

**From:** (b) (6)  
**To:** (b) (6)  
**Subject:** RE: Smugglers Gulch  
**Date:** Wednesday, April 05, 2017 7:44:34 AM

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Will check this morning. I should have it...

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**From:** (b) (6)  
**Sent:** Tuesday, April 04, 2017 9:26 PM  
**To:** (b) (6)  
**Subject:** FW: Smugglers Gulch

Ok – this is due April 7, Friday and we should route back through OPA of course. Do you have the information here or do we need to reach out to (b) (6)

(b) (6)  
Director, Business Operations Division (Acting)  
Border Patrol & Air and Marine Program Management Office  
Facilities Management and Engineering  
Office of Facilities and Asset Management  
Mobile: (b) (6)

---

**From:** (b) (6)  
**Sent:** Tuesday, April 04, 2017 1:46 PM  
**To:** (b) (6)

(b) (6)

**Cc:** (b) (6)

(b) (6)

**Subject:** RE: Smugglers Gulch

(b) (5)

So, your help in getting this nailed down is very much appreciated...

Thank you!

---

**From:** (b) (6)  
**Sent:** Tuesday, April 04, 2017 12:58 PM  
**To:** (b) (6)

(b) (6)

(b) (6)

Cc: (b) (6)

(b) (6)

**Subject:** RE: Smugglers Gulch

We are on it. Looping OPA in as well.

(b) (6)

Director, Business Operations Division (Acting)  
Border Patrol & Air and Marine Program Management Office  
Facilities Management and Engineering  
Office of Facilities and Asset Management  
Mobile: (b) (6)

---

**From:** (b) (6)

**Sent:** Tuesday, April 04, 2017 12:24 PM

**To:** (b) (6)

(b) (6)

**Cc:** (b) (6)

**Subject:** RE: Smugglers Gulch

Adding (b) (6) and (b) (6) They will work this through with you and OPA, (b) (6)

---

**From:** (b) (6)

**Sent:** Tuesday, April 4, 2017 12:21 PM

**To:** (b) (6)

(b) (6)

**Cc:** (b) (6)

**Subject:** FW: Smugglers Gulch

**Importance:** High

Questions submitted by San Diego Union Tribune. Given the interest in fence/wall it might be good for us to get answers to these things.

Do you have someone you can point me to?

---

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

**Sent:** Tuesday, April 04, 2017 11:40 AM

**To:** (b) (6)

**Cc:** (b) (6)

(b) (6)

(b) (6)

**Subject:** RE: Smugglers Gulch

**Importance:** High

(b) (6)

Please see below for an inquiry (b) (6) received from Reporter (b) (6) of the Union Tribune. Would you be able to provide responses to the bullet points below? The reporter has an internal deadline of April 7<sup>th</sup>, so it would be great if we could get responses to him by tomorrow, if at all possible. We expect he will run with the story even if we don't provide any information.

Please let me know if you need any additional information.

(ALSO, I still need an address, so we can return the discs to you.)

Thank you, sir.

(b) (6); (b) (7)(C) | (A)Assistant Chief Patrol Agent

United States Border Patrol | San Diego Sector

(b) (6); (b) (7)(C) Office | (b) (6); (b) (7)(C) Mobile

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

---

**From:** (b) (6)

**Sent:** Monday, April 03, 2017 4:24:16 PM

**To:** (b) (6) | (b) (6); (b) (7)(C)

**Subject:** FW: Smugglers Gulch

Folks... is there anyone with historic knowledge in Smuggler's issues? SDUT is requesting...

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**From:** Moran, Gregory

**Sent:** Monday, April 03, 2017 4:02:43 PM

**To:** (b) (6)

**Subject:** Smugglers Gulch

Hello (b) (6)

I am writing today for a story I am working on about border security projects that have been done in the past, and how things have turned out after they were constructed. One project I am looking at is the fence construction/berm work done in 2008-09 that included Smugglers Gulch. The project was controversial when proposed and the subject of lawsuits, and then after it was built there were complaints from various entities – California Coastal Commission, Re. Susan Davis, state parks – that mitigation and other measures that were supposed to be done either were not done, or were not done well.

So I am following up on that issue and hoping to get some response from CBP on the following:

- There was concern that a revegetation work around the gulch area was not done well. Lots of plants died, some hillsides were left barren. I understand that the CBP later hired a consultant to look at the issue. Can you describe what work has been done there since 2009 (are hillsides vegetated)? Can you say when that work was undertaken and completed?
- There was also lots of concern about erosion from the large berm in Smugglers Gulch washing into the Tijuana Estuary. One complaint is there was not a sediment monitoring program in place. Can you say is there one in place now? Is erosion into the estuary been a problem or source of concern or complaints from the state or environmental groups?
- Overall, has the project that included Smugglers Gulch and added 14 miles of fencing in San Diego been successful as far as CBP is concerned? IN other words has it met the expectations of addressing illegal immigration through the area?

My deadline for this story is Friday April 7. Any response you can provide would be great. Also, feel free to call at the below number if needed.

Thanks for your assistance, (b) (6).

(b) (6) | Reporter

(b) (6)

The San Diego  
Union-Tribune

**From:** (b)(6)  
**To:**  
**Subject:** RE: REVIEW REQUESTED: ADDITIONAL QUESTIONS: SECOND Expansion Q&As  
**Date:** Tuesday, March 21, 2017 10:38:16 AM

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Whats the PW?

(b)(6)  
Business Operations  
OFAM / BPAM PMO

(b)(6) (o)  
(b)(6) (m)  
(b)(6)

---

**From:** (b)(6)  
**Sent:** Thursday, March 16, 2017 6:01 PM  
**To:** (b)(6)  
(b)(6) LOWRY, KIM M (b)(6)  
(b)(6)  
(b)(6) FRIEL, MICHAEL J (b)(6)

(b)(6)

**Cc:** (b)(6)  
(b)(6)

**Subject:** RE: REVIEW REQUESTED: ADDITIONAL QUESTIONS: SECOND Expansion Q&As  
**Importance:** High

Team –

FYSA - consolidated comments attached. This version is going to C2 for review.

PW: (b)(7)(E)

Thanks,  
(b)(6)

---

**From:** (b)(6)  
**Sent:** Thursday, March 16, 2017 3:53 PM  
**To:** (b)(6) LOWRY, KIM M (b)(6)  
(b)(6)

(b)(6)

FRIEL, MICHAEL J

(b)(6)

Cc:

(b)(6)

(b)(6)

**Subject:** RE: REVIEW REQUESTED: ADDITIONAL QUESTIONS: SECOND Expansion Q&As

Please see attached OCC comments and suggested edits.

Best,

(b)(6)

Senior Attorney  
Office of Assistant Chief Counsel-Indianapolis  
U.S. Customs and Border Protection  
6650 Telecom Drive, (b)(6)  
Indianapolis, Indiana 46278  
Direct Line: (b)(6)  
Fax: (b)(6)  
E-mail: (b)(6)

This document/electronic communication contains communications between attorney and client, communications that are part of the agency deliberative process, or attorney work-product, and as such, it is privileged and confidential. It is intended only for the confidential use of the designated recipient(s) and any U.S. Customs and Border Protection (CBP) Officials who have an official "need to know."

**Absent the express prior approval of the Assistant Chief Counsel - Indianapolis,**  
(b)(6)

**it is not available for release, disclosure, or use by anyone within or outside of CBP other than the aforementioned officials.**

From:

(b)(6)

Sent: Thursday, March 16, 2017 2:09 PM

To: LOWRY, KIM M

(b)(6)

(b)(6)

(b)(6)

FRIEL, MICHAEL J

(b)(6)

(b)(6)

(b)(6)

Cc: (b)(6)

(b)(6)

**Subject:** REVIEW REQUESTED: ADDITIONAL QUESTIONS: SECOND Expansion Q&As

All –

In preparation for the RFP that is anticipated to be released tomorrow, please review the attached questions and answers. Please note, items in yellow are new and items in red need Procurement to weigh in on heavily.

Recommend that you review all questions and answers, not just the new questions.

We will fix the numbering once we get input consolidated. Also, we will be adding in ‘pending available funds’ where needed.

Please return comments back by 4:00 pm.

PW to follow.

(b)(6)

Director, Business Operations Division (Acting)  
Border Patrol & Air and Marine Program Management Office  
Facilities Management and Engineering  
Office of Facilities and Asset Management  
Mobile: (b)(6)

**From:** (b)(6)

**Sent:** Friday, March 03, 2017 3:44 PM

**To:** LOWRY, KIM M (b)(6)

(b)(6)

(b)(6)

FRIEL, MICHAEL J

(b)(6)

(b)(6)

Cc: (b)(6)

(b)(6)

**Subject:** ADDITIONAL QUESTIONS: IMMEDIATE REVIEW REQUESTED: SECOND Expansion Q&As

All –

For your immediate review, please find a few additional revised questions. Please review question 3 and the section on acquisition/procurement as there have been additional information added (highlighted in yellow for awareness).

Once again, we are asking for a quick turn. Please provide comments by 4:15.

(b)(7)(E)

Regards,

(b)(6)

(b)(6)

Director, Business Operations Division (Acting)  
Border Patrol & Air and Marine Program Management Office  
Facilities Management and Engineering  
Office of Facilities and Asset Management  
Mobile: (b)(6)

---

**From:** (b)(6)

**Sent:** Friday, March 03, 2017 8:56 AM

**To:** LOWRY, KIM M; (b)(6) FRIEL, MICHAEL J;

(b)(6)

**Cc:** (b)(6)

(b)(6)

**Subject:** IMMEDIATE REVIEW REQUESTED: SECOND Expansion Q&As

Good morning all –

For your review and comment, please see attached for the second expansion Q&As. We are asking for a quick turn on these. Please provide comments by 10 am.

Password to follow.

Regards,

(b)(6)

(b)(6)

Director, Business Operations Division (Acting)  
Border Patrol & Air and Marine Program Management Office  
Facilities Management and Engineering  
Office of Facilities and Asset Management  
Mobile: (b)(6)

---

**From:** (b)(6)  
**Sent:** Friday, February 24, 2017 10:30 AM  
**To:** LOWRY, KIM M; (b)(6) FRIEL, MICHAEL J;  
(b)(6)  
**Cc:** CALVO, KARL H.  
**Subject:** IMMEDIATE REVIEW REQUESTED: First Expansion Q&As

All – Attached please find the updated Q&As with the five questions added this morning. *Please review and provide your comments and/or concurrence ASAP. NLT 1130AM.*

(b)(6)

---

**From:** (b)(6)  
**Sent:** Friday, February 24, 2017 8:32 AM  
**To:** LOWRY, KIM M (b)(6)  
(b)(6)  
(b)(6) FRIEL, MICHAEL J (b)(6)

(b)(6)

**Cc:** CALVO, KARL H. (b)(6)  
**Subject:** RE: FINAL Wall Prototype Construction Contract Solicitation Talking Points

All – As expected, a few more questions have come in already. We are working initial drafts which will be coming your way for contribution/clearance within the next hour. We'll expect a third round later today as well.

1. Will the prototypes remain after construction as part of the border wall system or are they only being built as models or examples?
2. Will the prototypes include a solid wall, fencing and other types of physical barriers?
3. Why was the San Diego area selected as the location for the prototypes?
4. How many 1/16<sup>th</sup> of a mile sections do you expect to construct as part of this prototype project?
5. Why/how was 15 miles selected as the initial rate construction length?

(b)(6)

---

**From:** (b)(6)

**Sent:** Friday, February 24, 2017 6:04 AM

**To:** LOWRY, KIM M (b)(6)

(b)(6)

(b)(6) FRIEL, MICHAEL J (b)(6)

(b)(6)

**Cc:** CALVO, KARL H. (b)(6)

**Subject:** FINAL Wall Prototype Construction Contract Solicitation Talking Points

All – Attached for your records are the final Q&As that C2 cleared last night. The only change was the (b)(5). Thank you again for all of your assistance with this. I expect we will need to work additional questions to support OPA and OCA today and in the coming days and we will reach out to each of you as your expertise and clearance are required.

(b)(6)

---

**From:** (b)(6)

**Sent:** Thursday, February 23, 2017 9:36 PM

**To:** LOWRY, KIM M (b)(6)

(b)(6)

(b)(6) FRIEL, MICHAEL J (b)(6)

(b)(6)

**Cc:** (b)(6)

(b)(6)

**Subject:** RE: IMMEDIATE REVIEW REQUESTED: Wall Prototype Construction Contract Solicitation Talking Points v5 nkc.doc

All – Thank you for the quick turn reviews and work on this tonight. For your reference, attached is the copy that was sent forward to EAC Kolbe to provide to C2 for clearance. I expect we'll hear more on this early tomorrow.

(b)(7)(E)

Best,

(b)(6)

**From:** LOWRY, KIM M

**Sent:** Thursday, February 23, 2017 9:18 PM

**To:** (b)(6)

(b)(6)

(b)(6)

FRIEL, MICHAEL J

(b)(6)

(b)(6)

**Cc:**

(b)(6)

(b)(6)

**Subject:** RE: IMMEDIATE REVIEW REQUESTED: Wall Prototype Construction Contract Solicitation Talking Points v5 nkc.doc

No other concerns. Thanks (b)(6)

**From:** (b)(6)

**Sent:** Thursday, February 23, 2017 8:59:33 PM

**To:** (b)(6)

FRIEL, MICHAEL J;

(b)(6)

**Cc:**

(b)(6)

(b)(6)

**Subject:** RE: IMMEDIATE REVIEW REQUESTED: Wall Prototype Construction Contract Solicitation Talking Points v5 nkc.doc

Thanks, (b)(6)

AC Lowry or (b)(6) – Any other OCA concerns?

(b)(6)

**From:** (b)(6)

**Sent:** Thursday, February 23, 2017 8:58 PM

**To:** (b)(6)

(b)(6)

LOWRY, KIM M

(b)(6)

(b)(6)

FRIEL, MICHAEL J

(b)(6)

(b)(6)

(b)(6)

**Cc:**

(b)(6)

(b)(6)

**Subject:** RE: IMMEDIATE REVIEW REQUESTED: Wall Prototype Construction Contract Solicitation  
Talking Points v5 nkc.doc

Thanks, that edit resolves my concern. No further comments from me.

---

**From:** (b)(6)  
**Sent:** Thursday, February 23, 2017 8:49:44 PM  
**To:** (b)(6); LOWRY, KIM M; (b)(6); FRIEL, MICHAEL J;  
(b)(6)  
**Cc:** (b)(6); (b)(6); CALVO, KARL H.;  
(b)(6)  
**Subject:** RE: IMMEDIATE REVIEW REQUESTED: Wall Prototype Construction Contract Solicitation  
Talking Points v5 nkc.doc

(b)(6) – Per advice from counsel, (b)(5)

(b)(5)

(b)(7)(E)

(b)(6)

---

**From:** (b)(6)  
**Sent:** Thursday, February 23, 2017 8:44 PM  
**To:** (b)(6);  
(b)(6); LOWRY, KIM M; (b)(6);  
(b)(6); FRIEL, MICHAEL J; (b)(6);  
(b)(6)  
**Cc:** (b)(6);  
(b)(6);  
CALVO, KARL H.; (b)(6);  
(b)(6)  
**Subject:** RE: IMMEDIATE REVIEW REQUESTED: Wall Prototype Construction Contract Solicitation  
Talking Points v5 nkc.doc

(b)(6)

I know you're already working a revised draft, (b)(5)  
(b)(5)

prototypes.

---

**From:** (b)(6)  
**Sent:** Thursday, February 23, 2017 8:25:40 PM  
**To:** (b)(6); LOWRY, KIM M; (b)(6); FRIEL, MICHAEL J;  
(b)(6)  
**Cc:** (b)(6); (b)(6); CALVO, KARL H.;  
(b)(6)  
**Subject:** RE: IMMEDIATE REVIEW REQUESTED: Wall Prototype Construction Contract Solicitation Talking Points v5 nkc.doc

Thanks, (b)(6); (b)(7)(C) I've got a few changes from OCC and AC Calvo that I've incorporated. I'll be sending another version shortly.

(b)(6)

---

**From:** (b)(6); (b)(7)(C)  
**Sent:** Thursday, February 23, 2017 8:25 PM  
**To:** (b)(6); LOWRY, KIM M  
(b)(6)  
(b)(6); FRIEL, MICHAEL J; (b)(6)  
(b)(6)  
**Cc:** (b)(6)  
(b)(6)

**Subject:** RE: IMMEDIATE REVIEW REQUESTED: Wall Prototype Construction Contract Solicitation Talking Points v5 nkc.doc

OPA reviewed and concurs with the document.

