

American Bird Conservancy ✦ American Birding Association ✦ American Rivers
Animal Welfare Institute ✦ Association of Fish and Wildlife Service Retirees
Center for Biological Diversity ✦ Coastal Bend Audubon Society
Endangered Species Coalition ✦ Friends of the Earth U.S. ✦ Greenpeace
International Fund for Animal Welfare ✦ National Audubon Society
National Wildlife Refuge Association ✦ Natural Resources Defense Council
Texas Audubon ✦ Travis Audubon Society

Department of Homeland Security
The Honorable Kirstjen M. Nielsen
Secretary of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

November 6, 2018

Dear Secretary Nielsen:

The undersigned organizations are writing to express serious concern over the Department of Homeland Security's (DHS) implementation of the President's Executive Order 13767 in the environmentally-sensitive conservation areas of Lower Rio Grande Valley National Wildlife Refuge, Santa Ana National Wildlife Refuge, Sabal Palm Sanctuary, Bentsen-Rio Grande Valley State Park and National Butterfly Center, Big Bend National Park, Big Bend Ranch State Park, and Black Gap Wildlife Management Area, and to declare our steadfast opposition to the damage a border wall across these and other parts of Texas would cause to birds, other wildlife and their habitats.

These parks and refuges were created not just to protect the natural beauty of Texas ecosystems, but to safeguard habitat critical to flora and fauna that is quickly disappearing as it is converted to farmland and development. According to the North American Butterfly Association, the Lower Rio Grande Valley of Texas has the most diverse butterfly and bird fauna of any area in the United States.

These nature preserves provide essential economic activity in Texas. According to a 2011 Texas A&M University [study](#), nature tourism—primarily birding—contributes \$463 million annually to the local economy. Located near several birding hotspots, the Alamo Inn B&B, for example, hosts more than 1,200 visitors a year. “Ninety-five percent of our guests are birders,” says innkeeper and guide Keith Hackland, who adds that his bird-watching visitors so far have come from 40 different countries and every U.S. state.

A [DHS letter](#) of October 10, 2018 indicates, “DHS remains committed to environmental stewardship. DHS has been consulting, and intends to continue doing so, with stakeholders including federal and state resource agencies and affected landowners. Such consultation facilitates DHS's assessment of potential impacts and informs its efforts to minimize, to the extent possible, potential impacts to the environment, wildlife, and cultural and historic resources.”

However, the contrary act of exercising [waiver authority](#) on nine occasions to avoid compliance with laws such as those listed below, as well as disregarding existing Memorandums of Understanding (MOUs) with Mexico, indicates otherwise:

- National Environmental Policy Act
- Endangered Species Act
- Clean Water Act
- National Historic Preservation Act
- Migratory Bird Treaty Act
- Clean Air Act

- Archaeological Resources Protection Act
- Safe Drinking Water Act
- Noise Control Act
- Solid Waste Disposal Act
- Comprehensive Environmental Response, Compensation, and Liability Act
- Archaeological and Historic Preservation Act
- Antiquities Act
- Historic Sites, Buildings, and Antiquities Act
- Wild and Scenic Rivers Act
- Farmland Protection Policy Act
- Coastal Zone Management Act
- Wilderness Act
- Federal Land Policy and Management Act
- National Wildlife Refuge System Administration Act
- Fish and Wildlife Act of 1956
- Fish and Wildlife Coordination Act
- Administrative Procedure Act
- National Park Service Organic Act
- National Park Service General Authorities Act
- National Parks and Recreation Act of 1978
- Rivers and Harbors Act of 1899
- Eagle Protection Act
- Native American Graves Protection and Repatriation Act
- American Indian Religious Freedom Act
- Religious Freedom Restoration Act
- National Forest Management Act of 1976
- Multiple Use and Sustained Yield Act of 1960
- Federal Grants and Cooperative Agreements Act of 1977

The undersigned organizations urge that the environmental waivers be withdrawn, and that wall construction be halted in areas that threaten birds and other wildlife in favor of better advanced technology alternatives. It is crucial DHS prevent unintended impacts to an already fragile wildlife ecosystem of these wildlife parks and preserves.

