

May 11, 2020

U.S. Customs and Border Protection  
U.S. Border Patrol Headquarters  
1300 Pennsylvania Ave. 6.5E Mail Stop 1039  
Washington, D.C. 20229-1100



RE: Cochise, Pima, and Santa Cruz Counties Border Barrier Projects March 2020

To Whom It May Concern,

Thank you for the opportunity to comment on the border barrier projects within Cochise, Pima, and Santa Cruz Counties. As the nonprofit organization whose mission is “to protect, maintain, enhance, promote and sustain the Arizona Trail as a unique encounter with the land,” these comments are limited to two miles of proposed barriers within Coronado National Memorial and on the Coronado National Forest in Cochise County, Arizona.

### **Background**

Founded in 1994, the Arizona Trail Association (ATA) has engaged tens of thousands of individuals, families, groups, businesses and organizations in the construction and maintenance of the Arizona Trail – an 800-mile non-motorized path from Mexico to Utah connecting deserts, mountains, canyons, forests, communities and people. The Arizona Trail was designated a State Scenic Trail in 2008, a National Scenic Trail in 2009, and was officially completed in 2011. It is considered the largest outdoor service project in Arizona’s history and is one of only 11 National Scenic Trails in America.

The trail began as the dream of one individual – Dale Shewalter, a Flagstaff school teacher who envisioned a long-distance recreation trail through the wild heart of Arizona in the 1970s. Dale rallied support from state and federal land management agencies, hiking clubs, equestrian organizations, and just about anyone who would listen. The grassroots effort soon grew into a major volunteerism movement and our nonprofit organization was developed to recruit and train volunteers, coordinate with numerous land management agencies, raise funds to support trail construction, and help Dale’s dream become a reality. Although he passed away shortly before the trail’s completion, Dale dedicated his life to the development of the Arizona Trail. His vision for the trail that has united so many people came while watching the sunrise over the borderlands from Coronado Peak near the U.S./Mexico border.

The two most important locations along the Arizona Trail are the northern and southern termini. These locations were specifically chosen as the anchors for the trail due to their scenic value, remoteness, and levels of protection offered by land management agencies. The decision to locate the Arizona Trail at Border Monument 102 within Coronado National Memorial included all of the aforementioned attributes, in addition to its historic significance for the state of Arizona. This is where the first non-native crossed into present-day Arizona; a historic expedition that gave Arizona its name and forever shaped its future. Starting the Arizona Trail at this significant crossing aligned perfectly with the vision of the Arizona Trail experience.

Every year, hundreds of individuals attempt to make the 800-mile journey on foot, with 70% starting at the southern terminus and walking toward the Utah state line. The other 30% start in the north and finish their trek at the U.S./Mexico border. While the total number of these “thru-hikers” varies from 300 to 750 annually, the vast majority of those who enjoy the Arizona Trail hike or ride one segment at a time. Every day of the year there is someone out on the Arizona Trail working toward their goal of finishing, and the ATA provides the informational and navigational resources to help them.

The economic impact of the Arizona Trail and its users are a tremendous benefit to the state of Arizona and the 32 gateway communities located near the trail. These communities, including the Town of Sierra Vista, provide the resources trail users rely on before, during and after their trail adventures. A recent economic

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impact study<sup>1</sup> showed that over the past year, Arizonans used trails in the state for non-motorized recreation an estimated 83,110,000 times and over 59% of Arizona's adult population (or 3,073,100 residents) engaged in non-motorized trail use. The economic value (consumer surplus) derived from non-motorized trail use in Arizona by in-state residents is \$8.3 billion per year. This is in addition to the \$21.2 billion generated by consumer spending, \$5.7 billion in wages and salaries, \$1.4 billion in state and local tax revenue, and 201,000 jobs that are directly linked to outdoor recreation.<sup>2</sup>

The time people spend on the Arizona Trail has more than just economic impact. The benefits to physical, mental and emotional health are profound. A 2016 report by American Hiking Society<sup>3</sup> proves how trails provide pathways for wellness and are a vital resource for reducing common health ailments and the strain on our healthcare system and way of life. Our organization works to inspire people to hike run and ride on the Arizona Trail, and we also encourage them to take a role in the stewardship of the trail. Every year, Arizona Trail Association volunteers contribute more than 25,000 hours of labor (\$635,000+ value). This reduces the deferred maintenance backlog on National Forests and within National Parks, allows federal agencies to redirect funding for other priorities, and connects people with their public lands.

