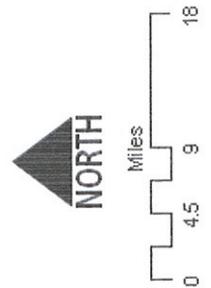
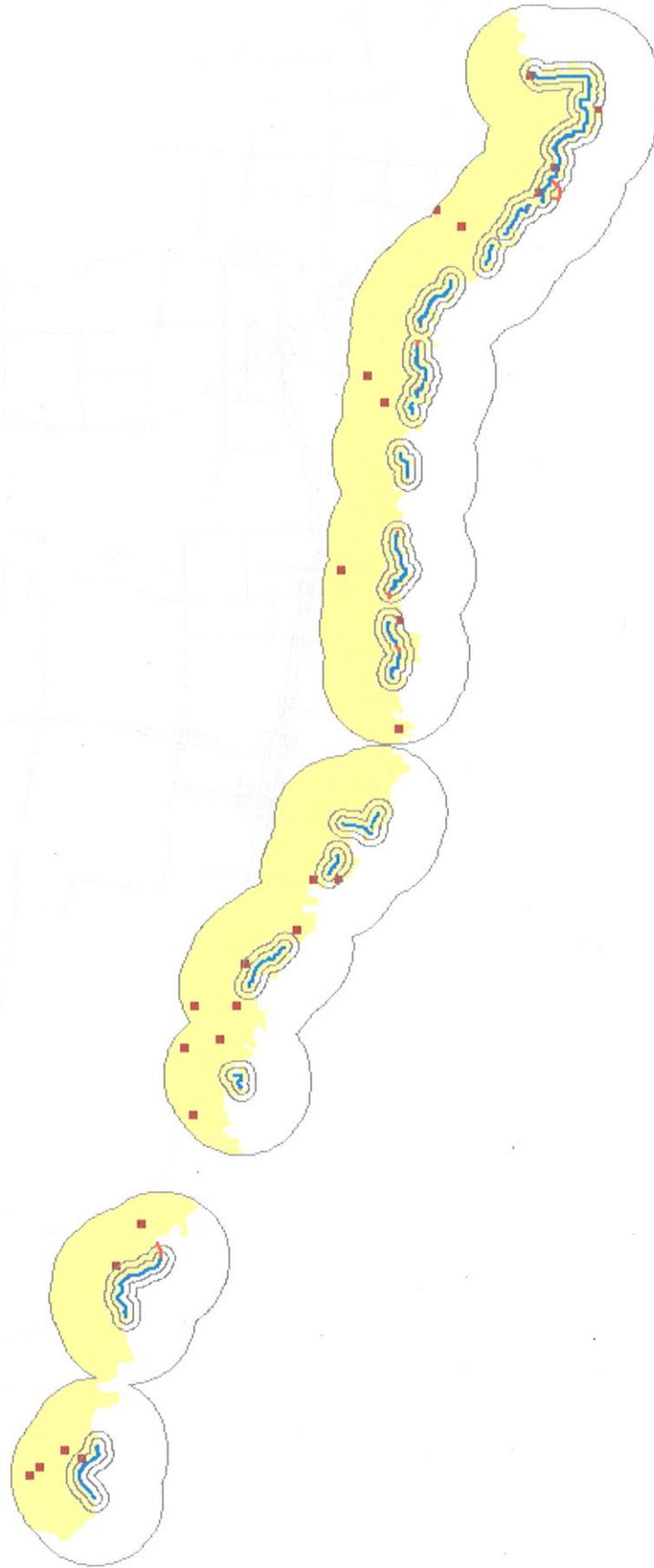


GISST Federally Listed Species Score for Routes A & B Buffered

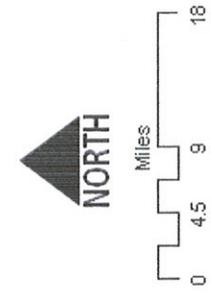
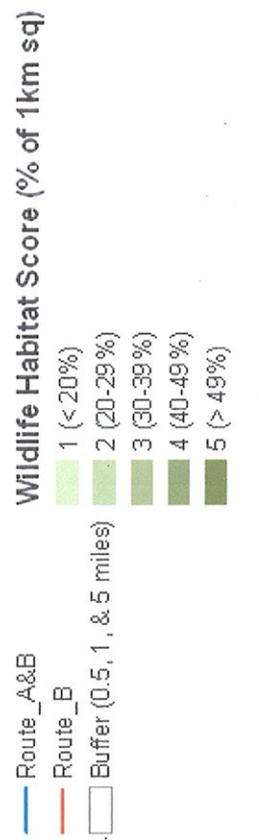
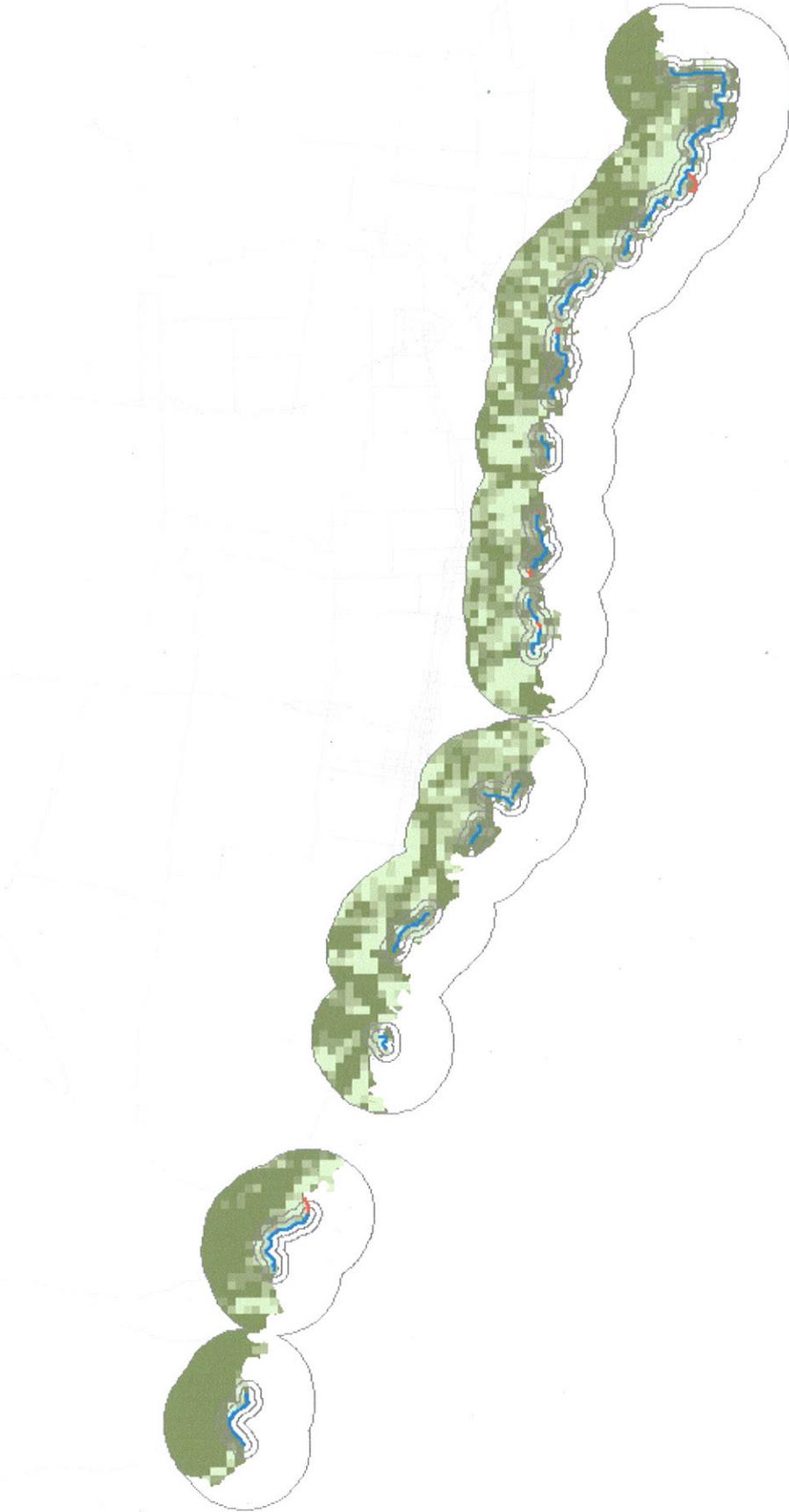


Route_A&B
Route_B
Buffer (0.5, 1, & 5 miles)

Federally Listed Species
1 (absent)
5 (present)

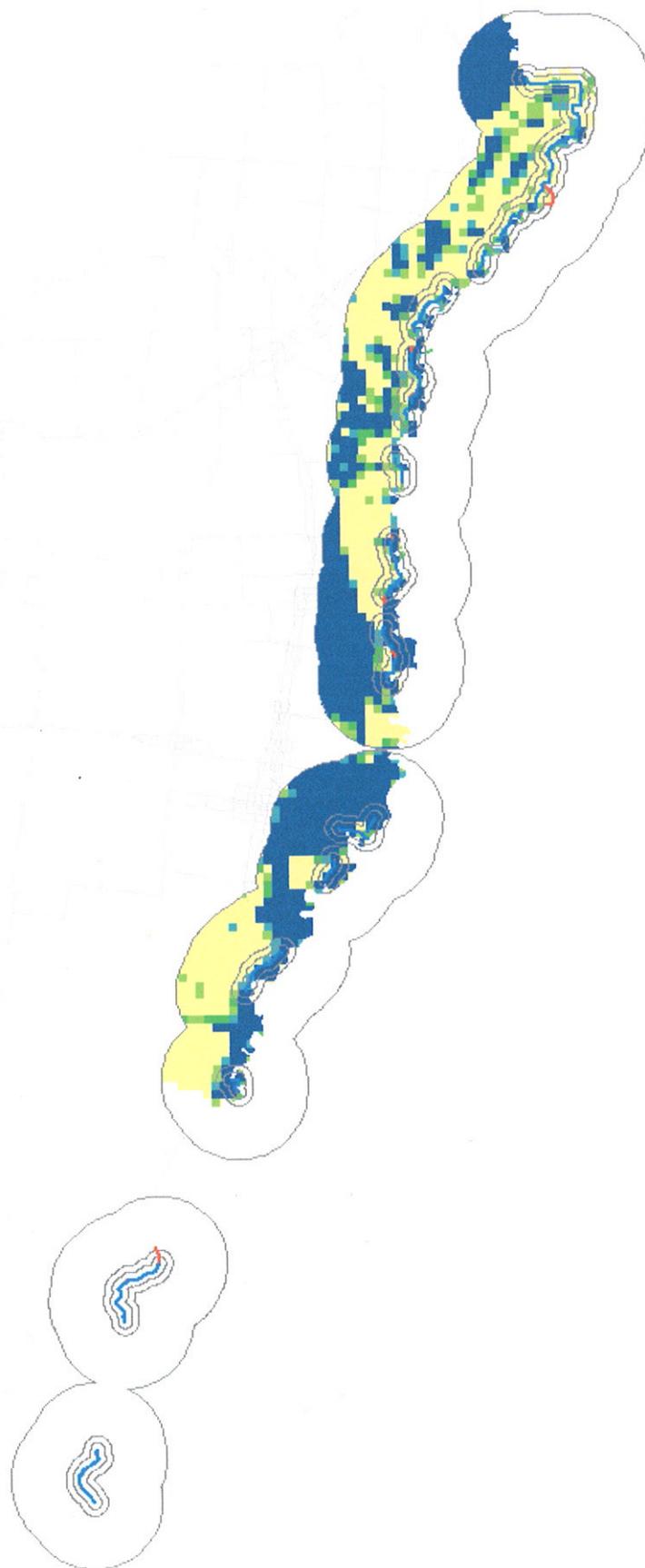

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US EPA
17 Dec 2007

GISST Wildlife Habitat Score for Routes A & B Buffered



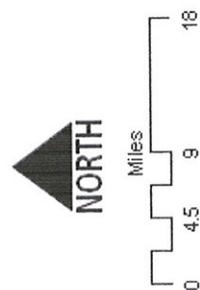

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GISST Floodplain Score for Routes A & B Buffered



Floodplain Score (% in 1 km square)

- Route_A&B
- Route_B
- Buffer (0.5, 1, & 5 miles)



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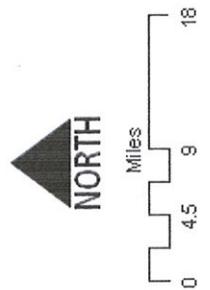


GISST Public Lands Score for Routes A & B Buffered



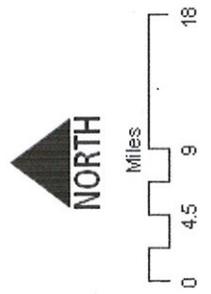
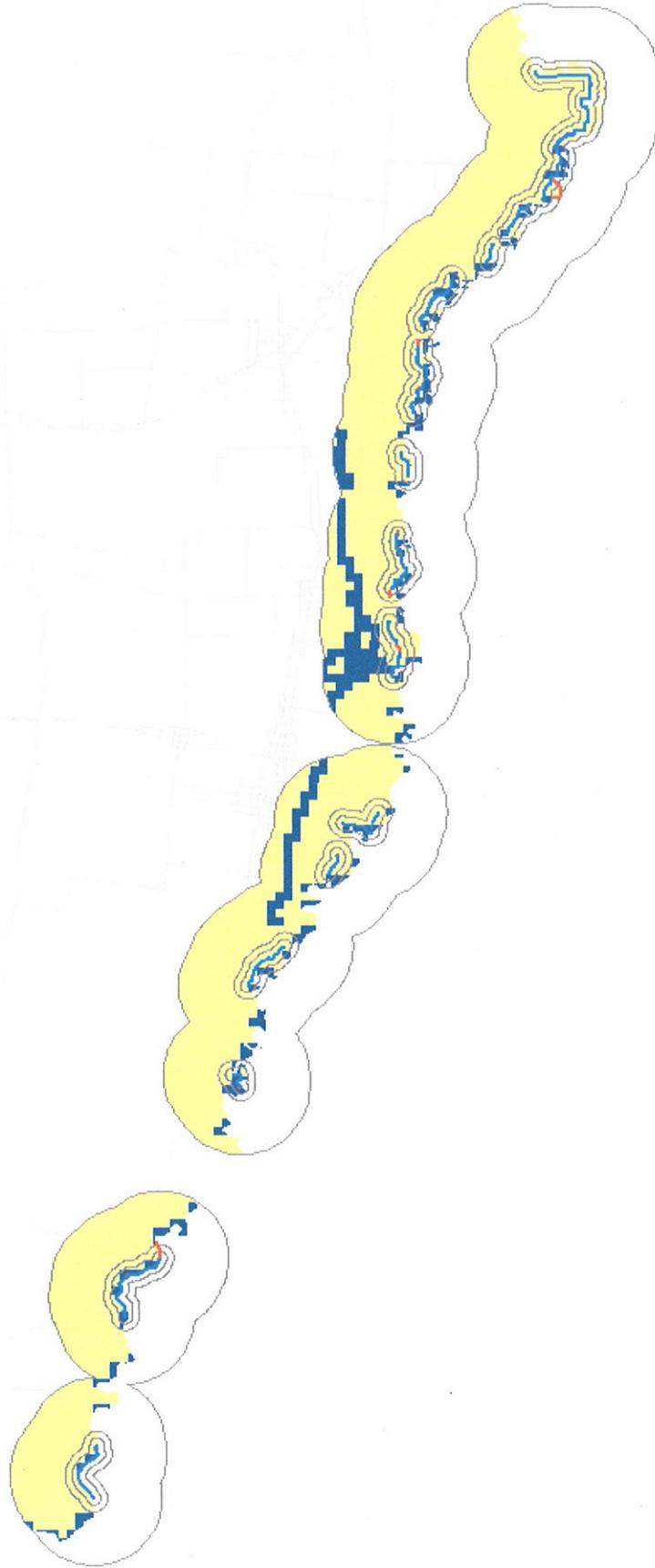
Route_A&B
Route_B
Buffer (0.5, 1, & 5 miles)

Public Lands Score
1 (absent)
5 (present)




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17 Dec 2007

GISST Impaired Water Segment Score for Routes A & B Buffered



Impaired Stream Segments (CWA 303d)

- Route_A&B
- Route_B
- Buffer (0.5, 1, & 5 miles)
- 1 (absent)
- 5 (present)



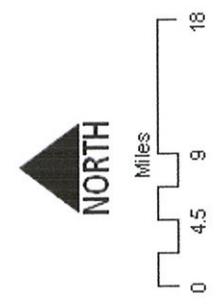
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GISST Stream Density Score for Routes A & B Buffered



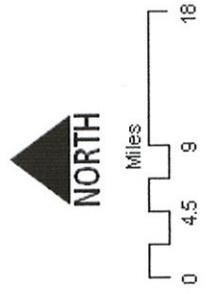
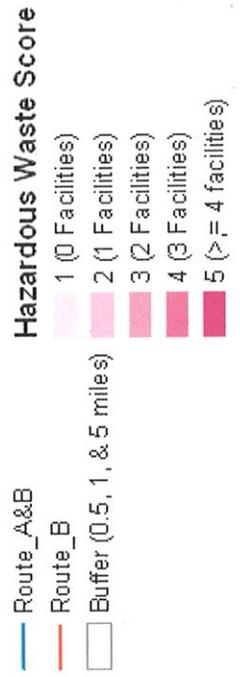
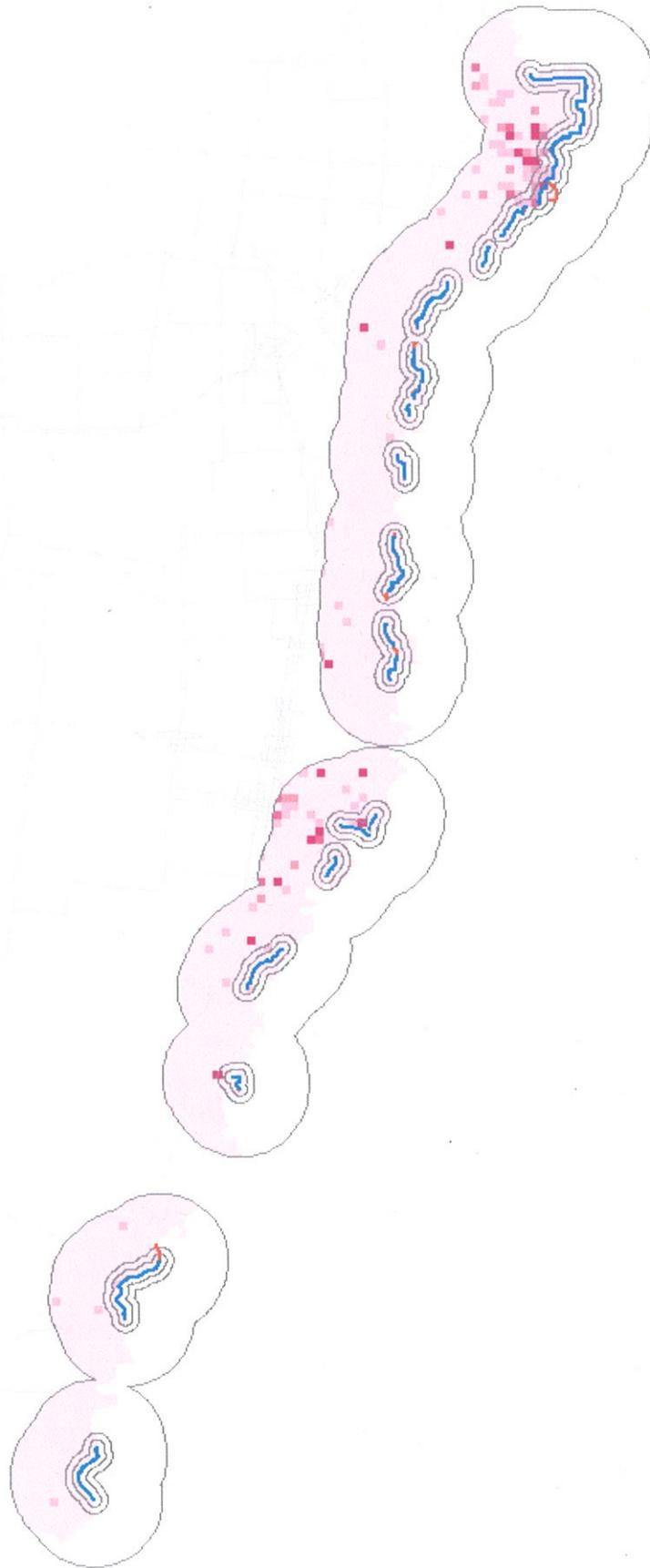
Route_A&B
Route_B
Buffer (0.5, 1, & 5 miles)

Stream Density Score
 1 (fewer # of stream miles per sq. mi)
 2
 3
 4
 5 (greater # of stream miles per sq. mi)



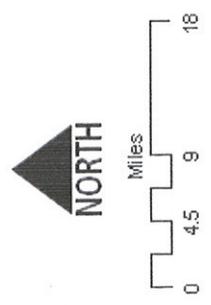
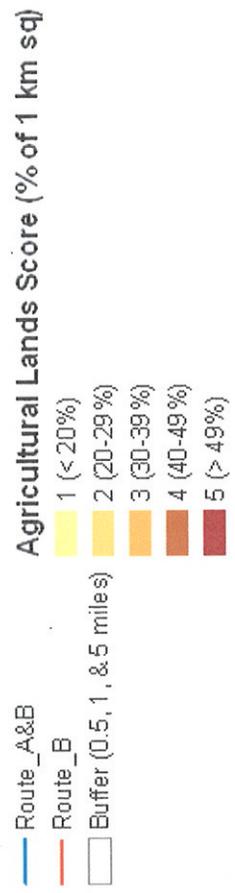
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 US EPA
 17 Dec 2007

