I like your response below.
ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.

From: (b)(6);(b)(7)(C)
Sent: Wednesday, August 09, 2017 1:47 PM
To: (b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

Thanks,

From: (b)(6);(b)(7)(C)
Sent: Wednesday, August 09, 2017 12:56 PM
To: (b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters
Yes, looks good to me.

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

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From: [Redacted]
Sent: Wednesday, August 09, 2017 12:53 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Follow up question about border project in San Diego sector from Reuters

Hi,

I included the fence replacement projects in El Paso and El Centro below. Is this good to go?

From: [Redacted]
Sent: Wednesday, August 09, 2017 10:35 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Follow up question about border project in San Diego sector from Reuters
These are our revisions to the answers.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? – The approximately 15 mile wall/fence replacement project is one of several other wall/fence replacement projects in for which CBP received funding for in its FY17 appropriations. Other border infrastructure construction projects in the FY17 appropriation to support USBP operational requirements include fence replacement projects in El Centro and El Paso Sectors, installing gates within gaps of existing fence in the Rio Grande Valley Sector and improving and constructing roads in several Sectors along the SW border.

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – The wall/fence replacement project replaces the existing primary fence in the Border Infrastructure System with bollard wall. There is secondary fence within the area specified in the waiver. The FY17 enacted budget doesn’t include funding to replace secondary fence. However, funding for replacement of the San Diego secondary wall was included in the President’s FY18 Budget request.

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – No properties in Mexico will be moved or displaced by new border wall construction or replacement wall construction. All construction activities will be conducted in the United States.

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – The protests regarding the Border Wall solicitations are still pending before the GAO. The GAO, by statute, has until October 4, 2017, to issue its decisions on the pending protests and the wall prototype construction schedule is contingent on when the GAO issues its decision as to those protests. If the protests are not resolved until early October, CBP would expect prototype construction to
commence in late October/early November. CBP anticipates 4-8 prototypes will be constructed and that each prototype will be 30 feet long. The wall prototypes project will inform CBP’s border barrier design toolkit and will serve as secondary border barrier in the area where constructed.

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-looms/452295000

Yes. However, the published notices are related to CBPs acquisition of land in 2008 to construct what is now the existing fence.

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

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From: [redacted]
Sent: Wednesday, August 09, 2017 8:04 AM
To: [redacted]; [redacted]; [redacted]
Cc: [redacted]; [redacted]; [redacted]; [redacted]; [redacted]
Subject: RE: Follow up question about border project in San Diego sector from Reuters

Yes! Thank you...I will incorporate a few minor edits from [redacted] too.

From: [redacted]
Sent: Tuesday, August 08, 2017 9:21 PM
To: [redacted]; [redacted]; [redacted]
Cc: [redacted]; [redacted]
Subject: RE: Follow up question about border project in San Diego sector from Reuters

Is it Ok if I send slightly tweaked language in the morning?

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY-WORK PRODUCT

From: [b](6);[b](7)(C)
Sent: Wednesday, August 09, 2017 12:30:47 AM
To: [b](6);[b](7)(C) [b](6);[b](7)(C)
Cc: [b](6);[b](7)(C) [b](6);[b](7)(C)
Subject: RE: Follow up question about border project in San Diego sector from Reuters

Please see my proposed edits (in green) are below. Can you please confirm my edit to question 5 is accurate (as well as the other edits).

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? —

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? —

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? —

BW 8 FOIA CBP 002022
4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be?—

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?—


From: (b)(6);(b)(7)(C)  
Sent: Tuesday, August 08, 2017 4:16 PM  
To: (b)(6);(b)(7)(C)  
Cc: (b)(6);(b)(7)(C)  
Subject: RE: Follow up question about border project in San Diego sector from Reuters  
Importance: High

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you’re ok with these responses. I drafted off the top of my head...please fact check!

Thanks,

From: (b)(6);(b)(7)(C)
Good afternoon:

Sorry to be such a bother. Please look at the inquiry below. I think I need help addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding (for example #1 is that project funded before current administration, etc). Thanks.

CBP Public Affairs

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? — (b) (5)

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? — (b) (5)

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? — (b) (5)

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? — (b) (5)

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw
that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?  


From: [b](6);(b)(7)(C)  
Sent: Tuesday, August 08, 2017 2:19 PM  
To: [b](6)@thomsonreuters.com; [b](6)@hq.dhs.gov  
Cc: [b](6)@hq.dhs.gov

Subject: RE: Follow up question about border project in San Diego sector from Reuters

Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.

CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts may be awarded until the protests are resolved. By statute, GAO is required to issue a decision on a protest within 100 days of filing. CBP expects GAO’s decision on these protests in early October 2017, which would delay construction to late October or early November, which is beyond our original summer 2017 timeline. CBP could resume contract consideration if the protest is resolved sooner. A total of 4-8 prototypes are expected to built.

CBP is updating the expected timeline of contract award and construction to allow for immediate resumption of the acquisition process based on GAO’s decision. CBP will continue to take steps to implement the President’s Executive Order on Border Security and Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

CBP Public Affairs
Subject: RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from you.

Regards,
Dave

---

From: Lapan, David [mailto: @hq.dhs.gov]
Sent: Tuesday, August 08, 2017 1:56 PM
To: Reuters News
Cc: Media Inquiry
Subject: RE: Follow up question about border project in San Diego sector from Reuters

I know some of the answers to those questions but adding colleagues at CBP to provide detailed responses.

Regards,
Dave

---

From: @thomsonreuters.com
Sent: Tuesday, August 08, 2017 1:44:47 PM
To: Lapan, David
Cc: Media Inquiry
Subject: Follow up question about border project in San Diego sector from Reuters

Hi there David,

Hope you are doing well.

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration?
2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from?
3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move?
4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be?
5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not...
clear?

Thanks so much for your help with these and I will be looking forward to hearing back from you!
All the best,

..........................................................

………………………………………………

 Reuters News
 Reporter
 www.reuters.com

3 Times Square, 18th Floor
New York, NY 10036
office: (b) (6)
cell: (b) (6)
email: (b) (6)@thomsonreuters.com
www.linkedin.com/in (b) (6) 

From: DHS Press Office [mailto:pressoffice@messages.dhs.gov]
Sent: Tuesday, August 01, 2017 8:03 AM
To: (b) (9) (Reuters News)
Subject: DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA

Press Release
August 1, 2017
Contact: DHS Press Office, (202) 282-8010

DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN
WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.

The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.

The waiver covers certain border infrastructure projects in the United States Border Patrol’s San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

The sector remains an area of high illegal entry for which there is an immediate need to improve current infrastructure and construct additional border barriers and roads. To begin to meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS’s border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump’s Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan, design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS’s obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the
environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

# # #
All,

These are working documents... briefing is focus for today's meeting. Remainder of documents are for background and familiarization.

Note: The briefing is Law Enforcement Sensitive (LES).

v/r,

acting technical director
Land Systems Operational Test Authority (LSOTA)

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

Homeland Security Systems Engineering Development Institute (HSSEDI)

(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
US Customs and Border Protection’s Wall Program

Draft T&E Strategy Briefing

April, 2017
Program Background

US CBP Border Wall:
- Provides impedance and denial (I&D) capability
  - US southwestern border
  - Between POEs
  - Not contiguous – divert illegal traffic
  - Improve certainty of detection and apprehension
- I&D capability requires combination of
  - Physical barrier(s)
  - Technology
  - People

Impedance and Denial Is a Critical Capability for Operational Control of US Border
Program Overview

Program Description/Requirement:
- Identify, acquire, and deploy the right mix of physical barrier, technology and people
- ADM Requirements: Develop procurement solution for the purchase of four to six wall prototypes and construct first segment in Yuma, AZ or San Diego, CA to support Alternatives Analysis and refinement of requirements

Wall Segment 1 Goals:
- Mockup Goal: Based on various wall construction designs, determine right mix of wall construction materials to achieve a breaching delay
- Prototype Goal: Based on various wall construction designs, determine the right mix of wall attributes to

FY17 Accomplishments:
- Pre-solicitation Notice Released – 3/8
- Two RFPs released – 3/17
- ARB held – 3/20
- Granted ADE-1 – 4/14
- Acquisition Plan Staffed – 4/17

FY17 Milestones:
- MAOL Inclusion Request – 4/30
- Award Contract – 6/12
- Begin Prototype Construction – 7/21
- Complete JRC Actions – NLT 11/1
- ADE 2A ARB – a/a 12/31
- Draft TEMP – a/a 12/31

Decision Authority:
- Acquisition Level: 1
  - Programs with ≥ $1B LCCE
  - Wall Lifecycle Cost Estimate: TBD
- Decision Authority: DHS Chief Acquisition Officer (CAO)
- Decision Event Review: Acquisition Review Board (ARB)
- Source Selection Authority: TBD
- ADE 2A Planned: December 31, 2017
# Key Program Documentation

<table>
<thead>
<tr>
<th>Document</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Mission Needs Statement (MNS)</td>
<td>March 9, 2017</td>
</tr>
<tr>
<td>Capability Analysis Report (CAR)</td>
<td>March, 2017</td>
</tr>
<tr>
<td>Acquisition Decision Memorandum (ADM)</td>
<td>April 14, 2017</td>
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<tr>
<td>Capability Development Plan (CDP)</td>
<td>April 14, 2017</td>
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<tr>
<td>Acquisition Plan (AP)</td>
<td>April 17, 2017</td>
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<tr>
<td>Operational Requirements Document (ORD)</td>
<td>TBD</td>
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<tr>
<td>Integrated Logistics Support Plan (ILSP)</td>
<td>TBD</td>
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<tr>
<td>Concept of Operations (CONOPS)</td>
<td>Initial Draft</td>
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<tr>
<td>Test and Evaluation Master Plan (TEMP)</td>
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# Decision Support Questions (DSQ)

