

FINAL
FINDING OF NO SIGNIFICANT IMPACT
FOR THE SBINET AJO-1 TOWER PROJECT
AJO STATION'S AREA OF RESPONSIBILITY
U.S. BORDER PATROL, TUCSON SECTOR

Project History: On January 6, 2011, United States (U.S.) Customs and Border Protection's (CBP) Office of Technology Innovation and Acquisition (OTIA) released the draft supplemental environmental assessment (SEA) that analyzed the potential adverse and beneficial impacts on the natural and human environment associated with the Proposed Action and alternatives. The Proposed Action included constructing access to the existing commercial power grid from approximately 1.2 miles west of State Highway 85 (SR 85) to TCA-AJO-302 and TCA-AJO-004 and the installation of a fiber-optic cable between TCA-AJO-302 and TCA-AJO-004. The installation of a fiber-optic cable at TCA-AJO-004 and TCA-AJO-302 would eliminate the need for TCA-AJO-189 altogether. TCA-AJO-189 was designed to relay signals from TCA-AJO-302 to TCA-AJO-305. Installation of a fiber-optic cable would eliminate the need to relay signals via radio waves and, in effect, be faster, more efficient, and stable. Access to the existing commercial power grid would also be provided to the USBP forward operating base (FOB) that was relocated north of TCA-AJO-302 as part of the SBI*net* Ajo-1 Tower Project. Fiber-optic cable was also proposed to be installed at the FOB. The relocation of the FOB was analyzed in the 2009 Ajo-1 EA, and only the construction of access to the existing commercial power grid and potential installation of fiber-optic cable was analyzed in the draft SEA. The installation of a fiber-optic cable at TCA-AJO-216 was also proposed as part of the draft SEA. Additionally, the ecological restoration of former tower site TCA-AJO-189 was included as part of the Proposed Action.

While a permanent solution for TCA-AJO-189 was being developed, OTIA installed communications equipment on an existing, operational telecommunications radio repeater facility operated by CBP's Project 25 (P-25) program. This repeater facility is located on Growler Mountain in proximity to the TCA-AJO-189 tower site. The purpose of this action was to temporarily utilize available space within CBP's P-25 telecommunications facility on Growler Mountain to establish immediate, short-term, communications connectivity with TCA-AJO-302 and TCA-AJO-305. Installation of the OTIA communications equipment was authorized under Categorical Exclusions E1 and E2 outlined in Department of Homelands Security's (DHS) *Directive 023-01*, Appendix A, Section 3B. The OTIA communications equipment within CBP's P-25 telecommunications facility on Growler Mountain has operated at acceptable levels, and OTIA has decided to maintain and operate the communications equipment on a long-term basis. OTIA has determined that the Proposed Action, as analyzed in the draft SEA, is no longer necessary to achieve the communication link between TCA-AJO-302 and TCA-AJO-305, and the Proposed Action in this final SEA has been revised to only include the restoration of former tower site TCA-AJO-189. In response to the draft SEA, U.S. Fish and Wildlife Service (USFWS), in a February 9, 2011 correspondence, directed OTIA to restore TCA-AJO-189 to pre-project conditions, to the extent possible.

The SEA was prepared in compliance with the provisions of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S. Code 4321 et seq.), the Council on Environmental

Quality's NEPA implementing regulations at 40 Code of Federal Regulations Part 1500, and the Department of Homeland Security's *Directive 023-01*.

Project Location: The affected area for this SEA is the former TCA-AJO-189 tower site located on Growler Mountain within the CPNWR Wilderness Area, Arizona.

Purpose and Need: The purpose of the proposed project is to restore the former TCA-AJO-189 tower site.

This action is needed to:

- 1) restore impacts that occurred at the former TCA-AJO-189 tower site;
- 2) reduce impacts on designated wilderness;
- 3) comply with previous USFWS's directive; and
- 4) comply with previous NEPA documents.

