

APPENDIX A
PUBLIC SCOPING MEETING MINUTES



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PUBLIC SCOPING MEETING
FOR THE
SITING, CONSTRUCTION, AND OPERATION
OF A TECHNOLOGY-BASED BORDER SECURITY SYSTEM
ALONG A PORTION OF THE INTERNATIONAL BORDER IN
EASTERN ARIZONA

JULY 17, 2007

7:00 P.M.

HOLIDAY INN PALO VERDE
4550 S. PALO VERDE ROAD
TUCSON, ARIZONA 85714

COPY

PUBLIC COMMENTS REPORTED BY:
FLORENCE PASTEUR, CR# 50300
OLIVIA ARMENTA, CR# 50411
CINDY SHEARMAN, CR# 50718

1 JAMES McGAHA

2 Southern Arizona is one of the premier
3 places in the world for astronomy, and lighting up
4 the border will have a very detrimental effect on
5 astronomy, so the lighting should be considered
6 very carefully. It should be as low a light
7 wattage as possible and certainly shielded and
8 pointed towards the ground as much as possible, and
9 away from the United States. And you can put my
10 name, James McGaha, M-c-G-a-h-a, and I'm the
11 director of the Grasslands Observatory.

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GRETA ANDERSON

I'm Greta Anderson, representing the Center for Biological Diversity in Tucson, and we're pleased that they're following the NEPA process and we'd like to provide as much input on the environmental impacts of the project as possible.

We would remind the border patrol that their job is to recover endangered species, not merely maintain the status quo, meaning that they should assess the project in terms of the long-term consequences and how it might inhibit species coming back into areas.

Also, there's quite a bit of road construction that they're talking about, and roads relate strongly to the spread of invasive species which relate strongly to the spread of wildfire in our deserts, which is a huge issue. We encourage them to look at the cumulative effects of additional roads.

Changes to hydrology will be really important throughout the area and hydrologic change, where they're talking about adding roadways in riparian areas and washes, that could really change the whole watershed system. And my postal mailing address is P.O. Box 710, Tucson, 85702.

1 ANONYMOUS COMMENTATOR

2 No matter what we, as citizens, have
3 responded to so far, you always say that there's no
4 impact, so it's a game you're playing with us and I
5 don't like it. I don't like the fact that I don't
6 count. I don't like the fact that no matter what
7 animal we list on there, you just say there's no
8 impacts.

9 I think putting a wall up is absolutely
10 hostile. I think putting up a tower is hostile. I
11 don't think we need it. We're being hostile enough
12 with the rest of the world. I think we should stop
13 now, take our resources, and try and make up for
14 all the wrong we've done in the past five years and
15 figure out how to get along with the rest of the
16 world instead of just preemptively striking at
17 everything.

18 Okay. If we're going to develop our
19 infrastructure, let's do it right. Let's put it
20 into bridges, let's put it into connections with
21 the rest of the world, as opposed to barriers to
22 the rest of the world.

23 I don't think it's right that our
24 government is auctioning off the different parts of
25 the electromagnetic spectrum and are going to use

1 it now to impact biological life forms in ways that
 2 they haven't even bothered to study about yet.
 3 They're just going to impact them with this
 4 electromagnetic game they're going to play out
 5 there next and call it an intelligent call, when
 6 it's not.

7 I mean, from what we understand, they've
 8 already, down in Arivaca, they basically just cut
 9 off everybody's computer service by whatever
 10 electromagnetics they decided -- whatever part of
 11 the spectrum they decided to consume down there.

12 So they're just going to start making these
 13 arbitrary decisions on where they're going to fill
 14 up the electromagnetic spectrum with their needs
 15 and they're hostile and they're potentially
 16 dangerous to us. I don't appreciate it when they
 17 haven't even done the science to realize the impact
 18 on what they're projecting outward.

19 Okay. And I know it may sound kooky, but
 20 it's not. They've already said their equipment
 21 isn't working down there. Well, they're also
 22 canceling out their computer access, people's Wifi
 23 down there. What else haven't they thought about
 24 as they continue on the way?

25 Another big point I want to make is that if

1 we're going to have a secure nation, I don't think
2 we should have a contract with another country to
3 do our secure border technology design, you know,
4 to pick another country's designs and use them;
5 that doesn't make me feel secure. It may make that
6 other country feel secure. I understand they're
7 selling the same secure systems to the Canadians,
8 to the Australians, et cetera. Who is in charge of
9 that software of the command post? Who's making
10 the designs for it and who's putting back gates
11 into it, okay? If that technology is not designed
12 in the US, then I question where the security is of
13 it, where is the security of anything?

14 If it's a design made in another country,
15 as they're saying in the paper, Boeing is
16 collaborating with Elbit, E-l-b-i-t, a subsidiary
17 of Elbit, they're an Israeli company, I'm not
18 secure with them and the way they've conducted
19 themselves in the world turning around and telling
20 us how we're supposed to be secure, okay? I think
21 it's wrong. Thank you.

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1 CRAIG MILLER

2 I just wanted to be recorded that I had --
3 my name's Craig Miller. I'm representing Northern
4 Jaguar project and I had a detailed discussion with
5 Agent Dion Ethell, E-t-h-e-l-l, about wildlife
6 migratory corridors, biological corridors, and the
7 concern over fragmenting wildlife habitat, and
8 particularly the bidispersal corridors, dispersal
9 and recolonization routes used by jaguars between
10 Sonora, Arizona, and New Mexico.

11 And I provided Agent Ethell with maps
12 identifying those biological corridors and I'd like
13 those to be included in the record as submitted as
14 part of a scoping period.

15 And also I brought to his attention the
16 reproduction documentation of female jaguars close
17 to the US/Mexico border, and consistent occupancy
18 in Arizona and New Mexico and the importance of
19 maintaining conactivity between jaguars in the US
20 and jaguars in Mexico. And we feel it's essential
21 that those concerns be adequately addressed in --
22 during the NEPA process.

23 We'll make ourselves available to share any
24 and all information we have on jaguar occupancy and
25 the relationship between cats in the US and cats in

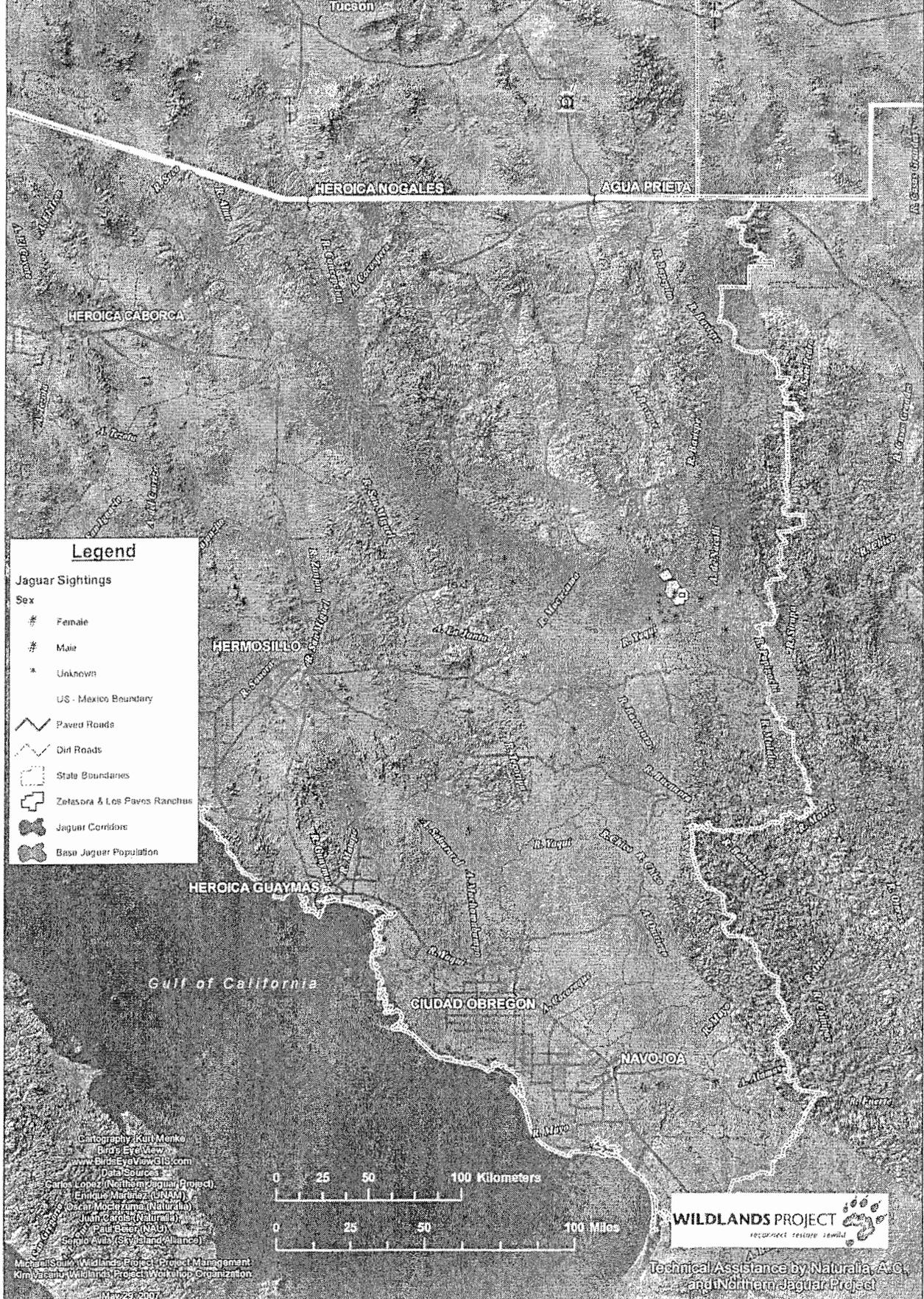
1 Mexico and how their conservation contributes to
2 recovery. That's it.

3 Also, I wanted border patrol to be aware of
4 an interagency collaborative effort in the border
5 which they should participate in as a federal
6 agency to obtain the most recent information on
7 jaguar and related impacts on jaguar populations in
8 the US/Mexico border regions, and particularly
9 impacts of border patrol activities in the
10 dispersal and reproduction. That's it.

11 My name's Craig Miller, 520-623-9653,
12 extension 101, 110 South Church, Suite 4292,
13 Tucson, Arizona 85701.

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Consensus Trans-Boundary Dispersal Routes for the Northern Jaguar

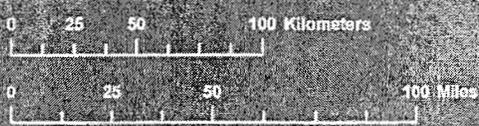


Legend

- Jaguar Sightings**
- Sex
 - # Female
 - # Male
 - * Unknown
 - US - Mexico Boundary
 - Paved Roads
 - Dir Roads
 - State Boundaries
 - Zeterson & Los Pavos Ranches
 - Jaguar Corridors
 - Base Jaguar Population

Cartography: Kurt Menko
Bird's Eye View
www.BirdsEyeViewGIS.com
Data Sources:
Carlos Lopez (Northern Jaguar Project)
Enrique Meruarez (UNAM)
Oscar Mochizuma (Naturalia)
Juan Carlos (Naturalia)
Paul Boser (NABU)
Sergio Avila (Sustainable Alliance)

Michael Sault, Wildlands Project, Project Management
Kim Yacobi, Wildlands Project, Workshop Organization
Map 29, 2/10/07



WILDLANDS PROJECT
conservation. recovery. survival

Technical Assistance by Naturalia, A.C.
and Northern Jaguar Project

1 DR. BUELL T. JANNUZI

2 My name is Buell Jannuzi and I'm the
3 director of Kitt Peak National Observatory. That's an
4 astronomy observatory.

5 Paula Miller suggested that I should give
6 a verbal comment giving my contact information, which is
7 at 950 North Cherry Avenue, Tucson, Arizona 85719, so
8 that she would be able to contact us about the
9 importance of understanding lighting issues, border
10 fence lighting, any radio transmission of any security
11 equipment that is installed on our facilities and the
12 other observatories along the southern U.S. border,
13 which include McDonald Observatory in Texas, the
14 Smithsonian Astronomical Observatory on Mt. Hopkins, the
15 University of Arizona Stewart Observatory on
16 Mt. Hopkins, on Mt. Graham and Mt. Lemmon, the National
17 Radio Observatory on Kitt Peak, and the 26 other
18 telescopes from thirty institutions around the U.S. that
19 have observatories in southern Arizona.

20 We're hopeful that there will be
21 communication about the need for fully shielded lighting
22 when it's deployed, if it's deployed, in southern
23 Arizona, and that that will be communicated to Boeing or
24 any other contractor that's participating in the design
25 of the Secure Border facility. Thank you.

1 JENNIFER ALLEN

2 My name is Jennifer Allen, A-l-l-e-n. I'm
3 with the Border Action Network. We're a human rights
4 community organization based on the Arizona/Sonora
5 border. So our primary concerns relate to issues of the
6 accountability and oversight, particularly as the
7 responsibilities and contracts are given out to private
8 companies.

