

**From:** (b) (6), (b) (7)(C)  
**To:** (b) (6)  
**Subject:** Fw: O1-O3  
**Date:** Thursday, May 17, 2012 1:00:50 PM  
**Attachments:** (b) (5)

---

Thanks the extra effort developing this info - if by some chance its decided to fund the OBP priority we're in a good starting position -

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**From:** (b) (6), (b) (7)(C)  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Sent:** Thu May 17 08:58:02 2012  
**Subject:** O1-O3

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

Attached for your review, comment and guidance is the White Paper for the next steps in O1-O3.

The White Paper is a partnership and collaboration with ECSO, RE/ENV, TI, BPFTI Eng ((b) (6), (b) (7)(C) team) and OCC.

Suffice to say that there is work to be done in RE, and Construction analysis prior to getting to Construction.

(b) (5)

Look it over and let's set up a time to discuss. Otherwise, you have a good document if CBP inquires.

**From:** (b) (6), (b) (7)(C)  
**To:** (b) (6), (b) (7)(C)  
**Subject:** FW: Additional Information Request for AC's TX Trip  
**Date:** Friday, March 23, 2012 8:03:28 AM  
**Attachments:** NON-RESPONSIVE  
NON-RESPONSIVE  
[OA FME O-1 through O-3 Update AC Issue Paper v1 032112.docx](#)  
NON-RESPONSIVE  
**Importance:** High

---

All the papers that were submitted.

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

Deputy Director, Business Operations Division  
Border Patrol Facilities and Tactical Infrastructure Program Management Office  
Facilities Management & Engineering

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

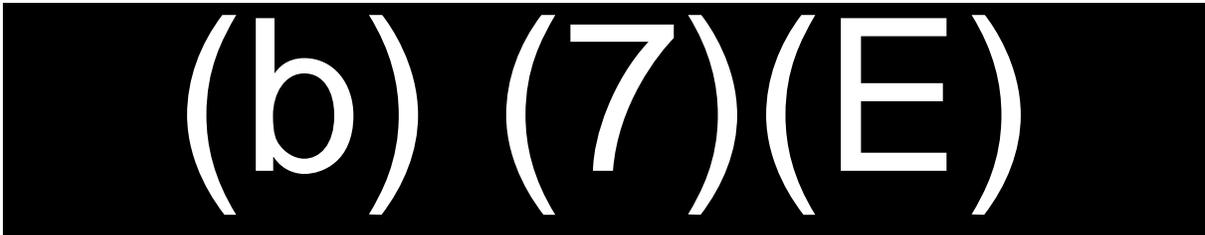
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**Office of Administration, Facilities Management and Engineering**  
**Input for AC Trip to South Texas**  
**March 21, 2012**

**ISSUE/BRIEFING TOPIC: Update on Fence Segments O-1 through O-3**

**BACKGROUND:**

- Fence alignment within the Border Patrol's Rio Grande Valley (RGV) Sector required compliance with a 1970 Treaty with Mexico which prohibited the construction of any works in the floodplain that, in the judgment of the International Boundary and Water Commission (IBWC), may "*cause deflection or obstruction of the normal flow of the river or its flood flows ...*" meaning U.S. Customs and Border Protection (CBP) was – in many instances – legally prohibited from constructing fence along the river.
- Segments O-1, O-2, and O-3 – which range through Roma, Rio Grande City, and Los Ebanos, Texas – are located at the western end of RGV Sector. These segments not only account for approximately <sup>(b) (7)</sup> miles of fence, but have also been identified by Border Patrol as a requirement since the beginning of the PF225 project.
- Unlike most of the border in Texas, there are no IBWC levees along these three segments.
- The O-1, O-2, and O-3 segments were included in the April 2008 Secretary of DHS waiver of environmental and land management related laws. However, the 1970 Treaty was not included in the waiver.



