Location:** Airport; SR 82; Kino Springs, (b) (7)(E)
(Stop): (b) (7)(E) Tunnel; NGL (*Map attached*)
- View Enforcement Challenges
- Border Fencing
- Terrain Features and Threats
(b) (7)(E)
- Stop at (b) (7)(E) Urban Challenges) (*Primary photo opportunity*)
- 1130-1140 Sub-Terrain Concerns (b) (7)(E) Tunnel**
* Briefed by: (A)CPA (b)(6);(b)(7)(C) & SBPA (b)(6);(b)(7)(C) **Cell number**)
(*Primary photo opportunity*)
- 1140-1150 Depart (b) (7)(E) Tunnel en route Nogales Border Patrol Station (NGL)**
- 1150 Arrive Nogales Border Patrol Station**
* Location: 1500 West La Quinta Road Nogales, AZ 85621
- 1150-1255 WORKING Lunch – Briefings/Discussion with CBP and ICE Leadership**
(15 mins) AZ Corridor Threat Brief (CBP-OI Director (b)(6);(b)(7)(C))
(20 mins) BP-101 Operation Brief ((A)CPA (b)(6);(b)(7)(C))
(30 mins) * Open Topics Discussions:



**U .S. Customs and Border Protection
Tucson Sector, Arizona
March 5, 2017
Visit by:
(b) (6)
Chief, National Guard Bureau**

*Border security challenges discussion for CBP/ICE leadership w/ NGB
Lunch coordinated by AZNG (Port Belly Tucson Box Lunch)
NGL BCL Coordinate office logistics (PowerPoint) & OO (b)(6);(b)(7)(C) Facilitate
NGL entrance of SAC (b)(6);(b)(7)(C)*

** Participants: (Bold/Italicize indicated table seating -14, everyone else back-seats total 34)*

1. (b) (6) (CNGB)
2. (b) (6) (SASC Staffer)
3. (b) (6) (SASC Staffer)
4. (b) (6) (SEA)
5. (b) (6) (Aide)
6. (b) (6) (PSO)
7. (b) (6) (LL)
8. (b) (6) (CAG)
9. (b) (6) (Aide to SEA)
10. (b) (6) (PA)
11. (b) (6) (Dir J3/7)
12. (b) (6) (Aide to J3/7)
13. (b) (6) (TX TAG)
14. (b) (6) (AZ TAG)
15. **AZ TAG Aide ?**
16. (A)CPA (b)(6);(b)(7)(C)
17. SAC (b)(6);(b)(7)(C)
18. ACPA (b)(6);(b)(7)(C)
19. **ICE ERO TBD**
20. **NGL WC Day Shift TBD**

- 1255-1305 Tour of NGL C2**
*Briefing by: (A)CPA (b)(6);(b)(7)(C) visit with AZNG working the C2
(Primary photo opportunity, no pictures of screens w/sensitive information)*
- 1305 Depart NGL en route Port of Nogales-Mariposa Crossing**
Accompanied by (A)CPA (b)(6);(b)(7)(C)
- 1310 Arrive Port of Nogales – Mariposa Crossing**
** Location: 200 N. Mariposa Rd, Nogales, AZ 85621
Note: Met by: TBA*
- 1310-1400 Tour of Mariposa Crossing and Cargo Facility**
** Need location where to stop and where to wait for pick-up*



**U .S. Customs and Border Protection
Tucson Sector, Arizona
March 5, 2017
Visit by:
(b) (6)
Chief, National Guard Bureau**

*** Format:**

- Introduction to Port Operations
- Outbound Operations
- Primary Pedestrian Processing
- Vehicle Primary/Secondary Lanes (*Primary photo opportunity*)
- Agriculture and Trade Enforcement (cargo dock)

*** Briefed by: TBD (need cell number)**

1400-1425 DEPART: Port of Nogales – Mariposa Crossing to Nogales Airport

1425 Arrive Nogales International Airport
Drop off location needs to be identified (Maj. Canterbury)

1430 Wheels up from Nogales International Airport

~ CONCLUSION OF VISIT ~

Points of Contact

Overall USBP POC:

ACPA (b)(6);(b)(7)(C)

Cell: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

On site logistics POC:

OO (b)(6);(b)(7)(C)

Cell: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(Driver of Vehicle #2 from Tucson to Nogales, will transfer to NGL BCL for Convoy at NGL)

Overall TFO POC:

XXX

Cell: XX

Email@dhs.gov

NGB

(b) (6) USARMY NG AZANG

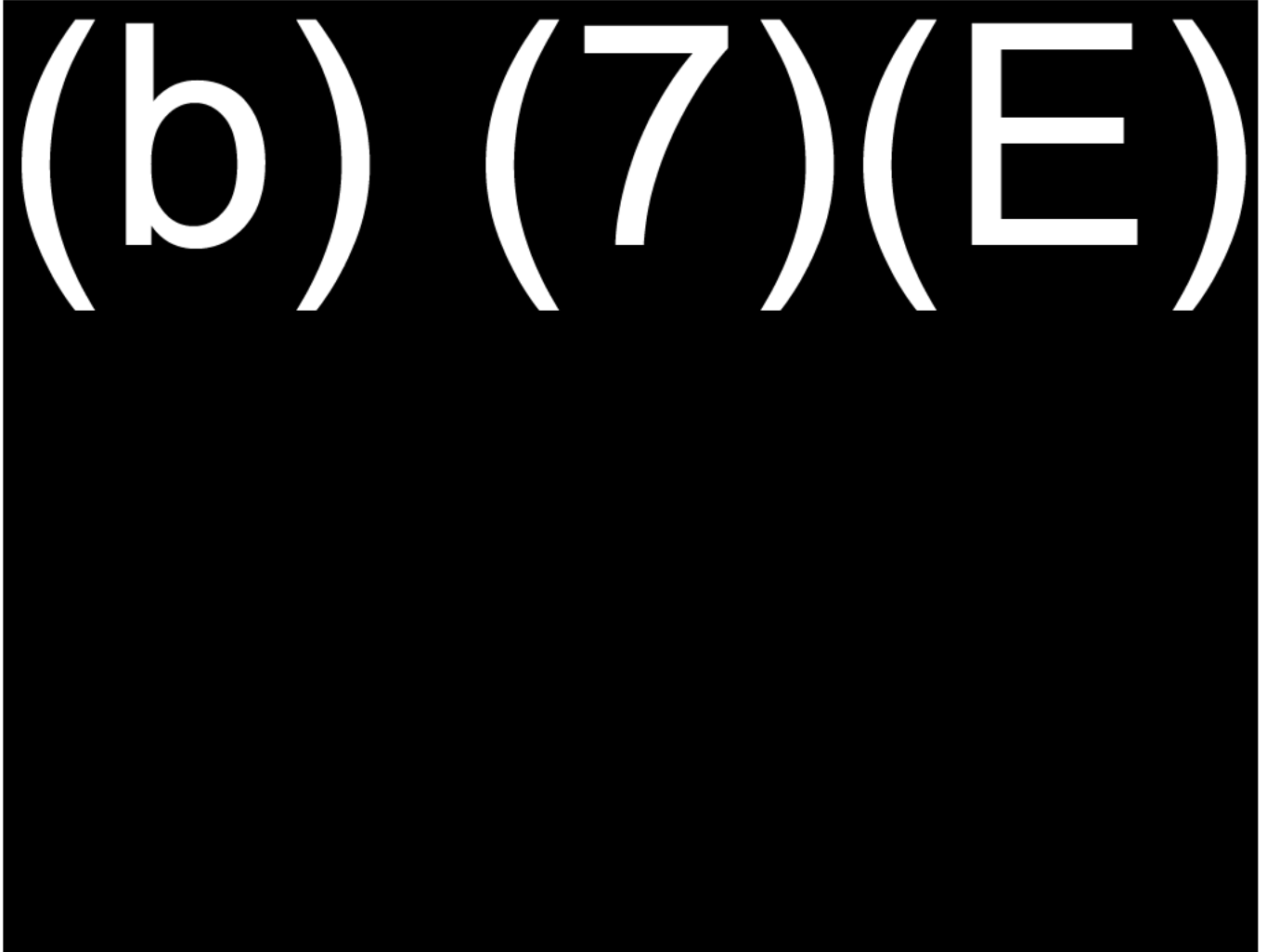
Cell: (b) (6)

(b) (6)



**U .S. Customs and Border Protection
Tucson Sector, Arizona
March 5, 2017
Visit by:
[REDACTED]
(b) (6)
Chief, National Guard Bureau**

MAP OF LINE TOUR (EAST SIDE OF NGL AOR):





U.S. Customs and Border Protection
Tucson Sector, Arizona
March 5, 2017
Visit by:
(b) (6)
Chief, National Guard Bureau

(b) (7)(E)



DOD
FWS
NPS

Sector Corridor
Station AOR
State Boundary

Major Urban Area
Major Water

Rivers
Interstate / Highway
Rails



This map was derived from various digital database sources. Care has been taken to ensure the accuracy of the information on this map; the Office of Border Patrol assumes no responsibility for any errors or omissions in this information.

From: [FLANAGAN, PATRICK S](#)
To: [MCALFEENAN, KEVIN K](#)
Cc: (b) (6), (b) (7)(C)
Subject: FW: [FOR FO CLEARANCE]: Task 175 - NEPA Docs (Email 3 of 5)
Date: Friday, December 16, 2016 5:38:30 PM
Attachments: [EA TCA AJO Lukeville Ped Fence 021308_Part1.pdf](#)

I cleared on the attached.