9 Our constituents, who are families that
10 call the Arizona border home, want to make sure that
11 regardless of who is implementing construction of new
12 towers, or surveillance, or sitting behind computer
13 screens, that those individuals fall under the
14 responsibilities of the U.S. Constitution. And moreover,
15 that if they have a complaint, that there is an agency
16 that is responsible for investigating that complaint and
17 insuring that the proper consequences for that potential
18 violation are instituted.

19 And as SBI Net gets further implemented,
20 which is new for our communities, we've not had private
21 contractors operate in our backyards before. To date
22 we've had Border Patrol, with whom we've had a number of
23 issues related to accountability, whether they're
24 accountable to the community in which they operate and
25 with the complaints process insuring that complaints are

1 followed through and resolved. So as private contractors
2 come into this mix, our increase is -- our concerns
3 increase in relationship to rights violations and
4 resolving those issues.

5 We're also concerned about training.
6 Again, as private contractors are brought into the mix,
7 and as they enter in our communities, because the Arizona
8 border is not a vacuumous (sic) in Arizona only. There
9 are hundreds of thousands of people who call this region
10 home, who work, who have school, who go to church, who
11 play in the streets, in the backyards. So as we bring in
12 people who are not trained at a minimum like Border
13 Patrol, we're concerned about those interactions they
14 will have with our grandparents, down to our children,
15 and everybody in between.

16 And we're concerned that they do not know
17 the culture, that they don't know the language, and they
18 don't know the laws that all of us are held together by,
19 so the U.S. Constitution and basic semblances of respect
20 for one another. Because ultimately, private
21 corporations are driven by profitability, and they're
22 accountable to their shareholders.

23 Border Patrol are accountable to the U.S.
24 Constitution and U.S. Government. And we would much
25 rather have to deal with the Border Patrol and use those

1 mechanisms of accountability and continue our efforts to
2 call for greater accountability to the Border Patrol,
3 than to have to deal with shareholders whose interest is
4 profit driven. I think that's it.

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U.S. Customs and
Border Protection

PUBLIC SCOPING MEETING

ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED SECURE BORDER INITIATIVE PROJECT IN TUCSON BORDER PATROL SECTOR

JULY 17, 2007

Comments and Suggestions

U.S. Customs and Border Protection is interested in addressing your concerns and questions regarding this study. Suggestions regarding alternatives, resources issues, public involvements, etc. are encouraged as well. Your input is an important part of the NEPA process. Please write your comment or suggestion on the space provided below. Feel free to use the back of this form or add pages if needed.

Well, that was short. I'll be interested in the kind of provisions being consider to clean up the areas of the desert where human traffic will unavoidably move to. We all know that increasing surveillance along the border doesn't do away with either the immigration issue or drug trafficking. Instead of keeping people out of the desert, it brings them back over and over. So, if we are really interested in protecting the environment, we must consider how these border flows will adapt to SBTNet implementations and prepare for them. We don't want to repeat

The situation we now have. Enforcement in other parts of the border brought thousands of people to the deserts (per day). After a few years of these dynamics the result is mounds of debris no one will clean up - at least not efficiently nor sufficiently. So plan for the aftermath of the implementation of the project. Make provisions, set aside funding ^{do} something!



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Does this project plan to stay within
the Roosevelt 60' strip or beyond?
What form of entry ~~is~~ will be
obtained from the landowner/land manager.
If entry is refused what action will
SBI pursue to enter.



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I would like to be on a mailing
list for future meetings, and
mailing of environmental impact studies.
Thank you.

JAKE ECKINS

1309 E Lee St

Tucson AZ 85719

(520) 808-1665

borderlandosal@yahoo.com



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My concern is with effective Border Protection
coupled with efficient use of resources
and sensitivity to the Sonoran Desert
environment - For example, allowing more
light that is needed, and letting some spill upwards
does not achieve any of these goals. The technology
exists to do the best job - let's use it wisely!

Thank you!

CHRIS CORBALLY

VICE DIRECTOR

VATICAN OBSERVATORY

UNIV. OF ARIZONA

TUCSON AZ 85721.



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*We suggest a Public Scoping
meeting for Tohono O'odham
Nation. We have 95 miles
on the border.*

*Contact - Domestic Affairs Committee Chair
Timothy Joaquin 520 383-5260
- Tohono O'odham X102
legislative Branch*



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THIS SEEMS LIKE A BOGUS PROCESS - NOT
ALLOWING PUBLIC DISCOURSE - HARDLY A
PUBLIC PROCESS! THIS IS NOT GIVING
THE PUBLIC ANY INFORMATION.

LUKE KURTZ
HC 65 Box 7990
Amado AZ 85645



U.S. Customs and
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PUBLIC SCOPING MEETING

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INITIATIVE PROJECT IN TUCSON BORDER PATROL SECTOR**

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- Is the LIGHTING COMPONENT Related TO
the SENSOR TOWER OR are they separate
components UNRELATED TO EACH OTHER ?
 - Will the LIGHTING IMPACT KIT PEAK
OBSERVATORY ?
 - MUCH OF SBI NET WILL TRAVERSE RESERVATION
LAND, WILL INPUT BE SOUGHT FROM TRIBAL AUTHORITIES ?
 - HOW FAR APART WILL THE TOWERS BE ?
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- Things to consider in the development of your EA
- 1- If a BLM permit or Authorization is needed - your EA must meet the BLM standards for an EA.
 - 2- What is the Goal of the project or project components? To prevent illegal immigration or to create environ. friendly areas they can cross?
State the goal in the Purpose/need section.
 - 3- How many & where do you plan on installing the program components? ID locations
 - 4- When do you anticipate the DEA coming out for review?
 - 5- Any other federal/state permits needed should be looked into.
 - 6- For temporary program components - state how long they plan on being installed.

over →

PUBLIC SCOPING MEETING

**ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED SECURE BORDER INITIATIVE PROJECT IN
TUCSON BORDER PATROL SECTOR**

JULY 17, 2007

	Name (Please Print)	Address (Mailing)	Representing
101	GILITA ANDERSON CENTER FOR BIOLOGICAL DIVERSITY	PO BOX 710 TUCSON AZ 85702	
102	Steve Hise Arizona Independent Media Center	P.O. Box 1105 Tucson AZ 85702	
103	TERRY SIEGINS	3123 S. CALLE POVAR TUCSON, 85730	
104	Shel McFarlin	BHM	
105	DAVID REDMOND	2037 S. C.M. DEL CAMINO TUCSON, AZ 85747	
106			
107			

PUBLIC SCOPING MEETING
ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED SECURE BORDER INITIATIVE PROJECT IN
TUCSON BORDER PATROL SECTOR

JULY 17, 2007

	Name (Please Print)	Address (Mailing)	Representing
201	P. Peterson	CAE	
202	GARY HAYNES	85745 1251 S. QUAIL PT. ST. TUCSON	
203	LLOYD MILLER	SBI net F & T I	
204	Natalie Luna	OFFICE OF CONGRESSMAN GRIJALVA 310 E. 22nd St, Ste 102 TUCSON AZ 85713	
205	Purba Guerrero Jr	Office of Congressman Grijalva 910 E. 22nd St. Suite 102 TUCSON AZ 85713	
206	RYN GARGALINSKI		TUCSON CITY
207	TERESA ANN CIARUSCI	USDA FOREST SERVICE COCONA00 NATIONAL FOREST 300 WEST CONGRESS TUCSON, AZ 85701	USDA FOREST SERVICE COCONA00 NF BMP STAFF OFFICER



208	JENNIFER AULEN		POB 384, TUCSON AZ 85702	BORDER ACTION NETWORK
209	CYNTHIA MANUEL		PO BOX 1211 SELLS, AZ 85624	
210	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	
211				
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JIM HAWKINS, OBP / TUCSON SECTOR (Media / PIO / Public Info) 520-748-3034
 CALL: 520-631-0441

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TUCSON BORDER PATROL SECTOR

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	Name (Please Print)	Address (Mailing)	Representing
1	Brady McCombs	Arizona Daily Star - Tucson	
2	Cathy Clark	Bick Ave, Gupevite TX	
3	JEFF SNAVELY	HEARFORD, AZ	
4	JACQUELYN JACKSON		Congresswoman Gabrielle Giffords
5	Robert L. Gent	4204 S. Hohokam Drive Sierra Vista AZ 85650	IDA and Astronomical League
6	PAUL WINGEN	9131 N. OVERLOOK DR. TUCSON, AZ 85704	SELF
7	TON CLARK	12 MAIN BISBEE, AZ	BIB REVISION



8	Prescott Vandervoort	Tucson, AZ	self
9	Jessica Piekielek	Tucson, AZ	—
10	Sean Sullivan	738 N. 5th Ave., STE 214 Tucson, AZ 85709	sean@sonoradesert.org Please put me in Sierra Club on contact list
11	Doug Duncan	Tucson	USFWS
12	Larry Jones	Tucson	US Forest Service
13	Susan Barnard	Tucson	BLM
14	Alex Berniel	Tucson	—
15	Mike Purgey	Tucson	—
16	Linda Linda Marionito	MAAD 12601 E. Broadway Tucson AZ 85748	—
17	Linda Marionito	Tucson AZ 85748	BLM - Gile District

*



18	JOHN ABUE	Tucson, AZ	U.S. Forest Service
19	Ana Lopez	TUCSON AZ	Border ACTION
20	Jubosa Zuhla	Tucson AZ	Border Action Network
21	Carmen Preciado	Tucson AZ	Border Action Network
22	Ramon Carera		
23	Rocio Nazama	Tucson, AZ	University of Chicago (Berkeley)
24	JAMES M GAHA	TUCSON, AZ	GRASSLAND OBSERVATORY
25	Math Clark	Tucson, AZ	Defenders of Wildlife
26	Juan Carlos G Bravo	Hermosillo, Sonora	NATURALIA, A.C.
27	Elizabeth Hawley	Tucson, AZ	UA Observatories



28	MIA ROMANO	TUCSON AZ	MMT Observatory
29	DEN BROCIOS	Tucson, AZ	Smithsonian Astrophysical Obs.,
30	Narciso Soto N	Tucson, AZ	Border Action Network.
31	Ethel Garcia	Sells, AZ	
32	Ted Robbins	Tucson	NPR (media)
33	Buell Jannuzi	Tucson, AZ	Kitt Peak National Observatory
34	JAKE ECKINS	Borderlandsal@yahoo.com	Ngo
35	Craig Miller Northern Jaguar Project	Tucson cmiller@defenders.org	www. northernjaguarproject.com
36			
37			



My name is Emilie Vardaman, and I live in Naco, about three blocks from the border. I moved to the Naco-Bisbee area in 1973, and until the last 8-10 years, it has been a wonderful area to live in. Several things have negatively impacted my quality of life and that of my friends and neighbors.

One is the ugly wall that divides what was once almost considered one town *of Naco*. To our neighbors to the south, it is an affront and an insult. My friends feel as though they are not liked, not respected, and not trusted. On top of that, *if the wall* interferes with long established migratory routes of many animals.

Second is the presence of the Border Patrol. The speed through our streets with no regard to the danger of driving 40, 50, and even 60 miles per hour in a 25 mile an hour zone where children are present and playing. They drive on dirt roads, kicking up dust and damaging our clean air. They drive illegally through the desert, creating new roads and again destroying the environment.

Third is the regular presence of the Nation Guard and Marines constructing walls, as well as the huge trucks and other equipment necessary to create the walls. Combined with the Border Patrol, we have more armed people than regular citizens here at times, and our town feels like a military occupied zone.

Fourth is the miles-long row of lights and camera towers along the border. Again, they are an affront to my neighbors. The lights have negatively impacted the beautiful darkness that allows us to see stars. They confuse night birds. The lights shine into the homes of my friends who live along the border road in Sonora. The cameras don't function and have been a terrible waste of money.

Last is the low flying helicopters. When I can *usually* *clearly* see the face of a helicopter pilot as he circles around my house, he is *clearly* flying too low, too dangerously, and with no regard or respect for me. *certainly*

All of this is terrible enough to have to live with, and now you propose yet another way to destroy our way of life: surveillance towers. Many of us in Naco, Bisbee, and the surrounding areas are strongly opposed to the new surveillance towers planned for our area. We oppose them for several reasons.

One,

The towers are unsightly, and Homeland Security has already done more than enough to make a once beautiful area unsightly. We don't want any more. *destruction of our area.*

Second, ~~the~~ ~~to~~ *surveillance's* they are an invasion of privacy. It is bad enough to have members of the Border Patrol run through our yards with guns drawn and to have them peek into our windows, ~~even our bedroom windows~~. Them, at least, we can see and complain about. However, we will never know if surveillance tower cameras are pointed into our yards, watching us have a barbecue, or pointed into our bedrooms at night.

Third, installing surveillance towers along the border will open the door to installations in other areas of the country, leading to being spied upon wherever we go. We do not wish to have that door opened. We do not wish to become a "test area" for this kind of "security" in the rest of the country.

Finally, *surveillance towers without constant maintenance.* they will not work. They will not work here for the same reasons they do not work in Iraq. They will be damaged by the high temperatures ~~and the high winds~~. We will spend millions and millions of dollars for an unreliable system that will need ~~constant~~ *constant* maintenance and costly repairs. In addition, if they are maintained and ~~work~~ *work*, they will interfere with our ability to use the area. Cows, and kids on ATVs will trigger the sensors, as will ranchers, hikers, and birders. To be forcibly spied upon and have our movements monitored is a terrible invasion of privacy. Boeing will get richer, and residents of ~~the~~ *our* area will suffer.

