



Draft

ENVIRONMENTAL IMPACT STATEMENT FOR CONSTRUCTION, MAINTENANCE, AND OPERATION OF TACTICAL INFRASTRUCTURE Rio Grande Valley Sector, Texas



U.S. Department of Homeland Security
U.S. Customs and Border Protection
U.S. Border Patrol



November 2007

COVER SHEET

**DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR
CONSTRUCTION, MAINTENANCE, AND OPERATION OF TACTICAL INFRASTRUCTURE
RIO GRANDE VALLEY SECTOR, TEXAS**

7 Responsible Agencies: U.S. Department of Homeland Security (DHS), U.S.
8 Customs and Border Protection (CBP), U.S. Border Patrol (USBP).

9 **Cooperating Agencies:** U.S. Army Corps of Engineers (USACE) Galveston
10 District and the U.S. Section of the International Boundary and Water
11 Commission (IBWC).

Affected Location: U.S./Mexico international border in southernmost portions of Starr, Hidalgo, and Cameron counties, Texas.

14 **Proposed Action:** The Proposed Action includes the construction,
15 maintenance, and operation of tactical infrastructure to include pedestrian
16 fencing, patrol roads, and access roads along approximately 70 miles of the
17 U.S./Mexico international border within the USBP Rio Grande Valley Sector,
18 Texas. The Proposed Action would be implemented in 21 discrete sections.
19 Individual sections would range from approximately 1 mile to more than 13 miles
20 in length.

21 **Report Designation:** Draft Environmental Impact Statement (EIS).

Abstract: CBP proposes to construct, maintain, and operate approximately 70 miles of tactical infrastructure, including pedestrian fencing, patrol roads, and access roads along the U.S./Mexico international border in southernmost portions of Starr, Hidalgo, and Cameron counties, Texas.

The Proposed Action includes the installation of tactical infrastructure in 21 discrete sections along the international border in the vicinity of Roma, Rio Grande City, McAllen, Progreso, Mercedes, Harlingen, and Brownsville, Texas. Individual tactical infrastructure sections would range from approximately 1 mile to more than 13 miles in length. For much of its length, the proposed tactical infrastructure would follow the International Boundary and Water Commission (IBWC) levee along the Rio Grande. Some portions of the tactical infrastructure would encroach upon privately owned land parcels and would cross multiple land use types, including rural, agricultural, suburban, and urban land. It would also encroach upon portions of the Lower Rio Grande Valley National Wildlife Refuge and Texas state parks in the Rio Grande Valley.

37 The EIS process will serve as a planning tool to assist agencies with
38 decisionmaking authority associated with the Proposed Action and ensure that
39 the required public involvement under the National Environmental Policy Act
40 (NEPA) is accomplished. The EIS presents potential environmental impacts

1 associated with the Proposed Action and provides information to assist in the
2 decisionmaking process addressing whether and how to implement the Proposed
3 Action.

4 Throughout the NEPA process, the public may obtain information concerning the
5 status and progress of the Proposed Action and the EIS via the project web site at
6 www.BorderFenceNEPA.com, by emailing *information@BorderFenceNEPA.com*,
7 or by written request to Mr. Charles McGregor, Environmental Manager, U.S. Army
8 Corps of Engineers (USACE), Fort Worth District, Engineering Construction
9 Support Office (ECSO), 814 Taylor Street, Room 3B10, Fort Worth, TX 76102; and
10 Fax: (757) 282-7697.

11 You may submit written comments to CBP by contacting the SBI Tactical
12 Infrastructure Program Office. To avoid duplication, please use only one of the
13 following methods:

- 14 (a) Electronically through the web site at: www.BorderFenceNEPA.com;
- 15 (b) By email to: RGVcomments@BorderFenceNEPA.com;
- 16 (c) By mail to: Rio Grande Valley Tactical Infrastructure EIS, c/o e²M, 2751
17 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031; or
- 18 (d) By fax to: (757) 282-7697.