- Normally, construction within the floodplain may occur only if both sides of the IBWC (U.S. and Mexico) agree to it after showing through a hydraulic model analysis that construction would not cause deflection or obstruction of the normal flow of the river or its flood flows.
- Because any proposed construction activity within the floodplain that is analyzed with a hydraulic model would result in the model indicating some type of impact to floodplain, the U.S. and Mexico have agreed to a definition of "no impacts" that allows for the construction of structures that, from a practical perspective, will have a negligible impact. The agreed to thresholds are:
  - No change to water surface elevation greater than 6-inches; and
  - No change in water deflection relative to the international boundary greater than 5 percent.
- Since 2007 U.S. Customs and Border Protection (CBP) has been working closely with the U.S. IBWC to develop an accurate hydraulic model as technically feasible and to identify permanent pedestrian fence alignments that would have a negligible effect on the floodplain and be operationally effective from Border Patrol's perspective. These models were developed to measure water surface elevation impacts and water deflection within certain thresholds; in other words, to show that – according to the 1970 Treaty with Mexico – construction in O-1, O-2, and O-3 would *not* cause deflection or obstruction of the normal flow of the river or its flood flows.
- In September 2011, the U.S. IBWC accepted fence alignments and an accompanying two-dimensional model developed by the U.S. Army Corps of Engineers (USACE) that predicts no significant change (within 6 inches) to water elevation during flood events and a

construction impact that causes a change in water deflection of less than 5 percent.

- Subsequent to their acceptance of the model in September 2011, U.S. IBWC sent the model to the Mexico Section of the IBWC for concurrence. To date, despite inquiries, no response has been received.

**CURRENT STATUS:**

- On February 15, IBWC's Principal Engineer, (b) (6) issued a letter approving that fence segments O-1 through O-3 could be built without adversely impacting the floodplain, so long as U.S. Customs and Border Protection (CBP) follows the proposed alignment and design, as well as provides maintenance and provides any future repairs..

**CHALLENGES / CONCERNS:**

- (b) (5)

- No funding is currently available for these projects. The Office of Border Patrol and Facilities Management and Engineering will work cooperatively through the appropriate channels to request the additional funding required for the execution of these high priority projects.

**From:** (b) (6), (b) (7)(C)  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** RE: URGENT - O-1 through O-3 messaging  
**Date:** Thursday, September 22, 2011 12:53:00 PM  
**Attachments:** [O-1 through O-3 Talking Points v1 092011 \(b\) \(6\), \(b\) \(7\)\(C\).doc](#)

---

All

This is an excellent first pass but needless to say will require significant vetting throughout CBP, DHS and IBWC. I've inserted some initial comments and suggested edits but I think an "internal" work session is likely needed to hammer through all of the talking points. (b) (6), (b) (7)(C) -assuming you concur, can you take the lead in coordinating. I've added (b) (6), (b) (7)(C) for situational awareness and his wisdom.

Thanks

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

-----Original Message-----

**From:** (b) (6), (b) (7)(C)  
**Sent:** Tuesday, September 20, 2011 2:23 PM  
**To:** (b) (6), (b) (7)(C)

**Subject:** RE: URGENT - O-1 through O-3 messaging

All:

Attached -- per our conversation this morning -- is an initial draft of the talking points surrounding the O-1 through O-3 projects. This would set the basis for a more developed media strategy.

Please review and give me your thoughts.

I hope this is what you were looking for and that I'm at least in the ballpark!

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

Program Information Specialist (Outreach)  
U.S. Customs and Border Protection (CBP)  
Office of Border Patrol Program Management Office (OBP PMO)

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

For more information about the OBP PMO, visit [http://cbp.gov/xp/cgov/border\\_security/ti/](http://cbp.gov/xp/cgov/border_security/ti/).

-----Original Message-----

**From:** (b) (6), (b) (7)(C)  
**Sent:** Monday, September 19, 2011 6:24 PM  
**To:** (b) (6), (b) (7)(C)

**Subject:** URGENT - O-1 through O-3 messaging

All - In light of the progress we've made with IBWC and a rather unflattering article published in RGV, we need to put our heads together on what our public messaging is going to be with respect to our current status and next steps. Since <sup>(b) (6), (b)</sup> and I are both on the road, we put our heads together on a time and it looks like 8AM est will work best for us. Are you all available?

## O-1 Through O-3 Talking Points

### Project Background

- Stemming from the Secure Fence Act of 2006, fence construction along the Southwest Border was intended to provide persistent impedance of illegal cross-border activity, offering U.S. Border Patrol agents sufficient time to respond to and resolve threats. The physical stature of the fence also affords agents additional cover, making physical assaults against them more difficult to carry out. (b) (7)(E)

(b) (7)(E)

- Fence alignment within the Border Patrol's Rio Grande Valley (RGV) Sector required compliance with a 1970 Treaty with Mexico which prohibited the construction of any works in the floodplain that, in the judgment of the International Boundary and Water Commission (IBWC), may *cause deflection or obstruction of the normal flow of the river or its flood flows* ... meaning CBP was – in many instances – legally prohibited from constructing fence along the river.
- Segments O-1, O-2, and O-3 (which range through Roma, Rio Grande City, and Los Ebanos, Texas) of the Pedestrian Fence 225 (PF225) project are located at the western end of the RGV Sector. These segments not only account for approximately (b) (7)(E) miles of fence, but have also been identified by Border Patrol as a requirement since the beginning of the PF225 project.
- The O-1, O-2 and O-3 segments were included in the April 2008 Secretary of DHS waiver of environmental and land management related laws.

