



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

JUL 02 2010

Mr. Edward Drusina, P.E.
Commissioner
United States Section, International Boundary
and Water Commission
The Commons, Building C, Suite 100
4171 N. Mesa Street
El Paso, TX 79902

Dear Commissioner Drusina:

Thank you for your May 14, 2010 letter regarding respective concerns along the Southern border. I sincerely appreciate your willingness to work with us on our proposed O-1, O-2, and O-3 fence segments. I understand that the May 13, 2010 meeting between U.S. Customs and Border Protection (CBP) and the U.S. International Boundary and Water Commission was productive. I am encouraged to hear you agree that the flood plain impacts, which are associated with our current proposed alignment for segment O-3, fall within the established tolerances relative to the 1970 U.S. and Mexico Treaty and that you will present the fence segment to the Mexico section of your organization in the near future.

I would like to reiterate how important the construction of these segments is to our Nation's security, to the safety of local communities, and to Border Patrol Agents. The proposed fence segment areas for O-1, O-2, and O-3 are currently subjected to extensive, illicit, cross-border activity, including illegal alien crossings, drug trafficking, and violent attacks. In Fiscal Year 2009, we made more than 1,400 apprehensions, seized approximately 25,000 pounds of marijuana, and were subjected to eight violent acts (six rock throwing, one physical assault, and one vehicular assault) in these areas. Of these violent acts, six resulted in lethal force and/or non-lethal force confrontations. In regard to the new fence alignments proposed for O-1 and O-2, we are currently evaluating the operational effectiveness and the potential impacts that each fence segment will have on the community. We will follow up with your staff shortly.

Thank you for your interest in U.S. Customs and Border Protection. Should you need additional assistance, please do not hesitate to contact my office at (b) (6), (b) (7)(C)

Sincerely,

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

Eugene H. Schied
Assistant Commissioner
Office of Administration

CORRESPONDENCE CONTROL SHEET

Thursday, May 27, 2010

CONTROL #: 20102421**WRITTEN:** 05/14/2010**FISCHE #:** -**RECEIVED:** 05/27/2010**DHS #:****DUE DATE:****TYPE:** Routine

06/11/2010

FROM: Drusina, Edward**TO:** Aguilar**COMPANY/AGENCY:** IBWC**CONSTITUENT:****CLOSED:**

SUBJECT: Thank you for meeting on May 13, 2010, on respective concerns along the southern border issues and looks forward to hearing back on all the matter discussed, particularly the location of the Border Fence in areas, O1, O2, and O3.

ACTION OFFICE: OA**RESPONDENT:** C2**REMARKS:** (MS) Tier 1 - see 20101270**CC:** OC



OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

May 14, 2010

The Honorable David V. Aguilar
Acting Deputy Commissioner
U.S. Department of Homeland Security
Washington, DC 20229

Dear Acting Commissioner Aguilar:

Thank you for having your staff take the time to meet with us regarding our respective concerns along the Southern border. While we each have separate missions, we are united in serving our country. The issues discussed at the meeting on May 13, 2010 involved several border issues but at the forefront was the location of the Border Fence in areas O1, O2, and O3. We are very encouraged at your acceptance of our proposed alternative. This site that is largely in the flood plain, certainly is a challenge but placement of the Border Fence along the flood plain limits, as we suggested, appears to accomplish your objective in some areas and at the same time removes the 1970 United States and Mexico Treaty from this matter.

The Treaty is clear regarding obstructions and deflections in the flood way. The areas that do impact the flood way and are outside the established tolerances, remain unacceptable. Those that do fall within the tolerance, will be presented to Mexico in an informal manner expressing our keen interest in moving forward.

We look forward to hearing back from your staff on all of the matters discussed but particularly to our proposed solution in this area of the border. My staff will be following up with your staff over the next few weeks in order to keep this process moving in a positive direction. We hope that in this time frame as we jointly review the alternative and discuss matters with Mexico we can find some if not a complete solution to the issue we are addressing.

(b) (6)

Edward Drusina, P.E.
Commissioner

Cc: (b) (6), (b) (7)(C) DHS
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MAY 26 PM 1:36