

New Border Walls are Under Construction in South Texas

Despite the pause in border wall construction announced by President Biden on January 20th, new border walls are going up in South Texas. Rio Grande levees are being torn open and turned into levee-border walls in at least four locations. These are places where construction had been planned by the Trump administration but work had not yet been initiated, so the FEMA-certified levees were not in need of repair. This work is being done during hurricane season, putting nearby communities at risk. It is also tearing through tracts of the Lower Rio Grande Valley National Wildlife Refuge, a refuge system created for the preservation of multiple endangered species.



Recent construction converting a flood control levee near Abram, TX into a levee-border wall. The slope of the former levee is indicated by the grassy diagonal on the lower right. The space visible behind the new panel shows that half of the levee has been excavated and removed. The concrete wall panel was poured recently and is still in its mold. Bollards were stacked just outside of the photo frame. This location was untouched in January.

August 5, 2021.

Background:

The new construction is occurring in Hidalgo County, Texas. There the Rio Grande marks the U.S.-Mexico border, but treaty provisions forbid either nation from building structures within the river's floodplain that could deflect water and worsen flooding on the other side. Under the Bush administration some (but not all) of Hidalgo County's flood control levees were converted to levee-border walls. The former levees were essentially an earthen berm standing on average 15 feet tall (depending on local topography) and extending for many miles. Both sides gently sloped up to a road that ran along the top. To build levee-border walls the river facing side was carved away and a sheer vertical concrete slab was erected. With many of the levee-border walls running through parts of the Lower Rio Grande Valley National Wildlife Refuge this was an environmental disaster. Wildlife could not access the river, habitat was fragmented, and when the Rio Grande flooded in 2010 refuge tracts became death traps for terrestrial animals that, unable to escape to higher ground, drowned in forests that were inundated for months.

The Trump administration decided to convert the remainder of Hidalgo County's levees (approximately 25 miles) into levee-border walls, with the addition of bollards on top of the concrete slab in his design. Congress spared a few locations in the county from walls, including the Santa Ana National Wildlife Refuge, Bentsen State Park, the La Lomita Chapel, and the National Butterfly Center, bringing the planned mileage down to approximately 20. When President

Biden took office and announced the pause on border wall construction somewhere between 5 and 10 miles had been built or partially built in Hidalgo county.

In April local politicians alerted the Biden administration to locations where FEMA-certified levees had been torn open and concrete slabs had gone up, but the space between the slab and the damaged levee had not been filled in. This would pose a risk when hurricane season began on June 1. The Department of Homeland Security announced that, “DHS will start work to quickly repair the flood barrier system to protect border communities. This work will not involve expanding the border barrier.”¹ Within two weeks that work was completed.

At the end of May the local newspaper The Monitor reported on the completion of the levee repairs. In that article the reporter was informed that in addition to the three locations that were quickly repaired, an additional 13 miles of levee were now slated for repair. The scope of those additional repairs was not explained.² On June 9 DHS released an overview of its border wall plans, which stated that “DHS has re-initiated activity on [...] a project in the Rio Grande Valley of Texas, where DHS will construct and/or remediate approximately 13.4 miles of compromised levee.”³

Due to the time required to condemn the private property on which border walls would be built (the International Boundary and Water Commission has easements for levees, but does not own the land beneath them) the federal government still does not own a good portion of the needed property. Thirteen miles of levee could not have been compromised by border wall construction because the federal government did not yet own that much. The Department of Justice continues to condemn private property in the path of levee-border walls, taking possession of a number of tracts after President Biden’s inauguration.⁴ The compelling government interest in the land, as presented to the court, was the construction of border walls.

Thirteen miles is, instead, the approximate amount of levee that the Trump administration intended to convert to levee-border wall in Hidalgo county, but which had not yet been built. Twenty miles were planned, approximately 7 miles were built, and thirteen miles remained. It appears that companies are using the claimed need for repairs as a loophole to complete work on President Trump’s border walls in Hidalgo county. In June work resumed at multiple locations, carried out by the same company (SLSCO) that had been awarded border wall contracts under the Trump administration.

This work is occurring in locations where border walls have never before existed, and construction had not begun prior to President Biden’s January executive order. Four locations have been documented so far. In the locations where new border wall construction is occurring the levees are being carved open, concrete is being poured into freestanding molds to create solid vertical wall panels and they are being topped with bollards. This is occurring in the middle of hurricane season, which runs from June 1 through November 30, which means that if the Rio Grande floods (as it did following hurricanes in 2010) the levees meant to protect local communities will be compromised. NOAA recently announced that “oceanic conditions remain conducive for an above-average hurricane season.”⁵ Fifteen-foot-tall bollard panels fabricated during the Trump administration have been cut down to 6 feet and are now called guardrails.

This work is adding to the border walls that were built under President Trump, pushing them into properties that were untouched prior to President Biden’s executive order. This work is unnecessary and puts border communities at risk. It should be halted immediately.

¹ [DHS Announces Steps to Protect Border Communities from Wall Construction](#). DHS press release. April 30, 2021.

² [Hidalgo County reports breached levees fully repaired, additional repairs to be completed by end of June](#). The Monitor. May 28, 2021.

³ [Department of Homeland Security Border Wall Plan Pursuant to Presidential Proclamation 10142](#). June 9, 2021.

⁴ [Biden pledged to stop building the wall. But he just won the right to seize a Texas family’s land for it](#). The Washington Post. April 15, 2021

⁵ [Atlantic hurricane season shows no signs of slowing](#). National Oceanic and Atmospheric Administration. August 4, 2021.



Levee-border wall in the Lower Rio Grande Valley NWR between Bentsen SP and the National Butterfly Center.

Jan. 2, 2021



Red arrow marks the point where levee-border wall ended in January.

Construction resumed in June.

Aug. 5, 2021



New levee-border wall under construction near Donna, TX. July 13, 2021.



New levee-border wall under construction in a second tract of the Lower Rio Grande Valley NWR. August 5, 2021.