<table>
<thead>
<tr>
<th>DSQ #</th>
<th>DSQ</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Does the I&amp;D system facilitate operational control of the US southwestern border?</td>
</tr>
<tr>
<td>2</td>
<td>What is the right mix of physical wall, technology and people to achieve operational control of the US southwestern border?</td>
</tr>
<tr>
<td>3</td>
<td>Does the I&amp;D system discourage *TTILVs from attempting to enter the US?</td>
</tr>
<tr>
<td>4</td>
<td>Is CBP’s certainty of detection enhanced by the I&amp;D system?</td>
</tr>
<tr>
<td>5</td>
<td>Is CBP’s certainty of apprehension enhanced by the I&amp;D system?</td>
</tr>
<tr>
<td>6</td>
<td>Does the I&amp;D system divert illegal activities away from high-value/threat favorable terrain/areas?</td>
</tr>
<tr>
<td>7</td>
<td>Can the I&amp;D system be sufficiently maintained and supported throughout its lifecycle?</td>
</tr>
<tr>
<td>8</td>
<td>Does the I&amp;D system allow adequate access and mobility to the US southwestern border?</td>
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<tr>
<td>9</td>
<td>Does the I&amp;D system provide security from unauthorized access to system components?</td>
</tr>
<tr>
<td>10</td>
<td>Does the I&amp;D system afford CBP personnel with protection from hostile attacks?</td>
</tr>
<tr>
<td>11</td>
<td>Does the I&amp;D system facilitate the efficient use of CBP resources?</td>
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</tbody>
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* TTILV – Terrorists, Traffickers, and Immigration Law Violators
## Critical Operational Issues

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<thead>
<tr>
<th>COI #</th>
<th>COI</th>
<th>Capability Gap</th>
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<tbody>
<tr>
<td>(b) (7)(E)</td>
<td>Does the I&amp;D system allow USBP to impede and deny threats?</td>
<td>(b) (7)(E)</td>
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<tr>
<td></td>
<td>Does the I&amp;D system allow USBP access to all areas of the US border?</td>
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<td>Does the I&amp;D system diminish adversary vanishing times?</td>
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<td>Is the I&amp;D infrastructure easily compromised?</td>
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<td>Does the I&amp;D system delineate the international boundary between the US and Mexico?</td>
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<td>Can the I&amp;D system be maintained and supported throughout its lifecycle?</td>
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<tr>
<td></td>
<td>Does the I&amp;D system provide security to system components and CBP personnel from hostile attacks?</td>
<td>NA</td>
</tr>
</tbody>
</table>
Threat Assessment

- I&D Threat Defeat Ways and Means
  - Use of land, air and water conveyances
  - Personnel crossing on foot – individual and in groups
  - Personnel with surveillance means
  - Personnel crossing on foot – with narcotics and contraband
  - Personnel crossing with weapons
  - Use of breaching means on I&D infrastructure
Integrated Master Schedule

10/4 – 10/31: Test Execution of Mockup and Prototypes
11/1 – 11/28: Analysis and Reporting (Briefing)
T&E Overview

- Pre-ADE 2A T&E Support (Mockups)
  - Breaching
- Pre-ADE 2A T&E Support (Prototypes)
  - Anti scaling
- Pre-ADE 2C T&E Support (RGV Segment)
  - Limited evaluation of RGV segment*
- Prioritized Segment T&E Support
  - Evaluation of prioritized segments*
- Follow-On T&E Support
  - Based on changes/updates*
- Evaluation Reports
  - For all T&E events and segments

*Assumes I&D system evaluation
T&E Process, Activities and Products

**Strategy**
- Decision Support Matrix
- Critical Operational Issues
- Baseline Correlation Matrix (initial)
- Test & Evaluation Concept
- Rough Order of Magnitude (Cost - initial)
- Entrance & Exit Criteria
- Evaluation Strategy Brief

**Planning**
- Evaluation Measures
- Data Model
- Baseline Correlation Matrix (final)
- Data Source Matrix
- Data Schema
- Evaluation Database
- System Assessment Plan
- Data Collection Plan
- Data Handling & Management Plan
- Test Concept Brief
- Test Plan
- Rough Order of Magnitude (Cost - final)

**Execution**
- Safety Assessment
- Safety Release or Confirmation
- Data Collection
- Daily Reports
- Data Verification
- Level 3 Database
- Test Report

**Analysis**
- Anomaly Resolution
- Request For Information
- Data Mining
- Data Visualization Products

**Reporting**
- Quick Look Report
- Assessment or Evaluation Plan
Overall T&E Strategy

- Two RFPs → ADE-1: Technical Assessment (Mockup T&E DT) → Phase IA
- ADE-1 → Technical Assessment (Prototype T&E DT) → Phase IB
- Phase IB → DP-1 Physical Wall Design → ADE-2A

Phase 2/3/4

- M&S
- AA → DP-2 Segment Priority → ADE 2B
- ADE 2B → RGV Segment (C2, Threat, T) → Log Demo → ADE 2C

Phase II

- RGV OA
- Operational Assessment

Phase III

- Prioritized Segments
- Segment #1
- Segment #2
- Segment...
- Operational Assessment(s)
- ADE 2C
- Operational Assessment (Deficiencies Found)

Phase IV

- Operational Assessment (Due to Changes/Upgrades)
- FOT&E

- OE - Operational Environment Considerations
- TI - Technology Integration
- C - Cyber Resilience

- DP - Decision Point
- Need Acquisition Strategy

Law Enforcement Sensitive/For Official Use Only

LEO/FOUO
Continuous T&E Locations

Southwest border map

OA (El Centro Sector)
OA (Tucson Sector)
OA (El Paso Sector)
OA (Big Bend Sector)
OA (Del Rio Sector)
OA (ADE 2A) (RGV Sector)

Mockup & Prototype (San Diego, CA)

Legend:
- State line
- Sector boundary
- State name
- Sector name
- U.S. city
- Mexican city
- Border

Source: U.S. Customs and Border Protection; MapInfo (map), GAO-17-331

Low Enforcement Sensitive/For Official Use Only
FOIA-FOO
# Integrated T&E Team: Site Visit

## Travel

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<thead>
<tr>
<th>Purpose of Travel/ Test Personnel</th>
<th>Projected Person</th>
<th>Date of Travel</th>
<th>Location</th>
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<th>Per Diem /Day***</th>
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* Air Fare: Based on Round Trip from Home Airport to Location except where noted

** Lodging: Recommend multiplying "Per Diem - FY17" tab value by 1.15 to account for state and local taxes at -15%

Note: Calculation for "Total per Traveler" deducts 1 day from the duration since lodging cost is per night and not per day

*** Per Diem: MI&E (First & Last Days 75% not calculated here), see tab "Per Diem - FY17" for rates

**** Car Rental: Estimated Economy or 4-Wheel Drive SUV for testing

***** Gas, tolls, parking, fees, taxi to/from home airport, etc.

Assumes BPA from within San Diego sector

---

Low Enforcement Sensitive/For Official Use Only - EE/FOUO
Pre-ADE 2A T&E Support (Mockups)

- Technical Assessment (TA) Event
- T&E Phase IA
  - Technical assessment of mockups (San Diego Sector)
  - Test Purpose: Ability to achieve or exceed breaching requirements (RFP)
  - Test Objective: Based on threat assessment, use breaching techniques to determine impedance times
  - Event timeline
    - Participate in Impedance and Denial ORD Development (Late May; San Diego)
    - Participate in contractor presentations (o/a 1 June; San Diego)
    - Conduct on-site survey (San Diego)
    - Conduct on-site observation/data collection of breaching activities/operations
  - Event limitations/concerns and actions/mitigations
    - (b) (7)(E), (b) (5)
Pre-ADE 2A T&E Support (Prototypes)

- Technical Assessment (TA) Event
- T&E Phase IB
  - Technical assessment of prototypes (San Diego Sector)
  - Test Purpose: Ability to [redacted]
  - Test Objective: Based on threat assessment,
  - Event timeline
    - Conduct on-site observation/data collection of scaling activities/operations
  - Event limitations/concerns and actions/mitigations
    - (b) (7)(E), (b) (5)
# Integrated T&E Team: Mockup & Prototype

Includes on-site test execution

## Travel

<table>
<thead>
<tr>
<th>Purpose of Travel/Test Personnel</th>
<th>Projected Person</th>
<th>Date of Travel</th>
<th>Location</th>
<th># of Travelers</th>
<th>Duration (Days)</th>
<th>Air Fare R/T*</th>
<th>Lodging/Day**</th>
<th>Per Diem/Day***</th>
<th>Car Rental/Day****</th>
<th>Misc/Day*****</th>
<th>Total Per Traveler</th>
<th>Total Travel for Billet</th>
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<tbody>
<tr>
<td><strong>Mockup &amp; Prototype</strong></td>
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Total Estimated T&E Costs for Mockup & Prototype: (b) (5) *

* Travel costs only

---Security Sensitive/For Official Use Only---

LEO/FOUO

---Low Enforcement Sensitive/For Official Use Only---

LEO/FOUO
Pre-ADE 2C T&E Support (RGV Segment)

- Operational Assessment (OA) Event
- T&E Phase II
  - Operational assessment of RGV I&D system segment
  - Event Goals and Objectives:
    - Determine if the operational requirements contained in the I&D CONOPS and/or ORD have been met
    - Evaluate operational effectiveness, operational suitability, safety and security
  - Event timeline
    - Participate in any user/operator training
    - Conduct on-site survey prior to T&E event
    - Conduct on-site T&E observation/data collection (includes logistics/maintenance demo and cybersecurity assessment)
    - Conduct analysis of T&E event results
    - Develop, staff and publish operational assessment report
- Event limitations/concerns and actions/mitigations
  - (b) (5)
Prioritized Segment T&E Support

• Operational Assessment (OA) Events

• T&E Phases III (Segment T&E)
  • Operational assessment of I&D system within each Sector
  • Event Goals and Objectives:
    • Determine if the operational requirements contained in the I&D CONOPS and/or ORD have been met
    • Evaluate operational effectiveness, operational suitability, safety and security
  • Event timeline
    • Participate in any user/operator training
    • Conduct on-site survey prior to T&E event
    • Conduct on-site T&E observation/data collection (includes logistics/maintenance demo and cybersecurity assessment)
    • Conduct analysis of T&E event results
    • Develop, staff and publish operational assessment report

• Event limitations/concerns and actions/mitigations
  • (b) (5)
Follow-On T&E Support