19 **Privacy Notice**

20 Your comments on this document are due by December 31, 2007. Comments
21 will be addressed in the Final EIS and made available to the public. Any
22 personal information included in comments will therefore be publicly available.

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RIO GRANDE VALLEY SECTOR, TEXAS**

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NOVEMBER 2007



EXECUTIVE SUMMARY

1 EXECUTIVE SUMMARY

2 INTRODUCTION

3 The U.S. Department of Homeland Security (DHS), U.S. Customs and Border
4 Protection (CBP), U.S. Border Patrol (USBP) proposes to construct, maintain,
5 and operate approximately 70 miles of tactical infrastructure, including pedestrian
6 fence and associated patrol roads, and access roads along the U.S./Mexico
7 international border in the USBP Rio Grande Valley Sector, Texas.

8 The mission of CBP is to prevent terrorists and terrorist weapons from entering
9 the United States, while also facilitating the flow of legitimate trade and travel. In
10 supporting CBP's mission, USBP is charged with establishing and maintaining
11 effective control of the border of the United States. USBP's mission strategy
12 consists of five main objectives:

- 13 • Establish substantial probability of apprehending terrorists and their
14 weapons as they attempt to enter illegally between the Ports of Entry
15 (POEs)
- 16 • Deter illegal entries through improved enforcement
- 17 • Detect, apprehend, and deter smugglers of humans, drugs, and other
18 contraband
- 19 • Leverage "smart border" technology to multiply the effect of enforcement
20 personnel
- 21 • Reduce crime in border communities and consequently improve quality of
22 life and economic vitality of targeted areas.

23 This Draft Environmental Impact Statement (EIS) has been prepared through
24 coordination with Federal and state agencies to identify and assess the potential
25 impacts associated with the proposed construction, maintenance, and operation
26 of tactical infrastructure. This EIS is also being prepared to fulfill the
27 requirements of the National Environmental Policy Act (NEPA) of 1969.

28 PURPOSE AND NEED

29 The purpose of the Proposed Action is to increase border security within the
30 USBP Rio Grande Valley Sector through the construction, operation, and
31 maintenance of tactical infrastructure in the form of fences, roads, and supporting
32 technological and tactical assets. The USBP Rio Grande Valley Sector has
33 identified several areas along the border that experience high levels of illegal
34 cross-border activity. This activity occurs in areas that are remote and not easily
35 accessed by USBP agents, near POEs where concentrated populations might
36 live on either side of the border, contain thick vegetation that can provide
37 concealment, or have quick access to U.S. transportation routes.

1 The Proposed Action is needed to provide USBP agents with the tools necessary
2 to strengthen their control of the U.S. borders between POEs in the USBP Rio
3 Grande Valley Sector. The Proposed Action would help to deter illegal cross-
4 border activities within the USBP Rio Grande Valley Sector by improving
5 enforcement, preventing terrorists and terrorist weapons from entering the United
6 States, reducing the flow of illegal drugs, and enhancing response time, while
7 providing a safer work environment for USBP agents.

8 PUBLIC INVOLVEMENT

9 CBP initiated the public scoping process for this Draft EIS on September 24,
10 2007, with the publication in the *Federal Register* of a Notice of Intent (NOI) to
11 prepare an EIS. The NOI requested public comments on the scope of the EIS
12 and provided information on how the public could submit comments by mail,
13 facsimile, electronic mail, or through the project-specific Web site. Public
14 comments submitted as part of the scoping process were considered during the
15 development of this Draft EIS. Additional opportunities for public involvement will
16 occur throughout the EIS development process.

