Today more than 650 miles of border wall stand in California, Arizona, New Mexico, and Texas. Walls tear through wildlife refuges and wilderness areas, national monuments and national forests, damaging endangered species' habitat and damming natural watercourses. Environmental laws have been suspended and billions of dollars have been spent on barriers that have little or no effect on immigration, smuggling, or national security.

**Waiving laws to build walls**

To permit the construction of border walls that would violate our nation's environmental laws, Congress passed the Real ID Act, which allows the Secretary of Homeland Security to waive any law that he or she sees fit. No one else, including the President, is granted this power. Former Homeland Secretary Chertoff used the Real ID Act five times, setting aside 37 federal laws and “all federal, state, or other laws, regulations and legal requirements of, deriving from, or related to the subject of” the named laws. Waiving environmental laws to build border walls undermines the rule of law, and sets a dangerous precedent.

**Impacts on Endangered Species**

With laws such as the Endangered Species Act waived, walls were built through the habitat of many species on the Endangered Species List, including jaguar, Sonoran pronghorn, and ocelot. While humans can build ladders or cut holes in border walls, many animals are stopped in their tracks. This fragments their available habitat, separating them from territory, food and water, and potential mates. For many of these animals, reduced and fragmented habitat was a key factor that led to their endangerment in the first place, and chopping up their territory further pushes them closer to extinction.

**Walls Worsen Flooding**

Border walls built across washes and other natural drainages have repeatedly acted as dams and caused severe flood damage. In 2008, a seasonal rainstorm of the type that comes to the Arizona / Sonora border every couple of years brought a heavy downpour to Nogales, Sonora and Nogales, Arizona. The wall that bisects the sister cities acted as a dam, and the water backed up to over six
feet deep in Nogales, Sonora, whose residents suffered millions of dollars of property damage. Two people drowned.

The same storm caused flooding in the Organ Pipe Cactus National Monument. After the flood, Customs and Border Protection spent millions retrofitting border walls, installing flood gates. In 2011, shortly after that work was finished, the annual rains came and the wall again acted as a dam. A 40-foot wide section of wall in the Organ Pipe Cactus National Monument blew out due to the force of the water and the undercutting of the wall’s foundation. It was rebuilt, and Customs and Border Protection again claimed that the problem had been fixed. In the summer of 2014 the annual monsoon rains came, the retrofitted border wall again acted as a dam, and another 60-foot wide section blew out just outside of Nogales.


Border walls continue to harm ecosystems throughout the borderlands, cost huge sums to repair and maintain, and disrupt the lives of residents of border communities.

Pundits and politicians continue to call for hundreds of miles of new border walls and the expansion of waivers to cover a vastly greater swathe of the borderlands. Compounding the damage that existing walls and waivers have inflicted would be disastrous for the border. It is critical that those of us who care about our nation’s precious natural heritage and the rule of environmental law speak out against any such assaults.

Laws waived to build walls:

- National Environmental Policy Act
- Endangered Species Act
- Clean Water Act
- National Historic Preservation Act
- Migratory Bird Treaty Act
- Clean Air Act
- Archeological Resources Protection Act
- Safe Drinking Water Act
- Noise Control Act
- Solid Waste Disposal Act
- Comprehensive Environmental Response, Compensation, and Liability Act
- Archaeological and Historic Preservation Act
- Antiquities Act
- Historic Sites, Buildings, and Antiquities Act
- Wild and Scenic Rivers Act
- Farmland Protection Policy Act
- Coastal Zone Management Act
- Wilderness Act
- Federal Land Policy Management Act
- National Wildlife Refuge System Administration Act
- Fish and Wildlife Act of 1956
- Fish and Wildlife Coordination Act
- Administrative Procedure Act
- Otay Mountain Wilderness Act of 1999
- California Desert Protection Act
- National Park Service Organic Act
- National Park Service General Authorities Act
- National Parks and Recreation Act of 1978
- Arizona Desert Wilderness Act
- Rivers and Harbors Act of 1899
- Eagle Protection Act
- Native American Graves Protection and Repatriation Act
- American Indian Religious Freedom Act
- Religious Freedom Restoration Act
- National Forest Management Act of 1976
- Multiple Use and Sustained Yield Act of 1960
- Federal Grants and Cooperative Agreements Act of 1977

The Sierra Club opposes the waiving of our nation’s environmental laws and the construction of border walls. For more information go to [sierraclub.org/borderlands](http://sierraclub.org/borderlands) or contact Dan Millis at dan.millis@sierraclub.org.