Conversation Contents

Refuge Response/Concerns to CBP Correspondence dated 8-25-2017

"Winton, Bryan" <bryan_winton@fws.gov>

From:	"Winton, Bryan" <bryan_winton@fws.gov>
Sent:	Wed Sep 20 2017 14:15:15 GMT-0600 (MDT)
To:	Rob Jess <robert_jess@fws.gov>, Ernesto Reyes <ernesto_reyes@fws.gov>
Subject:	Refuge Response/Concerns to CBP Correspondence dated 8-25-2017

Subj: Regarding 28 miles of proposed Border Wall (Hidalgo County) and 32 miles of proposed Bollard Fence (Starr County) in President's FY18 Budget

Details of Proposal: 150' enforcement zone; 20-30' Bollard Wall; 18' Levee Wall; Automated Gates (20-50' wide); Lighting; All-Weather Access Road; Surveillance Cameras...

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Bryan R. Winton, Wildlife Refuge Manager
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"Winton, Bryan" <bryan_winton@fws.gov>

From:	"Winton, Bryan" <bryan_winton@fws.gov>
Sent:	Wed Sep 20 2017 14:17:21 GMT-0600 (MDT)
To:	Scot Edler <scot_edler@fws.gov>, Chris Perez <chris_perez@fws.gov>, Kim Wahl <kimberly_wahl@fws.gov>, Mitch Sternberg <mitch_sternberg@fws.gov>, Gisela Chapa <gisela_chapa@fws.gov>
Subject:	Fwd: Refuge Response/Concerns to CBP Correspondence dated 8-25-2017

If any of you can think of additional "impacts" I've not mentioned, please send them to me for forwarding to Rob. This is due by 10am tomorrow, so please take a look and think about it!!!! bryan

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"Perez, Chris" <chris_perez@fws.gov>

From:	"Perez, Chris" <chris_perez@fws.gov>
Sent:	Wed Sep 20 2017 15:59:11 GMT-0600 (MDT)
To:	"Winton, Bryan" <bryan_winton@fws.gov>
CC:	Scot Edler <scot_edler@fws.gov>
Subject:	Re: Refuge Response/Concerns to CBP Correspondence dated 8-25-2017

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Phone: 956-784-7553
Fax: 956-787-8338

"Winton, Bryan" <bryan_winton@fws.gov>

From:	"Winton, Bryan" <bryan_winton@fws.gov>
Sent:	Wed Sep 20 2017 16:01:08 GMT-0600 (MDT)
To:	"Perez, Chris" <chris_perez@fws.gov>
Subject:	Re: Refuge Response/Concerns to CBP Correspondence dated 8-25-2017

Good points. Thanks Chris.
bryan

On Wed, Sep 20, 2017 at 4:59 PM, Perez, Chris <chris_perez@fws.gov> wrote:

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"Wahl, Kimberly" <kimberly_wahl@fws.gov>

From:	"Wahl, Kimberly" <kimberly_wahl@fws.gov>
Sent:	Wed Sep 20 2017 16:20:47 GMT-0600 (MDT)
To:	"Winton, Bryan" <bryan_winton@fws.gov>
Subject:	Re: Refuge Response/Concerns to CBP Correspondence dated 8-25-2017

Bryan,

Two more that I can think of, which may be added into existing points where appropriate:

1) Noise from increased vehicle usage - at Santa Ana, this would be a concern for both public visitation and wildlife

2) Funds that have been used to improve habitat has subsequently been destroyed when BP has easier access to an area (Arroyo Ramirez - the habitat restoration work post road improvement project has turned into turn around points for BP even after t-posts were set to keep vehicles out, Arroyo Morteros - once a gate was reopened, BP began accessing area of salt cedar removal and habitat restoration project, Madero - post 2010 flood, BP agents began using resaca to drive through after salt cedar was removed rather than recovering to wildlife habitat). These are all examples where USFWS invested money into a site that was in turn wasted due to BP activities.

Kimberly Wahl-Villarreal
Plant Ecologist
South Texas Refuge Complex
Phone (cell): 956-522-5746

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(956) 784-7521 office; (956) 874-4304 cell
bryan_winton@fws.gov

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Bryan R. Winton, Wildlife Refuge Manager
Santa Ana National Wildlife Refuge
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(956) 784-7521 office; (956) 874-4304 cell

bryan_winton@fws.gov

"Chapa, Gisela" <gisela_chapa@fws.gov>

From:	"Chapa, Gisela" <gisela_chapa@fws.gov>
Sent:	Wed Sep 20 2017 18:34:17 GMT-0600 (MDT)
To:	"Winton, Bryan" <bryan_winton@fws.gov>
Subject:	Re: Refuge Response/Concerns to CBP Correspondence dated 8-25-2017

Bryan, here's my input regarding impacts to visitation in addition to ecotourism:

1. Ecotourism: Santa Ana receives an approximate 115,000 visitors a year, out of which an estimated 70% are from out of town and/or international visitors.

2. Visitation (both from locals and/or out of towners) will be negatively affected because of several reasons (in addition to what you already stated):
- Perception of unsafe environment of "no-man's land" beyond the wall.
- Difficulty accessing the refuge if visitors have to go through a gate on the road. This impacts existing programs such as the tram.
- Possibly result in more "search and rescues" if the fence means we would have to reconfigure our wayfinding signage and "trail head". Currently, the 150 buffer zone will probably impact the direct connection between the VC and the trail head. It will likely, also "eat up" the trail head.
- Increase negative interactions between vehicles on the refuge (patrolled enforcement zone) with pedestrians
- Increase the likelihood of interactions between visitors and illegal activity (unless this totally fixes illegal crossings) by limiting access points to the refuge.

3. Other negative impacts include our potential response time to address an emergency if the access points are gated

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Hope this helps.

Gisela Chapa
Urban Wildlife Refuge Coordinator
South Texas National Wildlife Refuge Complex

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956-784-7541
956-357-1222 (C)
956-787-8338 (F)

https://www.youtube.com/watch?v=6eTg6FQT5hM
http://www.fws.gov/refuge/santa_ana/

"One generation plants a tree...the next enjoys the shade."
-Anonymous

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"Winton, Bryan" <bryan_winton@fws.gov>

From:	"Winton, Bryan" <bryan_winton@fws.gov>
Sent:	Thu Sep 21 2017 08:42:55 GMT-0600 (MDT)
To:	Rob Jess <robert_jess@fws.gov>, Ernesto Reyes <ernesto_reyes@fws.gov>
Subject:	Fwd: Refuge Response/Concerns to CBP Correspondence dated 8-25-2017

Additional feedback/observations (refuge concerns) from staff that have been here for a few years.
bryan

---------- Forwarded message ----------
From: **Wahl, Kimberly** <kimberly_wahl@fws.gov>
Date: Wed, Sep 20, 2017 at 5:20 PM
Subject: Re: Refuge Response/Concerns to CBP Correspondence dated 8-25-2017
To: "Winton, Bryan" <bryan_winton@fws.gov>

Bryan,

Two more that I can think of, which may be added into existing points where appropriate:

1) Noise from increased vehicle usage - at Santa Ana, this would be a concern for both public visitation and wildlife

2) Funds that have been used to improve habitat has subsequently been destroyed when BP has easier access to an area (Arroyo Ramirez - the habitat restoration work post road

improvement project has turned into turn around points for BP even after t-posts were set to keep vehicles out, Arroyo Morteros - once a gate was reopened, BP began accessing area of salt cedar removal and habitat restoration project, Madero - post 2010 flood, BP agents began using resaca to drive through after salt cedar was removed rather than recovering to wildlife habitat). These are all examples where USFWS invested money into a site that was in turn wasted due to BP activities.

Kimberly Wahl-Villarreal
Plant Ecologist
South Texas Refuge Complex
Phone (cell): 956-522-5746

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"Winton, Bryan" <bryan_winton@fws.gov>

From:	"Winton, Bryan" <bryan_winton@fws.gov>
Sent:	Thu Sep 21 2017 08:48:05 GMT-0600 (MDT)
To:	Rob Jess <robert_jess@fws.gov>
Subject:	Fwd: Refuge Response/Concerns to CBP Correspondence dated 8-25-2017

Feedback from Gisela on impacts to visitation and Urban Refuge Initiative.
bryan

---------- Forwarded message ----------
From: **Chapa, Gisela** <gisela_chapa@fws.gov>
Date: Wed, Sep 20, 2017 at 7:34 PM
Subject: Re: Refuge Response/Concerns to CBP Correspondence dated 8-25-2017
To: "Winton, Bryan" <bryan_winton@fws.gov>

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Sent:	Thu Sep 21 2017 08:49:39 GMT-0600 (MDT)
To:	Rob Jess <robert_jess@fws.gov>
Subject:	Fwd: Refuge Response/Concerns to CBP Correspondence dated 8-25-2017

Feedback from Wildlife Biologist Chris Perez on refuge concerns.
bryan

---------- Forwarded message ----------
From: **Perez, Chris** <chris_perez@fws.gov>
Date: Wed, Sep 20, 2017 at 4:59 PM
Subject: Re: Refuge Response/Concerns to CBP Correspondence dated 8-25-2017
To: "Winton, Bryan" <bryan_winton@fws.gov>
Cc: Scot Edler <scot_edler@fws.gov>

I don't see anything in here about the effects that continual habitat disturbance has by facilitating the spread of invasive species, particularly grasses or the incidences of fires that occur from human activities on the refuge, or erosion from vegetation clearing such as the numerous drag roads they create on the refuge . You could probably add these to Item No.1.

Also, these activities associated with CPB projects cumulatively result in dis-functionality of the wildlife corridor concept along the river, which was originally a major objective for land acquisition efforts and habitat preservation for LRGV NWR.

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10. Additive Impacts - in exchange for improved technology, border wall infrastructure, surveillance towers/cameras, there should be some activities (like tire dragging) that are removed from the CBP tool box. No activities are protected. Impacts are all additive. The impacts to wildlife and habitat are cumulative every time CBP develops a new tool, all the previous tools remain in play. Some tools should replace and/or eliminate other tools, particularly those that are redundant or impact conservation measures unnecessarily.

11. Ecotourism Impacts - expansion of Border Wall (border infrastructure) along the IBWC flood control levee will separate Santa Ana NWR visitor center from refuge-proper (or 99% of the land on the refuge). Visitors will likely not feel safe or welcome to enter the refuge. Birding/ecotourism and related county-wide income will suffer significantly.

12. Ecological Sink - If the entire Hidalgo County is allowed to have impenetrable concrete barrier on the south side of what is now an earthen flood-control levee, those conservation lands (and all other lands) south of the wall/levee will serve as an ecological sink for terrestrial organisms during the times of future overbank flooding of the Rio Grande river. Wildlife will not be able to escape future river flooding events. This project will create widespread death for terrestrial organisms if constructed, since 85% of the conservation lands for Lower Rio Grande Valley NWR river tracts are south of the IBWC levee currently (in the IBWC Restricted Use Zone), and 99.9% of Santa Ana NWR conservation lands.

