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BURN BAN IN EFFECT, NO GROUND FIRES

by order of Presidio County

Presidio City Administrator Brad Newton fired at city council meeting

By SAM KARAS
sam@bigbendsentinel.com

PRESIDIO — In an emotional conclusion to a nearly four-hour meeting, Presidio City Council voted unanimously Monday night to terminate Brad Newton as city administrator. The decision came after weeks of lengthy discussion behind closed doors.

Mayor John Ferguson addressed Newton through tears in his mayor's report. "I want to thank you for your service to the city of Presidio from the bottom of my heart," he said. "All of us — in our jobs and in our lives — make mistakes."

Because the city administrator's contract was discussed in executive session where council adjourns into a separate room to address sensitive issues in private, a reason for Newton's termination was not provided to the public. City officials declined to comment on the matter, and Newton himself did not return a request for comment by press time.

Ferguson made it clear that he was opposed to Newton's termination. "I feel you have done the best job of any city administrator I've worked with since 2013," he said. "Over the past year, you've led Presidio out of some of our darkest times. You were the skipper of the boat."

Newton's most recent turn as city administrator started in February 2021, when former City Administrator Joe Portillo stepped down, adding fuel to controversy over the city's troubled financial past. City council appointed Newton, who had been serving at the time as executive director of the Presidio Municipal Development District, to serve as the interim administrator, and formally hired him from a pool of three candidates last fall.

In a press release, Ferguson detailed some of Newton's achievements in his time working for the city. "Newton had worked in different positions for the City of Presidio over the past 10+ years as economic development director, executive director of the Presidio Municipal Development District, and city administrator on two separate occasions," Ferguson wrote. "He played important roles in several major infrastructure projects for Presidio, including the wastewater treatment plant, natural gas service to the industrial park, sanitary landfill profitability, expansion of the international bridge, and most recently, overseeing the return of timely annual financial audits for the city in 2021, after an eight-year lapse."

At the end of Monday's meeting, Council also moved to eliminate the position of chief financial officer, currently held by Malynda Richardson, and add the position of financial specialist to the city's roster. The new position has many of the same responsibilities of the CFO, but shifts its scope from a supervisory to a non-supervisory

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Future of Presidio's hazmat ordinance in limbo as city seeks second legal opinion

By SAM KARAS
sam@bigbendsentinel.com

PRESIDIO — At a council meeting on March 21, the passage of a hazmat ordinance banning the transloading of hazardous materials over 5,000 gallons within city limits was met with applause. Hot on the heels of a controversial proposed diesel transport operation, the ordinance provided some relief to locals concerned about the safety of the plan. But at Monday night's meeting, the mood in the Presidio Activities Center was tense as City Attorney Rod Ponton explained that not only would the ordinance require multiple public readings to be considered official, but that the ban on transloading was likely illegal.

The ordinance — which also provided a legal framework for someday restricting the transport of hazmat bound for the Presidio International Bridge to a designated route around the city — had been in the drafting stages for months, but came to a public vote at the March 21 meeting. The sudden intervention from Ponton — which was met with some backlash — pushed council members to revise the ordinance while seeking legal counsel on the matter.

Many local concerns about health and safety in response to the proposed diesel operation center around the process of transloading, or the transfer of materials from one form of transportation to another — in this case, the diesel will be sent from Houston to the Fort Worth area via pipeline, then via train to Presidio, where it will be transloaded onto tanker trucks and sent across the bridge to Chihuahua City. The plan — a collaboration

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CDC to suspend controversial Title 42

By MARY CANTRELL
mkcantrell@bigbendsentinel.com

FAR WEST TEXAS — The Centers for Disease Control and Prevention recently announced Title 42, a controversial policy which allows for the immediate expulsion of undocumented migrants from the U.S.-Mexico border, will be suspended on May 23.

The CDC first authorized Title 42 under the Trump administration, during the emergence of the COVID-19 pandemic in March 2020. The 1944 Public Health Service Act was created in order to allow the government to suspend entries from other countries to "prevent spread of communicable diseases."

Title 42's opponents have argued it supersedes U.S. asylum law and violates human rights. Under the public health order, migrants and asylum seekers are expelled swiftly, without the right to trial or the ability to make an asylum claim. Expulsions carried out under the order also carry no legal repercussions, as they are carried out without criminal proceedings. Since March 2020, DHS has carried out over 1.7 million migrant expulsions under Title 42, according to government statistics.

The CDC ordered the suspension of Title 42 last week, stating it was no longer needed in order to prioritize public health or prevent coronavirus.

"With CDC's assistance and guidance, DHS has and will implement additional COVID-19 mitigation procedures. These measures, along with the current public health landscape where 97.1% of the U.S. population lives in a county identified as having 'low' COVID-19 Community Level, will sufficiently mitigate the COVID-19 risk for U.S. communities," the CDC said in a press release.

Texas' Republican leaders, including senators John Cornyn, Ted Cruz and Rep. Tony Gonzalez of Texas' 23rd Congressional District, are urging the Department of Health and Human Services and the Department of Homeland Security to keep Title 42 in place. A letter signed by Cornyn, Cruz and Gonzalez argues the DHS appears unprepared to handle an increase in apprehensions along the U.S.-Mexico border that would likely follow the suspension of Title 42.

"At the current levels of cross-border migration, DHS currently lacks adequate capacity to process and detain all migrants apprehended along the southwest border … Furthermore, small border communities lack the

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Pilot who crashed plane outside Presidio arrested on human smuggling charges

By SAM KARAS
sam@bigbendsentinel.com

PRESIDIO COUNTY — On March 25, the Presidio County Sheriff's Office arrested Tobias Penner Peters of Seminole, Texas, on multiple charges, including three counts of human smuggling, one count of evading arrest, and one count of deadly conduct. The arrest ended a three-month long manhunt after Peters crashed a plane with undocumented migrants onboard just past the Presidio-Lely Airport on December 30.

An eyewitness saw the plane crash from Highway 67, and rushed to help first responders render aid to the plane's five passengers, undocumented migrants who were found in the desert near the scene in various states of distress. The Presidio County Sheriff's Office speculated that the plane crashed because it had been deliberately under-fueled to counter the weight of those onboard — the plane, a Piper Cherokee 235 registered to Henry Neufeld of Seminole — only seats four.