GISST Hazardous Waste Score for Routes A & B Buffered



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 17 Dec 2007

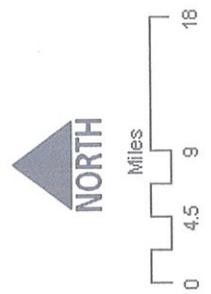
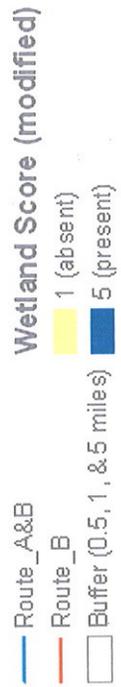
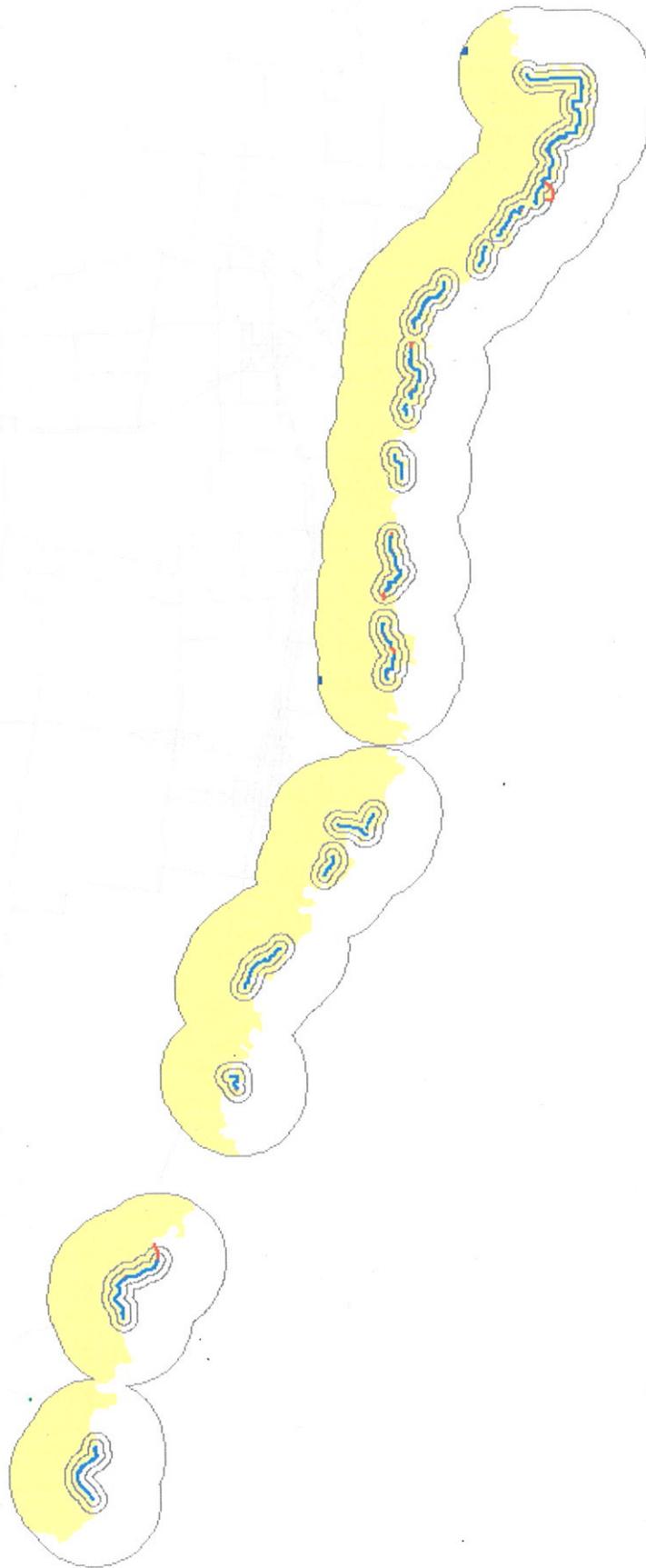
GISST Agricultural Lands Score for Routes A & B Buffered



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US EPA
17 Dec 2007

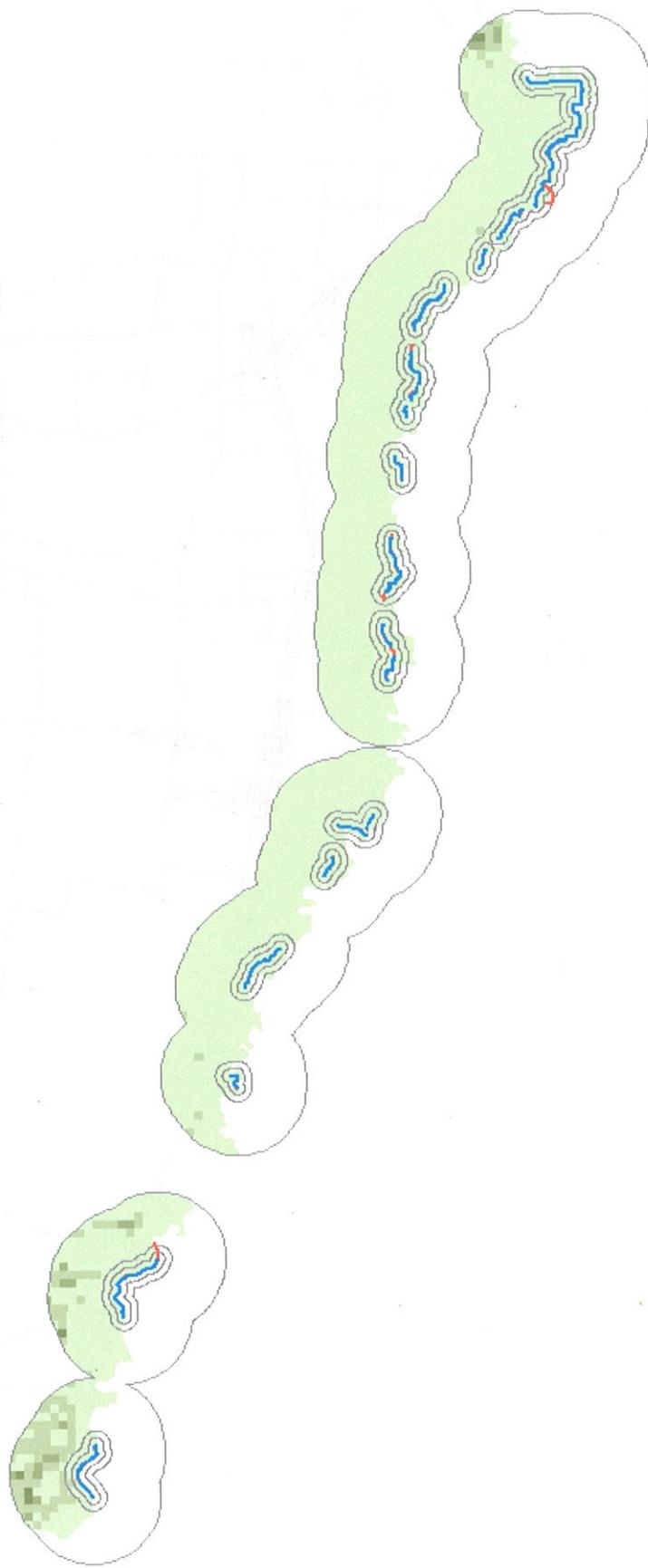


GISST Wetland Score (modified) for Routes A & B Buffered.



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US EPA
17 Dec 2007

GISST TEAP Sustainability Score for Routes A & B Buffered.

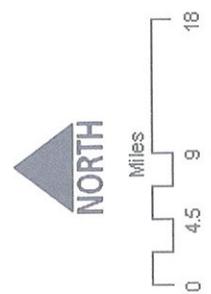


Route_A&B
Route_B
Buffer (0.5, 1, & 5 miles)

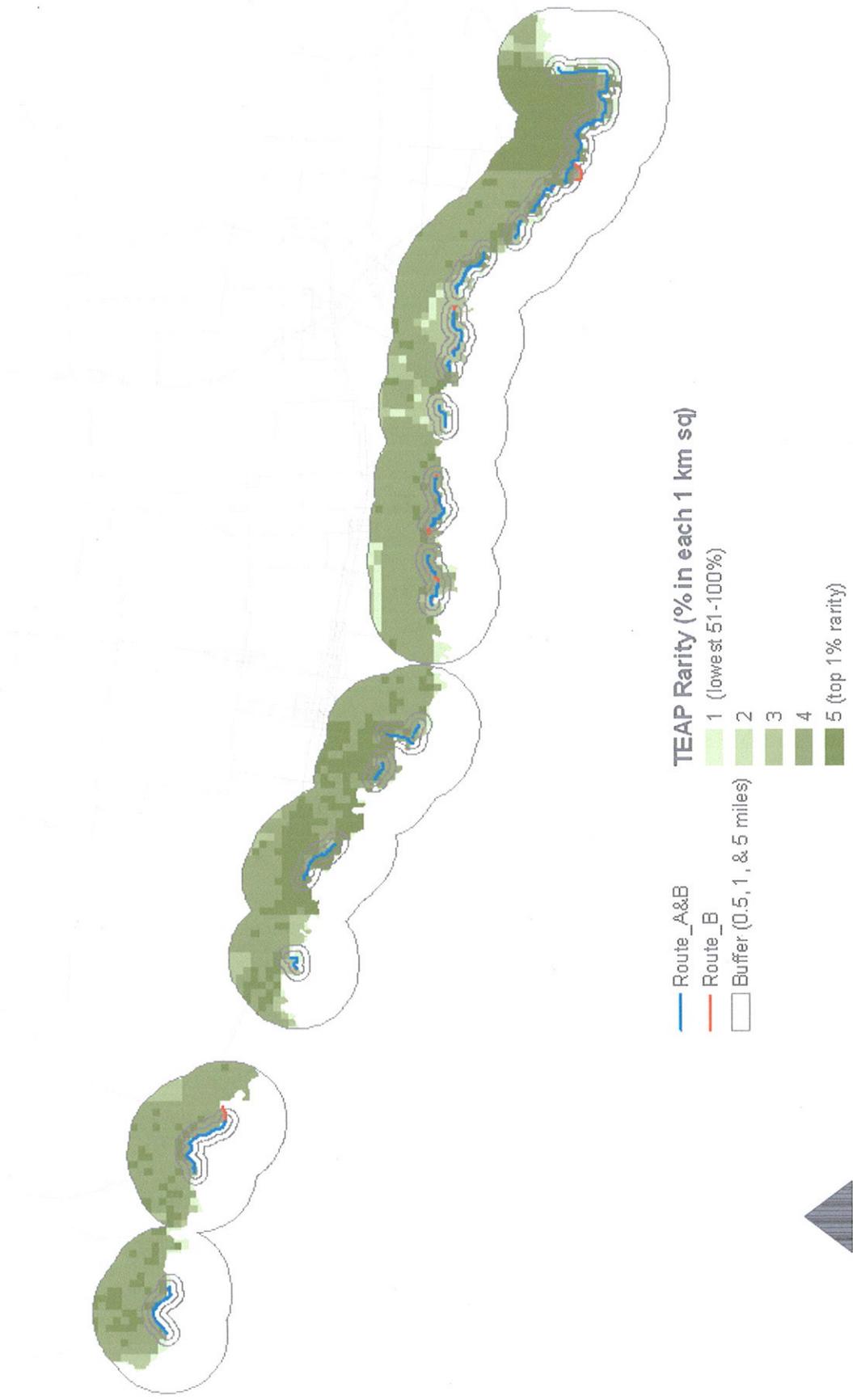
TEAP Sustainability (% in each 1 km sq)

- 1 (lowest 51-100%)
- 2
- 3
- 4 (2-10% most sustainable polygons in ecoregion)

Top 1% most sustainable polygons exist
in other locations in this ecoregion)



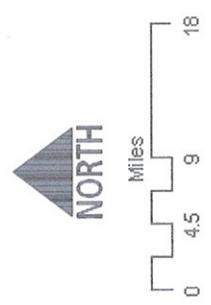
GISST TEAP Rarity Score for Routes A & B Buffered.



— Route_A&B
— Route_B
 Buffer (0.5, 1, & 5 miles)

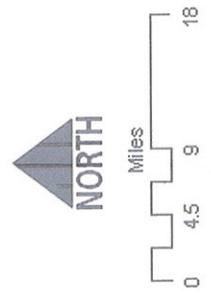
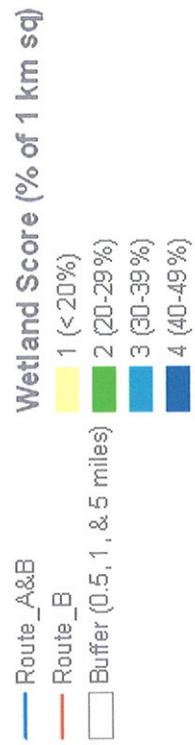
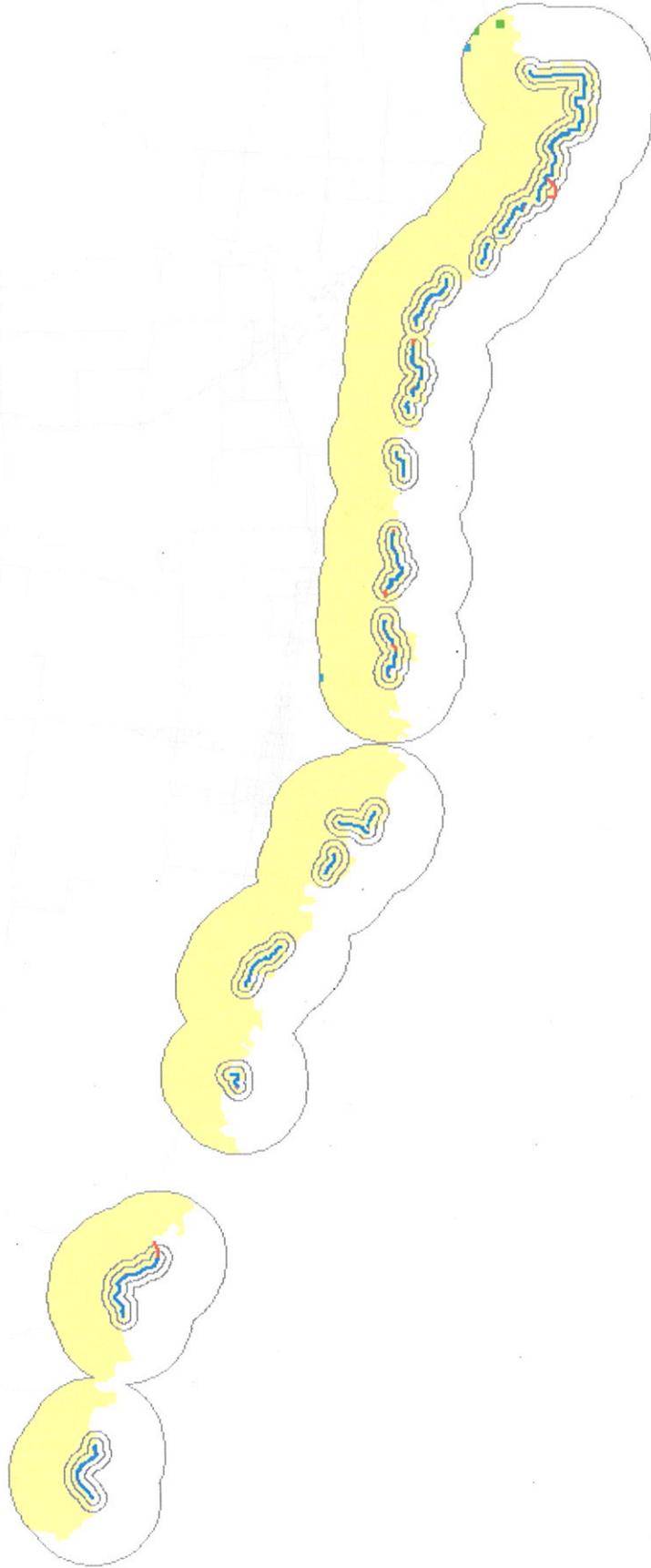
TEAP Rarity (% in each 1 km sq)

1	1 (lowest 51-100%)
2	2
3	3
4	4
5	5 (top 1% rarity)




 S. Osowski, Ph.D.
 US EPA
 17 Dec 2007

GISST Wetland Score for Routes A & B Buffered.





OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

December 19, 2007

Rio Grande Valley Tactical Infrastructure EIS
c/o e2M
2751 Prosperity Avenue, Suite 200
Fairfax, Virginia 22031

To Whom It May Concern:

Thank you for the opportunity to review the Draft Environmental Impact Statement for Construction, Maintenance, and Operation of Tactical Infrastructure Rio Grande Valley Sector, Texas.

Listed below are United States Section, International Boundary and Water Commission (USIBWC) general comments:

1. Make a global change in the document to refer to this agency as the United States Section, International Boundary and Water Commission (USIBWC) instead of "IBWC".
2. The draft EIS does not mention the current and planned USIBWC levee improvements in the Lower Rio Grande Flood Control Project.
3. Regarding comment #2 above, the proposed fence construction and the USIBWC levee construction schedules may overlap in certain areas. Coordination among Border Patrol and USIBWC, and more importantly the construction contractors, will need to occur in order to avoid unnecessary delays including levee road closures, heavy equipment traffic congestion, and other safety considerations if two separate constructions crews are working on both projects at the same location.
4. The document indicates that the fence will be constructed along the "IBWC ROW"; however no specific information is provided on the exact location, i.e. landside, top of levee, or riverside.
5. The proposed alignment of fence segment number O-6 near the Historic Pumphouse and intake channel, does not take into consideration the current design of the new USIBWC levee segment crossing the intake channel.
6. Border Patrol contractors need to be aware of permitting requirements for access on USIBWC property. In particular, the contractors need to obtain USIBWC Archaeological Resources Protection Act (ARPA) permits for any archaeological investigations on USIBWC property as per USIBWC regulations *Protection of Archaeological Resources, 22 CFR 1104*. They are not supposed to conduct investigations without an ARPA permit from the USIBWC.
7. Fence design does not consider accommodations for wildlife passage. Need to consider the impacts of the fence on the USIBWC "cat corridor" as required in the USFWS Biological Opinion.
8. Falcon Field Office personnel require access to the Rio Grande to maintain equipment, perform flow measurements, and collect water samples at the proposed locations of the

The Commons, Building C, Suite 310 • 4171 N. Mesa Street • El Paso, Texas 79902
(915) 832-4100 • (FAX) (915) 832-4190 • <http://www.ibwc.state.gov>

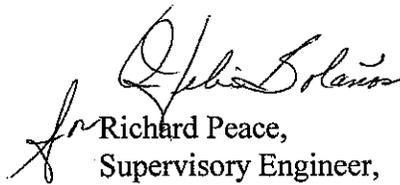
border fence at Rio Grande City, Roma, and Fronton. USIBWC's flood control obligations should not be compromised and construction of the fence should take into consideration our operations and maintenance practices at the levee, floodplain, and river. Please provide access to the levees, floodplain, and Rio Grande to the USIBWC personnel, vehicles, and large operating equipment.

Listed below are specific comments:

9. Page 1-6, Table 1-1: Include the USIBWC as a coordinating agency.
10. Page 3-20, Line 33: Instead of 180 miles, it should state 270 miles of levee on the U.S. side.
11. Page 3-24, Lines 12-15: Referring to Route A, "These proposed fence sections would follow either privately owned or the IBWC levee system....," Route A follow only USIBWC levee. Route B is the one that follows the private levee. Please correct.
12. Page 4-18, Line 5: The segment along the private levee is not outside the Rio Grande floodplain.
13. Page 4-20, Line 7: Same as previous comment. The segment along the private levee is not outside the Rio Grande floodplain.

If you need additional information, please do not hesitate to call me at 915- 832-4158.

Sincerely,



Richard Peace,
Supervisory Engineer,
Operations and Maintenance Division



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



DEC 28 2007

ER 07/1006
File 9043.1

Rio Grande Valley Tactical Infrastructure EIS
c/o e²M
2751 Prosperity Avenue, Suite 200
Fairfax, Virginia 22031

Subject: Review of Draft Environmental Impact Statement (DEIS) for Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Border Patrol, Rio Grande Valley Sector, Texas

Dear Sir/Madam:

U.S. Department of the Interior has reviewed the U.S. Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), U.S. Border Patrol's (USBP) DEIS for the proposed Construction, Maintenance and Operation of Tactical Infrastructure, Rio Grande Valley Sector, Texas, dated November 2007. Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., CBP has identified and assessed the potential impacts associated with the proposed construction, maintenance, and operation of tactical infrastructure, to include pedestrian fence, access roads, and patrol roads, along approximately 70 miles of the United States/Mexico border. Final decisions on fence locations have not been made. The proposed action would be implemented in 21 discrete sections, each section ranging from approximately 1 mile to more than 13 miles in length. The purpose of the project is to provide increased border security. The preferred alternative project site is located in the southernmost portions of Starr, Hidalgo and Cameron Counties, Texas.

The proposed project would directly affect a 60-foot-wide corridor that would include fences and patrol roads. A total of approximately 508 acres would be impacted by the construction of this tactical infrastructure. Areas that would be directly impacted include approximately 125 acres of urban and agricultural land, 200 acres of non-native grasses and herbaceous vegetation, 129 acres of thorn-scrub shrubland and woodland habitat, and 50 acres of floodplain shrubland, woodland and forest habitat. Some tracts of the Lower Rio Grande Valley National Wildlife Refuge (LRGV NWR) would be directly impacted. The construction of the proposed infrastructure will also impact wetlands and waters of the United States, but the amount of anticipated impacts is not clearly stated in the DEIS.

Importance and Mission of the Lower Rio Grande Valley National Wildlife Refuge

The primary wildlife conservation strategy for the LRGV NWR is the creation of a wildlife corridor that links numerous isolated habitat fragments. The LRGV NWR currently manages 113 individual tracts totaling 88,044 acres and is authorized to purchase additional lands, up to 132,500 total acres, in Cameron, Willacy, Hidalgo and Starr Counties of South Texas.

The protected lands of the LRGV NWR are considered to have some of the highest biological diversity in the continental United States. The LRGV NWR manages habitats supporting 516 bird species (more than half of the species found in the United States and Canada), 300 butterfly species, 115 reptile and amphibian species, and 83 mammal species in the Lower Rio Grande Valley and adjacent Gulf of Mexico coastal waters. Presently, 776 plant species are documented on the LRGV NWR, but an estimate of the total number of plant species occurring within acquisition boundaries is roughly 1,200 species. This tremendous biodiversity results in part from four converging climates (tropical, coastal, temperate and desert) and the funneling of two migratory flyways (the Central and the Mississippi).

When the refuge project began in 1979, 95 percent of the Lower Rio Grande Valley's unique habitat had been eliminated, primarily for agriculture. Land acquisition for LRGV NWR began in 1980 and has included the purchase of existing habitat, as well as strategically located farmland. The U.S. Fish and Wildlife Service has worked for more than 25 years (at an estimated cost of \$80 million) along the border to maintain and manage the refuge complex and build additional endangered cat/wildlife corridors through consultation with the International Boundary and Water Commission and partnerships with private landowners. The proposed fence could significantly lessen the success of these efforts. The LRGV NWR prioritizes acquisition of lands along the Rio Grande extending 275 river miles from Falcon Dam to Boca Chica. When possible, parcels are secured that will serve as links connecting separate LRGV NWR tracts (the analogy being that of a chain which, when even a single link is missing, does not function); inholdings are purchased when possible. Areas that have unique or notable resources, or on which endangered species are known to occur, receive priority for acquisition. The LRGV NWR has developed an extensive cooperative farming and revegetation program that restores between 750 and 1,000 acres of farmland per year to native habitat. This creates additional wildlife habitat and alleviates habitat fragmentation.

