

**RIO GRANDE VALLEY SEGMENTS O-1 THROUGH O-3**

PF225 segments O-1, O-2 and O-3 are located at the western region of the Rio Grande Valley sector and account for approximately (b) (7)(E) of fence and represent Border Patrol's highest operational priority for the remaining fence segments to have construction contracts awarded. Unlike most of Texas, there are no U.S. International Boundary Water Commission (USIBWC) levees along these segments. All but approximately (b) (7)(E) of the fence associated with these segments are required to be installed in the Rio Grande River floodplain to be operationally effective. Locating these fence segments outside the floodplain limits would result in a significant number of businesses and residences being south of the fence.

To date, CBP/SBI have been unable to convince the USIBWC that permanent pedestrian fence will have a negligible effect on the floodplain despite the U.S. Army Corps of Engineers' (USACE) conclusion of no substantive impact. USACE developed a (b) (7)(E) bollard fence design. USIBWC had verbally indicated that they would allow the (b) (7)(E) (b) (7)(E) bollard fence design to be installed in the floodplain but the terms and conditions associated with their approval are too onerous and expensive to make this alternative viable.

Since January 2008, USACE has modeled the fence impacts on the Rio Grande River using USIBWC's updated hydraulic model for five different scenarios in an attempt to appease USIBWC concerns. The most recent modeling was completed in May 2008 and concluded that: water surface elevation impact would range from 0.26 foot decrease to 0.25 foot increase; and the maximum increase in water deflection to the Mexican side of the river would be approximately 7.1 percent with no increase in water surface elevation or surface coverage on Mexican land.

On August 19, 2008, SBI Tactical Infrastructure held a conference call with USIBWC Deputy Commissioner Riera. The following was shared:

- USIBWC Deputy Commissioner informed SBI that Department of State's (DOS) Office of Mexican Affairs Desk Chief had "encouraged" them to not to agree to building these segments in the floodplain.
- As of August 19, 2008, neither the Assistant Secretary (A/S), Western Hemisphere Affairs (WHA) nor the Deputy A/S, WHA had been briefed about the O-1, O-2 and O-3 segment issues.
- SBI TI advised the USIBWC Deputy Commissioner that CBP Commissioner Basham would most likely place a call to A/S (b) (6), (b) (7)(C) or Deputy A/S (b) (6), (b) (7)(C) in the near future to discuss these segment issues with one or both of them. SBI TI confirmed for the USIBWC Deputy Commissioner that the O-1, O-2 and O-3 segments were high priority segments for Border Patrol.
- USIBWC Deputy Commissioner indicated they would notify DOS regarding the upcoming call.

USIBWC's primary reason for not approving the fence installation is their belief that their "one-dimensional" hydraulic model does not adequately account for "two-dimensional" flow through the bollard fence. Despite the fact that the majority of fence will be installed parallel to the river flow, they are concerned that debris will build up on the fence and cause floodplain impacts not currently being predicated by their hydraulic model. We disagree that debris will build up on the fence parallel to the river flow as we believe the river flow will have a self-cleaning, flushing affect.

There is a section of proposed fence in segment O-3 that would be perpendicular to the river flow in a major flood event. Our modeling efforts, which showed negligible impacts, did assume this section of fence would collect debris and be completely impermeable to flow during a flood event.

Recommendations:

Based on the 1970 Treaty, IBWC will be able to prevent CBP from building any tactical infrastructure within Segments O-1 through O-3 and therefore it is recommended that all Real Estate purchases be terminated immediately. Additionally, SBI would request that a decision be made to exercise the building of contingency mileage in the El Centro Sector (Segment B-5A .)

Agree: \_\_\_\_\_

Disagree: \_\_\_\_\_

Let's Discuss: \_\_\_\_\_