CBP Enterprise Services
Office of Facilities and Asset Management

Rio Grande Valley (RGV) Border Wall System

Border Patrol and Air & Marine Program Management Office

April 26, 2017
RGV Border Wall System Program
RGV Border Wall System Program Background

In response to Executive Order (EO) 13767: Border Security and Immigration Enforcement Improvements, and to meet U.S. Border Patrol (USBP) operational requirements, U.S. Customs and Border Protection (CBP) has begun the process to acquire land and conduct environmental consultation activities for the construction of the border/levee wall system/enforcement zone.

Program Justification: EO – Sections 2 & 4

- Sec. 2. Policy. It is the policy of the executive branch to:
  (a) secure the southern border of the United States through the immediate construction of a physical wall on the southern border, monitored and supported by adequate personnel so as to prevent illegal immigration, drug and human trafficking, and acts of terrorism;
- Sec. 4. Physical Security of the Southern Border of the United States. The Secretary shall immediately take the following steps to obtain complete operational control, as determined by the Secretary, of the southern border:
  (a) In accordance with existing law, including the Secure Fence Act and IIRIRA, take all appropriate 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;
  (c) Project and develop long-term funding requirements for the wall, including preparing Congressional budget requests for the current and upcoming fiscal years;

We will balance administration priorities with Border Patrol requirements to determine Wall design and locations.
RGV Border Wall System Program Background

- **WHO?** CBP (Border Patrol and Air & Marine Program Management Office – BPAM PMO), USBP, and U.S. Army Corps of Engineers (USACE)

- **WHAT?** Construct approximately \( b \) \( (7)(E) \) of border/levee wall system in the USBP Rio Grande Valley (RGV) Sector

  **What is a border/levee wall system?** A border/levee wall system is a comprehensive solution that includes a combination of various types of infrastructure such as wall, fence, lighting, enforcement \( b \) \( (7)(E) \) and other related technology, and all-weather roads, which provide persistent impedance and facilitate the deterrence and prevention of successful entries.

- **WHERE?** \( b \) \( (7)(E) \) of levee wall within the McAllen Border Patrol Station (BPS) and Weslaco BPS areas of responsibilities (AOR) and \( b \) \( (7)(E) \) of border wall within the Rio Grande City BPS AOR

- **WHEN?** Contract awards starting in **FY2017**

- **WHY?** President’s Executive Order and at the direction of the Department of Homeland Security (DHS) Secretary John Kelly, USBP operational requirements
RGV Border Wall System Project
RGV Border Wall System Project Overview

Initial RGV Border Wall/Levee System/Enforcement Zone Project

- The first construction project is approximately [redacted] of levee wall and border enforcement zone within the Weslaco BPS AOR.
- The project alignment will be on the south toe of the north U.S. International Boundary Water Commission (IBWC) levee along maintenance road.
- The project is to be a hybrid design bid build and design build construction project under the USACE’s existing unrestricted horizontal Multiple Award Task Order Contract (MATOC).

Approach:

- CBP anticipates completing this project in two phases:
  - Phase 1: Construction of a reinforced concrete levee wall with [redacted].
  - Phase 2: Construction of [redacted], within the [redacted].
RGV Border Wall System Locations
RGV Border Wall System Locations

(b) (7)(E)

LEGEND

- BVW Levees
- Proposed Barrier
- Existing Pedestrian Fence
- Real Estate Green/Env Green ROWs
- Real Estate Green/Env Red Roads
- Real Estate Red/Env Green Roads
- Real Estate Red/Env Red Roads
- Other Roads
- USBP Station Zones
- U.S. Fish and Wildlife Service Land

Map Request 344 - FY27 Proposed Barrier RGV

Michael Baker

April 17, 2023

Border Protection

BW11 FOIA CBP 004281
RGV Border Wall System Locations
RGV Border Wall System Locations
RGV Border Wall System Locations

McAllen Station

LEGEND
- JBWC Levees
- Proposed Barrier
- Existing Pedestrian Fence
- Real Estate Greens/Ew Green Roads
- Real Estate Greens/Ew Red Roads
- Real Estate Reds/Ew Green Roads
- Real Estate Reds/Ew Red Roads
- Other Roads
- McAllen City Boundary
- USBP Station Zones
- U.S. Fish and Wildlife Service Land