V/R
Patrick

Patrick Flanagan
(b) (6), (b) (7)(C)

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From: (b) (6), (b) (7)(C)
Sent: Friday, December 16, 2016 4:37 PM
To: FLANAGAN, PATRICK S (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Subject: [FOR FO CLEARANCE]: Task 175 - NEPA Docs (Email 3 of 5)

All:
Attached for Front Office review is the CBP response to RFI 175 (NEPA DOCS).

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Friday, December 16, 2016 4:16 PM
To: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) >
Cc: (b) (6), (b) (7)(C) Enterprise Services Exec Sec
(b) (7)(E)
Subject: FINAL RESPONSE>> Email 3 of 5 - 175 - NEPA Docs

Cleared by EAC Alles

(b) (6), (b) (7)(C)

Chief of Staff

Enterprise Services

U.S. Customs and Border Protection

Department of Homeland Security

Ronald Reagan Building-Room 3.5B

1300 Pennsylvania Ave, NW

Washington, DC 20229

Work: (b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)

Fax: (b) (6), (b) (7)(C)

Final

**ENVIRONMENTAL ASSESSMENT
FOR THE PROPOSED INSTALLATION, OPERATION, AND
MAINTENANCE OF PRIMARY PEDESTRIAN FENCE
NEAR LUKEVILLE, ARIZONA
U.S. BORDER PATROL
TUCSON SECTOR**



**U.S. Department of Homeland Security
U.S. Customs & Border Protection
U.S. Border Patrol
Washington, D.C.**

February 2008

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**FINDING OF NO SIGNIFICANT IMPACT
FOR THE PROPOSED INSTALLATION, OPERATION, AND
MAINTENANCE OF PRIMARY PEDESTRIAN FENCE
NEAR LUKEVILLE, ARIZONA
U.S. BORDER PATROL
TUCSON SECTOR**

PROJECT HISTORY: The United States (U.S.) Border Patrol (USBP) is a law enforcement entity of U.S. Customs and Border Protection (CBP), a component of U.S. Department of Homeland Security (DHS). USBP's priority mission is to prevent the entry of terrorists and terrorist weapons and to enforce the laws that protect the U.S. homeland by the detection, interdiction, and apprehension of those who attempt to illegally enter or smuggle any person or contraband across the sovereign borders of the U.S.

During recent years, illegal aliens (IA) and illegal entry into the U.S. along the U.S.-Mexico border in southern Arizona has become a severe problem. Consequently, USBP has significantly increased its emphasis on deterrence. Deterrence is achieved only when USBP has the ability to create and convey the immediate, credible, and absolute certainty of detection and apprehension. As such, tactical infrastructure components, such as fencing and roads, are a critical element in the current enforcement strategy. Developing trends such as the recognition of environmental preservation concerns and the increase of criminal trans-boundary activities (including trafficking in people, drugs, and terrorism efforts) continue to pose a border enforcement challenge and support the ever increasing need for tactical infrastructure along the international border.

In 2001, the Immigration and Naturalization Service (INS) prepared the Supplemental Programmatic Environmental Impact Statement (SPEIS) for INS and Joint Task Force 6 (JTF-6) Activities along the U.S.-Mexico Border. Additionally, in December 2003, National Park Service (NPS) issued a Final Finding of No Significant Impact (FONSI) and Final EA for the Proposed Permanent Vehicle Barriers (PVB) across the southern boundary of the Organ Pipe Cactus National Monument (OPCNM) in Pima County, Arizona. The PVBs span approximately 30 miles of the U.S.-Mexico border. The PVBs constructed by NPS have served effectively and efficiently in deterring and hindering illegal vehicle traffic on the OPCNM.

PROJECT LOCATION: The project corridor for the proposed action extends 2.1 miles to the west and 3.1 miles to the east of the Lukeville Port of Entry (POE), which encompasses approximately 5.2 miles total.

PURPOSE AND NEED: The purpose and need for the NPS 2003 Final EA was to prevent illegal vehicle traffic from degrading the biological resources of OPCNM as well as to protect the health and safety of Federal staff and visitors. The construction of the PVBs met the stated purpose and need of the NPS 2003 Final EA. However, since the completion of the NPS 2003 Final EA, shifts in IA traffic and recent Federal legislation have required changes in the designs of border tactical infrastructure. Therefore, the purpose of the proposed primary pedestrian fence is to help CBP agents and officers gain effective control of our nation's borders. CBP is developing and deploying the appropriate mix of technology, infrastructure, and personnel. In some locations, primary pedestrian fence is a critical element of border security. In alignment with Federal mandates, USBP has identified this area of the border as a location where primary pedestrian fence would contribute significantly to their priority homeland security mission. The

**FINDING OF NO SIGNIFICANT IMPACT
FOR THE PROPOSED INSTALLATION, OPERATION, AND
MAINTENANCE OF PRIMARY PEDESTRIAN FENCE
NEAR LUKEVILLE, ARIZONA
U.S. BORDER PATROL
TUCSON SECTOR**

need for the proposed action is to meet USBP operational requirements; provide a safer environment for USBP agents, NPS staff, and general public; deter IAs by constructing an impediment to northward movement into the U.S.; enhance the response time of USBP agents; and meet the mandates of Federal legislation (i.e., Secure Fence Act of 2006 and 2007 Department of Homeland Security [DHS] Appropriations Act [HR 5441]).

ALTERNATIVES: Two alternatives were carried forward for analysis: Alternative 1: No Action Alternative and Alternative 2: Proposed Action Alternative (i.e., Preferred Alternative).

Alternative 1: No Action Alternative: The No Action Alternative would preclude the installation of primary pedestrian fence. The existing PVBs would continue to be maintained by NPS. The No Action Alternative does not meet the project's purpose and need, but has been carried forward for analysis, as defined in 40 Code of Federal Regulations (CFR) Section 1502.14. The No Action Alternative does not meet the mandates of Federal legislation and does not enhance the detection, deterrence, or apprehensions of IAs.

Alternative 2: Proposed Action Alternative: The Proposed Action Alternative includes the construction and maintenance of 5.2 miles of primary pedestrian fence along the U.S.-Mexico border near Lukeville, Arizona. The project corridor would extend 2.1 miles to the west and 3.1 miles to the east of the Lukeville POE. Approximately 5.2 miles of primary pedestrian fence would be constructed. Construction activities would remain within the 60-foot Roosevelt Reservation with the exception of the western most 0.65 miles. The western most 0.65 miles, which would be built over Sonoyta Hill, requires a construction footprint of 150 feet. The primary pedestrian fence would be installed approximately 3 feet north of the existing PVBs with the exception of the western most 0.65 miles over Sonoyta Hill. Due to the lack of PVBs over Sonoyta Hill the fence would be constructed approximately 3 feet north of the U.S.-Mexico border within these 0.65 miles. A mesh fence design would be used and would meet design performance measures which dictate that the fence must:

- extend 15 feet above ground and 3 to 6 feet below ground;
- be capable of withstanding a crash of a 10,000-pound (gross weight) vehicle traveling at 40 miles per hour;
- be semi-transparent, as dictated by operational need;
- be vandal resistant;
- be designed to survive the extreme climate changes of a desert environment;
- not impede the natural flow of water; and
- allow for maintenance access to border monuments as required by the U.S. Section, International Boundary and Water Commission.

Furthermore, in most washes or arroyos, the fence would be designed and constructed to ensure proper conveyance of floodwaters and to eliminate the potential to cause backwater flooding on

**FINDING OF NO SIGNIFICANT IMPACT
FOR THE PROPOSED INSTALLATION, OPERATION, AND
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NEAR LUKEVILLE, ARIZONA
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TUCSON SECTOR**

either side of the U.S.-Mexico border. CBP will remove debris from the fence within washes/arroyos immediately after rain events to ensure that no backwater flooding occurs.

Staging areas and turnarounds would be located within the Roosevelt Reservation. Construction access would include the use of the existing patrol road adjacent to the U.S.-Mexico border as well as South Puerto Blanco Road in order to construct the primary pedestrian fence and road over Sonoyta Hill. Additionally, the road, existing PVBs, and primary pedestrian fence would be maintained by CBP to ensure the integrity of the road and primary pedestrian fence is not compromised.

ENVIRONMENTAL CONSEQUENCES: The Proposed Action Alternative could permanently impact up to 45 acres. However, approximately 17 acres of the project corridor are previously disturbed from the construction of the existing PVBs. Impacts to wildlife, unique and sensitive areas, vegetation, and aesthetics would be expected. Wildlife movement across the international boundary would be impeded within the corridor, but these impacts would be minimal to local and regional wildlife populations. The viewshed of the OPCNM would be impacted by the construction of the pedestrian fence; however, once completed, the fence would afford greater safety to park visitors and sensitive resources. Temporary impacts to air quality, noise, and water resources are expected during construction.

CBP has determined that the Proposed Action Alternative may adversely affect the lesser long-nosed bat and Sonoran pronghorn. Consequently, CPB and the USFWS are currently in formal Section 7 consultation to address these effects and identify conservation measures. Some conservation measures for the pronghorn that have been identified and would be implemented include:

1. During construction USBP will conduct daily observations of project region as close to dawn as possible to determine if Sonoran pronghorn are within 0.62 mile of project activities. No project work will begin until pronghorn move on their own volition to a distance greater than 0.62 mile from the activities. This measure would be relevant for those activities only on the western slope of Sonoyta Hill, where there is a greater potential for pronghorn to occur.
2. The number of vehicles traveling to and from the project site for construction purposes and the number of trips per day will be minimized to reduce the likelihood of disturbing pronghorn in the area or injuring an animal on the road. The use of vehicle convoys, multi-passenger vehicles, and other methods are appropriate to project construction.
3. CBP will provide assistance to annually fill one supplemental water for Sonoran pronghorn on OPCNM per the CBP programmatic mitigation agreement with USFWS.