--
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Conversation Contents

Border Fence Infrastructure (Round 2) Concerns:

Attachments:

/12. Border Fence Infrastructure (Round 2) Concerns:/1.1 Border Wall Talking Points.doc
/12. Border Fence Infrastructure (Round 2) Concerns:/1.2 BP Fence impacts. acreage& tracts breakdown.doc
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"Winton, Bryan" <bryan_winton@fws.gov>

From:	"Winton, Bryan" <bryan_winton@fws.gov>
Sent:	Mon Mar 13 2017 09:31:22 GMT-0600 (MDT)
To:	Rob Jess <robert_jess@fws.gov>, Ernesto Reyes <ernesto_reyes@fws.gov>
CC:	Kelly McDowell <kelly_mcdowell@fws.gov>

Subject:	Border Fence Infrastructure (Round 2) Concerns:
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"Reyes, Ernesto" <ernesto_reyes@fws.gov>

From:	"Reyes, Ernesto" <ernesto_reyes@fws.gov>
Sent:	Mon Mar 13 2017 10:59:13 GMT-0600 (MDT)
To:	Dawn Whitehead <dawn_gardiner@fws.gov>
Subject:	Fwd: Border Fence Infrastructure (Round 2) Concerns:
Attachments:	Border Wall Talking Points.doc BP Fence impacts. acreage& tracts breakdown.doc BP Fence on Refuge.acres.impacts6-30-07.doc BP028949 D-IM Border Fence in Texas Including Lower Rio Grande Valley NWR for House Committee Hearing 10-09-2007.doc EIS Border Fence Concerns for South Texas Refuge Complex.doc Talking Point Excerpts.doc

FYI. Here is some good info. that we can still use.

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From: **Winton, Bryan** <bryan_winton@fws.gov>
Date: Mon, Mar 13, 2017 at 10:31 AM
Subject: Border Fence Infrastructure (Round 2) Concerns:
To: Rob Jess <robert_jess@fws.gov>, Ernesto Reyes <ernesto_reyes@fws.gov>
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Ernesto Reyes
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Texas DOI State Border Coordinator
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Fax:956-787-8338

"Reyes, Ernesto" <ernesto_reyes@fws.gov>

From:	"Reyes, Ernesto" <ernesto_reyes@fws.gov>
Sent:	Tue Mar 14 2017 06:12:13 GMT-0600 (MDT)
To:	"Ardizzone, Chuck" <chuck_ardizzone@fws.gov>, Dawn Whitehead <dawn_gardiner@fws.gov>
Subject:	Fwd: Border Fence Infrastructure (Round 2) Concerns:
Attachments:	Border Wall Talking Points.doc BP Fence impacts. acreage& tracts breakdown.doc BP Fence on Refuge.acres.impacts6-30-07.doc BP028949 D-IM Border Fence in Texas Including Lower Rio Grande Valley NWR for House Committee Hearing 10-09-2007.doc EIS Border Fence Concerns for South Texas Refuge Complex.doc Talking Point Excerpts.doc

Chuck,

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"Ardizzone, Chuck" <chuck_ardizzone@fws.gov>

From:	"Ardizzone, Chuck" <chuck_ardizzone@fws.gov>
Sent:	Tue Mar 14 2017 06:22:43 GMT-0600 (MDT)
To:	"Reyes, Ernesto" <ernesto_reyes@fws.gov>
CC:	Dawn Whitehead <dawn_gardiner@fws.gov>
Subject:	Re: Border Fence Infrastructure (Round 2) Concerns:

Thanks for all of your hard work on the spread sheet and gathering this information. I forwarded these to Seth and I just cut and pasted the information you provided in the excel spreadsheet into the google document.

Thanks again!

Chuck Ardizzone
Project Leader
Texas Coastal Ecological Services
U.S. Fish & Wildlife Service
17629 El Camino Real, Ste 211
Houston, TX 77058
W: (281) 286-8282 Ext 228
C: (713) 882-1912
F: (281) 488-5882

"Leaders must learn to discipline their disappointments. It's not what happens to us, it is what we choose to do about what happens that makes the difference in how our lives turn out."

Jim Rohn

"If your actions inspire others to dream more, learn more, do more and become more, you are a leader"

John Quincy Adams

On Tue, Mar 14, 2017 at 7:12 AM, Reyes, Ernesto <ernesto_reyes@fws.gov> wrote:

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"Reyes, Ernesto" <ernesto_reyes@fws.gov>

From:	"Reyes, Ernesto" <ernesto_reyes@fws.gov>
Sent:	Tue Mar 14 2017 06:36:00 GMT-0600 (MDT)
To:	"Ardizzone, Chuck" <chuck_ardizzone@fws.gov>
Subject:	Re: Border Fence Infrastructure (Round 2) Concerns:

Your welcome. We went through this same painful path in 2007. Dr. Larisa Ford was awesome at putting this info. together in a short amount of time and my role was to coordinate with the

Refuge and be a go between ES and Refuge who were kicking and screaming for such short turnaround requests. At the time we had ES support from Headquarters, and no RO support, so we dealt directly with Headquarters because we had no time to delay for someone to make a decision that had a 2-4 hour turnaround request frequently. Also, we have the same LRGV Refuge Manager Bryan Winton who got here at that time.

Ernesto

On Tue, Mar 14, 2017 at 7:22 AM, Ardizzone, Chuck <chuck_ardizzone@fws.gov> wrote:

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Background Information Regarding a Border Wall Along the Last 275 Miles of the Rio Grande

1. The proposed wall could include:

- 86 miles of physical barrier on National Wildlife Refuges, State Parks, many other refuges and parks owned by Audubon, Nature Conservancy and NABA, and private lands along the Rio Grande between Falcon Dam in Starr County and the Gulf of Mexico in Cameron County
- Clearing of brush along the river up to 150' in width where construction of the wall will take place
- A road suitable for driving up to 50 miles per hour along the wall

2. The proposed wall could affect:

- Establishment of eminent domain on private lands along the river for private landowners unwilling to sell
- Complete prevention of access to the river from the wall, meaning no access for farmers and ranchers whose livelihoods depend on the water rights they have purchased
- No access for wildlife enthusiasts interested in wildlife watching, canoeing, kayaking, and hiking along the river. Eco-tourism brings more than $125 million to the RGV annually from 200,000 eco-tourists, creating 2,500 jobs in the local economy
- Destroying a 25 year effort to restore the river wildlife corridor. Approximately $70 million has been spent on land acquisition and $20 million on re-forestation efforts. Thousands of school children and other volunteers have planted thousands of native plants and trees. Dozens of local, state and federal entities and organizations have partnered to create the Wildlife Corridor
- Very rare species of birds and other animals that are only found in the Rio Grande Valley in the U.S. which are species highly valued by eco-tourist. I.e.: Brown Jay, Muscovy Duck
- Both endangered and threatened species listed by the federal government and state uses the riparian habitat and would face possible extinction or extirpation. I.e.: Ocelot, Jaguarundi,
- No access to drinking water for wildlife unable to breach the wall
- No access to habitats across the river (and/or just across the wall) for wildlife, leaving them in isolated communities creating genetic gridlock and promoting extirpation and/or extinction
- Many historical and archeological sites with national and international significance

3. Border Fence Legislation facts:

- Section 102 of the 2005 REAL ID Act states: "…the Secretary of Homeland Security shall have the authority to waive, and shall waive, all laws such Secretary, in such Secretary sole's discretion, determines necessary to ensure expeditious construction of the barriers and roads under this section", which is to say that Secretary of Homeland Security Michael Chertoff has the power to wave any and all federal laws, including the Endangered Species Act, National Environmental Policy Act and more in the name of homeland security
- The *Secure Fence Act of 2006* directs Department of Homeland Security to:
    - Take all actions necessary to achieve and maintain control over international borders within 18 months.
    - Construct at least two layers of reinforced fencing and additional physical barriers, roads, cameras, sensors and lighting on 700 linear miles along specific areas of the Mexican border.
    - Construct 370 miles of physical fence before the end of 2008, including 153 miles in Texas, 129 in Arizona, and 12 in New Mexico, while California gets 76

4. Talking Points for Texas Senators Hutchison and Cornyn:

- Thank you for your recent efforts to amend S. 1348, the immigration reform bill, to require the U.S. Department of Homeland Security (DHS) to take into consideration the concerns

raised by states, local governments, and property owners in places where a wall would be constructed

- Requiring DHS to consult with state, local, and tribal officials, as well as land management agencies, before wall construction is an important component missing from the Secure Fence Act of 2006 and the Real ID Act
- I am still concerned because the amendment still requires the DHS to construct 700 miles of wall along the border.
- The new legislation needs to allow DHS to choose the type of barriers best used, which would allow for a smart fence. Current legislation only specifies and allows for a wall.
- In addition, per the REAL ID Act, DHS still has the authority to waive any and all regulations and laws

5. Talking Points for United States Congresspersons:

- Please support any legislation or amendments to any legislation that:
    - Requires DHS to consult with state, local, and tribal officials, as well as land management agencies, before wall construction. This is an important component missing from the Secure Fence Act of 2006 and the Real ID Act
    - Allows DHS to choose the type of barriers best used, which would allow for a smart fence. Current legislation only specifies and allows for a wall.
    - Would modify the Secure Fence Act of 2006 and allow DHS to replace the proposed wall with a smart fence
    - Repeals the REAL ID Act. DHS still has the authority to waive any and all regulations and laws which spells disaster for farmers, ranchers, nature tourists, recreational opportunities, wildlife and habitats

- With the use of advanced technology, a smart fence would:
    - Use the most recent technology that would help keep agents and those they apprehend safer by allowing them to detect undocumented migrants well in advance of any encounter
    - Eliminate concerns of livestock and wildlife having access to the river, thereby eliminating the legitimate concerns of cattle ranchers, farmers and conservationists
    - Allow for the continuation of the thriving nature tourism and hunting industry in the impoverished region of South Texas
    - Save tax-payer dollars since there would be no purchasing of property, clearing and/or maintaining dense brush, and construction and long-term maintenance of the fence

- While a smart fence is not without its problems, a wall is simply not effective in the effort to stop or even curb illegal immigration

- When writing use all the points listed in sections 1-3 as well

6. What You Can Do:

- Write, Fax, E-mail and Call all your U.S. Senators and U.S. Representatives using the above info
- Write, Fax, E-mail and Call all your Texas State Senators and Representatives using the same info urging them to get involved
- Forward this to anyone with an interest in conservation, human rights and private property rights
- Forward this fact sheet to as many people you know nation wide and encourage them to get involved
- Keep the issue alive by forwarding articles and videos posted on the list serve to as many people you know nation wide
- Join the Yahoo's listserve -- NoBorderWall

- Take a stand! Keep informed; attend meetings; question your elected officials and let them know you do not support a wall; talk to your neighbors; participate in protests; and help spread the word!!!

7. Some of the Many Wildlife Refuges & Parks That Could Be Affected –

Lower Rio Grande Valley NWR: The LRGV NWR is a 90,000 acre refuge found on the most southern tip of Texas. This wildlife corridor refuge follows the Rio Grande along its last stretch and includes 70+ miles of river front. Taxpayers have spent $90M since 1979 in land acquisitions and restorations for what is considered one of the most biologically diverse areas in North America. The 11 distinct ecosystems found here are host or home to over 1,100 plant species and 700 vertebrates (of which 513 are birds) and 20 threatened and endangered species.

Santa Ana NWR: This 2,088 acre refuge is considered the 'jewel' of the Refuge System with a documented 407 species of birds. Bird watchers from all 50 states and 35 countries come here to see species found no where else in the United States, including the Green Jay, Chachalaca, Great Kiskadee, Altamira Oriole and more.

