



Pima and Cochise Counties Border Infrastructure Projects Stakeholder Feedback Report

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1. Introduction and Background

The U.S. Customs and Border Protection (CBP) is proposing to replace existing vehicle barrier with bollard wall in Pima and Cochise Counties, Arizona. The infrastructure project consists of six segments totaling approximately 63 miles. The project will also include improvements to the existing border road and the installation of lighting and other detection technology.

As part of the planning process for the Pima and Cochise Counties border infrastructure projects, CBP sought input from the public and other stakeholders on potential impacts to the environment, culture, commerce, and quality of life, including socioeconomic impacts. This input is being used to assess the potential environmental impacts from the construction of the project and will be included in the development of an Environmental Stewardship Plan.

1.1 About Environmental Stewardship Plans

On April 24, 2019, the Secretary of Homeland Security determined that it was necessary to waive certain environmental laws and regulations in order to expedite the construction of border infrastructure in areas of the U.S. Border Patrol's Tucson Sector with high levels of illegal entry.

The waiver includes various environmental, natural resource, and land management laws, including the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA). The Secretary of Homeland Security's waiver authority is set out in section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended ("IIRIRA").

Though certain laws and regulations have been waived, the Department of Homeland Security (DHS) remains committed to environmental and cultural stewardship. CBP abides by this commitment through, among other things, environmental surveys for biological, cultural, and other natural resources, public outreach and comment, formulation of construction Best Management Practices (BMPs), and the development of an Environmental Stewardship Plan. The Environmental Stewardship Plan will identify potential environmental impacts from the implementation of the project and outline the BMPs employed by the construction contractor that avoid, or minimize environmental impacts to the greatest extent practicable.

1.2 Purpose of this Report

The purpose of this report is to summarize the input received during the public comment process in order to provide stakeholders and the public transparency into the environmental, cultural, and socioeconomic issues that are being considered during the development of the Environmental Stewardship Plan. It does not present individual comments received or provide responses to the comments.



2. Public Input Process

CBP solicited input from federal, state, and local agencies, landowners, non-governmental organizations (NGOs), tribes, academics, and the general public. The distributed notification and informational materials that were distributed by CBP are included as an appendix to this report. From May 6, 2019 to July 5, 2019, CBP received public input regarding the potential impacts to the environment, culture, commerce, and quality of life, including potential socioeconomic impacts.

Comments were collected through email and mail. In addition, CBP staff held in-person and phone meetings with landowners, environmental experts, and other stakeholders. CBP staff plan to continue meeting with impacted stakeholders and knowledgeable individuals throughout the process to ensure environmental impacts are avoided or minimized.

2.1 Public Feedback Review

All comments received by CBP have been reviewed and categorized. A total of 13,228 comments were received during the comment period. There were 264 comments identified as unique. The remaining comments were determined to be form letters. As the comments were received, they were reviewed and categorized by their primary topic of concern – environmental, economic, cultural, or quality of life. If a comment included substantive information on multiple topics, they were included in each relevant category.

The Border Wall Program outreach team reviewed all comments received during the comment period, responded to comments as appropriate, and prepared this report to summarize public input. The comment review was conducted based on explicit concerns; comments that were not specific or contained vague statements were not interpreted by the reviewers. Comments that provided substantive information were further assessed by CBP, often contacting that specific stakeholder to address specific questions or concerns. In some instances, the Border Wall Program outreach team contacted specific stakeholders to determine the validity of data provided for use in the assessment of environmental impacts.

As a next step, CBP will develop an Environmental Stewardship Plan that will utilize existing and new environmental field survey data, as well as incorporate relevant information and data obtained from the public feedback process.

3. Summary of Public Feedback

The following summarizes important considerations for CBP's review on impacts provided by the public during the comment period. CBP identified eight (8) categories of primary feedback received.

3.1 Border Security

A total of 52 comments were about border security; 30 of those comments were in support of the border infrastructure projects.



Some commenters suggested that high levels of illegal activities, such as stolen property, transportation of illegal narcotics, and unwanted foot traffic on their property could be deterred by development of a border wall. Some comments suggested the border wall could prevent litter and trash left by migrants entering the U.S. illegally. Some recommended, in addition to building a wall, other detection technology and an increase in patrol agents. Several comments provided data or stated that existing border security strategies have proven effective and new infrastructure is not needed. One comment noted that roads built for Border Patrol may have the opposite effect of increasing illegal traffic to the area.

3.2 Cost

There were 41 comments regarding the cost of the infrastructure projects. Many of the comments were in support of securing the border but stated the wall is the least cost-effective way to do so. Some stated that the infrastructure projects are too costly. Others suggested that more could be done to ensure border security by investing in deploying more agents and additional detection technology.