Peters fled the scene, and remained at large until his arrest. Per court records, he is currently being held at Presidio County Jail as he awaits the filing of federal charges and an initial court appearance. On April 4, the U.S. Attorney's Office in Alpine filed a motion to issue a writ of habeas corpus requesting that the sheriff's office "surrender and deliver" Peters to a U.S. Marshal for his first appearance in federal court as soon as possible. The court order was issued the following day. After his initial court appearance, Peters will continue being held at the county jail.

The Presidio County Sheriff's Office did not respond to requests for comment, nor did they fulfill a public records request for arrest documents by press time.

El futuro de la ordenanza de materiales peligrosos de Presidio está en limbo mientras la ciudad busca una segunda opinión legal

Por SAM KARAS
sam@bigbendsentinel.com

PRESIDIO — En una reunión del consejo el 21 de marzo, la aprobación de una ordenanza de materiales peligrosos que prohibía el transbordo de materiales peligrosos de más de 5,000 galones dentro de los límites de la ciudad fue recibida con aplausos. Pisándole los talones a una controvertida propuesta de operación de transporte de diesel, la ordenanza brindó cierto alivio a los locales preocupados por la seguridad del plan. Pero en la reunión del lunes por la noche, el ambiente en el Centro de Actividades de Presidio era tenso cuando el abogado de la ciudad, Rod Ponton, explicó que la ordenanza no solo requeriría múltiples lecturas públicas para ser considerada oficial, sino que la prohibición de transbordo probablemente era ilegal.

La ordenanza, que también proporcionó un marco legal para algún día restringir el transporte de materiales peligrosos con destino al Puente Internacional de Presidio a una ruta designada alrededor de la ciudad, había estado en las etapas de redacción durante meses, pero se sometió a votación pública en la reunión del 21 de marzo. La repentina intervención de Ponton, que fue recibida con cierta reacción violenta, empujó a los miembros del consejo a revisar la ordenanza mientras buscaban asesoramiento legal sobre

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CDC suspenderá el polémico Titulo 42

Por MARY CANTRELL
mkcantrell@bigbendsentinel.com

LEJANO OESTE DE TEXAS — El Centro para el Control y la Prevención de Enfermedades anunció recientemente que el Título 42, una política controvertida que permite la expulsión inmediata de inmigrantes indocumentados de la frontera entre Estados Unidos y México, se suspenderá el 23 de mayo.

El CDC autorizó por primera vez el Título 42 bajo la Administración Trump, durante el surgimiento de la pandemia de COVID-19 en marzo de 2020. La Ley de Servicios de Salud Pública de 1944 se creó para permitir que el gobierno suspendiera las entradas de otros países para "prevenir la propagación de enfermedades transmisibles".

Los opositores al Título 42 han argumentado que reemplaza la ley de asilo de EE y viola los derechos humanos. Según la orden de salud pública, los migrantes y solicitantes de asilo son expulsados rápidamente, sin derecho a juicio ni capacidad para presentar una solicitud de asilo. Las expulsiones realizadas en virtud de la orden tampoco tienen repercusiones legales, ya que se llevan a cabo sin proceso penal. Desde marzo de 2020, el DHS ha llevado a cabo más de 1,7 millones de expulsiones de inmigrantes en virtud del Título 42, según estadísticas gubernamentales.

El CDC ordenó la suspensión del Título 42 la semana pasada, afirmando que ya no era necesario para priorizar la salud pública o prevenir el coronavirus.

"Con la asistencia y orientación de los CDC, el DHS ha implementado e implementará procedimientos adicionales de mitigación de COVID-19. Estas medidas, junto con el panorama actual de salud pública en el que el 97,1 % de la población de EE. UU. vive en un condado identificado con un nivel comunitario de COVID-19 'bajo', mitigarán suficientemente el riesgo de COVID-19 para las comunidades de EE. UU.", dijo el CDC en comunicado de prensa.

Los líderes republicanos de Texas, incluidos los senadores John Cornyn, Ted Cruz y el representante Tony González del distrito 23 del Congreso de Texas, instan al Departamento de Salud y Servicios Humanos y al Departamento de Seguridad Nacional a mantener el Título 42 en vigor. Una carta firmada por Cornyn, Cruz y González argumenta que el DHS

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Piloto que se estrelló en las afueras de Presidio arrestado por cargos de contrabando de personas

Por SAM KARAS
sam@bigbendsentinel.com

CONDADO DE PRESIDIO — El 25 de marzo, la Oficina del Sheriff del Condado de Presidio arrestó a Tobias Penner Peters de Seminole, Texas, por múltiples cargos, incluidos tres cargos de contrabando de personas, un cargo de evasión del arresto y un cargo de conducta mortal. El arresto término una búsqueda de 3 meses después de que Peters estrellara un avión con inmigrantes indocumentados a bordo justo fuera del aeropuerto Presidio-Lely el 30 de diciembre.

Un testigo vio el avión estrellarse desde la carretera 67 y se apresuro a proveer ayuda, a lado de los primeros respondedores, a cinco pasajeros, inmigrantes indocumentados que fueron encontrados en el desierto cerca de la escena en varios estados de angustia. La oficina del alguacil del condado de Presidio especuló que el avión se estrelló porque le sacaron combustible deliberadamente para contrarrestar el peso de los que estaban a bordo: el avión, un Piper Cherokee 235 registrado a nombre de Henry Neufeld de Seminole, solo tiene cuatro asientos.

Peters huyó de la escena y permaneció prófugo hasta su arresto. Según los registros judiciales, actualmente se encuentra recluido en la cárcel del condado de Presidio mientras espera la presentación de cargos federales y una comparecencia inicial ante el tribunal. El 4 de abril, la Oficina del Fiscal Federal en Alpine presentó una moción para emitir un recurso de hábeas corpus solicitando que la oficina del alguacil "rinda y entregue" a Peters a un Alguacil Federal para su primera aparición en un tribunal federal lo antes posible. La orden judicial se emitió al día siguiente. Después de su comparecencia inicial ante el tribunal, Peters seguirá recluido en la cárcel del condado.

La Oficina del Sheriff del Condado de Presidio no respondió a las solicitudes de comentarios, ni cumplió con una solicitud de registros públicos de documentos de arresto al cierre de esta edición.

