

July 9, 2004

Dr. Terrell Roberts  
Environmental Branch (PE-PR)  
U.S. Army Corps of Engineers  
2000 Fort Point Road  
Galveston, Texas 77550

*RE: Environmental Impact Statement for Operation Rio Grande*

Dear Dr. Roberts:

Please accept these comments on the Environmental Impact Statement for Operation Rio Grande.

The Environmental Impact Statement currently does not provide an adequate discussion of the purpose and need for the proposed action. The EIS as written fails to adequately analyze the overall impact of the proposed actions on the Border Patrol's ability to deter illegal immigration, and that it fails to take into account the impact of the proposed construction on migrant lives. Given that this project is being proposed specifically to affect migrants, we feel that any assessment of proposed projects should, under the National Environmental Policy Act guidelines requiring an assessment on the impact of proposed activities on socioeconomic issues, address the impact of proposed activities on the target population – migrants.

The EIS specifically states that the "primary purpose of the proposed project is to facilitate OBP missions to reduce or eliminate illegal drug activity along the southwestern border of the U.S. and to reduce the flow of illegal immigrants into the U.S." However, all discussion of this project is confined to the McAllen sector. Under the Southwest Border Strategy, devised in 1994, the Border Patrol began to tighten control over urban area, believing that migrants would not risk their lives crossing in the remote, dangerous areas of the US-Mexico border. Construction in McAllen is part of this larger, border-wide strategy to deter migration.

In ten years, we have seen that, despite effective control of urban areas such as San Diego and El Paso, migrants are willing to risk their lives to enter the US. Furthermore, in ten years of implementation of infrastructure construction projects similar to the proposed activities for the McAllen area found in this EIS, we have not seen a decrease in the number of migrants that cross the southwest border as a whole. From 1993 to 2003, Border Patrol statistics show no discernable pattern or consistent drop in the number of migrants apprehended. We believe that the deterrence and detection policies being considered in McAllen are not effective at stopping migration into the US, and feel that before the Border Patrol continues to spend money and resources in construction projects, it should evaluate the effectiveness of these projects not just on deterrence in the local context of the construction area, but as a strategy for the entire southwest border. The current EIS fails to discuss the direct and cumulative impact on the migration trends of the entire border, and should do so.

Border Patrol data also show that the increase in Border Patrol activity along one section of the border only serves to shift migration to another part of the border. In 1993, the San Diego Border Patrol sector was responsible for 44% of all apprehensions along the southwest border, while the Tucson and Yuma sectors accounted for only 10% of apprehensions. Since the dramatic increase of infrastructure projects and Border Patrol activity in the San Diego sector, apprehensions there decreased to 11% in 2002. However, these successes in California have led to the influx of migrants through Arizona. As of 2002, the Yuma and Tucson sectors accounted for 41% of all

southwest border apprehensions. This data clearly shows that migration has shifted from one area of the border – California – to another – Arizona – as a result of Border Patrol activities.

Border Patrol statistics similarly show that a drop in apprehensions in the McAllen Sector have been met with almost numerically equal rises in apprehensions in the Del Rio Sector, just to the north. From 1993 to 2002, McAllen's apprehensions have dropped by approximately 20,000 – from 109,048 to 89,927. During that same period, Del Rio's apprehensions have risen by more than 24,000 – from 42,289 to 66,985. It is clear that infrastructure build-up in McAllen, just like in San Diego, results in a drop in apprehensions for that sector which are quickly made up on other parts of the border.

We also feel strongly that the EIS should evaluate the likely impact that the proposed deterrence and detection activities will have on the lives of the migrants who are entering the US. Executive Order 12898 of February 11, 1994, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" requires each Federal agency to identify and address disproportionate adverse effects of its proposed actions on minority populations and low-income communities. As a project whose primary purpose is to act as a deterrent to migrants, all evaluation documents should discuss the direct and indirect impacts the project will have on its target community.

