



Fiscal Year 2020
El Paso, Doña Ana, and Luna Counties Border Barrier Projects
Stakeholder Feedback Report

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1. Introduction and Background

U.S. Customs and Border Protection (CBP), with the assistance of the Department of Defense pursuant to 10 U.S.C. § 284, is constructing new steel bollard fencing and replacing barriers with new steel bollard wall in El Paso County, Texas, and Doña Ana and Luna counties, New Mexico. The infrastructure project totals approximately 57 miles. The project also includes the installation of a linear ground detection system, road construction or refurbishment, and the installation of a lighting and camera surveillance system supported by grid power.

As part of the planning process for El Paso, Doña Ana, and Luna counties border barrier projects, CBP sought input from the public and other stakeholders on potential impacts to the environment, culture, commerce, and quality of life, including socioeconomic impacts. This input will be used to inform the development of an Environmental Stewardship Plan (ESP). It will also inform project planning and execution.

1.1 About Environmental Stewardship Plans

On March 16, 2020, the Secretary of Homeland Security determined that it was necessary to waive certain laws in order to expedite the construction of border infrastructure in areas of high illegal entry to deter illegal crossing of people and prevent drug smuggling into the United States.

The waiver includes various environmental, natural resource, and land management laws, including the National Environmental Policy Act (NEPA) and the Endangered Species Act. The Secretary of Homeland Security's waiver authority is set out in section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended ("IIRIRA").

Though certain laws have been waived, the Department of Homeland Security (DHS) remains committed to environmental and cultural stewardship. One of the ways CBP honors this commitment is through the development of the ESP, which, among other things, identifies potential impacts and outlines construction Best Management Practices (BMPs) to eliminate or minimize environmental impacts to the greatest extent possible.

1.2 Purpose of this Report

The purpose of this report is to summarize the input received during the public comment process in order to provide stakeholders and the public transparency into the environmental, cultural, and socioeconomic issues that will be considered during the development of the ESP. It does not present individual comments received or provide responses to the comments.

2. Public Input Process

From March 16, 2020 to May 15, 2020, input was collected regarding the potential impacts to the environment, culture, commerce, and quality of life, including socioeconomic impacts. CBP sent informational materials to federal, state, and local agencies, landowners, environmental non-governmental organizations, local tribes, and educational institutions and



solicited input on potential impacts. CBP also solicited input from the general public. The notification and informational materials are included as an appendix to this report.

Comments were collected through email and mail. In addition, CBP staff held virtual site visits, webinars, and phone meetings with landowners, environmental experts, tribal leaders, and other stakeholders. CBP staff plan to continue meeting with impacted stakeholders and knowledgeable individuals throughout the process to ensure environmental impacts are eliminated or minimized.

2.1 Public Feedback Review

All comments received by CBP have been reviewed and categorized. A total of 24 comments were received during the comment period and all were considered unique.

As the comments were received, they were reviewed and categorized by the primary topic of concern: environmental, economic, cultural, or quality of life. If a comment included substantive information on multiple topics, it was included in each relevant category.

The Infrastructure Portfolio outreach team reviewed all comments received during the comment period, responded to comments as appropriate, and prepared this report to summarize public input. The comment review was conducted based on explicit concerns; comments that were not specific or contained vague statements were not interpreted by the reviewers. Comments that provided substantive information were further assessed by CBP, often contacting that specific stakeholder to address specific questions or concerns. In some instances, the Infrastructure Portfolio outreach team contacted specific stakeholders to determine the validity of data provided for use in the assessment of environmental impacts.

As a next step, CBP will develop an ESP that will utilize existing and new environmental field survey data, as well as incorporate relevant information and data obtained from the public feedback process.

3. Summary of Public Feedback

The following summarizes important considerations for CBP's review on impacts provided by the public during the comment period. CBP identified 15 categories of primary feedback received.

3.1 Project Cost

One (1) commenter stated their opposition to the border barrier due to its cost. The commenter shared their belief that the cost does not justify the potential environmental impacts and recommended diverting funds to fight the COVID-19 pandemic.



3.2 Ecosystem/Wildlife/Habitat

A total of 16 commenters expressed concern that the border barrier could damage the unique ecosystem and wildlife in the area. Commenters suggested that the barrier could have a negative effect on various endangered species that inhabit the area. Specific species mentioned included the Organ Mountain foxtail cactus, Sneed's pincushion cactus, Carpet foxtail cactus, Villard pincushion cactus, Plains prickly pear, Mescalero milkwort, yellow-billed cuckoo, least tern, Southwestern willow flycatcher, Texas horned lizard, desert bighorn sheep, Sonoran pronghorn, jaguar, mountain lion, ocelot, mule deer, white-tailed deer, javelina, Mexican spotted owl, and night-blooming cereus.

