



Fiscal Year 2018 Rio Grande Valley Levee/Border Wall System Construction Projects Webinar

Questions & Answers

The following document summarizes the questions received during the webinars for the Fiscal Year 2018 Rio Grande Valley Levee/Border Wall System Construction Projects conducted on October 30, 2018. Similar questions are grouped together, and answers are provided for the questions relevant to the environmental planning process.

CONSTRUCTION LOGISTICS/SCHEDULE

1. When do you anticipate construction contracts will be awarded?
 - a. **Answer:** Contracts will be awarded as early as November 2018.
2. Should there be an environmental cost-benefit analysis done on the wall's construction?
 - a. **Answer:** The environmental analyses being conducted will continue to focus on impacts to biological, cultural, and natural resources, as well as impacts to quality of life and commerce.
3. How much time does it take to conduct the environmental surveys?
 - a. **Answer:** Through field surveys, CBP will collect data to develop reports for biological resources, cultural resources, wetlands, and waters of the U.S. Once compiled, the reports will be reviewed by various stakeholders, including the Environmental Protection Agency, Department of the Interior's U.S. Fish and Wildlife, and other relevant federal agencies. Once the data is reviewed, any edits will be incorporated into the final report. The anticipated duration to collect the data and review and finalize the report is six months.
4. Has CBP released a report that analyzes the effectiveness of border barriers?
 - a. **Answer:** CBP releases a Performance and Accountability Report that summarizes goals, objectives, and certain performance metrics. The latest report can be found here: <https://www.cbp.gov/sites/default/files/assets/documents/2017-Mar/FY-2016-CBP-PAR-508C.pdf>.
5. When do you anticipate starting construction?
 - a. **Answer:** Construction timelines are still being finalized, but could begin as early as February 2019.
6. Has the Mexican half of the International Boundary and Water Commission (IBWC) approved this project?
 - a. **Answer:** CBP consulted with the U.S. International Boundary and Water Commission (IBWC) during the initial planning of the project and continues to consult with IBWC when there is a shift in the project alignment or other design change that has the potential to affect the flow of the Rio Grande River.
7. Will the CBP consider different alignments or designs for the wall?
 - a. **Answer:** In Hidalgo County, the wall is designed to align with the existing levee. In Starr County, we anticipate that the wall will align with the edge of the 100-year floodplain, with some adjustments as the design is fully completed depending on cultural sites, existing infrastructure, and environmental impacts.



8. Is information available on the contracting companies doing the construction? What contractor will be helping with the environmental analysis project?
- Answer:** CBP may release contract award information via media advisories or press releases at the appropriate time, and, in most cases, in coordination with U.S. Army Corps of Engineers. Contract award information is public after a contract has been awarded, and all bidders are notified of the Government's decision.

COST

9. How is the project funded?
- Answer:** CBP operates under an annual budget based on appropriations from Congress. For Fiscal Year 2018, CBP received \$1.375 billion for border infrastructure on the U.S. Southwest border.

LOCATION

10. Why is the border wall being built north of the river?
- Answer:** The wall alignment along the Rio Grande requires compliance with the Boundary Treaty of 1970 which prohibits the construction of any works in the floodplain that, in the judgment of the International Boundary and Water Commission (IBWC), may cause deflection or obstruction of the normal flow of the river or its flood flows.
11. How will ranchers and farmers who use water from the Rio Grande be impacted?
- Answer:** As dictated by the Boundary Treaty of 1970, ranchers and farmers on both sides of the border will continue to have access to the Rio Grande.
12. How does the U.S. Border Patrol secure the area between the wall and the international border?
- Answer:** U.S. Border Patrol is responsible for patrolling all areas north of the border regardless of the wall system construction location. In addition to patrols, technology such as cameras and sensors are used to monitor for activity.
13. Does the private land between the new wall and legal border become federal land?
- Answer:** Landowners retain ownership and access to their land on the south side (river side) of the wall system after construction. CBP is currently working with landowners to ensure their concerns and considerations are addressed by incorporating their feedback in the design process.
14. How did the August 2018 Government Accountability Office (GAO) report on location choice affect CBP work?
- Answer:** The location for infrastructure in Rio Grande Valley was selected prior to the GAO report.