We are concerned that the proposed Border Wall and its associated levees, additional structures, fencing, roads, lighting, cameras, and sensors pose an unacceptably high risk to flora and fauna. This concern is shared by conservation organizations on both sides of the border, biologists, federal, state and local representatives, as well as by citizens.

In the [Lower Rio Grande Valley](#) farming and urbanization has consumed more than 96 percent of the valley's native habitat. To protect, restore and create corridors between isolated remnants of the region's dwindling forests and scrublands, the Lower Rio Grande Valley National Wildlife Refuge was created in 1979. Today, 3 percent of the region's Tamaulipan thornscrub forests remain intact and even less of its riparian forests.

In 1988, the U.S. Fish and Wildlife Service (FWS) added Monterrey Banco to the refuge and, for the past three decades, FWS staff have worked to bring native vegetation back to what once was agricultural land. Animals followed the plants. Biologists have recorded more than 110 wildlife species in the tract, including the Texas indigo snake and Texas tortoise, both listed by the state as threatened.

As recently reported in [National Wildlife](#) magazine, according to an internal FWS memo dated March 2011, the barrier already in place has indeed hurt wildlife. Its construction, along with clearings beside it, destroyed and [fragmented habitat](#). While a levee had long stood at the same location (the wall was

built on top of it), “wildlife can get over a gently sloping levee but not a sheer vertical wall,” says Jim Chapman, vice president of the nonprofit Friends of the Wildlife Corridor.

The wall’s effects on borderland wildlife also would be wide-ranging. “Barriers like border walls can interfere with the ability of animals to meet their daily needs, make seasonal migrations or disperse to new areas,” says National Wildlife Federation Chief Scientist Bruce Stein. “In addition, the capacity of many species to survive in the face of warming temperatures will hinge on their ability to move unimpeded to follow shifts in climate.”

According to a 2016 FWS analysis, more than 100 federally listed endangered species, from obscure plants to black-footed ferrets, could be impacted by a completed wall. ESA listed and birds of conservation concern in the border region include Bald Eagle, Black-capped Vireo, Cactus Ferruginous Pygmy Owl, California Condor, California Least Tern, Coastal California Gnatcatcher, Green Jay, Golden Eagle, Great Kiskadee, Least Bell’s Vireo, Least Tern, Masked Bobwhite (Quail), Mexican Spotted Owl, Northern Aplomado Falcon, Piping Plover, Red-Crowned Parrot, Southwestern Willow Flycatcher, Western Snowy Plover, Yellow-Billed Cuckoo, and Yuma Clapper Rail.

Particularly problematic for wildlife is the way the wall blocks movement between the few habitat patches that can support them. Animals whose range barely juts into the U.S. may find themselves cut off from relatives, prospective mates, and suitable empty territories. Many terrestrial animals cannot get around or over the fence, and are more vulnerable to predators on its access roads. [While birds might seem to have an easier time](#) going over the fence, research has shown that many forest birds are extremely reluctant to cross gaps of unfamiliar or open habitat.

In the peer-reviewed journal, *Frontiers in Ecology and the Environment*, University of Texas at Austin biologists, indicate “expanding the physical barriers along the southern border of the U.S. will have substantial negative effects on wild species and natural ecosystems.” Those effects range from habitat fragmentation and loss (between 4.8 and 7.3 acres lost per mile of new wall) to ecosystem degradation due to “edge effects” (from pollution, floodlights, traffic and changes in water drainage, for example).

[The Bentsen-Rio Grande Valley State Park](#), which includes part of the World Birding Center, hosts several threatened species and is one of the nation’s top bird-watching destinations. The park drew nearly 30,000 visitors in 2016 and, as with other state parks, tourism has been growing by about 5 percent annually.

