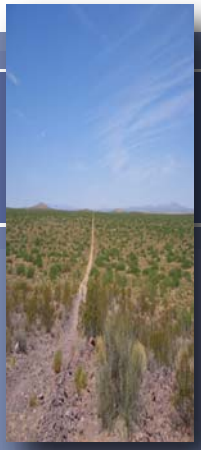
DRAFT

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT II

FOR THE PROPOSED CONSTRUCTION, OPERATION AND MAINTENANCE OF TACTICAL INFRASTRUCTURE

U.S. BORDER PATROL EL PASO SECTOR, DEMING STATION, NEW MEXICO



JANUARY 2008

ACRONYMS AND ABBREVIATIONS

AO	Area of Operations
BLM	Bureau of Land Management
BMP	Best Management Practices
CBP	Customs and Border Protection
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CRS	Congressional Research Services
CWA	Clean Water Act
dBA	A-weighted decibel
DHS	Department of Homeland Security
DNL	Day-night level
EA	Environmental Assessment
ECSO	Engineering and Construction Support Office
EIS	Environmental Impact Statement
EO	Executive Order
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
IA	Illegal alien
JTF-6	Joint Task Force 6
JTF-N	Joint Task Force North
MBTA	Migratory Bird Treaty Act
MD	Management Directive
MOU	Memorandum of Understanding
NAFTA	North American Free Trade Agreement
NEPA	National Environmental Policy Act
NMDOT	New Mexico Department of Transportation
NMED	New Mexico Environmental Department
NMGFD	New Mexico Game and Fish Department
NOA	Notice of Availability
NPDES	National Pollution Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NWP	Nationwide Permit
OSHA	Occupational Safety and Health Administration
PEA	Programmatic Environmental Assessment
PM-10	Particulate matter less than 10 microns
POE	Port of Entry
POL	petroleum, oil, or lubricants
PVB	Permanent vehicle barrier
RCRA	Resource Conservation and Recovery Act

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DRAFT FINDING OF NO SIGNIFICANT IMPACT
For The Proposed Construction, Operation, and Maintenance of Tactical Infrastructure
U.S. Border Patrol El Paso Sector, Deming Station, New Mexico

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

CBP proposes to replace approximately 24.5 miles of Permanent Vehicle Barrier (PVB) with primary fence along the U.S.-Mexico border on the east and west sides of the Columbus, New Mexico Port of Entry (POE). A project-specific Environmental Assessment (EA) for USBP, El Paso Sector, Deming Station Tactical Infrastructure (TI) was finalized in April 2007 that included all-weather patrol roads, access roads, primary fence, PVBs, and permanent lighting. In addition to construction of lights, drag roads, and patrol roads, the April 2007 EA addressed the replacement of PVBs installed several years ago by Joint Task Force Six (JTF-6, now Joint Task Force-North [JTF-N]) and construction of 47 miles of new PVB. A total of 3 miles (1.5 miles on either side of the Columbus POE) of PVB were to be replaced with primary fence. In August 2007, CBP issued a Supplemental Environmental Assessment (SEA) to convert an additional 1.5 miles of PVBs on both sides of the Columbus POE, which would extend the total length of primary fence to 6 miles (3 miles on each side of the Columbus POE).

CBP and USBP have now identified the additional border reaches as high-traffic areas and the need to retrofit PVBs with primary pedestrian fence or construct primary pedestrian fence in lieu of PVB. Upon completion, the entire length of primary pedestrian fence would be 30.5 miles. A SEA is needed to address the impacts of the proposed additional 24.5 miles of fence construction. This SEA will supplement the April 2007 Deming Station Tactical Infrastructure EA.

PROJECT LOCATION: The proposed project corridor is located along the U.S.-Mexico border, beginning 3 miles on both sides of the Columbus POE and extending 14.2 miles to the west and 10.3 miles to the east. The proposed primary fence would be located within the 60-foot wide Roosevelt Reservation, which is generally managed by U.S. Bureau of Land Management (BLM). The Proposed Action would occur within the USBP El Paso Sector, Deming Station's Area of Operations (AO).

PURPOSE AND NEED: The purpose of the Proposed Action is to increase border security within USBP El Paso Sector through the construction, operation, and maintenance of tactical infrastructure in the form of fences, roads, and supporting technological and tactical assets. USBP El Paso Sector has identified two discrete areas along the border within the Deming Station's Area of Operation (AO) that experience high levels of illegal cross-border activity. This activity occurs in areas that are remote and not easily accessed by USBP agents, near POEs where concentrated

populations might live on either side of the border, or have quick access to U.S. transportation routes.

The Proposed Action is needed to provide USBP agents with the tools necessary to strengthen their control of the U.S. borders between the ports of entry in the USBP El Paso Sector. The Proposed Action would deter illegal cross-border activities within the USBP El Paso Sector by improving enforcement abilities, thus preventing terrorists and terrorists' weapons from entering the U.S., reducing the flow of illegal drugs, and enhancing agents' response time, while providing a safer work environment for USBP agents.

ALTERNATIVES: Three alternatives were considered: The No Action Alternative, the Proposed Action Alternative, and the Secure Fence Act Alternative.

No Action Alternative: Under the No Action Alternative, the primary pedestrian fence would not be installed. The No Action Alternative would not meet USBP mission or operational needs. However, inclusion of the No Action Alternative is required under CEQ regulations and will be carried forward for analysis in this SEA. In addition, the No Action Alternative will serve as a baseline against which the impacts of the other action alternatives can be evaluated.

Proposed Action Alternative: The Proposed Action is to convert 24.5 miles of PVBs and install primary pedestrian fence at two locations within the El Paso Sector, Deming Station's AO. Fence segment H-2A would begin approximately 3 miles west of the Columbus POE and extend 14.2 miles westward along the international border. The second segment would begin approximately 3 miles east of the Columbus POE and extend 10.3 miles eastward. The current border road, which is under construction, would serve as the construction and maintenance access road for the installation of the primary pedestrian fence. The construction road would be expected to require the entire 60-foot wide Roosevelt Reservation. Access to the construction corridor would be provided by access roads currently being used by USBP and their contractors.

Although the final fence design would be selected by the U.S. Army Corps of Engineers, the current plan is to install a steel sheathing or mesh fence. Regardless of the fence design selected for construction, all fence designs must meet the specific preliminary design performance measures that dictate that the fence must: extend 15 to 18 feet above ground and 3 to 6 feet below ground; be capable of withstanding an impact from a 10,000 pound gross weight vehicle traveling at 40 miles per hour; be semi-transparent, as dictated by operational need; be designed to survive extreme climate changes of a desert environment; be designed to allow movement of small animals from one side to the other; and not impede the natural flow of water.

Secure Fence Act Alternative: The Secure Fence Act of 2006 (Public Law [P.L.] 109-367) authorized the construction of at least two layers of reinforced fencing along the

U.S.-Mexico border. Under this alternative, two layers of fence, known as primary and secondary pedestrian fence, would be constructed approximately 130 feet apart along the same route as the Proposed Action Alternative. This alternative would also include construction and maintenance of access and patrol roads. The patrol road would be located between the primary and secondary fences and the maintenance road would be on the north side of the secondary fence.

ENVIRONMENTAL CONSEQUENCES: The Proposed Action Alternative meets the strategic needs and objectives of CBP. Therefore, the Proposed Action Alternative is considered CBP/USBP's Preferred Alternative, as it appears to be the most strategically effective and strikes the best balance between CBP/USBP enforcement needs and protection of sensitive resources. The following description of environmental consequences and mitigation are based on implementation of the Proposed Action Alternative.

The Proposed Action Alternative would result in no additional impacts on land use, soils, vegetation communities, protected species and their habitat, cultural resources, and hazardous wastes beyond that already addressed in the April 2007 EA. Only negligible or minor adverse impacts to some wildlife habitat, sensitive or unique areas, aesthetics, water resources, air quality, and the socioeconomics of the region are expected. However, construction of 24.5 miles of additional primary pedestrian fence would increase the potential to inhibit free movement of some transboundary migratory wildlife species. These potential impacts would be further minimized through the use of mitigation measures and/or compensation.

While the extension of primary pedestrian fence would add to indirect impacts to the visual resources management goals on nearby BLM lands, substantial benefits of reduced vandalism, habitat degradation, and littering would outweigh any reduction of aesthetics. Additional water for construction would be required to facilitate the additional fence construction. However, impacts to aquifer recharge would remain minor to moderate when compared to the recharge potential in the Mimbres Basin. Minor increases in vehicle and fugitive dust emissions are also expected with additional construction efforts. However, it is not expected to cause or contribute to a violation of Federal or state ambient air quality standards. With the exception of additional raw materials for primary fence construction, no changes to the socioeconomics of the region are anticipated. Furthermore, many of the adverse impacts would be offset as a result of beneficial effect of reduced illegal activity within the ROI.

Regulatory floodplain permit(s) would mitigate and/or compensate minor impacts to floodplains. CBP has determined that no Federally protected species would be impacted as a result of constructing the primary pedestrian fence; however, on-going consultation with the U.S. Fish and Wildlife Service (USFWS) through Section 7 process will be completed prior to initiation of construction. Mitigation measures through on-going Section 106 consultation would include avoidance and/or monitoring on any known

cultural resource sites; therefore, no adverse impacts would occur to known eligible cultural resources sites.

MITIGATION: Mitigation measures are presented for each resource category that would be potentially affected. Many of these measures have been incorporated as standard operating procedures by USBP on past projects. It is USBP's policy to mitigate adverse impacts through the sequence of avoidance, minimization, and finally, compensation. These environmental design measures will be incorporated into the current Project Management Plan to be carried forward. Mitigation measures to be implemented by USBP as part of the Proposed Action Alternative of this SEA are described in the following paragraphs.

General Construction Activities: Best Management Practices (BMPs) will be implemented as standard operating procedures during all construction activities, and will include proper handling, storage, and/or disposal of hazardous and/or regulated materials. To minimize potential impacts from hazardous and regulated materials, all fuels, waste oils and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery will be completed following accepted industry guidelines and all vehicles will have drip pans during storage to contain minor spills and drips. Although it will be unlikely for a major spill to occur, any spill of reportable quantities will be contained immediately within an earthen dike, and the application of an absorbent (e.g., granular, pillow, sock, etc.) will be used to absorb and contain the spill. Furthermore, a spill of any petroleum liquids (e.g., fuel) or material listed in 40 CFR 302 Table 302.4 (included as part of an Spill Prevention, Control and Countermeasure Plan [SPCCP]) of a reportable quantity must be cleaned up and reported to the appropriate Federal and state agencies. Reportable quantities of those substances listed on 40 CFR 302 Table 302.4 will be included as part of the SPCCP. A SPCCP will be in place prior to the start of construction and all personnel will be briefed on the implementation and responsibilities of this plan.

All non-recyclable hazardous and regulated wastes will be collected, characterized, labeled, stored, transported, and disposed of as regulated by the Environmental Protection Agency and managed by CBP.

Solid waste receptacles will be maintained at staging areas. Non-hazardous solid waste (trash and waste construction materials) will be collected and deposited in on-site receptacles. Solid waste will be collected and disposed of properly in accordance with the Solid Waste Disposal Act, P.L. 89-272, 79 Stat. 997, as amended by the Resource Conservation and Recovery Act, P.L. 94-580, 90 Statute 2795 (1976).

To ensure that primary pedestrian fence designs do not impede or limit access to existing border monuments for maintenance or exacerbate flooding conditions, all final

engineering designs will be submitted to U.S. Section, International Boundary Water Commission (USIBWC) for review prior to start of construction activities.

Once activities in any given construction segment of the project corridor are completed, active measures will be required to ensure the rehabilitation of areas outside of the 60-foot construction area and established staging areas. USBP will coordinate with the appropriate land managers to determine the most suitable and cost effective measures required for successful rehabilitation. As required for successful rehabilitation, USBP would implement all or some of the following measures:

- site preparation through ripping and disking to loosen compacted soils;
- hydro mulch with native grasses and forbs in order to control soil erosion and ensure adequate revegetation;
- planting of native shrubs as required;
- temporary irrigation (i.e., truck watering) for seedlings; and
- periodic monitoring to determine if additional actions are required to ensure that rehabilitated areas remain on a path to recovery.

Soils: Proper site specific BMPs are designed and utilized to reduce the impacts of non-point source pollution during construction activities. BMPs include such things as buffers around drainages to reduce the risk of siltation and proper placement of culverts with energy dissipation. These BMPs will greatly reduce the amount of soil lost to runoff during heavy rain events and ensure the integrity of the construction site. A dual benefit of soil erosion BMPs is that they can also have secondary benefits of reducing impacts to air quality by reducing the amount of fugitive dust.

Vehicular traffic associated with construction will remain on established roads to the maximum extent practicable. Areas with highly erodible soils will be given special consideration to ensure incorporation of various and effective compaction techniques, aggregate materials, wetting compounds, and rehabilitated to reduce potential soil erosion. Erosion control measures such as waterbars, gabions, straw bales, and revegetation will be implemented during and after construction activities. Revegetation efforts will be needed to ensure long term recovery of the area and to prevent significant soil erosion problems.

Vegetation Communities: Construction equipment will be cleaned following BMPs described in a Storm Water Pollution Prevention Plan (SWPPP) prior to entering and departing the project corridor to minimize the spread and establishment of non-native invasive plant species.

To minimize vegetation impacts, designated construction travel corridors will be marked with easily observed removable or biodegradable markers, and travel will be restricted to the project corridor, staging areas and access roads.

Wildlife Resources: Environmental design measures which will be considered, especially in areas that support protected species, include coordination with local resource agencies biologists, as deemed necessary and to have qualified biologists to monitor for sensitive species potentially impacted by construction. Construction crews will be informed of sensitive resources and the need to avoid impacts to these resources. Once fence post holes or trenches are excavated, construction crews will conduct daily inspections for trapped reptiles under the guidance of qualified biologists, and will continue to do so until the concrete foundations are set.

The Migratory Bird Treaty Act requires that Federal agencies coordinate with the USFWS if a construction activity would result in the take of a migratory bird or bird parts. Since avoidance of this season is unlikely (March through September) for this project, surveys for migratory birds would be completed prior to clearing and grubbing activities. Any active migratory bird nests observed in the project corridor will be flagged and avoided to the extent practicable. If it is determined that construction activities will result in the take of a migratory bird, then coordination with the USFWS and New Mexico Game and Fish Department, and applicable permits will be obtained prior to construction or clearing activities. To ensure free movement of small animals access across the border, primary pedestrian fences would be equipped (to the extent practicable) with reptile and small mammal tunnels or gaps at the base to allow small ground dwelling animals free access.

Water Resources: The installation of TI would require a SWPPP as part of the NPDES permit process because the area of disturbance exceeds 1 acre. All engineering designs and subsequent hydrology reports will be reviewed by USIBWC prior to start of construction activities so that the results of construction activities do not increase, concentrate, or relocate overland surface flows into either country.

Air Quality: Standard construction BMPs such as routine watering of the roads will be used as a primary means of fugitive dust control during the construction phases of the proposed project. Additionally, all construction equipment and vehicles will be required to be kept in good operating condition to minimize exhaust emissions.

Aesthetics: BLM will be afforded the opportunity to provide comments on the design/build and performance specifications of the proposed primary pedestrian fence for consistency with management goals for visual resources on BLM land.

Cultural Resources: Consultation is on-going with the New Mexico State Historic Preservation Officer, BLM, and the appropriate Tribal Historic Preservation Officer in accordance with Section 106 of the National Historic Preservation Act. The appropriate mitigation measures will be identified and implemented through the resulting

Memorandum of Understanding. The preferred mitigation measured will be to (1) avoid sites to the extent practicable; (2) recover data; and (3) monitor construction activities to ensure potential impacts are minimized.

Hazardous Materials: To minimize potential impacts from solid and hazardous materials, all fuels, waste oils, and solvents will continue to be collected and stored in tanks or drums within secondary containment system that consist of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. Refueling of machinery will be allowed only at a properly located and designated fuel truck equipped with a proper spill containment kit. All vehicles will have drip pans during storage to contain minor spills and drips.

All used oil and solvents will continue to be recycled if possible. All non-recyclable hazardous and regulated wastes will continue to be collected, characterized, labeled, stored, transported, and disposed of in accordance with all Federal, state, and local regulations, including proper waste manifesting procedures. When construction activities are planned adjacent to active agricultural areas, prior coordination will be made with local farmers so that no construction activities are conducted during or immediately after pesticide or herbicide applications.

FINDING: Based upon the results of the referenced EA and the mitigation measures to be incorporated as part of the Proposed Action Alternative, it has been concluded that the Proposed Action Alternative will have no significant effect on the environment. Therefore, no further environmental impact analysis is warranted.

_____ _____

Robert F. Janson Date
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

_____ _____

Victor M. Manjarrez, Jr. Date
Chief Patrol Agent
U.S. Border Patrol
El Paso Sector Headquarters

COVER SHEET

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT II FOR THE PROPOSED CONSTRUCTION, OPERATION AND MAINTENANCE OF TACTICAL INFRASTRUCTURE U.S. BORDER PATROL EL PASO SECTOR, DEMING STATION, NEW MEXICO

Responsible Agencies: U.S. Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP)

Cooperating Agencies: Bureau of Land Management (BLM), Las Cruces Field Office; U.S. Army Corps of Engineers (USACE) Albuquerque District; and the U.S. Section, International Boundary and Water Commission (USIBWC)

Affected Location: U.S.-Mexico international border in Luna County, New Mexico

Proposed Action: The Proposed Action includes the conversion or replacement of existing and proposed Permanent Vehicle Barriers that have been or are presently being constructed and addressed in an Environmental Assessment (EA) prepared by CBP in April 2007. CBP proposes the construction, operation and maintenance of tactical infrastructure, to include a primary pedestrian fence and access roads along approximately 24.5 miles of the U.S./Mexico international border within the USBP El Paso Sector. The Proposed Action would be implemented in two discrete segments: H-2A, which extends 14.2 miles to the west, and I-1B that extends 10.3 miles to the east of the existing fence on either side of the Columbus Port-of-Entry.