IMPACT/CULTURAL IMPACT

15. What is CBP doing to make sure this project won't disproportionately impact communities of color and to assure compliance with environmental justice policy?
- Answer:** CBP recognizes the diverse local communities in Hidalgo and Starr counties and is preparing informational materials in Spanish, as well as consulting with impacted communities through individual meetings.
16. What potential impacts are anticipated?
- Answer:** CBP is currently collecting feedback on the presence of natural, cultural, and biological resources within the project area, as well as comments on potential impacts to these resources. The



U.S. Fish and Wildlife Service and CBP have discussed possible impacts to migrating species, tribal resources, water resources, and public resources and have developed strategies to minimize impacts. An Environmental Stewardship Plan will be prepared that identifies the impacted resources and construction best management practices to be implemented in order to avoid or minimize impacts to the greatest extent possible.

17. Do you anticipate Bentsen State Park being closed to the public as the result of the border wall? Can you guarantee public access to public lands, such as Bentsen State Park and Anzalduas County Park?
 - a. **Answer:** Public access to the parks will remain the same, with the addition of automated gates at points where there are existing roads that cross over the IBWC levee. It is the responsibility of the Texas State Parks and County Parks to decide when to open or close their parks.

18. How will the wall impact the National Butterfly Center?
 - a. **Answer:** U.S. Border Patrol currently has requirements for a levee wall system on property owned by the National Butterfly Center and the Texas Parks & Wildlife Division. The levee wall system will be incorporated into the existing IBWC flood levee that is on these properties. CBP is in the process of obtaining a right-of-entry for surveys from landowners that are within the alignment of the levee wall system and may be impacted by wall construction. CBP meets with landowners to discuss their concerns with the project and consider landowner input while meeting U.S. Border Patrol's operational needs. CBP is committed to working closely with all landowners impacted by wall construction to ensure the wall design accommodates continued access to the greatest extent possible, according to each landowner's needs.

19. La Lomita chapel lies 130 feet from the base of the levee. Will the chapel need to be removed to accommodate the 150-foot enforcement zone?
 - a. **Answer:** It has not yet been decided how the La Lomita chapel will be accommodated. CBP is committed to working with all landowners to reduce and mitigate impacts.

20. How will the wall impact the Jackson Ranch Church and Eli Jackson Cemetery that are state historical sites?
 - a. **Answer:** As these historical sites are identified, CBP will be consulting with landowners and other stakeholders to identify strategies that avoid or minimize impacts to these sites to the greatest extent practicable.

21. How will impacts to cultural resources, including historic and prehistoric resources, be considered during planning and construction?
 - a. **Answer:** There are three ways that CBP is trying to obtain information on impacts to historic and prehistoric resources. The first is public outreach. We ask the general public to help us identify those cultural and historic sites. Second, we meet with landowners that can potentially be affected by the alignment and solicit feedback. Third, we conduct field surveys and collect data. The goal is to use the results to determine if there are areas that will be impacted and come up with a strategy to address them.

22. What body will oversee compliance with mitigation? Will there be transparency in completion of the Environmental Stewardship Plan?
 - a. **Answer:** CBP is working with experts in the field and relevant stakeholders to develop an appropriate strategy for mitigation where it may be required. Data from the field surveys is compiled into separate reports and sent to stakeholders, such as the Department of Interior, U.S. Fish and Wildlife Service, Environmental Protection Agency, and relevant state agencies. The comments and



suggestions are analyzed and incorporated into the Environmental Stewardship Plan. A monitoring plan is also developed to ensure compliance with construction best management practices identified in the Environmental Stewardship Plan. The final Environmental Stewardship Plan and an overview of the monitoring plan will be posted to the CBP website for public review.

