



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION IX**  
75 Hawthorne Street  
San Francisco, CA 94105

January 7, 2008

Mark Doles  
U.S. Army Corps of Engineers  
Fort Worth District  
P.O. Box 17300  
Fort Worth, TX 76102

Subject: Draft Environmental Assessment (DEA), Road and Fence Construction Project  
Limestone Ridge, Cochise County, Arizona, United States Border Patrol, Tucson  
Sector

Dear Mr. Doles:

The U.S. Environmental Protection Agency (EPA) has reviewed the subject DEA pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA has concerns regarding the cumulative impacts of the project on the federally endangered jaguar. The DEA indicates that U.S. Customs and Border Protection (CBP) has determined that the proposed action would adversely affect the jaguar. Endangered Species Act, Section 7 Consultation with U.S. Fish and Wildlife Service (USFWS) is ongoing.

Because Section 7 consultation has not been completed, the DEA includes a Biological Opinion (B.O.) from a similar fence project<sup>1</sup> in the appendix and includes the conservation measures identified in that B.O. as mitigation for this project. That B.O. concluded that the similar fence project was not likely to jeopardize the continued existence of the jaguar, however, this conclusion by the USFWS was based on the assumption that jaguars will still be able to move through other areas of the border (B.O., p. 29). This and other border fence projects reduce this possibility incrementally, and the DEA does not sufficiently address the cumulative affects of these projects on jaguar movement (40 C.F.R 1508.7). Additionally, the DEA does not evaluate alternatives to full pedestrian fencing in these areas, such as substituting vehicle barriers or virtual fencing in probable jaguar migration corridors.

In addition to our concern that the evaluation of individual fence projects does not capture the cumulative impacts to this species, we are concerned that this approach does not provide the opportunity for a comprehensive mitigation strategy to address the cumulative impacts from all border fence projects in jaguar habitat. In the Final EA, or in a separate stand-alone cumulative impacts assessment that can be used for multiple projects, we recommend a

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<sup>1</sup> Pedestrian fence near Sasabe, Pima County; Nogales, Santa Cruz County; and near Naco and Douglas, Cochise County

thorough discussion of the cumulative impacts to jaguar movement be included, along with a more comprehensive mitigation strategy. This strategy should have the goal of identifying key jaguar migration routes and ensuring that some are left unimpeded in the context of all the border fence projects in jaguar habitat.

Finally, we recommend that CBP adopt any conservation recommendations that the USFWS identifies in the B.O. for this project. For the similar fence project B.O., USFWS recommended CBP assistance with the implementation of the Jaguar Conservation Framework and CBP participation on the Jaguar Conservation Team. We recommend that commitments to these measures be included in the Final EA and in any Finding of No Significant Impact (FONSI) that is prepared.

We appreciate the opportunity to review this DEA and are available to assist CBP in reducing environmental impacts from these projects. If we can be of assistance, please contact me at (415) 972-3846 or Karen Vitulano, the lead reviewer for this project. Karen can be reached at 415-947-4178 or [vitulano.karen@epa.gov](mailto:vitulano.karen@epa.gov). When the Final EA is released for public review, please send one copy to the address above (mail code: CED-2).

Sincerely,

/s/

Nova Blazej, Manager  
Environmental Review Office

cc: Steven Spangle, Field Supervisor, U.S. Fish and Wildlife Service