

FINDING OF NO SIGNIFICANT IMPACT
Environmental Assessment
Tactical Communication Network System,
Agua Dulce Mountains, Cabeza Prieta National Wildlife Refuge, Tucson Sector,
U.S. Customs and Border Protection

PROJECT HISTORY: Customs and Border Protection (CBP) is responsible for securing the borders of the United States while facilitating the efficient movement of legitimate trade and travel. CBP serves as the front line in defending the United States against terrorists and instruments of terror and protects the United States' economic security by regulating and facilitating the lawful movement of goods and people across the United States' borders. As CBP officers and agents often work in remote areas where commercial communications do not exist, the Tactical Communication Network System (TCNS) is critical to mission execution and vital to agent safety.

With the addition of approximately 42 miles of new Border Wall and technology within the Ajo Station AOR, CBP will need to operate on the International Boundary Line where there are no radio communications. This area of approximately 187 square miles is very remote and rugged. Radio communications are extremely limited to non-existent south of the Agua Dulce Mountains. The need for the communication assets is to employ complete situational awareness and for prevention of all unlawful entries into the United States.

The Arizona Desert Wilderness Act of 1990 provided two specific provisions relating to Cabeza Prieta for military activities and law enforcement border activities. The Act reads: "Nothing in this title including the designation as wilderness of lands within the Cabeza Prieta National Wildlife Refuge, shall be construed as – (1) precluding or otherwise affecting continued low-level over flights by military aircraft over such refuge, or the maintenance of existing associated ground instrumentation..." and (2) precluding or otherwise affecting continued border operations by the Immigration and Naturalization Service, the Drug Enforcement Administration, or the United States Customs Service within such refuge [now Department of Homeland Security and its bureaus], [both] in accordance with any applicable interagency agreements in effect on the date of enactment of this Act. The Act also allows the Secretaries of these agencies to enter into new agreements compatible with refuge purposes and in accordance with laws applicable to the Refuge System.

PROJECT LOCATION: The affected area for this Environmental Assessment (EA) covers a single location (Agua Dulce Mountains) in southern Arizona, located within Pima County.

PURPOSE AND NEED: The purpose of the Proposed Action is to improve tactical communications south of the Agua Dulce Mountains for Federal agents working for CBP. The Proposed Action would significantly improve safety in the daily operations of CBP agents. The

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project area encompassing portions of the CPNWR is deficient in communications infrastructure for USBP activities, even though the USBP Ajo Station has repeaters for field operations communications. In their present locations, the radio repeaters do not provide sufficient radio coverage for reliable communications south of the Agua Dulce Mountains. This presents serious agent safety issues, as agents are not able to communicate between vehicles, handheld radios, and the USBP Ajo Station Headquarters. The Proposed Action is limited to the deployment of one TCNS shelter.

The need for the Proposed Action is to provide the following:

- Adequate communication coverage in remote locations to reduce, or potentially eliminate, communication coverage gaps
- Enhanced safety of CBP agents through improved communication coverage and technology
- An opportunity for future expansion of communication services as necessary
- A more safe, effective, and efficient work environment for CBP agents

ALTERNATIVES: Two alternatives were considered in the full analyses of the EA: the Proposed Action and the No Action Alternative, described below.

Proposed Action Alternative: The Proposed Action consists of the installation of a solar-powered Tactical Communication Network System (TCNS) in the Agua Dulce Mountains, CPNWR. TCNS would consist of a 3-foot x 7-foot shelter, communications equipment (Codan Repeater), communication antennae, and two solar panels. The Proposed Action includes the installation of communications equipment where no previous intrusion has occurred. The TCNS is minimal in nature, the equipment would be painted to blend with the background and minimize glare. No lights would be attached to the antennas or shelter.

No Action Alternative: The No Action Alternative is to continue to utilize current communications capabilities. The alternative would not include the placement of a TCNS in the Agua Dulce Mountains or any peak in CPNWR. This would not improve the communications capability south of the Agua Dulce Mountains or reduce the risk to CBP agents working along the international border in this area of the CPNWR.