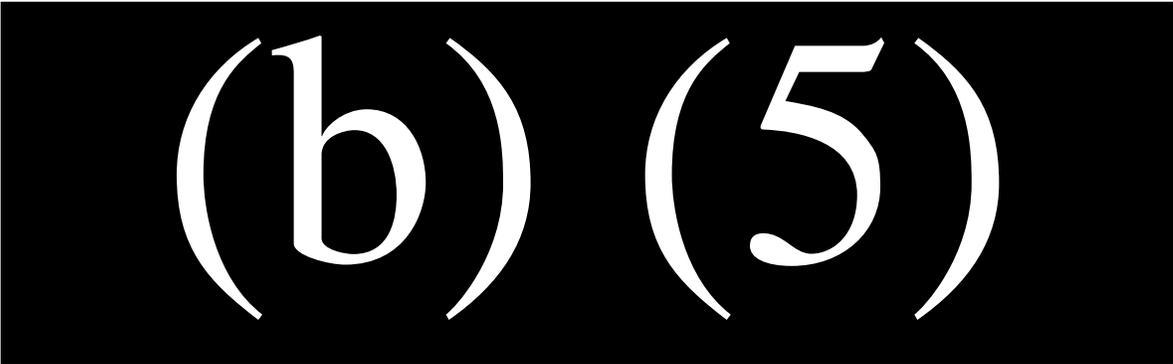
VR  
(b)(6); (b)(7)(C)  
SW Border Branch Chief

---

**From:** (b)(6)  
**Sent:** Thursday, February 23, 2017 7:46:27 PM  
**To:** LOWRY, KIM M; (b)(6); MICHAEL J; (b)(6)  
(b)(6)  
**Cc:** (b)(6); (b)(6); CALVO, KARL H.;  
(b)(6)  
**Subject:** IMMEDIATE REVIEW REQUESTED: Wall Prototype Construction Contract Solicitation Talking Points v5 nkc.doc

All – Please find attached the current draft of talking points and Q&As to be used to respond the

media and congressional questions that are likely to result from the release of the pre-solicitation notice tomorrow. A few notes:

- [REDACTED]
  - [REDACTED]
- 

Please review and provide REDLINED comments ASAP tonight.

Best,

[REDACTED] (b)(6)

[REDACTED] (b)(6)

Chief of Staff

Office of Facilities and Asset Management

Mobile: [REDACTED] (b)(6)

[REDACTED] (b)(6)

**From:** (b)(6)  
**To:**  
**Cc:**  
**Subject:** RE: REVIEW REQUESTED: ADDITIONAL QUESTIONS: SECOND Expansion Q&As  
**Date:** Friday, March 17, 2017 5:33:23 AM

---

So I realized that my email was never made it your way.

OPA was good with this version.

(b)(6)

---

**From:** (b)(6)  
**Sent:** Thursday, March 16, 2017 7:05:11 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** FW: REVIEW REQUESTED: ADDITIONAL QUESTIONS: SECOND Expansion Q&As

Hi (b)(6) – FYSA

---

**From:** (b)(6)  
**Sent:** Thursday, March 16, 2017 7:01 PM  
**To:** (b)(6)  
(b)(6) LOWRY, KIM M (b)(6)  
(b)(6)  
(b)(6) FRIEL, MICHAEL J (b)(6)  
(b)(6)  
(b)(6)

**Cc:** (b)(6)  
(b)(6)  
**Subject:** RE: REVIEW REQUESTED: ADDITIONAL QUESTIONS: SECOND Expansion Q&As  
**Importance:** High

Team –

FYSA - consolidated comments attached. This version is going to C2 for review.

PW: (b)(7)(E)

Thanks,  
(b)(6)

**From:** (b)(6)  
**Sent:** Thursday, March 16, 2017 3:53 PM  
**To:** (b)(6) LOWRY, KIM M (b)(6)  
(b)(6)  
(b)(6) FRIEL, MICHAEL J  
**Cc:** (b)(6)  
(b)(6)  
**Subject:** RE: REVIEW REQUESTED: ADDITIONAL QUESTIONS: SECOND Expansion Q&As

Please see attached OCC comments and suggested edits.

Best,

(b)(6)

Senior Attorney  
Office of Assistant Chief Counsel-Indianapolis  
U.S. Customs and Border Protection  
6650 Telecom Drive, (b)(6)  
Indianapolis, Indiana 46278  
Direct Line: (b)(6)  
Fax: (b)(6)  
E-mail: (b)(6)

**This document/electronic communication contains communications between attorney and client, communications that are part of the agency deliberative process, or attorney work-product, and as such, it is privileged and confidential. It is intended only for the confidential use of the designated recipient(s) and any U.S. Customs and Border Protection (CBP) Officials who have an official "need to know."  
Absent the express prior approval of the Assistant Chief Counsel - Indianapolis, (b)(6)  
it is not available for release, disclosure, or use by anyone within or outside of CBP other than the aforementioned officials.**

**From:** (b)(6)

**Sent:** Thursday, March 16, 2017 2:09 PM

**To:** LOWRY, KIM M (b)(6)

(b)(6)

(b)(6) FRIEL, MICHAEL J (b)(6)

(b)(6)

**Cc:** (b)(6)

(b)(6)

**Subject:** REVIEW REQUESTED: ADDITIONAL QUESTIONS: SECOND Expansion Q&As

All –

In preparation for the RFP that is anticipated to be released tomorrow, please review the attached questions and answers. (b)(5)

(b)(5)

Please return comments back by 4:00 pm.

(b)(7)(E)

(b)(6)

Director, Business Operations Division (Acting)  
Border Patrol & Air and Marine Program Management Office  
Facilities Management and Engineering  
Office of Facilities and Asset Management  
Mobile: (b)(6)

**From:** (b)(6)

**Sent:** Friday, March 03, 2017 3:44 PM

**To:** LOWRY, KIM M (b)(6)

(b)(6)

(b)(6) FRIEL, MICHAEL J (b)(6)

(b)(6)

(b)(6)

Cc: (b)(6)

(b)(6)

**Subject:** ADDITIONAL QUESTIONS: IMMEDIATE REVIEW REQUESTED: SECOND Expansion Q&As

All –

For your immediate review, please find a few additional revised questions. Please review question 3 and the section on acquisition/procurement as there have been additional information added (highlighted in yellow for awareness).

Once again, we are asking for a quick turn. Please provide comments by 4:15.

(b)(7)(E)

Regards,

(b)(6)

(b)(6)

Director, Business Operations Division (Acting)  
Border Patrol & Air and Marine Program Management Office  
Facilities Management and Engineering  
Office of Facilities and Asset Management  
Mobile: (b)(6)

---

**From:** (b)(6)

**Sent:** Friday, March 03, 2017 8:56 AM

**To:** LOWRY, KIM M; (b)(6) FRIEL, MICHAEL J;

(b)(6)

**Cc:** (b)(6)

(b)(6)

**Subject:** IMMEDIATE REVIEW REQUESTED: SECOND Expansion Q&As

Good morning all –

For your review and comment, please see attached for the second expansion Q&As. We are asking for a quick turn on these. Please provide comments by 10 am.

Password to follow.

Regards,

(b)(6)

(b)(6)

Director, Business Operations Division (Acting)  
Border Patrol & Air and Marine Program Management Office  
Facilities Management and Engineering  
Office of Facilities and Asset Management  
Mobile: (b)(6)

---

**From:** (b)(6)

**Sent:** Friday, February 24, 2017 10:30 AM

**To:** LOWRY, KIM M; (b)(6) FRIEL, MICHAEL J;  
(b)(6)

**Cc:** CALVO, KARL H.

**Subject:** IMMEDIATE REVIEW REQUESTED: First Expansion Q&As

All – Attached please find the updated Q&As with the five questions added this morning. [Please review and provide your comments and/or concurrence ASAP. NLT 1130AM.](#)

(b)(6)

---

**From:** (b)(6)

**Sent:** Friday, February 24, 2017 8:32 AM

**To:** LOWRY, KIM M (b)(6)  
(b)(6)

(b)(6)

FRIEL, MICHAEL J

(b)(6)

(b)(6)

**Cc:** CALVO, KARL H. (b)(6)

**Subject:** RE: FINAL Wall Prototype Construction Contract Solicitation Talking Points

All – As expected, a few more questions have come in already. We are working initial drafts which will be coming your way for contribution/clearance within the next hour. We'll expect a third round later today as well.

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2. Will the prototypes include a solid wall, fencing and other types of physical barriers?
3. Why was the San Diego area selected as the location for the prototypes?
4. How many 1/16<sup>th</sup> of a mile sections do you expect to construct as part of this prototype project?
5. Why/how was 15 miles selected as the initial rate construction length?

(b)(6)

**From:** (b)(6)

**Sent:** Friday, February 24, 2017 6:04 AM

**To:** LOWRY, KIM M (b)(6)

(b)(6)

(b)(6) FRIEL, MICHAEL J (b)(6)

(b)(6)

**Cc:** CALVO, KARL H. (b)(6)

**Subject:** FINAL Wall Prototype Construction Contract Solicitation Talking Points

All – Attached for your records are the final Q&As that C2 cleared last night. The only change was the (b)(7)(E) Thank you again for all of your assistance with this. I expect we will need to work additional questions to support OPA and OCA today and in the coming days and we will reach out to each of you as your expertise and clearance are required.

(b)(6)

**From:** (b)(6)

**Sent:** Thursday, February 23, 2017 9:36 PM

**To:** LOWRY, KIM M (b)(6)

(b)(6)

(b)(6) FRIEL, MICHAEL J (b)(6)

(b)(6)

**Cc:** (b)(6)

(b)(6)

**Subject:** RE: IMMEDIATE REVIEW REQUESTED: Wall Prototype Construction Contract Solicitation Talking Points v5 nkc.doc

All – Thank you for the quick turn reviews and work on this tonight. For your reference, attached is

the copy that was sent forward to EAC Kolbe to provide to C2 for clearance. I expect we'll hear more on this early tomorrow.

PW is the same as prior versions.

Best,

(b)(6)

---

**From:** LOWRY, KIM M

**Sent:** Thursday, February 23, 2017 9:18 PM

**To:** (b)(6)

(b)(6)

(b)(6) FRIEL, MICHAEL J (b)(6)

(b)(6)

**Cc:** (b)(6)

(b)(6)

**Subject:** RE: IMMEDIATE REVIEW REQUESTED: Wall Prototype Construction Contract Solicitation Talking Points v5 nkc.doc

No other concerns. Thanks (b)(6)

---

**From:** (b)(6)

**Sent:** Thursday, February 23, 2017 8:59:33 PM

**To:** (b)(6) FRIEL, MICHAEL J;

(b)(6)

**Cc:** (b)(6) CALVO, KARL H.;

(b)(6)

**Subject:** RE: IMMEDIATE REVIEW REQUESTED: Wall Prototype Construction Contract Solicitation Talking Points v5 nkc.doc

Thanks, (b)(6)

AC Lowry or (b)(6) – Any other OCA concerns?

(b)(6)

---

**From:** (b)(6)

**Sent:** Thursday, February 23, 2017 8:58 PM

**To:** (b)(6)  
(b)(6)  
(b)(6) FRIEL, MICHAEL J (b)(6)  
(b)(6)  
**Cc:** (b)(6)  
(b)(6)  
CALVO, KARL H. (b)(6)  
(b)(6)

**Subject:** RE: IMMEDIATE REVIEW REQUESTED: Wall Prototype Construction Contract Solicitation Talking Points v5 nkc.doc

Thanks, that edit resolves my concern. No further comments from me.

---

**From:** (b)(6)  
**Sent:** Thursday, February 23, 2017 8:49:44 PM  
**To:** (b)(6) LOWRY, KIM M; (b)(6) FRIEL, MICHAEL J;  
(b)(6)  
**Cc:** (b)(6) CALVO, KARL H.;  
(b)(6)

(b)(6) – Per advice from counsel, (b)(5)  
(b)(5)

PW is the same.

(b)(6)

---

**From:** (b)(6)  
**Sent:** Thursday, February 23, 2017 8:44 PM  
**To:** (b)(6)  
(b)(6) LOWRY, KIM M (b)(6)  
(b)(6) FRIEL, MICHAEL J (b)(6)  
(b)(6)  
**Cc:** (b)(6)  
(b)(6)  
CALVO, KARL H. (b)(6)  
(b)(6)

(b)(6)

**Subject:** RE: IMMEDIATE REVIEW REQUESTED: Wall Prototype Construction Contract Solicitation  
Talking Points v5 nkc.doc

(b)(6)

I know you're already working a revised draft, (b) (5)

(b) (5)

---

**From:** (b)(6)

**Sent:** Thursday, February 23, 2017 8:25:40 PM

**To:** (b)(6) FRIEL, MICHAEL J;

(b)(6)

**Cc:** (b)(6) CALVO, KARL H.;

(b)(6)

**Subject:** RE: IMMEDIATE REVIEW REQUESTED: Wall Prototype Construction Contract Solicitation  
Talking Points v5 nkc.doc

Thanks, (b)(6) I've got a few changes from OCC and AC Calvo that I've incorporated. I'll be sending another version shortly.

(b)(6)

---

**From:** (b)(6)

**Sent:** Thursday, February 23, 2017 8:25 PM

**To:** (b)(6) LOWRY, KIM M

(b)(6)

(b)(6)

FRIEL, MICHAEL J

(b)(6)

(b)(6)

**Cc:** (b)(6)

(b)(6)

**Subject:** RE: IMMEDIATE REVIEW REQUESTED: Wall Prototype Construction Contract Solicitation  
Talking Points v5 nkc.doc

OPA reviewed and concurs with the document.

VR

(b)(6)

SW Border Branch Chief

**From:** (b)(6)  
**Sent:** Thursday, February 23, 2017 7:46:27 PM  
**To:** LOWRY, KIM M; (b)(6); FRIEL, MICHAEL J; (b)(6)  
**Cc:** (b)(6); (b)(6); CALVO, KARL H.; (b)(6)  
**Subject:** IMMEDIATE REVIEW REQUESTED: Wall Prototype Construction Contract Solicitation Talking Points v5 nkc.doc

All – Please find attached the current draft of talking points and Q&As to be used to respond the media and congressional questions that are likely to result from the release of the pre-solicitation notice tomorrow. A few notes:

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

Please review and provide REDLINED comments ASAP tonight.

Best,  
(b)(6)

(b)(6)  
Chief of Staff  
Office of Facilities and Asset Management  
Mobile: (b)(6)  
(b)(6)

**From:** (b)(6)  
**To:**  
**Subject:** RGV - Congressional & Stakeholder Engagement - Immediate Next Steps  
**Start:** Wednesday, April 19, 2017 3:00:00 PM  
**End:** Wednesday, April 19, 2017 4:00:00 PM  
**Location:** (b) (7)(E)  
**Attachments:** [RGV Map - \(b\)\(7\)\(E\).jpg](#)  
[RGV Master Script - DRAFT.doc](#)

---

Good evening –

Attached is a working draft of the master script/language document. There are comments throughout the document that require input from the BPAM PMO project team and RGV Sector.

All - Please provide edits and comments in track changes as soon as possible. We are still fleshing out the key messages and might have to set up calls offline tomorrow to work through some of them. We can discuss further on our call tomorrow.

Thanks,

(b)(6)

<<RGV Master Script - DRAFT.doc>>

<<RGV Map - (b)(7)(E).jpg>>

(b) (7)(E)

(b) (7)(E)

**LEGEND**

- |||| IBWC Levees
-  Proposed Barrier
-  Existing Pedestrian Fence
-  Real Estate Green/Env Green Roads
-  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

(b) (7)(E)

**Michael Baker**  
INTERNATIONAL

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U.S. Customs and  
Border Protection

*Office of Facilities and Asset Management  
Border Patrol and Air & Marine Program Management Office*

# Master Script

## **Rio Grande Valley (RGV) Border/Levee Wall System (Barrier & Enforcement Zone) Project Outreach**

### **Background**

In the months of April and May, U.S. Customs and Border Protection's (CBP) will begin engaging congressional, state, and local governments, followed by landowners and impacted stakeholders regarding plans begin real estate planning activities and the environmental consultation process to construct a border wall system in support of the President's Executive Order and at the direction of DHS Secretary Kelly. This period of engagement is necessary to maintain open and transparent dialogue with impacted landowners, stakeholders, Federal partners, local/state governments and Congress, yet there are limits to the information that can be made available to the general public.