This wildlife corridor, of which LRGV NWR is a portion, includes the Lower Rio Grande Valley and adjacent upland regions. The Laguna Atascosa National Wildlife Refuge and the great Texas ranch country with large blocks of intact habitat are located to the north. Directly to the south in Mexico are ecologically valuable areas such as the Laguna Madre of Tamaulipas and the Sierra de Picachos in Nuevo Leon that are receiving focused conservation attention from the Mexican Government and a number of interested Mexican and United States organizations. More than 25 years into the LRGV NWR project, the FWS is seeing great returns on its investment. The earliest restoration efforts have matured to produce habitats that are harboring species of plants and animals that can be seen nowhere else in the United States. The proposed border project has potential direct and indirect impacts that would affect the maintenance and continued development of the wildlife corridor. The DEIS should address the importance of the

wildlife corridor and assess in more detail the potential direct and indirect impacts of the proposed fence to the corridor.

General Comments

General comments and recommendations that were provided to the Department by the FWS on the DEIS are as follows:

1. Throughout the document, the discussion and assessment of indirect impacts due to the proposed construction of the fence should be expanded and clarified. Indirect impacts that should be assessed include, but may not be limited to: (1) redirection of illegal traffic to unsecured areas of the border that may impact wildlife habitat including refuge tracts; (2) introduction of non-native grasses; and (3) construction of access roads and use of staging areas that are not included in the proposed 60-foot-wide Right-of-Way (ROW). Indirect impacts should be accounted for in any compensation for impacts to threatened and endangered species and mitigation for any unavoidable impacts to jurisdictional wetlands or waters of the United States.
2. Management of areas located south of the fence have not been addressed in the DEIS. Construction of the proposed fence will hinder responses to fire, wetland management, and invasive grass and brush control and these parameters should be assessed in revisions to the DEIS.
3. There are serious safety and logistical issues for refuge operations and maintenance included in the construction of a fence on LRGV NWR tracts. The LRGV NWR experiences 300 wildfires per year, on average. Fighting wildfires is extremely dangerous, particularly if escape routes are limited due to the border fence. Safety for refuge staff and fire fighters, and natural resource protection south of the proposed fence are concerns due to the limited access points proposed, and should be discussed in more detail in revisions to the DEIS.
4. Agreements or Memoranda of Understanding between the FWS and various other Federal and state agencies in Texas and Mexico have been established after many years of negotiations to establish international wildlife corridors on both sides of the border. The proposed fence could have potential impacts on sister parks, establishing and connecting wildlife corridors north and south of the United States/Mexico border and along the Rio Grande, and should be addressed in revisions of the DEIS.
5. Compensation for impacts to threatened and endangered species and their habitats have not been addressed in the DEIS. The FWS assumes that DHS will include conservation measures and/or compensation plans in the Biological Assessment (BA) for the proposed project and will initiate formal consultation with the FWS when the BA is finalized. The FWS encourages DHS to continue more comprehensive discussions with the FWS (both Ecological Services and Refuges) in order to minimize and compensate for effects of the construction and operation of the proposed fence to federally-listed species.

6. To accurately assess the impacts of the proposed project, the FWS recommends that the wetland delineation for the project be verified by the U.S. Army Corps of Engineers and that the natural resource agencies be provided with a mitigation plan for any unavoidable impacts to wetlands and waters of the U.S. for review and comment prior to issuance of the Final EIS. The mitigation plan should include a complete restoration plan for temporary impacts as well as mitigation for all permanent or operational impacts to jurisdictional areas.
7. The DEIS does not clearly state that surveys have not been completed on some Refuge tracts and other areas where Rights of Entry have not yet been obtained. Once these areas are surveyed, an explanation of how the additional information will be made available for public review should be explained.
8. Existing Biological Opinions (BO) issued for projects in the Rio Grande Valley that included acquisition of habitat and management of wildlife corridors could be impacted by the proposed project. Continued coordination with FWS Ecological Services and Refuges should be encouraged so that existing requirements for other projects are not nullified by the proposed project.

General comments and recommendations that were provided to the Department by the National Park Service are as follows:

1. In addition to the comments regarding jaguarundi and ocelot provided above by the FWS, Palo Alto Battlefield National Historic Site is concerned about the potential impact of Alternative 2, Routes A and B, and Alternative 3 on the movement of endangered Gulf Coast jaguarundi and ocelot between the Rio Grande river corridor and Palo Alto. Palo Alto supports preferred habitat for both the Gulf Coast jaguarundi and ocelot. Additionally, ocelot is known to occur at nearby Laguna Atascosa National Wildlife Refuge and sightings of both jaguarundi and ocelot have been recorded in Cameron County, in which Palo Alto resides.
2. Under the Palo Alto Battlefield National Historic Site General Management Plan (GMP)(NPS 1998), a cooperative agreement will be developed between the NPS and Texas Southmost College to interpret the historic role of Fort Brown and the military efforts to relieve the besieged fort during the U.S.-Mexican War. The GMP goes on to state the NPS will enter into a cooperative agreement with the (International Boundary and Water Commission) to stabilize, preserve, and interpret the Fort Brown historic site. The inclusion of the Neale House and portions of the Fort Brown National Historic Landmark historic district south and east of the proposed pedestrian fence will affect the NPS ability to interpret the historic significance of and assist in stabilizing and preserving the site.
3. The sites of several skirmishes that took place during the U.S.-Mexican War exist along the Rio Grande and are not included in the document, but are likely in the project area. These sites include: Rancho de Carricitos, located about 25 miles west of Brownsville and likely located between Maps 0-10 and 0-14; Camp Belknap, near Palmito Ranch

Battlefield; and the 1846 U.S. Army camp, stretching between present day Brownsville and 4 miles to the east. The exact location of each of these sites should be identified, an archeological survey completed, and effects of the alternatives on each site analyzed if they are found to be located within the project area.

Specific Comments

Summary of Environmental Impacts, page ES-3 - The last paragraph indicates that avoiding direct impacts to natural resources is sufficient; however, significant wetland impacts can occur if barriers are placed in such a manner as to alter ingress/egress patterns. Secondary impacts of fences near wetlands, where wetlands are beyond the 60-foot-wide ROW, need to be considered in design, Best Management Practices (BMPs) and mitigation.

Table ES-1, Land Use, Alternative 2 Route A and B, page ES-4 - The landowner (Federal, state, non-governmental organization, or private owner) will have restricted access to their property with the proposed fence and this could limit their management operations. The table should read, "Short-and long-term moderate to major adverse impacts would occur."

Table ES-1, Water Resources, Alternative 2 Route A and B, page ES-4 - The proposed fence will have major impacts to hydrology from surface runoff and flash floods on the western end of the proposed fence if there is no design for water to pass through during heavy rainfalls. On the eastern end of the project where the fence is between the levee and a canal, it could also cause flooding if there is no design for water to pass through the fence during heavy rainfalls. Wildlife access to the river would be restricted (1 to 13 miles in length) to species that depend on the river for a water source if some terrestrial wildlife cannot go through the fence; in some cases, that is the only water source available. Large game species like deer, javelina, and coyotes and other non-game species will be restricted from the river where the habitat is limited and fenced. The table should read, "Short- and long-term moderate to major adverse impacts would be expected."

Table ES-1, Vegetation, Alternative 2 Route A and B, page ES-5 - The proposed fence may have some beneficial impacts on the north side of the fence, but not on the south end of the fence. The fence may cause loss of habitat, fragmentation, and lack of connectivity due to the fence barrier. In addition, if there is a wildfire on the south side of the fence, response time could be longer and loss of vegetation could be greater, or a firefighter might be at greater risk by having restricted escape routes. The table should read "Short and long-term minor beneficial and moderate to major adverse impacts would be expected."

Table ES-1, Wildlife and Aquatic Resources, Preferred Alternative, page ES-5 - Increased road mortality, reduced genetic viability of species, and lack of vegetation connectivity will be major impacts to wildlife. The existing international bridges already act as an east-west wildlife barrier and roads and the proposed fence are north-south barriers to wildlife restricting wildlife movements and genetic viability even more. The table should read, "Short- and long-term moderate to major adverse and negligible beneficial impacts would be expected."

1.4 Framework for Analysis, page 1-5 - The paragraph between lines 23-31 does not list the National Wildlife Refuge Administrative Act of 1966 and the National Wildlife Refuge System

Improvement Act of 1997 that amends the National Wildlife Refuge Administrative Act of 1966. Also, these Acts are not listed under Appendix A, Applicable Laws and Executive Orders Table A-1. In Table A-1, Applicable Laws and Executive Orders under Title, Citation should include the National Wildlife Refuge Administrative Act of 1966 and the National Wildlife Refuge System Improvement Act of 1997. Under Summary in the Table A-1 for the National Wildlife Refuge Administrative Act of 1966, it should be stated that “The Improvement Act clearly establishes the Refuge System mission, provides guidance to the Secretary of the Interior for management of the Refuge system, provides a mechanism for refuge planning, and gives refuge managers uniform direction and procedures for making decisions regarding wildlife conservation and uses of the Refuge System.” Under Summary in the Table A-1 for the National Wildlife Refuge System Improvement Act of 1997, it should be stated that the Act defines and establishes that compatible wildlife-dependent recreational uses (hunting, fishing, wildlife observation and photography, and environmental education and interpretation) are the priority general public uses of the Refuge System that will receive enhanced and priority considerations in refuge planning and management over other general public uses.

Table 1-1, page 1-6 - National Environmental Policy Act coordination should be added to the lists of permit/approval/coordination actions for the FWS.

2.2 Alternatives Analysis, page 2-2 - Other alternatives that the FWS recommends be considered in the analysis include: (1) installation of alternative technological solutions, such as ground based radar, that have been successful in aiding and deterring smuggling activities with minimal impacts to sensitive wildlife populations; (2) construction of permanent vehicle barriers designed to allow for the passage of animals that generally have many fewer impacts on species than pedestrian barriers; though these types of barriers still result in certain impacts to species, they do not prevent movement of species and sever connectivity; (3) construction of pedestrian barriers solely within highly urbanized areas, where fewer trust resources occur; but if pedestrian fences are constructed in areas other than highly urbanized areas, the fence design should be modified to at a minimum allow for the passage of some species and in a manner that would reduce the likelihood of native cat, bird, and bat entrapment or strikes; and (4) evaluation of an alternative that combines technology (virtual fence), tactical infrastructure, and additional agents that reduces the actual amount of fence that would be built.

2.2.2. Alternative Analysis, Alternative 2, Routes A and B and Alternative 3, page 2-2 - If proposed, a lighting description and locations should be included in the description of Alternative 2 and 3.

2.2.2. Alternative 2: Routes A and B, page 2-7, Line 3-4 - Clarify the definition of “small.” Also, clarify if “engineered to not impede the natural flow of surface water” includes flood flows, and if it is intended to reference specific areas where fences cross arroyos or if it means water flows across any surface.

Figure 2-4, page 2-8 - A separate figure is needed to depict the location of the levee (toe and crest), fence and the location of the Rio Grande relative to the fence and road.

3.4 Land Use Route A Recreational/Special Use, page 3-10 - This land use classification does not include only barren land or land with sparse vegetation as described for natural and wildlife management areas. It should also include native brushlands, riparian areas, wetlands, resacas, etc.

Route A, page 3-11, line 24-25 - The phrase “presents parks, and refuges in the Rio Grande valley” should be changed to state, “presents the Lower Rio Grande Valley National Wildlife Refuge land, Texas Parks and Wildlife Department Management Areas, World Birding Center land, The Nature Conservancy Management Areas, and the Frontera Audubon Sabal Palm Sanctuary land.”

Figure 3.4.1, Parks and Refuges in the Rio Grande Valley - The figure does not include the location of Palo Alto Battlefield National Historic Site which is located north of Texas State Route 100 and east of Federal Expressway 77. Please represent Palo Alto Battlefield as a park in the Rio Grande Valley.

3.6 Water Resources, page 3-17 and throughout - The DEIS should consistently use the terms “jurisdictional wetlands” to refer to those wetlands under the jurisdiction of the Corps and “wetlands” to refer to all wetlands whether they are jurisdictional or not. The terms should not be used interchangeably. In addition, the terms “waters” and “waters of the U.S.” should not be used interchangeably.

3.7 Vegetation, pages 3-25 to 3-29 - The extent of the survey area should be clarified. Were areas outside the project footprint surveyed? Clarify that the survey is a limited assessment as it was carried out within only 1 week and some species may have been not included due to the time of the year. Also, note that presence/absence assessment is not very useful for determining impacts. Is information available comparing the percentage of native plant communities versus non-native/invasive species for each segment? Lines 36-38 should state “the Santa Ana NWR, LRGV NWR, and Laguna Atascosa NWR that form a complex (South Texas Refuge Complex) rather than three separate entities; Laguna Atascosa NWR is outside the project area.”

3.8 Wildlife and Aquatic Resources, page 3-30 - Information including the number and type of species that have been recorded and are known to occur at LRGV NWR should be included in this section. Lines 16-20 should be rewritten to indicate that Texas Parks and Wildlife Department administers several Wildlife Management Areas in Cameron, Hidalgo, Starr, and Willacy Counties. Bentsen-Rio Grande Valley State Park (World Birding Center) is southwest of McAllen adjacent to the Rio Grande and the Hidalgo Pumphouse (World Birding Center) is in Hidalgo and east of the Hidalgo/Reynosa International Bridge. The National Audubon Society’s Texas Sabal Palm Sanctuary is south of Brownsville along the Rio Grande. The Nature Conservancy has the Chihuahua Woods west of Peñitas and Southmost Preserve south of Brownsville between the levee and the Rio Grande.

3.9 Special Status Species, page 3-32 - A Migratory Bird Depredation Permit may not be the appropriate vehicle for unavoidable take of migratory birds. The FWS was under the impression that DHS was pursuing a Special Purpose Permit for relocation of nests. If this is correct, it should be explained in this section and in Section 4.9.3.2.

3.9.1 Route A, page 3-35 - Lines 28-29 should state, “Both the ocelot and the jaguarundi use mature forest (i.e., brush); jaguarundis also use pasture-grassland. Jaguarundi habitat use has been reported as 53 percent mature forest and 47 percent pasture-grassland. Jaguarundis use open areas for hunting and sometimes resting, but if threatened with a potential danger, they seek cover in brush areas.” This should also be added to information in Appendix I, page A-3.

3.9.1 Route A, Texas ayenia, page 3-36 - The following information should be added to this section. It is known that Pronatura Noreste, a non-governmental organization (NGO) in Mexico, recently conducted and confirmed several populations (approximately 8,000 plants) in Tamaulipas, Mexico, on private lands around Soto La Marina, but these plants are subject to many adverse impacts (personal communication with Chris Best, Texas State Botanist, FWS). Also, there are five sites known for Texas ayenia. One site is located on a NWR tract in Hidalgo County, two sites along the Arroyo Colorado on private land, another on private land in Hidalgo County, and another site on private land in Willacy County (personal communication with Chris Best, Texas State Botanist, FWS).

3.9.1. Route A, Walker’s manioc, page 3-37 - This section should be corrected to indicate that Pronatura Noreste in Mexico recently conducted and confirmed several populations (approximately nine sites) in Tamaulipas, Mexico (personal communication with Chris Best, Texas State Botanist, FWS). In the United States there are several populations of Walker’s manioc including three sites on NWR lands and several on private lands in Starr and Hidalgo Counties and one in Duval County (personal communication with Chris Best, Texas State Botanist, FWS).

3.9.1. Route A, Zapata bladderpod, page 3-37 - This section should be corrected to indicate that five populations are known in Starr County: three populations are found on the LRGV NWR and two occur on private land. Four populations are known from Zapata County: two are located on highway ROWs between the towns of Zapata and Falcon, one on private land, and another lies near Falcon Lake (personal communication with Chris Best, Texas State Botanist, FWS). In addition, eight critical habitat units have been designated on seven tracts of the Lower Rio Grande Valley National Wildlife Refuge (Cuellar, Chapeno, Arroyo Morteros, Las Ruinas, Arroyo Ramirez, Los Negros Creek, and La Puerta tracts) and one unit on a private ranch in Starr County.

3.10 Cultural Resources, page 3-40, Line 1 - Palmito Ranch, located along the Rio Grande and east of Brownsville, is also a National Historic Landmark.

3.10 Cultural Resources, Route A, page 3-42 - If other archeological sites are found, please clarify what is meant by various treatment including data recovery and describe what other project designs would be considered.

3.12 Socioeconomic resources, environmental justice, and safety, page 3-59 - “Texas Department of Parks and Recreation” should be changed to “Texas Parks and Wildlife Department” on lines 34 and 35. Also, please insert “Three NWRs, several TPWD Management Areas, and TNC Chihuahua Woods, and Southmost Preserve bring in an economic boost of \$150

million dollars to the local communities from bird watching alone.” after “Brownsville.” on line 37.

4.1 Introduction, page 4-1 - Clarify if “short-term” includes impacts that can be restored in a timely fashion and in fact are considered temporary impacts.

4.4.2 Alternative 2: Routes A and B, page 4-10 - Constructing the proposed tactical infrastructure would result in long-term moderate to major adverse impacts on land use. The landowner will have restricted access to their property on the south side of the proposed fence which could limit their management operations.

4.4.2 Alternative 2: Routes A and B, page 4-12 - Long-term moderate to major adverse impacts on recreation would be expected after construction because access to recreational areas along the proposed tactical infrastructure sections could be limited or restricted to potential users. In addition, indirect impacts to areas adjacent to the fence may increase due to increased movement of illegal traffic being funneled into these areas.

4.4.3 and 4.4.5 Alternative 3: Secure Fence Act Alignment Alternative, pages 4-13, 4-15 - These sections should indicate that more impacts would be expected than with the preferred alternative because alternative 3 proposes a 150-foot wide ROW and a double fence. This should be indicated on page 4-31, lines 22-24 as well.

4.6 Water Resources, pages 4-16, 4-18 - Under Routes A and B, Hydrology and Groundwater, the DEIS should discuss that the fence structure could change the hydrology of the Rio Grande if the fence does not allow openings at the bottom of the fence for water to pass, especially during flash floods, and that the fence could alter topography and impede surface runoff of water to and from the river.

4.7.2 Alternative 2: Routes A and B, pages 4-20, 4-21 - How many trees/acres of mature vegetation are included in this type of impact? Were the locations of the mature vegetation mapped? If so, the locations should be included in revisions to the DEIS. Removal of these trees would result in long-term major adverse impacts because these trees are virtually irreplaceable. Loss of areas previously revegetated by the FWS in 2002 and 2003 should represent a major adverse impact. Are there any plans to maintain certain habitat areas with prescribed burns or will the ROW be maintained entirely with mowing?

4.7.3 Alternative 3 Secure Fence Act Alignment Alternative, pages 4-22, 4-23 - Lines 6-12 state: “Vegetation resources between the 21 proposed tactical infrastructure sections would also be adversely impacted by the funneling of cross border violators into the areas where there would be no fence. Concentrated foot traffic around the ends of the sections would reduce vegetation in those areas. Since the locations of the 21 sections were based on USBP operational requirements including the ability to make apprehensions, the extent of the disturbance would be limited and the impacts would be minor, long-term, and adverse.” The last sentence contradicts the other sentences in the paragraph. There will be large gaps between fences and the available manpower still has to patrol fenced and unfenced areas on both sides of the fence resulting in adverse impacts to areas with no fence. Impacts would be moderate to major, long-term and adverse.

Lines 40-41 and Lines 1-2 state that “The loss of vegetation from approximately 320 acres of urban and agricultural land would result in short- and long-term negligible to minor adverse impacts due to the potential for the disturbed land to become a nursery for nonnative plant species to propagate and invade surrounding plant communities.” The DEIS should indicate that these impacts are minor to moderate adverse impacts because agriculture lands could be converted to brushlands and not only nonnative plant species. Lines 2-6 state that “Removal of individual large mature native trees of Texas ebony, sabal palm, eastern cottonwood, sugarberry, and honey mesquite would result in long-term, moderate to major adverse impacts, because they are virtually irreplaceable. Avoidance of these large trees would not be possible under this alternative.” Lines 4-5 should indicate that these impacts result in long-term major adverse impacts, because they are virtually irreplaceable.

4.8.2 Alternative 2: Routes A and B, pages 4-24, 4-26 - Lines 15-17 on page 4-24 should include habitat fragmentation, lack of habitat connectivity, genetic isolation, lack of water availability, and reduction of habitat management on the south side of the fence. Lines 3-5 on page 4-26 state: “In summary, implementation of Route A would be anticipated to have short- and long-term, negligible to moderate adverse impacts on wildlife due to habitat conversion.” The DEIS should indicate that the impacts will be short- and long-term, moderate to major, and adverse to wildlife due to habitat conversion, habitat fragmentation, lack of habitat connectivity, genetic isolation, lack of water availability, and reduction of habitat management on the south side of the fence.

4.9.1.2 Alternative 2: Route A and B, page 4-28 - Lines 29-34 state: “...a loss of approximately 150 acres of potential ocelot and jaguarundi habitat. The short- and long-term loss of potential habitat for these species is anticipated to result in short- and long-term, moderately adverse impacts on ocelots and jaguarundi. Long-term beneficial impacts due to protection of habitat provided by the fence along Route A would be anticipated to range from minor to moderate, depending upon the location.” The FWS does not agree that there are long-term beneficial impacts for ocelots from construction of the proposed fence. Habitat on the south side of the fence will still be impacted by the proposed fence construction. The fence will restrict movement of cats even if it has wildlife openings because passage will depend on the size and frequency of openings. There will also be a road on both sides of the fence and lighting will deter cats from crossing. The fence will cause habitat fragmentation. With international bridges as east-west barriers and the fence and adjacent roads as north-south barriers, ocelot habitat will be restricted more and this could further isolate ocelot populations. The genetic exchange from cats in Mexico with the United States population will be limited and restricted with the proposed fence.

4.9.1.3 Alternative 3, page 4-29 - Lines 22-24 state: “The nature of impacts of Alternative 3 would be similar to those of Alternative 2; however, the area impacted (1,270 acres) would be larger, resulting in greater intensity and duration of impacts.” The short- and long-term loss of potential habitat for these species is anticipated to result in short- and long-term, major adverse impacts on ocelots and jaguarundi for the same reasons as described above for page 4-28 comments but with greater impacts to the habitat and the species.

4.9.2.2 Alternative 2: Route A and B, page 4-30 - Lines 28-32 state: “Overall, short-term minor to moderate adverse impacts from construction would be expected, while long-term minor adverse impacts from maintenance and operation would be expected due to potential mortality on associated roads. However, long-term minor beneficial impacts could result from reduced foot traffic in areas on the north side of the proposed corridor.” Line 29 should read while long-term moderate adverse impacts from maintenance and operation would be expected due to potential mortality on associated roads and because of the same reasons as comments pertaining to page 4-28. Will the fence construction provide openings large enough for State protected wildlife to pass?