POR ORDEN DEL CONDADO DE PRESIDIO ENTRA EN VIGOR UNA PROHIBICIÓN SOBRE EL USO DEL FUEGO, NO SE PUEDE HACER FUEGO SOBRE LOS TERRENOS

El administrador de la ciudad de Presidio, Brad Newton, fue despedido en una reunión del consejo de la ciudad

Por SAM KARAS
sam@bigbendsentinel.com

PRESIDIO — En una emotiva conclusión de una reunión de casi cuatro horas, el Concejo Municipal de Presidio votó unánimemente el lunes por la noche para despedir a Brad Newton como administrador de la ciudad. La decisión se tomó después de semanas de largas discusiones a puerta cerrada.

El alcalde John Ferguson se dirigió a Newton entre lágrimas en su informe de alcalde. "Quiero agradecerles por su servicio a la ciudad de Presidio desde el fondo de mi corazón", dijo. "Todos nosotros, en nuestros trabajos y en nuestras vidas, cometemos errores".

Debido a que el contrato del administrador de la ciudad se discutió en una sesión ejecutiva en la que el consejo se reúne en una sala separada para abordar temas delicados en privado, no se proporcionó al público el motivo del despido de Newton. Los funcionarios de la ciudad se negaron a comentar sobre el asunto, y el propio Newton no respondió a una solicitud de comentarios al cierre de esta edición

Ferguson dejó claro que se oponía al despido de Newton. "Siento que ha hecho el mejor trabajo de todos los administradores de la ciudad con los que he trabajado desde 2013", dijo. "Durante el año pasado, sacaste a Presidio de algunos de nuestros tiempos más oscuros. Tú eras el capitán del barco.

El giro más reciente de Newton como administrador de la ciudad comenzó en febrero de 2021, cuando el exadministrador de la ciudad, Joe Portillo, renunció, lo que avivó la controversia sobre el pasado financiero problemático de la ciudad. El ayuntamiento nombró a Newton, quien en ese momento se desempeñaba como director ejecutivo del Distrito de Desarrollo Municipal de Presidio, para que se desempeñara como administrador interino y lo contrató formalmente de un grupo de tres candidatos el otoño pasado.

En un comunicado de prensa, Ferguson detalló algunos de los logros de Newton durante el tiempo que trabajó para la ciudad. "Newton había trabajado en diferentes puestos para la Ciudad de Presidio durante los últimos 10 años o más como director de desarrollo económico, director ejecutivo del Distrito de Desarrollo Municipal de Presidio y administrador de la ciudad en dos ocasiones distintas", escribió Ferguson. "Desempeñó papeles importantes en varios proyectos importantes de infraestructura para Presidio, incluida la planta de tratamiento de aguas residuales, el servicio de gas natural al parque industrial, la rentabilidad del relleno sanitario, la expansión del puente internacional y, más recientemente, la supervisión del retorno de auditorías financieras anuales oportunas para la

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ENGLISH NEWS

Hazmat ordinance

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between Strobel Energy Group, Texas Pacifico, and a yet unnamed trucking company — would see 75 to 150 trucks full of diesel fuel make their way through town each week.

The plan is a cost-saving measure: investors hope to save money and drive time by routing fuel bound for Chihuahua City through Presidio instead of El Paso. In return, Presidio is hoping to reinvigorate its rail corridor, dormant for almost 14 years. At Monday's meeting, City Administrator Brad Newton alluded to the fact that a rail inspection station allowing for cross-border trade could be complete by 2023. Until then, the transloading scheme could be a way for the city to see rail traffic return to Presidio before a complete international rail bridge.

But Ponton argued a transloading ban impeded railroad operations, and that attempts to restrict railroad operations could run afoul of several legal precedents.

"Lots of places got started on the railroad, so the railroad has all sorts of power," Ponton explained. In 1995, Congress passed the ICC Termination Act (ICCTA), which established that modes of interstate ground transportation — chiefly, railways — ought to be regulated by the federal government. Since 1995, multiple court cases have cited the ICCTA to limit local and state governments' power to regulate the railroads that run through them.

Ponton referenced two court cases from the Fifth Circuit to explain how that might impact Presidio. In Elam v. Kansas City Southern Railroad Co, filed in 2011, the court ruled in the railroad's favor against a woman who had sought damages from Kansas City Southern after she was involved in a car accident with a train at a road crossing. She claimed that the train shouldn't have been there in the first place, due to her state's anti-blocking laws regulating the length of time rail cars can block a road. The court found otherwise, and the ruling has since been used to limit local anti-blocking and noise ordinances.

At Monday's meeting, members of council asked Ponton for clarification on why the transloading ban could be interpreted as impeding the railroad, when a company separate from the railroad oversees the process. "The law is so all-encompassing and clear cut," Ponton said. "In other words, smart cities don't even try. You can't regulate the railroad, and you can't regulate transloading."

Court rulings specifically regarding transloading are few, but in 2012, the Fifth Circuit ruled in Texas Central Business Lines v City of Midlothian to strike down a city's ordinances limiting a frac sand transloading operation. While this case found that this particular instance of transloading was an extension of the railroad's activities and couldn't be regulated by the city, the court's ruling made sure to note that "not all transloading involving rail cars and tractor-trailer rigs constitutes 'transportation by rail carriers.'" — in other words, there could be a legal gray area.

Councilmember Nancy Arevalo wanted more information on how the international nature of the plan could make things even more complicated. "Trucks coming in from Mexico are going to pick up the material," she said. "I don't understand how that has anything to do with our federal government or the railroad."

Vicky Carrasco, who has been tasked by the City of Presidio with leading a series of workshops mediating between diesel transloading stakeholders, agreed that many questions remained unanswered. "Presidio is in a very unique location and position, so there really isn't a precedent for this type of issue," she explained. "TxDOT's involved, the railroad's involved. Our port of entry is very different from any other in the state of Texas. I totally understand how this might make you feel blindsided, but we don't want to put ourselves in a situation where the city could be sued."

Multiple council members were upset that the intricacies of railroad law were not brought to their attention sooner by Ponton, the city's official legal counsel. "I have personally done a lot of research, and I have sent you information to see if I'm on the right path," said Councilmember Arian Velázquez-Ornelas. "I feel I have not gotten the right guidance. I hope that doesn't feel personal, because it's not."