Formatted: Bullets and Numbering

- Unlike most of the border in Texas, there are no IBWC levees along these three segments. Due to the lack of a levee system in these areas, the proposed fence alignment falls within the IBWC floodplain.

(b) (7)(E)

o (b) (7)(E)

- Normally, ~~Construction construction on~~ within the floodplain may occur only if both sides of the IBWC (U.S. and Mexico) agree to it after showing through a hydraulic model analysis that construction would not cause deflection or obstruction of the normal flow of the river or its flood flows. ~~Because any proposed construction activity within the floodplain that is analyzed with a hydraulic model will result in the~~

### **O-1 Through O-3 Talking Points**

model indicating some type of impact to floodplain, the U.S and Mexico have agreed to a definition of “no impacts” that allows for the construction of structures that from a practical perspective will have a negligible impact. The agreed too thresholds are no change to water surface elevation greater than 6-inches and no change in water deflection relative to the international boundary greater than 5 percent.

## O-1 Through O-3 Talking Points

### Recent/Current Developments

- Since 2007 ~~and despite considerable time and effort, the~~ U.S. Customs and Border Protection (CBP) ~~have been working closely with the U.S. IBWC to develop an accurate hydraulic model as technically feasible and to identify permanent pedestrian fence alignments that~~—until now—~~been unable to demonstrate to the U.S. section of the IBWC that the construction of permanent pedestrian fence would have a negligible effect on the floodplain and be operational effective from Border Patrol's perspective.~~
- The U.S. Army Corps of Engineers (USACE)—~~in conjunction with CBP and other private contractors~~—has worked diligently to develop a number of hydraulic models that show minimal potential fence impacts on the Rio Grande River to allay IBWC ~~concerns~~. These models were developed to measure water surface elevation impacts and water deflection within certain thresholds; in other words, to show that—according to the 1970 Treaty with Mexico—construction in O-1, O-2, and O-3 would *not* cause deflection or obstruction of the normal flow of the river or its flood flows.

○

(b) (5)

- ~~Finally,~~ In September 2011, the U.S. IBWC accepted fence alignments and an accompanying a two-dimensional model developed by USACE that ~~it believes accurately~~ predicts no significant change (within 6 inches) to water elevation during flood events and a construction impact that causes a change in water deflection of less than 5 percent.

### Moving Forward

•

(b) (5)

• A

- Because of the sensitivity of the project, CBP will work to proactively keep stakeholders informed of the status of the Mexican IBWC review, as well as any other project-related activities.

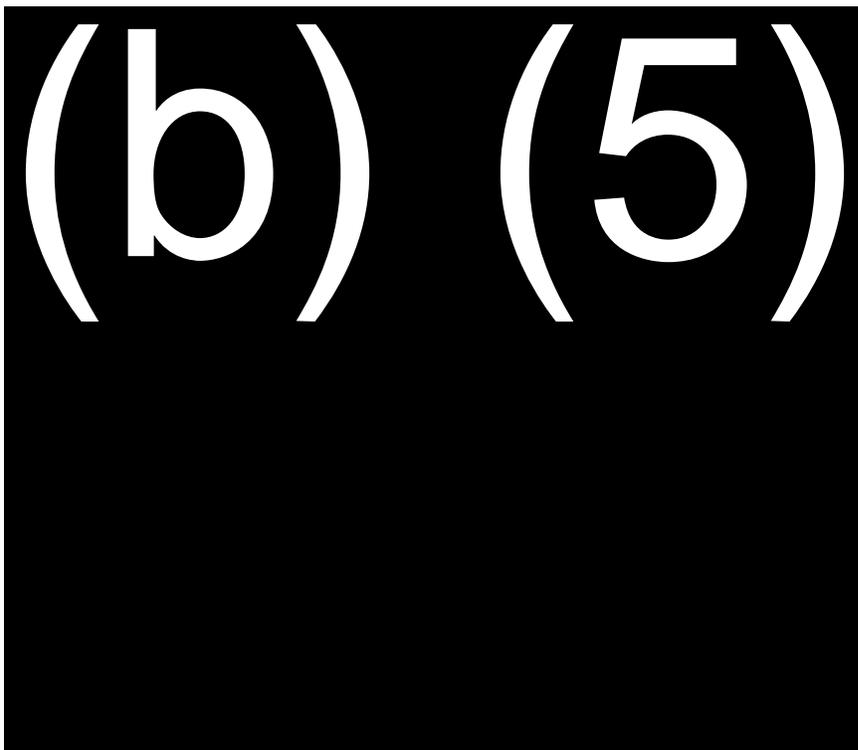
### Key Stakeholder Positions Looking Forward