Report Designation: Draft Supplemental Environmental Assessment (SEA).

Abstract: CBP proposes to construct, maintain, and operate approximately 24.5 miles of tactical infrastructure, including two sections of fence and access roads along the U.S.-Mexico international border in Luna County, New Mexico. Individual sections would range from approximately 10.3 to 14.2 miles in length. The proposed primary pedestrian fence would be contained entirely within the 60-foot wide Roosevelt Reservation. Access roads would encroach upon multiple privately owned land parcels and public lands managed by the BLM.

The SEA will analyze and document potential environmental consequences associated with the Proposed Action. If the analyses presented in the SEA indicate that implementation of the Proposed Action would not result in significant environmental or socioeconomic impacts then a Finding of No Significant Impact (FONSI) would be prepared. If potential environmental concerns arise that cannot be mitigated to insignificance, a Notice of Intent to prepare an Environmental Impact Statement (EIS) would be required.

Throughout the National Environmental Policy Act (NEPA) process, the public may obtain information concerning the status and progress of the Proposed Action and the EA via the project Web site at *www.BorderFenceNEPA.com*; by emailing *information@BorderFenceNEPA.com*; or by written request to Mr. Charles McGregor,

Environmental Manager, U.S. Army Corps of Engineers, Fort Worth District, Engineering Construction Support Office, 814 Taylor Street, Room 3B10, Fort Worth, TX 76102, Fax: (225) 761-8077.

You may submit written comments to CBP by contacting the SBI Tactical Infrastructure Program Office. To avoid duplication, please use only one of the following methods:

(a) Electronically through the Web site at *www.BorderFenceNEPA.com*

(b) By email to *DSEAcomments@BorderFenceNEPA.com*

(c) By mail to El Paso Tactical Infrastructure EA, c/o Gulf South Research Corporation, 8081 GSRI Ave, Baton Rouge, Louisiana 70820

(d) By fax to (225) 761-8077.

Privacy Notice

Your comments on this document are due by February 16, 2008. Comments will normally be addressed in the SEA and made available to the public. Any personal information included in comments will therefore be publicly available.

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SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT II FOR THE PROPOSED CONSTRUCTION, OPERATION AND MAINTENANCE OF TACTICAL INFRASTRUCTURE U.S. BORDER PATROL EL PASO SECTOR, DEMING STATION, NEW MEXICO

January 2008

Lead Agency:	U.S. Department of Homeland Security U.S. Customs & Border Protection Office of Finance, Asset Management 1300 Pennsylvania Ave NW Washington, D.C. 20229
Point of Contact:	George Hutchinson U.S. Department of Homeland Security U.S. Customs and Border Protection Headquarters, Room 3.4-D 1300 Pennsylvania Ave NW Washington, D.C. 20229
Cooperating Agencies:	Bureau of Land Management U.S. Army Corps of Engineers U.S. Section, International Boundary and Water Commission

EXECUTIVE SUMMARY

BACKGROUND

United States (U.S.) Customs and Border Protection (CBP) proposes to replace approximately 24.5 miles of Permanent Vehicle Barrier (PVB) with primary fence along the U.S.-Mexico border on the east and west sides of the Columbus, New Mexico, Port of Entry (POE). A project-specific Environmental Assessment (EA) for U.S. Border Patrol (USBP), El Paso Sector, Deming Station Tactical Infrastructure (TI) was finalized in April 2007 that included all-weather patrol roads, access roads, primary fence, PVBs, and permanent lighting. In addition to construction of lights, drag roads, and patrol roads, the April 2007 EA addressed the replacement of PVBs installed several years ago by Joint Task Force-Six (JTF-6, now Joint Task Force-North [JTF-N]) and construction of 47 miles of new PVB. A total of 3 miles (1.5 miles on either side of the Columbus POE) of PVB were to be replaced with primary fence. In August 2007, CBP issued a Supplemental Environmental Assessment (SEA) to convert an additional 1.5 miles of PVBs on both sides of the Columbus POE, which would extend the total length of primary fence to 6 miles (3 miles on each side of the Columbus POE).

CBP and USBP have now identified the additional border reaches as high-traffic areas and need to retrofit PVBs with primary pedestrian fence or construct primary pedestrian fence in lieu of PVB. Upon completion, the entire length of primary pedestrian fence would be 30.5 miles. An SEA is needed to address the impacts of the proposed additional 24.5 miles of fence construction. This SEA will supplement the April 2007 Deming Station Tactical Infrastructure EA.

PURPOSE AND NEED

The purpose of the Proposed Action is to increase border security within USBP El Paso Sector through the construction, operation, and maintenance of tactical infrastructure in the form of fences, roads, and supporting technological and tactical assets. USBP El Paso Sector has identified two discrete areas along the border within the Deming Station's Area of Operation (AO) that experience high levels of illegal cross-border activity. This activity occurs in areas that are remote and not easily accessed by USBP agents, near POEs where concentrated populations might live on either side of the border or have quick access to U.S. transportation routes.

The Proposed Action is needed to provide USBP agents with the tools necessary to strengthen their control of the U.S. borders between the POE in the USBP El Paso Sector. The Proposed Action would deter illegal cross-border activities within the USBP El Paso Sector by improving enforcement abilities, thus preventing terrorists and terrorist weapons from entering the U.S., reducing the flow of illegal drugs, and enhancing agents' response time, while providing a safer work environment for USBP agents.

PROPOSED ACTION ALTERNATIVE

The Proposed Action Alternative consists of the replacement or retrofit of 24.5 miles of existing PVBs with primary pedestrian fence on both sides of the Columbus POE. Replacement of PVBs with primary fence would start 3 miles from either side of the POE and extend an additional 14.2 miles to the west and 10.3 miles to the east of the POE. Replacement includes construction of primary pedestrian fence in lieu of the PVBs that were addressed in the April 2007 EA. In accordance with 40 Code of Federal Regulations 1502.14(c), USBP has identified the Proposed Action Alternative as the agency's Preferred Alternative.

ALTERNATIVES CONSIDERED

In addition to the Proposed Action Alternative, two other alternatives were considered during the preparation of this SEA. Under the No Action Alternative, no primary pedestrian fence components would be constructed. The No Action Alternative will serve as a baseline against which the impacts of the other two action alternatives can be evaluated. However, the No Action Alternative does not satisfy the purpose and need or Congressional mandates.

The Secure Fence Act Alternative would consist of two layers of fence, known as primary and secondary fence, constructed approximately 130 feet apart along the same route as the Proposed Action Alternative. This alternative would also include construction and maintenance of access and patrol roads. The patrol road would be located between the primary and secondary fences and the maintenance road would be on the north side of the secondary fence.

ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION ALTERNATIVE

Under the Proposed Action Alternative, no changes in impact on land use, soils, vegetation communities, protected species and their habitat, cultural resources, or hazardous wastes are expected as a result of primary fence construction. Only negligible or minor adverse impact on some wildlife habitat, sensitive or unique areas, aesthetics, water resources, air quality, and the socioeconomics of the region are expected. Construction of 24.5 miles of additional primary pedestrian fence would increase the potential to inhibit free movement of some transboundary migratory wildlife species. While the extension of primary pedestrian fence would indirectly impact the visual resources management goals on nearby Bureau of Land Management lands, substantial benefits of reduced vandalism, habitat degradation, and littering would outweigh any reduction of aesthetics. Water would be required to facilitate the additional fence construction; however, impact on aquifer recharge would remain minor to moderate when compared to the recharge potential in the Mimbres Basin. Minor increases in vehicle and fugitive dust emissions are also expected with additional construction efforts. However, emissions are not expected to cause or contribute to a violation of Federal or state ambient air quality standards. With the exception of

additional raw materials for primary fence construction, no changes to the socioeconomics of the region are anticipated.

CONCLUSIONS

Based upon the results of this SEA and the environmental design measures to be implemented, the Proposed Action would not have a significant effect on the environment. Therefore, no additional National Environmental Policy Act documentation (i.e., Environmental Impact Statement) is warranted.

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SECTION 1.0
INTRODUCTION

1.0 INTRODUCTION

1.1 BACKGROUND

United States (U.S.) Customs and Border Protection (CBP) and U.S. Border Patrol (USBP), El Paso Sector, Deming Station, propose to replace or retrofit 24.5 miles of existing and proposed Permanent Vehicle Barrier (PVB) with new primary pedestrian fence. The existing PVBs, which are located east and west of the Columbus, New Mexico, Port of Entry (POE), are to be converted to primary pedestrian fence. Currently there are 6 miles of primary fence under construction at the POE. USBP Deming Station intends to extend the primary pedestrian fence along two segments (H-2A and I-1B) for an additional 24.5 miles under this proposed project (Figure 1-1). This would lengthen the primary pedestrian fence proposed for both sides of the Columbus POE to a total length of 30.5 miles.

A project-specific *Environmental Assessment (EA) for Joint Task Force-Six (JTF-6, now Joint Task Force-North [JTF-N]), Border Road Improvement Project, near Columbus, New Mexico*, was finalized in December 1999. The 1999 JTF-6 EA addressed construction or improvements to 75 miles of soil/gravel border roads and installation of PVB in strategic locations along approximately 50 miles of border road within the Deming Station's Area of Operations (AO) (JTF-6 1999). To date, construction of 21 miles of intermittently positioned PVBs and dirt/gravel road improvements measuring approximately 12 to 18 feet wide have been completed.

In 2006, CBP and the Office of Border Patrol released the *Programmatic Environmental Assessment (PEA) for Proposed Tactical Infrastructure, Office of Border Patrol, El Paso Sectors, New Mexico Stations, July 2006.* This PEA and Finding of No Significant Impact (FONSI) are herein referred to as the 2006 PEA (CBP 2006).

The purpose of the 2006 PEA was to address the potential effects, beneficial and adverse, of the proposed installation, operation, and maintenance of various existing

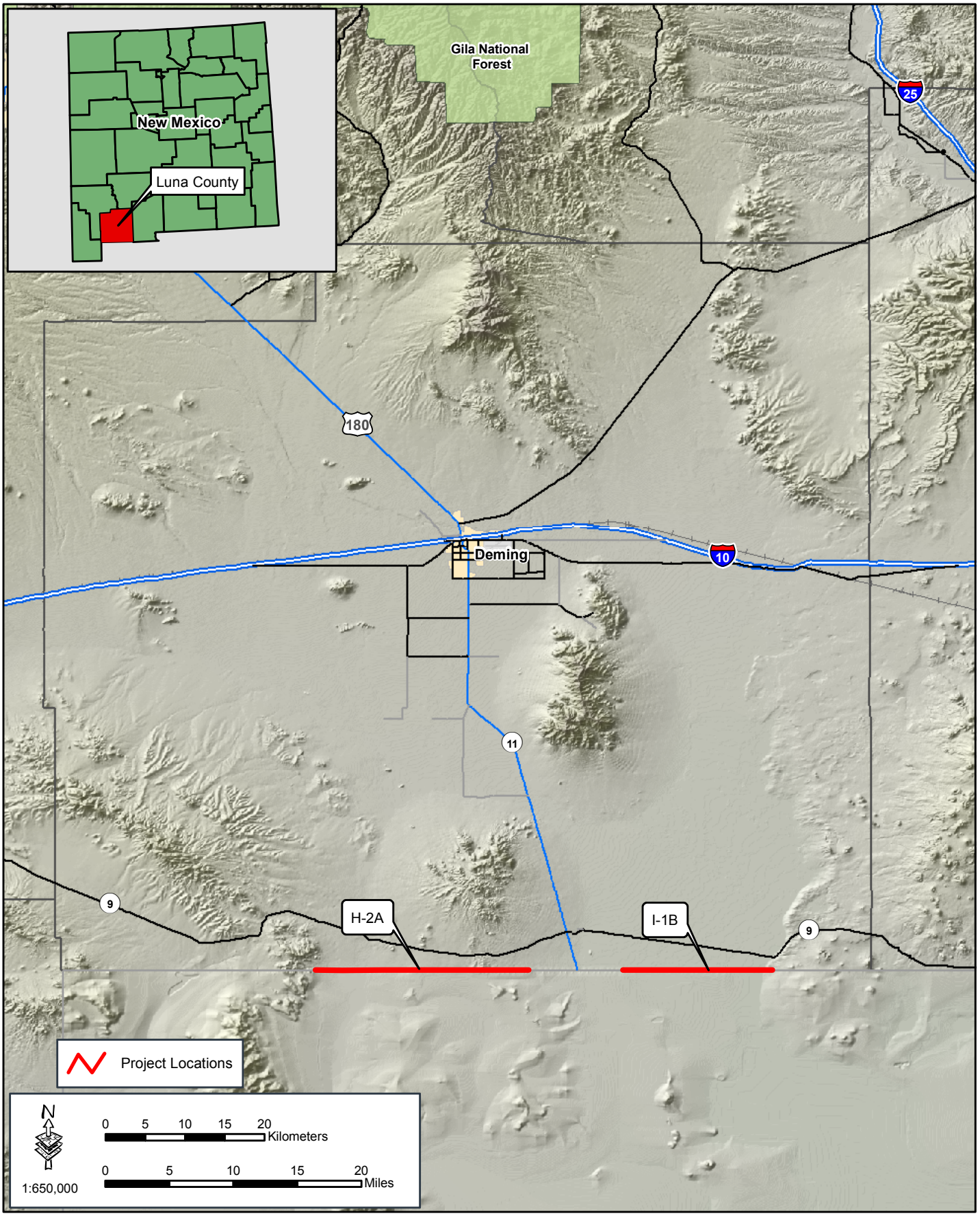

Figure 1-1: Vicinity Map

GSRC

December 2007

and proposed tactical infrastructure (TI) throughout the El Paso Sector, New Mexico stations on a programmatic level.

Subsequently, in 2007, the CBP and USBP released the *Final Environmental Assessment for Proposed Tactical Infrastructure, Department of Homeland Security, U.S. Customs and Border Protection, Office of Border Patrol, El Paso Sector, Deming Station, New Mexico, April 2007*, which is referred to herein as the April 2007 EA. This EA and FONSI were tiered to the 2006 PEA. The April 2007 EA addressed construction and maintenance of a combination of TI components across a predominantly 100-foot-wide project corridor extending 47 linear miles along the U.S.-Mexico border, and six north-south access routes from New Mexico Highway 9 to the U.S.-Mexico border. TI is a term used by USBP to describe physical structures that facilitate their enforcement activities; these items typically include but are not limited to roads, fences, lights, gates, boat ramps, and barriers. The TI components addressed in the April 2007 EA included:

- 12 miles of permanent pole-mounted lights;
- 3 miles of primary pedestrian fence;
- 20 miles of PVBs;
- 48 miles of all-weather improvements to existing patrol roads;
- 2 miles of new patrol road construction;
- 16 miles of all-weather improvements to six existing access roads;
- 190 (or more as needed) ancillary drainage crossing structures;
- 44 miles of drag roads adjacent to patrol roads;
- 43 temporary equipment staging and turnaround areas; and
- Up to 15 water wells.

In August 2007, CBP and USBP supplemented the April 2007 EA to address the potential impacts of converting 3 additional miles of existing PVBs to primary fence. That document was entitled *Final Supplemental Environmental Assessment, Proposed Tactical Infrastructure, U.S. Department of Homeland Security, Office of Border Patrol, El Paso Sector, Deming Station, New Mexico, Replacement of 3 Miles of Permanent Vehicle Barrier With Primary Fence, August 2007.* These 3 miles consisted of two segments located on each side of the Columbus POE extending 1.5 miles to the west

and 1.5 miles to the east of the existing fence on both sides of the POE. The result of this action was the construction of a total of 6 miles of primary pedestrian fence, including 3 miles on both sides of the Columbus POE. This Supplemental Environmental Assessment (SEA) is herein referred to as the August 2007 SEA.

Another SEA is now needed to address the impacts of the proposed additional fence construction. This SEA will again supplement the April 2007 EA and tier from the 2006 PEA. Information from the JTF-N 1999 EA, 2006 PEA, April 2007 EA, and August 2007 SEA will be incorporated by reference to the extent practicable.

This SEA is divided into seven sections plus appendices. Section 1 provides background information on USBP missions, identifies the purpose of and need for the Proposed Action, describes the area in which the Proposed Action would occur, and explains the public involvement process. Section 2 provides a detailed description of the Proposed Action, alternatives considered, and the No Action Alternative. Section 3 describes, in detail, the existing environmental conditions and potential environmental impacts that could occur from each alternative. Section 4 discusses potential cumulative and other impacts that might result from implementation of the Proposed Action, combined with foreseeable future actions. Section 5 discusses potential mitigation measures to reduce adverse effects. Sections 6 and 7 provide a list of references and preparers for the EA, respectively.

1.2 USBP BACKGROUND

The mission of CBP is to prevent terrorists and terrorist weapons from entering the U.S., while also facilitating the flow of legitimate trade and travel. In supporting CBP's mission, USBP is charged with establishing and maintaining effective control of the border of the U.S. USBP's mission strategy consists of five main objectives:

- Establish substantial probability of apprehending terrorists and their weapons as they attempt to enter illegally between the POEs;
- Deter illegal entries through improved enforcement;
- Detect, apprehend, and deter smugglers of humans, drugs, and other contraband;
- Leverage "smart border" technology to multiply the effect of enforcement personnel; and
- Reduce crime in border communities and consequently improve quality of life and economic vitality of targeted areas.

USBP has nine administrative sectors along the U.S.-Mexico international border. Each sector is responsible for implementing an optimal combination of personnel, technology, and infrastructure appropriate to its operational requirements. The El Paso Sector is responsible for Luna, Hildago, and Doña Ana Counties in New Mexico, and El Paso and Hudspeth Counties in Texas. The area affected by the Proposed Action includes the southern-most portion of Luna County, New Mexico.

