



NPCA Position on Legislation before the Committee on Natural Resources

March 10, 2024

Dear Representative,

Since 1919, National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our 1.6 million members and supporters nationwide, we write to share our thoughts ahead of a hearing in the Committee on Natural Resources Subcommittee on Federal Lands scheduled for March 11, 2025.

H.R. 1820 – Federal Lands Amplified Security for the Homeland Act: NPCA has significant concerns about this legislation and the burden it will place on the already underfunded and understaffed National Park Service (NPS). Over 800 miles of border wall and fencing stretch along the U.S.-Mexico border, including along the entire southern boundary of public lands like Organ Pipe Cactus National Monument in Arizona. Additional infrastructure accompanies these barriers, including roads, lights, towers and other facilities.

Section 101 would require at least 584 miles of “navigable road” along the federal lands on the southern border. Some locations, such as Organ Pipe, already have roads, a wall, and other infrastructure. We have already seen significant environmental degradation from the construction and continued presence of this infrastructure, with limited planning or attention given to mitigating the impacts on sacred sites, water quality and wildlife habitat. Other locations, such as the steep cliffs of Big Bend National Park or the reservoir at Amistad National Recreation Area, present seemingly insurmountable natural hurdles to building a road, let alone maintaining it.

Should the Department of Homeland Security need to build additional roads, they have the authority to do so. A 2006 Memorandum of Understanding (MOU) among the Departments of Homeland Security, Agriculture and the Interior outlines the expectations between the national security agencies and the land management agencies in the border regions. While the MOU emphasizes a cooperative spirit and outlines the need to protect natural and cultural resources, it makes clear that national security needs take primacy. And within the sixty-foot Roosevelt Reservation directly along the U.S.-Mexico border, where much of the border infrastructure including barriers and roads are located, federal land managers have no oversight or control. Border Patrol can restrict or allow access to that area as they deem appropriate.

This section also puts the burden of maintaining these roads on the federal land management agencies. As this committee knows, NPS is already challenged by a deferred maintenance backlog of infrastructure necessary for resource protection and the visitor experience. If this legislation moves forward, the committee should consider shifting the burden of road maintenance to the primary user of this border road, the Department of Homeland Security.

NPCA does appreciate the inclusion of language calling for compliance with the National Environmental Policy Act. As the committee is aware, border infrastructure construction has proceeded under the waiver authority authorized through the Real ID Act of 2005. This has led to border wall construction moving ahead with no consideration of the consequences to environmental or cultural resources and no planning for potential mitigation efforts post-

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construction. Given the interest expressed through this bill in returning the rule of law to the border region, we look forward to working with committee members to pass legislation to remove the Real ID Act waiver authority.

Section 102 amends the Wilderness Act to allow for specific activities to be undertaken by U.S. Customs and Border Protection. Border Patrol already has the access outlined in the bill, making these amendments unnecessary.

Section 103 would allow border states to place temporary, moveable structures on federal public lands. NPCA is very concerned about this ceding of federal management authority. As written, the bill appears to give federal land managers no role in the deployment of these structures, which could have significant impacts on the protection of natural and cultural resources and the visitor experience and thereby undermine the NPS mission as outlined in the Organic Act. NPCA strongly encourages the committee to remove this section from the bill.

Section 202 requires land managers to develop policies and procedures to reduce trash left behind in public lands along the border. There is no question that units like Organ Pipe Cactus National Monument are faced with the unique challenge of dealing with waste left behind by migrants and we appreciate the bill's intent to better protect park resources. Unfortunately, the National Park Service has been underfunded for years and recent staffing cuts have only exacerbated the staffing shortfall at parks across the country. At a time when parks are forced to try to do more with less, this bill imposes onerous data collection and reporting requirements on the federal land management agencies. We encourage the committee to support increased funding and staffing for these units so land managers can identify and implement the most efficient and effective solutions to waste collection while ensuring protection of natural, cultural and historic resources.

Thank you for considering our views.

Sincerely,

Christina Hazard
Legislative Director
National Parks Conservation Association