

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

November 13, 2023

The Honorable Brenda Mallory
Chair
Council on Environmental Quality
730 Jackson Place NW
Washington, D.C. 20006

Dear Chair Mallory:

The House Committee on Natural Resources (Committee) is conducting oversight¹ on the recent decision² to house migrants at Floyd Bennett Field, a portion of Gateway National Recreation Area, on Department of the Interior (DOI) and National Park Service (NPS) land. The Committee seeks information from the Council on Environmental Quality (CEQ) to help ensure effective management of America's public lands.

As you may be aware, NPS manages 424 individual units covering more than 85 million acres in all 50 states, the District of Columbia, and multiple U.S. territories.³ Its mission is to "preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations."⁴ More specifically, with reference to the Jamaica Bay Unit of Gateway National Recreation Area, the Secretary of the Interior is directed to "administer and protect the islands and waters within the Jamaica Bay Unit with the primary aim of conserving the natural resources, fish, and wildlife located therein and shall permit no development or use of this area which is incompatible with this purpose."⁵

As of mid-October, more than 136,000 migrants have arrived in New York City since the spring of 2022.⁶ According to local news reports and elected officials, the overwhelming influx of

¹ See Letter from Rep. Bruce Westerman, Chairman of H. Comm. on Natural Resources, et al., to Deb Haaland, Secretary of the Dep't of the Interior, and Charles F. Samms III, Director of the National Park Service (Sep. 15, 2023), https://naturalresources.house.gov/uploadedfiles/hnr_letter_to_doi_nps_on_migrant_shelters.pdf.

² Melissa Russo, *Feds approve migrant shelter at Floyd Bennett Field as other new sites fill up*, NBC NEW YORK (Aug. 22, 2023), <https://www.nbcnewyork.com/investigations/migrant-crisis/feds-approve-migrant-shelter-at-floyd-bennett-field-as-other-new-sites-fill-up/4578459/>.

³ *About Us*, NATIONAL PARK SERVICE, <https://www.nps.gov/aboutus/index.htm>.

⁴ *Id.*

⁵ 16 U.S.C. 460cc-2(a)

⁶ Hurubie Meko, *What to Know About the Migrant Crisis in New York City*, N.Y. TIMES (Oct. 19, 2023), <https://www.nytimes.com/article/nyc-migrant-crisis-explained.html>.

migrants has strained local resources.⁷ As a result, the Mayor of New York (Mayor) asked the Biden administration to declare a state of emergency regarding the migrant crisis.⁸ Instead of issuing a state of emergency or pursuing structural reforms to stem the tide of migrants—such as securing the border or reducing abuse of America’s immigration system by asylum seekers⁹—on September 15, 2023, the Biden administration leased national park service lands, located at Gateway National Recreation Area’s Floyd Bennett Field, to the City of New York for a migrant housing encampment (FBF Lease).¹⁰ Federal and state officials considered using Floyd Bennett Field for migrant housing at least since May 2023,¹¹ months before executing the FBF Lease.

Regardless of personal or political beliefs on immigration or migrant policy, there is common ground in keeping our national parks—some of America’s most treasured spaces—out of the debate. All national parks, whether in rural or urban areas, exist for visitors to experience wonder, to recreate and find joy, or to simply learn more about the great history of our nation. However, national parks are not a place to house people, temporarily or permanently, who lack shelter. The Governor of New York (Governor) has gone on the record about the DOI’s initial reluctance to accommodate the request for migrant housing on Floyd Bennett Field due to statutory restraints.¹² We agree that there is no statutory authority to house migrants on NPS land.

Despite concerns with the legality of housing people on national park land,¹³ the Biden administration ultimately moved forward with using national park land to establish a migrant housing encampment. Alarming, to secure the FBF Lease, NPS requested and received alternative arrangements for National Environmental Policy Act (NEPA) compliance.¹⁴ CEQ concurred with the alternative arrangement request and allowed NPS and DOI to bypass the standard NEPA compliance process.¹⁵ CEQ’s approval of the alternative arrangement request was

⁷ Camilo Montoya-Galvez, *As cities struggle to house migrants, Biden administration resists proposals that officials say could help*, CBS NEWS (Aug. 22, 2023), <https://www.cbsnews.com/news/migrant-crisis-nyc-chicago-biden-administration-proposals/>.

⁸ America Reports, *NYC mayor urges Biden to declare ‘state of emergency’ for New York amid migrant ‘crisis’*, FOX NEWS (Aug. 22, 2023), <https://www.foxnews.com/video/6335295852112>.

⁹ See *Destroying America’s Best Idea: Examining the Biden Administration’s Use of National Park Service Lands for Migrant Camps*, Hearing Before the H. Comm. on Natural Resources, 118th Congress (Sep. 27, 2023) (Hearing Memorandum from Subcomm. on Oversight and Investigations Republican staff), https://naturalresources.house.gov/uploadedfiles/hearing_memo_-_fc_ov_hrg_on_migrant_camps_09.27.23.pdf.