1.3 PURPOSE AND NEED

The purpose of the Proposed Action is to increase border security within USBP El Paso Sector through the construction, operation, and maintenance of TI in the form of fences, roads, and supporting technological and tactical assets. USBP El Paso Sector has identified two discrete areas along the border within the Deming Station's AO that experience high levels of illegal cross-border activity. This activity occurs in areas that are remote and not easily accessed by USBP agents, near POEs where concentrated populations might live on either side of the border or have quick access to U.S. transportation routes.

The Proposed Action is needed to provide USBP agents with the tools necessary to strengthen their control of the U.S. borders between the POE in the USBP El Paso Sector. It is designed to deter illegal cross-border activities within the USBP El Paso Sector by improving enforcement, preventing terrorists and terrorist weapons from

entering the U.S., reducing the flow of illegal drugs, and enhancing the response time, while providing a safer work environment for USBP agents.

1.4 PROPOSED ACTION

The project corridor for this action extends for approximately 25 miles along the U.S.-Mexico border on both sides of the Columbus POE, south of Deming, Luna County, New Mexico. Primary pedestrian fence is currently being constructed within a 6-mile corridor, including 3 miles on both sides of the Columbus POE. The Proposed Action of this SEA includes the conversion or replacement of existing and proposed PVBs to or with primary pedestrian fence, beginning at the ends of this existing primary pedestrian fence and extending 14.2 miles to the west (segment H-2A) and 10.3 miles to the east (segment I-1B) (Figure 1-2).

1.5 PUBLIC INVOLVEMENT

The Draft SEA and draft FONSI will be made available to the public for review. A Notice of Availability (NOA) is expected to be published on 18 January 2007, in the *El Paso Times* and the *Deming Headlight*. This is done to solicit comments on the Proposed Action and involve the local community in the decision-making process. Comments from the public and other Federal, state, and local agencies will be incorporated into the Final EA and included in Appendix A. A copy of the SEA and draft FONSI will also be made available in the Marshall Memorial Library in Deming, New Mexico, and the Thomas Branigan Memorial Library in Las Cruces, New Mexico. The document will be available electronically at the following URL: *www.BorderFenceNEPA.com*.

This Draft EA also serves as a public notice regarding impacts on floodplains. Executive Order (EO) 11988 directs Federal agencies to avoid floodplains unless the agency determines that there is no practicable alternative. Where the only practicable alternative is to site in a floodplain, a specific process must be followed to comply with

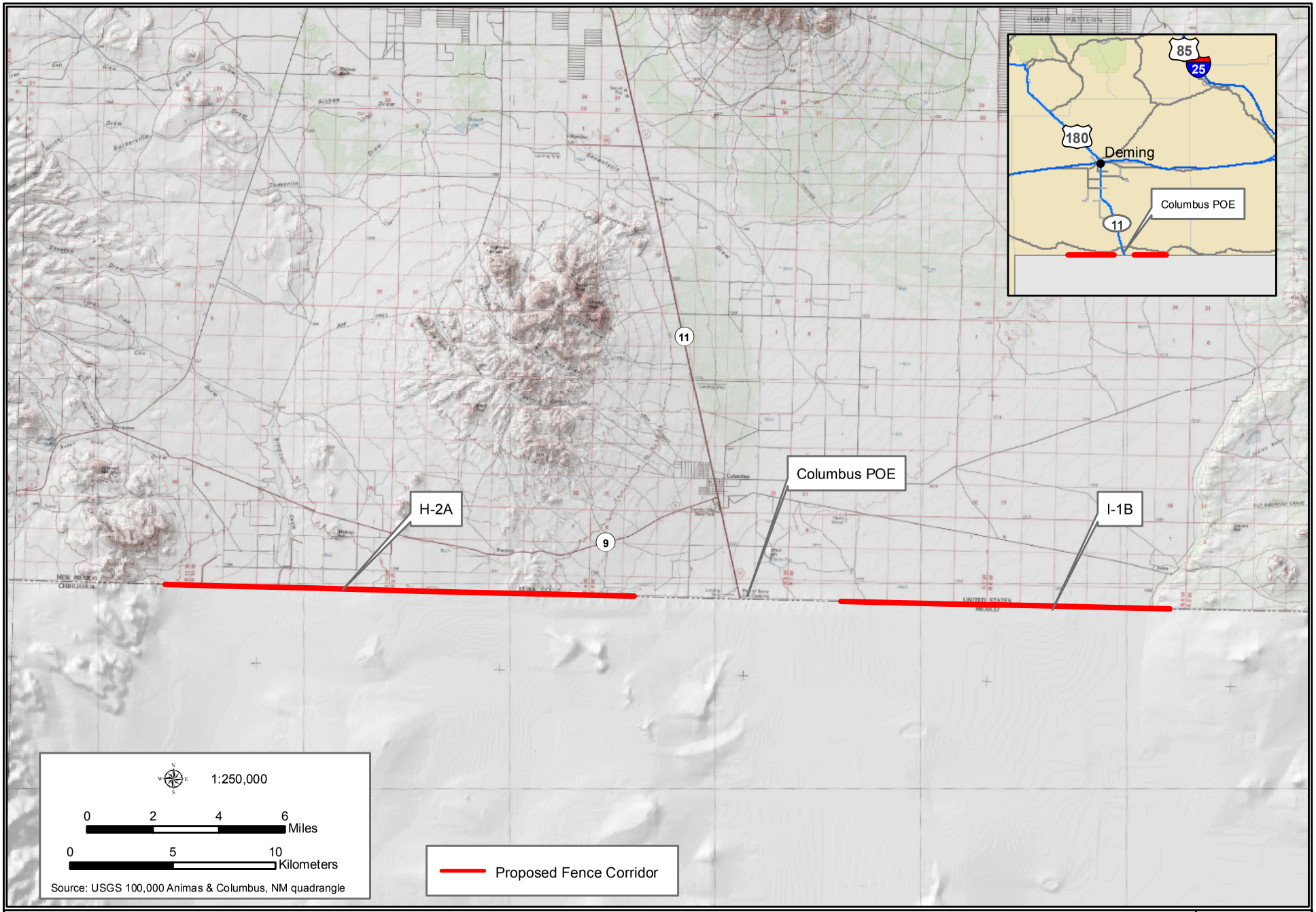

Figure 1-2: Proposed Corridor for H-2A and I-1B

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EO 11988. This eight-step process is detailed in the Federal Emergency Management Agency (FEMA) document "Further Advice on EO 11988 Floodplain Management." The eight steps are as follows:

1. Determine whether the action will occur in, or stimulate development in, a floodplain.
2. Receive public review/input of the Proposed Action.
3. Identify and evaluate practicable alternatives to locating in the floodplain.
4. Identify the impacts of the Proposed Action (when it occurs in a floodplain).
5. Minimize threats to life, property, and natural and beneficial floodplain values, and restore and preserve natural and beneficial floodplain values.
6. Reevaluate alternatives in light of any new information that might have become available.
7. Issue findings and a public explanation.
8. Implement the action.

Steps 1, 3, and 4 have been undertaken as part of this Draft EA and are further discussed in Section 3.6. Steps 2 and 6 through 8 are being conducted simultaneously with the EA development process, including public review of the Draft EA. Step 5 relates to mitigation and is currently undergoing development.

Throughout the National Environmental Policy Act (NEPA) process, the public may obtain information concerning the status and progress of the EA via the project web site at www.BorderFenceNEPA.com, by emailing information@BorderFenceNEPA.com, or by written request to Mr. Charles McGregor, Environmental Manager, U.S. Army Corps of Engineers (USACE), Fort Worth District, Engineering Construction Support Office (ECSO), 819 Taylor Street, Room 3B10, Fort Worth, TX 76102 or by facsimile at: 225-761-8077.

1.6 COOPERATING AGENCIES

U.S. Section, International Boundary and Water Commission (USIBWC), USACE-Albuquerque District Regulatory Branch, Bureau of Land Management (BLM), and U.S. Fish and Wildlife Service (USFWS) also have decision-making authority for components of the Proposed Action. The President's Council on Environmental Quality (CEQ)

regulations implementing NEPA instruct agencies to combine environmental documents in compliance with NEPA to reduce duplication and paperwork (40 Code of Federal Regulations [CFR] 1506.4). Letters have been submitted to each of these agencies inviting them to be cooperating agencies.

One of USIBWC's missions is to maintain the international boundary between Mexico and the U.S. As part of this mission, USIBWC is required to ensure that any construction along the international border does not adversely affect International Boundary Monuments (including their line of sight) or substantially impede floodwater conveyance within international drainages.

USACE-Albuquerque District will act on applications for Department of the Army permits, as appropriate, pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S. Code [USC] 1344).

Section 7 of the Endangered Species Act (ESA) (P.L. 93-205, December 28, 1973) states that any project authorized, funded, or conducted by any Federal agency should not "jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined … to be critical." USFWS is required to determine whether any Federally-listed or proposed endangered or threatened species or their designated critical habitats would be adversely impacted by the Proposed Action, to complete Section 7 consultation, to identify the nature and extent of potential effects, and to jointly develop measures with CBP that would avoid or reduce potential effects on the species. If appropriate, CBP and USFWS would enter formal Section 7 consultation regarding any potentially affected listed species, and USFWS would issue a Biological Opinion on the potential for jeopardy. If USFWS determines that the project is not likely to jeopardize any listed species, it can also issue an incidental take statement as an exception to the prohibitions in Section 9 of the ESA.

A request to be a cooperating agency will also be submitted to BLM, since some of the road improvements, required to construct and maintain the fence, would be located within lands managed by BLM. BLM is required to manage the natural resources to ensure sustainability of grazing leases, recreational opportunities, cultural resources, and natural resources. As part of this mission, the EA will need to address project impacts to BLM's Range Management Plan.

1.7 FRAMEWORK FOR ANALYSIS

NEPA is a Federal statute requiring the identification and analysis of potential environmental impacts of proposed Federal actions before those actions are taken. Its intent is to protect, restore, or enhance the environment through well-informed Federal decisions. The process for implementing NEPA is codified in 40 CFR 1500–1508, Regulations for Implementing the Procedural Provisions of the NEPA, and Department of Homeland Security's Management Directive (MD) 5100.1, Environmental Planning Program. This process evaluates potential environmental consequences associated with a proposed action and considers alternative courses of action.

CEQ was established under NEPA to implement and oversee Federal policy in this process and ensure agency compliance with NEPA. CEQ regulations mandate that all Federal agencies use a systematic interdisciplinary approach to environmental planning and the evaluation of actions that might affect the environment. CEQ regulations specify that the following must be accomplished when preparing an EA:

- Briefly provide evidence and analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a FONSI;
- Aid in an agency's compliance with NEPA when an EIS is unnecessary; and
- Facilitate preparation of an EIS when one is necessary.

To comply with NEPA, the planning and decision-making process for actions proposed by Federal agencies involves a study of other relevant environmental statutes and regulations. The NEPA process, however, does not replace procedural or substantive requirements of other environmental statutes and regulations. It addresses them collectively in the form of an EA or EIS, which enables the decision-maker to have a comprehensive view of major environmental issues and requirements associated with the Proposed Action. According to CEQ regulations, the requirements of NEPA must be integrated "with other planning and environmental review procedures required by law or by agency so that all such procedures run concurrently rather than consecutively."

In addition to NEPA, authorities that will be addressed during the preparation of this EA will include Immigration Reform and Illegal Immigrant Responsibility Act, Secure Fence Act, Clean Air Act, CWA (including a National Pollutant Discharge Elimination System [NPDES] storm water discharge permit), Noise Control Act, ESA, National Historic Preservation Act, Archaeological Resources Protection Act, Resource Conservation and Recovery Act, Toxic Substances Control Act, Environmental Quality Improvement Act of 1970, as amended, and Migratory Bird Treaty Act.

EOs bearing on the Proposed Action include EO 11988 (Floodplain Management), EO 11990 (Protection of Wetlands), EO 12088 (Federal Compliance with Pollution Control Standards), EO 12580 (Superfund Implementation), EO 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), EO 13045 (Protection of Children from Environmental Health Risks and Safety Risks), EO 13423 (Strengthening Federal Environmental, Energy, and Transportation Management), EO 13175 (Consultation and Coordination with Indian Tribal Governments), EO 13148 (Greening the Government through Leadership in Environmental Management), EO 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds), EO 11514 (Protection and Enhancement of Environmental Quality, as amended by EO 11991), EO 12114 (Environmental Effects Abroad of Major Federal Actions), EO 13101 (Greening the Government through Waste Prevention, Recycling, and Federal Acquisition), EO 13123 (Greening the Government through

Efficient Energy Management), EO 13148 (Greening the Government through Leadership in Environmental Management), and EO 13149 (Greening the Government through Federal Fleet and Transportation Efficiency).

SECTION 2.0
PROPOSED ACTION AND ALTERNATIVES

2.0 PROPOSED ACTION AND ALTERNATIVES

This section provides detailed information on CBP's proposal to construct, operate, and maintain TI along the U.S.-Mexico international border in the USBP El Paso Sector, Deming Station, New Mexico. The range of reasonable alternatives considered in this EA is constrained to those that would meet the purpose and need, to provide USBP agents with the tools necessary to achieve effective control of the border in the USBP El Paso Sector, as described in Section 1. Such alternatives must also meet essential technical, engineering, and economic threshold requirements to ensure that each is environmentally sound, economically viable, and complies with governing standards and regulations.

2.1 SCREENING CRITERIA FOR ALTERNATIVES

This section presents USBP's proposal to construct, maintain, and operate new TI within the USBP El Paso Sector, Deming Station, New Mexico. Each alternative concerning location, construction, and operation of TI must meet USBP's purpose and need (as described in Section 1.1) and essential technical, engineering, and economic threshold requirements to ensure that a proposed action is environmentally sound, economically viable, and complies with governing standards. The following screening criteria were used to develop the Proposed Action and evaluate potential alternatives. These criteria are presented in no particular order of priority.

- *USBP Operational Requirements:* The selected alternative must support USBP mission needs to hinder or delay individuals crossing the border illegally. It is much more difficult for USBP agents to identify and apprehend suspects engaged in unlawful border entry once they have entered an urban area or suburban neighborhood. In addition, around populated areas it is relatively easy for cross-border violators to find transportation into the interior of the U.S.
- *Threatened or Endangered Species and Critical Habitat:* The selected alternative would be designed to minimize adverse impact on threatened or endangered species and their critical habitat to the maximum extent

practical. USBP is working with USFWS to identify potential conservation and mitigation measures.

- *Wetlands and Floodplains:* The selected alternative would be designed to avoid and minimize impact on wetlands, surface waters, and floodplain resources to the maximum extent practicable. USBP is working with USACE-Albuquerque District to avoid, minimize, and mitigate potential impact on wetlands, surface waters, and floodplains.
- *Cultural and Historic Resources:* The selected alternative would be designed to minimize impact on cultural and historic resources to the maximum extent practical. USBP is working with the New Mexico State Historic Preservation Office (SHPO) to identify potential conservation and mitigation measures.
- *Suitable Landscape:* Some areas of the border have steep topography, have highly erodible soils, are in a floodway, or have other characteristics that could compromise the integrity of fence or other tactical infrastructure. For example, in areas susceptible to flash flooding, fence and other tactical infrastructure might be prone to erosion that could undermine the fence's integrity. Areas with suitable landscape conditions would be prioritized.

2.2 ALTERNATIVES ANALYSIS

CBP evaluated a range of possible alternatives to be considered for the Proposed Action. During the public scoping process described in Section 1.5, the following potential alternatives were proposed: (1) stronger enforcement and harsher penalties for employers that hire illegal immigrants; (2) additional USBP agents in lieu of primary pedestrian fence; and (3) manned towers and electronic surveillance in lieu of primary pedestrian fence. Alternative fence designs were also proposed to make the fence taller, wider, or more impenetrable.

The following sections describe the alternative analysis for this Proposed Action. Sections 2.2.1 through 2.2.3 describe alternatives considered but eliminated from further detailed analysis. Sections 2.2.4 and 2.2.5 provide specific details of the Proposed Action and the Secure Fence Act Alternative, both of which will be carried forward for analysis. Section 2.2.6 presents the No Action Alternative. Section 2.3 is the identification of the preferred alternative.

2.2.1 Stronger Enforcement and Harsher Penalties for Employers That Hire Illegal Immigrants

Public comments that have been submitted regarding other TI projects have encouraged CBP to consider stronger enforcement of current immigration laws and harsher penalties for employers that hire illegal immigrants. This alternative was not studied in detail, primarily because it would not meet the USBP El Paso Sector's Purpose and Need and the screening criteria established for viable alternatives. The Proposed Action is needed to provide USBP agents with the tools necessary to strengthen their control of the U.S. borders between POEs in the Deming Station's AO of the USBP El Paso Sector. USBP enforces current laws vigorously within its scope of authority. The alternative of stronger enforcement and harsher penalties would not prevent terrorists and terrorist weapons from entering the U.S., reduce the flow of illegal drugs, and or provide a safer work environment for USBP agents. This alternative would also not meet the USBP operational screening criteria of hindering or delaying individuals crossing the border illegally. For these reasons, this alternative is not a practical alternative to the construction of tactical infrastructure in the Deming Station and will not be carried forward for detailed analysis.

2.2.2 Additional USBP Agents in Lieu of Tactical Infrastructure

CBP considered the alternative of increasing the number of USBP agents assigned to the U.S.-Mexico international border as a means of gaining more effective control of the border. Under this alternative, USBP would hire and deploy a significantly larger number of agents than are currently deployed along the U.S.-Mexico international border and increase patrols to apprehend cross-border violators. USBP would deploy additional agents as determined by operational needs, but patrols might include the use of 4-wheel drive vehicles, all-terrain vehicles, helicopters, or fixed-wing aircraft. Currently, USBP maintains an aggressive hiring program and a cadre of well-trained agents.