3.3 Water/Flooding

There were 81 comments regarding the potential impact to water flow due to the infrastructure projects in the area. Specific concerns mentioned possible flooding, reduced water absorption and infiltration, and negative impacts including public health risks as a result of debris build up from the border barrier at Hay Hollow Wash, Black Draw, which is the headwaters of the Rio Yaqui, and the San Pedro River, which was characterized as one of the Southwest's last free-flowing rivers. Others stated that water could easily flow through the fence design and that should not be a factor for hindering construction.

One commenter noted that erosion and sediment problems in drainages could negatively impact listed plants, fish, and wildlife. One comment raised concerns that siltation of downstream wetlands, as a result of alteration of natural water flow due to border wall construction, would kill fish and damage wetlands. Another commenter expressed concern about potential soil erosion and provided suggestions for minimizing damage to the road and border wall.

Quitobaquito Springs was noted as a natural spring that is designated as both a National Historic Place and an International Biosphere Reserve by the United Nations Educational, Scientific and Cultural Organization (UNESCO). Commenters stated that Quitobaquito serves as a habitat for diverse subset of plants and animals, including the only U.S. populations of the endangered Quitobaquito Springs pupfish and Sonoyta mud turtle.

One commenter expressed concern that wells being dug for construction water use could significantly impact the environment and border communities that rely on local groundwater.

3.4 Tribal Lands/Archaeological Impacts



A total of 55 comments expressed a potential for negative impacts to archaeological sites within the Organ Pipe Cactus National Monument. The Juan Bautista de Anza National Historic Trail, Buenos Aires National Wildlife Refuge, San Bernardino National Wildlife Refuge, and the Cabeza Prieta Wilderness were specifically referenced. Las Playa Intaglio was noted as an important cultural site. Other commenters suggested the wall is necessary to preserve the parks and other archaeological sites from illegal foot traffic.

Comments also mentioned potential impacts to tribal lands, including the Tohono O’odham Nation. Three comments specifically mentioned the impact on the Tohono O’odham Nation’s ceremonial salt pilgrimage. Other potentially impacted tribes mentioned included the Hohokam, Apache, and Yaqui.

3.5 Waiver of Environmental Laws

A total of 27 commenters expressed opposition to waiving environmental laws to expedite construction. Comments mentioned specific laws that were waived, such as the National Environmental Policy Act and the Native American Grave Protection and Repatriation Act, and provided detailed information on why those laws should not be waived.

3.6 Recreation/Public Lands

Nineteen comments raised concerns about potential impacts to public lands, including Organ Pipe Cactus National Monument, the Juan Bautista de Anza National Historic Trail, Buenos Aires National Wildlife Refuge, San Bernadino National Wildlife Refuge, Coronado National Forest, Chiricahua Mountains, San Pedro Riparian National Conservation Area, and the Cabeza Prieta Wilderness. Recommendations were provided to limit impacts to visitors during construction, including ample signage and proactive communication between CBP and the National Park Service.

Two comments stated that the visual impact of a 30-foot bollard wall would detract from the visitor experience for those visiting Organ Pipe National Monument. Nine comments noted potential visual impacts on recreation, including bird watching, gold prospecting, hiking, and camping in national parks.

3.5 Economic Impacts

Sixteen expressed concern about the potential economic impacts of the proposed border barrier. One comment noted the potential for diminished property values of nearby landowners. Another comment expressed concern over the reduction of Mexican consumers, who legally enter the country and purchase goods and services from local stores. One comment noted the potential impact to local economies through the reduction of tourism to Organ Pipe National Monument and Americans passing through border communities to Mexico.

3.6 Lighting Impacts



A total of 19 comments expressed concern about the potential impact of lighting on the natural life cycle of wildlife. Recommendations were provided to minimize glare and light pollution, including the use of thermal imaging and light shields. One commenter noted that San Bernadino Valley has a highest diversity of native bees in North America and lighting can have negative impacts on pollinators. Another commenter noted that lighting can impact migrating birds during migration season (April to early June and August to October). Another comment noted that light pollution could impact tourism, noting that many people travel to remote areas to stargaze and that Organ Pipe is applying to be an International Dark Sky Park.

Many comments expressed concerns regarding the development of new transmission lines to power lighting. Comments noted transmission lines are both visually unappealing and potentially dangerous to birds and bats. One commenter suggested remotely located solar assemblies be used in lieu of development of new transmission lines.

