APPENDIX A
CORRESPONDENCE

1300 Pennsylvania Avenue NW
Washington, DC 20229

U.S. Customs and Border Protection

February 13, 2012

Mr. Nina Siqueiros, Superintendent
Bureau of Indian Affairs
BIA Agency, Circle Drive
Sells, Arizona 85634

SUBJECT: Environmental Assessment for the Construction and Operation of Remote Video Surveillance (RVSS) Towers, Office of Technology Innovation and Acquisition (OTIA), U.S. Border Patrol, Tucson and Yuma Sectors, Arizona

Dear Mr. Siqueiros:

On behalf of the Department of Homeland Security, U.S. Customs and Border Protection (CBP), the U.S. Army Corps of Engineers (USACE), Fort Worth District is preparing an Environmental Assessment (EA) for the Office of Technology Innovation and Acquisition's (OTIA) construction and operation of Remote Video Surveillance Systems (RVSS) towers for the U.S. Border Patrol (USBP) in the Yuma, Ajo, Nogales, Naco, and Douglas Stations' Areas of Responsibility (AOR) within the Border Patrol's Tucson and Yuma Sectors. This EA will address the construction, operation, and maintenance of up to 20 new surveillance towers and associated access roads. The proposed action is located within Yuma, Maricopa, Santa Cruz, Pima, and Cochise counties, Arizona (Figures 1a and 1b). This system of surveillance towers and access roads augments an existing surveillance tower network in support of USBP's law enforcement situational awareness within the project areas.

The EA will analyze the potential for significant adverse impacts and beneficial effects of the proposed action to the environment. The proposed action includes the construction of up to 20 surveillance towers, including tower access road construction, improvements, repairs, and maintenance. Additionally, proposed tower construction at seven other sites will be analyzed as alternates.

Enclosed are maps showing the tower sites proposed as part of OTIA's RVSS Project (Figures 2a, 2b, 2c, 2d, 2e, and 2f). The table below shows the location (latitude and longitude in decimal degrees) for each proposed tower area.

Tower Number	Tower Name	Latitude	Longitude
TCA-AJO-0523	TCA-AJO-4	31.845530	-112.704250
TCA-AJO-0551	Rollercoaster Hill - Base of hill	31.926958	-112.971289
TCA-AJO-0553*	Rollercoaster Hill - Top of hill	31.927865	-112.971657
TCA-DGL-0557	DGL-D-HILL	31.346183	-109.476383
TCA-DGL-0565	DGL-SAN JOSE Alt 3	31.362745	-109.738764
TCA-DGL-0559*	DGL-SAN JOSE	31.361070	-109.741301
TCA-NCO-0525	TCA-NCO-1 (Scout Hill)	31.346315	-109.807646
TCA-NCO-0529	TCA-NCO-2 Alt 1	31.358338	-109.834806
TCA-NCO-0567	DGL-CHRISTIANSEN RANCH	31.346134	-109.769520
TCA-NGL-0505	TCA-NGL-1 Alt 1	31.334148	-110.991190
TCA-NGL-0507	TCA-NGL-2	31.342336	-111.007227

Tower Number	Tower Name	Latitude	Longitude
TCA-NGL-0509	TCA-NGL-3	31.347261	-111.017606
TCA-NGL-0555	TCA-NGL-5 Alt 1	31.333115	-110.982029
TCA-NGL-0503*	TCA-NGL-1	31.335913	-110.988980
TCA-NGL-0511	TCA-NGL-4	31.34166	-110.89374
TCA-NGL-0515*	TCA-NGL-5	31.334420	-110.979897
YUM-YUS-0533	YUM-YUS-2 /YUM-YUS-C24	32.495783	-114.810905
YUM-YUS-0535	BOAT RAMP SITE YUM-YUS-3	32.719510	-114.717329
YUM-YUS-0543	YUM-YUS-2	32.419400	-114.562300
YUM-YUS-0571	YUM-YUS-4/YUM-YUS-C34/35 Alt 1	32.718904	-114.726754
YUM-YUS-0573	YUM-YUS-1 Alt 1	32.715303	-114.793673
YUM-YUS-0547*	YUM-YUS-1 Alt 2	32.460269	-114.647416
YUM-YUS-0575	Proposed replacement tower to YUS-9	32.45844	-114.69228
YUM-YUS-0577	Proposed replacement tower to YUS-16	32.46393	-114.7104
YUM-YUS-0539	YUM-YUS-1	32.445100	-114.648300
YUM-YUS-0549*	YUM-YUS-2 Alt 2	32.442140	-114.587475
YUM-YUS-0531*	YUM-YUS-1	32.714808	-114.787066

* Alternate tower site

CBP is gathering data and input from state and local governmental agencies, departments, bureaus, and Native American tribes that may be affected by, or otherwise have an interest in, this proposed action. Since your Nation may have particular knowledge and expertise regarding potential environmental impacts from CBP's proposed action, your input is sought regarding the likely or anticipated environmental effects of this proposed action. Your response should include any state and local restrictions, permitting or other requirements with which CBP would have to comply during project siting, construction, and operation.

Per DHS Directive 023-1, Environmental Planning Program, we will provide your agency with a copy of the official Draft EA of OTIA's RVSS project for your review and comment. Please let us know if additional copies are needed.

Your prompt attention to this request is appreciated. If you have any questions, please contact Ms. Paula Miller at (571) 468-7291 or Ms. Mary Hassell at 571-468-7512, or via email to: paula.m.miller@cbp.dhs.gov or mary.d.hassell@cbp.dhs.gov.

Sincerely,

Michael B. Potter
Project Manager
Remote Video Surveillance Systems
CBP/OTIA Program Management Office

