

U.S. Customs and Border Protection
U.S. Border Patrol Headquarters
1300 Pennsylvania Ave 6.5E Mail Stop 1039
Washington, DC 20229-1100

July 3, 2019

Public Comment Re: Pima and Cochise Counties Border Infrastructure Projects

Dear Customs and Border Protection,

Since 1919, National Parks Conservation Association (NPCA) has been the leading voice in protecting and enhancing our National Park System. On behalf of our more than 1.3 million members and supporters nationwide, we write to express our concerns with U.S. Customs and Border Protection's (CBP) proposed border barrier project in Pima and Cochise Counties, especially related to Organ Pipe Cactus National Monument and Coronado National Memorial. These national parks are connected to the lands and communities that surround them, and the impacts of border activities must be considered comprehensively.

Throughout the planning of this project, it has been clear that little to no consideration has been given to the government's responsibility to our national parks. Congress created the National Park Service (NPS) in 1916 with a stated purpose "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."¹ CBP's proposal to build an 18-to-30 foot bollard wall through nearly the entire border of Organ Pipe and a portion of Coronado undermines the mission and purpose of the NPS, and does so without providing the Park Service and the public with meaningful opportunities to engage in the planning process.

Irreplaceable Natural and Cultural Resources

Organ Pipe Cactus National Monument

Organ Pipe Cactus National Monument was created in 1937 to protect its namesake plant and a scenic, biologically rich portion of the Sonoran Desert. The park is home to 31 species of cactus, multiple vulnerable endangered species and centuries of human history. But this unique landscape is also unnaturally bisected by border barriers. Vehicular barriers run along Organ Pipe's 30-mile border and five miles of 15-foot pedestrian wall flank the Lukeville Port of Entry.

The construction of a 30-foot wall, along with associated roads, lights and clearing, across the entirety of this park landscape will be devastating to the ecosystem. Dozens of wildlife species would be unable to move freely through the landscape in search of food, water and mates. Among the wildlife that may be affected are bobcats, coyotes, endangered desert tortoises, javelinas and mountain lions. Endangered bats and migrating birds will be disrupted by the clearing around the wall, which will eliminate cover and create a place where predators can easily capture prey. The proposed bright lights, which will likely be on all night, may further disrupt bat migration and confuse other wildlife.

¹ 16 U.S.C. §1

These impacts will be felt across the park ecosystem, however one important location to note specifically is Quitobaquito Springs, a desert oasis near the border that hosts two endangered species, the Quitobaquito pupfish and Sonoyta mud turtle. While it is difficult to determine based on the basic map provided for this comment period, the expanded wall will likely be within a couple hundred feet of this pond, changing flood patterns in the area and damaging water quality. In the desert, water is critical and additional wall would prevent wildlife species from using a water source they have relied on for millennia.

Together with neighboring Cabeza Prieta National Wildlife Refuge, Organ Pipe also provides habitat for the endangered Sonoran pronghorn. Over time, human activity shrunk and disturbed their habitat and then a drought in 2002 brought the population in the U.S. down to around 20 individuals. A captive breeding program by the Fish and Wildlife Service has helped the population successfully rebound but the Sonoran pronghorn remains on the endangered species list.² While border activities were not the sole reason for the species decline, increased activities or construction may lead to increased negative impacts on the recovery of the species. And a wall will cut the US population off from their counterparts on the Mexican side of the border.

In addition to the impacts on wildlife and the desert ecosystem, a wall through Organ Pipe will significantly degrade the visitor experience. A drive to Quitobaquito from Lukeville along the road that parallels the monument's southern border is now a pleasant outing through the rich Sonoran vegetation of the desert with occasional interesting sights of human activity in Mexico just across the border and continuous views of the protected desert mountains further south. To be flanked by a continuous 30-foot wall with 60 feet of scraped desert in front of it would be a whole different, and much degraded, experience. Rather than the rich, peaceful traditions embodied in the U.S. Mexico-border region, monument visitors will instead experience the militarization policies the current administration is pushing across the region. From the major campground in Organ Pipe, overnight visitors can see Lukeville and a long stretch of the border. In the future, this view will be obstructed by 30 feet of wall during the day and bright lights in the middle of the desert at night. In 2018, park visitation drove \$16.2 million in spending on hotels, food and other amenities.³ Declines in visitor experience will drive these numbers down and certainly negatively impact the local economy.

