

*DRAFT*

**FINDING OF NO SIGNIFICANT IMPACT**  
**Addressing Proposed Tactical Infrastructure**  
**Maintenance and Repair Along the**  
**U.S./Mexico International Border in Texas**

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**Introduction**

Pursuant to the National Environmental Policy Act (NEPA), the 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 Texas. The tactical infrastructure proposed to be maintained and repaired consists of existing fences and gates, roads and bridges/crossovers, drainage structures and grates, boat ramps, lighting and ancillary power systems, and communication and surveillance tower components (including Remote Video Surveillance System [RVSS] or Secure Border Initiative [SBInet] towers [henceforth referred to as towers]). The existing tactical infrastructure occurs in five U.S. Border Patrol (USBP) sectors: El Paso, Big Bend, Del Rio, Laredo, and Rio Grande Valley. The Big Bend, Del Rio, Laredo, and Rio Grande Valley sectors are entirely within Texas, while the majority of the El Paso Sector is in New Mexico. 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 Texas.

CBP is charged with the dual mission of securing the United States' 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 Texas in the El Paso, Big Bend, Del Rio, Laredo, and Rio Grande Valley sectors. The tactical infrastructure included in this analysis crosses multiple privately owned land parcels, tribal lands, and public lands managed by the National Park Service (NPS) U.S. Fish and Wildlife Service (USFWS), Texas Parks and Wildlife Department (TPWD), 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 and bridges/crossovers, drainage structures, boat ramps, lights, and communications and surveillance towers) 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

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the USBP in securing the U.S./Mexico international border in Texas. The Proposed Action will assist CBP agents and officers in continuing the effective control of our nation's southwestern border in Texas. In many areas, tactical infrastructure is a critical element of border security, which acts as a force multiplier for 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 Proposed Action is needed to maintain the level of border security provided by the existing tactical infrastructure that could otherwise become compromised through acts of sabotage, acts of nature, or a concession in integrity due to a lack of maintenance and repair. Tactical infrastructure will be maintained to ensure USBP agent safety by preventing potential vehicular accidents by minimizing and eliminating hazardous driving conditions. CBP must ensure that tactical infrastructure functions as it is intended, which assists CBP with mission requirements.

### **Description of the Proposed Action**

Under the Proposed Action, the scope of the tactical infrastructure maintenance and repair program will include reactive maintenance and repair activities (e.g., resolving damage from intentional sabotage or severe weather events) and preventive/scheduled maintenance and repair activities designed to ensure environmental sustainability (e.g., culvert replacement, drainage and grate cleaning, preventive soil erosion measures). All preventative maintenance and repair will occur via a periodic work plan based on anticipated situations within each sector and funding availability. Although centrally managed by FM&E, prioritization of projects based upon evolving local requirements within each sector will determine maintenance and repair schedules. This alternative will allow for changes in tactical infrastructure maintenance and repair requirements. Maintenance and repair requirements could change over time based on changes in usage or location, but will not exceed the scope of this EA. If the scope of this EA is exceeded, new NEPA analysis would be required. Tactical infrastructure covered by previous waivers issued by the Secretary of Homeland Security (Secretary) waiver or prior NEPA analyses (e.g., staging areas) are not within the scope of the Proposed Action.

***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 135 miles of fence and 120 gates within the action area in Texas. 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 Texas action area 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 2,500 miles of road within the action area. Approximately 2,100 miles (5 percent) of local roadways within 25 miles of the U.S./Mexico international border in Texas 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 EA). The exact number of miles of roads maintained and repaired by CBP within Texas could change over time to accommodate CBP needs. Therefore, the number of miles of roads associated with the Proposed Action should be considered somewhat flexible and not constrained by a quantifiable number. Bridges will be inspected on a routine basis and their structural integrity maintained.

***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 90 drainage management structures within the action area in Texas and 90 percent of those structures have not been waived or previously analyzed and are, therefore, considered in this EA.

***Vegetation Control to Maintain Road Visibility.*** Vegetation encroaching upon roads and bridges will be maintained to ensure visibility and to sustain safe driving conditions for USBP agents during travel. Vegetation control will be achieved by trimming, mowing, and applying selective herbicides. Application of terrestrial and aquatic herbicide will be made with products approved by the USEPA and the relevant Federal land management agency, where appropriate. Certified USBP sector or contract support personnel will use all herbicides in accordance with label requirements. Herbicide use will 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.

***Boat Ramps.*** The maintenance and repair of boat ramps will include repairing and restoring boat ramp surfaces, conducting vegetation control to maintain unencumbered access, and implementation of erosion-control measures.