Our best defense against terrorism is the good will of our neighbors. Right now our neighbors to the south are frustrated, angry, and insulted by our fences, our rows of lighting, our cameras, and our general national attitude. Our money would be far better spent creating feelings of caring and respect along the border. Then, our neighbors ~~may~~ *would* be more willing to work with us to deter terrorists, should they ever decide to cross from Mexico rather than ~~fly~~ *simply* fly into the country legally. Also, if the Border Patrol would do their job, that is, patrol the border rather than gather in clusters of two, three, four, or five vehicles for an hour at a time, they would do a much better job of securing the border ~~than surveillance~~ *simply* ever will.

July 17, 2009

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APPENDIX B
CORRESPONDENCE



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1	<p>The NPS recognizes that it is the intent of Customs and Border Protection (CBP) to strive to minimize and reduce the level of cross border violators (CBV) and corresponding CBP off-road vehicle use in wilderness, in part by leveraging the tactical advantage of enhanced CBV detection capabilities of the proposed action and by planning for and using wilderness-friendly interdiction techniques when appropriate. The analysis repeatedly calls out indirect benefits that would result from enhanced detection capabilities associated with the proposed action. The analysis does not, however, quantify the extent to which CBV traffic and CBP traffic can reasonably be expected to be reduced. The NPS requests such a quantitative discussion that describes the anticipated reduction in off-road travel and the time frame in which these reductions are expected.</p>	<p>National Park Service (NPS)</p>	<p>Included text in resource sections indicating the success observed as part of similar operations in the Altar Valley in the Tucson Sector and Yuma Sector would be expected with the Ajo-1 project. A reduction in illegal traffic could be observed within 1 year of the towers becoming operation and accepted by USBP. Cross border violations were reduce by 70 and 95 percent in the Altar Valley and Yuma Sector, respectively. Further, the enforcement zone was reduced from 45 miles north of the international border to 0 to 10 miles north of the international border in the Altar Valley.</p>
2	<p>The NPS also recognizes the need for a monitoring strategy to assess whether anticipated benefits to resources do, in fact, occur following project implementation. The NPS encourages CBP to participate in the development and implementation of such a strategy. Similarly, the NPS encourages CBP to set a timeline for developing and implementing standard operating procedures (SOP) for agents operating in wilderness that will help to accomplish the important project objective of resource benefits.</p>	<p>NPS</p>	<p>Added a monitoring subsection under Section 2.3.6 that states, "USBP in coordination with USFWS has developed monitoring strategies to monitor operations associated with the SBInet Ajo-1 Tower Project. These strategies were developed as part of formal Section 7 consultation process pursuant to the ESA and are included as part of USFWS's biological opinion (BO [AESO/SE 22410-F-2009-0089 and 22410-1989-0078-R6]). Data collected as part of the monitoring strategy would be used to monitor the success of the SBInet Ajo-1 Tower Project. These data are considered law enforcement sensitive information and would not be made available to the public. Further, USBP would continue reporting procedures to land managers per the 2006 MOU (DHS 2006)."</p>

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3	<p>The analysis relies heavily on the assertion that the proposed engineering study will be completed and will yield mitigation measures that will be implemented. The NPS requests that the analysis more fully disclose the impacts that will occur in the intervening time between Ajo-1 Tower Project initiation and the completion of anticipated future road upgrades. The NPS also requests that CBP develop a plan and schedule for road upgrades so that it can understand when impacts from road-related activities and use will be reduced.</p>	NPS	<p>Additional analysis was added for soils (Section 3.3), hydrology and groundwater (Section 3.4), surface waters (Section 3.5), and floodplains to address the severity of impacts during the interim period between the completion of road activities and road upgrades. A detailed road plan will be provided to OPCNM in 2010. Currently, a schedule for road upgrades is not available.</p>
4	<p>The analysis of the wilderness resource examines impacts to views from designated wilderness but does not account for impacts on other wilderness characteristics defined by the Wilderness Act, such as opportunities to experience solitude, unconfined recreation, and naturalness. The NPS requests that the analysis discuss the impacts of the project, including both the presence of the towers and their monitoring functions, on such wilderness characteristics.</p>	NPS	<p>Added a discussion in Section 3.2 indicating the proposed project would have a long-term, moderate adverse affect on wilderness qualities such as opportunities to experience solitude, unconfined recreation, and naturalness.</p>
5	<p>The analysis describes impacts to 18.8 acres of soils but fails to indicate that the project will consist of numerous linear road features distributed over a large geographic area with impacts that will be different and more difficult to mitigate than those on a single site. The NPS requests that the analysis be modified to reflect this fact.</p> <p>The NPS requests that the document be modified to indicate that the described erosion hazard classifications are for <i>undisturbed</i> soils and that BMP's will not be sufficient to mitigate impacts of the access route to Tower TCA-AJO-310.</p> <p>The NPS requests that the document indicate that erosion, once triggered on Antho, Gilman, and Laveen soils, would progress for many decades.</p>	NPS	<p>Added text in Section 3.3 addressing the geographic extent of road impacts and difficulties of mitigation. Also added language that erosion hazards presented are for undisturbed soils and Antho, Gilman, and Laveen soils are susceptible to erosion when disturbed. Added language that erosion could be long-term on Antho, Gilman, and Laveen soils once erosion is initiated.</p>
6	<p>The NPS requests that the analysis specifically discuss the impacts of Tower TCA-AJO-310 on floodplains. The southern section of the access route passes through soils that are susceptible to erosion and there are signs of floodplain instability from current and previous disturbances.</p>	NPS	<p>Expanded the analysis in Section 3.6 to discuss impacts on floodplains especially in the vicinity of the new road to TCA-AJO-310.</p>

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7	The NPS requests that the impacts of past, present, and reasonably foreseeable future expansions of CBP agents working in the project area be more explicitly accounted for in the cumulative impacts analysis. The NPS requests that the cumulative impacts analysis more thoroughly discuss the impacts of off-road and on-road CBP traffic on NPS resources including soils, hydrology, vegetation, wildlife and wildlife habitat, floodplains, and cultural resources.	NPS	Additional analysis regarding CBP operations associated with the proposed towers was added to soils (Section 3.3), hydrology (Section 3.4), vegetation (Section 3.7), wildlife and wildlife habitat (Section 3.8), floodplains (Section 3.6), and cultural resources (Section 3.10).
8	The NPS requests that the cumulative impacts analysis be expanded to include discussion of cumulative impacts on wilderness and hydrology, as these topics are not addressed in the cumulative impacts section of the document.	NPS	Cumulative impacts associated with wilderness (Section 4.4.2) and hydrology (Section 4.4.4) has been added to the document.
9	Given the size and scope of the Ajo-1 Tower Project, and its proximity to the Organ Pipe Cactus National Monument (OPCNM) and the sensitive species and resources therein, it is necessary to conduct a full Environmental Impact Statement (EIS) in accordance with the process established under the National Environmental Policy Act (NEPA). The waiver of 36 federal laws, including NEPA, issued April 1, 2008, by former DHS Secretary Chertoff, applies only to barriers and roads. Therefore, the Ajo-1 Tower Project and its associated infrastructure must be subject to the NEPA process and a full EIS must be produced.	Defenders of Wildlife (DOW), National Parks Conservation Association (NPCA), Sierra Club (SC)	CBP has determined that there is insufficient cause for a full EIS due to the lack of significant impacts to any identified resource within the proposed project area or its region of influence.
10	The DEA of the Ajo-1 Tower Project fails to address the issue of operations, which is of primary importance to the mitigation of impact to the resources of OPCNM. For the Ajo-1 Tower Project to function in a manner compatible with the preservation of these resources, it must be demonstrated that the project will allow for the reduction of operational impacts to the OPCNM by shifting the field of operational engagement elsewhere. Operational impacts, including cross-country driving, abuse of off-road vehicles, disturbance of sensitive resources, etc, may be reduced if the field of operations is shifted beyond the bounds of the OPCNM. Examples within the bounds of OPCNM include: crossers are deterred from crossing the border at all, crossers are apprehended closer to the border, crossers are tracked to a location (such as a road) where their apprehension can occur with minimal impact to the OPCNM. Furthermore, successful operation of this system should reduce the overall need for operational manpower, specifically at the operational outpost currently located at Bates Well but scheduled for relocation to the Cabeza Prieta National Wildlife Refuge/OPCNM border.	DOW, NPCA & SC	Border Patrol Operations as they relate to the Ajo-1 Tower Project are discussed extensively in the Final EA (Section 2.0). All offsetting and conservation measures identified in USFWS's BO are included in Section 5 of the Final EA. Two examples were given to demonstrate how the project will allow for the reduction of operational impacts to the OPCNM. These examples are identified as the Yuma Sector example and the Altar Valley example in Section 2.3.6 of the draft EA. These examples were further added to individual resources sections per Comment 3. Operational impacts are also identified and discussed in Section 2.3.6 under sub-sections "Focused Operations," "Patrol Activities," "Interdiction Activities," and "Off-Road Vehicle Use." CBP agrees

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10, cont.			that the successful operation of the SBInet Ajo Project would reduce the need for operational manpower; however, technology is only a force multiplier, not a force replacement. The Forward Operating Base (FOB) on the CPNWR/OPCNM border will continue to be staffed as long as it is considered necessary to meet mission goals.
11	<p>Given that the proposed tower locations will be permanent in nature, it is imperative that the sites are carefully selected to minimize foreseeable impacts, and that further research is done to assess the nature of these impacts, especially in wildland settings. Formal consultation with the U.S Fish and Wildlife Service (USFWS) regarding impacts to threatened and endangered species is required by the Endangered Species Act, and should have been conducted prior to the release of a DEA.</p> <p>The Endangered Species Act was enacted to stop the extinction of species and to provide a “means whereby the ecosystems upon which endangered species and threatened species depend may be conserved . . .[and] to provide a program for the conservation of such endangered species and threatened species . . . “(16 U.S.C. § 1531(b). Section 2(c) of the ESA establishes that it is “the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purpose of this Act.” (16 U.S.C. § 1531(c)(1). The ESA defines “conservation” to mean “the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary.” 16 U.S.C. § 1532(3).</p> <p>To ensure federal agencies fulfill the substantive purposes of the ESA section 7, the statute requires that they engage in consultation with the Services to “insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the adverse modification of habitat of such species . . . determined . . . to be critical . . .”(16 U.S.C.§ 1536(a)(2) (“section 7 consultation”).</p> <p>Section 7 consultation is required for “any action [that] may affect listed species or</p>	DOW, NPCA & SC	Formal Section 7 consultation (AESO/SE 22410-F-2009-0089 and 22410-1989-0078-R6) was completed with USFWS and a BO was issued USFWS on December 9, 2009.

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11, cont.	critical habitat.” (50 C.F.R. § 402.14). Under the ESA’s implementing regulations, an agency “action” means “all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas. Examples include, but are not limited to . . .(d) actions directly or indirectly causing modifications to the land, water, or air.” (50 C.F.R. § 402.02). Through section 7 consultation, FWS determines whether a federal agency’s action is likely to jeopardize terrestrial species or their critical habitats. This determination is made after FWS completes a biological assessment, biological opinion, or in some cases, both. If the biological opinion concludes that the agency’s action is likely to jeopardize a species; then it may specify reasonable and prudent alternatives that will avoid jeopardy and allow the agency to proceed with the action.		
12	Road improvement and maintenance should be planned and engineered for sustainable use in operation and maintenance of the towers, so that increased traffic on what are currently old ranch roads does not result in further damage at wash crossings, erosion and sedimentation problems.	DOW, NPCA & SC	In Section 2.3.4 of the Final EA, all roads and corridors proposed for construction, repair, improvement, and maintenance are identified. The last sentence of the first paragraph of Section 2.3.4 states that “All authorized roads and the authorized corridor would be maintained to allow access for routine tower maintenance activities”. Further, SBInet has developed a road construction and maintenance plan for authorized road and corridor segments associated with the SBInet Ajo-1 Tower Project. The road construction and maintenance plan is provided on page 45 of the Final EA.

