



July 27, 2018

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Mr. Paul Enriquez
Real Estate and Environmental Branch Chief
U.S. Border Patrol Headquarters
Program Management Office Directorate Wall Portfolio
1300 Pennsylvania Ave. 6.5E Mail Stop 1039
Washington, DC 20229-1100

Dear Mr. Enriquez:

On July 2, 2018, the Texas Parks and Wildlife Department (TPWD), an agency of the State of Texas, received your letter postmarked June 29, 2018, seeking input from TPWD regarding approximately 25 miles of levee fencing proposed by U.S. Customs and Border Protection (CBP) in the Weslaco Station, the McAllen Station, and the Rio Grande City areas of responsibility. Specifically, CBP is seeking comments on "the likely or anticipated effects to biological, cultural, and natural resources from the proposed construction."

TPWD's mission is "to manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations." On behalf of the citizens of Texas, TPWD manages and conserves approximately 1.5 million acres of state parks and wildlife management areas. These public lands support critically important and unique biological, cultural, and natural resources. One property stewarded by TPWD is Bentsen-Rio Grande Valley State Park (BRGVSP), a site owned and operated by TPWD since its donation to the state of Texas by the Bentsen family in 1944.

As currently proposed, the border fencing will bisect BRGVSP and substantially disrupt park operations, wildlife habitat, and public visitation at the site. Over the last year, through multiple rounds of correspondence, conference calls, site visits, and meetings, TPWD and CBP have discussed the deleterious impacts of the planned fencing on operations at BRGVSP and whether there are alternatives to reduce or mitigate those impacts.

The state park is a biologically rich and exceedingly unique area, replete with plants and animals not found outside of the Rio Grande Valley of deep South Texas. It is also an internationally recognized destination that attracts visitors from all over the world. Ensuring the continued future viability of the state park is of paramount importance to TPWD in any deliberations with CBP regarding border fencing options.

Mr. Paul Enriquez

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July 27, 2018

As a reminder, attached are TPWD's letters dated October 25, 2017 and June 22, 2018, to CBP's Rio Grande Valley Deputy Sector Chief, Raul Ortiz, describing the expected negative effects of the border fencing as originally proposed. These letters also reflect the preferred position TPWD has repeatedly conveyed to CBP that the state park property can be adequately secured using tools and resources other than the proposed wall.

We look forward to further discussing this and/or other viable alternatives with appropriate CBP personnel that can minimize impacts to the park's resources and to its visitors and operations. In the meantime, if you have any questions or comments, please do not hesitate to contact me or my colleague, Brent Leisure, TPWD State Parks Division Director at (512) 389-8545 or brent.leisure@tpwd.texas.gov. Thank you.

Sincerely,



Carter Smith
Executive Director

CS:dh

Enclosures

cc: Mr. Manny Padilla, RGV Border Patrol Sector Chief Patrol Agent
Mr. Jose Garza, RGV Border Patrol Sector Assistant Chief Patrol Agent
Mr. Carter Smith, Executive Director, TPWD
Ms. Ann Bright, TPWD
Mr. Brent Leisure, TPWD
Mr. Robert Sweeney, TPWD
Mr. Reagan Faught, TPWD
Mr. Rodney Franklin, TPWD



October 25, 2017

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Carter P. Smith
Executive Director

Mr. Raul Ortiz
Deputy Sector Chief, Rio Grande Valley Sector
U.S. Customs and Border Protection
4400 South Expressway 281
Edinburg, Texas 78542

Dear Deputy Sector Chief Ortiz:

First and foremost, thank you again for meeting with my colleagues and me from the Texas Parks and Wildlife Department (TPWD) to discuss the proposed border wall project and its implications for the Department's landholdings in deep South Texas. We valued the constructive dialogue with you and your agents and appreciated you taking the time to address our questions and listen to our concerns. Similarly, we learned a great deal more about this proposed project and where your primary security and enforcement concerns are focused.

I was particularly appreciative of you making the time to visit Bentsen-Rio Grande Valley State Park. Following this visit, you requested that we send to you a background summary on the State Park, replete with information about the park, its history, its public use and role in the community, its natural and cultural resources, and the challenges a Border Wall, if constructed at the site, would pose to the future operations and management of the site. In addition, we spent considerable time discussing other options for how our officers and staff could continue to work together to strengthen our collective border security and law enforcement efforts on site. As you will undoubtedly recall, some of those measures included additional officer and agent staffing; staging enhanced joint operations in the immediate area; expanding surveillance technology; and improving lateral access for Border Patrol agents and TPWD officers on the International Boundary and Water Commission levee road, as well as the "river road" inside the park. You may be assured the Department is committed to holding up our end of such a partnership.


The attached document attempts to capture all of these items you requested. Please review and let me know if you have any questions about any of this information.

Also, I understand that our team had a productive and thoughtful visit today with Chief Padilla during his site visit to Bentsen-Rio Grande Valley State Park. While I hated to miss that meeting, we were more than capably represented by Brent Leisure, our State Parks Director, Colonel Grahame Jones, our Director of Law Enforcement, Wes Masur, our Chief of State Park Police, George Cortez, our State Park Superintendent, and many others from the Department.

Mr. Raul Ortiz
Page 2
October 25, 2017

Thank you again for the important work you and your agents do to secure our border. TPWD values our longstanding working relationship with you, Chief Padilla, and your agents and looks forward to further discussions about our unique situation at Bentsen-Rio Grande Valley State Park. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Carter Smith", with a long horizontal flourish extending to the right.

Carter Smith
Executive Director

CS:dh

Attachment

cc: Chief Manny Padilla
Mr. Brent Leisure
Colonel Grahame Jones

Bentsen-Rio Grande Valley State Park and Impacts of the Proposed Border Wall

History and Natural Resources of Bentsen-Rio Grande Valley State Park

In 1944, Elmer and Lloyd Bentsen Sr. gifted 586.9 acres of land to the Texas Parks Board for one dollar. The deed stipulated that the land be used "solely for Public Park Purposes and shall be maintained, operated, known and designated as Bentsen-Rio Grande Valley State Park." Today the park encompasses 766 acres of brushy woodlands along the Rio Grande just south of Mission in Hidalgo County, Texas.