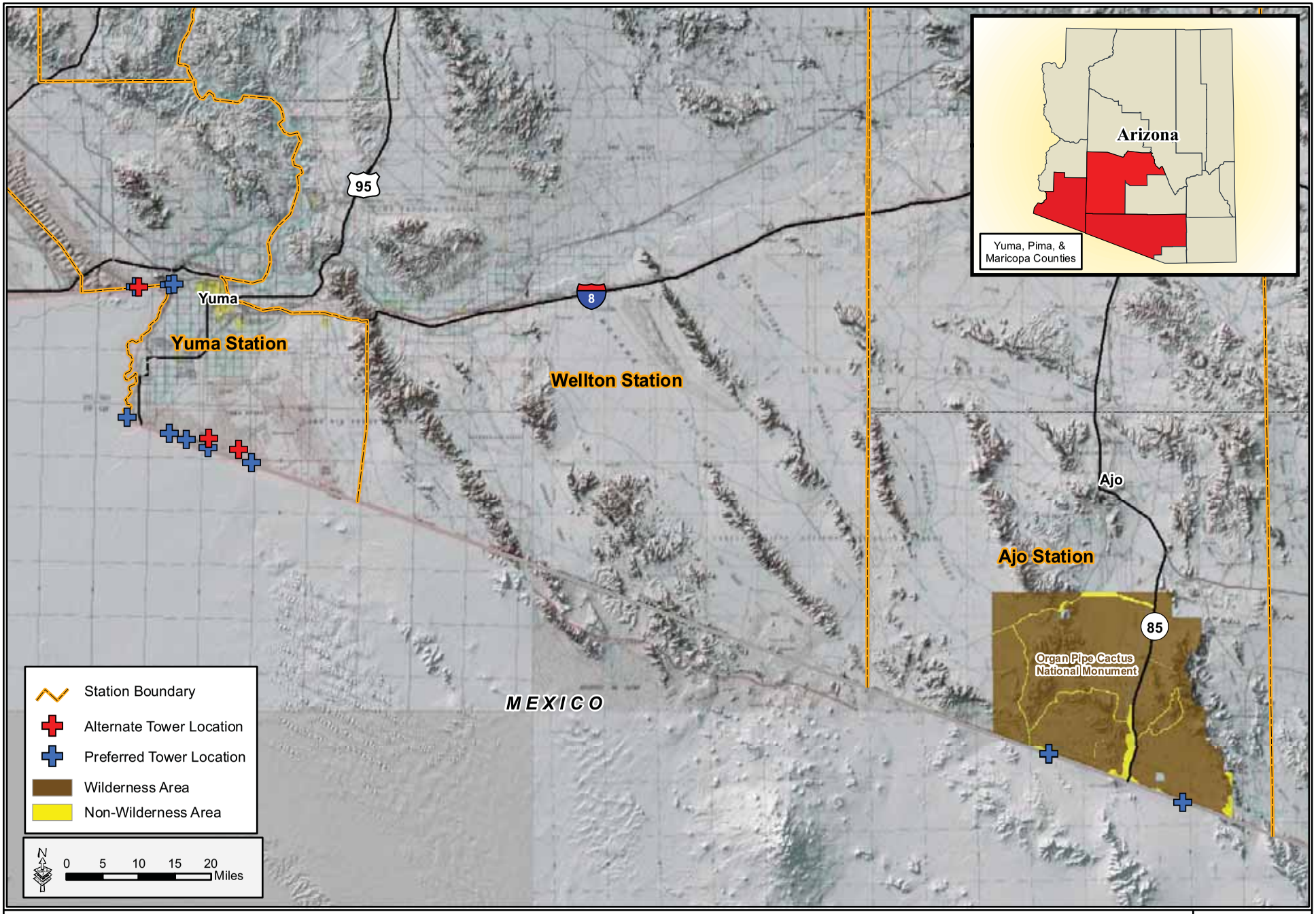

Figure 1a: Vicinity Map
Yuma, Wellton, and Ajo Stations

GSRC

March 2012

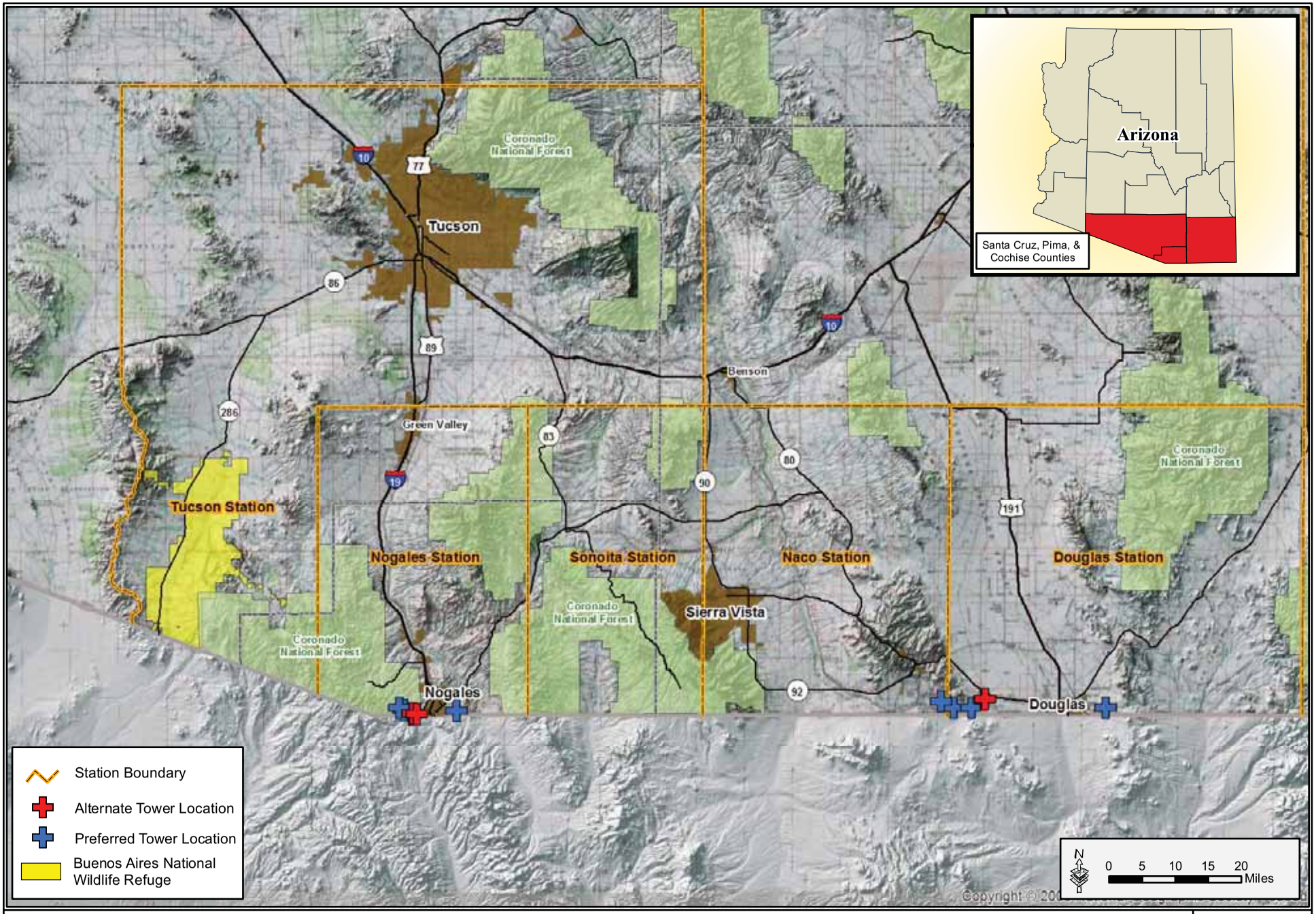

Figure 1b: Vicinity Map
Tucson, Nogales, Sonoita, Naco, and Douglas Stations

GSRC

October 2011

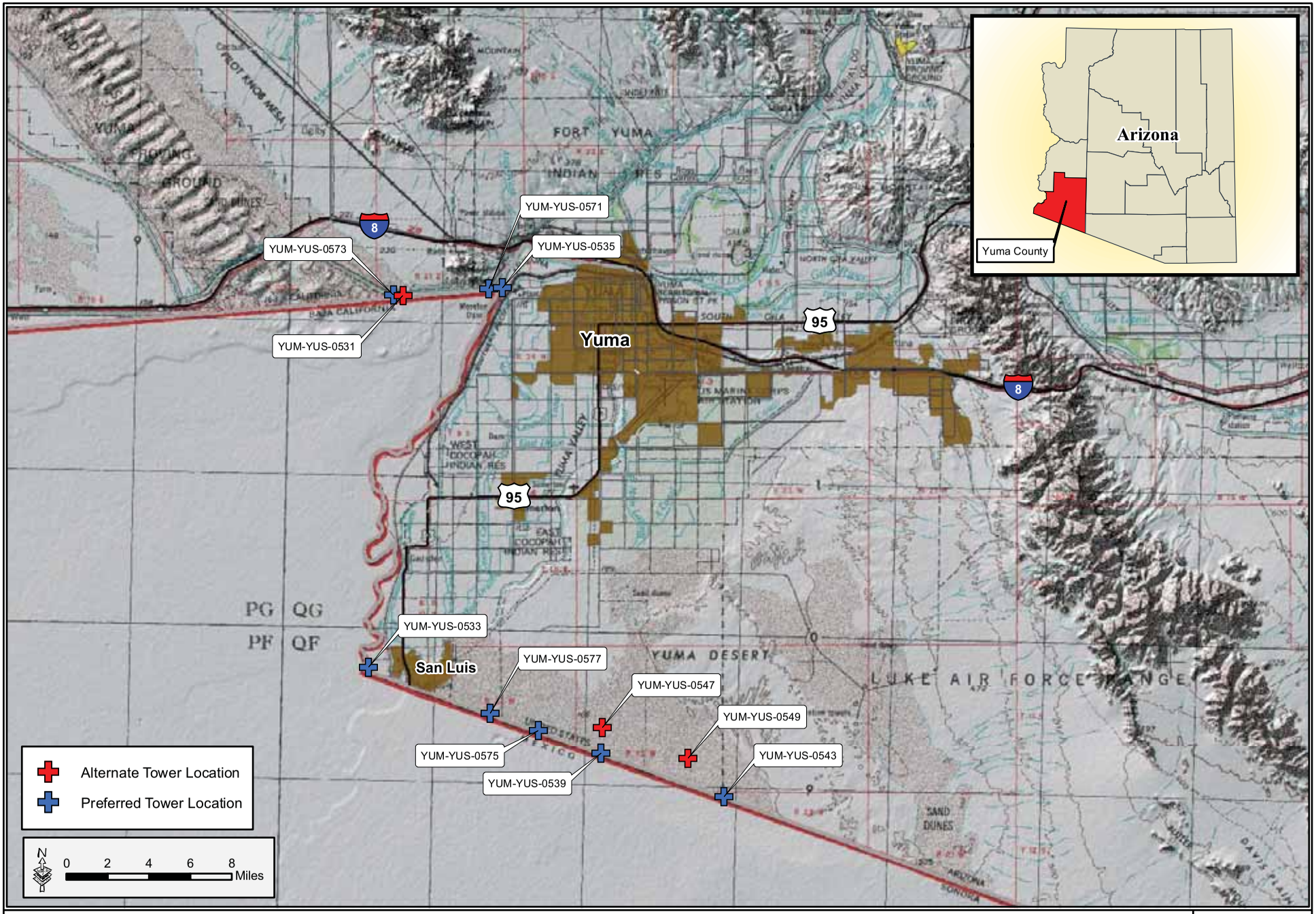

Figure 2a: RVSS Proposed Tower Locations
Yuma Station

GSRC

March 2012

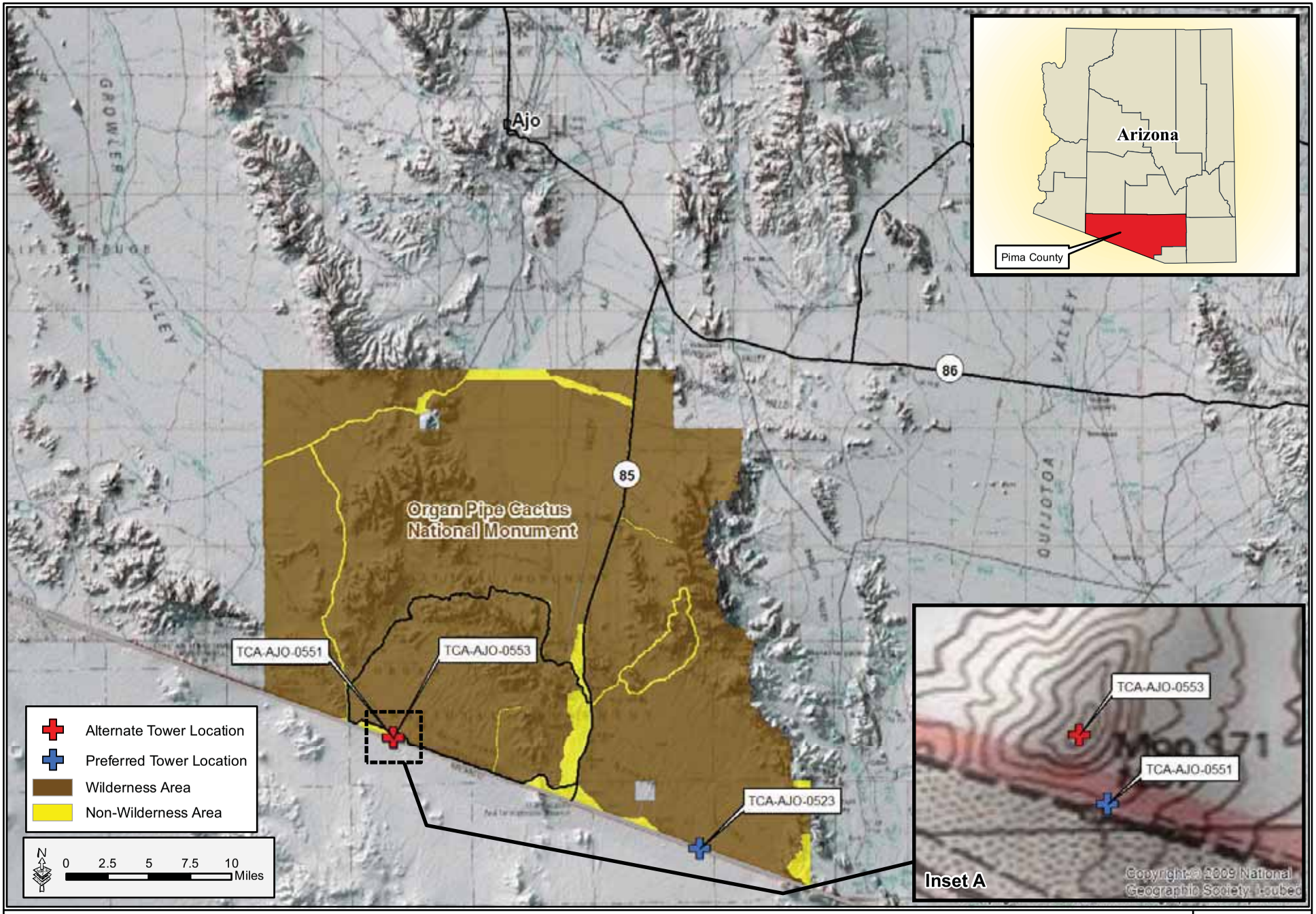

Figure 2b: RVSS Proposed Tower Locations
Ajo Station

GSRC

October 2011

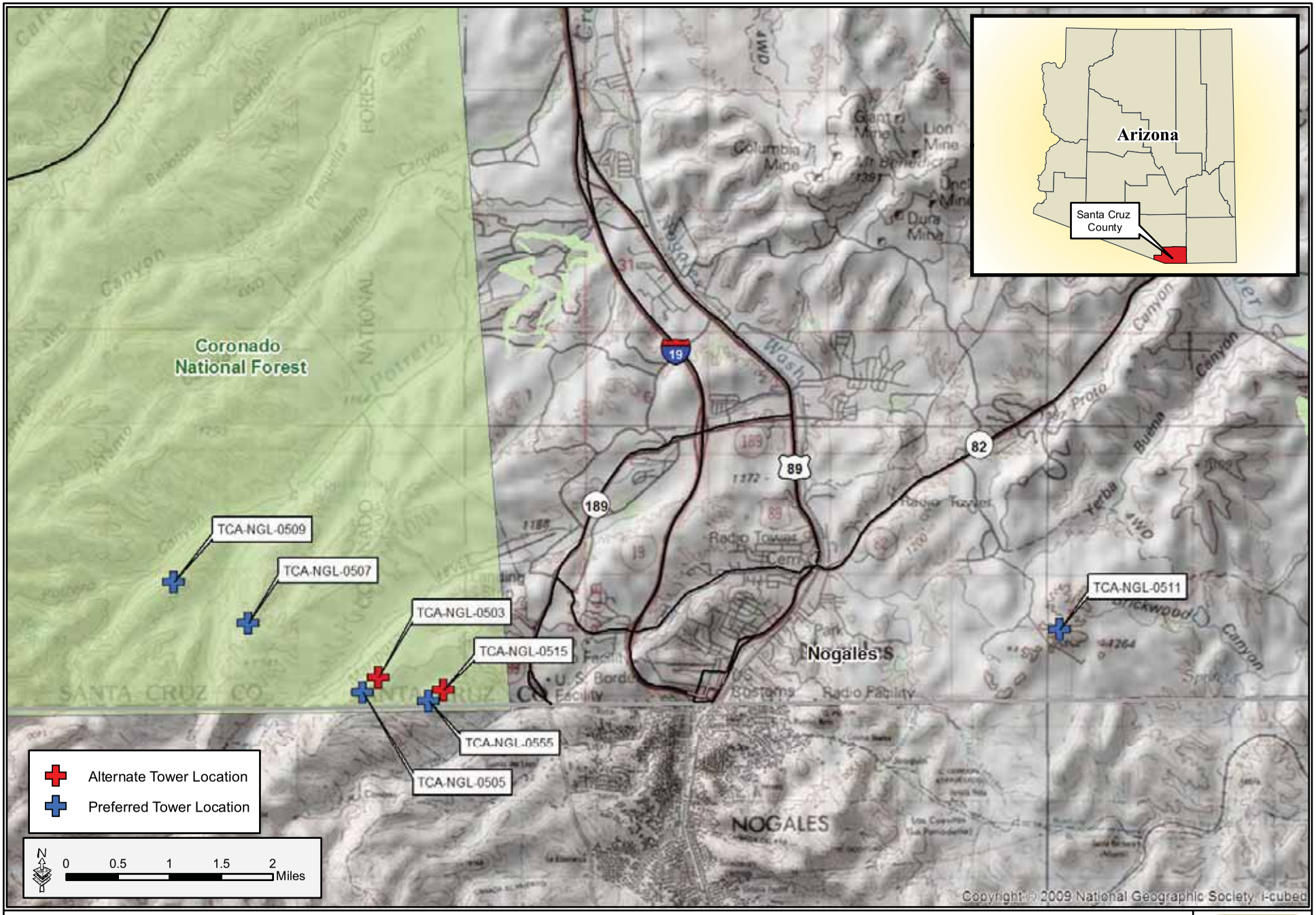

Figure 2c: RVSS Proposed Tower Locations
Nogales Station

GSRC

October 2011

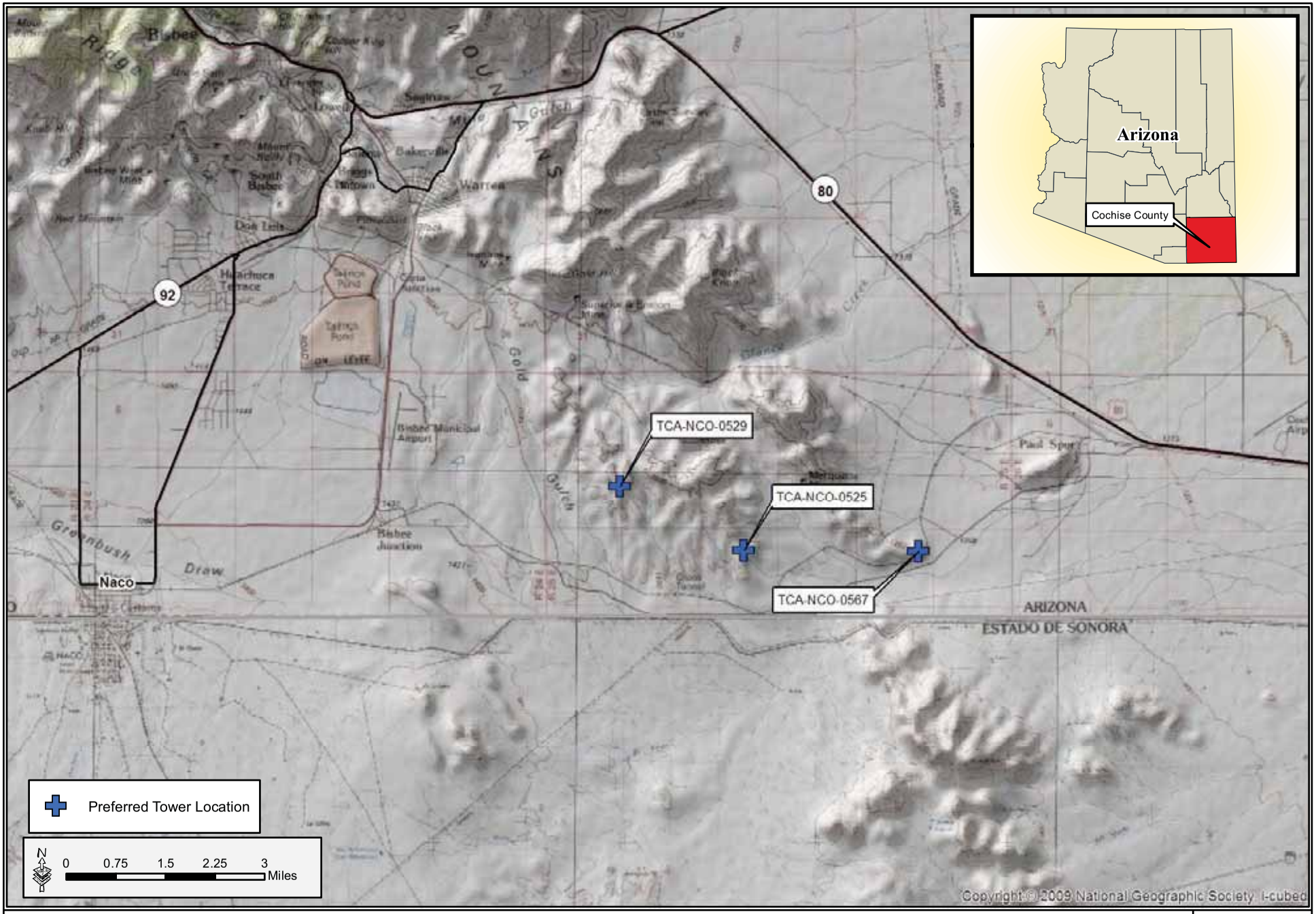

Figure 2d: RVSS Proposed Tower Locations
Naco Station

GSRC

October 2011

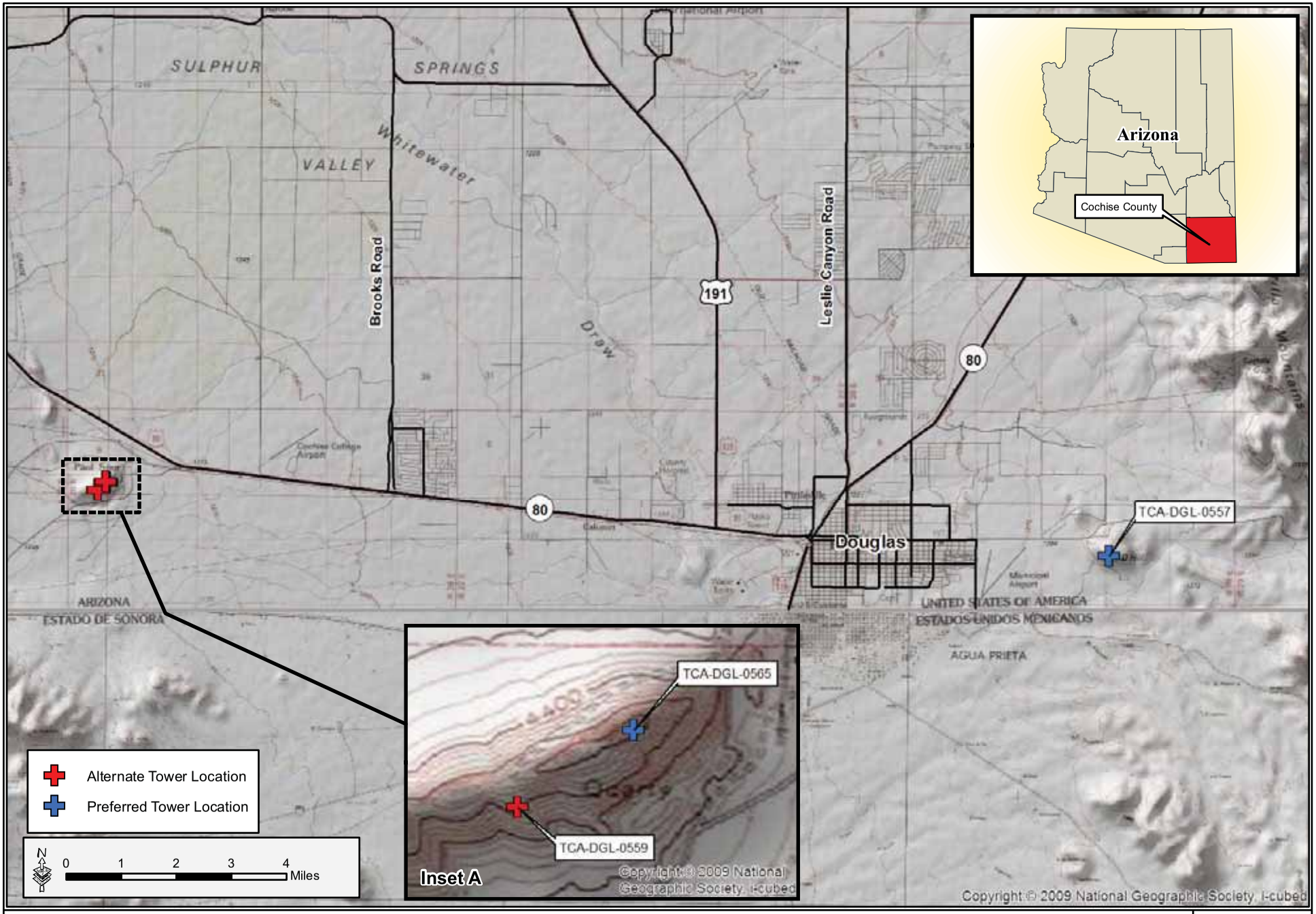

Figure 2e: RVSS Proposed Tower Locations
Douglas Station

GSRC

October 2011

Identical copies of the coordination letter from CBP (dated February 13, 2012) were sent to the following Federal and state agencies and Native American tribal representatives.

Chairperson Louis Manuel
Ak-Chin Indian Community Council
Ak-Chin Him Dak Eco Museum and Archives
47685 North Eco Museum Road
Maricopa, AZ 85239

Chairperson Sherry Cordova
Cocopah Tribal Council
Cocopah Museum
County 15th and Avenue G
Somerton, AZ 85350

Honorable Jeff Houser, Chairman
Fort Sill Apache Tribe of Oklahoma
Rt 2, Box 121
Apache, OK 73006

Governor William Rhodes
Gila River Indian Community
315 West Casa Blanco Road
Sacaton, AZ 85247

Honorable Benjamin H. Nuvamsa, Charirman
Hopi Tribal Council
1 Main Street
Kykotsmovi, AZ 86039

Honorable Mark Chine, President
(Ms. Holly Houghton, Cultural Affairs Office)
Mescalero Apache Tribe
124 Chiricahua Plaza
Mescalero, NM 88340

Chairman Peter Yucupicio
Pascua Yaqui Tribe
7474 South Camino de Oeste
Tucson, AZ 85746

President Diane Enos
Salt River Pima-Maricopa Indian Community
10005 East Osborn Road
Scottsdale, AZ 85256

Chairperson Wendsler Nosie
San Carlos Apache Tribe
Historic Preservation and Archaeology Department
San Carlos Avenue
San Carlos, AZ 85550

Honorable Ronnie Lupe, Chairman
(Mr. Mark Altaha, THPO)
White Mountain Apache Tribal Council
P.O. Box 700
White River, AZ 75941

Chairman Jose Vernon
Tohono O'odham Nation
Tohono O'odham Nation Administration Building
49 Main Street
Sells, AZ 85634

Chairwoman Marla Henry
Tohono O'odham Nation
Tohono O'odham Nation Administration Building
49 Main Street
Sells, AZ 85634

Chairwoman Geneva Ramon
Tohono O'odham Nation
Tohono O'odham Nation Administration Building
49 Main Street
Sells, AZ 85634

Director Selso Villegas
Tohono O'odham Nation
Tohono O'odham Nation Administration Building
49 Main Street
Sells, AZ 85634

Ms. Karen Howe, Ecologist
Tohono O'odham Nation
Tohono O'odham Nation Administration Building
49 Main Street
Sells, AZ 85634

Mr. Peter Steere
Tohono O'odham Nation
Tohono O'odham Nation Administration Building
49 Main Street
Sells, AZ 85634

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

Mr. Ned Norris, Chairperson
Tohono O'odham Nation
Main Tribal Building Business Loop
Sells, AZ 85634

Mr. Carlos Rivera, County Manager
Santa Cruz County
2150 N. Congress Drive
Nogales, AZ 85621

Mr. Chuck Huckelberry, County Administrator
Pima County
130 West Congress Street, 10th Floor
Tucson, AZ 857001

Senator John McCain
United States Senate
241 Russell Senate Building
Washington, DC 20510-0303

Senator Jon Kyl
United States Senate
730 Hart Senate Office Building
Washington, DC 20510-0304

Representative Raul Grijalva
United States House of Representatives
1440 Longworth House Office Building
Washington, DC 20510-0307

Representative Gabrielle Giffords
United States House of Representatives
502 Cannon House Office Building
Washington, DC 20510-0308

Ms. Jody Latimer
Arizona State Land Department
1616 West Adams Street
Phoenix, AZ 85007

Ms. Kimberly Nicol, Regional Manager
California Department of Fish and Game
3602 Inland Empire Boulevard
Suite C-220
Ontario, CA 91764

Ms. Kristin Terpening, Region V Habitat Specialist
Arizona Game and Fish Department
555 N. Greasewood Road
Tucson, AZ 85745

Ms. Laura Canaca, Project Evaluation Program Supervisor
Arizona Game and Fish Department
2221 West Greenway Road
Phoenix, AZ 85023

Ms. Leesa Morrison, Homeland Security Advisor
Arizona Department of Homeland Security
1700 West Washington
Phoenix, AZ 85007

Mr. Steve Owens, ADEQ Director
Arizona Department of Environmental Quality
400 West Congress
Suite 433
Tucson, AZ 85701

Mr. Mark Sturm
Organ Pipe Cactus National Monument
10 Organ Pipe Drive
Ajo, AZ 85321

Mr. Benjamin Grumbles, Director
Arizona Department of Environmental Quality
1110 West Washinton Street
Phoenix, AZ 85007

Mr. Patrick Gower
U.S. Fish and Wildlife Service
6010 Hidden Valley Road, Suite 101
Carlsbad, CA 92011

Mr. Jim Bartel, Field Supervisor
U.S. Fish and Wildlife Service
6010 Hidden Valley Road, Suite 101
Carlsbad, CA 92011

Dr. Benjamin Tuggle, Regional Director
U.S. Fish and Wildlife Service
P.O. Box 1306
Albuquerque, NM 87103-1306

U.S. Fish and Wildlife Service
Arizona Ecological Services Field Office
Steve Spangle, Field Supervisor
2321 West Royal Palm Road, Suite 103
Phoenix, AZ 85021-4915

Mr. Michael Horton, National Section 7 Coordinator
U.S. Fish and Wildlife Service
4401 North Fairfax Drive, Suite 420
Arlington, VA 22203

U.S. Fish and Wildlife Service
Arizona Ecological Services Field Office
Ms. Jean Calhoun, Assistant Field Supervisor
201 N. Bonita Avenue, Suite 141
Tucson, AZ 85745

Ms. Karen Vitulano
U.S. Environmental Review Office, Mail Code CED-2
75 Hawthorne Street
San Francisco, CA 94105-3901

Ms. Laura Yoshii, Acting Regional Administrator
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Ms. Lisa Hanf. Office of Federal Activities
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Mr. Nova Blazej
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Colonel Thomas H. Magness, District Commander
U.S. Army Corps of Engineers
915 Wilshire Boulevard, Suite 980
Los Angeles, CA 90017

Ms. Marjorie Blaine
U.S. Army Corps of Engineers
5205 East Comanche Street
Tucson, AZ 85707

Mr. Lee Baiza, Superintendent
Organ Pipe Cactus National Monument
10 Organ Pipe Drive
Ajo, AZ 85321

Mr. Bernie Kruse, Supervisory General Engineer
International Boundary and Water Commission
4171 North Mesa
Building C, Suite 310
El Paso, TX 79902

Mr. Edward Drusina, Commissioner
International Boundary and Water Commission
4171 North Mesa
Building C, Suite C-100
El Paso, TX 79902-1441

Mr. Sid Slone, Manager
Cabeza Prieta National Wildlife Refuge
1611 North Second Avenue
Ajo, AZ 85321

Ms. Roberta Lopez
Bureau of Land Management
711 14th Avenue
Safford, AZ 85546

Ms. Elaine Raper, Acting District Manager
Bureau of Land Management
21604 North 7th Avenue
Phoenix, AZ 85021

Ms. Kathy Pedrick
Bureau of Land Management
One North Central Avenue, Suite 800
Phoenix, AZ 85004

Bureau of Land Management
Tucson Field Office
Mr. Brian Bellew, Field Manager
12661 East Broadway
Tucson, AZ 85748-7208

Mr. Carlos de la Torre
Cochise County Community Development
1415 Melody Lane
Bisbee, AZ 85603

Ms. Sharon Bronson, Pima County Supervisor District 3
130 West Congress Street, 11th Floor
Tucson, AZ 85701

Mr. John Renison, Imperial County Supervisor District 1
940 Main Street
El Centro, CA 92243

Mr. Robert Pickels, Yuma County Administrator
198 S. Main Street
Yuma, AZ 85364

Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov

Henry R. Darwin
Director

March 15, 2012

Mr. Michael B. Potter, Project Manager
Remote Video Surveillance Systems
CBP/OTIA Program Management Office
U.S. Department of Homeland Security
Washington, DC 20229

Re: Intent to prepare Environmental Assessment for Remote Video Surveillance Systems in Arizona

SENT VIA E-MAIL: paula.m.miller@cbp.dhs.gov

Dear Mr. Potter:

We received the February 13, 2012 letter requesting comments regarding potential environmental impacts from the U.S. Customs and Border Protection's (CBP) proposed project to construct, operate and maintain 20 new surveillance towers and associated access roads in southern Arizona. The Arizona Department of Environmental Quality, Water Quality Division (ADEQ) is responsible for ensuring the delivery of safe drinking water to customers of regulated public water systems under the Safe Drinking Water Act, permits for proposed discharges to surface waters of the United States under the federal Clean Water Act (CWA), permits under the State aquifer protection program, and water quality certifications of certain federal licenses and permits. Based on the information provided, ADEQ has the following comments related to water quality.