4.9.3.2, Migratory Birds, Alternative 2, Routes A and B and Alternative 3, page 4-32 - Lighting can impact the movement of migratory birds because of disorientation at night. Palo Alto Battlefield is concerned about the movement of migratory birds between the Rio Grande River and the park which may be impacted by lighting associated with these alternatives. The impact of lighting on migratory birds should be analyzed under Alternative 2 and 3.

4.9.3.2, Alternative 2, Route A, page 4-33 - Lines 4-8 state: “Assuming implementation of the above BMPs to the fullest extent feasible, impacts of Route A on migratory birds is anticipated to be short- and long-term, minor, and adverse due to construction disturbance and associated loss of habitat, and long-term, minor, and beneficial due to reduction of foot traffic through migratory bird habitat north of the proposed corridor.” According to the proposed building schedule, migratory birds would be adversely affected throughout most of the nesting season. Indirect project impacts would be increased foot traffic to other areas and cause long-term moderate adverse impacts to migratory birds. Impacts to migratory birds on the south side of the fence will also still occur, so beneficial impacts would be minimal on all alternatives.

4.10.2, Cultural Resources, Alternative 2, Routes A and B and Alternative 3, page 4-35 - The original Fort Brown earthwork, which was constructed by Zachary Taylor and the U.S. Army in 1846, is especially vulnerable to the construction of a pedestrian fence. Super and sub-surface remains of the fort lie south of the levee and near the existing Fort Brown golf course. The proposed pedestrian fence section on Map 0-20 will bisect the original six-star earthen fort and impact both super and sub-surface remains in the area. In 2004, the NPS and its partners identified subsurface features indicating intact buried archeological deposits associated with the original fort on the north and south side of the levee. Cultural resources south of the pedestrian fence will likely be unavailable for further exploration and study and subject to increased disturbance, vandalism, and removal due to decreased access, enforcement, and management oversight.

Figures 4.11-1 to 4.11-4, pages 4-44 to 4-47 - These figures do not depict proposed patrol roads and areas where vegetation will be cleared.

4.12 Socioeconomic Resources, Environmental Justice, and Safety, Employment and Economics, page 4-54 - Lines 6-13 state: “Indirect impacts on socioeconomics from recreation and ecotourism would be tied directly to the user’s perception that Route A has altered their access to valued visual or recreational resources. However, Route A would help to deter cross border violators, which would make the area safer for recreational users, ecotourists, and USBP agents

in the immediate area. This could bring more users to the area that have felt it unsafe in the past. The net impacts on recreation and ecotourism are expected to be minor.” The proposed fence will alter and restrict access to ecotourists and recreational users to the river for bird watching and canoeing. The riparian area is where the greater number of bird species is found. Indirect impacts outside the fence will be the greater number of cross border violators in the area where recreational users and birders will try to access the river. The funneling of cross border violators may increase in these areas and may have a greater adverse impact to these users. The net impacts on recreation and ecotourism are expected to be moderate. Many Federal, state, and NGO lands are used for birding and will be adversely impacted because they will be on the south side of the fence and access will be restricted for recreational and birding users.

5. Cumulative impacts Past Actions, page 5-2 - The DEIS should include the U. S. International Boundary and Water Commission Lower Rio Grande Flood Control Project where a formal endangered species consultation and Biological Opinion from the FWS were completed on May 23, 2003. The consultation concerned their ongoing implementation of vegetation management practices in Cameron, Hidalgo, and Willacy Counties. Most of their impacts on vegetation management are between the flood control levee and the Rio Grande River.

5. Cumulative impacts Present Actions, page 5-2 - The DEIS should include the Donna-Rio Bravo International Bridge that has been approved and for which construction could start in 2008. Also, include the Brownsville Weir where a Biological Opinion was completed on May 14, 2003. Construction is planned sometime in the future.

Table 5.0-1. Reasonably Foreseeable Future Actions by Proposed Tactical Infrastructure Sections for the USBP Rio Grande Valley Sector, page 5-5 - Under Description of Future Actions, the table should include the Brownsville Weir and the Port of Brownsville International Bridge.

Table 5.0-2. Summary of Potential Cumulative Effects, Resource: Wildlife and Aquatic Resources and Special Status Species, under Alternative 2 B, page 5-10 - The table should indicate moderate to major loss of green corridor and water access to wildlife. In addition, the impacts of lighting have not been included in the table under future actions and should be discussed in more detail in the Cumulative Impacts Section.

5.6 Vegetation, page 5-13 - Lines 27-28 state that “Moderate impacts on native species vegetation and habitat are expected from the additive effects of past, present and reasonably foreseeable future actions.” Change “moderate” to “moderate to major” impacts on native species vegetation and habitat are expected from the additive effects of past, present and reasonably foreseeable future actions.

5.7 Wildlife and Aquatic Resources, page 5-14 - Lines 2-3 state: “Minor to moderate impacts on wildlife and species are expected from additive effects of the past, present and reasonably foreseeable future actions.” The DEIS should indicate that moderate to major impacts on wildlife and species are expected from additive effects of the past, present and reasonably foreseeable future actions. With less than 5 percent of native brush left in the Rio Grande Valley

and the cumulative impacts of past, present, and future projects, adverse impacts from all of these projects, including the future proposed lights (450) along the fence, are anticipated.

5.8 Special status species, page 5-14 - Lines 28-31 state that “Construction, maintenance, and operation of tactical infrastructure, when combined with past, present, and future residential and commercial development have the potential to result in minor to major adverse cumulative impacts on these species.” The DEIS should be revised to indicate that construction, maintenance, and operation of tactical infrastructure, when combined with past, present, and future residential and commercial development, has the potential to result in moderate to major adverse cumulative impacts on these species. With less than 5 percent of native brush left in the Rio Grande Valley and the effects of cumulative impacts of past, present, and future projects, adverse impacts from all of these projects, including the future proposed lights (450) along the fence, are anticipated.

5.14 Irreversible and irretrievable commitments of resources, page 5-18 - More than 125 acres of wildlife habitat are likely to be impacted if all impacts to all wildlife habitat including secondary and indirect impacts are assessed.

References, page 6-1 – The reference Cowardin et al. (1979) contains an invalid link. The correct link is: <http://www.npwrc.usgs.gov/resource/wetlands/classwet/index.htm>.

Table A-1, Applicable Laws and Executive Orders, page A-1 - The table should include Fiscal Year 2007 Department of Homeland Security Appropriations (Public Law (P.L.)) 109-295.

Appendix D, page D-1 - Detailed Description of the 21 Fence Sections for Proposed Tactical Infrastructure, under Description Route A for 0-1, has Arroyo Mesa instead of Arroyo Ramirez and should be corrected. This also needs to be corrected under the Differences Between Route A and B column.

Appendix F - Route descriptions and reference roads identified in Appendix D should be added to the maps in Appendix F. Maps should clearly identify where proposed fence segments are on IBWC levees.

Draft Biological Survey, page 6 - Clarify what is meant by “protocol” surveys were not conducted.

Draft Biological Survey, page 26 - Tamarisk woodland is classified throughout the United States, including Texas, as a noxious invasive species, and this should be discussed in the DEIS. Other species could be included in this category as well, such as Chinaberry and buffelgrass. Removal of these species and restoration with native species could possibly be considered as a beneficial effect of the project.

Thank you for the opportunity to comment on the draft document. If there are any questions or you need further information on the information provided by the FWS, please contact Allan Strand, Supervisor, or Dr. Larisa Ford, Fish and Wildlife Biologist, Ecological Services Field Office, Corpus Christi, Texas, at 361-994-9005. If you have questions regarding Palo Alto

Battlefield or Fort Brown and the surrounding area, please contact Mary Kralovec, Superintendent, Palo Alto Battlefield National Historic Site, NPS, at 956-541-2785.

Sincerely,

for 

Willie R. Taylor
Director, Office of Environmental Policy
and Compliance

RESOLUTION

AUTHORIZING AND APPROVING THE
CONSTRUCTION AND THE REHABILITATION OF
FLOOD CONTROL LEVEES WITH RESPECT TO
ALTERNATIVE APPROACHES FOR SECURING THE
UNITED STATES-MEXICO BORDER



December 28, 2007

Rio Grande Valley Tactical Infrastructure EIS c/o e2M
2751 Prosperity Avenue, Suite 200
Fairfax, Virginia 22031

To Whom It May Concern:

RE: Resolution-Authorizing and Approving the Construction and Rehabilitation of Flood Control Levees with Respect to Alternative Approaches for Securing the United States-Mexico Border

Enclosed herewith, is the above referenced resolution that was approved by various cities in Hidalgo County.

I would like to reiterate that the solution to border security is more boots on the ground and increased technology. Hence, I do not agree with the way the federal government proposes to achieve border security.

I stand by all the mayors, commissioners and elected officials who agree that the federal government is making a mistake by moving forward with this project without the support of the people it is supposed to represent.

Sincerely,

J.D. Salinas III
Hidalgo County Judge



RESOLUTION 14-12-07

A RESOLUTION OF THE COMMISSIONERS' COURT OF HIDALGO COUNTY, HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 BOARD OF DIRECTORS, AND THE UNDERSIGNED RESPECTIVE MUNICIPALITIES WITHIN HIDALGO COUNTY, TEXAS, AUTHORIZING AND APPROVING THE CONSTRUCTION AND REHABILITATION OF FLOOD CONTROL LEVEES WITH RESPECT TO ALTERNATIVE APPROACHES FOR SECURING THE UNITED STATES-MEXICO BORDER

Whereas, the United States Congress has approved H.R. 6061, the "Secure Fence Act of 2006" which authorizes the construction of "2 layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors," along more than 700 miles of the United States' southern border, including fencing adjacent to El Paso, from Del Rio to Eagle Pass, and from Laredo to Brownsville in the Lower Rio Grande Valley; and

Whereas, the Department of Homeland Security and federal officials are legally authorized and required under such Act to consult with local government, including Hidalgo County, the Hidalgo County Drainage District No. 1 Board of Directors, and the respective municipalities within Hidalgo County with respect to the development of security infrastructure along the United States-Mexico border; and

Whereas, the United States Section of the International Boundary & Water Commission and the United States Army Corps of Engineers have identified over 67 miles of levees with deficient elevations, requiring extensive rehabilitation and construction of the system to adequately protect Hidalgo County and its residents from excessive flood waters caused by hurricanes, storms, or other acts of nature; and

Whereas, the United States Section of the International Boundary & Water Commission and Hidalgo County have declared such levees uncertifiable to the Federal Emergency Management Agency with respect to new digital Flood Insurance Rate Maps and their respective designation of Hidalgo County as a special Flood Hazard Zone; and

Whereas, Hidalgo County voters have approved approximately \$100 million in bonds to fund the rehabilitation of local flood control infrastructure, including \$40 million specifically for the advance design and construction of levees within Hidalgo County and along the United States-Mexico border; and

Whereas, the draft Environmental Impact Statement for the Department of Homeland Security's *Tactical Infrastructure Program* for the Rio Grande Valley Sector released in November 2007 includes over 70 miles of proposed fencing within the Rio Grande Valley as the preferred alternative; and

Whereas, such document does not include the rehabilitation and construction of deficient levees required by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project*; and

Whereas, the federal government including, the Department of Homeland Security (Customs and Border Protection), United States Army Corps of Engineers, Federal Emergency Management Agency, and the United States Section of International Boundary & Water Commission possess the ability to determine the feasibility and advantages of alternative approaches that comprehensively address levee deficiencies and enhanced border security.

Now, Therefore, Let it Be Resolved By The Hidalgo County Commissioners' Court, the Hidalgo County Drainage District No. 1 Board of Directors, and the Undersigned Municipalities, publicly express their objection to the Department of Homeland Security's draft Environmental Impact Statement which calls for the construction of over 70 miles of fencing throughout the Rio Grande Valley and along the United States-Mexico border as it fails to consider the impact of a comprehensive approach to address both levee deficiencies and enhanced border security through a design which incorporates components which serve to address levee deficiencies while providing an effective barrier to enhance border security; and

Be it Further Resolved, that the Hidalgo County Commissioners' Court, the Hidalgo County Drainage District No. 1 Board of Directors, and the Undersigned Municipalities fully support the construction and rehabilitation of over 67 miles of levees as pertained by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project* or any subsequent inclusion of such levees in alternative approaches for securing the United States-Mexico border.

Passed and Adopted on this ____ day of ____, 2007.

**Hidalgo County Commissioners' Court &
Hidalgo County Drainage District No. 1 Board of Directors**

**The Honorable J.D. Salinas, III
 Hidalgo County Judge/
 Chairman, Hidalgo County Drainage District No. 1 Board of Directors**

**The Honorable Sylvia Handy
 Hidalgo County Commissioner, Pct. No. 1**

**The Honorable Hector "Tito" Palacios
 Hidalgo County Commissioner, Pct. No. 2**

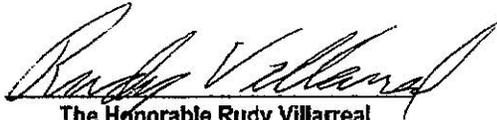
**The Honorable Joe Flores
 Hidalgo County Commissioner, Pct. No. 3**

**The Honorable Oscar Garza
 Hidalgo County Commissioner, Pct. No. 4**

**Godfrey Garza, Jr., CFM
 Manager, Hidalgo County Drainage District No. 1**

&

The Undersigned Municipalities of:



**The Honorable Rudy Villarreal
Mayor, City of Alamo**

**The Honorable Salvador Vela
Mayor, City of Alton**

**The Honorable Ricardo L. Morales
Mayor, City of Donna**

**The Honorable Jose Guzman
Mayor, City of Edcouch**

**The Honorable Joe Ochoa
Mayor, City of Edinburg**

**The Honorable Senovio Castillo
Mayor, City of Elsa**

**The Honorable Alberto Magallan
Mayor, City of Granjeno**

**The Honorable John David Franz
Mayor, City of Hidalgo**

**The Honorable William 'Billy' Leo
Mayor, City of La Joya**

**The Honorable Rene Castillo
Mayor, City of La Villa**

**The Honorable Richard Cortez
Mayor, City of McAllen**

**The Honorable Joel Quintanilla
Mayor, City of Mercedes**

**The Honorable Norberto Salinas
Mayor, City of Mission**

**The Honorable Ramiro J. Rodriguez, Jr.
Mayor, City of Palmhurst**

**The Honorable Jorge G. Garcia
Mayor, City of Palmview**

**The Honorable Servando Ramirez
Mayor, City of Penitas**

**The Honorable Leopoldo "Leo" Palacios
Mayor, City of Pharr**

**The Honorable Omar Vela
Mayor, City of Progreso**

**The Honorable O.D. Emery
Mayor, City of Progreso Lakes**

**The Honorable San Juanita Sanchez
Mayor, City of San Juan**

**The Honorable Gumaro "Marco" Flores
Mayor, City of Sullivan City**

**The Honorable Hector De La Rosa
Mayor, City of Weslaco**

ATTEST:



CITY OF ALTON

City On The Grow

205 West Main Ave. Alton, TX 78573-1196 • Office (956) 581-2733 • Fax (956) 581-2253

Salvador Vela
Mayor

Arturo Galvan Jr.
Mayor Pro Tem

Ricardo Garza
Commissioner

Oscar Tovar
Commissioner

Dr. Jose C. Picasso D.C.
Commissioner

Jorge Arcaute
City Manager

J.D. Salinas
County Judge
P.O. Box 1356
Edinburg, TX 78540

Dear Judge Salinas,

We received your request to pass the border fence resolution too late to act upon it before your deadline. I have instructed staff to place the item for consideration at our next meeting on December 18th, and I have every confidence that the resolution will pass at that time.

In any event, let me take this opportunity to go on the record with my dissatisfaction with the idea of a border fence. I certainly support your office's efforts to organize what I see as widespread opposition to this project; this opposition comes not just from the citizens of Alton, but all of South Texas. It is good that our area leaders make sure that the decision-makers in Washington know how we feel about this issue, and other issues, as well.

Please place my name in the column of those strongly opposed to the border fence.

Sincerely,


Salvador Vela, Mayor

"This institution is an equal opportunity provider and employer."



RESOLUTION 2007-12-03

A RESOLUTION OF THE CITY OF DONNA, TEXAS AUTHORIZING AND APPROVING THE CONSTRUCTION AND REHABILITATION OF FLOOD CONTROL LEVEES WITH RESPECT TO ALTERNATIVE APPROACHES FOR SECURING THE UNITED STATES-MEXICO BORDER

Whereas, the United States Congress has approved H.R. 6061, the "Secure Fence Act of 2006" which authorizes the construction of "2 layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors," along more than 700 miles of the United States' southern border, including fencing adjacent to El Paso, from Del Rio to Eagle Pass, and from Laredo to Brownsville in the Lower Rio Grande Valley; and

Whereas, the Department of Homeland Security and federal officials are legally authorized and required under such Act to consult with local government, including Hidalgo County, the Hidalgo County Drainage District No.1 Board of Directors, and the respective municipalities within Hidalgo County with respect to the development of security infrastructure along the United States-Mexico border; and

Whereas, the United States Section of the International Boundary & Water Commission and the United States Army Corps of Engineers have identified over 67 miles of levees with deficient elevations, requiring extensive rehabilitation and construction of the system to adequately protect Hidalgo County and its residents from excessive flood waters caused by hurricanes, storms, or other acts of nature; and

Whereas, the United States Section of the International Boundary & Water Commission and Hidalgo County have declared such levees uncertifiable to the Federal Emergency Management Agency with respect to new digital Flood Insurance Rate Maps and their respective designation of Hidalgo County as a special Flood Hazard Zone; and

Whereas, Hidalgo County voters have approved approximately \$100 million in bonds to fund the rehabilitation of local flood control infrastructure, including \$40 million specifically for the advance design and construction of levees within Hidalgo County and along the United States-Mexico border; and

Whereas, the draft Environmental Impact Statement for the Department of Homeland Security's *Tactical Infrastructure Program* for the Rio Grande Valley Sector released in November 2007 includes over 70 miles of proposed fencing within the Rio Grande Valley as the preferred alternative; and

Whereas, such document does not include the rehabilitation and construction of deficient levees required by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project*; and

Whereas, the federal government including, the Department of Homeland Security (Customs and Border Protection), United States Army Corps of Engineers, Federal Emergency Management Agency, and the United States Section of International Boundary & Water Commission possess the ability to determine the feasibility and advantages of alternative approaches that comprehensively address levee deficiencies and enhanced border security.

Now, Therefore, Let it be Resolved by the Council of the City of Donna, Texas, that the City publicly express their objection to the Department of Homeland Security's draft Environmental Impact Statement which calls for the construction of over 70 miles of fencing throughout the Rio Grande Valley and along the United States-Mexico border as it fails to consider the impact of a comprehensive approach to address both levee deficiencies and enhanced border security through a design which incorporates components which serve to address levee deficiencies while providing an effective barrier to enhance border security; and

Be it Further Resolved, that the the Council of the City of Donna, Texas, that the City fully support the construction and rehabilitation of over 67 miles of levees as pertained by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project* or any subsequent inclusion of such levees in alternative approaches for securing the United States-Mexico border.

Passed and Adopted on this 10th day of December 2007.



CITY OF DONNA, TEXAS

Ricardo L. Morales

Ricardo L. Morales
Mayor

Attest:

Martha Alvarado

Martha Alvarado
City Secretary



RESOLUTION 2007.10

A RESOLUTION OF THE COMMISSIONERS' COURT OF HIDALGO COUNTY, HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 BOARD OF DIRECTORS, AND THE UNDERSIGNED RESPECTIVE MUNICIPALITIES WITHIN HIDALGO COUNTY, TEXAS, AUTHORIZING AND APPROVING THE CONSTRUCTION AND REHABILITATION OF FLOOD CONTROL LEVEES WITH RESPECT TO ALTERNATIVE APPROACHES FOR SECURING THE UNITED STATES-MEXICO BORDER

Whereas, the United States Congress has approved H.R. 6061, the "Secure Fence Act of 2006" which authorizes the construction of "2 layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors," along more than 700 miles of the United States' southern border, including fencing adjacent to El Paso, from Del Rio to Eagle Pass, and from Laredo to Brownsville in the Lower Rio Grande Valley; and

Whereas, the Department of Homeland Security and federal officials are legally authorized and required under such Act to consult with local government, including Hidalgo County, the Hidalgo County Drainage District No. 1 Board of Directors, and the respective municipalities within Hidalgo County with respect to the development of security infrastructure along the United States-Mexico border; and

Whereas, the United States Section of the International Boundary & Water Commission and the United States Army Corps of Engineers have identified over 67 miles of levees with deficient elevations, requiring extensive rehabilitation and construction of the system to adequately protect Hidalgo County and its residents from excessive flood waters caused by hurricanes, storms, or other acts of nature; and

Whereas, the United States Section of the International Boundary & Water Commission and Hidalgo County have declared such levees uncertifiable to the Federal Emergency Management Agency with respect to new digital Flood Insurance Rate Maps and their respective designation of Hidalgo County as a special Flood Hazard Zone; and

Whereas, Hidalgo County voters have approved approximately \$100 million in bonds to fund the rehabilitation of local flood control infrastructure, including \$40 million specifically for the advance design and construction of levees within Hidalgo County and along the United States-Mexico border; and

Whereas, the draft Environmental Impact Statement for the Department of Homeland Security's *Tactical Infrastructure Program* for the Rio Grande Valley Sector released in November 2007 includes over 70 miles of proposed fencing within the Rio Grande Valley as the preferred alternative; and

Whereas, such document does not include the rehabilitation and construction of deficient levees required by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project*; and

Whereas, the federal government including, the Department of Homeland Security (Customs and Border Protection), United States Army Corps of Engineers, Federal Emergency Management Agency, and the United States Section of International Boundary & Water Commission possess the ability to determine the feasibility and advantages of alternative approaches that comprehensively address levee deficiencies and enhanced border security.

Now, Therefore, Let it Be Resolved By The Hidalgo County Commissioners' Court, the Hidalgo County Drainage District No. 1 Board of Directors, and the Undersigned Municipalities, publicly express their objection to the Department of Homeland Security's draft Environmental Impact Statement which calls for the construction of over 70 miles of fencing throughout the Rio Grande Valley and along the United States-Mexico border as it fails to consider the impact of a comprehensive approach to address both levee deficiencies and enhanced border security through a design which incorporates components which serve to address levee deficiencies while providing an effective barrier to enhance border security; and

Be it Further Resolved, that the Hidalgo County Commissioners' Court, the Hidalgo County Drainage District No. 1 Board of Directors, and the Undersigned Municipalities fully support the construction and rehabilitation of over 67 miles of levees as pertained by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project* or any subsequent inclusion of such levees in alternative approaches for securing the United States-Mexico border.