Bentsen-Rio Grande Valley State Park hosted nearly 30,000 visitors in 2016 and like other state parks across the park system, is steadily growing as a destination with approximately 5% growth each year. Visitors to Bentsen come from all over the world, with more than one-third of day use visitors coming from out of state, as are about one quarter of overnight users. As a significant nature based tourism destination, Bentsen adds a substantial contribution to the local and state economy. In addition, over 4,000 visitors come through the state park as their only means of ingress to the neighboring Brand Christian Youth Camp.

The park is one of the few places where the riparian woodlands native to the Rio Grande Valley, and the wildlife unique to these woodlands, can still be found. Stands of cedar elm, Rio Grande ash, Texas ebony, black willow, anacua, huisache and other species provide food shelter and nesting habitat for many Texas natives. Of the hundreds of rare, threatened or endangered species documented in Hidalgo County, 25 species have been confirmed at the park including the federally endangered Interior Least Tern (*Sterna antillarum athalassos*), Northern Aplomado Falcon (*Falco femoralis septentrionalis*), Jaguarundi (*Herpailurus yaguarondi*), and Ocelot (*Leopardus pardalis*), and the state-threatened Texas Tortoise (*Gopherus berlandieri*) and Indigo Snake (*Drymarchon corais erebennus*).

The World Birding Center

Today, Bentsen-Rio Grande Valley State Park is best known as one of the top birdwatching destinations in the country and is the Headquarters of the World Birding Center, a network of nine sites dotted along 120 miles of river road from South Padre Island west to Roma, with habitats ranging from dry chaparral brush and verdant riverside thickets to freshwater marshes and coastal wetlands. The Rio Grande Valley has long been recognized as a world-class birding destination, and with the creation of the World Birding Center, Texas Parks & Wildlife Department, U.S. Fish & Wildlife Service, and nine Rio Grande Valley communities, have expanded tourism in the Rio Grande Valley, as well as awareness about this ecological treasure along the state's southern border.

The hundreds of acres of intact native habitat contained in these areas attract an incredible variety of birds. Some 340 different species of birds have been sighted in the park, including the green jay, Altamira oriole, white-tipped dove, plain chachalaca, hook-billed kite, groove-billed ani, common paraque and ringed kingfisher. Birders across the

nation know the park as a treasure trove of "Valley Specialties", tropical birds found nowhere else in the United States.

Visitor Impacts and Park Operations

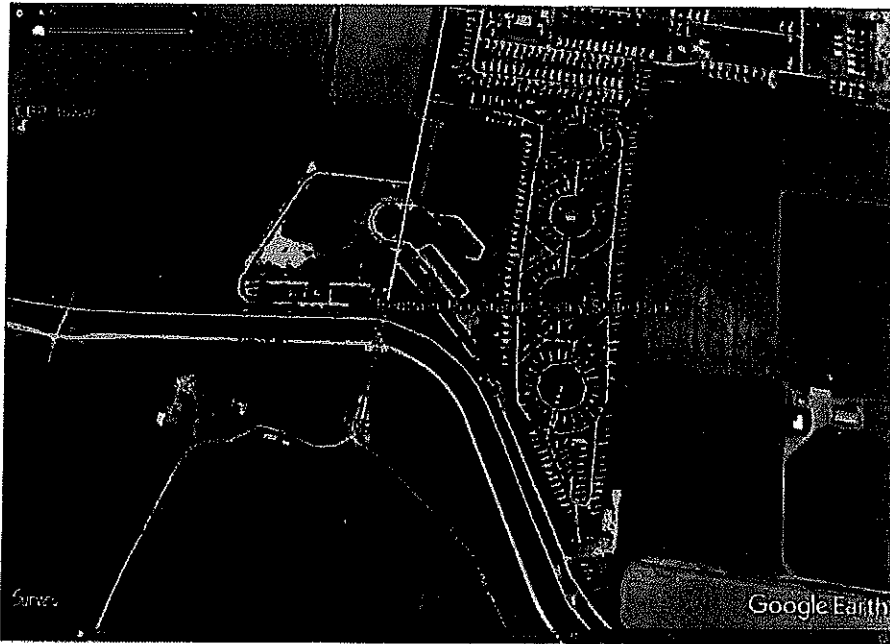


View of park headquarters from levee

Initial proposals for the alignment of the border security wall would have substantial impacts on the operations and public access to the park. Proposed placement of the wall would essentially separate the park's Headquarters, Visitor and Education Center from the great majority of park property, including staff residences and other facilities, which would be located behind the Border Wall. The entire habitat preserve would be south of the wall, creating a barrier to public access, use, and enjoyment.

As noted previously, the land for Bentsen-Rio Grande Valley SP was donated "solely for public park purposes". An express condition of this conveyance is that in the event the land "is not so maintained, designated and operated as such State Park for the use and benefit of the public, then the title to such land shall revert to and again become vested in said above named Grantors, their heirs, executors and administrators".

While the full impact to the operation is not known at this point, it is safe to say a wall would be a significant deterrent to visitors and inhibit the access currently provided. Construction of the proposed wall would certainly call into question whether TPWD could continue to safely operate the property as a state park, and thereby possibly causing the site to revert back to the original Grantors' heirs.



Detail of front gate area

If the wall is erected, TPWD will likely discontinue overnight camping and nighttime viewing of wildlife due to safety concerns. In addition, TPWD will need to increase its enforcement activities behind the wall to monitor the park 24 hours/day to protect the safety of the visitors. This activity will include additional protection of non-commissioned park staff when they are working inside of the park. If the levee border wall is built with a proposed gate as the entrance into Bentsen State Park, it seems likely that a Border Patrol Checkpoint will need to be constructed to monitor visitors leaving the park.

The barriers to park use would weaken the ability of Bentsen-Rio Grande to perform one of its primary missions, providing access to the outdoors for local scout groups and serving as an outdoor classroom for school groups. TPWD programming such as Texas Outdoor Family events that introduce new users to the outdoors would likely be curtailed, reducing outreach services to populations that are already underrepresented in the outdoors.

The border wall would also impair access to the Brand Christian Youth Camp located adjacent to the park. The Youth Camp, which serves an estimated 4,000 visitors each year can only be entered by coming through the park, and would face the same challenges to attracting visitors as the park.