Map Request 294 - FY17 Proposed Barrier RGV

April 17, 2017

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RGV Border Wall System Locations

(b) (7)(E)
RGV Border Wall System Locations
RGV Border Wall System Project Coordination
RGV Border Wall System Project Coordination

- Project Coordination Process

- Current Efforts

- Benefits of Border Wall System

- Communications Path Forward
  - BPAM PMO points of contact (POC)
  - USBP RGV Sector POCs
  - DOI POCs
  - USFWS POCs
  - Program & project execution communications process
  - Communication with other DHS & CBP components (Science & Technology Directorate, etc.)
  - External requests for information (media, FOIA, Congress, etc.) process
Environmental Impact

Debris and damage found in Los Velas Refuge near Hidalgo, TX due to cross-border activity
Follow-Up Questions
Environmental Stewards

- CBP complies with the appropriate laws and regulations to construct, operate, and maintain tactical infrastructure along the Southwest Border in an environmentally responsible manner.
- Where the Secretary utilizes the waiver authority, CBP does not compromise its commitment to responsible environmental stewardship, or its commitment to solicit and respond to the needs of Federal, State, local, and Native American government, and local residents.
  - In the event of a waiver, CBP is committed to informing and engaging State, local, and Native American governments, other agencies of the Federal government, NGOs, and local residents to carefully identify natural, biological and cultural resources potentially affected by construction of border barriers.
- The preservation of our valuable natural resources is of great importance to DHS, and we are fully engaged in efforts that consider the environment as we work to secure our Nation’s borders.

Planning

- Without funding for this project, construction will not commence.
- During initial planning, potential environmental impacts will be considered as fence styles and locations are altered where possible to minimize any impacts.
  - Required NEPA Documents (if no waiver).
  - Environmental Stewardship Plans (ESPs) (if waiver) - These plans were used during construction planning and implementation, applying the same standards and approaches as used without the waiver for stewardship of our valuable natural and cultural resources. They will incorporate public comments and be released on the CBP public website.
    - CBP will actively seek input from resource agencies and the public, to include coordination with the U.S. Fish and Wildlife Service (USFWS), SHPOs, Native American tribes, and the U.S. Army Corps of Engineers (USACE).
    - In addition, CBP will conduct consultations with local stakeholders and private landowners to identify possible impacts to resources and determine if changes to the tactical infrastructure alignment, location of access roads, placement of staging areas, and fence design are needed, in order to minimize potential environmental impacts.
  - Evaluation of the actual impacts from TI construction (versus anticipated impacts identified in the ESPs will be completed.
  - Comprehensive Biological Resources Plans (BRPs) to evaluate potential impacts on natural resources and endangered species in coordination with USFWS will be incorporated into the ESPs.
  - Comprehensive Best Management Practices (BMPs) coordinated with the USFWS and other Federal, State, local and tribal organizations. The BMPs will be included in the construction contracts to avoid or minimize adverse impacts.
  - Environmental awareness training to construction crews prior to construction, including natural and cultural resources.
  - Environmental monitoring during construction to track and record implementation of BMPs, report any issues that could pose an environmental risk, recommend corrective actions, and manage any wildlife encountered during construction.
How Did CBP Determine the Priority Locations for Fence Construction?
- RGV Sector is a top priority for USBP Operational requirements. These specific locations have been determined due to:
  - Levee/Flood Protection
  - Preventing damage to Refuge
  - Operational impact/USBP Requirements

How Much Land Does CBP Intend to Impact from the Border Wall System in RGV?
- Phase I
  - A preliminary design of this area is yet to be determined. Therefore it is premature to identify how much land would be impacted.

What are the Benefits to Construction in the Refuge?
As we have seen in other areas of the border, infrastructure and improved enforcement has the potential to;
- Minimize debris
- Minimize vegetation impacts (unplanned trails)
- Minimize fires

How Does CBP Intend to Mitigate for Its Impacts to Refuge Land in RGV?
- The preservation of our valuable natural resources is of great importance to DHS/CBP, and we will be fully engaged in efforts that consider the environment as we work to secure our Nation’s borders.

