

FINAL

FINDING OF NO SIGNIFICANT IMPACT

**Addressing Proposed Tactical Infrastructure
Maintenance and Repair Along the
U.S./Mexico International Border in Arizona**

Introduction

Pursuant to the National Environmental Policy Act (NEPA), the U.S. Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP) 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 a proposal to maintain and repair certain existing tactical infrastructure along the U.S./Mexico international border in the State of Arizona. The tactical infrastructure proposed to be maintained and repaired consists of existing fences and gates, roads and bridges/crossovers, drainage structures and grates, lighting and ancillary power systems, and communication and surveillance tower components (including, but not limited to, Remote Video Surveillance System [RVSS] or Secure Border Initiative [SBInet] towers (henceforth referred to as towers)). The existing tactical infrastructure occurs in two U.S. Border Patrol (USBP) sectors: Tucson and Yuma. Most of the maintenance and repair activities associated with the Proposed Action will occur within 25 miles of the U.S./Mexico international border in Arizona.

CBP is charged with the dual mission of securing the United State's borders while facilitating legitimate trade and travel. In supporting CBP's mission the 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.

Proposed Action

This Proposed Action will include the maintenance and repair of tactical infrastructure along the U.S./Mexico international border in Arizona in the Tucson and Yuma sectors. The tactical infrastructure included in this analysis crosses multiple privately owned land parcels and public lands managed by the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), the National Park Service (NPS), U.S. Fish and Wildlife Service (USFWS), and U.S. Department of Defense (DOD). The CBP Facilities Management and Engineering (FM&E) Office is responsible for maintenance and repair of tactical infrastructure (e.g., fences, roads, lights, communications and surveillance towers, and drainage structures) to support CBP border security requirements.

Purpose and Need

The purpose of the Proposed Action is to ensure that the physical integrity of the existing tactical infrastructure and associated supporting elements continue to perform as intended and to assist the USBP in securing the U.S./Mexico international border in Arizona. The Proposed Action

will assist CBP agents and officers in continuing the effective control of our nation's southwestern border in Arizona. In many areas, tactical infrastructure is a critical element of border security, which assists in controlling and preventing illegal border intrusion. To achieve effective control of our nation's borders, CBP is developing the right combination of personnel, technology, and infrastructure; mobilizing and rapidly deploying highly trained USBP agents; placing tactical infrastructure strategically; and fostering partnerships with other law enforcement agencies.

The need for the Proposed Action is to ensure that the effective level of border security provided by the installed tactical infrastructure is not compromised by impacts occurring through acts of sabotage, acts of nature, or a lack of maintenance and repair. CBP must ensure that tactical infrastructure functions as it is intended, which assists CBP with the following mission requirements:

- Ensuring the highest probability of apprehending terrorists and their weapons as they attempt to enter illegally between the Ports of Entry (POEs)
- Deterring illegal entries through improved enforcement
- Detecting, apprehending, and deterring smugglers of humans, drugs, and other contraband.

In addition, tactical infrastructure will be maintained to ensure the safety of USBP agents by preventing potential vehicular accidents by minimizing and eliminating hazardous driving conditions.

Description of the Proposed Action

The proposed maintenance and repair of existing tactical infrastructure is found along the U.S./Mexico international border in Arizona. However, the maintenance and repair of tactical infrastructure assets that are already addressed in previous NEPA documents will not be included. In addition, tactical infrastructure assets that are covered by a waiver issued by the Secretary of Homeland Security will not be included. The maintenance and repair activities are necessary to repair normal deterioration due to wear and tear, damages caused by natural disasters, and intentional destruction or sabotage. The USBP sectors along the U.S./Mexico international border in Arizona have identified a need for tactical infrastructure maintenance and repair to ensure their continued utility in securing the border. All maintenance and repair activities will be coordinated by the CBP FM&E Sector Coordinator in close coordination with the sector and managed by the Project Management Office's Maintenance and Repair Supervisor. CBP proposes to conduct the following forms of tactical infrastructure maintenance and repair.