Construction of a wall would also directly impact TPWD facilities. As currently proposed, park facilities within a 150 foot zone south of the wall will be demolished. Depending on the exact location of the wall, this could include the Nature Center, park maintenance yard and park residence. Even if the agency were to receive reimbursement for these facilities, finding new locations to rebuild would be problematic and would likely impact existing wildlife habitat. If these locations are built inside of the park, then additional security will

be required to protect them. TPWD also believes that it needs control of any entrance gates, even if it is to be manned 24/7 by Border Patrol, as access to the other side during non-daylight hours will be needed for many purposes including biological, interpretive, maintenance or operational needs.

Natural Resource Impacts

The area cleared for the proposed wall will amount to about 25-35 acres of quality riparian habitat. This will directly impact habitat of numerous plant species and animal of concern. Moreover the cleared area will invariably be colonized by invasive species, which will further adversely impact adjacent native habitat.

Potential for Alternative Solutions

TPWD believes that additional alternatives for border security can be developed, in concert with TPWD and the state of Texas including increased physical patrols in the park area, deployment of enhanced technology and other measures. U.S. Customs and Border Protection (CBP) and Texas Parks and Wildlife can work collaboratively to develop a multi-pronged border security and law enforcement plan of operations that achieves the desired span of control by federal and state authorities, while preserving the viability of park resources and visitor service functions of the state park.

TPWD leadership and the Assistant Sector Chief for U.S. Customs and Border Protection met recently at Bentsen-Rio Grande Valley State Park to view the operational concerns described above and discuss the mission and objectives for both parties. It is believed that alternatives to the proposed wall exist that will provide for improved border security while preserving the viability of operations of the World Birding Center Headquarters and Bentsen-Rio Grande Valley. Some elements of an alternative plan for the state park property could include:

- Continued active collaborative patrols and communication between Customs and Border Protection personnel and TPWD Game Wardens and State Park Police officers to enhance cooperation and operational coordination.
- Improved surfacing on the levee road to allow rapid and safe access for border agents and other officers on patrol.
- Improved, all-weather surfacing on the "river road" to enhance access for border agents and other law enforcement personnel. This currently unimproved surface road traverses park property and runs close to the river. Its usefulness in providing patrol access is limited due to the current surface condition.
- Deployment of additional remote sensing units and other monitoring devices within the park boundaries.

TPWD and CBP officers have forged a very strong and collaborative working relationship along the border. Enhancing the already strong interagency relations and leveraging of these resources add tremendous enforcement effectiveness for both border security activities as well as park visitor and resource protection.



June 22, 2018

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Carter P. Smith
Executive Director

Mr. Raul Ortiz
Deputy Sector Chief, Rio Grande Valley Sector
U.S. Customs and Border Protection
4400 South Expressway 281
Edinburg, Texas 78542

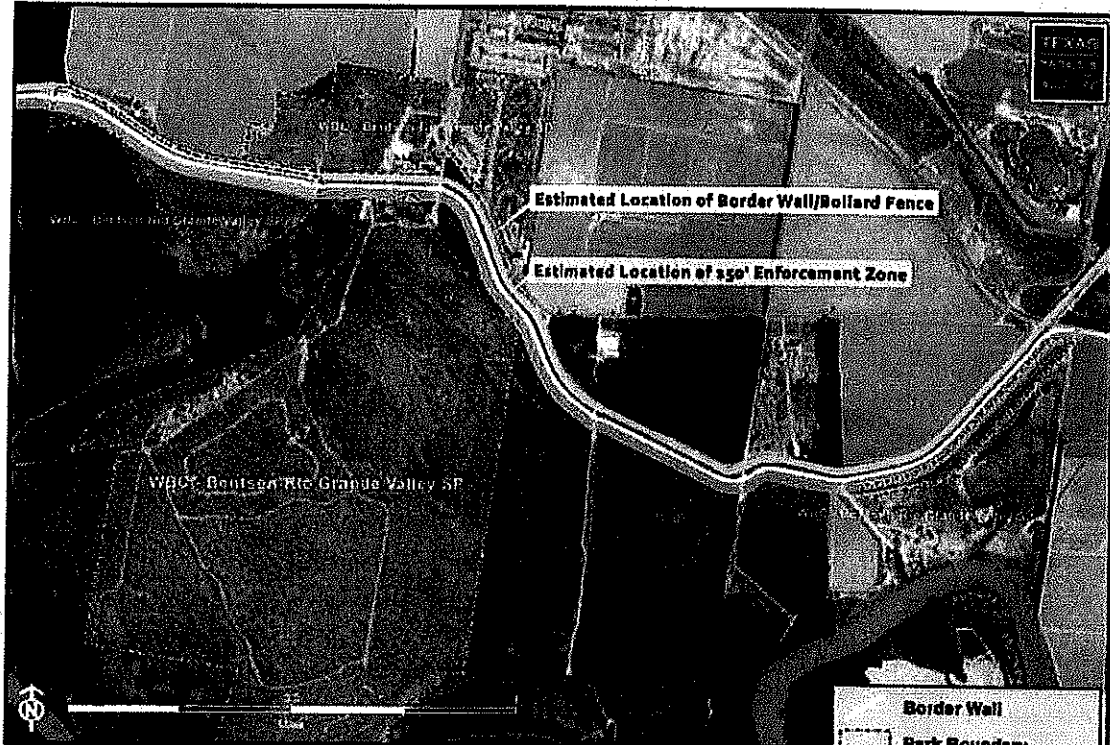
Dear Deputy Sector Chief Ortiz:

I appreciate the opportunity to provide feedback concerning U.S. Customs and Border Protection (CBP) plans for the border wall project in Hidalgo County, and more specifically, the proposed border wall and associated security measures at Bentsen Rio Grande Valley State Park (BRGVSP). You will recall that several Texas Parks and Wildlife Department (TPWD) representatives have met multiple times on site and at your area office with various members of the CBP team to better understand the objectives of this project and specific aspects of CBP plans. We have articulated our willingness to work closely with CBP to help achieve your mission, while also preserving the operational viability of BRGVSP.

On October 25, 2017, TPWD Executive Director Carter Smith provided a letter to you conveying this message and also detailing our reasons for deep concern with the project as initially proposed. In these early meetings, CBP expressed willingness to work closely with TPWD to achieve a project that considers and preserves each entity's operational objectives to the greatest extent possible. Our commitment to this principle stands today.