"This has happened multiple times," said Mayor Pro Tempore John Razo. "This is hurting us, because our citizens are waiting for our response. If [Strobel and Texas Pacifico] get started, we can't stop them."

Presidio Municipal Development District Executive Director Jeran Stephens had preemptively hired outside counsel to help guide her organization's stance on the issue. "I've spoken with our attorneys, and they seem to think the transloading ban in and of itself is not a violation of federal law," she explained. "Though it involves the train, we're not telling the train they can't haul whatever they want to. We're telling outside companies that they can't transload hazmat from that train onto a truck within city limits and drive it through town."

Council ultimately voted to approve an edited version of the ordinance that adds "an enforcement date, supersedence and severability" and strikes language that explicitly mentions the railroad. The city must print the new ordinance in the newspaper and wait 30 days before it can formally take effect. In the meantime, Presidio City Council moved to seek secondary legal counsel "regarding future ordinances."

In the meantime, Ponton will assist the city in working with TxDOT to explore the possibility of a freight bypass for the city of Presidio. Council members hope that language in the existing ordinance limiting transport of hazardous materials on city streets will eventually be amended to relegate shipments of hazmat to a designated hazmat route.

Joaquin Rodriguez, who has family roots in Presidio, voiced his support for the ordinance over Zoom. "Let's not forget that the whole reason this issue has now come up for the council is because a company wants to save money, and to do that at the expense of the community," he said. "I would encourage the council to continue forward and then backtrack if needed. It's better to go forward than to fall short."

Title 42

(Continued from page 1)

appropriate housing, transportation, and healthcare infrastructure to manage the ongoing release of migrant populations into their jurisdictions," said the letter.

Under Title 42, undocumented migrants can be deported in as little as 15 minutes, according to government statistics, a process that otherwise lasts as long as 50 hours for an individual or 62 hours for a family unit.

"Not only does this take a toll on our agents, it creates a new incentive for migrants to make the life-threatening journey across the border and, with the hottest months of the year on the horizon, we're bound to see the already historic numbers double, leading to a record number of migrant deaths," said Rep. Gonzales in a press release following a briefing with Border Patrol agents.

Groups including the American Civil Liberties Union (ACLU) and The Southern Border Communities Coalition (SBCC), who have been advocating for the suspension of Title 42, have released statements in support of the CDC's decision.

"The new order is a huge step forward in the fight to ensure that people fleeing violence and persecution will once again be able to seek safety in this country, as our laws require. Title 42 has been misused for over two years to illegally shut down asylum at the southern border and send thousands of people directly back into harm's way," said Jonathan Blazer, director of border strategies at the ACLU.

The SBCC issued a press release on Wednesday urging senators to vote against anti-immigrant amendments — aimed at keeping Title 42 in place — that the Senate's Republican leadership may attempt to tack on to a new COVID relief bill, which will be voted on soon.

"The United States has the capacity to face the challenges at the border that may result from ending an unethical use of Title 42," said Vicki B. Gaubeca, director, Southern Border Communities Coalition. "Now is the time for our nation to right those wrongs and implement infrastructure and policies that welcome people in a safe and dignified way, and connect them quickly to resources."

Litigation to stop the suspension of Title 42 is already underway, with Republican officials in Louisiana, Missouri and Arizona filing a lawsuit against the CDC, arguing the agency's decision is "arbitrary and capricious" and could spawn "catastrophe" at the border.

Big Bend Sector Public Affairs Officer for Customs and Border Protection Greg Davis said the region is currently well-staffed with over 600 agents, a historically large workforce for the sector and CBP is still actively recruiting new Border Patrol agents. Additionally, Davis said all agents were on mandatory overtime, serving 10-hour days.

New technology is further assisting capabilities of Border Patrol agents, said Davis, and initiatives like Operation Stonegarden, a federally-funded program which provides money for overtime and equipment to local police and sheriff's departments for Border Patrol assistance, are enabling local law enforcement agencies in the Big Bend region to offer support for CBP.

U.S. Customs and Border Protection Commissioner Chris Magnus said in a statement that as a result of CDC's termination of Title 42, CBP is expecting an increase in migrant border crossings above current high levels. He said they intend to utilize on-ground monitoring, drones and support personnel to free up Border Patrol agents from processing duties when possible.

"There are a significant number of individuals who were unable to access the asylum system for the past two years, and who may decide that now is the time to come," said Magnus. "We are doing everything we can to prepare for this increase, ensure we continue to process people humanely, and impose consequences on those who break the law. At the same time, we will continue to use all available resources to secure our borders."

Brad Newton

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role.

Newton had transferred Richardson from her previous role as EMS director on February 1; while the city's finances were in crisis mode, Richardson held both positions. For a brief moment on Monday night, she worried she had lost both. "Am I being terminated, or should I show up for work in the morning?" she asked the council.

City Secretary Brenda Lee Ornelas-Acuña was swift to answer. "You are the new finance specialist," she said.

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SURPLUS CAR AUCTION
PUBLIC NOTICE

Do you hate walking around in all this wind? Well, you're going to love our auto auction, Saturday, April 9, 2022 at 9am! Vehicles from every department will be available for bidding "AS IS". We are advertising the auction from Del Rio to Presidio so don't miss your chance to bid on dozens of City surplus vehicles.

And the good news gets better because after you buy your vehicle at auction, the City of Alpine will gladly leave you to your new purchase without further ado because all sales are final. We accept cash, checks and money orders ONLY.

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Visit http://www.cityofalpine.com/auction for details.

NOTICIAS EN ESPAÑOL

Ordenanza de materiales

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el asunto.

Muchas preocupaciones locales sobre la salud y la seguridad en respuesta a la operación de diésel propuesta se centran en el proceso de transbordo o la transferencia de materiales de una forma de transporte a otra; en este caso, el diésel se enviará desde Houston al área de Fort Worth. a través de un oleoducto, luego a través de un tren a Presidio, donde se transferirá a camiones cisterna y se enviará a través del puente a la ciudad de Chihuahua. El plan, una colaboración entre Strobel Energy Group, Texas Pacifico, y una empresa de camiones aún no identificada, contemplaría de 75 a 150 camiones llenos de combustible diésel atravesando la ciudad cada semana.