Many commenters also stated that the barrier could interrupt and prevent the migration of animals, fragment and destroy habitat, fragment the number of available mates from Mexican and American animal populations, as well as increase the probability of large losses of life during a flood. Commenters noted that building a barrier would reduce the area's quality and connectivity of plant and animal habitats.

3.3 Immigration/Policy Reform

One (1) commenter expressed support for the border barrier projects and urged the consideration of additional means to regulate illegal immigration, such as strict policy reform.

3.4 Landscape/Views/Visual Impacts

A total of three (3) commenters expressed concern that a barrier could damage the beauty of the natural landscapes or obstruct views within their community.

3.5 Impacts to Landowners and Local Businesses

A total of seven (7) commenters addressed potential impacts to landowner property and local businesses. Several commenters stated that the barrier could deprive businesses of access to the south side of the barrier for trade purposes. Another commenter expressed concern for the disruption of local recreational activities, such as hiking, nature photography, and bird watching.

3.6 Historic and Cultural Preservation

A total of seven (7) comments referenced historic and cultural resources that could be impacted due to the construction of a barrier. The Carizalillo Hills, Columbus area of potential effect, Santa Teresa Port of Entry, Franklin Canal, Chihuahueta, El Paso County Water Improvement District No. 1, Silver Dollar Café, Chamizal National Memorial, and Rio Bosque Wetlands Park were all specifically mentioned as historic and/or cultural properties that could potentially be damaged due to barrier construction. Commenters recommended having historic and cultural monitors present during construction.



3.7 Tribal Consultation

One (1) commenter recommended that CBP consult with tribal governments potentially affected by the new border barrier. The commenter specifically mentioned the Ysleta del Sur Pueblo Tribe of Texas as one that could be impacted.

3.8 Border Security

A total of two (2) comments referenced border security. One commenter supported the new border barrier, stating that CBP must do what it can to protect citizens near the border and to prevent illegal immigration. Another commenter stated that they believed in increased border security but said building a barrier was not the best way to accomplish this goal.

3.9 Water and Flood Impacts

A total of five (5) comments mentioned the potential of flooding or impacts to water resources due to border barrier construction. Comments indicated that the border barrier construction would require water, which could deplete aquifers and, in turn, impact wildlife populations. Other commenters shared their belief that the barrier could block the natural flow of water and cause flooding in border communities and protected wildlife areas.

3.10 Humanitarian Impacts

One (1) commenter expressed concern regarding possible humanitarian impacts due to the border barrier projects. The commenter shared their belief that immigration policy reform could eliminate these impacts.

3.11 Public Health

Four (4) commenters addressed concerns over public health, specifically noting potential impacts due to the COVID-19 pandemic. Some commenters expressed concern for the health of border communities and stated their belief that COVID-19 could potentially be brought into these areas by contractors. Other commenters stated that all efforts should be put toward pandemic relief instead of the border barrier.

3.12 Need For/Effectiveness of the Barrier

Three (3) commenters expressed concern over the effectiveness of border barriers. Commenters shared their belief that border barriers of different designs have proven surmountable by people in a number of ways, including with tunnels, saws, torches, ladders, and rope.

3.13 Waiver of Environmental Laws

Two (2) commenters expressed opposition over DHS' waiver of environmental laws to expedite construction. Comments mentioned specific laws that were waived, such as NEPA.



3.14 Economic Impacts

One (1) comment addressed possible economic impacts as a result of the border barrier projects. Specific concerns included impacts to livestock producers and other small businesses with activities along the border, including hunting outfitters and trail guides.

3.15 Lighting Impacts

Two (2) commenters expressed concern about the installation of artificial lighting and its potential impacts to nocturnal wildlife. Commenters noted that artificial lighting can confuse or deter animal movement, and recommended that BMPs be implemented prior to the start of construction to minimize any adverse impacts.

4. Review Next Steps

Stakeholder feedback, along with information from surveys of the project area, will inform project planning and execution. Stakeholder feedback will also inform the development of the ESP. The ESP will include a summary of the comments received and how they were addressed. The ESP will be released to the public through CBP.gov upon completion.