23. Can you give examples of your environmental mitigation or environmental stewardship?

- a. **Answer:** In 2012, CBP provided the U.S. Fish and Wildlife Service with more than \$17 million in mitigation funding to offset environmental impacts of previous barrier construction. That funding went towards dozens of projects for habitat conservation, species reintroduction, and environmental studies including:
- Purchase of more than one thousand acres to help the California Gnatcatcher, Quino Checkerspot Butterfly, and Arroyo Toad;
 - Reintroduction of the Northern Aplomado Falcon;
 - Bat conservation studies, and;
 - Wildlife areas for pools for Fairy shrimp and other species.

Environmental Stewardship Summary Reports, which are posted on CBP.gov, detail the impacts and avoidance and mitigation measures.

24. Will wildlife corridors/tunnels/crossing be provided?

- a. **Answer:** CBP has worked with the U.S. Fish and Wildlife Service to identify wildlife migration corridors in the Rio Grande Valley and to incorporate gaps or gates in the infrastructure that will allow for migration of wildlife during the migration seasons.

25. Which Native American Tribes have you reached out to?

- a. **Answer:** There are no recognized federal tribal lands within the footprint of the Rio Grande Valley projects. However, CBP has reached out to tribes that may traditionally use the areas. Several Native American Tribes including the Alabama-Quassarte Tribal Town, Apache Tribe of Oklahoma, Thlopthlocco Tribal Town, Comanche Nation of Oklahoma, Tonkawa Tribe of Oklahoma, Alabama - Coushatta of Texas, Coushatta Tribe of Louisiana, Kickapoo Traditional Tribe of Texas, and Fort Sill Apache were contacted as part of scoping for environmental impacts.

26. Have cultural resource studies already been conducted for this project? If so, how can we access that information?

- a. **Answer:** We have received some preliminary information from landowners about potential cultural sites. CBP is currently obtaining rights of entry for surveys on properties within the project alignment and hopes to start conducting field surveys within the next 30 days.

27. How does CBP plan on mitigating flooding risks?

- a. **Answer:** In Hidalgo County, the barrier is part of the existing levee, which is designed to prevent flooding. In Starr County, CBP works with the IBWC to make sure that the barrier does not impede flow from the Rio Grande River.

28. How do you plan to mitigate the loss of wildlife when the river floods and wildlife is not able to escape over the levee wall?

- a. **Answer:** CBP and U.S. Fish and Wildlife Service have collaborated to address this issue. There are two solutions that are being reviewed. The first is the redesign of the ramps that go up and over the levee. The proposed redesign will broaden the ramps to a fan shape and will extend to form a semi-circle forming a safe island. A low-angle slope will ensure that smaller species can go up the ramps.



The second solution is during flood events gates that are used to access the south side of the levee will be left open. CBP has also worked with U.S. Fish and Wildlife Service to identify migration paths of wildlife. We are identifying areas for gaps in the fence or areas where additional gates can be installed that can be left open during migration seasons. The opening of any gates during migration seasons would be closely coordinated between U.S. Fish and Wildlife and U.S. Border Patrol to ensure the gaps and gates are adequately monitored.

29. If the public will retain its access to public parks and refuges, why is the gate at the Hidalgo Pumphouse almost always closed, precluding access to the World Birding Center there?
- Answer:** Hidalgo County, U.S. Fish and Wildlife Service and the U.S. Border Patrol are working cooperatively to develop a schedule to allow visitors access to the area, while still maintaining the security of the border.

