

*DRAFT*

**FINDING OF NO SIGNIFICANT IMPACT**

**Supporting the Anapra Fence Replacement and Associated Road Renovations**

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**Introduction**

Pursuant to the National Environmental Policy Act (NEPA), U.S. Customs and Border Protection (CBP), a component of the Department of Homeland Security (DHS), has prepared an Environmental Assessment (EA), which is attached hereto and incorporated herein by reference, to document its consideration of the potential environmental impacts of the proposed replacement of existing pedestrian legacy fence and renovation of associated access roads used by the United States Border Patrol (USBP), CBP’s mobile, uniformed law enforcement arm, to access the area along the International Border in Sunland Park, New Mexico. The project includes replacing 1.35 miles of existing legacy fencing. During construction and renovation activities, 2.5 acres of land would be temporarily acquired to provide construction staging and access areas.

CBP is charged with the dual mission of securing the United States’ borders while facilitating legitimate trade and travel. In supporting CBP’s mission USBP has multiple missions; to apprehend terrorists and terrorist weapons illegally entering the United States, deter illegal entries through improved enforcement and to detect, apprehend and deter smugglers of humans, drugs, and other contraband.

**Purpose and Need**

The purpose of the proposed action is to enhance tactical infrastructure critical to the operations of USBP near the southern U.S. International Border in Sunland Park, New Mexico located within the USBP El Paso Sector Area of Responsibility (AOR) in order to facilitate the general patrolling of the border to deter and prevent illegal cross-border activity.

The need for the proposed project is to maintain USBP capability to patrol the border within the El Paso Sector AOR safely and effectively in order to prevent illegal cross-border activity through:

- More efficient and effective means of assessing cross border activities
- Rapid detection and accurate characterization of potential threats
- Coordinated deployment of resources in the apprehension of cross border violators
- Increased surveillance and interdiction efficiency
- Enhanced deterrence of illegal cross-border activity
- Long-term viability of critical infrastructure
- Enhanced safety and security of USBP agents and border communities.

**Description of the Proposed Action**

CBP intends to replace approximately 1.35 miles of existing legacy pedestrian border fencing and renovate associated access roads. The project area is located along the International Border in Sunland Park, New Mexico. The project area consists of two zones. Zone A is 0.20 miles of

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legacy fence and border road located in a basin area between the U.S./Mexico border and railroad embankment. The proposed work in Zone A includes replacement of the legacy fence with new primary pedestrian bollard style fence (Type P-3), along with construction of an aggregate surface roadway elevated above the 100-year storm event water surface elevation (WSE) adjacent to the primary pedestrian fence. Zone B is 1.15 miles of legacy fence and border road on the west side of Zone A, extending to the end of the primary pedestrian fence known as J-3. The proposed work in Zone B consists of the replacement of the legacy fence with new primary pedestrian bollard style fence (Type P-3), along with widening the existing border road, placement of an aggregate surface course, and installation of culverts at the wash crossings.

## **Alternatives**

Two alternatives were considered: Alternative 1: Proposed Action and Alternative 2: No Action Alternative.

***Alternative 1: Proposed Action.*** As described above.

***Alternative 2: No Action Alternative.*** The No Action Alternative results in continuation of the status quo in the project area. Current maintenance and repair to the existing fence and road infrastructure would continue, but fence replacement, road improvement, and drainage improvements would not occur. The No Action Alternative will serve as a baseline against which the impacts of the other Action Alternatives can be evaluated. However, the No Action Alternative does not satisfy the purpose and need for the project.

## **Public Involvement**

CBP notified relevant Federal, state, and local agencies of the Proposed Action and requested input regarding environmental concerns they might have. As part of the NEPA process, CBP coordinated with the U.S. Environmental Protection Agency (USEPA), U.S. Fish and Wildlife Service (USFWS), New Mexico Department of Game and Fish, New Mexico Environment Department, New Mexico Historic Preservation Division, New Mexico Energy, Minerals, and Resources Department, appropriate Native American Tribes and Nations, and local agencies. Agency responses will be incorporated into the analysis of potential environmental impacts.

A Notice of Availability (NOA) for the EA and draft FONSI will be published in representative newspapers of local and regional distribution. This is done to solicit comments on the Proposed Action and alternatives and involve the local community in the decisionmaking process. Substantive comments from the public and other Federal, state, and local agencies will be incorporated into the Final EA. The NOA will be published in both the El Paso Times and the Las Cruces Sun News.

During the 30-day public review and comment period for the Draft EA, CBP will accept comment submissions by email, through the project-specific website, and by mail from the public; Federal and state agencies; Federal, state, and local elected officials; stakeholder organizations; and businesses.

## Environmental Consequences

Impacts on the previously listed resources under the Proposed Action and No Action Alternative are listed below in **Table 1**.

