



# Border Barrier Mitigation

*November 25, 2020*

Fiscal Year 2020 Report to Congress



**Homeland  
Security**

*U.S. Customs and Border Protection*

# Message from the Deputy Commissioner of CBP

November 25, 2020

I am pleased to submit the following report, “Border Barrier Mitigation,” which has been prepared by U.S. Customs and Border Protection (CBP).

The report has been compiled pursuant to direction in House Report 116-180 accompanying the Fiscal Year 2020 Department of Homeland Security (DHS) Appropriations Act (P.L. 116-93). CBP takes the following steps to environmental planning for border barriers, also referred to as the border wall system, and can offer a more detailed assessment once the projects are complete and/or further along in execution. The report explains CBP’s response to the Committees’ request with regard to border barrier construction, environmental impacts, and associated mitigation strategies.



Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

The Honorable Lucille Roybal-Allard  
Chairwoman, House Appropriations Subcommittee on Homeland Security

The Honorable Chuck Fleischmann  
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Shelley Moore Capito  
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Jon Tester  
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

I would be pleased to respond to any questions that you may have. Please do not hesitate to contact my office at 202-344-2001.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Perez".

Robert E. Perez  
Deputy Commissioner  
U.S. Customs and Border Protection

# Executive Summary

DHS and CBP are committed to protecting the Nation's cultural and natural resources when executing all federal undertakings, including the construction of the border wall system. In those instances when the Secretary of DHS determines that it is necessary to exercise his or her authority, pursuant to Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, to waive environmental or other laws to expedite construction of a new border wall system, CBP still seeks to accomplish responsible environmental planning within a managed timeframe to meet operational needs. Wherever feasible, CBP seeks to plan and execute projects in a manner that is consistent with the spirit and intent of certain laws that have been waived, including the National Environmental Policy Act, within a managed timeframe to meet operational needs.

For every border wall system project, CBP conducts field surveys, reviews existing environmental data, and solicits input from stakeholders. In addition, CBP develops environmental stewardship plans (ESP) for each border wall system project. ESPs are developed in close coordination with the Departments of the Interior, Agriculture, and Defense, as appropriate. The ESPs assess the impacts of border barrier construction, including impacts to sensitive lands, habitat, and wildlife. In addition, the ESPs identify strategies to mitigate impacts.

CBP's completed ESPs can be found here: <https://www.cbp.gov/document/environmental-assessments>. As additional ESPs are completed, they will be posted to this website.



# Border Barrier Mitigation

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# I. Legislative Language

This document was compiled pursuant to direction in House Report 116-180 accompanying the Fiscal Year (FY) 2020 Department of Homeland Security Appropriations Act (P.L. 116-93).

House Report 116-180 states:

*Border Barrier Mitigation Activities.*—The Committee directs the Department to work with the Departments of the Interior, Agriculture, and Defense to provide a report, within 180 days of the date of enactment of this Act, that: 1) assesses the impacts of border barrier construction on sensitive lands, habitat, and wildlife; 2) identifies strategies to mitigate such impacts, including land acquisitions for national wildlife refuges and other federal public land units; and 3) provides estimates of the cost to implement such strategies.

## II. Background

### A. U.S. Customs and Border Protection (CBP) Environmental Stewardship

CBP is committed to protecting the Nation's cultural and natural resources when executing all federal undertakings, including the construction of new border fencing, also referred to as the border wall system. There are instances when the Secretary of Homeland Security determines that it is necessary to exercise his or her waiver authority pursuant to Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). IIRIRA authorizes the Secretary to waive environmental or other laws to expedite constructing the new border wall system. For projects executed under an IIRIRA waiver, CBP still seeks to accomplish responsible environmental planning within a managed timeframe to meet operational needs. Wherever feasible, CBP conducts environmental planning and project execution in a manner that is consistent with the spirit and intent of the environmental laws that have been waived, including the National Environmental Policy Act.

As part of the environmental planning process, CBP reviews existing environmental data and conducts biological, cultural, and natural resource surveys of each project area. CBP also solicits information and feedback from interested stakeholders including federal, state, and local agencies, tribal governments, nongovernmental organizations, landowners, residents, and the public. The consultations often continue through design and construction. Among other things, the consultations assist CBP in identifying elements that can be incorporated into the barrier design to aid in minimizing impacts to the environment, wildlife, and cultural and historic resources, while also accomplishing CBP's mission to secure the Southwest Border. In addition, CBP has a standard set of best management practices for construction, which are designed to minimize or avoid environmental impacts and are incorporated into every border barrier project.

On the basis of the information obtained from field surveys, its review of data, and feedback obtained through consultation, CBP develops an environmental stewardship plan (ESP) for each project. ESPs are developed in close coordination with the Departments of the Interior, Agriculture, and Defense, as appropriate. The ESPs assess the impacts of border wall system construction, including impacts to sensitive lands, habitats, and wildlife. The ESPs also identify additional best management practices and strategies to mitigate such impacts.

CBP's completed ESPs can be found here: <https://www.cbp.gov/document/environmental-assessments>. As additional ESPs are completed for each border wall project, they will be posted to this website and will include ongoing and/or proposed mitigation strategies for any impacts identified in the environmental surveys and reports for the FY 2020-funded border wall system projects.

## B. U.S. Border Patrol Border Wall System's Operational Requirement

The use of border barriers (fencing, wall, and related infrastructure) within CBP's border security strategy has been tried, tested, and developed over nearly 30 years. Since the first barriers were constructed in the San Diego Sector in 1991, U.S. Border Patrol field commanders have continued to advocate for the border wall and the enduring capabilities created by the wall. These capabilities impede and/or deny attempted illegal entries, while creating additional time to carry out successful law enforcement resolutions.

Today, CBP is constructing a border wall system, which includes a combination of various types of infrastructure, such as an internally hardened steel-bollard barrier, all weather roads, lighting, enforcement cameras, and other related technologies. While anchored by the border wall and the impedance and denial capability that it brings, the border wall system's complementary investments in roads, lighting, and technologies address domain awareness, access, and mobility needs as well. Funding received supports planning, design, real estate, environmental, construction, and oversight activities.

### III. Conclusion

CBP continues to be committed to protecting the Nation's important cultural and natural resources. There are instances when the Secretary of Homeland Security determines that it is necessary to exercise his or her authority, pursuant to Section 102(c) of the IIRIRA. The IIRIRA permits the waiver of environmental or other laws to expedite construction of a new border wall system, CBP still seeks to accomplish responsible environmental planning within a managed timeframe to meet operational needs. The ESP for each project assesses the impacts of border barrier construction on sensitive lands, habitat, and wildlife; and identifies strategies to mitigate such impacts. These ESPs are developed in close coordination with the Departments of the Interior, Agriculture, and Defense, as appropriate. A review of the final impact from construction of each project will be completed and be used to identify any mitigation projects that could be implemented to offset any impacts. CBP is in the process of developing detailed environmental mitigation cost estimates for border wall system projects funded and executed between 2017 and 2020, on the basis of post-construction assessments.

CBP's completed ESPs can be found here: <https://www.cbp.gov/document/environmental-assessments>. As additional ESPs are completed, they will be posted to this website.