Sabal Palms Audubon Sanctuary:

NABA Butterfly Park:

Bentsen State Park & World Birding Center:

Roma World Birding Center:

TNC Chihuahuan Woods:

TNC Southmost Preserve:

8. Elected Officials

To find your federal elected officials: www.senate.gov and www.house.gov

To find your Texas State elected officials:
http://www.lrl.state.tx.us/citizenResources/ContactLeg.html

TEXAS RESIDENTS
The Honorable Kay Bailey Hutchison
284 Russell Senate Office Building
Washington, DC 20510-4304
Phone: 202-224-5922
Fax: 202-224-0776

The Honorable John Cornyn
517 Hart Senate Office Bldg.
Washington, DC 20510
Tel: 202-224-2934
Fax: 202-228-2856

SOUTH TEXAS RESIDENTS

The Honorable Solomon P. Ortiz
U.S. House of Representatives
2110 Rayburn HOB
Washington DC 20515
Phone: (202)225-7742
Fax: (202) 226-1134

The Honorable Rubén Hinojosa
U.S. House of Representatives
2463 Rayburn HOB
Washington, D.C. 20515
Phone: (202) 225-2531
Fax: (202)225-5688

The Honorable Henry Cuellar
336 Cannon House Office Building
Washington, DC 20515
phone: 202-225-1640
fax: 202-225-1641

The Honorable Ciro D. Rodriguez
2458 Rayburn HOB
Washington, DC 20515
Phone: (202) 225-4511

June 29, 2007

Lower Rio Grande Valley National Wildlife Refuge Lands Directly and Indirectly Affected by the Proposed Border Fence Plans

Bryan Winton, Refuge Manager

Current Refuge Acreage Total (not including lands managed by Laguna Atascosa NWR) = **83,193.9** acres

Refuge Lands to be Directly (Physically) Impacted by the Fence = **4,606.23** acres
5.5% of total refuge acreage)

Refuge Lands to be Directly and Indirectly Impacted by the Fence = **61,165.44** acres
73.5% of total refuge acreage)

Refuge Lands Arguably Not Affected by the Proposed Fence = **22,028.46** acres
Includes:

Los Olmos	*= 1,424.9 acres*
Monte Cristo	*= 2,701.62 acres*
Goodfields	*= 358.68 acres*
Tiocano Lake	*= 435.94 acres*
Thompson Road	*= 30.0 acres*
Willamar	*= 1,162.22 acres*
San Perlita	*= 272.42 acres*
El Jardin	*= 209.03 acres*
Lozano	*= 42.09 acres*
Las Yescas	*= 20.09 acres*
Lantana	*= 34.81 acres*
Mercedes	*= 37.36 acres*
Noreiga	*= 200.0 acres*
Fish Hatchery	*= 249.1 acres*

<u>Un-measurable Impacts Associated with the Proposed Border Fence</u>:

1. Impact to refuge lands located south of the fence but north of the river (no man's land)
2. Impact to refuge lands NOT fenced (future traffic may be directed/magnified there)
3. Impact to refuge resources caused by additional roads on lands with Fence (roadkill)
   - fence will hinder mammal movements; mammals will follow the fence seeking an opening making there proximity to the newly created roads next to the fence troublesomely close.
4. Impact to migratory birds due to "fence habitat" which will expand suitability to nest parasitizers
5. Impacts are contingent upon design of fence. Proper fence design that will allow small/med mammals to pass but impedes human traffic, could render the fence much less harmful.

Lower Rio Grande Valley National Wildlife Refuge Tracts directly affected by the Proposed Border Fence
June 30, 2007

Tract Name	*Miles of Fence*[1]	*acres*	*Where Located*	*Problems*
Monterrey Banco	0.075 miles	100.0	west boundary	Bisects property
	0.825 miles		north boundary	access/safety
	0.1875 miles		east boundary	access to water (canal)
La Coma	0.1875 miles	639.24	northern	Bisects property
Rosario Banco	0.4 miles	33.5	central	Bisects property
Culebron Banco	0.25 miles	37.8	east central	Bisects property (water)
Vaqueteria Banco	0.1875 miles	2.69	north boundary (2 tracts)	access/safety
Tahuachal Banco	0.25 miles	175.16	central	Bisects property (cat corridor
Palo Blanco	0.3125 miles	30.02	north boundary	access/safety
Phillips Banco	0.325 miles	336.15	western edge	Bisects property
	0.65 miles		southern boundary	access to water (river)
Jeronimo Banco	0.3 miles	288.04	eastern edge	access/safety
Boscaje de La Palma	0.3125 miles	365.0	north central	Bisects property
	0.3125 miles		north boundary	access/safety
Hidalgo Bend	1.5 miles	519.7	north boundary	access/safety
Pate Bend	1.575 miles	441.81	east boundary	access/safety
Granjeno	0.1 miles	2.62	southern boundary	access to water (river)
Kiskadee WMA	0.1 miles	10.15	central	Bisects property
Penitas	0.75 miles	14.3	north boundary	access/safety
Los Ebanos	0.6 miles	711.78	southern boundary	access to water (river)
	0.15 miles		northern boundary	access/safety
Rio San Juan	0.1 miles	118.39	central	Bisects property (partially)
Los Negros Creek	0.35 miles	111.51	south boundary	access to water (river)
Arroyo Ramirez	1.0 miles	668.37	south boundary	access to water (river)

Total Acreage	4,606.23
Total Miles of Fence	10.8 miles
Bisects Property	2.0 miles
Access/Safety	5.9125 miles
Access to Water by Wildlife	2.8875 miles

Miles of Fence[1]- Miles of Fence for each LRGV NWR Tract were determined by transcribing Round 1 Proposed Border Fence Alignments (provided by fax copies on small-scale topographical maps) onto Refuge GIS Tract Maps. Only those tracts to be directly affected by fence related infrastructure/disturbance are included.

October, 2 2007

INFORMATION MEMORANDUM FOR THE DIRECTOR

FROM: Benjamin N. Tuggle, Regional Director, Southwest Region

TELEPHONE #: 505-248-6282

SUBJECT: Department of Homeland Security (DHS) Plans for Border Fence in Texas Including Lands within the Lower Rio Grande Valley National Wildlife Refuge

I. SUMMARY

The U.S. Army Corps of Engineers (COE) met informally at Santa Ana NWR with South Texas Refuge Complex and Corpus Christi Ecological Services (ES) staff on May 4, 2007, and disclosed that 70 miles of border fence will be installed by December 31, 2008, along the southern three counties of the Lower Rio Grande Valley, primarily at international crossings and high traffic areas. A subset of the 70 miles of fenced areas would include lands within the Lower Rio Grande Valley NWR.

The COE is performing real estate functions for DHS Customs and Border Protection (CBP) and is contacting private landowners and the Service to coordinate required land transactions. The COE realty staff informed Refuge Complex staff that lands within the Lower Rio Grande Valley NWR would be the first to receive fencing because these lands are already federally owned.

On May 29, 2007, local CBP leadership formally met with Refuge Complex and ES to inform the Service of their tentative plans to construct fencing on Lower Rio Grande Valley NWR. Subsequently, local CBP leadership requested a meeting with the Refuge and ES to visit potential Refuge lands that would be affected by the fence. Tentative maps were provided that showed extensive areas along the river on private and Refuge lands that would be fenced. Field visits to western Refuge tracts revealed multiple issues with the construction of a border fence. Issues included barriers to wildlife migration; genetic isolation of wildlife populations, including endangered species; barriers to wildlife for obtaining water; engineering concerns with unstable soils and impeded storm water flows; brushland habitat loss; and staff and visitor security and safety concerns.

On August 31, 2007, Refuge and ES staff met with COE and Border Patrol Representatives to further discuss right-of-way (ROW) issues. COE and Border Patrol were informed of Service policy and procedures for obtaining ROWs as well as Appropriate Refuge Use and Compatibility Determination processes. Subsequently, field visits by DHS, COE, consultants, and Refuge and ES staff were conducted between September 10-13, 2007, to private and Refuge lands. On

September 14, 2007, a meeting was held at the Harlingen, Texas, Border Patrol Headquarters with consultants responsible for the preparation of the Environmental Impact Statement (EIS) and Section 7 Consultation with ES. Engineering-Environmental Management, Inc., and Baker Corporation presented plans to develop the EIS and, in association, to conduct natural resources, cultural resources, and engineering surveys on private and Refuge lands. A full discussion of Appropriate Refuge Use and Compatibility policies and procedures occurred with the consultants and Border Patrol representatives related to access to the Refuge for survey purposes.

II. DISCUSSION

Refuge staff first became aware of a real intent on the part of DHS to construct border fences within the operational jurisdiction of the South Texas Refuge Complex and Corpus Christi ES Office with newspaper articles from Roma, Texas, during the week of April 23, 2007. These newspaper articles covered contacts made by CBP with private landowners in the Roma area. This intention was confirmed in a meeting on April 27, 2007, attended by Congressman Henry Cuellar, (D) Laredo, Texas; City of Roma officials; and Refuge Complex staff. Ecological Services and Refuge staff attended a meeting with COE realty staff on May 4, 2007, where discussions centered on Federal land permit issues related to the border fence.

Local CBP leadership carried out their self-imposed outreach requirements in a meeting with Refuge Complex and ES staff on May 29, 2007. Although CBP leadership confirmed that fencing is coming to the Refuge, no details were released. A subsequent meeting with local CBP leadership was held in the field on June 20, 2007. Maps detailing probable fence sites on the Refuge were presented to the Refuge and several Refuge tracts were visited on the west side. Significant wildlife, engineering, and safety issues were raised during this visit. On July 7, 2007, Congressman Price (D-NC), Congressman Culberson (R-TX), and Congressman Ortiz (D-TX), all members of the House Appropriations Committee and Subcommittee for Homeland Security visited the Refuge on a fact-finding tour.

Refuge Complex and ES concerns regarding border fencing continue to be conveyed to DHS both orally and in writing. Placement and design of the border fence remain unclear as the EIS is prepared, Section 7 Consultations take place, and Refuges and ES convey suggestions for lessening the impacts of the proposed fence on private and Refuge lands. Wetland and cultural resource issues are also unknown at this time but natural resource and cultural resource surveys have been requested by the contractors (subject to Appropriate Refuge Use and Compatibility Determinations on Refuge lands). ES staff continues to work with DHS and their contractors on additional private lands proposed in the State. Discussions during the May 4 meeting with COE indicated that DHS may use its

waiver authority granted under the Real ID Act of 2006 for existing regulations such as the ESA, NEPA, and Refuge Administration Act.

III. MESSAGES AND ANSWERS

Serious, and likely irreparable, wildlife and habitat loss and damage are likely to result from the placement of 70 miles of border fence along the lower Rio Grande River that will include impacts to lands held in trust by the Lower Rio Grande Valley NWR. The total number of miles of fence that would be constructed on the Refuge is unclear at this time. Discussions continue with DHS regarding the placement of fences on Refuge lands and work is underway to verify Federal ownership where fencing is proposed on or next to Refuge boundaries. DHS currently estimates 2.5 miles of fence on Refuge lands; however, depending on the actual location and placement of fences, this length of fence on the Refuge may reach up to 10 miles.

Impacts are not limited to Refuge lands with actual fencing. It is very likely that numerous other Refuge tracts (non-fenced) on the Lower Rio Grande Valley NWR will be seriously impacted by increased illegal traffic and Border Patrol activities. The overall impacts to the Refuge through direct and indirect effects may reach 60-70 percent of the Refuge. Santa Ana NWR, which is centrally located along the Rio Grande, may also experience similar indirect impacts. There is significant safety, security, and logistical issues for Refuge operations and maintenance included in the placement of a pedestrian-proof fence on Refuge lands.

Of immediate concern is the Appropriate Refuge Use and Compatibility Determination processes related to requests by the DHS contractors to conduct natural, cultural, and engineering surveys on the Refuge (related to the development of an EIS and Section 7 Consultation for the project). The timeframe needed to complete these processes does not allow DHS to fulfill their schedule requirements, and it is very likely that the engineering surveys will be found not an Appropriate Use of the Refuge. Though a significant issue, the impact of not being able to carry-out engineering surveys is small in comparison to the likelihood that the construction of a pedestrian proof fence on the Refuge will be found neither an Appropriate Refuge Use nor a Compatible Use.

