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October 28, 2009

The Honorable Janet Napolitano
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano:

It has come to my attention that the slopes that were created as part of the Border Infrastructure Project in San Diego County have not been effectively revegetated, irrigated, and restored as was previously agreed to by the Department of Homeland Security. As a result, the current condition is that the slopes are essentially bare. These conditions are unacceptable, and the bare slopes are an illustrative example of the lack of foresight in mitigating the environmental effects of the Border Infrastructure Project. I request that you take immediate action to fulfill DHS's commitment to the environment.

Downstream of the Border Infrastructure Project lies the Tijuana River National Estuarine Research Reserve - an ecological treasure of the San Diego region. It is the largest un-bisected coastal wetland in southern California and is one of only 25 wetlands in the entire United States that is formally designated as a "Wetland of International Importance."

Over half a billion dollars in public funds have been invested for long-term protection and enhancement of the Tijuana River Valley and the Estuary. However, the construction and resulting erosion caused by the Border Infrastructure Project will have a number of environmental and financial impacts if these issues are not addressed immediately. I have had several discussions with your staff regarding San Diego area concerns that environmental mitigation efforts be swift and comprehensive as the Tijuana River Valley experienced some of its worst flooding in decades during the last rainy season, and we are quickly approaching this year's rainy season. During the last season, flooding in the Tijuana River Valley caused substantial property and crop damage and put the lives of residents and livestock at risk. Last year was a fairly moderate storm season and a possible El Nino pattern is predicted for this year, so I am especially concerned.

I joined my colleagues in submitting an amicus curiae brief in opposition to the waiving of certain environmental requirements to more quickly complete the 14-mile Border Infrastructure Project. My opposition to those waivers remains strong; however, my expectations were set after multiple conversations my staff and I have had with DHS personnel since July 2008. As late as August 2009, DHS asserted that all steps necessary would be taken to ensure that the barren slopes created by the project would be stable before the beginning of the rainy season. That is clearly not the case. I understand that the environmental waivers were implemented by the previous Administration, but it is my hope that we can work together to uphold Congress' and DHS's commitment to responsible stewardship of our lands.

On behalf of the Research Reserve and the public who live in and visit the Tijuana River Valley, I urge you to maintain the fence project with DHS's previously stated commitment to irrigation, maintenance and habitat restoration in mind. With the rainy season soon upon us, there might not be enough time to stabilize the slopes. Using other erosion control measures in addition to the plantings may be necessary. My office was recently informed that additional erosion control matting will be installed.

I request information regarding the timeline for implementation of the plan previously agreed to, the full scope of the erosion control projects, and what additional work will be done to maintain and monitor the effectiveness of these erosion control safeguards. Given the need for quick action, I ask that a response be provided by November 20.

Thank you for your attention to this important matter. I look forward to your reply.

Sincerely,



SUSAN A. DAVIS
Member of Congress