



Fiscal Year 2020 Laredo Sector Border Wall System Question & Answer Session

Questions & Answers

The following document summarizes the questions received during the webinars for the Fiscal Year 2020 Laredo Sector Border Wall System Projects conducted April 7, 2020. Similar questions are grouped together and answers are provided for the questions relevant to the environmental planning process.

PURPOSE & NEED

1. What is the purpose of the wall, specifically within the Laredo Sector?
 - a. **Answer:** The purpose of the border wall is to gain operation control of the border. The border wall system, through the use of lights, cameras, and physical barriers, also provides safety for agents patrolling the border.
2. USBP releases apprehension numbers for entire sectors, but they cover hundreds of square miles. Will CBP release apprehension and seizure numbers for each section of planned border wall to demonstrate need?
 - a. **Answer:** Apprehension numbers for each Sector are already posted online to www.cbp.gov. These numbers are not divided by wall section, but instead by Sector.
3. Can CBP provide information that would demonstrate that border wall barriers work?
 - a. **Answer:** There are a number of instances along the border that have demonstrated that the barrier does work. Data on apprehension numbers and crossings is frequently posted to www.cbp.gov. Historically, apprehensions have decreased after the construction of a physical barrier. It has also been historically shown that values of homes on the U.S. side of the border tend to increase due to the decreased illegal traffic coming into the U.S. Such benefits can be seen in the San Diego Sector.
4. Why is the river no longer considered a barrier?
 - a. **Answer:** The river is only the first barrier. USBP agents need the situational awareness that comes with the entire border wall system to be able to detect and prevent illegal crossings.
5. How will the new border wall system be different from existing border walls?
 - a. **Answer:** The new border wall system includes not just a physical barrier but also additional features such as detection technology, cameras, and lights. These additional tools help USBP gain operational control of the area as well as help protect agents patrolling the barrier.
6. Why doesn't USBP clear the riverbank so that people attempting to cross illegally have nowhere to hide instead of building the border wall system?
 - a. **Answer:** USBP Laredo Sector does currently clear the riverbanks but this method is not sufficient on its own. The new border wall system will only enhance operational control of the border.



7. The idea of property values going up in San Diego as a result of the border wall ignores the statewide rise in home prices, including Los Angeles and San Francisco. Do you have any more credible examples of border walls providing benefits?
 - a. **Answer:** The decline in apprehensions is the best data to reflect the effectiveness of the barrier. While this information may not be entirely public, it has been provided to the Government Accountability Office and other agencies.
8. Why is the government building a physical fence instead of a virtual fence?
 - a. **Answer:** A virtual fence is only one part of operational control. The new border wall system, including the physical barrier, will provide safety to agents patrolling the border as well as increase impedance and denial capabilities.

PROJECT SCHEDULE

9. Have construction contracts been awarded for the Laredo projects?
 - a. **Answer:** U.S. Customs and Border Protection (CBP) is currently seeking requests for proposals for the contract and therefore, the contract has not yet been awarded. The current timeframe for contract award is May.
10. When will the Laredo construction projects will begin?
 - a. **Answer:** The contract has not yet been awarded. Once the contract is awarded, the design stage will follow. During this design stage, the contractor selected will create a design for the barrier along the entire alignment. Once sufficient real estate is acquired, construction will begin. This process is dependent on sufficient acquisition of real estate, and therefore a construction start date cannot be determined at this time.
11. When does CBP expect construction for the Laredo projects to begin?
 - a. **Answer:** In order to begin construction, a sufficient amount of real estate must be acquired. The project is currently in the initial stages of obtaining Rights of Entry (ROE-S) that would allow for survey work including real estate and environmental surveys. The construction start date has not yet been determined.
12. When is construction expected to begin in Webb and Zapata counties?
 - a. **Answer:** A contract has yet to be awarded but is expected in mid-May. A construction date cannot be determined until a contract has been awarded and sufficient real estate has been acquired.