PREPARED BY: Benjamin N. Tuggle **DATE:** 10/01/2007
Regional Director, Region 2

APPROVED BY: Benjamin N. Tuggle **DATE:** 10/01/2007
Regional Director, Region 2

Note to Reviewers

This briefing paper was requested by the WO for the Director's testifying before the House Natural Resources Committee, Subcommittee on Fisheries, Wildlife, and Oceans next Tuesday. These will be used for preparation for the hearing.

Matt Huggler is the recipient of the BPs with a copy to ANRS.

For any additional information, please contact: Chris S. Pease
Regional Refuge Chief
505-248-7419

Comments from South Texas Refuge Complex as relates to the Border Fence EIS
11-28-2007

JUSTIFICATION FOR CONCERN:
The primary wildlife conservation strategy for the Lower Rio Grande Valley National Wildlife Refuge (LRGV NWR) is the creation of a wildlife corridor that links numerous isolated habitat fragments. The Refuge currently manages 113 individual tracts totaling 88,044 acres and is authorized to purchase additional lands, up to 132,500 total acres in Cameron, Willacy, Hidalgo and Starr Counties of South Texas.

The protected lands of the Refuge are considered to be one of the most biodiverse in the continental United States. LRGV NWR manages habitats supporting 516 species of birds (more than half of the species sited in the United States and Canada), 300 species of butterflies, 115 species of reptiles and amphibians, and 83 species of mammals known to occur in the lower Rio Grande valley and adjacent Gulf of Mexico coastal waters. Presently, 776 plant species are documented on the LRGV NWR, but an estimate of the total number of plant species occurring in the Refuge's acquisition boundary is placed at 1,200 species. This tremendous biodiversity is in part the result of four converging climates (tropical, coastal, temperate and desert) and the funneling of two migratory flyways (the Central and the Mississippi).

When the project began in 1979, 95% of the lower Rio Grande valley's unique habitat had been eliminated, primarily for agriculture. Land acquisition for LRGV NWR began in 1980 and has included the purchase of existing habitat, as well as strategically located farmland. LRGV NWR prioritizes acquisition of lands along the Rio Grande extending 275 river miles from Falcon Dam to Boca Chica. When possible, parcels are secured that will serve as links connecting separate Refuge tracts (the analogy being that of a chain, with even a single link missing, does not function); inholdings are purchased when possible. Areas that have unique or notable resources, or on which endangered species are known to occur, receive priority for acquisition. LRGV NWR has developed an extensive cooperative farming and revegetation program that restores between 750 and 1,000 acres of farmland per year to native habitat, this in order to create additional wildlife habitat and alleviate habitat fragmentation.

This wildlife corridor Refuge includes the lower Rio Grande valley and adjacent upland regions. To the north lies the Laguna Atascosa National Wildlife Refuge and the great Texas ranch country with large blocks of intact habitat. Directly to the south are ecologically valuable areas such as the Laguna Madre of Tamaulipas, and the Sierra de los Picachos (in Nuevo Leon), Mexico which are receiving focused conservation attention from the Mexican Government and a number of interested Mexican and U.S. organizations.

More than 25 years into the project, the Fish & Wildlife Service is now seeing great returns on its investment. The earliest restoration efforts have matured to produce habitats that are harboring species of plants and animals that can be seen nowhere else in the United States.

Biological Impacts of Concern:

- An impermeable fence (to illegal human traffic and wildlife) along the Texas border would have adverse effects to approximately 39 listed species and many other trust species (i.e., candidate species, migratory birds, etc.).

- **Potential direct effects** from placement of an impermeable fence along the border:
    - Cessation or restriction of movements within and among populations may isolate small populations or disrupt metapopulation dynamics. Restricting movement would be particularly detrimental for species that rely on connectivity with Mexico for their continued existence in such as the endangered ocelot and jaguarundi.
    - Cessation or reduction in gene flow among or within populations that may result in loss of genetic variability in populations and ultimately reduce the likelihood of species' long-term survival.
    - Habitat reduction, loss, fragmentation, degradation (footprint of fence and road; disruption of hydrological processes by fence and road placement; increased erosion and diminished water quality in riparian and aquatic zones if these areas are not avoided, etc.).
    - Impingement of animals depending on type of fence material.
    - Temporary disturbance to species during construction; ongoing disturbance for maintenance and operations.
    - Potential risks of increased vehicle strikes for ocelots, jaguarundi, birds and bats.
    - International bridges already act as east-west barriers along with highways with median jersey walls and no wildlife crossings in the Rio Grande Valley. The border fence will act as a north-south barrier causing even more species' isolation and fragmentation.
    - Increased lighting at night along the fence will have negative impacts on animals such rodents, frogs, ocelots, and jaguarundi by making them more susceptible to predation. These areas will also be avoided by other species such as neotropical birds searching for nesting sites.
    - In the arid Tamaulipan thornscrub of Starr County and semi-arid areas along the Texas border, the only surface water animals have is the Rio Grande. A border wall would prevent animals from accessing their only water source.
    - Invasive, non-native grasses, which threaten reforestation efforts through competition and volatility, are likely to be exacerbated by the clearing of brush and the establishment of a fence/road corridor.
    - The safety and security of refuge staff conducting refuge operations and management activities south of a Border Fence is a great concern.
    - Long-time security for natural resources south of a Border Fence, which may or may not be safely managed and monitored, is a significant concern.
    - The Refuge experiences a peak of 300 wildfires per year, on average. Fighting wildfire is extremely dangerous, particularly if escape routes are limited due to a Border Fence. Natural Resource protection may be jeopardized due to public safety, or lack thereof, due to the challenges (safety) of fighting wildfires south of a Border Fence.

- The Lower Rio Grande Valley is comprised of over 125 separate and distinct tracts of land that represent what is left of the 5% of remaining Tamaulipan Thornscrub habitat—all that is left in South Texas. Further fragmentation of those "fragments" by a Border Fence greatly jeopardizes this Agency's ability to protect highly sensitive, secretive, and endangered species, like migratory birds, ocelot and jaguarundi.

- **Potential indirect effects** from placement of an impermeable fence along the border:
  - Agreements or Memorandum of Understandings between the Service and various other federal and state agencies in Texas and Mexico have been established after many years of negotiations to establish international wildlife corridors on both sides of the border. Sister parks will be impacted by the border fence and potentially reduce survival rates of the ocelot and jaguarundi in Texas.
  - Biological opinions issued for projects in the Valley that put in place acquisition and management of wildlife corridors and other measures could be fragmented and nullified by a fence.
  - Corridors established by the Lower Rio Grande Valley National Wildlife Refuge and native habitat restoration activities could be lost or destroyed depending on the placement of the fence.
  - Redirection of illegal traffic to unsecured areas of the border may impact wildlife habitat that is now less disturbed and will definitely affect both Santa Ana National Wildlife Refuge and Lower Rio Grande Valley National Wildlife Refuge. Rural fence segments currently proposed to curtail high traffic will only shift problems (immigration, trafficking, smuggling, drugs, etc.) to new areas, presumably to new vegetated areas where cover and concealment is present (most likely on adjacent refuge tracts).
  - Management of areas located behind the fence will hinder responses for fire, wetland management and invasive grass and brush control along the fence and border patrol roads, resulting in a loss of habitat for listed species and prevention of brush restoration.

Alternatives to a Permanent Fence we Recommend for Consideration:

- Alternative technological solutions, such as ground based radar, have been successful in aiding and deterring smuggling activities with minimal impacts to sensitive wildlife populations.
- Construction of permanent vehicle barriers designed to allow for the passage of animals, generally have much fewer impacts on species than pedestrian barriers. Though they still result in certain impacts to species, they do not prevent movement of species and sever connectivity.
- Pedestrian barriers will likely have much fewer impacts on species if they are solely constructed within highly urbanized areas, where fewer trust resources occur. If pedestrian fences are constructed in areas other than highly urbanized areas, fence design should be modified to at a minimum allow for the passage of some species and in a manner that would reduce the likelihood of cat, bird, and bat entrapment or strikes.

DISCUSSION:
The Service has worked for more than 25 years (at an estimated cost of $80 million) along the border to maintain and manage the refuge complex and build additional endangered cat/wildlife corridors through consultation with the International Boundary and Water Commission and partnership with private landowners. A fence could significantly lessen the success of these efforts.

The Lower Rio Grande/Rio Bravo Binational Ecosystem Group has been working with our Mexico counterparts to establish international wildlife corridors between Falcon Dam to Laguna Madre and north and south of the border to connect wildlife corridor linkages to the South Texas Refuge Complex and natural protected areas in Mexico. An MOU with these agencies in the State of Tamaulipas and Nuevo Leon, Mexico along with TPWD, TNC, South Texas Refuge Complex, and ES is being reviewed at the RO for signature. It has taken six years to establish this relationship through the Ecosystem Group to get to this agreement. The Laguna Madre Natural Protected Area in Tamaulipas, Mexico wants to enter into an MOU with Laguna Atascosa NWR to establish a sister park and work towards establishing an international wildlife corridor for the endangered ocelot. This corridor will be significantly impacted by the Border Fence.

MAIN DECISION OR MESSAGE:

Serious, and likely irreparable, wildlife and habitat loss and damage, such as severing genetic exchange and blocking access to water, is likely to result from the placement of 70+ miles of border fence along the lower Rio Grande River that includes refuge lands. There are also serious safety and logistical issues for refuge operations and maintenance included in the placement of fence on Refuge lands. Safety for refuge staff, fire fighters, and natural resources south of any future border fence is currently in question, given the limited access points proposed.

Immediate and comprehensive discussions need to take place between DHS, Ecological Services and the Refuges to minimize and mitigate effects of the construction and operation of a border fence along the lower Rio Grande River in Texas.

If it is determined that a fence will be constructed through the Lower Rio Grande Valley National Wildlife Refuge, we recommend that the Border Patrol establish an environmental contact person who represents all 5 Border Patrol Sectors that occur within the Refuge boundary. Currently, the Sectors deal individually and inconsistently with the Service (Refuge). One Border Patrol Environmental voice would eliminate a considerable burden the Service currently faces when dealing with refuge concerns and would be a one-stop shopping approach to addressing other environmental concerns whether they occurred on/off refuge lands.

In addition, over the years, Refuge has witnessed, since its' establishment, the inability of the Border Patrol to conduct repairs to roads and trim encroaching brush, (particularly refuge roads) and B.P. traffic continually ruts up and damages refuge roads. A Border

Fence should not be constructed unless B.P. first establishes a permanent, capable maintenance program to conduct/perform maintenance to new infrastructure and associated access roads on the Refuge. Otherwise, refuge roads and wildlife habitat will undergo serious degradation and both agencies' operational effectiveness will be affected.

BUREAU PERSPECTIVE:
Service leadership should advocate continued involvement by Refuges and Ecological Service in the planning and implementation of a border fence. Point of Contact for South Texas Refuge Complex is Project Leader Ken Merritt (956) 784-7500.

Department of Homeland Security
Excerpts of Talking Points
December 7, 2007

- Secretary Chertoff has committed that DHS will build a total of 370 miles of pedestrian fence along the southwest border by the end of CY 2008.

- By the end of FY 2007, CBP had more than 145 miles of pedestrian fencing completed along the southwest border. By the end of CY 2008, an additional 225 miles will be built, for a total of 370 miles.

- Since May 2007, DHS has engaged in extensive discussions about the placement of the remaining 225 miles of fencing with state and local stakeholders, including landowners, to ensure that our investments effectively balance border security with the diverse needs of those that live in border communities. As part of these outreach efforts, DHS has contacted almost 600 different landowners and held 18 town hall meetings.

- As a result of these outreach efforts, there are many instances where we were able to make modifications to our original plans to accommodate landowner/community concerns/requirements while still meeting our operational needs. Some examples include:

  1. We made numerous alignment changes to the Rio Grande Valley segments to limit impacts to the U.S. Fish and Wildlife (USFWS) National Wildlife Refuge areas, a bird watching observation facility in the City of Roma, and negate the need to relocate approximately 30 residences.

