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Feds: Halting border fence would cause eco-harm

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PHOENIX — A federal attorney told a judge Tuesday that halting construction of a border fence and vehicle barriers along the San Pedro River would do more environmental harm than letting the project be completed.

In legal papers filed Tuesday in federal court, Assistant U.S. Attorney Gregory Page, who represents the Department of Homeland Security, said the work, which has already started, is needed to cut the flow of people crossing the border illegally. Page said that in last year there were more than 31,000 illegal entries and in excess of 19,000 apprehensions in the area where the river crosses the international border.

"Homeland Security has determined that delaying the completion of the San Pedro border fence would impair important border and related national security interests," Page wrote in his brief for U.S. District Judge Ellen Huvelle.

He wants the judge to throw out a lawsuit filed last week by Defenders of Wildlife and the Sierra Club to delay further work while the legality of the government's action is debated.

Page also said damage caused by border crossers, ranging from new trails that destroy cactus to human waste and fires, could actually harm the environment more than what Homeland Security is building.

He said the 60-foot wide easement already has been scraped and 80 percent of the new road already is completed.

"Enjoining the project now would increase the risk of an adverse erosion problem because it would prevent Customs and Border Protection from ensuring that the new road is properly contoured and some sort of aggregate base is put down," Page wrote. And he said a restraining order halting work would prevent the agency from filling and modifying a trench created by the construction, creating "a safety hazard for both wildlife and anyone who is walking in the area."

The fight is over the approximately two miles of border that runs along the southern edge of the San Pedro Riparian National Conservation Area.

Federal officials said they decided not to build a fence to keep out foot traffic in the river's floodway and 60-some washes leading into it, based on an environmental assessment earlier this year. Instead the plans are for vehicle barriers, which Page said are made of old railway ties.

But the environmental groups said even these, coupled with the road, will cause erosion which, in turn, will harm plants and eventually the animals that make their home in the area. And they contend the government should have been required to prepare a full-blown environmental-impact statement about the effects.

If nothing else, the two groups said the less-formal assessment never was provided to the public for review and comment.

But Page said the law requires federal agencies only to "involve" the public "to the extent practicable" in preparing or distributing an assessment. He said federal agencies determined "a public comment period was impractical because of urgent border- and national-security risks."

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