### **RGV Stakeholder Outreach Objectives**

Objectives of CBP's external engagements the aforementioned stakeholders in late April and early May is as follows:

1. present a high-level overview of the project scope and schedule, pending funding availability;
2. present a brief overview of near-term actions that CBP will take as part of a lengthy process, such as research land ownership and environmental consultations;
3. affirm CBP's commitment to implement the President's Executive Order and the Secretary's intent outlined in the implementation memo with due diligence to engage impacted stakeholders;
4. confirm that Sector border assessments have been completed and recommendations have been made to headquarters, which is reviewing those assessments; however, RGV remains to be a high priority Sector for USBP and that construction of a border wall system is one component of a comprehensive border security strategy

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1

## ***RGV ORDER WALL SYSTEM PROJECT: KEY MESSAGES***

### **Border Wall System Benefits in RGV:**

1. Levee/Flood Protection
2. Prevents Trashing/Damage to Refugee
3. Operational Impact/Border Security Need

(b) (5)

DRAFT

## RGV BORDER WALL SYSTEM CONSTRUCTION

- In response to Executive Order 13767: Border Security and Immigration Enforcement Improvements, U.S. Customs and Border Protection (CBP) is beginning the process to acquire land and conduct environmental consultation activities for the construction of the border wall/enforcement zone.
- CBP is partnering with the U.S. Army Corps of Engineers (USACE) to initiate construction of approximately (b) (7)(E) miles in the U.S. Border Patrol's (USBP) Rio Grande Valley (RGV) Sector, in late Fiscal Year (FY) 2017 or early FY18, pending funding availability.
  - (b) (7)(E) miles of levee wall within the (b) (7)(E) BPS and (b) (7)(E) BPS areas of responsibilities (AOR)
  - (b) (7)(E) miles of border barrier within the (b) (7)(E) BPS AOR
- **Initial RGV Border Wall System/Enforcement Zone Project**
  - The first construction project is approximately (b) (7)(E) miles of levee wall and border enforcement zone within the (b) (7)(E) BPS AOR.
  - The project alignment will be on the south toe of the north U.S. IBWC levee along (b) (7)(E)
  - The project is to be a hybrid design bid build and design build construction project under the U.S. Army Corps of Engineer's (USACE) existing unrestricted horizontal Multiple Award Task Order Contract (MATOC).
  - The design and completed construction must be approved and certified for the FEMA national database for flood prevention.
  - **APPROACH:**

(b) (5)

### DEFINITIONS:

- **Border Wall System** – A comprehensive solution that include a combination of various types of infrastructure such as wall, fence, lighting, (b) (7)(E) and other related technology, and all-weather roads, which provide persistent impedance and facilitate the deterrence and prevention of successful entries.
- **Levee Wall** - Concrete wall to the height of the (b) (7)(E) with (b) (7)(E) installed on (b) (7)(E) wall
- **Border Enforcement Zone** - An engineered system of critical enforcement components that include the wall, lights, (b) (7)(E) (b) (7)(E) (b) (7)(E) system, and an all-weather road (to facilitate proactive

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and concentrated patrol efforts). This system of capabilities run (b) (7)(E) (b) (7)(E) throughout the project area.

- (b) (7)(E)
- **Lighting:** - LED light fixtures to be mounted on poles located within the approximate center of the enforcement zone or on the levee wall or bollards. The lights will be designed and constructed in accordance with the lighting design standards developed and confirmed as part of the San Luis lighting retrofit project recently completed in Yuma, AZ.
- **All Weather Road:** An all-weather aggregate patrol road (b) (7)(E) within the (b) (7)(E) ft enforcement zone

DRAFT

## ***RGV BORDER WALL SYSTEM PLANNING: REAL ESTATE & ENVIRONMENTAL***

### **REAL ESTATE ACQUISITION/ENVIRONMENTAL CONSULTATION REQUIREMENTS**

- The Department of Homeland Security (DHS) and CBP are committed to consulting with impacted landowners and stakeholders as part of the initial real estate acquisition and environmental consultation planning phases to construct a border wall system. The process of consulting impacted landowners, stakeholders, and communities is ongoing and is a result of both legal requirements and a long-term, good faith stakeholder engagement strategy. CBP's intent is to diligently engage impacted stakeholders at the onset of each phase of the project, to include construction and sustainment activities after real estate and initial environmental consultation needs are met.

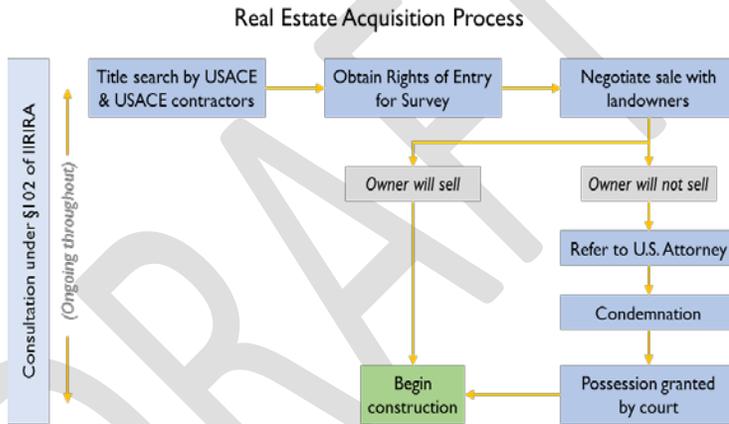
### **REAL ESTATE**

DHS through CBP, will be required to acquire property to construct a border wall system along the southern border of the United States. In order to acquire land from private landowners, a number of actions must occur:

- **Title Search** - This is conducted by a combination of USACE attorneys, contractor title professionals, and/or title companies.
  - The Government needs a clean title in order to acquire property. This has proven very challenging in RGV as title defects are common in Texas. Examples of defects include estates never being probated so there are multiple heirs and overlapping deeds to the same property. If CBP is unable to obtain clean title, the Government will need to file a condemnation action to clear title.
- **Negotiate Rights of Entry for Survey** - Using tax records, USACE personnel will contact landowners to attempt to negotiate Rights of Entry for Survey (ROE-S). This is necessary to establish the boundaries of the property we are acquiring. If unable to obtain ROE-S voluntarily, may need to condemn.
- **Negotiate an Offer to Sell** - Using surveys and value estimates from USACE, representatives from OFAM, Border Patrol Sector, and USACE will attempt to negotiate an offer to sell.
  - If landowner and CBP are unable to reach an agreement on an offer to sell, the matter is referred to the local United States Attorney's Office (USAO) to institute condemnation proceedings. The USAO will meet with landowner one more time to try to negotiate an offer to sell before instituting condemnation proceedings.
- **Condemnation of Property** - Upon filing a condemnation action, the Government immediately has title to the property, but the court must grant possession of the property.
  - *\* Under 8 U.S.C. § 1103(b) CBP is to consult with landowners prior to instituting a condemnation action. The Government must make a bona fide effort to acquire land through voluntary sale prior to instituting condemnation actions.*
- **Compensation** - Legally speaking, compensation is defined as the fair market value of the property on the date the Government filed the complaint in federal district court.
  - Fair market value is based on the "highest and best use" of the property; not necessarily the current use of the property.

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- Ex. A tract is currently used for farming. However, given its location, it could also be used for a future residential development. Under those circumstances, the value is based on a future residential development.
- In RGV, compensation means not only compensating the landowner for the property we acquired, but also compensating landowner for damages to the rest of the property (a.k.a. diminution in value to the riverside remainder). Diminution in value is largely upon reduced access to the property located on the riverside of the border wall. This is where the majority of the Government's financial exposure comes from.
  - It is too early to know whether appraisers will find that the new border wall system also results in diminution in value to the north-side of the wall.
- Both the landowner and the Government hire expert appraisers to give an opinion of what constitutes compensation.



**Border Wall System Real Estate Interest – First three miles**

- Approximately 2.5 MILES (Already Federally Owned)  
Review of available property ownership information indicates that along approximately 2.5 miles is already owned in fee by the U.S. Government. The custodial agency appears to be the U.S. Fish and Wildlife Service (USFWS). Part of it is designated as the Lower Rio Grande National Wildlife Refuge (LRGNWR), and part is designated as the Santa Ana National Wildlife Refuge (SANWR).
- Approximately 0.3 MILES OF RG (b) (7)(E) (Appears to be owned by One (1) Farm)  
Review of available property ownership information indicates that along approximately 0.3 miles is owned by a private farming operation; this will need to be validated by further title research. However, it is also possible that USFWS may have acquired that property, and the tax records don't reflect it. Acquisition of the private land, provided it is still privately held, would total less than 10-acres if we acquire to the northern extent of the levee easement, the private owner's property line extends approximately 60-feet south of the levee toe.

## **ENVIRONMENTAL CONSULTATION**

Under Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), CBP we must consult with the following stakeholders in order to “minimize the impacts on the environment, culture, commerce and quality of life for the communities and residents located near the sites at which fencing will be constructed”:

- Secretary of Interior
- Secretary of Agriculture
- States
- Local governments
- Tribal governments
- Landowners

As part of the first phase of the RGV Border Wall System construction project, CBP will consult with the Department of the Interior (DOI), USFWS, and LRGNWR, and SANWR and other landowners identified through the real estate acquisition process.

CBP is committed to informing and engaging State, local, and Tribal governments, other agencies of the Federal government, Non-Governmental Organizations (NGO), and local residents to carefully identify natural, biological and cultural resources potentially affected by construction of a border wall system. 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. 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.

CBP included environmental considerations in all aspects of the life-cycle of the fence. During initial planning, potential environmental impacts were considered as fence styles and locations were altered where possible to minimize any impacts. CBP prepared required NEPA documents prior to the waiver and then prepared ESPs after the waiver was issued to guide project planning.

For additional information, please visit:

<https://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/esp-essr>

CBP is committed to following a similar approach to ensure responsible environmental stewardship as a result of Border Wall System construction.

## ***RGV BORDER WALL SYSTEM: OPERATIONAL LANDSCAPE***

The resulting enforcement zone will facilitate the establishment of a preventative operational profile; which, in turn, creates and conveys to the adversary an immediate certainty of detection and apprehension for any attempted breach.

Tactical infrastructure, including physical barriers, has long been a critical component of CBP's multi-layered and risk-based approach to securing our Southern border. Border barriers have enhanced – and will continue to enhance – USBP's operational capabilities by creating persistent impedance, and facilitating the deterrence and prevention of successful illegal entries.

This Sector can attest to the benefits of past investments in border security, including border infrastructure, additional law enforcement personnel and technology. As these additional resources have been deployed, border security has improved and local communities have seen dramatic improvements in security, safety and economic growth.

(b) (7)(E)

(b) (7)(E) As all of the Sectors will affirm, there are areas that would greatly benefit from construction of a wall, from the deployment of technology and additional agents.

In my area, we continue to see breaches in the current legacy border fencing, and illegal smuggling activity where there is limited or no border barrier. There are areas where we need more technology and agents to respond to potential illegal cross border activity.

There are many factors that go into the decision making process, including available funding, acquisition, and current trends in illegal cross border activity, and legal requirements.

We are committed to open and transparent engagement throughout this process and welcome your feedback.

(b) (5)

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***RGV BORDER WALL SYSTEM:  
QUESTION & ANSWER***

DRAFT

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**From:** (b)(6)  
**To:** (b)(6)  
**Subject:** RGV - Congressional & Stakeholder Engagement - Immediate Next Steps  
**Start:** Friday, April 28, 2017 12:30:00 PM  
**End:** Friday, April 28, 2017 1:00:00 PM  
**Location:** (b) (7)(E)  
**Attachments:** [RGV Congressional Stakeholder Meeting Notes 042717.docx](#)  
[RGV Border Wall Outreach Strategy as of 042717.ppt](#)  
[Master Script as of 042817.docx](#)

---

Hi team –

Happy Friday! Hoping we can all connect quickly today and a little earlier.

Discussion Items:

- \* Adjusted outreach schedule
- \* Master Script to date
- \* Anticipated planning milestones for next week
- \* DOI tribal meeting

Attachments:

- \* Updated Outreach Strategy
- \* 04/27 Meeting Notes
- \* Master Script as of 04/28 - Updated with C1 Narrative and some additional ENV language, still working RE and some project specifics

Thanks,

(b)(6)

<<RGV Congressional Stakeholder Meeting Notes 042717.docx>> <<RGV Border Wall Outreach Strategy as of 042717.ppt>> <<Master Script as of 042817.docx>>

# CBP Enterprise Services

## Office of Facilities and Asset Management

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Rio Grande Valley (RGV) Sector  
Border Wall System Outreach Strategy

Border Patrol and Air & Marine Program Management Office

As of April 24, 2017



U.S. Customs and  
Border Protection



# RGV Border Wall System Outreach Strategy



## Key Stakeholders

### Federal Agencies:

- DHS/CBP
- USACE
- DOI
- DOJ
- IBWC

### Congressional:

- Senate and House Appropriations Committees
- Senate Homeland Security & Governmental Affairs Committee
- House Homeland Security Committee
- House and Senate Judiciary Committees
- Senate Finance Committee
- House Ways and Means Committee
- Texas Congressional Delegation (Senate and House members)

### State & Local Governments

- Governor of Texas & Texas Legislature
- Local Government/Entities (McAllen Mayor, San Juan City, Municipal Representatives, Hidalgo County, County Judges, City Managers, & Local Law Enforcement)

### Private Entities

- Landowners
- Ranchers
- Corporations

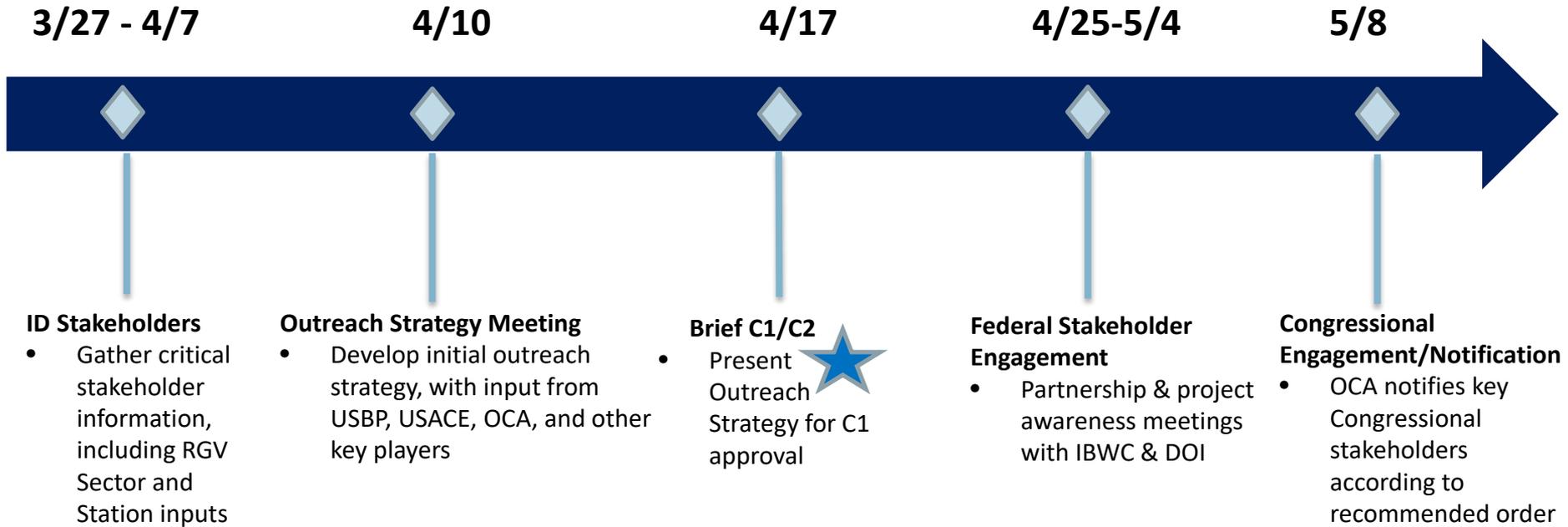
### Nongovernmental Organizations

### Media



**U.S. Customs and  
Border Protection**

# RGV Border Wall System Outreach Timeline



Outreach Development & Stakeholder Analysis

Federal & Congressional Engagement/Notification

CBP Approval & Coordination – Ongoing



**U.S. Customs and Border Protection**

# RGV Border Wall System Outreach Timeline

5/8-5/9

5/9-5/11

5/8-5/12

5/8-5/12



## State Government Engagement

- IPL, Sector, or BPAM notifies the State Governor & Legislature to provide information on project, real estate/title research, & environmental consultation requirements