Passed and Adopted on this ____ day of _____, 2007.

**Hidalgo County Commissioners' Court &
Hidalgo County Drainage District No. 1 Board of Directors**

The Honorable J.D. Salinas, III
Hidalgo County Judge/
Chairman, Hidalgo County Drainage District No. 1 Board of Directors

The Honorable Sylvia Handy
Hidalgo County Commissioner, Pct. No. 1

The Honorable Hector "Tito" Palacios
Hidalgo County Commissioner, Pct. No. 2

The Honorable Joe Flores
Hidalgo County Commissioner, Pct. No. 3

The Honorable Oscar Garza
Hidalgo County Commissioner, Pct. No. 4

Godfrey Garza, Jr., CFM
Manager, Hidalgo County Drainage District No. 1

&

The Undersigned Municipalities of:

**The Honorable Leopoldo "Leo" Palacios
Mayor, City of Pharr**

**The Honorable Omar Vela
Mayor, City of Progreso**

**The Honorable O.D. Emery
Mayor, City of Progreso Lakes**

**The Honorable San Juanita Sanchez
Mayor, City of San Juan**

**The Honorable Gumaro "Marco" Flores
Mayor, City of Sullivan City**

**The Honorable Hector De La Rosa
Mayor, City of Weslaco**

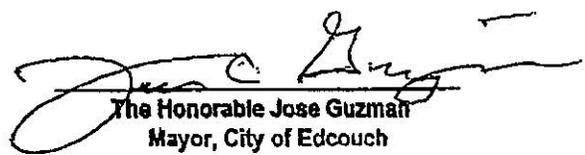
ATTEST:

Veronica Mantuya

**The Honorable Rudy Villarreal
Mayor, City of Alamo**

**The Honorable Salvador Vela
Mayor, City of Alton**

**The Honorable Ricardo L. Morales
Mayor, City of Donna**


**The Honorable Jose Guzman
Mayor, City of Edcouch**

**The Honorable Joe Ochoa
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**The Honorable Sanovio Castillo
Mayor, City of Elsa**

**The Honorable Alberto Magallan
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**The Honorable John David Franz
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**The Honorable Richard Cortez
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**The Honorable Joel Quintanilla
Mayor, City of Mercedes**

**The Honorable Norberto Salinas
Mayor, City of Mission**

**The Honorable Ramiro J. Rodriguez, Jr.
Mayor, City of Palmhurst**

**The Honorable Jorge G. Garcia
Mayor, City of Palmvlew**

**The Honorable Servando Ramirez
Mayor, City of Penitas**

RESOLUTION 1904**STATE OF TEXAS****COUNTY OF HIDALGO****CITY OF EDINBURG**

RESOLUTION AUTHORIZING AND APPROVING THE CONSTRUCTION AND REHABILITATION OF FLOOD CONTROL LEVEES WITH RESPECT TO ALTERNATIVE APPROACHES FOR SECURING THE UNITED STATES-MEXICO BORDER.

Whereas, the United States Congress has approved H.R. 6061, the "Secure Fence Act of 2006" which authorizes the construction of "2 layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors," along more than 700 miles of the United States' southern border, including fencing adjacent to El Paso, from Del Rio to Eagle Pass, and from Laredo to Brownsville in the Lower Rio Grande Valley; and

Whereas, the Department of Homeland Security and federal officials are legally authorized and required under such Act to consult with local government, including Hidalgo County, the Hidalgo County Drainage District No. 1 Board of Directors, and the respective municipalities within Hidalgo County with respect to the development of security infrastructure along the United States-Mexico border; and

Whereas, the United States Section of the International Boundary & Water Commission and the United States Army Corps of Engineers have identified over 67 miles of levees with deficient elevations, requiring extensive rehabilitation and construction of the system to adequately protect Hidalgo County and its residents from excessive flood waters caused by hurricanes, storms, or other acts of nature; and

Whereas, the United States Section of the International Boundary & Water Commission and Hidalgo County have declared such levees uncertifiable to the Federal Emergency Management Agency with respect to new digital Flood Insurance Rate Maps and their respective designation of Hidalgo County as a special Flood Hazard Zone; and

Whereas, Hidalgo County voters have approved approximately \$100 million in bonds to fund the rehabilitation of local flood control infrastructure, including \$40 million specifically for the advance design, and construction of levees within Hidalgo County and along the United States-Mexico border; and

Whereas, the draft Environmental Impact Statement for the Department of Homeland Security's *Tactical Infrastructure Program* for the Rio Grande Valley Sector released in November 2007 includes over 70 miles of proposed fencing within the Rio Grande Valley as the preferred alternative; and

Whereas, such document does not include the rehabilitation and construction of deficient levees required by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project*; and

Whereas, the federal government including, the Department of Homeland Security (Customs and Border Protection), United States Army Corps of Engineers, Federal Emergency Management Agency and the United States Section of the International Boundary & Water Commission possess the ability to determine the feasibility and advantages of alternative approaches that comprehensively address levee deficiencies and enhanced border security.

Now, Therefore, Let it Be Resolved That The City Council of the City of Edinburg, Texas, publicly express their objection to the Department of Homeland Security's draft Environmental Impact Statement which calls for the construction of over 70 miles of fencing throughout the Rio Grande Valley and along the United States-Mexico border as it fails to consider the impact of a comprehensive approach to address both levee deficiencies and enhanced border security through a design which incorporates components which serve to address levee deficiencies while providing an effective barrier to enhance border security; and

Be it Further Resolved, that the City Council of the City of Edinburg, Texas fully support the construction and rehabilitation of over 67 miles of levees as pertained by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project* or any subsequent inclusion of such levees in alternative approaches for securing the United States-Mexico border.

Passed and Adopted on this 4th day of December, 2007.

CITY OF EDINBURG

BY: /s/ Joe Ochoa
Joe Ochoa, Mayor

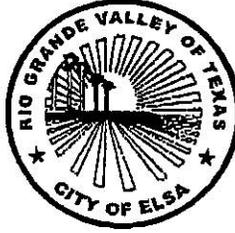


ATTEST:

BY: /s/ Myra L. Ayala Garza
Myra L. Ayala Garza, City Secretary

APPROVED AS TO FORM:

BY: /s/ Daniel G. Rios
Daniel G. Rios, City Attorney



CITY OF ELSA

December 28, 2007

J.J. Salinas
Hidalgo County Judge

Re: City of Elsa Resolution # 08-05
Levees

Judge Salinas,

Below is an excerpt of the minutes of December 18, 2007, a Regular Meeting of the City Council of the City of Elsa.

Item I. **DISCUSSION AND ACTION ON RESOLUTION # 08-05 – HIDALGO COUNTY CONSTRUCTION AND REHABILITATION OF FLOOD CONTROL LEVEES.**

Reviewed by City Commission.

Motion made by Comm. Caceres, to approve Resolution # 08-05 Hidalgo County Construction and Rehabilitation of Flood Control Levees.

Second by Comm. Escobar

Vote Taken/Motion Carried

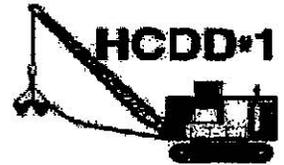
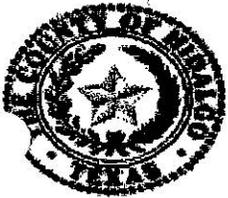
A copy of the Resolution will be delivered to your office once signatures have been made. If you have any questions feel free to contact me at (956) 262-2127.

Thank you,

Nancy Sanchez
City Secretary

P. O. BOX 427 • ELSA, TEXAS 78543 • PHONE (956) 262-2127 • FAX (956) 262-5002

The City of Elsa is an Equal Opportunity Employer and does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services



RESOLUTION _____

A RESOLUTION OF THE COMMISSIONERS' COURT OF HIDALGO COUNTY, HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 BOARD OF DIRECTORS, AND THE UNDERSIGNED RESPECTIVE MUNICIPALITIES WITHIN HIDALGO COUNTY, TEXAS, AUTHORIZING AND APPROVING THE CONSTRUCTION AND REHABILITATION OF FLOOD CONTROL LEVEES WITH RESPECT TO ALTERNATIVE APPROACHES FOR SECURING THE UNITED STATES-MEXICO BORDER

Whereas, the United States Congress has approved H.R. 6061, the "Secure Fence Act of 2006" which authorizes the construction of "2 layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors," along more than 700 miles of the United States' southern border, including fencing adjacent to El Paso, from Del Rio to Eagle Pass, and from Laredo to Brownsville in the Lower Rio Grande Valley; and

Whereas, the Department of Homeland Security and federal officials are legally authorized and required under such Act to consult with local government, including Hidalgo County, the Hidalgo County Drainage District No. 1 Board of Directors, and the respective municipalities within Hidalgo County with respect to the development of security infrastructure along the United States-Mexico border; and

Whereas, the United States Section of the International Boundary & Water Commission and the United States Army Corps of Engineers have identified over 67 miles of levees with deficient elevations, requiring extensive rehabilitation and construction of the system to adequately protect Hidalgo County and its residents from excessive flood waters caused by hurricanes, storms, or other acts of nature; and

Whereas, the United States Section of the International Boundary & Water Commission and Hidalgo County have declared such levees uncertifiable to the Federal Emergency Management Agency with respect to new digital Flood Insurance Rate Maps and their respective designation of Hidalgo County as a special Flood Hazard Zone; and

Whereas, Hidalgo County voters have approved approximately \$100 million in bonds to fund the rehabilitation of local flood control infrastructure, including \$40 million specifically for the advance design and construction of levees within Hidalgo County and along the United States-Mexico border; and

Whereas, the draft Environmental Impact Statement for the Department of Homeland Security's *Tactical Infrastructure Program* for the Rio Grande Valley Sector released in November 2007 includes over 70 miles of proposed fencing within the Rio Grande Valley as the preferred alternative; and

Whereas, such document does not include the rehabilitation and construction of deficient levees required by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project*; and

Whereas, the federal government including, the Department of Homeland Security (Customs and Border Protection), United States Army Corps of Engineers, Federal Emergency Management Agency, and the United States Section of International Boundary & Water Commission possess the ability to determine the feasibility and advantages of alternative approaches that comprehensively address levee deficiencies and enhanced border security.

Now, Therefore, Let it Be Resolved By The Hidalgo County Commissioners' Court, the Hidalgo County Drainage District No. 1 Board of Directors, and the Undersigned Municipalities, publicly express their objection to the Department of Homeland Security's draft Environmental Impact Statement which calls for the construction of over 70 miles of fencing throughout the Rio Grande Valley and along the United States-Mexico border as it fails to consider the impact of a comprehensive approach to address both levee deficiencies and enhanced border security through a design which incorporates components which serve to address levee deficiencies while providing an effective barrier to enhance border security; and

Be it Further Resolved, that the Hidalgo County Commissioners' Court, the Hidalgo County Drainage District No. 1 Board of Directors, and the Undersigned Municipalities fully support the construction and rehabilitation of over 67 miles of levees as pertained by the United States Section of the International Boundary & Water Commission's Lower Rio Grande Flood Control Project or any subsequent inclusion of such levees in alternative approaches for securing the United States-Mexico border.

Passed and Adopted on this ____ day of ____, 2007.

Hidalgo County Commissioners' Court &
Hidalgo County Drainage District No. 1 Board of Directors

The Honorable J.D. Salinas, III
Hidalgo County Judge/
Chairman, Hidalgo County Drainage District No. 1 Board of Directors

The Honorable Sylvia Handy
Hidalgo County Commissioner, Pct. No. 1

The Honorable Hector "Tito" Palacios
Hidalgo County Commissioner, Pct. No. 2

The Honorable Joe Flores
Hidalgo County Commissioner, Pct. No. 3

The Honorable Oscar Garza
Hidalgo County Commissioner, Pct. No. 4

Godfrey Garza, Jr., CFM
Manager, Hidalgo County Drainage District No. 1

&

The Undersigned Municipalities of:

**The Honorable Rudy Villarreal
Mayor, City of Alamo**

**The Honorable Salvador Vela
Mayor, City of Alton**

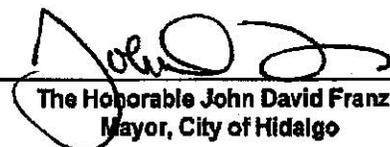
**The Honorable Ricardo L. Morales
Mayor, City of Donna**

**The Honorable Jose Guzman
Mayor, City of Edcouch**

**The Honorable Joe Ochoa
Mayor, City of Edinburg**

**The Honorable Senovio Castillo
Mayor, City of Elsa**

**The Honorable Alberto Magallan
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**The Honorable John David Franz
Mayor, City of Hidalgo**

**The Honorable William 'Billy' Leo
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**The Honorable Servando Ramirez
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**The Honorable Omar Vela
Mayor, City of Progreso**

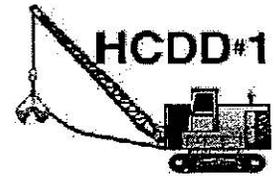
**The Honorable O.D. Emery
Mayor, City of Progreso Lakes**

**The Honorable San Juanita Sanchez
Mayor, City of San Juan**

**The Honorable Gumaro "Marco" Flores
Mayor, City of Sullivan City**

**The Honorable Hector De La Rosa
Mayor, City of Weslaco**

ATTEST:



RESOLUTION 69

A RESOLUTION OF THE COMMISSIONERS' COURT OF HIDALGO COUNTY, HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 BOARD OF DIRECTORS, AND THE UNDERSIGNED RESPECTIVE MUNICIPALITIES WITHIN HIDALGO COUNTY, TEXAS, AUTHORIZING AND APPROVING THE CONSTRUCTION AND REHABILITATION OF FLOOD CONTROL LEVEES WITH RESPECT TO ALTERNATIVE APPROACHES FOR SECURING THE UNITED STATES-MEXICO BORDER

Whereas, the United States Congress has approved H.R. 6061, the "Secure Fence Act of 2006" which authorizes the construction of "2 layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors," along more than 700 miles of the United States' southern border, including fencing adjacent to El Paso, from Del Rio to Eagle Pass, and from Laredo to Brownsville in the Lower Rio Grande Valley; and

Whereas, the Department of Homeland Security and federal officials are legally authorized and required under such Act to consult with local government, including Hidalgo County, the Hidalgo County Drainage District No. 1 Board of Directors, and the respective municipalities within Hidalgo County with respect to the development of security infrastructure along the United States-Mexico border; and

Whereas, the United States Section of the International Boundary & Water Commission and the United States Army Corps of Engineers have identified over 67 miles of levees with deficient elevations, requiring extensive rehabilitation and construction of the system to adequately protect Hidalgo County and its residents from excessive flood waters caused by hurricanes, storms, or other acts of nature; and

Whereas, the United States Section of the International Boundary & Water Commission and Hidalgo County have declared such levees uncertifiable to the Federal Emergency Management Agency with respect to new digital Flood Insurance Rate Maps and their respective designation of Hidalgo County as a special Flood Hazard Zone; and

Whereas, Hidalgo County voters have approved approximately \$100 million in bonds to fund the rehabilitation of local flood control infrastructure, including \$40 million specifically for the advance design and construction of levees within Hidalgo County and along the United States-Mexico border; and

Whereas, the draft Environmental Impact Statement for the Department of Homeland Security's *Tactical Infrastructure Program* for the Rio Grande Valley Sector released in November 2007 includes over 70 miles of proposed fencing within the Rio Grande Valley as the preferred alternative; and

Whereas, such document does not include the rehabilitation and construction of deficient levees required by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project*; and

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Be it Further Resolved, that the Hidalgo County Commissioners' Court, the Hidalgo County Drainage District No. 1 Board of Directors, and the Undersigned Municipalities fully support the construction and rehabilitation of over 67 miles of levees as pertained by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project* or any subsequent inclusion of such levees in alternative approaches for securing the United States-Mexico border.

Passed and Adopted on this 10th day of Dec., 2007.

Hidalgo County Commissioners' Court &
Hidalgo County Drainage District No. 1 Board of Directors

The Honorable J.D. Salinas, III
Hidalgo County Judge/
Chairman, Hidalgo County Drainage District No. 1 Board of Directors

The Honorable Sylvia Handy
Hidalgo County Commissioner, Pct. No. 1

The Honorable Hector "Tito" Palacios
Hidalgo County Commissioner, Pct. No. 2

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Hidalgo County Commissioner, Pct. No. 3

The Honorable Oscar Garza
Hidalgo County Commissioner, Pct. No. 4

Godfrey Garza, Jr., CFM
Manager, Hidalgo County Drainage District No. 1

&

The Undersigned Municipalities of:

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The Honorable Salvador Vela
Mayor, City of Alton

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Mayor, City of Donna

The Honorable Jose Guzman
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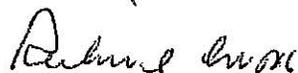
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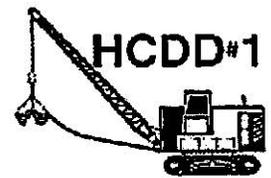
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ATTEST:



RESOLUTION _____

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Passed and Adopted on this ____ day of ____, 2007.

**Hidalgo County Commissioners' Court &
Hidalgo County Drainage District No. 1 Board of Directors**

**The Honorable J.D. Salinas, III
Hidalgo County Judge/
Chairman, Hidalgo County Drainage District No. 1 Board of Directors**

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Hidalgo County Commissioner, Pct. No. 4**

**Godfrey Garza, Jr., CFM
Manager, Hidalgo County Drainage District No. 1**

&

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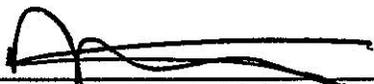
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**The Honorable Richard Cortez
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**The Honorable Joel Quintanilla
Mayor, City of Mercedes
Approved: December 10, 2007**

**The Honorable Norberto Salinas
Mayor, City of Mission**

**The Honorable Ramiro J. Rodriguez, Jr.
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Mayor, City of Progreso Lakes**

**The Honorable San Juanita Sanchez
Mayor, City of San Juan**

**The Honorable Gumaro "Marco" Flores
Mayor, City of Sullivan City**

**The Honorable Hector De La Rosa
Mayor, City of Weslaco**

ATTEST:



RESOLUTION 12-13-2007

A RESOLUTION OF THE COMMISSIONERS' COURT OF HIDALGO COUNTY, HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 BOARD OF DIRECTORS, AND THE UNDERSIGNED RESPECTIVE MUNICIPALITIES WITHIN HIDALGO COUNTY, TEXAS, AUTHORIZING AND APPROVING THE CONSTRUCTION AND REHABILITATION OF FLOOD CONTROL LEVEES WITH RESPECT TO ALTERNATIVE APPROACHES FOR SECURING THE UNITED STATES-MEXICO BORDER

Whereas, the United States Congress has approved H.R. 6061, the "Secure Fence Act of 2006" which authorizes the construction of "2 layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors," along more than 700 miles of the United States' southern border, including fencing adjacent to El Paso, from Del Rio to Eagle Pass, and from Laredo to Brownsville in the Lower Rio Grande Valley; and

Whereas, the Department of Homeland Security and federal officials are legally authorized and required under such Act to consult with local government, including Hidalgo County, the Hidalgo County Drainage District No. 1 Board of Directors, and the respective municipalities within Hidalgo County with respect to the development of security infrastructure along the United States-Mexico border; and

Whereas, the United States Section of the International Boundary & Water Commission and the United States Army Corps of Engineers have identified over 67 miles of levees with deficient elevations, requiring extensive rehabilitation and construction of the system to adequately protect Hidalgo County and its residents from excessive flood waters caused by hurricanes, storms, or other acts of nature; and

Whereas, the United States Section of the International Boundary & Water Commission and Hidalgo County have declared such levees uncertifiable to the Federal Emergency Management Agency with respect to new digital Flood Insurance Rate Maps and their respective designation of Hidalgo County as a special Flood Hazard Zone; and

Whereas, Hidalgo County voters have approved approximately \$100 million in bonds to fund the rehabilitation of local flood control infrastructure, including \$40 million specifically for the advance design and construction of levees within Hidalgo County and along the United States-Mexico border; and

Whereas, the draft Environmental Impact Statement for the Department of Homeland Security's *Tactical Infrastructure Program* for the Rio Grande Valley Sector released in November 2007 includes over 70 miles of proposed fencing within the Rio Grande Valley as the preferred alternative; and

Whereas, such document does not include the rehabilitation and construction of deficient levees required by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project*; and

Whereas, the federal government including, the Department of Homeland Security (Customs and Border Protection), United States Army Corps of Engineers, Federal Emergency Management Agency, and the United States Section of International Boundary & Water Commission possess the ability to determine the feasibility and advantages of alternative approaches that comprehensively address levee deficiencies and enhanced border security.

Now, Therefore, Let it Be Resolved By The Hidalgo County Commissioners' Court, the Hidalgo County Drainage District No. 1 Board of Directors, and the Undersigned Municipalities, publicly express their objection to the Department of Homeland Security's draft Environmental Impact Statement which calls for the construction of over 70 miles of fencing throughout the Rio Grande Valley and along the United States-Mexico border as it fails to consider the impact of a comprehensive approach to address both levee deficiencies and enhanced border security through a design which incorporates components which serve to address levee deficiencies while providing an effective barrier to enhance border security; and

Be it Further Resolved, that the Hidalgo County Commissioners' Court, the Hidalgo County Drainage District No. 1 Board of Directors, and the Undersigned Municipalities fully support the construction and rehabilitation of over 67 miles of levees as pertained by the United States Section of the International Boundary & Water Commission's Lower Rio Grande Flood Control Project or any subsequent inclusion of such levees in alternative approaches for securing the United States-Mexico border.

Passed and Adopted on this ____ day of _____, 2007.

