

OBP PMO Tactical Infrastructure White Paper
May 31, 2010

Background:

- The Office of Administration’s (OA) Facilities Management and Engineering (FM&E) Directorate will provide a monthly Tactical Infrastructure (TI) Program report, to include the following topics, as applicable: status of current TI projects and related initiatives, future TI planning, legal updates, the status of TI funds, and other emergent issues. This requirement replaces prior monthly TI briefings to the Customs and Border Protection (CBP) Commissioner.
- The following is the May 2010 TI Program deliverable, which addresses current fence mileage, Comprehensive TI Maintenance and Repair contract status, and issues associated with fence segments in Starr County Texas. The paper has been cleared by the CBP Offices of Border Patrol and Chief Counsel, as well as State and Local.

PF Segments Left to Construct

Location	Seg #	Seg ID	Length (miles)	Status	Target Fence Comp Date
El Paso	(b) (7)(E), (b) (5)				
Del Rio					
RGV					
RGV					
RGV					
TOTAL					

Fence Segments O-1 through O-3 Starr County, Texas:

- A meeting between CBP, the U.S. Section of the International Boundary and Water Commission (USIBWC) and the Department of State (DoS) was held on May 13, 2010 to discuss the possibility of a unilateral decision to allow us to build.
- A summary of the meeting outcomes are as follows:
 - Segment O-1 - USIBWC proposed that CBP move the fence alignment north to the edge of the flood plain to avoid having to obtain approval from the *Comisión Internacional de Límites y Aguas* (CILA). The realignment would require a larger real estate footprint and put the fence north of a water treatment plant but operationally it appears to be a viable option. CBP agreed to review the new alignment proposal and the U.S. Army Corps of Engineers (USACE) will be tasked with running another hydrology study. The Office of Border Patrol and Rio Grande Valley Border Patrol Sector will also need to weigh in.
 - Segment O-2 – USIBWC had the same issues on this segment as O-1. However, in this case realignment would put a good portion of the community south of the fence including a school and dozens of homes. Facilities Management and Engineering (FM&E)

Executive Director (b) (6), (b) (7)(C) took part in this discussion and informed USIBWC that this was not a viable option. USACE modeling shows the sheet flow impact at less than an inch. No concurrence or non-concurrence was given on the segment.

- Segment O-3 – Commissioner Drusina concurred with CBP’s modeling and stated that he would be willing to take it to CILA for discussion.

Fence Segment K-5A, El Paso, Texas:

- USIBWC notified FM&E on March 22, 2010 that the K-5A pedestrian fence segment (approximately (b) (7)(E)) completed on the north side of IBWC's levee and in proximity to the Ft. Hancock Border Patrol Station conflicts with flood protection improvements IBWC plans to construct to their levee. Since that time, CBP and IBWC have worked closely at the staff level to find a resolution. Consequently, IBWC is revising their flood protection improvement design to install a new flood wall on the south side of the levee. It should not impact CBP’s tactical infrastructure but IBWC have agreed to provide us a courtesy set of plans once available so CBP can confirm no impacts.

Fence Segment M-2C, Del Rio, Texas:

- M-2C: USACE PM reported that USIBWC is voicing concerns that (b) (7)(E) of M-2A and (b) (7)(E) of M-2B fence alignment were not approved by IBWC. FM&E BPFTI PMO’s Chief Engineer attended meeting with IBWC where IBWC personnel verbally confirmed former Commissioner Marin’s intent to sign a unilateral decision letter approving these fence segments. This topic was also discussed at the May 13, 2010 meeting with USIBWC at which time USIBWC and CBP agreed to continue collaborating to find a solution.

Fence Segment O-19, Rio Grande Valley, Texas:

- O-19: Fence completed with exception of (b) (7)(E) to the Gateway POE pending engineering study/report of structural integrity of IBWC-owned levee wall. This work will now be completed as component of O-20.

Comprehensive Tactical Infrastructure Maintenance and Repair (CTIMR):

- FM&E, working in coordination with Procurement, is staggering the release of the four Requests for Proposal for CTIMR.
- Dates of note:
 - FM&E received proposals for all four RFPs by April 2010.
 - FM&E set up Technical Evaluation Teams to evaluate proposals for all four RFPs. The Technical Evaluation Teams are represented by Tactical Infrastructure, Border Patrol and FM&E Facilities
 - FM&E has completed all the Technical Evaluations, as of 20 May 2010, and the Technical Evaluations are being reviewed by Procurement and Legal.
 - CBP is still on track to award all contracts by the third and fourth quarters of fiscal year 2010.

Environmental:

- CBP and U.S. Department of Interior (DOI) signed a Memorandum of Agreement (MOA) in January 2009 that committed CBP to fund up to \$50M for mitigation of unavoidable adverse impacts to DOI resources due to the construction of tactical infrastructure. CBP and DOI have informally agreed on the Inter Agency Agreement (IAA) language and DOI submitted a

list or 29 prioritized projects to CBP on March 26, 2010 for funding. The IAA package has been completed and was submitted to CBP procurement for the first increment of funding for non land acquisition projects valued at (b) (5) to be provided to DOI in June 2010. A majority of DOI recommended mitigation projects (about (b) (5) out of (b) (5)) are for acquisition of land as compensation for lost habitat. However, CBP does not have authority under the Economy Act to fund DOI land acquisition for purposes of environmental mitigation. CBP needs legislation to give CBP this authority. CBP briefed Appropriations Committees staffs on April 22, 2010 and the legislative language should be included in the FY11 DHS Appropriations. CBP and DOI have discussed the possibility of using some third party land acquisition under existing authorities in addition to specific legislative authority for land acquisition.