

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

**Talking Points**

- 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 in the Rio Grande Valley Sector to have construction contracts awarded.
- The fence associated with these segments will require installation in the Rio Grande River flood plain in order for CBP to be operationally effective at securing the border.
- Locating these fence segments outside the floodplain limits would result in a significant number of businesses and residences being south of the fence. Additionally, if the fence was constructed further inland from the current lay down an additional vulnerability would be created by providing the criminal element the opportunity to exploit current egress routes. These egress routes are state highways and roadways that would be located on the river side of the fence negating the persistent impedance of the fence.
- In segment O-1, under the current fence lay down, there is (b) (7)(E) that would be located outside (north) of the existing floodplain. However, to build (b) (7)(E) of the (b) (7)(E) segment would provide little to no persistent impedance or operational benefit. Additionally, in segment O-2, there are (b) (7)(E) (b) (7)(E) that are located outside of the flood plain. Again, to construct (b) (7)(E) small, separate sections of fence throughout an (b) (7)(E) segment would provide little to no persistent impedance or operational benefit.
- 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.
- 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.
- Additionally, USACE developed a (b) (7)(E) bollard fence design. USIBWC had verbally indicated that they would allow the (b) (7)(E) bollard fence design to be installed in the flood plain but the

associated with their approval are too onerous and expensive to make this alternative viable.

- Conference call on August 14, 2008 between IBWC and SBI-TI Commissioner Marin informed SBI-TI that IBWC would not approve this construction in the flood plain.
- 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 with CBP to build these segments in the flood plains.
  - 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 DOS in the near future to discuss these segment issues.
  - SBI TI confirmed at the request of USIBWC Deputy Commissioner Riera that Segments O-1, O-2 and O-3 were high priority segments for Border Patrol.
  - USIBWC Deputy Commissioner indicated they would notify DOS regarding an upcoming call.
- Commissioner Marin shared with SBI-TI that due to the recent flooding in Nogales, that he was unable to approve any building in the flood plains and he indicated he was already receiving pressure from DOS on other segments he had already agreed to work with CBP on.
- USIBWC’s primary reason for not approving the fence installation is their belief that the “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 flood plain 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

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impacts, did assume this section of fence would collect debris and be completely impermeable to flow during a flood event.

- Commissioner Marin is preparing a letter to send to CBP regarding this issue. We expect to receive a draft of the letter this week.

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