¹⁰ National Park Service, *Lease Between U.S. Dep’t of the Interior, National Park Service and the City of New York for the Premises known as Portions of Floyd Bennett Field, in the Jamaica Bay Unit of Gateway National Recreation Area*, DEP’T OF THE INTERIOR (Sep. 15, 2023), <https://www.nps.gov/aboutus/foia/upload/FINAL-Lease-Floyd-Bennet-Field-09-15-2023-2.pdf>.

¹¹ Jon Campbell, *NY state asks Biden to open up military facilities for migrant housing*, GOTHAMIST (May 12, 2023), <https://gothamist.com/news/ny-state-asks-biden-to-open-up-military-facilities-for-migrant-housing>.

¹² Jon Campbell, *White House approves migrant shelter at Brooklyn’s Floyd Bennett Field, Gov. Hochul says*, GOTHAMIST (Aug. 21, 2023), <https://gothamist.com/news/white-house-approves-migrant-shelter-at-brooklyns-floyd-bennett-field-gov-hochul-says>.

¹³ *Id.*

¹⁴ National Park Service, *Decision Memorandum and Environmental Review to Support Emergency Activities for Temporary Housing of Migrants*, DEP’T OF THE INTERIOR (Sep. 11, 2023), https://www.nps.gov/aboutus/foia/upload/For-PDAS_PMB-signature-GATE-Alternative-Arrangements-09-11-2023.pdf.

¹⁵ *Id.*

necessary for DOI and NPS to move forward with the FBF Lease. Recently, the Committee received additional information regarding CEQ's integral role in the leasing process and the ultimate decision to use Floyd Bennett Field as a migrant housing encampment.

The Committee is deeply concerned with the Biden administration leasing NPS land for use as a migrant encampment, a use that is not only inconsistent with the National Park Service Organic Act (P.L. 64-235), but publicly recognized as legally perilous by DOI.¹⁶ Moreover, the Committee is concerned with CEQ's role in the leasing process, approval of the alternative arrangement request, and ultimate decision to use Floyd Bennett Field for migrant housing.

To assist the Committee with ensuring effective management of America's public lands, please provide the following documents and information by November 30, 2023:

1. What is the position of CEQ on the use of NPS lands for housing asylum seekers on a temporary or permanent basis? Please include a legal analysis.
2. All documents and communications regarding how CEQ determined there was an "emergency situation"¹⁷ that allowed NPS and DOI to bypass the normal NEPA compliance process for the FBF Lease.
3. All documents and communications between CEQ, NPS, and DOI regarding alternative arrangements for NEPA compliance for the FBF Lease.
4. All documents and communications – from January 20, 2021 to the present – between CEQ, DOI, NPS, Executive Office of the President, and Office of Management and Budget regarding use of federal lands, including but not limited to, national park service lands, for migrant shelters.
5. All documents and communications – from January 20, 2021 to the present – to show the consultation with stakeholders, small businesses, tribal entities, state, and local government officials consulted with regarding the potential lease of Floyd Bennett Field, as well as any other potential sites under consideration, for use as migrant shelters.
6. All documents and communications – from January 20, 2021 to the present – to show the potential economic costs of the closure (either temporary or permanent) of the Floyd Bennett Field due to the creation of a migrant shelter, and associated costs to stakeholders, small businesses, nonprofits, local governments, and tribal or state governments.
7. All documents and communications – from January 20, 2021 to the present – including legal memoranda, between CEQ, DOI, NPS, Homeland Security, Office of

¹⁶ Campbell, *supra* note 12.

¹⁷ Decision Memorandum, *supra* note 14.

Management and Budget, and the Executive Office of the President outlining the legal case for use of NPS lands.

8. All documents and communications – from January 20, 2021 to the present – associated with the proposed lease of Floyd Bennett Field as a potential migrant shelter.
9. All documents and communications – from January 20, 2021 to the present – between the City of New York, State of New York, their respective agents, and CEQ, the National Park Service, Department of the Interior, Department of Homeland Security, Office of Management and Budget, Executive Office of the President, and/or Executive Office of the President regarding sheltering migrants on public lands in the New York metro region.

An attachment to this letter provides additional instructions for responding to the requests from the Committee on Natural Resources. Please contact the Majority staff for the Oversight and Investigations Subcommittee at (202) 225-2761 or HNRR.Oversight@mail.house.gov with any questions. Under House Rule X, the Committee on Natural Resources has “general oversight” of any matter relating to its jurisdiction, including the management of federal lands. Thank you for your cooperation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources



Paul A. Gosar, D.D.S.
Chairman
Subcommittee on Oversight and Investigations

Enclosure