## Local Government Engagement

- Sector, PAIC, BPAM leadership consult with the McAllen Mayor, San Juan City, Alamo City & Hidalgo County to discuss project, real estate/title research, & environmental consultation requirements

## Landowner Engagement

- CBP/USACE conduct outreach one-on-one meetings with impacted landowners & stakeholders to discuss RE & environmental consultation

## Title Research Begins

- USACE begins title research & pursues ongoing landownership communication to accomplish real estate acquisition needs

State & Local Government Stakeholder Outreach

Landowner Notification Process

CBP Approval & Coordination – Ongoing

Title Research Begins

# RGV Border Wall System Outreach Outline



Date	Activity	Briefer(s)	Message(s)	Desired Outcome(s)
April 17	C1/C2 Brief	OFAM - AC Calvo, (b)(6) (b)(6) USBP - (b)(6) (b)(6) BPAM - (b)(6) OCC - (b)(6) (b)(6) OPA - Mike Friel OCA - Kim Lowry IPL - (b)(6)	RGV Outreach Strategy	<ul style="list-style-type: none"> <li>Approval to move forward with strategy</li> <li>DHS/S1 engagement &amp; identify OFAM/BPAM role or support if needed</li> </ul>
April 20	IBWC Meeting w/IBWC Padinare Unnikrishna and Principal Engineer (b)(6)	BPAM – Director (b)(6) (b)(6) Environmental Branch Chief (b)(6) & Chief Engineer (b)(6) (b)(6)	CBP’s response to EO <ul style="list-style-type: none"> <li>Project overview/background</li> <li>RE &amp; ENV next steps</li> </ul>	<ul style="list-style-type: none"> <li>Courtesy awareness</li> <li>Schedule on follow-up activities (developing MOAs)</li> </ul>
April 26	DOI HQ Meeting w/ (b)(6)	BPAM – Director (b)(6) (b)(6) & Environmental Branch Chief (b)(6)	CBP’s response to EO <ul style="list-style-type: none"> <li>Project overview/background</li> <li>RE &amp; ENV next steps</li> </ul>	<ul style="list-style-type: none"> <li>Courtesy awareness</li> <li>Schedule on follow-up activities (developing MOAs)</li> </ul>
April 27	USFWS Regional Director (b)(6) & Lower Rio Grande Valley National Wildlife Refuge (b)(6) in McAllen, TX	RGV Sector USBP (b)(7)(E) PAIC BPAM – Director (b)(6) (b)(6) & Environmental Branch Chief (b)(6)	CBP’s response to EO <ul style="list-style-type: none"> <li>Project overview/background</li> <li>RE &amp; ENV next steps</li> </ul>	<ul style="list-style-type: none"> <li>Courtesy awareness</li> <li>Schedule on follow-up activities (developing MOAs)</li> </ul>

# RGV Border Wall System Outreach Outline

Date	Activity	Briefer(s)	Message(s)	Desired Outcome(s)
May 8	Congressional Notifications via email to House and Senate Committees of Jurisdiction and members of Texas delegation (Timing and Order TBD by OCA)	OCA  Email content will be cleared with DHS and OMB prior to notification	CBP's kick of title search activities (per reprogramming) and levee wall project (b) (7)(E) <ul style="list-style-type: none"> <li>• Title search and real estate process general overview and timeline</li> <li>• Activities specific to RGV and initial levee wall project</li> <li>• Overview of initial levee wall project (to include project scope, estimated timeline map and connect to information provided in FY17 Budget Amendment Request for 100 miles of levee wall.</li> <li>• Environmental Planning Process overview and potential waivers</li> <li>• Possible Q&amp;A document</li> </ul>	<ul style="list-style-type: none"> <li>• Provide key stakeholders with background on RE and ENV processes being initiated and advanced notification of the specifics related to title search and initial levee wall project.</li> <li>• Identify any Members of Congress requiring additional engagement on process or project specifics</li> <li>• Mitigate/reduce inaccurate information sharing</li> <li>• Demonstrate commitment to providing regular updates regarding border wall activities and provide staff and members outlet to request additional information and answer any outstanding questions.</li> </ul>
May 8-12	Texas State, Texas Legislature, McAllen Mayor Jim Darling, San Juan City, Hidalgo County, & Municipal Representative(s)	RGV Sector Chief USBP (b) (7)(E) PAIC BPAM – (b)(6) & Principal Engineer	CBP's response to EO <ul style="list-style-type: none"> <li>• Project overview/background</li> <li>• RE &amp; ENV next steps</li> </ul>	<ul style="list-style-type: none"> <li>• Courtesy awareness</li> </ul>
May 8-12	Invitation Only & Ongoing Landowner & Stakeholder Informational Meeting (Group or Individual)	USBP Sector Chief RGV Sector Comms Team USBP Station BPAM (b)(6) RE & ENV SMEs	<ul style="list-style-type: none"> <li>• High-level project overview &amp; schedule</li> <li>• RE needs &amp; Environmental Consultation</li> <li>• Ongoing outreach &amp; communications process</li> </ul>	<ul style="list-style-type: none"> <li>• Build foundation for stakeholder engagement</li> <li>• Mitigate/reduce inaccurate information sharing</li> <li>• Increase stakeholder awareness of project need (USBP requirements)</li> <li>• Fulfill consultation requirement</li> </ul>



# RGV Border Wall Outreach “Tick-Tock” Timeline

5/6 12:00AM EST

5/8 – 11:00AM EST

5/8 – 11:30AM EST



**CONGRESSIONAL**

**AUDIENCE:** OPA, IPL, RGV Sector, OFAM

**OFFICE:** OCA

**TACTIC:** Notification to all outreach stakeholders regarding status of FY 2017 Appropriations as of CR expiration

**CONGRESSIONAL**

**AUDIENCE:** Senate Appropriations Committee & House Appropriations Committee

**OFFICE:** OCA

**TACTIC:** Email notification

**CONGRESSIONAL**

**AUDIENCE:** Senate Homeland Security & Governmental Affairs Committee and House Homeland Security Committee

**OFFICE:** OCA

**TACTIC:** Email notification

Congressional/Engagement/Notification



U.S. Customs and Border Protection

# RGV Border Wall Outreach “Tick-Tock” Timeline

5/8 12:00 PM

5/8 12:30PM EST

5/8 3:00PM EST



**CONGRESSIONAL**

**AUDIENCE:** Senate Finance Committee, House Ways & Means Committee, Senate Judiciary Committee, House Judiciary Committee and House Oversight Committee

**OFFICE:** OCA  
**TACTIC:** Email notification

**CONGRESSIONAL**

**AUDIENCE:** Texas Congressional Delegation

*Rep. Gonzalez D/TX-15*  
*Rep. Vela D/TX-34*  
*Rep. Cuellar D/TX-28*

*Senator Cornyn (R-TX)*  
*Senator Cruz (R-TX)*

**OFFICE:** OCA  
**TACTIC:** Email Notification

**CONGRESSIONAL**

**AUDIENCE:** OPA, IPL, RGV Sector, OFAM

**OFFICE:** OCA  
**TACTIC:** Email to advise that congressional notifications are complete and initial follow up questions have been addressed

Congressional/Engagement/Notification



# RGV Border Wall Outreach “Tick-Tock” Timeline

5/8 3:30PM EST

5/9 – 9:00AM CST

5/9-9:15 CST



**CONGRESSIONAL**

**AUDIENCE:** Texas Delegation district offices

**OFFICE:** RGV Sector

**TACTIC:** Email Notification

**STATE**

**AUDIENCE:** Texas State Government

**OFFICE:** RGV Sector Comms Team/Chief

**TACTIC:** Email notification

**COORDINATING OFFICES:**

- IPL – Notify Washington DC Texas state government counterparts
- OFAM – Content development

**Courtesy Copy for awareness:**

- DHS IPL Counterpart
- OPA
- OCA
- OCC
- RGV Sector Chief
- USBP (b) (7)(E) PAIC, copy for awareness

**STATE**

**AUDIENCE:** Texas Legislature

**OFFICE:** RGV Sector

**TACTIC:** Email notification

**COORDINATING OFFICES:**

- IPL – Notify Washington DC Texas state government counterparts
- OFAM – Content development

**Courtesy Copy for awareness:**

- DHS IPL Counterpart
- OPA
- OCA
- OCC
- RGV Sector Chief
- USBP (b) (7)(E) PAIC, copy for awareness



U.S. Customs and Border Protection

# RGV Border Wall Outreach “Tick-Tock” Timeline

5/10 – 9:00AM CST

5/10 – Ongoing



**LOCAL**

**AUDIENCE:** McAllen Mayor Jim Darling, San Juan City Mayor, Alamo City Mayor, & Hidalgo County

**OFFICE:** RGV Sector Comms Team

**TACTIC:** In-Person Meeting

**ATTENDEES:**

- RGV Sector Chief
- RGV Sector Comms Team
- USBP (b) (7)(E) PAIC
- BPAM – (b)(6) & Principal Engineer

**COORDINATING OFFICES:**

OFAM – Content development

**LOCAL**

**AUDIENCE:** Invitation Only & Ongoing Landowner & Stakeholder Informational Meeting

**OFFICE:** BPAM PMO, USACE, RGV Sector, & Station

**TACTIC:** Outreach Meeting

**ATTENDEES:**

- USBP Station/Border Community Liaison
- RGV Sector
- BPAM (b)(6) /RE & ENV SMEs

**COORDINATING OFFICES:**

- OFAM – Content development
- OPA – Awareness
- OCA – Awareness
- IPL – Awareness

State & Local Government Stakeholder Outreach

Landowner Notification Process



U.S. Customs and Border Protection

RGV1 FOIA CBP 010365  
 The Research Begins

## RGV Outreach Meeting Notes 4/27/17

- **USFWS Meeting Update**
  - Meeting went well
  - Initial engagement and reach-out and foundation set early
  - Going to be more long-term and ongoing coordination effort to ensure that environmental impacts are considered in design and construction
  - BPAM will be sending out DOI & USFWS meeting notes
  
- **“Tick-Tock” Process Coordination**
  - Idea: because were using reprogrammed money to do initial planning in RGV which needed congressional approve – wondering if we could use that as a checked box for reaching out to Hill and keep meeting on schedule regardless of CR
  - Concern: if we don’t meet with mayors next week, we’ll have to play catch-up... want to stay ahead of it all
  - IPL: Reprogramming did not notify all Congressional stakeholders, only appropriations
  
- **Outreach Schedule Adjustment**
  - Need firm guidance from OCA to confirm how we’re moving forward
  - Multiple media outlets asking about “issues with budget” “how are you building wall with now funding” etc.
  - Sector has not reached out to local and county government
  - Group needs solid list of who OCA plans to send this email out to so they can share with state representatives
  - OCA is updating and providing feedback in engagement process
  
- **101 on Real Estate/ Land acquisition/ Condemnation**
  - Going to be scheduled within another week or two

**U.S. Customs and Border Protection (CBP)**  
**Border Wall Deployment Strategy – Commissioner Narrative**

In January 2017, President Trump issued several executive orders to strengthen border security and enforcement of immigration laws. Executive Order (EO) 13767, Border Security and Immigration Enforcement Improvements, directs the Department of Homeland Security (DHS) to “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.”

U.S. Customs and Border Protection (CBP) is taking appropriate action to plan, design, and construct a physical wall or similarly secure, contiguous, and impassible physical barrier along the southern border, in adherence to three strategic goals:

- Meet the border security requirements outlined in the Executive Order;
- Address U.S. Border Patrol operational requirements and agent safety; and
- Procure barrier construction solutions and administer contracts using fiscally-responsible acquisition practices and adhering to departmental and Congressional oversight.

**Ongoing Operational Use of Physical Barriers**

Tactical border infrastructure, including physical barriers, has long been a critical component of CBP’s multi-layered and risk-based approach to securing our Southern border. Border barriers have enhanced—and will continue to enhance—Border Patrol’s operational capabilities by creating persistent impedance and facilitating the deterrence and prevention of successful illegal entries. The land along the approximately 2,000 miles of border between the United States and Mexico is extremely diverse, consisting of desert landscape, mountainous terrain, and urban areas. Because of the diversity of the border environment, there can be no one-size-fits-all border barrier solution. Today we have several types of barriers, to include steel bollard and levee wall, along nearly one-third, or 654 miles, of the Southwest border.

Since this infrastructure was deployed in concert with law enforcement personnel and technology investments, border security has improved and local communities have seen dramatic improvements in security, safety and economic growth. Despite this progress, significant border security gaps remain and annual Border Patrol there are areas that would greatly benefit from further investment. Border Patrol has seen illegal drug and human smuggling activity shift from areas where border barriers are deployed to target areas with limited or no border barrier. Some segments of fencing are made of inferior legacy materials that are continually breached, diminishing impedance effect and diverting manpower.

## **Border Barrier System Approach**

CBP plans to deploy border barrier system solutions in a multi-phased approach that meets Border Patrol's operational requirements, safeguards national security and public safety, and is the result of thorough analysis of threat, cost, and mission effectiveness.

CBP is leveraging the Border Patrol's annual, full spectrum requirements analysis process to identify needs related to domain awareness, impedance and denial, access and mobility, and mission readiness. This effort will support prioritization of investments and geographic areas across the Southwest border. Throughout the planning, designing, and construction process, CBP will complete project, budget, real estate, and environmental planning to ensure available resource capacity. CBP will leverage expertise in federal acquisition to maximize transparency and accountability and to ensure the most effective and efficient solutions are deployed to meet requirements, in accordance with the established DHS acquisition framework and acquisition review board oversight.

CBP is seeking to build on the successes of and lessons learned from existing barriers to deploy a system that addresses dynamic cross-border threats. CBP is working with industry and partnering with the U.S. Army Corp of Engineers to potentially incorporate additional alternative designs for barrier that may include a concrete base or other innovative solutions into our border barrier toolkit. Border barrier and levee wall systems are comprehensive solutions that include a concentrated combination of various types of infrastructure such as wall, fence, all-weather roads, lighting, enforcement cameras and other related technology. The strategic deployment of these capabilities along the border will provide Border Patrol's frontline agents with the tools they need to deter and prevent successful illegal entries.

CBP is committed to ensuring that all stakeholder communities, to include Congress, federal partners, state and local officials, and communities, are informed and consulted throughout this process.

### ***Immediate Activities***

CBP will leverage existing resources to continue planning efforts and other activities. CBP is currently seeking to leverage industry expertise through the evaluation of border barrier prototypes. Prototyping is an industry-tested approach to define the best solution when considering a new product or methodology. Through the construction of prototypes, CBP will partner with industry to identify the best means and methods to construct border barrier before making a more substantial investment in construction. The prototypes will inform the final design standards which will likely continue to evolve to meet Border Patrol's requirements. Any and all prototypes will be designed to deter illegal entry into the United States.

In March 2017, CBP solicited multiple conceptual wall designs with the intent to construct up to eight prototypes that meet identified Border Patrol requirements. These prototypes must be designed to counter efforts to breach, climb over or dig under the barrier. Following contract award, contractors will construct prototype designs in San Diego Sector's Border Infrastructure System. By constructing prototypes in this location, CBP will have the opportunity to evaluate

their performance capabilities. Additionally, contractors will build mock-ups of prototypes at an off-border location to undergo rigorous testing that will assist CBP in incorporating necessary features into future standard designs. CBP expects prototype construction to be completed in August 2017.

Also in March, DHS requested ideas from industry regarding innovative approaches to wall construction that CBP can leverage in developing a detailed, long-term strategy. This is a complementary effort to the prototyping process and is designed to ensure CBP has considered all aspects of long-term strategy going forward. CBP will leverage inputs and lessons learned from both the prototyping effort and the request for industry ideas to develop and expand a Border Barrier Toolkit that captures a suite of potential solutions.

#### ***Mid-Term Activities***

For Fiscal Years 2017 and 2018, CBP has identified investments in technology, barriers, roads, and other infrastructure. These initial investments in enforcement systems are in sectors with known operational needs: in the Rio Grande Valley where apprehensions are the highest along the Southwest Border; in strategic locations and high threat areas within El Paso and Tucson Sectors; and in San Diego where the legacy barrier is outdated and frequently breached. Border Patrol analysis supports these investments given the terrain and environment, proximity to urban centers and roads, and short vanishing times in these sectors and stations.