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13	<p>Our review of the DEA has led us to conclude that it is unlawfully narrow because it fails to thoroughly consider any action alternatives of the various tower array configurations. In addition, the DEA provides a very shallow analysis of cumulative and synergistic effects of the proposed action and other ongoing border security infrastructure projects in the project area. The piecemeal Environmental Assessments completed by DHS/CBP in southern Arizona have been inadequate to assess the collective impacts of these related and other foreseeable federal actions. Importantly, this DEA does not analyze, but rather merely mentions, the predictable redirection of illegal activities into adjacent lands resulting from construction of surveillance tower arrays; nor does it properly examine the cumulative impacts of such infrastructure upon sensitive species, or the impacts due to the introduction and colonization of invasive vegetation resulting from extensive land disturbance and construction activities. We continue to argue that conducting a regional Environmental Impact Statement for all SBInet “tactical infrastructure” is the only appropriate course of action if DHS desires to comply with the National Environmental Policy Act (NEPA).</p>	DOW, NPCA & SC	<p>Various tower array configurations were considered, but eventually eliminated from further consideration due to reasons identified in Section 2.5. Cumulative impacts were discussed in Section 4.0. CBP disagrees with the statement that this is a “piecemeal EA.” This Final EA is a comprehensive planning document for activities in the project area within the foreseeable future. CBP also disagrees with the statement that the “draft EA does not analyze the predictable redirection of illegal activities.” Section 2.3.6 USBP Operations, subsections “Illegal Traffic Patterns” and “Traffic Shifts” discuss the impact of using technology and tactical infrastructure to deter crossings, but it is extremely difficult to predict where along the border the traffic will move to avoid detection. Cumulative impacts on sensitive species (i.e., Sonoran Pronghorn and lesser long-nosed bat) are discussed in sections 4.4.9.1 and 4.4.9.2 of the Final EA. Potential impacts due to invasive and non-native species are also discussed cumulatively in Section 4.4.7. In addition, mitigation measures were identified to protect against the spread of invasive and non-native species. These measures are identified in Section 5.5.</p>

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14	<p>Because the DEA fails to adequately disclose and analyze the proposed project's anticipated effects to wildlife and natural resources, nor does it adequately assess reasonable alternatives and cumulative impacts from ongoing and related border security infrastructure projects, we conclude that a regional Environmental Impact Statement (EIS) that includes a lawful analysis of environmental impacts and alternatives is required. The proposed federal project warrants a much more detailed analysis than is provided in the DEA.</p>	DOW, NPCA & SC	<p>CBP has determined that the analyses of wildlife (Section 3.9) and other natural resources (sections 3.2 [land use], 3.3 [wilderness], 3.4 [geology and soils], 3.5 [hydrology and groundwater], 3.6 [surface water and waters of the U.S.], 3.7 [floodplains], 3.8 [vegetation], 3.10 [protected species], and 3.12 [air quality]) are complete, correct, and adequate for the scope of this proposed project. Alternatives were considered and are presented in the document in sections 2.3 and 2.4, and other border infrastructure projects were analyzed in cumulative impacts. CBP has determined that a FONSI is the correct decision document resultant of this Final EA. All potential impacts both adverse and beneficial to threatened and endangered species are identified in both Section 3.10 of this EA and in USFWS's BO. CBP finds that this Final EA completely analyzes all foreseeable USBP projects within the project area.</p>

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15	<p>Rather than presenting a purpose and need statement that reflects the larger goal of improving border security, and then evaluating different means to achieve that goal, DHS in this case had instead defined “construction of technological infrastructure” itself as the goal. The Proposed Finding of No Significant Impact states: “Two alternatives were considered: No Action Alternative, and Proposed Action Alternative. Other alternatives considered but rejected and not further analyzed in this EA were the use of: Unmanned air vehicles; Remote sensing satellites; Unattended ground sensors; Increased workforce; and Increased aerial reconnaissance/operations.” However, because the DEA does not evaluate alternatives with various surveillance tower site locations and configurations, there is not an action alternative to compare the preferred alternative against. Thus, the DEA has completely failed to develop or analyze the range of reasonable alternatives, which is required by NEPA. We encourage DHS to consider alternative locations of towers proposed in and adjacent to threatened and endangered designated critical habitat, roadless areas, wilderness areas, known nesting sites, etc. We appreciate the apparent effort to locate certain towers along existing roads and impacted areas to minimize the need for new road construction.</p>	DOW, NPCA & SC	<p>Alternatives were developed and are presented in Section 2.0 of the Final EA. Alternative tower sites were identified during the initial tower site selection process. This process is described in great detail in Section 2.2. Table 2-1 lists potential alternate tower sites that were identified, but were eventually eliminated due to operational, technical, constructability, environmental, or real estate issues.</p>
16	<p>Despite an effort to catalog various DHS and other foreseeable agency projects in the project area, the DEA falls short of analyzing the cumulative effects of these projects. In other words, the laundry list of projects catalogued does not provide the project proponent of the public with enough information to understand how these projects have additive, synergistic and cumulative impacts upon the human environment and the sensitive ecology of the Sonoran Desert and Sky Island mountain ranges where the project is proposed. For instance, how are surveillance towers, in conjunction with hundreds of miles of newly constructed walls and vehicle barriers anticipated to impact illegal activities, habitat suitability and cross-border habitat connectivity, etc.? How are surveillance towers, and the information they gain, anticipated to impact the location, frequency and duration of enforcement activities in the surrounding areas? If the location of towers pushes traffic deeper into mountain and canyon country, this indirect impact will be almost immediate and have severe consequences for ecologically sensitive areas. On the other hand, if surveillance towers and enforcement activities effectively act as deterrents to illegal entry, it is possible some of these impacts could be beneficial not only for security, but to wildlife habitat. However, without an analysis of what can be reasonably anticipated, project proponents are left without sufficient information to inform their decision.</p>	DOW, NPCA & SC	<p>CBP feels the cumulative analysis complete and provides decision makers with adequate information.</p>

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17	<p>Organ Pipe Cactus National Monument (OPCNM) was established by Presidential Proclamation in 1937 to preserve approximately 330,689 acres of Sonoran Desert for the public interest. In 1978, 312,600 acres of the monument was designated as wilderness by Congress. The National Park Service has recently described their strategic purpose at OPCNM “is to manage the monument in accordance with the National Park Service Organic Act and to:</p> <ul style="list-style-type: none"> • Perpetuate for future generations a representative sample of the natural and cultural resources of the Sonoran Desert and provide for public understanding, safe use, and enjoyment of the same. • Serve as a natural laboratory for understanding and managing the Sonoran Desert ecosystem. • Serve as a baseline indicator against which environmental changes can be identified. • Preserve for future use and enjoyment the character and values of the designated wilderness. • Preserve objects of historic and scientific interest including Historic Landmarks. • Prohibit the taking, injuring, or destroying of any park feature and establishment of homesteads. • Allow for the cactus fruit harvest by O’odham nation. • Provide for a public water reserve at Quitobaquito. • Manage a 60-ft right of way along the international boundary.” (NPS 2007) <p>The National Park Service Organic Act mandates that NPS “shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations.” (16 U.S.C. 1 2 3, and 4).</p> <p>An Environmental Assessment is inadequate to inform federal decision-makers of the impacts of a project as significant as this tower project on the resources of a National Monument—another reason why a full Environmental Impact Statement should be prepared.</p>	DOW, NPCA & SC	<p>Decision makers from the Department of the Interior, the National Park Service, and local representatives from the OPCNM have been involved and included in the planning of this project. These decision makers have reviewed all versions of the EA. CBP and DOI have determined that through the successful deployment of the SBInet technology, the effectiveness of USBP agents would increase, thus improving the protection of the natural and cultural resources of the project area. CBP has determined that through the analyses presented in this Final EA, a FONSI is the correct and appropriate decision document for this proposed project. An EIS is not necessary for the SBInet Ajo 1 Project.</p>

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18	<p>Despite the importance of the large project area to a diversity of plants and other organisms, the DEA's analysis of potential impacts to them by construction of the proposed surveillance towers and supporting infrastructure is insufficient. This is in part because DHS has chosen to conduct a lesser Environmental Assessment instead of beginning with a more thorough Environmental Impact Statement. This is especially apparent with respect to the DEA's analysis of impacts on special status species, including species listed as threatened or endangered pursuant to the Endangered Species Act ("ESA").</p> <p>By its nature, the impact of the proposed project will extend well beyond the confines of the footprint of the surveillance towers and supporting access infrastructure. First, the predictable redirection of illegal activities away from the towers is discussed, but not analyzed. Second, an increase of enforcement activities within the visible range of the surveillance towers in response to the realtime information they obtain is discussed, but not analyzed. Third, the long-term impacts and disturbance from noise, lights, maintenance, and interdiction activities upon wildlife and habitat quality briefly discussed, but not analyzed. The fact that all of these impacts have been noted in the DEA, but not analyzed so as to provide the project proponent or the public sufficient quantitative information regarding the nature and severity of such impacts, is further evidence that the DEA is insufficient and should have triggered and Environmental Impact Statement to be conducted. Expediency simply cannot be equated with compliance.</p>	DOW, NPCA & SC	<p>CBP disagrees with the statement that the analyses of potential impacts on plants and other organisms and especially special status species, including those listed as threatened or endangered are insufficient. CBP has completed formal Section 7 consultation with USFWS (AESO/SE 22410-F-2009-0089 and 22410-1989-0078-R6) and USFWS issued a BO on December 9, 2009. The Action Area in the USFWS's BO includes the entire range of the Sonoran pronghorn. For instance, impacts to pronghorn habitat quality caused by generator noise are discussed in the Noise section of the final EA (Section 3.13). Generator noise would be abated to 35 dBA at a distance of 492 feet from the generator (page 143). In addition, conservation measures are identified in USFWS's BO to reduce generator noise to 35 dBA at a distance of 492 feet from the generator/noise source (Section 5.7, subsection "Sonoran Pronghorn").</p>
19	<p>The Sonoran pronghorn (<i>Antilocapra americana sonoriensis</i>) is one of the most endangered land mammals in North America. The historic range of the Sonoran pronghorn is well within the DEA project area. While the current range of the extant population in the U.S. lies to the west of the project area, there is indeed potential pronghorn habitat and the potential for pronghorn to expand their range into the project area as the extant pronghorn population recovers in numbers. Therefore, formal consultation with the USFWS is necessary. Pronghorn are particularly sensitive to human disturbance, including noise and activity associated with maintenance vehicles, military aircraft and machines such as generators that will be used to power the surveillance towers. A study conducted from 1994-1998 found that "In general, pronghorn used areas with lower levels of noise (<45 decibels [db]) more than expected and areas with higher levels (≥55 dB) less than expected" (Landon et al. 2003).</p> <p>The USFWS has expressed serious concern with regard to the potential adverse impacts from new surveillance towers in the region, particularly from the disturbance associated with tower generator noise, and from disturbance associated with regular maintenance activities. In fact, a letter sent from USFWS Regional Director Benjamin Tuggle to Executive Director of SBI Gregory Giddens, stated unequivocally that the anticipated disturbance associated with proposed towers—in particular noise and disturbance – could potentially extirpate Sonoran</p>	DOW, NPCA & SC	<p>Formal Section 7 consultation (AESO/SE 22410-F-2009-0089 and 22410-1989-0078-R6) has been completed with USFWS and USFWS issued a BO on December 9, 2009.</p> <p>The indirect effect of generator noise was addressed in the Final EA and CBP will mitigating noise to 35 dBA at 492 feet to minimize impacts to Sonoran pronghorn beyond that distance.</p>

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19, cont.	<p>pronghorn from the Cabeza Prieta NWR. The letter, dated April 4, 2008, states:</p> <p>“I write to express my serious concerns that the project as proposed may significantly impair the likelihood of both the recovery and survival of the Sonoran pronghorn (pronghorn) . . . On March 24, 2008, we hosted an interagency meeting to discuss the planned SBInet project and potential impacts to pronghorn. In attendance were resource specialists representing a wide array of State and Federal agencies. Those in attendance are the most knowledgeable individuals in pronghorn biology and recovery. All of the participants agreed the CBP proposal would result in significant adverse effects to pronghorn. The group determined the project would result in significant adverse effects to pronghorn. The group determined the project would result in lower recruitment of pronghorn fawns in the area and over time, may ultimately lead to the eventual extinction of the species”.</p> <p>While we recognize this letter was in reference to a different proposed SBInet surveillance tower project centered in occupied pronghorn habitat located just west of the Ajo 1 proposed project on the Cabeza Prieta NWR, it nonetheless demonstrates the potential for long-term adverse impacts to pronghorn and the propensity for such projects to reduce the suitability of habitat for Sonoran pronghorn. However, as noted above, the Ajo 1 proposed project is in historic Sonoran pronghorn habitat, and is a connected action to both the Tucson West Project and future SBInet project planned on the Cabeza Prieta NWR.</p> <p>Lastly, indirect effects due to tower avoidance by undocumented migrants and smugglers and the concomitant interdiction activities could result in additional disturbance to this species. Neither the direct nor indirect effects upon the Sonoran pronghorn are sufficiently analyzed in the DEA. For instance, what is the anticipated distance from which direct effects caused by generator noise is anticipated to degrade pronghorn habitat quality?</p>		
20	<p>Therefore, we urge DHS to assess the potential impact of proposed tower and infrastructure development, maintenance and associated interdiction activities upon this imperiled species in conjunction with the USFWS and the AZGFD.</p> <p>Research conducted on the Organ Pipe Cactus National Monument (OPCNM) illustrates the disruptive effects of the border related activities to pygmy-owls at numerous occupied sites at OPCNM (Snyder 2005, Table 1). Snyder (2005) states that the most notable issue at OPCNM “is the increasing drug smuggling, illegal immigrants and law enforcement activity which results in much greater human disturbance to the birds”. The National Park Service (NPS) believes “that cactus ferruginous pygmy-owls within the monument have been subject to repeated disturbance events and some critical habitat degraded as a result of a long-term drought and impacts associated with illegal migration, drug smuggling, and law enforcement interdiction efforts” (Snyder 2005). The Biological Assessment for the</p>	DOW, NPCA & SC	Cactus ferruginous pygmy owl is not a Federally listed species. If the species becomes listed as threatened or endangered, Section 7 consultation with USFWS will be re-initiated to determine the severity of impacts to this species and what if any offsetting or conservation measures should be employed to avoid such impacts.

