

**From:** [Fernandez, Juliette](#)  
**To:** [Reagan, Steve](#)  
**Subject:** Fw: [EXTERNAL] RE: 2020 ES AZ CBP Response Letter Border Barrier Projects  
**Date:** Thursday, May 14, 2020 7:17:09 AM

---

Juliette Fernandez  
Refuge Supervisor AZ/NM

Juliette Fernandez | U.S. Fish and Wildlife Service | Refuge Supervisor AZ/NM | P.O. Box 1306, Rm 4112,  
Albuquerque NM, 87103-1306 | 505-248-6650 Office | 505-933-3501 Cell

---

**From:** (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>  
**Sent:** Wednesday, May 13, 2020 10:01 PM  
**To:** McIntyre, Julie <julie\_mcintyre@fws.gov>; Fernandez, Juliette <juliette\_fernandez@fws.gov>;  
Range, Brent K <brent\_range@ios.doi.gov>  
**Cc:** Radke, Bill <bill\_radke@fws.gov>  
**Subject:** [EXTERNAL] RE: 2020 ES AZ CBP Response Letter Border Barrier Projects

Julie, Juliette, and Bill – Just wanted to say thank you again for the detailed response, recommendations, and BMPs. I finally had a chance to read through the information and really appreciate the time and effort that was put into the documents. There are some BMPs that aren't currently part of our standard BMPs and I will talk with USACE about incorporating them. Also, there are great recommendations for future mitigation considerations.

---

**From:** McIntyre, Julie <julie\_mcintyre@fws.gov>  
**Sent:** Tuesday, May 12, 2020 8:10 PM  
**To:** (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)>; Fernandez, Juliette <juliette\_fernandez@fws.gov>; Range, Brent K <brent\_range@ios.doi.gov>  
**Cc:** Radke, Bill <bill\_radke@fws.gov>  
**Subject:** 2020 ES AZ CBP Response Letter Border Barrier Projects

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the [CBP Security Operations Center](#) with questions or concerns.

Hi All,

This will come to you via official channels too, but wanted to send anyway. The Ecological Services ARD, Pete Fasbender, just signed it.

Will share it with our other Fed partners too.

Thanks!

Julie

*Julie McIntyre, PhD*  
*Assistant Field Supervisor*  
*Arizona Ecological Services - Tucson Field Office*  
*U.S. Fish & Wildlife Service*  
*201 N. Bonita Avenue, Suite 141*  
*Tucson, AZ 85745*

*Office: 520.670.6150 x 223*  
*Cell: 602.525.4470*

---

**From:** Garcia, Stacey <[Stacey\\_Garcia@fws.gov](mailto:Stacey_Garcia@fws.gov)>  
**Sent:** Tuesday, May 12, 2020 12:43 PM  
**To:** [TucsonComments@cbp.dhs.gov](mailto:TucsonComments@cbp.dhs.gov) <[TucsonComments@cbp.dhs.gov](mailto:TucsonComments@cbp.dhs.gov)>  
**Subject:** Cochise, Pima and Santa Cruz Counties Border Barrier Projects March 2020

Good Afternoon -

Please see attached letter and enclosure in response to your March 16, 2020 letter re: Cochise, Pima and Santa Cruz Counties Border Barrier Projects March 2020. Please contact Peter Fasbender, Assistant Regional Director, Ecological Services by email at [peter\\_fasbender@fws.gov](mailto:peter_fasbender@fws.gov) if you have any questions, thank you!

*Stacey Garcia, Executive Assistant*  
*Regional Directors Office*  
*U.S. Fish and Wildlife Service*  
*PO Box 1306*  
*Albuquerque, NM 87103*  
*505-248-6801*



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Post Office Box 1306  
Albuquerque, New Mexico 87103



In Reply Refer To:  
FWS/IR06/IR08/ES-COAST ESFO/072511

Mr. Paul Enriquez  
U.S. Customs and Border Protection  
U.S. Border Patrol Headquarters  
1300 Pennsylvania Avenue 6, 5E Mail Stop 1039  
Washington, DC 20229-1100

Dear Mr. Enriquez:

Thank you for your letter dated March 16, 2020 requesting U.S. Fish and Wildlife Service (Service) input on the proposed construction of a border wall system in the U.S. Border Patrol Del Rio Sector. Customs and Border Protection (CBP) proposes to design and replace approximately two miles of existing pedestrian barrier with new 30-foot tall, 6 inch by 6 inch diameter steel bollard fencing in both Maverick and Val Verde counties, Texas. The projects include a linear ground detection system, road construction or refurbishment; lighting supported by grid power and embedded cameras. The Service provides comments below on listed species and landscape conservation needs for wildlife.

