

May 15, 2020

Paul Enriquez
Environmental Branch Chief
Border Patrol Facilities and Tactical Infrastructure
Program Management Office
1300 Pennsylvania Ave. NW
Washington, DC 20229

Rodney Scott
Chief - U.S. Border Patrol
1300 Pennsylvania Ave. NW
Washington, DC 20229

CC:

Chad Wolf
Acting Secretary of Homeland Security
1300 Pennsylvania Ave. NW
Washington, DC 20229

Re: Request for Input on Proposed Border Walls in Arizona's Pima, Cochise and Santa Cruz Counties is Flawed and Inadequate

Dear Mr. Enriquez and the Department of Homeland Security,

We note immediately that this comment process is deeply flawed, extralegal, undemocratic, and entirely fails to solicit meaningful public involvement. Months before collecting or reviewing public comments, the Department of Homeland Security (DHS) waived dozens of our nation's most important environmental, public health, and cultural resource protection laws to rush wall construction in the areas for which the agency now seeks public comment. DHS's decision to ignore laws like the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), and Native American Graves Protection and Repatriation Act (NAGPRA), among many others, ensures that there will be no meaningful analysis of the clear harm the project will inflict on communities, clean air, clean water, endangered species, cultural resources, indigenous culture and sacred sites. DHS must immediately rescind the waiver of these laws and halt construction until the project can proceed in compliance with our nation's laws. Failure to do so will result in severe harm to border communities and irreversible damage to the spectacular natural and cultural resources in the borderlands.

We also note that in its current form, this comment process is a completely meaningless exercise. DHS's prior actions clearly demonstrate that the agency has no intention of factoring public input into project planning or design. In fact, the agency has still failed to respond to or address numerous comments submitted by the Center for Biological Diversity (Center), the public, and other organizations in prior border wall comment periods. Most recently, the Center and 20 additional groups submitted a detailed, 24-page comment letter on July 5, 2019 in response to DHS's

proposed construction of 63 miles of border walls in Organ Pipe Cactus National Monument, the Cabeza Prieta National Wildlife Refuge, the San Pedro Riparian National Conservation Area and the San Bernardino National Wildlife Refuge. In the 10 months since the Center submitted these comments, DHS completed the majority of the project without responding to or addressing any of the concerns raised in the comment letter, which included impacts to endangered species, cultural sites, and groundwater—all of which have since been harmed by border wall construction.

We once again remind DHS that there is no evidence that the construction of additional border barriers would achieve the agency's stated goals to "impede or deny illegal border crossings," as border walls of many designs have proven easily surmountable by people in a number of ways, including with tunnels, saws, torches, ladders, and rope. While these and many other issues have been raised in prior comment periods, DHS has offered no response to even the most basic concerns raised regarding the purpose and need for these border wall projects in the first place. Throughout this process, DHS has stonewalled the public, refused to hold public forums or scoping meetings, and even ignored direct concerns raised by members of Congress regarding the reckless use of groundwater and destruction of sacred indigenous sites for border wall construction.

DHS's insistence on building border walls in an extralegal manner, out of the scope of law and order, ensures that the harms caused by wall construction will not be analyzed until it is too late, and as a result myriad endangered species, protected public lands, cultural resources and border communities will be harmed. We reiterate that DHS's so-called request for comment on these projects is no substitute for meaningful public input, especially after all relevant laws that would pertain to the project and a transparent planning process have been waived.

For these reasons we request that DHS immediately cease all planning and preparation for this project until it can move forward in compliance with all relevant federal laws including, but not limited to, NEPA, ESA, NAGPRA, the Clean Water Act, the National Historic Preservation Act, the Migratory Bird Treaty Act, the Clean Air Act, the Safe Drinking Water Act, the Archaeological and Historic Preservation Act, the Historic Sites, Buildings, and Antiquities Act, the Religious Freedom Restoration Act, the National Wildlife Refuge System Administration Act, and the Administrative Procedure Act.

Sincerely,

Animal Legal Defense Fund
Center for Biological Diversity
Defenders of Wildlife
Great Old Broads for Wilderness
National Parks Conservation Association
Nuestra Tierra
Sierra Club
Southern Border Communities Coalition
Southwest Environmental Center
United We Dream
Wildlands Network