#### ***Long-Term Activities***

In Fiscal Year 2019 and beyond, CBP anticipates constructing border barrier systems in areas that continue to be identified by Border Patrol's priorities and ongoing requirements analysis process. The ever-changing threat environment will be impacted by CBP's investments in sectors and stations in Fiscal Years 2017 and 2018, necessitating further analysis of any potential shifts or emerging trends. The Border Barrier Toolkit will be paired with Border Patrol requirements to inform CBP's deployment of comprehensive physical barriers based on the unique geography and threats of each area along the border. Continued progress related to ongoing requirements analysis, the Border Barrier Toolkit, and other variables such as land acquisition will inform long-term cost projections and funding requests.

### **Background**

CBP will begin engaging congressional, state, and local governments, followed by landowners and impacted stakeholders regarding real estate planning activities and the environmental consultation process to construct a border wall system in support of the U.S. Border Patrol requirements and pursuant to President's Executive Order on Border Security. This period of engagement is necessary to appropriately inform impacted landowners, stakeholders, Federal partners, local/state governments and Congress, as well as the general public.

### **RGV Stakeholder Outreach Objectives**

1. Present a high-level overview of the project scope and schedule, pending funding availability;
2. Present a brief overview of near-term actions that CBP will take as part of a lengthy process, such as research land ownership and environmental consultations;
3. Affirm CBP's commitment to support the U.S. Border Patrol's requirement for operational control of the Southwest Border, implement the President's Executive Order on Border Security and the Secretary's intent outlined in the implementation memo with due diligence to engage impacted stakeholders;
4. Confirm that Sector border assessments have been completed and recommendations have been made to headquarters, which is reviewing those assessments; however, RGV remains to be a high priority Sector for USBP and that construction of a border wall system is one component of a comprehensive border security strategy.

(b) (5)

## BORDER WALL SYSTEM CONSTRUCTION BACKGROUND

- In response U.S. Border Patrol requirements to support operational control of the Southwest Border and pursuant to Executive Order 13767: Border Security and Immigration Enforcement Improvements, U.S. Customs and Border Protection (CBP) is beginning to conduct real estate planning and environmental consultation activities for the construction of the border wall.
- CBP has requested congressional funding to support initial construction of mileage based on U.S. Border Patrol (USBP) operational requirements.
- CBP is partnering with the U.S. Army Corps of Engineers (USACE) to initiate construction of approximately 34 miles in USBP's Rio Grande Valley (RGV) Sector, in late Fiscal Year (FY) 2017 or early FY18, subject to funding. The FY17 request includes:
  - (b) (7)(E) within the (b) (7)(E) Border Patrol Station (BPS) and (b) (7)(E) BPS areas of responsibilities (AOR)
  - (b) (7)(E) of border barrier within the (b) (7)(E) BPS AOR
- The approach to construction will leverage the border barrier as part of a system that combines manpower, technology, and other infrastructure. The barrier will establish an enforcement zone, within which USBP can maintain operational control.

Commented [QVS3]: Need to validate with BPAM PMO Project Team/PM

- **Initial RGV Border Wall System/Enforcement Zone Project**
  - The first construction project is approximately (b) (7)(E) miles of levee wall and border enforcement zone within the (b) (7)(E) BPS AOR.
  - This project was chosen as a starting point.....
  - The project alignment will be on the south toe of the north U.S. IBWC levee along (b) (7)(E) Road. [Recommend rewording the general description as to where the project will be located. Maps should only be shared with Congressional and State/Local Government stakeholders]
  - The project is to be a hybrid design bid build and design build construction project under the U.S. Army Corps of Engineer's (USACE) existing unrestricted horizontal Multiple Award Task Order Contract (MATOC).
  - The design and completed construction must be approved and certified for the FEMA national database for flood prevention.

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(b) (5)

- DEFINITIONS:

- **Border Wall System** – A comprehensive solution to provide persistent impedance and facilitate the deterrence and prevention of successful entries. A border wall system can include a combination of various types of infrastructure such as wall, fence, lighting, (b) (7)(E) and other related technology, and all-weather roads.
- **Levee Wall** - Concrete wall to the height of the (b) (7)(E) with (b) (7)(E) installed on (b) (7)(E) wall
- **Border Enforcement Zone** - An engineered system of critical enforcement components that include the wall and/or border barriers, lights, (b) (7)(E) (b) (7)(E) (b) (7)(E) system, and an all-weather road (to facilitate proactive and concentrated patrol efforts). This system of capabilities run (b) (7)(E) (b) (7)(E) the wall throughout the project area.
- **Lighting:** - LED light fixtures to be mounted on poles located within the approximate center of the enforcement zone or on the levee wall or bollards. The lights will be designed and constructed in accordance with the lighting design standards developed and confirmed as part of the San Luis lighting retrofit project recently completed in Yuma, AZ.
- **All Weather Road:** An all-weather aggregate patrol road (b) (7)(E) within the (b) (7)(E) enforcement zone

(b) (5)

## RGV BORDER WALL SYSTEM PLANNING: REAL ESTATE & ENVIRONMENTAL

### REAL ESTATE PLANNING/ENVIRONMENTAL CONSULTATION REQUIREMENTS

- The Department of Homeland Security (DHS) and CBP are committed to consulting with impacted landowners and stakeholders as part of the initial real estate planning and environmental consultation planning phases to construct a border wall system. The process of consulting impacted landowners, stakeholders, and communities is critical to our long-term, stakeholder engagement strategy and is legally required. CBP's intent is to diligently engage impacted stakeholders at the onset of each phase of the project, to include construction and sustainment activities after real estate and initial environmental consultation needs are met.

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### REAL ESTATE

In order to construct a border wall system in locations determined operationally necessary by the U.S. Border Patrol along the southern border of the United States, CBP will be need to acquire property. The process of acquiring land from private landowners includes the follow steps:

- **Title Search** - This is conducted by a combination of USACE attorneys, contractor title professionals, and/or title companies.
  - During a title search (the following will happen....)
- **Private Landowner Meetings** – private landowners in areas of interest will be notified, etc. (may need to put those ahead of the title search but should include that as a step in the process to reassure all stakeholders that at some point landowners become aware that we are title searching in the area and the first engagement is not the request for ROE-S.)
- **Land Survey** – Once the title for land is identified, CBP will need to establish the boundaries of the property we would like to acquire. Using tax records, USACE personnel will contact landowners to notify them of CBP's interest in their land and seek permission to survey that land through a Rights of Entry for Survey (ROE-S) agreement.
- **Land Appraisal** - Both the landowner and the Government will then engage expert appraisers to give an opinion of the value of the land.
- **Negotiate Sale of Property** – Using surveys and value estimates from USACE, representatives from CBP's Office of Facilities and Asset Management (OFAM), U.S. Border Patrol Sector, and USACE will attempt to negotiate the sale of the property with the landowner.
- **Compensation** - Legally speaking, compensation is defined as the fair market value of the property on the date the Government filed the complaint in federal district court.
  - Fair market value is based on the "highest and best use" of the property; not necessarily the current use of the property.
    - Ex. A tract is currently used for farming. However, given its location, it could also be used for a future residential development. Under those circumstances, the value is based on a future residential development.
  - Compensation means not only compensating the landowner for the property acquired, but can also include compensating the landowner for damages to the rest of the

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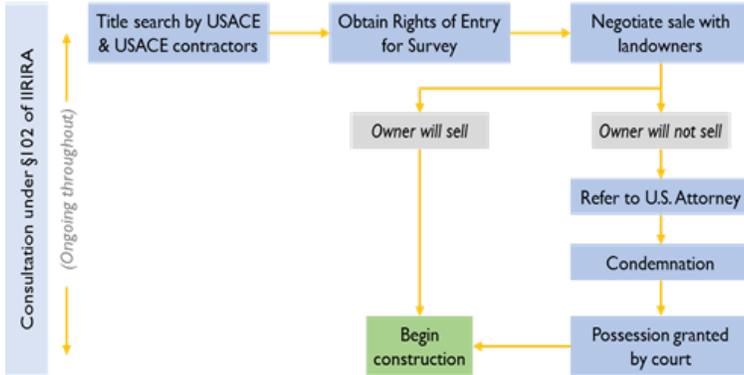
property (known as diminution in value) which in RGV has historically has included reduced access to the property located on riverside of the proposed wall.

- This is where the majority of the Government's financial exposure comes from.
- It is too early to know whether appraisers will find that the new border wall system also results in diminution in value to the north side of the wall.

- **Condemnation of Property** – There are a several reasons the Government would need to file a condemnation of property in order to acquire the land necessary to build a border wall system.
  - **Title Defects** - The Government needs a clean title in order to acquire property. This has proven very challenging in RGV as title defects are common in Texas. Examples of defects include estates never being probated so there are multiple heirs and overlapping deeds to the same property. If CBP is unable to obtain clean title, the Government will need to file a condemnation action to clear title.
  - **Land Survey Agreement** – If the government is unable to negotiate a ROE-S with a landowner, the government may need to file a condemnation to complete the land survey.
  - Upon filing a condemnation action, the Government immediately has title to the property, but the court must grant possession of the property.
  - *\* Under 8 U.S.C. § 1103(b) CBP is to consult with landowners prior to instituting a condemnation action. The Government must make a bona fide effort to acquire land through voluntary sale prior to instituting condemnation actions.*

(b) (5)

### Real Estate Acquisition Process



**(Chart: Congress and possible State and Local Government Only)**

(b) (5)

### Border Wall System Real Estate Interest – First three miles

- Approximately 2.5 MILES (Already Federally Owned)  
Review of available property ownership information indicates that along approximately 2.5 miles is already owned in fee by the U.S. Government. The custodial agency appears to be the U.S. Fish and Wildlife Service (USFWS). Part of it is designated as the Lower Rio Grande National Wildlife Refuge (LRGNWR), and part is designates as the Santa Ana National Wildlife Refuge (SANWR).
- Approximately 0.3 MILES OF RGV11-02 (Appears to be owned by One (1) Farm)  
Review of available property ownership information indicates that along approximately 0.3 miles is owned by a private farming operation; this will need to be validated by further title research. However, it also possible that USFWS may have acquired that property, and the tax records don't reflect it. Acquisition of the private land, provided it is still privately held, would total less than 10-acres if we acquire to the norther extend of the levee easement, the private owner's property line extends approximately 60-feet south of the levee toe.

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## ENVIRONMENTAL CONSULTATION

Under Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), CBP is required to consult with the following stakeholders in order to “minimize the impacts on the environment, culture, commerce and quality of life for the communities and residents located near the sites at which fencing will be constructed”:

- Secretary of Interior
- Secretary of Agriculture
- States
- Local governments
- Tribal governments
- Landowners

(b) (5)

As part of the first phase of real estate planning for the RGV Border Wall System construction project, CBP will consult with the Department of the Interior (DOI), USFWS, and LRGNWR, and SANWR and other landowners identified through the real estate planning process. (possibly Blue)

CBP is committed to informing and engaging State, local, and Tribal governments, other agencies of the Federal government, Non-Governmental Organizations (NGO), and local residents to carefully identify natural, biological and cultural resources potentially affected by construction of a border wall system. 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 has included environmental considerations in all aspects of the life-cycle of the fence. During initial planning, potential environmental impacts were considered as fence styles and locations were altered where possible to minimize any impacts. CBP prepared required NEPA documents prior to the waiver and then prepared ESPs after the waiver was issued to guide project planning.

CBP is committed to following a similar approach to ensure responsible environmental stewardship as a result of Border Wall System construction.

The preservation of our valuable natural resources is of great importance and we will be fully engaged in efforts that consider the environment as we work to secure our Nation’s borders.

For additional information, please visit:

<https://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/esp-essr>

### 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. (b) (7)(E)
- 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 For Mitigation Purposes

- 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 of 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.
- CBP can use BSFIT funds for mitigation and, under certain circumstances, for land acquisition. However, it is not clear whether DHS/CBP's own statutory land acquisition authority, 8 U.S.C. § 1103(b), would authorize a purchase of lands solely for mitigation purposes. Section 1103 allows DHS/CBP to purchase land in the vicinity of the United States land border when it is necessary to guard against violations of the Immigration and Naturalization Act. Thus, it is

unclear here whether CBP could rely on that authority here to buy land solely for mitigation for a project that was granted a waiver by the Secretary of DHS.

- 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. So, CBP can't send funds to DOI and allow DOI to rely on its own statutory authorities (which may allow for acquisition for mitigation purposes) to purchase the mitigation property.
- 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. That is, the mitigation land will ultimately be owned and managed by the third-party vendor, who agrees, as a part of the contract, that the land will be protected in perpetuity. Because CBP can use BSFIT funds for mitigation, there is no purpose problem. In addition, CBP avoids the authority issues because it is not relying on Section 1103(b) to buy any land directly for CBP, and it is not funding a direct land acquisition by DOI.
- CBP concerns regarding use of current authorities to provide funding to DOI for fee-simple land acquisition are twofold. First, CBP and DOI have agreed to use the authorities provided under the Economy Act to transfer funds to DOI to execute agreed upon conservation projects. CBP does not believe that fee-simple land acquisition is within the scope of "goods and services" authorized to be transferred between Federal agencies under the Economy Act. Second, CBP land acquisition authority is limited to purchase of land or interest in land which the Attorney General deems is "essential to control and guard the boundaries and borders of the United States" (8 U.S.C. Section 1103(b)(1)). However, CBP has determined that the agency has authority to provide funding to DOI for third party easement acquisition. Such easement acquisition is provided for in the interagency agreement now being processed within CBP.

## ***RGV BORDER WALL SYSTEM: OPERATIONAL LANDSCAPE***

The resulting enforcement zone will facilitate the establishment of a preventative operational profile; which, in turn, creates and conveys to the adversary an immediate certainty of detection and apprehension for any attempted breach.

Tactical infrastructure, including physical barriers, has long been a critical component of CBP's multi-layered and risk-based approach to securing our Southern border. Border barriers have enhanced – and will continue to enhance – USBP's operational capabilities by creating persistent impedance, and facilitating the deterrence and prevention of successful illegal entries.

This Sector can attest to the benefits of past investments in border security, including border infrastructure, additional law enforcement personnel and technology. As these additional resources

have been deployed, border security has improved and local communities have seen dramatic improvements in security, safety and economic growth.

(b) (7)(E)

(b) (7)(E) As all of the Sectors will affirm, there are areas that would greatly benefit from construction of a wall system, from the deployment of technology and additional agents.

In my area, we continue to see breaches in the current legacy border fencing, and illegal smuggling activity where there is limited or no border barrier. There are areas where we need more technology and agents to respond to potential illegal cross border activity.

There are many factors that go into the decision making process, including available funding, acquisition, and current trends in illegal cross border activity, and legal requirements.

We are committed to open and transparent engagement throughout this process and welcome your feedback.

**From:** (b)(6)  
**To:** (b)(6)  
**Cc:**  
**Subject:** RE: Smugglers Gulch  
**Date:** Thursday, April 06, 2017 2:19:52 PM  
**Attachments:** [RE Smugglers Gulch.msg](#)

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(b)(6) - see attached responses to the reporter's questions that were generated earlier this week.

(b)(6) - Have these been sent onto BP?

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**From:** (b)(6); (b)(7)(C)  
**Sent:** Thursday, April 6, 2017 11:00 AM  
**To:** (b)(6)  
**Cc:** (b)(6)

(b)(6)

**Subject:** FW: Smugglers Gulch  
**Importance:** High

Good morning (b)(6)

Earlier this week, we received an inquiry from the *San Diego Union-Tribune* about some environmental matters with Smuggler's Gulch (see highlighted portion below).

After forwarding the inquiry to some individuals who had some historical knowledge of the project, we were eventually referred to you.

We would like to see if there is any way you would be able to assist with answering these questions by tomorrow, which is the reporter's deadline. Any assistance you may be able to provide would be greatly appreciated.

Thanks,

(b)(6); (b)(7)(C) | **SUPERVISORY BORDER PATROL AGENT**  
U.S. Border Patrol | San Diego Sector  
Information & Communication Division  
OFFICE: (b)(6); (b)(7)(C) | CELL: (b)(6); (b)(7)(C)

---

**From:** (b)(6)  
**Sent:** Monday, April 03, 2017 4:03 PM  
**To:** (b)(6)  
**Subject:** Smugglers Gulch

Hello (b)(6)

I am writing today for a story I am working on about border security projects that have been done in the past, and how things have turned out after they were constructed. One project I am looking at is the fence construction/berm work done in 2008-09 that included Smugglers Gulch. The project was controversial when proposed and the subject of lawsuits, and then after it was built there were complaints from various entities – California Coastal Commission, Re. Susan Davis, state parks – that mitigation and other measures that were supposed to be done either were not done, or were not done well.