An October 2017 memo from Texas Parks and Wildlife Department Executive Director, Carter Smith to Mr. Paul Enriquez, the U.S. Border Patrol’s real estate and environmental branch chief, states that if the federal government builds the proposed border fence as currently contemplated and without modification through Bentsen-Rio Grande Valley State Park, it “would certainly call into question whether TPWD could continue to safely operate the property as a state park, and thereby possibly causing the site to [revert back to the original Grantors’ heirs](#).”

Big Bend, Texas’ largest National Park, hosts three separate ecosystems – the river, mountains and desert – and is home to more than 1,300 species of plants and an array of birds, bats, butterflies, reptiles, and mammals like mountain lions, and big-horn sheep, according to Park Ranger, Jennette Jurado. Big Bend is also home to Mexican black bears, which migrate back and forth over the border. A border wall could interfere with the bear’s migratory patterns between Mexico and Texas, abruptly ending this ecological success story. “If there’s a wall, we really wouldn’t have black bears in West Texas,” said Louis Harveson, director of the Borderlands Research Institute at Sul Ross State University in nearby Alpine.

Big Bend’s wildlife biologist, Raymond Skiles, has indicated the park’s full-time residents, mountain lions, black bears, bighorn sheep and the rare white-nosed coatimundis, range back and forth across the Rio Grande to forage and keep their gene pools healthy. In the arid environment, they need to be

able to [get to the river](#). "The Rio Grande is also the park's most important water source for animals," he says. "It's as simple as that." At Sabal Palm Sanctuary, which exists in the US on the Mexico side of the border wall, the wall has proven to interfere with wildlife movement since ground dwellers like the endangered Ferruginous Pygmy-owl rarely flies more than 13 feet above the ground.

Thank you for your consideration of our views. Our coalition will be watching DHS's actions taken to secure the border where the parks and sanctuaries, and reserves are affected, while working with local, state and national elected officials and citizens to protect these and other areas. We look forward to your response to these requests.

Sincerely,

Alberta Wilderness Association
Alliance for International Reforestation, Inc.
American Bird Conservancy
American Birding Association
American Rivers
Animal Welfare Institute
Association of Fish and Wildlife Service Retirees
Association of Massachusetts Bird Clubs
Audubon Miami Valley
Audubon Society Northern Virginia
Audubon Society of the District of Columbia
Audubon Society of Kalamazoo
Audubon Society of Western Pennsylvania
Baltimore Bird Club
Bartramian Audubon Society
Bedford Audubon Society
Bird Conservation Network
Bird Friendly Iowa
Black Canyon Audubon Society
Bozeman Birders
Bronx River - Sound Shore Audubon Society
Butterflies & Their People, AC
Burroughs Audubon Nature Club
Californians for Western Wilderness
Center for Biological Diversity
Central New Mexico Audubon Society
Chemung Valley Audubon Society
Chicago Audubon Society
Chicago Ornithological Society
Coastal Bend Audubon Society
Colorado Wild Rabbit Foundation
Conscious Talk Radio
Conservation Congress
Cumberland-Harpeth Audubon Society
Dakubetede Environmental Education Programs
Delaware Ornithological Society