This alternative was determined not to meet the screening criteria of USBP operational requirements. The physical presence of an increased number of agents could provide an enhanced level of deterrence against illegal entry into the U.S., but the use of

additional agents alone, in lieu of the proposed TI, would not provide a practical solution to achieving the level of effective control of the border necessary in the USBP El Paso Sector, Deming Station AO. The use of physical barriers has been demonstrated to slow cross-border violators and provide USBP agents with additional time to make apprehensions (USACE 2000). Additionally, as TI is built, agents could be more effectively redeployed to secure other areas.

A Congressional Research Service (CRS) report (CRS 2006) concluded that USBP border security initiatives such as the 1994 San Diego Sector's "Operation Gatekeeper" required a 150 percent increase in USBP manpower, lighting, and other equipment. The report states, "It soon became apparent to immigration officials and lawmakers that USBP needed, among other things, a 'rigid' enforcement system that could integrate infrastructure (i.e., multi-tiered fence and roads), manpower, and new technologies to further control the border region" (CRS 2006).

Increased patrol agents would aid in interdiction activities, but not to the extent anticipated by the construction of primary pedestrian fence and other TI along Sections H2A and I-B1. As such, this alternative is not practical in the USBP El Paso Sector and will not be carried forward for further detailed analysis.

2.2.3 Technology in Lieu of Tactical Infrastructure

CBP does and would continue to use various forms of technology to identify cross-border violators. The use of technology is a critical component of the Secure Border Initiative (SBI) and an effective force multiplier that allows USBP to monitor large areas, deploy agents to where they would be most effective, and apprehend cross-border violators. TI, such as pedestrian fence, is also a force multiplier that allows USBP to deploy agents efficiently and effectively. As TI is built, some agents could be redeployed to other areas of the border within the sector. Additional technology would aid in interdiction activities, but not to the extent anticipated by the Proposed Action. Due to the large urban areas in Mexico along the U.S.-Mexico international border, physical barriers represent the most effective means to control illegal entry into the U.S.,

as noted above. The use of technology alone would not provide a practical solution to achieving the level of effective control of the U.S./Mexico international border necessary in the USBP El Paso Sector. Since current USBP El Paso Sector operations include the use of technology to identify cross-border violations and the deployment of agents to make apprehensions, this alternative is very similar to the No Action Alternative discussed in Section 2.2.6. Therefore, this alternative would not meet the purpose and need as described in Section 1.2 and will not be carried forward for further detailed analysis.

2.2.4 Proposed Action

The Proposed Action Alternative consists of replacing two segments of existing or proposed PVBs with primary fence starting 3 miles to the west and east of the Columbus POE and extending 14.2 miles to the west and 10.2 miles to the east. The proposed primary pedestrian fence would extend west and east from the primary pedestrian fencing currently under construction, as described in the August 2007 SEA (Figures 2-1 and 2-2).

Similar to the primary pedestrian fence described in the August 2007 SEA, the proposed primary pedestrian fence would be placed approximately 3 feet north of the U.S.-Mexico border, within the Roosevelt Reservation. The exact design of the fence would be selected by the USACE; but the current plan is to install steal sheathing or wire mesh onto the existing fence. Examples of the types of fences that can be used by the construction contractor are included in Appendix B. However, preliminary design performance measures dictate that the fence must:

- extend 15 to 18 feet above ground and 3 to 6 feet below ground;
- be capable of withstanding an impact from a 10,000-pound gross weight vehicle traveling at 40 mph;
- be resistant to vandalism, cutting, or penetrating;
- be semi-transparent, as dictated by operational need;
- be designed to survive extreme climate changes of a desert environment;
- be designed to allow movement of small animals from one side to the other; and
- not impede the natural flow of water.

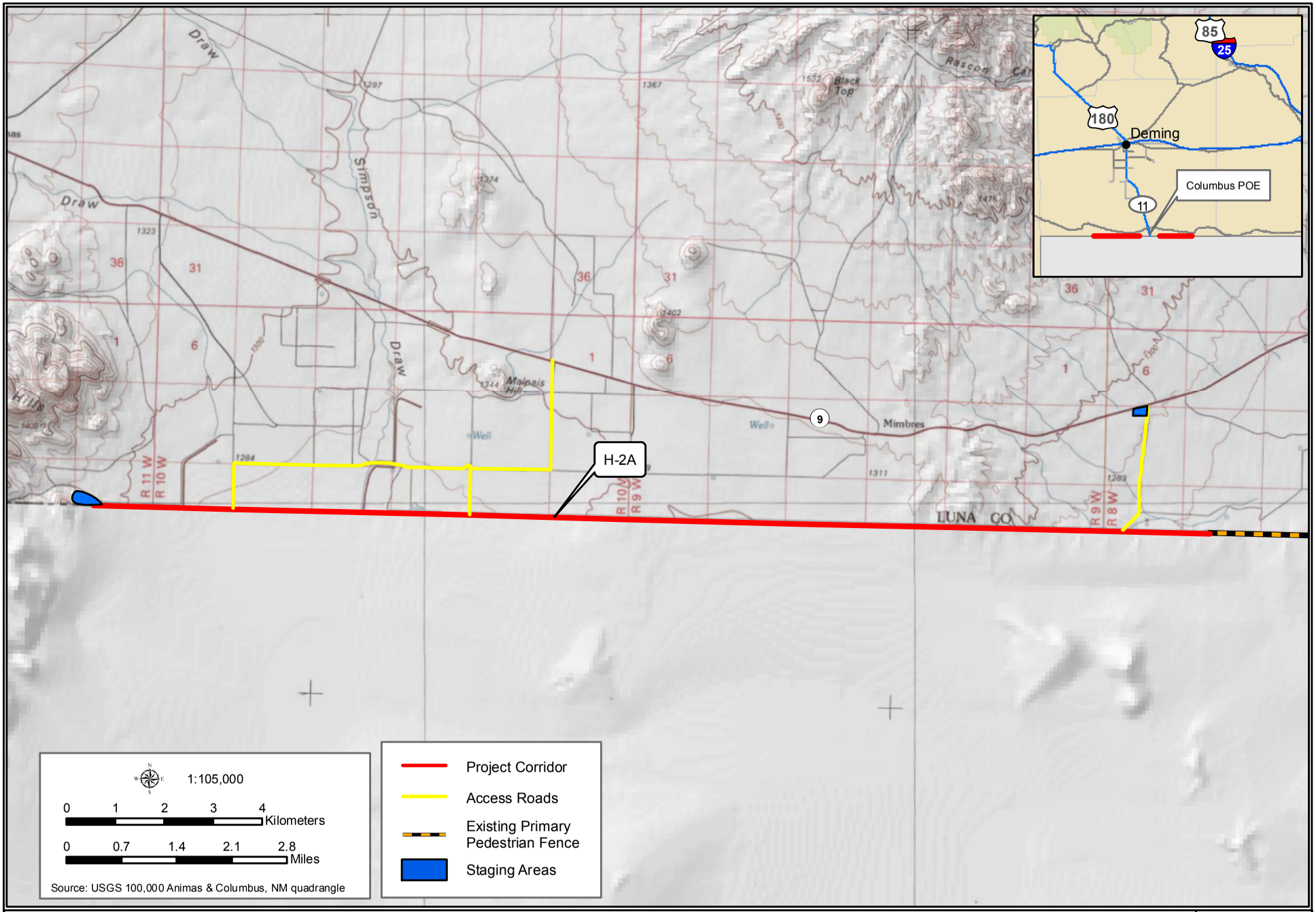

Figure 2-1: H-2A Project Location

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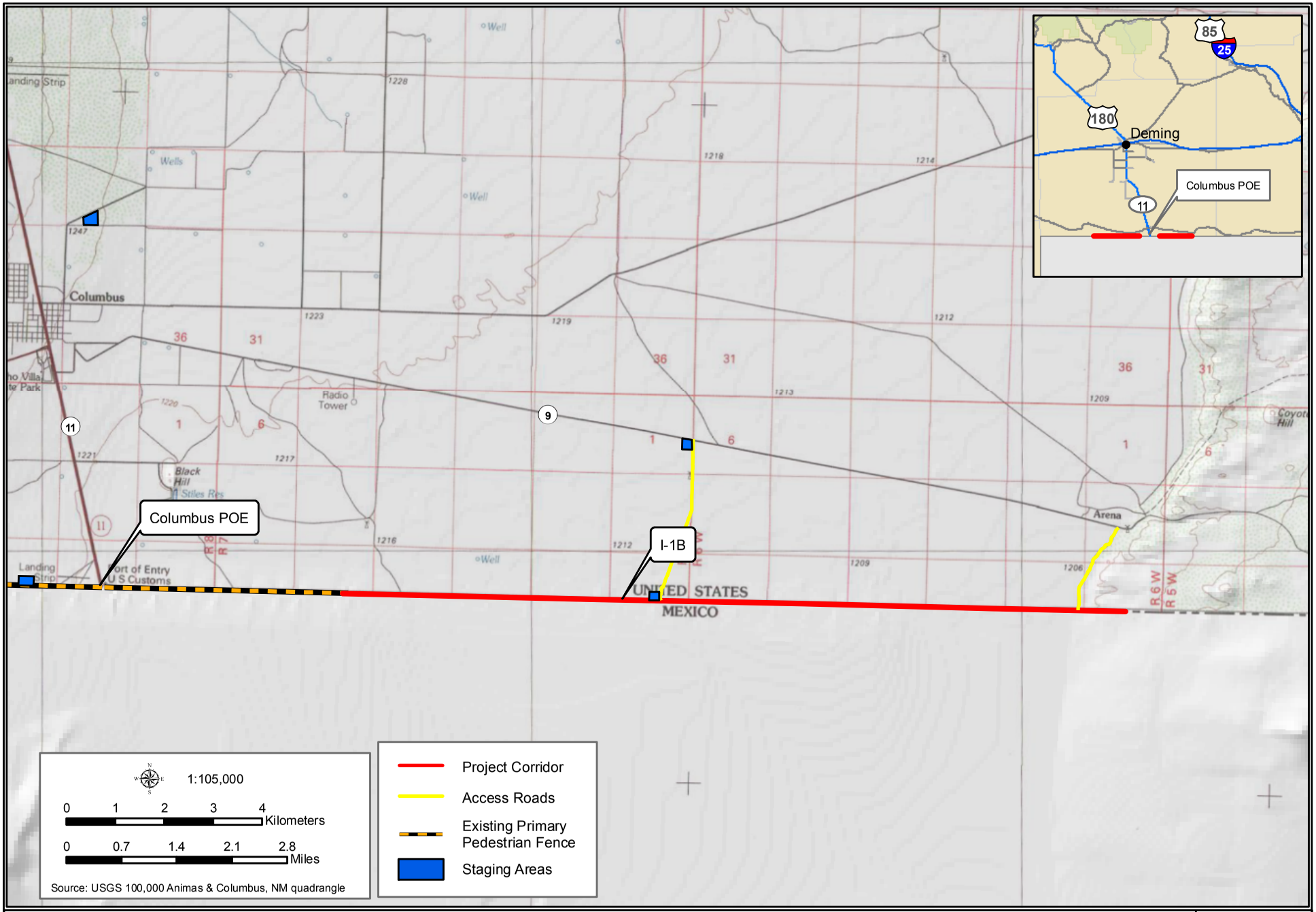

Figure 2-2: I-1B Project Location

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Table 2-1 presents the general location and length of each segment of the proposed fence.

Table 2-1. Proposed Fence Segments for USBP El Paso Sector

Segment Number	General Location	Land Ownership	Length of Fence Segment
H-2A	3 miles W of Columbus POE to 17.2 miles W of POE	Public: BLM	14.2 miles
I-1B	3 miles E of Columbus POE to 13.3 miles E of POE	Public: BLM	10.3 miles
		Total	24.5 miles

The construction footprint of the primary pedestrian fence and construction/maintenance road would be contained entirely within the 60-foot-wide Roosevelt Reservation, which was set aside in 1907 by President Roosevelt as a border enforcement zone, or within the construction footprint previously analyzed in the April 2007 EA (CBP 2007). Furthermore, in washes or arroyos, fences would be designed and constructed, as appropriate, to ensure proper conveyance of floodwaters and to eliminate the potential to cause backwater flooding on either side of the border. As noted above, the proposed project would be constructed by private contractors, though some military units could be used to assist in road construction. The anticipated completion date for the construction is December of 2008.

A total of five north-south access roads would be used to facilitate construction activities (see Figures 2-1 and 2-2). No improvements to these access roads, beyond those described in the April 2007 EA, would be required to complete the primary fence construction proposed herein. The two western-most north-south access roads were not addressed in the April 2007 EA; however, no improvements to these two roads would be required. In addition, four staging areas would be required to store and stage construction equipment and materials (see Figures 2-1 and 2-2). These staging areas were addressed in the April 2007 EA and no additional improvements would be required to complete the Proposed Action Alternative. As described in the April 2007 EA, the staging areas, and all areas that are not part of the permanent footprint, would be

restored or rehabilitated upon completion of the construction activities. All other TI proposed in the April 2007 EA would remain the same.

2.2.5 Secure Fence Act Alternative

The Secure Fence Act of 2006 (P.L. 109-367) authorized USBP to construct at least two layers of reinforced fencing along the U.S.-Mexico international border. Under the Secure Fence Act Alternative, two layers of fence, known as primary and secondary fence, would be constructed approximately 130 feet apart along the same route as the Proposed Action Alternative.

This alternative would also include construction and maintenance of access and patrol roads. The patrol road would be located between the primary and secondary fences. Figure 2-3 shows a typical schematic of permanent and temporary impact areas for this alternative. The design of the TI for the Secure Fence Act Alternative would be similar to that of the Proposed Action Alternative. As with the Proposed Action Alternative, all other TI addressed in the April 2007 EA would still be constructed under the Secure Fence Act Alternative.

Construction of the proposed tactical infrastructure would impact an approximate 130-foot-wide corridor for approximately 24.5 miles along the two fence segments. This construction corridor would accommodate access roads and construction staging areas. Vegetation would be cleared and grading may occur where needed. Wherever possible, existing roads would be used for construction access. This is a viable alternative and will be evaluated in the EA.

2.2.6 No Action Alternative

CEQ regulations require inclusion of the No Action Alternative. Under the No Action Alternative, the primary pedestrian fence would not be installed. The No Action Alternative will serve as a baseline against which the impacts of the Proposed Action Alternative can be evaluated. However, the No Action Alternative does not satisfy the purpose and need or Congressional mandates.

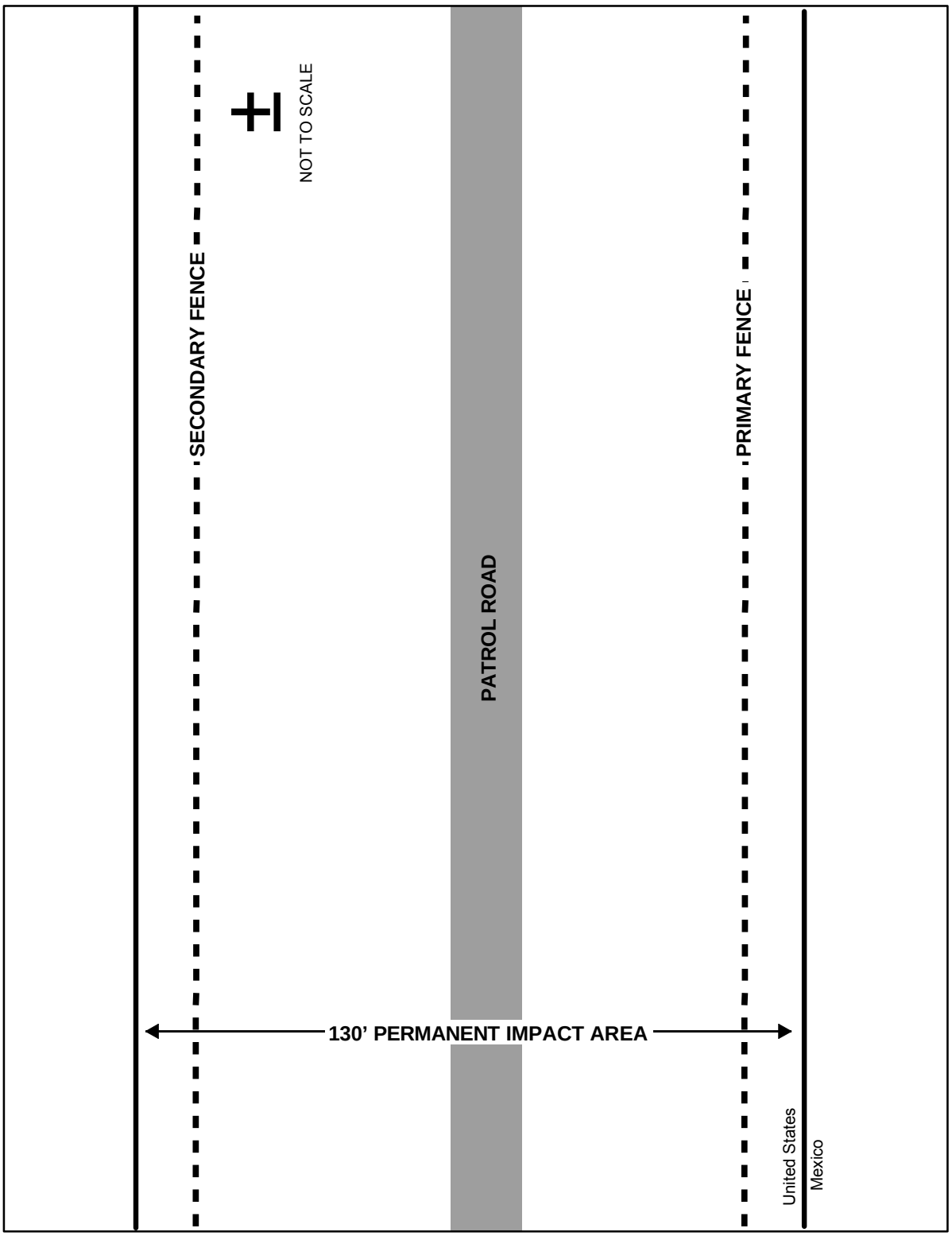

Figure 2-3. Schematic of Proposed Impact Areas—Secure Fence Act Alternative (Alternative 3)

2.3 IDENTIFICATION OF THE ENVIRONMENTALLY PREFERRED ALTERNATIVE

CEQ's implementing regulation 40 CFR 1502.14(c) instructs NEPA preparers to "[i]dentify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference." USBP has identified its Preferred Alternative as the Proposed Action Alternative. Throughout the remainder of this SEA, Preferred Alternative and Proposed Action are synonymous.