- Follow-On T&E (FOT&E) Events
- T&E Phase IV
  - Operational evaluations of I&D system within each applicable Sector
  - Event Goals and Objectives:
    - Re-evaluate operational effectiveness, operational suitability, safety and security based on:
      - I&D system design changes,
      - I&D system or component updates,
      - New threats,
      - Changes to policies,
      - Changes to I&D CONOPS and/or tactics, techniques and procedures
  - Event timeline
    - Conduct on-site survey prior to T&E event
    - Conduct on-site T&E observation/data collection (includes logistics/maintenance demo and cybersecurity assessment)
    - Conduct analysis of T&E event results
    - Develop, staff and publish operational assessment report
  - Event limitations/concerns and actions/mitigations (TBD)
RAM Data Collection and Evaluation

- Supports COI^{(b)(7)(E)} and Capability Gap^{(b)(7)(E)}

- System failure and maintenance data to be collected at all test activities (when available)

- OTA will work with T&E IPT and PM to begin collecting RAM data as soon as possible

- Overall proposed approach for determining system reliability will be included in OTA’s concept brief to DOT&E
Cybersecurity

- Compliance with ORD requirements

- Focus on interfaces and ‘network’ of domain awareness components of I&D system to other data sources and systems

- Integration Testing will cover implementation and evaluation of cybersecurity controls (where applicable)

- Cyber Assessment will be performed by national cyber centers of excellence and will include following cyber activities and events:
  - Vulnerability Assessment
  - Penetration Testing
  - Ability of users to detect, react and restore system to needed mission readiness level

- OT will plan to encompass a comprehensive cyber assessment to include threat/adversary attacks and means consistent with threat reviews
Acronyms

- LSOTA – Land Systems Operational Test Authority
- ITO – Independent Test Organization
- OTA – Operational Test Agency
- CBP – Customs and Border Protection
- DOE – Design of Experiments
- DT – Developmental Test
- OT – Operational Test
- TEGR – Test and Evaluation Gate Review
Requests for Information (RFIs)

(b) (7)(E), (b) (5)
Mockup and Prototype Daily T&E Rhythm

- 0600 – 1st shift travel to test site
- 0700 – 1st shift prep test site
- 0700 - 2nd shift travel to test site
- 0800 – 1st shift begins breaching testing (technique #1 on four concrete facing mockups)
- 0800 - 2nd shift prep test site
- 0900 – 2nd shift begin breaching testing (technique #2 on four non-concrete mockups)
- 1200 – 1st shift complete breaching technique #1 test; Lunch break
- 1230 – 1st shift start breaching testing (technique #3 on four concrete mockups)
- 1300 – 2nd shift complete breaching technique #2 test; Lunch break
- 1330 – 2nd shift start breaching testing (technique #4 on four non-concrete mockups)
- 1630 – 1st shift complete breaching technique #2; clean-up 1st shift test site
- 1730 - 1st shift travel to hotel
- 1730 - 2nd shift complete breaching technique #4 testing; clean up 2nd shift test site
- 1830 – 2nd shift travel to hotel

- Assumes simultaneous breaching on all mockup sets
- Using this method can assess up to breaching techniques combinations in 10 test days
- Use same rhythm for scaling

- Current plan is two - 8 hour shifts
  Equates to total hours per day due to daylight availability
- Assumes test day of 0700-1900
- Based on PM schedule, 20 test days (2 days for travel, and five on and two off) = 240 test hours
T&E Strategy Initial ROM

- **Phase IA (Mock-Ups)**
  - Anti-breaching
  - RFP requirements met
  - Test cases
  - On-site observations
  - Data collection forms
  - Interviews
  - Day/night
  - Estimated Cost (b) (5)

- **Phase IB (Prototype)**
  - Anti-scaling
  - RFP requirements met
  - Test cases
  - On-site observations
  - Data collection forms
  - Interviews
  - Day/night
  - Estimated Cost (b) (5)

- **Phase II (OA)**
  - Production representative wall system (RGV)
  - Limited operational effectiveness, suitability, safety and cyber resiliency
  - On-site observations, data collection forms, interviews
  - Day/night
  - Actual users, intended operational environment, representative threat
  - Estimated Cost (b) (5)

- **Phase III (All Segments)**
  - Production representative wall system (5 segments)
  - Full operational effectiveness, suitability, safety and cyber resiliency
  - On-site observations, data collection forms, interviews
  - Day/night
  - Actual users, intended operational environment, representative threat
  - Estimated Cost (b) (5)

- **Phase IV (FOT&E)**
  - Changes to:
    - System design
    - System upgrades
    - Technology insertions
    - Threats
    - Resolution of deficiencies
    - USBP tactics, techniques and procedures
  - Estimated Cost TBD

**Modeling and Simulation** (approx. 1 year):
- Sensitivity analysis
- LCCE
- Mission Effectiveness
  - Estimated Cost (b) (5)

**Total Estimated T&E Cost** (b) (5)

*Total Estimated T&E Cost excludes any potential FOT&E costs*
| DSQ 1 - Does the I&D system facilitate operational control of the US southwestern border? |
| Critical Operational Issue [COI] 1 - Does the I&D system allow USBP to impede and deny threats/loils? |
| Operational Issue 1.A - Does the I&D system allow USBP to impede threats/loils? |
| *(b) (7)(E)* |
| Operational Issue 1.B - Does the I&D system allow USBP to deny threats/loils the use of key terrain? |

<p>| DSQ 2 - What is the right mix of physical wall, technology and people to achieve operational control of the US southwestern border? |
| Operational Issue 2 - Right Mix of Physical Wall |
| <em>(b) (7)(E)</em> |
| Operational Issue 3 - Right Mix of Technology |
| Operational Issue 4 - Right Mix of People |
| DSQ 3 - Does the I&amp;D system discourage TTELVs from attempting to enter the US? |
| DSQ 4 - Is CBP's certainty of detection enhanced by the I&amp;D system? |</p>
<table>
<thead>
<tr>
<th>DSQ 5 - Is CBP’s certainty of apprehension enhanced by the I&amp;D system?</th>
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</thead>
<tbody>
<tr>
<td>DSQ 6 - Does the I&amp;D system divert illegal activities away from high-value/threat favorable terrain/areas?</td>
</tr>
<tr>
<td>DSQ 7 - Can the I&amp;D system be sufficiently maintained and supported throughout its lifecycle?</td>
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</tbody>
</table>

### Operational Issue X - I&D Design Does Impede or Change Natural Surface Drainage

<table>
<thead>
<tr>
<th>MOE X.1 - Percent of instances where surface drainage impeded</th>
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</thead>
<tbody>
<tr>
<td>MOE X.2 - Percent of instances where surface drainage changed</td>
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</table>

<table>
<thead>
<tr>
<th>MOP X.1.1 - Number of instances where I&amp;D system impedes surface drainage</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOP X.1.2 - Total number of surface drainage sites/locations</td>
</tr>
</tbody>
</table>

### Operational Issue X - I&D Design Mets USBP Standards

<table>
<thead>
<tr>
<th>MOE X.1 - Percent of instances where pedestrian gate standards not supported/met</th>
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<tbody>
<tr>
<td>MOE X.2 - Percent of instances where vehicle gate standards not supported/met</td>
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<tr>
<th>MOP X.1.1 - Number of instances where pedestrian gate standards not met</th>
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<tbody>
<tr>
<td>MOP X.1.2 - Total number of pedestrian gates</td>
</tr>
<tr>
<td>MOP X.1.3 - Mission impact of pedestrian gate standards not being met</td>
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</table>

<table>
<thead>
<tr>
<th>MOP X.2.1 - Number of instances where vehicle gate standards not met</th>
</tr>
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<tbody>
<tr>
<td>MOP X.2.2 - Total number of vehicle gates</td>
</tr>
<tr>
<td>MOP X.2.3 - Mission impact of vehicle gate standards not being met</td>
</tr>
</tbody>
</table>

(b) (7)(E)