17 DESCRIPTION OF THE PROPOSED ACTION

18 CBP proposes to construct, maintain, and operate tactical infrastructure
19 consisting of pedestrian fence and associated patrol roads, and access roads
20 along the U.S./Mexico international border in the USBP Rio Grande Valley
21 Sector, Texas. Proposed tactical infrastructure includes installation of fence
22 sections in areas of the border that are not currently fenced. The proposed
23 locations of tactical infrastructure are based on a USBP Rio Grande Valley
24 Sector assessment of local operational requirements where tactical infrastructure
25 would assist USBP agents in reducing illegal cross-border activities. The Fiscal
26 Year (FY) 2007 DHS Appropriations Act (Public Law [P.L.] 109-295) provided
27 \$1,187,565,000 under the Border Security Fencing, Infrastructure, and
28 Technology appropriation for the installation of fencing, infrastructure, and
29 technology along the border.

30 ALTERNATIVES ANALYSIS

31 Alternative 1: No Action Alternative

32 Under the No Action Alternative, the proposed tactical infrastructure would not be
33 built and there would be no change in fencing, roads, or other facilities along the
34 U.S./Mexico international border in the proposed project locations within the
35 USBP Rio Grande Valley Sector. The No Action Alternative would not meet
36 USBP mission or operational needs. However, inclusion of the No Action
37 Alternative is prescribed by the Council on Environmental Quality (CEQ)
38 regulations implementing NEPA and will be carried forward for analysis in this
39 Draft EIS. The No Action Alternative also serves as a baseline against which to
40 evaluate the impacts of the Proposed Action.

1 **Alternative 2: Routes A and B**

2 Under this alternative, proposed tactical infrastructure would be constructed in 21
3 distinct sections along the international border within the USBP Rio Grande
4 Valley Sector in the southernmost portions of Starr, Hidalgo, and Cameron
5 counties, Texas. Individual fence sections might range from approximately 1
6 mile in length to more than 13 miles in length.

7 Two alternatives for the alignment of the infrastructure (Route Alternatives) are
8 being considered under Alternative 2. Route A is the route initially identified by
9 the USBP Rio Grande Valley Sector as meeting its operational requirements.
10 Route B was developed through coordination with Federal and state agencies
11 and incorporates input received through the public scoping period. The Route B
12 alignment meets current operational requirements with less environmental
13 impact, and is CBP's Preferred Alternative.

14 **Alternative 3: Secure Fence Act Alignment Alternative**

15 Under this alternative, two layers of fence, known as primary and secondary
16 fence, would be constructed approximately 130 feet apart along the same
17 alignment as Route B. This alternative would be most closely aligned with fence
18 described in the Secure Fence Act of 2006, P.L. 109-367, 120 Stat. 2638,
19 codified at 8 United States Code (U.S.C.) 1701.

20 This alternative would also include construction and maintenance of access and
21 patrol roads. The patrol roads would be constructed between the primary and
22 secondary fences. The design of the tactical infrastructure for this alternative
23 would be similar to that of Alternative 2.

24 **SUMMARY OF ENVIRONMENTAL IMPACTS**

25 **Table ES-1** provides an overview of potential impacts anticipated under each
26 alternative considered, broken down by resource area. **Section 4** of this Draft
27 EIS addresses these impacts in more detail.

28 USBP would follow design criteria to reduce adverse environmental impacts and
29 would implement mitigation measures to further reduce or offset adverse
30 environmental impacts. Design criteria to reduce adverse environmental impacts
31 include selecting a location for tactical infrastructure that would avoid or minimize
32 impacts on environmental and cultural resources, consulting with Federal and
33 state agencies and other stakeholders to avoid or minimize adverse
34 environmental impacts and develop appropriate Best Management Practices
35 (BMPs), and avoiding physical disturbance and construction of solid barriers in
36 wetlands/riparian areas and streambeds. BMPs would include implementation of
37 a Construction Mitigation and Restoration (CM&R) Plan; Spill Prevention Control
38 and Countermeasures (SPCC) Plan; Dust Control Plan; Fire Prevention and
39 Suppression Plan; and Unanticipated Discovery Plan for Cultural Resources to
40 protect natural and cultural resources.