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Examples of other conservation measures that have been identified and would be implemented to offset effects to the lesser long-nosed bat include the following:

1. Clearly demarcate the construction footprint to ensure construction contractors do not expand the disturbance area.
2. Salvage of lesser-long nosed bat food plants from areas to be disturbed by project activities as described in the salvage plan.
3. Complete a restoration plan for various illegal trails and roads to compensate for creation or improvement of roads needed for the fence project (in addition to other concerns, this will address the control of non-native, invasive plant species) within six months of issuance of the Biological Opinion.

The potential exists for shifts in illegal pedestrian traffic to adversely impact resources outside of the project corridor; however, these impacts are not quantifiable at this time because it is unknown if, when, or where this shift in traffic may occur. Because the primary pedestrian fence would act as a force multiplier, USBP would be able to deploy agents to those areas that lack pedestrian barriers in an effort to minimize any indirect adverse impacts. Indirect beneficial impacts, such as a reduced amount of trash and debris caused by IAs, would result from the construction of the Proposed Action Alternative.

No significant adverse effects to the natural or human environment, as defined in 40 CFR Section 1508.27 of the Council on Environmental Quality's Regulations for Implementing the National Environmental Policy Act, are expected upon implementation of the Proposed Action Alternative.

MITIGATION MEASURES: Mitigation measures are presented for each resource category that would be potentially affected. Many of these measures have been incorporated as standard operating procedures by the USBP on past projects. It is USBP policy to mitigate adverse impacts through the sequence of avoidance, minimization, and compensation. These mitigation measures would be incorporated into the current Project Management Plan to be carried forward.

General Construction Activities: Best Management Practices (BMPs) would be implemented as standard operating procedures during all construction activities, and would include proper handling, storage, and/or disposal of hazardous and/or regulated materials. To minimize potential impacts from hazardous and regulated materials, all fuels, waste oils and solvents would be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery would be completed following accepted industry guidelines, and all vehicles could have drip pans during storage to contain minor spills and drips. Although it will be unlikely for a major spill to occur, any spill of reportable quantities would be contained immediately within an earthen dike, and the application of an absorbent (e.g., granular,

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pillow, sock, *etc.*) would be used to absorb and contain the spill. Furthermore, any petroleum liquids (e.g., fuel) or material listed in 40 Code of Federal Register (CFR) 302 Table 302.4 of a reportable quantity must be cleaned up and reported to the appropriate Federal and state agencies. Reportable quantities of those substances listed on 40 CFR 302 Table 302.4 would be included as part of the Spill Prevention, Control, and Countermeasures Plan (SPCCP). A SPCCP would be in place prior to the start of construction and all personnel would be briefed on the implementation and responsibilities of this plan.

All construction would follow DHS management directive 5100 for waste management. All waste oil and solvents would be recycled. All non-recyclable hazardous and regulated wastes would be collected, characterized, labeled, stored, transported and disposed of in accordance with all Federal, state, and local regulations, including proper waste manifesting procedures.

Solid waste receptacles would be maintained at staging and bivouac areas. Non-hazardous solid waste (trash and waste construction materials) would be collected and deposited in the on-site receptacles. Solid waste would be collected and disposed of by a local waste disposal contractor. Waste materials and other discarded materials would be removed from the site as quickly as possible in an effort to keep the project area and surroundings free of litter.

Waste water (water used for project purposes that is contaminated with construction materials, was used for cleaning equipment and thus carries oils or other toxic materials or other contaminants in accordance with state regulations) is to be stored in closed containers on site until removed for disposal. Concrete wash water would not be dumped on the ground, but is to be collected and moved offsite for disposal.

Soils: Erosion control techniques, such as the use of straw bales (weed free straw), aggregate materials, wetting compounds (i.e., water) and revegetation with native plant species, where possible, would be incorporated with the design of the Proposed Action Alternative. In addition, other erosion control measures, as required and promulgated through the Storm Water Pollution Prevention Plan (SWPPP), would be implemented before and after construction activities.

Biological Resources: All contractors, work crews (including National Guard and military personnel), and CBP personnel in the field performing construction and maintenance activities would receive training on the habitat and habits of the species that are found in the area, including information on how to avoid impacts to the species from their activities. This training would be provided to all contractor and work crew project managers and senior military leaders who are working onsite. It would be the responsibility of these project managers and senior military leaders to ensure that their personnel are familiar with the BMPs and other limitations and constraints.

The Migratory Bird Treaty Act requires that Federal agencies coordinate with U.S. Fish and Wildlife Service (USFWS) if a construction activity would result in the "take" of a migratory bird.

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If construction or clearing activities are scheduled during the nesting season (typically March 15 through September 15) preconstruction surveys for migratory bird species would occur immediately prior to the start of any construction activity to identify active nests. If construction activities would result in the "take" of a migratory bird, then coordination with USFWS and Arizona Game and Fish Department would occur, and applicable permits would be obtained prior to construction or clearing activities.

Although no Sonoran desert tortoises or Mexican rosy boas were observed during biological surveys the potential exists for these species to occur in and near Sonoyta Hill. In the event a tortoise or boa is observed within the construction corridor during construction activities, a qualified biologist would capture and relocate the individual to an area outside of the corridor but still on Sonoyta Hill.

CBP would truck water into the project site for purposes of construction to ensure that no impacts to flora or fauna near and within Quitobaquito Springs would occur.

A salvage plan would be developed by the CBP, in close coordination with NPS, prior to construction activities. CBP will salvage as many columnar cacti as possible. CBP will develop and fund a restoration plan, in coordination with the NPS to restore illegal trails and roads on OPCNM. This will enhance bat foraging opportunities.

Materials used for on-site erosion control would be free of non-native plant seeds and other plant parts to limit potential for infestation. Additionally, all areas within the construction footprint would be monitored for a period of three years for the spread and eradication of non-native and invasive species. Construction equipment would be cleaned using BMPs prior to entering and departing the OPCNM to minimize the spread and establishment of non-native and invasive species.

Cultural Resources: Construction near the Gachado Line Camp would be monitored by a professional archeological monitor to ensure no impacts would occur. Buffers would be established around the three historic objects that lie within the proposed construction corridor in order to avoid any adverse effects to these significant cultural resources. If any cultural material is discovered during the construction efforts, then all activities would halt until a qualified archeologist can be brought in to assess the cultural remains.

Water Resources: Standard construction procedures would be implemented to minimize the potential for erosion and sedimentation during construction. All work would cease during heavy rains and would not resume until conditions are suitable for the movement of equipment and material. In accordance with regulations of the Environmental Protection Agency Phase II of the National Pollutant Discharge Elimination System stormwater program, a SWPPP would be required for stormwater runoff from construction activities greater than 1 acre and less than 5 acres. Therefore, a SWPPP would be prepared and the Notice of Intent submitted prior to the start

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of any construction. Equipment required for the construction activities would not be staged or stored within 100 feet of any wash to prevent any contamination from accidental petroleum, oil, or lubricant spills that could occur. Primary pedestrian fence constructed in washes/arroyos would be designed to ensure proper conveyance of floodwaters and to eliminate the potential to cause backwater flooding on either side of the U.S.-Mexico border. Immediately after rain events, CBP would be responsible for ensuring that debris is removed from the primary pedestrian fence within washes/arroyos to ensure that no backwater flooding occurs. Additionally, all concrete trucks would be washed and cleaned outside of the project corridor and OPCNM lands.

Air Quality: Standard construction practices such as routine watering of the construction site would be used to control fugitive dust during the construction phases of the proposed project. Additionally, all construction equipment and vehicles would be required to be kept in good operating condition to minimize exhaust emissions.

Noise: During the construction phase, short-term noise impacts are anticipated. All Occupational Safety and Health Administration requirements would be followed. On-site activities would be restricted to daylight hours with the exception of concrete pours and emergency situations. Construction equipment would possess properly working mufflers and would be kept properly tuned to reduce backfires. Implementation of these measures would reduce the expected short-term noise impacts to an insignificant level in and around the construction site.

Aesthetics: In order to minimize potential aesthetic impacts over Sonoyta Hill, CBP would use subdued and non-reflective materials to build the primary pedestrian fence. These materials are expected to blend with the landscape as it naturally rusts.

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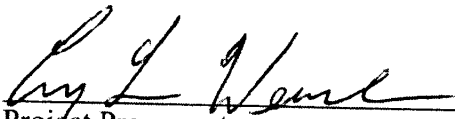
FINDING: Based upon the results of the environmental assessment and the mitigation measures to be incorporated as part of the Proposed Action Alternative, it has been concluded that the Proposed Action Alternative will not have a significant effect on the environment. Therefore, no further environmental impact analysis is warranted.



Robert F. Janson
Office of Finance Management
Acting Executive Director, Asset Management
U.S. Customs and Border Protection

2/13/08

Date



Project Proponent
Assistant Chief Patrol Agent, Craig Weinbrenner
Office of Border Patrol
Tucson Sector Headquarters

1/30/08

Date

Final

**ENVIRONMENTAL ASSESSMENT
FOR THE PROPOSED INSTALLATION, OPERATION, AND
MAINTENANCE OF PRIMARY PEDESTRIAN FENCE
NEAR LUKEVILLE, ARIZONA
U.S. BORDER PATROL
TUCSON SECTOR**

January 2008

Lead Agency: U.S. Customs and Border Protection
Asset Management Division
Portfolio Management Branch
Room 3.4-D
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

Point of Contact: Mr. George Hutchinson
U.S. Customs and Border Protection
Room 3.4-D
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

EXECUTIVE SUMMARY

BACKGROUND: National Park Service (NPS) issued a Finding of No Significant Impact (FONSI) and Final Environmental Assessment (EA) for the Proposed Permanent Vehicle Barriers (PVB) in 2003, which addressed the construction of PVBs across the southern boundary of the Organ Pipe Cactus National Monument (OPCNM) in Pima County, Arizona. The PVBs span approximately 30 miles of the United States (U.S.) – Mexico border. The PVBs constructed by the NPS have served effectively and efficiently in deterring and hindering illegal vehicle traffic on the OPCNM.