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20, cont.	<p>vehicle barrier at OPCNM states that, with so many roads sprouting up due to border issues, “. . . crosscountry travel has physically damaged three recently-occupied territories of the endangered cactus ferruginous pygmy-owl.”</p> <p>The potential for the proposed project, including ongoing maintenance, to impact this species and their habitat long-term is a strong likelihood, and as such should not be omitted from the DEA or EIS. Surveys for pygmy-owls should be conducted in the vicinity prior to any construction activities commencing. (Please see discussion under Lesser long-nosed bat section for potential radio frequency and electromagnetic radiation impacts to birds.)</p>		
21	<p>The potential impact of towers for strikes and of radar and electromagnetic frequencies emitted by surveillance and communications towers upon bats and avifauna is only superficially discussed, but not analyzed in the DEA, despite this concern being raised in previous comments (see Defenders of Wildlife comments on Tucson West Project DEA). The potential impact of bird strikes on communication towers and other vertical obstructions is well established in the scientific literature, yet there is no mention of any of these studies in the DEA, more or less any analysis of the anticipated level of impact, species anticipated to be impacted, etc.</p> <p>Animals, such as migratory birds, bats, and certain fish and insects that are strongly dependent on magnetic fields for orientation or migration are likely to be disproportionately impacted by EMF radiation. Nichols and Racry (2007) demonstrated that bat activity is reduced in habitats exposed to electromagnetic radiation when compared with matched sites where no such radiation can be detected: “Bat activity was significantly reduced in habitats exposed to an EMF strength of greater than 2 v/m when compared to matched sites registering EMF levels of zero. The reduction in bat activity was not significantly different at lower levels of EMF strength within 400 m of the radar.” Certain electromagnetic frequencies have been documented to irritate bat’s nervous systems, interfere with communicating and flying – such applications are being considered for applications to deter bats away from areas where conflicts with aviation and wind turbines exist (Nichols and Racey 2007) and have also been used in “pest control” applications. It is clear that the best available science was not thoroughly investigated with regard to this impact in the DEA.</p>	DOW, NPCA & SC	Additional information discussing the potential affects of EMF radiation on migratory birds and bats was added in Sections 3.9.2.2 (second paragraph) and 3.10.4.2 (lesser long-nosed bat) in the Final EA.

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For the Proposed SBInet Ajo-1 Tower Project Ajo Station's Area of Responsibility
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22	Lastly, potential indirect effects upon the endangered desert pupfish, and species petitioned for listing under the ESA (i.e. Acuna cactus and Sonoita mud turtle) – and the habitats that sustain them – are not analyzed in the DEA. Indirect impacts of greatest concern relate to the potential for the presence of towers to redirect illegal traffic and enforcement activities into new areas.	DOW, NPCA & SC	Although illegal traffic may move in response to USBP activities, they can not be quantified because USBP does not know where illegal traffic may move.
23	Assuming the project moves forward, we strongly support the mitigation measures for the Sonoran pronghorn and the lesser long-nose bat as described in the draft finding of no significant impact. Additional mitigation measure should be considered to dampen the noise level from generators to reduce impacts to sensitive species and the wilderness characteristics of the monument.	DOW, NPCA & SC	All of the mitigation measures, conservation measures, and off-setting measures identified in the Final EA and FONSI will be used, as the majority of these measures are also identified in USFWS's BO. Included in these measures are noise reduction measures as identified in sections 3.13.2.2 (Long-Term Noise Emission from Tower Operations) and 5.7, subsection "Sonoran Pronghorn." These measures were identified and developed in coordination with affected Department of Interior agencies and land managers.
24	While the nature of the impacts of remote surveillance towers are likely to be less for terrestrial species than tactical infrastructure such as border walls, there are numerous potential impacts of the proposed Ajo-1 Tower Project that have been ignored, or only briefly mentioned, and may disproportionately impact species of flight. The potential environmental impacts, both direct and indirect, of the proposed action are significant enough both in scale and in terms of their ecologically-sensitive locations, to merit a regional Environmental Impact Statement with alternatives that include various tower array locations and configurations. The minimalist approach DHS has taken, to conduct piecemeal EAs with FONSI on projects to build extensive mileages of border walls vehicle barriers, patrol and access roads, and surveillance towers is unacceptable and is not only in violation of NEPA, it had undermined DHS'/CBP's own ability to comprehend the full magnitude and nature of its numerous actions upon the human environment.	DOW, NPCA & SC	CBP has determined that the analyses of wildlife (Section 3.9) are complete, correct, and adequate for the scope of this proposed project. This Final EA is a comprehensive planning document for activities in the project area within the foreseeable future. CBP has determined that a FONSI is the correct decision document resultant of this Final EA.
25	We urge a formal Section 7 Consultation be initiated to assess, minimize and offset impacts to all of the threatened and endangered species that will potentially be impacted. Many of the conservation/mitigation measures identified in the DEA appear to be salient. However, formal consultation with the USFWS will likely identify other important measures that have not yet been considered in the DEA.	DOW, NPCA & SC	Formal Section 7 consultation (AESO/SE 22410-F-2009-0089 and 22410-1989-0078-R6) has been completed and USFWS issued a BO on December 9, 2009.

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26	Surveillance infrastructure comes with its own set of potential impacts, both direct and indirect, which must be properly assessed and mitigated for. We continue to see the potential for remote surveillance towers to capture information identifying wildlife of conservation concern. This potential benefit to science and wildlife conservation was not addressed in the DEA. We hope that if detected, such information will be shared with wildlife management agencies, researchers and concerned non-governmental organizations. Such information is valuable in building our collective understanding of the occurrence, distribution and movements of wildlife in the remote borderlands region.	DOW, NPCA & SC	Any pronghorn or other significant wildlife sightings captured by the surveillance technology will be shared with USFWS, AZGFD, and OPCNM.



Defenders of Wildlife * National Parks Conservation Association * Sierra Club

October 10, 2009

Submitted by **fax to: (225) 761-8077** (Attention: Mr. Howard Nass)

Ms. Patience E. Patterson
RPA, US. Department of Homeland Security
SBIInet Program Management Office
1901 S. Bell Street, Room 7-090
Arlington, VA 22202

RE: Draft Environmental Assessment for Proposed SBIInet Ajo-1 Tower Project, U.S. Border Patrol, Tucson Sector

To Whom It May Concern:

Please accept the following comments on the Draft Environmental Assessment (DEA) for the Department of Homeland Security's ("DHS") Proposed SBIInet Ajo-1 Tower Project, U.S. Border Patrol, Tucson Sector.

Defenders of Wildlife (Defenders) is a national, not-for-profit conservation organization with over 522,000 members, including more than 16,500 members and activists that reside in Arizona. Defenders is dedicated to the protection of all native wild animals and plants in their natural communities. With offices throughout the United States as well as in Canada and Mexico, we work to protect and restore North America's native wildlife, safeguard habitat, resolve conflicts, work across international borders and educate and mobilize the public. Defenders has a long history of proactive work on public lands and border policy along the U.S.-Mexico border, and thus are uniquely positioned to substantively engage on the challenging issue of safeguarding irreplaceable natural and cultural resources while also securing our southern boundary.

Founded in 1892, the Sierra Club is the oldest and largest conservation organization in the United States, with over 1.3 million members and supporters, including 12,000 here in Arizona. The purposes of the Sierra Club are to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives. We have been campaigning with a specific focus on the protection and preservation of the U.S.-Mexico borderlands in southern Arizona since 2006, and our

nationally-organized Borderlands Team works to educate lawmakers, members, and the public at large about border environmental issues.

National Parks Conservation Association (NPCA) has for more than 85 years worked to protect and enhance America's National Park System for present and future generations. With 325,000 members nationwide and 8,000 in Arizona, NPCA acts as the catalyst, leader, and advocate of a national parks movement to protect these special places and improve the visitor experience.

INTRODUCTION

While the physical footprint of remote surveillance towers and access roads is significantly less than that of border walls and high-speed patrol roads, they do have their own unique set of impacts. Their level of impact to sensitive resources and species will depend upon the locations of the towers, how Border Patrol operations are conducted on the ground, and, most importantly, the level of environmental planning, assessment, and mitigation undertaken by DHS.

Given the size and scope of the Ajo-1 Tower Project, and its proximity to the Organ Pipe Cactus National Monument (OPCNM) and the sensitive species and resources therein, it is necessary to conduct a full Environmental Impact Statement (EIS) in accordance with the process established under the National Environmental Policy Act (NEPA). The waiver of 36 federal laws, including NEPA, issued April 1, 2008, by former DHS Secretary Chertoff, applies only to barriers and roads. Therefore, the Ajo-1 Tower Project and its associated infrastructure must be subject to the NEPA process and a full EIS must be produced.

The DEA of the Ajo-1 Tower Project fails to address the issue of operations, which is of primary importance to the mitigation of impact to the resources of OPCNM. For the Ajo-1 Tower Project to function in a manner compatible with the preservation of these resources, it must be demonstrated that the project will allow for the reduction of operational impacts to the OPCNM by shifting the field of operational engagement elsewhere. Operational impacts, including cross-country driving, abuse of off-road vehicles, disturbance of sensitive resources, etc, may be reduced if the field of operations is shifted beyond the bounds of the OPCNM. Examples within the bounds of OPCNM include: crossers are deterred from crossing the border at all, crossers are apprehended closer to the border, crossers are tracked to a location (such as a road) where their apprehension can occur with minimal impact to the OPCNM. Furthermore, successful operation of this system should reduce the overall need for operational manpower, specifically at the operational outpost currently located at Bates Well but scheduled for relocation to the Cabeza Prieta National Wildlife Refuge/OPCNM border.

Given that the proposed tower locations will be permanent in nature, it is imperative that the sites are carefully selected to minimize foreseeable impacts, and that further research is done to assess the nature of these impacts, especially in wildland settings. Formal consultation with the U.S. Fish and Wildlife Service (USFWS) regarding impacts to threatened and endangered species is required by the Endangered Species Act, and should have been conducted prior to the release of a DEA.

The Endangered Species Act was enacted to stop the extinction of species and to provide a "means whereby the ecosystems upon which endangered species and threatened species depend may be conserved ... [and] to provide a program for the conservation of such endangered species and

threatened species”(16 U.S.C. § 1531(b). Section 2(c) of the ESA establishes that it is “the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act.”(16 U.S.C. § 1531(c)(1). The ESA defines “conservation” to mean “the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary.” 16 U.S.C. § 1532(3).

To ensure federal agencies fulfill the substantive purposes of the ESA section 7, the statute requires that they engage in consultation with the Services to “insure that any action authorized, funded, or carried out by such agency ... is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the adverse modification of habitat of such species ... determined ... to be critical” (16 U.S.C. § 1536(a)(2) (“section 7 consultation”).

Section 7 consultation is required for “any action [that] may affect listed species or critical habitat.” (50 C.F.R. § 402.14). Under the ESA’s implementing regulations, an agency “action” means “all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas. Examples include, but are not limited to ... (d) actions directly or indirectly causing modifications to the land, water, or air.” (50 C.F.R. § 402.02). Through section 7 consultation, FWS determines whether a federal agency’s action is likely to jeopardize terrestrial species or their critical habitats. This determination is made after FWS completes a biological assessment, biological opinion, or in some cases, both. If the biological opinion concludes that the agency’s action is likely to jeopardize a species, then it may specify reasonable and prudent alternatives that will avoid jeopardy and allow the agency to proceed with the action.

Valuable information that would have been generated from a Biological Assessment and Biological Opinion is currently not available to inform our collective understanding of potential impacts to threatened and endangered species by the proposed action.

Road improvement and maintenance should be planned and engineered for sustainable use in operation and maintenance of the towers, so that increased traffic on what are currently old ranch roads does not result in further damage at wash crossings, erosion and sedimentation problems.

Our review of the DEA has led us to conclude that it is unlawfully narrow because it fails to thoroughly consider any action alternatives of the various tower array configurations. In addition, the DEA provides a very shallow analysis of cumulative and synergistic effects of the proposed action and other ongoing border security infrastructure projects in the project area. The piecemeal Environmental Assessments completed by DHS/CBP in southern Arizona have been inadequate to assess the collective impacts of these related and other foreseeable federal actions. Importantly, this DEA does not analyze, but rather merely mentions, the predictable redirection of illegal activities into adjacent lands resulting from construction of surveillance tower arrays; nor does it properly examine the cumulative impacts of such infrastructure upon sensitive species, or the impacts due to the introduction and colonization of invasive vegetation resulting from extensive land disturbance and construction activities. We continue to argue that conducting a regional Environmental Impact

Statement for all SBI net “tactical infrastructure” is the only appropriate course of action if DHS desires to comply with the National Environmental Policy Act (NEPA).