So I am following up on that issue and hoping to get some response from CBP on the following:

- There was concern that a revegetation work around the gulch area was not done well. Lots of plants died, some hillsides were left barren. I understand that the CBP later hired a consultant to look at the issue. Can you describe what work has been done there since 2009 (are hillsides vegetated? Can you say when that work was undertaken and completed?)
- There was also lots of concern about erosion from the large berm in Smugglers Gulch washing into the Tijuana Estuary. One complaint is there was not a sediment monitoring program in place. Can you say is there one in place now? Is erosion into the estuary been a problem or source of concern or complaints from the state or environmental groups?
- Overall, has the project that included Smugglers Gulch and added 14 miles of fencing in San Diego been successful as far as CBP is concerned? IN other words has it met the expectations of addressing illegal immigration through the area?

My deadline for this story is Friday April 7. Any respnose you can provide would be great. Also, feel; free to call at the below number if needed.

Thanks for your assistance, (b) (6).

(b) (6) Reporter

(b) (6)

600 B St Suite 1201 San Diego CA 92101

The San Diego  
**Union-Tribune**

From:

To:

Cc:

Subject:

RE: Smugglers Gulch

Date:

Tuesday, April 4, 2017 8:23:28 PM

Attachments:

[image006.gif](#)

[image001.png](#)

[image007.png](#)

(b)(6)

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(b)(6) – Below are proposed responses to the first two questions related to site restoration posed by Mr. (b) (6)

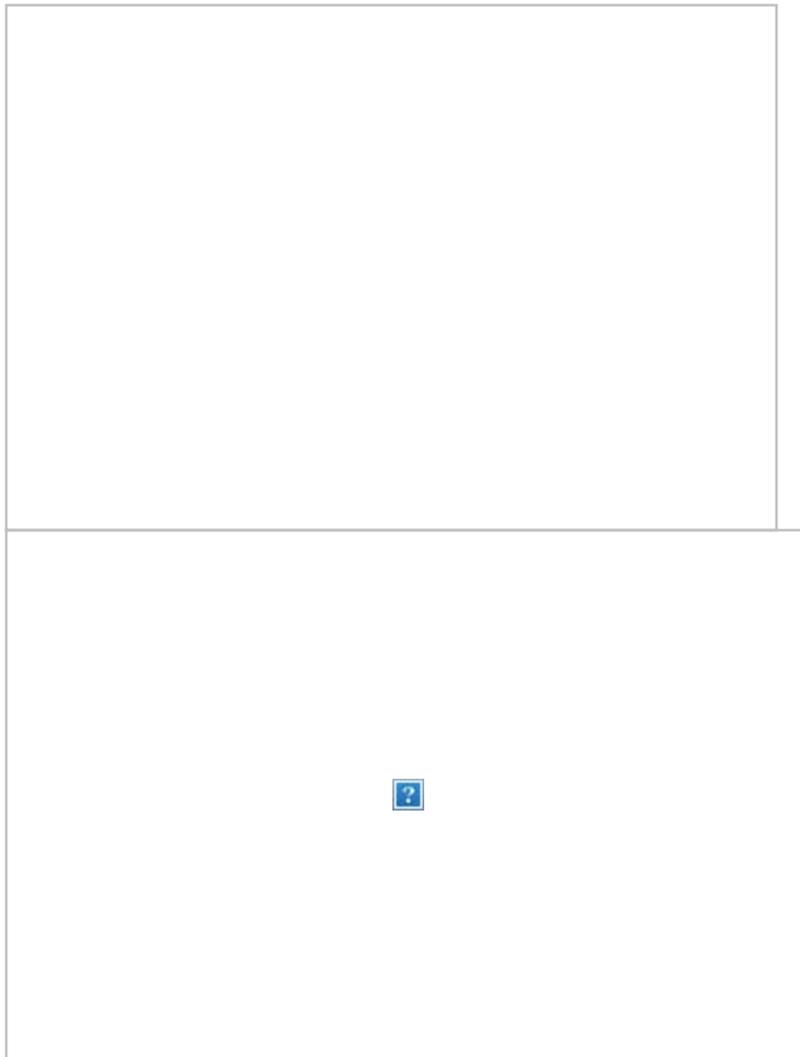
(b)(6) - In regards to the last question related to how effective the fence has been in this area, Border Patrol and I addressed a similar question at the recent GNEB meeting in San Diego last month and I have included some initial information that we provided during that meeting that may be appropriate here. However, please feel free to delete or edit it as needed.

- There was concern that a revegetation work around the gulch area was not done well. Lots of plants died, some hillsides were left barren. I understand that the CBP later hired a consultant to look at the issue. Can you describe what work has been done there since 2009 (are hillsides vegetated)? Can you say when that work was undertaken and completed?

**Response:** Since 2009 CBP worked in close coordination with the US Fish & Wildlife Service, the California State Parks, the County of San Diego and other interested parties to develop a site restoration strategy that included establishment of restoration success criteria for the 40 acre area, the re-establishment of 24 acres of coastal sage scrub on both sides of the secondary border fence, the planting of over 95,000 native plants using seeds collected from local plant communities, ongoing removal of non-native invasive species, and installation of a drip irrigation system. After 5 years of monitoring and non-native invasive species removal activities, restoration efforts have resulted in growth and coverage of native vegetation such as California sagebrush, California buckwheat, and San Diego sunflower on more than 70% of the 40 acre area. In addition, there is less than 1% annual non-native invasive plant species present. Photos of the site before and after restoration are as follows:

**Before**

**After**



- There was also lots of concern about erosion from the large berm in Smugglers Gulch washing into the Tijuana Estuary. One complaint is there was not a sediment monitoring program in place. Can you say is there one in place now? Is erosion into the estuary been a problem or source of concern or complaints from the state or environmental groups?

**Response:** Due to the extensive site restoration efforts implemented by CBP at Smugglers Gulch erosion into the estuary has not been an on-going issue. The successful re-vegetation of the area has resulted in little to no sedimentation into the estuary as a result of the fence project.

- Overall, has the project that included Smugglers Gulch and added 14 miles of fencing in San Diego been successful as far as CBP is concerned? IN other words has it met the expectations of addressing illegal immigration through the area?

**Response:** The construction of the 14 mile Border Infrastructure System has resulted in a significant reduction in cross border violations in this area. In addition, the Border Infrastructure System has aided in the reduction in damage to the Tijuana estuary from cross border traffic.

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**From:** (b)(6)

**Sent:** Tuesday, April 04, 2017 2:49 PM

**To:** (b)(6)

(b)(6)

**Cc:** (b)(6)

(b)(6)

**Subject:** RE: Smugglers Gulch

May want to include (b)(6) as well -

(b)(6)

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**From:** (b)(6)

**Sent:** Tuesday, April 04, 2017 1:46 PM

**To:** (b)(6)

(b)(6)

**Cc:** (b)(6)

(b)(6)

**Subject:** RE: Smugglers Gulch

Just an observation (which each of you have probably already made)...More than likely the spin on the story, unless we can answer the mail convincingly, will be that the Government is not living up to its promises when it comes to these large projects; thereby impugning the government's credibility for moving forward with more barrier plans. And, even if we do give compelling and exonerating answers the story may still go that way.

So, your help in getting this nailed down is very much appreciated...

Thank you!

---

**From:** (b)(6)

**Sent:** Tuesday, April 04, 2017 12:58 PM

**To:** (b)(6)

(b)(6)

Cc: [redacted] (b)(6)

[redacted] (b)(6)

**Subject:** RE: Smugglers Gulch

We are on it. Looping OPA in as well.

[redacted] (b)(6)

Director, Business Operations Division (Acting)  
Border Patrol & Air and Marine Program Management Office  
Facilities Management and Engineering  
Office of Facilities and Asset Management  
Mobile: [redacted] (b)(6)

---

**From:** [redacted] (b)(6)

**Sent:** Tuesday, April 04, 2017 12:24 PM

**To:** [redacted] (b)(6)

[redacted] (b)(6)

**Cc:** [redacted] (b)(6)

**Subject:** RE: Smugglers Gulch

Adding [redacted] (b)(6) and [redacted] (b)(6) They will work this through with you and OPA, [redacted] (b)(6)

---

**From:** [redacted] (b)(6)

**Sent:** Tuesday, April 4, 2017 12:21 PM

**To:** [redacted] (b)(6)

[redacted] (b)(6)

**Cc:** [redacted] (b)(6)

**Subject:** FW: Smugglers Gulch

**Importance:** High

Questions submitted by San Diego Union Tribune. Given the interest in fence/wall it might be good for us to get answers to these things.

Do you have someone you can point me to?

---

**From:** [redacted] (b)(6)

**Sent:** Tuesday, April 04, 2017 11:40 AM

**To:** [redacted] (b)(6)

**Cc:** [redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6); (b) (7)(C)

[redacted] (b) (6); (b) (7)(C)

**Subject:** RE: Smugglers Gulch

**Importance:** High

(b)(6)

Please see below for an inquiry (b)(6) received from Reporter (b)(6) of the Union Tribune. Would you be able to provide responses to the bullet points below? The reporter has an internal deadline of April 7<sup>th</sup>, so it would be great if we could get responses to him by tomorrow, if at all possible. We expect he will run with the story even if we don't provide any information.

Please let me know if you need any additional information.

(ALSO, I still need an address, so we can return the discs to you.)

Thank you, sir.

(b)(6); (b)(7)(C) (A)Assistant Chief Patrol Agent

United States Border Patrol | San Diego Sector

(b)(6); (b)(7)(C) Office | (b)(6); (b)(7)(C) Mobile

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

---

**From:** (b)(6)

**Sent:** Monday, April 03, 2017 4:24:16 PM

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

**Subject:** FW: Smugglers Gulch

Folks... is there anyone with historic knowledge in Smuggler's issues? SDUT is requesting...

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**From:** (b)(6)

**Sent:** Monday, April 03, 2017 4:02:43 PM

**To:** (b)(6)

**Subject:** Smugglers Gulch

Hello (b)(6)

I am writing today for a story I am working on about border security projects that have been done in the past, and how things have turned out after they were constructed. One project I am looking at is the fence construction/berm work done in 2008-09 that included Smugglers Gulch. The project was controversial when proposed and the subject of lawsuits, and then after it was built there were complaints from various entities – California Coastal Commission, Re. Susan Davis, state parks – that mitigation and other measures that were supposed to be done either were not done, or were not done well.

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following:

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My deadline for this story is Friday April 7. Any response you can provide would be great. Also, feel free to call at the below number if needed.

Thanks for your assistance, (b) (6).

(b) (6) Reporter

(b) (6)

600 B St Suite 1201 San Diego CA 92101



(b) (7) (E)



BW1 FOIA CBP 010891

(b) (7) (E)



BW1 FOIA CBP 010892

**From:** (b)(6)  
**To:** (b)(6)  
**Cc:**  
**Subject:** FW: Comms Plan  
**Date:** Monday, April 10, 2017 8:42:46 PM  
**Attachments:** [BPAM Wall Communications Outreach Plan Outline\\_DRAFT\\_NOTES\\_041017\\_\(002\).doc](#)  
[Wall Program\\_RGV Outreach Comms Strategy Agenda\\_04102017.docx](#)

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(b)(6) – FYSA

(b)(6)  
Director, Business Operations Division (Acting)  
Border Patrol & Air and Marine Program Management Office  
Facilities Management and Engineering  
Office of Facilities and Asset Management  
Mobile: (b)(6)

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**From:** (b)(6)  
**Sent:** Monday, April 10, 2017 4:10 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** Comms Plan

Attached are my notes from today and action items! Comments on comms plan are in red and on the last page.

Thank you,

(b)(6)  
Management Analyst  
E3 Federal Solutions  
Border Patrol Air & Marine Program Management Office (BPAM PMO)  
Facilities Management & Engineering (FM&E)

(b)(6) (W)  
(b)(6) (C)  
(b)(6)

**BORDER WALL/BARRIER SYSTEM**  
**COMMUNICATION & OUTREAH STRATEGY & PLAN OUTLINE**

*Prepared by the Border Patrol and Air & Marine Program Management (BPAM PMO)*

***Background***

U.S. Customs and Border Protection's (CBP) Office of Facilities and Asset Management (OFAM) is charged with executing priorities outlined in the Executive Order 13767: Border Security and Immigration Enforcement Improvements (EO). As a result, CBP is leveraging years of U.S. Border Patrol's (USBP) operational knowledge and the U.S. Army Corps of Engineers' (USACE) border infrastructure construction subject matter expertise to "construct a physical wall or similarly contiguous and impassable physical barrier" in the vicinity of the U.S. border with Mexico.

***Current Wall/Border Barrier System/Fence Program Situation***

Pending the Fiscal Year 2017 Budget Amendment approval and availability, CBP will work with the USACE to construct levee wall, border barrier system, and/or border fence in the Rio Grande Valley Sector (RGV), USBP's highest priority area. According to USBP's operational requirements approximately 81 priority miles have been identified in RGV for construction in FY17 and beyond.

Prior to the approval of the FY17 budget amendment, CBP will begin title research to better understand the program's land acquisition needs. At this early stage, CBP does not know whether it will need to acquire land through condemnation. It is always CBP's preference to acquire private property through voluntary sale. However, in situations where voluntary acquisition is not possible, CBP may have to consider acquisition through condemnation. In the RGV Sector, title ownership is unclear as a result of poor title record keeping and complex familial ownership issues. Historically, many CBP real estate research activities and land acquisition efforts have resulted in the dissemination of inaccurate information by the media and contributed to the local community's ongoing mistrust of the federal government.

***Current Wall/Border Barrier System/Fence Program Communications Process***

Given the heightened media and Congressional interest, opposition, and visibility of the project based on general public opinion and lessons learned from the Pedestrian Fence 225 (PF225) and Vehicle Fence (300) projects; CBP recognizes that a comprehensive, coordinated communication and outreach strategy and implementation plan is necessary. The primary project issues of concern associated with border wall/barrier system/fence construction are real estate/land acquisition and environmental impacts. A secondary concern is public opposition to the EO's policy and whether it is a valuable use of tax payer money.

Currently, there is no formal internal or external outreach and communications strategy for the wall/border barrier/system project or documented, agreed upon communications processes. A successful outreach and communications program is a significant interagency effort that will require carefully coordinated and timely information sharing and message development at the Headquarter (HQ) and local levels.

CBP coordinating offices include the Office of Public Affairs (OPA), Office of Congressional Affairs (OCA), Intergovernmental Public Liaison (IPL), Office of Facilities and Asset Management (OFAM), USBP HQ Operations, USBP RGV Sector, and USBP Stations. External federal government agencies that will play a critical role in executing the outreach and communications strategy are USACE, Engineering Construction and Support Office (ESCO), and the U.S. Department of Justice (DOJ).

**Objectives**

Generally, CBP promotes interagency coordination and communication between federal agencies and program offices. Drawing upon lessons learned from previous real estate activities and PF225/VF300 construction execution, CBP seeks to:

1. Continuously inform congressional, state and local government of USBP operational needs in RGV, anticipated project scope and schedule, and immediate proactive real estate research and planning next steps.
2. Finalize a multi-phased, interagency communications implementation plan for all necessary phases of the border wall/barrier system/fence construction project by April XX, 2017.
3. Continue to adjust and implement outreach strategy and approach based on inputs according to the stakeholder analysis impact summary and identification. (INSERT STAKEHOLDER ANALYSIS SUMMARY HERE OR AS ATTACHMENT)

(b) (5)

**Primary Goals**

1. The primary goal is to ensure Congressional, state and local governments, and other key stakeholders and partners are aware of CBP's confirmed and anticipated next steps.
2. Decrease the number of requests for information and briefs to key stakeholders associated with the lack of awareness or CBP's inability to communicate project planning activities, progression, and impacts to constituents.
  - a. Insert number of requests and briefs associated lack of stakeholder awareness and develop goal to stay under.
3. Improve interagency communication processes related to outreach to impacted constituents during project execution, requests for information, Congressional engagement, media inquiries, and constituent inquiries.
  - a. Goal of developing streamlined processes for each component mentioned above and implementing through the committees, integrated project teams, and works groups.
    - i. WALL Executive Steering Committee
    - ii. WALL IPT
    - iii. OPA IPT
    - iv. BPAM Outreach Working Group

(b) (5)

Currently, there are three or four efforts underway to coordinate information sharing and develop strategic messaging with CBP. The BPAM Outreach Working Group

recommends educating key stakeholders of USBP's operational requirements, the wall program's "current state", anticipated next steps, and immediate real estate planning activities such as title search/landowner outreach by using the proposed activities in the tables outlined below.

