

U.S. Department of Homeland Security  
Washington, DC 20229



**U.S. Customs and  
Border Protection**

 **MAR 20 2009**

Dr. Tony Povilitis  
Jaguar Habitat Campaign  
5589 Timken Trail  
Willcox, Arizona 85643

Dear Dr. Povilitis:

Thank you for your January 30, 2009, letter detailing your concerns regarding the construction of the infrastructure along the U.S.-Mexico border, and its potential effects on the jaguar. I share your interest in safeguarding our Nation's borders while complying with all environmental laws.

U.S. Customs and Border Protection's (CBP) mission of safeguarding our Nation's borders is complex and challenging. Border fencing is but one element of CBP's layered defense plan to gain effective control of the borders. CBP's approach to securing the border relies on an appropriate and effective balance of three key elements: personnel, technology, and tactical infrastructure.

As part of the tactical infrastructure element of this approach, CBP has completed construction of over 600 miles of pedestrian and vehicle fence along the Southwest Border. This fence is not contiguous and consists of numerous, relatively short segments. While I understand your concern to stop construction of the fence, the majority of the fence segments constructed are vehicle fence located in more rural areas that do not restrict large animal movement. Pedestrian fence is necessary to provide the required deterrent of illicit cross-border activity and is generally located in more urban areas where it is unlikely that jaguar movement would occur. We believe the fence has already had a significant effect in reducing illicit traffic across the border, thus protecting land and habitat across the region.

In addition, CBP is installing systems of towers and other technologies that work in concert with the tactical infrastructure to improve deterrence, detection, and apprehension of illegal attempts to enter the United States. When fully implemented, these combined systems will improve the ability of CBP personnel to rapidly and effectively respond to illegal cross border activity and help CBP to manage, control, and secure the Nation's borders.

Throughout our efforts to implement border security solutions across the U.S.-Mexico border, DHS and CBP have been committed to responsible environmental stewardship of our valuable natural and cultural resources. In August 2007, CBP formally requested consultation with the Department of the Interior (DOI) U.S. Fish and Wildlife Service (USFWS) regarding the construction of pedestrian fence along the U.S.-Mexico border, and the potential impact it could

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have on the jaguar. Based on USFWS' Biological Opinion, it was determined that there would be a potentially negative impact to the jaguar resulting from the construction of pedestrian fence, but the severity of the impact on the jaguar's migratory pattern is not clear given the limited number of jaguars within the U.S.

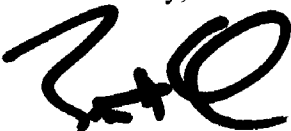
CBP recently completed a Memorandum of Agreement (MOA) with DOI regarding mitigations for fence projects along the entire Southwest Border. In accordance with the MOA, DOI will identify and implement projects to mitigate unavoidable impacts to natural and cultural resources resulting from the construction of CBP tactical infrastructure. It is CBP's expectation that mitigation efforts identified and implemented by DOI will include projects designed to mitigate adverse effects to the jaguar.

CBP continues to work closely with DOI and USFWS to preserve land and habitat along the border, including developing a comprehensive environmental monitoring program to evaluate the effects of border security systems and operations. However, establishing a special conservation area along the Southwest Border is an effort that would involve a bi-national approach that may require legislative action in conjunction with action by DOI. CBP could certainly participate as a cooperating agency in any effort to establish an international conservation area.

While I understand your recommendation to stop the remaining fence construction, we will complete the fencing currently under contract. CBP will continue to implement mitigation efforts to lessen potential impacts on all endangered species known to live in the areas selected for fence construction. These efforts will help in minimizing impacts to jaguars and their habitats, and assist in improving the species' status in the area along the U.S.–Mexico border.

I appreciate your continued interest in this important topic. Once again, thank you for your letter and I hope that this response addresses your questions and concerns. If you have further concerns, please direct those to Chris Oh, Director, CBP Environmental Division at (202) 344-2448.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Schied', written in a cursive style.

Eugene H. Schied  
Assistant Commissioner  
Office of Finance