PURPOSE AND NEED FOR THE PROPOSED PROJECT: The purpose of the proposed primary pedestrian fence is to help U.S. Customs and Border Protection (CBP) agents and officers gain effective control of our nation's borders. CBP is developing and deploying the appropriate mix of technology, infrastructure, and personnel. In some locations, primary pedestrian fence is a critical element of border security. In alignment with Federal mandates, U.S. Border Patrol (USBP) has identified this area of the border as a location where primary pedestrian fence would contribute significantly to their homeland security mission. The need for the proposed action is to meet USBP operational requirements; provide a safer environment for USBP agents, NPS staff, and general public; deter illegal aliens (IAs) by constructing an impediment to northward movement into the U.S.; enhance the response time of USBP agents; and meet the mandates of Federal legislation (i.e., Secure Fence Act of 2006 and 2007 Department of Homeland Security [DHS] Appropriations Act [HR 5441]).

PROPOSED ACTION: The Proposed Action Alternative includes the construction and maintenance of 5.2 miles of primary pedestrian fence along the U.S.-Mexico border near Lukeville, Arizona. Approximately 3.1 miles and 2.1 miles of primary pedestrian fence would be installed on the east and west sides of the Lukeville POE, respectively. The primary pedestrian fence would be constructed approximately 3 feet north of the existing PVBs with the exception of 0.65 miles over Sonoyta Hill. Construction activities would remain within the 60-foot Roosevelt Reservation with the exception of the western most 0.65 miles. The western most 0.65 miles, which would be built over Sonoyta Hill, requires a construction footprint of 150 feet and the fence would be built approximately 3 feet north of the U.S.-Mexico border due to no PVBs existing over Sonoyta Hill.

The design selected for the primary pedestrian fence is a mesh design. It would be 15 feet high and capable of withstanding a crash from a 10,000-pound (gross weight) vehicle traveling at 40 miles per hour. Currently, an existing patrol road parallels most of the border in the project corridor, which would also be used for access during construction of the primary pedestrian fence and as a maintenance road when construction is completed. However, this road would

need to be widened by approximately 30 feet to accommodate construction equipment needed to install the fence. This construction/maintenance road would encompass the entire 60-foot wide Roosevelt Reservation once completed. In addition, a new road would need to be constructed in order to install the primary pedestrian fence over Sonoyta Hill; this new road would be in the westernmost 0.65 mile of the project corridor. CBP will be responsible for maintaining the road, existing PVBs, and primary pedestrian fence.

ALTERNATIVES TO
THE PROPOSED
ACTION:

Alternatives addressed in the EA include: Alternative 1: No Action Alternative, which would preclude the construction of any primary pedestrian fence, and Alternative 2: Proposed Action Alternative (i.e., Preferred Alternative). The No Action Alternative would not fully meet the mandate established by Federal legislation and only incrementally enhances the detection, deterrence and apprehension of IAs.

ENVIRONMENTAL
IMPACTS OF THE
PROPOSED
ACTION:

The Proposed Action Alternative would potentially result in permanent impacts of up to 45 acres. However, approximately 17 acres of the project corridor have been previously disturbed from the construction of the existing PVBs. Direct impacts to vegetation, wildlife, unique and sensitive areas, and aesthetics would be expected. Wildlife movement across the international boundary would be impeded within the corridor, but these impacts would be minimal to local or regional wildlife population. The viewshed of the OPCNM would be impacted by the construction of the primary pedestrian fence; however, once completed, the primary pedestrian fence would afford greater safety to park visitors and sensitive resources. Additionally, mitigation measures would be implemented (i.e., using subdued and non-reflective materials) to ensure impacts to aesthetics would not be considered significant. No significant impacts on any human or natural resources either locally or regionally would be expected upon implementation of the Proposed Action Alternative.

CONCLUSIONS:

Based upon the results of this EA, it has been concluded that the Proposed Action Alternative would not have a significant adverse effect on the environment, and no additional National Environmental Policy Act documentation is warranted.

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SECTION 1.0
INTRODUCTION AND PURPOSE AND NEED

1.0 INTRODUCTION AND PURPOSE AND NEED

1.1 INTRODUCTION

This Environmental Assessment (EA) addresses the potential effects, beneficial and adverse, of the proposed installation of 5.2 miles of primary pedestrian fence near Lukeville, Arizona. The action is proposed by United States (U.S.) Border Patrol (USBP) Tucson Sector and would occur in the Ajo Station's Area of Operation (AO). This EA is tiered from the 2001 Supplemental Programmatic Environmental Impact Statement (SPEIS) for Immigration and Naturalization Service (INS) and Joint Task Force 6 (JTF-6) Activities along the U.S.-Mexico Border (INS 2001). The SPEIS was developed in an attempt to provide the public with USBP's assessment of impacts as they relate to potential future infrastructure projects. Mentioned in the SPEIS is the potential to construct fence, roads, and other infrastructure along the U.S.-Mexico border including Arizona. In addition, information was gleaned from and incorporated by reference from the National Park Service (NPS), Organ Pipe Cactus National Monument (OPCNM) Finding of No Significant Impact (FONSI) and Final EA for the Proposed Permanent Vehicle Barriers (PVB) December 2003 (NPS 2003). The OPCNM Final EA addressed the proposed construction of approximately 30 miles of PVB along OPCNM's U.S.-Mexico border.

This EA was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality (CEQ) Regulations implementing NEPA (Title 40 of the U.S. Code of Federal Regulations [CFR], Parts 1500-1508), and Department of Homeland Security (DHS) Management Directive 5100.1, which is the Environmental Planning Program Directive that outlines DHS's procedures for the implementation of NEPA.

1.2 HISTORY AND BACKGROUND

1.2.1 CBP History

In 1924, Congress created USBP to serve as the law enforcement entity of INS, which it did until November 25, 2002. With the passage of the Homeland Security Act of 2002 (Public Law 107-296), DHS was established to reorganize Federal law enforcement and border protection agencies into a single department. USBP was officially transferred into the Office of Border Patrol, under DHS, U.S. Customs and Border Protection (CBP), on March 1, 2003.

1.2.2 CBP Strategic Intent and Priorities

The priority mission of CBP is to prevent terrorists and terrorist weapons from entering the U.S. This priority mission involves maintaining a diverse, multi-layered approach, which includes improving security at the international borders and ports of entry (POE). It also extends the physical zone of security beyond the Nation's physical borders so that U.S. borders are the last line of defense, not the first (CBP 2003). As part of this mission, CBP has implemented its *Comprehensive Strategy to Address the Threat of Nuclear and Radiological Terrorism* to identify and seize terrorists' assets and funding sources and enhance the support infrastructure to further develop targets and analyses.

In addition to carrying out its priority mission, CBP must fulfill its traditional missions including:

- controlling the sovereign borders of the U.S. by apprehending individuals attempting to enter the U.S. illegally;
- stemming the flow of illegal drugs and other contraband;
- protecting the Nation's agriculture and economic interest from harmful pests and diseases;
- facilitating international trade;
- collecting import duties; and
- enforcing U.S. trade, immigration and other laws of the U.S. at and beyond the Nation's borders (CBP 2003).

Hereinafter, any individual, including terrorists and smugglers, who attempt to illegally enter the U.S. between POEs is referred to as an illegal alien (IA).

The mission of USBP is to strengthen the U.S. borders to prevent the entry of IAs, terrorist weapons, narcotics and other contraband. The principle objective of USBP is to apply appropriate levels of USBP personnel, intelligence, technology, and infrastructure resources to increase the level of operational effectiveness until the likelihood of apprehension is sufficient to be an effective deterrent that conveys an absolute certainty of detection and apprehension.

During recent years, USBP has significantly increased its emphasis on deterrence. Deterrence is achieved only when USBP has the ability to create and convey the immediate, credible, and absolute certainty of detection and apprehension. As such, tactical infrastructure components, such as pedestrian barriers and roads are a critical element. Trends such as the continued urbanization and industrialization of the immediate border, the recognition of environmental

preservation concerns, and the increase of criminal trans-boundary activities (including trafficking in people, drugs, and terrorism efforts) continue as a border enforcement challenge and increase the need for tactical infrastructure along the international borders.

1.2.3 Background

NPS issued a Final EA and FONSI in 2003, which addressed the construction of PVBs along the southern boundary of OPCNM (NPS 2003). The PVBs extend across the entire southern boundary of OPCNM along the U.S.-Mexico border except over Sonoyta Hill. All of the construction activities completed while building the PVBs were located within the 60-foot Roosevelt Reservation. To date, the entire 30 miles of planned PVBs have been completed by NPS. The PVBs constructed by NPS have served effectively and efficiently in deterring and hindering illegal vehicle traffic on OPCNM; however, PVBs do not deter pedestrian traffic.

1.3 LOCATION OF THE PROPOSED PROJECT

The general location of the proposed project was previously discussed in the December 2003 Final EA (NPS 2003) and is incorporated herein by reference. The project corridor is located along the U.S.-Mexico border near Lukeville, Arizona (Figure 1-1).

1.4 PURPOSE AND NEED

The purpose and need for the NPS 2003 Final EA was to prevent illegal vehicle traffic from degrading the biological resources of OPCNM as well as to protect the health and safety of Federal staff and visitors. The construction of the PVBs met the stated purpose and need of the NPS 2003 Final EA. However, since the completion of the NPS 2003 Final EA, shifts in IA traffic and recent Federal legislation has required changes in the designs of border tactical infrastructure. The purpose of the proposed primary pedestrian fence is to help CBP agents and officers gain effective control of our nation's borders.