DESIGN

13. Is the government still working with the City of Laredo on the design for the downtown area?
 - a. **Answer:** CBP is continuing to coordinate with the city manager's office on the downtown area. Currently, CBP is proposing to construct a bulkhead or retaining wall along the downtown area. This area has yet to be finalized but CBP is continuing to coordinate with the City of Laredo.
14. Are other agencies involved in the development of development of Hydraulic and Hydrologic (H&H) models?
 - a. **Answer:** CBP's primary partner for the development of H&H models is the International Boundary and Water Commission (IBWC). IBWC is a part of the U.S. State Department and is responsible for ensuring transborder water flows are maintained and are reflective of the boundary between the U.S. and Mexico.



15. Who or what organization is performing the H&H analyses?
 - a. **Answer:** CBP has a contractor who is responsible for performing H&H analyses. This contractor is very familiar with the model and data system used to perform these analyses and has a lot of experience along the U.S.-Mexico border.
16. Is there a reason why the H&H analysis contractor cannot be named?
 - a. **Answer:** The identity of the contractor is sensitive information and cannot be shared at the present time.
17. Will the City of Laredo's decision to table the government's Memorandum of Understanding (MOU) affect plans to build a bulkhead wall in downtown Laredo?
 - a. **Answer:** CBP continues to coordinate with the City of Laredo on the design for the downtown area. These negotiations are ongoing and CBP is working with the city to reach an agreement. CBP continues to work closely with the city on all projects.

LOCATION

18. How close is the proposed alignment to the river? Will any portion of the border wall be built on the riverbank?
 - a. **Answer:** The location of the barrier in relation to the river will vary and will be based on H&H analyses that will be completed for the entire alignment. The H&H analyses will determine where the barrier can be placed and ensure that the barrier is in compliance with all treaties between the U.S. and Mexico.

COST

19. What is the estimated cost of the Laredo border wall system projects?
 - a. **Answer:** Due to the ongoing procurement process, CBP is not able to discuss cost at this time.
20. How much money will landowners receive per acre?
 - a. **Answer:** Once a landowner signs a ROE, real estate surveys of their property can take place. During these surveys, subject matter experts (SME) will assess and appraise the portion of land that may be needed for the border wall. This will initially determine the price per acre. The landowner will then have the opportunity to negotiate this price when they receive an offer to sell. There is no set price per acre for the project area.
21. What is the cost of the border wall per mile?
 - a. **Answer:** The cost per mile varies from region to region and the exact cost for the Laredo Sector has not yet been determined.

IMPACTS TO PROPERTY OWNERS

22. How much time will landowners have to decide if they want to freely participate with the building of the border wall on their property?
 - a. **Answer:** The projects are currently in the initial stage which includes the ROE process. During this stage of the project, CBP and the U.S. Army Corps of Engineers (USACE) reach out to potentially impacted landowners and request they sign a ROE to allow access for real estate and environmental surveys. The government gives the landowner sufficient time to review the ROE and seek counsel if they chose to do so. If



there are certain stipulations that the landowner wishes to include in the ROE, those requests will also be discussed at this time. Generally, these negotiations occur within a two- to four-week period depending on the availability of the landowner. If the landowner refuses to sign the ROE, the case is referred to the Department of Justice (DOJ).

23. When should landowners expect surveys to occur?

- a. **Answer:** If landowners receive a ROE for survey from USACE and have questions, they should contact the point of contact identified on the cover letter of the ROE document. Landowners can also reach out to the U.S. Border Patrol (USBP) Laredo Sector to ask any questions they may have. The landowner can request to be notified before surveys are completed on their property.

24. How will cattle, deer, and other wildlife be able to reach the water?

- a. **Answer:** CBP is currently in the process of obtaining information from landowners to understand where various needs are. CBP will then determine how best to accommodate these needs and mitigate impacts. CBP is also coordinating with other agencies, such as the U.S. Fish and Wildlife Service (USFWS), to understand these unique areas and how to best minimize impacts. For instance, in the Rio Grande Valley (RGV), small animal gaps/openings were installed to allow for the movement of wildlife.

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BIOLOGICAL AND CULTURAL IMPACTS

25. What considerations are being made for historical and cultural sites?

- a. **Answer:** CBP initially sends out consultation letters detailing the projects and asking for stakeholders to provide feedback. During this initial step, CBP requests information from stakeholders regarding cultural and historical sites that may be present within or near the proposed project area. In Laredo, historical and cultural information has already been received from various stakeholders. In response, CBP is setting up site visits with the state office to further look into the identified sites. CBP will also be surveying the entire proposed project area after ROE-S have been signed by landowners. Once survey data is available, CBP will work with various SMEs to identify all potential impacts and, if necessary, denote potential mitigation measures. Furthermore, during the construction phase, there will be environmental monitors present to monitor construction and to ensure that CBP's construction Best Management Practices (BMPs) are being implemented by the construction contractor.

