

MEB 6-3

exiled copy to
DMS.

November 24, 2008

W. Ralph Basham, Commissioner
U.S. Department of Homeland Security
Customs and Border Protection
1300 Pennsylvania Avenue, N. W.
Washington, DC 20229

Dear Commissioner Basham:

This letter is to inform you that after months of hard work trying to find a technical solution that would allow the construction of Secure Border Initiative (SBI) Infrastructure in the flood plain of the Rio Grande in the areas of Los Ebanos, Rio Grade City, Roma and Brownsville, I've concluded that given the current constraints, our respective staffs were not able to find a feasible solution that would allow for the construction of these fence segments in the flood plain of the Rio Grande.

As you probably know by now, Article IV-B of the 1970 Boundary Treaty between Mexico and the U.S., prevents development in the lands adjacent to the Rio Grande that would cause obstruction and/or deflection of flows. The proposed locations for SBI fence segments 01, 02, 03 and 0-21 are within the flood plain. In addition, the hydraulic evaluations performed for these four segments revealed that they would cause obstructions and deflection of flows. In order to mitigate the obstruction and deflection of flows caused by these four segments, our staff evaluated the feasibility of utilizing a removable system in lieu of a permanent one, but, due to the logistical requirements necessary for the prompt removal of 14 miles of fencing materials in the event of flooding conditions, this option was determined to be not feasible by your SBI staff. In addition, we also questioned the feasibility of obtaining funding on an annual basis to ensure that a fence removal contract could be funded every year. This uncertainty is compounded if you consider that it is outside anyone's ability to predict the number of times this costly and demanding process of removing and replacing the fence would have to take place on a yearly basis.

I would like to provide you my reassurance and commitment that my agency will continue to support you and your staff in the execution of this very important mandate. If you have any questions, please feel free to contact me, at (915) 832-4118.

Sincerely,



Alfredo J. Riera, P.E.
Acting Commissioner

electronic bcc: Acting Commissioner Riera; M. Brandt; PID Kruse; ESD Nunez and Aguirre, O&M Solo; Mercedes Field Office Daize; DMS

AJR:ajr:mvg

August 22, 2008

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