As of December 5, 2002, Arizona has authorization from the U.S. Environmental Protection Agency (EPA) to operate the National Pollutant Discharge Elimination System (NPDES) Permit Program (Section 402 of the CWA) on the state level. The NPDES program, and the surface water permits issued, are referred to as the Arizona Pollutant Discharge Elimination System (AZPDES) Permit Program. The program includes individual permits as well as general permits for construction, deminimis discharges, and municipal and industrial stormwater discharges.

Stormwater discharges associated with construction activities, such as clearing, grading, or excavating, that disturb one acre or more must obtain permit coverage under the AZPDES Construction General Permit. Permit coverage also is required for construction activities that will disturb less than one acre of land but the project is part of a larger common plan of development or sale and the entire project will ultimately disturb one or more acres. As part of permit coverage, a Stormwater Pollution Prevention Plan (SWPPP) must be prepared and implemented before ground disturbance begins.

If project activities occur inside the Ordinary High Water Mark of any water of the U.S., then a CWA section 404 permit (a.k.a. dredge and fill) from the U.S. Army Corps of Engineers may be required. If a 404 permit (or any other federal permit) is required for the project, a state-issued CWA section 401 certification of the permit may be required to ensure that the permitted activities will not result in a violation of Arizona's surface water quality standards.

If pesticides and herbicides could be used for vegetation and insect control, ADEQ has issued an AZPDES general permit for discharges from the application of pesticides on and near waters of the U. S. ADEQ's permit is based on EPA's draft general permit.

The Environmental Assessment should identify any "impaired water" or Outstanding Arizona Water that is in the proposed project area. Generally, proximity to an "impaired water" or Outstanding Arizona Water means ADEQ will need additional time for any CWA permit review. The 2006/2008 305(b) Assessment Report and 303(d) Impaired Waters list and the Draft 2010 Status of Water Quality in Arizona 305(b) Assessment and 303(d) Listing Report are available at ADEQ's website: http://www.azdeq.gov/environ/water/assessment/assess.html.

We appreciate the opportunity to review and provide comments. If you need further information, please contact Wendy LeStarge of my staff at (602) 771-4836 or via e-mail at wl1@azdeq.gov, or myself at (602) 771-4416 or via e-mail at lc1@azdeq.gov.

Sincerely,

Linda Taunt, Deputy Director
Water Quality Division

QUECHAN INDIAN TRIBE
Ft. Yuma Indian Reservation
Office of Tribal Administration
P.O. Box 1899
Yuma, Arizona 85366-1899
Phone (760) 572-0213
Fax (760) 572-2102

March 22, 2012

Stephen S. Martin, Chief Patrol Agent
Yuma Sector
U.S. Customs and Border Protection
Department of Homeland Security
4035 S. Ave. A
Yuma AZ 85365

Re: Letter Agreement for Cultural Resource Survey

Dear Agent Martin:

We are advised that the U.S. Customs and Border Protection (Border Patrol) plans to construct a communication tower near the United States/Mexico border at Andrade, CA. The site of the proposed construction is located on Quechan tribal trust lands within the Fort Yuma Indian Reservation. The Border Patrol has requested that the Quechan Tribal Council issue a Right-of-Entry to certain tribal lands to enable the Border Patrol, through its consultants, to conduct a cultural resource survey of such lands. The lands to be surveyed are described in the attached Exhibit A to this letter.

On behalf of the Quechan Tribe of the Fort Yuma Indian Reservation, hereinafter "Tribe," hereby grants to the Border Patrol a Right-of-Entry to the lands described in Exhibit A upon the following terms and conditions:

1. The Tribe grants to the Border Patrol a non-exclusive right to enter upon Quechan tribal lands described in Exhibit A hereto, at any time within a period of 90 days from the date of this letter.

2. This grant of the right of entry is for the limited purpose of performing a cultural resource survey and site assessment for construction of erecting a communication tower on such lands, and for no other purpose whatsoever.

3. The Tribe shall provide, at the Tribe's option, a Tribal Cultural Monitor to accompany the cultural survey consultants while conducting the survey on tribal lands. At least 24 hours prior to entering such lands, the cultural survey consultants shall notify the Tribe of the

date and time of entry and the time of departure. Notice shall be given to the persons listed in Section 9 below in the order shown.

4. The cost of the Tribal Cultural Monitor shall be reimbursed by the Border Patrol to the Tribe at the rate of $25.00 per hour or partial hour, including stand-by time, if any. Payment shall be made to the Tribe following the end of the survey upon submission by the Tribe of an invoice for such services.

5. Following the completion of the survey, a copy of the survey shall be provided to the Tribe and the Border Patrol and its consultants shall consult with the Tribe and review the results of the survey.

6. There shall be no ground disturbing activity of any kind during the cultural resource survey without the prior approval of the Tribe. If any ground disturbing activity becomes necessary, the cultural resource consultants shall contact the persons identified in paragraph 9 below for approval prior to conducting any ground disturbing activities.

7. The Border Patrol (Indemnitor) hereby indemnifies and holds the Quechan Tribe, including the Tribe's respective agents, representatives, principals, employees, officers and directors (Indemnitee), harmless from and against any loss, damage or expense including, without limitation, reasonable attorney's fees, incurred or suffered by or threatened against an Indemnitee in connection with or as a result of any claim for death, personal injury or property damage brought against the Tribe by or on behalf of any third party person, firm or corporation arising from or in connection with this Agreement, but only to the extent such claim may arise from or is caused by any act or omission of the Indemnitor, and only to the extent such claim is not a direct result of any act or omission of the Indemnitee.

8. If the Border Patrol determines to construct a communication tower on tribal lands, an appropriate lease or permit approved by the Tribe and the Bureau of Indian Affairs will be required.

9. Notice required by this Letter Agreement shall be given to the following persons:

John P. Bathke, Historic Preservation Officer
Tel: 760-572-2423
Cell: 928-920-6068
Fax: 760-572-0515
j.bathke@quechantribe.com; or to:

Keeny Escalanti, Sr., President
Quechan Indian Tribe
Tel: 760-572-0213
Cell: 928-446-1267
Fax: 760-572-2102 or send President Escalanti's e-mail to attention of:
m.emerson@quechantribe.com

or, in the absence of the President, to:

Ronda Aguerro, Vice President
Quechan Indian Tribe
Tel: 760-572-0213
Cell: 928-750-0040
Fax: 760-572-2102
r.aguerro@quechantribe.com

Sincerely,

QUECHAN TRIBAL COUNCIL

Keeny Escalanti, Sr.
President

Date: 03/22/2012

APPROVED:

U.S. Customs and Border Protection

By: _____

Date: _____

From: HASSELL, MARY D. [mailto:MARY.D.HASSELL@cbp.dhs.gov]
Sent: Tuesday, March 27, 2012 1:56 PM
To: Fernando Villegas
Cc: Maggie Castro; MILLER, PAULA M; Sherry Ethell
Subject: RE: Environmental Assessment

Dear Mr. Villegas,

Thank you for your letter and comments. They will be considered as part of our environmental analysis
process and your letter will become part of our administrative record for this project.

Respectfully,

Mary

Mary D. Hassell, CEP
Head, Environmental and Real Estate Program
Office of Technology, Innovation and Acquisition
U.S. Customs and Border Protection
Department of Homeland Security
Office: 571-468-7512
Cell: 202-731-9655
mary.d.hassell@cbp.dhs.gov

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From: Fernando Villegas [mailto:Fernando.Villegas@yumacountyaz.gov]
Sent: Tuesday, March 27, 2012 2:51 PM
To: MILLER, PAULA M; HASSELL, MARY D.
Cc: Maggie Castro
Subject: Environmental Assessment

March 27, 2012

Michael B. Potter
Project Manager
Remote Video Surveillance Systems
CBP/OTIA Program Management Office

Re: Environmental Assessment for the Construction and Operation of Remote Video
Surveillance (RVSS) Towers, Office of technology Innovation and Acquisition (OTIA),
U.S. Border Patrol, Tucson and Yuma Sector, Arizona.

Dear Mr. Potter:

Thank you for the opportunity to review the sites proposed for surveillance tower locations.
According to your letter, five surveillance towers are proposed in Yuma County. Two

existing towers will be replaced and three new towers are proposed. You have also identified two alternate tower locations.

Two sites are proposed to be located in the unincorporated area of Yuma County (tower identified as YUM-YUS-0543 and alternate tower location YUM-YUS-0549). The rest of the sites are located in the city limits of the City of San Luis, Arizona.

The proposed tower location YUM-YUS-0543 is along the border line and the alignment of Avenue 4E. Both the proposed and the alternate location YUM-YUS-0549 are located inside an area designated by Arizona Game and Fish Department as important habitat area for the Flat-tailed Horned Lizard. This area is designated as Sensitive Areas & Resource Lands in the Yuma County 2020 Comprehensive Plan.

Please let me know if you have any questions or need more information regarding these comments.

Sincerely,

Fernando Villegas, Planner II
Yuma County Planning and Zoning Division

cc: Maggie Castro, Planning Section Manager

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

March 28, 2012

Mr. Michael B. Potter, Project Manager
Remote Video Surveillance Systems
CBP/OTIA Program Management Office
U.S. Department of Homeland Security
Washington, DC 20229

Subject: Environmental Assessment for the Construction and Operation of Remote Video Surveillance (RVSS) Towers, Office of Technology Innovation and Acquisition (OTIA), U.S. Border Patrol, Tucson and Yuma Sectors, Arizona

Dear Mr. Potter:

I refer to your letter dated February 13, 2012, sent to Commissioner Drusina, regarding the Environmental Assessment (EA) for the construction and operation of remote video surveillance towers at various sites along the border in Arizona. The U.S. Department of Homeland Security, through the U.S. Army Corps of Engineers, will be conducting the EA for said project and is requesting information from the various agencies in the region that may have particular knowledge and expertise regarding potential impacts of the proposed action.

With regard to the above, the United States Section, International Boundary and Water Commission (USIBWC) may have comments on the project but will need to review the location(s) and proposed actions in more detail. As a federal agency, the USIBWC would like to receive a preliminary draft EA to begin reviewing the document as early as possible. USIBWC staff will notify Ms. Paula Miller at (571) 468-7291 and/or Ms. Mary Hassell (571) 468-7512 of our interest in the draft EA.

If you have any questions, please feel free to call me at (915) 832-4749.

Sincerely,

for Josh Mers

John L. Merino, P.E.
Principal Engineer

The Commons, Building C, Suite 310 • 4171 N. Mesa Street • El Paso, Texas 79902
(915) 832-4100 • (FAX) (915) 832-4190 • http://www.ibwc.state.gov

THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT
5000 W. CAREFREE HIGHWAY
PHOENIX, AZ 85086-5000
(602) 942-3000 • WWW.AZGFD.GOV
REGION V, 555 N. GREASEWOOD ROAD, TUCSON, AZ 85745

GOVERNOR
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ROBERT E. MANSELL, WINSLOW
DIRECTOR
LARRY D. VOYLES
DEPUTY DIRECTORS
GARY R. HOVATTER
BOB BROSCHEID

April 25, 2012

Ms. Mary D. Hassell, CEP
Head, Environmental and Real Estate Program
Office of Technology, Innovation and Acquisition
U.S. Customs and Border Protection
Department of Homeland Security
1901 South Bell Street, 7th Floor, Room 7-007
Arlington, Virginia 20598

Re: Additional information pertaining to the Environmental Assessment for the Construction and Operation of Remote Video Surveillance (RVSS) Towers, Office of Technology Innovation and Acquisition (OTIA), U.S. Border Patrol, Tucson and Yuma Sectors, Arizona

Dear Ms. Hassell:

The Arizona Game and Fish Department (Department) recently sent to you a letter in response to your request for information regarding an Environmental Assessment for the Construction and Operation of Remote Video Surveillance (RVSS) Towers for the U.S. Border Patrol Tucson and Yuma Sectors. This letter is intended to provide additional information for your consideration in regard to potential impacts to the flat-tailed horned lizard (FTHL) (*Phrynosoma mcallii*). This species has been proposed for listing under the Endangered Species Act on several occasions over the past few decades, however the U.S. Fish And Wildlife Service withdrew the proposal for listing a year ago (76 FR 14209-68). Although not currently proposed for federal listing, the flat-tailed horned lizard remains an Arizona Wildlife of Special Concern (WSC) species. A continuation of negative impacts to this species within southwest Arizona has the potential to be a major contributing factor towards its listing as a federal threatened species. FTHL range within Arizona is restricted to the extreme southwest corner of the state, essentially the Yuma Desert west of the Gila Mountains, and south of Interstate 8.

The construction of the RVSS towers and associated access roads within FTHL habitat would result not only in the loss of the species' habitat, but an increase in predation by raptors using the towers as hunting perches. Flat-tailed horned lizards in certain areas south of Yuma have declined because of predation by raptors hunting from powerlines and other structures. If the towers are constructed, we recommend they be placed as close to the border fence as possible and incorporate bird spikes to minimize raptor perch surfaces.

The primary threat to FTHL populations in Arizona continues to be the loss of habitat from agricultural and urban development; however additional threats may include energy development, OHV activities, military activities, non-native plant introduction, and habitat degradation due to drive-through traffic along the international border. Due to the location and quality of habitat being evaluated for this Environmental Assessment, the Department has concerns about the impacts on FTHL. Proposed tower locations YUM-YUS-0543, YUM-YUS-0547, YUM-YUS-0575, YUM-YUS-0577, YUM-YUS-0539, and YUM-YUS0549 are located on land managed by the Bureau of Reclamation and Marine Corps Air Station Yuma. Some of the tower locations are found within the Yuma Desert Management Area (MA) which is controlled by multiple agencies and may include private inholdings. To mitigate the loss of habitat within the MA, compensation may be required. The *Flat-tailed Horned Lizard Rangewide Management Strategy, 2003 Revision* (http://fws.gov/southwest/es/Arizona/documents/SpeciesDocs/FTHL/Rangewide_Plan_Final_FTHL.pdf) provides an explanation of compensation determination. The purpose of this compensation is to prevent the net loss of FTHL habitat and make the net effect of a project neutral or positive to FTHLs by maintaining a habitat base. Compensation is based on the acreage of FTHL habitat lost after all reasonable on-site mitigation has been applied. Compensation for habitat loss outside the MA is assessed at a 1:1 ratio; a multiplying factor ranging from three to six is assessed for habitat loss inside the MA to obtain adjusted compensation acreage. These actions will help ensure the existence of FTHLs and their habitat in the future.

If you have any questions about this letter or would like to discuss this further, please contact Thomas Bommarito in our Yuma office (Region IV) at 928-341-4069 or tbommarito@azgfd.gov

Sincerely,

Kristin Terpening
Habitat Specialist, Region V

cc: Laura Canaca, Project Evaluation Program Supervisor
Thomas Bommarito, Habitat Specialist, Region IV
Julien DeSantiago, Bureau of Reclamation
Anna Pinnell, Bureau of Reclamation

AGFD # M12-03144257

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)

NOTICE OF AVAILABILITY
REMOTE VIDEO SURVEILLANCE SYSTEM UPGRADE PROGRAM (NEW TOWERS)
U.S. BORDER PATROL, TUCSON AND YUMA SECTORS, ARIZONA
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY
WASHINGTON, D.C.

The public is hereby notified of the availability of the draft Environmental Assessment (EA) and proposed Finding of No Significant Impact (FONSI) for the Proposed Action of construction, installation, operation, and maintenance of 20 new remote video surveillance system (RVSS) towers in the U.S. Border Patrol's (USBP) Tucson and Yuma Sectors. The Proposed Action would provide long-term/permanent surveillance in the USBP Tucson and Yuma Sectors. New RVSS towers are proposed in the USBP Yuma, Ajo, Nogales, Naco, and Douglas stations' Areas of Responsibility. The Proposed Action also includes the construction of approximately four access roads (approximately 122 linear feet) and improvement of 13 approach roads (approximately 16.4 linear miles). The draft EA will be available for review at five public libraries in southern Arizona: the Yuma County Main Library, Yuma, Arizona; the Ajo Public Library, Ajo, Arizona; the Nogales-Santa Cruz County Public Library, Nogales, Arizona; the Copper Queen Library, Bisbee, Arizona; and the Douglas Public Library, Douglas, Arizona. It is also available for download from the CBP's Internet Web page at the following URL address: http://www.cbp.gov/xp/cgov/border_security/oria/sbi_news/sbi_enviro_docs/nepa. Comments concerning the Proposed Action as described in the draft EA and proposed FONSI will be accepted for a period of 30 days beginning June 6, 2012 and should be sent to: Ms. Mary Hassell, Department of Homeland Security, U.S. Customs and Border Protection, Office of Technology Innovation and Acquisition, 1901 S. Bell Street, Room 7-001, Arlington, VA 20598 or via email to: mary.d.hassell@cbp.dhs.gov.

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 REMOTE VIDEO SURVEILLANCE SYSTEM UPGRADE PROGRAM (NEW TOWERS) U.S. BORDER PATROL, TUCSON AND YUMA SECTORS, ARIZONA U.S. CUSTOMS AND BORDER PROTECTION DEPARTMENT OF HOMELAND SECURITY WASHINGTON, D.C.

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. June 6, 2012

Hollister David, Publisher,
Ajo Copper News

Sworn to and subscribed before me, a Notary Public in and for the County of Pima, Arizona, this **6** day of **June, 2012.**

Notary Public

OFFICIAL SEAL
MICHELLE A. PACHECO
Notary Public - State of Arizona
PIMA COUNTY
My Comm. Expires Feb. 27, 2015

The
Bisbee Observer
7 Bisbee Rd., Suite L, Bisbee Arizona 85603
Phone: 520-432-7254 Fax: 520-432-4192
E-mail: bisbeeobserver@cableone.net

Publisher's Affidavit

State of Arizona
County of Cochise

Karen Herberman, being duly sworn, deposes and says she is a staff member of The Bisbee Observer, a newspaper published one a week in Bisbee, Cochise County, State of Arizona:

Public Notice.
Notice.

12-281

was published in its issues for
1 times on the following dates:

June 7, 2012

Subscribed and sworn to me
this 7 day of
June, 2012

Karen Herberman
Karen Herberman
The Bisbee Observer

Laura M Swan
NOTARY PUBLIC
Laura M Swan
My commission expires
January 4, 2013

LAURA M. SWAN
NOTARY PUBLIC - ARIZONA
COCHISE COUNTY
My Commission Expires
January 04, 2013

NOTICE OF AVAILABILITY

REMOTE VIDEO SURVEILLANCE SYSTEM UPGRADE PROGRAM (NEW TOWERS)
U.S. BORDER PATROL, TUCSON AND YUMA SECTORS, ARIZONA
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY
WASHINGTON, D.C.