Proposed Action: The Proposed Action is the restoration of the former TCA-AJO-189 tower site to pre-project conditions (to the extent possible) in accordance with the restoration plan prepared by CBP and approved by USFWS. The restoration plan is included as an appendix to the SEA and is incorporated herein by reference. Restoration activities would include the 35- x 35-foot original project area that was previously cleared of vegetation and graded, including the 14- x 14- x 6-foot hole for a proposed tower foundation that was excavated within the 35- x 35-foot area. The final rehabilitated site should be similar in appearance and vegetation characteristics (e.g. plant species and plant density) to the adjacent landscape. A majority of the rehabilitation work at former tower site TCA-AJO-189 would require helicopter transport of restoration materials due to the remote location of the site. It is anticipated that the rehabilitation of TCA-AJO-189 would require a total of 90 airlifts if the restoration activities are conducted during the fall or winter months (November through March). Airlifts would be allocated as follows: 68 lifts for site rehabilitation and landscaping, six lifts for revegetation efforts, 14 lifts for irrigation efforts (including water delivery), and two lifts for project termination. Site rehabilitation (i.e., backfilling of the hole and landscaping) and the installation of irrigation would be completed before March 15, prior to the Sonoran pronghorn (*Antilocapra americana sonoriensis*) closure season. The remaining airlifts for revegetation efforts and project termination would occur after March 15 per coordination with USFWS. OTIA is currently coordinating with USFWS regarding the reinitiation of formal consultation pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. § 1531 et seq) for Sonoran pronghorn and lesser long-nosed bat (*Leptonycteris yerbabuena*). Restoration activities will not be initiated until the reinitiated Section 7 consultation with USFWS has been completed for the project.

No Action Alternative: The No Action Alternative is the same as the Proposed Action presented in the 2009 Ajo-1 EA, with one exception. Under the No Action Alternative, the former TCA-AJO-189 tower site would not be restored per the USFWS's directive. The No Action Alternative would not satisfy the stated purpose and need; however, its inclusion in the SEA is required by NEPA regulations (40 CFR § 1502.14(d)) as a basis of comparison to the anticipated effects of the action alternatives.

Alternatives Eliminated: Three alternatives (Modified Tower Foundation, TCA-AJO-189B, and TCA-AJO-189C) were proposed as potential alternatives to the Proposed Action in the draft SEA. These alternatives were eliminated during the preparation of the final SEA. OTIA decided to eliminate these alternatives as a result of the success of the temporary installation of communications equipment within an existing, operational telecommunications radio repeater facility operated by CBP's Project 25 (P-25) program. The communications equipment within CBP's P-25 telecommunications facility on Growler Mountain has operated at acceptable levels and OTIA has decided to maintain and operate the communications equipment on a long-term basis. Therefore, alternatives to the original TCA-AJO-189 design and/or tower site are no longer necessary.

Environmental Consequences: Implementation of the Proposed Action would permanently affect approximately 0.03 acre of a previously disturbed site. CBP proposes to restore the former TCA-AJO-189 tower site to pre-project conditions, to the extent possible, as directed by USFWS in a February 9, 2011 correspondence. The proposed project has been coordinated with USFWS. Restoration of TCA-AJO-189 would require the issuance of a special use permit and minimum requirement analysis from USFWS.

Restoration of the former TCA-AJO-189 tower site would have no effects to negligible effects on surface waters, vegetation, hazardous materials, cultural resources, or air quality. Temporary, minor effects on soils, wildlife, and protected species would be expected. The Proposed Action would result in temporary, moderate effects on land use, noise, wilderness, groundwater, and aesthetics. Potential long-term, beneficial effects would be realized on land use, wilderness, soils, vegetation, and aesthetics.

Mitigation: It is CBP's policy to reduce impacts through a sequence of avoidance, minimization, mitigation, and compensation. Mitigations vary and include activities such as restoration of habitat in other areas, acquisition of lands, implementation of best management practices (BMP), and typically are coordinated with the USFWS and other appropriate Federal and state resource agencies. The following is a list of mitigation measures to be implemented as part of the Proposed Action. Many of the measures listed below were developed in coordination with USFWS during the reinitiation of Section 7 consultation for this project.

PROJECT PLANNING/DESIGN – GENERAL CONSTRUCTION

CBP will ensure that restoration efforts follow DHS *Directive 025-01* for Sustainable Practices for Environmental, Energy, and Transportation Management.

A CBP-approved spill prevention control and countermeasure plan (SPCCP) will be developed and implemented at restoration and maintenance sites to ensure that any toxic substances are properly handled and that escape into the environment is prevented. Agency standard protocols will be used. Drip pans will be placed underneath parked or stationary equipment, containment zones will be used when refueling vehicles or equipment, and other measures will be included.

All BMPs to be implemented by the project contractor will be included in the contract.

GENERAL CONSTRUCTION ACTIVITIES

CBP will avoid nighttime lighting impacts by conducting restoration activities during daylight hours only.

CBP will not use natural sources of water for restoration or irrigation purposes to avoid transmitting disease vectors, introducing invasive non-native species, and depleting natural aquatic systems.

