



OFFICE OF THE SECRETARY
**U.S. Department
of the Interior**



**U.S. Customs and
Border Protection**

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Contact: Chris Paolino (202) 208-6416

Mike Friel (202) 344-2494

DHS and DOI sign agreement for mitigation of border security impact on the environment

\$50 Million Pledged to Address Resources on Southwest Border

WASHINGTON, D.C. – The U.S. Department of Homeland Security (DHS) signed a Memorandum of Agreement on Thursday with the U.S. Department of the Interior regarding environmental stewardship measures related to the construction of border security infrastructure.

The funding will be provided by DHS' U.S. Customs and Border Protection and the work would be carried out according to assessments, plans and priorities developed by Interior in cooperation with DHS and CBP during the past two years, according to the Memorandum of Agreement.

“Increasing the security of our nation's borders has never meant disregarding our environmental responsibilities. CBP’s border infrastructure construction projects have involved numerous environmental studies and meetings with stakeholders,” CBP Commissioner W. Ralph Basham said. “No partnership has been more important in our efforts to be good stewards of the environment than our work with the land managers and wildlife experts of the Department of the Interior. Today’s signing of this memorandum of agreement demonstrates that our commitment is not only words, but actual resources which have been set aside to allow DOI to mitigate the impact of our border security efforts in environmentally sensitive areas.”

“Interior looks forward to continuing this cooperative stewardship initiative with the Department of Homeland Security and U.S. Customs and Border Protection,” said Secretary of the Interior Dirk Kempthorne. “Securing our borders is a vital national priority and we believe this goal can be accomplished while minimizing and mitigating its impact on our public land resources along the border.”

Interior Deputy Secretary Lynn Scarlett said the agreement will enable Interior agencies to carry out their stewardship responsibilities more effectively. “Interior manages spectacular public lands along over 900 miles of the southwestern border. Our biologists and land managers have examined the expected impacts from these projects and proposed a range of mitigation measures,” Scarlett said. “This Memorandum of Agreement will allow them to implement these actions.”

CBP is building border fences and access roads along 670 miles of the U.S.-Mexico border as mandated by Congress in the Secure Fence Act of 2006. On April 1, 2008, DHS Secretary Michael Chertoff waived certain environmental statutes, as authorized by the Illegal Immigration Reform and Immigrant Responsibility Act, to gain expedited access to Interior-managed lands and other lands for these border security projects. At that time,

Secretary Chertoff reiterated his department's firm commitment to environmental stewardship through the use of best management practices and by providing funding for mitigation measures.

Although the waiver removed the legal requirement, DHS and CBP continued to work with DOI to be good environmental stewards. As a result of that commitment, CBP, in coordination with Interior, has prepared Environmental Stewardship Plans and Biological Resource Plans for those projects in which anticipated adverse effects on natural and cultural resources had been identified, to propose measures to mitigate these impacts.

Under the Secure Border Initiative program, CBP obligated approximately \$40.5 million for environmental compliance for border infrastructure projects in FY 2007 and FY 2008. An additional \$50 million has been set aside for environmental and regulatory mitigation in the FY 2009 Border Security, Fencing, Infrastructure and Technology appropriation, as described below.

In the Memorandum of Agreement, the agencies agreed to the following terms:

- Interior, if provided with appropriate funding, agrees to implement the proposed mitigation measures on behalf of CBP, which agrees to fund up to \$50 million in reasonable mitigation measures to address the adverse effects of infrastructure construction and maintenance on Interior-managed natural and cultural resources, as prioritized by Interior.
- As previously agreed to, the cost of mitigation measures identified in the biological opinions for the pedestrian fence projects near Sasabe, Naco, and Douglas, Ariz., and Lukeville, Ariz., will be deducted from this \$50 million commitment.
- Interior will provide a prioritized list of mitigation measures to CBP, no later than June 1. These agencies will reconcile any differences on the list before any funding is transferred.
- The Environmental Stewardship Plans, Biological Resources Plans, and segment-specific monitoring reports for the border security projects will serve as the primary planning documentation for the identification of appropriate mitigation measures. Effects analyses prepared by Interior agencies will be equally considered during identification of appropriate mitigation measures.
- When the necessary funding is received, Interior will implement the reasonable mitigation measures on behalf of CBP in those areas and for those projects identified where the Secretary of Homeland Security has waived the applicability of certain federal laws. Interior will coordinate with CBP as it implements the reasonable mitigation measures on behalf of that agency.

U.S. Customs and Border Protection is the unified border agency within the U.S. Department of Homeland Security charged with the management, control and protection of U.S. borders at and between official ports of entry. CBP is charged with keeping terrorists and terrorist weapons out of the United States while enforcing hundreds of U.S. laws. The U.S. Department of the Interior is the nation's principal conservation agency, whose mission is to protect America's treasures for future generations, provide access to our nation's natural and cultural heritage, offer recreation opportunities, and honor our trust responsibilities to American Indians and Alaska Natives

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