(b) (5)

**Key Messages**

Below are the key messages CBP wishes to convey as part of the agency's outreach before real estate title research begins.

**USBP RGV OVERVIEW – SEGMENT PRIORITIES**

- RGV Operational Requirements Landscape Overview
- Explain USBP's highest segment priorities
- What type of infrastructure, where, and why?

(b) (5)

**TITLE RESEARCH:**

- What is CBP doing?
- Why is CBP/USACE doing this?
- Who are the impacted landowners?
- What will CBP/USACE do when landowner titles are identified?
- When will CBP/USACE start? When will title research be completed?
- What happens after surveys are complete?

(b) (5)

**WALL/BORDER BARRIER/FENCE PROGRAM STATUS:**

- Funding - Where is CBP getting the money to do this?
- Funding Status
- When will CBP begin construction?
- How long will construction last?
- How will CBP communicate construction impacts to landowners and affected communities? Who will landowners and stakeholders be able to contact during the construction process?
- What resources will CBP/USBP make available for economic impacts as a result of additional infrastructure?

(b) (5)

## OUTREACH & COMMUNICATIONS STRATEGY OVEVIEW

\*Each Phase will include its own plan and processes

TIMEFRAME	ACTIVITY	BRIEFER(S)	MESSAGE(S)	MATERIALS	DESIRED OUTCOME(S)	COORDINATION
<b>PHASE 1 - REAL ESTATE - PRE TITLE RESEARCH</b>						
April 17	OFAM/BPAM /OCC Brief C1/C2	AC Calvo & (b)(6)	Communications & Outreach Strategy <ul style="list-style-type: none"> <li>Internal comms project plan (IPT/Working Group Process)</li> <li>Overview of stakeholder analysis impacts</li> <li>Highlight key messages (see Phase 1 Comms Plan attachment)</li> <li>Mitigation strategies</li> </ul>	PowerPoint Presentation  Talking Points	Approval to move forward with strategy & plan  Discuss S1 engagement & identify OFAM/BPAM role or support if needed	Draft strategy & plan approval required by OFAM, OPA, OCA, IPL, USBP HQ, & RGV Sector Comms Team & Leadership & USB Station Public Liaisons & PAICs
April 19	WALL IPT – OFAM/BPAM Brief DHS OPA, OLA & OCC Meeting	(b)(6)	Communications & Outreach Strategy – C1 Approved <ul style="list-style-type: none"> <li>Key messages (see Phase 1 Comms Plan attachment)</li> </ul>	Send C1 approved strategy & plan  Develop agenda items to include DHS components’ feedback/input – incorporate input of needed	Awareness & input on how to coordinate w/the Department on media & congressional inquiries	CBP OPA, OCA, & IPL – HQ & RGV PA <b>Commented [VQ8]:</b> Contingent upon C1/C2 input on DHS/S1 engagement
April 24	Congressional Roundtable HQ  Impacted Congressional delegation (based on FY17 RGV Segments)	C2/OFAM	Awareness of CBP’s response to EO <ul style="list-style-type: none"> <li>USBP operational priorities</li> <li>Intent to conduct title research &amp; impact to constituent reaction &amp; mitigation strategy</li> <li>Anticipated construction schedule pending available funding</li> </ul>	PowerPoint presentation  Talking Points	Increased awareness, not requesting permission  Establishing “swim lanes”  Risk: Leaked information  Mitigation: Embargoed content	OCA, DHS OLA, IPL, OFAM, & USBP  *Work with OPA/RGV PAO to prepare draft media statements & talking points incase local government stakeholders leak meeting contents to media
	Congressional Roundtable Local District Offices  Impacted Congressional delegation (based on FY17 RGV Segments)	USBP Sector Chief, USBP PAIC, BPAM (b) (6)	Awareness of CBP’s response to EO <ul style="list-style-type: none"> <li>USBP operational priorities</li> <li>Intent to conduct title research &amp; impact to constituent reaction &amp; mitigation strategy</li> <li>Anticipated construction schedule pending available funding</li> </ul>	PowerPoint presentation  Talking Points	Increased awareness, not requesting permission  Establishing “swim lanes”  Risk: Leaked information  Mitigation: Embargoed content	*Work with OPA/RGV PAO to prepare draft media statements & talking points incase local government stakeholders leak meeting contents to media <b>Commented [QVS9]:</b> Need to include conference call option.

DRAFT

<p>April 26</p>	<p>Mayors, City Council Members, County Courts/Judge  <i>*Meet only w mayor affected but have after action notes to send to other mayors in the area to keep them informed</i></p>	<p>USBP Sector Chief, USBP PAIC, BPAM (b) (6)</p>	<p>Awareness of CBP's response to EO</p> <ul style="list-style-type: none"> <li>• USBP operational priorities</li> <li>• Intent to conduct title research &amp; impact to constituent reach mitigation strategy</li> <li>• Anticipated schedule</li> </ul>	<p>PowerPoint presentation</p> <p>Talking Points</p>	<p>See above</p>	<p>See above</p>
<p>May 3 – TBD</p>	<p>Invitation Only – Informational Meeting</p> <p><i>*If possible, invite all landowners for each segment in RGV at one time or within a condensed timeframe and community groups/leaders identified by USBP</i></p> <p><i>*have a large public meeting first then meet with the land owners?</i></p>	<p>USBP Sector Chief, RGV Sector Comms Team, USBP Stations &amp; (b)(6)          Real Estate SMEs (b)(6)          (b)(6)</p>	<p>Real Estate needs – why and who?</p> <p>High-level project schedule</p> <p>Ongoing outreach &amp; communications process</p> <p>Response to unrelated comments (many landowners are stakeholders for other CBP TI projects i.e. towers, etc.)</p>	<p>Real Estate 101 – standard definitions &amp; sequence of events (secure ROW, survey, etc.)</p> <p>CBP/USACE plan to communicate next steps &amp; results of survey</p> <p>High-level Project Schedule Timeline Graphic</p> <p>Maps</p> <p>Talking Points</p>	<p>Build foundation for impacted public engagement &amp; input</p> <p>Mitigate/reduce inaccurate information sharing</p> <p>Increase landowner &amp; impacted stakeholder awareness of project need (USBP requirements)</p>	<p>Leverage existing local USBP Sector &amp; station partnerships</p> <p><i>*Work with OPA/RGV PAO to prepare draft media statements &amp; talking points incase local government stakeholders leak meeting contents to media</i></p>
	<p>Develop ongoing process for landowners to submit questions and feedback during survey process</p> <p><i>*In person meeting would probably be the best</i></p> <p><i>*USACE has adopted informational meetings, with stations so people can come and ask questions, but there is no audience</i></p>	<p>(b)(6)</p>				<p>(b) (5)</p>
	<p>Post Real Estate planning/ Surveying meetings – What now?</p> <p><i>*Include engagement with the Corps for ongoing</i></p>	<p>USBP Sector Chief, RGV Sector Comms Team, USBP Stations &amp; (b) (6), Real Estate SMEs (b)(6)          (b)(6)</p>	<p>What did CBP learn from surveys?</p> <p>Adjusted High-level project schedule based on funding availability &amp; requirements</p> <p>Ongoing outreach &amp; communications</p>	<p>Survey Summary – plain language &amp; translated</p> <p>Immediate next steps (if any )</p> <p>Adjusted High-level Project Schedule Timeline Graphic</p>	<p>Move forward with landowner outreach strategy based on local government inputs &amp; coordination</p> <p><i>*There might be stakeholder</i></p>	<p>Leverage local U &amp; station partners</p> <p><i>*Work with OPA/RGV PAO to prepare draft media statements &amp; talking points</i></p>

*Others to include:*

*\*(b) (6) says he is in constant contact with DOJ, no need to include them*

*\* Irrigation districts and drainage districts*

*\*EDOT if public roads are affected*

*\*County judges*

*\*Texas state fish and game? (b)(6) has a standard form/notification for ENV that he could send*

*\*Texas legislator—session ends June 1 – notify speaker of house, lieutenant governor, governor*

*\*Emergency responders- coordination with them, gave training on how to operate gates (This will be a part of the construction phase not initial RE outreach)*

*Messaging:*

- *Leverage mayors letter*
- *What the border was like before/after the fence*
  - *Right technology, etc. really does make the border a lot more secure*
  - *Do we have data on this that we can share?*
    - *Yes HQ has talking points/data they can provide from SD*

*Edits/Revisions will be out by COB Tuesday, input by Wednesday afternoon*

# AGENDA

Wall Outreach and Communications Meeting

April 10, 2017

1:30 PM – 3:30 PM

Location: CBP Eules Office, 150 Westpark Way, (b) (7)(E) Eules, TX 76040  
Dallas Palo Canyon Conference Room

## Topics for Discussion:

- Purpose and Intended Outcomes
- Review Stakeholder Assessment/Identify Gaps/Gather Information Needed
- Review Phase 1 Draft Outreach Strategy Outline/Plan
- Review Action Items & Next Steps

## Desired Outcomes

- Firm Timeline
- Finalize Outreach & Communications Working Group Structure

## Action Items:

Date Assigned	Item	Owner	Status
4/10	List of next couple projects in RGV w/ prioritization	(b)(6) & Team	
4/10	Coordinate an internal meeting to discuss what needs to be communicated to BWC	(b)(6)	
4/10	Detail list of stakeholders	RGV sector	
4/10	Data/talking points on the transformation of the border before/after the fence	(b)(6) (HQ)	

**From:** (b)(6)  
**To:** (b)(6)  
**Subject:** Border Wall/Fence/TI Communications & Outreach  
**Start:** Wednesday, May 10, 2017 4:00:00 PM  
**End:** Wednesday, May 10, 2017 4:30:00 PM  
**Location:** (b) (7)(E)  
**Attachments:** [Comms-Outreach Agenda 051017& 050917 Meeting Notes - v2.docx](#)  
[VP Briefing.docx](#)

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Good afternoon,

Please find an agenda for our call this afternoon and meeting notes from yesterday. Please let us know if you have any items to include.

REMINDER: PLEASE DO NOT PUT YOUR PHONE ON HOLD! Please hang up and dial back in if you have to take another call.

Thanks,

(b)(6)

<<Comms-Outreach Agenda 051017& 050917 Meeting Notes - v2.docx>> <<VP Briefing.docx>>

# BORDER WALL/FENCE/TI COMMUNICATIONS & OUTREACH

Reoccurs Daily

05/10/17

4:00 PM EST

## Discussion Items:

- **FRIENDLY REMINDER: DO NOT PUT YOUR PHONE ON HOLD! Please hang up and dial back in if you have to take another call.**
- Wall Prototype Update:
  - Site visits scheduled for Thursday, May 18 and Friday, May
- Outreach Schedule, Stakeholders, & Messages – Tentative: Week of May 22

## Attachments:

- Talking Points for VPOTUS Briefing

## Action Items:

Date Assigned	Item	Owner	Status
05/03	Add OCA concerns re: RGV activities in the (b)(7)(E) reprogramming to Wall IPT agenda	OCA/OFAM	Completed
05/04	Reformat the outreach calls to include San Diego, Laredo, El Paso, & RGV Sectors to discuss outreach needs and stakeholders for all FY17 activities (gates, roads, fence replacement)	OFAM/BPAM	In process – Tentatively scheduled to begin May 16 or 17
05/05	Follow-up questions to OCA regarding gates construction as a result of Hidalgo maps	OFAM/BPAM	Submitted final submission through tasking

## Meeting Notes: Tuesday, 05/09/17

- Update on Revisiting Outreach Schedule for Congressional & State/Local Engagements
  - Revised strategy deck sent to OCA
  - Suggestions for content of notification: Include all real estate actions and needs for FY17, environmental needs, design planning, etc. for FY17
  - Agenda for Wall IPT should provide tentative dates to inform leadership RE timeline/content
- Update on Briefing IBWC & DOI/USFWS on FY17 Projects – Tentative May 24 & 25 in
  - Content: Begin discussing design for the 3 miles (new wall)
    - Include brief on FY17 projects? TBD
  - IBWC @ El Paso
  - DOI/USFWS @ McAllen
- Wall Prototype Update:

- Down Select Vendor Site Visits – TBD
  - Waiting on acquisition RE whether we are moving forward
  
- Media Coordination Update
  - Understanding level of interest, may need bigger engagement for prototype
  - Media wants entry to prototype site
  - Concerns RE security, construction, etc.
  
- Gates Inquiries:
  - OCA follow-ups to Hidalgo Maps – BPAM Drafted Response to OCA

FOUO

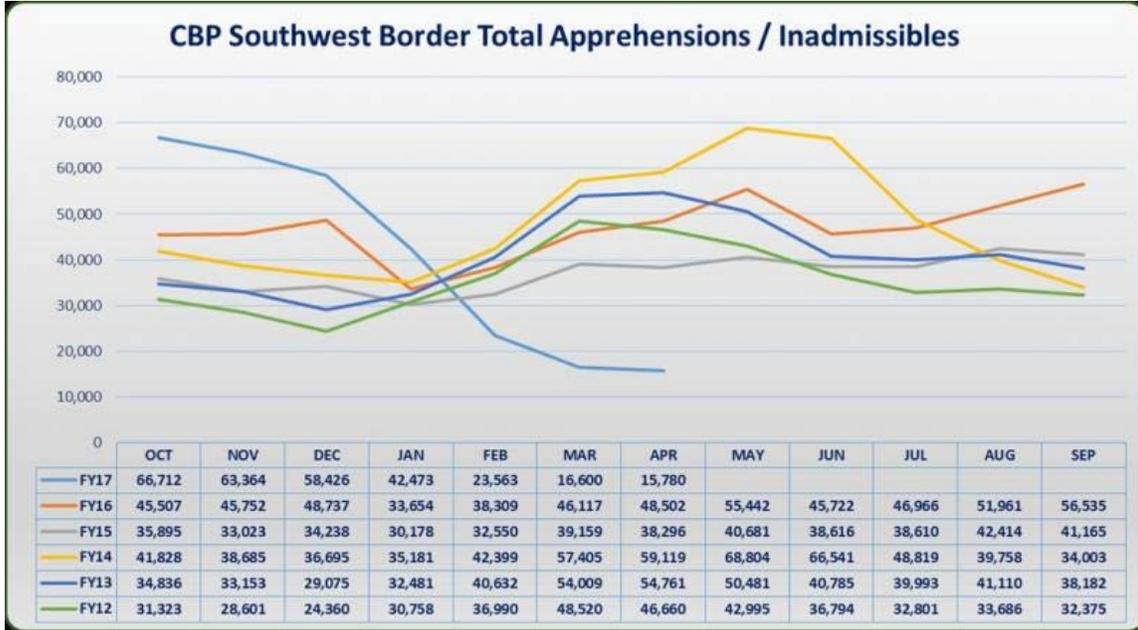
## Talking Points for VPOTUS Briefing

### FY17 Budget

- The bill provides approximately \$12.3 billion in appropriated funding for CBP, which is \$1.3 billion above the FY 2016 revised enacted level.
- The net increase over FY 2016 is primarily the result of a \$772 million increase in border security enhancements, including investments in border security technology, replacement barriers and tactical infrastructure, as well as improvements to CBP's hiring capabilities, related to the FY 2017 Budget Amendment Request.
- Border security enhancements include:
  - Nearly \$300 million for the replacement of 40 miles of outdated or deteriorating fencing with operationally proven designs. Such designs include (b) (7)(E) tall (b) (7)(E) (b) (7)(E) steel bollard wall with anti-climb and anti-dig features. CBP will leverage this funding to enhance operational effectiveness in high priority areas along the Southwest Border. (The levee wall and steel bollard wall designs shown at the press briefing are components of CBP's existing toolkit.)
  - Approximately \$150 million funds investment in tactical infrastructure along the Southwest border, to include an enhanced network of U.S. Border Patrol roads and gates to secure critical access points along existing barriers.
  - \$170 million to accelerate deployment of border security technologies to support U.S. Border Patrol agents and CBP officers in detecting, tracking, identifying, and classifying items of interests along the nation's borders and at ports of entry.
- These border security enhancements underscore CBP's commitment to efficient, effective and smart border enforcement by combining the capabilities of a wall, personnel and technology.
- Congress approved DHS and CBP to re-program \$20M to commence wall planning and to award the construction of four to eight prototypes. Planning includes use of US Army Corps of Engineers and architecture and engineering support for real estate, environmental and wall design efforts.
- CBP is currently evaluating the locations for the replacement mileage. CBP will deploy existing designs of border barrier based on the operational requirements and terrain at each location.
- The gates will be located along existing barriers, CBP will deploy existing designs of border barrier based on the operational requirements and terrain at each location.