The public is hereby notified of the availability of the draft Environmental Assessment (EA) and proposed Finding of No Significant Impact (FONSI) for the Proposed Action of construction, installation, operation, and maintenance of 20 new remote video surveillance system (RVSS) towers in the U.S. Border Patrol's (USBP) Tucson and Yuma Sectors. The Proposed Action would provide long-term/permanent surveillance in the USBP Tucson and Yuma Sectors. New RVSS towers are proposed in the USBP Yuma, Ajo, Nogales, Naco, and Douglas stations' Areas of Responsibility. The Proposed Action also includes the construction of approximately four access roads (approximately 122 linear feet) and improvement of 13 approach roads (approximately 16.4 linear miles). The draft EA will be available for review at five public libraries in southern Arizona: the Yuma County Main Library, Yuma, Arizona; the Ajo Public Library, Ajo, Arizona; the Nogales-Santa Cruz County Public Library, Nogales, Arizona; the Copper Queen Library, Bisbee, Arizona; and the Douglas Public Library, Douglas, Arizona. It is also available for download from the CBP's Internet Web page at the following URL address: http://www.cbp.gov/xp/cgov/border_security/btia/sbi_news/sbi_enviro_docs/nepa. Comments concerning the Proposed Action as described in the draft EA and proposed FONSI will be accepted for a period of 30 days beginning June 6, 2012 and should be sent to: Ms. Mary Hassell, Department of Homeland Security, U.S. Customs and Border Protection, Office of Technology Innovation and Acquisition, 1901 S. Bell Street, Room 7-001, Arlington, VA 20598 or via email to: mary.d.hassell@cbp.dhs.gov.

12-281 Published in The Bisbee Observer June 7, 2012

STATE OF ARIZONA)
: SS
COUNTY OF SANTA CRUZ)

AFFIDAVIT OF PUBLICATION

ELISA BERMUDEZ

Elisa Bermudez being first Duly sworn, deposes and says: That (he) (she) is the Agent to the Publisher of the NOGALES INTERNATIONAL newspaper printed and published two days week in the City of Nogales, County of Santa Cruz, State of Arizona. That the notice, a copy of which is hereto attached, described as follows:

NOTICE OF
AVAILABILITY REMOTE
VIDEO SURVEILLANCE
SYSTEM UPGRADE
(NEW TOWERS)

was printed and published in the regular and entire issue of said NOGALES INTERNATIONAL for 1 issues, that the first was made on the 8th day of JUNE 20 12 and the last publication thereof was made on the 8th day of JUNE 20 12 that said publication was made on each of the following dates, to wit:

06/08/12

Request of GSRC ATTN: SHANNA MCCARTY

NOGALES INTERNATIONAL
268 W VIEW POINT, NOGALES, AZ 85621 (520)375-5760

By Manuel C. Coppola

Subscribed sworn to before me this 8th day of JUNE 20 12

Manuel C. Coppola
Notary Public
Santa Cruz County, Arizona
My Comm. Expires 02-26-15

Notary Public in and for the County of Santa Cruz, State of Arizona

My Commission Expires: 2/26/15

PUBLIC NOTICE

NOTICE OF AVAILABILITY REMOTE VIDEO SURVEILLANCE SYSTEM UPGRADE PROGRAM (NEW TOWERS) U.S. BORDER PATROL, TUCSON AND YUMA SECTORS, ARIZONA
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY
WASHINGTON, D.C.

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Req. Natural Resources
Pub. 6/08/12

Yuma Sun

Publisher's Affidavit of Publication

oOo

STATE OF ARIZONA}
COUNTY OF YUMA}

NOTICE OF AVAILABILITY

REMOTE VIDEO SURVEILLANCE SYSTEM UPGRADE PROGRAM (NEW TOWERS) U.S. BORDER PATROL, TUCSON AND YUMA SECTORS, ARIZONA U.S. CUSTOMS AND BORDER PROTECTION DEPARTMENT OF HOMELAND SECURITY WASHINGTON, D.C.

The public is hereby notified of the availability of the draft Environmental Assessment (EA) and proposed Finding of No Significant Impact (FONSI) for the Proposed Action of construction, installation, operation, and maintenance of 20 new remote video surveillance system (RVSS) towers in the U.S. Border Patrol's (USBP) Tucson and Yuma Sectors. The Proposed Action would provide long-term/permanent surveillance in the USBP Tucson and Yuma Sectors. New RVSS towers are proposed in the USBP Yuma, Ajo, Nogales, Naco, and Douglas stations' Areas of Responsibility. The Proposed Action also includes the construction of approximately four access roads (approximately 122 linear feet) and improvement of 13 approach roads (approximately 16.4 linear miles). The draft EA will be available for review at five public libraries in southern Arizona: the Yuma County Main Library, Yuma, Arizona; the Ajo Public Library, Ajo, Arizona; the Nogales-Santa Cruz County Public Library, Nogales, Arizona; the Copper Queen Library, Bisbee, Arizona; and the Douglas Public Library, Douglas, Arizona. It is also available for download from the CBP's Internet Web page at the following URL address: http://www.cbp.gov/xp/cgov/border_security/otia/sbi_news/sbi_enviro_docs/nepa. Comments concerning the Proposed Action as described in the draft EA and proposed FONSI will be accepted for a period of 30 days beginning June 6, 2012 and should be sent to: Ms. Mary Hassell, Department of Homeland Security, U.S. Customs and Border Protection, Office of Technology Innovation and Acquisition, 1901 S. Bell Street, Room 7-001, Arlington, VA 20598 or via email to: mary.d.hassell@cbp.dhs.gov.
Daily June 6, 2012 - 1078291

Joni Brooks or Kathy White, having been first duly sworn, deposes and says: that Yuma Sun is a newspaper of general circulation published daily in the City of Yuma, County of Yuma, State of Arizona; that (s)he is the publisher or business manager of said paper; that the

NOTICE OF AVAILABILITY

a printed copy of which, as it appeared in said paper, is hereto attached and made a part of this affidavit, was published in Yuma Sun For 1 issues; that the date of the first publication of said

NOTICE OF AVAILABILITY

was June 6th, 2012 and the date of the last publication being June 6th, 2012 and that the dates when said NOTICE OF AVAILABILITY was printed and published in said paper were 06/06/2012

Kathy White

Subscribed and sworn to before me, by the said Joni Brooks or Kathy White

6th day of June, 2012

Barb Bajo Notary Public

My commission expires Nov 1, 2013

OFFICIAL SEAL
BARB BAJO
Commission # 254431
Notary Public - State of Arizona
YUMA COUNTY
My Comm. Expires November 1, 2013

1300 Pennsylvania Avenue NW
Washington, DC 20229

U.S. Customs and Border Protection

Mr. Nina Siqueiros
Bureau of Indian Affairs
BIA Agency, Circle Drive
Sells, Arizona 85634

SUBJECT: Draft Environmental Assessment (EA) and Proposed Finding of No Significant Impact (FONSI) for the Remote Video Surveillance Systems Upgrade Program (New Towers), U.S. Border Patrol, Tucson and Yuma Sectors, Arizona, U.S. Customs and Border Protection, Department of Homeland Security, Washington, D.C.

Dear Mr. Siqueiros,

U.S. Customs and Border Protection (CBP), Office of Technology Innovation and Acquisition (OTIA) is pleased to provide a copy of the *Draft Environmental Assessment for the Remote Video Surveillance Systems Upgrade Program (New Towers), U.S. Border Patrol, Tucson and Yuma Sectors, Arizona, U.S. Customs and Border Protection, Department of Homeland Security, Washington, D.C.* CBP has determined that the proposed project would cause no significant impacts on environmental resources and plans to construct, operate, and maintain 20 new Remote Video Surveillance System (RVSS) towers, construct and maintain four new access roads (122 linear feet), and improve and maintain 13 existing approach roads (16.4 miles) in the U. S. Border Patrol Yuma, Ajo, Nogales, Naco, and Douglas stations' Area of Responsibility.

The EA was prepared in compliance with provisions of the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S. Code 4321, et seq.), the Council of Environmental Quality's NEPA implementing regulations at 40 Code of Federal Regulations Part 1500 et seq., and the Department of Homeland Security's *Directive 023-1, Environmental Planning Program*.

CBP invites your participation in this public review process. Comments must be received by close of business July 6, 2012. When submitting your comments, please include your name and address, and identify your comments as intended for the RVSS Upgrade Program (New Towers) Draft EA and Proposed FONSI. Comments or questions regarding the enclosed document can be submitted via:

(a) Email to: mary.d.hassell@cbp.dhs.gov, or
(b) By mail to: Ms. Mary D. Hassell, U.S. Customs and Border Protection, Office of Technology Innovation and Acquisition, 1901 S. Bell Street, Room 7-001, Arlington, Virginia 20598, or
(c) By fax to: (571)-468-7391, Attention: Ms. Mary Hassell

Sincerely,

Michael B. Potter
Project Manager
Remote Video Surveillance Systems
CBP/OTIA Program Management Office

Enclosure(s)

Identical copies of the draft Environmental Assessment transmittal letter from CBP were sent to the following Federal and state agencies and Native American tribal representatives.

Chairperson Louis Manuel
Ak-Chin Indian Community Council
Ak-Chin Him Dak Eco Museum and Archives
47685 North Eco Museum Road
Maricopa, AZ 85239

Chairperson Sherry Cordova
Cocopah Tribal Council
Cocopah Museum
County 15th and Avenue G
Somerton, AZ 85350

Honorable Jeff Houser, Chairman
Fort Sill Apache Tribe of Oklahoma
Rt 2, Box 121
Apache, OK 73006

Governor William Rhodes
Gila River Indian Community
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Honorable Benjamin H. Nuvamsa, Charirman
Hopi Tribal Council
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Kykotsmovi, AZ 86039

Honorable Mark Chine, President
(Ms. Holly Houghton, Cultural Affairs Office)
Mescalero Apache Tribe
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Mescalero, NM 88340

Chairman Peter Yucupicio
Pascua Yaqui Tribe
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Tucson, AZ 85746

President Diane Enos
Salt River Pima-Maricopa Indian Community
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Chairperson Wendsler Nosie
San Carlos Apache Tribe
Historic Preservation and Archaeology Department
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San Carlos, AZ 85550

Honorable Ronnie Lupe, Chairman
(Mr. Mark Altaha, THPO)
White Mountain Apache Tribal Council
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Sells, AZ 85634

Chairwoman Marla Henry
Tohono O'odham Nation
Tohono O'odham Nation Administration Building
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Sells, AZ 85634

Chairwoman Geneva Ramon
Tohono O'odham Nation
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Director Selso Villegas
Tohono O'odham Nation
Tohono O'odham Nation Administration Building
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Ms. Karen Howe, Ecologist
Tohono O'odham Nation
Tohono O'odham Nation Administration Building
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Sells, AZ 85634

Mr. Ned Norris, Chairperson
Tohono O'odham Nation
Main Tribal Building Business Loop
Sells, AZ 85634

Mr. Peter Steere
Tohono O'odham Nation
Tohono O'odham Nation Administration Building
49 Main Street
Sells, AZ 85634

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

President Keeny Escalanti, Sr.
Quechan Tribe
P.O. Box 1899
Yuma, AZ 85366-1899

Mr. Carlos Rivera, County Manager
Santa Cruz County
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Nogales, AZ 85621

Mr. Chuck Huckelberry, County Administrator
Pima County
130 West Congress Street, 10th Floor
Tucson, AZ 857001

Senator John McCain
United States Senate
241 Russell Senate Building
Washington, DC 20510-0303

Senator Jon Kyl
United States Senate
730 Hart Senate Office Building
Washington, DC 20510-0304

Representative Raul Grijalva
United States House of Representatives
1440 Longworth House Office Building
Washington, DC 20510-0307

Representative Gabrielle Giffords
United States House of Representatives
502 Cannon House Office Building
Washington, DC 20510-0308

Ms. Jody Latimer
Arizona State Land Department
1616 West Adams Street
Phoenix, AZ 85007

Ms. Kimberly Nicol, Regional Manager
California Department of Fish and Game
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Ontario, CA 91764

Ms. Kristin Terpening, Region V Habitat Specialist
Arizona Game and Fish Department
555 N. Greasewood Road
Tucson, AZ 85745

Ms. Laura Canaca, Project Evaluation Program Supervisor
Arizona Game and Fish Department
2221 West Greenway Road
Phoenix, AZ 85023

Ms. Leesa Morrison, Homeland Security Advisor
Arizona Department of Homeland Security
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Phoenix, AZ 85007

Mr. Steve Owens, ADEQ Director
Arizona Department of Environmental Quality
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Suite 433
Tucson, AZ 85701

Mr. Mark Sturm
Organ Pipe Cactus National Monument
10 Organ Pipe Drive
Ajo, AZ 85321

Mr. Benjamin Grumbles, Director
Arizona Department of Environmental Quality
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Phoenix, AZ 85007

Mr. Stefan Awender
California Department of Fish and Game
P.O. Box 2160
Blythe, CA 92225

Mr. Benjamin Darwin
Arizona Department of Environmental Quality
1110 West Washinton Street
Phoenix, AZ 85007

Mr. Patrick Gower
U.S. Fish and Wildlife Service
6010 Hidden Valley Road, Suite 101
Carlsbad, CA 92011

Mr. Jim Bartel, Field Supervisor
U.S. Fish and Wildlife Service
6010 Hidden Valley Road, Suite 101
Carlsbad, CA 92011

Dr. Benjamin Tuggle, Regional Director
U.S. Fish and Wildlife Service
P.O. Box 1306
Albuquerque, NM 87103-1306

U.S. Fish and Wildlife Service
Arizona Ecological Services Field Office
Steve Spangle, Field Supervisor
2321 West Royal Palm Road, Suite 103
Phoenix, AZ 85021-4915

Mr. Michael Horton, National Section 7 Coordinator
U.S. Fish and Wildlife Service
4401 North Fairfax Drive, Suite 420
Arlington, VA 22203

U.S. Fish and Wildlife Service
Arizona Ecological Services Field Office
Ms. Jean Calhoun, Assistant Field Supervisor
201 N. Bonita Avenue, Suite 141
Tucson, AZ 85745

Ms. Karen Vitulano
U.S. Environmental Review Office, Mail Code CED-2
75 Hawthorne Street
San Francisco, CA 94105-3901

Ms. Laura Yoshii, Acting Regional Administrator
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Ms. Lisa Hanf. Office of Federal Activities
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Mr. Nova Blazej
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Colonel Thomas H. Magness, District Commander
U.S. Army Corps of Engineers
915 Wilshire Boulevard, Suite 980
Los Angeles, CA 90017

Ms. Marjorie Blaine
U.S. Army Corps of Engineers
5205 East Comanche Street
Tucson, AZ 85707

Mr. Lee Baiza, Superintendent
Organ Pipe Cactus National Monument
10 Organ Pipe Drive
Ajo, AZ 85321

Mr. Bernie Kruse, Supervisory General Engineer
International Boundary and Water Commission
4171 North Mesa
Building C, Suite 310
El Paso, TX 79902

Mr. Edward Drusina, Commissioner
International Boundary and Water Commission
4171 North Mesa
Building C, Suite C-100
El Paso, TX 79902-1441

Mr. Sid Slone, Manager
Cabeza Prieta National Wildlife Refuge
1611 North Second Avenue
Ajo, AZ 85321

Ms. Roberta Lopez
Bureau of Land Management
711 14th Avenue
Safford, AZ 85546

Ms. Elaine Raper, Acting District Manager
Bureau of Land Management
21604 North 7th Avenue
Phoenix, AZ 85021

Ms. Kathy Pedrick
Bureau of Land Management
One North Central Avenue, Suite 800
Phoenix, AZ 85004

Bureau of Land Management
Tucson Field Office
Mr. Brian Bellew, Field Manager
12661 East Broadway
Tucson, AZ 85748-7208

Mr. Carlos de la Torre
Cochise County Community Development
1415 Melody Lane
Bisbee, AZ 85603

Ms. Sharon Bronson, Pima County Supervisor District 3
130 West Congress Street, 11th Floor
Tucson, AZ 85701

Mr. John Renison, Imperial County Supervisor District 1
940 Main Street
El Centro, CA 92243

Mr. Robert Pickels, Yuma County Administrator
198 S. Main Street
Yuma, AZ 85364

Bureau of Reclamation
Yuma Area Office
Attn: Ms. Jennifer McCloskey
7301 Calle Agua Salada
Yuma, AZ 85364

Bureau of Land Management
Yuma Field Office
Attn: Mr. John MacDonald
2555 East Gila Ridge Road
Yuma, AZ 85365

California Environmental Protection Agency
Attn: Mr. Ricardo Martinez
1001 I Street
Sacramento, CA 95812-2815

California Regional Water Quality Control Board
Colorado River Basin Region
Attn: Mr. Robert Perdue
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

California State Clearing House
Attn: Mr. Ken Alex
1400 Tenth Street
Sacramento, CA 95814

Mr. Milford Wayne Donaldson
California State Historic Preservation Officer
Attn: Susan Stratton
1416 9th Street, Room 1442-7
Sacramento, CA 95814

Ms. Greta Anderson
P.O. Box
Tucson, AZ 85702

Mr. Craig Miller
110 Church Street, Suite 4292
Tucson, AZ 85701

Ms. Elizabeth Alvarez del Castillo
950 North Cherry Avenue
Tucson, AZ 85719

Ms. Jennifer Allen
P.O. Box 384
Tucson, AZ 85702

Mr. Christopher Crobally, S.J.
University of Arizona, Steward Obervatory
Tucson, AZ 85721

Ms. Cynthia Manuel
P.O. Box 837
Sells, AZ 85634

Mr. Paul J. Winger
9131 N. Overlook Drive
Tucson, AZ 85704

Mr. Sean Sullivan
758 N. 5th Avenue, Suite 214
Tucson, AZ 85705

Mr. Robert L. Gent
4204 South Hohokam Drive
Sierra Vista, AZ 85650

Mr. Robert L. Gent
9201 Ward Parkway, Suite 100
Kansas City, MO 64114

Dr. Buell T. Jannuzi
950 N. Cherry Avenue
Tucson, AZ 85719

Mr. Dan Brocious
670 Mount Hopkins Road
Amado, AZ 85654

Mr. Matt Clark
110 South Church Street, Suite 4292
Tucson, AZ 85701

National Science Foundation
4201 Wilson Boulevard
Arlington, VA 22230

Copper Queen Public Library
6 Main Street
Bisbee, AZ 85603

Douglas Public Library
560 10th Street
Douglas, AZ 85607

Nogales-Santa Cruz County Public Library
518 N. Grand Avenue
Nogales, AZ 85621

Yuma Main Library
2951 South 21st Drive
Yuma, AZ 85364

Ajo Public Library
33 N. Plaza Street
Ajo, AZ 85321

From: Wendy S. LeStarge [mailto:LeStarge.Wendy@azdeq.gov]
Sent: Friday, June 22, 2012 1:10 PM
To: HASSELL, MARY D
Cc: Linda C. Taunt
Subject: Draft Environmental Assessment for Remote Video Surveillance Systems Upgrade Program in Tucson and Yuma Sectors, Arizona

On behalf of Linda Taunt, Deputy Division Director for the Arizona Department of Environmental Quality, Water Quality Division:

After reviewing the Draft Environmental Assessment, the Water Quality Division has no additional comments and would like to iterate our March 15, 2012 comments related to possible water quality permits and approvals. Thank you for this opportunity to review.