Already, Border Patrol statistics show that migration does not decrease as a result of increased Border Patrol activities, and they also show that migration routes into the US move to other areas as a result of Border Patrol activities. One of the consequences of Southwest Border Strategy implemented is that, since its inception, there has been a dramatic climb in the number of migrant deaths each year. These deaths are directly attributable to the fact that migrants increasingly enter the US through remote and dangerous areas such as the Sonoran desert in Arizona or turbulent regions of the Rio Grande river. In 2003 alone, at least 340 migrants died entering the US – the vast majority of those deaths were due to exposure to harsh environmental conditions. And in fiscal year 2004, 149 migrants have already been found border wide – 26 of those in Texas. Border Patrol policies that increase deterrence in urban areas most likely push migrants into these remote areas where they die, yet no Border Patrol document has addressed this direct and indirect impact on the target community, migrants, and should do so.

In the past ten years, the Border Patrol Southwest Border Strategy has not been effective in deterring illegal migration into the US, has spread the environmental and social impacts of illegal migration across a much wider swath of the southwest border than was affected prior to 1993, and has contributed to the skyrocketing number of migrant deaths. Despite these facts, which Border Patrol statistics clearly show, there has been no analysis of the effectiveness of proposed infrastructure projects like those proposed in this EIS. As the first step in determining the purpose and need for proposed actions, we strongly feel that the Border Patrol must address these critical issues.

In sum, the EIS does not contain an adequate analysis of the proposed action and the impacts that will flow from it. There is simply no basis upon which to conclude that the action will fulfill the stated purpose and need. To conclude that the consequences of this proposed action would fulfill that need without any discussion is irresponsible.

Thank you for the opportunity to comment on Border Patrol activities. We hope that our comments will prompt further study of the impact of Border Patrol projects on its target population – migrants.

Sincerely,

**Ninfa Ochoa-Krueger**

Executive Director  
Border Assistance for Refugees and  
Colonia Advocacy (BARCA)  
PO Box 715  
Edinburg, TX 78540

**Felipe Hinojosa**

Regional Associate  
Mennonite Central Committee  
Central States Southern Tier Office  
PO Box 4291  
Edinburg, TX 78539

**Sister Patricia Ridgley**

Maryknoll Mission Education Center  
4301 Bryan St.  
Dallas TX 74204

**Father Paul Masson**

Maryknoll Mission Team  
106 E. Yandell  
El Paso TX 79902

**Ruben Garcia**

Director  
Annunciation House, Inc.  
815 Myrtle Ave.  
El Paso, TX 79901

**Josefina M. Castillo**

Program Coordinator  
American Friends Service Committee  
1304 E. 6<sup>th</sup> St. #3  
Austin, TX 78702

**Sister Janet Gottschalk**

Medical Mission Sisters/  
Alliance for Justice  
5201 University Blvd.  
Laredo, TX 78041-1900

**John Lindsay-Poland**

Director  
Fellowship of Reconciliation Task Force on  
Latin America and the Caribbean  
2017 Mission St. #305  
San Francisco, CA 94110

**Sandy Sorensen**

United Churches of Christ  
Justice and Witness Ministries  
110 Maryland Ave., NE #207  
Washington, DC 20002

**Rev. Elenora Giddings Ivory**

Presbyterian Church, USA  
Washington Office Director  
110 Maryland Ave. NE #104  
Washington, DC 20002

**Sarah C. Aird**

Executive Director  
Network in Solidarity with the People of  
Guatemala  
1830 Connecticut Ave, NW  
Washington, DC 20009

**Marie Dennis**

Director  
Maryknoll Office for Global Concerns  
PO Box 29132  
Washington, DC 20017-0132

**Amy Woolam Echeverria**

Program Associate - Latin America  
Columban Justice, Peace, and Integrity of  
Creation Office  
P.O. Box 29151  
Washington, DC 20017

**Rebecca Phares**

Associate Director  
Justice and Peace/ Integrity of Creation  
Office  
Missionary Oblates of Mary Immaculate  
391 Michigan Ave. NE  
Washington, DC 20017

**Barbara Gerlach and Christina Espinel**

Co-Chairs  
Columbia Human Rights Committee  
3325 17<sup>th</sup> St., NW  
Washington, DC 20010

**Julia Dietz**

Border Program Associate  
Religious Task Force on Central America and  
Mexico  
3053 Fourth St NE  
Washington DC 20017

**Camilo Perez-Bustillo**

Migration and Mobility Goal Director  
American Friends Service Committee,  
National Headquarters  
1501 Cherry Street  
Philadelphia, PA 19102

**Dave Johnson**

Washington Office Director  
The SHARE Foundation  
415 Michigan Ave. NE  
Washington, D.C. 20017