### DSQ 8 - Does the I&D system allow adequate access and mobility to the US southwestern border? |

### DSQ 9 - Does the I&D system provide security from unauthorized access to system components? |

### DSQ 10 - Does the I&D system afford CBP personnel with protection from hostile attacks? |

### DSQ 11 - Does the I&D system facilitate the efficient use of CBP resources?
<table>
<thead>
<tr>
<th>Mission</th>
<th>Desired Mission Outcome(s)</th>
<th>Threats</th>
<th>CBP Capability (CBP needs the ability to...)</th>
<th>CBP Capability Purpose or Effect (to enable, allow, facilitate...)</th>
<th>Potential Capability Measures (MOEs)</th>
<th>Supporting Capabilities/ Tasks</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operational Control of the US Border</strong></td>
<td><strong>Safeguard</strong> America’s borders - protecting the public from dangerous people and materials 1) Percent improvement in US border with new &amp;O infrastructure 2b) Percent improvement in US border with effective roads 3b) Increase to vanishing times, and decrease US&amp; response times 1d) Percent improvement of sufficiency of existing &amp;O infrastructure 3e) Percent improvement in international border demarcation 1f) Ability to maintain &amp;O infrastructure mission readiness 2) Ability to maintain homeland security 3) Ability to maintain national security</td>
<td><strong>Drug traffickers</strong> (i.e., there is a difference between drugs and contraband) <strong>Branching Means</strong> (B) <strong>7</strong>: E</td>
<td><strong>Impede</strong> (slowing) border incursions/crossings</td>
<td>Support disruption and degradation of illegal activity and acts of terrorism</td>
<td><strong>Domain Awareness</strong> (Track); <strong>Access and Mobility</strong> (Respond); Communicate (Respond); Mission Readiness (Respond); Security; Resolve</td>
<td>US&amp; Impedance and Denial MNS (3/9/2017)</td>
<td></td>
</tr>
<tr>
<td><strong>Contraband smugglers</strong></td>
<td><strong>Branching Means</strong> (C) <strong>7</strong>: E</td>
<td><strong>Intent</strong>: employ countermeasures when and where possible to defeat and or damage impendence and denial (capabilities) and assets</td>
<td><strong>Terrorist groups - not within scope</strong></td>
<td>Support disruption and degradation of illegal activity and acts of terrorism</td>
<td><strong>Domain Awareness</strong> (Track); <strong>Access and Mobility</strong> (Respond); Communicate (Respond); Mission Readiness (Respond); Security; Resolve</td>
<td>US&amp; Impedance and Denial MNS (3/9/2017)</td>
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<tr>
<td><strong>Operational Control of the US Border</strong></td>
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<td><strong>Deny</strong> (stopping) the adversary’s use of terrain (border crossings (staging)) <strong>Success Criteria</strong>: Prevent T&amp;L from attempting to enter the US 1) Does the wall prevent T&amp;L from attempting to enter the US? 2) Does the wall stop illegal foot entries to the US?</td>
<td><strong>Prevent</strong> (preventing) all unlawful entries into the United States between the land POIs</td>
<td>Support agents’ successful interdiction of response to illegal persons and items</td>
<td><strong>Domain Awareness</strong> (Track); <strong>Access and Mobility</strong> (Respond); Communicate (Respond); Mission Readiness (Respond); Security; Resolve</td>
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<td><strong>Channel</strong> (diverting) adversaries into specified areas or away from high-value, threat favorable US terrain</td>
<td><strong>Support</strong> (supporting) agents’ successful interdiction of response to illegal persons and items</td>
<td><strong>Domain Awareness</strong> (Track); <strong>Access and Mobility</strong> (Respond); Communicate (Respond); Mission Readiness (Respond); Security; Resolve</td>
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<td>points of origin, modes of transit to the United States, arrival at and crossing the border, and routes of egress to a final destination; repair and sustainment of denial and impedance infrastructure and systems</td>
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<td>Mission</td>
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<tr>
<td>gain and maintain access and mobility to critical operational locations</td>
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<tr>
<td>secure border security infrastructure and systems</td>
</tr>
<tr>
<td>establish and maintain mission readiness of CBP assets and resources (including agents)</td>
</tr>
<tr>
<td>communicate with other CBP and local law enforcement entities</td>
</tr>
<tr>
<td>command and control CBP assets and resources</td>
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<tr>
<td>anticipate and target illegal traffic actions prior to illegal activity occurring (predict)</td>
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<tr>
<td>discover the presence of a possible illegal load (loot) or suspected contraband (detect)</td>
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<tr>
<td>determine whether an entity/lot is human, animal, conveyance or unknown (identify)</td>
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<tr>
<td>determine the level of threat, risk, and/or intent of a detected lot (classify)</td>
</tr>
<tr>
<td>follow the progress or movements of an loot (track)</td>
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<tr>
<td>dispatch or employ law enforcement resources (respond)</td>
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**BW 8 FOIA CBP 002063**
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<td>air, land and water conveyances; agreements (private land, reservations, other)</td>
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<td>instruments of terrorism (weapons); narcotics; other contraband; TCs;</td>
<td>and routes of ingress to a final destination</td>
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<td>perimeter detection systems; BPAs; local law enforcement</td>
<td>patrolling; inspection</td>
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<td>instruments of terrorism (weapons); narcotics; other contraband; TCs;</td>
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<td>TA/COM; LMRs</td>
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<td>Monitoring surveillance system feeds; Patrols; video analytics</td>
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BW 8 FOIA CBP 002064
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<th>Threats</th>
<th>CBP Capability</th>
<th>CBP Capability Purpose or Effect</th>
<th>Potential Capability Measures (MOEs)</th>
<th>Supporting Capability/ Tasks</th>
<th>Source</th>
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<td></td>
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<td>take action (defensive) against terrorists and criminals</td>
<td>apprehend or turn back illegal aliens and contraband (other types of resolution?)</td>
<td>Certainty of Arrest/Apprehension probability of interdiction (T), probability of arrest/apprehension</td>
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<td>swiftly take appropriate admin and/or legal action(s) for violations to the US border and US Immigration Law (consequence)</td>
<td>ensure operational control of the US border</td>
<td>probability of conviction (T), case resolution time (time awaiting completion of legal or administrative action), case resolution effectiveness</td>
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*Fencing: Primary Fence (PF) uses steel bollards or pickets, to impede illegal pedestrian and vehicular traffic.

Secondary Fencing (SF) as a means of Tactical Infrastructure (TI) uses fence fabric to impede illegal pedestrian traffic that has breached the PF.

Tertiary Fencing (TF) uses open fence fabric to delineate property limits and/or the limits of the TI corridor.

Vehicle Fence (VF) as a means of TI uses steel bollards and wide flange sections to resist illegal vehicular traffic across the border but does not impede illegal pedestrian traffic.
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<td>legal, administrative, other</td>
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<td>Video feeds; still pictures; BPA testimony</td>
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<td>judicial system?</td>
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1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration?—

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from?—

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move?—

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be?—

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?—

From: [b](6);[b](7)(C)
Sent: Tuesday, August 08, 2017 4:16 PM
To: [b](6);[b](7)(C)
Cc: [b](6);[b](7)(C)
Subject: RE: Follow up question about border project in San Diego sector from Reuters
Importance: High

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you’re ok with these responses. I drafted off the top of my head...please fact check!

Thanks,

From: [b](6);[b](7)(C)
Sent: Tuesday, August 08, 2017 2:24 PM
To: [b](6);[b](7)(C)
Cc: [b](6)
Subject: FW: Follow up question about border project in San Diego sector from Reuters

Good afternoon:

Sorry to be such a bother. Please look at the inquiry below. I think I need held addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding (for example #1 is that project funded before current administration, etc). Thanks.

[b](6);[b](7)(C)/CBP Public Affairs

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

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From: [b](6);[b](7)(C)
Sent: Tuesday, August 08, 2017 2:19 PM
To: [b](6)@thomsonreuters.com' [b](6) Lapan, David
Cc: [b](6)
Subject: RE: Follow up question about border project in San Diego sector from Reuters

[b](6)

Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.
CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts may be awarded until the protests are resolved. By statute, GAO is required to issue a decision on a protest within 100 days of filing. CBP expects GAO’s decision on these protests in early October 2017, which would delay construction to late October or early November, which is beyond our original summer 2017 timeline. CBP could resume contract consideration if the protest is resolved sooner. A total of 4-8 prototypes are expected to be built.

CBP is updating the expected timeline of contract award and construction to allow for immediate resumption of the acquisition process based on GAO’s decision. CBP will continue to take steps to implement the President’s Executive Order on Border Security and Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

CBP Public Affairs

---

From: @thomsonreuters.com
Sent: Tuesday, August 08, 2017 1:58 PM
To: Lapan, David <hq.dhs.gov>
Cc: Media Inquiry <MediaInquiry@HQ.DHS.GOV>
Subject: RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from [b](6);[b](7)(C).

---

From: Lapan, David <hq.dhs.gov>
Sent: Tuesday, August 08, 2017 1:56 PM
To: (Reuters News)
Cc: Media Inquiry; [b](6);[b](7)(C)
Subject: RE: Follow up question about border project in San Diego sector from Reuters

[b](6) I know some of the answers to those questions but adding colleagues at CBP to provide detailed responses.

Regards,
Dave
Hi there David,
Hope you are doing well.

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

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Thanks so much for your help with these and I will be looking forward to hearing back from you!

All the best,

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Reuters News
Reporter
www.reuters.com

3 Times Square, 18th Floor
New York, NY 10036
office: (b) (6)
cell: (b) (6)
DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA

WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.

The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.

The waiver covers certain border infrastructure projects in the United States Border Patrol’s San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

The sector remains an area of high illegal entry for which there is an immediate need to
improve current infrastructure and construct additional border barriers and roads. To begin to meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS’s border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump’s Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan, design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS’s obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

# # #
1. San Diego replacement project is 14 miles.

2.  

(b) (5)

Please see my proposed edits (in green) are below. Can you please confirm my edit to question 5 is accurate (as well as the other edits).

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Subject: FW: Follow up question about border project in San Diego sector from Reuters

Good afternoon:
Sorry to be such a bother. Please look at the inquiry below. I think I need held addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding \( \text{(b) (5)} \). Thanks.

CBP Public Affairs

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? – \( \text{(b) (5)} \)

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – \( \text{(b) (5)} \)

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – \( \text{(b) (5)} \)

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – \( \text{(b) (5)} \)

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? \( \text{(b) (6);(b)(7)(C)} \)


From: \( \text{(b)(6);(b)(7)(C)} \)
Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.

CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts may be awarded until the protests are resolved. By statute, GAO is required to issue a decision on a protest within 100 days of filing. CBP expects GAO’s decision on these protests in early October 2017, which would delay construction to late October or early November, which is beyond our original summer 2017 timeline. CBP could resume contract consideration if the protest is resolved sooner. A total of 4-8 prototypes are expected to be built.

CBP is updating the expected timeline of contract award and construction to allow for immediate resumption of the acquisition process based on GAO’s decision. CBP will continue to take steps to implement the President’s Executive Order on Border Security and Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

CBP Public Affairs

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from you.
Subject: RE: Follow up question about border project in San Diego sector from Reuters

(b) (6) I know some of the answers to those questions but adding colleagues at CBP to provide detailed responses.

Regards,
Dave

From: thomsonreuters.com
Sent: Tuesday, August 08, 2017 1:44:47 PM
To: Lapan, David
Cc: Media Inquiry
Subject: Follow up question about border project in San Diego sector from Reuters

Hi there David,
Hope you are doing well.

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Thanks so much for your help with these and I will be looking forward to hearing back from you!
All the best,
(b) (6)

.................................................
From: DHS Press Office [mailto:pressoffice@messages.dhs.gov]

Sent: Tuesday, August 01, 2017 8:03 AM

To: Reuters News (Reuters News)

Subject: DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA

Press Release

August 1, 2017
Contact: DHS Press Office, (202) 282-8010

DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA

WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.
The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.

The waiver covers certain border infrastructure projects in the United States Border Patrol’s San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

The sector remains an area of high illegal entry for which there is an immediate need to improve current infrastructure and construct additional border barriers and roads. To begin to meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS’s border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump’s Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan, design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS’s obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

###

Unsubscribe
Office of Public Affairs 202-282-8010 media inquiry@hq.dhs.gov

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BW 8 FOIA CBP 002080
Is it Ok if I send slightly tweaked language in the morning?

(b)(6); (b)(7)(C)
Senior Attorney (Trade & Finance)
Office of Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW
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Washington, DC 20229
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Fax: (b)(6); (b)(7)(C)
Email
ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

From: (b)(6); (b)(7)(C)
Sent: Wednesday, August 09, 2017 12:30:47 AM
To: (b)(6); (b)(7)(C) [b](b)(6);(b)(7)(C)
Cc: (b)(6); (b)(7)(C)
Subject: RE: Follow up question about border project in San Diego sector from Reuters

Please see my proposed edits (in green) are below. can you please confirm my edit to question 5 is accurate (as well as the other edits).