PROPERTY OWNERS

30. Why does Border Patrol have to access property? What will happen to property owners who refuse to sign the right-of-entry (ROE) letter?
- Answer:** The Government needs access to properties to complete surveys that include environmental, geo-technical, and boundary assessments in order to finalize the design and alignment. If a property owner refuses to sign a right-of-entry letter, the matter will be referred to the U.S. Department of Justice to determine next steps.
31. How many property owners have land in the project area?
- Answer:** The U.S. Army Corps of Engineers is in the process of identifying landowners. For the Fiscal Year 2018 Rio Grande Valley projects, right-of-entry for survey letters were sent to approximately 270 owners in Hidalgo County and approximately 300 owners in Starr County.
32. Are you invoking eminent domain to acquire land?
- Answer:** It is always CBP's preference to acquire property through a voluntary, negotiated sale. In some instances where title records are not accurate or lacking, the Government must exercise its rights of eminent domain. If a landowner and CBP are unable to reach an agreement for voluntary sale, the matter is referred to the local Department of Justice/United States Attorney's Office to initiate condemnation proceedings. Department of Justice attorneys will meet with landowners to try to negotiate an offer to sell before instituting condemnation proceedings.
33. If a landowner disagrees with just compensation afforded by the Government, is it possible that the property could be taken before a landowner is provided compensation?
- Answer:** If CBP determines that all or a portion of the land they assessed is required to build necessary border security infrastructure, CBP will conduct negotiations with the landowner. If a selling price cannot be mutually agreed upon, the matter is referred to the local Department of Justice/United States Attorney's Office to initiate condemnation proceedings. The condemnation process allows the Government to obtain the land to build in a timely manner. Compensation is provided to the landowner through the condemnation process.

PURPOSE

34. Is there a need for this wall?
- Answer:** The primary goal of the border wall and other tactical infrastructure projects is to gain effective control of the border. Border wall construction is intended to provide persistent impedance



of illegal cross-border activity, which offers U.S. Border Patrol agents sufficient time to respond to and resolve threats.

STAKEHOLDER COMMENTS

35. How will the comments be used?

- a. **Answer:** Once the comment period has closed, comments and input will be used to inform our environmental review and the environmental planning process. The most useful comments provide links to data or research and provide specific details on potential impacts to biological, cultural, and natural resources, as well as commerce and quality of life. Following the comment period, CBP will be developing a report summarizing the comments received and how they will be addressed. This report will be posted on the website and distributed to those who requested project updates.

36. If the comments showed that the majority of the local community did not want the border wall, would it still be constructed?

- a. **Answer:** The environmental planning process is not a vote. Similar comments are grouped together and counted as one comment, which is the same categorization that occurs under the National Environmental Policy Act (NEPA). Comments are solicited to ensure the CBP has comprehensive understanding of the potential impacts of the project and helps inform the environmental studies that are conducted. Comments in support or opposition to the wall system should be directed to your local lawmakers and congressional representatives.

37. Will the comment period be extended beyond November 6th?

- a. **Answer:** There are no plans to extend the current comment period beyond November 6, 2018.

38. Will CBP hold a public meeting for concerned residents before starting construction?

- a. **Answer:** There are no public meetings currently planned. Individual meetings are being held with impacted landowners. CBP is also conducting webinars as a way to provide information and answer questions to the general public, and will continue to provide information through our website at: <https://www.cbp.gov/document/environmental-assessments/rio-grande-valley-leveeborder-wall-system-construction-projects>. You can also sign up for email updates on the website or by emailing the word "subscribe" to commentsenv@cbp.dhs.gov.

39. Will you accept comments from groups of stakeholders, or do you want individuals to comment?

- a. **Answer:** CBP is open to receiving comments from both individual stakeholders and organizations to inform the environmental planning process. Similar comments are grouped together during the review and analysis of comments.

40. How does public input on environmental impacts change plans to lessen impacts?

- a. **Answer:** For each project, public input is sought throughout the environmental review process as well as design and construction. The first opportunity for public input is during scoping for environmental impacts. CBP solicits information from the public on the presence of sensitive resources and potential physical, biological, and cultural impacts. This information is evaluated and CBP prepares and releases an Environmental Stewardship Plan. The document details construction best management practices to be implemented to avoid or minimize impacts. Throughout construction design and implementation, CBP consults directly with impacted landowners and construction is monitored by environmental subject matter experts to ensure compliance with the best management practices.



