



# United States Department of the Interior



U.S. FISH AND WILDLIFE SERVICE  
Buenos Aires National Wildlife Refuge  
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Dear No More Deaths;

In our efforts to arrange a meeting it has become clear that it would facilitate our efforts if we conduct a virtual meeting by email.

In order to initiate the process and to lay the groundwork to allow you to understand the rules, regulations and policies of the National Wildlife Refuge System I will provide the following background information for your use;

Buenos Aires National Wildlife Refuge (Refuge) was established in 1985 to provide habitat for threatened and endangered plant and wildlife species, with emphasis on the endangered masked bobwhite quail. Through the restoration of native grasslands, the Refuge ensures the survival of the masked bobwhite quail in the United States and through cooperative efforts, preserves the only remaining population in the state of Sonora, Mexico. The Refuge represents the largest ungrazed Sonoran semi-desert grassland remaining in the world and is an exceptional area that exhibits native flora and fauna unique to the southwestern United States. The grasslands are managed to maintain the native grasses and wildlife of the area and, whenever possible, to encourage the re-introduction of extirpated species on Refuge lands.

National Wildlife Refuges are managed under several laws, the most relevant of which is the National Wildlife Refuge Improvement Act of 1997, (Improvement Act). Unlike other federal or state lands, when National Wildlife Refuges are established everything is prohibited on the area until it is allowed by law or regulation. This is accomplished as required in the Improvement Act by development of a Comprehensive Conservation Plan (CCP).

A CCP normally takes several years to flesh out and finalize. Buenos Aires NWR CCP was completed in September 2003. The CCP is written in the format of an environmental assessment and is the guiding document in Refuge development and management for the following 15 years. The Act also requires that all refuge management is undertaken with a “**wildlife first**” doctrine.

The Improvement Act also details the requirements that all uses must meet in order to be allowed on National Wildlife Refuges. The use must be appropriate and compatible with the purposes of the Refuge and the mission of the National Wildlife Refuge System. The purposes for Buenos Aires NWR were illustrated above. The mission of the Refuge System is to administer a national network of lands and waters for the conservation, management and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans. The Act goes on to state that appropriate uses of refuges shall consist of compatible wildlife-dependent recreation including hunting, fishing, wildlife observation, photography, environmental education and interpretation. These uses are the priority public uses of the National

Wildlife Refuge System and receive priority consideration in refuge planning and management. All other uses must be appropriate and compatible as determined by the Refuge Manager.

Compatibility is defined as "a wildlife-dependent recreational use or any other use of a refuge that, in the sound professional judgment of the Director, will not materially interfere with or detract from the fulfillment of the mission of the System or the purposes of the refuge."

The term "sound professional judgment" means a finding, determination, or decision that is consistent with the principles of sound fish and wildlife management and administration, available science and resources, and adherence to the requirements of the Act and other applicable laws. The determination for compatibility has been delegated down to the refuge manager for each refuge in the system.

My concerns and observations to date are:

In your letter of June 16, 2009 that was delivered to me and distributed to the press at your press conference and posted to your web site, you allege the following:

1. "Estimated that more than 5000 men, women and children have died attempting to cross the United States / Mexico border. Human remains have been recovered on federal lands managed by the Department of the Interior; eight of these deaths occurred on the Buenos Aires National Wildlife Refuge since January 1, 2009" (quote from letter). The correct fact is that there have been zero deaths on Buenos Aires National Wildlife Refuge this year at the time of this writing, July 7, 2009, 8:01 AM. Most experts estimate 2,000 to 3,000 migrants have died in crossing the border.
2. The letter states "representatives of BANWR have consistently resisted efforts by humanitarian groups to work cooperatively with the refuge to ensure that drinking water is available...". The correct fact is that representatives of BANWR have met with humanitarian groups on five occasions since October 2008, and we are currently working with a humanitarian group to provide water on the refuge.
3. The letter states "U.S. Fish and Wildlife officers have ticketed humanitarian volunteers for placing clean drinking water along known migrant trails; additionally, BANWR officials have threatened further punitive actions against humanitarian efforts on the refuge". The correct facts are that on 2 occasions individuals were cited and convicted of littering, for placing and leaving plastic water jugs on the refuge.