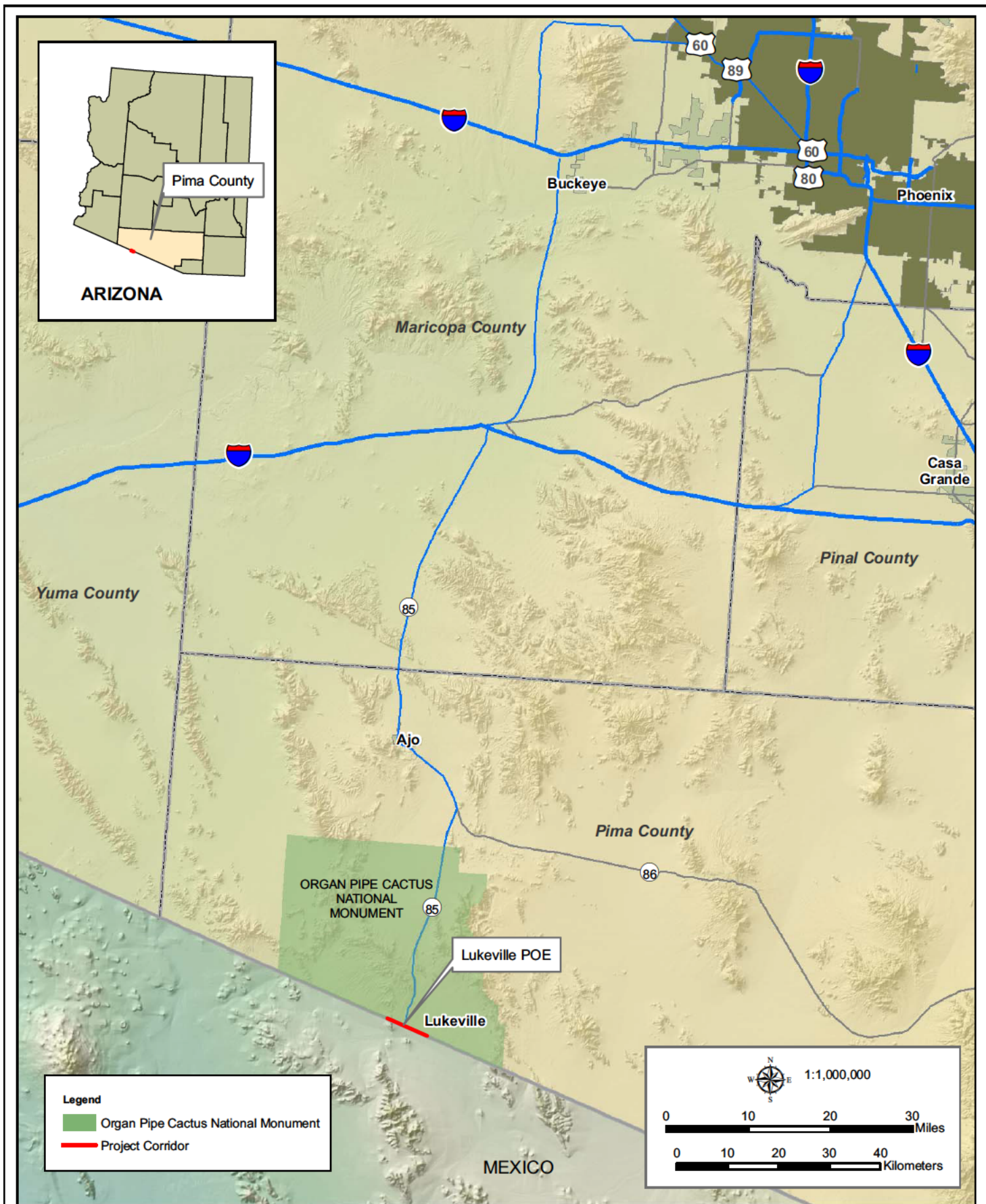


Figure 1-1: Vicinity Map



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CBP is developing and deploying the appropriate mix of technology, infrastructure, and personnel. In some locations, primary pedestrian fence is a critical element of border security. In alignment with Federal mandates USBP has identified this area of the border as a location where primary pedestrian fence would contribute significantly to their priority homeland security mission. The need for the proposed action is to meet USBP operational requirements; provide a safer environment for USBP agents, NPS staff, and general public; deter IAs by constructing an impediment to northward movement into the U.S.; enhance the response time of USBP agents; and meet the mandates of Federal legislation (i.e., Secure Fence Act of 2006 and 2007 Department of Homeland Security [DHS] Appropriations Act [HR 5441]).

1.5 APPLICABLE ENVIRONMENTAL STATUTES AND REGULATIONS

The applicable environmental statutes and regulations for this EA are similar to those of the December 2003 Final EA (NPS 2003) and are hereby incorporated by reference. In summary, this EA was prepared in accordance with, but not limited to the NEPA of 1969; Endangered Species Act (ESA) of 1973, as amended; the National Historic Preservation Act (NHPA) of 1966, as amended; and the Archeological and Historical Preservation Act of 1974, as amended. In addition to these environmental statutes and regulations this EA is guided by Federal legislation, DHS's Management Directive 5100.1, Clean Air Act (CAA), Clean Water Act (CWA), Noise Control Act, Resource Conservation and Recovery Act, and Toxic Substances Control Act. Executive Orders (E.O.) bearing on the proposed action include E.O. 11988 (*Floodplain Management*), E.O. 11990 (*Protection of Wetlands*), E.O. 12088 (*Federal Compliance with Pollution Control Standards*), E.O. 12580 (*Superfund Implementation*), E.O. 12898 (*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*), E.O. 13045 (*Protection of Children from Environmental Health Risks and Safety Risks*), E.O. 13101 (*Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*), E.O. 13123 (*Greening the Government Through Efficient Energy Management*), E.O. 13148 (*Greening the Government Through Leadership in Environmental Management*), E.O. 13175 (*Consultation and Coordination with Indian Tribal Governments*), and E.O. 13186 (*Responsibilities of Federal Agencies to Protect Migratory Birds*).

1.6 REPORT ORGANIZATION

This report is organized into 10 major sections including this introduction. Section 2.0 describes all alternatives considered for the project. Section 3.0 discusses the environmental features potentially affected by the project, while Section 4.0 discusses the environmental consequences for each of the viable alternatives. Cumulative impacts are discussed in Section 5.0, mitigation measures are discussed in Section 6.0, and public comments and the notice of Availability (NOA) are presented in Section 7.0. Sections 8.0, 9.0, and 10.0 present a list of the references cited in the document, a list of acronyms and abbreviations, and a list of the persons involved in the preparation of this document. Appendix A contains the March 2006 Memorandum of Understanding while Appendix B is a list of state and Federal protected species for Pima County. Appendix C contains correspondence that was sent and received during the preparation of this EA. Appendix D contains the air quality calculations for the Proposed Action Alternative.

SECTION 2.0
ALTERNATIVES

2.0 ALTERNATIVES

Three alternatives were identified and considered during the planning stages of the proposed project: No Action Alternative, Proposed Action Alternative, and Technology in Lieu of Tactical Infrastructure Alternative. The Proposed Action Alternative and Preferred Action Alternative are synonymous terms; however, for the purposes of this EA they will be referred to as the Proposed Action Alternative. The following paragraphs describe the alternatives considered.

2.1 NO ACTION ALTERNATIVE

Under the No Action Alternative, no construction activities would occur. The existing PVBs would continue to be maintained by NPS. The No Action Alternative does not meet the project's purpose and need, but has been carried forward for analysis, as required by CEQ regulations. The No Action Alternative will form the basis for evaluation of other action alternatives.

2.2 PROPOSED ACTION ALTERNATIVE

Primary pedestrian fencing has proved invaluable in denying quick access to concealment and escape opportunities for IAs inside the U.S. It performs a dual role in border security by acting as a visual deterrent and a formidable physical barrier, impeding IAs and increasing the window of time USBP agents have to respond to IAs attempting to breach the U.S.-Mexico border. The Proposed Action Alternative includes the construction and maintenance 5.2 miles of primary pedestrian fence along the U.S.-Mexico border near Lukeville, Arizona (Figure 2-1). The project corridor would extend 2.1 miles to the west and 3.1 miles to the east of the Lukeville POE. Approximately 5.2 miles of primary pedestrian fence would be constructed. Construction activities would remain within the 60-foot Roosevelt Reservation with the exception of the westernmost 0.65 miles. The westernmost 0.65 miles, which would be built over Sonoyta Hill, requires a construction footprint of 150 feet.