In the spirit of collaboration and respect for the operational objectives of this project, I offer the attached document that outlines alternatives to the original CBP project proposal. The four alternatives included in this document are presented in order of preference for TPWD, with the fourth alternative being the least desirable (other than the current CBP plan). I respectfully ask that CBP support TPWD's highest prioritized alternative, Alternative 1, in an effort to minimize operational impacts to BRGVSP, yet also achieve greater effectiveness in border security.

Please be aware that under Texas law, any grant of easement or fee simple rights in TPWD lands is the prerogative of the Texas Parks and Wildlife Commission, not TPWD staff. And of course, presentation of these alternatives does not represent a waiver of the State of Texas' rights under the U.S. Constitution and other law to just compensation for taking of TPWD lands.



**World Birding Center - Bentsen-Rio Grande Valley State Park
- Homeland Security Border Wall Location & Intrusion**

- Border Wall
- Park Boundary
- 150' Enforcement Zone
- Mission Main Canal

Mr. Raul Ortiz
Page 2
June 22, 2018

We look forward to following up on this sharing of alternatives with a face to face meeting to explore next steps and options.

Respectfully,

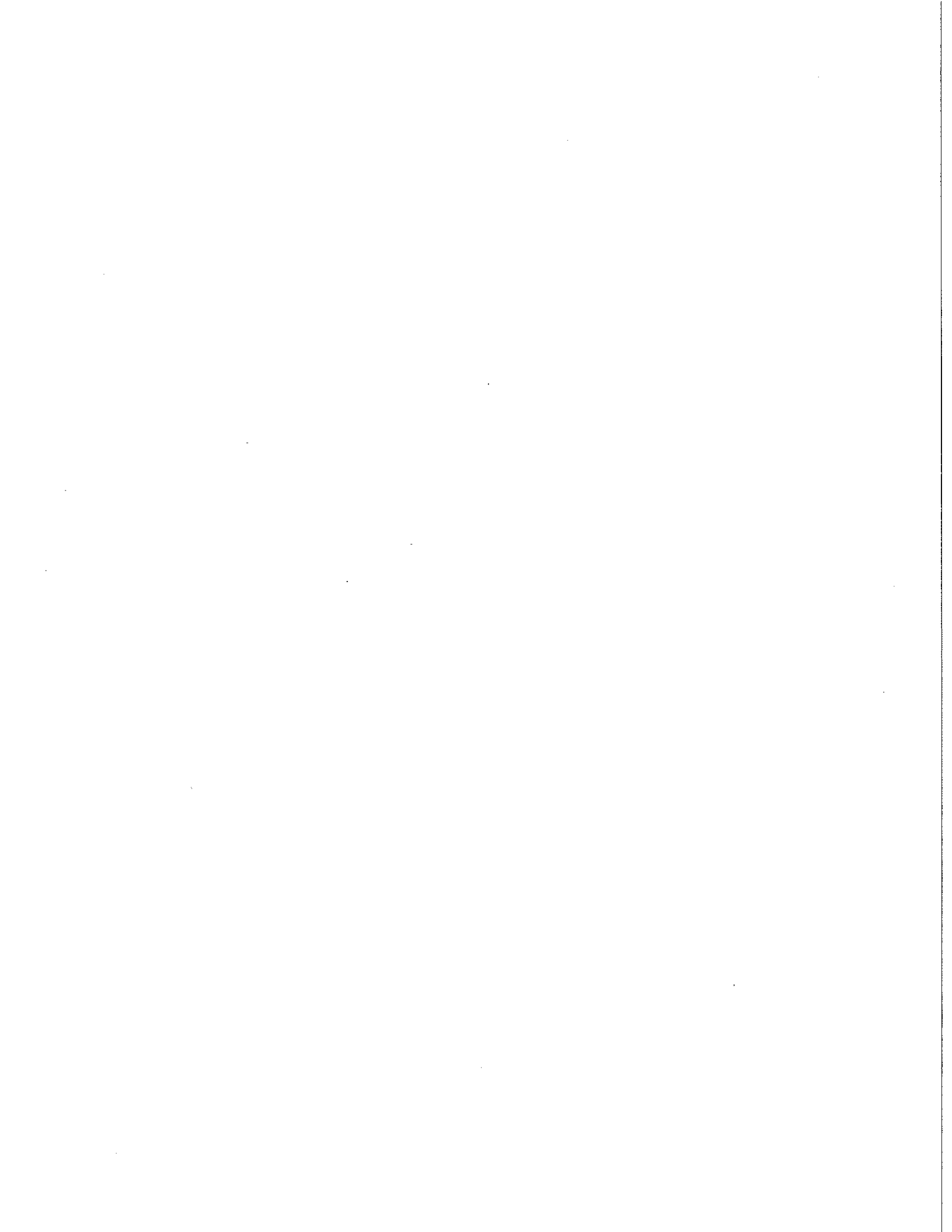


Brent Leisure
Director, State Parks Division
Texas Parks and Wildlife Department

BL:tkh

Enclosure

cc: Mr. Manny Padilla, RGV Border Patrol Sector Chief Patrol Agent
Mr. Jose Garza, RGV Border Patrol Sector Assistant Chief Patrol Agent
Mr. Carter Smith, Executive Director, TPWD
Ms. Ann Bright, TPWD
Mr. Robert Sweeney, TPWD
Mr. Reagan Faught, TPWD
Mr. Rodney Franklin, TPWD



The Texas Parks and Wildlife Department (TPWD) attended a meeting with U.S. Customs and Border Protection (CBP) on June 7, 2018 at Bentsen-Rio Grande Valley State Park (BRGVSP). During this meeting CBP shared the conceptual design of the border wall planned for construction through and adjacent to BRGVSP. At CBP's request, TPWD has prepared this statement outlining the adverse impacts of the border wall on BRGVSP, along with alternatives to alter or modify the design in order to lessen adverse impacts to park resources and visitor experiences. TPWD desires to work with CBP on implementing a range of enforcement strategies, while preserving the viability of BRGVSP as wildlife habitat and a visitor destination.

TPWD's discussion of design alternatives in this document does not authorize the use or taking of BRGVSP for a border wall or for any other purpose. TPWD staff who have prepared this document do not have authority under Texas law to agree to such use or taking. Under Texas law, the right to convey state park property by easement or in fee simple is reserved to the Texas Parks and Wildlife Commission acting in accordance with the Texas Open Meetings Act and other applicable law. Further, this document does not waive TPWD's rights as a property owner under the U.S. Constitution or other applicable law, including TPWD's right to just compensation for the taking of property. TPWD expressly reserves all substantive and procedural rights including but not limited to TPWD's rights under the law of eminent domain.