Fences and Gates. Maintenance and repair of fences and gates consist of welding of metal fence components, replacement of damaged or structurally compromised members, reinforcing or bracing of foundations, repairing burrowing activities under fences and gates, repairing weather-related damages, and the removal of vegetation and accumulated debris. The Proposed Action will also include the repair or replacement of gate-operating equipment (e.g., locks, opening/closing devices, motors, and power supplies). There are approximately 250 miles of

fence on non-tribal lands in Arizona. The fencing consists of primary border fencing and a variety of perimeter security fencing for protecting sensitive infrastructure. Approximately 5 percent of the total fences and gates in the Arizona region of analysis are not waived or previously covered and are therefore analyzed in this EA.

Access Roads and Integrated Bridges/Crossovers. Maintenance and repair activities will consist of filling in potholes, regrading road surfaces, implementing improved water drainage measures (ensure road crowns shed water and establish drainage ditches, culverts, or other water-control features as needed to control runoff and prevent deterioration to existing infrastructure or surrounding land), applying soil stabilization agents, controlling vegetation and debris, and adding lost road surface material to reestablish intended surface elevation needed for adequate drainage. CBP currently uses approximately 1,200 miles of road within the region of analysis, which represents an estimated 17.5 percent of all local roads within the area. Approximately 700 miles (11 percent) of local roadways within 25 miles of the US/Mexico international border in Arizona consequently have not been subject to analysis after deducting the roads analyzed in previous NEPA documents or covered by a Secretary's waiver (i.e., out of scope of this document). The exact number of miles of roads within Arizona could change over time to accommodate CBP needs.

Drainage Management Structures. Maintenance and repair of drainage systems will consist of cleaning blocked culverts and grates of trash and general debris and repairing or replacing nonfunctional or damaged drainages when necessary. In addition, maintenance and repair of riprap and low-water crossings will occur when necessary to maintain proper functionality. There are an estimated 250 drainage management structures associated with the tactical infrastructure to be maintained and repaired in Arizona; 20 percent of these structures are not waived or previously covered and are therefore analyzed in this EA.

Vegetation Control to Maintain Road Visibility. Vegetation encroaching upon roads and bridges would be maintained to ensure visibility and to sustain safe driving conditions for USBP agents during travel. Control will be achieved by trimming, mowing, and applying selective herbicides. Application of terrestrial and aquatic herbicide would be made with products approved by the USEPA and the relevant Federal land management agency, where appropriate. Certified USBP sector or contract support personnel would use all herbicides in accordance with label requirements. Herbicide use would be part of an integrated approach that uses minimal quantities of herbicide. Vegetation control will not be conducted in designated critical habitat, suitable habitat, or in areas where threatened or endangered species occur unless a survey is conducted to ensure that the species are not present. If threatened and endangered species are present, consultation with the USFWS will be required. Any vegetation-clearing activities will only be undertaken with the permission of the landowner.

Lighting and Ancillary Power Systems. The maintenance and repair of lighting and ancillary power systems will consist of the replacement of burned-out light bulbs, restoring or replacement of damaged power lines or onsite power-generating systems (e.g., generators, fuel cells, wind turbine generators, and photovoltaic arrays), repair and replacement of associated electrical components and, where necessary, vegetation control and debris removal. Approximately 12 percent of the estimated 550 lighting and ancillary power systems associated with tactical

infrastructure in Arizona have not been waived or previously analyzed and are therefore considered in this EA.

Communication and Surveillance Towers. Communication and surveillance towers and components are mounted on a combination of monopoles, water towers, radio towers, telephone poles, and buildings. The physical structures of the tower components would be repaired and maintained (e.g., painting or welding to maintain existing metal towers), as necessary. Heavy equipment potentially needed to maintain lighting and ancillary power systems includes lifts, track-hoes, backhoes, and flatbed trucks. Maintenance and repair of secondary power-generation systems would consist of replacing burned-out light bulbs, restoring and replacing damaged power lines, repairing and replacing associated electrical components, and, where necessary, controlling vegetation and removing debris. Between 50 and 60 of the towers used by CBP in the Arizona region of analysis (approximately 75 percent) are considered in this EA under the Proposed Action.

Each of the towers has a small footprint, and none exceeds 10,000 square feet. For all water and radio towers, the total amount of disturbance would not exceed 13.5 acres. Access roads to the towers are included in the road mileage previously discussed.

