



September 15, 2023

Paul Enriquez
Director, Infrastructure Portfolio
U.S. Border Patrol
Re: RGV Border Barrier System Project
RGVComments@cbp.dhs.gov
VIA ELECTRONIC MAIL

Dear Mr. Enriquez:

I'm writing on behalf of the Center for Immigration Studies, a non-profit research organization based in Washington D.C. that studies the costs of immigration on the American public, and Sheena Rodriguez, a citizen of Texas in response to Customs and Border Protection's "Rio Grande Valley Border Barrier System Project Request for Input." The greater environmental danger, both in this area and in Texas as a whole, to threatened or endangered plant or animal species, recreational activities, the daily lives of local citizens, impacts to local businesses, historical sites and areas of cultural significance is the border crisis itself, not construction undertaken to build barriers that would stop the crisis. The idea that the construction of a barrier to prevent a border crisis has environmental consequences, but a border crisis itself has no environmental consequences is ludicrous.

On the day President Joe Biden took office, he signed a Proclamation on the "Termination of the Emergency" with respect to the Southern border, declaring that building barriers to stop border crossing was "not a serious policy solution." See <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-termination-of-emergency-with-respect-to-southern-border-of-united-states-and-redirection-of-funds-diverted-to-border-wall-construction/> This executive order, packaged as the "termination" of an emergency on the southern border, was in fact a key decision in the creation of an emergency on the southern border. In accordance with this order, construction was abruptly halted on the border wall, despite numerous environmental consequences that followed. Nor was any environmental analysis done of the decision to abruptly terminate construction.

Within two months, unlawful crossings into the Rio Grande Valley doubled, <https://nypost.com/2021/03/21/unlawful-crossings-into-rio-grande-valley-set-to->



[nearly-double-in-march/](#), a clear result of several policies adopted to enable rather than prevent unlawful crossings at the southern border, one of which was the decision to stop construction of a physical barrier. Nor did the situation improve.

The Rio Grande Valley Sector maintains historically high statistics for encounters along the southwestern border. As the staggering number of individuals crossing illegally in between the ports of entry continues, the impacts, including impacts on the natural and human environment on the surrounding community, as well as to Texans as a whole, remains significant. The environmental destruction on both sides of the Rio Grande River is devastating.¹ Vast camps of thousands of foreign nationals planning to enter the United States over the past two and a half years dump cascades of garbage by the ton straight into the river and freely use the river as a toilet. At the immense scale that has continued since January 2021, this use of the river as a campsite, garbage dump, and sewer has polluted the water, making it hazardous for the plant and animal species that live there and impossible for Texans to use for recreation.

Recreation and enjoyment of public parks in the area such as Anzalduas Park, in Mission, Texas or the Bentsen-Rio Grande Valley State Park—previously wonderful places for birdwatchers to enjoy, has been hampered and sometimes outright denied by the unlawful border crossing crisis. Anzalduas Park was shut down for five months in 2021 in order to make a shelter for illegal border crossers. Even when it was reopened in January 2022, the damage to the delicate ecosystem continues and is irreversible. Those who care about the environment and the hundreds of bird species traditionally found along the river would seek to secure the international border and prevent the ongoing destruction of this precious habitat rather than myopically focus on whether border construction itself does any damage.

The CBP, rather than soliciting comments on potential environmental impacts of border construction, should have done an environmental impact statement on the far more environmentally significant decision to abruptly halt construction. Not only did that completely unconsidered decision cause an environmentally destructive crisis of mass illegal crossings, abruptly halting planned construction had immediate and localized environmental consequences such as soil erosion.

Furthermore, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 gives the Department of Homeland Security the right to waive environmental analysis in the interests of securing the southern border. But the law

¹ See, e.g. Read Todd Bensman's utterly surreal tale of cynical Joe's bizarre battle to save river Mussels in the open sewer that is the Rio Grande's illegal migrant crossroads and ask: Have you ever heard of such stinking hypocrisy, Dailymail.com, Todd Bensman, Aug. 12, 2023, <https://www.dailymail.co.uk/news/article-12390611/TODD-BENSMAN-MUSSELS-Rio-Grande-illegal-migrant.html>



CENTER FOR IMMIGRATION STUDIES

gives the Department no such authority to waive environmental analysis when taking actions that foreseeability *create* a border crisis.

Sincerely,

Julie Axelrod
Director of Litigation
Center for Immigration Studies
1629 K Street, NW, Suite 600
Washington, DC 20006