ENVIRONMENTAL CONSEQUENCES: The Proposed Action would have a direct permanent impact on 21 square feet of previously undisturbed Sonoran Desert. The Proposed Action would also temporarily disturb approximately 600 square feet for the assembly area. One thousand square feet of disturbed area will be temporarily impacted for the equipment staging area. Adverse and beneficial indirect impacts would also occur throughout the project area as a result of the Proposed Action.

The Proposed Action would change the land use from undeveloped Sonoran Desert to CBP communications infrastructure.

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The TCNS location within the CPNWR is within a designated wilderness area and required a Minimum Requirements Analysis (MRA) from the refuge manager at CPNWR. The TCNS equipment would not be visible to most visitors due to its low height profile and mountaintop locations; however, the proposed equipment is man-made and would detract from the natural values of designated wilderness. The proposed installation would meet the minimum requirements for administration of the wilderness areas; therefore, would be allowed in the area without adverse effect according to USFWS Wilderness Stewardship Policy. The proposed installation would have no adverse impact on the wilderness character on the Agua Dulce Mountains. The Proposed Action would have an indirect beneficial impact on the remaining designated wilderness as a result of enhanced communication capabilities, improved interdiction capabilities, increased deterrence of cross-border violators (CBV), and a reduced enforcement zone for required interdiction activities. The decrease in cross border violations and a reduced enforcement footprint would reduce adverse impacts on the designated wilderness area.

The proposed location's site habitat parameters, such as vegetation community, soils, elevation and habitat features, such as caves and crevices, are not suitable for listed threatened or endangered wildlife species with the exception of the Sonoran Pronghorn (*Antilocapra americana sonoriensis*) and Graham's nipple cactus (*Mammillaria grahamii*). The relatively small area of impact and the infrequency of helicopter use would have a negligible impact on the use of the area by the Sonoran Pronghorn, if it were present. If present, the Graham's nipple cactus could be avoided. CPNWR staff recommends a preconstruction site walk by a qualified biologist prior to equipment deployment to determine the presence of Graham's nipple cactus.

Archeological resources have not been mapped on the Agua Dulce Mountains. Review of databases and conversations with CPNWR staff indicate no known archeological or historical properties to be present on the Agua Dulce Mountains. However, if present, helicopter landings, foot traffic and the transporting of equipment during the initial installation would have a direct, long-term, minor impact to areas where archeological materials may be present.

Mountaintop sites are traditionally sacred places to Native Americans. In accordance with applicable Federal laws and CBP policy, consultation with Tohono O'odham Nation was conducted. Lorraine Eiler, a Hia Ced O'odham elder indicated that the Agua Dulce Mountains have no special cultural significance to the Hia-Ced O'odham. The Tohono O'odham Nation Tribal Historic Preservation Officer (THPO) had no objections to the placing of the TCNS in the Agua Dulce Mountains. The Tohono O'odham Nation THPO requested that a Cultural Specialist with the Tohono O'odham Nation be present at the TCNS site location during installation.

No historic properties, structures, districts or sacred sites are located at or near the proposed site.

No utilities would be impacted as a result of the Proposed Action, although long-term benefits to socioeconomics could occur.

No significant effects on the natural or human environment, as defined in 40 Code of Federal

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Regulations (CFR) Section 1508.27 of the Council on Environmental Quality's Regulations for Implementing National Environmental Policy Act, are expected from implementation of any of the action alternatives.

MITIGATION: Mitigation measures are identified for each resource category that could be potentially affected. Many of these measures have been incorporated as standard operating procedures by CBP in similar past projects. Mitigation measures, including standard best management practices (BMP), are also identified in the EA in Section 5. Aside from stated BMPs, there are no mitigation commitments associated with the Proposed Action.

Project Planning/Design

- CBP will site, design, and install equipment, to avoid or minimize habitat loss within or adjacent to the footprint.
- CBP will ensure that all construction will follow DHS *Directive 025-01* for Sustainable Practices for Environmental, Energy, and Transportation Management.
- CBP will incorporate BMPs relating to project area delineation, water sources, waste management, and site restoration into project planning and implementation for construction and maintenance.