     - The fence alignment at the Roma Port of Entry (POE) was initially proposed to be on top of a 30-foot bluff because we were not sure if it could be built below, due to flood plain issues. During our site visit in September, it was determined that placing the fence at the top of the bluff would impact historical buildings and brought about constructability issues. Building the fence on the bottom of the bluff would also make better operational sense. Based on these findings, U.S. Border Patrol, U.S. Army Corps of Engineers, and USFWS agreed that the fence would be placed at the bottom of the bluff.

       U.S. Fish and Wildlife doesn't have any property around the Roma POE but supports the placing of the fence at the base of the bluff with the condition that brush removal will be minimal on both sides of the fence.

       Schematics of this approach will be submitted to International Boundary and Water Commission for approval.

  2. In Del Rio, Texas, we relocated an approximately 2.3 mile segment to negate the need to relocate approximately 10-12 residences.

3. In San Diego, California, we changed the alignment of a segment to significantly reduce the impacts to the Otay Mountain Wilderness area.

United States Department of the Interior
FISH AND WILDLIFE SERVICE
Texas Coastal Ecological Service Field Office
3325 Green Jay Rd
Alamo, TX 78516

In Reply Refer To:
FWS/R2/ES/02ETCC00-2017-I-0218

ex 6 & 7c
Environmental Branch Chief (A)
U.S. Customs and Border Protection
Border Patrol Facilities and Tactical Infrastructure
Program Management Office
ex 6 & 7cex 6 & 7cex 6 & 7c
ex 6 & 7cex 6 & 7cex 6 & 7c

Dear Mr. ex 6 & 7c

Thank you for your letter and environmental assessment received November 10, 2016, regarding the effects of proposed Remote Video Surveillance System (RVSS) Towers on federally listed species in Hidalgo, Cameron, Brooks, and Kenedy counties, Texas. Your project was also evaluated with respect to wetlands and other federal trust fish and wildlife resources.

We understand that U.S. Customs and Border Protection (CBP) proposes the construction, operation, and maintenance of 32 RVSS sites to provide long-term, permanent surveillance. Each RVSS tower would be equipped with a suite of sensors and/or communications equipment. The proposed action also includes the construction and maintenance of 850 feet of access drives, and the maintenance and repair of 19 miles of access roads. Access roads will require reconstruction, widening, or straightening of the existing road, and installation of drainage structures including a 30- to 60-foot wide temporary construction disturbance area. Drainage structures may include ditches, culverts, and low-water crossings.

Three types of tower structures are proposed: self-standing towers (SSTs), monopole towers, and relocatable towers. Only the relocatable towers would require guy wires. SSTs could be up to 199 feet high including lightning protection. Monopole towers are single metal poles with reinforced steel and concrete foundations varying from 60 to 199 feet high. Relocatable towers are towed on a trailer and placed on level ground. The guy wires attach to the relocatable tower trailer outrigger infrastructure to stabilize the tower when extended. When fully extended these towers would be up to 120 feet tall.

Construction of SSTs or monopole tower sites results in ground disturbance to a 200-foot x 200-foot area (40,000 square feet). All staging of construction equipment and materials occurs within this footprint. Each permanent tower site footprint is expected to be up to a 100-foot x 100-foot (10,000 square feet) and includes a permanent parking area for vehicles and a perimeter fence. Also, each RVSS tower would be powered by commercial grid power or by solar power with grid or applicable redundant system for backup. The grid power design would be site-specific; however, commercial grid power would be overhead to the permanent disturbed area and then underground where it enters the 100- x 100-foot fenced tower site. Overhead or buried lines outside of the permanent disturbance area would be placed within access road construction buffer areas to the extent possible.

There are several tower locations on the Lower Rio Grande Valley National Wildlife Refuge along the Rio Grande River that will require a Special Use Permit and a right of way from the Rio Grande Valley Refuge and the Realty Division. The right of way process is done at the Regional Office and can take up to a year. There are some towers planned for the Refuge that could impact habitat, so please coordinate closely with the Refuge

Manager, Bryan Winton at 956-784-7521, to minimize habitat clearing and relocate towers to more disturbed areas. Impacts to Refuge habitat will need to be compensated if avoidance or minimization cannot be achieved.

BMPs and Conservation measures are listed in your document and would be implemented as part of the proposed action to avoid impacts to threatened and endangered species and other environmental resources. Conservation measures include CM1a – CM1d, and CM2. In addition, we recommend the following:

- U.S. Fish and Wildlife Service (Service) (2000) *Service Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers* and Service (2013) *Revised Voluntary Guidelines for Communication Tower Design, Siting, Construction, Operation, Retrofitting, and Decommissioning* would be implemented to include actions to reduce nighttime atmospheric lighting and the potential adverse effects of nighttime lighting on migratory bird and nocturnal flying species. The proposed tower sites may be lit for security purposes. Security lighting may consist of a "porch light" on the tower shelter and would be controlled by a motion detector. When so equipped, the light would be shielded to avoid illumination outside the footprint of the tower site. The proposed RVSS may have infrared lighting installed for aviation safety. The heights of the towers will also be limited to 199 feet above ground level as described in the Service guidance.

- Following construction activities, any temporary impact areas will be revegetated with a mixture of nursery plantings or a mixture of 46 native plant seeds (or both).

- Birds would potentially perch on towers, and the threat of striking the towers exists; however, implementation of best management practices recommended by the Service (2000) would greatly reduce the likelihood of such impacts. These recommendations include the collocation of equipment on existing sites to minimize disturbance and obstructions, adjustments to lighting to reduce the likelihood of bird strike, anti-perching devices, and the avoidance of using guy wires and visual markers for the relocatable towers with guy wires.

- Down shield lights from towers and facilities away from brush.

To comply with the Migratory Bird Treaty Act and to avoid impacts to listed avian species, CBP would conduct advance surveys for nesting migratory birds and nests if mechanical control activities occurred during the nesting season (March 15 through September 15). If project activities must be conducted between March and August, we recommend surveying for nests prior to commencing work and if a nest is found, and if possible, the Service recommends a buffer of vegetation (≥50 ft) remain around the nest until young have fledged or the nest is abandoned.

Site Specific Recommendations:

- **Reduce the footprint** of the 30-60 foot wide road for access and utilities as much as possible.

- **Extension of Palm location** – Push site back towards road, and away from the Rio Grande; leave at least 30 foot wildlife corridor along the river for habitat connectivity.

- **BRP FTBOC** – Place tower on west side of the road.

- **FLF Checkpoint** – Could place tower in more open area.

- **FTB Armstrong** – Could place tower in more open area.

- **FTB End of Hwy 4** - Could place tower in more open area.

- **FTB Zone 34** - Could place tower in more open area.

- **HRL Wells Bros Canal** - Could place tower in more open area.
- **BRP Extensions of Palm** - Could place tower in more open area.
- **BRP FTBGC Y** - Could place tower in more open area. A 30 foot wildlife corridor needs to be left along the Rio Grande if not tower stays in place.
- **FLF Checkpoint Tower** - Could place tower in more open area.
- **FTB East of Sable Palm Rd** - Could place tower in more open area.
- **FTB Zone 34** - Could place tower in more open area.
- **HRL Convrete Canal & Levee** - Could place tower in more open area.
- **HRL Green Barn Rd** - Could place tower in more open area.
- **HRL Wells Bros Canal** - Could place tower in more open area.

Based on the project information you submitted and above understanding, your agency made a "may affect, not likely to adversely affect" determination for the Gulf Coast jaguarundi and ocelot. The Service concurs with the information presented and your determination. Your agency made a "no effect" determination on the interior least tern, red-crowned parrot, star cactus, Zapata bladderpod and its critical habitat, ashy dogweed, Walker's manioc, and Texas ayenia. The Service does not provide concurrence for "no effect" determinations, but by making a determination we believe the agency complied with Section 7(a)(2) of the Endangered Species Act of 1973, as amended.

We appreciate the opportunity to provide pre-planning information. If we can be of further assistance, please contact Ernesto Reyes at (956) 784-7560.

Sincerely,

E. Dawn Ardizzone

for Charles Ardizzone
Field Supervisor

cc:
Assistant Field Supervisor, U.S. Fish and Wildlife Service, Corpus Christi, TX
Bryan Winton, LRGVNWR Manager, Alamo, TX
Yvette Truit, Realty Specialist, Albuquerque, NM

Conversation Contents

Recommended Criteria

Attachments:

/18. Recommended Criteria/1.1 Recommended Criteria to Minimize Ecological Sink Conditions 2.8.2018.docx
/18. Recommended Criteria/2.1 Recommended Criteria to Minimize Ecological Sink Conditions 2.8.2018.docx

"Winton, Bryan" <bryan_winton@fws.gov>

From:	"Winton, Bryan" <bryan_winton@fws.gov>
Sent:	Thu Feb 08 2018 15:01:38 GMT-0700 (MST)
To:	Rob Jess <robert_jess@fws.gov>, Ernesto Reyes <ernesto_reyes@fws.gov>, Chris Perez <chris_perez@fws.gov>
Subject:	Recommended Criteria
Attachments:	Recommended Criteria to Minimize Ecological Sink Conditions 2.8.2018.docx

Any other ideas or suggestions to add to this document for purposes of advocating for minimizing impacts to wildlife? See attached.

--
Bryan R. Winton, Wildlife Refuge Manager
Santa Ana National Wildlife Refuge
Lower Rio Grande Valley National Wildlife Refuge
3325 Green Jay Road, Alamo, Texas 78516
(956) 784-7521 office; (956) 874-4304 cell
bryan_winton@fws.gov

"Reyes, Ernesto" <ernesto_reyes@fws.gov>

From:	"Reyes, Ernesto" <ernesto_reyes@fws.gov>
Sent:	Thu Feb 08 2018 16:18:47 GMT-0700 (MST)
To:	"Winton, Bryan" <bryan_winton@fws.gov>
CC:	Rob Jess <robert_jess@fws.gov>, Chris Perez <chris_perez@fws.gov>
Subject:	Re: Recommended Criteria
Attachments:	Recommended Criteria to Minimize Ecological Sink Conditions 2.8.2018.docx

Bryan,

Here are some additional comments. Thanks Bryan for putting this together.