Wendy LeStarge
Environmental Rules Specialist
Arizona Department of Environmental Quality
Water Quality Division
(602) 771-4836

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Department of Toxic Substances Control

Matthew Rodriquez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

June 25, 2012

Ms. Mary Hassell
Department of Homeland Security
U.S. Customs & Border Protection
Office of Technology Innovation and Acquisition
1901 S. Bell Street, Room 7-001
Arlington, Virginia 20598

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL ASSESSMENT FOR THE REMOTE VIDEO SURVEILLANCE SYSTEMS UPGRADE PROGRAM (NEW TOWERS) U.S. BORDER PATROL, TUCSON AND YUMA SECTORS, ARIZONA PROJECT, (SCH #2012064001), COCHISE, PIMA, SANTA CRUZ, AND YUMA COUNTIES, ARIZONA AND IMPERIAL COUNTY, CALIFORNIA

Dear Ms. Hassell:

The Department of Toxic Substances Control (DTSC) has received your submitted Draft Environmental Assessment (EA) for the above-mentioned project. The following project description is stated in your document: "U.S. Customs and Border Protection (CBP) propose to upgrade existing Remote Video Surveillance Systems (RVSS) capabilities. The upgrade includes the replacement of existing RVSS equipment and installation of new sensor suites (i.e., cameras) on existing RVSS towers, installation of new sensors suites on relocated towers, and the construction of new RVSS towers for improved border surveillance coverage throughout Arizona. The Proposed Action also includes the construction of approximately four access roads (approximately 122 linear feet) and improvement of 13 approach roads (approximately 16.4 linear miles). The proposed RVSS towers would consists of a monopole tower design with a sub-platform. The proposed monopole height for this Proposed Action would be approximately 80 feet. The proposed RVSS towers sites are located in Cochise, Pima, Santa Cruz, and Yuma counties, Arizona, and Imperial County, California. The proposed sites are located on Federal, state, tribal, and private lands throughout southern Arizona and extreme southeastern California. Mostly, desert land use is dependent upon soil characteristics and water availability. Agriculture, tourism, military, and government are the county's principal land uses. Imperial County, California, is a predominantly rural area with roughly 80 percent of lands being undeveloped, lake, dune, desert, or mountains, and 20 percent lands being used for irrigation agriculture or livestocks production."

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Based on the review of the submitted document DTSC has the following comments:

1) The EA should evaluate whether conditions within the Project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

   - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
   - Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
   - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
   - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
   - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
   - GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
   - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
   - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

2) The EA should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.

3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of

any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EA.

4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.

6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.

7) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.

8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

9) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

10) Also, in future CEQA document, please provide your e-mail address, so DTSC can send you the comments both electronically and by mail.

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, by e-mail at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

Sincerely,

Rafiq Ahmed
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3588

Janice K. Brewer
Governor

Bryan Martyn
Executive Director

Arizona State Parks
AZStateParks.com

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Tracey Westerhausen, Phoenix

OOE
NAE

In reply, refer to SHPO-2012-0550(105175)

June 27, 2012

E-MAILED
6/27/12 JWC

Mary Hassell
Head, Environmental and Real Estate Program/OTIA
U.S. Customs and Border Protection
1300 Pennsylvania Avenue NW
Washington, DC 20229

Re: Section 106 Consultation for 20 New RVSS Towers in Yuma and Tucson Sectors, Arizona

Dear Ms. Hassell:

Thank you for consulting with this office on the above-referenced undertaking. Pursuant to 36 CFR 800, implementing regulations for Section 106 of the National Historic Preservation Act, I have reviewed the submitted draft report, "Cultural Resources Surveys in Support of the Proposed Remote Video Surveillance Upgrade Program (New Towers) for U.S. Customs and Border Protection, Office of Technology Innovation and Acquisition, U.S. Border Patrol, Tucson and Yuma Sectors, Arizona and California," as well as your June 1, 2012 cover letter and I have the following comments:

1. I concur with your determination that International Boundary Marker MKR171 is eligible for listing in the National Register of Historic Places (NRHP) and note that it will not be affected by the proposed undertaking.
2. Although your letter does not provide NRHP-eligibility determinations for segments of the historic railroad sites AZ FF:1:34(ASM) and AZ FF:9:64(ASM), from the report it is clear that provided access is continued on existing roads across these sites and that the roads are not widened or improved, a finding of No Adverse Effect would be appropriate for these segments.
3. I concur with your determination that site AZ FF:9:187(ASM) is not NRHP-eligible. Therefore, I also concur with your finding of No Historic Properties Affected in this instance.
4. The report states that prehistoric site SON C:1:12(ASM) could not be relocated. This may be because the site was originally misplotted or destroyed during use of the road. Because the original site description is a small number of unworked shell and shell fragments, I would concur that this site is not NRHP-eligible. Therefore, I also would concur with a finding of No Historic Properties Affected in this instance.
5. I cannot concur with your determination that site AZ EE:9:266(ASM) is not NRHP-eligible at this time because I believe that eligibility testing for the presence of subsurface deposits should be conducted and the results evaluated against the frequency and redundancy of similar sites in the area. However, from report Figure 44 it appears that the site could be avoided by flagging the boundary on the eastern side of the road during RVSS construction and any necessary road widening be conducted on the western side of the road, away from the site, or by monitoring

during construction. If these avoidance measures are not feasible please consult further with this office.

6. The report states that an access road is immediately west of SON C:1:17(ASM), an NRHP-listed property (see page 67). Please ensure that there are No Adverse Effects to this property, by flagging off the site during RVSS construction, not widening the road in proximity to the site, monitoring during construction, or by other measures. If these avoidance measures are not feasible please consult further with this office.
7. I do not believe that any of the Isolated Occurrences are NRHP-eligible.
8. Please ensure that Native American Tribes that may have concerns or comments about the proposed undertaking are consulted, as well as any other state and federal agencies that may be affected. I also cannot comment on portions of the project area that fall within the state of California.

On an editorial note, the Culture History section is much improved and expanded over previous reports from this consultant (see March 29, 2012 letter to Ms. Paula Miller re: SHPO-2012-0263). However, the consultant is still making effect determinations at the end of each survey segment discussion. This is the responsibility of the agency, not the consultant. If this draft report is to be revised, please have the consultant remove this inappropriate language. I would be happy to speak with the consultant in order to clarify my concerns.

I appreciate your continued cooperation with this office in complying with federal historic preservation requirements. If you have any questions or concerns, please feel free to contact me at 602/542-7142, or email me at jcogswell@azstateparks.gov.

Sincerely,

James Cogswell, Ph.D.
Archaeological Compliance Specialist
State Historic Preservation Office

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

June 29, 2012

Ms. Mary Hassell
U.S. Customs and Border Protection
Department of Homeland Security
1901 South Bell Street, Room 7-001
Arlington, VA 20598

Sent by U.S. Mail
No. of Pages: 4

Re: Request of Sacred Lands File & Native American Contacts List , pursuant to 36 CFR Part 800, Protection of Historic Properties (NHPA Section 106; 16 U.S.C. 470 *et* seq) for the **"EA for Remote Video Surveillance Systems Upgrade Program (New Towers), USBP, Tucson and Yuma Sectors Project;"** located in the Community of Andrade; Imperial County, California.

Dear Ms. Hassell:

The Native American Heritage Commission (NAHC) is the California State 'Trustee Agency' pursuant to Public Resources Code §21070 for the protection of California's Native American Cultural Resources. The NAHC is also a 'reviewing agency' for environmental documents prepared under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq*), 36 CFR Part 800.3, .5 and are subject to the Tribal and interested Native American consultation as required by the National Historic Preservation Act, as amended (Section 106) (16 U.S.C. 470; Section 106, [4f] 110 [f] [k], 304). The provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001-3013) and its implementation (43 CFR Part 10.2), and California Government Code §27491 may apply to this project if Native American human remains are inadvertently discovered.

The NAHC is of the opinion that the federal standards, pursuant to the above-referenced Acts and the Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq*) are similar to and in many cases more stringent with regard to the 'significance' of historic, including Native American items, and archaeological, including Native American items at least equal to the California Environmental Quality Act (CEQA.). In most cases, federal environmental policy require that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Statement (EIS).

The NAHC did conduct a Sacred Lands File (SLF) search of its Inventory and Native American cultural resources were identified in the area you specified (but not at the Point of Entry, but near Pilot Knob further north). Early and quality consultation with the Native American representatives on the attached list may provide detailed information of sites with which they are aware. Also note that the absence of archaeological resources does not preclude their existence, particularly at the subsurface level.

The NAHC Sacred Lands File Inventory of the Native American Heritage Commission is established by the California Legislature pursuant to California Public Resources Code

§§5097.94(a) and 5097.96. The NAHC Sacred Lands Inventory is populated by submission to the data by Native American tribes and Native American elders. In this way it differs from the California and National Register of Historic Places under the jurisdiction of the U.S. Secretary of the Interior.

The NAHC, pursuant to Appendix B of the Guidelines to the California Environmental Quality Act (CEQA) is designated as the agency with expertise in the areas of issues of cultural significance to California Native American communities. Also, in the 1985 California Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites

Culturally affiliated tribes are to be consulted to determine possible project impacts pursuant to the National Historic Preservation Act, as amended. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. The NAHC recommends as part of 'due diligence', that you also contact the nearest Information Center of the California Historical Resources Information System (CHRIS) of the State Historic Preservation Office (SHPO) for other possible recorded sites in or near the APE (contact the Office of Historic Preservation at 916-445-7000).

Attached is a list of Native American contacts is attached to assist you pursuanat to Section 800.2(c)(1)(i) and Section 800.2(c)(2); they may have knowledge of cultural resources in the project area. It is advisable to contact the persons listed and seek to establish a 'trust' relationship with them; if they cannot supply you with specific information about the impact on cultural resources, they may be able to refer you to another tribe or person knowledgeable of the cultural resources in or near the affected project area.

Lead agencies should consider avoidance, in the case of cultural resources that are discovered. A tribe or Native American individual may be the only source of information about a cultural resource; this is consistent with the NHPA (16 U.S.C. 470 *et seq* Sections. 106, 110, and 304) Section 106 Guidelines amended in 2009. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful

NEPA regulations provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Even though a discovery may be in federal property, California Government Code §27460 should be followed in the event of an accidental discovery of human remains during any groundbreaking activity; in such cases California Government Code §27491 and California Health & Safety Code §7050.5 will apply and construction cease in the affected area.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton

Cc: State Clearinghouse

Native American Contacts
Imperial County
June 29, 2012

Ewiiaapaayp Tribal Office
Robert Pinto Sr., Chairperson
4054 Willows Road Diegueno/Kumeyaay
Alpine , CA 91901
wmicklin@leaningrock.net
(619) 445-6315 - voice
(619) 445-9126 - fax

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775 Diegueno -
Pine Valley , CA 91962
(619) 709-4207

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
PO Box 1120 Diegueno/Kumeyaay
Boulevard , CA 91905
gparada@lapostacasino.
(619) 478-2113
619-478-2125

Fort Yuma Quechan Indian Nation
Keeny Escalanti, Sr., President
PO Box 1899 Quechan
Yuma , AZ 85366
qitpres@quechantribe.com
(760) 572-0213
(760) 572-2102 FAX

Manzanita Band of Kumeyaay Nation
Leroy J. Elliott, Chairperson
PO Box 1302 Kumeyaay
Boulevard , CA 91905
ljbirdsinger@aol.com
(619) 766-4930
(619) 766-4957 Fax

Ewiiaapaayp Tribal Office
Michael Garcia, Vice Chairperson
4054 Willows Road Diegueno/Kumeyaay
Alpine , CA 91901
michaelg@leaningrock.net
(619) 445-6315 - voice
(619) 445-9126 - fax

Campo Band of Mission Indians
Ralph Goff, Chairperson
36190 Church Road, Suite 1 Diegueno/Kumeyaay
Campo , CA 91906
chairgoff@aol.com
(619) 478-9046
(619) 478-5818 Fax

Cocopah Museum/Cultural Resources Dept.
H. Jill McCormick, Tribal Archaeologist
County 15th & Ave. G Cocopah
Sommerton , AZ 85350
culturalres@cocopah.com
(928) 530-2291 - cell
(928) 627-2280 - fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012064001; NEPA Notice: draft Environmental Assessment (EA) for the EA for Remote Video Surveillance Systems Upgrade Program (New Towers) USBP, Tucson and Yuma sectors; located near the Community of Anddrade; Imperial County, California.

Native American Contacts
Imperial County
June 29, 2012

Quenchan Indian Nation
John P. Bathke, THPO
P.O. Box 1899 Quechan
Yuma , AZ 85366
b.nash@quechantribe.com
(928) 920-6068 - CELL
(760) 572-2423
(760) 572-0515 - FAX

Ah-Mut-Pipa Foundation
Preston J. Arrow-weed
P.O. Box 160 Quechan
Bard , CA 92222 Kumeyaay
ahmut@earthlink.net
(928) 388-9456

Inter-Tribal Cultural Resource Protection Council
Frank Brown, Coordinator
240 Brown Road Diegueno/Kumeyaay
Alpine , CA 91901
frankbrown6928@gmail.com
(619) 884-6437

Kumeyaay Cultural Repatriation Committee
Bernice Paipa, Vice Spokesperson
1095 Barona Road Diegueno/Kumeyaay
Lakeside , CA 92040
(619) 478-2113
(KCRC is a Colation of 12
Kumeyaay Governments

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012064001; NEPA Notice: draft Environmental Assessment (EA) for the EA for Remote Video Surveillance Systems Upgrade Program (New Towers) USBP, Tucson and Yuma sectors; located near the Community of Anddrade; Imperial County, California.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 11
PLANNING DIVISION
4050 TAYLOR STREET, MS 240
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July 3, 2012

11-IV-8/111
EA for RVSS Upgrade Program
SCH No. 2012064001

Ms. Mary Hassell
Department of Homeland Security
U.S. Customs and Border Protection
Office of Technology Innovation and Acquisition
1901 S. Bell Street, Room 7-001
Arlington, VA 20598

Dear Ms. Hassell:

The California Department of Transportation (Caltrans) has reviewed the Environmental Assessment (EA) for the Remote Video Surveillance Systems (RVSS) Upgrade Program located in proximity to Interstate 8 (I-8) and State Route 186 (SR-186). The Project proposes RVSS along the U.S. border with Canada and Mexico for surveillance purposes. A recent assessment of existing Arizona RVSS determined that technology and operator interfaces were antiquated and obsolete. To address these deficiencies, U.S. Customs and Border Protection (CBP) propose to upgrade existing RVSS capabilities. The upgrade includes the replacement of existing RVSS equipment and installation of new sensor suites (i.e., cameras) on existing RVSS towers, installation of new sensor suites on relocated towers, and the construction of new RVSS towers for improved border surveillance coverage throughout Arizona and California. The proposed project includes the construction, operation, and maintenance of 20 RVSS towers to provide long-term/permanent surveillance in the USBP Yuma Counties, Arizona, and Imperial County stations.

Work within State right-of-way (R/W) will require an Encroachment Permit. Furthermore, the applicant's EA must include all California Environmental Quality Act (CEQA) clearances for any work within Caltrans R/W and indicate that an encroachment permit will be needed.

We strongly encourage the U.S. Department of Homeland Security to coordinate early with Caltrans on any aspects of the proposed improvements that may impact State transportation facilities.

Caltrans has the following specific comments:

- Regarding Appendix B-4 (Project Area Map Showing the Location of YUM-YUS-0571): It is anticipated that access from the roadway to the future "30' Wide Road Improvements" will occur from/to federal R/W. Therefore, it is expected that an Encroachment Permit from Caltrans to USBP may not be required. Please confirm.

- Regarding Appendix B-5 (Project Area Map Showing the Location of YUM-YUS-0573 and YUM-YUS-0531): An exclusive access from eastbound I-8 is denied. Access to the proposed Tower Locations can be achieved via the Grays Wells Road (Exit 156) ramp.

If you have any questions on the comments Caltrans has provided, please contact Anthony Aguirre of the Development Review Branch at (619) 688-3161.

Sincerely,

JACOB M. ARMSTRONG, Chief
Development Review Branch

c: Mr. Charles McGregor, U.S. Army Corps of Engineers, Engineering and Construction Office, Fort Worth District

United States Department of the Interior

NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
12795 West Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225-0287

IN REPLY REFER TO:
L7617

JUL 05 2012

Ms. Mary D. Hassell
U.S. Customs and Border Protection
Office of Technology Innovation and Acquisition
1901 S. Bell Street, Room 7-001
Arlington, VA 20598

Dear Ms.Hassell,

Thank you for the opportunity to comment on the Draft Environmental Assessment (EA) for the Remote Video Surveillance Systems (RVSS) Upgrade Program. We support the additional technology immediately along the border to help deter and apprehend cross border violators.

We have some concerns about the lack of site specific measures to mitigate RVSS impacts that would directly or indirectly affect Organ Pipe Cactus National Monument, particularly the soils, plants, threatened and endangered wildlife and other delicate resources within the park. The Customs and Border Patrol EA for the SBInet Ajo1 Tower Project contains a number of mitigation measures that we consider effective. We would like to work with your staff to ensure that effective mitigation measures may be incorporated into the decision document for this EA.

We look forward to working with Department of Homeland Security, Customs and Border Protection and their contractors on implementation of this critical infrastructure to help secure our borders. If you have questions or need clarification on any of our comments, please contact Lee Baiza, OPCNM Superintendent, 520-347-3849, ext. 7500.

Sincerely,

Colin Campbell
Deputy Regional Director

Attachment

cc:
NPS-IMR, Tammy Whittington, Associate Regional Director, Resource Stewardship and Science
NPS-ORPI, Lee Baiza, Superintendent
NPS-IMR, Chris Turk, Regional Environmental Quality Coordinator
NPS-ORPI, Michele Girard, Acting Chief of Resources

[NOTE: Comments are presented in comment response matrix at end of this Appendix.]

THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT
5000 W. CAREFREE HIGHWAY
PHOENIX, AZ 85086-5000
(602) 942-3000 • WWW.AZGFD.GOV
REGION V, 555 N. GREASEWOOD ROAD, TUCSON, AZ 85745

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DEPUTY DIRECTORS
GARY R. HOVATTER
BOB BROSCHEID

July 6, 2012

Ms. Mary D. Hassell
U.S. Customs and Border Protection
Office of Technology Innovation and Acquisition
1901 S. Bell Street, Room 7-001
Arlington, VA 20598

Re: Comments on Remote Video Surveillance Systems (RVSS) Upgrade Program (New Towers) Draft EA and Proposed FONSI, Tucson and Yuma Sectors, Arizona

Dear Ms. Hassell:

The Arizona Game and Fish Department (the Department) provides the following comments for your consideration concerning the Draft Environmental Assessment (EA) and Proposed Finding of No Significant Impact (FONSI) for Remote Video Surveillance Systems (RVSS) Upgrade Program (New Towers), U.S. Border Patrol, Tucson and Yuma Sectors, Arizona:

- Document size – the Draft EA is a considerably large document, arguably too large to allow adequate review by the public and agency reviewers in a timely fashion. Several areas of the document could be condensed without loss of important content. For example, rather than including 112 pages of repetitive copies of the initial project notification letter in Appendix A, a simple list of agencies/other entities sent this letter would accomplish the same purpose while saving reviewer time and doubtless paper, considering the likely scenario that some reviewers may choose to print the document for review.
- The maps presented in Appendices B and C could be combined, thereby eliminating an additional 20 pages.
- The species observed list is essentially meaningless without an indication of which species were observed at which locations, and doesn't add value to the analysis.
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- The Department recommends changing "agaves, saguaro cacti, and organ pipe cacti <u>should</u> be salvaged and transplanted" to "<u>would</u> be salvaged and transplanted" on page 3-43 and including reference to this in the FONSI and the pending restoration plan.
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The Department thanks you for the opportunity to comment on the Draft EA for the RVSS Upgrade Program. As the state agency responsible for the conservation, enhancement, and

restoration of Arizona's diverse wildlife resources and habitats, the Department encourages project proponents to avoid and minimize negative impacts, and when possible enhance and/or improve habitat conditions. The Department has produced a number of wildlife-friendly guidelines (http://www.azgfd.gov/hgis/guidelines.aspx) and can provide additional expertise to CBP in regard to wildlife connectivity, habitat management, and mitigation strategies. In particular, we recommend your compliance with the *Tortoise Handling Guidelines*, *Mitigation Measures for Desert Tortoises*, and *Survey Guidelines for Consultants* available from the above web address.

Please contact me at kterpening@azgfd.gov, or 520-388-4447, if you have any questions regarding this letter.