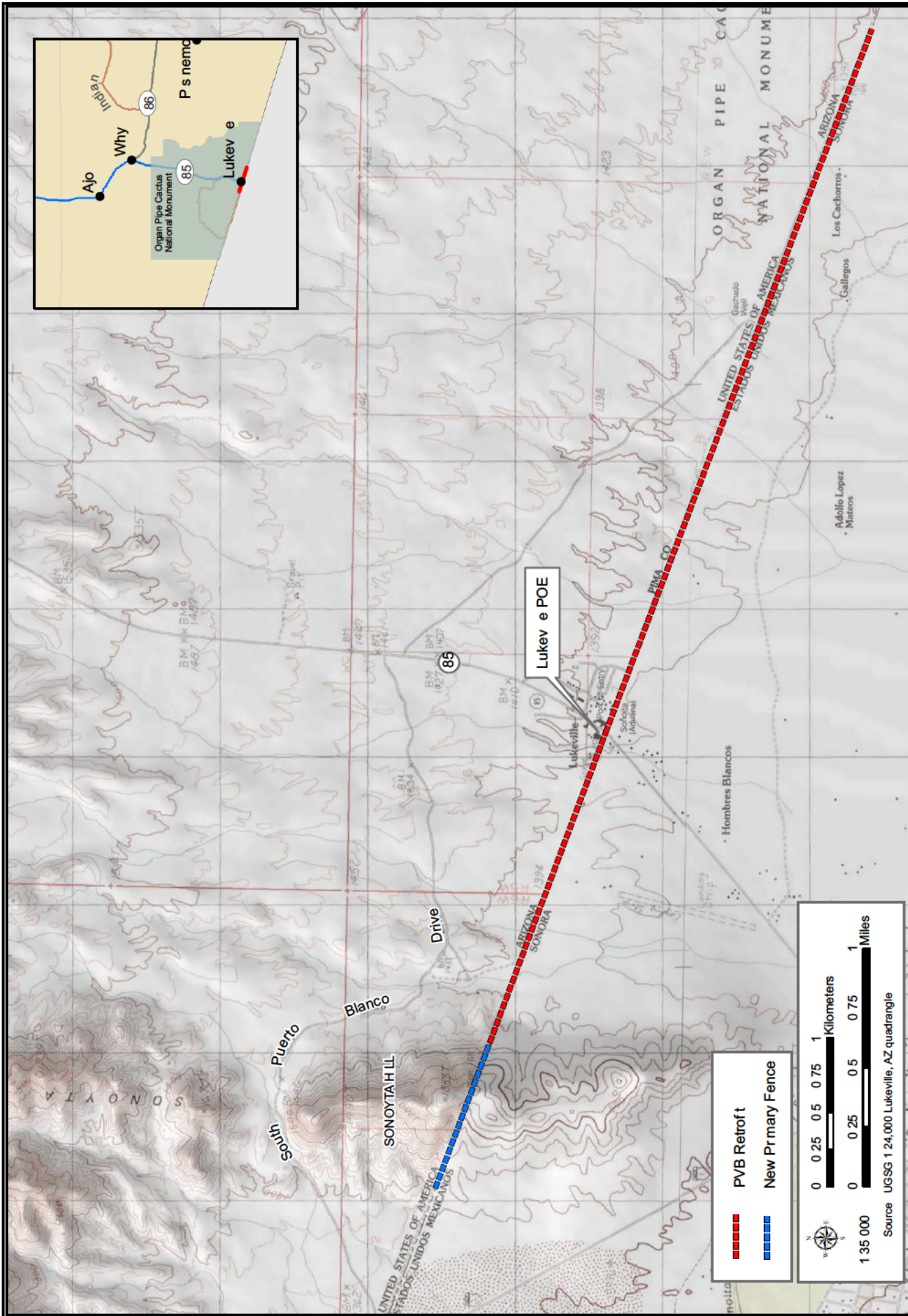
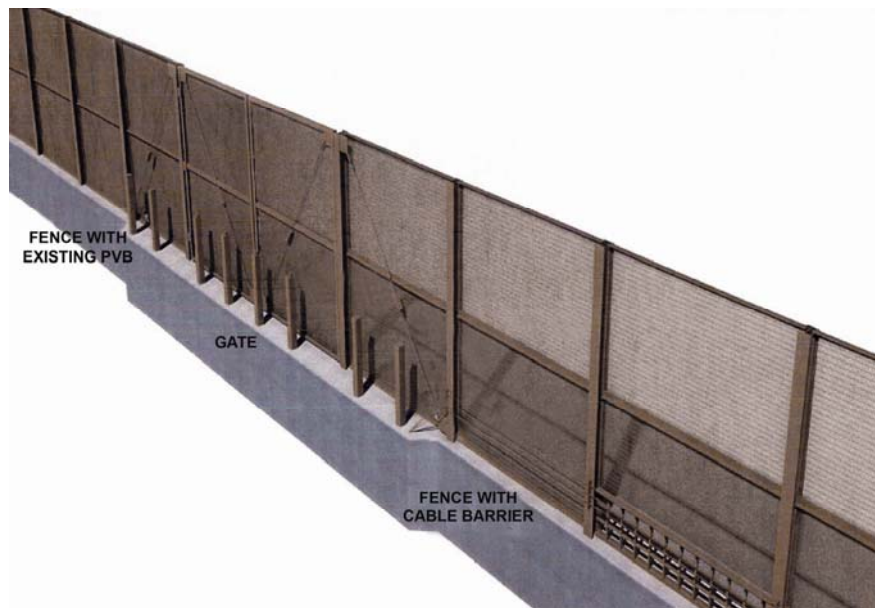


Figure 2-1: Proposed Act on Aternatve

The primary pedestrian fence would be installed approximately 3 feet north of the existing PVBs with the exception of the Sonoyta Hill portion. Due to the lack of PVBs in this area, the fence would be constructed approximately 3 feet north of the U.S.-Mexico border. An example of the mesh fence design is shown in Exhibit 2-1. This design would be used and would meet design performance measures, which dictate that the fence must:

- extend 15 to 18 feet above ground and 3 to 6 feet below ground;
- be capable of withstanding a crash of a 10,000-pound (gross weight) vehicle traveling at 40 miles per hour;
- be semi-transparent, as dictated by operational need;
- be vandal resistant;
- be designed to survive the extreme climate changes of a desert environment;
- not impede the natural flow of water; and
- allow for maintenance access to border monuments as required by the U.S. Section, International Boundary and Water Commission.

Exhibit 2-1. Example of Mesh Fence Design



Furthermore, in most washes or arroyos, the primary pedestrian fence would be designed and constructed to ensure proper conveyance of floodwaters and to eliminate the potential to cause backwater flooding on either side of the U.S.-Mexico border. CBP will remove debris from the

fence within washes/arroyos immediately after rain events to ensure that no backwater flooding occurs.

Staging areas and turnarounds would be located within the Roosevelt Reservation. Construction access would include the use of the existing patrol road adjacent to the U.S.-Mexico border as well as South Puerto Blanco Road in order to construct the primary pedestrian fence and road up and over Sonoyta Hill. Additionally, the road, existing PVBs, and primary pedestrian fence would be maintained by CBP to ensure the integrity of the road, PVBs, and primary pedestrian fence is not compromised.

2.3 OTHER ALTERNATIVES EVALUATED BUT ELIMINATED FROM CONSIDERATION

One other alternative was evaluated but eliminated from further consideration due to impediments to construction or failure to meet the purpose and need for the project. This alternative is discussed in the following subsection.

2.3.1 Technology in Lieu of Tactical Infrastructure

Under this alternative, USBP would use radar, cameras, lights, and other technology to identify illegal border crossings. The use of technology is a critical component of *SBI_{net}* and an effective force multiplier that allows USBP to monitor large areas and deploy agents to where they will be most effective. However, in the more populated areas within the Tucson Sector, physical barriers represent the most effective means to control illegal entry into the U.S. The use of technology alone would not provide a practical solution to achieving effective control of the border in USBP Tucson Sector. Therefore, this alternative would not meet the purpose and need as described in Section 1.4 and will not be carried forward for further analysis.

2.4 CONSTRUCTION PERSONNEL AND EQUIPMENT

Private contractors would complete the proposed construction and installation of the infrastructure components. All project personnel will not exceed a speed limit of 25 miles per hour within the OPCNM during construction and maintenance related activities. The project is expected to be completed by December 2008. Equipment staging would be located within previously disturbed areas to minimize potential effects to the environment. The equipment

anticipated to be used during the construction includes a backhoe, trencher, auger, crane, bulldozer, front-end loader, flatbed truck, water truck and roller/compactor.

2.5 SUMMARY

The two alternatives carried forward for analysis are the No Action Alternative and Proposed Action Alternative. An alternative matrix (Table 2-1) compares the two alternatives relative to the purpose and need. Table 2-2 presents a summary matrix of the impacts from the three alternatives analyzed and how they affect the environmental resources in the region.

Table 2-1. Relationship between Purpose and Need and Project

Requirements	Alternative 1: No Action Alternative	Alternative 2: Proposed Action Alternative
Provide a safer work environment for the USBP agents	PARTIALLY	YES
Deter illegal pedestrian traffic by constructing an impediment to northward movement	NO	YES
Satisfy Federal legislation	NO	YES

Table 2-2. Summary Matrix

Affected Environment	No Action Alternative	Proposed Action Alternative
Land Use	No impacts are expected.	Approximately 7 acres (0.65 mile X 90 feet) of NPS lands over Sonoyta Hill would be used as USBP infrastructure. The lands would remain as NPS lands; however, USBP would be allowed use of the 7 acres as articulated through a Special Use Permit. The remainder of the project corridor is within the Roosevelt Reservation; therefore, land use would not change in these areas. No significant impacts are expected as the indirect beneficial impacts would greatly outweigh the minor direct impacts. No significant impacts are expected as the indirect beneficial impacts would greatly outweigh the minor direct impacts.
Soils	No impacts are expected.	Up to 45 acres of soils could be permanently impacted. No prime farmlands would be impacted. Indirect impacts could occur to areas outside the project corridor. No significant impacts would occur as a result of the Proposed Action Alternative.
Vegetation	No impacts are expected.	Up to 28 acres of vegetation would be permanently altered. The remaining 17 acres of the total footprint of the project corridor are previously disturbed. The 28 acres that would be affected are comprised of vegetation communities that are regionally and locally common. Thus, no significant impacts would be expected. Indirect impacts could occur to areas outside the project corridor.
Wildlife	No impacts are expected.	If implemented, approximately 45 acres of wildlife habitat could be impacted; however, approximately 17 acres within the project corridor is previously disturbed from the construction of the existing PVBs. Therefore, no significant impacts are expected. Wildlife movement across the international boundary would be impeded within the corridor; however, these impacts would be minimal to wildlife, locally or regionally. Indirect impacts could occur to areas outside the project corridor.
Unique and Sensitive Areas	No impacts are expected.	The project footprint is primarily located within the Roosevelt Reservation. The viewshed of the OPCNM would be impacted by the construction of the primary pedestrian fence; however, once completed, the primary pedestrian fence will afford greater safety to park visitors and sensitive resources. Indirect impacts could occur as construction is ongoing or by IAs outside of the corridor if they try to circumvent the proposed infrastructure.
Wilderness	No impacts are expected	No direct impacts are expected. Indirect impacts could occur if IAs attempt to circumvent the proposed infrastructure. USBP would use the primary pedestrian fence as a force multiplier, which would all USBP to deploy agents to areas lacking infrastructure, thus, minimizing any indirect impacts.

