

Borderlands Conservation and Security Act of 2007
June 6, 2007
F.A.Q.

What is the goal of this legislation?

The purpose of this legislation is two-fold:

1. To secure and conserve Federal public lands and natural resources along the international land borders of the U.S.
2. To mitigate damage to Federal and tribal borderlands from illegal border activity and border enforcement activities by increasing coordination and planning between DHS and Federal land management agencies

What will this legislation do?

This legislation will do five things:

1. Require the Department of Homeland Security to consult with Federal land managers and tribal officials in creating a Border Protection Strategy that supports border security efforts while also protecting federal and tribal lands.
2. Provide for flexibility rather than a one size fits all approach to border security by allowing experts at DHS to decide whether fences, virtual fences, border barriers or other options are the best way to address border security.
3. Allow land managers, local officials, and local communities to have a say in border security decisions, requiring full public notice and participation.
4. Ensure that laws intended to protect air, water, wildlife, culture, and health and safety are fully complied with.
5. Fund initiatives that will help mitigate damage to borderland habitat and wildlife.

What are the impacts of current border laws (REAL ID, Secure Fence Act)?

The Secure Fence Act and REAL ID are stripping away environmental, health, and safety laws that have been in place for decades. The Secure Fence Act implements an urban solution in rural areas where it is not realistic to build walls, thereby threatening protected public lands, National Parks, wilderness areas, and endangered wildlife, while stifling community input. REAL ID provides unprecedented and sweeping authority to the federal government to exempt itself from laws designed to protect human health, the environment, worker safety, and quality of life in local communities, and gives this authority to the DHS Secretary, a political appointee.

What is the impact of building a two- or three-layered fence along the AZ border?

Constructing a fence along the entire border would be completely impractical over the mountains and deserts' rugged terrain and disastrous to the fragile border ecosystem. In Arizona alone, an estimated 39 species protected or proposed to be protected under the Endangered Species Act are already being affected by Border Patrol operations. If a wall were constructed, it would cut through national treasures such as Big Bend National Park and Organ Pipe Cactus National Monument. Much of this country's most spectacular

wildlife, including jaguars, wolves, and hundreds of bird species, depend upon protected public lands along U.S. borderlands for migration corridors between countries. A wall along the U.S.-Mexico border would also impede the recovery of the critically endangered Sonoran pronghorn, with fewer than 75 individuals in the U.S., by further slicing up its already fragmented habitat.

What is happening along the border now?

Current policy has driven crossing activity to remote, isolated areas along the border, which in Southern Arizona represent significant public and tribal lands. Thus far, thousands of migrants have died trying to cross through the desert, and hundreds more will die this summer. The environment itself has also suffered: hundreds of miles of new roads and trails have been blazed through the desert landscape, eroding banks of waterways, destroying desert vegetation, and harming wildlife. Thousands of pounds of trash and abandoned vehicles have been left behind, in some instances creating hazardous waste sites on public lands. Border Patrol enforcement activities are themselves exacerbating the damage to the lands. Road and wall construction, off road vehicle patrols, and construction of camps and other facilities in wilderness all contribute to permanent scarring of the desert landscape.

Does the bill undermine Border Patrol efforts?

This bill supports Border Patrol in its work by allowing them to do their job in the way they think would be most effective, while directing them and granting them the authority to utilize less invasive border enforcement techniques in sensitive areas. Border Patrol agents at Camp Desert Grip feel that a fence is not a practical solution and would instead like to see more cameras, sensors, ground radar, helicopters, and dune buggies (Brian Bennett, *Illegals in the Line of Fire*, Time Magazine, Oct. 10, 2006). In addition, for several years Border Patrol has been working with Barry M. Goldwater Range personnel, federal land managers, and local stakeholders to plan for the installation of vehicle barriers as opposed to double-layered fencing along the BMGR's southern border. This bill will ensure that their expertise, time and resources inform the decision for protecting the region.

Will it hinder Department of Homeland Security?

This bill will not hinder DHS' ability to protect our border; rather, it will allow the agency the opportunity to determine what methods would be most effective in these vast, sparsely populated areas. Currently the law is dictating a single approach of multi-layered fencing; this is unrealistic for most areas along the border due to terrain, funding and community impacts. If the Secretary of Homeland Security determines that alternative methods are needed along the border region, those alternatives can be implemented.