Ernesto

Ernesto Reyes
U.S. Fish and Wildlife Service
Alamo Ecological Service Sub-Office
3325 Green Jay Rd
Alamo, Texas 78516
Tel:956-784-7560
Fax:956-787-8338

On Thu, Feb 8, 2018 at 4:01 PM, Winton, Bryan <bryan_winton@fws.gov> wrote:

> Any other ideas or suggestions to add to this document for purposes of advocating for minimizing impacts to wildlife? See attached.
>
> --
> Bryan R. Winton, Wildlife Refuge Manager
> Santa Ana National Wildlife Refuge
> Lower Rio Grande Valley National Wildlife Refuge
> 3325 Green Jay Road, Alamo, Texas 78516
> (956) 784-7521 office; (956) 874-4304 cell
> bryan_winton@fws.gov

Recommended Criteria to Minimize Ecological Sink Conditions
on the Lower Rio Grande Valley National Wildlife Refuge
Resulting from Additional Border Wall/Border Fence Construction in 2018

1. Install Border Wall/Border Fence on the north side of the IBWC Levee (this will not be possible because the existing wall is on the south side of the levee, and will not connect with existing fence) so the existing earthen levee can support escaping terrestrial wildlife and people in the event of a future Rio Grande river flood event thereby avoiding Ecological Sink Conditions.
2. Install Border Wall/Border Fence on north boundary of river refuge tracts for purposes of maintaining optimal patch size criteria for area-sensitive wildlife and to reduce complicating factors associated with land management activities.
3. Install wildlife openings (aka. Sleeves) in lieu of gates when possible in Border Fence sections to maintain wildlife egress/ingress during future Rio Grande river flood events; the sleeves will only work for fence that will be bollard only and not concrete wall. Concrete wall will require gates and ramps for wildlife.
4. When bisecting of Refuge properties is unavoidable, additional gates and ramps to gates will be needed in Border Wall (concrete) segments to facilitate wildlife and people egress/ingress in the event of future Rio Grande river flood events.
5. Bisected Refuge properties will require wetland creation projects north of the wall/fence in order to assure wildlife continue to have access to reliable water sources. Excavated wetlands, water well drilling, installation of solar-powered wells or windmills will be required to offset loss of access to water by wildlife on Refuge properties.
6. What will be the Border Fence design west of Penitas area where IBWC Levee (and Rio Grande floodplain) begin? Will a Border Fence similar to Cameron County segments installed in 2008 be built or some other design?
7. Where Border Wall is constructed, wildlife will not be able to escape through 16' concrete. Additional gates and ramps for wildlife ~~and where applicable, wildlife openings (Sleeves~~ – will not work for concrete wall) will need to be installed in order to provide escape access for terrestrial wildlife, in areas where suitable habitat exists north of the wall segment area.
8. Advocate for additional technology and agents (boots on the ground) in lieu of infrastructure that enables wildlife to utilize the entire refuge area for habitat connectivity and/or navigate out of refuge areas during times of future Rio Grande flood events.

Compensation for direct loss of habitat impacts, fragmentation and loss of connectivity due to proposed Border Wall/Fence:

1. Number 1 priority is land acquisition away from the river and CBP operations where we have identified the ocelot coastal corridor that the Service is trying to complete. We would use a third party like The Conservation Fund to acquire property that has been already been selected or purchased with their funds, and are waiting to get reimbursed from the Service to transfer the acquired land. Reason: For example, there is 34 miles of existing Border Levee/Wall in Hidalgo County and proposing an additional 28 miles of fence to fill in the gaps, then there will be a 62 mile continuous Border Levee/Wall across Hidalgo County and will have an ecological loss of habitat connectivity.
2. Set up an endowment through a third party with The Conservation Fund or The Nature Conservancy where the Refuge can use for habitat restoration on their property that has been identified to restore native habitat within the ocelot wildlife corridor away from the river and CBP operations. This is a long–term restoration project that the endowment can hold the funds to complete the restoration project; restoration cannot be done in a short time frame due to limited personnel and limited capacity for growing plants from the native plant growers.
3. Set up another endowment through a third party like the Friends group to be able and translocate ocelots from a different population to increase the gene pool for the Laguna Atascos NWR ocelot population.

Conversation Contents

Fwd: Evaluation of Proposed Border Infrastructure -- Impact concerns on Affected STRC Tracts

Attachments:

/66. Fwd: Evaluation of Proposed Border Infrastructure -- Impact concerns on Affected STRC Tracts/1.1 Impacted Tracts Ranking Data Form Completed 7.20.2017.docx
/66. Fwd: Evaluation of Proposed Border Infrastructure -- Impact concerns on Affected STRC Tracts/1.2 CBP Enforcement Zone Impacts wadditional info7.20.2017.xlsx

Monica Kimbrough <monica_kimbrough@fws.gov>

From:	Monica Kimbrough <monica_kimbrough@fws.gov>
Sent:	Fri Jul 21 2017 11:38:03 GMT-0600 (MDT)
To:	aislinn_maestas@fws.gov
Subject:	Fwd: Evaluation of Proposed Border Infrastructure -- Impact concerns on Affected STRC Tracts
Attachments:	Impacted Tracts Ranking Data Form Completed 7.20.2017.docx CBP Enforcement Zone Impacts wadditional info7.20.2017.xlsx

FYI

Monica Kimbrough
Assistant Refuge Supervisor
USFWS, National Wildlife Refuge System
Southwest Region
office: 505-248-7419
cell: 505-366-4628

Please excuse errors, sent from my iPhone

Begin forwarded message:

From: "Jess, Robert" <robert_jess@fws.gov>
Date: July 21, 2017 at 10:38:39 AM MDT
To: Monica Kimbrough <monica_kimbrough@fws.gov>, kelly mcdowell <kelly_mcdowell@fws.gov>
Subject: Fwd: Evaluation of Proposed Border Infrastructure -- Impact concerns on Affected STRC Tracts

We have a meeting with Border Patrol scheduled for Tuesday and are trying to prepare some initial information of impacts of the proposed 150' buffer. These are preliminary (draft).
rob

---------- Forwarded message ----------
From: **Winton, Bryan** <bryan_winton@fws.gov>
Date: Thu, Jul 20, 2017 at 4:52 PM
Subject: Evaluation of Proposed Border Infrastructure -- Impact concerns on Affected STRC Tracts
To: Rob Jess <robert_jess@fws.gov>, Ernesto Reyes <ernesto_reyes@fws.gov>, Chris Perez <chris_perez@fws.gov>
Cc: Scot Edler <scot_edler@fws.gov>

See Attached. I also took a lot of photos that will be plugged into a Powerpoint and used to stimulate future discussion among leadership and with CBP. Hopefully I can have this available for a Monday discussion (prior to Tuesday, July 25, 1pm meeting with CBP).

Also, thanks to Chris for computing the acreage impacts by size of the Enforcement Zone, assuming we may be able to negotiate reduced impacts on higher priority properties, like Santa Ana, Madero, Santa Maria. Width impacts included that proposed (150') and 100', 75', 50'.

Lastly, Ernesto and I will need to look more closely to Santa Ana and Marinoff on Monday, since this is the property to be most impacts and of highest resource value/concern by most if not all of us.

--
Bryan R. Winton, Wildlife Refuge Manager
Lower Rio Grande Valley National Wildlife Refuge
Santa Ana National Wildlife Refuge
3325 Green Jay Road, Alamo, Texas 78516
(956) 784-7521 office; (956) 874-4304 cell
bryan_winton@fws.gov

--
robert jess
project leader
south texas refuge complex
alamo, texas

Tract Name:	Acreage	Wetlands?	Current Swath Size	Vegetation Quality*	Notes: Restoration Opp?:	
Santa Maria	585	yes	45’	1 – High Quality		Y
Llano Grande Banco	186	no	70’	2 – Med. Quality (High)		
Rosario Banco	34	yes	38’ (25’)	2 – Med. Quality		Y
La Coma	776	yes (entire)	45’	2 – Med. Quality		Y
Monterrey Banco	101	yes (portion)	40’	2 – Med. Quality (Low)	Orchard Oriole	Y
Santa Ana NWR						
Marinoff						
Milagro East	846	yes (ditch)	Base of Levee	2 – Med. Quality (Low)		
Vela Woods	225	no	Base of Levee	1 – High Quality		
Hidalgo Bend	547	no	20’-23’	2 – Med. Quality (Low)		
Pate Bend	456	no	45’-55’	2 – Med. Quality		
Madero	273	yes (small amt)	Base of Levee	1 – High Quality		Y
La Parida Banco	447	no	Base of Levee	2 – Med. Quality		
Abrams	220	no	-	3 – Low Quality		
KiskadeeWMA	13	yes	45’	3 – Low Quality		
Abrams West	257	yes	60’	3 – Low Quality		

*Criteria for Ranking Vegetation Quality: Size/height of trees; Number of Species; Type(s) of Species; Understory; Density; Bird nesting habitat?; Quality Ranks: 1- High; 2 – Medium; 3- Low

Hidalgo Co. Affected Tract (W to E)	150 ft. (Acreage Impacts within refuge bdy polygon) See KMZ files	75 ft. (Approximate acreage impacts	100 ft. (Approximate acreage impacts)	50 ft. (Approximate acreage impacts)	Polygon Length (ft)
Abrams West	3	1.5	2	1	876
Kiskadee WMA	2.3	1.9	1.5	0.8	686
Abrams	2.7	1.4	1.8	0.9	806
La Parida	8	4	5.4	2.7	2370
Madero	10	6.2	8.3	4.2	3639
Pate Bend	26.2	13.7	18.2	9.1	7965
Hidalgo Bend	23.5	12.2	16.2	8.1	7095
Vela Woods	2.5	1.7	2.3	1.1	1013
Milagro East	5.4	3.2	4.3	2.1	1870
Marinoff	9	3.5	4.6	2.3	2013
Santa Ana NWR	42.6	21.6	28.8	14.4	12579
Monterrey Banco	14.3	7.5	9.9	5	4336
La Coma	2.7	1.5	2	1	906
Rosario Banco	5.4	3.2	4.2	2.1	1850
Llano Grande Banco	6.7	7.2	9.6	4.8	4188
Santa Maria	4.8	2.9	3.9	2	1710
Totals (Acres Impacted)	169.1	93.2	123	61.6	53902

GENERAL INFORMATION

Conservation Action Title: Texas Land Acquisition

Bureau: U.S. Fish and Wildlife Service

Project Manager(s): Mitch Sternberg, Zone Biologist, South Texas Gulf Coast

Project Location: South Texas Refuge Complex

Initial Budget: $110,371

PROJECT DESCRIPTION

200K-Texas Land Acquisition*:* We proposed an additional task to expend remaining funds that had been intended for land acquisition in South Texas for the endangered ocelot. We proposed a project to evaluate the effects of Tactical Infrastructure (TI) on bobcats (as a surrogate for ocelots), using GPS radio-telemetry collars and sensor-cameras in the Lower Rio Grande Valley of Texas.

DESCRIPTION / DISCUSSION OF ACCOMPLISHMENTS / IMPLEMENTATIONS

We monitored movements of bobcats on lands managed by Lower Rio Grande Valley National Wildlife Refuge (LRGVNWR) in proximity to TI, and movements of ocelots on Laguna Atascosa National Wildlife Refuge (LANWR). Work on LRGVNWR was to inform us of the movements of wild cats relative to native habitats and TI. Work on LANWR assisted in assessing the size of the ocelot population, and movements of ocelots relative to wildlife corridors and large areas of thornscrub.

Task 1. Assess wild cat use of habitat in relation to TI

Background

Development of border security infrastructure has the potential to interrupt natural wildlife movement and dispersal of wildlife (Flesch *et al.* 2009) and the Border Fence/Wall, hereafter referred to as Tactical Infrastructure (TI), has already begun to do just that (Abhat 2011). Monitoring the movements of wildlife prior to the completion (i.e., complete closure; installation of gates across all roads) of the TI is vital for pre- and post-construction comparison. The study of bobcat (*Lynx rufus*) movement is especially useful, as bobcats can serve as surrogates for studies intending to investigate the implications of development and habitat fragmentation on the endangered ocelot (*Leopardus pardalis)*, which is found in the U.S only in Texas (41 individuals [Hilary Swarts, USFWS, pers. comm.]) and in Arizona (5 individuals recorded since 2009 [Erin Fernandez, USFWS, pers.comm.]).

To monitor wildlife movement with respect to existing wildlife habitat and the TI in south Texas, trapping for bobcats was conducted on a tract of the Lower Rio Grande Valley National Wildlife Refuge that contains a segment of border fence. Within this segment of TI, there are currently four road openings that are planned to be closed when large gates are installed which would further deteriorate the connectivity of the wildlife populations in the area.

Our objectives were to: 1) determine locations where bobcats cross the alignment of the TI, and 2) monitor bobcat use of any wildlife corridors.

Methods

Wildlife monitoring along the border fence infrastructure was implemented on a U.S. Fish and Wildlife Service tract of land known as La Coma Tract, located south of Highway 281 in Hidalgo County, Texas. La Coma tract is part of the Lower Rio Grande Valley Wildlife Refuge (LRGVNWR). The tract provides a variety of open to dense woodland habitat (Sternberg 2003).