Proposed Border Wall Project Description

It is the understanding of TPWD, as derived from the June 7th meeting, that CBP plans to construct 28 miles of new border wall in Hidalgo County. This includes approximately 9000 feet through and adjacent to BRGVSP.

CBP's current design plan calls for a new levee wall to be constructed of reinforced concrete to the height of the existing levee with 18-foot tall steel bollards installed on top of the levee wall. The wall would be aligned along the south embankment of the existing International Boundary and Water Commission (IBWC) levee. The wall would include the installation of detection technology, LED lighting, video surveillance, and automated gates. At periodic intervals detection equipment and video cameras would extend beyond the top of the 18-foot tall bollard wall.

A 150-foot wide enforcement zone would be established immediately south of the wall. All vegetation would be cleared within the enforcement zone. All-weather patrol roads would be established to run parallel to the wall along the far south of the enforcement zone and immediately south of the wall. Utilizing LED lighting mounted on the wall, the entire enforcement zone would be illuminated during non-daylight hours.

Adverse Impacts

Bentsen-Rio Grande Valley State Park Overview

Mr. Raul Ortiz
Page 2
June 22, 2018

We look forward to following up on this sharing of alternatives with a face to face meeting to explore next steps and options.

Respectfully,

A handwritten signature in black ink, appearing to read "Brent Leisure". The signature is fluid and cursive, with the first name "Brent" being more prominent than the last name "Leisure".

Brent Leisure
Director, State Parks Division
Texas Parks and Wildlife Department

BL:tkh

Enclosure

cc: Mr. Manny Padilla, RGV Border Patrol Sector Chief Patrol Agent
Mr. Jose Garza, RGV Border Patrol Sector Assistant Chief Patrol Agent
Mr. Carter Smith, Executive Director, TPWD
Ms. Ann Bright, TPWD
Mr. Robert Sweeney, TPWD
Mr. Reagan Faught, TPWD
Mr. Rodney Franklin, TPWD

BRGVSP was established in 1944 when Elmer and Lloyd Bentsen Sr. deeded 586.9 acres of land to the Texas Parks Board (later TPWD) for one dollar. The deed stipulated that the land be used "solely for Public Park Purposes and shall be maintained, operated, known, and designated as Bentsen-Rio Grande Valley State Park." The deed further provided that the land would revert to the grantors if the property is not used for state park purposes. Today the park encompasses 766 acres of quality native habitat along the Rio Grande just south of Mission in Hidalgo County, Texas.

BRGVSP is one of the top birdwatching and nature tourist destinations in the country and is the headquarters of the World Birding Center, a network of nine sites located from South Padre Island west to Roma, Texas. The park is host to thousands of visitors each year and like other state parks across the park system, has experienced continued growth. As a significant nature-based tourism destination, visitors who come from all over the world to BRGVSP support a multimillion dollar ecotourism industry that is important to the local and state economy.

Park Operations

Under the current CBP plan, the alignment of the border security wall would have substantial adverse impacts on the operations and public access to the state park (see attachment). The proposed placement of the wall would separate the state park's Headquarters and Visitor and Education Center from the majority of the park property, including staff residences and other facilities. The entire habitat preserve would be south of the wall, creating a barrier to public access and use.

The full impacts to the operations of the state park are not entirely known at this point, but certainly the wall as proposed would be a significant deterrent to visitors and inhibit the access currently provided. At a minimum, visitors would likely be deterred by the increased security requirements implemented by CBP at the proposed entrance gate and have serious concerns about their personal safety behind such a barrier.

TPWD would likely discontinue overnight camping and nighttime viewing of wildlife due to public safety concerns, as visitors could be directly impacted by any illegal activity and would likely have the perception that areas south of the wall essentially constitute a "no man's land" with a newly established defensive position at the wall. If the wall is built with a gate at the entrance into BRGVSP, it seems likely that a CBP checkpoint would need to be constructed to monitor visitors leaving the park. Consequently, TPWD's ability to access areas south of the proposed wall would likely be diminished to some degree. This partially restricted access would limit our ability to patrol and quickly respond to emergencies.

The proposed barriers to park use would weaken the ability of BRGVSP to perform one of its primary missions which is providing access to the outdoors for Scouts and schools. TPWD programming such as Texas Outdoor Family events that introduce new users to the outdoors would likely be curtailed, reducing outreach services to populations that are already underrepresented in the outdoors.

With approximately 30,000 visitors annually, BRGVSP guests have a significant impact on the local economy. If constructed as proposed by CBP, the border wall would result in reductions in park visitation which would in turn result in negative economic impacts to Hidalgo County.

Natural Resources

The park is one of the few places where the riparian woodlands native to the Rio Grande Valley, and the wildlife unique to these woodlands, can still be found. Stands of cedar elm, Rio Grande ash, Texas ebony, black willow, anacua, hulsache and other species provide food, shelter, and nesting habitat for many Texas natives. Of the hundreds of rare, threatened or endangered species documented in Hidalgo County, 25 species have been confirmed at the park including the federally endangered Interior Least Tern, Northern Aplomado Falcon, Jaguarundi, Ocelot and the state-threatened Texas Tortoise and Indigo Snake.

As a World Birding Center destination, maintaining quality habitat for birds is a key goal of the park. During the winter, the Lower Rio Grande Valley is the southernmost limit for many migratory birds, and during the breeding season (spring-summer), it is the northernmost range extension for other species. Additionally, the area is in the middle of the Central Flyway through which millions of birds pass during spring and fall migration into the Interior United States.

Under the CBP plan as proposed, clearing land for the proposed wall and enforcement zone would destroy approximately 25-30 acres of quality riparian habitat in BRGVSP, directly impacting numerous species of plants, birds and other wildlife. Moreover, the cleared area will inevitably be colonized by invasive species, which will adversely impact adjacent native habitat, further compromising isolated and fragmented habitat remnants.

The installation of LED lighting to illuminate the border wall and enforcement zone would undoubtedly have a negative impact to the park ecosystem. Depending on the brightness of the light and depth of a corridor, artificial light can disrupt mammalian dispersal movements and the use of corridors. In addition, the proposed concrete levee wall would create a physical barrier which would obstruct the movement of terrestrial wildlife.