- In the past, CBP has coordinated with Federal and State agencies, as well as the public, to ensure potential environmental impacts were identified and thoroughly evaluated for each project. In addition, CBP conducted extensive consultations with resource agencies and local stakeholders which resulted in numerous changes to the tactical infrastructure alignment, location of access roads, placement of staging areas, and fence design, in order to minimize potential environmental impacts.

- CBP will stay consistent with previous actions and identify resources and potential impacts, utilize mitigation strategies and BMPs, and perform stakeholder outreach.

Will Mitigation Efforts be Funded?
- Previously, funding has been allocated for mitigation efforts. At this time, due to the uncertainty in funding for the overall project, this will have to be determined at a later time.
- CBP’s preference would be to include a detailed mitigation strategy in an updated MOA with DOI which would address questions like this. This will be determined at a later date, and could become a part of the MOA moving forward.

How Will the Border Wall Affect the Day to Day Operations of the Refuge?
- In 2012 there were no predicted or actual impacts on threatened or endangered species of their habitat in RGV Sector.
- Access points to the refuge will remain unchanged.
- Minimal impact to the view.
What are the Best Management Practices?

- Erosion Control
  - Minimize sedimentation into creeks and rivers and disturbed areas,
  - Revegetate construction/staging areas
  - Stormwater Pollution Prevention Plan
  - Contained Concrete Wash
- Trash Disposal
- Dust Control
- Clearly identified work and parking areas
- Safe driving zones
- Proper storage of chemicals

Memorandum of Agreement

- It is CBP’s desire to implement a new or revised version of the CBP/DOI MOA from 2008 to include an agreed upon approach for mitigation.

Land Acquisition

- It is not likely that we will get into this level of detail at the initial meeting with DOI.

- Basic Framework for land acquisition set out below. It is the framework we used last time, and we did fund the acquisition of land in both California and Texas. The basic framework is the same; however, this time, when it is appropriate to discuss with DOI, we want to change the focus to mitigation bank opportunities rather than land acquisition. There are a number of reasons for this:
  - Given the legal backdrop, land acquisition was unwieldy and difficult to administer;
  - It was not always well-received on the Hill and invited a lot scrutiny; and
  - In prior appropriations bills, CBP was instructed not to spend any additional funds on land acquisition. While that language is no longer binding, it gives us a sense of the mood of Congress.
- This time, then, we want to focus on mitigation bank opportunities. Where there are no mitigation bank opportunities, then we should focus on other, non-land acquisition mitigation projects.

- Additionally, CBP is not able to transfer the funds to DOI so DOI can acquire land using its own statutory authorities. The only legal authority CBP has to transfer the funds to DOI is the Economy Act and one of the general rules about the Economy Act is it does not authorize an agency to use another agency to do something it cannot lawfully do itself.
A third-party approach to land acquisition for mitigation purposes avoids both of these issues. The key to the third-party approach is that no land is actually being acquired for the United States. CBP is using procurement contracts to acquire mitigation “services” and essentially funding the purchase of land by a third party.
I will work with [Redacted] to see if there is a window for an initial call with [Redacted] tomorrow or Friday to discuss.

I am attaching BP's Issue Paper. I am unclear as to where the current proposed O-3 alignment is in relation to the additional [Redacted] acreage (I assume the additional acreage is on the north side of the alignment) but [Redacted].

-----Original Message-----
From: [Redacted]
Sent: Wednesday, June 14, 2017 2:17 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Request for Settlement Authority; Rivas; Case No. 7:08-cv-302

lets set up a call with [Redacted] and [Redacted] after we and OCC talk

-----Original Message-----
From: [Redacted]
Sent: Wednesday, June 14, 2017 12:44 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Request for Settlement Authority; Rivas; Case No. 7:08-cv-302

[Redacted]
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.