### **Federally Listed Species:**

The Service works with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats, including listed species. Federally-listed species include the ocelot (*Leopardus pardalis*) and jaguarundi (*Herpailurus pardalis*) in Maverick County, and the interior least tern (*Sterna antillarum*), golden-cheeked warbler (*Dendroica chrysoparia*), red knot (*Calidris canutus rufa*), Devils River minnow (*Dionda diaboli*), Texas hornshell (*Popenaias popeii*), Rio Grande silvery minnow (*Hybognathus amarus*), Tobusch fishhook cactus (*Sclerocactus brevipalmatus* spp. *tobuschii*), bunched cory cactus (*Coryphantha ramillosa*), and Texas snowbells (*Styrax texanus*) in Val Verde County.

The proposed alignments in Maverick and Val Verde counties and their enforcement zones could result in a reduction or loss of habitat. The Service recommends CBP work with a botanist(s) knowledgeable of local plant communities to conduct surveys for federally listed endangered plants to avoid or minimize impacts to these species.

The border wall/barrier and associated infrastructure will reduce habitat connectivity in portions of the natural wildlife corridor along the Rio Grande. This will adversely affect ocelot and jaguarundi as well as other wildlife movement north and south of the proposed wall. Adverse effects include inhibiting access to traditional water sources, restricting hunting for prey, increased intra or inter-specific competition, trapping animals in floods, reducing chances of finding mates, loss of genetic diversity, and limiting animals' ability to colonize additional habitat.

### **Landscape Conservation Needs for Wildlife:**

There are no National Wildlife Refuge tracts in Maverick or Val Verde counties, although the Service has long envisioned contiguous forested areas along the entire Rio Grande River in support of wildlife, endangered species, and migratory bird conservation. However, development of numerous ports of entry and border wall/fence infrastructure have compromised the concept of a functioning wildlife corridor along the Rio Grande River. Without connections, the fragmented habitats remaining along the river may act as sinks or traps for ocelots and other terrestrial wildlife. This is a particular concern for wildlife that depend on the Rio Grande as a water source, as the proposed border wall system would eliminate wildlife access to water on the north side of the river.

To address fragmentation issues and retain natural hydrologic patterns of water drainage into and away from the Rio Grande, we recommend designing gaps or crossings and/or areas that permit flood flows along natural watercourses. The Service is concerned that during a major flood, the proposed wall will exacerbate catastrophic events and leave terrestrial wildlife trapped. We recommend all gates be open during any significant flooding events and that elevated berms with pads or ramps with 4:1 slopes be constructed around roads and gate gaps south of the levee to allow terrestrial animals to retreat from rising waters during flooding events. This may also allow wildlife to move north and south of the wall and may alleviate wildlife movement concerns while addressing border security needs.

In addition to best management practices required for a Texas Commission on Environmental Quality Storm Water Pollution Prevention Plan and/or a Clean Water Act 401 water quality permit, the Service recommends minimizing the use of equipment in streams and riparian areas during construction. When possible, equipment access should be from the banks, bridge decks, or barges. When temporary stream crossings are unavoidable, stream crossings should be removed once they are no longer needed and the banks and soil around the crossing should be stabilized.

Additionally, the Service strives to protect relatively un-fragmented acreages of forested habitat for many species of neo-tropical migratory birds. Forested areas of at least 100 hectares support long-term sustainability of breeding birds.

The construction of cleared enforcement zones will result in a loss of wildlife habitat. The enforcement zones will also add noise and lighting that create barriers and restrict movements for wildlife that require dense brush for travel. We recommend reducing the proposed 150-foot enforcement zones in areas with brush or endangered plant populations to the minimum width

necessary to maintain a road. We also recommend CBP reduce the 150-foot wide enforcement zone when the fence alignment is near the riverbank and leave at least a 33-foot wide corridor on top of the riverbank to reduce erosion and provide a corridor for wildlife. We recommend CBP construct a border barrier with additional openings or natural gaps, so that ocelots and other wildlife may move through the border barrier to maintain their connection across the landscape.

The proposed enforcement zone includes an improved all-weather road capable of high-speed use that poses a concern for increased wildlife mortality. Vehicle traffic will increase dust impacts on wildlife and vegetation along the enforcement zone. Tactical infrastructure lighting also affects nighttime wildlife activity, causing habitat to be unusable by ocelot and other nocturnal species. The Service recommends lighting be focused away from habitats, use motion sensors, and only illuminate the enforcement zone. We recommend the CBP continue to coordinate with the Service to address impacts of roads, lights, dragging, and other activities.

To prevent entrapment of wildlife (particularly birds) in vertical posts/bollards; all hollow vertical fence posts/bollards, should be covered with caps as they are erected and remain covered until they are filled with reinforcing material. For any vegetative clearing between March 15 and September 15, we recommend CBP survey for bird nests prior to commencing work. If a nest is found, we request a buffer of vegetation ( $\geq 50$  feet) be left around the nest until young have fledged or the nest is abandoned, if possible.

Thank you for the excellent communication and information sharing. We appreciate your efforts to engage stakeholders and look forward to continuing to work together to minimize the proposed projects' impacts to threatened and endangered species and other trust resources. If you have any questions or concerns, please contact me at 505-248-6671.

Sincerely,

Assistant Regional Director  
Ecological Services