Cultural Resources

Cultural resources are present throughout the project area. Historically, it is believed that the area containing the park began as "Porcion 50," in a grant issued to José Antonio Zamora by the Royal Commission for the Viceroy of New Spain in 1767. The property then changed hands through several prominent figures such as Alexander Headley and G. Bedell Moore before being acquired by Lloyd Bentsen and his family in 1937.

Researchers have documented the historical existence of a small community of Mexican-Americans known as Las Nuevas at a location near the present park headquarters. Also

documented was the approximate location of the Military Road or Military Telegraph Highway crossing into the northeast boundary of the park.

It is likely that intact remains relating to Las Nuevas Ranch are buried in the sediments near the proposed border wall, and these remains would be crucial in gaining a better understanding of early ranchers in the area. The area may also yield evidence relating to other Mexican-American, Anglo-American, and African-American settlers as well as several Texas Tribes who may have traditional ties to the land that is now occupied by the park. Moreover, the deep sediments of the area have a high probability of containing intact archeological deposits relating to prehistoric Native American cultures, who occupied the region dating back to 11,200 years ago. The lifeways of these cultures are poorly understood in this area, and therefore any intact remains would be of significant research value.

As these soils have not been sufficiently investigated, any remains of the resources mentioned above would be in danger of being substantially impacted by construction of the proposed border wall. It is therefore highly recommended that cultural resource investigations be undertaken prior to any construction activity.

Design Alternatives

TPWD believes that alternatives to CBP's current design of the planned border wall exist that would provide improved border security, while preserving the viability of park resources and visitor service functions of BRGVSP. TPWD believes that CBP and TPWD can work collaboratively to develop a multi-pronged border security and law enforcement strategy that achieves the desired span of control by federal and state authorities.

The discussion of design alternatives in this document does not authorize the use or taking of BRGVSP for a border wall or for any other purpose. TPWD staff who have prepared this document do not have authority under Texas law to agree to such use or taking. Under Texas law, the right to convey state park property by easement or in fee simple is reserved to the Texas Parks and Wildlife Commission acting in accordance with the Texas Open Meetings Act and other applicable law. Further, this document does not waive TPWD's rights as a property owner under the U.S. Constitution or other applicable law, including TPWD's right to just compensation for the taking of property. TPWD expressly reserves all substantive and procedural rights including but not limited to TPWD's rights under the law of eminent domain.

The following alternatives to CBP's design are listed in order from least impact on TPWD operations at BRGVSP to greatest impact.

Alternative 1: Enhanced Enforcement and Detection – Enhanced border enforcement strategies should be considered and implemented instead of construction of a border wall. Possible strategies include:

- Cooperatively design, with input from TPWD, a check station at the entrance of BRGVSP to be jointly staffed by TPWD and CBP.
- Expand the presence of CBP agents in the area and increase physical patrols within BRGVSP, including regular nightly patrols.
- Continue on-going communication and collaboration between CBP personnel and TPWD Game Wardens and State Park Police officers to enhance cooperation and operational coordination.
- Improve surfacing on the levee road to allow rapid and safe access for border agents and other officers on patrol.
- Improve surfacing on unimproved roads traversing BRGVSP at strategic locations to enhance lateral access for border agents and other law enforcement personnel.
- Enhance technology by deploying additional remote sensing units and other monitoring devices within the BRGVSP boundaries.
- Cooperatively design with input from TPWD, all border enforcement signage within BRGVSP and static interpretive displays providing educational information to the public on border wall purpose, safety, and emergency procedures.
- If over time these strategies prove ineffective at allowing CBP to safely conduct operations, CBP and TPWD should work together to determine appropriate actions.

Alternative 2: Wall structure with no fencing – If CBP concludes some form of physical structure is necessary, consider:

- A concrete wall adjacent to the south side of the levee, not to exceed the current height of the levee (no gate, no steel bollard fence along the entire 9000 feet adjoining BRGVSP). Note that the current levee is fifteen to twenty-five feet tall, so a wall on the south side of the levee would have less visual effect than a wall on top of the levee.
- Limit width of enforcement zone to 75 feet or less.
- Prior to construction, conduct cultural resource investigations for all soil areas expected to be disturbed by wall or enforcement zone construction.
- Conduct natural resource surveys for the presence of plant and animal species of concern within the identified enforcement zone prior to clearing of vegetation.
- Schedule all vegetation clearing activities to occur outside of the general bird nesting season, March 15 through September 15, to avoid adverse impacts to birds. Vegetation clearing or trimming conducted during bird nesting season must be done only in conjunction with a qualified biologist surveying the area to ensure that nests with eggs or young are not disturbed or destroyed.
- Incorporate passages or crossings for terrestrial wildlife along border wall with appropriate configuration and locations as determined by collaboration from CBP and TPWD.
- Investigate current research related to the effects of LED lighting and artificial night lighting on wildlife and incorporate best management practices into the design and application of lighting along the border wall sections and enforcement zone.

- **Ensure down-shielding of all wall lighting, preventing light from entering vegetation beyond the cleared enforcement zone, and minimizing the number of lights installed along the border wall adjacent to the park.**
- **Cooperatively design, with input from TPWD, a check station at the entrance of BRGVSP to be jointly manned by TPWD and CBP.**
- **Expand the presence of CBP agents in the area and increase physical patrols within BRGVSP, including regular nightly patrols.**
- **Continued, on-going communication between CBP personnel and TPWD Game Wardens and State Park Police officers to enhance cooperation and operational coordination.**
- **Improve surfacing on the levee road to allow rapid and safe access for border agents and other officers on patrol.**
- **Improve surfacing on unimproved roads traversing BRGVSP at strategic locations to enhance lateral access for border agents and other law enforcement personnel.**
- **Enhance technology by deploying additional remote sensing units and other monitoring devices within the BRGVSP boundaries.**
- **Cooperatively design with input from TPWD, all border enforcement signage within BRGVSP and static interpretive displays providing educational information to the public on border wall purpose, safety, and emergency procedures.**
- **If over time these strategies prove ineffective at allowing CBP to safely conduct operations, CBP and TPWD should work together to determine appropriate actions.**

Alternative 3: Wall structure with limited fencing— If CBP concludes bollard fencing adjacent to BRGVSP is necessary, consider:

