



**U.S. Customs and
Border Protection**

August 8, 2011

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Melissa Mourkas, ASLA
Planner II
California Energy Commission
Siting, Transmission, and Environmental Protection Division
1516 Ninth Street, MS 40
Sacramento, CA 95814-5512

Dear Ms. Mourkas,

I trust this letter finds you well. It comes to you in response to your request for comments concerning the Pio Pico Energy Center Power Project. The proposed project location at the southeast corner of Alta Road and Calzada de la Fuente Intersection lies within the United States Border Patrol San Diego Sector, Chula Vista Station area of responsibility. We are advising you of the Border Patrol's need to maintain operational control of the border within the specified project area and the below comments reflect operational considerations as they pertain to border security and the development of the proposed project. This area is vital to the Border Patrol's operational control of the border, and we appreciate your consideration and cooperation in this matter.

As you may be aware, the Border Patrol is a uniformed law enforcement component of U.S. Customs and Border Protection, within the United States Department of Homeland Security. Our priority mission is to prevent terrorists and terrorist weapons from entering the country, while continuing to perform our traditional enforcement mission to prevent aliens, smugglers, drugs, and other contraband from illegally crossing the international border between the ports of entry. Our legal authority is as follows.

Pursuant to Section 287(a)(3) of the Immigration and Nationality Act, as amended, Border Patrol Agents are authorized to access private lands within 25 miles of the border for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States. 8 U.S.C. 1357(a)(3); *see also*, 19 U.S.C. 1595(b)(entry into or upon, or passing through private lands authorized in the discharge of official duties). Our patrol authority includes conducting such activities as are customary or reasonable and necessary to prevent the illegal entry of aliens into the United States. *See*, 8 C.F.R. 287.1(c). It is not only customary, but reasonable and necessary for our vehicles and personnel to access the areas immediately in and around the proposed project location for purposes of patrolling the border.

Based on the review of available documentation pertinent to the project via the website address you provided the following are items of interest. A description of the proposed facility's physical security entailed a permanent chain-link security fence that would encompass the facility and the facility switchyard. A motorized controlled-access gate for personnel and vehicles would be located at the main entrance. Cameras would/will allow voice communication between the main gate, control room and reception area. Security would be maintained on a 24-hour basis with either surveillance devices or personnel. There are several comments and questions concerning the proposed facility security as it relates to our operations. In terms of camera monitoring will there be continual line of sight perimeter monitoring? In terms of the perimeter gate it is preferred that a privacy screen be utilized as it is visually easier to detect subjects attempting to abscond or gain illegal entry against screened fenced backdrop versus traditional chain link. If possible on all external perimeter fences and walls the installation of a minimum single strand of concertina wire both for physical security and as a deterrent from illegal entry is preferred. Will there be on site personnel available to allow our agency personnel normal access in the performance of their duties to include hours outside of normal business operating times? The aforementioned considerations will deter illegal activity from the area and facilitate our operations while addressing your facility's perimeter security needs.

It is also reasonable to expect that there will be vehicular traffic associated with personnel working on the project, and with your permanent employees and services for day to day normal business operations. In terms of your facility's perimeter; will personal, company, and related vehicular traffic be stored/parked on site and within the fenced perimeter? Criminal enterprises and elements use the legitimate traffic as cover and concealment to facilitate their illicit intentions. Parking vehicles and confining related wheeled vehicle activity within the facility perimeter limits their ability to exploit this gap.

The proposal also identifies infrastructure such as drainage. It would be preferential if the storm drains identified (no dimensions or specifications) and associated with the project were planned and developed to have grates installed on the exterior that allow for proper flow rates and drainage while providing a physical deterrent to entry by humans. Once cleared from design and planning a copy of the storm drain system layout and/or schematic would be requested. Minimizing any and all culverts and exposed drainage runs is requested. Criminal enterprises and subjects exploit subterranean structures for concealment and entry points, as well as ready made starter tunnels to facilitate subterranean criminal activity. Schematics for north-south running, underground trenching which will extend to/from the border would be appreciated; especially areas that will remain open or exposed during and after all phases of construction.

With regard to landscape plans, fences, walls, plantings and trees; if possible hardscape is preferred. However, if that is not possible, low ground cover is requested with maximum height of 12-18 inches. If possible we also request that the use of tress

and shrubs is kept to an absolute minimum if at all, and that planting lines are kept east-west, versus north-south. We realize that there may be outside considerations associated with the East Otay Mesa Business Park in terms of landscape. Any consideration of our suggestions would be appreciated and beneficial as this would limit opportunities for concealment in the area.

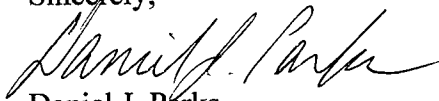
Information concerning hazards or toxins would be appreciated; especially as they may affect the safety of Agents whose responsibilities demand that they enter the project area.

We are deeply committed to working cooperatively with you as you develop your project, and we achieve operational control of the border. Our input and suggestions are based on hard earned experience with past and present working conditions in the specified project area. The project design area lies in one of the most highly trafficked border areas within San Diego Sector. It is vulnerable to subterranean, aerial, and surface threats to border security. The project location routinely sees contraband, illegal subjects, vehicle pursuits, and smuggling operations that require our constant attention.

Thank you very much for your supporting the Border Patrol's national security and border safety mission, and providing this opportunity for input.

If I at any time you require further information or assistance, please feel free to contact me or Field Operations Supervisor Ryan Yamasaki at 619-498-9700.

Sincerely,



Daniel J. Parks
Patrol Agent In Charge
Chula Vista Station
PO Box 210038
Chula Vista, CA 91921
619-498-9700