-----Original Message-----
From: (b) (6), (b) (7)(C) 
Sent: Friday, May 26, 2017 5:48 AM
To: (b) (6), (b) (7)(C) 
Cc: (b) (6), (b) (7)(C) 
Subject: RE: Request for Settlement Authority; Rivas; Case No. 7:08-cv-302

(b) (5)

(b) (6), (b) (7)(C)
Senior Attorney (Trade & Finance)
Office of Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW Room 4.4B
Washington, DC 20229

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From: (b) (6), (b) (7)(C) 
Sent: Wednesday, May 24, 2017 10:55 AM
To: (b) (6), (b) (7)(C) 
Cc: (b) (6), (b) (7)(C) 
Subject: RE: Request for Settlement Authority; Rivas; Case No. 7:08-cv-302

Thank you. [REDacted] is on his way to El Paso.
Regards,

CBM, PMP
Director-Real Estate, Environmental and Leasing Services (REEL) Border Patrol Air & Marine Program
Management Office (BPAM PMO) DHS-CBP-ES-FM&E

From: CBM, PMP
Sent: Wednesday, May 24, 2017 10:46 AM
To: CBM, PMP
Subject: RE: Request for Settlement Authority; Rivas; Case No. 7:08-cv-302
Thanks,

(b) (6), (b) (7)(C)
Senior Attorney (Trade & Finance)
Office of Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW Room 4.4B
Washington, DC 20229

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

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From: (b) (6), (b) (7)(C)
Sent: Tuesday, August 16, 2016 3:07 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Request for Settlement Authority; Rivas; Case No. 7:08-cv-302

(b) (5)

Thanks

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

Deputy Director
Border Patrol Facilities and Tactical Infrastructure Program Management Office Facilities Management & Engineering Office of Administration Customs and Border Protection

24000 Avila Road
Suite 5200
Laguna Niguel, CA 92677
From: [REDACTED]  
Sent: Tuesday, August 16, 2016 1:55:54 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: Request for Settlement Authority; Rivas; Case No. 7:08-cv-302  

Based on the information and the analysis performed, I concur.

Do you [REDACTED] us on leave?

Thanks,

[REDACTED]  
Senior Attorney (Trade & Finance)  
Office of Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW Room 4.4B  
Washington, DC 20229

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ISSUE / BRIEFING TOPIC:

The RGV Tactical Infrastructure (TI) program is currently working with Office of Chief Counsel (OCC) and Assistant United States Attorney (AUSA) to identify the operational need of the Los Ebanos Port of Entry.

DESIRED OUTCOME:

Provide CBP OCC and DOJ AUSA a response regarding the operational need of the Los Ebanos Port of Entry.

BACKGROUND:

- The government (AUSA) has been settling cases regarding the current border fence wall throughout the RGV AOR. In the process, the government acquired five different tracts as part of its taking near Los Ebanos Port of Entry (Project O-3 / [b] (7)(E) [b] (5)). The combined fence takings totals [b] (7)(E) acres which sever Ms. property, leaving [b] (7) acres on the riverside.
- The fence swaths are identified in the map below as [b] (7)(E) The combined fence takings totals [b] (7)(E) acres which sever Ms. property, leaving [b] (7) acres on the riverside.
- The fence swaths are identified in the map below as [b] (7)(E) acres which sever Ms. property, leaving [b] (7) acres on the riverside.
- The fence swaths are identified in the map below as [b] (7)(E) acres which sever Ms. property, leaving [b] (7) acres on the riverside.
- Ms. property is in very close proximity to the Los Ebanos POE. The map illustrates the property, the tracts acquired, and its relation to the POE.
- The case with Ms. is in the final stages. Her entire property measures approximately [b] (7)(E) which has been appraised at $15,000.
- The government will be taking [b] (7)(E) and will cause damages appraised at approximately $10,000.
- The government representative wants to know [b] (5)
  o Based on the current planning efforts in the area.

CHALLENGES/CONCERNS:

- No challenges can be identified since the owner will be compensated by the government at fair market value as described by the government representative.
RECOMMENDATION:

Consider CBP ownership interests in the property to use for potential or future sites or other tactical infrastructure enhancement opportunities.