A REGIONAL ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED

Because the DEA fails to adequately disclose and analyze the proposed project’s anticipated effects to wildlife and natural resources, nor does it adequately assess reasonable alternatives and cumulative impacts from ongoing and related border security infrastructure projects, we conclude that a regional Environmental Impact Statement (EIS) that includes a lawful analysis of environmental impacts and alternatives is required. This proposed federal project warrants a much more detailed analysis than is provided in the DEA.

Despite some thoughtful conservation measures, a “Finding of No Significant Impact” is not appropriate given the scale of the project and the ecologically sensitive areas that will be directly and indirectly impacted. In addition, there are several glaring omissions with regard to threatened and endangered species that must be addressed. These deficiencies indicate a need for a significantly more detailed analysis generally not afforded by Environmental Assessments.

As such, the DEA does not inadequately consider nor disclose the potential environmental impacts of the proposed actions within the Ajo-1 Tower Project area. Among other flaws, the DEA fails to consider adequately impacts on sensitive wildlife, which is elaborated upon within these comments. Furthermore, the DEA has failed to consider the likely and foreseeable cumulative impacts that the proposed construction will have, especially when taken together with other proposed and constructed walls, fences, barriers, and related infrastructure along the U.S.-Mexico border in the State of Arizona, on sensitive wildlife and other natural resources in the region that are collectively a part of the ongoing and rapid DHS tactical infrastructure build-up, of which this project is a part. The arbitrary segmentation of concurrent border security infrastructure projects is in violation of NEPA.

A REASONABLE RANGE OF ALTERNATIVES HAS NOT BEEN CONSIDERED

The National Environmental Policy Act (“NEPA”) requires a discussion of the “alternatives to the proposed action.” 42 U.S.C. §§ 4332(C)(iii),(E). This alternatives analysis is “the heart” of the NEPA process, and is intended to provide a “clear basis for choice among options by the decision maker and the public.” 40 C.F.R. 1502.14; *Citizens for a Better Henderson v. Hodel*, 768 F.2d 1051, 1057 (9th Cir. 1985) (EIS must consider “every” reasonable alternative). An agency’s failure to consider a reasonable alternative is thus fatal to its NEPA analysis of a proposed action. See *Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1519-20 (9th Cir. 1992) (“The existence of a viable, but unexamined alternative renders an environmental impact statement inadequate.”); *Forty Most Asked Questions Concerning CEQ’s NEPA Regulations*, 48 Fed. Reg. 18,026 (March 16, 1981) (“In determining the scope of alternatives to be considered, the emphasis is on what is ‘reasonable’ rather than on whether the proponent or applicant likes or is itself capable of carrying out the particular alternative. Reasonable alternatives include those that are practical or feasible from a technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.”).

Rather than presenting a purpose and need statement that reflects the larger goal of improving border security, and then evaluating different means to achieve that goal, DHS in this case has instead defined "construction of technological infrastructure" itself as the goal. The Proposed Finding of No Significant Impact states: "Two alternatives were considered: No Action Alternative, and Proposed Action Alternative. Other alternatives considered but rejected and not further analyzed in this EA were the use of: Unmanned air vehicles; Remote sensing satellites; Unattended ground sensors; Increased workforce; and Increased aerial reconnaissance/operations." However, because the DEA does not evaluate alternatives with various surveillance tower site locations and configurations, there is not an action alternative to compare the preferred alternative against. Thus, the DEA has completely failed to develop or analyze the range of reasonable alternatives, which is required by NEPA. We encourage DHS to consider alternative locations of towers proposed in and adjacent to threatened and endangered designated critical habitat, roadless areas, wilderness areas, known nesting sites, etc. We appreciate the apparent effort to locate certain towers along existing roads and impacted areas to minimize the need for new road construction.

CUMULATIVE EFFECTS HAVE NOT BEEN SUFFICIENTLY ANALYZED

In determining the proper scope of a NEPA analysis, federal agencies must broadly consider the environmental impacts of their actions and related actions. Federal agencies must not only review the direct and indirect impacts of their actions, but also analyze the cumulative impacts. Indirect effects are those "caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable." (40 C.F.R. § 1508.8(b)). Cumulative impacts include impacts of "other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." (40 C.F.R. § 1507).

Despite an effort to catalog various DHS and other foreseeable agency projects in the project area, the DEA falls short of **analyzing the cumulative effects** of these projects. In other words, the laundry list of projects catalogued does not provide the project proponent or the public with enough information to understand how these projects have additive, synergistic and cumulative impacts upon the human environment and the sensitive ecology of the Sonoran Desert and Sky Island mountain ranges where the project is proposed. For instance, how are surveillance towers, in conjunction with hundreds of miles of newly constructed walls and vehicle barriers anticipated to impact illegal activities, habitat suitability and cross-border habitat connectivity, etc.? How are surveillance towers, and the information they gain, anticipated to impact the location, frequency and duration of enforcement activities in the surrounding areas? If the location of towers pushes traffic deeper into mountain and canyon country, this indirect impact will be almost immediate and have severe consequences for ecologically sensitive areas. On the other hand, if surveillance towers and enforcement activities effectively act as deterrents to illegal entry, it is possible some of these impacts could be beneficial not only for security, but to wildlife habitat. However, without an analysis of what can be reasonably anticipated, project proponents are left without sufficient information to inform their decisions.

NEPA requires federal agencies proposing to undertake comprehensive actions for development of a region, or proposing to undertake a series of related actions within a region that will have cumulative and synergistic impacts on the environment, to consider and disclose the environmental impacts of such actions in a comprehensive EIS. If DHS fails to prepare a comprehensive EIS that

analyzes and discloses the individual, cumulative and synergistic impacts of these interrelated projects, it will be in violation of NEPA.

A SPECIAL AREA REQUIRES SPECIAL CONSIDERATION

Organ Pipe Cactus National Monument (OPCNM) was established by Presidential Proclamation in 1937 to preserve approximately 330,689 acres of Sonoran Desert for the public interest. In 1978, 312,600 acres of the monument was designated as wilderness by Congress. The National Park Service has recently described their strategic purpose at OPCNM “is to manage the monument in accordance with the National Park Service Organic Act and to:

- Perpetuate for future generations a representative sample of the natural and cultural resources of the Sonoran Desert and provide for public understanding, safe use, and enjoyment of the same.
- Serve as a natural laboratory for understanding and managing the Sonoran Desert ecosystem.
- Serve as a baseline indicator against which environmental changes can be identified.
- Preserve for future use and enjoyment the character and values of the designated wilderness.
- Preserve objects of historic and scientific interest including Historic Landmarks.
- Prohibit the taking injuring, or destroying of any park feature and establishment of homesteads.
- Allow for the cactus fruit harvest by O’odham nation.
- Provide for a public water reserve at Quitobaquito.
- Manage a 60-ft right of way along the international boundary.” (NPS 2007)

The National Park Service Organic Act mandates that NPS “shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” (16 U.S.C. 1 2 3, and 4).

An Environmental Assessment is inadequate to inform federal decision-makers of the impacts of a project as significant as this tower project on the resources of a National Monument -- another reason why a full Environmental Impact Statement should be prepared.

ANALYSIS OF POTENTIAL IMPACTS TO THREATENED AND ENDANGERED SPECIES IS INADEQUATE

Despite the importance of the large project area to a diversity of plants and other organisms, the DEA’s analysis of potential impacts to them by construction of the proposed surveillance towers and supporting infrastructure is insufficient. This is in part because DHS has chosen to conduct a lesser Environmental Assessment instead of beginning with a more thorough Environmental Impact Statement. This is especially apparent with respect to the DEA’s analysis of impacts on special status species, including species listed as threatened or endangered pursuant to the Endangered Species Act (“ESA”).

By its nature, the impact of the proposed project will extend well beyond the confines of the footprint of the surveillance towers and supporting access infrastructure. First, the predictable re-direction of illegal activities away from the towers is discussed, but not analyzed. Second, an increase of enforcement activities within the visible range of the surveillance towers in response to the real-time information they obtain is discussed, but not analyzed. Third, the long-term impacts and disturbance from noise, lights, maintenance, and interdiction activities upon wildlife and habitat quality briefly discussed, but not analyzed. The fact that all of these impacts have been noted in the DEA, but not analyzed so as to provide the project proponent or the public sufficient quantitative information regarding the nature and severity of such impacts, is further evidence that the DEA is insufficient and should have triggered an Environmental Impact Statement to be conducted. Expediency simply cannot be equated with compliance.

Threatened, Endangered and Imperiled Species:

Sonoran pronghorn

The Sonoran pronghorn (*Antilocapra americana sonoriensis*) is one of the most endangered land mammals in North America. The historic range of the Sonoran pronghorn is well within the DEA project area. While the current range of the extant population in the U.S. lies to the west of the project area, there is indeed potential pronghorn habitat and the potential for pronghorn to expand their range into the project area as the extant pronghorn population recovers in numbers. Therefore, formal consultation with the USFWS is necessary. Pronghorn are particularly sensitive to human disturbance, including noise and activity associated with maintenance vehicles, military aircraft and machines such as generators that will be used to power the surveillance towers. A study conducted from 1994-1998 found that "In general, pronghorn used areas with lower levels of noise (<45 decibels [dB]) more than expected and areas with higher levels (≥ 55 dB) less than expected" (Landon et al. 2003).

The USFWS has expressed serious concern with regard to the potential adverse impacts from new surveillance towers in the region, particularly from the disturbance associated with tower generator noise, and from disturbance associated with regular maintenance activities. In fact, a letter sent from USFWS Regional Director Benjamin Tuggle to Executive Director of SBI Gregory Giddens, stated unequivocally that the anticipated disturbance associated with proposed towers -- in particular noise and disturbance -- could potentially extirpate Sonoran pronghorn from the Cabeza Prieta NWR. The letter, dated April 4, 2008, states:

"I write to express my serious concerns that the project as proposed may significantly impair the likelihood for both the recovery and survival of the Sonoran pronghorn (pronghorn)...On March 24, 2008, we hosted an interagency meeting to discuss the planned SBINet project and potential impacts to pronghorn. In attendance were resource specialists representing a wide array of State and Federal agencies. Those in attendance are the most knowledgeable individuals in pronghorn biology and recovery. All of the participants agreed the CBP proposal would result in significant adverse effects to pronghorn. The group determined the project would result in lower recruitment of pronghorn fawns in the area and over time, may ultimately lead to the eventual extinction of the species".

While we recognize this letter was in reference to a different proposed SBInet surveillance tower project centered in occupied pronghorn habitat located just west of the Ajo 1 proposed project on the Cabeza Prieta NWR, it nonetheless demonstrates the potential for long-term adverse impacts to pronghorn and the propensity for such projects to reduce the suitability of habitat for Sonoran pronghorn. However, as noted above, the Ajo 1 proposed project is in historic Sonoran pronghorn habitat, and is a connected action to both the Tucson West Project and future SBInet project planned on the Cabeza Prieta NWR.

Lastly, indirect effects due to tower avoidance by undocumented migrants and smugglers and the concomitant interdiction activities could result in additional disturbance to this species. Neither the direct nor indirect effects upon the Sonoran pronghorn are sufficiently analyzed in the DEA. For instance, what is the anticipated distance from which direct effects caused by generator noise is anticipated to degrade pronghorn habitat quality?

Cactus ferruginous pygmy-owl

The Cactus ferruginous pygmy-owl (pygmy-owl) (*Glaucidium ridgwayi cactorum* - proposed reclassification) is an imperiled species found in the project area. This species was listed as an endangered species in 1997 and was delisted in 2006. The decision to delist the pygmy owl has been appealed to the Ninth Circuit Court of Appeals and is currently pending. The pygmy owl was not delisted because it had been “recovered”, but rather based upon legal technicalities. Since being delisted, this species has continued to decline throughout its range due to prolonged drought (Flesch 2008), development of its habitat, and numerous other threats. Concurrent with pending legal challenges to the delisting, the pygmy owl has been petitioned for relisting based upon new taxonomic information (Proudfoot et al. 2006), classifying the pygmy-owl occurring in the project area as *Glaucidium ridgwayi cactorum*, as well as new threats such as border security infrastructure that has been constructed since delisting. The status of the pygmy-owl is currently being reviewed by the USFWS this year. There is a strong likelihood this species will be re-listed as an endangered species. This decision may even be made prior to construction beginning on the proposed SBInet project.

Therefore, we urge DHS to assess the potential impact of proposed tower and infrastructure development, maintenance and associated interdiction activities upon this imperiled species in conjunction with the USFWS and the AZGFD.

Research conducted on the Organ Pipe Cactus National Monument (OPCNM) illustrates the disruptive effects of border related activities to pygmy-owls at numerous occupied sites at OPCNM (Snyder 2005, Table 1). Snyder (2005) states that the most notable issue at OPCNM “is the increasing drug smuggling, illegal immigrants and law enforcement activity which results in much greater human disturbance to the birds”. The National Park Service (NPS) believes “that cactus ferruginous pygmy-owls within the monument have been subject to repeated disturbance events and some critical habitat degraded as a result of a long-term drought and impacts associated with illegal migration, drug smuggling, and law enforcement interdiction efforts” (Snyder 2005). The Biological Assessment for the vehicle barrier at OPCNM states that, with so many roads sprouting up due to border issues, “... crosscountry travel has physically damaged three recently-occupied territories of the endangered cactus ferruginous pygmy-owl.”