(b) (5)

(b) (5)

### O-1 Through O-3 Talking Points

- CBP leadership has stated repeatedly that, as long as the hydraulic model is accurate and that no adverse impacts exist, it is firmly behind construction of the O-1, O-2, and O-3 segments.
  - Going forward, it will be important for CBP to demonstrate that the hydraulic model developed by USACE is in compliance with IBWC's specifications and that segments O-1 through O-3 are necessary for the Border Patrol to help fulfill its primary homeland security mission.
  - It is important to note that no funding is currently available for these projects. When and if CBP receives bilateral approval from IBWC, the projects will receive additional consideration from Border Patrol and CBP will pursue funding. No schedule development or additional planning will occur until CBP receives bilateral approval from IBWC.



#### **Additional Talking Points re: the April 1, 2008 Environmental Waiver**

- On April 1, 2008, Department of Homeland Security (DHS) Secretary Chertoff issued a Waiver of numerous environmental laws to expedite the construction of Tactical

### **O-1 Through O-3 Talking Points**

Infrastructure required to secure the border.

- Although the waiver means that DHS no longer has any specific legal obligations under the 30 environmental laws and regulations, the Department and CBP are committed to proceeding in an environmentally sensitive manner regarding our valuable natural and cultural resources.
- In those areas where environmental reviews have not yet occurred, DHS will conduct a review before any major construction begins. Regardless of the waiver, the Department is committed to writing and implementing Environmental Stewardship Plans (ESPs) for all border infrastructure projects.
- With these ESPs, DHS and CBP continue to perform the same level of environmental analysis that would have been performed before the waivers in the “normal” National Environmental Policy Act (NEPA) process to evaluate potential impacts to sensitive resources in the areas where fence is being constructed.
- DHS and CBP work closely with the appropriate resource agencies to minimize any adverse impacts to the environment, wildlife, and historic and cultural resources. Additionally, fence design may be altered and other best management practices will be incorporated to minimize impacts where possible. Where avoidance or minimization cannot be achieved, DHS and CBP are committed to working with the Department of the Interior to identify and fund mitigation measures for fish and wildlife impacts.

**From:** (b) (6), (b) (7)(C)  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** Re: RGV RE Brief for OBP - Read Ahead Power Point  
**Date:** Friday, April 13, 2012 2:52:44 PM

---

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

Thanks for the update. Standing by to coordinate the brief.

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

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**From:** (b) (6), (b) (7)(C)  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Sent:** Fri Apr 13 11:49:07 2012  
**Subject:** RE: RGV RE Brief for OBP - Read Ahead Power Point

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

I have not scheduled a date with OPS or RGV. The situation is compounded by the fact that RGV is once again assessing their technology requirements. We recently learned that DHS S&T funded by OTIA hired a contractor to, "help define the operational context to support the development of a border patrol deployment plan for the South Texas Border, Rio Grande Valley." Our goal is still to combine TI and Tech before deployment, RGV (b) (6), (b) (7)(C) is in total agreement on this.

For clarification, I asked for a brief so that I could fully understand this issue but once I schedule the brief with OPS I will request that you conduct the briefing if you are available. The OPS brief will be for awareness since they will probably ask that we go to RGV and conduct the TI and Tech "total mission analysis."

(b) (6), (b) (7) was (might still be) on leave as soon as he gets back I will get on his calendar and schedule the brief. I will also invite both Deputies (b) (6), (b) (7)(C).