Table 2-2, continued

Affected Environment	No Action Alternative	Proposed Action Alternative
Protected Species	No impacts are expected.	Although approximately 17 acres of the total project footprint (45 acres) have been previously disturbed due to the construction of the existing PVBs, food sources (columnar cacti) for the lesser long-nosed bat (<i>Leptonycteris curasoae yerbabuenae</i>) and habitat for the Sonoran pronghorn (<i>Antilocapra americana sonoriensis</i>) would be impacted. The Proposed Action Alternative may affect and is likely to adversely affect these two species. Section 7 consultation is on-going with the U.S. Fish and Wildlife Service (USFWS); conservation measures have been identified and would be implemented to off-set impacts to the bat and pronghorn. Indirect impacts could occur to habitat or species outside of the corridor if IAs attempt to circumvent the proposed infrastructure.
Cultural Resources	No impacts are expected.	No cultural resources would be impacted either directly or indirectly.
Air Quality	No impacts are expected.	Pima County is in attainment for all criteria pollutants. Minor, temporary impacts would occur during construction but would cease upon completion of the Proposed Action Alternative.
Water Resources	No impacts are expected.	Up to 11.4 acre-feet of groundwater would be used for dust suppression and mixing concrete. All water will be trucked into the project site from sources north of the OPCNM (i.e., Why, Ajo, or Gila Bend). No deficit would occur to the region's available groundwater sources; therefore, no significant impacts to water resources would occur.
Socioeconomics	No impacts are expected.	Minor, temporary impacts could occur. Indirect beneficial impacts would occur within the region due to the reduction of IA foot traffic and the associated societal cost.
Noise	No impacts are expected.	The project corridor is located adjacent to the busy Lukeville POE; therefore, the impacts would be minimal and temporary. No significant impacts to ambient noise levels would occur.
Aesthetics	No impacts are expected.	The project footprint is located within or adjacent to previously disturbed areas. The visibility of the primary pedestrian fence from within the OPCNM would have minimal adverse impacts; however, the beneficial impacts from the reduction of IAs and associated trash would be expected to outweigh any adverse impacts. No significant impacts would occur. Indirect impacts could occur outside of the project corridor.

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SECTION 3.0
AFFECTED ENVIRONMENT

3.0 AFFECTED ENVIRONMENT

In accordance with CEQ regulations (40 CFR § 1502.15), this chapter of the EA describes the baseline environment of the area(s) that would be affected by the viable alternatives under consideration. Data and analyses are commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. For those resources that have not changed, or where updates were not required, the discussions presented in the NPS 2003 Final EA are incorporated by reference (NPS 2003). Each of these resources is identified as such.

Resources such as prime farmlands, geology, communications, climate, and Wild and Scenic Rivers would not be impacted by this project and, thus, will not be evaluated in this EA for the following reasons:

- Prime Farmlands: There are no prime or unique farmlands in the project area.
- Geology: The construction activities proposed for this project do not include practices that would alter the geology of the area. These activities would result in negligible and localized effects to geological features, primarily due to the construction of concrete fence foundations and minimal cut and fill activities over Sonoyta Hill.
- Communications: The project would not affect communications systems in the area.
- Climate: The project would not affect nor be affected by the climate.
- Wild and Scenic Rivers: The proposed project would not affect any designated Wild and Scenic Rivers because no rivers designated as such are located within the project corridor.

3.1 LAND USE

This section was discussed in the 2003 Final EA and is incorporated herein by reference (NPS 2003). OPCNM is used for public use and recreation, species conservation, and as an International Biosphere Reserve. However, the project corridor is located within the Roosevelt Reservation along the U.S.-Mexico border. In March 2006, a Memorandum of Understanding (MOU) was established between DHS, U.S. Department of the Interior, and U.S. Department of Agriculture stating that all parties recognize that CBP operation and construction within the Roosevelt Reservation is the intended land use of the reservation (see Appendix A). Thus, land use within the majority of the project corridor is USBP infrastructure and operations. The

construction footprint over Sonoyta Hill and the use of South Puerto Blanco Road are north of the 60-foot Roosevelt Reservation and would require the issuance of a Special Use Permit by the NPS.

3.2 SOILS

Soils found within the project corridor were previously discussed in the 2003 Final EA and are hereby incorporated by reference (NPS 2003). No prime farmlands are located in the project corridor. There are 7 soils series found within the project corridor, as follows:

- Antho fine sandy loam
- Gilman very fine sandy loam, saline
- Gunsight very gravelly loam, 2-15% slopes
- Harqua very gravelly loam, 0-3% slopes
- Harqua-Gunsight complex
- Lomitas very stony loam, 8-40% slopes
- Torrifluvents (wash beds)

3.3 BIOLOGICAL RESOURCES

3.3.1 Vegetation Communities

Vegetation communities within the project corridor were discussed in the 2003 NPS Final EA and are incorporated herein by reference (NPS 2003). In general, the dominant biotic community of OPCNM is the mixed Sonoran desertscrub. This community is predominantly composed of palo verde (*Cercidium* spp.), organ pipe cactus (*Stenocereus thurberi*), saguaro (*Carnegiea gigantea*), ocotillo (*Fouquieria splendens*), Sonora barrel cactus (*Ferocactus covillei*), California barrel cactus (*Ferocactus cylindraceus*), and brittlebush (*Encelia farinosa*) (INS 2001). The creosote-bursage vegetation community is the second most common vegetation community on OPCNM and is comprised of creosotebush (*Larrea tridentata*), white bursage (*Ambrosia dumosa*), and triangle-leaf bursage (*Ambrosia deltoidea*) (NPS 2003). Saltbush (*Atriplex* sp.) is common throughout most of the project corridor, especially east of the Lukeville POE (Baiza 2007).

3.3.2 Wildlife

A detailed discussion of wildlife resources was presented in the 2003 NPS Final EA and is incorporated herein by reference (NPS 2003). In summary, a large diversity of animal species

are known to occur on OPCNM; these species include 55 mammals, 277 bird species, 48 reptiles and amphibians, one fish and two invertebrates. Many of the wildlife species found on OPCNM are obligate desert species; however, the riparian habitat available at Quitobaquito and Aquajita Springs support some aquatic species such as the Sonoran toad (*Bufo alvarius*) and Quitobaquito pupfish (*Cyprinodon macularius*).

3.3.3 Non-Native and Invasive Species

Non-native vegetation was previously discussed in the 2003 Final EA and is incorporated herein by reference (NPS 2003). Although the OPCNM has a minimal amount of non-native or invasive species in relation to the overall habitat area, these species have become a major problem in certain areas. One such area is Quitobaquito Springs. The common non-native species observed on the OPCNM include buffelgrass (*Pennisetum ciliare*), blue panic (*Panicum antidotale*), and ice plants (*Mesembryanthemum* sp.). More specifically, the common non-native plant located in the project corridor is Bermuda grass (*Cynodon dactylon*) (Baiza 2007).

3.4 UNIQUE AND SENSITIVE AREAS

Southwestern Arizona has many unique and sensitive areas. Ongoing efforts by many government agencies, as well as private entities, have set aside areas for preservation. These areas are intended for use by the public in hopes of better understanding the myriad of biological and physical systems exhibited in their natural state. The unique or sensitive areas located within or near the project corridor are discussed below.

Organ Pipe Cactus National Monument

OPCNM was established in 1937 by President Franklin D. Roosevelt to “celebrate the life and landscape of the Sonoran desert” (Desert USA 2004a). In 1976, the United Nations designated OPCNM as an International Biosphere Reserve; it is an almost pristine example of the Sonoran Desert (NPS 2005). In OPCNM, three distinctive desert habitats (i.e., desert wilderness, vast mountain ranges, and plains) converge within 500 square miles, representing diverse plant communities (Desert USA 2004b). OPCNM encompasses approximately 330,000 acres, of which 312,600 acres, or 94 percent, are designated as Wilderness Area (NPS 2004). With 26 species of cacti, OPCNM exhibits an extraordinary collection of plants of the Sonoran desert, including the organ pipe cactus, which is rarely found in the U.S. (NPS 2004). Within the project corridor lies components (i.e., xeroriparian areas and rocky hillsides) that make up the Sonoran Desert

ecosystem for which the OPCNM was set aside to preserve. These components are common throughout the Sonoran Desert, although the concentrations of certain Sonoran Desert species (e.g., organ pipe, senita) are higher within the OPCNM.