General Construction Activities

- CBP will clearly demarcate project construction area perimeters with a representative from the land management agency. No disturbance outside that perimeter will be authorized.
- CBP will minimize the number of trips to the TCNS location per day during construction to reduce the likelihood of disturbing or injuring animals in the area or disturbing their habitat.
- Within the designated disturbance area, CBP will minimize the area to be disturbed by limiting deliveries of materials and equipment to only those needed for effective project implementation.
- CBP will notify USFWS and CPNWR two weeks before any project construction and maintenance activities begin and within one week after project construction and maintenance activities are completed.

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Soils

- Areas with highly erodible soils will be given special consideration when designing the proposed project to ensure incorporation of various erosion control techniques, where possible, to decrease erosion. Site rehabilitation will include revegetating or the distribution of organic and geological materials (i.e., boulders and rocks) over the disturbed area to reduce erosion while allowing the area to naturally vegetate. Additionally, erosion control measures and appropriate BMPs will be implemented before, during, and after construction activities as appropriate.
- CBP will place drip pans under parked equipment and containment zones when refueling vehicles or equipment.

Vegetation

- CBP will minimize habitat disturbance by restricting vegetation removal to the smallest possible project footprint. CBP will limit the removal of trees, cacti, and brush to the smallest amount needed to meet the objectives of the project. If vegetation must be removed outside the permanent project footprint, allow natural regeneration of native plants by cutting vegetation with hand tools, mowing, trimming, or using other removal methods that allow root systems to remain intact.
- CBP will document any establishment of non-native plants and will implement appropriate control measures.
- CBP will remove invasive plants that appear on the TCNS site. Removal will be done in ways that eliminate the entire plant and remove all plant parts to a disposal area. Herbicides not toxic to listed species in the area can be used for non-native vegetation control.
- Application of herbicides will follow Federal guidelines and be in accordance with label directions. Removal will be done in a manner that does not affect protected or sensitive species. Training to identify non-native invasive plants will be provided for CBP personnel or contractors as necessary.
- CBP will avoid the spread of non-native plants by not using natural materials (e.g., straw) for on-site erosion control. If natural materials must be used, the natural material would be certified weed and weed-seed free. Herbicides not toxic to listed species that may be in the area can be used for non-native vegetation control. Application of herbicides will follow Federal guidelines and can be used in accordance with label directions.

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Wildlife Resources

- The Migratory Bird Treaty Act (16 U.S.C. 703-712, [1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989]) requires that Federal agencies coordinate with the USFWS if a construction activity would result in the take of a migratory bird. If construction or clearing activities are scheduled during nesting seasons (February 1 through September 15), surveys will be performed to identify active nests. All construction activities will be scheduled outside nesting seasons to the greatest extent practicable.
- Antennas and other pole-like structures will be designed and constructed to discourage roosting and nesting by birds, particularly ravens or other raptors that may use the poles for hunting perches.
- If rodent populations on the perimeter of the facility are to be controlled, CBP will not use rodenticides.
- CBP will avoid placing riprap around TCNS equipment.
- CBP will not, for any length of time, permit any pets inside the project area or adjacent native habitats. This BMP does not pertain to law enforcement animals.

Protected Species

- CBP will minimize impacts on listed species and their habitats by using areas already disturbed by past activities, or those that will be used later in the construction period, for staging, parking, laydown, and equipment storage. If site disturbance is unavoidable, minimize the area of disturbance by scheduling deliveries of materials and equipment to only those items needed for ongoing project implementation.
- CBP will minimize impacts on listed species and their habitats by limiting grading or topsoil removal to areas where this activity is absolutely necessary for construction, staging, or maintenance activities.
- CBP will avoid restricting water access by identifying and not creating barriers to natural water sources available to listed species.

Sonoran Pronghorn

- CBP will provide for an on-site biological monitor to be present during work activities for all construction activities.
- CBP will minimize to the greatest extent possible the number of TCNS sites in Sonoran

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pronghorn habitat, particularly in movement corridors and areas important to Sonoran pronghorn during the fawning season (March 15 to July 31) and to Desert Bighorn Sheep during the breeding season (September – November).

