

FINAL

FINDING OF NO SIGNIFICANT IMPACT

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

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 New Mexico. 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 the U.S. Border Patrol (USBP) El Paso Sector.

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 New Mexico in the USBP El Paso sector. The tactical infrastructure included in this analysis crosses multiple privately owned land parcels, and public lands managed by the Bureau of Land Management (BLM), and the U.S. Forest Service (USFS). 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 New Mexico. The Proposed Action will assist CBP agents and officers in continuing the effective control of our nation's southwestern border in New Mexico. In many areas, tactical infrastructure is a critical element of border security, which assists in controlling and preventing illegal border intrusion and preventing illegal border intrusion. To achieve effective control of our nation's borders, CBP is developing a 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.

This EA will provide the necessary disclosure of environmental impacts under NEPA for two Federal agencies: CBP and the BLM. All maintenance and repair work on BLM administered lands will be executed in accordance with the ROW stipulations developed by BLM and CBP. The BLM purpose, as a multiple use agency, is to make public land and its resources available for use and development to meet National, regional, and local needs, consistent with national objectives, while simultaneously applying the principles of sustained yield governing the many resources the agency manages.

The BLM's purpose is to manage roads across Public Lands that are currently utilized by CBP to support the national security mission of the United States. The BLM's specific need is to issue right of way (ROW) grant for the construction, maintenance, operation, and termination of roads on public land.

The principles of sustained yield include safeguarding wildlife and their habitat, threatened species and their habitat, endangered species and their habitat, sensitive species and their habitat, water quality, soils, paleontological, archaeological, vegetation, and watershed functions. Goals and objectives for these resources were set forth in the Mimbres Resources Management Plan (December 1993). The need is to respond to an application submitted by CBP for the subject road segments under section 507 of the Federal Land Policy and Management Act (FLPMA).

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 in along the U.S./Mexico international border in New Mexico. 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 damages caused due to natural disasters, normal deterioration due to wear and

tear, and intentional destruction or sabotage. The USBP El Paso sector along the U.S./Mexico international border in New Mexico has 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 120 miles of fence on non-tribal lands in New Mexico. 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 New Mexico region of analysis are not waived or previously covered and are therefore analyzed in this EA.

Currently, CBP has not identified fences and gates requiring maintenance on BLM controlled land. The majority of fences and gates to be repaired occur within the Roosevelt Reservation and are outside the oversight or control of Federal land managers.

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. Approximately 275 miles of the 550 miles of road that are used by CBP are not waived or previously analyzed and are therefore evaluated in the EA. Most of the 275 miles are within 25 miles of the U.S./Mexico international border in New Mexico. BLM will issue a standard 60-foot ROW for 50.45 miles of road with the understanding that maintenance and repair will be confined to the width of the existing road located within the 60-foot-wide ROW—CBP will not be able to expand the road footprint beyond its current limits. The exact number of miles of roads on non-BLM lands in New Mexico could change over time to accommodate CBP needs. Bridges will also be inspected on a routine basis and their structural integrity maintained. Currently, CBP has not identified bridges that require maintenance on BLM-controlled lands. In the event that a bridge on BLM-controlled lands requires maintenance, CBP will notify BLM and seek concurrence for the maintenance and repair before executing any proposed work.

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 150 such structures that will be maintained and repaired by CBP in New

Mexico. Approximately 20 percent of these structures are not waived or previously analyzed and are therefore evaluated 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. 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 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 25 percent of CBP's estimated 150 lighting and ancillary power systems within the New Mexico region of analysis are not waived or previously analyzed and are therefore evaluated 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 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 10 and 15 of the total towers used by CBP in the New Mexico region of analysis are not waived or previously analyzed and are therefore considered in this EA. No water towers exist on BLM land.

Each of the towers has a small footprint; none exceeds 10,000 square feet. For all water and radio towers, the total amount of disturbance would not exceed 4 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. The analysis of staging areas was addressed in previous NEPA documents or was exempt under the Secretary's waiver. 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. Requests for staging areas on BLM administered lands will require additional planning and coordination with BLM prior to use.

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 would 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; BLM; New Mexico 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 *Deming Headlight*, *Las Cruces Sun-News*, and the *Carlsbad Current-Argus* on March 16 and 17, 2015. This was done to solicit comments on the Proposed Action and involve the local community in the decisionmaking process.

During the 30-day public review and comment period for the Draft EA, CBP accepted comment submissions by fax, email, and by mail from the public; Federal and state agencies; Federal, state, and local elected officials; stakeholder organizations; and businesses. Three comment letters were received from Federal, state, and local agencies and were incorporated into the Final EA.

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 four New Mexico counties within the action area. Based on NatureServe data, species listings, recovery-planning documents, and other information, CBP determined that 20 species are known to occur within or near the action area. In addition to those 20 species, nonessential experimental populations of the Mexican wolf (*Canis lupus baileyi*) and northern aplomado falcon (*Falco femoralis septentrionalis*) have been designated in New Mexico (63 FR 1752–1772, 71 FR 42298–42315). Further, CBP has concluded that the Proposed Action will have no effect on an additional 13 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 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 20 species considered in the BA, or any designated critical habitat of those species. Additionally, the Proposed Action would have no effect on the Mexican wolf and the aplomado falcon would have no jeopardy to continued existence. 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 is incorporated here by reference. Impacts on resources under the Proposed Action and No Action Alternative are listed below in **Table 1**.

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.

Table 1. Summary of Anticipated Environmental Impacts by Alternative


Resource Area	Alternative 1: Proposed Action	Alternative 2: No Action Alternative
Land Use	No effects.	No effects.
Geology and Soils	Short- and long-term, minor, adverse effects.	Short- and long-term, minor, adverse effects.

Resource Area	Alternative 1: Proposed Action	Alternative 2: No Action Alternative
Vegetation	Short- and long-term, negligible to moderate, adverse effects.	Short- and long-term, minor to moderate, adverse effects.
Terrestrial and Aquatic Wildlife Resources	Short- and long-term, negligible to minor, adverse effects.	Short- and long-term, minor to moderate, adverse effects.
Threatened and Endangered Species	Short- and long-term, negligible to minor, adverse effects.	Short- and long-term, minor to moderate, adverse effects.
Hydrology and Groundwater	Short- and long-term, negligible to minor, adverse effects.	Short- and long-term, minor to moderate, adverse effects.
Surface Waters and Waters of the United States	Short- and long-term, negligible to minor, adverse effects.	Short- and long-term, minor to major, adverse effects.
Floodplains	Short-term, negligible to minor, adverse effects.	Short- and long-term, minor, adverse effects.
Air Quality	Short-term, negligible to minor, adverse effects.	No effects.
Noise	Long-term, negligible to minor, adverse effects.	Long-term, negligible to minor, adverse effects.
Cultural Resources	Long-term, negligible to minor, adverse effects.	Long-term, negligible, adverse effects.
Roadways and Traffic	Short-term, negligible to minor, adverse effects.	Short- and long-term, negligible to minor, adverse effects.
Hazardous Materials and Waste Management	Long-term, negligible to minor, adverse effects.	Long-term, negligible to minor, adverse effects.
Socioeconomic Resources, Environmental Justice, and Protection of Children	Short- and long-term, negligible, beneficial effects.	No effects.
BLM Realty and Minerals	Long-term, beneficial effects.	Short- and long-term, negligible to minor, adverse effects.
Sustainability and Greening	No effects.	No effects.
Aesthetics and Visual Resources	No effects.	No effects.
Climate Change	No effects.	No effects.
Human Health and Safety	No effects.	No effects.
Utilities and Infrastructure	No effects.	No effects.


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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