Regards,

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

---

**From:** (b) (6), (b) (7)(C)  
**Sent:** Friday, April 13, 2012 10:28 AM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** RGV RE Brief for OBP - Read Ahead Power Point  
**Importance:** High

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

As a follow-up from our March 29<sup>th</sup> brief, has a decision been made in reference to going forward with the land acquisition for the original RGV fence alignment in O-1, O-2, and O-3 (Attached maps depict original alignment in red)?

As a reminder, here is the breakdown from our brief (presentation attached):

- Total Swath ( (b) (7)(E) | (b) (7)(E) miles (b) (5)
  - 0- (b) (7)(E)
  - 0-2 (b) (5)
  - 0-3 (b) (5)
- (b) (5)
- Total ROM Cost (b) (5)

Thanks,

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

(b) (6), (b) (7)(C)  
Division Director, RE and ENV Services Division  
Border Patrol Facilities and Tactical Infrastructure  
Facilities Management and Engineering  
(b) (6), (b) (7)(C)

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**From:** (b) (6), (b) (7)(C)  
**To:** (b) (6), (b) (7)(C)  
**Subject:** FW: RGV RE Brief for OBP - Read Ahead Power Point  
**Date:** Wednesday, May 02, 2012 9:44:30 AM  
**Attachments:** [RGV RE Brief for OBP.3-29-12.ppt](#)  
[O-1 O-3 MR263 NoRealEstate 032912.pdf](#)  
**Importance:** High

(b) (6), (b) (7)(C) as requested here are the attachments

(b) (6), (b) (7)(C) - (b) (6), (b) (7)(C) committed you for May 18<sup>th</sup>

**From:** (b) (6), (b) (7)(C)  
**Sent:** Tuesday, May 01, 2012 8:44 AM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** FW: RGV RE Brief for OBP - Read Ahead Power Point  
**Importance:** High

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

As I stated yesterday, B2 has asked that we move forward with the Technology laydown for RGV but before we do we need to know how we are going to move forward with O1, O2, and O3. These TI decisions will have a definite impact on where Tech is placed.

I suggest that we first have a meeting internally with FM&E before we reach out to RGV. Is Wednesday, May 16, 2012 a good time for us (FM&E, OBP) to discuss this?

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

**From:** (b) (6), (b) (7)(C)  
**Sent:** Friday, April 13, 2012 10:28 AM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** RGV RE Brief for OBP - Read Ahead Power Point  
**Importance:** High

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

As a follow-up from our March 29<sup>th</sup> brief, has a decision been made in reference to going forward with the land acquisition for the original RGV fence alignment in O-1, O-2, and O-3 (Attached maps depict original alignment in red)?

As a reminder, here is the breakdown from our brief (presentation attached):

- **Total Swath** (b) (7)(E) : (b) (7)(E) miles (b) (5)
  - **O-1:** (b) (7)(E) (b) (5)
  - **O-2:** (b) (5)
  - **O-3:** (b) (5)
- (b) (5)

➤ (b) (5)  
➤

- Total ROM Cost: (b) (5)

Thanks,

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

(b) (6), (b) (7)(C)  
Division Director, RE and ENV Services Division  
Border Patrol Facilities and Tactical Infrastructure  
Facilities Management and Engineering

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

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# CBP Office of Administration Facilities Management and Engineering

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## RGV – Real Estate Briefing

1. Un-constructed Fence Segments O-1,2,3
2. **NON-RESPONSIVE**

**PRE-DECISIONAL**



U.S. Customs and  
Border Protection



# O-1,2,3 Original Alignment

▪ Total Swath ( (b) (7)(E) (b) (7)(E) miles (b) (5)

- O-1: (b) (7)(E) (b) (5)
- O-2: (b) (5)
- O-3: (b) (5)

▪ (b) (5)

▪ Factors Driving Remaining Costs (Total ROM of (b) (5)

- (b) (5)

▪ Access Cures – (b) (5)

- (b) (5)
- (b) (5)

# O-1,2,3 New Alignment

## NEW ALIGNMENT:

- IBWC provided written concurrence on Feb 15, 2012
- Approx (b) (7)(E) miles overlap with original alignment
- Approx (b) (7)(E) miles New Swath with no overlap atop original swath

– (b) (5)

▪ (b) (5)

## RIVERSIDE REMAINDER:

- **5X** More land from fence to river than original alignment

(b) (7)(E)



# O-1,2,3 Decisions & (b) (7)(E) Project Impact



1

(b) (5)

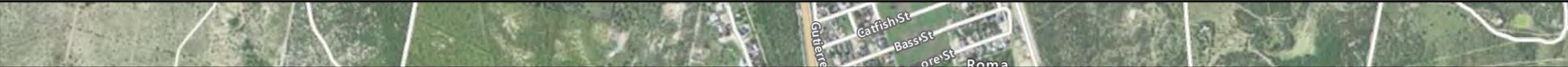
\*\*

1.