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? – (b) (5)

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – (b) (5)

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From: [b](6);[b](7)(C)
Sent: Tuesday, August 08, 2017 4:16 PM
To: [b](6);[b](7)(C)
Cc: [b](6);[b](7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you’re ok with these responses. I drafted off the top of my head...please fact check!

Thanks,
Good afternoon:

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that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?


From: [Redacted]
Sent: Tuesday, August 08, 2017 2:19 PM
To: thomsonreuters.com; Lapan, David
Cc: thomsonreuters.com
Subject: RE: Follow up question about border project in San Diego sector from Reuters

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CBP Public Affairs
Thanks very much David! Appreciate the help and I will be looking forward to hearing back from

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

From: Lapan, David [mailto: (b) (6) hq.dhs.gov]
Sent: Tuesday, August 08, 2017 1:56 PM
To: (b) (6) (Reuters News)
Cc: Media Inquiry; (b)(6);(b)(7)(C)
Subject: RE: Follow up question about border project in San Diego sector from Reuters

(b) (6) I know some of the answers to those questions but adding colleagues at CBP to provide
detailed responses.

Regards,
Dave

From: (b) (6) thomsonreuters.com
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Cc: Media Inquiry
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All the best,

(b) (6)

Reuters News
Reporter
www.reuters.com

3 Times Square, 18th Floor
New York, NY 10036
office: (b) (6)
cell: (b) (6)
email: (b) (6)@thomsonreuters.com
www.linkedin.com/in/ (b) (6)

From: DHS Press Office [mailto:pressoffice@messages.dhs.gov]
Sent: Tuesday, August 01, 2017 8:03 AM
To: (b) (6) (Reuters News)
Subject: DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA

Press Release

August 1, 2017
Contact: DHS Press Office, (202) 282-8010

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While the waiver eliminates DHS’s obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.
From: [(b)(6);(b)(7)(C)]
To: [(b)(6);(b)(7)(C)]
Cc: [(b)(6);(b)(7)(C)]
Subject: RE: Follow up question about border project in San Diego sector from Reuters
Date: Wednesday, August 09, 2017 10:34:54 AM

All —

These are our revisions to the answers.  

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? —  

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? —  

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ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.

From: (b)(6);(b)(7)(C)
Sent: Wednesday, August 09, 2017 8:04 AM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

Yes! Thank you...I will incorporate a few minor edits from [redacted] too.

From: (b)(6);(b)(7)(C)
Sent: Tuesday, August 08, 2017 9:21 PM
To: (b)(6);(b)(7)(C)
Is it Ok if I send slightly tweaked language in the morning?

Please see my proposed edits (in green) are below. Can you please confirm my edit to question 5 is accurate (as well as the other edits).

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(b) (5)

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(b) (5)


---

From: [redacted]
Sent: Tuesday, August 08, 2017 4:16 PM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

Importance: High

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you’re ok with these responses. I drafted off the top of my head...please fact check!

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From: (b)(6);(b)(7)(C)
Sent: Tuesday, August 08, 2017 2:19 PM
To: (b)(6)thomsonreuters.com; (b)(6)thomsonreuters.com
Lapan, David
Cc:
Subject: RE: Follow up question about border project in San Diego sector from Reuters

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To: Lapan, David <(b)(6)@hq.dhs.gov>
Cc: Media Inquiry <MediaInquiry@HQ.DHS.GOV>
Subject: RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from (b)(6);(b)(7)(C)

From: Lapan, David [mailto: (b)(6)@hq.dhs.gov]  
Sent: Tuesday, August 08, 2017 1:56 PM  
To: Media Inquiry  
Cc: Media Inquiry  
Subject: RE: Follow up question about border project in San Diego sector from Reuters

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Regards,
Dave

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All the best,

[Redacted]

-----------------------------------------------

(b) (6)

Reuters News
Reporter
www.reuters.com

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New York, NY 10036
office: (b) (6)
cell: (b) (6)
email: thomsonreuters.com
www.linkedin.com/in/ (b) (6)

From: DHS Press Office [mailto:pressoffice@messages.dhs.gov]
Sent: Tuesday, August 01, 2017 8:03 AM
To: (b) (6) (Reuters News)
Subject: DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA

Press Release

U.S. Department of Homeland Security
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The sector remains an area of high illegal entry for which there is an immediate need to improve current infrastructure and construct additional border barriers and roads. To begin to meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS’s border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump’s Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan, design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.
While the waiver eliminates DHS’s obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

# # #
Yes, looks good to me.

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.

Hi

I included the fence replacement projects in El Paso and El Centro below. Is this good to go?
1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? – The approximately 15 mile wall/fence replacement project is one of several other wall/fence replacement projects in for which CBP received funding for in its FY17 appropriations. Other border infrastructure construction projects in the FY17 appropriation to support USBP operational requirements include fence replacement projects in El Centro and El Paso Sectors, installing gates within gaps of existing fence in the Rio Grande Valley Sector and improving and constructing roads in several Sectors along the SW border.

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – The wall/fence replacement project replaces the existing primary fence in the Border Infrastructure System with bollard wall. There is secondary fence within the area specified in the waiver. The FY17 enacted budget doesn’t include funding to replace secondary fence. However, funding for replacement of the San Diego secondary wall was included in the President’s FY18 Budget request.

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – No properties in Mexico will be moved or displaced by new border wall construction or replacement wall construction. All construction activities will be conducted in the United States.

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary
fencing in San Diego? How long ultimately will that barrier of prototypes be? – The protests regarding the Border Wall solicitations are still pending before the GAO. The GAO, by statute, has until October 4, 2017, to issue its decisions on the pending protests and the wall prototype construction schedule is contingent on when the GAO issues its decision as to those protests. If the protests are not resolved until early October, CBP would expect prototype construction to commence in late October/early November. CBP anticipates 4-8 prototypes will be constructed and that each prototype will be 30 feet long. The wall prototypes project will inform CBP’s border barrier design toolkit and will serve as secondary border barrier in the area where constructed.

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels where the ownership is not clear? [Link](http://www.kens5.com/news/local/doj-resumes-efforts-to-build-border-fence-as-funding-for-wall-loomis/452295000)

Yes. However, the published notices are related to CBP’s acquisition of land in 2008 to construct what is now the existing fence.

---

(b)(6);(b)(7)(C)
Senior Attorney (Trade & Finance)
Office of Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW Room
Washington, DC 20229
Tel: (b)(6);(b)(7)(C)
Fax: (b)(6);(b)(7)(C)
Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

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From: (b)(6);(b)(7)(C)
Sent: Wednesday, August 09, 2017 8:04 AM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

Yes! Thank you… I will incorporate a few minor edits from (b)(6);(b)(7)(C) too.

From: (b)(6);(b)(7)(C)
Is it Ok if I send slightly tweaked language in the morning?

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY-WORK PRODUCT

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? —

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? —
3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move?

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be?

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?


From: [Redacted]
Sent: Tuesday, August 08, 2017 4:16 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Follow up question about border project in San Diego sector from Reuters
Importance: High

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you’re ok with these responses. I drafted off the top of my head...please fact check!
Thanks,


From: [Redacted]
Sent: Tuesday, August 08, 2017 2:24 PM
To: [Redacted]; (b)(6); (b)(7)(C)
Cc: [Redacted]; [Redacted]
Subject: FW: Follow up question about border project in San Diego sector from Reuters

Good afternoon:

Sorry to be such a bother. Please look at the inquiry below. I think I need held addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding. [Redacted]. Thanks.

(b)(6); (b)(7)(C) CBP Public Affairs

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? — [Redacted] (b) (5)

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? — [Redacted] (b) (5)

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? — (b) (5)

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of
5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? 


From: [redacted]
Sent: Tuesday, August 08, 2017 2:19 PM
To: [redacted]; [redacted]; Lapan, David
Cc: [redacted]
Subject: RE: Follow up question about border project in San Diego sector from Reuters

Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.

CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts may be awarded until the protests are resolved. By statute, GAO is required to issue a decision on a protest within 100 days of filing. CBP expects GAO’s decision on these protests in early October 2017, which would delay construction to late October or early November, which is beyond our original summer 2017 timeline. CBP could resume contract consideration if the protest is resolved sooner. A total of 4-8 prototypes are expected to be built.

CBP is updating the expected timeline of contract award and construction to allow for immediate resumption of the acquisition process based on GAO’s decision. CBP will continue to take steps to implement the President’s Executive Order on Border Security and Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

CBP Public Affairs
From: thomsonreuters.com [mailto:thomsonreuters.com]
Sent: Tuesday, August 08, 2017 1:58 PM
To: Lapan, David <hq.dhs.gov>
Cc: Media Inquiry <Medialnquiry@HQ.DHS.GOV>

Subject: RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from you.

From: Lapan, David [mailto:hq.dhs.gov]
Sent: Tuesday, August 08, 2017 1:56 PM
To:  (Reuters News)
Cc: Media Inquiry;

Subject: RE: Follow up question about border project in San Diego sector from Reuters

I know some of the answers to those questions but adding colleagues at CBP to provide detailed responses.

Regards,
Dave

From: thomsonreuters.com
Sent: Tuesday, August 08, 2017 1:44:47 PM
To: Lapan, David
Cc: Media Inquiry
Subject: Follow up question about border project in San Diego sector from Reuters

Hi there David,
Hope you are doing well.

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration?

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from?

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will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be?

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?


Thanks so much for your help with these and I will be looking forward to hearing back from you!

All the best,

(b) (6)

--------------------------------------------------------------------------------------------------

(b) [REDACTED]

Reuters News
Reporter
www.reuters.com

3 Times Square, 18th Floor
New York, NY 10036

office: [REDACTED] (b) (6)
cell: [REDACTED] (b) (6)
email: [REDACTED] thomsonreuters.com
www.linkedin.com/in/ [REDACTED] (b) (6)

From: DHS Press Office [mailto:pressoffice@messages.dhs.gov]
Sent: Tuesday, August 01, 2017 8:03 AM
To: [REDACTED] (b) (6) (Reuters News)
Subject: DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA

Press Office
U.S. Department of Homeland Security
DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA

WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.

The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.