El plan es una medida de ahorro de costos: los inversionistas esperan ahorrar dinero y tiempo de manejo enrutando el combustible con destino a la ciudad de Chihuahua a través de Presidio en lugar de El Paso. A cambio, Presidio espera revitalizar su corredor ferroviario, inactivo durante casi 14 años. En la reunión del lunes, el administrador de la ciudad, Brad Newton, aludió al hecho de que una estación de inspección ferroviaria que permita el comercio transfronterizo podría estar completa para 2023. Hasta entonces, el esquema de trasbordo podría ser una forma para que la ciudad vea que el tráfico ferroviario regrese a Presidio antes un puente ferroviario internacional completo.

Pero Ponton argumentó que una prohibición de transbordo impedía las operaciones ferroviarias y que los intentos de restringir las operaciones ferroviarias podrían entrar en conflicto con varios precedentes legales.

"Muchos lugares comenzaron con el ferrocarril, por lo que el ferrocarril tiene todo tipo de poder", explicó Ponton. En 1995, el Congreso aprobó la Ley de Terminación de la ICC (ICCTA, por sus siglas en inglés), que estableció que los modos de transporte terrestre interestatal, principalmente los ferrocarriles, deberían ser regulados por el gobierno federal. Desde 1995, múltiples casos judiciales han citado a la ICCTA para limitar el poder de los gobiernos locales y estatales para regular los ferrocarriles que los atraviesan.

Ponton hizo referencia a dos casos judiciales del Quinto Circuito para explicar cómo eso podría afectar a Presidio. En Elam v. Kansas City Southern Railroad Co, presentado en 2011, el tribunal falló a favor del ferrocarril en contra de una mujer que había pedido daños y perjuicios a Kansas City Southern después de verse involucrada en un accidente automovilístico con un tren en un cruce de carreteras. Afirmó que el tren no debería haber estado allí en primer lugar, debido a las leyes antibloqueo de su estado que regulan el tiempo que los vagones pueden bloquear una carretera. El tribunal decidió lo contrario y, desde entonces, el fallo se ha utilizado para limitar las ordenanzas locales contra el bloqueo y el ruido.

En la reunión del lunes, los miembros del consejo le pidieron a Ponton que aclarara por qué la prohibición de trasbordo podría interpretarse como un impedimento para el ferrocarril, cuando una compañía separada del ferrocarril supervisa el proceso. "La ley es tan completa y clara", dijo Ponton. "En otras palabras, las ciudades inteligentes ni siquiera lo intentan. No se puede regular el ferrocarril y no se puede regular el transbordo".

Los fallos judiciales específicamente relacionados con la transferencia son pocos, pero en 2012, el Quinto Circuito dictaminó en Texas Central Business Lines v City of Midlothian para anular las ordenanzas de una ciudad que limitan una operación de transferencia de arena de fracturamiento. Si bien este caso determinó que este caso particular de transbordo era una extensión de las actividades del ferrocarril y no podía ser regulado por la ciudad, el fallo de la corte se aseguró de señalar que "no todos los transbordos que involucran vagones de ferrocarril y camiones con remolque constituyen 'transporte'". por los transportistas ferroviarios'". En otras palabras, podría haber una zona gris legal.

La concejal Nancy Arévalo quería más información sobre cómo la naturaleza internacional del plan podría complicar aún más las cosas. "Los camiones que vienen de México van a recoger el material", dijo. "No entiendo cómo eso tiene algo que ver con nuestro gobierno federal o el ferrocarril".

Vicky Carrasco, a quien la ciudad de Presidio le ha encomendado la tarea de dirigir una serie de talleres de mediación entre las partes interesadas en la transferencia de diesel, estuvo de acuerdo en que muchas preguntas quedaron sin respuesta. "Presidio se encuentra en una ubicación y una posición únicas, por lo que realmente no existe un precedente para este tipo de problema", explicó. "TxDOT está involucrado, el ferrocarril está involucrado. Nuestro puerto de entrada es muy diferente a cualquier otro en el estado de Texas. Entiendo totalmente cómo esto puede hacerte sentir sorprendido, pero no queremos ponernos en una situación en la que la ciudad pueda ser demandada".

Múltiples miembros del consejo estaban molestos porque Ponton, el asesor legal oficial de la ciudad, no les llamó la atención antes sobre las complejidades de la ley ferroviaria. "Personalmente he investigado mucho y les he enviado información para ver si estoy en el camino correcto", dijo el concejal Arian Velázquez-Ornelas. "Siento que no he recibido la orientación adecuada. Espero que no se sienta personal, porque no lo es".

"Esto ha sucedido varias veces", dijo el alcalde pro tempore John Razo. "Esto nos está haciendo daño, porque nuestros ciudadanos están esperando nuestra respuesta. Si [Strobel y Texas Pacifico] comienzan, no podemos detenerlos".

La Directora Ejecutiva del Distrito de Desarrollo Municipal de Presidio, Jeran Stephens, había contratado de manera preventiva a un abogado externo para ayudar a guiar la postura de su organización sobre el tema. "He hablado con nuestros abogados y parecen pensar que la prohibición de trasbordo en sí misma no es una violación de la ley federal", explicó. "Aunque se trata del tren, no le estamos diciendo al tren que no puede transportar lo que quiera. Les estamos diciendo a las empresas externas que no pueden transferir materiales peligrosos de ese tren a un camión dentro de los límites de la ciudad y conducirlo por la ciudad".

El consejo finalmente votó para aprobar una versión editada de la ordenanza que agrega "una fecha de aplicación, sustitución y separabilidad" y elimina el lenguaje que menciona explícitamente el ferrocarril. La ciudad debe imprimir la nueva ordenanza en el periódico y esperar 30 días antes de que pueda entrar en vigor formalmente. Mientras tanto, el Concejo Municipal de Presidio se movió para buscar asesoría legal secundaria "con respecto a ordenanzas futuras".

Mientras tanto, Ponton ayudará a la ciudad a trabajar con TxDOT para explorar la posibilidad de un desvío de carga para la ciudad de Presidio. Los miembros del consejo esperan que el texto de la ordenanza existente que limita el transporte de materiales peligrosos en las calles de la ciudad se modifique eventualmente para relegar los envíos de materiales peligrosos a una ruta designada para materiales peligrosos.

