

FINAL
FINDING OF NO SIGNIFICANT IMPACT
FOR THE IMPROVEMENT AND CONSTRUCTION, OPERATION, AND
MAINTENANCE OF PROPOSED ALL-WEATHER ROAD
IN THE EL CENTRO STATION AREA OF RESPONSIBILITY
U.S. CUSTOMS AND BORDER PROTECTION, EL CENTRO SECTOR

PROJECT HISTORY: U.S. Border Patrol (USBP) is a law enforcement entity of U.S. Customs and Border Protection (CBP) within Department of Homeland Security (DHS). USBP's priority mission is to prevent the entry of terrorists and their weapons of terrorism and to enforce the laws that protect the U.S. homeland. This is accomplished by the detection, interdiction, and apprehension of those who attempt to illegally enter or smuggle any person or contraband across the sovereign borders of the United States.

CBP prepared an Environmental Assessment (EA), which is incorporated herein by reference, to address the potential effects, beneficial and adverse, resulting from the proposed improvement, construction, operation, and maintenance of approximately 1.6 miles of all-weather road near the U.S./Mexico border within USBP El Centro Station's Area of Responsibility (AOR). The proposed all-weather roads are located west of the All-American Canal adjacent to and within U.S. Bureau of Land Management (BLM) lands, near the U.S./Mexico border in Imperial County, California.

This EA was prepared in accordance with the National Environmental Policy Act (NEPA) and analyzes the project alternatives and potential impacts on the human and natural environment from two action alternatives (the Proposed Action and the BP Hill Improvement Alternative) and a No Action Alternative.

PURPOSE AND NEED: The purpose of the Proposed Action and the BP Hill Improvement Alternative (Preferred Alternative) is to increase border security within the USBP El Centro Sector with an ultimate objective of reducing illegal cross-border activity by providing safer and more efficient access for USBP agents along the U.S./Mexico border in the west desert area of the USBP El Centro Station's AOR and to BP Hill. The primary need for the Proposed Action and the BP Hill Improvement Alternative is because of the remoteness of the west desert area and the impassability of the existing road, which creates long drive times for agents to reach patrol areas and limits their ability to assist with interdictions and apprehensions. An additional need for the Proposed Action and the BP Hill Improvement Alternative is to provide agents with the infrastructure necessary to carry out USBP's mission.

PROPOSED ACTION: The Proposed Action would include improvement and construction, operation, and maintenance of approximately 1.6 miles of all-weather roads. The Proposed Action would involve improvement of an existing border road and construction of a new access road to the top of BP Hill, where CBP operates a RVSS tower. The border road improvements would occur from near Border Monument 224 (approximately N 32° 38.96544, W 115° 42.1974), to near Border Monument 225 (approximately N32° 38.89518, W115° 43.52994). The border road would be improved to an all-weather surface road (1.4 miles long) approximately 20 feet wide with 2-foot shoulders and would include any necessary drainage structures (i.e.,

culverts, low-water crossing, or bridge). A drag road would also be constructed along the north side of the all-weather surface. Staging areas would be located approximately every 0.3 mile within the construction corridor. In addition to the 1.4 miles of road improvement, a new access road (approximately 0.2 mile) leading to the BP Hill RVSS tower from the improved border road would be constructed. This road would be a 16-foot-wide road with necessary drainage structures and include all-weather surfacing.

ALTERNATIVES CONSIDERED: In addition to the No Action Alternative, two action alternatives were identified and considered during the planning stages of the proposed project and all are carried forward for analysis in this EA: the Proposed Action Alternative and the BP Hill Improvement Alternative (Preferred Alternative). Under the BP Hill Improvement Alternative, the improvements to the existing border road, staging areas, and maintenance activities as presented in the Proposed Action Alternative would occur. However, rather than construct a new access road to the BP Hill RVSS tower site, CBP would improve the existing access road, which is approximately 0.3 mile long, by widening it to 16 feet, installing ancillary structures, all-weather surfacing, and reducing the grade through cut and fill activities. The No Action Alternative has also been evaluated, as required by NEPA. The No Action Alternative would require the USBP agents to continue to have long drive times to reach patrol areas, agent safety issues while trying to maintain and access the BP Hill RVSS tower, and would be restricted in their abilities to assist with interdictions and apprehensions. This alternative will serve as the baseline to which the two action alternatives are compared.