Delmarva Ornithological Society
Eastern Long Island Audubon Society
Endangered Habitats League
Endangered Species Coalition
Environment for the Americas
Environmental Action Committee of West Marin
Environmental Protection Information Center
Environmental Research Consortium
Evergreen Audubon
Firefly Conservation & Research
Five Valleys Audubon Society
Franciscan Action Network
Frankfort Audubon Society
Friends of Malheur Refuge
Friends of the Boundary Mountains
Friends of the Earth U.S.
Friends of the Migratory Bird/Duck Stamp
Friends of the Sonoran Desert
Frontera Audubon
Grand Valley Audubon Society
Great Old Broads for Wilderness
Greater Ozarks Audubon Society
Greenpeace
Hampshire Bird Club
Hawaii Audubon Society
Hawk Migration Association of North America
Hemlock Hill Biological Research Area
High Peaks Birders
Hilton Pond Center for Piedmont Natural History
Howard County Bird Club
Human Rights Association
Inter-American Association for Environmental Defense (AIDA)
International Bird Rescue
International Fund for Animal Welfare
Iowa Audubon
John Muir Project
Keep Coyote Creek Beautiful
Keitt Lab at the University of Texas at Austin
Kern Audubon Society
Kettle Range Conservation Group
Kittitas Audubon Society
Klamath Forest Alliance
Lake Cook Audubon
Lane County Audubon Society
Leadership Conference of Women Religious
Lehigh Valley Audubon Society

Leon Levy Foundation
Linnaean Society of New York
Los Angeles Audubon Society
Louisiana Audubon Council
Lower Columbia Basin Audubon Society
Maryknoll Sisters Eastern Region
Maryland Ornithological Society
Mass Audubon
Mecklenburg Audubon Society
Mennonite Central Committee U.S. Washington Office
Michigan Audubon
Mid-Michigan Stewardship Initiative
Minnesota River Valley Audubon Society (MRVAC)
Missouri River Bird Observatory
Morro Coast Audubon Society
Mount Vernon Songbird Sanctuary
National Audubon Society
National Wildlife Refuge Association
Native Plant Conservation Campaign
Native Songbird Care & Conservation
Natural Resources Defense Council
Nature Vancouver
New Mexico State University - Student Chapter of The Wildlife Society
New York City Audubon
New York State Ornithological Assoc., Inc.
Northcoast Environmental Center
Northern New York Audubon
Northwest Arkansas Audubon Society
Nuestra Tierra Conservation Project
NY4Whales
Otter Creek Audubon Society
Peoria Audubon Society
Quad City Audubon Society
Quality Parks
Rachel Carson Council
Rachel's Network
Rainier Audubon Society
Ridges to Rivers Open Space Network
Roanoke Group, Sierra Club
Rockbridge Bird Club
Rolling Hills Zoo
Sacramento Audubon Society
Safe Alternatives for our Forest Environment
Salem Audubon Society
San Diego Audubon Society
Santa Clara Valley Audubon Society

Santa Cruz Bird Club
Save Our Cabinets
Sequoia ForestKeeper
Soda Mountain Wilderness Council
Southeastern Arizona Bird Observatory
Southern Adirondack Audubon Society
Southern Maryland Audubon Society
Southwest Environmental Center
Southwestern New Mexico Audubon
Speak Out for Species
Spokane Audubon
St. Louis Audubon
Stanislaus Audubon Society
Stockbridge Audubon Society
Sycamore Audubon Society
Tampa Audubon Society
Texas Audubon
Texas Pollinator Powwow
The Lands Council
The Rewilding Institute
The Urban Wildlands Group
The Wildlife Trust
Todd Bird Club
Travis Audubon Society
Tree Fredericksburg
Virginia Bluebird Society
Waccamaw Audubon Society
Washington Crossing Audubon Society
Western Cuyahoga Audubon
Western Watersheds Project
Whidbey Environmental Action Network
White Mountain Audubon Society
Wild Birds Unlimited of Syosset
Wild Excellence Films
Wild Nature Institute
Wildearth Guardians
Wilderness Watch
Yosemite Area Audubon Society

cc: U.S. Representative John Carter, Chairman of the House Appropriations Homeland Security Subcommittee

U.S. Representative Michael McCaul, Chairman of the Homeland Security Committee

U.S. Representative Beto O'Rourke

U.S. Representative Henry Cuellar

U.S. Representative Vicente González

U.S. Representative Raúl Grijalva

U.S. Representative Will Hurd

U.S. Representative Juan Vargas

U.S. Representative Filemon Vela
U.S. Senator John Cornyn
U.S. Senator Ted Cruz