Trails are important, and in Arizona the most important trail is the Arizona Trail. That's why the Arizona State Legislature designated it a State Scenic Trail (A.R.S. 41-511.15)<sup>4</sup> and the Congress of the United States of America designated it a National Scenic Trail, signed into law by the President. It deserves full protection from impacts as defined within the National Trails System Act (P.L. 90-443 as amended by 111-11, 16 U.S.C. 1241-1251).<sup>5</sup>

National Scenic Trails are established to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass. The National Trails System Act permits uses that will not substantially interfere with the nature and purposes of a national scenic trail, and directs the Secretary charged with the administration of the trail to take reasonable efforts to avoid activities incompatible with the purposes for which such trails were established. Although the southern terminus of the Arizona National Scenic Trail is within land managed by the National Park Service, the entire trail is administered by the United States Forest Service, thus the Secretary of Agriculture has decision-making authority as it relates to the trail.

Executive Order 13195<sup>6</sup> directs Federal agencies to protect the trail corridors associated with national scenic trails to the degree necessary to ensure the values for which the trails were established remain intact. The significant resources associated with the Arizona National Scenic Trail corridor include the landscapes associated with the trail. These landscapes have natural qualities as well as cultural and historical significance that contribute to the national significance of the Trail. The components of the biotic community associated with these landscapes also are considered significant resources of the trail corridor, as detailed within the

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<sup>1</sup> Economic Value of Trails in Arizona (University of Arizona)  
[https://d2umhuunwbec1r.cloudfront.net/gallery/0004/0044/1CC5A069C48E493E8A805865298E743F/AZ%20Trails%20Economic%20Value\\_Final%20Report\\_3-30-2020\\_FINAL.pdf](https://d2umhuunwbec1r.cloudfront.net/gallery/0004/0044/1CC5A069C48E493E8A805865298E743F/AZ%20Trails%20Economic%20Value_Final%20Report_3-30-2020_FINAL.pdf)

<sup>2</sup> Outdoor Recreation Economy in Arizona (Outdoor Industry Association)  
<https://outdoorindustry.org/state/arizona/>

<sup>3</sup> Hiking Trails in America: Pathways to Health (American Hiking Society)  
[https://americanhiking.org/wp-content/uploads/2016/05/AHS\\_HTA\\_HEALTH\\_FNL-web.pdf](https://americanhiking.org/wp-content/uploads/2016/05/AHS_HTA_HEALTH_FNL-web.pdf)

<sup>4</sup> Arizona State Scenic Trail Statute  
<https://www.azleg.gov/ars/41/00511-15.htm>

<sup>5</sup> National Trails System Act  
<https://www.congress.gov/116/plaws/publ111/PLAW-116publ111.pdf>

<sup>6</sup> Executive Order 13195  
<https://www.govinfo.gov/app/details/CFR-2002-title3-vol1/CFR-2002-title3-vol1-eo13195>

visual resources chapter of the draft Comprehensive Plan for the Arizona National Scenic Trail.<sup>7</sup>

The ATA is very concerned with Customs and Border Protections' plans for border barrier construction within Coronado National Memorial and the Coronado National Forest, and ask you to please carefully consider the project's impacts and mitigation before moving forward with construction. Communicating with the public is paramount, as the Arizona Trail is a public resource – constructed, maintained and enjoyed by many different generations.

### **Impacts**

The construction of a wall and associated infrastructure across or adjacent to the Arizona Trail would substantially interfere with the nature and purposes of the trail, and would be incompatible with the purposes for which the trail was constructed. This applies particularly to “road construction, ground sensors, lights and cameras all supported by grid power” mentioned within the project details. The land to the south and west of the Arizona Trail is a sparsely developed historic landscape that allows visitors to experience views much as Francisco Vazquez de Coronado and Arizona's earliest native inhabitants would have. Construction of the proposed wall and associated access and infrastructure would permanently and negatively change the scenic, natural, cultural and historic qualities of this landscape and degrade the values for which the Arizona Trail was established.