POINTS OF CONTACT:

- DOJ and OCC POC information
- (b) (6), (b) (7)(C) – Assistant United States Attorney – (b) (6), (b) (7)(C)
- (b) (6), (b) (7)(C) – Senior Attorney Office of Chief Counsel – (b) (6), (b) (7)(C)
ATTACHMENTS:

- 2014-03-\(\text{(b) (7)(E)}\) - AERIAL- Ownership Deeds.pdf
- 2014-03-\(\text{(b) (7)(E)}\) - DRAWING - \(\text{(b) (7)(E)}\) Exhibit.pdf
- \(\text{(b) (7)(E)}\) - GIFT DEED P00007 P013210.pdf
- 2013-06-12 - \(\text{(b)(7)(E)}\) - Disposition.pdf
- 2013-06-12 - \(\text{(b)(7)(E)}\) - OVERLAY - \(\text{(b)(7)(E)}\).pdf
- \(\text{(b)(7)(E)}\) - Legal Descript and Plat.pdf
- 39-0 Amendment to Declaration of Taking.pdf
I can setup a call with sector to discuss whether [b](5) [b](6) [b](7)[C]

Thanks,

[Senior Attorney (Trade & Finance)]
Office of Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW Room 4.4B
Washington, DC 20229

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From: [b](6) [b](7)[C]
Sent: Friday, June 16, 2017 4:20 PM
To: [b](6) [b](7)[C]
Subject: RE: Request for Settlement Authority; Rivas; Case No. 7:08-cv-302
I would forgive any errant misspells or grammatical errors on emails.

---Original Message-----
From: (b) (6), (b) (7)(C)
Sent: Friday, June 16, 2017 2:17 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Request for Settlement Authority; Rivas; Case No. 7:08-cv-302

Thanks for sending me the additional documentation.

---Original Message-----
From: (b) (6), (b) (7)(C)
Sent: Wednesday, June 14, 2017 9:44 AM
To: >
Cc: >
Subject: RE: Request for Settlement Authority; Rivas; Case No. 7:08-cv-302

---Original Message---
From: Senior Attorney (Trade & Finance)
Office of Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW Room 4.4B

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Office of Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW Room 4.4B

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Subject: RE: Request for Settlement Authority; Rivas; Case No. 7:08-cv-302

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Office of Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW Room 4.4B

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Subject: RE: Request for Settlement Authority; Rivas; Case No. 7:08-cv-302

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From: Senior Attorney (Trade & Finance)
Office of Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW Room 4.4B

To: >
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From: [REDACTED]  
Sent: Wednesday, May 24, 2017 10:55 AM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Request for Settlement Authority; Rivas; Case No. 7:08-cv-302

Thank you. [REDACTED] is on his way to El Paso.

Regards,

[REDACTED], CBM, PMP
Director-Real Estate, Environmental and Leasing Services (REEL) Border Patrol Air & Marine Program Management Office (BPAM PMO) DHS-CBP-ES-FM&E

From: [REDACTED]  
Sent: Wednesday, May 24, 2017 10:46 AM  
To: [REDACTED]  
Subject: RE: Request for Settlement Authority; [REDACTED]; Case No. 7:08-cv-302
Thanks,

[(b) (6), (b) (7)(C)]
Senior Attorney (Trade & Finance)
Office of Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW Room 4.4B
Washington, DC 20229

[(b) (6), (b) (7)(C)]

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From: [(b) (6), (b) (7)(C)]
Sent: Tuesday, August 16, 2016 3:07 PM
Thanks

Deputy Director
Border Patrol Facilities and Tactical Infrastructure Program Management Office
Facilities, Management & Engineering Office of Administration Customs and Border Protection

24000 Avila Road
Suite 5200
Laguna Niguel, CA, 92677

________________________________

From: Sent: Tuesday, August 16, 2016 1:55:54 PM
To: Cc: Subject: Request for Settlement Authority; Case No. 7:08-cv-302

Based on the information and the analysis performed, I concur.

us on leave?

________________________________

From: Sent: Tuesday, August 16, 2016 11:58:11 AM
To: Cc: Subject: RE: Request for Settlement Authority; Rivas; Case No. 7:08-cv-302

Thanks

Based on the information and the analysis performed, I concur.
Thanks,

Senior Attorney (Trade & Finance)
Office of Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW Room 4.4B
Washington, DC 20229

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