



## Department of Homeland Security sued

03/26/2009

Associated Press

A lawsuit accused the Department of Homeland Security of violating the National Environmental Policy Act regarding the now-delayed U.S. Border Patrol plans to conduct aerial spraying of an herbicide on carrizo (kah-DEE'-zoh) cane near the Rio Grande.

Residents of two Laredo neighborhoods on Tuesday sued DHS in a lawsuit which alleged the public wasn't sufficiently notified about the spraying program, the Laredo Morning Times reported in a story for Wednesday's editions.

The Border Patrol agreed to delay aerial spraying of the herbicide, which was set to begin Wednesday, until more talks were held with Mexican officials on the possible cross-border impact of such a project.

Israel Reyna, an attorney for the residents, said the decision to delay spraying wouldn't prevent the group from going forward with the lawsuit. "The day the court says, 'It's not going to happen,' that's when it's not going to happen," he told the newspaper.

Roque Sarinana, a spokesman for the Border Patrol, said there was a 30-day comment period. "This project and program has been planned through governing laws and regulations," Sarinana said.

The newspaper reported that Homeland Security placed a public notice about the plans to remove the carrizo in its paper and in the San Antonio Express-News on July 1.

Officials from DHS and the bi-national agency that oversees the Rio Grande met Tuesday to discuss the Border Patrol's plan to test the herbicide imazapyr (i-MAZ'-uh-peer) on carrizo cane, a non-native plant that clogs the river banks and obscures the view of the river.

"We saw the willingness of the U.S. authorities to suspend the use of the herbicide for now," said Jose de Jesus Luevano Grano, a Mexico representative on the International Boundary and Water Commission.

The commission, which includes representatives from both countries and regulates the use of Rio Grande water, supports plans to uproot the carrizo cane without the herbicide, Luevano said.

"Although this is not Agent Orange, we don't know what effect it may have 10 years down the road," said Jim Earhart of the Rio Grande International Study Center.

Roque Sariana, a Border Patrol spokesman, said the agency would continue to negotiate for use of aerial spraying on a 1.1-mile test portion in Laredo.

The towering carrizo cane plants suck up valuable river water and obscure the riverbanks along much

of the Rio Grande, making it difficult for agents to see people crossing the river.

U.S. officials say imazaypr does not harm people or animals, but Mexican officials are cautious and want to do their own review, Luevano said.