ENVIRONMENTAL CONSEQUENCES: The BP Hill Improvement Alternative (Preferred Alternative) would potentially result in minimal to moderate impacts, including temporary increased air pollution from soil disturbance and minor increases in water use and ambient noise. No adverse impacts on historic or cultural resources would occur. No residences or children are found near the project corridor; thus, the road improvements and construction would have no effect relative to environmental justice or protection of children issues. Up to 7.3 acres of vegetation and wildlife habitat would be permanently impacted by the BP Hill Improvement Alternative. However, due to the vegetation and wildlife habitat being locally and regionally common, these impacts are not considered major.

Up to 7.3 acres of BLM lands, specifically within the Yuha Area of Critical Environmental Concern and flat-tailed horned lizard (*Phrynosoma mcallii*) (FTHL) Yuha Desert Management Area (YDMA), would be permanently impacted. This permanent residual disturbance would not cause the BLM to exceed its cumulative residual disturbance cap of not more than one percent of the management area (i.e., 572 acres) as mandated by the FTHL Rangewide Management Strategy, to which BLM is a signatory. Impacts on land use are not considered major.

It is highly unlikely that Federally-listed or state-listed threatened or endangered species or their habitats would be impacted, as no known habitat exists within the project corridor. However, the BP Hill Improvement Alternative could potentially impact four BLM sensitive species: the western burrowing owl (*Athene cunicularia*), kit fox (*Vulpes macrotis*), badger (*Taxidea taxus*), and FTHL. Although potential habitat for the western burrowing owl, kit fox, and badger would be impacted, these species or their burrows were not observed in the project corridor during recent biological surveys, and the habitat for these species is both locally and regionally

common. Therefore, no direct impacts on occupied burrows are expected. Impacts from the improvements to the existing roadway would not constitute major impacts or cause additional fragmentation of habitat. FTHL habitat would be impacted by the construction activities, and there is the potential for taking individuals. Best Management Practices (BMP) such as preconstruction surveys and monitoring for the presence of FTHL during construction, as well as compensation for loss of habitat, would reduce impacts on FTHL. Impacts from the BP Hill Improvement Alternative can be mitigated in accordance with the FTHL Rangeland Management Strategy; therefore, no major impacts would occur.

The potential impacts resulting from the BP Hill Improvement Alternative (Preferred Alternative), in combination with impacts resulting from other development in the project region, would have minimal permanent cumulative effects on air quality, noise, aesthetics, and biological resources.

BEST MANAGEMENT PRACTICES: The following BMPs will be implemented to minimize impacts on the human and natural environment:

Project Planning/Design – General Construction

The all-weather road will be sited, designed, and improved/constructed to avoid or minimize habitat loss within or adjacent to the footprint. The amount of aboveground obstacles associated with the site will be minimized.

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 BLM. No disturbance outside that perimeter will be authorized.

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 avoid contamination of ground and surface waters by storing any water that has been contaminated with construction materials, oils, equipment residue, etc., in closed containers onsite until removed for disposal. This wash water is toxic to wildlife. Storage tanks must have proper air space (to avoid rainfall-induced overtopping), be on-ground containers, and be located in upland areas instead of washes.

In the event that CBP contaminates soil or water resources as a result of the proposed project, the contaminated soil or water will be remediated as per BLM requirements.

CBP will avoid transmitting disease vectors, introducing invasive non-native species, and depleting natural aquatic systems by using wells, irrigation water sources, or treated municipal sources for construction or irrigation purposes instead of natural sources.

CBP will place drip pans under parked equipment and establish containment zones when refueling vehicles or equipment.

Vegetation

CBP will minimize habitat disturbance by restricting vegetation removal to the smallest possible project footprint. Native seeds or plants, which are compatible with the enhancement of protected species will be used to the greatest extent practicable to rehabilitate staging areas and other temporarily disturbed areas.

Construction equipment will be cleaned at temporary at a central wash station, in accordance with BMPs, prior to entering and departing project areas to minimize the spread and establishment of non-native invasive plant species.