The potential for the proposed project, including ongoing maintenance, to impact this species and their habitat long-term is a strong likelihood, and as such should not be omitted from the DEA or EIS. Surveys for pygmy-owls should be conducted in the vicinity prior to any construction activities commencing. (Please see discussion under Lesser long-nosed bat section for potential radio frequency and electromagnetic radiation impacts to birds.)

Lesser long-nosed bat

The potential impact of towers for strikes and of radar and electromagnetic frequencies emitted by surveillance and communications towers upon bats and avifauna is only superficially discussed, but not analyzed in the DEA, despite this concern being raised in previous comments (see Defenders of Wildlife comments on Tucson West Project DEA). The potential impact of bird strikes on communication towers and other vertical obstructions is well established in the scientific literature, yet there is no mention of any of these studies in the DEA, more or less any analysis of the anticipated level of impact, species anticipated to be impacted, etc.

Animals, such as migratory birds, bats, and certain fish and insects that are strongly dependent on magnetic fields for orientation or migration are likely to be disproportionately impacted by EMF radiation. Nichols and Racey (2007) demonstrated that bat activity is reduced in habitats exposed to electromagnetic radiation when compared with matched sites where no such radiation can be detected: "Bat activity was significantly reduced in habitats exposed to an EMF strength of greater than 2 v/m when compared to matched sites registering EMF levels of zero. The reduction in bat activity was not significantly different at lower levels of EMF strength within 400 m of the radar." Certain electromagnetic frequencies have been documented to irritate bat's nervous systems, interfere with communicating and flying – such applications are being considered for applications to deter bats away from areas where conflicts with aviation and wind turbines exist (Nichols and Racey 2007) and have also been used in "pest control" applications. It is clear that the best available science was not thoroughly investigated with regard to this impact in the DEA:

"Though greater research is required to have a better understanding of the effects of RF energy on the avian brain, the potential effects on passing birds is expected to be negligible as well. Any disorientating effect, if experienced, would be temporary and would occur only at close distances to the antennas....the RF environment created by the installation, operation and maintenance of the communication and radar systems on the proposed towers would have a long-term, negligible adverse impact on observatories, human safety or the natural and biological environment." (DEA pg. 188).

This statement makes two unsubstantiated assumptions: 1) birds and/or bats will always be "passing" and will not perch or otherwise encounter surveillance towers and 2) that the impact would be temporary. Thus, the claim of insignificance is equally unsubstantiated. Several studies in the past four decades shed some light on potential impacts related to EMF, but the impacts of the proposed action must analyze the potential impacts given the context of the proposed equipment, site locations, species, etc. The following are a few examples: Bigu (1973): "Interaction of electromagnetic fields and living systems with special reference to birds." In this study, the mortality rate of the radiated colony was almost double that of the control colony. Tanner (1969) "Effects of microwave radiation on Parakeets in Flight". The results obtained in this experiment indicates that

microwave radiation has an aversive effect on birds in flight comparable to that previously observed in caged birds. Kleinhaus et al. (1995) "Thermal Effects of Short Radio Waves on Migrating Birds". This study concluded that large birds landing on antenna structures might become vulnerable to overheating, but it is likely that these birds would depart rather than remain where they are uncomfortably hot.

One of the few scientific review articles published on the environmental impacts of electromagnetic frequencies is not even mentioned in the DEA: "Health and safety implications of exposure to electromagnetic fields in the frequency range 300 Hz to 10 MHz. (Litvak, Foster and Repacholi 2002). Furthermore, much information in the gray literature, specifically in other Environmental Assessments and Environmental Impact Statements for communication towers and other vertical obstructions such as wind turbines, are not referenced in the DEA at all. This leads us to conclude that the DEA is sorely insufficient with regard to assessing the impacts of communication and surveillance towers, emitting various EMF frequencies, most of which are proposed to be located in sensitive wildland environments. Most importantly, the DEA fails to include any information regarding the EMF or RF energy **strength** of the proposed tower's equipment, which is a key determinant in assessing the level and proximity within which the environment will be impacted for sensitive species.

There is one reference to a "safe operating distance for these systems (*i.e.*, 17 feet)", but the basis for this is distance is not quantified, nor substantiated. While humans and terrestrial animals will likely stay out of this proximity due to fences and the height of equipment, both birds and bats will almost certainly come within 17 feet of tower equipment on a regular basis. Given that such little research has been done to quantify impacts of such invisible emissions upon birds and bats, and the one and only attempt to substantiate the above claim of insignificance is based upon a workshop presentation given nearly a decade ago "Beason (1999)" (not a peer-reviewed journal article), the statement that the proposed towers would not result in significant adverse impacts to the biological environment is baseless. This "invisible" potential impact merits further scientific study, which should be funded by DHS and cooperating agencies via mitigation money, and highlights the importance of locating towers well away from known avian nests, flyways, bat roosts and foraging areas.

Lastly, potential indirect effects upon the endangered desert pupfish, and species petitioned for listing under the ESA (*i.e.* Acuna cactus and Sonoyta mud turtle) – and the habitats that sustain them – are not analyzed in the DEA. Indirect impacts of greatest concern relate to the potential for the presence of towers to redirect illegal traffic and enforcement activities into new areas.

MITIGATION MEASURES

Assuming the project moves forward, we strongly support the mitigation measures for the Sonoran pronghorn and the lesser long-nose bat as described in the draft finding of no significant impact. Additional mitigation measure should be considered to dampen the noise level from generators to reduce impacts to sensitive species and the wilderness characteristics of the monument.

CONCLUSION

While the nature of the impacts of remote surveillance towers are likely to be less for terrestrial species than tactical infrastructure such as border walls, there are numerous potential impacts of the proposed Ajo-1 Tower Project that have been ignored, or only briefly mentioned, and may disproportionately impact species of flight. The potential environmental impacts, both direct and indirect, of the proposed action are significant enough both in scale and in terms of their ecologically-sensitive locations, to merit a regional Environmental Impact Statement with alternatives that include various tower array locations and configurations. The minimalist approach DHS has taken, to conduct piecemeal EAs with FONSI on projects to build extensive mileages of border walls vehicle barriers, patrol and access roads, and surveillance towers is unacceptable and is not only in violation of NEPA, it has undermined DHS'/CBP's own ability to comprehend the full magnitude and nature of its numerous actions upon the human environment.

We urge a formal Section 7 Consultation be initiated to assess, minimize and offset impacts to all of the threatened and endangered species that will potentially be impacted. Many of the conservation/mitigation measures identified in the DEA appear to be salient. However, formal consultation with the USFWS will likely identify other important measures that have not yet been considered in the DEA.

Surveillance infrastructure comes with its own set of potential impacts, both direct and indirect, which must be properly assessed and mitigated for. We continue to see the potential for remote surveillance towers to capture information identifying wildlife of conservation concern. This potential benefit to science and wildlife conservation was not addressed in the DEA. We hope that if detected, such information will be shared with wildlife management agencies, researchers and concerned non-governmental organizations. Such information is valuable in building our collective understanding of the occurrence, distribution and movements of wildlife in the remote borderlands region.

Sincerely,

Matt Clark
Southwest Representative
Defenders of Wildlife
110 S. Church Ave. #4292
Tucson, AZ 85701

Kevin Dahl
Arizona Program Manager
Nat'l Parks Conservation Assoc.
738 N. Fifth Ave, #222
Tucson, AZ 85705

Dan Millis
Borderlands Campaign Organizer
Sierra Club
738 N. 5th Ave, #214
Tucson, AZ 85705

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United States Department of the Interior

NATIONAL PARK SERVICE
Environmental Quality Division
P.O. Box 25287
Denver, CO 80225-0287

IN REPLY REFER TO:

ELECTRONIC TRANSMISSION ONLY – NO HARD COPY TO FOLLOW
October 9, 2009

(2310)

Mr. David C. Guzewich
Director, Environmental Planning and Real Estate Center
Facilities Management and Engineering
Border Patrol Program Management Office
1300 Pennsylvania Avenue, NW, Room 7.2C
Washington, DC 20229

Subject: Draft Environmental Assessment for the Proposed SBInet Ajo-1 Tower Project, September 2009

The National Park Service (NPS) has reviewed the Department of Homeland Security's Draft Environmental Assessment for the proposed SBInet Ajo-1 Tower Project and respectfully submits the comments below, organized by subject.

Indirect benefits of enhanced detection – The NPS recognizes that it is the intent of Customs and Border Protection (CBP) to strive to minimize and reduce the level of cross border violators (CBV) and corresponding CBP off-road vehicle use in wilderness, in part by leveraging the tactical advantage of enhanced CBV detection capabilities of the proposed action and by planning for and using wilderness-friendly interdiction techniques when appropriate. The analysis repeatedly calls out indirect benefits that would result from enhanced detection capabilities associated with the proposed action. The analysis does not, however, quantify the extent to which CBV traffic and CBP traffic can reasonably be expected to be reduced. The NPS requests such a quantitative discussion that describes the anticipated reduction in off-road travel and the time frame in which these reductions are expected.

The NPS also recognizes the need for a monitoring strategy to assess whether anticipated benefits to resources do, in fact, occur following project implementation. The NPS encourages CBP to participate in the development and implementation of such a strategy. Similarly, the NPS encourages CBP to set a timeline for developing and implementing standard operating procedures (SOP) for agents operating in wilderness that will help to accomplish the important project objective of resource benefits.

Engineering study – The analysis relies heavily on the assertion that the proposed engineering study will be completed and will yield mitigation measures that will be implemented. The NPS requests that the analysis more fully disclose the impacts that will occur in the intervening time between Ajo-1 Tower Project initiation and the completion of anticipated future road upgrades. The NPS also requests that CBP develop a plan and schedule for road upgrades so that it can understand when impacts from road-related activities and use will be reduced.

Wilderness – The analysis of the wilderness resource examines impacts to views from designated wilderness but does not account for impacts on other wilderness characteristics defined by the Wilderness Act, such as opportunities to experience solitude, unconfined recreation, and naturalness. The NPS requests that the analysis discuss the impacts of the project, including both the presence of the towers and their monitoring functions, on such wilderness characteristics.

Soils and Geology – The analysis describes impacts to 18.8 acres of soils but fails to indicate that the project will consist of numerous linear road features distributed over a large geographic area with impacts that will be different and more difficult to mitigate than those on a single site. The NPS requests that the analysis be modified to reflect this fact.

The NPS requests that the document be modified to indicate that described erosion hazard classifications are for *undisturbed* soils and that BMPs will not be sufficient to mitigate impacts of the access route to Tower TCA-AJO-310.

The NPS requests that the document indicate that erosion, once triggered on Antho, Gilman, and Laveen soils, would progress for many decades.

Floodplains – The document states that road construction or improvements will cross 69 washes. The NPS requests that the analysis more clearly describe the impacts to these drainages and floodplains.

The NPS requests that the analysis specifically discuss the impacts of Tower TCA-AJO-310 on floodplains. The southern section of the access route passes through soils that are susceptible to erosion and there are signs of floodplain instability from current and previous disturbances.

Cumulative impacts – The NPS requests that the impacts of past, present, and reasonably foreseeable future expansions of CBP agents working in the project area be more explicitly accounted for in the cumulative impacts analysis. The NPS requests that the cumulative impacts analysis more thoroughly discuss the impacts of off-road and on-road CBP traffic on NPS resources including soils, hydrology, vegetation, wildlife and wildlife habitat, floodplains, and cultural resources.

The NPS requests that the cumulative impacts analysis be expanded to include discussion of cumulative impacts on wilderness and hydrology, as these topics are not addressed in the cumulative impacts section of the document.

If you have any questions regarding the above comments or require clarification, please contact Thomas Flanagan of my staff at (303) 969-2691.

/s/ Tammy Whittington

Cc: NPS - ORPI (Baiza, Sturm)
NPS – EQD (Flanagan)
NPS – IMR (Snyder, Joss, Girard)
BLM (Pedrick)

Ajo Copper News

Hollister David, Publisher
Gabrielle David, Editor
Michelle Pacheco, Office Manager

P. O. Box 39 • Ajo, Arizona 85321
Phone (520) 387-7688
FAX (520) 387-7505

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

Hollister David deposes and says that he is the publisher of the *Ajo Copper News*, a weekly newspaper of general circulation and established character, published weekly at Ajo, Pima County, Arizona, and that

**NOTICE OF AVAILABILITY DRAFT
ENVIRONMENTAL ASSESSMENT (EA) AND
PROPOSED FINDING OF NO SIGNIFICANT
IMPACT (FONSI) FOR THE PROPOSES SBInet
AJO-1 STATION TOWER PROJECT, AJO
STATION'S AREAS OF RESPONSIBILITY, U.S.
BORDER PATROL, TUCSON, SECTOR**

a correct copy of which is attached to this affidavit, was published in the said *Ajo Copper News* every week in the newspaper proper and not in a supplement for

Publ. September 9, 16, 23, 2009



Hollister David, Publisher,
Ajo Copper News

Sworn to and subscribed before me, a Notary Public in and for the County of Pima, Arizona, this **23** day of **September, 2009**.