Sincerely,

Kristin Terpening, Habitat Specialist, Region V

cc: John Windes, Habitat Program Manager, Region V (via email)
Laura Canaca, Project Evaluation Program Manager (via email)
Jean Calhoun, Assistant Field Supervisor, Fish and Wildlife Service, Tucson, AZ

United States Department of the Interior

BUREAU OF RECLAMATION
Lower Colorado Region
Yuma Area Office
7301 Calle Agua Salada
Yuma, AZ 85364

IN REPLY REFER TO:
YAO-7210
LND-6.00
ENV-1.10

JUL 09 2012

Ms. Mary D. Hassell
U.S. Customs and Border Protection
Office of Technology Innovation and Acquisition
1901 South Bell Street, Room 7-001
Arlington, VA 20598

Subject: U. S. Customs and Border Protection – Review of the Biological Assessment (BA), Draft Environmental Assessment (EA) and Proposed Finding of No Significant Impact (FONSI) for the Remote Video Surveillance Systems (RVSS) Upgrade Program (New Towers)

Dear Ms. Hassell:

The Bureau of Reclamation, Yuma Area Office received the subject EA dated June 2012. We appreciate the office of U.S. Customs and Border Protection giving us the opportunity to review and provide the following comments:

Flat-tailed Horned Lizard (FTHL)

Impacts to FTHL are anticipated. As indicated by the EA, mitigation (including compensatory) for the FTHL is required by Reclamation for any users of Reclamation lands. This would include temporary construction impacts and the final project "footprint." We request that prior to any construction activities commence, our office is contacted well in advance to ensure the appropriate mitigation and compensatory measures are formalized in accordance with the Flat-tailed Horned Lizard Rangewide Management Strategy, 2003 Revision. Compensation mitigation will be determined based on habitat loss. Outside the Yuma Desert Management Area (MA) compensation would be assessed at a 1:1 ratio. A multiplying factor ranging from three (3) to six (6) would be assessed for habitat loss inside the MA.

Lands

1. The tower sites listed in the EA are on Reclamation lands, and according to our records have been authorized by Reclamation Contract and License Nos. 8-07-34-L1091, 11-07-34-L1710, and 11-07-34-L1710 Amendment No. 1.

2. Section 3.3, Page No. 77 and 78 in the EA indicates BLM as "Land Manager/Owner," however, the tower sites (YUM-YUS-0531, YUM-YUS-0533, and YUM-YUS-0535) are authorized under the Reclamation Contracts listed above, please correct landowner to reflect "Reclamation."

Miscellaneous Comments

Need clarification on RVSS sites YUM-YUS-0539 and YUM-YUS-0547. Under Section 2.3 (*Proposed Action*) RVSS site YUM-YUS-0547 is listed in Table 2-2 but is not shown in Figure 2-1. Under Section 2.4 (*Alternative 1*) RVSS site YUM-YUS-0539 is listed in Table 2-4 but is not shown in Figure 2-9 of the document.

Under Table 3-2, RVSS site YUM-YUS-0533 is incorrectly listed as YUM-YUS-0553.

Thank you for this opportunity to provide comments. Questions regarding FTHL issues please contact Mr. Nick Heatwole, Environmental Protection Specialist at telephone No. 928-343-8111 or via email at NHeatwole@usbr.gov. Any questions concerning land right-of-uses please contact Ms. Anna Pinnell, Realty Officer at telephone No. 928-343-8514 or via email at APinnell@usbr.gov.

Sincerely,

Jill S. Dale, Manager
Environmental Planning and
Compliance Group

cc: 96-42030 (Callejo); LC-2621 (Maynard)

THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT
5000 W. CAREFREE HIGHWAY
PHOENIX, AZ 85086-5000
(602) 942-3000 • WWW.AZGFD.GOV
REGION V, 555 N. GREASEWOOD ROAD, TUCSON, AZ 85745

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DEPUTY DIRECTORS
GARY R. HOVATTER
BOB BROSCHEID

July 6, 2012

Ms. Mary D. Hassell
U.S. Customs and Border Protection
Office of Technology Innovation and Acquisition
1901 S. Bell Street, Room 7-001
Arlington, VA 20598

Re: Comments on Remote Video Surveillance Systems (RVSS) Upgrade Program (New Towers) Draft EA and Proposed FONSI, Tucson and Yuma Sectors, Arizona

Dear Ms. Hassell:

The Arizona Game and Fish Department (the Department) provides the following comments for your consideration concerning the Draft Environmental Assessment (EA) and Proposed Finding of No Significant Impact (FONSI) for Remote Video Surveillance Systems (RVSS) Upgrade Program (New Towers), U.S. Border Patrol, Tucson and Yuma Sectors, Arizona:

- Document size – the Draft EA is a considerably large document, arguably too large to allow adequate review by the public and agency reviewers in a timely fashion. Several areas of the document could be condensed without loss of important content. For example, rather than including 112 pages of repetitive copies of the initial project notification letter in Appendix A, a simple list of agencies/other entities sent this letter would accomplish the same purpose while saving reviewer time and doubtless paper, considering the likely scenario that some reviewers may choose to print the document for review.
- The maps presented in Appendices B and C could be combined, thereby eliminating an additional 20 pages.
- The species observed list is essentially meaningless without an indication of which species were observed at which locations, and doesn't add value to the analysis.
- Appendix E contains the entire list of Arizona special status species, for every county in the state. Much of this is completely irrelevant for this EA, and again a considerable number of pages in the document could be eliminated through a simple request to the Department to generate a list for only those counties within the project region of influence (ROI).
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Please contact me at kterpening@azgfd.gov, or 520-388-4447, if you have any questions regarding this letter.

Sincerely,

Kristin Terpening, Habitat Specialist, Region V

cc: John Windes, Habitat Program Manager, Region V (via email)
Laura Canaca, Project Evaluation Program Manager (via email)
Jean Calhoun, Assistant Field Supervisor, Fish and Wildlife Service, Tucson, AZ

Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov

Henry R. Darwin
Director

June 29, 2012

Ms. Mary D. Hassell
U.S. Customs and Border Protection
Office of Technology Innovation and Acquisition
1901 S. Bell Street, Room 7-001
Arlington, Virginia 20598

RE: U.S. Border Patrol: Scoping Letter for the RVSS Upgrade Program (New Towers) Draft EA and Proposed FONSI

Dear Ms. Hassell:

The ADEQ Air Quality Division has reviewed your letter that was received on June 6, 2012, requesting a Scoping Letter for the RVSS Upgrade Program (New Towers) Draft EA and Proposed FONSI.

We are enclosing a table that shows in the last three columns the type of plan that is in effect in the locations of 11 towers. The columns for 10-micron particulate matter (PM_{10}) and 2.5-micron particulate matter ($PM_{2.5}$) are covered by nonattainment area plans.

As described, your project may have a de minimis impact on air quality. Disturbance of particulate matter is anticipated during construction and in travel on dirt roads. Considering prevailing winds, to comply with other applicable air pollution control requirements and minimize adverse impacts on public health and welfare, the following information is provided for consideration:

REDUCE DISTURBANCE of PARTICULATE MATTER during CONSTRUCTION

This action, plan or activity may temporarily increase ambient particulate matter (dust) levels. Particulate matter 10 microns in size and smaller can penetrate the lungs of human beings and animals and is subject to a National Ambient Air Quality Standard (NAAQS) to protect public health and welfare. Particulate matter 2.5 microns in size and smaller is difficult for lungs to expel and has been linked to increases in death rates; heart attacks by disturbing heart rhythms and increasing plaque and clotting; respiratory infections; asthma attacks and cardiopulmonary obstructive disease (COPD) aggravation. It is also subject to a NAAQS.

The following measures are recommended to reduce disturbance of particulate matter, including emissions caused by strong winds as well as machinery and trucks tracking soil off the construction site:

I. Site Preparation and Construction
   A. Minimize land disturbance;
   B. Suppress dust on traveled paths which are not paved through wetting, use of watering trucks, chemical dust suppressants, or other reasonable precautions to prevent dust entering ambient air;
   C. Cover trucks when hauling soil;
   D. Minimize soil track-out by washing or cleaning truck wheels before leaving construction site;
   E. Stabilize the surface of soil piles; and
   F. Create windbreaks.

II. Site Restoration
   A. Revegetate any disturbed land not used;
   B. Remove unused material; and
   C. Remove soil piles via covered trucks.

The following rules applicable to reducing dust from open areas, dry washes or riverbeds, roadways and streets are enclosed:

- □ Arizona Administrative Code R18-2-604 and R18-2-605
- □ Arizona Administrative Code R18-2-804

Should you have further questions, please do not hesitate to call me at (602) 771-2375, or Lhamo LeMoine at (602) 771-2373.

Very truly yours,

Diane L. Arnst, Manager
Air Quality Planning Section

Enclosures (3)

cc: Sherri Zendri, Administrative Counsel
Lhamo LeMoine, Administrative Secretary
File No. 288382

NUM	TOWER_NUM	AKA	PLAN_ALT	NAME	LAT	LONG	COUNTY	PM10	PM2.5	SO2 MAINT
1	TCA DGL 0557		PLAN	DGL D HILL	31.346183	-109.476383	COCHISE	PM10		SO2 MAINT
2	TCA DLG 0565		PLAN	DGL SAN JOE ALT3	31.362745	-109.738764	COCHISE	PM10		
3	TCA DGL 0559	TCA AJO 0559	ALT	DGL SAN JOSE	31.36107	-109.741301	COCHISE	PM10		
4	TCA NCO 0525		PLAN	TCA NCO 1 SCOUT HILL	31.346315	-109.807646	COCHISE	PM10		
5	TCA NCO 0529		PLAN	TCA NCO ALT1	31.358338	-109.834806	COCHISE	PM10		
6	TCA NCO 0587	TCA NCO 0567	PLAN	DGL CHRISTIANSEN RANCH	31.346134	-109.76952	COCHISE	PM10		
7	TCA NGL 0505		PLAN	TCA NGL 1 ALT 1	31.334148	-110.99119	SANTA CRUZ	PM10	PM2.5	
8	TCA NGL 0555		PLAN	TCA NGL 5 ALT 1	31.333115	-110.982029	SANTA CRUZ	PM10	PM2.5	
9	TCA NGL 0503		ALT	TCA NGL 1 ALT 1	31.335913	-110.98898	SANTA CRUZ	PM10	PM2.5	
10	TCA NGL 0511		PLAN	TCA NGL 4	31.34166	-110.89374	SANTA CRUZ	PM10	PM2.5	
11	TCA NLG 0515		ALT	TCA NGL 5 ALT 1	31.33442	-110.979897	SANTA CRUZ	PM10	PM2.5	

o. If the burning would occur at a solid waste facility in violation of 40 CFR 258.24 and the Director has not issued a variance under A.R.S. § 49-763.01.

E. Open outdoor fires of dangerous material. A fire set for the disposal of a dangerous material is allowed by the provisions of this Section, when the material is too dangerous to store and transport, and the Director has issued a permit for the fire. A permit issued under this subsection shall contain all provisions in subsection (D)(3) except for subsections (D)(3)(e) and (D)(3)(f). The Director shall permit fires for the disposal of dangerous materials only when no safe alternative method of disposal exists, and burning the materials does not result in the emission of hazardous or toxic substances either directly or as a product of combustion in amounts that will endanger health or safety.

F. Open outdoor fires of household waste. An open outdoor fire for the disposal of household waste is allowed by provisions of this Section when permitted in writing by the Director or a delegated authority. A permit issued under this subsection shall contain all provisions in subsection (D)(3) except for subsections (D)(3)(e) and (D)(3)(f). The permittee shall conduct open outdoor fires of household waste in an approved waste burner and shall either:

1. Burn household waste generated on-site on farms or ranches of 40 acres or more where no household waste collection or disposal service is available; or
2. Burn household waste generated on-site where no household waste collection and disposal service is available and where the nearest other dwelling unit is at least 500 feet away.

G. Permits issued by a delegated authority. The Director may delegate authority for the issuance of open burning permits to a county, city, town, air pollution control district, or fire district. A delegated authority may not issue a permit for its own open burning activity. The Director shall not delegate authority to issue permits to burn dangerous material under subsection (E). A county, city, town, air pollution control district, or fire district with delegated authority from the Director may assign that authority to one or more private fire protection service providers that perform fire protection services within the county, city, town, air pollution control district, or fire district. A private fire protection provider shall not directly or indirectly condition the issuance of open burning permits on the applicant being a customer. Permits issued under this subsection shall comply with the requirements in subsection (D)(3) and be in a format prescribed by the Director. Each delegated authority shall:

1. Maintain a copy of each permit issued for the previous five years available for inspection by the Director;
2. For each permit currently issued, have a means of contacting the person authorized by the permit to set an open fire if an order to extinguish open burning is issued; and
3. Annually submit to the Director by May 15 a record of daily burn activity, excluding household waste burn permits, on a form provided by the Director for the previous calendar year containing the information required in subsections (D)(3)(e) and (D)(3)(f).

H. The Director shall hold an annual public meeting for interested parties to review operations of the open outdoor fire program and discuss emission reduction techniques.

I. Nothing in this Section is intended to permit any practice that is a violation of any statute, ordinance, rule, or regulation.

Historical Note

Adopted effective May 14, 1979 (Supp. 79-1). Amended effective October 2, 1979 (Supp. 79-5). Correction, subsection (C) repealed effective October 2, 1979, not shown (Supp. 80-1). Former Section R9-3-602 renumbered without change as Section R18-2-602 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-602 renumbered to R18-2-802, new Section R18-2-602 renumbered from R18-2-401 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 10 A.A.R. 388, effective March 16, 2004 (Supp. 04-1).

R18-2-603. Repealed

Historical Note

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-603 renumbered without change as Section R18-2-603 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-603 renumbered to R18-2-803, new Section R18-2-603 renumbered from R18-2-403 effective November 15, 1993 (Supp. 93-4). Repealed effective October 8, 1996 (Supp. 96-4).

R18-2-604. Open Areas, Dry Washes, or Riverbeds

A. No person shall cause, suffer, allow, or permit a building or its appurtenances, or a building or subdivision site, or a driveway, or a parking area, or a vacant lot or sales lot, or an urban or suburban open area to be constructed, used, altered, repaired, demolished, cleared, or leveled, or the earth to be moved or excavated, without taking reasonable precautions to limit excessive amounts of particulate matter from becoming airborne. Dust and other types of air contaminants shall be kept to a minimum by good modern practices such as using an approved dust suppressant or adhesive soil stabilizer, paving, covering, landscaping, continuous wetting, detouring, barring access, or other acceptable means.

B. No person shall cause, suffer, allow, or permit a vacant lot, or an urban or suburban open area, to be driven over or used by motor vehicles, trucks, cars, cycles, bikes, or buggies, or by animals such as horses, without taking reasonable precautions to limit excessive amounts of particulates from becoming airborne. Dust shall be kept to a minimum by using an approved dust suppressant, or adhesive soil stabilizer, or by paving, or by barring access to the property, or by other acceptable means.

C. No person shall operate a motor vehicle for recreational purposes in a dry wash, riverbed or open area in such a way as to cause or contribute to visible dust emissions which then cross property lines into a residential, recreational, institutional, educational, retail sales, hotel or business premises. For purposes of this subsection "motor vehicles" shall include, but not be limited to trucks, cars, cycles, bikes, buggies and 3-wheelers. Any person who violates the provisions of this subsection shall be subject to prosecution under A.R.S. § 49-463.

Historical Note

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-604 renumbered without change as Section R18-2-604 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-604 renumbered to R18-2-804, new Section R18-2-604 renumbered from R18-2-404 and amended effective November 15, 1993 (Supp. 93-4).

R18-2-605. Roadways and Streets

A. No person shall cause, suffer, allow or permit the use, repair, construction or reconstruction of a roadway or alley without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. Dust and other particulates shall be kept to a minimum by employing temporary paving, dust suppressants, wetting down, detouring or by other reasonable means.

B. No person shall cause, suffer, allow or permit transportation of materials likely to give rise to airborne dust without taking reasonable precautions, such as wetting, applying dust suppressants, or covering the load, to prevent particulate matter from becoming airborne. Earth or other material that is deposited by trucking or earth moving equipment shall be removed from paved streets by the person responsible for such deposits.

Historical Note

Adopted effective May 14, 1979 (Supp. 79-1). Former Section R9-3-605 renumbered without change as Section R18-2-605 (Supp. 87-3). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-605 renumbered to R18-2-805, new Section R18-2-605 renumbered from R18-2-405 effective November 15, 1993 (Supp. 93-4).

R18-2-606. Material Handling

No person shall cause, suffer, allow or permit crushing, screening, handling, transporting or conveying of materials or other operations likely to result in significant amounts of airborne dust without taking reasonable precautions, such as the use of spray bars, wetting agents, dust suppressants, covering the load, and hoods to prevent excessive amounts of particulate matter from becoming airborne.

Historical Note

Section R18-2-606 renumbered from R18-2-406 effective November 15, 1993 (Supp. 93-4).

R18-2-607. Storage Piles

A. No person shall cause, suffer, allow, or permit organic or inorganic dust producing material to be stacked, piled, or otherwise stored without taking reasonable precautions such as chemical stabilization, wetting, or covering to prevent excessive amounts of particulate matter from becoming airborne.

B. Stacking and reclaiming machinery utilized at storage piles shall be operated at all times with a minimum fall of material and in such manner, or with the use of spray bars and wetting agents, as to prevent excessive amounts of particulate matter from becoming airborne.

Historical Note

Section R18-2-607 renumbered from R18-2-407 effective November 15, 1993 (Supp. 93-4).

R18-2-608. Mineral Tailings

No person shall cause, suffer, allow, or permit construction of mineral tailing piles without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. Reasonable precautions shall mean wetting, chemical stabilization, revegetation or such other measures as are approved by the Director.

Historical Note

Section R18-2-608 renumbered from R18-2-408, new Section R18-2-408 adopted effective November 15, 1993 (Supp. 93-4).

R18-2-609. Agricultural Practices

A person shall not cause, suffer, allow, or permit the performance of agricultural practices outside the Phoenix and Yuma planning areas, as defined in 40 CFR 81.303, which is incorporated by reference in R18-2-210, including tilling of land and application of fertilizers without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne.

Historical Note

Section R18-2-609 renumbered from R18-2-409 effective November 15, 1993 (Supp. 93-4). Amended by final rulemaking at 6 A.A.R. 2009, effective May 12, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 2210, effective July 18, 2005 (Supp. 05-2).

R18-2-610. Definitions for R18-2-611

The definitions in Article 1 of this Chapter and the following definitions apply to R18-2-611:

1. "Access restriction" means restricting or eliminating public access to noncropland with signs or physical obstruction.
2. "Aggregate cover" means gravel, concrete, recycled road base, caliche, or other similar material applied to noncropland.
3. "Artificial wind barrier" means a physical barrier to the wind.
4. "Best management practice" means a technique verified by scientific research, that on a case-by-case basis is practical, economically feasible, and effective in reducing PM_{10} emissions from a regulated agricultural activity.
5. "Chemical irrigation" means applying a fertilizer, pesticide, or other agricultural chemical to cropland through an irrigation system.
6. "Combining tractor operations" means performing two or more tillage, cultivation, planting, or harvesting operations with a single tractor or harvester pass.
7. "Commercial farm" means 10 or more contiguous acres of land used for agricultural purposes within the boundary of the Maricopa PM_{10} nonattainment area.
8. "Commercial farmer" means an individual, entity, or joint operation in general control of a commercial farm.
9. "Committee" means the Governor's Agricultural Best Management Practices Committee.
10. "Cover crop" means plants or a green manure crop grown for seasonal soil protection or soil improvement.
11. "Critical area planting" means using trees, shrubs, vines, grasses, or other vegetative cover on noncropland.
12. "Cropland" means land on a commercial farm that:
    a. Is within the time-frame of final harvest to plant emergence;
    b. Has been tilled in a prior year and is suitable for crop production, but is currently fallow; or
    c. Is a turn-row.

ARTICLE 8. EMISSIONS FROM MOBILE SOURCES (NEW AND EXISTING)

R18-2-801. Classification of Mobile Sources

A. This Article is applicable to mobile sources which either move while emitting air contaminants or are frequently moved during the course of their utilization but are not classified as motor vehicles, agricultural vehicles, or agricultural equipment used in normal farm operations.