- CBP will minimize the number of construction and maintenance trips to the TCNS location, particularly those in important Sonoran pronghorn and Desert Bighorn Sheep areas.

Water Resources

- Standard construction procedures will be implemented to minimize the potential for erosion and sedimentation during construction. All work shall cease during heavy rains and would not resume until conditions are suitable for the movement of equipment and material. All fuels, waste oils, and solvents will be collected and stored in tanks or drums within secondary containment areas consisting of an impervious floor and bermed sidewalls capable of holding the volume of the largest container stored therein. The refueling of machinery will be completed following accepted guidelines, and all vehicles will have drip pans during storage to contain minor spills and drips. No refueling or storage will take place within 100 feet of drainages.
- CBP will avoid contaminating natural aquatic and wetland systems with runoff by limiting all equipment maintenance, staging, laydown, and dispensing of fuel, oil, etc., to designated upland areas.
- CBP will avoid impacts on groundwater by obtaining treated water from outside the immediate area for construction use.
- CBP storage tanks containing untreated water will be of a size that if a rainfall event were to occur, the tank (assuming open), will not be overtopped and cause a release of water into the adjacent drainages. Water storage on the project area will be in on-ground containers located on upland areas not in washes.

Cultural Resources

- CBP will demarcate the site boundaries of all previously recorded sites to ensure that they are avoided.
- Should any archeological artifacts be found during construction, notify the appropriate land management archeologist immediately. All work will cease until an evaluation of the discovery is made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values.

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Air Quality

- Mitigation measures will be incorporated to ensure that fugitive dust and other air quality constituent emission levels do not rise above the minimum threshold as required per 40 CFR 51.853(b)(1). Standard construction BMPs, such as routine watering of the construction site, will be used to control fugitive dust and thereby assist in limiting potential PM-10 excursions during the construction phase of the proposed project. Additionally, all construction equipment and vehicles will be required to be maintained in good operating condition to minimize exhaust emissions.

Noise

- During the construction phase, short-term noise impacts are anticipated. All applicable Occupational Safety and Health Administration regulations and requirements will be followed. On-site activities would be restricted to daylight hours to the greatest extent practicable. Construction equipment will possess properly working mufflers and would be kept properly tuned to reduce backfires. Implementation of these measures will reduce the expected short-term noise impacts to an insignificant level.

Hazardous Materials

- BMPs will be implemented as standard operating procedures during all construction activities, and will include proper handling, storage, and/or disposal of hazardous and/or regulated materials. To minimize potential impacts from hazardous and regulated materials, all fuels, waste oils and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery will be completed in accordance with accepted industry and regulatory guidelines, and all vehicles will have drip pans during storage to contain minor spills and drips. Although it is unlikely that a major spill would occur, any spill of reportable quantities will be contained immediately within an earthen dike, and the application of an absorbent (e.g., granular, pillow, sock, etc.) will be used to absorb and contain the spill.
- CBP will contain non-hazardous waste materials and other discarded materials, such as construction waste until removed from the construction and maintenance sites. This will assist in keeping the project area and surroundings free of litter and reduce the amount of disturbed area needed for waste storage.
- Minimize site disturbance and avoid attracting predators by promptly removing waste materials, wrappers, and debris from the site. Any waste that must remain more than 12 hours should be properly stored until disposal.

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- All waste oil and solvents will be recycled. All non-recyclable hazardous and regulated wastes will be collected, characterized, labeled, stored, transported, and disposed of in accordance with all applicable Federal, state, and local regulations, including proper waste manifesting procedures.

FINDING: Based upon the analyses of the EA and the BMPs and mitigation measures to be incorporated as part of the Proposed Action, it has been concluded that the Proposed Action will not result in any significant effects on the environment. Therefore, no further environmental impact analysis is warranted.

**RUYNARD R
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6/15/21

Ruynard R. Singleton Sr.
Executive Director
Program Management Office Directorate
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Date

John Dickerson
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Facilities Management and Engineering Division
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Date