



DOWN TO THE LINE: A TIMELINE OF EVENTS ON THE US/MEXICO BORDER

Currently, the Department of Homeland Security (DHS) is rushing to construct a wall along large sections of our southern border with Mexico. Large scale border wall construction poses a serious and lasting threat to wildlife, human health and safety, historical and cultural resources, as well as to economic viability of border areas.

The **REAL ID Act**, passed in 2005, has a controversial provision in it that allows the Secretary of Homeland Security to waive keystone public health, safety, environmental and cultural laws. In fact, REAL ID allows the Secretary to **waive all federal, state, and local laws** to construct border barriers and roads – bypassing legal compliance and important public processes fundamental to America's democratic principles.

The following is a timeline of events involving Department of Homeland Security actions since the passage of the REAL ID Act of 2005 and Secure Fence Act of 2007. This timeline includes just a handful of examples that clearly illustrate why changes must be made to existing border policy.



A border wall and patrol road slice across a National Park and a National Conservation Area. Photo: Matt Clark

January, 2007 – DHS discards the National Environmental Policy Act (NEPA)

- After NEPA analysis finds a vehicle barrier is the preferred border infrastructure for the Barry Goldwater Range in Arizona, DHS ignores the findings and waives NEPA, the Endangered Species Act, Migratory Bird Treaty Act, Clean Water Act, and others laws to build a wall instead.

July-August, 2007 – DHS Denies Public Participation and Input

- DHS's Environmental Assessment of the impact of the border wall on San Pedro Riparian National Conservation Area is completed without a public comment period.
- DHS ignores Tohono O'odham Nation concerns about five cultural sites in the path of the proposed wall astride the Buenos Aires National Wildlife Refuge and issues a finding of "no significant impact" despite threats to protected lands, endangered species, historical and cultural resources.

October, 2007 – DHS Bulldozes Protected Area After Request to Stay Construction is Filed

- Environmental groups file a request to stay construction of the border wall across the San Pedro National Conservation Area until an adequate Environmental Impact Statement can be completed pursuant to NEPA.
- Bulldozing starts the very next day, a Saturday.

Protecting America's Borderlands

"REAL ID gives [DHS] the power to be unaccountable"
-Ned Norris Jr., Tohono O'odham Nation

September-October, 2007 – DHS Dismisses Environmental Impacts and Waives 19 Laws to Push Through Construction in Protected Area

- Two citizen groups file suit against DHS for violating NEPA at San Pedro Riparian National Conservation Area in Arizona.
- A federal judge grants a temporary restraining order, which confirms the government had rushed its decision and failed to meet its legal obligations under NEPA.
- DHS waives NEPA and 18 other laws. Construction resumes immediately, and later disturbs 69 Native American burial sites.

September-November, 2007 – DHS Forces Wall Construction Determined to be Incompatible with National Wildlife Refuge

- The Fish and Wildlife Service (FWS) manager of Buenos Aires National Wildlife Refuge (BANWR) in Arizona determines the border wall is "inconsistent with Service policy and is likely detrimental to the refuge's natural and cultural resources."
- FWS is forced to decide between yielding ownership of Refuge land DHS wants for its wall and road, in exchange for an as-yet unidentified small land parcel, or facing the REAL-ID waiver and getting the wall but nothing else. FWS agrees to the land transfer.
- DHS begins wall construction before the land transfer is complete.



Border wall on the Buenos Aires National Wildlife Refuge. Photo: Matt Clark

April-December, 2007 – DHS Ignores Citizen Concerns for Environment, Agriculture and Tourism

- Texans raise strong concerns about the elimination of access to their irrigation source, the Rio Grande, the taking of private property, environmental and economic damage, and regarding DHS's refusal to consider alternatives to walls.
- Wildlife-based tourism is threatened in communities of south Texas, where the border wall will slice through 14 refuge tracts and preserves – fragmenting a federally-led restoration corridor for numerous rare, threatened and endangered species.

January, 2008 – DHS Delivers Ultimatum to Citizens in Texas

- DHS brings ex parte (i.e. without the owners of the property present) condemnation actions against Texas landowners who do not cooperate with agency surveys for wall construction.

April, 2008 – DHS Waives Laws Border-wide

- In a surprise move to expedite border wall construction projects by the end of the year, DHS waives 35 federal public health, safety, environmental and cultural laws across 500 miles of the U.S./Mexico border.



Citizens protest the border wall in Roma, Texas. Photo: Scott Nicol

Support the Border Security and Responsibility Act of 2009