**Hidalgo County Commissioners' Court &
Hidalgo County Drainage District No. 1 Board of Directors**

**The Honorable J.D. Salinas, III
Hidalgo County Judge/
Chairman, Hidalgo County Drainage District No. 1 Board of Directors**

**The Honorable Sylvia Handy
Hidalgo County Commissioner, Pct. No. 1**

**The Honorable Hector "Tito" Palacios
Hidalgo County Commissioner, Pct. No. 2**

**The Honorable Joe Flores
Hidalgo County Commissioner, Pct. No. 3**

**The Honorable Oscar Garza
Hidalgo County Commissioner, Pct. No. 4**

**Godfrey Garza, Jr., CFM
Manager, Hidalgo County Drainage District No. 1**

&

The Undersigned Municipalities of:

The Honorable Rudy Villarreal
Mayor, City of Alamo

The Honorable Salvador Vela
Mayor, City of Alton

The Honorable Ricardo L. Morales
Mayor, City of Donna

The Honorable Jose Guzman
Mayor, City of Edcouch

The Honorable Joe Ochoa
Mayor, City of Edinburg

The Honorable Senovio Castillo
Mayor, City of Elsa

The Honorable Alberto Magallon
Mayor, City of Granjeno

The Honorable John David Franz
Mayor, City of Hidalgo

The Honorable William 'Billy' Leo
Mayor, City of La Joya

The Honorable Rene Castillo
Mayor, City of La Villa

The Honorable Richard Cortez
Mayor, City of McAllen

The Honorable Joel Quintanilla
Mayor, City of Mercedes

The Honorable Norberto Salinas
Mayor, City of Mission


The Honorable Ramiro J. Rodriguez, Jr.
Mayor, City of Palmhurst

The Honorable Jorge G. Garcia
Mayor, City of Palmview

The Honorable Servando Ramirez
Mayor, City of Penitas

The Honorable Leopoldo "Leo" Palacios
Mayor, City of Pharr

The Honorable Omar Vela
Mayor, City of Progreso

The Honorable O.D. Emery
Mayor, City of Progreso Lakes

The Honorable San Juanita Sanchez
Mayor, City of San Juan

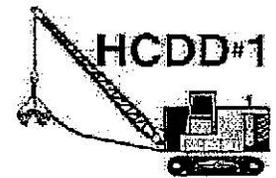
The Honorable Gumaro "Marco" Flores
Mayor, City of Sullivan City

The Honorable Hector De La Rosa
Mayor, City of Weslaco

ATTEST:

Loni A. Lopez





RESOLUTION _____

A RESOLUTION OF THE COMMISSIONERS' COURT OF HIDALGO COUNTY, HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 BOARD OF DIRECTORS, AND THE UNDERSIGNED RESPECTIVE MUNICIPALITIES WITHIN HIDALGO COUNTY, TEXAS, AUTHORIZING AND APPROVING THE CONSTRUCTION AND REHABILITATION OF FLOOD CONTROL LEVEES WITH RESPECT TO ALTERNATIVE APPROACHES FOR SECURING THE UNITED STATES-MEXICO BORDER

Whereas, the United States Congress has approved H.R. 6061, the "Secure Fence Act of 2006" which authorizes the construction of "2 layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors," along more than 700 miles of the United States' southern border, including fencing adjacent to El Paso, from Del Rio to Eagle Pass, and from Laredo to Brownsville in the Lower Rio Grande Valley; and

Whereas, the Department of Homeland Security and federal officials are legally authorized and required under such Act to consult with local government, including Hidalgo County, the Hidalgo County Drainage District No. 1 Board of Directors, and the respective municipalities within Hidalgo County with respect to the development of security infrastructure along the United States-Mexico border; and

Whereas, the United States Section of the International Boundary & Water Commission and the United States Army Corps of Engineers have identified over 67 miles of levees with deficient elevations, requiring extensive rehabilitation and construction of the system to adequately protect Hidalgo County and its residents from excessive flood waters caused by hurricanes, storms, or other acts of nature; and

Whereas, the United States Section of the International Boundary & Water Commission and Hidalgo County have declared such levees uncertifiable to the Federal Emergency Management Agency with respect to new digital Flood Insurance Rate Maps and their respective designation of Hidalgo County as a special Flood Hazard Zone; and

Whereas, Hidalgo County voters have approved approximately \$100 million in bonds to fund the rehabilitation of local flood control infrastructure, including \$40 million specifically for the advance design and construction of levees within Hidalgo County and along the United States-Mexico border; and

Whereas, the draft Environmental Impact Statement for the Department of Homeland Security's *Tactical Infrastructure Program* for the Rio Grande Valley Sector released in November 2007 includes over 70 miles of proposed fencing within the Rio Grande Valley as the preferred alternative; and

Whereas, such document does not include the rehabilitation and construction of deficient levees required by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project*; and

Whereas, the federal government including, the Department of Homeland Security (Customs and Border Protection), United States Army Corps of Engineers, Federal Emergency Management Agency, and the United States Section of International Boundary & Water Commission possess the ability to determine the feasibility and advantages of alternative approaches that comprehensively address levee deficiencies and enhanced border security.

Now, Therefore, Let it Be Resolved By The Hidalgo County Commissioners' Court, the Hidalgo County Drainage District No. 1 Board of Directors, and the Undersigned Municipalities, publicly express their objection to the Department of Homeland Security's draft Environmental Impact Statement which calls for the construction of over 70 miles of fencing throughout the Rio Grande Valley and along the United States-Mexico border as it fails to consider the impact of a comprehensive approach to address both levee deficiencies and enhanced border security through a design which incorporates components which serve to address levee deficiencies while providing an effective barrier to enhance border security; and

Be it Further Resolved, that the Hidalgo County Commissioners' Court, the Hidalgo County Drainage District No. 1 Board of Directors, and the Undersigned Municipalities fully support the construction and rehabilitation of over 67 miles of levees as pertained by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project* or any subsequent inclusion of such levees in alternative approaches for securing the United States-Mexico border.

Passed and Adopted on this ____ day of _____, 2007.

Hidalgo County Commissioners' Court &
Hidalgo County Drainage District No. 1 Board of Directors

The Honorable J.D. Salinas, III
Hidalgo County Judge/
Chairman, Hidalgo County Drainage District No. 1 Board of Directors

The Honorable Sylvia Handy
Hidalgo County Commissioner, Pct. No. 1

The Honorable Hector "Tito" Palacios
Hidalgo County Commissioner, Pct. No. 2

The Honorable Joe Flores
Hidalgo County Commissioner, Pct. No. 3

The Honorable Oscar Garza
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Godfrey Garza, Jr., CFM
Manager, Hidalgo County Drainage District No. 1

&

The Undersigned Municipalities of:

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**The Honorable Salvador Vela
Mayor, City of Alton**

**The Honorable Ricardo L. Morales
Mayor, City of Donna**

**The Honorable Jose Guzman
Mayor, City of Edcouch**

**The Honorable Joe Ochoa
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**The Honorable Senovio Castillo
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**The Honorable Alberto Magallan
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**The Honorable John David Franz
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**The Honorable William 'Billy' Leo
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**The Honorable Rene Castillo
Mayor, City of La Villa**

**The Honorable Richard Cortez
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**The Honorable Joel Quintanilla
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**The Honorable Norberto Salinas
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**The Honorable Ramiro J. Rodriguez, Jr.
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Leopoldo "Leo" Palacios

The Honorable Leopoldo "Leo" Palacios
Mayor, City of Pharr

The Honorable Omar Vela
Mayor, City of Progreso

The Honorable O.D. Emery
Mayor, City of Progreso Lakes

The Honorable San Juanita Sanchez
Mayor, City of San Juan

The Honorable Gumaro "Marco" Flores
Mayor, City of Sullivan City

The Honorable Hector De La Rosa
Mayor, City of Weslaco

ATTEST:

RESOLUTION 07-005

A RESOLUTION OF THE SAN JUAN CITY COMMISSION, CITY OF SAN JUAN, TEXAS, AUTHORIZING AND APPROVING THE CONSTRUCTION AND REHABILITATION OF FLOOD CONTROL LEVEES WITH RESPECT TO ALTERNATIVE APPROACHES FOR SECURING THE UNITED STATES-MEXICO BORDER

Whereas, the United States Congress has approved H.R. 6061, the "Secure Fence Act of 2006" which authorizes the construction of "2 layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors," along more than 700 miles of the United States' southern border, including fencing adjacent to El Paso, from Del Rio to Eagle Pass, and from Laredo to Brownsville in the Lower Rio Grande Valley; and

Whereas, the Department of Homeland Security and federal officials are legally authorized and required under such Act to consult with local government, including Hidalgo County, the Hidalgo County Drainage District No. 1 Board of Directors, and the respective municipalities within Hidalgo County with respect to the development of security infrastructure along the United States-Mexico border; and

Whereas, the United States Section of the International Boundary & Water Commission and the United States Army Corps of Engineers have identified over 67 miles of levees with deficient elevations, requiring extensive rehabilitation and construction of the system to adequately protect Hidalgo County and its residents from excessive flood waters caused by hurricanes, storms, or other acts of nature; and

Whereas, the United States Section of the International Boundary & Water Commission and Hidalgo County have declared such levees uncertifiable to the Federal Emergency Management Agency with respect to new digital Flood Insurance Rate Maps and their respective designation of Hidalgo County as a special Flood Hazard Zone; and

Whereas, Hidalgo County voters have approved approximately \$100 million in bonds to fund the rehabilitation of local flood control infrastructure, including \$40 million specifically for the advance design and construction of levees within Hidalgo County and along the United States-Mexico border; and

Whereas, the draft Environmental Impact Statement for the Department of Homeland Security's *Tactical Infrastructure Program* for the Rio Grande Valley Sector released in November 2007 includes over 70 miles of proposed fencing within the Rio Grande Valley as the preferred alternative; and

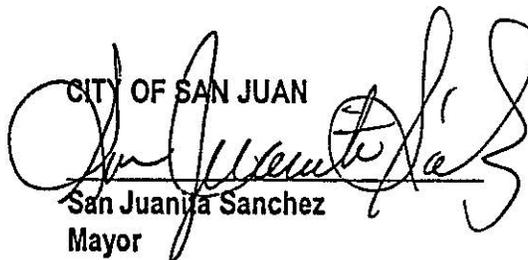
Whereas, such document does not include the rehabilitation and construction of deficient levees required by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project*; and

Whereas, the federal government including, the Department of Homeland Security (Customs and Border Protection), United States Army Corps of Engineers, Federal Emergency Management Agency, and the United States Section of International Boundary & Water Commission possess the ability to determine the feasibility and advantages of alternative approaches that comprehensively address levee deficiencies and enhanced border security.

Now, Therefore, Let it be Resolved by The San Juan City Commission of San Juan, Texas, publicly express their objection to the Department of Homeland Security's draft Environmental Impact Statement which calls for the construction of over 70 miles of fencing throughout the Rio Grande Valley and along the United States-Mexico border as it fails to consider the impact of a comprehensive approach to address both levee deficiencies and enhanced border security through a design which incorporates components which serve to address levee deficiencies while providing an effective barrier to enhance border security; and

Be it Further Resolved, that the San Juan City Commission of San Juan, Texas fully support the construction and rehabilitation of over 67 miles of levees as pertained by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project* or any subsequent inclusion of such levees in alternative approaches for securing the United States-Mexico border.

Passed and Adopted on this 10th day of December, 2007.

CITY OF SAN JUAN

San Juanita Sanchez
Mayor

ATTEST:


Vicki Ramirez, Interim City Secretary

RESOLUTION NO. 2007-37

**A RESOLUTION OF THE CITY OF WESLACO, HIDALGO COUNTY, TEXAS
AUTHORIZING AND APPROVING THE CONSTRUCTION AND REHABILITATION
OF FLOOD CONTROL LEVEES WITH RESPECT TO ALTERNATIVE
APPROACHES FOR SECURING THE UNITED STATES-MEXICO BORDER.**

WHEREAS, the United States Congress has approved H.R. 6061, the "Secure Fence Act of 2006" which authorizes the construction of "2 layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors," along more than 700 miles of the United States' southern border, including fencing adjacent to El Paso, from Del Rio to Eagle Pass, and from Laredo to Brownsville in the Lower Rio Grande Valley; and

WHEREAS, the Department of Homeland Security and federal officials are legally authorized and required under such Act to consult with local government, including Hidalgo County, the Hidalgo County Drainage District No. 1 Board of Directors, and the respective municipalities within Hidalgo County with respect to the development of security infrastructure along the United States-Mexico border; and

WHEREAS, the United States Section of the International Boundary & Water Commission and the United States Army Corps of Engineers have identified over 67 miles of levees with deficient elevations, requiring extensive rehabilitation and construction of the system to adequately protect Hidalgo County and its residents from excessive flood waters caused by hurricanes, storms, or other acts of nature; and

WHEREAS, the United States Section of the International Boundary & Water Commission and Hidalgo County have declared such levees uncertifiable to the Federal Emergency Management Agency with respect to new digital Flood Insurance Rate Maps and their respective designation of Hidalgo County as a special Flood Hazard Zone; and

WHEREAS, Hidalgo County voters have approved approximately \$100 million in bonds to fund the rehabilitation of local flood control infrastructure, including \$40 million specifically for the advance design and construction of levees within Hidalgo County and along the United States-Mexico border; and

WHEREAS, the draft Environmental Impact Statement for the Department of Homeland Security's *Tactical Infrastructure Program* for the Rio Grande Valley Sector released in November 2007 includes over 70 miles of proposed fencing within the Rio Grande Valley as the preferred alternative; and

WHEREAS, such document does not include the rehabilitation and construction of deficient levees required by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project*; and

WHEREAS, the federal government including, the Department of Homeland Security (Customs and Border Protection), United States Army Corps of Engineers, Federal Emergency

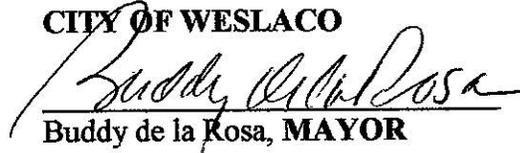
Management Agency, and the United States Section of International Boundary & Water Commission possess the ability to determine the feasibility and advantages of alternative approaches that comprehensively address levee deficiencies and enhanced border security.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO THAT it publicly expresses its objection to the Department of Homeland Security's draft Environmental Impact Statement which calls for the construction of over 70 miles of fencing throughout the Rio Grande Valley and along the United States-Mexico border as it fails to consider the impact of a comprehensive approach to address both levee deficiencies and enhanced border security through a design which incorporates components which serve to address levee deficiencies while providing an effective barrier to enhance border security; and

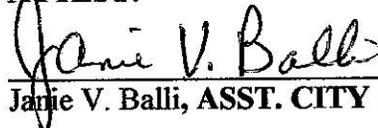
BE IT FURTHER RESOLVED, that the City of Weslaco fully supports the construction and rehabilitation of over 67 miles of levees as pertained by the United States Section of the International Boundary & Water Commission's *Lower Rio Grande Flood Control Project* or any subsequent inclusion of such levees in alternative approaches for securing the United States-Mexico border.

PASSED AND APPROVED on this 11th day of December, 2007.

CITY OF WESLACO


Buddy de la Rosa, MAYOR

ATTEST:


Janie V. Balli, ASST. CITY SECRETARY

APPROVED AS TO FORM:


Ramon Vela, CITY ATTORNEY



January 3, 2008

COMMISSIONERS

PETER M. HOLT
CHAIRMAN
SAN ANTONIO

T. DAN FRIEDKIN
VICE-CHAIRMAN
HOUSTON

MARK E. BIVINS
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J. ROBERT BROWN
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JOHN D. PARKER
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LEE M. BASS
CHAIRMAN-EMERITUS
FORT WORTH

ROBERT L. COOK
EXECUTIVE DIRECTOR

Mr. Ron Lamb
Rio Grande Tactical Infrastructure EIS
c/o e²M
2751 Prosperity Avenue, Suite 200
Fairfax, VA 22031

RE: Draft EIS for the Construction, Maintenance and Operation of Tactical Infrastructure. Rio Grande Valley Sector, Texas.

Dear Mr. Lamb:

Texas Parks and Wildlife Department (TPWD) staff has reviewed the November 2007 Draft Environmental Impact Statement (DEIS) for the construction, maintenance and operation of tactical infrastructure along the U.S./Mexico border in the Rio Grande Valley Sector. The proposed project would construct approximately 70 miles of pedestrian fence, patrol roads and access roads in 21 discrete locations along the U.S./Mexico international border identified by the U.S. Border Patrol (USBP) as areas with high levels of illegal cross-border activity. Three alternatives, including the No Action Alternative (Alternative 1), were considered. Alternative 2 consists of a pedestrian fence, patrol roads, and access roads following routes identified as Route A and Route B (the preferred route); Alternative 3, the Secure Fence Act Alignment, consists of two layers of fence constructed approximately 130 feet apart along the same alignment as Route B. Alternative 3 would also include the construction of patrol roads between the two fences and access roads. All build alignments would closely follow the International Boundary and Water Commission (IBWC) levee system.

TPWD staff has reviewed the DEIS and offers the following comments and recommendations:

Executive Summary

Table ES-1, Page ES-5

Table ES-1 indicates "major beneficial" impacts to vegetation; however, in the body of the DEIS (4.7.2 Alternative 2: Routes A and B, Page 4-21, Line 27), the "major beneficial impact" of construction of tactical infrastructure is avoidance of "unique habitat," rather than a benefit to vegetation actually derived



Take a kid
hunting or fishing



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directly from construction of the proposed tactical infrastructure. Therefore, this designation of “major beneficial impact” should be removed from the DEIS.

Section 1.0 Introduction

Page 1-1, Line 26 should state “Texas Parks and Wildlife Department Wildlife Management areas (WMAs)” rather than state parks. Wildlife management areas are managed differently than state parks and can be expected to provide different and more diverse animal habitats than parks may. Therefore, impacts to natural resources in WMAs may be more significant than those through a state park. Also, none of the three state parks located in the Rio Grande Valley (*i.e.*, Bentsen-Rio Grande Valley State Park, Estero Llano Grande State Park, and Resaca de la Palma State Park) occurs in the project corridor.

Section 1.6 Cooperating and Coordinating Agencies

Page 1-9, Line 35: There should be a statement indicating the need for a Surface Use Agreement with TPWD before the Department of Homeland Security (DHS) or its cooperators enter TPWD properties for the purpose of conducting studies or surveys prior to tactical infrastructure construction.

Section 2.0 Proposed Action and Alternatives

Section 2.2.2 Alternative 2: Route A and B

Page 2-6, Line 5. The height range of the fence is provided, but only states that it will “extend below ground.” There should be a range of depth to which the foundation of the fence might extend so that there may be a better evaluation of potential impacts caused by sub-soil disturbances.

Page 2-7, Line 3. Line 3 states that fencing would be “Designed to reduce or minimize impacts on small animal movements.” However, Appendix E: Standard Design For Tactical Infrastructure does not elaborate on specifics of any design element that would serve to complete this stated function. Details of “migratory wildlife portals” and the bollard-type fence need to be included. It should also be noted that there has been no decision on any type of fence design or designs for specific consideration of impacts to the movement of wildlife species.

Page 2-7, Lines 35-36. These lines state “Unavoidable impacts on jurisdictional waters of the United States, including wetlands, would be mitigated.” There should be some clarification as to the plan or plans for this mitigation. See comments on Section 4.6.2.

Section 3.0 Affected Environment

Section 3.4 Land Use: Route A

Page 3-10, Lines 24-27. These lines state "Recreation/Special Use-This land use classification includes barren land, or land with sparse vegetation cover during most of the year. Areas of sand dunes or shifting soil would also be included. This classification includes tourist recreation and natural and wildlife management areas." It should also be stated that this land use classification includes land with moderate to high quality native vegetation.

Page 3-11, Line 5. Regarding recreational areas located in Cameron County, the DEIS lists Santa Ana as being a National Wildlife Refuge in Cameron County. However, Santa Ana National Wildlife Refuge is located in Hidalgo County. This should be corrected in the Final EIS.

Section 3.7 Vegetation

Page 3-27, Lines 32-33. Lines 32-33 state that of 236 species of plants "129 were found in one fence section"; however, Line 36 states that there were "145 plant species recorded" in Section O-1 (a single fence section). This apparent discrepancy should be clarified.

Table 3.7-1 Ecological Systems Present in Each Proposed Tactical Infrastructure Section

Page 3-28. The "Non-native species" row of this table should be removed as the category "non-native species" is not an ecological system, and, therefore, does not belong in this table.

Section 3.8 Wildlife and Aquatic Resources

Page 3-29, Line 33. Remove "Texas state parks" as these properties do not fall within the proposed tactical infrastructure corridor; however, note that units of TPWD Las Palomas WMA do fall within the proposed tactical infrastructure corridor.

The Las Palomas WMA (LPWMA)/Lower Rio Grande Valley Ecosystems Project is owned and operated by TPWD. The LPWMA was established in 1957, and consists of 18 units in Cameron, Hidalgo, Starr and Willacy counties in the Lower Rio Grande Valley (LRGV) totaling approximately 3,500 acres. Of these 18 units, eight are under management of the U. S. Fish and Wildlife Service (USFWS) under a 50-year agreement. The LPWMA was established for the primary purpose of wildlife and habitat conservation, management, research,

habitat enhancement, demonstration, and education under controlled conditions. Public access and recreation, such as hunting, bird and butterfly watching and photography are authorized where feasible, when compatible with the purposes for which the property was acquired, within the provisions of the National Environmental Policy Act (NEPA) and within the constraints of ongoing wildlife and habitat research and management programs.

LPWMA management strategy originally focused on management of nesting, feeding and roosting areas for white-winged doves. However, a holistic ecosystem approach has been developed to manage the unique habitat in the LRGV, which supports a diverse assemblage of plant and animal species found nowhere else in Texas, and in some species, nowhere else in the United States.

These properties were purchased under the State's Federal Aid Wildlife Program. Acquisition, operation and management of WMAs are authorized under the Texas Parks and Wildlife Department Code, Chapter 81, Subchapter E, §81.401 and §81.405. A Section 7 Consultation with the USFWS may be required if: any of these areas are operated with federal funds from Pittman-Robertson, or if the purpose for which these lands were purchased are changed by the proposed project.

In accordance with Parks and Wildlife Code, Chapter 26, before the Texas Parks and Wildlife Commission (Commission) may approve the permanent use, use or taking of WMA property, the Commission must determine that (1) there is no feasible and prudent alternative to the use or taking of such land; and (2) the project includes all reasonable planning to minimize harm to the land. Information that would enable the Commission to make this determination should be included in the Final EIS.

Page 3-30, Line 17. Remove "Presidio," as the property in that county is no longer administered by TPWD.

Section 3.9 Special Status Species

Section 3.9.1 Route A

Federal Species

Page 3-35, Lines 28-29. The jaguarundi (*Herpailurus yaguarondi*) is known to use more open habitat (< 95% canopy cover) for feeding purposes.

Page 3-35, Lines 18-20. The DEIS states that the *only* sighting of a jaguarundi (*Herpailurus yaguarondi*) in Texas was a road-killed specimen. The Texas

Natural Diversity Database (TXNDD) indicates five documented occurrences of the jaguarundi within 1.5 miles of the project corridor including two road-killed specimens in the late 1980s.

State Species

According to the DEIS, during the October 2007 survey of the project corridor, only two state listed species, Mexican treefrog (*Smilisca baudinii*) and Texas horned lizard (*Phrynosoma cornutum*), and habitat for two other state listed species, white-lipped frog (*Leptodactylus labialis*) and Mexican burrowing toad (*Rhinophrynus dorsalis*), were observed.