BANWR officials have not threatened punitive actions against anyone, We have explained the laws and the violations of the laws that occur when individuals leave plastic water jugs on the refuge. A federal Magistrate judge, a federal District judge and a federal jury have found that water jugs left on the Refuge constitute litter. The Refuge has a zero tolerance policy for any littering on the Refuge regardless of the source.

4. The letter states "Prosecution of humanitarian efforts is wrong.". The fact is that no one was prosecuted for humanitarian efforts, they were prosecuted for littering. We whole-heartily support humanitarian efforts, but we disagree on the methods used and the resulting violation of the law in executing those methods.

Additional facts you may wish to consider are:

The numbers of illegal migrants travelling through the Refuge have dropped precipitously from a high estimated of 250,000 per year in 2005 and 2006 to a total of 54,000 in 2008 and a projected 32,000 in 2009. That is an 800% decrease in migrants moving through the refuge for 2009 compared to 2006.

The death rate for migrants crossing the Refuge is less than the death rate for residents of Pima County, which runs about 1% annually.

Buenos Aires NWR has over 30 existing water sites available for migrants, with 14 of those consisting of sources directly tied to drinking water systems. There is more water per acre on the Refuge than on any other comparable land mass on the southern Arizona border. Additionally, we are in the process of re-developing 4 - 6 new water wells and repairing 10 - 15 stock tanks that will be available for wildlife and migrant use. Based on this, additional water on the Refuge for migrants is not necessary.

The Department of Homeland Security, Customs and Border Protection are in the final stages of installing the SBInet border surveillance system, a portion of which is located on the refuge. That system will most certainly change the dynamics of the migrant trail use on the refuge while simultaneously serving as rescue beacons. Most experts predict a further decline in the numbers of migrants using the refuge and a large shift in trail use within the Altar Valley due to these new systems.

The Refuge is currently working with Border Patrol to install additional migrant rescue beacons on the Refuge. Rescue beacons are much more effective at providing emergency response and the medical support needed for migrants suffering from the effects of heat. In fact, most medical experts caution against providing too much drinking water to those suffering from heat stroke or heat prostration as it could lead to death. Humanitarian leaders have endorsed rescue beacons, as Robin Hoover, Humane Borders, stated in a Sept. 14, 2006 newspaper article "I'm all for beacons", when a rescue beacon was used to rescue Humane Borders workers in distress near Ajo, Arizona.

The entire Altar Valley is covered by cell phone service and as stated by Humanitarian group leaders, most migrants have cell phones with them and the provision of complete coverage would eliminate most deaths occurring in the valley.

Expert representatives of No More Deaths have stated in a Tucson Weekly article published on October 4, 2007, that "the peak deaths take place at 40 miles" north of the border, which is 15 miles north of the Refuge's northern boundary. Therefore it makes sense to concentrate humanitarian efforts where they may be most needed, near the 40 mile zone.

The numbers of migrant deaths in southern Arizona have remained fairly constant over the past 7 years despite a reduction in the numbers of migrants and the efforts of humanitarian groups to assist migrants by providing water on migrant trails.

In this particular matter of leaving plastic water jugs on BANWR, we have made it consistently and clearly known that this is not an authorized activity on the BANWR. I will make it clear again here: Buenos Aires National Wildlife Refuge does not condone, permit, nor allow the placing of anything on the Refuge unless specifically authorized, to include water jugs. If you wish to place water jugs on the Refuge you may submit a detailed proposal with the exact locations, quantity, drop off dates, pick up dates, clean up dates, responsible individual, names of all field workers who would be on the refuge and any other pertinent information for our consideration. These are the standard requirements for a Special Use Permit on any National Wildlife Refuge. In support of your application please provide a list of peer reviewed research papers, dissertations, publications or other scientific peer reviewed articles that illustrate the effectiveness, success or benefits of the methods, techniques and practices you propose to use.

I hope this letter provides your organizations members some insight to the position of the Buenos Aires NWR. I believe we can work together and can facilitate humanitarian efforts without breaking established laws. I look forward to future communication

Also, please be advised that I will need a point of contact for your organization, preferably someone who makes decisions and is responsible for the organization. This is a normal business practice and I will no longer respond to a open email site.

Respectfully,

Mike Hawkes

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