26. . Will CBP target USFWS refuges because it is already publicly owned?

- a. **Answer:** There is no federally-owned land in the Laredo Sector other than a few areas associated with land ports of entry (POE). The majority of lands needed for the proposed projects are privately owned.

27. What endangered species has CBP identified as potentially present in the Laredo project area?

- a. **Answer:** CBP has just begun this process. The first step is outreach to stakeholders who might have information regarding potentially present threatened and endangered species. Environmental surveys will also be conducted once ROE-S have



been signed. No species have been identified thus far as surveys have yet to be conducted.

FLOODING

28. Is CBP planning to install flood gates in the Laredo and RGV Sectors? Does CBP have a new design for these gates?
- Answer:** Once a contract is awarded, the selected contractor will look at each unique area and propose various designs based on the terrain. This could include low water crossings with gates, swing gates, or a series of culverts with lift gates. CBP will take local data and stakeholder feedback into consideration during the design phase of the projects.
29. The Mexican section of IBWC has rejected border walls in the Rio Grande floodplain as a treaty violation. How does CBP plan to address this?
- Answer:** All of the work CBP does along the border is coordinated with the U.S. Section of the IBWC. The U.S. IBWC then coordinates with the Mexican Section of the IBWC. Specifically, all projects in RGV and Laredo have been coordinated with IBWC.
30. Will CBP provide municipalities and landowners design specs and locations for flood gates before they condemn their land so that they can evaluate whether or not they think they might work?
- Answer:** In other project areas, CBP has coordinated very closely with each landowner. During the initial ROE for survey phase, each landowner has the opportunity to discuss any specific concerns regarding their property with USACE and/or Sector. These concerns and information will be compiled by CBP and considered during the design phase. The conversation will be ongoing.

WAIVER

31. Why has CBP waived dozens of laws, including the Endangered Species Act, Farmland Policy Protection Act, and Native American Graves Protection and Repatriation Act in order to build the wall?
- Answer:** The Illegal Immigration Reform and Immigrant Responsibility Act authorizes the Secretary of Homeland Security to issue a waiver in order to ensure the expeditious construction of barriers and roads. . The Secretary issues waivers to ensure timely of construction. For projects carried out under a waiver, CBP is committed to responsibility environmental stewardship.

RIGHT OF ENTRY

32. Has the government ever been denied access by city or county officials?
- Answer:** CBP has reached out to a variety of landowners requesting ROE-S for surveys. In some instances, including both private and municipal, landowners have declined to sign the ROE for survey.
33. Is the government attempting a quick take in Laredo?



- a. **Answer:** The project is currently in the initial stage of obtaining ROE-S for survey. These ROE-S allow the government and its contractors to access property in order to perform environmental, design, and real estate surveys. Once this data is obtained, an offer to sell is produced. The landowner can then negotiate with the government regarding the value of the land. It is always the goal of the government to amicably come to an agreement on the value of the land, however if no agreement can be reached, the case is referred to DOJ.

COVID-19

34. Have the Laredo projects been delayed due to the COVID-19 pandemic?
 - a. **Answer:** CBP is currently looking at long-term plans and following all recommendations from the Centers for Disease Control and Prevention (CDC) regarding the COVID-19 pandemic. The process of reaching out to landowners for ROE-S is ongoing. Agents may not be meeting in person to obtain ROE-S, as most work is being completed via telephone, but the real estate outreach for the project is ongoing.
35. Will CBP pause condemnation court proceedings to prevent landowners from risking COVID-19 transmission when they attend court?
 - a. **Answer:** CBP is currently following all guidelines from the CDC regarding the COVID-19 pandemic. CBP is working with USACE, who leads the real estate effort, to ensure that safety is the top priority. Currently, most real estate outreach activities are occurring via telephone.
36. What is CBP doing to prevent construction crews from spreading COVID-19 in border communities?
 - a. **Answer:** CBP is currently following all guidelines from the CDC regarding the COVID-19 pandemic. As the situation evolves, USACE and current contractors are monitoring the situation and adjusting accordingly.
37. Many landowners in Laredo are elderly and diabetic, putting them at high risk of contracting COVID-19. Asking these landowners to attend condemnation proceedings in court puts them at an even higher risk. Would CBP support putting condemnation court proceedings on hold until the COVID-19 pandemic passes?
 - a. **Answer:** CBP is currently following all guidelines from the CDC regarding the COVID-19 pandemic. Currently, most courts are handling these matters via telephone.