Joaquín Rodríguez, que tiene raíces familiares en Presidio, expresó su apoyo a la ordenanza a través de Zoom. "No olvidemos que la razón principal por la que este problema ha surgido ahora para el consejo es porque una empresa quiere ahorrar dinero y hacerlo a expensas de la comunidad", dijo. "Animaría al consejo a seguir adelante y luego retroceder si es necesario. Es mejor avanzar que quedarse corto".

Título 42

(Continuación de la página 1)

no parece estar preparado para manejar un aumento en las detenciones a lo largo de la frontera entre Estados Unidos y México que probablemente seguiría a la suspensión del Título 42.

"Con los niveles actuales de migración transfronteriza, el DHS actualmente carece de la capacidad adecuada para procesar y detener a todos los migrantes detenidos a lo largo de la frontera suroeste... Además, las pequeñas comunidades fronterizas carecen de la infraestructura adecuada de vivienda, transporte y atención médica para gestionar la liberación continua de migrantes. poblaciones a sus jurisdicciones", decía la carta.

Según el Título 42, los inmigrantes indocumentados pueden ser deportados en tan solo 15 minutos, según las estadísticas del gobierno, un proceso que, de lo contrario, dura hasta 50 horas para un individuo o 62 horas para una unidad familiar.

"Esto no solo afecta a nuestros agentes, sino que crea un nuevo incentivo para que los migrantes realicen el viaje que amenaza la vida a través de la frontera y, con los meses más calurosos del año en el horizonte, estamos obligados a ver el ya las cifras históricas se duplican, lo que lleva a un número récord de muertes de migrantes", dijo el representante Gonzales en un comunicado de prensa luego de una sesión informativa con agentes de la Patrulla Fronteriza.

Grupos como la Unión Americana de Libertades Civiles (ACLU) y la Coalición de Comunidades de la Frontera Sur (SBCC), que han estado abogando por la suspensión del Título 42, han emitido declaraciones en apoyo de la decisión de el CDC.

"La nueva orden es un gran paso adelante en la lucha para garantizar que las personas que huyen de la violencia y la persecución puedan volver a buscar seguridad en este país, como exigen nuestras leyes. El Título 42 se ha utilizado indebidamente durante más de dos años para cerrar ilegalmente el asilo en la frontera sur y enviar a miles de personas directamente al peligro", dijo Jonathan Blazer, director de estrategias fronterizas de la ACLU.

La SBCC emitió un comunicado de prensa el miércoles instando a los senadores a votar en contra de las enmiendas antiinmigrantes, destinadas a mantener el Título 42 en su lugar, que el liderazgo republicano del Senado puede intentar agregar a un nuevo proyecto de ley de alivio de COVID, que se someterá a votación. pronto.

"Estados Unidos tiene la capacidad de enfrentar los desafíos en la frontera que pueden resultar de poner fin a un uso poco ético del Título 42", dijo Vicki B. Gaubeca, directora de la Coalición de Comunidades de la Frontera Sur. "Ahora es el momento de que nuestra nación corrija esos errores e implemente infraestructura y políticas que acojan a las personas de una manera segura y digna, y las conecte rápidamente a los recursos".

El litigio para detener la suspensión del Título 42 ya está en marcha, con funcionarios republicanos en Louisiana, Missouri y Arizona presentando una demanda contra el CDC, argumentando que la decisión de la agencia es "arbitraria y caprichosa" y podría generar una "catástrofe" en la frontera.

El Oficial de Asuntos Públicos del Sector de Big Bend para Aduanas y Protección Fronteriza, Greg Davis, dijo que la región actualmente cuenta con más de 600 agentes, una fuerza laboral históricamente grande para el sector y CBP todavía está reclutando activamente nuevos agentes de la Patrulla Fronteriza. Además, Davis dijo que todos los agentes trabajaban horas extras obligatorias, sirviendo jornadas de 10 horas.

La nueva tecnología está ayudando aún más a las capacidades de los agentes de la Patrulla Fronteriza, dijo Davis, e iniciativas como la Operación Stonegarden, un programa financiado por el gobierno federal que proporciona dinero para horas extras y equipos a la policía local y a los departamentos del alguacil para la asistencia de la Patrulla Fronteriza, están permitiendo que las agencias locales encargadas de hacer cumplir la ley en la región de Big Bend para ofrecer apoyo a CBP.

El comisionado de Aduanas y Protección Fronteriza de EE. UU., Chris Magnus, dijo en un comunicado que como resultado de la terminación del Título 42 por parte de el CDC, CBP espera un aumento en los cruces fronterizos de inmigrantes por encima de los altos niveles actuales. Dijo que tienen la intención de utilizar monitoreo en tierra, drones y personal de apoyo para liberar a los agentes de la Patrulla Fronteriza de las tareas de procesamiento cuando sea posible.

"Hay un número significativo de personas que no pudieron acceder al sistema de asilo durante los últimos dos años y que pueden decidir que ahora es el momento de venir", dijo Magnus. "Estamos haciendo todo lo posible para prepararnos para este aumento, asegurarnos de continuar procesando a las personas con humanidad e imponer consecuencias a quienes infrinjan la ley. Al mismo tiempo, continuaremos utilizando todos los recursos disponibles para asegurar nuestras fronteras".

Remember to Render!
Taxable property renditions are due April 15.

Does this apply to you?
If you own tangible personal property that is used to produce income, such as the equipment or inventory owned by a business, it does.

What is a rendition?
A rendition is a report to your county appraisal district that lists all of the taxable property that you owned or controlled on Jan. 1 of this year. This often applies to furniture, fixtures, equipment or inventory owned by a business.

What are the advantages of filing?
- You give your opinion of your property's value.
- You record your correct mailing address so your tax bills will go to the right address.
- If your property's value depreciated, you can file a report of decreased value.

What is the deadline?
- For most property types, renditions must be filed with the appraisal district after Jan. 1 and no later than April 15. Different deadlines apply in certain appraisal districts. A property owner may apply, in writing, for a mandatory extension to May 15.
- Different deadlines apply for regulated properties.
- The chief appraiser may extend the deadline another 15 days for good cause shown in writing by the property owner for each type of property.

REMEMBER!!
Filing is your responsibility. If you render late, don't render, or file an incomplete or false rendition, you may face a 10 to 50 percent penalty.