***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 95 percent of CBP's approximately 750 lighting and ancillary power systems associated with within the action area in Texas have not been waived or previously analyzed and are, therefore, considered in this EA.

***Communications and Surveillance Towers.*** Communications and surveillance towers and components are mounted on combination of monopoles, water towers, radio towers, telephone poles, and buildings. The physical structures of the tower components will 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 will 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 100 and 120 of the total towers used by CBP in Texas action area are analyzed in this EA under the Proposed Action.

Each of the towers has a small footprint, and none exceeds 10,000 square feet. 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 will be used by CBP as a part of the Proposed Action have either already been analyzed in previous NEPA documents or are covered by a 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 best management practices (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) Region 6, USFWS Southwest Region, Texas Commission on Environmental Quality (TCEQ), Texas Department of Transportation, Texas Historical Commission, TPWD, appropriate Native American Tribes and Nations, and local agencies. Agency responses will be incorporated into the analysis of potential environmental impacts.

CBP hosted eight open house scoping meetings in February 2014: one each in El Paso, Big Bend, and Laredo sectors; two in Del Rio Sector; and three in Rio Grande Valley Sector. The purpose of the open houses was to foster open communication between the interested parties, including members of the public, and the project representatives. The open house scoping meetings also provided an idea of the range of individuals, organizations, and agencies interested in the project. Attendees to the open house meetings were provided with comment cards, fact sheets, and visual displays. Court reporters were available to individuals who wished to record a comment verbally rather than submit a written comment. Spanish language interpreters were available in the event that participants wishing to make a comment used Spanish as their primary language.

A Notice of Availability (NOA) for the EA and draft FONSI was published in representative newspapers of regional distribution. This was 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 following is a list of newspapers that will be used for publishing the NOA.

- *El Paso Times*
- *El Diario de El Paso* (Spanish)
- *Van Horn Advocate* (English and Spanish)
- *Alpine Avalanche* (English and Spanish)
- *Big Bend Sentinel*
- *The International* (Spanish)

- *Del Rio News Herald* (English and Spanish)
- *Eagle Pass Business Journal*
- *The News Gram* (English and Spanish)
- *La Prensa* (Spanish)
- *San Antonio Express News*
- *Laredo Morning Times* (English and Spanish)
- *Starr County Town Crier* (English and Spanish)
- *The Monitor*
- *Valley Morning Star*
- *El Extra* (Spanish)
- *Brownsville Herald*
- *El Nuevo Herald* (Spanish).

During the 45-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 Action in sufficient detail to determine if it could affect any federally threatened or endangered species or their critical habitat.

CBP obtained a list of federally listed species from the USFWS online database of threatened, endangered, and proposed species that occur within the 20 Texas counties within the action area. Based on NatureServe data, species listings, recovery-planning documents, and other information, CBP determined that 24 species are known to occur within or near the action area. Further, CBP has concluded that the Proposed Action will have no effect on an additional 34 species or their critical habitat.

Based on the description of the Proposed Action, the descriptions of the 24 species and their habitat, the environmental baseline, the evaluation of potential effects of the Proposed Action, and BMPs developed to avoid or minimize impacts, CBP concluded that implementation of the Proposed Action is not likely to adversely affect the 24 species considered in the BA, or any designated critical habitat of those species. These determinations were based primarily on the following factors:

- The program involves the maintenance and repair of existing tactical infrastructure. Program activities will 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 BMPs to avoid directly harming protected species and to minimize other direct and indirect adverse effects.
- When appropriate, surveys will be conducted prior to implementing maintenance and repair activities such as vegetation control and clearing within critical habitat, occupied habitat, and suitable habitat.

- The program will 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 approval or additional consultation from the USFWS for activities that have the potential to harm protected species or adversely modify their critical habitat.

BMPs were also developed for the following resource areas:

- Migratory Birds
- 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, 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 and roadways and traffic; and short- and long-term, negligible to moderate, adverse effects on terrestrial and aquatic vegetation will be expected from the Proposed Action. No effects on aesthetics and visual resources, climate, human health and safety, sustainability and greening, utilities and infrastructure, land use, air quality, and cultural resources are expected. There will be a negligible increase in statewide greenhouse gases from the Proposed Action. The maintenance and repair activities will result in long-term, negligible to minor, adverse effects on noise and hazardous materials. Long-term, minor to moderate, beneficial effects will be expected on floodplains, and roadways and traffic. Short- and long-term, beneficial effects on socioeconomic resources and environmental justice will 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 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 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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Date

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