STAKEHOLDER COMMENTS

38. Has the comment period for the Laredo projects been extended? If so, why?
 - a. **Answer:** The comment period for the Laredo projects was extended to May 21, 2020 to allow stakeholders additional time to provide comments and/or information. CBP has received a number of requests to extend the comment period, mostly due to individuals not being able to accept or access data due to the COVID-19 pandemic. CBP will continue to evaluate whether the deadline will need to be extended further, but at this point, comments should be submitted by May 21, 2020.
39. If I have study results that could possibly be relevant to environmental planning, to whom should I send this information?
 - a. **Answer:** Any information and/or comments regarding the projects can be sent via email to LaredoComments@cbp.dhs.gov or mailed to the CBP headquarters in Washington,



D.C. All comments and information are welcome.

40. CBP did not publicly respond to comments submitted in response to the 2018 or 2019 border wall projects in RGV. What happened to those comments, and what are CBP's plans for responding to comments submitted in response to the Laredo projects?
- Answer:** Reports summarizing all comments received from the 2018 and 2019 projects were developed. The 2018 report was posted online to www.cbp.gov and the 2019 report will be posted online soon. CBP directly responded to most, if not all, of the comments submitted. A similar process will occur for Laredo. Comments will be compiled and responded to, then they will be summarized in a report posted online to www.cbp.gov.
41. Is CBP collecting comments for other additional border wall projects?
- Answer:** These additional projects have a similar environmental planning and outreach process. DoD-funded projects are heavily coordinated by DoD; however, they are conducting their outreach activities in a similar fashion as CBP.

REQUESTS FOR ADDITIONAL INFORMATION

42. CBP has not publicly released flood models developed for the border wall planned for the Rio Grande floodplain in Starr County. Will CBP be releasing those flood models, as well as the flood models for the Laredo Sector?
- Answer:** Flood models and H&H analyses are not typically shared with the public but CBP will look into the possibility of posting these documents in the future.
43. Will CBP release more detailed maps?
- Answer:** The maps included in the publicly distributed consultation materials show what CBP currently knows about the preliminary alignment. After surveys are conducted, CBP will have more detailed maps to share.
44. Will CBP pledge to greater transparency, releasing flood models and detailed maps, and engaging in public forums open to the general public?
- Answer:** CBP frequently distributes new information as well as posts this information online to www.cbp.gov. CBP organizes webinars, such as this, to share new information and holds focused conversations with federal partners and stakeholders to better understand information and recommendations they may have. CBP will continue to be as transparent as possible and look into new ways to keep stakeholders involved and informed.
45. Will CBP publish survey results after they are completed?
- Answer:** Once biological, cultural, and waters of the U.S. surveys are conducted, the information is shared primarily with other federal stakeholders to allow for comment. These survey results are later incorporated into an Environmental Stewardship Plan (ESP), which will be posted online to www.cbp.gov.

WEBINAR

46. Will the webinar presentation be posted online?
- Answer:** The webinar presentation and recording will be available on www.cbp.gov.

OTHER PROJECTS



47. Are there other proposed border wall sections besides Laredo?

- a. **Answer:** There are various appropriations or sources of funding that are being used to construct border wall infrastructure. These Laredo projects are funded using the Department of Homeland Security (DHS) Fiscal Year 2020 appropriations. There are other projects currently being funded and executed in California, Arizona, New Mexico, and Texas using funds that appropriated to the Department of Defense (DoD). There are two relevant DoD authorities: 10 U.S.C. § 284, which is DoD's counter-drug authority; and 10 U.S.C. § 2808, which is DoD's military construction authority. .