Coronado National Memorial

Coronado National Memorial was established to commemorate and interpret an expedition led by Francisco Vazquez de Coronado. The arrival of the expedition – with its contingents of Europeans, Aztecs, Franciscan monks, servants and slaves – forever changed the cultural landscape of northwestern Mexico and the American Southwest.⁴ The park preserves a portion of the landscape the expedition is thought to have crossed and works to help visitors understand how that history is still felt today. It is a story that our two countries experienced together, a common ground that the border wall cuts straight through.

² U.S. Fish and Wildlife Service, "Sonoran pronghorn (*Antilocapra americana sonoriensis*)."

<https://ecos.fws.gov/ecp0/profile/speciesProfile?slid=4750>

³ National Park Service, "Visitor Spending Effects - Economic Contributions of National Park Visitor Spending."

<https://www.nps.gov/subjects/socialscience/vse.htm>

⁴ National Park Service, "Coronado National Memorial." <https://www.nps.gov/coro/learn/historyculture/index.htm>

In addition to protecting part of our cultural heritage, Coronado provides habitat critical for the endangered jaguar.⁵ Sightings of the jaguar in the United States are rare. The bulk of the population is in Mexico and while some individuals have made their way into the U.S. on their own, all of them have been male. Those males will need to return to Mexico to breed until a female establishes herself on the U.S. side of the border. Existing border barriers increase the challenge of transiting between the two countries and additional barriers or border activity will only impede the jaguar population's migration back into the U.S.

Located 90 miles from the closest major airport in Tucson, Arizona, Coronado's 103,000 park visitors spent an estimated \$6.1 million in the local region in 2018.⁶ A trip to this monument usually includes a stop at Montezuma Pass for the amazing views both east and west, views that are already compromised by the permanent Border Patrol activity at the pass and seeing the current barriers along the border. Continued expansion of the wall through the park will not only decrease its environmental and cultural character, it will further degrade these views and undermine the economic power of the park.

Environmental Damage without Proof of Success

The existing pedestrian wall at Organ Pipe was supposedly designed to accommodate a 100-year flood and would not impede the natural flow of water or cause backwater flooding. In July 2008, the wall was put to the test. A summer storm delivered up to two inches of rain to the park in about 1.5 hours. According to the Park Service,⁷ this type of storm occurs every three to five years. Washes in the park drained directly into the border barriers. Silt and debris were caught by the wire mesh wall, resulting in high water marks up to seven feet, flooding of local businesses and a disturbed habitat once the floodwaters receded—all impacts the wall was designed to prevent.

NPS has been protecting the landscape at Organ Pipe for over 80 years. They know this place intimately. They are the experts. And yet their expertise had no role in the major construction project along the park's border. If the Park Service had been consulted, CBP would likely have received accurate information about the frequency and magnitude of flooding that can occur in the desert and could have made smarter decisions about wall construction.

Such interagency cooperation did not occur then and is unlikely to occur moving forward due to the waiver authority provided to the Department of Homeland Security (DHS) through the Real ID Act of 2005. This authority has prevented NPS, other federal land managers and the public from participating in decision-making processes for construction along the border. DHS has already chosen to waive 41 laws – including the NPS Organic Act – to expedite the current construction project, ensuring CBP is under no obligation to make decisions that consider the park and the impact on its ecosystem.