La Coma tract is bordered on the north by Highway 281 and on the south by the Rio Grande, and surrounded on the east and west by private land developed for agricultural use. The tract is bisected by a 5.21 km segment of incomplete TI and associated concrete flood-retention wall in a segment of infrastructure known as "Segment O-08". Segment O-08 consists of about 6 m tall steel bollard-style fencing with 12 cm gaps between each bollard. The fence sits atop a concrete levee wall with a sheer 4-4.5 m tall concrete face along the south side. Each landowner/roadway opening is roughly 12 m wide, two of which lie within habitat patches used by an abundance of wildlife near the Refuge and therefore are relevant to the current study.

Live-trapping was implemented from 10 December 2014 to 17 December 2014 using standardized USFWS protocols. Seven Tomahawk box-traps attached to live-animal bait-cages containing Eurasian collared doves were deployed along likely bobcat travel routes. Traps were checked at 0800h each morning, closed for the day, and reopened at approximately 1600h. USFWS staff and volunteers were responsible for all chemical immobilizations and handling of trapped bobcats. An intramuscular injection of a combination of Ketamine, Dexmedetomidine and Butorphanol was used for sedation. Sedated bobcats were weighed, sexed, aged, and examined for condition of coat, body, and dental condition. Each bobcat was fitted with a Tellus Ultralight GPS collar. Atipamezole and Naltrexone were used to reverse the initial injection following a period of at least 30 minutes to allow Ketamine to metabolize. Following the reversal injection, bobcats were placed inside an animal carrier and monitored for at least one hour prior to release to ensure a full recovery from anesthesia.

Tellus Ultralight GPS Collars were initially programmed to take a GPS location every three hours; collars would email GPS locations daily. Collars data were monitored daily and

Figure 1. Trapping locations for the three bobcats captured on La Coma tract of Lower Rio Grande Valley National Wildlife Refuge, near Runn, Hidalgo County, Texas, in December 2014.

occasionally remote updates were sent to the collars altering the GPS schedule when a collared animal came in proximity with the TI, to facilitate a fine-scale understanding of bobcat movement around the fence. Collars were, at times, altered to fix a GPS location every 15 minutes at the cost of expending more of the battery. Consecutive locations that crossed the TI were determined to be crossing events, and crossing events that occurred within an hour were used to assign a likelihood of where the TI was crossed by the bobcats.

Results

In December 2014, we conducted a total of 31 trap-nights on La Coma tract of LRGVNWR. Three bobcats were captured, collared and released in the same area (Figure 1). Bobcat trapping success was 9.6% and total trapping success was 42%. A total of 8,150 GPS locations were recorded for all three bobcats. Bobcat female 01 (BF01) provided 2,488 locations. Bobcat male 02 (BM02) provided 3,325 locations. Bobcat female 03 (BF03) provided 2,337 locations.

BF01 was trapped and collared 12 December 2014 near the edge of mesquite thorn scrub and agricultural land north of the TI and levee wall, and south of State Highway 281. After 193 days the collar was triggered to drop-off by technicians remotely, due to signaling to us that it had a low battery and it was recovered shortly thereafter. BF01 crossed the TI 111 times. Within the hourly limit that we applied, she is suspected of crossing in roadway openings 5 times and around the eastern end of the TI 21 times, and across State Highway (SH) 281 a total of 14 times (Figure 2).

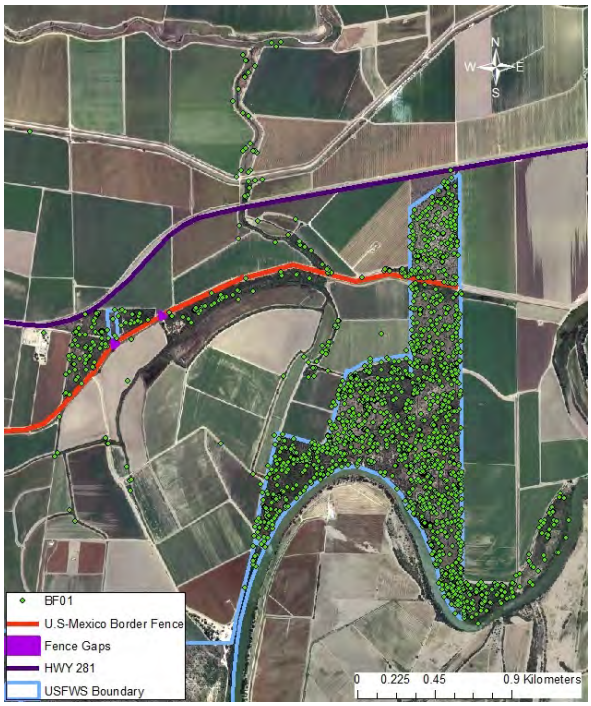

Figure 2. Locations of adult female bobcat BF01 from December 2014 to June 2015 with respect to the Tactical Infrastructure, near Runn, Hidalgo County, Texas.

BM02 was trapped and collared 16 December 2014 along a road created by U.S. Border Patrol, on the Refuge, south of the TI. After 165 days the collar was intentionally dropped remotely due to low battery and successfully recovered shortly thereafter. The collar recorded a total of 3,325 locations (Figure 3), many of which were north of the border fence on Las Palomas Wildlife Management Area, managed by the Texas Parks and Wildlife Department. BM02 crossed into Mexico on 4 January 2015 between the hours of 1700-2000h and returned to the U.S. on 7 January 2015 between the hours of 0500-0800h. BM02 crossed the TI 45 times. Within the hourly limit that we applied, he was suspected of crossing in roadway openings 24 times and around the eastern end of the TI 3 times, and across State Highway (SH) 281 a total of 33 times (Figure 2). BM01 moved across a larger area and often at a greater pace than the females, so his collar was programmed to provide additional GPS location data when he was near the TI, which provided very fine-scale evidence (i.e., 15-minute intervals) of use of two of the roadway openings.

Figure 3. Locations of adult male bobcat BM02 from December 2014 to May 2015 with respect to the border wall infrastructure, near Runn, Hidalgo County, Texas.

BF03 was trapped and collared 16 December 2014 along the east side of the property south of the border infrastructure. After 179 days the collar was intentionally dropped remotely due to low battery and successfully recovered shortly thereafter. The collar recorded a total of 2,337 locations (Figure 4). BF03 crossed the TI 137 times; at least four times at roadway openings and at least 25 times around the eastern end of the TI. BF03 also crossed SH 281 30 times, including following the same route, but not quite arriving at the same Wildlife Management Area, as did BM02 on numerous occasions.

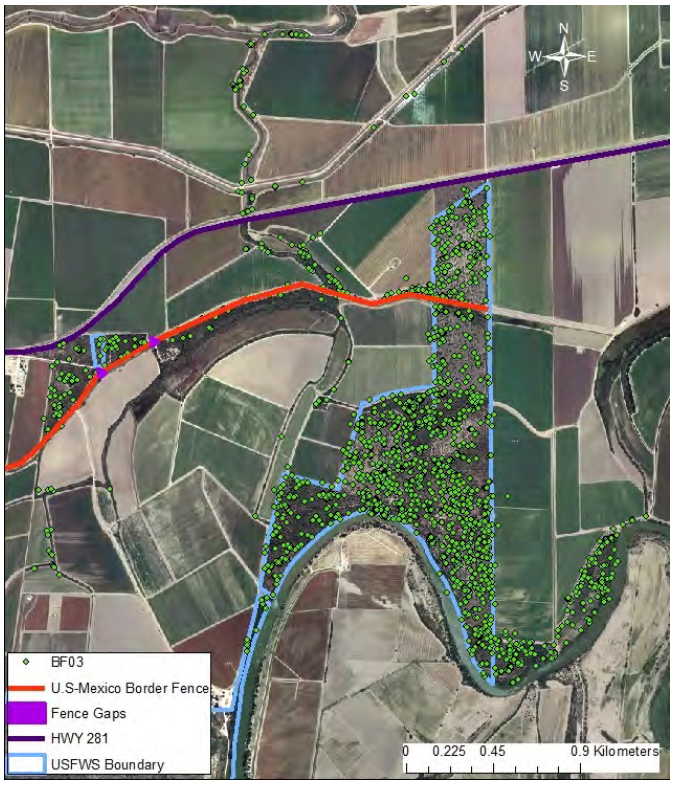

Figure 4. Locations of adult female bobcat BF03 from December 2014 to June 2015 with respect to the border wall infrastructure, near Runn, Hidalgo County, Texas.

Discussion

Like much of the remaining natural landscape in the Lower Rio Grande Valley, the La Coma tract is a stand of viable habitat segmented and isolated by roads, development, and other barriers. The likelihood of the closure of all openings in the Tactical Infrastructure to additionally fragment and degrade the use of the remaining habitat for wildlife, especially in areas used by the endangered ocelot, makes it important to study the impacts of the fence infrastructure on wildlife movement before, during, and following completion of the TI (Abhat 2011).

The preservation of wildlife corridors and critical habitat patches along the border fence is essential for preserving viable habitat for wildlife, including the endangered ocelot (Grigione and Myrkalo, 2004). The three collared bobcats in our study often crossed the TI at roadway openings on the levee. The home ranges of the females centered on the larger patch of habitat on the eastern portion of the Refuge and therefore they did not cross at the roadway openings often. This aligns with previous findings that female bobcats tend to remain within a single fragment while males more often range between multiple fragments (Tigas *et. al.* 2002). The same movement patterns are found in ocelots (Laack 1991), highlighting the need for large, connected patches of habitat.

The roadway opening to the west (1.08 km from the closest thornscrub patch) was never used by the bobcats, likely as it was so far removed from any significant patch of habitat. The movements of BM02 and BF03 between the USFWS Refuge tract and the TPWD Wildlife Management Area, as well as findings in Abhat (2011), are direct evidence of the need to protect wildlife corridors to maintain connectivity between larger tracts of preserved habitat for the benefit of wildlife. Specific to the current study, roadway openings in the TI near habitat remain critical to maintaining wildlife connectivity.

Other Lessons Learned

Theft of FWS game cameras on nearby refuge tracts, presumably by traffickers of illegal goods or undocumented immigrants, did affect our decision to place game cameras in more useful locations for ocelot monitoring (i.e., at LANWR). Trapping of bobcats was very successful and provided valuable input regarding wild cat movement relative to TI. Based on input we received during the monthly inter-agency conference calls, we re-aligned our efforts to more directly impact ocelot conservation and recovery by applying more of our resources towards actions on LANWR than along the Rio Grande. Through the Borderlands Management Taskforce, the Refuge has begun reviewing photos from the Texas Department of Transportation's cameras in the Drawbridge Program for wildlife occurrences in these areas along the Rio Grande. The GPS collars will be reused repeatedly for ocelot conservation. The battery and drop-off mechanism will be replaced at the Refuge's cost and they will be used for ocelot or bobcat monitoring in subsequent years.

Task 2. Assess the size of the population of ocelots and their movements on LANWR

Background

The endangered ocelot (*Leopardus pardalis*) is found in the U.S only in Texas (41 ocelots [Hilary Swarts, USFWS, pers. comm.]) and in Arizona (5 individuals recorded since 2009 [Erin Fernandez, USFWS, pers. comm.]). The final rule listing the ocelot as endangered in the U.S. (47 FR 31670, July 21, 1982) stated that the present or threatened destruction, modification, or curtailment of its habitat or range posed the greatest threat to the survival of the ocelot in the U.S. The ocelot's range and distribution in the U.S. have been drastically reduced in the last two centuries. Over 90% of the dense thornscrub habitat that supported the ocelot in the Lower Rio Grande Valley of Texas has been altered for agricultural and urban development (Jahrsdoerfer and Leslie 1988, Tremblay *et al.* 2005).