Cabeza Prieta National Wildlife Refuge (CPNWR)

CPNWR shares 56 miles of border with Sonora, Mexico, and is home to seven mountain ranges (USFWS 2002, Defenders of Wildlife 2004). CPNWR, established in 1939 to conserve natural wildlife resources (e.g., desert bighorn sheep [*Ovis canadensis mexicana*]), occupies 860,010 acres and is the third largest National Wildlife Refuge in the contiguous 48 states (USFWS 2002, 2005). The Arizona Desert Wilderness Act of 1990 designated over 90 percent (approximately 799,000 acres) of CPNWR as Wilderness Area making it the largest Wilderness Area in the state of Arizona (Arizona Wilderness Coalition 2004). CPNWR supports more than 391 plant species and 300 wildlife species, including the Federally listed Sonoran pronghorn (*Antilocapra americana sonoriensis*) (USFWS 2002). The refuge is characterized by creosote and bursage flats, ocotillo, western honey mesquite (*Prosopis glandulosa*), palo verde, ironwood (*Olneya tesota*), and an abundance of cacti, including cholla (*Opuntia* spp.) and saguaro.

Barry M. Goldwater Range (BMGR)

BMGR, established in 1941 as an aerial gunnery and bombing range, lies to the north and west of the project corridor and CPNWR. BMGR is a 1.7 million acre military tactical aviation training area with 57,000 cubic miles of restricted airspace. It is the second largest range within Department of Defense, and at one time over 2.7 million acres were set aside for the range. Within the boundaries of BMGR, at least 100 important cultural resource sites have been identified, three BLM designated areas of critical environmental concern, and the Flat-tailed Horned Lizard Management Area (BMGR Visitor Information Brochure, n.d.). The “southern westernmost” boundary of BMGR shares approximately 37 miles with the U.S.-Mexico border (U.S. Department of Air Force *et al.* 2006).

The Tohono O’odham Nation

Tohono O’odham Nation (TON) is comprised of four non-contiguous areas (Inter Tribal Council of Arizona 2003). The largest of the four areas within TON is located east of the project corridor. This area stretches 70 miles across the U.S.-Mexico border and occupies 2,773,357 acres. The total population of TON was 23,750 in 1999 (Arizona Department of Commerce 2004). The town

of Sells serves as the Nation's capital and other small, scattered villages are located within TON. Members of the Nation live in both the U.S. and Mexico.

3.5 WILDERNESS

The Wilderness Act of 1964 allowed for the establishment of a National Wilderness Preservation System. The act allows for the establishment of wilderness on Federally owned lands designated by Congress. Areas designated as wilderness are to be administered for the use and enjoyment of the public in such a manner as to leave the lands undisturbed for future use and enjoyment as wilderness, and to provide protection of these areas, and the preservation of their wilderness character. To maintain the wilderness characteristics of designated wilderness areas certain activities are prohibited and include permanent roads (except as necessary to meet minimum requirements for administration of the area, including measures required for emergencies involving human health and safety), temporary roads, motor vehicles, motorized equipment, motorboats, landing of aircraft, any form of mechanical transport, and structures (16 United States Code [U.S.C.] 1121 [note], 1131-1136).

In furtherance of the purpose of the Wilderness Act of 1964, the Arizona Desert Wilderness Act of 1990 was established to provide for the designation of certain public lands as wilderness in the state of Arizona (Public Law 88-577, found in 16 U.S.C. 1131-1136). There are no designated wilderness areas within the project corridor. However, most of OPCNM beginning 150 feet north of South Puerto Blanco Road is designated as Wilderness.

3.6 PROTECTED SPECIES AND CRITICAL HABITATS

3.6.1 Federal

An in-depth discussion of this resource was presented in the 2003 NPS Final EA and is incorporated herein by reference (NPS 2003). Within Pima County, 13 species are listed as Federally endangered, two are Federally threatened, one has been proposed for endangered status and three for candidate species (Table 3-1). Not all of these species occur within the vicinity of the project corridor; however, several have the potential to occur within or near the project corridor. These include the lesser long-nosed bat, Sonoran pronghorn and the Acuna cactus (*Echinomastus erectocentrus* var. *acuñensis*).

Table 3-1. Federally Listed and Proposed Species Potentially Occurring Within Pima County, Arizona

Common/Scientific Name	Federal/State Status	Habitat	Potential to Occur within or near Project Corridor
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	Candidate	Large blocks of riparian woods.	No – No suitable habitat.
Masked bobwhite (<i>Colinus virginianus ridgewayi</i>)	Endangered	Desert grasslands with diversity of dense native grasses, forbs, and brush.	No – Presently only known to occur on Buenos Aires NWR.
Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>)	Endangered	Cottonwood/willow and tamarisk vegetation communities along river and streams.	No – No suitable habitat.
California brown pelican (<i>Pelecanus occidentalis californicus</i>)	Endangered	Coastal lands and islands, also found around lakes and rivers inland.	No – No suitable habitat.
Mexican spotted owl (<i>Strix occidentalis lucida</i>)	Threatened	Nests in canyons and dense forests with multi-layered foliage structure.	No – No suitable habitat.
Sonoran pronghorn (<i>Antilocapra americana sonoriensis</i>)	Endangered	Broad intermountain alluvial valleys with creosote-bursage and palo verde-mixed cacti associations. Current distribution known to occur on the CPNWR.	Yes- Species present on CPNWR and OPCNM.
Ocelot (<i>Leopardus pardalis</i>)	Endangered	Dense, thorny chaparral communities and cedar breaks.	No – No suitable habitat.
Lesser long-nosed bat (<i>Leptonycteris curasoae yerbabuenae</i>)	Endangered	Desertscrub habitat with agave and columnar cacti present as food plants.	Yes – Potential foraging habitat present.
Jaguar (<i>Panthera onca</i>)	Endangered	Found in Sonoran desertscrub up through subalpine conifer forest.	No – Extirpated from the area.
Sonoyta mud turtle (<i>Kinosternon sonoriense longifemorale</i>)	Candidate	Occurs in pond and streams; however, it is restricted to Quitobaquito Springs and nearby stream habitat.	No – Known to occur at Quitobaquito Springs, but outside of project corridor.
Chiricahua leopard frog (<i>Rana chiricahuensis</i>)	Threatened	Streams, rivers, ponds, backwaters, and stock tanks that are mostly free from exotic species at elevations ranging from 1,200 to 4,000 feet.	No – No suitable habitat.
Quitobaquito pupfish (<i>Cyprinodon macularius</i>)	Endangered	Shallow springs, small streams, and marshes. Tolerant of saline and warm water.	No – Critical Habitat designated within the OPCNM at Quitobaquito Springs and Pond, but outside of the project corridor.
Gila chub (<i>Gila intermedia</i>)	Proposed Endangered	Pools, springs, cienegas, and streams within the Gila River system.	No – Known populations occur within the Gila River drainage.
Gila topminnow (<i>Poeciliopsis occidentalis occindentalis</i>)	Endangered	Small streams, springs, and cienegas within the Gila River system.	No – Known populations occur within the Gila River drainage.
Kearney blue star (<i>Amsonia kearneyana</i>)	Endangered	West-facing drainages in the Baboquivari mountains.	No –Project corridor west of Baboquivari Mountains.
Pima pineapple cactus (<i>Coryphantha scheeri</i> var. <i>robustispina</i>)	Endangered	Ridges in semi-desert grassland and alluvial fans in Sonoran desertscrub with elevation ranges from approximately 2,300 to 5,000 feet.	No – Known populations occur in east Pima County at high elevations.

Table 3-1, continued

Common/Scientific Name	Federal/State Status	Habitat	Potential to Occur within or near Project Corridor
Nichol Turk's head cactus (<i>Echinocactus horizonthalonius</i> var. <i>nicholii</i>)	Endangered	Unshaded microsites in Sonoran desertscrub on dissected limestone mountains.	No – Known populations occur in east Pima and south Pinal counties.
Huachuca water umbel (<i>Liaepopsis schaffneriana</i> var. <i>recurva</i>)	Endangered	Cienegas, perennial low gradient streams, wetlands.	No – Known populations found in San Pedro River Basin.
Acuña cactus (<i>Sclerocactus erectocentrus</i> Synonym: <i>Echinomastus erectocentrus</i> var. <i>acunensis</i>)	Candidate	Acuña cacti are found on granite substrates on rounded small hills at elevations ranging from 1,300-2,000 feet.	Yes – Potential to occur, known populations are located on OPCNM approximately 8 miles north of the U.S.-Mexico border.

Source: USFWS 2007.

3.6.1.1 Sonoran Pronghorn

The Sonoran pronghorn was listed as Federally endangered on March 11, 1967 (32 Federal Register [FR] 4001), and is currently recognized as one of five subspecies of pronghorn (USFWS 1998). Sonoran pronghorn range from the plains of central and western Sonora, Mexico north to southwestern Arizona (USFWS 2003). In Arizona, Sonoran pronghorn occur on the CPNWR, the BMGR, and OPCNM, from State Route 85 west to the Cabeza Prieta Mountains and from the vicinity of the Wellton-Mohawk Canal south to the U.S.-Mexico border (Figure 3-1). Although, the Sonoran pronghorn is known to inhabit the OPCNM west of State Route 85, the likelihood of encountering a Sonoran pronghorn within the project corridor is limited because Mexico Highway 2 is near the project corridor, the existing barbed wire fence, and human activity near Sonoyta, Mexico. All of these elements are considered an impediment to pronghorn movement (NPS 2003).

3.6.1.2 Lesser Long-nosed Bat

The lesser long-nosed bat was listed as endangered on September 30, 1988 (53 FR 38456). Lesser long-nosed bats are a nectar, pollen, and fruit eating species that migrates into southern New Mexico and Arizona seasonally from Mexico (Arizona Game and Fish Department [AGFD] 2003). Lesser long-nosed bats migrate starting in early April, apparently following the flowering of columnar cacti and desert agave (*Agave deserti simplex*), returning to Mexico during September (USFWS 1995). A total of 206 saguaro and 295 organ pipe cacti were observed within the survey corridor during the field surveys. It should be noted that over 85 percent of the columnar cacti observed within the project corridor were located within the 0.65 miles across Sonoyta Hill.