Implementation of the Proposed Action Alternative (Alternative 2) would meet USBP's purpose and need described in Section 1.2. The No Action Alternative (Alternative 1) would not meet USBP's purpose and need. The Secure Fence Act Alternative (Alternative 3) would meet USBP's purpose and need but would have greater environmental impact compared to the Preferred Alternative. USBP might need to implement this alternative at some point in the future, depending on future illegal alien (IA) traffic and USBP operational needs and strategies. At the present time, however, USBP believes that this level of TI is not necessary. Still, it will be carried forward as a viable alternative.

2.4 SUMMARY

The three alternatives carried forward for analysis are the No Action Alternative, Proposed Action Alternative, and Secure Fence Act Alternative. An alternative matrix (Table 2-2) compares the three viable alternatives relative to the purpose and need. Table 2-3 presents a summary matrix of the impacts of the three alternatives analyzed and how they affect the environmental resources in the region.

Table 2-2. Relationship between Purpose and Need and Alternatives

Requirements	Alternative 1: No Action Alternative	Alternative 2: Proposed Action Alternative	Alternative 3: Secure Fence Act Alternative
Deter illegal entries	NO	YES	YES
Enhance the response time for USBP agents	NO	YES	YES
Enhance the safety of USBP agents	NO	YES	YES
Reduce the current enforcement footprint	NO	YES	YES
Create a defensible and enforceable zone that reduces cross-border violations.	NO	YES	YES

Table 2-3. Summary Matrix of Potential Impacts

Affected Environment	Alternative 1: No Action Alternative	Alternative 2: Proposed Action Alternative	Alternative 3: Secure Fence Act Alternative
LAND USE	No impact.	No additional impact, as these areas are currently part of the 60-foot Roosevelt Reservation.	Minor to moderate direct impact on land use in the ROI, as 208 acres of rangeland would be converted to TI.
SOILS	No direct impact; indirect impact would continue from IA traffic and consequent enforcement activities.	Minor to moderate impact on already disturbed soils could occur if PVBs are removed and replaced under the Proposed Action Alternative. No additional impact on soils would occur to staging areas.	Moderate impact on soils would occur, as approximately 208 acres of soils would be removed from biological production. Less than 10 acres of soils of statewide importance could be impacted under the Secure Fence Act Alternative.
HYDROLOGY AND GROUNDWATER	No impact.	A temporary and one-time water usage would require 13 acre-feet of water. A negligible to minor impact on the availability of water in the region would occur.	A temporary and one-time water usage would require 24.5 acre-feet of water. A minor impact on the availability of water in the region would occur.
SURFACE WATERS AND WATERS OF THE U.S.	No direct impact; indirect impact would continue as illegal foot traffic and USBP apprehension activities cause erosion and sedimentation into washes, arroyos, and other drainages.	Minor and temporary impact on surface water resources from sedimentation and erosion would be caused by construction. Impact would be minimized through required mitigation measures. Direct impact on approximately 17 potentially jurisdictional WUS (<0.01 acre) would be offset through mitigation plans as required by the appropriate Department of the Army Section 404 permit and Section 401 Water Quality Certification.	Impact similar to that described in the Proposed Action Alternative would occur. Impact on approximately 0.19 acre of potentially jurisdictional WUS would be minimized through required mitigation measures and appropriate permits.
FLOODPLAINS	No direct impact; indirect impact would continue as illegal foot traffic and USBP apprehension activities cause erosion and sedimentation into washes, arroyos, and other drainages.	Direct impact on approximately 1.09 acres of jurisdictional floodplains would occur. However, the fence would be designed and constructed to ensure that flood elevations, risks, or velocities are not increased, in compliance with EO 11988. Local floodplain regulations would also ensure that any potential adverse impact on the beneficial value of the floodplain is offset.	Direct impact on approximately 25 acres of jurisdictional floodplains would occur. However, the fence would be designed and constructed to ensure that flood elevations, risks, or velocities are not increased, in compliance with EO 11988. Compliance with local floodplain regulations would offset any adverse impact.

Table 2-2, continued

Affected Environment	Alternative 1: No Action Alternative	Alternative 2: Proposed Action Alternative	Alternative 3: Secure Fence Act Alternative
VEGETATIVE HABITAT	No direct impact; IA traffic would continue to indirectly impact vegetation communities.	No additional impact on vegetation communities.	Permanent loss of 208 acres of locally and regionally common vegetation, which would be considered moderate to substantial.
WILDLIFE AND AQUATIC RESOURCES	No direct impact; IA traffic would continue to damage vegetation and aquatic habitat, thereby adversely impacting wildlife.	No additional wildlife habitat would be lost; however, fragmentation of habitat would be created for a 30-mile corridor, although some gaps in the fence would be expected at washes that could allow small animal migration. Moderate impact on wildlife would be expected.	Direct impact would be greater than with the Proposed Action Alternative, as 208 acres of wildlife habitat would be permanently lost. Fragmentation impact would be more substantial with a 2-tiered system when compared to the Proposed Action Alternative. Moderate to substantial impact within the region are expected.
THREATENED AND ENDANGERED SPECIES	Indirect impact due to IA traffic trampling habitat and threatened and endangered plant species.	Informal consultation with USFWS and subsequent conservation measures would ensure that the Proposed Action Alternative does not jeopardize the continued existence of any species. Coordination with New Mexico Game and Fish Department (NMGFD) would occur to identify measures to minimize impact on sensitive species. Protection of threatened and endangered species is likely to occur as an indirect result of this alternative.	The potential impact, informal consultation with USFWS, and NMGFD coordination would be the same as those discussed for the Proposed Action Alternative.
CULTURAL RESOURCES	No direct impact.	No adverse impact; mitigation measures through Section 106 consultation would include avoidance and/or monitoring.	The potential impact would be similar to that of the Proposed Action Alternative. There is a potential to affect additional sites, as the project corridor would be wider than with the Proposed Action Alternative. However, mitigation measures through Section 106 consultation would include avoidance and/or monitoring.
AIR QUALITY	No direct impact.	Minor and temporary impact on air quality would occur during construction; air emissions would remain below *de minimis* levels.	Minor and temporary impact on air quality would occur during construction; air emissions would remain below *de minimis* levels.

Table 2-2, continued

Affected Environment	Alternative 1: No Action Alternative	Alternative 2: Proposed Action Alternative	Alternative 3: Secure Fence Act Alternative
NOISE	No direct impact.	Minor temporary increases to ambient noise during construction activities.	The potential impact would be the same as for the Proposed Action Alternative but longer in duration.
AESTHETIC AND VISUAL RESOURCES	No direct impact; IA traffic would continue to detract from the general appearance of the adjacent state and BLM lands by creating trails and discarding trash.	Minor temporary effects would be associated with the presence of construction equipment. There would be a moderate permanent impact on visual resources and the character of BLM land, as the fence would be conspicuous from adjacent hilltops. Beneficial effects, such as reduced vandalism, habitat degradation, debris left by IAs, and wildfires would be expected.	The potential impact would be the same as for the Proposed Action Alternative, yet greater in magnitude. Under this alternative, installation of two fences would result in a moderate to substantial impact on the appearance of nearby areas compared to a single fence.
HAZARDOUS MATERIAL	No direct impact; indirect impact from unregulated solid waste generated by IA traffic would continue.	No significant hazard is expected through the transport, use, or disposal of unregulated or regulated material.	The potential impact would be the same as for the Proposed Action Alternative.
SOCIOECONOMICS	No direct impact.	No significant impact on local or regional socioeconomic resources. Temporary insignificant increases in population from the addition of construction crews in the area would occur. Direct beneficial effects to the local area would result from procurement of materials.	The potential impact would be the same as for the Proposed Action Alternative, yet greater in magnitude. Temporary beneficial effects would result from an increase in purchased materials. A net beneficial, long-term impact on the ROI with a reduction in illegal activities would offset additional adverse impact.
SUSTAINABILITY AND GREENING	No direct impact.	No significant impact.	The potential impact would be the same as for the Proposed Action Alternative.
HUMAN HEALTH AND SAFETY	No significant impact.	No significant impact would be expected.	No significant impact would be expected.

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SECTION 3.0
AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.1 PRELIMINARY IMPACT SCOPING

This section of the EA describes the natural and human environment that exists within the project corridor and region of influence (ROI) and the potential impacts of the No Action Alternative and the two action alternatives outlined in Section 2.0 of this document. The ROI for this project is Luna County. The project corridor analyzed under this SEA is the same as that addressed in the April 2007 EA. Therefore, all of the findings identified in Section 3.0, "Affected Environment", of the April 2007 EA are incorporated herein by reference. Only those parameters that have the potential to be affected by the Proposed Action Alternative are addressed in this SEA, as per CEQ guidance (40 CFR 1501.7 [3]). Some topics are limited in scope due to the lack of direct effect from the proposed project on the resource, or because that particular resource is not located within the project corridor. Therefore, resources such as utilities, communications, geology, climate, designated Wild and Scenic Rivers, transportation, prime farmlands, and aquatic resources are not addressed for the following reasons:

- Utilities: None of the action alternatives would affect any public utilities.
- Communications: None of the action alternatives would affect communications systems in the area.
- Geology: Alternatives addressed involve only disturbances to the topsoil layers. Any impacts as a result of placement of fence post foundations would be localized and negligible.
- Climate: The alternatives would not affect nor be affected by the climate.
- Wild and Scenic Rivers: None of the alternatives would affect any designated Wild and Scenic Rivers because no rivers designated as such are located within or near the project corridor.
- Transportation: The project corridor is located in a remote region of New Mexico and all road construction and maintenance would occur in areas that are not part of the public transportation system.
- Prime farmlands: No impact would occur to soils protected by the Farmland Protection Policy Act since none are located within the project corridor.

- Aquatic resources. No aquatic ecosystems exist within the project corridor; thus no impact to such resources would be possible.

Impacts (consequences or effects) can be either beneficial or adverse, and can be either directly related to the action or indirectly caused by the action. Direct impacts are those effects that are caused by the action and occur at the same time and place (40 CFR 1508.8[a]). Indirect impacts are those effects that are caused by the action and are later in time or further removed in distance, but are still reasonably foreseeable (40 CFR 1508.8[b]). As discussed in this section, the alternatives may create temporary (lasting the duration of the project), short-term (up to 3 years), long-term (3 to 10 years following construction), or permanent impacts or effects. Significant impacts will receive the greatest attention in the decision-making process. Whether an impact is significant depends on the context in which the impact occurs and the intensity of the impact.

Impacts can vary in degree or magnitude from a slightly noticeable change to a total change in the environment. Significant impacts are those effects that would result in substantial changes to the environment (40 CFR 1508.27) and should receive the greatest attention in the decision-making process. Insignificant impacts are those that would result in minimal changes to the environment. The following discussions describe and, where possible, quantify the potential effects of each alternative on the resources within or near the project corridor. All impacts described below are considered to be adverse unless stated otherwise.

The amount of land impacted by the Secure Fence Act Alternative is based on the expanded width of the footprint from 60 feet to 130 feet x 10 miles, for a total of 157 acres. The increased width would result in an additional 208 acres of disturbance (70 feet x 24.5 miles). This footprint may not be totally accurate, as design concepts may dictate a much larger footprint. Although a 100-foot-wide corridor was surveyed for the April 2007 EA, no surveys have been conducted to identify resources that could occur within the entire area of the larger footprint. Consequently, throughout the SEA, the Secure Fence Act Alternative is analyzed using professional opinion and best data available. Additionally, if the Secure Fence Act Alternative is ultimately selected, some

impacts may be potentially significant and subsequent site-specific surveys and NEPA documentation would be needed to accurately analyze the potential impacts.

3.2 LAND USE

3.2.1 Affected Environment

General land uses within USBP, El Paso Sector, New Mexico stations' AOs were discussed in the April 2007 EA and 2006 PEA and are incorporated herein by reference (CBP 2006; 2007). In summary, the entire April 2007 EA project corridor encompassed approximately 865 acres, managed largely by BLM (see Figure 3-1 in the April 2007 EA). Development is sparse and accounts for only a small fraction of the project corridor near the Columbus POE and agricultural lands within the West Farming Area. A Memorandum of Understanding (MOU) exists between the U.S. Department of the Interior and the U.S. Department of Agriculture (USDA) for cooperative national security and counterterrorism efforts on Federal lands along the U.S. borders (Appendix C). The MOU stipulates that CBP operations and TI construction within the 60-foot Roosevelt Reservation is consistent with the purpose of the Roosevelt Reservation, and that any CBP activity within this reservation is outside the oversight or control of Federal land managers. Therefore, the majority of the lands along the U.S.-Mexico border provide a border security function as well.

3.2.2 Environmental Consequences

3.2.2.1 No Action Alternative

No impact on land use would occur, since no additional construction beyond that described in the 2007 EA would occur. The existing PVBs would remain in place.

3.2.2.2 Proposed Action Alternative

The extension of 24.5 miles of primary fence would not result in any additional impact on land use, as these areas are currently part of the 60-foot Roosevelt Reservation, which is designated for border enforcement.

3.2.2.3 Secure Fence Act Alternative

Under the Secure Fence Act Alternative, about 208 acres of open range land north of the Roosevelt Reservation would be converted to a law enforcement corridor (70 feet x 24.5 miles). However, open space is common within this area and would not pose a significant change to the land use regionally, especially since the majority of the affected land would be located adjacent to the border, agricultural lands, and other developments. Compensation for any private land owners who would be affected under this alternative would be provided at the fair market value. The impact as a result of this alternative would be minor to moderate, depending upon the final design or construction footprint.

3.3 SOILS

3.3.1 Affected Environment

General soil associations within the project corridor are the same as those identified in the April 2007 EA and are incorporated herein by reference. In summary, the soil associations found in the project corridor are the Hondale-Mimbres-Bluepoint, Mohave-Stellar, Rough Broken Land-Rock Land-Lehmans, and Nickel-Upton-Tres Hermanos soils (CBP 2006; Natural Resources Conservation Service [NRCS] 2006). The majority of the soils within the project corridor exhibit slight to moderate erosion hazards due to sand, silt, and loam contents in the upper profiles.

3.3.2 Environmental Consequences

3.3.2.1 No Action Alternative

No additional impact on soils would occur, since construction activities beyond that described in the April 2007 EA would not occur under the No Action Alternative.

3.3.2.2 Proposed Action Alternative

Some soils could be disturbed if existing PVBs are removed or additional concrete footers are required for the primary fence. However, all of these soils have been previously disturbed by the construction of the PVBs and border road. In addition, the

staging areas identified previously in Figures 2-1 and 2-2 are currently being used by USBP contractors and military units; thus, no additional soil disturbance would occur in these staging areas. No significant impact on soils would be expected.

3.3.2.3 Secure Fence Act Alternative

Under the Secure Fence Act Alternative, up to 208 acres of soils could be permanently disturbed north of the current border road (i.e., 60-foot-wide Roosevelt Reservation). Although a small portion of soils of statewide importance could be affected within the H-2A reach under this alternative, accurate quantification of the impact cannot be determined because the exact footprint is not known. It is estimated that less than 10 acres of these soils would be affected. Given that the remainder of the soils are of common types, the impact would be considered insignificant.

3.4 HYDROLOGY AND GROUNDWATER

3.4.1 Affected Environment

The availability of groundwater resources, as well as general water quality, was analyzed in the April 2007 EA and is incorporated herein by reference (CBP 2007). Briefly, the Mimbres Basin is the primary source of water for the entire project corridor and surrounding area. The annual recharge potential from the Mimbres Basin has been estimated at 111,000 acre-feet (CBP 2007). The majority of water withdrawals are likely in support of cattle grazing. Issues concerning the basin are that alkali and salinity hazards are generally quite variable. Therefore, good-quality water is the major concern of resource users.

3.4.2 Environmental Consequences

3.4.2.1 No Action Alternative

No additional impact on groundwater supplies or quality would occur, since no construction beyond that described in the April 2007 EA would occur. The existing PVBs would remain in place.

3.4.2.2 Proposed Action Alternative

Only minor, temporary impacts on groundwater resources would occur. Additional water may be required to install concrete post footings for the primary fence. The April 2007 EA estimated a total water requirement of 60 acre-feet to facilitate construction of all proposed TI, including 41 miles of road construction, fugitive dust suppression, and PVB construction. Assuming 0.5 acre-feet per mile would be required for concrete fence footers, it is anticipated that an additional 13 acre-feet of water would be consumed during the construction of the 24.5 miles of primary pedestrian fence.

As mentioned previously, the recharge potential of the Mimbres Basin exceeds 111,000 acre-feet annually. The amount of water needed for the Proposed Action Alternative (13 acre-feet) would be negligible when compared to the excess recharge in the basin. All water for the Proposed Action Alternative is expected to be purchased commercially from sources within the Mimbres Basin. Water usage would not cause a net deficit in aquifer volume or lower the groundwater table; thus, no significant impact is expected.

3.4.2.3 Secure Fence Act Alternative

Additional water supplies required to construct 2-tiered fence and associated roads would result in a moderate impact on the regional water supply. Based on the above estimates of 1 acre-foot per mile, an additional 24.5 acre-feet of water would be required for the construction of the Secure Fence Act Alternative. Still, the total usage would remain substantially less than the recharge potential within the Mimbres Basin.