Our objectives were to: 1) determine the size of the ocelot population on and around LANWR, and 2) document ocelot use of any wildlife corridors, specifically those crossing roadways.

Methods

To assess the ocelot population status as well as their movements on and around LANWR, ocelots were live-trapped, as well as photographed using remote game cameras. IAA funds were used to accomplish the monitoring of ocelots from December 2014 to September 2015. Live-trapping was implemented from December 2014 to June 2015 using standardized USFWS protocols as described briefly under Task 1 above. All larger adult ocelots were fitted with a Tellus Ultralight GPS collar, or an Advanced Telemetry Systems VHF radiocollar, if a juvenile ocelot. GPS data was provided by email or downloaded from the field, as per bobcats under Task 1.

Results

We live-trapped for a total of 2,344 trap-nights from December to June 2015 and captured six ocelots, some multiple times (Figure 5). Significantly more VHF-tracking was needed by staff as smaller, juvenile ocelots are not appropriate carriers for the larger GPS collars, although several GPS collars were used on ocelots (Figure 6). Staff collected 148 VHF locations for three ocelots, and 3,059 GPS locations for three ocelots.

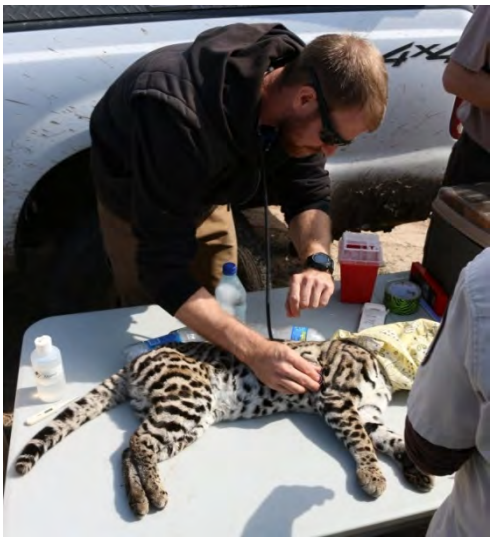

Figure 5. Ocelot that was live-trapped in January 2015 as part of the population monitoring conducted each year at Laguna Atascosa National Wildlife Refuge, Cameron County, Texas. Refuge Intern is observing heartrate as part of health-monitoring during sedation of the ocelot. Photo credit, Eric Hope for USFWS.

During the fall trapping season, the known ocelots varied from month to month, from 11-14 individuals, depending on newly-discovered (young) ocelots and the death of some ocelots, most of the latter, while crossing roadways. Game cameras were used to identify and monitor the movements of 14 ocelots during the season, including cameras funded through the current project, as well as cameras funded by Refuges and partners. Cameras photographed numerous

ocelots during the season and greatly assisted us in efficiently targeting where to trap for certain ocelots, and cameras provided data about the status of some more elusive ocelots that we had not been able to trap previously.

Figure 6. Male ocelot 263 photographed by a game camera within the hog-proof pen of a rainwater catchment at Laguna Atascosa National Wildlife Refuge, Cameron County, Texas. Note the black GPS collar that was attached to the ocelot during population monitoring in 2014-15.

Discussion

The accuracy of GPS collar data is important for the monitoring of wild cats for many reasons. One reason is that we are lacking specific information about ocelot denning and kitten survival. GPS collar data provide the added ability of resource managers to accurately depict when and where a female ocelot may have kittens based on the limited movement seen typically around a den. A second reason is the added ability to recognize and map areas where ocelots traverse the landscape of linear habitat (i.e., corridors) and roadways, sometimes successfully. This example is best illustrated by the movements of a (typically) young male ocelot when it leaves LANWR and begins exploring the area, looking for a new territory. Similar movements have been noted for female ocelots in the 1990s when the population was slightly larger (USFWS unpubl. data). These ocelot movement data are analyzed and form the basis for USFWS assisting state and federal departments of transportation in maintaining wildlife connectivity in the area for ocelots.

These movements inform us as to what habitat conditions ocelots are able and willing to use to traverse in a mostly unfriendly landscape on their way to establish a new territory of their own as an adult. The GPS data for all of these ocelots will be the basis for a model being developed by USFWS Region 2 Biologists in FY16 that will predict movements of ocelots across the landscape, and modelling ocelot recovery based on their predicted movements of ocelots across the landscape, as well as soils that can or currently do sustain ocelot habitat, and a strategic land acquisition and landowner partnership plan.

Discovery of three new (young) ocelots, some observed by cameras previously, and then by trapping, demonstrated that the LANWR ocelot population is still reproducing, and given previous years' estimates of ocelots on LANWR, the population is relatively stable. This does not diminish the fact that ocelots are at extreme risk of extinction in Texas in the next 50 years (Haines *et al.* 2006) given that the vast majority of habitat formerly used by ocelots has been converted or severely fragmented (Tremblay *et al.* 2005) and that vehicles strikes are the major factor in the death of ocelots in Texas still today (Haines *et al.* 2005; Hilary Swarts, USFWS, pers. comm.). USFWS and its partners need to cooperatively manage, acquire, protect, and restore areas that are or could be used by ocelots, and corridors between Texas populations, and between populations in Texas and Mexico (Grigione *et al.* 2009, Abhat 2011), however highly fragmented, must be functional if the ocelot is ever to be removed from the Endangered Species List.

Funds Expended

Living stipends for Refuge Interns	$12,070.40
Field supplies	$15,604.45
Game cameras and camera supplies	$23,549.40
Tellus Ultralight GPS collars	$59,146.75
Total funding expended	$110,371.00

ACKNOWLEDGEMENTS

Thank you to Dave Kuhn and Greta Schmidt for significant contributions to data analysis and the report. We thank Ondina Diaz, Roy Reyna, Boyd Blihovde, Bryan Winton, and Jonathan Moczygemba for supporting this project on the National Wildlife Refuges. Thanks also to Heather Frederick, Eric Hope, Becca Thomas-Kuzilik, Pat McGovern, and Hilary Swarts for incorporating this project into the ocelot population monitoring work. Thanks to those responsible for the Inter-agency Agreement that made this study possible; namely, Mary Anderson, Larisa Ford, Grant Harris, Rob Jess, Kelly McDowell, John Petrilla, Ernesto Reyes, Liz Trujillo, and Customs and Border Protection.

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Post Office Box 1306
Albuquerque, New Mexico 87103

In Reply Refer To:
FWS/R2/NWRS/Coastal TX/066633

OCT 13 2017

Mr. ex 6 & 7c
Real Estate and Environmental Branch Chief
U.S. Customs and Border Protection
ex 6 & 7cex 6 & 7cex 6 & 7c
ex 6 & 7cex 6 & 7cex 6 & 7c
ex 6 & 7cex 6 & 7cex 6 & 7c

Dear Mr. ex 6 & 7c

Thank you for your letter dated August 25, 2017, regarding U.S. Customs and Border Protection's (CBP) proposed border infrastructure in South Texas which includes the installation of 35 gates in existing border fence gaps, 32 miles of bollard wall, and 28 miles of levee wall. The U.S. Fish and Wildlife Service (Service) reviewed your letter and is providing our initial concerns related to Federally listed species, other Federal trust resources, and Santa Ana and Lower Rio Grande Valley National Wildlife Refuges (NWR). Once there is a spatially explicit proposed action, assuming no waiver is issued by Department of Homeland Security, we can provide a formal response and coordination under applicable Federal laws, including the National Environmental Policy Act, National Wildlife Refuge System (Refuge System) Improvement Act, Migratory Bird Treaty Act, and Endangered Species Act.

Over the past several years, there has been a substantial increase in coordination between the Service, CBP, and the U.S. Border Patrol Rio Grande Valley Sector along the Texas border. The Service appreciates the excellent communication and information sharing that has occurred and looks forward to maintaining this relationship into the future.

The Refuge System lands in the Lower Rio Grande Valley are considered to be one of the most biodiverse in the continental United States. In general, our concerns are similar to those discussed during initial border wall/fence construction in 2008. The Service will continue to work with CBP on the proposed activities, with a focus on ensuring impacts to Santa Ana and Lower Rio Grande Valley NWRs are analyzed and minimized, to the extent possible.

Socio-economic & Visitor Impacts
The Service is specifically concerned with potential tourism and visitor impacts on the affected NWRs. Ongoing efforts by the Service, the state of Texas, private landowners, and non-profit organizations have helped create a wildlife corridor linking numerous isolated habitat fragments in the Lower Rio Grande Valley. These efforts have helped produce habitats that are harboring unique species of plants and animals, making the area a destination for ecotourists.

The economics of Lower Rio Grande Valley wildlife and habitat diversity are important to the international border region, as over 150,000 tourists contribute approximately $10.8 million annually to the regional economy. The Santa Ana NWR is the most accessible public land for residents of Hidalgo County and approximately 70 percent of visitors come from outside of the local area. Visitors participating in outdoor recreational activities economically benefit the local community.

Construction of the border wall, as proposed, will likely affect visitation and the quality of visitor experience to the affected NWRs. Construction of the border wall along the levee will separate the Santa Ana NWR visitor center and all administrative facilities (equipment storage, residences, parking lots, etc.) from the rest of the refuge (99 percent of refuge lands). The proposal could result in visitors entering and exiting Santa Ana NWR through a large gate, similar to going through a security checkpoint. This could result in a reduction in visitation due to a perceived unsafe and unwelcoming atmosphere, which in turn could impact local economies.

Enforcement Zones
Construction of a 150-foot enforcement zone will directly remove habitat used by threatened and/or endangered species and other wildlife in the area. The enforcement zone will also create barriers and restrict wildlife movement, especially for species such as ocelots, which require dense brush to travel through. The Service recommends minimizing this zone, as operations allow, especially in and near thick thornscrub and walking trails. We also recommend calculating the direct habitat loss of the 150-foot enforcement zone based on a vegetation and endangered species survey. The proposed cleared enforcement zone in Hidalgo County will directly remove approximately 170 acres of habitat from Lower Rio Grande Valley and Santa Ana NWRs reducing the ability to meet refuge purposes and impacting the visitor experience. The Service recommends leaving vegetated areas near entrances and exits to public use areas to mitigate the potential impacts to the visiting public and quality of their experience.

Lighting
Increased lighting at night, along the wall, will likely have negative impacts on ocelot, jaguarundi and other nocturnal species by making them more susceptible to predation. The Service recommends down shielding lights to focus away from thornscrub habitat and shining lights only within the enforcement zone. The Service recommends CBP continue to analyze the effects of lighting to nocturnal wildlife and work with the Service to minimize impacts.

All Weather Roads
The Service recommends the width of all roads created or maintained by CBP be measured and recorded using Geographic Information System (GPS) coordinates and integrated into the CBP

GPS database. The Service suggests maintenance actions not increase the width of the roadbed or the amount of disturbed area beyond the roadbed. The all-weather road within the enforcement zone is capable of high speed use, causing concern for public safety and increased wildlife mortality. The Service requests coordination to address speeding issues, especially near high visitor use areas.

The Service's comments in this letter are based upon general information we have been given to date. The Service may change these comments and opinions depending on more specific information regarding the border wall that we expect will be provided by CBP in the future. We appreciate the opportunity to provide informal comments and look forward to continued coordination on the proposed project. Please feel free to contact me at 505-248-6282 if I can be of further assistance.

Sincerely,

Regional Director

cc: Field Supervisor, Texas Coastal Ecological Services Field Office, Houston, Texas
Refuge Manager, South Texas National Wildlife Refuge Complex, Alamo, Texas
Inter-agency Borderlands Coordinator, Department of Interior Washington, D.C.
EA-ARD