Equipment Storage. The maintenance and repair of the existing tactical infrastructure as previously described requires the use of various types of equipment and support vehicles. Such equipment could include graders, backhoes, tractor mowers, dump trucks, and pick-up trucks. When assigned to an activity, the equipment will be stored within the existing footprint of the maintenance and repair location or at a staging area previously designated for such purposes by CBP. All staging areas, and, in turn, the activities occurring therein, that would be used by CBP as a part of the Proposed Action have either already been analyzed in previous NEPA documents or are covered by the Secretary's waiver.

Alternatives

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

Alternative 1: Proposed Action. Under the Proposed Action, the scope of the tactical infrastructure maintenance and repair program will be incorporated as part of the proposed maintenance and repair activities to minimize potential impacts. Maintenance and repair will occur via a periodic work plan based on anticipated situations within each sector and funding availability. Maintenance and repair requirements could change over time based on changes in usage or location, but will not exceed the scope of the EA. If the scope of the EA is exceeded, new NEPA analysis will be required. Through the use of a periodic work plan, FM&E and sector managers will still be committed to a preventative maintenance strategy and performing repairs to specified standards where necessary, but will not be subject to applying all standards to all tactical infrastructures on a fixed schedule. FM&E and the sectors will ensure the sustainability of tactical infrastructure to support mission requirements.

Alternative 2: No Action Alternative. Under the No Action Alternative, the tactical infrastructure will be maintained on an as-needed basis and will be considered primarily reactive maintenance. There will be no centralized planning process for maintenance and repair. In

addition, there will be no established design or performance specifications, and not all BMPs intended to reduce impacts will be implemented. Consequently, as-needed repairs could be required more often and evaluation of potential environmental impacts will occur on a case-by-case basis.

The tactical infrastructure breakdowns that have already occurred or are imminent will likely be given the highest priority for maintenance and repair. Examples include the foundation of fencing eroding to the point of imminent failure, roads becoming impassable due to severe rutting, or uncontrolled vegetation growth impeding storm water drainage flow. Preventative maintenance and repair will be limited to those situations where a USBP Sector identifies a potential trouble spot and makes a specific request for some type of preventative maintenance and repair.

The Proposed Action and No Action Alternative have been reviewed in accordance with NEPA as implemented by the regulations of the Council on Environmental Quality (CEQ). No significant impacts on any environmental resources will be expected from the implementation of the Proposed Action. Any potential adverse impacts will be expected to be negligible to minor. Details of the environmental consequences can be found in the EA, which is hereby incorporated by reference.

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); USFWS; Arizona Office of Historic Preservation; and other Federal, state, and local agencies. Input from agency responses has been incorporated into the analysis of potential environmental impacts.

A Notice of Availability (NOA) for this EA and Draft Finding of No Significant Impact (FONSI) was published in the *Yuma Sun*, *Tucson Citizen*, and *Arizona Daily Star* on 30 September 2011. This was done to solicit comments on the Proposed Action and involve the local community in the decisionmaking process. Substantive comments from the public and other Federal, state, and local agencies have been incorporated into the Final EA.

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

Environmental Consequences

CBP prepared a Biological Assessment (BA) in accordance with the legal requirements set forth under regulations implementing Section 7 of the Endangered Species Act (50 Code of Federal Regulations (CFR) 402; 16 United States Code (U.S.C.) 1536(c)). The purpose of this BA was to review the proposed project in sufficient detail to determine if the Proposed Action could affect any federally threatened or endangered species or their critical habitat.

CBP obtained a list from the U.S. Fish and Wildlife Service Southwest Region online database of threatened, endangered, and proposed species that occur within the four Arizona counties along the U.S./Mexico international border. Based on NatureServe data, species listings, recovery-planning documents, and other information, CBP determined that 20 species (including 2 subspecies of the Gila topminnow) have the potential to occur within the area of the Proposed Action. Further, CBP has concluded that the Proposed Action would have no effect on an additional 12 species or their critical habitat.