3.5 SURFACE WATERS AND WATERS OF THE U.S.

3.5.1 Affected Environment

The availability of surface water resources and potential Waters of the U.S. (WUS), including wetlands, was analyzed in the April 2007 EA and is incorporated herein by reference (CBP 2007). The Secretary of the Army, acting through USACE, is authorized under Section 404 of the CWA to issue permits for the discharge of dredged or fill material into WUS, including wetlands. USACE has established Nationwide

Permits (NWPs) to efficiently authorize common activities which do not significantly impact WUS. If general conditions of NWPs cannot be achieved, USACE has the responsibility to require an Individual Permit.

The April 2007 EA identified the potential for jurisdictional WUS and wetlands to occur within the project corridor. Biological surveys documented 17 drainage crossings (many of which are potentially jurisdictional) observed bisecting the H2-A corridor and one crossing within the I-1B corridor (Figures 3-1 and 3-2). Surveys also documented two potential wetlands in the project corridor.

3.5.2 Environmental Consequences

3.5.2.1 No Action Alternative

Surface water resources, including WUS, would not be affected by the No Action Alternative, since no construction beyond that addressed in the April 2007 EA would occur.

3.5.2.2 Proposed Action Alternative

Since the construction activities involve conversion or replacement of PVBs and not additional road construction, there would be no or negligible additional impact on WUS. Assuming that the average width of the WUS is 7 feet and the concrete footer for the primary pedestrian fence would be 3 feet wide, the total impact on the 17 potential WUS would be less than 0.1 acre, which falls within the authorized limits of NWP 14 (Linear Public Transportation). The construction contractor would be responsible for obtaining appropriate permits (i.e., Department of the Army Section 404 [NWPs or Individual Permits]) for impacting WUS. In addition, the fence designs would be provided to USIBWC to ensure that international stream flow is not impeded within either country and that proper conveyance of flood flows is achievable.

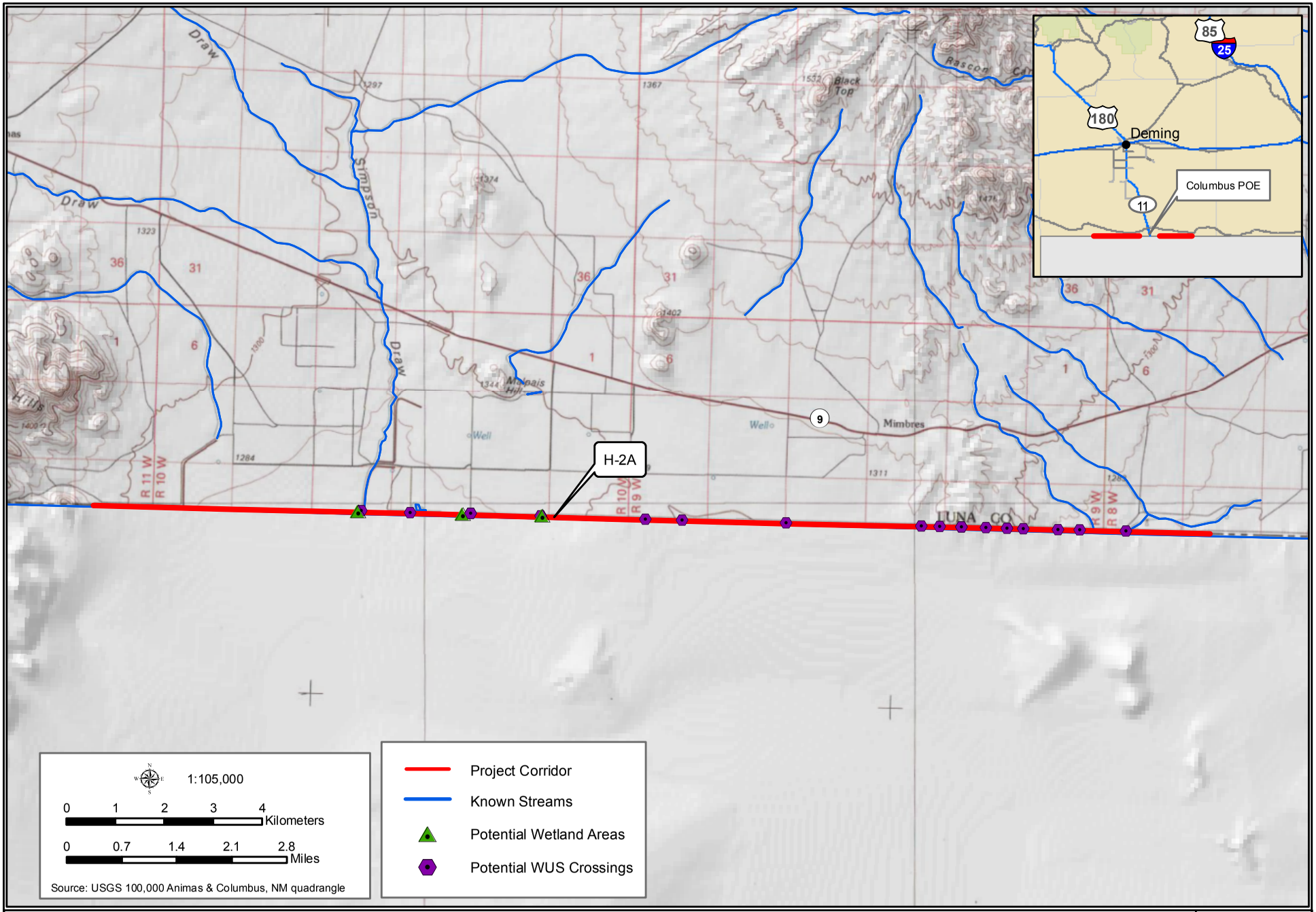

Figure 3-1: Known Streams and Potential WUS Crossings in the Project Vicinity of H-2A

GSRC

December 2007

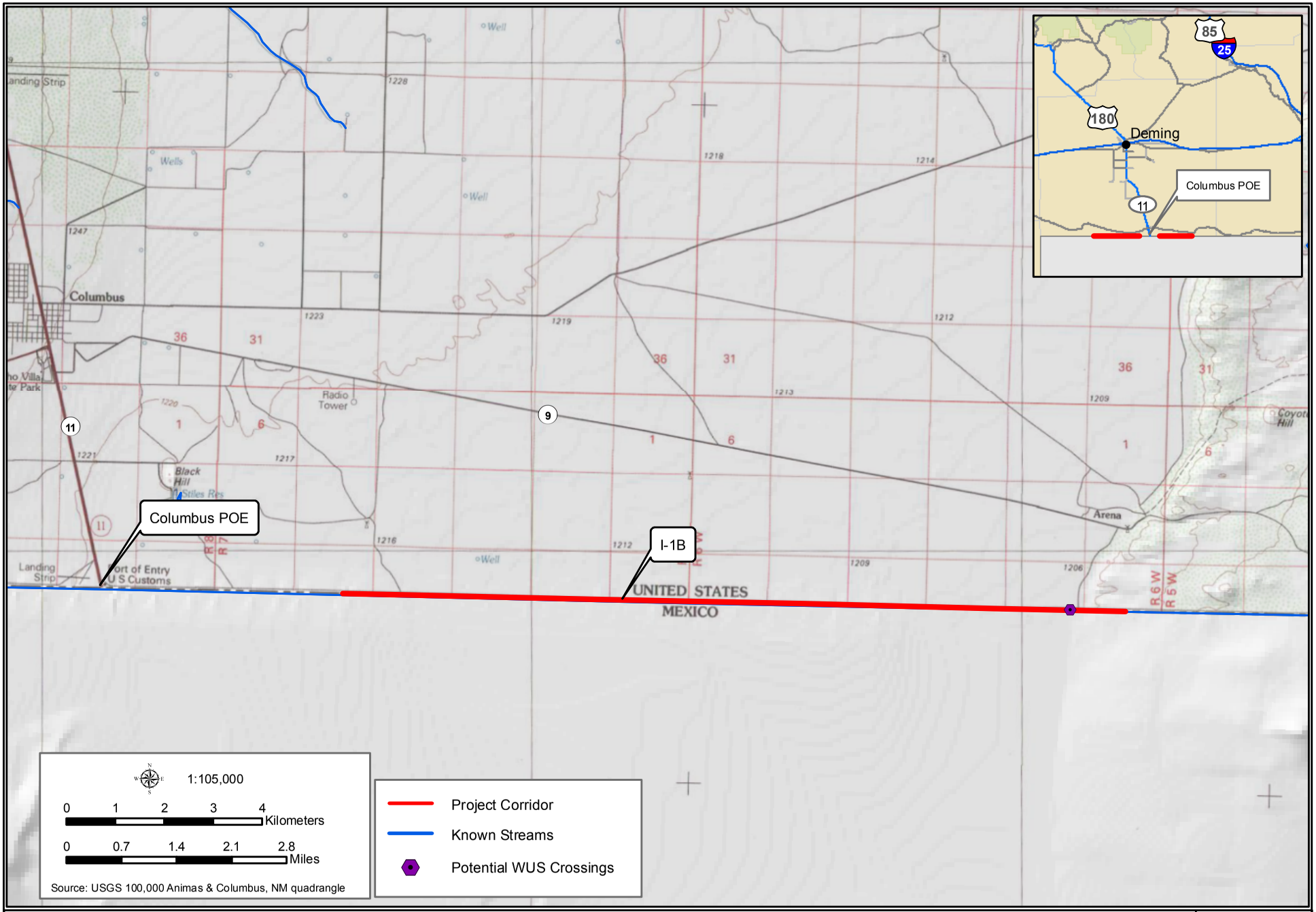

Figure 3-2: Known Streams and Potential WUS Crossings in the Project Vicinity of I-1B

GSRC

December 2007

During the construction period, erosion, downstream sedimentation, and accidental spills or leaks could have temporary and minor effects on surface water quality. However, with proper implementation of the Best Management Practices (BMPs), as identified in the current Storm Water Pollution Prevention Plan (SWPPP) and Spill Prevention, Control, and Countermeasures Plan (SPCCP) for the on-going construction, these effects would be substantially reduced or eliminated.

The actions would not substantially alter existing drainage patterns, result in a permanent loss of wetlands or wetland function, or substantially affect water quality. Thus, the Proposed Action Alternative would have minimal impact on the region's water resources, and the effects would be mitigated.

3.5.2.3 Secure Fence Act Alternative

The construction of the 130-foot-wide enforcement zone would require an additional 70-foot-wide corridor to be developed (the 60-foot Roosevelt Reservation is already developed). Using the assumptions above regarding the width and number of jurisdictional WUS, the total additional area impacted would be approximately 0.19 acre (70 feet x 7 feet x 17 WUS). Coordination with the USACE Albuquerque District would be required to determine if the crossings would be considered separately and thus fall within NWP thresholds, or as a single project and require a Pre-construction Notification. In any event, impact on the WUS would be approved by USACE, and compensatory mitigation, as appropriate, would be implemented to ensure no net loss of functional value of the WUS.

Any temporary impact due to construction activities and accidental spills and leaks would be similar to that of the Proposed Action Alternative. However, because of the larger footprint and potentially longer duration, the impact of erosion and sedimentation, as well as the potential for accidental spills, would be greater. Fences would be designed and constructed in drainages to ensure proper conveyance of flood flows.

3.6 FLOODPLAINS

3.6.1 Affected Environment

Pursuant to the National Flood Insurance Act of 1968, as amended (42 USC 4001 et seq.), and the Flood Disaster Protection Act of 1973 (P.L. 93-234, 87 Stat. 975), EO 11988, floodplain management requires that each Federal agency take actions to reduce the risk of flood loss, minimize the impact of floods on human safety, health and welfare, and preserve the beneficial values which floodplains serve. EO 11988 requires that agencies evaluate the potential effects of actions within a floodplain and avoid floodplains unless the agency determines that there is no practicable alternative. Where the only practicable alternative is to site in a floodplain, a planning process is followed to ensure compliance with EO 11988. In summary, this process includes the following steps:

- determine whether or not the action is in the regulatory floodplain;
- conduct early public notice;
- identify and evaluate practicable alternatives, if any;
- identify the impact of the action;
- minimize the impact;
- reevaluate alternatives;
- present the findings and a public explanation; and
- implement the action.

This process is further outlined on the FEMA's Environmental Planning and Historic Preservation Program Web site (FEMA 2006). As a planning tool, the NEPA process incorporates floodplain management through analysis and public coordination, ensuring that the floodplain management planning process is adhered to. In addition, floodplains are managed at the local municipal level through the assistance and oversight of FEMA. The Luna County Public Works Department is tasked with regulating development within a floodplain through a variety of flood control and natural resource management activities.

According to FEMA floodplain maps (FEMA 1990), approximately 3 miles of the project corridor are bisected by a jurisdictional floodplain (Figure 3-3). The jurisdictional

floodplain areas are in the West Farming and East Playas areas, as referenced in the April 2007 EA. Therefore, any action within these areas would require appropriate coordination and evaluation of the potential effects.

3.6.2 Environmental Consequences

3.6.2.1 No Action Alternative

The No Action Alternative would not affect floodplains, since no construction beyond that addressed in the April 2007 EA would occur.

3.6.2.2 Proposed Action Alternative

Due to the general north/south orientation of floodplains within the project corridor and the need to place infrastructure parallel to the U.S.-Mexico border, the Proposed Action Alternative would result in an unavoidable direct impact on approximately 1.09 acres (3 miles x 3 feet width of concrete footers) of jurisdictional floodplains. However, compliance with EO 11988 and local floodplain applicable regulations would ensure that any potential adverse impact on the beneficial value of the floodplain is offset. The bid/build contractor would be required to acquire the appropriate floodplain permits from the Luna County Planning Department, which would ensure fence and road designs do not impede conveyance or increase flood elevations, frequencies, and durations. Thus, the Proposed Action Alternative would remain in compliance with EO 111988. CBP has determined that there is no other practicable alternative to constructing sections of the fence within the floodplain, as the border bisects the floodplain and the proposed fence must be located on the border.

3.6.2.3 Secure Fence Act Alternative

The Secure Fence Act Alternative would result in an unavoidable impact on approximately 25 acres (3 miles x 70 feet in width) of jurisdictional floodplains. However, the compliance process for EO 11988 and local floodplain regulations would be similar to that described in the Proposed Action Alternative; therefore, any potential adverse impact on jurisdictional floodplains would be minimized.

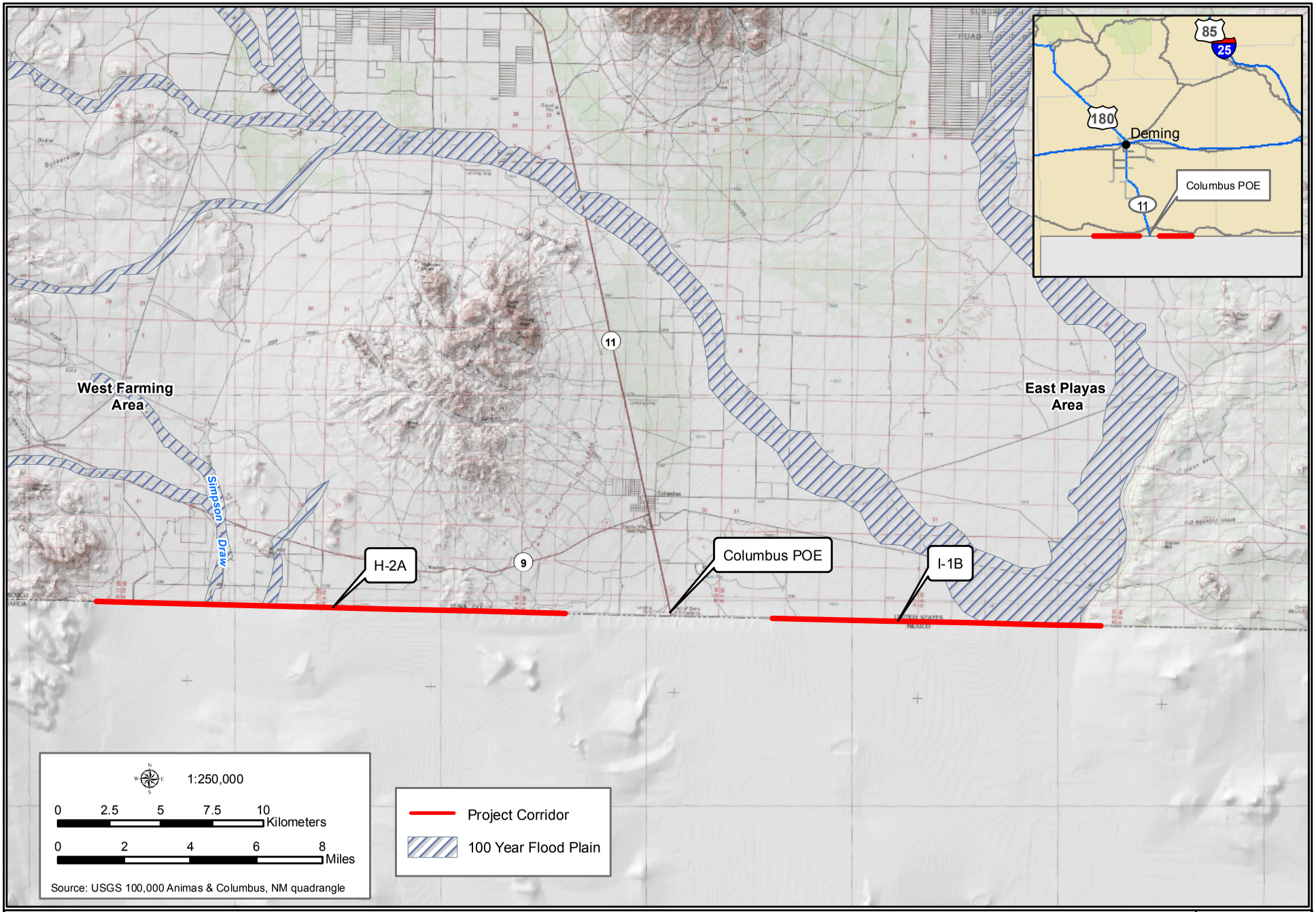

Figure 3-3: FEMA 100 Year Floodplain Map

3.7 VEGETATION COMMUNITIES

3.7.1 Affected Environment

Existing vegetation communities adjacent to the project corridor were described in detail in Section 3.3 of the April 2007 EA and are incorporated herein by reference. In summary, both Chihuahuan Desertscrub and Chihuahuan Semi-desert Grassland communities exist in the project region. Both of these communities were further characterized as including four naturally-occurring series. The Chihuahuan Desertscrub community contained a Creosote-Saddlebush series as well as Creosote-Acacia-Tarbush Series. These communities dominate portions of the project area west of the Columbus POE. The Chihuahuan Semi-desert Grassland community is composed of Mesquite-Saltbush–Tobosa Series and Mesquite Hummock Series. Semi-desert grassland communities dominate areas east of the Columbus POE (CBP 2007). Each of these vegetation communities were illustrated in Figures 3-3a thru 3-3c of the April 2007 EA and depicted with aerial photography in Appendix A of that EA (CBP 2007). These communities are very common and abundant, both locally and throughout the Chihuahuan Desert. However, within the 60-foot Roosevelt Reservation, vegetation communities are nonexistent due to past and on-going construction activities.

