

September 20, 2009

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

Dear Secretary Napolitano,

Subject: Please do not waive environmental regulations for channel clearing in the Tijuana River Valley by the City of San Diego

The Tijuana River Valley and the adjacent estuary is the most nearly intact natural upland/river/estuary/salt marsh/dune/beach/ocean transition in Southern California. As a result it is extremely important as a habitat for a broad range of native vegetation and wildlife. It is a core habitat area under our region's Federal Habitat Conservation Plan and California Natural Communities Conservation Plan for Federal and State Threatened and Endangered Species. It is also identified as a wetland of international significance under the United Nation's RAMSAR Convention.

In spite of this natural resource value, the Border Infrastructure System was allowed to be constructed without compliance with the environmental regulations of the US, California, or the City and County of San Diego. The habitat, water quality, and recreational values of this area have been significantly degraded because of this exemption from important environmental protections.

The City of San Diego has stormwater conveyances in the River Valley downstream from parts of the Border Infrastructure. These conveyances are clogged with sediments, partly from the Border Infrastructure, partly from drainage coming across the US/Mexican border, and partly because of previous lack of maintenance by the City. The City has not obtained permits from the responsible agencies to maintain these channels for several years. The City also has not implemented a number of other measures that are essential for reducing the flood risk in the Valley. These measures were identified by the City and County fifteen years ago after the flooding of 1993. They include removal of several areas of unpermitted fill and berms in the floodplain that obstruct river flow and relocation of some improvements that are subject to frequent flooding because of inappropriate location.

The City is now requesting that the Department of Homeland Security extend the exemption to the City to allow them to maintain the channels without complying with Federal and State environmental protections. This region is far too sensitive environmentally to allow it to be further degraded by continuing to ignore environmental protections. Also there is no direct nexus between this channel maintenance and the Border Infrastructure Project that would justify such an exemption. Maintaining this

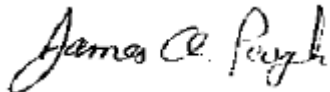
channel will not resolve the flood risk in this valley. The City needs to return to implementing a more comprehensive approach to flood risk reduction. Hopefully, the permitting process will move the City in that direction.

We urge that the Department of Homeland Security deny the City's request for an exemption.

The Department could implement a large number of improvements to the Border Infrastructure Project to help offset its erosion, water quality, and habitat impacts to the Tijuana River Valley and Estuary. But extending the exemption from environmental regulations to the City would be a large step backwards.

In case of questions or follow-up, the undersigned can be reached at 619-224-4591 or peugh@cox.net.

Respectfully,

A handwritten signature in black ink that reads "James A. Peugh". The signature is written in a cursive style with a large initial "J" and "P".

James A. Peugh
Conservation Chair