(b) (5)

(b) (5), (b) (7)(E)





(b) (7)(E), (b) (5)

**Fence**

-  Original Fence Alignment
-  Proposed Fence Alignment

**Proposed Floodplain\***

-  Proposed Floodplain\*

(b) (7)(E), (b) (5)

\*The floodplain limit represents proposed conditions, after the fence is installed, and is not indicative of existing conditions

*\*If sheet measures less than 11x17" it is a reduced print.  
Reduce scale accordingly.*

1 in = 0.25 mi

1:15,840



March 28, 2012  
Michael Baker Jr., Inc.

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(b) (7)(E), (b) (5)

Fence

-  Original Fence Alignment
-  Proposed Fence Alignment

Proposed Floodplain\*

-  Proposed Floodplain\*

(b) (7)(E), (b) (5)

\*The floodplain limit represents proposed conditions, after the fence is installed, and is not indicative of existing conditions

*\*If sheet measures less than 11x17" it is a reduced print.  
Reduce scale accordingly.*

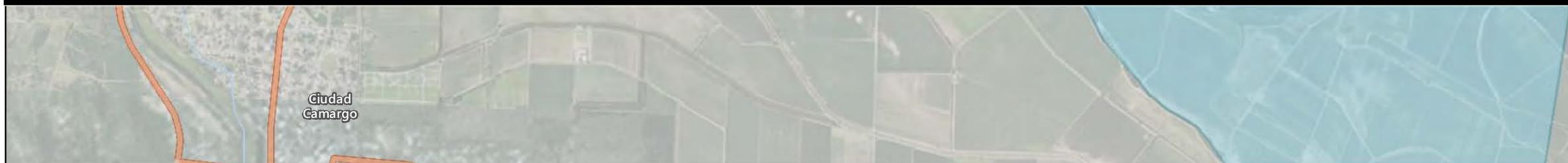
1 in = 0.5 mi

1:31,680



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(b) (7)(E), (b) (5)

Fence

-  Original Fence Alignment
-  Proposed Fence Alignment

Proposed Floodplain\*

-  Proposed Floodplain\*

(b) (7)(E), (b) (5)

\*The floodplain limit represents proposed conditions, after the fence is installed, and is not indicative of existing conditions

*\*If sheet measures less than 11x17" it is a reduced print. Reduce scale accordingly.*

1 in = 0.13 mi

1:7,920



March 28, 2012  
Michael Baker Jr., Inc.

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**From:** (b) (6), (b) (7)(C)  
**To:** (b) (6), (b) (7)(C)  
**Subject:** Fw: El Paso Sector (b) (7)(E) SEA vs. Hard Look Memo  
**Date:** Friday, July 02, 2010 1:07:42 AM  
**Importance:** High

(b) (5)

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

(b) (6), (b) (7)(C)  
Customs and Border Protection  
Facilities Management & Engineering  
Tactical Infrastructure PMO  
Cell: (b) (6), (b) (7)(C) (new)

Sent from my Blackberry w/o the benefit of spell check

---

**From:** (b) (6), (b) (7)(C)  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Sent:** Thu Jul 01 23:58:35 2010  
**Subject:** FW: El Paso Sector (b) (7)(E) SEA vs. Hard Look Memo

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

Request your guidance on the below...I'm flying back on the red eye tonight and can dial in for a telcon after (b) (6), (b) (7)(C) tomorrow until the 1100 projects call (which I plan to take from home). (b) (6), (b) (7)(C) synopsis and the email chain below provide the details of the situation.

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

---

**From:** (b) (6), (b) (7)(C)  
**Sent:** Thursday, July 01, 2010 4:55 PM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** El Paso Sector (b) (7)(E) SEA vs. Hard Look Memo  
**Importance:** High

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

(b) (5)

(b) (5)

Thank you for your help. Please let me know when you are available to meet and discuss. My new number is (b) (6), (b) (7)(C)(desk). My new bb number should be available tomorrow. Do not hesitate to give me a call if you have any questions or concerns.