1 Table ES-1. Summary of Anticipated Environmental Impacts, by Alternative

Resource Area	Alternative 1: No Action Alternative	Alternative 2		Alternative 3: Secure Fence Act Alignment
		Route A	Route B (Preferred Alternative)	
Air Quality	No new impacts would occur.	Short- and long-term negligible to minor adverse impacts.	Short- and long-term negligible to minor adverse impacts.	Impacts would be similar to, but greater than, the impacts described under Alternative 2.
Noise	No new impacts would occur.	Short-term moderate adverse impacts would be expected.	Short-term moderate adverse impacts would be expected.	Impacts would be similar to, but slightly greater than, the impacts described under Alternative 2.
Land Use	Long-term minor to major adverse impacts would continue to occur.	Short- and long-term minor adverse and long-term beneficial impacts would occur.	Short- and long-term minor adverse and long-term beneficial impacts would occur.	Impacts would be similar to, but slightly greater than, the impacts described under Alternative 2.
Geology and Soils	Long-term minor adverse impacts would continue to occur.	Short- and long-term negligible to minor adverse impacts would be expected.	Short- and long-term negligible to minor adverse impacts would be expected.	Impacts would be similar to, but slightly greater than, the impacts described under Alternative 2.
Water Resources	Long-term minor adverse impacts would continue to occur.	Short-term and long-term negligible to minor adverse impacts would be expected.	Short-term and long-term negligible to minor adverse impacts would be expected.	Impacts would be similar to, but slightly greater than, the impacts described under Alternative 2.

Resource Area	Alternative 1: No Action Alternative	Alternative 2		Alternative 3: Secure Fence Act Alignment
		Route A	Route B (Preferred Alternative)	
Vegetation	Long-term minor to major adverse impacts would continue to occur.	Short- and long-term negligible to major beneficial and adverse impacts would be expected.	Short- and long-term negligible to major beneficial and adverse impacts would be expected.	Impacts would be similar to, but slightly greater than, the impacts described under Alternative 2.
Wildlife and Aquatic Resources	Long-term minor adverse impacts would continue to occur.	Short- and long-term negligible to moderate adverse and minor beneficial impacts would be expected.	Short- and long-term negligible to moderate adverse and minor beneficial impacts would be expected.	Impacts would be similar to, but slightly greater than, the impacts described under Alternative 2.
Special Status Species	Long-term minor to moderate adverse impacts would continue to occur.	Short- and long-term minor to major adverse and long-term negligible to minor beneficial impacts would be expected.	Short- and long-term minor to moderate adverse and long-term negligible to minor beneficial impacts would be expected.	Impacts would be similar to, but slightly greater than, the impacts described under Alternative 2.
Cultural Resources	Long-term minor adverse impacts would continue to occur.	Long-term minor to major adverse impacts would be expected.	Long-term minor to major adverse impacts would be expected.	Impacts would be similar to, but slightly greater than, the impacts described under Alternative 2.
Aesthetics and Visual Resources	No new impacts would occur.	Short- and long-term minor to major adverse impacts would be expected.	Short- and long-term minor to major adverse impacts would be expected.	Impacts would be similar to, but slightly greater than, the impacts described under Alternative 2.

Resource Area	Alternative 1: No Action Alternative	Alternative 2		Alternative 3: Secure Fence Act Alignment
		Route A	Route B (Preferred Alternative)	
Socioeconomic Resources, Environmental Justice, and Safety	Long-term minor to major adverse impacts would continue to occur.	Short- and long-term minor to moderate adverse and short-term beneficial impacts would be expected.	Short- and long-term minor to moderate adverse and short-term beneficial impacts would be expected.	Impacts would be similar to, but slightly greater than, the impacts described under Alternative 2.
Utilities and Infrastructure	No new impacts would occur.	Short-term negligible to minor adverse impacts would be expected.	Short-term negligible to minor adverse impacts would be expected.	Impacts would be similar to, but slightly greater than, the impacts described under Alternative 2.
Hazardous Materials and Waste	No new impacts would occur.	Short-term negligible adverse impacts would be expected.	Short-term negligible adverse impacts would be expected.	Impacts would be similar to, but slightly greater than, the impacts described under Alternative 2.