While our public lands and local communities are feeling the impacts of wall construction, CBP cannot prove that building a wall is helping the agency achieve their mission. According to a 2017 GAO report,

⁵ U.S. Fish and Wildlife Service, "Jaguar (*Panthera onca*)."
<https://ecos.fws.gov/ecp0/profile/speciesProfile?slid=3944>

⁶ National Park Service, "Visitor Spending Effects - Economic Contributions of National Park Visitor Spending."
<https://www.nps.gov/subjects/socialscience/vse.htm>

⁷ National Park Service. *Effects of the International Boundary Pedestrian Fence in the Vicinity of Lukeville, Arizona, on Drainage Systems and Infrastructure, Organ Pipe Cactus National Monument, Arizona*. Ajo, AZ: 2008.
<https://www.nps.gov/orpi/learn/nature/loader.cfm?csModule=security/getfile&PageID=2147897>

CBP does not have metrics to determine border fencing's impact on diverting illegal entries or apprehension rates over time.⁸ A more recent report from DHS states that while the department is working on new estimation strategies to better model the flow of immigrants across the border, those models are a work in progress.⁹ More wall in the region will exacerbate the environmental damage – and potentially do nothing to impact migration across the border.

If CBP's aim is to combat drug smuggling into the United States, as is the rationale provided to the Department of Defense to justify the transfer of funds not authorized by Congress, then CBP should look to their fellow federal agencies for direction. According to the U.S. Drug Enforcement Administration, the most common method for transporting illicit drugs into the country is through official ports of entry.¹⁰ CBP's effort would be better spent working with Congress to use our country's limited financial resources to address this root problem.

Inadequate Public Comment Process

CBP provided a paragraph of information and three basic maps when requesting input on a project that will cause significant and lasting damage to two of our national parks. It is an insult to park visitors and American taxpayers that places that belong to all of us – equally and in perpetuity – can be so willfully disregarded. The “comment period” provided is clearly not intended to have any impact on project decisions, as laws were waived, contracts awarded and construction scheduled to start before the allotted 60-day comment period had passed.

Government construction projects of this scope and scale anywhere else in the country would have been subject to safeguards like the National Environmental Policy Act (NEPA), which would have provided for a public input process and ensured alternatives were at least considered. Instead, the public does not know how tall the wall will be, how wide the road will be, how bright the lights will be or any other detailed information about the Pima and Cochise Counties' project. CBP has made it impossible for the public to provide meaningful, substantive feedback on this project by forcing the public to read between the lines.

Public process and planning transparency would have given the government a chance to consider various alternatives, including the NEPA-required no-build alternative, and provided information about design improvements that would allow the project to be more responsive to on the ground conditions. For instance, perhaps the wall would be an effective deterrent but better for wildlife passage if the space between the bollards were just a few inches wider than the current project allows. At special places like Quitobaquito, perhaps it would be possible to maintain operational control without the wall if coordination with Border Patrol surveillance and on-the-ground activities were considered. In addition, where gates will be constructed at washes and left open during times of likely flooding, it might be

⁸ U.S. Government Accountability Office. *SOUTHWEST BORDER SECURITY: Additional Actions Needed to Better Assess Fencing's Contributions to Operations and Provide Guidance for Identifying Capability Gaps*. GAO-17-331. Published: February 2017. <https://www.gao.gov/products/GAO-17-331>

⁹ Department of Homeland Security. *Efforts by DHS to Estimate Southwest Border Security between Ports of Entry*. Published: September 2017. https://www.dhs.gov/sites/default/files/publications/17_0914_estimates-of-border-security.pdf

¹⁰ U.S. Drug Enforcement Administration. *2018 National Drug Threat Assessment*. Published: October 2018. <https://www.dea.gov/documents/2018/10/02/2018-national-drug-threat-assessment-ndta>

possible to leave the gates open at various other times as well to allow for wildlife migration. There are likely other improvements to consider, but because NEPA and public engagement were waived, these possibilities will never be considered.

Conclusion

Without question, border security is vital to our country, which is why it's so important we get it right. Our nation must look for solutions that are as unique as our landscapes and communities and ensure the solutions we find don't destroy the national treasures we've committed to protecting.

CBP has provided no justification for why expanding the border wall at Organ Pipe Cactus National Monument, Coronado National Memorial and adjacent landscapes is an effective solution for addressing either migration or drug smuggling. Quite simply, a border wall is not the answer, for our national parks or our border communities.

Thank you for considering our comments.

Sincerely,

Christina Hazard
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National Parks Conservation Association