Construction from the east across the southern terminus of the Arizona Trail on Coronado National Memorial would extend the existing wall into foreground views and destroy the southern terminus. The proposed wall would block views into Mexico and could prevent trail users from accessing the border monument which serves as an iconic and historic southern terminus for the Arizona Trail. Roads built and construction infrastructure could destroy other parts of the trail, and the proposed wall and associated infrastructure would permanently degrade the values for which the Arizona Trail was established.

The southern region of the Arizona National Scenic Trail lies within large, intact areas of land that act as wildlife corridors between the “sky island” mountains of Sonora, Mexico and Arizona. Significant species that have migration routes within these corridors include jaguar (*Panthera onca*) and ocelot (*Leopardus pardalis*). Many parts of the southern region of the Arizona Trail are within designated critical habitats for jaguar. Border barriers would result in the reduction or elimination of rare and endangered species from the Arizona Trail corridor, in addition to more common species that help define the Arizona Trail experience. We believe this would degrade the nationally significant qualities of the Arizona Trail.

The qualities of the landscape adjacent to the Arizona Trail, particularly to the west and south, include dark night skies and a naturally dark landscape. This is an important aspect of the recreation experience of trail users, and lighting of the wall and/or infrastructure will degrade these qualities within a wilderness setting.

Due to the significant impacts border barriers and associated infrastructure will have on the Arizona National Scenic Trail, the ATA is opposed to the two-mile project within Coronado National Memorial and the Coronado National Forest.

### **Mitigation**

Recognizing there is likely no “No Action Alternative” for this project, the Arizona Trail respectfully suggests these mitigation measures to protect the Arizona National Scenic Trail. These include:

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<sup>7</sup> Comprehensive Management Plan for the Arizona National Scenic Trail (USDA Forest Service, Southwestern Region 3) currently in draft form and expected to be released for public comment in summer of 2020

<sup>8</sup> Jaguar Critical Habitat (US Fish & Wildlife Service) <https://www.fws.gov/southwest/es/arizona/jaguar.htm>

- **Recommended Mitigation 1 – Alternative Border Security Infrastructure**  
Using virtual fence technology, observation towers, drones, and other border security infrastructure. This will support homeland security while minimizing impacts to the landscape and the Arizona Trail.

If CBP determines that Recommended Mitigation 1 is not feasible, then:

- **Recommended Mitigation 2 – Border Barrier Only and Landscape Restoration**  
The two miles within Coronado National Memorial and the Coronado National Forest should have border barriers only; not lighting, cameras or a permanent access road. After all construction activities are complete, the landscape should be restored to the same or better condition than before the project began. This includes naturalization of the road used for heavy equipment access to the site. Restoration should be closely coordinated with National Park Service and National Forest Service biologists to increase likelihood of native plant regeneration and decrease risk of invasive species.

If CBP determines that Recommended Mitigation 2 is not feasible, then:

- **Recommended Mitigation 3 – Compensatory Mitigation**  
Permanent impacts to the Arizona National Scenic Trail and its southern terminus should be mitigated through a financial contribution to support the protection, maintenance and enhancement of the 800-mile Arizona Trail. These funds must be equal to the amount spent on 2 miles of border barrier construction within Coronado National Memorial and the Coronado National Forest, or approximately \$40 million. These funds shall be deposited into the Arizona Trail State Fund, administered by the Arizona State Parks Board and used expressly for the purposes defined within the Arizona Trail Fund statute; or placed within a new fund through the Arizona Community Foundation specific to Arizona Trail activities; or placed within a new fund through the Arizona Community Foundation of Southern Arizona specific to Arizona Trail activities.

On behalf of the Arizona Trail Association's 1,800 members, 120 business partners, 2,500 active volunteers, and the tens of thousands of people who consider the Arizona Trail to be a nationally significant resource, we urge you to minimize impacts to the trail in every way possible while fulfilling your obligations to manage, secure and control our nation's border in the interest of homeland security. The Arizona Trail Association is interested in consulting CBP on ways to achieve mutually beneficial results. We look forward to your response.

Sincerely,



Matthew J. Nelson  
Executive Director