

Congress of the United States
Washington, DC 20515

June 23, 2009

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

Dear Secretary Napolitano:

We have been pleased to see the early attention you have given to the complex security challenges that we face at both the northern and southern U.S. borders. We are writing to you today in regards to compliance with consultation and legal requirements associated with the construction of the fence at the U.S. Mexico border.

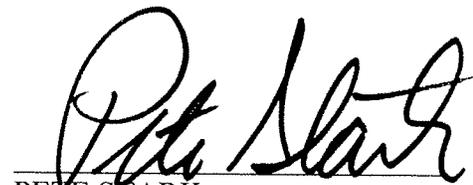
As you know, your predecessor, Secretary Chertoff, used his authority to construct hundreds of miles of pedestrian and vehicle barriers without compliance with federal, state, or local laws that protect historic sites, wildlife, and tribal burial grounds. We believe damage that has occurred to community relationships and public lands is attributable, at least in part, to the haste with which construction has proceeded, the lack of compliance with laws and regulations, and the lack of consultation with property owners and land managers.

The remaining segments currently under construction include extremely steep slopes in the Otay Mountain Wilderness area and nature preserves in the Rio Grande Valley. If you conclude that completing these segments is necessary, we ask that you direct the Border Patrol to comply with the applicable legal requirements for construction in these areas. More careful consideration now could save mitigation dollars later, as well as avoiding the type of impacts that will be difficult to mitigate at any cost.

We appreciate your consideration of this request.

Sincerely,

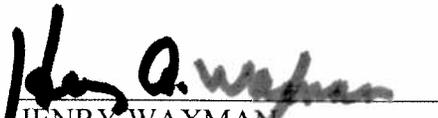

BOB FILNER
Member of Congress

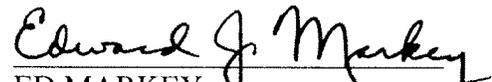

PETE STARK
Member of Congress

The Honorable Janet Napolitano

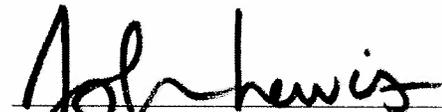
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HENRY WAXMAN
Member of Congress

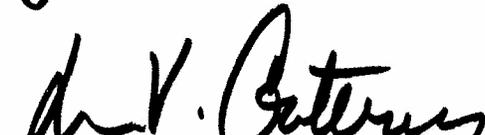

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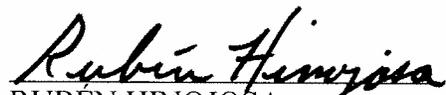

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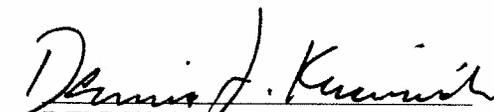

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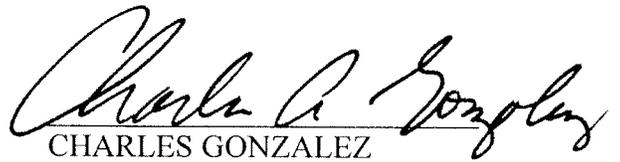
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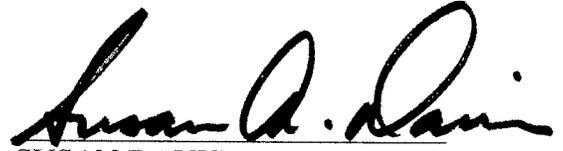
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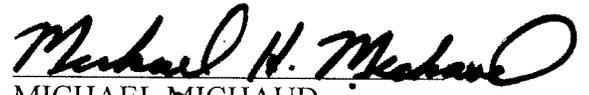
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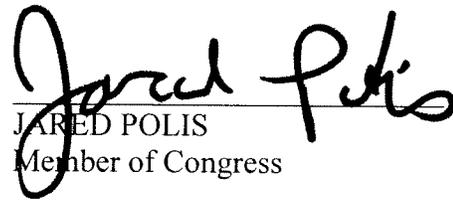
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