- CBP will deploy (b) (7)(E) systems (b) (7)(E) along Southwest border to improve situational awareness, rapid response, and agent safety.

**Southwest Border Migration**



**U.S. Border Patrol Apprehensions FY2017 YTD(October 1 - April 30)**

USBP	Demographic	OCT	NOV	DEC	JAN	FEB	MAR	APR	Total
Southwest Border	UAC	6,707	7,349	7,188	4,411	1,912	1,043	998	29,608
	Family Units	13,115	15,588	16,139	9,300	3,123	1,126	1,119	59,510
<b>Southwest Border Total Apprehensions</b>		<b>46,183</b>	<b>47,213</b>	<b>43,251</b>	<b>31,581</b>	<b>18,756</b>	<b>12,196</b>	<b>11,129</b>	<b>210,309</b>

**Office of Field Operations Inadmissibles FY2017 YTD(October 1 - April 30)**

Field Operations	Demographic	OCT	NOV	DEC	JAN	FEB	MAR	APR	Total
Southwest Border	UAC	1,831	1,437	963	592	264	121	140	5,348
	Family Units	6,500	5,135	3,869	2,757	1,054	768	763	20,846
<b>Southwest Border Total Inadmissibles</b>		<b>20,529</b>	<b>16,151</b>	<b>15,175</b>	<b>10,892</b>	<b>4,807</b>	<b>4,404</b>	<b>4,651</b>	<b>76,609</b>

- CBP saw a 5 percent decrease in individuals apprehended along the Southwest border, as well as those found inadmissible at ports of entry on the Southwest border in April compared to the previous month. This also represents a 68 percent decrease over the same period last year.
- Based on historic trends, CBP expects a seasonal uptick in apprehensions and inadmissibles in the coming summer months.
- In April, a total of 11,129 individuals were apprehended between ports of entry on our Southwest border, compared with 12,193 in March and 18,754 in January. In Fiscal Year (FY) 2016, USBP apprehended 408,870 individuals along our Southwest border, compared to 331,333 in FY15, and 479,371 in FY14.
- In April, a total of 4,651 people presenting themselves at ports of entry on the Southwest border were deemed inadmissible compared to 4,404 in March and 4,807 in February. In FY 16, 150,825 were deemed inadmissible compared to 114,486 in FY15 and 90,601 in FY14.
- Since the Administration's implementation of Executive Orders to enforce immigration laws, the drop in apprehensions shows a marked change in trends.
- As directed in DHS Secretary Kelly's memoranda implementing the President's executive orders, CBP will remain committed to carrying out fair, impartial and humane enforcement of the nation's immigration laws. CBP will remain vigilant to respond to any changes in trends, as numbers of illegal crossings typically increase between March and May.

## **Border Wall**

### *RFP/Procurement*

- In response to Executive Order 13767: Border Security and Immigration Enforcement Improvements, CBP is releasing two RFPs to acquire multiple conceptual wall design(s) with the intent to construct multiple prototype(s). Two RFPs will allow CBP to evaluate each design category independently allowing for the best concrete wall designs and the best alternative wall designs for award, construction and evaluation.
- One RFP solicits concepts for (b) (7)(E) wall designs and the other solicits alternative designs other than (b) (7)(E). Proposals that result from both RFPs must meet the minimum U.S. Border Patrol (USBP) requirements as stipulated in the Statements of Work.
- The number of proposals submitted is in the low 100s.
- Federal Acquisition Regulation (FAR) Subpart 15.505(f) prohibits us from releasing information regarding bidders and any materials submitted.
- Information about the number and identity of vendors/proposals is competition sensitive as we believe it could compromise the integrity of the procurement process or limit the

Government's ability to ensure we have the best possible proposals from participating vendors. Consequently, we do not make a list of vendors publicly available. Furthermore, the proposals themselves contain information that is proprietary to each vendor and we are legally obligated to protect that proprietary intellectual property. As a result, we cannot release the formal proposals.

- CBP anticipates awarding two firm fixed-price multiple award Indefinite Delivery Indefinite Quantity (IDIQ) contracts. An IDIQ is a contracting vehicle that affords the government flexibility in the provision of an indefinite quantity of supplies or services during a fixed period of time.
- The IDIQs will allow for future task-order awards as needed in the areas of wall construction or other tactical infrastructure required by the U.S. Border Patrol along the southwest border. However, the primary intent of the IDIQ contracts is to allow for evaluation of prototype designs from industry which could be used to meet Executive Order 13767.

#### *Prototypes*

- Prototyping is an industry-tested approach to define the best solution when considering a new product or methodology. Through the construction of prototypes, CBP will partner with industry to identify the best means and methods to construct border wall before making a more substantial investment in construction.
- CBP expects to award multiple contracts for prototype construction in summer 2017 with a 30-day period of performance from issuance of Notice to Proceed. The prototypes will inform the final design standard which will likely continue to evolve to meet USBP's requirements. Any and all prototypes will be designed to deter illegal entry into the United States.
- CBP anticipates constructing 4-8 prototypes in the San Diego Sector Area of Responsibility because of site accessibility to construct and the ability to evaluate wall as part of a larger, existing border infrastructure system. The site selection was based, in large measure, on considerations such as accessibility and the ability to evaluate wall as part of a larger, existing border security system.
- Prototypes will be asked to meet minimum specifications for border security. As a result, CBP anticipates that some border wall prototypes may remain in place after construction. However, final determinations will not be made until after prototype construction and evaluation has occurred.
- CBP is currently working to refine its prototype estimate. Regarding follow-on costs, CBP is currently working to refine its estimate for up to approximately [REDACTED] miles of wall being considered for initial rate construction. However, any more specific cost estimate information will be considered procurement sensitive.

### *Design*

- CBP will leverage the lessons learned from prototype construction to develop a standard border wall design for future construction as part of a border wall system. This standard will be developed collaboratively and will account for Administration priorities, USBP operational requirements, cost effectiveness, constructability and durability.
- Several criteria are considered to include anti-climb features, anti-breach, anti-dig, durability, constructability, aesthetics, and innovative design are all important considerations in choosing design.
- Each wall prototype will be 30 feet long and between approximately 18 and 30 feet high. CBP anticipates initial rate construction to begin subsequent to prototype construction and include up to approximately [REDACTED] additional miles of wall, subject to the availability of funding.

### *Environmental*

- CBP has worked with the U.S. Fish and Wildlife Service (FWS) on previous border infrastructure projects. These consultations resulted in the development of environmental best management practices which are implemented during project design and construction to reduce potential impacts on wildlife. For example, in order to address the needs and concerns of FWS, Bureau of Land Management, New Mexico Department of Game and Fish, and local ranchers, CBP designed and installed a “Game Friendly Fence,” or “game panel,” in the Normandy-style vehicle fence that was installed in the [REDACTED] (b) (7)(E) Area of Responsibility to keep cattle from moving north-south but allowing deer and other large ungulates safe unimpeded passage in key movement corridors.
- CBP is currently assessing its options with respect to environmental compliance for prototype construction. At this time, no decisions have been made as to whether CBP will follow the traditional NEPA process or request that the Secretary exercise his authority to waive certain legal requirements.
- DHS is committed to responsible environmental stewardship. Thus, as was the case with past projects covered by a waiver, DHS evaluated the potential impacts of the border infrastructure that is planned for the project area. Among other things, DHS performed and reviewed environmental surveys, coordinated with state and federal stakeholders, and analyzed potential impacts.
- DHS has concluded that the currently planned prototype project will not result in significant environmental impacts. As a result, for this particular project, DHS is not planning for mitigation. DHS’ commitment to responsible environmental stewardship will be carried forward with the construction of additional border infrastructure.

### *Land Use*

- CBP does not anticipate any additional land acquisition will be required to construct wall prototypes. However, until the solicitation process is complete and the prototypes have been selected, CBP cannot rule out the need to acquire additional property or land.

- At this early stage, DHS does not know whether it will need to acquire land through condemnation. It is always DHS' preference to acquire private property through voluntary sale. However, in situations where voluntary acquisition is not possible, DHS may have to consider acquisition through condemnation.

#### *Senator MacCaskill's Minority Report on Border Wall Cost Estimates*

- At this time, any estimates of the total border wall cost are premature as there are many variables that are currently unknown.
- All historical dollar amounts noted in CBP's briefing to the Hill are associated with costs for legacy fence, acquisitions, U.S. Army Corps of Engineer expenses, etc. from the 2008 time period at specific locations. Costs cannot, and should not be used to extrapolate future cost estimates for other locations.
- The \$<sup>(b) (5)</sup> billion highlighted in the FY 2018 Budget Blueprint is to assist CBP with a range of investments to support the implementation of the Executive Order on Border Security and Immigration Enforcement Improvements. This figure supports the high priority border security technology and tactical infrastructure, including funding to plan, design and construct the border wall. Specific details will accompany the release of the complete budget in mid-May.
- CBP is taking a measured approach based on the U.S. Border Patrol's operational requirements and partnering with industry to determine potential border barrier solutions. However, until prototypes are completed and evaluated and design determinations are made, CBP cannot provide a more detailed estimate of the total cost of border barrier system."

#### *Tohono O'odham Nation's Concerns*

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

### **Rio Grande Valley**

#### *Condemnation*

- A condemnation action is one in which the federal government literally sues the land; in fact the name (aka "style") of these cases are "United States vs. 1.23 acres situate in XYZ county of Texas." The nature of the matter is such that landowners are referred to as "interested

parties," because they are not being sued individually, their interest is in being justly compensated as an outcome of the lawsuit against the property.

- Condemnation at its essence is a three step process:
  - File a "Declaration of Taking" (DT): Once the DT is filed in federal court, and the monies representing the Government's estimate of just compensation are deposited - the Government owns title to the land.
  - Court Issues a "Possession Order": Issuance of a possession order gives the Government permission to use the property, i.e. fence could be constructed at that point - which is usually shortly after the DT is filed.
  - Court Renders a "Final Judgment": This is the final step, and it does not occur until all ownership issues are resolved and just compensation is determined. As stated, all of the final judgments issued to date have been the result of successful settlements with the landowners, not jury trials.

#### *Background on Condemnation during Pedestrian Fence 225 Project*

- In order to construct primary pedestrian fence along the southwest border through the Pedestrian Fence 225 (PF225) project, CBP had to execute approximately 400 land acquisitions. Of the 400 acquisitions, 330 condemnations were required.
- Texas' Rio Grande Valley Sector area of responsibility has had and will continue to have unique real estate acquisition challenges. In order to construct PF225 in RGV, CBP executed 280 land acquisitions, 273 of which required condemnation.
- Most cases in RGV were "adversarial" in that the government and the landowners could not reach agreement on just compensation during negotiations (105 cases) and others were "unopposed" in that the government and landowners reached agreement with respect to just compensation (168 cases), but condemnation was required to clear title issues associated with the property.
- To date, no condemnation actions have resulted in trials; all have been settled before the trial stage of the process was necessary.
- CBP already "owns" the properties over which "open" cases are being litigated. The ongoing litigation is to resolve ownership, just compensation, and what owners receive what portion of that just compensation.

#### *Complexity of Real Estate in RGV*

- There are distinct reasons why the RGV Sector of Texas carried the majority of the necessary acquisitions and subsequently most of the condemnations:
  - **No "Roosevelt Reservation"**: In the western states (CA, AZ & NM), the government was able to construct within a 60 foot proximity of the border due to a 1907 Executive Order known as the Roosevelt Reservation.
  - **Fence Swath North of the River**: For legal and practical reasons, the fence construction had occurred well north of the river in most instances to bring it out of the 100-year flood plain. This introduced the added complexity of the

- fence dividing peoples' property, as CBP decided early on not to acquire the thousands of acres of property left to the riverside of the fence. This was land that owners still derive economic use from, usually through farming. In turn, the government had to provide legal access to their "riverside remainder" property through a series of gates, and the government had to compensate owners for diminished value to their property. These factors associated with the thousands of acres of "riverside remainder" properties, "legal access" led to the "adversarial" nature of the real estate negotiations in many cases.
- **Public Landownership Records:** Unlike in the majority of the country, land records are notoriously deficient in the counties that make up RGV. Their record keeping system is antiquated, and when records are located by the U.S. Army Corps and contracted title companies have, they inevitably turn out not to be current and accurate. Therefore, the government has no choice but to use the condemnation process to resolve ownership, so the actual owners can receive their proper portion of the total amount of just compensation for the property.
  - **Compressed Timeframe:** Land acquisition for PF225 had a compressed timeframe during which land had to be acquired in order to meet the 12/31/2008 fence construction goal. Under normal circumstances, the government would have taken 2+ years up front to complete land surveys and the detailed investigatory work required to identify and locate unrecorded owners such as heirs of deceased owners whose estates were not properly probated. However, under the circumstances we were compelled to move forward and condemn the land and satisfactorily resolve "actual" ownership after the fact. In doing so, CBP negotiated with "apparent" landowners based on publically available records.

*Recent Declaration of Taking Filed in RGV*

- In January 2017, a letter was sent by the DOJ on behalf of CBP to a woman in Texas. The letter was misinterpreted as an expression of intent that the Government requires their land to construct the new "Border Wall."
- A recent news article in the Texas Observer reported that Ms. Yvette Salinas, a Texan whose ailing mother, Ms. Aurora Flores-Trigo, purportedly owns a small parcel of land with her siblings near the Rio Grande, was informed by the "Declaration of Taking" letter sent by DOJ that her 1.2 acres was worth \$2,900.
- In fact, the letter and accompanying documents (including a copy of a "Declaration of Taking") that Ms. Salinas received pertains to an older land condemnation case that is one of over 90 such cases remaining open and unresolved from the initial PF225 land acquisition effort that commenced in 2008. In other words, this issue concerns land acquisition for old fence, not new fence.
- This matter involves a condemnation action filed in the Southern District of Texas in 2008 for PF225. In this particular instance, fence was never constructed at this location. CBP

believes this contributed to Ms. Salinas' misunderstanding that it was a letter regarding new wall, because there is no standing fence here.

- This portion of planned PF225 fence is one of three fence segments known as segments (b) (7)(E) and (b) (7)(E) in RGV where there is no levee infrastructure. Therefore, the planned fence fell within the 100-year floodplain. By virtue of a 1970 Treaty with Mexico, any construction in the floodplain was precluded without Mexico's consent due to diversion of flood waters into Mexico when the Rio Grande River rises.
- Land acquisition efforts were subsequently paused and condemnation cases were "stayed" while CBP coordinated with U.S. International Boundary and Water Commission (IBWC) to establish a new fence alignment that would reduce flood water diversion to near zero. Although CBP later received IBWC concurrence, fence was never constructed in (b) (7)(E) because there was no funding available.
- As has been ongoing for the past several years, DOJ is attempting to resolve the condemnation cases still pending from 2008. To do so, the Government must do its due diligence to identify involved landowners. Identification of landowners in this region of the Texas has proven extremely difficult, as court-held property records have proven notoriously incomplete and incorrect.
- The property acquired by the Government that is at issue here are a perpetual road easement, a temporary access easement, a second temporary access easement, and a third temporary access easement. USACE originally believed this property was owned by the City of Roma and was one large tract. However, upon further research of property records it was found that the property was actually 25 separate parcels, owned by 52 individuals.
- The letter DOJ sent to Ms. Flores-Trigo was intended to (a) make initial contact with the landowner to let them know that they may have an interest in the case, and provide them with DOJ's contact information, (b) let them know that \$2,900 is adequate just compensation for the taking, (c) ask the landowner if they agreed with the government's proposed valuation, and (d) offer them an opportunity to disclaim if they wanted out of the case. These letters were dated January 12, 2017.
- Out of the 52 landowners that received the letter dated January 12, 2017, two landowners have signed Notice of Disclaimers. On January 27, 2017, DOJ sent the disclaimers to Ms. Flores-Trigo. Based upon the media reports, it appears that Ms. Flores-Trigo provided all the documents to her daughter, Ms. Salinas.
- In response to the obvious confusion this was creating between condemnation actions filed in 2008 and any possible future condemnation actions as part of the wall project, per our request, DOJ modified the template for these letters to clarify that the notice is not part of any new wall project and is related to condemnation actions filed in 2008.

- CBP conducts monthly conference calls involving DOJ, OCC, USACE, BPAM, and RGV Sector to continually update stakeholders on the status of the cases and next landowners to be identified. CBP will ensure all appropriate stakeholders are included on the monthly calls.