**Table 1. Summary of Anticipated Environmental Impacts by Alternative**

<b>Resource Area</b>	<b>Alternative 1: Proposed Action – Installation of Border Fence and Access Road.</b>	<b>Alternative 2: No-Action</b>
<i>Land Use: Wildlife Management Areas/National Wildlife Refuges</i>	Short-term: No impact.	Short-term: No impact.
	Long-term: No impact.	Long-term: No impact.
<i>Land Use: National Parks and National Recreation Areas</i>	Short-term: No impact.	Short-term: No impact.
	Long-term: No impact.	Long-term: No impact.
<i>Land Use (Existing Land Uses and Policies)</i>	Short-term: No impact.	Short-term: No impact.
	Long-term: No impact.	Long-term: No impact.
<i>Geology/Soils: Soil</i>	Short-term: Minor, adverse direct and indirect effects on soils from construction.	Short-term: Minor, direct and indirect, adverse impacts on soils.
	Long-term: Minor, beneficial direct and indirect effects on soils due to improved drainage.	Long-term: Minor, direct and indirect, adverse impacts on soils.
<i>Geology/Soils: Prime Farmland</i>	Short-term: No impact.	Short-term: No impact.
	Long-term: No impact.	Long-term: No impact.
<i>Geology/Soils: Seismic Activity</i>	Short-term: No impact.	Short-term: No impact.
	Long-term: Minor beneficial direct impact.	Long-term: Minor adverse impact
<i>Geology/Soils: Geology</i>	Short-term: Localized, minor, adverse effects that are localized to the areas where ground disturbance has occurred.	Short-term: No impact.
	Long-term: Localized minor beneficial effects from stabilization of roadways and drainage structures.	Long-term: No impact.
<i>Vegetation</i>	Short-term: Minor direct adverse impacts due to clearing for construction, however, effects would be minimized through the use of appropriate BMPs.	Short-term: Minor to moderate, direct and indirect, adverse effects.
	Long-term: Minor adverse direct impact due to road widening.	Long-term: Minor to moderate, direct and indirect, adverse effects.
<i>Threatened and Endangered Species (All)</i>	Short-term: CBP concludes this project will have no effect on the seven species considered in this EA.	Short-term: No impact.
	Long-term: CBP concludes this project will have no effect on the seven species considered in this EA.	Long-term: No impact.
<i>Threatened and Endangered Plant Species</i>	Short-term: No effects	Short-term: No Impact.
	Long-term: No effects	Long-term: No Impact.
<i>Threatened and Endangered Bird Species</i>	Short-term: No effects	Short-term: No impact.
	Long-term: No effects	Long-term: No impact.
<i>Hydrology and Groundwater</i>	Short-term: No impact.	Short-term: No impact.
	Long-term: No impact.	Long-term: No impact.
<i>Floodplains</i>	Short-term: No impact.	Short-term: No impact.

<b>Resource Area</b>	<b>Alternative 1: Proposed Action – Installation of Border Fence and Access Road.</b>	<b>Alternative 2: No-Action</b>
	Long-term: No impact.	Long-term: No impact.
<i><b>Air Quality</b></i>	Short-term: Negligible adverse localized short-term impacts during construction.	Short-term: No impact.
	Long-term: Moderate beneficial impact.	Long-term: Negligible adverse localized impacts.
<i><b>Noise</b></i>	Short-term: Negligible to minor adverse impacts during construction.	Short-term: No impact.
	Long-term: No measurable impacts.	Long-term: No impact.
<i><b>Cultural Resources</b></i>	Short-term: No impact.	Short-term: No impact.
	Long-term: No impact.	Long-term: No impact.
<i><b>Roadways and Traffic</b></i>	Short-term: Short-term, negligible to minor, adverse effects on transportation.	Short-term: No impact.
	Long-term: Long-term, minor to moderate, beneficial effects on transportation.	Long-term: Minor to moderate adverse impacts.
<i><b>Hazardous Materials and Waste Management</b></i>	Short-term: Negligible to minor adverse impacts.	Short-term: No impact.
	Long-term: Negligible to minor, adverse impacts.	Long-term: No impact.
<i><b>Socioeconomic Resources</b></i>	Short-term: Minor beneficial impact.	Short-term: No impact.
	Long-term: Minor beneficial impact.	Long-term: No impact.
<i><b>Environmental Justice</b></i>	Short-term: No impact.	Short-term: No impact.
	Long-term: No impact.	Long-term: No impact.
<i><b>Protection of Children</b></i>	Short-term: No impact.	Short-term: No impact.
	Long-term: Minor beneficial impact.	Long-term: Negligible to minor adverse impacts.
<i><b>Sustainability and Greening</b></i>	Short-term: Negligible adverse impact.	Short-term: No Impact.
	Long-term: Beneficial minor impact.	Long-Term: Minor to moderate adverse impact.
<i><b>Aesthetics and Visual Resources</b></i>	Short-term: Negligible adverse impact.	Short-term: No impact.
	Long-term: Minor beneficial impact.	Long-term: Negligible impact.
<i><b>Climate Change</b></i>	Short-term: Negligible adverse direct impact.	Short-term: No Impact.
	Long-term: Minor beneficial indirect impacts.	Long-term: Minor adverse impact.
<i><b>Human Health and Safety</b></i>	Short-term: Detailed examination of safety is not included in this EA.	Short-term: No impact.
	Long-term: Detailed examination of safety is not included in this EA.	Long-term: Negligible to minor adverse impacts.
<i><b>Utilities and Infrastructure</b></i>	Short-term: No impact.	Short-term: No Impact.
	Long-term: No impact.	Long-term: No Impact.

## Finding

Based upon the results of the EA and the environmental design measures to be implemented, the Preferred Alternative is not expected to have a significant effect on the environment. Once any public comments have been addressed, and it is still the determination that the Proposed Action will have no significant impact, the FONSI will be signed and the action will be implemented. No additional environmental documentation under NEPA will be warranted, and the preparation of an Environmental Impact Statement will not required.

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Date

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