3.7.2 Environmental Consequences

3.7.2.1 No Action Alternative

Since no additional construction beyond that addressed in the April 2007 EA would occur under the No Action Alternative, there would be no impact on vegetation communities.

3.7.2.2 Proposed Action Alternative

There would be no additional impact on vegetation communities as a result of implementation of the Proposed Action Alternative. The entire 60-foot Roosevelt Reservation has been/is being developed as a result of the actions addressed in the April 2007 EA; thus, construction of a primary pedestrian fence, or conversion of the existing PVBs, would not require any additional vegetation clearing.

The installation of a primary pedestrian fence would protect vegetation communities immediately north of the fence. However, indirect effects on vegetation communities could occur if illegal traffic attempts to circumvent the TI. These effects are difficult to quantify because the mode, timing, and duration of illegal entries are beyond the control of USBP.

3.7.2.3 Secure Fence Act Alternative

Up to 208 acres would be affected under the Secure Fence Act Alternative. While these communities are locally and regionally common, the loss of 208 acres would be considered moderate to substantial. The beneficial effects of protecting vegetation communities north of the fence as well as the indirect adverse effects of illegal traffic would be the same as described for the Proposed Action Alternative.

3.8 WILDLIFE RESOURCES

3.8.1 Affected Environment

Wildlife resources potentially found within the project corridor were documented and discussed in the April 2007 EA and 2006 PEA and are incorporated herein by reference (CBP 2006; 2007). Mammals typically associated with the Chihuahuan Desert range from large hoofed mammals to small ground-dwelling animals. Mammal species observed during past surveys included the following species: black-tailed jackrabbit (*Lepus californicus*), desert cottontail (*Sylvilagus audubonii*), kit fox (*Vulpes velox*), collared peccary (*Tayassu tajacu*), and American pronghorn (*Antilocapra americana*).

Birds typically associated with Chihuahuan Desert include: various raptors such as turkey vulture (*Cathartes aura*), barn owl (*Tyto alba*), western burrowing owl (*Athene cunicularia*), and Swainson's hawk (*Buteo swainsoni)*; and passerine species such as house finch (*Carpodacus mexicanus*), ash-throated flycatcher (*Myiarchus cinerascens*), black-throated sparrow (*Amphispiza bilineata*), western meadowlark (*Sturnella neglecta*), western kingbird (*Tyrannus verticalis*), northern mockingbird (*Mimus polyglottos*), and Scott's oriole (*Icterus parisorum*). Game species that have been

observed include Gambel's quail (*Callipepla gambelii*), scaled quail (*Callipepla squamata*), and mourning dove (*Zenaida macroura*).

Many common species of amphibians and reptiles associated with western arid regions can be found in southern Luna County; detailed lists of these species were included in the April 2007 EA. Examples of reptiles and amphibians observed during past surveys include collared lizard (*Crotaphytus collaris*), greater earless lizard (*Cophosaurus texanus*), lesser earless lizard (*Holbrookia maculata*), gopher snake (*Pituophis melanoleucus*), glossy snake (*Arizona elegans*), and western diamondback rattlesnake (*Crotalus atrox*).

3.8.2 Environmental Consequences

3.8.2.1 No Action Alternative

The No Action Alternative would have no direct effects on wildlife populations beyond those previously discussed in the April 2007 EA. Indirect effects from illegal pedestrian traffic would continue and possibly increase.

3.8.2.2 Proposed Action Alternative

Upon completion, a 30-mile seamless fence would serve as a physical barrier to many wildlife species, particularly large mammals, and result in fragmentation of the region's habitat. Fragmentation is also a function of the degree of contrast in quality between the local habitat and its surroundings (Franklin et al. 2002). In this case, the project region is primarily Chihuahuan Desertscrub habitat, but the location of the fence would be within or adjacent to previously disturbed areas, including agricultural lands. Aerial photos in Appendix A of the April 2007 EA demonstrate the development and disturbance that occur on both sides of the border in this area. Furthermore, within this 30-mile reach, 17 washes exist, which would require the placement of fences designed to allow floodwaters to be conveyed. The openings in this style of fence would allow for transboundary migration of small mammals, amphibians, and reptiles. Thus, primary fence would not affect the genetic variability of small animals that are common to the locale within the foreseeable future.

Although the primary barrier would preclude transboundary migration of larger mammals (e.g., mule deer [*Odocoileus hemionus*]), thus fragmenting the habitat within the project corridor, the impact would be considered moderate. Habitat fragmentation typically affects species with small population sizes or that are dependent upon migration to obtain spatially or temporally limited resources. Since the species in this region are common in both the U.S. and Mexico, no significant adverse effects would be anticipated. Additionally, remaining wildlife habitats to the north of the project region would benefit from the anticipated reduction in illegal pedestrian traffic.

Impact on wildlife resources as a result of increased noise, temporary lighting during construction, and physical disturbance would be insignificant. The construction is expected to start in March 2008 and be completed by December 2008. Temporary lights would be required only during extreme situations to allow proper curing of concrete or to meet Congressionally-mandated schedules. Ambient conditions would return upon cessation of the construction activities. No additional loss of wildlife habitat, beyond that proposed in the April 2007 EA, would occur under the current Proposed Action Alternative. Environmental design measures to further minimize impact on wildlife are discussed in Section 5.0; these include, but are not limited to, pre-construction surveys to avoid losses to migratory birds, restriction of nighttime construction as much as practicable, random installation of reptile and small rodent tunnels (approximately 4 to 6 inches in diameter) at the base of the primary fence to allow transboundary migration, and rehabilitation of temporary construction areas.

3.8.2.3 Secure Fence Act Alternative

The Secure Fence Act Alternative would require an additional 208 acres of wildlife habitat to be converted to USBP enforcement zone. Fragmentation potential would be even greater under this alternative. Although the fences would be installed along the same 24.5-mile corridor, the presence of two fences, with a 130-foot-wide enforcement zone in between, would be a physical and visual barrier to most wildlife species, regardless of the final fence design. The impact on wildlife species would be moderate

to significant; thus, additional NEPA analyses would be required if this alternative were ultimately selected.

3.9 PROTECTED SPECIES AND CRITICAL HABITAT

3.9.1 Affected Environment

Federally-protected species and designated critical habitat were discussed in detail in the April 2007 EA, and those discussions are incorporated herein by reference (CBP 2007). There is no designated critical habitat within Luna County. USFWS currently lists six Federal endangered, threatened, and candidate species within Luna County (USFWS 2006). Of these, three are listed as endangered, two as threatened, and one as a candidate species. Endangered species include Mexican gray wolf (*Canis lupus baileyi*), northern aplomado falcon (*Falco femoralis septentrionalis*), and southwestern willow flycatcher (*Empidonax traillii extimus)*. The threatened species are the beautiful shiner (*Cyprinella formosa*) and Chiricahua leopard frog (*Rana chiricahuensis*), while the candidate species is yellow-billed cuckoo (*Coccyzus americanus*).

USBP made the determination that the aplomado falcon was the only Federally-listed species that has the potential to exist within the project corridor. This determination was made based on the relatively small area (197 acres) of marginally suitable falcon habitat that occurs as small isolated grassy areas within areas dominated by desert scrub. USFWS concurred with this determination on January 30, 2007 (see Appendix F of the April 2007 EA).

In 2006, USFWS announced a final rule to reintroduce the northern aplomado falcon in historical habitats in southern New Mexico and Arizona (*Federal Register* Volume 71, No. 143). Under this ruling, the northern aplomado falcon is classified as a nonessential experimental population. This designation does not require land managers to specifically manage for reintroduced falcons.

The potential for New Mexico State-protected species to occur within the project corridor was discussed in the April 2007 EA and is incorporated herein by reference (CBP 2007). A complete list of state-protected species is provided in Table 3-1 of the April 2007 EA. In summary, a total of 10 New Mexico threatened and endangered species have the potential to occur within the project corridor. In addition to the aplomado falcon, these species include: American peregrine falcon (*Falco peregrinus anatum),* common ground-dove (*Columbina passerine pallescens*), Lucifer hummingbird *(Calothroax lucifer)*, Baird's sparrow *(Ammodramus bairdii),* reticulated Gila monster *(Heloderma suspectum suspectum),* Great Plains narrowmouth toad (*Gastrophryne cornutum)*, sand prickly pear *(Opuntia arenasria),* contra yerba (*Pediomelum pentaphyllum)*, and night-blooming cereus *(Peniocereus greggii* var. *greggii).* The latter is the only state-listed species observed within the corridor, although suitable habitat for most of these species was recorded during recent field surveys (CBP 2007).

The potential for BLM-sensitive species to occur within the project corridor was discussed in the April 2007 EA and is incorporated herein by reference (CBP 2007). Table 3-4 in the April 2007 EA provides a detailed list of these species, as well as a determination of their potential to occur. There are 11 BLM-sensitive species identified as potentially occurring within the project corridor (CBP 2007). These species include: Baird's sparrow, ferruginous hawk (*Buteo regalis*), western burrowing owl (*Athene cunicularia hypugaea*), loggerhead shrike (*Lanius ludovicianus*), long-legged myotis (*Myotis volans*), fringed myotis (*Myotis thysanodes thysanodes*), pale Townsend's big-eared bat (*Plecotus townsendii pallescens*), desert pocket gopher (*Goemys arenarius arenarius*), Texas horned lizard, Griffith's saltbush (*Atriplex griffithsii*), and night-blooming cereus. Burrowing owl, loggerhead shrike, Texas horned lizard, Griffith's saltbush, and night blooming cereus were observed during the surveys conducted for the April 2007 EA (CBP 2007).

3.9.2 Environmental Consequences

3.9.2.1 No Action Alternative

The No Action Alternative would have no direct impact on protected species. However, the continuation and possible increase of illegal pedestrian traffic could have indirect effects on suitable habitat or individual specimens of the northern aplomado falcon and other BLM- or state-listed species. These effects would include trampling, harassment, wildfires, or other habitat disturbances.

3.9.2.2 Proposed Action Alternative

No designated critical habitat exists within the project corridor; therefore, there would be no impact on critical habitats. Informal conference with USFWS was initiated and completed during the development of the April 2007 EA, in which USFWS concurred with CBP on its findings that the proposed fence construction would not likely adversely affect the aplomado falcon (CBP 2007). Since the construction corridor for the Proposed Action Alternative in this SEA would be the same as that described in the April 2007 EA, no additional impact on aplomado falcons would occur. An additional letter requesting similar concurrence for this SEA will be submitted to USFWS and included in the appropriate appendix of the Final SEA, once acted upon by USFWS.

Implementation of the Proposed Action Alternative would have no additional impact on state-protected and BLM-sensitive species.

As discussed in Section 5.5 of this SEA, construction measures would be implemented to further reduce any effects, including preconstruction surveys for falcons and nesting activity, migratory bird surveys during nesting season, avoidance or passive relocation of active burrowing owl nests, daily inspection of open post holes to minimize lizard mortality, flagging or marking of existing mine shafts for protected bat species, relocation or avoidance of known protected plants, and, as deemed necessary, use of biologists to monitor construction progress.

3.9.2.3 Secure Fence Act Alternative

Additional surveys and analyses would be required to determine the potential effects on protected species if the Secure Fence Act Alternative were ultimately selected, since an additional 208 acres of desert scrubland and desert grassland communities would be permanently impacted. These communities could be potentially suitable habitat for the aplomado falcon or other state- and BLM-listed species.

3.10 CULTURAL RESOURCES

3.10.1 Affected Environment

A cultural resources overview of the project region was given in the 2006 PEA and later in the April 2007 EA; the descriptions are incorporated herein by reference. In summary, the cultural setting of the region is generally divided into four different periods: Paleo-Indian, Archaic, Formative, and Historic. These periods are commonly subdivided into smaller temporal phases based on particular characteristics of the artifact assemblages encountered in archeological regions within the U.S.

A total of 36 archeological sites, many of which are either eligible or recommended as eligible for listing in the National Register of Historic Places (NRHP), were documented in the April 2007 EA, based on past and current surveys. Of these, 12 NRHP-eligible cultural resources sites were located within the current project footprint. Eight of these are located within the 60-foot-wide Roosevelt Reservation and one is located within an access road; all of these sites would require testing and data recovery to mitigate impact. The other three sites are located within the access roads and would be either avoided or monitored during the construction activities. The Section 106 consultation process was completed for the April 2007 EA (CBP 2007) and testing, data recovery, and monitoring are on-going. Copies of correspondence received from the New Mexico SHPO, BLM, and State Land Office are included in Appendix A to document that this consultation has been completed.

3.10.2 Environmental Consequences

3.10.2.1 No Action Alternative

No impact on cultural resources sites would be expected, since no construction beyond that identified in the April 2007 EA would occur under this alternative.

3.10.2.2 Proposed Action Alternative

Through the Section 106 consultation process, mitigation measures have been identified and implemented in order to (1) avoid sites to the extent practicable; (2) recover data; and (3) monitor construction activities to ensure potential effects are minimized. During construction, orange fabric barrier fencing (or similar material) would be positioned on the edges of established roads to ensure that vehicle traffic does not enter into and impact undisturbed cultural sites. To ensure that these known sites are not impacted, an archeological monitor would be on-site to monitor construction activities and travel routes. Consequently, the Proposed Action would not be expected to have a significant adverse impact on historical or archeological resources.

3.10.2.3 Secure Fence Act Alternative

At a minimum, the same sites that would be affected by the Proposed Action Alternative would be impacted by the Secure Fence Act Alternative. There is a high probability that other sites are located north of the 60-foot Roosevelt Reservation and could also be affected. Therefore, the Secure Fence Act Alternative corridor would need to be surveyed in order to accurately identify and assess potential effects on cultural resources sites. However, it is anticipated that the mitigation measures of avoidance, data recovery and testing, and monitoring would be necessary.

3.11 AIR QUALITY

3.11.1 Affected Environment

Federal and state standards for air quality conformance, and the air quality conditions of the project region, were documented in the April 2007 EA and 2006 PEA and are

incorporated herein by reference (CBP 2006, 2007). In summary, the most prevalent source of natural and man-induced pollution in the project corridor is wind-blown dust.

Luna County is currently in attainment of all criteria pollutants with the exception of particulate matter less than 10 microns in size (PM-10) due to natural events (CBP 2006; U.S. Environmental Protection Agency [EPA] 2006). During coordination for the April 2007 EA, New Mexico Environmental Department (NMED) commented that CBP actions should have no long-term significant impact on ambient air quality. However, NMED requires that suitable dust control measures be implemented to minimize release of PM-10, and reclamation of disturbed areas be conducted upon cessation of construction activities. If these commitments are made, an air conformity analysis would not be required.

3.11.2 Environmental Consequences

3.11.2.1 No Action Alternative

No additional impact on the region's airshed would be expected, since no additional construction beyond that addressed in the April 2007 EA would occur.

3.11.2.2 Proposed Action Alternative

Temporary and minor increases in air pollution would occur from the use of construction equipment and the disturbance of soils while constructing the primary fence. Fugitive dust (PM-10) from disturbed soils and emissions from construction equipment engines are expected to create temporary increases in air pollution in the area during the construction months of the project. Due to the short duration of the construction project, any increases to, or effects on, ambient air quality are expected to be short-term.

Calculations were performed to estimate the total air emissions from the new construction activities. Fugitive dust emissions were calculated using emission factors from Mid-Atlantic Regional Air Management Association (2006). Assumptions were made regarding the type of equipment, the total number of days each piece of equipment would be used, and the number of hours per day each type of equipment

would be used. Calculations were conducted to determine the potential impacts to the region's airshed (Appendix D). A summary of the total emissions is presented in Table 3-1.

Table 3-1. Total Air Emissions (tons/year) from Construction Activities for the Proposed Action Alternative vs. the *de minimis* Levels

Pollutant	Total (tons/year)	*de minimis* Thresholds (tons/year)
Carbon monoxide	31.28	NA
Volatile organic compounds	7.26	NA
Nitrogen dioxides	62.98	NA
Particulate matter (< 10 microns)	8.81	100
Particulate matter (< 2.5 microns)	5.91	NA
Sulfur dioxide	7.64	NA

Source: 40 CFR 51.853 and GSRC (see Appendix D)

As stated earlier, NMED has commented that the TI construction proposed in the April 2007 EA should have no long-term significant impact on air quality. Emissions as a result of the Proposed Action Alternative of this SEA are expected to be minor, and long-term levels of fugitive dust in the project corridor would not increase significantly. Due to the remote location of the project corridor, good wind dispersal conditions, and the fact that the project is not expected to cause or contribute to a violation of Federal or state ambient air quality standards, no significant impact on air quality is anticipated under the Proposed Action. All mitigation measures committed to in the April 2007 EA would be implemented (CBP 2007). Measures described in Section 5.6, such as dust suppression and maintenance of equipment to reduce engine emissions would further reduce these temporary impacts.

