



EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
WASHINGTON, D.C. 20503

April 21, 2010

Dr. Paul Ganster  
Chair  
Good Neighbor Environmental Board  
5500 Campanile Drive  
San Diego CA 92182-4403

Dear Chairman Ganster,

Thank you for your December 2, 2009 letter regarding the environmental impacts of the U.S.-Mexico Border fence. We sincerely appreciate the Good Neighbor Environmental Board's ("the Board") attention to this issue, which is a priority for the Administration. We have shared your letter with the Department of Homeland Security (DHS), the Department of Interior (DOI), the U.S. Forest Service (USFS), the Environmental Protection Agency (EPA), the U.S. Department of State (State Department), and the National Oceanic and Atmospheric Administration (NOAA) ("appropriate Federal departments and agencies") and have coordinated this response with them. We wanted to ensure a comprehensive response, hence our delay in sending you this letter.

Our Nation's environmental laws form the bedrock of our environmental policy. The National Environmental Policy Act (NEPA), overseen by CEQ, helps ensure that potential environmental impacts of any Federal action are identified through robust analysis and public participation and that, where necessary, they are mitigated.

As your recent correspondence accurately states, the approximately 700 miles of border security infrastructure mandated by the REAL ID Act of 2005 is nearly complete, and construction of the fence resulted in both positive and negative environmental impacts. In order to meet Congressional deadlines for fence construction, segments of this border security infrastructure were constructed consistent with a waiver of Federal environmental and other laws exercised by DHS on April 1, 2008. Both before and after the waiver was exercised, DHS prepared environmental documentation related to fence construction, including Environmental Stewardship Plans and associated documents.

CEQ and appropriate Federal departments and agencies appreciate your recommendations of bringing border security infrastructure activities in full compliance with NEPA and our Nation's environmental laws. As you know, we are reviewing the current environmental impacts of border security infrastructure and looking for opportunities for minimizing these impacts. As part of this process, we look forward to identifying opportunities for ensuring that border security infrastructure and associated maintenance and repair meet national environmental goals.

The other major topics mentioned in your letter, including stakeholder engagement and public participation, monitoring of fence infrastructure, implementing best management practices, and funding issues are addressed below.



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**Stakeholder Engagement and Public Participation**

CEQ and appropriate Federal departments and agencies agree with the Board that public participation is important in border security infrastructure projects. CEQ, with DOI, USFS, EPA, State Department, and NOAA, will continue to work with DHS to improve public review, analysis and participation in the design and implementation of select border security infrastructure projects. DHS has agreed to provide CEQ and these departments and agencies with a description of its stakeholder engagement process to foster ongoing coordination. DHS plans to obtain input from non-Federal stakeholders, including State, local and Tribal authorities and the interested public. DHS will share this information with the Board and will post it on the Customs Border Protection (CBP) website and disseminate it through other appropriate mechanisms.

In January of this year, DHS officials toured the westernmost portion of the fence with the California Coastal Conservancy and provided updates on their work to the Tijuana River Valley Recovery team in December 2009 and January 2010. This exchange of information was very well received by the stakeholders.

**Monitoring of Fence Infrastructure; Implementing Best Management Practices**

DHS has executed an Interagency Agreement with U.S. Geological Service to develop a monitoring protocol to determine the environmental effects of border security activities. This agreement is an important step in monitoring the impacts of the fence and its supporting infrastructure. DHS will continue to work with affected Federal land resource agencies to address possible negative consequences as they are identified.

EPA has encouraged DHS to continue its recent efforts to enhance the erosion control measures in the westernmost 3.5 mile section of the fence, including correcting deficiencies that were discovered during the December 2009 storm events. These efforts were successful in minimizing sediment runoff from the new slopes in this part of the fence. EPA supports establishing clear communication channels between DHS and the resource managers on the ground to promote continued progress.

The Coronado National Forest, U.S. Forest Service, Arizona Game and Fish (AZG&F), the Bureau of Land Management (BLM), and DHS exchanged information on how to make the vehicular barrier more wildlife friendly in the Douglas area of the Coronado National Forest. Safford BLM has agreed to fund removal of the remaining border barbed wire fence. In addition, AZG&F offered to survey and remove portions of a rod running on the top of vertical rails that have impeded wildlife movement.

In response to the Board's recommendation pertaining to facilitating review by the International Boundary and Water Commission, the State Department encourages and welcomes recent steps by DHS to coordinate with the Commission on border fence construction, particularly in flood-prone areas.



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**Funding Issues**

As you know, DHS/CBP and DOI signed a Memorandum of Agreement (MOA) in January 2009, attached, regarding environmental stewardship measures related to the construction of border security infrastructure. To implement the MOA, CBP agreed to fund up to \$50 million to address the adverse effects of infrastructure construction and maintenance on DOI-managed natural and cultural resources. DHS and DOI are working together to release the funds so mitigation measures can occur.

The Board urged adequate funding to DHS/CBP for training border security personnel about environmental, natural and cultural resource issues. DHS already has infrastructure in place to provide some of this training. The Environmental and Cultural Stewardship Training (ECST) Task Force, operated under the Director of the Border Patrol Planning Branch, is one example. It delivers environmental and cultural awareness training to Border Patrol agents whose patrol activities include Federal lands. The ECST's mission was established within a Memorandum of Understanding entitled "Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States' Borders," signed in March 2006 by the Secretaries of DHS, DOI, and the U.S. Department of Agriculture.

Another of the Board's recommendations relates to charging the National Academy of Sciences (NAS) to conduct a study on the bi-national environmental effects of the border fence and associated infrastructure. CEQ and appropriate Federal departments and agencies appreciate the Board's advice and recommend the Board discuss this issue with NAS.

The Board's letter includes a set of important, immediate and longer term priorities for President Obama and his Administration to address along the U.S.-Mexico Border. CEQ and appropriate Federal departments and agencies share the Board's concerns and will continue to work together.

Thank you again for your attention to this issue and for the Board's ongoing work along the border. I look forward to receiving the Board's 13<sup>th</sup> Report and to working with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy H. Sutley", is positioned above the typed name.

Nancy H. Sutley  
Chair