

**July 23, 2018**

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CC:

Kirstjen M. Nielsen  
Secretary of Homeland Security  
300 7th Street, SW  
Washington, D.C. 20024

**Re: Request for Sixty-day Extension on U.S. Customs and Border Protection's Notice and Invitation to Comment on Rio Grande Valley Border Barrier Construction**

The undersigned conservation, human rights, public interest, and faith-based organizations hereby request a sixty-day extension of U.S. Customs and Border Protection's (CBP) request for input on the proposed construction of border barriers in the United States Border Patrol (USBP) Rio Grande Valley Sector.

The construction of levee and bollard-style border barriers in the locations proposed in CBP's notice would significantly damage the environment and harmfully impact the culture, commerce, and quality of life for communities and residents located near the identified project areas. The area of proposed construction spans approximately 33 miles and bisects numerous National Wildlife Refuge tracts, Bentsen-Rio Grande Valley State Park, Roma and La Lomita National Historic Districts, and dozens, if not hundreds, of private properties. Similar border barrier projects have damaged or destroyed protected landscapes, interfered with binational conservation efforts, obstructed the movement of wildlife, and impacted neighboring communities. Additionally, the border barrier designs proposed by CBP are likely to cause life-threatening flooding, as has occurred in other areas such as Nogales, Arizona, where similar types of barriers have been deployed. Finally, the proposed project is likely to harm the Rio Grande Valley's local ecotourism economy, which is driven in large part by outdoor recreation in areas that the proposed construction project would disturb or destroy.

Given the wide range of environmental, cultural, public safety, and economic impacts of the proposed project, we believe that a minimum of 90 days is necessary to provide the public enough time to properly understand and meaningfully respond to the invitation to comment on the proposal. The current comment period of 30 days is simply not adequate—especially for members of the public who have no other means to weigh in on decisions impacting their communities. To gather sufficient, meaningful public input, we encourage CBP to host a series of public comment forums in the affected areas regarding the construction of border barriers through communities and protected lands in the Rio Grande Valley.

Furthermore, CBP’s 30-day comment period, without even a single public meeting, strongly suggests a lack of sincere interest in obtaining thoughtful comments and broad engagement with the diverse constituencies affected by border barrier construction. Additionally, because many community members in the project area speak primarily Spanish, we ask that CBP send out invitations to comment on this project in Spanish. Failure to include Spanish-speaking members of the public is unacceptable and would amount to language-based public input suppression and discrimination.

Finally, we are deeply concerned that this solicitation for public comment does not meet the standards for public consultation that the National Environmental Policy Act (NEPA) sets forth. The NEPA process is a clear and well-established method of soliciting public comment, for which there is no substitute. Here, the public interest and the ultimate decision-maker will benefit from ensuring that this process moves forward under NEPA in the rubric of an Environmental Impact Statement (EIS). Importantly, a NEPA compliant EIS would ensure that the process is transparent and publicly accessible by providing notice to comment via Federal Register publication, local newspapers, and other means that are necessary to reach the communities that the proposed action would impact. This process would also cure a significant shortfall with CBP’s recent notice, which was sent only to select individuals of CBP’s choosing and may have excluded certain stakeholders who this project would significantly impact. CBP has distributed this notice in a manner inconsistent with transparent and informed decision-making by failing to circulate and publicize this comment request widely. This inconsistency and carelessness is further highlighted by the fact that CBP’s notice to comment was left undated, despite requiring the public to submit comments within “30 days following the date of this letter.”

In conclusion, before CBP moves forward with construction, we request that CBP extend the comment period to a minimum of 90 days; that additional invitations to comment be sent out in Spanish; that CBP host public forums in McAllen, Mission, and Roma, Texas; and that CBP conduct this project in compliance with NEPA, beginning with the publication of a notice to comment on the proposal in the Federal Register.

Respectfully submitted,

ACLU Border Rights Center  
American Rivers  
Animal Welfare Institute  
Audubon Texas  
Borderlands Restoration Network  
Carmelite Fathers

Center for Biological Diversity  
Defenders of Wildlife  
Delaware Ecumenical Council on Children and Families  
EARTHJUSTICE  
End Streamline Coalition  
Endangered Habitats League  
Endangered Species Coalition  
Environmental Protection Information Center  
Franciscan Action Network  
Friends of the Earth US  
Friends of the Sonoran Desert  
Friends of the Wildlife Corridor  
Frontera Audubon  
Frontera de Cristo  
Fuerza del Valle  
Great Old Broads for Wilderness  
Hope Border Institute  
La Frontera Ministries  
La Unión del Pueblo Entero  
Las Cruces CIVIC  
Leadership Conference of Women Religious  
Maryknoll Office for Global Concerns  
Mennonite Central Committee U.S. Washington Office  
National Parks Conservation Association  
Neta  
NM Comunidades en Accion y de Fé - CAFé  
No Border Wall Coalition  
ProgressNow New Mexico  
Rio Grande Waterkeeper  
Rocky Mountain Wild  
Sierra Club  
Sisters of Mercy of the Americas' Institute Justice Team  
Southern Border Communities Coalition  
Southwest Environmental Center  
Unitarian Universalist Fellowship of Hidalgo County  
Wildlands Network  
WildEarth Guardians