3.7 Habitat/Ecosystem/Wildlife

There were 125 comments regarding the potential impact of the infrastructure projects on wildlife, habitat, and/or ecosystems. A total of 113 of those comments stated the infrastructure projects would have a negative impact, with a majority stating that it would result in negative impacts to wildlife migration. Specific species mentioned include the jaguar, ocelot, Mexican gray wolf, Sonoyta mud turtle, Chiricahua leopard frog, Mexican garter snake, Rio Sonoyta pupfish, Quitobaquito Spring Snail, desert bighorn sheep, mountain lion, and Sonoran pronghorn antelope. Concerns were also expressed regarding the potential impact to including the Ferruginous Pygmy Owl, bats, and roadrunners. The commenters stated that these species cannot fly over a 30-foot wall. Some commenters raised the issue of potential impacts to fish. Commenters specifically mentioned the Yaqui topminnow, Yaqui chub, Yaqui beautiful shiner and the Yaqui catfish, noting that these species may be impacted by border wall crossings over major bodies of water.

One comment noted that a four-inch gap between bollards would prevent any large mammal to pass through, which would impede the migration of wildlife species. One commenter suggested expanding the width between bollards to six inches. Another commenter suggested gates be installed and left open during migration season.

One comment noted that the proposed project location is where four major biological provinces intersect: the Sonoran and Checuan deserts, and the Sierra Madre and Rocky Mountains, which results in a diverse subset of species. Several comments noted impacts to the Sky Island region, which is known for the highest mammal diversity in the United States, the highest bird diversity in the interior of North America, and the highest diversity of desert fish in the U.S. Southwest.

One comment provided data from an ongoing study, noting that the following species have been documented in the Sky Island region: antelope, jackrabbit, badger, bats, birds, black bear, black hawk, black-tailed jackrabbit, bobcat, cliff chipmunk, coyote, desert cottontail, great blue heron, great horned owl, grey fox, grey hawk, hog-nosed skunk, hooded skunk, javelina, Mexican jay, mountain lion, mule deer, northern flicker, raccoon, raven, reptiles, red-



tailed hawk, ring-tailed cat, roadrunner, rock squirrel, striped skunk, turkey, turkey vulture, white-nosed coati, and white-tailed deer. One commenter expressed concern about potential impacts to a rare leafcutter ant, *Atta Mexicana*, which is only found within Organ Pipe National Monument. Another comment noted that the San Pedro River basin is home to several beaver populations, which would potentially be split in two by the border barrier. One comment provided a study on the impact of the border wall on migration of wildlife in South Texas.

The agave plant was noted to provide important habitat and food for a variety of species, including the lesser long-nosed bat. Other comments mentioned the Saguaro and Senitas cacti as being potentially impacted. Another comment noted the project area serves as Critical Habitat for the Huachuca water umbel, a plant that is Federally Endangered. One comment suggested that fill being used should be free of weeds to reduce the chance of invasive species spreading. One comment noted that the border wall would help protect habitat for the Sonoran pronghorn, which is currently disturbed by illegal migrants crossing the border.

One commenter noted that conservation efforts have been going on for decades in the region and expressed concern over negative impacts to the efforts by Cuenca Los Ojos, the Malpai Borderlands Group, the Slaughter Ranch, and the San Bernardino National Wildlife Refuge.

San Bernadino Valley was noted as an important migration corridor for migratory birds. One commenter discussed the potential impacts to the San Pedro River and watershed, which is recognized by the National Audubon Society as the first U.S. Globally Important Bird Area.

One comment noted that the border barrier could increase the likelihood of wildfires by inadvertently sending illegal foot traffic to more remote areas where the risk of wildfire is higher.

3.8 Public Comment Process

Six comments addressed CBP's outreach effort and availability of information in Spanish. One comment suggested that CBP provide Spanish-language materials to include those whose first language is not English. Comments expressed a desired for more detailed maps and more information about the proposed project, including the purpose and need for the wall, type of lighting, how it will be powered, and the width of the proposed road. One commenter suggested public forums be held in both English and Spanish to solicit feedback. Several comments suggested that the award of construction contracts before the comment period was over indicated CBP was not seriously considering the feedback being collected.

3.9 Form Letters

A total of 12,960 form letters were received from two environmental organizations that encouraged members and the general public to submit the letter in response to the request for public comments. These letters stated opposition to development of the infrastructure projects.



4. Review Next Steps

The solicitation of stakeholder and public input on potential environmental impacts is an important part of assessing potential impacts from the implementation of the project and developing the Environmental Stewardship Plan. Other possible impacts to the environment, culture, commerce, and quality of life are being taken into consideration during the planning and construction process. The Environmental Stewardship Plan will incorporate data and information received during the public comment period, as well as environmental surveys completed within the project areas. The Environmental Stewardship Plan will include a summary of the comments received and how they were addressed. The Environmental Stewardship Plan will be released to the public through [CBP.gov](https://www.cbp.gov) upon completion.