All irrigation components will be temporary and removed when the restoration goals are met. Irrigation equipment will be removed from the site after 1 year following the initial planting pending acceptance of the restoration results at the site by USFWS (CPNWR).

CBP and its contractor will minimize site disturbance and avoid attracting predators by promptly removing waste materials, wrappers, and debris from the site. Any waste that must remain more than 12 hours should be properly stored until disposal.

CBP will notify the USFWS (CPNWR) 2 weeks before any construction activities begin, and within 1 week after project construction activities are completed.

All BMPs to be implemented by the project contractor will be included in the contract.

SOILS

Standard construction procedures will be implemented to minimize the potential for erosion and sedimentation during construction. All work shall cease during heavy rains and will not resume until conditions are suitable for the movement of equipment and material.

CBP will implement environmental design measures, such as straw wattles and wetting compounds to decrease erosion and sedimentation.

CBP will implement erosion control measures and appropriate BMPs before and during restoration activities, as appropriate.

CBP will place drip pans under stationary equipment and use containment zones when refueling vehicles or equipment.

VEGETATIVE HABITAT

Salvage, transplantation, and container planting will be done in accordance with a restoration plan approved by the land manager and USFWS that includes success criteria and monitoring.

All plant material will be obtained from the Cabeza Prieta National Wildlife Refuge (CPNWR) to maintain a local plant source. Plant material will be obtained by harvesting cuttings from donor plants at locations identified by CPNWR personnel.

Fill material (gravel and topsoil) brought in from outside of the project area will be identified by its source location. Sources will be used that are clean and weed-free.

Certified weed and weed-seed free natural materials (e.g., straw) will be used for on-site erosion control to avoid the spread of non-native plants.

The site will be surveyed for the presence of exotic plant species. If exotic plant species that are not already established in the surrounding landscape are encountered within the restoration action area, they will be documented, and OTIA will coordinate with USFWS (CPNWR) concerning corrective actions.

CBP will avoid the spread of non-native plants by using certified weed and weed-seed free natural materials (e.g., straw) for on-site erosion control if natural materials must be used.

WILDLIFE AND AQUATIC RESOURCES

The Migratory Bird Treaty Act (16 U.S.C. 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 restoration activities are scheduled during nesting seasons (February 15 through August 31), surveys will be performed to identify active nests. If restoration activities result in the take of a migratory bird, then coordination with the USFWS will be required and applicable permits would be obtained prior to construction or clearing activities. Another mitigation measure that may be employed is to schedule all restoration activities outside nesting seasons, negating the requirement for nesting bird surveys.

Pets will not be permitted inside the project area or adjacent native habitats. This BMP does not pertain to law enforcement animals.

Biological monitors will check underneath construction equipment for wildlife species (e.g., desert tortoise) prior to moving equipment that has been idle for more than 1 hour.

PROTECTED SPECIES

CBP will minimize impacts on Sonoran pronghorn and their habitat by using flagging or temporary fencing to clearly demarcate project construction area perimeters. Soil and vegetation outside the construction area perimeter will not be disturbed.

CBP will minimize impacts on listed species and their habitats by using areas already disturbed by past activities for staging, parking, laydown, and equipment storage. If site disturbance is unavoidable, CBP will minimize the area of disturbance by scheduling deliveries of materials and equipment to only those items needed for ongoing project implementation.

CBP will minimize impacts on listed species and their habitats by limiting grading or topsoil removal to areas where this activity is absolutely necessary for construction, staging, or maintenance activities.

CBP will minimize impacts on listed species and their habitats by obtaining materials that are clean, such as gravel or topsoil, from existing developed or previously used sources, and not from undisturbed areas adjacent to the project area.

CBP will minimize the number of construction and maintenance trips to the tower site.

To minimize impacts on endangered species, CBP will follow a helicopter ingress/egress route to the project site that avoids or minimizes flight activity in Sonoran pronghorn habitat as specified by USFWS. The Restoration Plan has been designed to include the minimum number of helicopter lifts necessary.

All vehicular traffic associated with restoration efforts will use designated/authorized roads to access the sites and will avoid off-road vehicle activity outside of the project footprint.

CBP will minimize potential animal collisions, particularly with Sonoran pronghorn, by not exceeding speed limits of 25 mph on all unpaved roads.

Any collisions with Sonoran pronghorn will be reported to USFWS-Arizona Ecological Services Office (AESO) via telephone and electronic mail as soon as practicable, but no later than 12 hours after the collision. Information to be relayed will include: a) location of the collision, b) date and time of the collision, c) type of vehicle, and d) a description of the collision to include the outcome and a photograph of the Sonoran pronghorn (if available).