B. Unless otherwise specified, no mobile source shall emit smoke or dust the opacity of which exceeds 40%.

Historical Note

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Amended effective February 3, 1993 (Supp. 93-1). Former Section R18-2-801 renumbered to Section R18-2-901, new Section R18-2-801 renumbered from R18-2-601 effective November 15, 1993 (Supp. 93-4).

R18-2-802. Off-road Machinery

A. No person shall cause, allow or permit to be emitted into the atmosphere from any off-road machinery, smoke for any period greater than 10 consecutive seconds, the opacity of which exceeds 40%. Visible emissions when starting cold equipment shall be exempt from this requirement for the first 10 minutes.

B. Off-road machinery shall include trucks, graders, scrapers, rollers, locomotives and other construction and mining machinery not normally driven on a completed public roadway.

Historical Note

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-802 renumbered to Section R18-2-902, new Section R18-2-802 renumbered from R18-2-602 effective November 15, 1993 (Supp. 93-4).

R18-2-803. Heater-planer Units

No person shall cause, allow or permit to be emitted into the atmosphere from any heater-planer operated for the purpose of reconstructing asphalt pavements smoke the opacity of which exceeds 20%. However three minutes' upset time in any one hour shall not constitute a violation of this Section.

Historical Note

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-803 renumbered to Section R18-2-903, new Section R18-2-803 renumbered from R18-2-603 effective November 15, 1993 (Supp. 93-4).

R18-2-804. Roadway and Site Cleaning Machinery

A. No person shall cause, allow or permit to be emitted into the atmosphere from any roadway and site cleaning machinery smoke or dust for any period greater than 10 consecutive seconds, the opacity of which exceeds 40%. Visible emissions when starting cold equipment shall be exempt from this requirement for the first 10 minutes.

B. In addition to complying with subsection (A), no person shall cause, allow or permit the cleaning of any site, roadway, or alley without taking reasonable precautions to prevent particulate matter from becoming airborne. Reasonable precautions may include applying dust suppressants. Earth or other material shall be removed from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water or by other means.

Historical Note

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Amended effective February 3, 1993 (Supp. 93-1). Former Section R18-2-804 renumbered to Section R18-2-904, new Section R18-2-804 renumbered from R18-2-604 effective November 15, 1993 (Supp. 93-4).

R18-2-805. Asphalt or Tar Kettles

A. No person shall cause, allow or permit to be emitted into the atmosphere from any asphalt or tar kettle smoke for any period greater than 10 consecutive seconds, the opacity of which exceeds 40%.

B. In addition to complying with subsection (A), no person shall cause, allow or permit the operation of an asphalt or tar kettle without minimizing air contaminant emissions by utilizing all of the following control measures:

1. The control of temperature recommended by the asphalt or tar manufacturer;
2. The operation of the kettle with lid closed except when charging;
3. The pumping of asphalt from the kettle or the drawing of asphalt through cocks with no dipping;
4. The dipping of tar in an approved manner;
5. The maintaining of the kettle in clean, properly adjusted, and good operating condition;
6. The firing of the kettle with liquid petroleum gas or other fuels acceptable to the Director.

Historical Note

Adopted effective February 26, 1988 (Supp. 88-1). Amended effective September 26, 1990 (Supp. 90-3). Former Section R18-2-805 renumbered to Section R18-2-905, new Section R18-2-805 renumbered from R18-2-605 effective November 15, 1993 (Supp. 93-4).

THE COCOPAH INDIAN TRIBE
Cultural Resource Department
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CCR-018-12-003

06/11/2012

Ms. Mary D. Hassell
U.S. Customs and border Protection
Office of Technology Innovation and Acquisition
1901 S Bell Street, Room 7-001
Arlington, VA 20598

RE: Request for Comments for the proposed Finding of No Significant Impact for the Remote Surveillance Systems Upgrade Program, U.S. Border Patrol, Tucson and Yuma Sectors

Dear: Ms Hassell

The Cultural Resources Department of the Cocopah Indian Tribe appreciates your consultation efforts on this project. We are pleased that you contacted this department on this cultural resource issue for the purpose of solicitation of our input and to address our concerns on this matter. We concur with the No Historic Properties Affected and Finding of No Significant Impact (FONSI) determinations and at this time we wish to make no comments on the project.

If you have any questions or need additional information please feel free to contact the cultural resource department. We will be happy to assist you with any and all future concerns or questions.

Sincerely,

H. Jill McCormick, M.A.

Cultural Resource Manager

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Organ Pipe Cactus National Monument (ORPI)						
0	General			Thank you for the opportunity to review the subject EA. NPS is in favor of deployment of additional technology immediately along the border to help CBPJs efficiency of detection, identification, and apprehension of CBV's.	ORPI	Thank you for your review and comments.
1	General			We are confused about the proposed towers on OPCNM. Proposed Action shows TCA-NO-0551 as a preferred location, Alternative 1 shows TCA-NO-0553 as an alternate. The 15% Design Analysis for RVSS, from USACE (May 10, Revised June 11, 2012. Project 126542) shows TCA-NO- 0553 as the preferred tower. There is no discussion of TCA-NO-0551 in the 15% Design documents. Please clarify as this is integral in the analysis of effects.	ORPI	TCA-AJO-0553 is the current planned site. TCA-AJO-0551 was a site located at the base of Rollercoaster Hill if a power source other than solar was required. Document has been revised to indicate TCA-Ajo-0553 is the preferred tower site.
2	FONSI-3			An engineering roads study was completed by DHS contractors for ORPl and the recommendations in this report should be used for this project. We also request additional information on all roads that could be affected by construction and operations traffic. What are the access routes that will be used for tower construction maintenance and operations, in addition to new roads constructed for the towers? Proposed road improvements indicate widening and straightening, please supply site specific locations and design.	ORPI	The design firm for the tower sites is the same firm that completed the road study. The design firm used the road study as the guide for the road designs and the road designs comply with the study. The road improvements are needed on the approach roads from State Highway 85 to the border road. Map depicting the tower sites and associated roads are provided in Appendix B of the EA.

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3	FONSI-4		Environmental Consequences	Highly erodible soils differ greatly at the two sites within ORPI. Therefore, we suggest that site specific measures be taken to prevent and mitigate soil erosion	ORPI	A Stormwater Pollution Prevention Plan will be prepared and adhered to by the contractor. Appropriate actions will be taken based on soil reports. Mitigation plans will be developed as required, if warranted.
4	FONSI-5			This EA is for the construction of the towers. As support infrastructure is being developed, long term operational needs should be addressed.	ORPI	USBP operations are outside the scope of this RVSS project.
5	ES-3			NPS recommends that staging areas be located off-site in order to reduce potential impacts and security needs.	ORPI	None of the RVSS sites will have a government provided staging area. Equipment parking will be confined to the 200- x 200-foot temporary impact area. The contractor will provide 24-hour security during construction. Materials will be staged off-site and only materials needed for the days efforts will be transported to the site.
6	1-5	18-19	1.4	Please include the number of acres disturbed, in addition to the linear feet and miles to make these figures comparable to Table 2-3.	ORPI	No change. Impacts are discussed later in Section 3. A summary of the impacts is presented in Section 2.
7	1-6	Table 1-1	Land Use	Please add NPS to this table.	ORPI	Corrected as noted.
8	2-2	35-37	2.3	It would be helpful to have the total number of acres permanently and temporarily disturbed by the proposed action -similar to Alternative 1 p. 2-18, line 43.	ORPI	Revised as suggested.

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9	2-9	8+	2.3.1	Did RVSS take into consideration if there were any benefits of installing towers taller than 80' as proposed in the EA? Specifically at ORPI, are there opportunities with RVSS to cover SBlnet blind spots, particularly at Quitobaquito Pond?	ORPI	Yes; various scenarios were investigated using different locations, field of view, tower heights, and tower designs, as noted in Section 2.2.
10	2-9	41-46	2.3.1	According to USACE 15% Design for Towers 523 and 551, the towers totally solar powered.	ORPI	Solar power (only) has been added as a power source option. Towers TCA-AJO-0523 and -0553 will be solar power only.
11	2-11	Figure 2.7		Please consider minimizing the overall site footprint by relocating parking outside of the permanent fenced area.	ORPI	This comment seems contradictory. Parking is inside the fenced area to minimize impacts.
12	2-13	Table 2-3		ORPl requests that we be provided with site specific location and design information on all access roads and that the total number of acres disturbed be included for the correct tower location. Based on USACE 15% Design, we are assuming this is tower 553..	ORPI	OTIA has provided ORPI with updated design plans (TCA-AJO-0553) and coordinated road design with ORPI. Acreage identified in document an document and construction plans have been coordinated with ORPI. The EA has been revised to reflect TCA-AJO-0553 is the correct tower site.

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13	2-13	Table 2-3		TCA-AJO-0523 would require 11,616 linear feet (2.2 miles) of improved approach road. Yet this tower appears to be sited on the existing (improved) border road. Please indicate where the 2.2 miles of road improvements will take place. TCA-NO-0551 would require 19,008 linear feet (3.6 miles) of improved approach road, yet this tower appears to be sited just off the existing (improved) border road and on MSS access road to Tenmile Hill (aka Roller Coaster Hill). Please provide site specific plans on the road location.	ORPI	OTIA provided 15% design plants to ORPI. Required road improvements are from U.S. Highway 85 to the border road. Maps depicting the proposed tower sites and associated roads are provided in Appendix B of the EA. Also, OTIA has provided ORPI with updated design plans.
14	2-13	Table 2-3		Please include the total number of acres permanently and temporarily disturbed on the table.	ORPI	The acres affected by each tower are presented on this table. A summary of the total impacts of all towers is presented in Tables 2-8 and 3-2. All of the road improvements would occur on existing roads.
15	2-13	Table 2-3		This table shows 'laser illuminator' under the Tower Description. These illuminators are not described under the alternatives, nor are their effects disclosed in the document. Please include additional information.	ORPI	Laser illuminators were discussed on page 2-16 of the draft EA. The laser illuminators were analyzed for USBP use in a previous Categorical Exclusion.
16	2-17	34	2.3.3	Please clarify whether only solar will be used, or if generators will be used. This section discusses generators, however, USACE 15% Design Reports show only solar power.	ORPI	Changed sentence to read, "If so equipped, generators are expected to operate a total of 4 to 8 hours per day to bulk-charge system batteries."

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17	2-25	Table 2-5		Please clarify some topics in this table. It states that TCA-AJO-553 disturbance would impact 1.4 acres permanently and .36 acres temporarily. Tower 553, however, would require major road construction. USACE states that tower 553 is the preferred location.	ORPI	See response to Comment 1. Impact acreages have been clarified in the EA. TCA-AJO-0553 has been added to the Proposed Action as a preferred tower (Table 2-3).
18	2-29	Table 2-6	2.7	The narrative and table state that Alternative 1 TCA-NO-0553 has constraints due to "Major road development required." This is true, however, USACE 15% Design is for tower 553 as the proposed location.	ORPI	TCA-AJO-0553 has been removed from Table 2-6. All proposed road work would be located in existing disturbed area.
19	2-31	Table 2-8	Soils	NPS agrees that when only looking at the total number of acres (57) in a regional scale it could be concluded the impacts would be minor. However, the soil type, slope and erosion hazard need to be addressed in the impact analysis in order to determine the effects. NPS asks that a more site specific analysis of the impacts to soils be conducted.	ORPI	Section 3.3 of the EA has been revised to quantify impacts by soil type. Also, see response to Comment 3.
20	2-31	Table 2-8	Wildlife	In order to adequately evaluate the effects of permanently impacting 57 acres and temporarily disturbing 33.5 acres, it is necessary to see a breakdown of how many acres are in each vegetation type. This project spans habitats from the Yuma (Sonoran) Desert on the west, through Madrean evergreen woodland, to semi-desert grassland on the east.	ORPI	Section 3.5 of the EA has been revised to quantify the impacts by community type.
21			Protected Species	We believe that construction/improvement of access and approach roads do have potential to adversely affect Sonoran desert tortoise. Towers #0551 and #0523 are both in Sonoran desert tortoise habitat. Please address this in the document.	ORPI	OTIA respectfully disagrees. A biomonitor will be on-site during construction and speed limits will be posted.
22	3-2	33	3.3.2.1	TCA-NO-0523 (.23 + 4.8 = 5.03) acres does not agree with Table 2-3 (4.8 acres). TCA- NO-0551 (.23 + 7.8 = 8.03) acres does not agree with Table 2-3 (7.8 acres).	ORPI	Impact acreages will be clarified for consistency.

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23	3-6	33	3.3.2.1	NPS suggests a more site specific analysis of the impacts to soils be conducted. NPS also requests that soil type, slopes and erosion hazards be included in the impact analysis on soils. Table 3-4 shows slopes up to 60%) and erosion hazards of slight to severe. Disturbance of highly erosive soils could result in unacceptable impacts. Also, disturbance of normally non-erosive soils could destabilize the soils and result in substantial instability and erosion. No measures are discussed in the impact analysis or in Chapter 5 - Best Management Practices, to help mitigate these adverse impacts.	ORPI	The EA has been revised to quantify impacts by soil type. Also, see response to Comment 3.
24	3-6 – 3-9	No lines	3.3.2.1	NPS requests that the impacts of off-road vehicle travel associated with the RVSS towers be included in the impacts to soils, vegetation and wildlife. As per discussions between NPS, FWS and BP on 6/4/12 , regarding the SBlnet Biological Opinion, off road vehicle traffic has increased since the towers began operation. The EA and BO were based on the assumption that off road travel would be reduced. Many new tracks directly radiate out from existing SBlnet towers. An MSS has been stationed in the vicinity of TCA-NO-5531551. Already a new route has been created east of this site (Ten Mile Hill), connected the boundary road with the South Puerto Blanco Road.	ORPI	USBP operations are outside the scope of this EA.
25	3-7	Table 3-4	3.3.2.1	For OPCNM, slopes traversed to TCA-AJO-0553 reach 22%. Gunsight soils on TCA-NO-0523 can be moderately erosive. NPS requests a more site specific soil analysis be completed and that preventative measures be installed to prevent/reduce soil erosion.	ORPI	See response to Comments 3 and 23.
26	3-15	32	3.5.2.1	NPS agrees that when considered in the regional context, 57 acres of permanent loss of vegetation for 20 towers is minor. However, we request that more site specific analysis be conducted on vegetation types that would be disturbed be construction and permanently by the towers to substantiate this claim..	ORPI	The EA will be revised to quantify the impacts by community type.
27	3-16	31-37	Wildlife 3.6.1	The EA should evaluate effects on all wildlife, not only those observed during surveys (Appendix D). Many Sonoran Desert wildlife species are cryptic, burrowing, rare, nocturnal, or otherwise unlikely to be readily observed, and are not included within Appendix D. Also, please provide more detail on the habitats affected by the project to address the affects to all wildlife species.	ORPI	OTIA believes that the impacts to general wildlife populations have been adequately addressed.

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28	3-17	42-43	3.6.2.1	Please address harassment of wildlife and habitat fragmentation. DHS/CBP is collecting bird/bat data from other RVSS and SBlnet facilities that could be used here to help address affects. The EA claims benefits to wildlife from reduced CBV activities. However, discussions on 6/4/12 with DHS, CBP, FWS, and NPS described that off-road traffic has not decreased as presented in the SBlnet EA and BO. Data indicates that off-road traffic has increased. What has happened with the implementation of SBlnet would be a good indicator of what can be expected with implementation of RVSS towers.	ORPI	USBP operations are outside the scope of this EA.
29	3-22	Sonoran desert tortoise	Table 3-8	Please note in your final that Tower # 0523 also supports potential habitat for Sonoran desert tortoise.	ORPI	Table 3-8 has been revised to include TCA-AJO-0523.
30	3-32	4-5	Lesser long-nosed bat	The EA provides a count of agaves and columnar cacti observed "within the survey area" of seven proposed tower sites. Would these plants be destroyed by construction activities? Please clarify.	ORPI	Some agave and columnar cacti along approach roads could be destroyed as a result of road improvements. Agave and columnar cacti under 3 feet would be relocated and columnar cacti over 3 feet would be replaced at a 3:1 ratio.
31	3-32	6 & 13	Lesser long-nosed bat	The EA says there are non-maternity roosts within 5 miles of 523 and 551; the understanding of the status of these roosts is preliminary, pending a final project report. Tower # 553 would also be within 5 miles of these roosts.	ORPI	The text has been revised to replace TCA-AJO-0551 with -0553
32	3-32	Photo 3.9	Sonoran pronghorn	The photograph does not appear to be a Sonoran pronghorn, it is more likely a North American pronghorn.	ORPI	The photo has been corrected.
33	3-32	40 Also Figure 3-5	Pronghorn	Towers 551,553 and 0523 are all within historic range. Tower 523, being east of Hwy85, is not within what is considered "current" range. Figure 3- 5 illustrates "current" range, not "historic" (former) range.	ORPI	The figure title will be revised to indicate this is the current range of the SOPH.

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34	3-43	27-47	Lesser long-nosed bat	In order to evaluate effects on the lesser long-nosed bat, the number of cacti and agaves destroyed or transplanted should be provided. Not all columnar cacti can be transplanted (e.g. large individuals) and not all transplanted cacti survive.	ORPI	The agave and columnar cacti are located along the approach roads and the number of plants potentially affected by road improvements is unknown at this time. A detailed mitigation plan will be provided prior to construction.
35	3-44	6+	Pronghorn	Alternate tower site #553 is also within current Sonoran pronghorn range and habitat. This section should also evaluate the impacts of CBP agents responding to RVSS tower information. For example, CBP personnel traveling north and west in vehicles off-road would have an increased potential to disturb/harass Sonoran pronghorn.	ORPI	Text has been revised in the EA to replace TCA-AJO-0551 with TCA-AJO-0553. USBP operations are outside the scope of this EA.
36	3-46+	45+	Tortoise	Tower 523 is also within potential Sonoran desert tortoise habitat. The EA suggests that all RVSS tower sites have been fully disturbed already, which conflicts with the acreage estimates for new, permanent ground disturbance presented elsewhere in the EA. Also, this section suggests that rocky substrates with shallow depth to bedrock do not constitute Sonoran desert tortoise habitat, when in fact those characteristics typify Sonoran desert tortoise habitat.	ORPI	The EA has been corrected to indicate that rocky substrates with shallow depth are suitable habitat. Tower 523 was identified as being within suitable habitat, although it is marginal at best, since Tower 523 is comprised of silt and cobble. The longest distance any tower site is from an existing road is 50 feet and most are immediately adjacent to existing roads. Thus, the statement that the tower sites are within areas that have been disturbed is accurate.
37	3-47	5	Tortoise	The sentence "This individual is likely a released captive." Appears to be out of place.	ORPI	This erroneous statement has been deleted.

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38	3-47	5-7	Tortoise	The reference to vehicle speed restrictions for Sonoran pronghorn protection yielding benefits for tortoises should be removed. The relative speed capabilities of pronghorn and tortoises are profoundly incomparable. The 25 mph vehicle speed limit may afford some protections to pronghorn, but not for desert tortoises. Please explain how the 25 mph speed limit will be enforced to ensure compliance and protection of these species?	ORPI	OTIA agrees that pronghorn are faster than tortoises. However, the reduced/restricted speed limit will help to avoid impacts on tortoises.
39	3-51	22	3.8.5.1	Please note that NPS and all land management agencies need to be notified immediately in the event of any archeological discovery, including human remains.	ORPI	EA has been revised to emphasize this process.
40	3-56	14+	3.9.2.1+	The analysis of impacts to air quality does an excellent job of quantifying potential impacts to air quality. NPS requests that a similar, quantifiable analysis be done for soils, vegetation and wildlife.	ORPI	Thank you for your comment. OTIA believes the other impact analyses are adequate.
41	3-64+	36+	3.10.2.1	The 15% Design for 553 and 523 shows solar power, and not need for a generator. If the final design does include generators, the noise should be minimized as per SBlnet DOPA (July 2009): "*Significantly minimize noise levels for day and night and operations of towers and associated infrastructure within Sonoran pronghom and lesser long-nosed bat habitat by using either baffle boxes (a sound-resistant box that is placed over or around a generator, air-conditioning unit, or any other sound producing equipment) or other noise-abatement methods for all generators, air-conditioning units, or any other sound producing equipment. Specifically, for Sonoran pronghom, limit noise emissions from each tower so as not to exceed 35 dBA (measured ambient noise) at 150 meters distance from the noise source. Use an acoustical professional to ensure that building and/or sound banier design details are sufficient to achieve the aforementioned criteria. Provide acoustic findings to USFWS-AESO & CPNWR, Ajo Station Tower Project, and BLM. "* Because towers TCA-NO-055110553 and TCA-NO-0523 are within or adjacent to Sonoran pronghorn habitat, NPS requests that similar noise abatement measures be included at these locations if the final design includes the use of generators.	ORPI	Generators would not be used at TCA-AJO-0553 or -0523. Solar power only would be used at these tower sites.
42	3-69	35-41	Roads	Traffic patterns on Highway 85 are masked by 'average annual daily counts'. Traffic is often heavy on weekends, holidays and spring break. The highway lacks shoulders. If possible, large construction equipment should avoid highway travel during these time periods.	ORPI	EA has been revised to include these under BMPs.