Notary Public



NOTICE OF AVAILABILITY

DRAFT ENVIRONMENTAL ASSESSMENT (EA) AND PROPOSED FINDING OF NO SIGNIFICANT IMPACT (FONSI) FOR THE PROPOSED SBInet AJO-1 STATION TOWER PROJECT, AJO STATION'S AREAS OF RESPONSIBILITY, U.S. BORDER PATROL, TUCSON SECTOR

U.S. Customs and Border Protection (CBP), a component of the Department of Homeland Security (DHS), announces the availability of and invites public comments on a draft Environmental Assessment (EA) for the proposed SBInet Ajo-1 Tower Project. Pursuant to the National Environmental Policy Act (NEPA) of 1969, 42 United States Code (U.S.C.) 4321 *et seq.*, CBP has prepared the draft EA and proposed FONSI to identify and assess the potential impacts associated with the proposed siting, construction, operation, and maintenance of sensor and communications towers, and supporting infrastructure components within the Tucson Sector. The location for the Proposed Action, which is known as the SBInet Ajo-1 Tower Project, is approximately 30 linear miles of the U.S.-Mexico International Border within the Tucson Sector, Arizona.

The draft EA will be available beginning September 11, 2009 and was prepared in accordance with CBP's obligations under NEPA, the Council on Environmental Quality (CEQ) implementing regulations at 40 Code of Federal Regulations (CFR) Parts 1500-1508, and DHS Management Directive 5100.1 (Environmental Planning Program). Copies of the draft EA and proposed FONSI can be downloaded from the project website at www.cbp.gov/sbi under the link *SBI NEPA Documents for Public Review and Comment*. Additionally, copies will be available in the following libraries for public review:

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(520) 383-0032

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1221 N. Central Avenue
Phoenix, AZ 85004
(602) 262-4636

Pursuant to the NEPA regulations, CBP invites public participation in the NEPA process. The public may participate by reviewing and submitting comments on the draft EA. The public may submit comments by one of three methods described below. CBP will consider all applicable and pertinent comments submitted during the public comment period, and subsequently will prepare the final EA. CBP will announce the availability of the final EA and FONSI.

Comments on the draft EA should be received no later than October 10, 2009. Please use only one of the following methods:

- (1) By Email to: TUCCOP@cbp.dhs.gov.
- (2) By mail to: Ms. Patience E. Patterson, RPA, U.S. Department of Homeland Security, SBInet Program Management Office, U.S. Customs and Border Protection, Headquarters, 1300 Pennsylvania Avenue, NW, Room 7.5C-104, Washington, D.C. 20229.
- (3) By fax to: (225) 761-8077 (Attention: Mr. Howard Nass).

When submitting comments, please include your name and address, and identify your comments as being for the SBInet Ajo-1 Tower Project draft EA. To request a hard copy of the draft EA, please use one of the aforementioned contact methods.

TUCSON NEWSPAPERS

Tucson, Arizona

STATE OF ARIZONA)
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Debbie Capanear, being first duly sworn deposes and says: that she is the Legal Advertising Representative of TNI PARTNERS, commonly known as TUCSON NEWSPAPERS, a General Partnership organized and existing under the laws of the State of Arizona, and that it prints and publishes the Arizona Daily Star, a daily newspaper printed and published in the City of Tucson, Pima County, State of Arizona, and having a general circulation in said City, County, State and elsewhere, and that the attached

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was printed and published correctly in the entire issue of the said Arizona Daily Star on each of the following dates, to-wit:

SEPTEMBER 11, 2009

Debbie Capanear (handwritten signature)

Subscribed and sworn to before me this 5 day of OCT, 2009

Notary Public (handwritten signature)



Sandra H. Valdez
Notary Public - Arizona
Pima County
Expires 12/15/09

My commission expires

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Publish September 11, 2009
Arizona Daily Star

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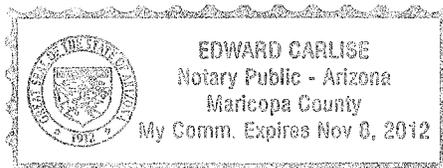
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The Arizona Republic

September 11, 2009

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Notary Public



**U.S. Customs and
Border Protection**

Pima County Board of Supervisors
Pima County
130 West Congress Street
11th Floor
Tucson, Arizona 85701

SUBJECT: Draft Environmental Assessment and Proposed Finding of No Significant Impact for the Proposed SBInet Ajo-1 Tower Project, Ajo Station's Area of Responsibility, U.S. Border Patrol Tucson Sector, Arizona

Pima County Board of Supervisors:

Enclosed for your review and comment is the above referenced document. The 30-day review period begins on September 11, 2009 and ends on October 10, 2009. U.S. Customs and Border Protection (CBP) has prepared the draft EA to identify and assess the potential impacts associated with the proposed siting, construction, operation, and maintenance of sensor and communication towers; vehicles; supporting infrastructure components; and technological improvements to existing facilities for CBP along approximately 30 miles of the U.S./Mexico international border, within the Tucson Sector, Arizona (the Proposed Action).

The purpose of the Proposed Action is to provide the most efficient technologies to CBP personnel to assist in their mission of securing the Nation's borders. This technology provides 24-hour, year-round surveillance capability via sensors guided by a command and control system that monitors the border continuously, enabling US Border Patrol (USBP) agents to detect, identify and classify illegal entry attempts into the United States. With the accurate information from this technology, USBP agents have more options about how and when they will respond to incursions.

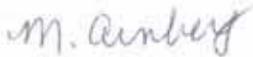
The draft EA was prepared in compliance with provisions of the National Environmental Policy Act (NEPA) of 1969 as amended (42 United State Code 4321, et seq.), the Council on Environmental Quality's NEPA implementing regulations at 40 Code of Federal Regulations Part 1500 et seq., and the U.S. Department of Homeland Security's *Management Directive 023-01, Environmental Planning Program*.

CBP invites your participation in this public process. Comments must be received by October 10, 2009. When submitting your comments, please include name and address, and identify comments as intended for the Ajo-1 Draft EA and Propose FONSI. Comments on the enclosed documents, or questions about them, can be submitted by:

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- (c) By fax to: (225) 761-8077, Attention: Mr. Howard Nass

Your prompt attention to this request is greatly appreciated. If you have any questions, please contact Ms. Patterson via E-mail or the postal address listed above.

Sincerely,



JR James Riordan
Executive Program Director, SBInet

Enclosure(s)



**U.S. Customs and
Border Protection**

Chuck Huckleberry
County Administrator
Pima County
130 West Congress St., 10th Floor
Tucson, AZ 857001

SUBJECT: Draft Environmental Assessment and Proposed Finding of No Significant Impact for the Proposed SBInet Ajo-1 Tower Project, Ajo Station's Area of Responsibility, U.S. Border Patrol Tucson Sector, Arizona

Mr. Huckleberry:

Enclosed for your review and comment is the above referenced document. The 30-day review period begins on September 11, 2009 and ends on October 10, 2009. U.S. Customs and Border Protection (CBP) has prepared the draft EA to identify and assess the potential impacts associated with the proposed siting, construction, operation, and maintenance of sensor and communication towers; vehicles; supporting infrastructure components; and technological improvements to existing facilities for CBP along approximately 30 miles of the U.S./Mexico international border, within the Tucson Sector, Arizona (the Proposed Action).

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Your prompt attention to this request is greatly appreciated. If you have any questions, please contact Ms. Patterson via E-mail or the postal address listed above.

Sincerely,



 James Riordan
Executive Program Director, SBInet

Enclosure(s)



**U.S. Customs and
Border Protection**

Chairman Ivan Smith
Tonto Apache Tribe
Tonto Apache Tribe Reservation # 30
Payson, Arizona 85541

SUBJECT: Draft Environmental Assessment and Proposed Finding of No Significant Impact for the Proposed SBInet Ajo-1 Tower Project, Ajo Station's Area of Responsibility, U.S. Border Patrol Tucson Sector, Arizona

Chairman Smith:

Enclosed for your review and comment is the above referenced document. The 30-day review period begins on September 11, 2009 and ends on October 10, 2009. U.S. Customs and Border Protection (CBP) has prepared the draft EA to identify and assess the potential impacts associated with the proposed siting, construction, operation, and maintenance of sensor and communication towers; vehicles; supporting infrastructure components; and technological improvements to existing facilities for CBP along approximately 30 miles of the U.S./Mexico international border, within the Tucson Sector, Arizona (the Proposed Action).

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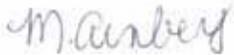
The draft EA was prepared in compliance with provisions of the National Environmental Policy Act (NEPA) of 1969 as amended (42 United State Code 4321, et seq.), the Council on Environmental Quality's NEPA implementing regulations at 40 Code of Federal Regulations Part 1500 et seq., and the U.S. Department of Homeland Security's *Management Directive 023-01, Environmental Planning Program*.

CBP invites your participation in this public process. Comments must be received by October 10, 2009. When submitting your comments, please include name and address, and identify comments as intended for the Ajo-1 Draft EA and Propose FONSI. Comments on the enclosed documents, or questions about them, can be submitted by:

- (a) E-mail to: TUCOP@cbp.dhs.gov
- (b) By mail to: Ms. Patience E. Patterson, RPA, U.S. Department of Homeland Security, SBInet Program Management Office, 1901 S. Bell Street, Room 7-090, Arlington, VA 20598
- (c) By fax to: (225) 761-8077, Attention: Mr. Howard Nass

Your prompt attention to this request is greatly appreciated. If you have any questions, please contact Ms. Patterson via E-mail or the postal address listed above.

Sincerely,



JR
James Riordan
Executive Program Director, SBInet

Enclosure(s)



**U.S. Customs and
Border Protection**

Ms. Lisa Eckert
Organ Pipe Cactus National Monument
10 Organ Pipe Drive
Ajo, Arizona 85321

SUBJECT: Draft Environmental Assessment and Proposed Finding of No Significant Impact for the Proposed SBLnet Ajo-1 Tower Project, Ajo Station's Area of Responsibility, U.S. Border Patrol Tucson Sector, Arizona

Ms. Eckert:

Enclosed for your review and comment is the above referenced document. The 30-day review period begins on September 11, 2009 and ends on October 10, 2009. U.S. Customs and Border Protection (CBP) has prepared the draft EA to identify and assess the potential impacts associated with the proposed siting, construction, operation, and maintenance of sensor and communication towers; vehicles; supporting infrastructure components; and technological improvements to existing facilities for CBP along approximately 30 miles of the U.S./Mexico international border, within the Tucson Sector, Arizona (the Proposed Action).

The purpose of the Proposed Action is to provide the most efficient technologies to CBP personnel to assist in their mission of securing the Nation's borders. This technology provides 24-hour, year-round surveillance capability via sensors guided by a command and control system that monitors the border continuously, enabling US Border Patrol (USBP) agents to detect, identify and classify illegal entry attempts into the United States. With the accurate information from this technology, USBP agents have more options about how and when they will respond to incursions.

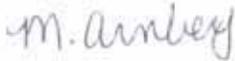
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Sincerely,



J/James Riordan
Executive Program Director, *SBI*net

Enclosure(s)



**U.S. Customs and
Border Protection**

Steve Owens
ADEQ Director, Arizona Department of Environmental Quality
Southern Region Office
400 West Congress
Suite 433
Tucson, Arizona 85701

SUBJECT: Draft Environmental Assessment and Proposed Finding of No Significant Impact for the Proposed SBI^{net} Ajo-1 Tower Project, Ajo Station's Area of Responsibility, U.S. Border Patrol Tucson Sector, Arizona

Mr. Owens:

Enclosed for your review and comment is the above referenced document. The 30-day review period begins on September 11, 2009 and ends on October 10, 2009. U.S. Customs and Border Protection (CBP) has prepared the draft EA to identify and assess the potential impacts associated with the proposed siting, construction, operation, and maintenance of sensor and communication towers; vehicles; supporting infrastructure components; and technological improvements to existing facilities for CBP along approximately 30 miles of the U.S./Mexico international border, within the Tucson Sector, Arizona (the Proposed Action).

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Sincerely,



 James Riordan
Executive Program Director, SBInet

Enclosure(s)



**U.S. Customs and
Border Protection**

Leesa Morrison
Homeland Security Advisor - Arizona
Arizona Department of Homeland Security
1700 West Washington
Phoenix, Arizona 85007

SUBJECT: Draft Environmental Assessment and Proposed Finding of No Significant Impact for the Proposed SBInet Ajo-1 Tower Project, Ajo Station's Area of Responsibility, U.S. Border Patrol Tucson Sector, Arizona

Ms. Morrison:

Enclosed for your review and comment is the above referenced document. The 30-day review period begins on September 11, 2009 and ends on October 10, 2009. U.S. Customs and Border Protection (CBP) has prepared the draft EA to identify and assess the potential impacts associated with the proposed siting, construction, operation, and maintenance of sensor and communication towers; vehicles; supporting infrastructure components; and technological improvements to existing facilities for CBP along approximately 30 miles of the U.S./Mexico international border, within the Tucson Sector, Arizona (the Proposed Action).

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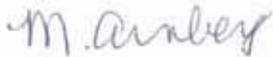
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 James Riordan
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Enclosure(s)