(b) (6), (b) (7)(C) – If I any of the above information is incorrect per our discussion this morning please feel free to jump in. Thanks.

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

**(b) (6), (b) (7)(C)**  
El Paso & Marfa Sector Project Manager  
U.S. Customs and Border Protection  
Facilities Management & Engineering

Office of Border Patrol, Program Management Office

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

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

**Sent:** Thursday, July 01, 2010 2:00 PM

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

**Subject:** FW: Guidance Concerning Supplemental EA for (b) (7)(E)

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

Included below is the e-mail guidance I received from CBP Environmental and Energy Division concerning the decision to prepare a Supplemental Environmental Assessment or Hard Look Memo.

[REDACTED]

Thanks,

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

Environmental Protection Specialist

Customs and Border Protection

Facility Center - Laguna

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

**From:** [REDACTED] (b) (6) ] On Behalf

**Of:** (b) (6)

**Sent:** Wednesday, June 30, 2010 1:22 PM

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

**Cc:** (b) (6), (b) (7)(C)

**Subject:** RE: Request for Guidance Concerning Supplemental EA for (b) (7)(E)

I spoke with (b) (6), (b) (7)(C) about the realignment, and he told me (b) (5)

[REDACTED] With that in mind, I relooked at the SEA.

Issues to consider:

- 1.
- 2.
- 3.
- 4.
- 5.

[REDACTED]

6.

7.

(b) (5)

(b) (5)

(b) (6)

LMI

2000 Corporate Ridge  
McLean, VA 22102-7805

(b) (6)

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**From:** (b) (6), (b) (7)(C)  
**Sent:** Wednesday, June 30, 2010 12:06 PM  
**To:** (b) (6)  
**Subject:** RE: Request for Guidance Concerning Supplemental EA for (b) (7)(E)

(b) (6)

Attached, please find the SEA from 2008. (b) (5)

Thanks

(b) (6), (b) (7)(C)  
Environmental Protection Specialist  
Customs and Border Protection  
Facility Center - Laguna

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

---

**From:** (b) (6) ] On Behalf  
**Of:** (b) (6)  
**Sent:** Wednesday, June 30, 2010 8:45 AM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** RE: Request for Guidance Concerning Supplemental EA for (b) (7)(E)

Can you send me the 2008 SEA electronically? It sounds like this would not need a supplement, but I need to see the discussion of the proposed action and the survey corridor from the earlier SEA.

(b) (6)

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(b) (6)

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From: (b) (6), (b) (7)(C)  
Sent: Wednesday, June 30, 2010 11:16 AM  
To: (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
Subject: Request for Guidance Concerning Supplemental EA for (b) (7)(E)

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

I have consulted the draft NEPA handbook concerning how to handle Supplemental EAs, and as a result felt it necessary to seek additional guidance on how best to proceed in covering this project. The project involves constructing (b) (7)(E) of Pedestrian Fencing (PF), referred to as (b) (7)(E) in El Paso. A Supplemental EA (SEA) was prepared in 2008 that evaluated the impacts of constructing three segments of PF including (b) (7)(E). The 2008 SEA was tiered from a 2006 Programmatic EA.

The issue however, is the alignment for the (b) (7)(E) project corridor has been adjusted since the 2008 SEA was completed. The new fence alignment calls for placing the fence slightly north of the original alignment – the alignments are so close that the map provided in the SEA does not provide sufficient resolution to convey a difference. I do think the realignment triggers the need for a new section 106 consultation as there are some cultural resources near the project corridor, some of which are now slightly closer to the project corridor based on the updated alignment. The project is being placed in a heavily disturbed and developed urban corridor, so I do not anticipate any issues with Section 7 – we have already had a biologist out there and there is not much going on.

The draft NEPA handbook states the following regarding Supplemental EAs:

“Supplementation is not necessary if there are changes in the proposed action that are not substantial (i.e., the effects of the changed proposed action are still within the range of effects analyzed in the draft or final EA). A supplement is also not required if the new alternative is a variation of an alternative already analyzed.”

(b) (5)

Additionally, I am seeking to determine the appropriate level of public involvement for this project. The public is aware of the project as they had two opportunities to comment on the proposed action – once for

the 2006 programmatic EA and again for the 2008 SEA.

Your input is appreciated - I do not want to start the team down a path that has not been coordinated with you.

Thanks,

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

Environmental Protection Specialist

Customs and Border Protection

Facility Center - Laguna

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

[Redacted signature block]