- **A concrete wall adjacent to the south side of the levee not to exceed the current height of the levee (no gate, and no bollard fence at the entrance of the park for approximately 1500 feet to the west of the entrance road and 500 feet to the east of the entrance road).**
- **Cooperatively design with input from TPWD, a check station at the entrance of BRGVSP to be jointly manned by TPWD and CBP.**
- **Limit width of enforcement zone to 75 feet or less.**
- **Conduct extensive cultural resource investigations for all soil areas expected to be disturbed by wall or enforcement zone construction. This obligation should be done prior to construction to identify any cultural resources and evaluate the significance.**
- **Conduct natural resource surveys for the presence of plant and animal species of concern within the identified enforcement zone prior to clearing of vegetation.**
- **Schedule all vegetation clearing activities to occur outside of the general bird nesting season, March 15 through September 15, to avoid adverse impacts to birds. Vegetation clearing or trimming conducted during bird nesting season must be done only in conjunction with a qualified biologist surveying the area to ensure that nests with eggs or young are not disturbed or destroyed.**

- *Incorporate passages or crossings for terrestrial wildlife along border wall with appropriate configuration and locations as determined by collaboration from CBP and TPWD.*
- *Investigate current research related to the effects of LED lighting and artificial night lighting on wildlife and incorporate best management practices into the design and application of lighting along the border wall sections and enforcement zone.*
- *Ensure down-shielding of all wall lighting, preventing light from entering vegetation beyond the cleared enforcement zone, and minimizing the number of lights installed along the border wall adjacent to the park.*
- *Expand the presence of CBP agents in the area and increase physical patrols within BRGVSP, including regular nightly patrols.*
- *Continued, on-going communication between CBP personnel and TPWD Game Wardens and State Park Police officers to enhance cooperation and operational coordination.*
- *Improve surfacing on the levee road to allow rapid and safe access for border agents and other officers on patrol.*
- *Improve surfacing on unimproved roads traversing BRGVSP at strategic locations to enhance lateral access for border agents and other law enforcement personnel.*
- *Enhance technology by deploying additional remote sensing units and other monitoring devices within the BRGVSP boundaries.*
- *Cooperatively design with input from TPWD, all border enforcement signage within BRGVSP and static interpretive displays providing educational information to the public on border wall purpose, safety, and emergency procedures.*
- *If over time these strategies prove ineffective at allowing CBP to safely conduct operations, CBP and TPWD should work together to determine appropriate actions.*

Alternative 4 (least desirable): Wall structure with short fence at entrance – If CBP concludes bollard fencing is necessary at entrance, consider:

- **A concrete levee wall not to exceed the current height of the levee, and a reduced height 4-foot bollard fence at the entrance of the park for approximately 1500 feet to the west of the entrance road and 500 feet to the east of the entrance road.**
- **Design of gate should be a collaborative effort between TPWD and CBP and include separate passage for vehicles and another for pedestrians. Consider use of a welcoming low-profile gate design with height to coincide with the shorter 4-foot steel bollard fence.**
- **Gate closure hours should be compatible with park visitor use patterns and be established with input from TPWD.**
- **Provide TPWD staff the ability to open gates during closure times for purposes including safety, law enforcement, biological, interpretive, maintenance or operational needs.**
- **All gates should be fully automated and software programmable by park staff to allow up to 300 users to enter the park to maintain after-hour and overnight visitor access.**

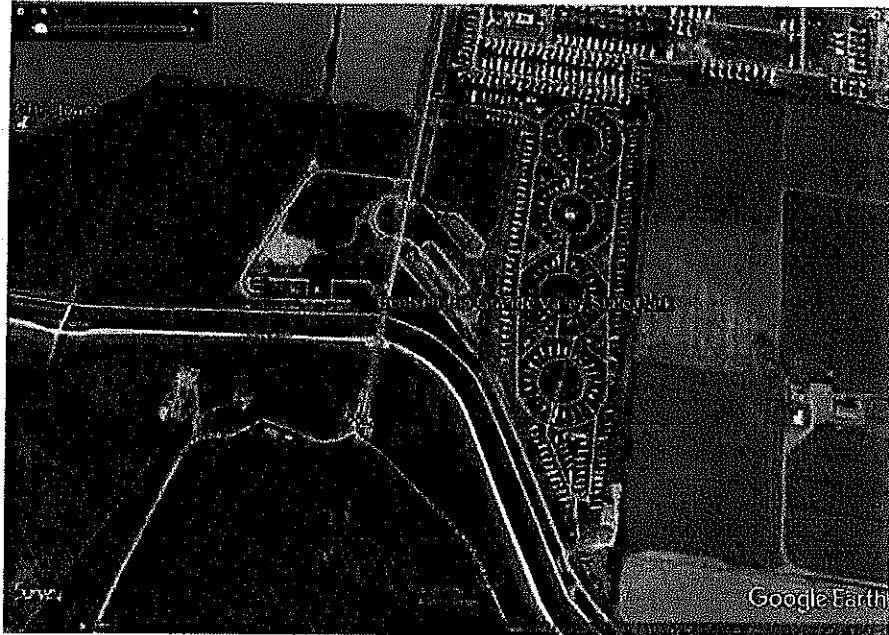
- **Emergency call boxes should be located at entrance gate and at all three restroom facilities south of the border wall. Each call box should have two call options; 1- call 911 emergency. 2- call CBP to report illegal activity.**
- **Cooperatively design with input from TPWD, a check station at the entrance of BRGVSP to be jointly manned by TPWD and CBP.**
- **Limit width of enforcement zone to 75 feet or less.**
- **Conduct extensive cultural resource investigations for all soil areas expected to be disturbed by wall or enforcement zone construction. This obligation should be done prior to construction to identify any cultural resources and evaluate the significance.**
- **Conduct natural resource surveys for the presence of plant and animal species of concern within the identified enforcement zone prior to clearing of vegetation.**
- **Schedule all vegetation clearing activities to occur outside of the general bird nesting season, March 15 through September 15, to avoid adverse impacts to birds. Vegetation clearing or trimming conducted during bird nesting season must be done only in conjunction with a qualified biologist surveying the area to ensure that nests with eggs or young are not disturbed or destroyed.**
- **Incorporate passages or crossings for terrestrial wildlife along border wall with appropriate configuration and locations as determined by collaboration from CBP and TPWD.**
- **Investigate current research related to the effects of LED lighting and artificial night lighting on wildlife and incorporate best management practices into the design and application of lighting along the border wall sections and enforcement zone.**
- **Ensure down-shielding of all wall lighting, preventing light from entering vegetation beyond the cleared enforcement zone, and minimizing the number of lights installed along the border wall adjacent to the park.**
- **Expand the presence of CBP agents in the area and increase physical patrols within BRGVSP, including regular nightly patrols.**
- **Continued, on-going communication between CBP personnel and TPWD Game Wardens and State Park Police officers to enhance cooperation and operational coordination.**
- **Improve surfacing on the levee road to allow rapid and safe access for border agents and other officers on patrol.**
- **Improve surfacing on unimproved roads traversing BRGVSP at strategic locations to enhance lateral access for border agents and other law enforcement personnel.**
- **Enhance technology by deploying additional remote sensing units and other monitoring devices within the BRGVSP boundaries.**
- **Cooperatively design with input from TPWD, all border enforcement signage within BRGVSP and static interpretive displays providing educational information to the public on border wall purpose, safety, and emergency procedures.**
- **If over time these strategies prove ineffective at allowing CBP to safely conduct operations, CBP and TPWD should work together to determine appropriate actions.**