Based on the description of the Proposed Action the descriptions of the 20 species and their habitat, the environmental baseline, the evaluation of effects, and best management practices developed to avoid or minimize impacts, CBP concluded that implementation of the Proposed Action may affect, and is likely to adversely affect, Pima pineapple cactus (*Coryphantha scheeri* var. *robustispuna*), Chiricahua leopard frog (*Lithobates chiricahuensis*), Sonoran tiger salamander (*Ambystoma tigrinum stebbinsi*), and Sonoran pronghorn (*Antilocapra americana sonoriensis*), and is not likely to adversely affect the 16 other species or subspecies considered in the BA. In addition, CBP has concluded that the Program may affect, and is likely to adversely affect critical habitat of the Chiricahua leopard frog, but is not likely adversely affect any other critical habitat within the Proposed Action Area. These determinations were based primarily on the following factors.

- The Program involves the maintenance and repair of existing tactical infrastructure. Program activities would be conducted within and immediately adjacent to the footprint of that infrastructure.
- CBP will use a centralized maintenance and repair planning process to ensure that Program activities are appropriately planned and implemented.
- CBP will implement design standards and best management practices to avoid directly harming protected species and to minimize other direct and indirect effects.
- When appropriate, surveys will be conducted prior to implementing maintenance and repair activities, such as vegetation control, within critical habitat or other important occupied habitat.
- The program would result in no or very minor habitat degradation and few other direct and indirect impacts on threatened and endangered species; therefore, any contribution to the cumulative adverse effects of future non-Federal activities in the region would be insignificant.
- CBP will seek additional consultation from the U.S. Fish and Wildlife Service for activities that have the potential to adversely affect listed species or adversely modify their critical habitat.

In response to the analysis of the BA, a Biological Opinion including Incidental Take Statement was issued by USFWS on 06 November 2012. The biological opinion confirmed the determinations as contained in the biological assessment prepared by CBP.

To further ensure the minimization of impacts to species, a series of both general and species specific BMPs as well as conservation measures for Pima pineapple cactus Chiricahua leopard

frog, Sonoran tiger salamander, and Sonoran pronghorn were developed in coordination with USFWS. BMPs were also developed for Migratory Birds as well as the following resource areas:

- Wildlife
- Vegetation
- Land Use
- Water Resources
- Air Quality
- Geology and Soil Resources
- Noise
- Cultural Resources
- Roadways and Traffic
- Hazardous Materials and Waste Management.

A complete detailed description of BMPs can be found in **Appendix E** of the EA and are incorporated here by reference.

CBP will comply with all regulatory procedures pursuant to the National Historic Preservation Act in the implementation of the proposed action. CBP is currently developing a Programmatic Agreement with appropriate parties for the undertakings as specified in the proposed action

Under the Preferred Alternative, Alternative 1: Proposed Action, maintenance and repair activities are expected to result in short- and long-term, negligible to minor, adverse effects on terrestrial and aquatic wildlife species, terrestrial and aquatic threatened and endangered species, hydrology and groundwater (from increased erosion and herbicide use), and surface waters and waters of the United States. Short- and long-term, minor, adverse effects on soils; short-term, negligible to minor, adverse effects on floodplains (from vegetation control and grading) and roadways and traffic; and short- and long-term, negligible to moderate, adverse effects on terrestrial and aquatic vegetation would be expected from the Proposed Action. No effects on aesthetics and visual resources, climate, human health and safety, utilities and infrastructure, land use, air quality, and cultural resources are expected. There would be a negligible increase in statewide greenhouse gases from the Proposed Action. The maintenance and repair activities would result in long-term, negligible to minor, adverse effects on noise and hazardous materials. Long-term, minor to moderate, beneficial effects would be expected on floodplains (from minimizing erosion), and roadways and traffic. Short- and long-term, beneficial effects on socioeconomic resources and environmental justice and sustainability and greening would also be expected from the maintenance and repair activities associated with the Proposed Action.

Impacts under the No Action Alternative would be expected to be greater than impacts associated with the Proposed Action as maintenance and repair activities would be reactive in nature and no preventative activities would occur. Thus, the No Action Alternative would potentially result in higher long-term maintenance costs, greater generation of air pollutant emissions, increased potential for erosion and sedimentation, greater potential to affect biological and cultural resources, and more spatially and temporally concentrated traffic disruptions. These

consequences could result in an overall decreased viability of the tactical infrastructure itself, leading to a greater safety risk to USBP agents and decreased capability to control the border.

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 human environment. Therefore, no additional environmental documentation under NEPA is warranted, and the preparation of an Environmental Impact Statement is not required.

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