File renditions with your local appraisal district at:

Presidio County Appraisal District
P.O. Box 879 / 107 E. Texas Street
Marfa, Texas 79843
Marfa Office 432-729-3431
Presidio Office 432-229-3963
info@presidiocad.org

A public service announcement courtesy of your county appraisal district.

¡Recuerde a Rendir!
Las rendiciones de propiedades imponibles son debidas el 15 de abril.

¿Se aplica esto a usted?
Si usted posee bienes personales tangibles que se utilizan para producir ingresos, tales como el equipo o el inventario de un negocio, entonces sí.

¿Qué es una rendición?
Una rendición es un reporte a su distrito de tasaciones del condado que lista todas las propiedades imponibles que usted poseyó o controló el 1ro de enero de este año. Muchas veces esto se aplica a los muebles, elementos fijos, equipo o inventario de propiedad de un negocio.

¿Cuáles son las ventajas de declarar?
- Usted brinda su opinión sobre el valor de la propiedad.
- Registra la dirección exacta con el fin de recibir la factura de los impuestos a la dirección correcta.
- En caso de que el valor de la propiedad depreciara, usted puede presentar un informe del valor depreciado.

¿Cuál es la fecha de vencimiento?
- Para la mayoría de los tipos de propiedades, las rendiciones deben ser presentados en el distrito de tasaciones después del 1ro de enero y no más tarde del 15 de abril. Diversos plazos se aplican en ciertos distritos de tasaciones. El propietario de una propiedad puede solicitar, por escrito, para una extensión obligatoria para el 15 de mayo.
- Las fechas de límites diferentes aplican para las propiedades reguladas.
- El jefe de tasaciones podrá extender la fecha de limite por otros 15 días por una buena causa indicada por escrito por el dueño de la propiedad para cada tipo de propiedad.

¡RECUERDE!
La presentación es su responsabilidad. Si presenta una rendición tarde o nunca, o presenta una rendición incompleta o falsa, puede enfrentar una penalidad de 10 a 50 por ciento. Presenta sus rendiciones con su distrito de tasaciones local en:

Presidio County Appraisal District
P.O. Box 879 / 107 E. Texas Street
Marfa, Texas 79843
Marfa Office 432-729-3431
Presidio Office 432-229-3963
info@presidiocad.org

Este es un servicio público cortesía de su distrito de tasaciones del condado.

Brad Newton

(Continuación de la página 1)

ciudad en 2021, después de un lapso de ocho años".

Al final de la reunión del lunes, el Concejo también se movió para eliminar el puesto de directora financiera, que actualmente ocupa Malynda Richardson, y agregar el puesto de especialista financiera a la lista de la ciudad. El nuevo puesto tiene muchas de las mismas responsabilidades del CFO, pero cambia su alcance de una función de supervisión a una función no supervisora.

Newton había transferido a Richardson de su cargo anterior como directora de EMS el 1 de febrero; mientras las finanzas de la ciudad estaban en crisis, Richardson ocupó ambos cargos. Por un breve momento el lunes por la noche, le preocupó haber perdido a ambos. "¿Estoy siendo despedida o debería presentarme a trabajar por la mañana?" preguntó al consejo.

La secretaria de la ciudad, Brenda Lee Ornelas-Acuña, no tardó en responder. "Usted es la nuevo especialista en finanzas", dijo.



CLASSIFIED

Presidio River Rangers conduct first water quality tests on Río Grande

By SAM KARAS
sam@bigbendsentinel.com

BIG BEND RANCH STATE PARK — With a sample of murky Río Grande water taken from a bucket, Lucy Rede Franco Middle School seventh grader Clinette Garzon started the test. The steps were long and detailed, and the whole process took over half an hour. Presidio ISD teachers Belinda Dolino and Danica Romanban stood by her side, helping her make sure the results were consistent.

All their lab equipment was set up on a small camp table in the parking lot of the boat ramp for Colorado Canyon, about 30 miles from Presidio in Big Bend Ranch State Park. Dust swirled in the air as the occasional curious spring break tourist drove by. A few yards away, a small riffle in the river provided a calm soundtrack for the morning's activities.

First, Clinette added a few drops from a vial of manganese sulfate solution, and turned the bottle over in her hands a few times. She repeated the routine with potassium iodide and sulfuric acid until the river water appeared to turn orange. This process "fixed" the sample — in other words, chemically freezing the water in time so if Clinette's testing was delayed, her results would still reflect conditions on the river.

Clinette, Dolino and Romanban are three of thousands of Texans trained by the Texas Stream Team as citizen scientists helping the state monitor the quality of its waterways. The test for dissolved oxygen is the longest in the battery, but Clinette and Romanban achieved identical results. Their reading of 5.3 mg/L could be considered on the lower end for a major American river, but consistent with U.S. Geological Service gauge readings for the Rio Grande downstream in Big Bend National Park.

Dissolved oxygen is one of a few indicators that can help scientists determine the health of a river. "Do you know why oxygen is important in the river?" Dolino asked Clinette.

"It helps organisms to thrive," Clinette answered confidently.

Dolino, Romanban, and Big Bend Conservation Alliance program coordinator Elvira Hermosillo are still building out the interpretation side of the curriculum — teaching students how to figure out what their results mean. The four citizen scientists discussed how dissolved oxygen is higher in the river in the morning, and drops as the river heats up in the afternoon.

When the river is low and slow — as it has been for months — the dissolved oxygen count is lower, and that can affect aquatic life. Drops in the dissolved oxygen can result in fish kills — sudden mass death of the local fish population. Numerous species have already gone extinct from the Rio Grande, and more are threatened. The distinctive Big Bend slider — a turtle species more often heard plopping into the river than seen — is only adapted for swiftwater conditions, and may go extinct if average dissolved oxygen levels don't rise.

Clinette is one of a class of four middle school students helping relaunch the Presidio River Rangers program, a brainchild of the late naturalist and Presidio ISD teacher Patt Sims. While the program was still active, it produced some of Presidio ISD's brightest graduates, including scientist Cynthia Wright, who attended an early River Rangers meeting via Zoom to offer her wisdom on growing up in Presidio and going to college.

Dolino — a Presidio ISD STEM teacher who now focuses on special education — got involved with the program in order to help grow the middle school's extracurricular offerings. "After COVID, it seemed like the kids need it now more than ever," she said.