CBP will place restrictions on restoration activities involving heavy equipment during the Sonoran pronghorn fawning season (March 15 to July 31) to avoid and minimize disturbance to females and fawns.

CBP will provide for an on-site biological monitor to be present during work activities for all construction activities. The biological monitor will have the following duties: ensure and document that agreed-upon measures to minimize and avoid impacts on listed species and BMPs are properly implemented, send a weekly summary report via electronic mail to the CPNWR and USFWS-AESO following CBP review, and notify the construction manager (who has the authority to temporarily suspend activities) when construction activities are not in compliance with all agreed-upon BMPs.

The biological monitor shall report all detections of Sonoran pronghorn via electronic mail or phone to USFWS-AESO and the CPNWR within 24 hours of any detection. The electronic mail will include the following details: a) if known, the coordinates and a description of the locations where the pronghorn was detected, b) the date and time of the detection, c) the method used to make the detection, and d) as available, other pertinent details, such as the behavior of the Sonoran pronghorn (i.e. standing, foraging, or running).

All project personnel will report detections of Sonoran pronghorn to the biological monitor.

WATER RESOURCES

Standard construction procedures will be implemented to minimize the potential for erosion and sedimentation during restoration activities. All work shall cease during heavy rains and will not resume until conditions are suitable for the movement of equipment and material.

All fuels, waste oils, and solvents will be collected and stored in tanks or drums within secondary containment areas consisting of an impervious floor and bermed sidewalls capable of holding the volume of the largest container stored therein.

CBP will avoid impacts on groundwater by obtaining treated water from outside the immediate area for restoration use.

CULTURAL RESOURCES

If human remains are encountered, the OTIA Environmental Manager, the CPNWR refuge manager, and the appropriate law enforcement authorities per the Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001 et seq., 43 CFR 10, as updated) will be contacted. Descendant tribal communities will be notified of the inadvertent discovery, and consultation will be initiated through CPNWR.

AIR QUALITY

Mitigation measures will be incorporated to ensure that fugitive dust and other air quality constituents' emission levels do not rise above the minimum threshold as required per 40 CFR 51.853(b)(1), (2). Standard construction BMPs such as routine watering of the construction site will be used to control fugitive dust and thereby assist in limiting potential particulate matter less than 10 microns (PM-10) emissions during restoration of the site. Additionally, all construction equipment and vehicles will be required to be kept in good operating condition to minimize exhaust emissions.

NOISE

During backfilling and grading, temporary noise impacts are possible. All applicable Occupational Safety and Health Administration regulations and requirements will be followed. Construction equipment will possess properly working mufflers and will be kept properly tuned to reduce backfires. Implementation of these measures will reduce the potential temporary noise impacts in and around the construction site.

CBP will avoid noise impacts during the nighttime by conducting restoration activities during daylight hours only.

HAZARDOUS MATERIALS

BMPs will be implemented as standard operating procedures during all restoration 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 clearly labeled 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.

Refueling of machinery will be completed in accordance with accepted industry and regulatory guidelines.

Any spills will be contained immediately and cleaned up using the appropriate methods for the spill.

To ensure pollution prevention, an SPCCP will be in place prior to the start of restoration activities and all personnel will be briefed on the implementation and responsibilities of this plan. All spills will be reported to the OTIA environmental manager and the CPNWR refuge manager. Furthermore, a spill of any petroleum liquids (e.g., fuel) or material listed in 40 CFR 302 Table 302.4 of a reportable quantity will be cleaned up and reported to the appropriate Federal and state agencies.

CBP and its contractor(s) will contain non-hazardous waste materials and other discarded materials, such as construction waste, until removed from the restoration site.

CBP and its contractor(s) will recycle all waste oil and solvents. 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.

CBP and its contractor(s) 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 on-site until removed for disposal. Storage tanks will be on-ground containers, have proper air space to avoid rainfall-induced overtopping, and be located in upland areas instead of washes.

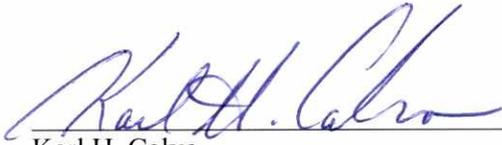
Finding: Based upon the analyses of the SEA and the mitigation measures to be incorporated as part of the Proposed Action, it has been concluded that the Proposed Action will not result in any significant adverse effects on the environment. Therefore, no further environmental impact analysis is warranted.



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