Based on the project as presented, the TPWD list for Cameron, Hidalgo, and Starr counties, and presently known Texas Natural Diversity Database (TXNDD) records for the general project area, the following federal and state listed and rare species could be impacted by proposed project activities if suitable habitat is present:

Federal and State Listed Endangered:

- Northern Aplomado Falcon (*Falco femoralis septentrionalis*)
- * Rio Grande silvery minnow (*Hybognathus amarus*)
- * Jaguarundi (*Herpailurus yaguarondi*)
- * Ocelot (*Leopardus pardalis*)
- * Ashy dogweed (*Thymophylla tephroleuca*)
- * Johnston's frankenia (*Frankenia johnstonii*)
- * Star cactus (*Astrophytum asterias*)
- * Texas ayenia (*Ayenia limitaris*)
- * Walker's manioc (*Manihot walkerae*)
- * Zapata bladderpod (*Physaria thamnophila*)

State Listed Threatened:

- * Black-spotted newt (*Notophthalmus meridionalis*)
- Sheep frog (*Hypopachus variolosus*)
- * Mexican burrowing toad (*Rhinophrynus dorsalis*)
- * Mexican treefrog (*Smilisca baudinii*)
- * South Texas Siren (large form) (*Siren* sp. 1)
- * White-lipped frog (*Leptodactylus fragilis*)
- Cactus Ferruginous Pygmy-Owl (*Glaucidium brasilianum cactorum*)
- Common Black-Hawk (*Buteogallus anthracinus*)
- * Gray Hawk (*Asturina nitida*)
- Northern Beardless-Tyrannulet (*Camptostoma imberbe*)
- * Rose-throated Becard (*Pachyramphus aglaiae*)
- Texas Botteri's Sparrow (*Aimophila botteri texana*)
- Tropical Parula (*Parula pitiayumi*)

- White-tailed Hawk (*Buteo albicaudatus*)
- * River goby (*Awaous banana*)
- * Southern yellow bat (*Lasiurus ega*)
- * Black-striped snake (*Coniophanes imperialis*)
- * Indigo snake (*Drymarchon corias*)
- * Northern cat-eyed snake (*Leptodeira septentrionalis septentrionalis*)
- * Reticulate collard lizard (*Crotophytus reticulatus*)
- * Speckled racer (*Drymobius margaritiferus*)
- * Texas horned lizard (*Phrynosoma cornutum*)
- * Texas tortoise (*Gopherus berlandieri*)

Species of Concern

- Audubon's oriole (*Icterus graduacauda audubonii*)
- Brownsville common yellowthroat (*Geothlypis trichas insperata*)
- Mexican hooded oriole (*Icterus cucullatus cucullatus*)
- Sennett's hooded oriole (*Icterus cucullatus sennettii*)
- Spot-tailed earless lizard (*Holbrookia lacerata*)
- * Bailey's ballmoss (*Tillandsia baileyi*)
- * Chihuahua balloon vine (*Cardiospermum dissectum*)
- * Falfurrias milkvine (*Matelea radiata*)
- * Green Island echeandia (*Echeandia texensis*)
- * Gregg's wild-buckwheat (*Eriogonum greggii*)
- * Mexican mud-plantain (*Heteranthera mexicana*)
- * Plains gumweed (*Grindelia oolepis*)
- * Prostrate milkweed (*Asclepias prostata*)
- * Runyon's cory cactus (*Coryphantha macromeris* var. *runyonii*)
- * Runyon's water-willow (*Justicia runyonii*)
- * St. Joseph's staff (*Manfreda longiflora*)
- * Straw-spine glory of Texas (*Thelocactus bicolor* var. *flavidispinus*)
- * Vasey's adelia (*Adelia vaseyi*)

Special Terrestrial Communities

- * American Elm-hackberry Series (*Ulmus americana-Celtis* spp. Series)
- * Cedar Elm-sugarberry Series (*Ulmus crassifolia-Celtis laevigata* Series)
- * Texas Palmetto Series (*Sabal texana* Series)
- * Texas Ebony-anacua Series (*Pithecellobium ebano-Ehretia anacua* Series)

A review of records in the TXNDD revealed that the species and natural communities marked with asterisks (*) above have been documented on or within 1.5 miles of the project routes. Occurrence data from the TXNDD indicates that 25 different state listed endangered and threatened species have been documented within 1.5 miles of the project corridor; several of which have been observed multiple times in multiple areas. Additionally, species of concern and special

terrestrial communities have been documented in or near the proposed project corridor. TPWD provided this information in a GIS layer prior to the biological surveys being performed in October 2007; however, none of the information was included in the DEIS. TPWD recommends incorporating information from the TXNDD into the Final EIS in order to more adequately report the diversity of wildlife in the project corridor and to more accurately estimate the probability of impacting state listed species.

Please be aware that the TXNDD is intended to assist users in avoiding harm to rare species or significant ecological features. Absence of information in an area does not imply that a species does not occur in that area, only that it has not been recorded. Given the small proportion of public versus private land in Texas, the TXNDD does not include a complete inventory of rare resources in the state. Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presence, absence or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive and cannot be used as presence/absence data. They represent species that could potentially be in your project area. This information cannot be substituted for on-the-ground surveys. The TXNDD is updated continuously; for the most current and accurate information, please contact Dorinda Scott at (512) 912-7023 or Dorinda.Scott@tpwd.state.tx.us.

For the USFWS rare species lists, please visit: http://eco.fws.gov/tess_public/serviet/gov.doi.tess_public.serviets.EntryPage.

The TPWD county lists for rare species may be obtained from the following link: <http://gis.tpwd.state.tx.us/TPWEndangeredSpecies/DesktopDefault.aspx>.

Because determining the actual presence of a species in a given area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency and population density (both wildlife and human), TPWD recommends conducting multiple wildlife surveys and monitoring throughout the project corridor in order to more accurately determine the long-term impacts the project will have on wildlife. In particular, monitoring efforts should determine how the permanent barrier will affect daily migrations across the project corridor.

Section 4.0 Environmental Consequences

Section 4.4 Land Use

Section 4.4.2 Alternative 2: Routes A and B

Page 4-12, Lines 8-14. There should be a statement in this paragraph indicating the meaning of land “acquisition” for state-owned lands.

Page 4-12, Lines 17-18. These lines state that certain “lands within the proposed project corridor would not be available for future development”; this statement should be amended to note that future development of lands south of the proposed project corridor may also be affected.

Section 4.5 Geology and Soils

Section 4.5.2 Alternative 2: Routes A and B

Page 4-14, Lines 8-9. The DEIS states that “Short-term minor direct adverse impacts on soils would be expected.” This should be changed to “long-term moderate to major” since soils will be permanently altered by the border fence and patrol roads within the proposed tactical infrastructure corridor.

Page 4-14, Lines 24-27. The DEIS indicates here that disturbed soils will be “revegetated with native species.” Details of the extent of funding for restoration of adversely impacted natural resources, and the intent of DHS and/or its collaborators to perform such restoration should be included in this and other sections where appropriate.

Section 4.6.2 Water Resources

Based on National Wetlands Inventory (NWI) maps, 7.3 acres of jurisdictional wetlands will be impacted under the preferred alternative. The NWI maps have not been updated in 20 years, and have never been considered an acceptable basis for determination of jurisdictional wetlands under Section 404 of the Clean Water Act. TPWD is unaware of any wetland delineations performed; if there have been, that information should be included in the Final EIS. As the U.S. Army Corps of Engineers is involved in preparation of this document, they should be aware of the regulatory requirements for determination of and compensation for jurisdictional wetlands.

Section 4.7 Vegetation

Section 4.7.1 Alternative 1: No Action Alternative

Page 4-20, Line 16. Eliminate “primarily hunters,” unless there is evidence to suggest that hunters trample more vegetation than other “recreationists.”

Section 4.7.2 Alternative 2: Routes A and B

Page 4-20, Lines 22-23. These lines state that only “a portion” of the 60-foot-wide corridor will be maintained. If there is no need to “maintain” the entire 60-foot-wide corridor, perhaps the width of the corridor should be reduced to the width that will be maintained. This same wording is used on page 4-24, lines 7-8, page 4-28, line 4, and page 4-30, line 7.

Page 4-21, Lines 13-14. This section should note that the proposed tactical infrastructure will also result in the clearing of acreage that was revegetated by TPWD (Anacua Unit of Las Palomas WMA) around 1985. This acreage supports one of the largest rural breeding colonies of white-winged doves in the LRGV.

Page 4-22, Line 8. The phrase “concentrated foot traffic” should be changed to “concentrated foot and vehicular traffic,” as both foot and vehicular traffic will be concentrated around the ends of fence sections.

Section 4.8 Wildlife and Aquatic Resources

Section 4.8.2 Alternative 2: Routes A and B

In general, in the DEIS, environmental consequences regarding wildlife only address loss of habitat and displacement. There is no discussion regarding the pedestrian fence limiting wildlife movement through established corridors and possibly restricting gene flow between populations.

Page 4-25, Lines 3-5. TPWD disagrees with the assumption that the pedestrian fence would be beneficial to wildlife by reducing foot traffic north of the corridor. Much of the area north of the project corridor is either agriculturally or residentially developed land that provides low quality wildlife habitat. The tracts of land in which high quality habitat occur north of the pedestrian fence consists primarily of lands managed by the USFWS and TPWD. Any benefits to wildlife in these areas could be outweighed by the negative impacts of the pedestrian fence fragmenting those same managed tracts of high quality habitat.

Page 4-25, Lines 15-16. It should be noted that wildlife and wildlife habitat would be adversely impacted by funneling border violators and concentrating USBP activity at and around the west end of Section O-4 on the TPWD Penitas Unit of Las Palomas WMA. The east end of Section O-4 is relatively near the Bentsen-Rio Grande Valley State Park, which may also be adversely impacted by funneling border violators and concentrating USBP activity in the park.

Page 4-26, Lines 3-9. It should be noted in this summary paragraph, as well as in the body of the DEIS, that there would be adverse impacts to wildlife due to concentration of terrestrial species along the north side of the fence where they would be subject to increased vehicular traffic mortality. There would also be

adverse impacts to wildlife due to increased fragmentation of habitat and territories, and genetic isolation. There would also be adverse impacts to wildlife species that rely on water from the Rio Grande for drinking purposes, but find themselves on the north side of the border fence with access to the river blocked.

Page 4-26, Lines 33-34. These lines should also include Section O-4, based on the funneling of activities around the west end of this fence section onto the TPWD Penitas Unit of Las Palomas WMA.

Section 4.9 Special Status Species

Section 4.9.2.2 State Species, Alternative 2: Routes A and B

Page 4-30, Lines 18-30. As previously mentioned, habitat loss or conversion could potentially impact many more species than the four state listed species mentioned in the DEIS. Lines 18-30 identify only four state listed species for consideration in evaluating adverse impacts due to habitat loss or conversion: Mexican tree frog (*Smilisca baudinii*), Texas horned lizard (*Phrynosoma cornutum*), which is known to occur on the TPWD Penitas Unit of Las Palomas WMA (Section O-4), white-lipped frog (*Leptodactylus labialis*) and Mexican burrowing toad (*Rhinophrynus dorsalis*). Other state listed species with relatively wide local distribution, such as the indigo snake (*Drymarchon corais*) and Texas tortoise (*Gopherus berlandieri*) should be given greater consideration as very likely to be adversely impacted. The speckled racer (*Drymobius margaritiferus*) is known to occur near the proposed corridor of tactical infrastructure on the TPWD Anacua Unit of Las Palomas WMA (Section O-11).

Page 4-30, Lines 19-20: “white-lipped *lizard*” should be corrected to read “white-lipped *frog*.”

Page 4-30, Lines 31-32. TPWD disagrees with the assumption that the pedestrian fence would be beneficial to state listed species by reducing foot traffic north of the corridor. Much of the area north of the project corridor is either agriculturally or residentially developed land that provides low quality wildlife habitat. The tracts of land in which high quality habitat occur north of the pedestrian fence consists primarily of lands managed by the USFWS and TPWD. Any benefits to sensitive species that are already negatively impacted by development, roads and environmental contaminants, could be outweighed by the negative impacts of the pedestrian fence fragmenting those tracts of high quality habitat.

Page 4-31, Lines 1-4. Although much of the proposed pedestrian fence would be placed in low quality habitat within the IBWC right-of-way, which would result in minimal impacts due to habitat conversion, the 21 fence sections function as barriers that restrict movement across the landscape. Such barriers can facilitate

the development of isolated wildlife populations whose overall health could decline without the ability to share genetic diversity with other populations.

The potential fence designs included in the DEIS that illustrate wildlife migratory portals that could be included in fence section would not benefit many of the state listed threatened or endangered species in South Texas. TPWD recommends developing wildlife passages through the fence that would benefit species specific to South Texas that routinely move across the area that would be traversed by the tactical infrastructure.

Section 5 Cumulative Impacts

Section 5.8 Special Status Species

TPWD disagrees that the cumulative impact on state listed species would be minor. As mentioned in the DEIS, wildlife habitat throughout the Rio Grande Valley continues to be cleared for commercial, residential and agricultural developments. The cumulative impact on wildlife displaced from former habitats and its inability to migrate through existing corridors to available habitat on managed lands due to the permanent barriers created by the tactical infrastructure would likely be moderate rather than minor.

A more detailed discussion of the cumulative impacts related to further fragmentation of the remaining habitat, creating impenetrable barriers resulting in the loss of wildlife corridors connecting suitable habitats should be provided in this section.

Appendix E: Standard Design for Tactical Infrastructure

Fence designs included in the DEIS are merely examples of types of fences that have been developed through the USBP, and there is no plan in the DEIS for any particular type of fence design at any particular location; therefore, there is no opportunity to evaluate specific fence design and its potential effects on natural and other resources. As there is no plan to incorporate vehicle barriers (1-4), these examples should be eliminated from the EIS. The depth of the pedestrian fence foundation should be included for evaluation of potential effects on natural and other resources. The landing mat fencing appears to be impermeable to most terrestrial animal movement, and there should be specifications provided for the dimensions of the openings in the examples of landing mat fencing with "wildlife migratory portals" (E-4).

Appendix I. Biological Survey

TPWD recommends that additional, multiple surveys be conducted to more adequately assess the potential impacts to wildlife in the project corridor. The number of species included in Table 5-3: Wildlife Observed During Natural Resources Surveys would likely increase substantially and more adequately reflect the tremendous species diversity and richness of the Rio Grande Valley area if multiple surveys were conducted at different times throughout the year.

Species such as the state listed Texas tortoise (*Gopherus berlandieri*), which becomes less active in October until March, could have easily been overlooked during surveys conducted in October. Similarly, other species, both common and rare (e.g., western diamondback rattlesnake [*Crotalus atrox*], indigo snakes [*Drymarchon corais*], and over 300 bird species), that are known from existing survey work to occur in the Rio Grande Valley were absent from the list.

Finally, Section 6 of Appendix I states that ongoing coordination between the USBP and the USFWS will develop methods to avoid and minimize impacts to threatened and endangered species. As the agency responsible for managing and conserving the natural resources of Texas, and as a landowner with property that will potentially be impacted by the proposed project, TPWD should be included in the coordination to avoid and minimize impacts to the state's natural resources resulting from the construction, operation and maintenance of the tactical infrastructure.

TPWD advises review and implementation of these recommendations. Please call Russell Hooten at (361) 825-3240 if you have any questions or concerns regarding our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Robert L. Cook', with a large, sweeping flourish at the end.

Robert L. Cook
Executive Director

RLC:RH:KB:gg

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 28, 2007

Mr. John Machol
U.S. Army Corps of Engineers
Galveston District CESWG-PE-RE
P.O. Box 1229
Galveston, Texas 77553-1229

Re: Draft Environmental Impact Statement (DEIS) for Construction, Maintenance, and Operation of Tactical Infrastructure, Rio Grande Valley Sector, Texas

Dear Mr. Machol:

As described in the Notice of Intent, dated November 16, 2007, the applicants, U.S. Department of Homeland Security, U.S. Customs and Border Protection (USCBP), and U.S. Border Patrol (USBP) propose to construct, maintain, and operate approximately 70 miles of tactical infrastructure, including pedestrian fencing, patrol roads, and access roads along the U.S./Mexico international border in southernmost portions of Starr, Hidalgo, and Cameron counties, Texas.

The proposed action includes the installation of tactical infrastructure in 21 discrete sections along the international border in the vicinity of Roma, Rio Grande City, McAllen, Progreso, Mercedes, Harlingen, and Brownsville, Texas. Individual tactical infrastructure sections would range from approximately 1 mile to more than 13 miles in length. For much of its length, the proposed tactical infrastructure would follow the International Boundary and water commission (IBWC) levee along the Rio Grande. Some portions of the tactical infrastructure would encroach upon privately owned land parcels and would cross multiple land use types, including rural, agricultural, suburban, and urban land. It would also encroach upon portions of the Lower Rio Grande Valley National Wildlife Refuge (LRGVNWR) and Texas state parks in the Rio Grande Valley.

In addition to the information contained in the DEIS, the following information is needed for review of the proposed project. Responses to this letter may raise other questions that will need to be addressed before a water quality certification determination can be made for the associated 404 permit.

401 certification comments:

1. Section 3.6, *Water Resources*, page 3-22, the DEIS explains that "wetland delineations will be finalized once rights of entry (ROEs) and LRGVNWR special use permits have been obtained." The DEIS estimates that approximately 7 acres of jurisdictional wetlands will be impacted. Will these impacts be permitted under this EIS or a separate 404 permit application? A jurisdictional determination will need to be completed before a 401 Certification determination can be made.

Mr. John Machol

U.S. Army Corps of Engineers

Re: Draft Environmental Impact Statement for Construction, Maintenance, and Operation of Tactical Infrastructure, Rio Grande Valley Sector, Texas

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2. Under Section 2.2.2 *Alternative 2: Routes A and B*, the DEIS states that "additional tactical infrastructure might be required in the future." Please explain whether these additional structures will go through a similar National Environmental Policy Act (NEPA) process or be added as amendments. Would the additional structures be similar to the route as described for Alternative 3?
3. Mitigation of impacts is considered for ". . . all unavoidable adverse impacts that remain after all practicable avoidance and minimization has been completed . . ." (§279.11(c)(3)). The DEIS has no proposed mitigation to compensate for impacts to jurisdictional waters. Please provide a mitigation plan, with monitoring, success criteria and a conservation easement designee.
4. The DEIS states that Sections 0-4 thru 0-21 of the tactical infrastructure will be situated alongside the International Boundary and Water Commission (IBWC) levees. Describe assurances and practices that will preclude compromising the structure and function of these levees.
5. Chapter 4, *Environmental Consequences*, the DEIS describes approximately 508 acres (105 acres in the floodplain) of surface waters that will be affected by the installation of the tactical infrastructure through grading, contouring, and trenching. The project area occurs in the vicinity of Segments 2301-Rio Grande Tidal, 2302-Rio Grande below Falcon Reservoir, 2303-International Falcon Reservoir, and 2304-Rio Grande below Amistad Reservoir. Segment 2302 is listed on the 303 (d) list for bacteria. As mentioned in the DEIS, the tactical infrastructure may increase impervious surfaces and associated runoff, which is typically high in bacteria. Therefore, it is important to install Best Management Practices (BMPs) in order to manage and protect water quality.
6. Chapter 5, *Cumulative Impacts*, Section 5.5, *Water Resources*, page 5-13, under the subsection titled Floodplains, the DEIS explains how the floodplains were previously impacted by the IBWC levees and that Sections 0-1 thru 0-3 would further regulate water flow where no levees exist. Such impacts are considered direct as a result of the placement of the tactical infrastructure. Please qualify and quantify the jurisdictional waters that could potentially be directly affected and how those impacts will be mitigated. Please describe measures where avoidance and minimization would prevent impacts to the hydrology of jurisdictional waters.
7. Chapter 4, *Environmental Consequences*, the DEIS states that jurisdictional waters will be filled and irrigation canals and drainage ditches will be realigned. Please provide more detailed map(s) of surface waters and jurisdictional waters to be impacted by the proposed alternative alignments to allow for a more accurate assessment of the functions and values of those waterbodies.

Additional agency comments include the following:

8. Section 2, Proposed Action and Alternatives, Page 2-9, lines 6-8 and 11-13 "For both Route Alternatives, gates would be constructed to allow USBP personnel and landowners access to land, the Rio Grande and other water resources, and infrastructure. . . In other cases, gates would be situated to provide access to existing recreational amenities; water resources, including pump houses and related

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infrastructure; grazing areas; existing parks and other areas.” Where would the gates be located? How would US Border Patrol (USBP) ensure that TCEQ staff has access to the Rio Grande? TCEQ staff must have access to the Rio Grande to monitor water withdrawals and to perform Surface Water Quality Monitoring (SWQM). Currently there are Rio Grande segments in the area of the proposed fence (as acknowledged in the DEIS) where some of Texas’ water quality standards are not met. Under the federal Clean Water Act TCEQ must list these segments for the Environmental Protection Agency (EPA) and develop implementation plans to improve water quality.

Page 2-9 Vegetation clearance and grading would occur over the 70 miles of the fence and would affect the waters of the United States, for areas of between 60 and 150 from the fence (the 150 foot boundary for Alternative 3). These activities would affect waters of the state and would require storm water permits from the TCEQ, as noted in Section 3.6 of the DEIS.

Page 2-13, Section 2.3.5., “Brownsville Weir in Lieu of Tactical Infrastructure,” states that water behind the weir would only be existent during “wet years” and not during droughts. However, even during a drought there would likely still be water in the river; in the case of the recent drought in the late 1990s and early part of this decade, there was water in the river released from upstream reservoirs.

9. Section 3, Affected Environment, the TCEQ has a continuous air quality monitoring system (CAMS 80) station in Brownsville. Both construction and permanent siting of the fence as currently proposed will have a definite affect on TCEQ’s ability to perform ambient air quality monitoring and determine if the area meets National Ambient Air Quality Standards, since the station is right next to the levee and follows the proposed fence line.
10. Section 4, Environmental Consequences, Section 4.4, “Land Use,” does not take into account the needs by TCEQ and TCEQ contractor staff to access the Rio Grande for purposes of water rights enforcement and treaty compliance, as well as for SWQM.
11. Section 4.6, “Water Resources,” documents the need for TCEQ stormwater permits. In Texas, customers undertaking large construction activities that disturb five or more acres of land must follow certain steps before discharging storm water to any surface water in the state. There are also requirements for small construction activities that disturb more than one but less than five acres, including developing and implementing a storm water pollution prevention plan, as well as posting a construction site notice. The authorization to discharge storm water must be obtained under a general permit **prior** to commencing construction activities.
12. The statement that “no impacts on hydrology would be expected for Sections O-4 through O-21 of the fence” merely because they are behind the levee requires explanation. Any clearing of land will increase run-off and possible impacts to groundwater, absent scientific evidence.
13. Section 4.13, lines 23-28, “Utilities and Infrastructure,” states “All water supply infrastructure would be identified prior to construction, and impacts on these systems would be avoided to the maximum extent practical. Canals would be avoided to the maximum extent practicable. Pipelines that could not be avoided would be moved. Temporary interruptions in irrigation might be experienced when this infrastructure is moved. No long-term impacts would be expected.”