Wildlife Resources

The Migratory Bird Treaty Act (16 USC 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 season (February 15 through September 1) surveys will be performed to identify active nests. If impacts on migratory birds are unavoidable and construction activities will result in the disturbance or take of a migratory bird, then coordination with the USFWS and California Department of Fish and Game will be required and applicable permits would be obtained prior to construction or clearing activities. Another mitigation measure that would be considered is to schedule all construction activities outside nesting season, negating the requirement for nesting bird surveys.

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

Construction equipment will be cleaned prior to entering and departing the project corridor area to minimize the spread and establishment of non-native invasive plant species. Soil disturbances in temporary impact areas will be rehabilitated. To minimize critical habitat impacts, designated travel corridors will be marked with easily observed removable or biodegradable markers, and travel will be restricted to the established tower site construction areas.

A qualified monitor will be present during the improvement, construction and maintenance of the proposed roads in FTHL habitat. Duties of the monitor(s) will include surveying the roadways prior to and during improvement/construction and removing and relocating lizards outside the project area. The FTHL Rangewide Management Strategy contains a comprehensive list of avoidance and minimization measures to limit adverse effects on the lizard. In addition, CBP will compensate for loss of habitat using the compensation formulas outlined in the FTHL Rangewide Management Strategy. Based upon field visits, aerial photography, and discussions

with BLM, CBP has determined that of the potential 7.3 acres of habitat permanently impacted only 3.3 of those acres are considered undisturbed native habitat. The remaining 4 acres consists of previously disturbed habitat in the form of the existing roadway and the extant Imperial Irrigation District gravel/sand quarry area (the eastern 2,300 feet of the project corridor). CBP proposes to mitigate up to 3.3 acres at a 5:1 ratio (16.5 acres) and the remaining 4 acres at a 4:1 ratio (16 acres). The total mitigation acreage is up to 32.5 acres.

Water Resources

Standard construction procedures will be implemented to minimize the potential for erosion and sedimentation during construction. All work will cease during heavy rains and would not resume until conditions are suitable for the movement of equipment and material. No refueling or storage will take place within 100 feet of drainages.

CBP will avoid contaminating natural aquatic systems with runoff by limiting all equipment maintenance, staging, laydown, and dispensing of fuel, oil, etc., to designated upland areas.

A Storm Water Pollution Prevention Plan will be prepared. A Spill Prevention Control and Countermeasures Plan will be maintained to ensure that all are aware of its implementation requirements in the event of a spill.

Air Quality

In order to minimize the amount of project-related dust emissions, all construction activities will comply with Imperial County Air Pollution Control District's requirements (Rule 800) for control of particulate matter (PM-10). Rule 800 provides guidance for contractors that: (1) minimize land disturbance; and (2) ensure saturation of exposed areas and control of fugitive dust caused by hauling activities and vehicular travel on unpaved road surfaces. In addition, all construction equipment shall be maintained and operated in a manner that produces the least amount of emissions. All construction equipment and vehicles must be maintained in good operating condition, free from leaks.

Cultural Resources

Should any archaeological artifacts be found during staging or installation activities, the appropriate BLM archaeologist or cultural resources specialist will be notified 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.

Noise

During the construction and improvement and maintenance of the proposed roadways, short-term noise impacts are anticipated. All applicable Occupational Safety and Health Administration regulations and requirements will be followed. On-site activities will be restricted to daylight hours, to the greatest extent practicable. All equipment will possess properly working mufflers and would be kept properly tuned to reduce backfires.

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) 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.

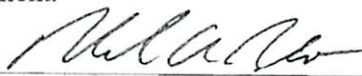
CBP will minimize site disturbance and avoid attracting predators by promptly removing waste materials, wrappers, and debris from the site. Any waste onsite will be properly stored and tightly covered with a wildlife-proof material until disposal.

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.

Solid waste receptacles will be maintained at the construction staging area. Non-hazardous solid waste (trash and waste construction materials) will be collected and deposited in on-site receptacles. Solid waste will be collected and disposed of by a local waste disposal contractor.

FINDINGS AND CONCLUSIONS: No significant adverse impacts are anticipated for any resource analyzed within this document. Therefore, no further analysis or documentation (i.e., Environmental Impact Statement) is warranted. CBP, in implementing this decision, would employ all practical means to minimize and mitigate the potential adverse impacts on the human and biological environment.

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