Presidio ISD has a national reputation for its success in STEM extracurriculars like rocketry, but the River Rangers program gives the kids a chance to explore the natural world. "Our environment is part of the curriculum, but it's all theories, it's all just talking about it," Dolino said. "Students will ask me questions in the lab like, 'When are we going to use this?' I thought: let's bring the classroom outside."

To cap off the day's experiments, Clinette, Romanban and Dolino worked together to lower a black-and-white striped disc into the water to measure its depth, during which they discussed the smell of the water and how many bubbles were present on its surface.

"There's bubbles in the river at home in the Philippines, but it's because that's where everyone does their laundry," Dolino joked.

The Stream Team battery includes chemistry tests that monitor qualities like dissolved oxygen and the pH of the water, but the qualitative tests encourage the students to closely observe the world around them. "I would say 99 percent of our kids who get involved with rocketry, robotics, River Rangers — they always do well after high school," she continued. "They get accepted to big universities, and they get scholarships. They don't always know what they want to be, but at least we help them decide along the way."

The Presidio River Rangers will repeat each test once a month on a Saturday and record the data. Next month, they'll test closer to home at the International Water and Boundary Commission gauge along Alamito Creek.

In her negotiations with the International Boundary and Water Commission (IBWC) to access the testing site, Big Bend Conservation Alliance Program Coordinator Elvira Hermosillo was told to instruct the students to wear protective clothing and bring plenty of water. Rising summer temperatures won't be the biggest threat the River Rangers face next month. "They did also tell me there's a llama there that's kind of mean," she said.

After their tests, their families will be invited to join for a picnic. The community aspect of the River Rangers program is intrinsic to helping them spread the word and get Presidio families out to enjoy the natural splendor of their own backyard.

"We want them to see how important the river is," Dolino explained. "We want to pass it on, and then hopefully we can start something."

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Marfa Parks Board is auctioning a 2006 Chevrolet 2500 HD regular cab pickup truck, white, with crossover toolbox and trailer hitch.

Minimum bid is $9,000.
Truck currently has 106,000 miles. VIN: 1GCHC24U66E230995.

Details and pictures available by texting Board President Trey Gerfers at 432.295.0891.

Interested parties must email highest bid with contact phone number to trey@stereoluz.net (with "Pickup bid" in the subject line).

Deadline: Thursday, April 7th at 5PM.

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PRESIDIO SPORTS CALENDAR

FRIDAY, APRIL 8:

PHS Baseball JV vs Pecos at Presidio, 4:30 P.M.

MONDAY, APRIL 11:

LRFMS District Track Meet at Alpine, 3:00 P.M.

PHS Baseball at Kermit, JV at 4:30 P.M., Varsity at 7:00 P.M.

TUESDAY, APRIL 12:

PHS Softball at Kermit, Varsity at 5:00 P.M., JV 6:30 P.M.

Terlingua School of Constructive Arts to host clean-up event and pizza party

By SAM KARAS
sam@bigbendsentinel.com

TERLINGUA RANCH — This Saturday, the board and volunteers of the School of Constructive Arts invite the public to join them for a clean-up event that will culminate in a pizza party at the school's Terlingua Ranch campus. The event marks the "final push" toward clearing away construction debris and personal belongings of the late Don Bryant, whose ideas served as the catalyst for the organization.

The School of Constructive Arts is a field school based in Bryant's former homestead. Bryant, a longtime Terlingua resident known for building distinctive domes out of rebar and ferrocement, attracted numerous formal and informal students to his property throughout his lifetime. "He was beloved by many," said Bob Estrin, director of the School for Constructive Arts. "He was a builder, a teacher, a farmer, kind of an eccentric guy."

Estrin and his board now use what's left of Bryant's homestead to help teach a new generation of earth builders ways to construct with the local environment in mind. Students at the school will learn to put concepts like passive cooling and water catchment into practice, all against the dramatic backdrop of the Christmas Mountains in South Brewster County.

The school currently hosts seasonal volunteers and hopes to expand their programming through collaborations with universities and local schools. In order to make those connections, they need to make the campus a hospitable place for visiting builders so that they can be housed on the school's remote property. "We're going to build our first livable facility," Estrin explained. "It's going to be a building that combines earth construction — using ancient techniques — with modern technology."

The facility will sleep eight to 10 students and include workshop and classroom spaces. A large part of the effort will go toward installing water infrastructure, including a solar-powered pump house and shower. The school's next class of volunteers will take on these projects, putting their newfound skills to the test as they go.

"We need a clean slate to move into the next phase of construction on our land," Estrin explained. He hopes that neighbors from around the Big Bend region will come out to help the effort and learn more about the school's mission.

The amount of effort Estrin and his volunteers have put in is tremendous. "I think it's important to note how much has already been done even though it's not very visible, because much of what we've done is remedial," he said. "I'll put it this way: we've removed over 3000 cubic feet of garbage."

To reward those who make the journey, the school will treat volunteers to pizza made in their wood-fired oven — itself originally a volunteer project aimed at teaching key concepts in earth building. "I wanted a project that would teach some of the core skills but was small and achievable within a timeframe," Estrin explained. "Plus, we wanted something that would lure people to our distant campus. It turns out pretty damn good pizza."

Volunteers are welcome to show up anytime in the afternoon and stay through the evening's festivities. They should be dressed for an afternoon moving around in the Terlingua sunshine — sun protection and plenty of water is a must. Some refreshments will be provided, but guests are encouraged to BYOB and are welcome to bring musical instruments to play around the campfire.

The School of Constructive Arts campus is newly Google Map-able, but to navigate the old-fashioned way, start heading east on Terlingua Ranch Road toward the lodge. At 4.8 miles in, take a right on Snake Road. The campus will have a sign posted 1.2 miles down Snake Road to mark the entrance.

"We're in the final stages of this major effort, and we want to celebrate it together," Estrin said.

THE BIG BEND Sentinel

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Office: 209 1/2 W. El Paso St., Marfa, Texas
Mail: Drawer P, Marfa, TX 79843
Telephone: 432.729.4342
Contact: editor@bigbendsentinel.com
Advertising Inquiries: ads@bigbendsentinel.com
www.bigbendsentinel.com

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