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Irrigation districts have Rio Grande water rights, enforced through the TCEQ's Rio Grande Watermaster, and provide water not only to farmers, but to municipal customers as well. To state that canals, pipelines and temporary interruptions in irrigation "might be experienced" ignores the fact that farmers and city dwellers alike depend on Rio Grande water for their daily use. These actions will have to be coordinated with the TCEQ and irrigation districts to ensure that cities and water supply corporations continue to provide water to their customers.

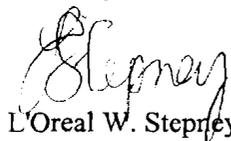
14. Section 5, Cumulative Impacts, Table 5.02, the "Surface Waters and Waters of the United States" row, states that there will not be long-term effects to surface waters but does not justify that. If loadings of pollutants are increased because of the fence, there will be long-term effects to surface waters of the United States (including the Rio Grande), an international water body.

Table 5.02, the "Utilities and Infrastructure" row, lists temporary impacts and calls them minor. They could actually be temporary major impacts, especially if municipal water supply is disrupted; farmers could also suffer adversely if they do not obtain water during peak irrigation times, such as when construction on the fence is proposed to begin.

Section 5.5 does not acknowledge potential long-term impacts to waters of the State from runoff in the fence area, although it does recognize that this area of the Rio Grande is a Clean Water Act impaired segment.

The Texas Commission on Environmental Quality (TCEQ) looks forward to receiving and evaluating other agency or public comments. Please provide any agency comments, public comments, as well as the applicant's comments, to Ms. Lili Lytle of the Water Quality Division MC-150, P.O. Box 13087, Austin, Texas 78711-3087. Ms. Lytle may also be contacted by e-mail at llytle@tceq.state.tx.us, or by telephone at (512) 239-4596.

Sincerely,



L'Oreal W. Steprey, P.E., Director
Water Quality Division
Texas Commission on Environmental Quality

LWS/LL/ms



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Tier II 401 Certification Questionnaire

The following questions seek to determine how adverse impacts will be avoided during construction or upon completion of the project. If any of the following questions are not applicable to your project, write NA ("not applicable") and continue.

Please include the applicant's name as it appears on the Corps of Engineers' permit application (and permit number, if known) on all material submitted. The material should be sent to:

Texas Commission on Environmental Quality
Attn: 401 Coordinator (MC-150)
P.O. Box 13087
Austin, TX 78711-3087

I. Impacts to surface water in the State, including wetlands

- A. What is the area of surface water in the State, including wetlands, that will be disturbed, altered or destroyed by the proposed activity?
- B. Is compensatory mitigation proposed? If yes, submit a copy of the mitigation plan. If no, explain why not.
- C. Please complete the attached Alternatives Analysis Checklist.

II. Disposal of waste materials

- A. Describe the methods for disposing of materials recovered from the removal or destruction of existing structures.
- B. Describe the methods for disposing of sewage generated during construction. If the proposed work establishes a business or a subdivision, describe the method for disposing of sewage after completing the project.
- C. For marinas, describe plans for collecting and disposing of sewage from marine sanitation devices. Also, discuss provisions for the disposing of sewage generated from day-to-day activities.

Revised - June 15, 2004

III. Water quality impacts

- A. Describe the methods to minimize the short-term and long-term turbidity and suspended solids in the waters being dredged and/or filled. Also, describe the type of sediment (sand, clay, etc.) that will be dredged or used for fill.
- B. Describe measures that will be used to stabilize disturbed soil areas, including: dredge material mounds, new levees or berms, building sites, and construction work areas. The description should address both short-term (construction related) and long-term (normal operation or maintenance) measures. Typical measures might include containment structures, drainage modifications, sediment fences, or vegetative cover. Special construction techniques intended to minimize soil or sediment disruption should also be described.
- C. Discuss how hydraulically dredged materials will be handled to ensure maximum settling of solids before discharging the decant water. Plans should include a calculation of minimum settling times with supporting data (Reference: Technical Report, DS-7810, Dredge Material Research Program, GUIDELINES FOR DESIGNING, OPERATING, AND MAINTAINING DREDGED MATERIAL CONTAINMENT AREAS). If future maintenance dredging will be required, the disposal site should be designed to accommodate additional dredged materials. If not, please include plans for periodically removing the dried sediments from the disposal area.
- D. Describe any methods used to test the sediments for contamination, especially when dredging in an area known or likely to be contaminated, such as downstream of municipal or industrial wastewater discharges.

Revised - June 15, 2004



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Tier II Alternatives Analysis Checklist

- I. Alternatives
- A. How could you satisfy your needs in ways which do not affect surface water in the State?
 - B. How could the project be re-designed to fit the site without affecting surface water in the State?
 - C. How could the project be made smaller and still meet your needs?
 - D. What other sites were considered?
 - 1. What geographical area was searched for alternative sites?
 - 2. How did you determine whether other non-wetland sites are available for development in the area?
 - 3. In recent years, have you sold or leased any lands located within the vicinity of the project? If so, why were they unsuitable for the project?
 - E. What are the consequences of not building the project?
- II. Comparison of alternatives
- A. How do the costs compare for the alternatives considered above?
 - B. Are there logistical (location, access, transportation, etc.) reasons that limit the alternatives considered?
 - C. Are there technological limitations for the alternatives considered?
 - D. Are there other reasons certain alternatives are not feasible?
- III. If you have not chosen an alternative which would avoid impacts to surface water in the State, please explain:
- A. Why your alternative was selected, and
 - B. What you plan to do to minimize adverse effects on the surface water in the State impacted.
- IV. Please provide a comparison of each criteria (from Part II) for each site evaluation in the alternatives analysis.

Revised - June 15, 2004

State Water Quality Certification of Section 404 Permits

Does your project meet Texas' water quality standards?

The Texas Commission on Environmental Quality (TCEQ) must consider this question for all proposed projects seeking a Section 404 dredge and fill permit.



One of the requirements for obtaining a Corps of Engineers Section 404 permit is certification from the TCEQ that the permit will comply with State water quality standards. This requirement is authorized by Section 401 of the Federal Clean Water Act, and is therefore referred to as 401 certification.

The attached 401 certification questionnaire must be submitted in order for the TCEQ to determine whether or not a project should be granted 401 certification. Please note that the information requested in this questionnaire is *not* required in order for a Section 404 application to be considered administratively complete by the Corps of Engineers. However, failure to provide this information (including the Alternatives Analysis Checklist) to the TCEQ (within 30 days of the public notice) may cause your project to be denied 401 certification without prejudice.

What do you need to submit to TCEQ?

1. A completed 401 certification questionnaire
2. A completed Alternatives Analysis Checklist (if your project affects surface water in the State, including wetlands)
3. A map with the location of the project clearly marked (A U.S. Geological Survey (USGS) topographic map *strongly recommended*)
4. Photographs or a video cassette showing the project area and any associated disposal areas (Map and photos should be numbered to show where the photos were taken and the area covered by each photo)

What is involved in review of Section 401 certifications?

1. Filing an application with the Corps starts both the 404 permit and the 401 certification processes
2. A Joint Public Notice is issued by the Corps and the TCEQ after receipt by the Corps of a completed application to inform the public and other government agencies of the proposed activity
 - A 30 day comment period follows
 - The TCEQ may hold a public hearing to consider the potential adverse impacts of the proposed project on water quality
3. The TCEQ may request additional information from the application, persons submitting comments or requesting a hearing, or other resource agencies
4. A final 401 certification decision will be provided following the end of the comment period.

Revised - June 15, 2004



TEXAS
HISTORICAL
COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

January 16, 2008

Ronald E. Lamb
Project Manager
E²M
2751 Prosperity, Suite 200
Fairfax, VA 22031

Re: Project review under Section 106 of the National Historic Preservation Act of 1966, *Draft EIS for Construction, Maintenance, and Operation of Tactical Infrastructure, Rio Grande Valley Sector, Texas* [70 miles of fence in one to 13 mile segments, access and border roads], Starr, Hidalgo and Cameron Counties, Texas (COE-FW/DHS, CBP, USBP, IBWC)

Dear Mr. Lamb:

Thank you for your correspondence describing the above referenced project received on 12/17/2007. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Debra L. Beene, has completed its review. We understand that the cultural resource surveys have begun along the 70 miles of proposed pedestrian fence, staging areas, and access and patrol roads; and that all significant sites will be avoided through redesign or undergo full mitigation. Please remember that avoidance should always be considered prior to mitigation and in some cases, mitigation may not be appropriate for extremely significant resources.

National Historic Landmarks are designated for their exceptional value in illustrating and interpreting the heritage of the United States. The National Register of Historic Places promotes identification, evaluation and protection of historic resources. The effectiveness of these national programs completely depends on the public's ability to view, experience, and maintain these resources. Our overall concern is that nationally recognized historic properties, and properties worthy of national recognition, will be destroyed, altered and/or kept from the general public

The draft EIS is the first document received to date containing illustrations of fences and aerial photographs showing the APE; please be advised that we require 7.5' topographic maps showing the APE in order to conduct our reviews. The precise data with regard to the depth of impact, type and location of indirect impacts, etc. has been omitted. Additionally, it does not appear that all historic properties within the visual corridor have been addressed. (Please see Attachment I for specific comment).

We look forward to reviewing the survey report and EIS upon completion and thank you for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Debra L. Beene at 512/463-5865 or Amy Hammons at 512/463-8952.**

Sincerely,

for
F. Lawrence Oaks, State Historic Preservation Officer
cc: Charles McGregor, COE-FW
Attachment: Review Comments
FLO/dlb

As stated in our agency's letter (dated 12-13-07) our review staff is concerned that the appropriate parameters be used to define the Area of Potential Effect (APE). This issue is of special concern since the applicant's proposed parameters to date have severely underestimated the affected property.

p. 3-42: The preliminary findings of the surveys (Appendix J) are insufficient to assess significance or effect. The author states that the completed surveys and findings will be provided in the Final EIS; please insure that we have an opportunity to comment on the draft survey reports before they are inserted into the final EIS. Additionally, please advise the surveyors that backhoe trenching is required in any area with a potential for deeply buried cultural deposits regardless of land ownership.

p. 3-49, line 13-15: Our review staff does not agree with this statement: "In terms of visual quality, the analysis presumes that any view that includes the Rio Grande constitutes a high-quality view, except for views dominated by industrial or commercial elements (e.g., views of the POEs)." Industrial or commercial elements may or may not affect the quality of the view.

p. 3-51: The EA notes that the quality of visual resources within the "Typical Rio Grande Valley of Land Units" in the "Town/Suburban Development" is "Low/Moderate" – without specific resource identification and assessment, we cannot concur with this evaluation.

pp. 4-34-38: The EA repeatedly notes the "major, long-term adverse impacts" surrounding the project without stating specific impacts other than a change in view shed for historic structures. Please remember that avoidance should always be considered prior to mitigation, and that at some point the precise impacts should actually be stated. It is acceptable to speculate about the amount of impact expected, but please remove the absolute statements regarding impacts if not yet known.

p. 4-35, line 8-9: The EA states "Fence designs or other construction design mitigation measures might be able to further minimize impacts on the [Hidalgo] pump house." What other designs or construction design measures are being considered?

p. 4-35, line 16-17: The EA notes locations approximately .3 miles from Toluca Ranch. It is our understanding that there are different considerations for the size of the Ranch (i.e., the historic ranch property, the National Register boundaries, modern property descriptions, etc.) It would be helpful to know where the work is located relative to the existing built resources and what property description is being used.

p. 4-35, line 36: The EA seems to promote the idea of existing infrastructure or vegetation minimizing the impact of the proposed fence; this may or may not be the case and will depend on the individual resource/s in question and the specifics of the location.

p. 4-36: The authors state that additional adverse affects [related to the funneling of traffic and increased traffic at the ends of each fence segment] are expected, but it does not appear that these areas are included in the APE. These areas should be surveyed for cultural resources as well as the permanent lighting locations, access and border roads.

pp. J-11 and 12: The requirement to conduct backhoe trenching is not specific to the portions of the project permitted under the Antiquities Code of Texas. Please advise the surveyors that backhoe trenching is required in any area with a potential for buried cultural deposits.

p. J-11, last paragraph: ‘...preliminary results...six sites eligible...four sites ineligible...and one site eligible’. It is unclear whether there are seven eligible sites or perhaps one of these sites has an unknown eligibility. Please revise the statement.

It appears the only mitigation method specifically called out for buildings is recordation. Please note that though recordation is typically viewed as a traditional mitigation measure, it may in no way actually mitigate the adverse effects that exist for this project, and for that reason may not be an acceptable form of mitigation for various aspects of this proposed undertaking.

SOLOMON P. ORTIZ

27TH DISTRICT, TEXAS

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956-541-1242**Congress of the United States**
House of Representatives
Washington, DC 20515-4327COMMITTEES:
ARMED SERVICES
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RANKING MINORITY, MILITARY
READINESS
MILITARY INSTALLATIONS AND
FACILITIES
MORALE, WELFARE AND RECREATION
PANEL
RESOURCES
SUBCOMMITTEES:
ENERGY AND MINERAL RESOURCES
FISHERIES, CONSERVATION, WILDLIFE,
AND OCEANS**REMARKS BY THE HONORABLE SOLOMON P. ORTIZ**
REGARDING: Department of Homeland Security "Open House"
December 12, 2007

I oppose – will continue to oppose – the building of a wall that will affect 70 miles of the U.S.-Mexico border, and that will NOT increase U.S. border security.

As a former law enforcement officer and the founder of the Congressional Border Caucus, I have long advocated for better funding for border security. I have been concerned with the lack of detention space, the need for more United States Border Patrol Agents, technology for the border, the need for more immigration judges, prosecutors and customs agents, and the importance of sanctions on employers illegally hiring undocumented immigrants.

I have said this again and again: the border wall will not work. Upwards of \$3 million will be spent for each mile of this wall. This money can be used more effectively in regards to border security, such as hiring more agents and putting money into technological advances.

The Homeland Security Department has also failed to provide proper oversight on their Secure Border Initiative, which originally allocated more funds for border surveillance and technology. This initiative, however, has now "evolved" into funding the wall, and still continues to run the risk of not delivering promised capabilities and benefits on time and within budget.

So instead of addressing the very needs they claim to serve, what will the Bush administration do? They will use eminent domain – a gross taking of private property from our border citizens – for the land to build their wall. They will disrupt one of the most sensitive ecosystems in the United States and destroy habitat lands of endangered species. They will tell our neighbors to the south – who we share a common cultural history and engage in commerce with – that "you are not welcome."

This wall will not make our nation more secure. The very idea of this costly, ineffective, and dangerous wall on our border is shameful, antiquated and “border”-line unconstitutional. It is nothing more than a political prop used to satisfy the illusion that this wall will somehow prevent future terrorist attacks. That is untrue.

What is most shameful is that the most impacted and most educated on this issue – our border communities – have not been more included in the process. Our citizens have had few avenues to express their frustration, or concerns, and offer their suggestions. It also deeply disturbing that the same law that mandates this wall also predetermined that whatever we say in this hearing can be discounted.

Instead of casting hatred and hurtful words on this issue, we need to come together as a nation to pass comprehensive immigration reform. This does not mean only border security. It means knowing who is already in our country – a vital national security concern – and providing them with a legal path to citizenship.

We must now adapt our daily lives to this tragedy, and I promise the citizens of South Texas that I will continue to actively address this issue in Congress. Make no mistake about it: those who advocate for this wall will soon reap what they sow. They will understand too late the fallacy of this action, and it will be our citizens who will be left – again – to find viable solutions to the issues facing our border communities.

Respectfully submitted,



Solomon P. Ortiz
Member of Congress

SPO:dg

The Senate of The State of Texas



Senator Eddie Lucio, Jr.

December 12, 2007

Rio Grande Valley Tactical Infrastructure EIS
2751 Prosperity Avenue 200
Fairfax, VA 22031

To: The Rio Grande Valley Sector EIS

Pursuant to your request for public input into preparations of an Environmental Impact Statement (EIS) on the proposed 70 miles of fence on the international border between the United States and Mexico, I am submitting this comment.

I want to ensure that the environmental study that is conducted includes and outlines the impact this fence would make on our historic Fort Brown. It has come to my attention that the proposed fence would divide Fort Brown by excising the adjacent golf course. In addition to the disastrous historical impact this border fence would cause to this famous Texas landmark, the environmental risk it poses is also of grave concern.

Originally called Fort Texas, one of the battles of the Mexican-American War, which began in 1846, was fought at Fort Brown. Major Jacob Brown, for whom Brownsville was named, was killed there. A monument honoring his bravery now graces this fortification. However, a fence of such magnitude will desecrate not only his grave, but that of many soldiers who died and were buried there. One of the last Civil War battles was also fought at Fort Brown. Ongoing efforts by archeologists and historians, who continue to find remains and other artifacts, would be halted.

Another potential impact is the ceding of land to Mexico, since part of this property would be placed on the south side of this fence. Without the proper maintenance this site requires, it is possible that the area's aesthetic quality will erode and that the ecosystem would be permanently disrupted.

Please note that I vehemently oppose a border fence for environmental, historical, ecological and countless other reasons. If a fair, thorough and accurate environmental impact study is conducted, I am confident that the U.S. Customs and Border Protection agency will agree with me and thousands of border residents that this fence will rob our land of resources but never accomplish its goal. I also object to the time and money that will be spent on environmental impact studies against the will and judgment of the people of Texas.

For further information please contact me at 956-548-0227.

Sincerely,

Eddie Lucio Dist. 27
Eddie Lucio, Jr.
State Senator

EL/ds



The Senate of The State of Texas



Senator Eddie Lucio, Jr.

December 12, 2007

Rio Grande Valley Tactical Infrastructure EIS
2751 Prosperity Avenue 200
Fairfax, VA 22031

To: The Rio Grande Valley Sector EIS

Pursuant to your request for public input into preparations for two surveys associated with the federal government's border wall plan on 14 tracts of the Lower Rio Grande Valley National Wildlife Refuge, I submit this comment.

First and foremost, I oppose the border wall for many reasons, including the almost certain potential for economic, social and environmental damage. However, if the surveys focusing on natural and cultural resources must be conducted, I request that at the very least they be undertaken *only by our local U.S. Fish and Wildlife Service biologists* who are familiar with both the natural and cultural resources within the Wildlife Refuge.

Whatever harm the two surveys do not cause, for certain an engineering survey that would follow would do so. Furthermore, the construction of a fence would be extremely harmful to the habitat and vegetation of this area.

The wildlife that would be adversely affected cannot just move elsewhere; their habitat is also endangered and once lost, it is gone forever. Additionally, a survey may not reveal endangered or migratory animals that seasonally inhabit the area because they may not be present at the time the survey is conducted. While the U.S. Fish & Wildlife Service has spent 30 years and \$100 million to buy and revegetate lands to recreate the region's habitat, the border wall will undo most of this work and our already spent tax dollars will have been wasted. Without question, a border fence of the proposed size and magnitude will erode the area's aesthetic quality and disrupt the ecosystem permanently.

Eco-tourism will be another casualty of the border wall. The area attracts 200,000 eco-tourists annually who pump \$125 million into the local economy, creating 2,500 jobs. The proposed wall will cut off land that is habitat to endangered and threatened species, causing the tourists seeking out our area's flora and fauna to instead travel to other more environmentally-friendly sites.

Please note that I vehemently oppose a border fence for environmental, cultural, ecological and countless other reasons. If the surveys are forced on us, I am confident that the Department of Homeland Security, upon seeing the results, will agree with thousands of border residents of the harm a border fence will cause. That is why we object to the time and money that will be spent on the surveys against the will and judgment of the people of Texas.

For further information please contact me at 956-548-0227.

Sincerely,

Eddie Lucio
Eddie Lucio, Jr.
State Senator
Dist. 27



1 NAME: SENATOR EDDIE LUCIO, JR.

2 ADDRESS: 7 NORTH PARK PLAZA

3 BROWNSVILLE, TEXAS 78521

4 My name is Eddie Lucio, Jr. I'm a State
5 Senator for District 27 in South Texas. Good
6 afternoon, fellow Texans.

7 I commend all of you for being here today
8 to let Washington know that we oppose the fence on our
9 land. It is an outrage that a fence is going to be
10 built on our soil against our wishes. It is equally
11 preposterous that the Federal Government plans to take
12 people's properties against their wishes to build this
13 fence.

14 It is un-American to impose on a free
15 people a fence that will cause more hardships, more
16 headaches and more hard feelings than even the
17 Mexican-American War of 1846 ever did. Mexico is not
18 our enemy. Mexican immigrants are not terrorists. We
19 rely on each other's economies for our economic
20 development. We call the Rio Bravo or Rio Grande our
21 natural barrier, and that's the only barrier we need
22 or want.

23 So, what will this fence do for us? This
24 fence will destroy our economies. This fence will
25 destroy our cultural ties. This fence will destroy

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1 our ecology. This fence will rob our land of
2 resources but never accomplish its goal. This fence
3 denies us the right to decide what is and isn't good
4 for our border. And this fence will also stand in the
5 way of developing an effective plan for dealing with
6 illegal immigration.

7 This fence will do nothing for developing
8 an immigrant worker program. It won't do anything
9 about funding our local law enforcement or enhance
10 manpower, technology and other essentials. With the
11 loss of revenues on both sides that are already taking
12 place, this erroneous fence will further weaken our
13 U.S. dollar instead of strengthen it, a disastrous
14 move by the Federal Government.

15 The timing couldn't be worse. South
16 Texas is growing at a tremendous pace. The McAllen-
17 Edinburg-Mission area is ranked as the fourth fastest
18 growing region in the nation, and the Brownsville-
19 Harlingen-San Benito area is ranked as the 28th
20 largest growing region in the nation. The fence will
21 put a huge dent in the tourism and trade that we enjoy
22 and many of our jobs depend on.

23 Then, there's the issue of impact studies
24 and surveys. We are wasting valuable taxpayer dollars
25 on environmental impact studies against the will and

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1 judgment of the people of Texas.

2 Mr. Chernoff, let's stop fooling the rest
3 of America into thinking that this fence will make
4 their jobs more secure and keep them safer. It is a
5 sound economy with a strong dollar that will secure
6 their jobs. It is technology and increased law
7 enforcement that will make them safer.

8 I just got back from visiting the country
9 of Israel; and there, they have technology that could
10 replace what we see as the purpose for the wall. They
11 have underground sensors. They haven't had one
12 incident where terrorists have penetrated the Tel Aviv
13 Airport. The United States needs to look at what
14 other countries are doing for homeland security. We
15 cannot ignore other ideas that can work. This very
16 ugly fence makes for good television, but it makes for
17 poor relations with our number one trade partner,
18 Mexico. And it makes for terrible relations for our
19 supposedly representative Federal Government and the
20 people. We, the people.

21 Thank you, and keep up your shouts of
22 protest.

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