41. Are there meetings the public can participate in?

- a. **Answer:** U.S. Border Patrol hosts regular community liaison meetings within the Rio Grande Valley Sector. Stakeholders within those communities are welcome to attend any of the regularly-scheduled meetings.

TACTICAL ALTERNATIVES

42. Is CBP considering other options such as existing infrastructure, boats, or drones for protecting the border?

- a. **Answer:** The border wall is one element of CBP's comprehensive approach to secure the border, which includes additional, substantial investments in technology, infrastructure and enforcement personnel. The border wall provides persistent impedence, giving U.S. Border Patrol agents sufficient time to respond to illegal cross border activity. CBP will continue to work to deploy the right mix of technology, tactical infrastructure, and personnel to secure the border.

WAIVER

43. Why was a waiver issued? Why did you issue a waiver before the end of the public comment period?

- a. **Answer:** The President's January 25, 2017, Executive Order entitled, "Border Security and Immigration Enforcement Improvements," makes clear that achieving operational control of the border is a priority for this Administration. Building the physical infrastructure necessary to secure the southern border of the United States is one way to achieve operational control of the border. Utilizing the waiver authority provided by Congress in Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended (IIRIRA), ensures the expeditious construction of the barriers and roads in the project area. The timing of the waiver does not negate CBP's intention and ongoing effort to gather feedback from stakeholders on environmental impacts and potential mitigation.

While the waiver eliminates CBP's obligation to comply with certain environmental laws for this project, CBP remains committed to environmental stewardship. In doing so, CBP creates an Environmental Stewardship Plan which identifies areas of potential impacts and areas of concern, establishes best management practices for construction, and implements measures that would avoid or minimize impacts.

44. Who advises the Secretary's waiver decision?

- a. **Answer:** The Secretary is advised by several entities within the Department of Homeland Security, including the Border Wall program office and the Secretary's staff councils.

45. When will the waiver be filed for Starr County? And when will construction begin in Starr County?

- a. **Answer:** The need for additional waivers for future projects is determined by the Secretary of Homeland Security and issued solely at her discretion. The construction start dates for Starr County have not yet been decided, and these projects are still pending an award for the construction contract.

46. Is the National Historic Preservation Act included as part of the potential waiver?

- a. **Answer:** Yes, the National Historic Preservation Act is included in the waiver. Our goal is to work with stakeholders to find a reasonable way to avoid or mitigate impacts to any historic sites.

47. Does the waiver include state and local codes, rules, and regulations?



- a. **Answer:** The waiver listed specific federal laws, and included all state or other laws, regulations, and legal requirements of, deriving from, or related to, the federal laws set forth in the waiver.

48. Is the project segment RGV-04 covered by the waiver as well?

- a. **Answer:** The waiver issued on October 11, 2018 did not include infrastructure in RGV-04.

49. Has CBP considered any alternatives to the project as required under the National Environmental Policy Act (NEPA)?

- a. **Answer:** The two alternatives for this project are “action” or “no action.” No action is not an option. The wall is part of a larger system that U.S. Border Patrol needs to secure the area. CBP does take into consideration design elements to eliminate or minimize impact. In Hidalgo County, the alignment placement is based on the existing levee. In Starr County, the alignment is based on the flood zone.

50. Has CBP engaged with local elected officials?

- a. **Answer:** CBP and U.S. Army Corps of Engineers have conducted meetings with many landowners, businesses, and local Government officials to answer questions, address concerns, provide information, and receive feedback about the planned projects. CBP has also meet with the irrigation districts along the RGV.

WEBINAR

51. Will you make the presentation available to the public following this webinar?

- a. **Answer:** Yes, the webinar recording will also be posted on the CBP website at www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review.

52. Are you doing a webinar like this in Spanish?

- a. **Answer:** A Spanish translated copy of the presentation, script, and questions and answers transcript will be available on CBP’s website at www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review.

53. How many people attended the webinar?

- a. **Answer:** A total of 44 logins were recorded. This count does not include people attending in groups.