The waiver covers certain border infrastructure projects in the United States Border Patrol’s San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

The sector remains an area of high illegal entry for which there is an immediate need to improve current infrastructure and construct additional border barriers and roads. To begin to meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS’s border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump’s Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan,
design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS’s obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

# # #
CLASSIFICATION: UNCLASSIFIED

All,

Please find attached the PDF and Excel Spreadsheet for all the review comments to go over on the teleconference this afternoon. These are filtered comments Michael Baker would like to discuss that they have not concurred with. The last PDF contains all the review comments just for reference.

Thanks,

Military and Operations Project Manager

USACE-ABQ District
4101 Jefferson Plaza
Albuquerque, NM 87109
Desk: (b) (6)
BB: (b) (6)
E: (b) (6)

CLASSIFICATION: UNCLASSIFIED
<table>
<thead>
<tr>
<th>ID</th>
<th>Document Details</th>
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<th>Notes</th>
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<td>Detail 7 applies to the maintenance road at the large hill where the patrol</td>
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<td>7116762</td>
<td>It would be really helpful if you add the Project/Location Map in Appendix A to the plan set.</td>
<td></td>
<td></td>
<td>To be consistent with the other projects in this task order, we have been leaving the project location map out of the plan set.</td>
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<td>Should read 'Border Security Initiative Marker'.</td>
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<td>7117660</td>
<td>On r/p page 481 specification 33 71 02 Underground Electrical Distribution is</td>
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<td></td>
<td>listed. I believe this section would be not applicable since there is no</td>
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<tr>
<td></td>
<td>Underground electrical utilities. However, this section would be appropriate.</td>
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<td>On all water crossing where 4'x2' Box Culverts will be used, what kind of safety guardrail will be used to prevent agents from going over the side? (ex. Jersey Barrier, post and rail)</td>
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</tbody>
</table>
Yes! Thank you...I will incorporate a few minor edits from [REDACTED] too.

Is it Ok if I send slightly tweaked language in the morning?

Senior Attorney (Trade & Finance)
Office of Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW
Room [REDACTED]
Washington, DC 20229
Tel: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY-WORK PRODUCT

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? [REDACTED]
2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from?

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4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be?

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you’re ok with these responses. I drafted off the top of my head...please fact check!

Thanks,

From: [b](b)(6);[b](7)(C)
Sent: Tuesday, August 08, 2017 2:24 PM
Cc: [b](b)(6);[b](7)(C)
Subject: FW: Follow up question about border project in San Diego sector from Reuters

Good afternoon:

Sorry to be such a bother. Please look at the inquiry below. I think I need held addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding [b](b)(5). Thanks.

CBP Public Affairs

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

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3) Are there any properties that will have to be moved/displaced on the Mexican side of the
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4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? –

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From: (b)(6); (b)(7)(C)
Sent: Tuesday, August 08, 2017 2:19 PM
To: (b)(6)thomsonreuters.com’; (b)(6)thomsonreuters.com>; Lapan, David
Cc: (b)(6)hq.dhs.gov
Subject: RE: Follow up question about border project in San Diego sector from Reuters

(b)(6)

Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.

CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts may be awarded until the protests are resolved. By statute, GAO is required to issue a decision on a protest within 100 days of filing. CBP expects GAO’s decision on these protests in early October 2017, which would delay construction to late October or early November, which is beyond our original summer 2017 timeline. CBP could resume contract consideration if the protest is resolved sooner. A total of 4-8 prototypes are expected to built.

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immediate resumption of the acquisition process based on GAO’s decision. CBP will continue to take steps to implement the President’s Executive Order on Border Security and Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

CBP Public Affairs

From: thomsonreuters.com [mailto:thomsonreuters.com]
Sent: Tuesday, August 08, 2017 1:58 PM
To: Lapan, David <hq.dhs.gov>
Cc: Media Inquiry <MediaInquiry@HQ.DHS.GOV>; (b)(6);(b)(7)(C)
Subject: RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from Lapan, David [mailto:thomsonreuters.com] [mailto:thomsonreuters.com]

Sent: Tuesday, August 08, 2017 1:56 PM
To: Lapan, David [mailto:thomsonreuters.com] [mailto:thomsonreuters.com]
Cc: Media Inquiry; (b)(6);(b)(7)(C)
Subject: RE: Follow up question about border project in San Diego sector from Reuters

(b)(6) I know some of the answers to those questions but adding colleagues at CBP to provide detailed responses.

Regards,
Dave

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Thanks so much for your help with these and I will be looking forward to hearing back from you!

All the best,

(b)(6)

.................................................................

(b)(6)

*Reuters News*

*Reporter*

*www.reuters.com*

3 Times Square, 18th Floor
New York, NY 10036

office: (b)(6)
cell: (b)(6)
email: (b)(6)thomsonreuters.com
www.linkedin.com/in/ (b)(6)
Press Release

August 1, 2017
Contact: DHS Press Office, (202) 282-8010

DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA

WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.

The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.

The waiver covers certain border infrastructure projects in the United States Border Patrol’s San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

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Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS’s border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States.
States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump’s Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan, design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS’s obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

###
Hi,

I included the fence replacement projects in El Paso and El Centro below. Is this good to go?

All —

These are our revisions to the answers.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? – The approximately 15 mile wall/fence replacement project is one of several other wall/fence replacement projects in for which CBP received funding for in its FY17 appropriations. Other border infrastructure construction projects in the FY17 appropriation to support USBP operational requirements include fence replacement projects in El Centro and El Paso Sectors, installing gates within gaps of existing fence in the Rio Grande Valley Sector and improving and constructing roads in several Sectors along the SW border.

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and
extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – The wall/fence replacement project replaces the existing primary fence in the Border Infrastructure System with bollard wall. There is secondary fence within the area specified in the waiver. The FY17 enacted budget doesn’t include funding to replace secondary fence. However, funding for replacement of the San Diego secondary wall was included in the President’s FY18 Budget request.

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – No properties in Mexico will be moved or displaced by new border wall construction or replacement wall construction. All construction activities will be conducted in the United States.

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – The protests regarding the Border Wall solicitations are still pending before the GAO. The GAO, by statute, has until October 4, 2017, to issue its decisions on the pending protests and the wall prototype construction schedule is contingent on when the GAO issues its decision as to those protests. If the protests are not resolved until early October, CBP would expect prototype construction to commence in late October/early November. CBP anticipates 4-8 prototypes will be constructed and that each prototype will be 30 feet long. The wall prototypes project will inform CBP’s border barrier design toolkit and will serve as secondary border barrier in the area where constructed.

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? Yes. However, the published notices are related to CBP’s acquisition of land in 2008 to construct what is now the existing fence.
the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.

From: (b)(6);(b)(7)(C)
Sent: Wednesday, August 09, 2017 8:04 AM
To: (b)(6);(b)(7)(C)
CC: (b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

Yes! Thank you...I will incorporate a few minor edits from too.

From: (b)(6);(b)(7)(C)
Sent: Tuesday, August 08, 2017 9:21 PM
To: (b)(6);(b)(7)(C)
CC: (b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

Is it Ok if I send slightly tweaked language in the morning?

(b)(6);(b)(7)(C)
Senior Attorney (Trade & Finance)
Office of Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW
Room 
Washington, DC 20229
Tel: (b)(6);(b)(7)(C)
Fax: (b)(6);(b)(7)(C)
Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY-WORK PRODUCT

From: (b)(6);(b)(7)(C)
Sent: Wednesday, August 09, 2017 12:30:47 AM
To: (b)(6);(b)(7)(C)
CC: (b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters
Please see my proposed edits (in green) are below. Can you please confirm my edit to question 5 is accurate (as well as the other edits).

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? –

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? –

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? –

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? –

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? –


From: QUIAMBAO, VIRGINIA S
Sent: Tuesday, August 08, 2017 4:16 PM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: RE: Follow up question about border project in San Diego sector from Reuters
Importance: High

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you’re ok with these responses. I drafted off the top of my head...please fact check!

Thanks,

From: (b)(6);(b)(7)(C)
Sent: Tuesday, August 08, 2017 2:24 PM
To: (b)(6);(b)(7)(C)
Cc: (b)(6)
Subject: FW: Follow up question about border project in San Diego sector from Reuters

Good afternoon:

Sorry to be such a bother. Please look at the inquiry below. I think I need held addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding (b)(5). Thanks.

(b)(6);(b)(7)(C) CBP Public Affairs

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? — (b)(5)
2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? —
b (5)

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? —
b (5)

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? —
b (5)

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? —

From: [b](6);[b](7)(C)
Sent: Tuesday, August 08, 2017 2:19 PM
To: [b](6) thomsonreuters.com; [b](6) thomsonreuters.com; Lapan, David
Cc: [b](6) hq.dhs.gov
Subject: RE: Follow up question about border project in San Diego sector from Reuters

[b](6)

Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.

CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts
may be awarded until the protests are resolved. By statute, GAO is required to issue a
decision on a protest within 100 days of filing. CBP expects GAO's decision on these protests
in early October 2017, which would delay construction to late October or early November,
which is beyond our original summer 2017 timeline. CBP could resume contract consideration
if the protest is resolved sooner. A total of 4-8 prototypes are expected to be built.

CBP is updating the expected timeline of contract award and construction to allow for
immediate resumption of the acquisition process based on GAO's decision. CBP will continue
to take steps to implement the President's Executive Order on Border Security and
Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

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

CBP Public Affairs

From: (b) (6) thomsonreuters.com [mailto: (b) (6) thomsonreuters.com]
Sent: Tuesday, August 08, 2017 1:58 PM
To: Lapan, David <(b) (6) hq.dhs.gov>
Cc: Media Inquiry <MediaInquiry@HQ.DHS.GOV>; (b)(6);(b)(7)(C)
Subject: RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from
(b)(6);(b)(7)(C)

From: Lapan, David [mailto: (b) (6) hq.dhs.gov]
Sent: Tuesday, August 08, 2017 1:56 PM
To: (b)(6) (Reuters News)
Cc: Media Inquiry; (b)(6);(b)(7)(C)
Subject: RE: Follow up question about border project in San Diego sector from Reuters

(b)(6) I know some of the answers to those questions but adding colleagues at CBP to provide
detailed responses.

Regards,
Dave
Hi there David,
Hope you are doing well.

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration?

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from?

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4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be?

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?