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43	3-69		Roads	This section does not include any information on the projected use, improvement and maintenance of associated roads. This information is needed in order to predict the level of environmental impacts.	ORPI	These activities were addressed in the Draft EA on page 3-69, lines 36 through 39.
44	3-71	28	3.14.2.1	Experience on restoration of SBlnet associated disturbances has found it is necessary to de-compact soils and to periodically water the plants, in order for restoration of native species to be successful. Please include more site specific information on planned restoration practices to help substantiate the environmental effects presented.	ORPI	The construction Request for Proposal will include applicable BMPs. CBP will develop and implement a site restoration plan.
45	4.1	36-38	4.1	The statement that the "...most substantial impacts of these activities were not or are not regulated by NEPA . . ." is not substantiated, and may be debatable.	ORPI	Thank you for your comment.
46	4.1	26-27 (and elsewhere)	4.2	This section, and Figures 4-1 through 4-3 should also describe and evaluate the effects of CBP's field operations activities throughout the proposed project area. Field operations (agents on the ground) may have greater effects on the environment than many of the individual "projects" listed here.	ORPI	As indicated in section 1.4, an analysis of USBP field operations is beyond the scope of this EA.
47	4-1	40+	4.3	The cumulative effects section fails to mention the Arizona Technology Plan (ATR) previously referenced on page 1-2 of this document. Does the cumulative effects section contain all projects in the ATR?	ORPI	The ATP is not mentioned in the cumulative effects section because it does not guide OTIA projects.

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48	4-1		4.3	The section title includes 'reasonably foreseeable' projects. However, subsequent text references only 'current' projects. Information on foreseeable projects is needed to adequately assess and interpret the cumulative effects. There is no mention of agency sponsored projects within the project area. Please include all projects with a potential environmental effect. DHS is currently analyzing the effects of Tactical Infrastructure Maintenance and Repair across southern Arizona. This project should be included in the discussion of cumulative effects. There has been renewed discussion concerning the construction of a tower at Montezuma Pass in Coronado National Memorial, perhaps as early as October. The construction of a new tower adjacent to construction of several other new towers is applicable to this analysis of cumulative effects. The discussion of Naco projects (p4-6 lines 12-18) mention upgrades of existing equipment or new repeaters - but not tower construction. NPS asks that all projects be included in the cumulative effects analysis.	ORPI	The reasonably foreseeable projects were taken into consideration as well. NPS sponsored projects have been added to the project list. The new tower at Montezuma is a part of the Nogales/Sonoita IFT project. The Nogales/Sonoita IFT project as well as the proposed Tactical Infrastructure Maintenance and Repair Program have been added to cumulative impact analysis.
49	4-9	24-34	4.5.2 Soils	Off-road travel associated with CBVs and interdiction efforts continues in the areas covered by the Welton and Ajo Stations. The traffic is resulting in measurable soil disturbance resulting in accelerated soil erosion and/or compaction, across large areas. This substantial source of soil disturbance is causing adverse impacts to soils, vegetation and wildlife habitat, and needs to be included in the cumulative effects analysis for this area.	ORPI	Off-road travel of CBVs and subsequent interdiction activities are outside the scope of this project.
50	4-9	34	4.5.2 Soils	NPS feels the cumulative impacts to soils in much of the project area are moderate, not minor, due to continued off-road vehicle traffic.	ORPI	Revised as suggested, and will note that CBV traffic is root problem.
51	4-9	34	4.5.2 Soils	Much of the vegetation in the project area is sustaining similar impacts as the soil resource. NPS suggests that when off-road vehicle traffic is considered in the realm of cumulative effects, the cumulative effect on vegetation is moderate.	ORPI	Revised as suggested, and will note that CBV traffic is root problem.
52	4-10	10	4.5.5 Wildlife	NPS suggests the cumulative effects to wildlife from continued off-road vehicle traffic and it subsequent harassment of wildlife and habitat degradation be included in this analysis. The conclusion of minor cumulative effects to wildlife should be re-assessed.	ORPI	Revised as suggested, and will note that CBV traffic is root problem.

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53	4-10	22-28	4.5.6 Protected Species	The EA quantifies impacts on agave plants, but not columnar cacti. It should state how many columnar cacti would be destroyed, and how many (and of what size) transplanted.	ORPI	The number of agave and columnar cacti provided on page 3-32, represent the number of plants present in the survey corridor. Please see response to Comment 34. A BMP was added to the EA for the replacement of columnar cacti at a 3:1 ratio.
54	4-10	45-46	4.5.6 Protected Species	The activities of CBP staff on the ground (e.g. driving vehicles off-road), directed by data gathered by the RVSS sites, may adversely affect Sonoran pronghorn via harassment and habitat degradation. This indirect effect of the proposed project should be evaluated.	ORPI	OTIA believes the EA adequately addresses these potential impacts.
55	4-11	1-9	4.5.6 Protected Species	As noted elsewhere, proposed tower 523 is also in Sonoran desert tortoise habitat. Rocky substrates with shallow bedrock in fact do provide Sonoran desert tortoise habitat, including shelter sites.	ORPI	Tower 523 is included in the two RVSS towers discussed in this paragraph. The reference to shallow soils has been removed from the text.
56	5-1	General	5.0 BMPs	The proposed action in this RVSS EA is very similar to the proposed action in SBlnet Ajol Tower Project EA (December 2009). The Mitigation Measures in Chapter 5 of SBlnet are much more thorough. NPS requests that these mitigation measures be reviewed and adopted where applicable for implementation on RVSS. Miller response: Include those measures only to the extent they are applicable to this action, for RVSS, and for the areas where RVSS towers are planned.	ORPI	Mitigation measures have been included where applicable.
57	5-1	44-45	5.2 Soils	NPS asks that site specific construction plans, including soil erosion control practices be submitted for NPS approval prior to construction implementation. NPS Suggests that all tower sites be given 'special consideration' (line 45) in the design process because of the inherent erodability of many desert soils, and the potential for soil destabilization from construction disturbances.	ORPI	Soil impacts have been taken into consideration during the design of the towers and roads. A Special Use Permit will be obtained from ORPI prior to construction.

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58	5-1	46	5.2	NPS requests additional information on the composition of wetting compounds to decrease soil erosion.	ORPI	Appropriate measures will be taken based on soil study.
59	5-2+	34+	5.4 Protected Species	Please provide detailed measures to avoid and transplant agaves and columnar cacti, and to preserve lesser long-nosed bat food plants. Measures to survey for, and relocate desert tortoises, prior to ground-disturbing activities, should also be detailed here. The slow vehicle speeds mentioned on p 3-47 for the tortoise (and Sonoran pronghorn) are also not included here. Slow vehicle speeds (<25 mph) should be committed to, for both construction-related traffic and all routine operations traffic.	ORPI	A detailed mitigation plan will be prepared prior to construction. Additionally, a 3:1 replacement ratio for columnar cacti has been added as a BMP in the EA. Construction and maintenance vehicles will observe the 25 mile per hour speed limit. USBP operations are outside the scope of this EA.
60	5-4	31	5.10	Maximum speed through OPCNM is 25 mph. Please include this information.	ORPI	Revised as suggested.
Arizona Game and Fish Department (AZDFG)						
61				Document size – the Draft EA is a considerably large document, arguably too large to allow adequate review by the public and agency reviewers in a timely fashion. Several areas of the document could be condensed without loss of important content. For example, rather than including 112 pages of repetitive copies of the initial project notification letter in Appendix A, a simple list of agencies/other entities sent this letter would accomplish the same purpose while saving reviewer time and doubtless paper, considering the likely scenario that some reviewers may choose to print the document for review. The maps presented in Appendices B and C could be combined, thereby eliminating an additional 20 pages.	AZDFG	OTIA thanks the AZGFD for it review and comments.
62				The species observed list is essentially meaningless without an indication of which species were observed at which locations, and doesn't add value to the analysis.	AZDFG	The list has been revised to identify where species were observed.

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63				Appendix E contains the entire list of Arizona special status species, for every county in the state. Much of this is completely irrelevant for this EA, and again a considerable number of pages in the document could be eliminated through a simple request to the Department to generate a list for only those counties within the project region of influence (ROI).	AZDFG	This list has been revised to include only the affected counties.
64				Please include within the Final EA a copy of the Department's first comment letter addressed to Ms. Mary D. Hassell, dated April 17, 2012.	AZDFG	That letter and this one have been included in the Final EA.
65				Page 3-41, line 6 states "no state-listed species…were observed during pedestrian surveys". Because there is no description of the specific time of day and weather conditions given for these surveys overall, or by site, there is insufficient information given to determine whether conditions were suitable for those species to be active during the surveys and whether or not they would be apparent to the surveyor. Also, there is no indication of the amount of time spent conducting these surveys and no specific survey methodology is described.	AZDFG	The inclusive dates of the surveys and general weather conditions have been added to the EA.
66				We did not find any mention of the increased risk of predation on flat-tailed horned lizards from raptors afforded increased hunting perches via construction of the RVSS towers within the lizard's range. If CBP does not intend to include perch deterrents on towers located within the flat-tailed horned lizard's range, and especially within the Yuma Desert Management Area, please provide justification for that decision.	AZDFG	The EA has been revised to incorporate these discussions.
67				The discussion provided regarding agaves, saguaros, and organ-pipe cacti would be more informative if it included a break-down by tower (i.e., number of each class of succulent present by individual tower) and description of the surrounding vegetation at each of those sites to allow the reviewer to "picture" the relative significance of those lesser long-nosed bat forage plants on each tower site in relation to the surrounding landscape.	AZDFG	The entire area is considered by USFWS as forage habitat; thus, OTIA does not feel a break-down by tower site would provide
68				Page 4-10, lines 40-46 are somewhat contradictory. The statement is made that both short-term and long-term reductions in forage availability (related to project activities) "would have an adverse effect on this population", yet the following sentence states that "implementation of conservation measures will make effects unlikely, and if present, discountable". It is not clear what conservation measures would make those effects discountable.	AZDFG	The statements have been revised to indicate that there could be short and long-term impacts, however, with the implementation of conservations measures (described in Section 5.4), those impacts would be discountable.

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69				Section 5.4 needs to include Best Management Practices (BMPs) to address impacts to flat-tailed horned lizards and desert tortoise. A statement is made on page 3-47 that vehicle speeds would be restricted due to the presence of Sonoran pronghorn, making the potential for a vehicle striking a tortoise discountable. Because a tortoise is considerably smaller than a pronghorn and thus not nearly as visible to a driver as a pronghorn, this statement is not justified. Further, the BMP proposed for Sonoran pronghorn (i.e., seasonal vehicle restrictions) would be in effect only from March 15 to July 15. Desert tortoises are active during other times of the year and would therefore be at risk from vehicle strikes outside those seasonal restriction periods.	AZDFG	The EA has been revised to state that a biological monitor will be present during construction at the two towers located within Sonoran desert tortoise habitat (i.e., TCA-AJO-0523 and TCA-AJO-0553) and the six towers located within or adjacent to the Yuma Desert Flat-tailed Horned Lizard Management Area (YUM-YUS-0539, YUM-YUS-0543, YUM-YUS-0547, YUM-YUS-0549, YUM-YUS-0575, and YUM-YUS-0577).
70				The Department recommends changing "agaves, saguaro cacti, and organ pipe cacti <u>should</u> be salvaged and transplanted" to "<u>would</u> be salvaged and transplanted" on page 3-43 and including reference to this in the FONSI and the pending restoration plan.	AZDFG	The EA has been revised as suggested.
71				There are contradictory statements on page 3-47, 1st paragraph: the statement is made that no desert tortoise individuals or sign were observed, yet there is mention of "this individual is likely a released captive". We recommend clarification as to whether a tortoise was, or was not found.	AZDFG	The sentence on page 3-47 regarding the individual is erroneous and has been deleted.
72				Mitigation measures in the EA are inadequate. In particular there are no measures suggested to offset the loss of habitat. It is the policy of the Arizona Game and Fish Commission that the Department seek wildlife and wildlife habitat compensation at a 100 percent level, when feasible, for actual or potential habitat losses resulting from land and water projects.	AZDFG	Because the impacts on undisturbed lands are so small and only discountable impacts on Federally listed threatened or endangered species have been identified, OTIA has determined that compensatory mitigation is not warranted.

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73				The Department thanks you for the opportunity to comment on the Draft EA for the RVSS Upgrade Program. As the state agency responsible for the conservation, enhancement, and restoration of Arizona's diverse wildlife resources and habitats, the Department encourages project proponents to avoid and minimize negative impacts, and when possible enhance and/or improve habitat conditions. The Department has produced a number of wildlife-friendly guidelines (http://www.azgfd.gov/hgis/guidelines.aspx) and can provide additional expertise to CBP in regard to wildlife connectivity, habitat management, and mitigation strategies. In particular, we recommend your compliance with the *Tortoise Handling Guidelines*, *Mitigation Measures for Desert Tortoises*, and *Survey Guidelines for Consultants* available from the above web address.	AZDFG	Thank you for this comment and information.
Arizona Department of Environmental Quality (AZDEQ)						
74				After reviewing the draft Environmental Assessment, the water Quality Division has no additional comments and would like to iterate our March 15, 2012 comments related to possible water quality permits and approvals. Thank you for this opportunity to review.	AZDEQ	Thank you for your comments. The construction contractor will be responsible for obtaining the appropriate water quality permits and approvals, as well as preparing a stormwater pollution prevention plan.
California Department of Transportation, District 11 (CalTrans)						
75				Regarding Appendix B-4 (Project Area Map Showing the Location of YUM-YUS-0571): It is anticipated that access from the roadway to the future "30' Wide Road Improvements" will occur from/to Federal R/W. Therefore, it is expected that an Encroachment Permit form Caltrans to USBP may not be required. Please confirm.	CalTrans	CBP Agrees
76				Regarding Appendix B-5 (Project Area Map Showing the Location of YUM-YUS-0573 and YUM-YUS-0531): An exclusive access from eastbound I-8 is denied. Access to the proposed tower locations can be achieved via the Grays Wells Road (Exit 156) ramp.	CalTrans	CBP and its contractors will access the proposed tower sites from Grays Well Road.

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U.S. Bureau of Reclamation (Reclamation)						
77				Impacts to FTHL are anticipated. As indicated by the EA, mitigation (including compensatory) for the FTHL is required by Reclamation for any users of Reclamation lands. This would include temporary construction impacts and the final project "footprint." We request that prior to any construction activities commence, our office is contacted well in advance to ensure the appropriate mitigation and compensatory measures are formalized in accordance with the Flat-tailed Horned Lizard Rangewide Management Strategy, 2003 Revision. Compensation mitigation will be determined based on habitat loss. Outside the Yuma Desert Management Area (MA) compensation would be assessed at a 1:1 ratio. A multiplying factor ranging from three (3) to six (6) would be assessed for habitat loss inside the MA.	Reclamation	OTIA will complete coordination with Reclamation to ensure compliance with the Flat-tailed Horned Lizard Rangewide Management Strategy, 2003 Revision..
78				The tower sites listed in the EA are on Reclamation lands, and according to our records have been authorized by Reclamation Contract and License Nos. 8-07-34-L1091, 11-07-34-L1710, and 11-07-34-L1710 Amendment No. 1.	BOR	Thank you for this comment and information.
79	77-78		3.3	Section 3.3, Page No. 77 and 78 in the EA indicates BLM as "Land Manager/Owner," however, the tower sites (YUM-YUS-0531, YUM-YUS-0533, and YUM-YUS-0535) are authorized under the Reclamation Contracts listed above, please correct landowner to reflect "Reclamation."	BOR	The EA has been revised as suggested.
80				Need clarification on RVSS sites YUM-YUS-0539 and YUM-YUS-0547. Under Section 2.3 (*Proposed Action*) RVSS site YUM-YUS-0547 is listed in Table 2-2 but is not shown in Figure 2-1. Under Section 2.4 (*Alternative 1*) RVSS site YUM-YUS-0539 is listed in Table 2-4 but is not shown in Figure 2-9 of the document.	BOR	The EA has been revised as suggested.
81			Table 3-2	Under Table 3-2, RVSS site YUM-YUS-0533 is incorrectly listed as YUM-YUS-0553.	BOR	The EA has been revised as suggested.

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State of California, Department of Toxic Substances Control						
82				The EA should evaluate whether conditions within the Project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies: • National Priorities (NPL): A list maintained by the United States Environmental Protection Agency (U.S. EPA). • Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below). • Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA. • Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S. EPA. • Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations. • GeoTracker: A List that is maintained by Regional Water Quality Control Boards. • Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks. • The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).	DTSC	Each site proposed for this project was investigated and an ASTM Transaction Screening was completed.
83				The EA should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.	DTSC	See response to comment 82. No contamination was found at any of the proposed tower sites.

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84				Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances are found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EA.	DTSC	See response to comment No. 82. CBP would comply with all applicable regulations.
85				If buildings, other structures, asphalt of concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.	DTSC	See response to comment No. 82. CBP would comply with all applicable regulations.
86				Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.	DTSC	See response to comment No. 82. CBP would comply with all applicable regulations.
87				Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.	DTSC	See response to comment No. 82. CBP would comply with all applicable regulations.
88				If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste of other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.	DTSC	See response to comment No. 82. CBP would comply with all applicable regulations.

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89				If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage, or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.	DTSC	See response to comment No. 82. CBP would comply with all applicable regulations.
90				DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.	DTSC	Thank you for this comment and information.
91				Also, in future CEQA document, please provide your e-mail address, so DTSC can send you the comments both electronically and by mail.	DTSC	Thank you for this comment and information.
Native American Heritage Commission (NAHC)						
92				The NAHC did conduct a Sacred Lands File (SLF) search of its Inventory and Native American cultural resources were identified in the area you specified (but not at the Point of Entry, but near Pilot Knob further north). Early and quality consultation with the Native American representatives on the attached list may provide detailed information of sites with which they are aware. Also note that the absence of archaeological resources does not preclude their existence, particularly at the subsurface level.	NAHC	Thank you for your comment. CBP has coordinated with all appropriate tribes and agencies.

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93				Culturally affiliated tribes are to be consulted to determine possible project impacts pursuant to the National Historic Preservation Act, as amended. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. The NAHC recommends as part of 'due diligence', that you also contact the nearest Information Center of the California Historical Resources Information System (CHRIS) of the State Historic Preservation Office (SHPO) for other possible recorded sites in or near the APE (contact the Office of Historic Preservation at 916-445- 7000).	NAHC	Thank you for your comment. CBP has coordinated with all appropriate tribes and agencies.
94				Lead agencies should consider avoidance, in the case of cultural resources that are discovered. A tribe or Native American individual may be the only source of information about a cultural resource; this is consistent with the NHPA (16 U.S.C. 470 et seq Sections. 106, 110, and 304) Section 106 Guidelines amended in 2009. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful NEPA regulations provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Even though a discovery may be in federal property, California Government Code §27460 should be followed in the event of an accidental discovery of human remains during any groundbreaking activity; in such cases California Government Code §27491 and California Health & Safety Code §7050.5 will apply and construction cease in the affected area.	NAHC	Thank you for your comment. CBP has coordinated with all appropriate tribes and agencies.