Does this give the Secretaries of the Interior and Agriculture a veto?

This bill would not provide veto power to the Secretaries of the Interior and Agriculture, but instead mandates that a consultation process take place amongst all agencies involved. This process will encourage cooperation and deliberation that will in turn lead to a comprehensive plan that meets everyone's needs.

What does this do for local communities?

The Borderlands Conservation and Security Act provides communities with the opportunity for their local and tribal governments to take part in the planning process. They will have an opportunity to speak with the Secretary of Homeland Security, the Secretary of Agriculture, and the Secretary of the Interior to discuss what option they think would be best for their community.

Why do federal lands need to be included in homeland security policy?

The U.S.-Mexico borderlands have a high concentration of protected federal lands that we have been investing in and cooperatively managing for years. These federal lands have suffered extensive environmental degradation because of unauthorized immigration and border security efforts. By increasing coordination between the Department of Homeland Security and federal land managers, environmental damage can be mitigated and avoided, while simultaneously improving border security.

How will federal lands be protected?

The Department of Homeland Security, with assistance from the Secretaries of Agriculture and Interior, will be required to develop a Border Protection Strategy that supports border security efforts while also protecting federal lands, including National Parks, National Monuments, and National Forests. In coordination with federal land managers, Border Patrol agents would also be required to take environmental and cultural resources training.

Where will the money for borderlands protection come from?

The Secretary of Homeland Security will establish a grant program called the Border Conservation Fund. This fund will be authorized \$5 million for Fiscal years 2009-2013, and monies from the fund will go towards projects that will improve management of borderland species, restoration of borderland habitat, and mitigation of damage caused by illegal border activity and border security efforts.

Why should DHS pay for the Border Conservation Fund?

DHS has forced regulatory agencies that are normally tasked with environmental protection and conservation to shoulder new homeland security responsibilities without adequate resources or changed statutory priorities. Many border communities must also spend money on border security that normally goes towards conservation efforts. As a federal agency, DHS has a duty to protect plant and animal life, and should contribute to mitigation of the impacts of its activities on the environment.

Why does the Border Conservation Fund give money to Mexico?

Environmental problems do not stop at the border, but instead affect the entire surrounding ecosystem. What is necessary to solve these problems is a more holistic approach that considers the entire ecosystem rather than a piecemeal approach that only looks at the section that is on our side of the border. The U.S. and Mexico have worked hard over the years to establish a stable relationship, and we have a long history of environmental collaboration. From the North American Development Bank and the

Border 2012 program, to the Good Neighbor Environmental Board and Sister Park Partnership, this bill would add to an already rich record of collaboration between our two countries.

In addition, the United States has a history of participation in international conservation efforts, including the International Conservation Budget, the Tropical Forest Conservation Act, the International Conservation Programs within the International Organizations & Programs Account, and the U.S. Agency for International Development Biodiversity Conservation Programs.

Isn't the only way to secure the border to build a two – or three -layered fence?

Building a fence simply shifts unauthorized migration to another area, and does not contribute significantly to national security. The fence in San Diego, misleadingly promoted to have reduced unauthorized immigration, did not reduce immigrant crossing. It simply shifted immigrants into more dangerous regions along the southwest border. The fence is a “one size fits all” approach that does not take into account the diverse landscape of the border. For people that live and work along the border, construction of a fence means loss of community, threats to their environment, and undermines effective working proposals from local agencies. For wildlife, a wall would seriously impede or completely sever migratory corridors between the two countries, causing more border species to become endangered or extinct.

You opposed the Secure Fence Act. If this bill does not repeal that Act, does it justify it?

The Secure Fence Act promotes a “one fence fits all” solution, whereas The Borderlands Conservation and Security Act corrects current law and policies, which will allow for the people that would be affected by the fence to decide what type of protection would work best for their community. Local governments and agents on the ground have expertise of the region and have not been able to provide input on the most effective plan for security. This bill simply provides them with that opportunity that was lacking in the Secure Fence Act.