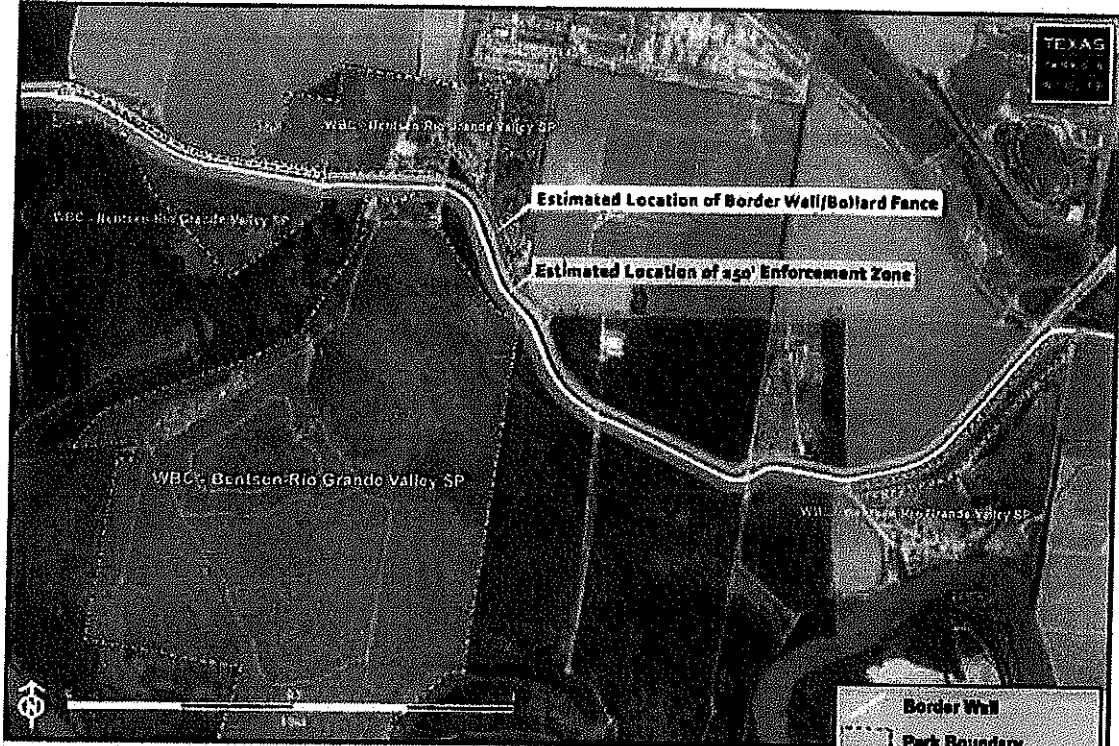
**Bentsen Rio Grande Valley State Park and
World Birding Center Attachment**

View of park headquarters from levee



Detail of front gate area

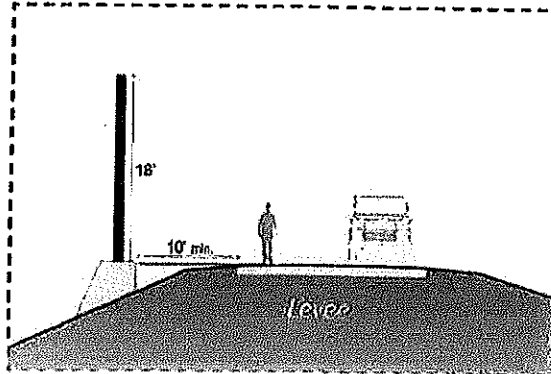




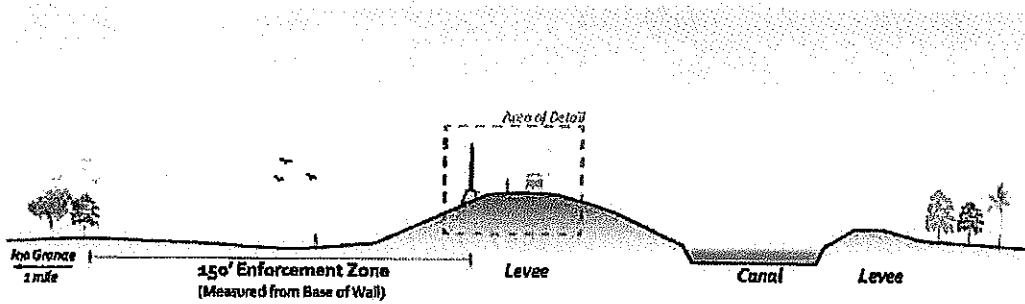
**World Birding Center - Bentsen-Rio Grande Valley State Park
- Homeland Security Border Wall Location & Intrusion**



The following images are schematic interpretations based on a letter sent by U.S. Customs and Border Protection to Texas Parks and Wildlife Department dated August 25th, 2017.



Area of Detail



World Birding Center at Bentsen Rio Grande Valley State Park
- Homeland Security Border Wall Schematic Interpretation

15 September 2017
SP | NR | PGR