Thanks so much for your help with these and I will be looking forward to hearing back from you!

All the best,

(b)(6)
DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA

WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.

The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.

The waiver covers certain border infrastructure projects in the United States Border Patrol’s San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

The sector remains an area of high illegal entry for which there is an immediate need to improve current infrastructure and construct additional border barriers and roads. To begin to meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends...
eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS’s border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump’s Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan, design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS’s obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

###
One other item of clarification, #3.

Thanks,

From: (b)(6);(b)(7)(C)
Sent: Wednesday, August 09, 2017 12:56 PM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: RE: Follow up question about border project in San Diego sector from Reuters

Yes, looks good to me.

Senior Attorney (Trade & Finance)
Office of Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW Room
Washington, DC 20229
Tel: (b)(6);(b)(7)(C)
Fax: (b)(6);(b)(7)(C)
Email: (b)(6);(b)(7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT
This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.

From: (b)(6);(b)(7)(C)
Sent: Wednesday, August 09, 2017 12:53 PM
To: (b)(6);(b)(7)(C)
Hi,

I included the fence replacement projects in El Paso and El Centro below. Is this good to go?

---

From: (b)(6);(b)(7)(C)
Sent: Wednesday, August 09, 2017 10:35 AM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

All —

These are our revisions to the answers.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? — The approximately 15 mile wall/fence replacement project is one of several other wall/fence replacement projects in for which CBP received funding for in its FY17 appropriations. Other border infrastructure construction projects in the FY17 appropriation to support USBP operational requirements include fence replacement projects in El Centro and El Paso.
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4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – The protests regarding the Border Wall solicitations are still pending before the GAO. The GAO, by statute, has until October 4, 2017, to issue its decisions on the pending protests and the wall prototype construction schedule is contingent on when the GAO issues its decision as to those protests. If the protests are not resolved until early October, CBP would expect prototype construction to commence in late October/early November. CBP anticipates 4-8 prototypes will be constructed and that each prototype will be 30 feet long. The wall prototypes project will inform CBP’s border barrier design toolkit and will serve as secondary border barrier in the area where constructed.

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Senior Attorney (Trade & Finance)
Office of Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW Room
Washington, DC 20229
Tel: Fax:
Yes! Thank you...I will incorporate a few minor edits from [b] too.

Is it Ok if I send slightly tweaked language in the morning?
Please see my proposed edits (in green) are below. can you please confirm my edit to question 5 is accurate (as well as the other edits).

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From: [Redacted]
Sent: Tuesday, August 08, 2017 4:16 PM
To: [Redacted] (b)(6);(b)(7)(C)
Cc: [Redacted] (b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you're ok with these responses. I drafted off the top of my head...please fact check!

Thanks,

---

From: [Redacted]
Sent: Tuesday, August 08, 2017 2:24 PM
To: [Redacted] (b)(6);(b)(7)(C) > [Redacted] (b)(6);(b)(7)(C)
Cc: [Redacted] (b)(6);(b)(7)(C)

Subject: FW: Follow up question about border project in San Diego sector from Reuters

Good afternoon:

Sorry to be such a bother. Please look at the inquiry below. I think I need held addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding. Thanks.

Thanks.

CBP Public Affairs

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---

From: [b *(redacted)*]  
Sent: Tuesday, August 08, 2017 2:19 PM  
To: [b *(redacted)*]; Lapan, David  
Cc: [b *(redacted)*]  
Subject: RE: Follow up question about border project in San Diego sector from Reuters

(b) (6)

Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.
CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts may be awarded until the protests are resolved. By statute, GAO is required to issue a decision on a protest within 100 days of filing. CBP expects GAO’s decision on these protests in early October 2017, which would delay construction to late October or early November, which is beyond our original summer 2017 timeline. CBP could resume contract consideration if the protest is resolved sooner. A total of 4-8 prototypes are expected to be built.

CBP is updating the expected timeline of contract award and construction to allow for immediate resumption of the acquisition process based on GAO’s decision. CBP will continue to take steps to implement the President’s Executive Order on Border Security and Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

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

CBP Public Affairs

From: thomsonreuters.com [mailto: thomsonreuters.com]
Sent: Tuesday, August 08, 2017 1:58 PM
To: LAPAN, David <hq.dhs.gov>
Cc: Media Inquiry <MediaInquiry@HQ.DHS.GOV>
Subject: RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from (b)(6);(b)(7)(C)

From: LAPAN, David <hq.dhs.gov>
Sent: Tuesday, August 08, 2017 1:56 PM
To: (b)(6) (Reuters News)
Cc: Media Inquiry: (b)(6);(b)(7)(C)
Subject: RE: Follow up question about border project in San Diego sector from Reuters

(b)(6) I know some of the answers to those questions but adding colleagues at CBP to provide detailed responses.

Regards,
Dave

From: thomsonreuters.com
Sent: Tuesday, August 08, 2017 1:44:47 PM
Hi there David,
Hope you are doing well.

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

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5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?


Thanks so much for your help with these and I will be looking forward to hearing back from you!

All the best,

(b) (6)

--------------------------------------------------

(b) (6)

Reuters News
Reporter
www.reuters.com

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New York, NY 10036
office: (b) (6)
cell: (b) (6)
email: thomsonreuters.com

BW 8 FOIA CBP 002141
Press Release

August 1, 2017
Contact: DHS Press Office, (202) 282-8010

DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA

WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.

The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.

The waiver covers certain border infrastructure projects in the United States Border Patrol’s San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

The sector remains an area of high illegal entry for which there is an immediate need to improve current infrastructure and construct additional border barriers and roads. To begin to
meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS’s border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump’s Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan, design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS’s obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

###

Unsubscribe

Office of Public Affairs 202-282-8010 mediaquiry@hq.dhs.gov

U.S. Department of Homeland Security Washington, DC 20016
Thank you.

All – We spoke with [Redacted] and I believe the below captures his preferred approach for responding to #3. Please let me know if this is ok.

- (b) (5)

One other item of clarification, #3.

(b) (5)

Thanks,
[Redacted]
Subject: RE: Follow up question about border project in San Diego sector from Reuters

Yes, looks good to me.

From: [REDACTED]
Sent: Wednesday, August 09, 2017 12:53 PM
To: [REDACTED]
Cc: [REDACTED]

Subject: RE: Follow up question about border project in San Diego sector from Reuters

Hi,

I included the fence replacement projects in El Paso and El Centro below. Is this good to go?
1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? – The approximately 15 mile wall/fence replacement project is one of several other wall/fence replacement projects in for which CBP received funding for in its FY17 appropriations. Other border infrastructure construction projects in the FY17 appropriation to support USBP operational requirements include fence replacement projects in El Centro and El Paso Sectors, installing gates within gaps of existing fence in the Rio Grande Valley Sector and improving and constructing roads in several Sectors along the SW border.

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – The wall/fence replacement project replaces the existing primary fence in the Border Infrastructure System with bollard wall. There is secondary fence within the area specified in the waiver. The FY17 enacted budget doesn’t include funding to replace secondary fence. However, funding for replacement of the San Diego secondary wall was included in the President’s FY18 Budget request.

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – No properties in Mexico will be moved or displaced by new border wall construction or replacement wall construction. All construction activities will be conducted in the United States.

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary...
fencing in San Diego? How long ultimately will that barrier of prototypes be? — The protests regarding the Border Wall solicitations are still pending before the GAO. The GAO, by statute, has until October 4, 2017, to issue its decisions on the pending protests and the wall prototype construction schedule is contingent on when the GAO issues its decision as to those protests. If the protests are not resolved until early October, CBP would expect prototype construction to commence in late October/early November. CBP anticipates 4-8 prototypes will be constructed and that each prototype will be 30 feet long. The wall prototypes project will inform CBP’s border barrier design toolkit and will serve as secondary border barrier in the area where constructed.

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?
Yes. However, the published notices are related to CBPs acquisition of land in 2008 to construct what is now the existing fence.

From: (b)(6);(b)(7)(C)
Sent: Wednesday, August 09, 2017 8:04 AM
To: (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: RE: Follow up question about border project in San Diego sector from Reuters

Yes! Thank you...I will incorporate a few minor edits from too.
Is it Ok if I send slightly tweaked language in the morning?

Please see my proposed edits (in green) are below. Can you please confirm my edit to question 5 is accurate (as well as the other edits).

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? –

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? –
3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move?

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be?

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?


---

From: [redacted]
Sent: Tuesday, August 08, 2017 4:16 PM
To: [redacted]
Cc: [redacted]

Subject: RE: Follow up question about border project in San Diego sector from Reuters
Importance: High

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you’re ok with these responses. I drafted off the top of my head...please fact check!
Thanks,

From: [b](6):(b)(7)(C)
Sent: Tuesday, August 08, 2017 2:24 PM
To: [b](6):(b)(7)(C) [b](6):(b)(7)(C)
Cc: [b](6):(b)(7)(C) [b](5)
Subject: FW: Follow up question about border project in San Diego sector from Reuters

Good afternoon:

Sorry to be such a bother. Please look at the inquiry below. I think I need held addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding. Thanks.

[b](6):(b)(7)(C) CBP Public Affairs

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? – [b](5)

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – [b](5)

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – [b](5)

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of
5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? [b]5\n

From: [b]6\[(b)(7)(C)]
Sent: Tuesday, August 08, 2017 2:19 PM
To: [b]6\[thomsonreuters.com\]; [b]6\[Lapan, David\]<thomsonreuters.com>\]; [b]6\[hq.dhs.gov\]
Cc: [b]6\[(b)(6);(b)(7)(C)]
Subject: RE: Follow up question about border project in San Diego sector from Reuters

[b]6

Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.

CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts may be awarded until the protests are resolved. By statute, GAO is required to issue a decision on a protest within 100 days of filing. CBP expects GAO’s decision on these protests in early October 2017, which would delay construction to late October or early November, which is beyond our original summer 2017 timeline. CBP could resume contract consideration if the protest is resolved sooner. A total of 4-8 prototypes are expected to be built.

CBP is updating the expected timeline of contract award and construction to allow for immediate resumption of the acquisition process based on GAO’s decision. CBP will continue to take steps to implement the President’s Executive Order on Border Security and Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

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

CBP Public Affairs
Thanks very much David! Appreciate the help and I will be looking forward to hearing back from you.

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

I know some of the answers to those questions but adding colleagues at CBP to provide detailed responses.

Regards,
Dave

Hi there David,

Hope you are doing well.

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration?

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from?

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move?

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes...
will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be?

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?

Thanks so much for your help with these and I will be looking forward to hearing back from you!
All the best,

(b) (6)

Reuters News
Reporter
www.reuters.com
3 Times Square, 18th Floor
New York, NY 10036
office: (b) (6)
cell: (b) (6)
email: (b) (6) thomsonreuters.com
www.linkedin.com/in/ (b) (6)

From: DHS Press Office [mailto:pressoffice@messages.dhs.gov]
Sent: Tuesday, August 01, 2017 8:03 AM
To: (b) (6) (Reuters News)
Subject: DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA

Press Office
U.S. Department of Homeland Security
DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA

WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.

The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.

The waiver covers certain border infrastructure projects in the United States Border Patrol’s San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

The sector remains an area of high illegal entry for which there is an immediate need to improve current infrastructure and construct additional border barriers and roads. To begin to meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS’s border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump’s Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan,
design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS’s obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

# # #
One other item of clarification, #3.

Thanks,

Yes, looks good to me.
Protection before disclosing any information contained in this email.

From: (b)(6);(b)(7)(C)
Sent: Wednesday, August 09, 2017 12:53 PM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

Hi (b)(6);(b)(7)(C) —

I included the fence replacement projects in El Paso and El Centro below. Is this good to go?

From: (b)(6);(b)(7)(C)
Sent: Wednesday, August 09, 2017 10:35 AM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)

Subject: RE: Follow up question about border project in San Diego sector from Reuters

All —

These are our revisions to the answers. (b) (5)

(b)(6);(b)(7)(C)
1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? – The approximately 15 mile wall/fence replacement project is one of several other wall/fence replacement projects in for which CBP received funding for in its FY17 appropriations. Other border infrastructure construction projects in the FY17 appropriation to support USBP operational requirements include fence replacement projects in El Centro and El Paso Sectors, installing gates within gaps of existing fence in the Rio Grande Valley Sector and improving and constructing roads in several Sectors along the SW border.

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? – The wall/fence replacement project replaces the existing primary fence in the Border Infrastructure System with bollard wall. There is secondary fence within the are specified in the waiver. The FY17 enacted budget doesn't include funding to replace secondary fence. However, funding for replacement of the San Diego secondary wall was included in the President’s FY18 Budget request.

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? – No properties in Mexico will be moved or displaced by new border wall construction or replacement wall construction. All construction activities will be conducted in the United States.

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be? – The protests regarding the Border Wall solicitations are still pending before the GAO. The GAO, by statute, has until October 4, 2017, to issue its decisions on the pending protests and the wall prototype construction schedule is contingent on when the GAO issues its decision as to those protests. If the protests are not resolved until early October, CBP would expect prototype construction to commence in late October/early November. CBP anticipates 4-8 prototypes will be constructed and that each prototype will be 30 feet long. The wall prototypes project will inform CBP’s border barrier design toolkit and will serve as secondary border barrier in the area where constructed.

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear? Yes. However, the published notices are related to CBPs acquisition of land in 2008 to construct what is now the existing fence.
Yes! Thank you...I will incorporate a few minor edits from [REDACTED] too.

Is it Ok if I send slightly tweaked language in the morning?
Please see my proposed edits (in green) are below. **Can you please confirm my edit to question 5 is accurate (as well as the other edits).**

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration? — *(b) (5)*

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from? — *(b) (5)*

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move? — *(b) (5)*

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5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not

From: [REDACTED] [REDACTED]
Sent: Tuesday, August 08, 2017 4:16 PM
To: [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Cc: [REDACTED] [REDACTED]
Subject: RE: Follow up question about border project in San Diego sector from Reuters
Importance: High

Please see questions from Reuters below regarding SDC projects, waiver, and TX real estate activities (the last one).

Please let me know if you’re ok with these responses. I drafted off the top of my head...please fact check!

Thanks,

[REDACTED]

From: [REDACTED] [REDACTED]
Sent: Tuesday, August 08, 2017 2:24 PM
To: [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Cc: [REDACTED]
Subject: FW: Follow up question about border project in San Diego sector from Reuters

Good afternoon:

Sorry to be such a bother. Please look at the inquiry below. I think I need held addressing all the questions other than #4. Is there anything you can offer/share/guidance? I have some ideas but want to be accurate in responding. Thanks.

[REDACTED] [REDACTED] CBP Public Affairs

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration?

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5) And this is not specifically about San Diego but I was curious about it as well. In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?


From: [b](6);(b)(7)(C)
Sent: Tuesday, August 08, 2017 2:19 PM
To: [b](6) thomsonreuters.com'; [b](6) thomsonreuters.com>; Lapan, David
Cc: [b](6) hq.dhs.gov
Subject: RE: Follow up question about border project in San Diego sector from Reuters
Please let me know what type of deadline you are working. I will need to research some of this but here is some information which addresses some of what you are asking about.

CBP is aware that GAO is currently reviewing bid protests by a vendor that was not selected for further consideration under two solicitations for the design and construction of wall prototypes. Such protests are common in Federal contracting processes and no contracts may be awarded until the protests are resolved. By statute, GAO is required to issue a decision on a protest within 100 days of filing. CBP expects GAO’s decision on these protests in early October 2017, which would delay construction to late October or early November, which is beyond our original summer 2017 timeline. CBP could resume contract consideration if the protest is resolved sooner. A total of 4-8 prototypes are expected to be built.

CBP is updating the expected timeline of contract award and construction to allow for immediate resumption of the acquisition process based on GAO’s decision. CBP will continue to take steps to implement the President’s Executive Order on Border Security and Immigration Enforcement Improvements (EO 13767) to ensure operational control of the border.

CBP Public Affairs

From: thomsonreuters.com
Sent: Tuesday, August 08, 2017 1:58 PM
To: Lapan, David<br>Cc: Media Inquiry<br>Subject: RE: Follow up question about border project in San Diego sector from Reuters

Thanks very much David! Appreciate the help and I will be looking forward to hearing back from

From: Lapan, David
Sent: Tuesday, August 08, 2017 1:56 PM
To: <br>Cc: Media Inquiry<br>Subject: RE: Follow up question about border project in San Diego sector from Reuters

(b)(6) I know some of the answers to those questions but adding colleagues at CBP to provide detailed responses.
Hi there David,
Hope you are doing well.

I had some follow up questions about this announcement that was made last week about the border section in San Diego.

1) Will these projects in San Diego the first major construction to improve border infrastructure during the current administration?

2) The projects on the approximately 15-mile segment that starts at the Pacific Ocean and extends eastward to Border Monument 251, are they all to replace aging landing mat fence with bollard fencing as the primary fence? Is there a secondary fence in that area as well? Are there any changes planned to the secondary fencing? How much will that cost and where will the funds come from?

3) Are there any properties that will have to be moved/displaced on the Mexican side of the border due to the new construction and if so, are there conversations with the Mexican government about that? Will property/landowners be compensated if they have to move?

4) Have the objections that were raised by one of the contractors for the wall prototypes been resolved? If so, what is the current timeline for the prototypes to be built? How many companies will ultimately be selected to build prototypes? Is it correct that the prototypes will be used as secondary fencing in San Diego? How long ultimately will that barrier of prototypes be?

5) And this is not specifically about San Diego but I was curious about it as well: In Texas I saw that there were 200 notices published in the local newspaper over disputed parcels of land along the border in Texas. Are those all related to parcels land where the ownership is not clear?

Thanks so much for your help with these and I will be looking forward to hearing back from you!

All the best,

(b)(6)

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(b)(6)

Reuters News
Reporter
www.reuters.com
Press Release

August 1, 2017
Contact: DHS Press Office, (202) 282-8010

DHS ISSUES WAIVER TO EXPEDITE BORDER CONSTRUCTION PROJECTS IN SAN DIEGO AREA

WASHINGTON – The Department of Homeland Security has issued a waiver to waive certain laws, regulations and other legal requirements to ensure the expeditious construction of barriers and roads in the vicinity of the international border near San Diego. The waiver will be published in the Federal Register in the coming days.

This waiver is pursuant to authority granted to the Secretary of Homeland Security by Congress and covers a variety of environmental, natural resource, and land management laws.

The Department has exercised the waiver authority in Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, on five previous occasions from 2005 to 2008.
The waiver covers certain border infrastructure projects in the United States Border Patrol’s San Diego Sector, one of the busiest sectors in the nation. In fiscal year 2016 alone, the United States Border Patrol apprehended more than 31,000 illegal aliens and seized 9,167 pounds of marijuana and 1,317 pounds of cocaine in the San Diego Sector.

The sector remains an area of high illegal entry for which there is an immediate need to improve current infrastructure and construct additional border barriers and roads. To begin to meet the need for additional border infrastructure in this area, DHS will implement various border infrastructure projects. These projects will focus on an approximately 15-mile segment of the border within the San Diego Sector that starts at the Pacific Ocean and extends eastward, to approximately one mile east of what is known as Border Monument 251.

Congress provided the Secretary of Homeland Security with a number of authorities necessary to carry out DHS’s border security mission. One of these authorities is found at section 102 of the IIRIRA.

Section 102(a) of IIRIRA provides that the Secretary of Homeland Security shall take such actions as may be necessary to install additional physical barriers and roads in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States. In section 102(b) of IIRIRA, Congress has called for the installation of additional fencing, barriers, roads, lighting, cameras, and sensors on the southwest border. Finally, in section 102(c) of IIRIRA, Congress granted to the Secretary of Homeland Security the authority to waive all legal requirements that the Secretary, in his sole discretion, determines necessary to ensure the expeditious construction of the barriers and roads authorized by section 102 of IIRIRA.

The Department is implementing President Trump’s Executive Order 13767, Border Security and Immigration Enforcement Improvements, and continues to take steps to immediately plan, design and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border.

While the waiver eliminates DHS’s obligation to comply with various laws with respect to covered projects, the Department remains committed to environmental stewardship with respect to these projects. DHS has been coordinating and consulting -- and intends to continue doing so -- with other federal and state resource agencies to ensure impacts to the environment, wildlife, and cultural and historic artifacts are analyzed and minimized, to the extent possible.

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