3.11.2.3 Secure Fence Act Alternative

Construction of 24.5 miles of the secondary fence and associated patrol, drag, and maintenance roads would require substantially more work effort, resulting in additional vehicle emissions and soil disturbance. Table 3-2 summarizes the estimated emissions of the Secure Fence Act Alternative. Air emission calculations are provided in Appendix D.

Table 3-2. Total Air Emissions (tons/year) from Construction Activities for the Secure Fence Act Alternative vs. the *de minimis* Levels

Pollutant	Total (tons/year)	De minimis Thresholds (tons/year)
Carbon monoxide	62.56	NA
Volatile organic compounds	14.53	NA
Nitrogen dioxides	125.96	NA
Particulate matter (< 10 microns)	33.93	100
Particulate matter (< 2.5 microns)	15.09	NA
Sulfur dioxide	15.28	NA

Source: 40 CFR 51.853 and GSRC (see Appendix D)

While the potential impact on air quality is expected to be much greater in magnitude than with the Proposed Action Alternative, the Secure Fence Act Alternative is not expected to cause or contribute to a violation of Federal or state ambient air quality standards; thus, no significant impact on air quality is anticipated. Environmental design measures that would be implemented under either action alternative to further reduce emissions and impact are described in Section 5.6.

3.12 NOISE

3.12.1 Affected Environment

The existing noise environment, thresholds associated with the ambient Day-Night Average Sound Level (DNL), and presence of noise-sensitive receptors, were analyzed in Section 3.10 of the April 2007 EA and are incorporated herein by reference (CBP 2007). A DNL of 65 A-weighted decibels (dBA) is most commonly used for noise planning purposes and represents a compromise between community impact and the need for activities like construction.

Columbus is a very small community and would be classified as rural. It is likely that there would be more noise-sensitive receptors in the Columbus area than anywhere else in the project corridor. Similarly, the same ambient noise levels would be expected to be higher near the Columbus POE than anywhere else in the project corridor. Noise

in the Columbus POE area could emanate from operations at the POE and other activities associated with Columbus International Industrial Park. The Columbus POE is a minimum of 3 miles from the eastern and western reaches of the proposed corridor. The remainder of the project corridor is largely undeveloped or farm and range land.

3.12.2 Environmental Consequences

3.12.2.1 No Action Alternative

Ambient noise levels would remain under the No Action Alternative, since no additional construction beyond that addressed in the April 2007 EA would occur.

3.12.2.2 Proposed Action Alternative

The magnitude of noise impact created by transport vehicles, portable light generators, and construction equipment would vary greatly depending on several factors, such as climatic conditions, season, distance to noise-sensitive receptors, topography, vegetation, equipment type and model, and construction activity. Under this alternative, construction activities would produce only short-term noise level increases, which would be at such distances from noise-sensitive receptors that the noise would be completely attenuated to ambient conditions. Thus, no significant short-term or long-term adverse effects would be expected.

3.12.2.3 Secure Fence Act Alternative

Construction noise would be much greater under the Secure Fence Act Alternative due to the larger construction footprint, additional construction equipment, and anticipated longer duration. However, given the distance to noise-sensitive receptors, the noise generated by these activities would be expected to be completely attenuated. Therefore, no significant effects would be expected.

3.13 AESTHETIC RESOURCES

3.13.1 Affected Environment

Aesthetic resources within the project corridor and region were discussed in the April 2007 EA and the 2006 PEA (CBP 2006; 2007) and are incorporated herein by reference. In summary, aesthetic resources within the project corridor include the characteristic features of the natural vegetation of the Chihuahuan Desert landscapes. These typically include rugged topography mountain ranges such as the Florida, Tres Hermanas, and Cedar mountains, north of the project corridor. The rural agricultural communities, historic missions, and characteristic architecture contribute to the aesthetic quality of the region.

Lands controlled by BLM are assigned visual resource management (VRM) inventory classes. The purpose of this inventory is two-fold: it serves as a tool to describe both the relative value of the visual resources and the visual management objectives. Visual resources of the region are divided into four classes that are discussed in Section 3.7 of the April 2007 EA. In summary, three classes (II, III, and IV) are present in the project corridor and are illustrated in Figure 3-4 of the April 2007 EA (CBP 2007). In general, Class II lands are managed in such a way that any action should ensure changes to the character of the landscape are low and would not attract the attention of the casual observer. Class III lands are managed in such a way that activities should not dominate the view of the casual observer. Class IV lands are managed in a way that allows the level of change to be high, including major modifications of the existing landscape.

BLM is required to address visual design considerations in all surface-disturbing projects regardless of size or potential impact. For highly sensitive areas or high-impact projects, an assessment tool known as the contrast rating process is used during environmental review, but may also be used for other projects where it would appear to be the most effective design tool. In all other projects, such as an EA or environmental impact statement, a brief narrative visual assessment is completed (BLM 1998).

3.13.2 Environmental Consequences

3.13.2.1 No Action Alternative

There would be no additional impact on the visual quality of the region under the No Action Alternative. The existing PVBs would remain in place.

3.13.2.2 Proposed Action Alternative

There would be a long-term, minor to moderate impact on visual resources and the character of BLM land because 6 miles of primary pedestrian fence would be visible to VRM Classified lands, and would most probably attract the attention of the casual observer (see Figure 3-4 in the April 2007 EA). A schematic representation of the installed fence is presented as Exhibit 1-1.

Exhibit 1-1. Schematic Representation of an Installed Fence Near Columbus from approximately 0.5 mile

Conversely, a long-term benefit would be provided to visual resources north of the primary fence by a reduction of IA traffic, trash, wildfires, and habitat degradation. The Proposed Action Alternative would not conflict with BLM VRM goals, nor would it result in the substantial degradation of visual characteristics to the region; therefore, the Proposed Action Alternative would not significantly impact aesthetic resources.

3.13.2.3 Secure Fence Act Alternative

The Secure Fence Act Alternative could potentially result in a significant impact on the visual quality of the region and the BLM's VRM lands. The presence of a 130-foot-wide enforcement zone with a 2-tiered fence system would drastically change the visual landscape of the immediate area around the project corridor. North of the corridor, however, benefits would occur as illegal traffic, trash, trails, and wildfires would be reduced.

3.14 HAZARDOUS MATERIALS

3.14.1 Affected Environment

In Section 3.13 of the April 2007 EA, the potential for hazardous waste to exist in the project corridor was described and is incorporated herein by reference (CBP 2007). A Phase I Environmental Baseline Survey in accordance with American Society for Testing and Material Standards was conducted within the 3-mile segment currently under construction (first phase of construction) at the POE. This survey determined that no *recognized environmental conditions* exist. In addition, during biological surveys conducted in support of the April 2007 EA, no visual evidence of hazardous materials was discovered within the remainder of the project corridor. Hazardous materials in agricultural areas in the western reaches of Segment H2A may include fuels, lubricants, or other oil-based products, fertilizers, pesticides, and herbicides; however, no visual evidence of such materials was observed.

3.14.2 Environmental Consequences

3.14.2.1 No Action Alternative

No impact from hazardous or solid wastes is expected under the No Action Alternative, as no construction beyond that described in the April 2007 EA would occur.

3.14.2.2 Proposed Action Alternative

The Proposed Action Alternative footprint is contained within the same corridor as that described in the April 2007 EA (CBP 2007) and no r*ecognized environmental conditions* have been observed or are expected to occur within the project corridor. Petroleum, oils, and lubricants (POL) would be stored at the temporary staging areas in order to maintain and refuel construction equipment. However, these activities would include primary and secondary containment measures. Clean-up materials (e.g., oil mops), in accordance with the project's SPCCP, would also be maintained at the site to allow immediate action in case an accidental spill occurs. Drip pans would be provided for the power generators and other stationary equipment to capture any POL that is accidentally spilled during maintenance activities or leaks from the equipment.

Sanitary facilities would be provided during construction activities, and waste products would be collected and disposed of by licensed contractors. No gray water would be discharged to the ground. Disposal contractors would use only established roads to transport equipment and supplies; all waste would be disposed of in strict compliance with Federal, state, and local regulations, in accordance with the contractor's permits. Due to the proper permits being obtained by the licensed contractor tasked to handle any unregulated solid waste, and because all of the unregulated solid waste would be handled in the proper manner, no significant hazard to the public is expected through the transport, use, or disposal of unregulated solid waste.

3.14.2.3 Secure Fence Act Alternative

The impact of hazardous and solid wastes under the Secure Fence Act Alternative would be similar to that described for the Proposed Action Alternative. However, there would be a greater potential for accidental spills or leaks due to the additional

equipment and duration expected to be needed to construct the 2-tiered enforcement zone. In addition, a greater amount of solid waste would be expected to be generated by this alternative. Regardless, the SPCCP and other guidelines and regulations for managing and disposing of hazardous and solid wastes would be strictly followed; thus, no significant impact would be expected upon implementation of the Secure Fence Act Alternative.

3.15 SOCIOECONOMICS

3.15.1 Affected Environment

Section 3.13 of the 2006 PEA provided an in-depth description of socioeconomics of the ROI, which is considered Luna County, New Mexico. Section 3.12 of the April 2007 EA provided updated and more specific descriptions. The discussions from both of these documents are incorporated herein by reference (CBP 2006, 2007). Briefly, the 2004 population of Luna County was estimated to be 26,129 and is projected to grow to 32,206 by 2010. As of March 2007, the latest unemployment rate is 12 percent, which is down 4 percent from May 2005; however, this rate is the highest of any county in the state (New Mexico Department of Labor 2007). Per capita personal income is well below the national and state averages, which are $31,472 and $24,995, respectively.

3.15.2 Environmental Consequences

3.15.2.1 No Action Alternative

The No Action Alternative would have no additional effect on the socioeconomic conditions within the ROI beyond that described for the April 2007 EA.

3.15.2.2 Proposed Action Alternative

There would be no significant impact on local or regional socioeconomics as a result of this alternative. The action would not cause a permanent population increase or reduction in local income, or cause the vacancy rate for temporary housing to change. The action would not displace residences or businesses; nor would it substantially affect the local employment or income status of the region as compared to the No Action

Alternative. Any potential benefits to the region from purchase of materials, sales taxes, and additional employment would be temporary and would last only until December 2008, when the primary pedestrian fence is scheduled to be completed.

3.15.2.3 Secure Fence Act Alternative

The type of impact on socioeconomics under the Secure Fence Act Alternative would be similar to that described for the Proposed Action Alternative. However, there would be an increase in construction and material costs that would result in additional, but insignificant, temporary benefits to the ROI.

3.16 ENVIRONMENTAL JUSTICE AND PROTECTION OF CHILDREN

3.16.1 Affected Environment

Environmental Justice and Protection of Children issues were discussed in Section 3.12 of the April 2007 EA and are incorporated herein by reference (CBP 2007). Luna County has 57.7 percent of its population claiming to be of Hispanic or Latino origin, along with smaller percentages of other ethnic minorities. Luna County is also below the national and state median household income and has a greater percentage of its population in poverty, relative to the state and the nation (U.S. Census Bureau 2000).

3.16.2 Environmental Consequences

3.16.2.1 No Action Alternative

Since no construction beyond that described in the April 2007 EA would occur, environmental justice issues would be nonexistent.

3.16.2.2 Proposed Action Alternative

Although Luna County does have a high percentage of minorities and people who live in poverty, there would be no displacement of any residences or commercial entities; therefore, there would be no disproportionate impact on minority or low-income populations under the Proposed Action Alternative, in compliance with EO 12898. Since no residences are located near the project corridor, the proposed construction

would not pose risks to the health and safety of the children within the ROI; therefore, the project would be in compliance with EO 13045.

3.16.2.3 Secure Fence Act Alternative

The impacts relative to EO 12898 and EO 13045 are the same for the Secure Fence Act Alternative as described for the Proposed Action Alternative.

3.17 SUSTAINABILITY AND GREENING

3.17.1 Affected Environment

In accordance with EO 13423 - Strengthening Federal Environmental, Energy, and Transportation Management, USBP would strengthen its environmental, energy, and transportation activities in an environmentally, economically, and fiscally sound, continuously improving, sustainable manner. In doing so, it would incorporate sustainability and greening practices in daily operations through cost-effective waste reduction, recycling of reusable materials, and purchase of items produced using recovered materials. The selected contractor would be encouraged to use recycled or salvaged materials in the fence construction, use low-emission and fuel-efficient vehicles, and implement sound construction waste management, to the maximum extent practicable.

3.17.2 Environmental Consequences

3.17.2.1 No Action Alternative

The No Action Alternative would not result in any direct or indirect effects, as no additional construction activities beyond those described in the April 2007 EA would take place.

3.17.2.2 Proposed Action Alternative

Under the Proposed Action Alternative, USBP would continue to improve its environmental, transportation, and energy-related activities in support of its missions through sustainability and greening practices, to the greatest extent practicable. No significant impact is expected.

3.17.2.3 Secure Fence Act Alternative

The impact would be the same as for the Proposed Action Alternative if this alternative were implemented.

3.18 HUMAN HEALTH AND SAFETY

3.18.1 Affected Environment

There is little potential risk to health and safety for anyone other than USBP agents or private contractors. There are no houses in the U.S. located near the project corridor. All contractors would be required to adhere to Federal and state highway transportation and traffic laws and regulations, as well as safety regulations of the Occupational Safety and Health Administration (OSHA).

3.18.2 Environmental Consequences

3.18.2.1 No Action Alternative

Under the No Action Alternative, no additional construction would occur; therefore, there would be no impact, either beneficial or adverse, on human health and safety.

3.18.2.2 Proposed Action Alternative

The Proposed Action Alternative has the very limited potential to create human health hazards, especially outside of the construction corridor. Strict compliance with all OSHA regulations would be achieved to minimize the potential for accidents affecting USBP agents, private contractors, or other individuals near the project site(s). Therefore, no significant effects on human health and safety would be expected.

3.18.2.3 Secure Fence Act Alternative

This alternative would have similar effects as the Proposed Action Alternative. However, construction accidents would have a greater chance of occurring due to the increased construction footprint and duration. With adherence to OSHA standards, no significant or long-term impact would be expected.

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SECTION 4.0
CUMULATIVE EFFECTS

4.0 CUMULATIVE EFFECTS

This subsection of the EA addresses the potential cumulative impacts associated with the implementation of the alternatives and other projects/programs that are planned for the region. The CEQ defines cumulative impacts as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions" (40 CFR 1508.7). This section continues, "Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time."

USBP has been conducting law enforcement actions along the border since its inception in 1924, and has continually transformed its methods as new missions, IA modes of operation, agent needs, and national enforcement strategies have evolved. Development and maintenance of training ranges, station and sector facilities, detention facilities, and roads and fences have affected thousands of acres, with synergistic and cumulative impacts to soil, wildlife habitats, water quality, and noise. Beneficial effects have resulted from the construction and use of these roads and fences, including, but not limited to: increased employment and income for border regions and surrounding communities; protection and enhancement of sensitive resources north of the border; reduction in crime within urban areas near the border; increased land value in areas where border security has increased; and increased knowledge of the biological communities and pre-history of the region through numerous biological and cultural resources surveys and studies.

With continued funding and implementation of CBP/USBP's environmental conservation measures, including environmental education and training of its agents, use of biological and archeological monitors, wildlife water systems, and restoration activities, adverse effects from future and on-going projects would be avoided or minimized. However, recent, on-going, and reasonably foreseeable proposed projects would result in cumulative impacts. In particular, the Secure Fence Act, as mentioned previously,

mandates the construction of approximately 700 miles of primary fence along the southwestern border. Within the next 2 years, 225 miles of these 700 miles are scheduled to be completed. The first 75 miles of fence construction is currently being constructed in areas that have already been developed (e.g., currently contain PVB or temporary vehicle barrier), so little or no additional environmental impact has been experienced. The remaining 150 miles of the first 225 miles of fence construction would generally occur in more remote areas and inevitably result in cumulative impacts.

A list of the past, on-going, and other proposed USBP projects within the region surrounding the Deming Station's AO is presented in Table 4-1. In addition, USBP might be required to implement other activities and operations that are currently not foreseen or mentioned in this document. These actions could be in response to national emergencies or security events like the terrorist attacks on September 11, 2001, or to changes in the mode of operations of the potential IAs.

Table 4-1. Recently Completed or Reasonably Foreseeable USBP Projects in and near the Deming Station's AO

Project	Approximate Distance from Project Corridor (miles)	Approximate Acres Permanently Impacted
Expansion of the Columbus POE, New Mexico	0	10
New construction of the Lordsburg Station, Hidalgo County, New Mexico	70	25
Expansion of two checkpoints in Doña Ana County, New Mexico	40-60	10
USBP, Forward Operating Base, Luna County, New Mexico	30	5
USBP, Forward Operating Base, Hidalgo County, New Mexico	70	5
Proposed TI within Santa Teresa Station AO, construction of 2.22 miles of primary fence near the Santa Teresa POE.	50	3
Proposed TI within the Deming Station AO (patrol roads, access roads PVB, primary fences, and lighting)	0	382
Proposed TI within the Lordsburg Station AO (patrol roads, access roads PVB, primary fences, and lighting)	60	307
Proposed conversion of 3 miles of PVB to pedestrian fence on both sides of the Columbus POE	0	0
Proposed construction of 6.8 miles of primary pedestrian fence within the Santa Teresa AO	40	8
Proposed expansion of the I-10 vehicle checkpoint, Doña Ana County, New Mexico	50	6
	Total	**761 acres**

Plans by other agencies that would also affect the region's natural and human environment include various road improvements by the New Mexico Department of Transportation (NMDOT) and/or Luna County. The majority of these projects would be expected to occur along existing corridors and/or within previously disturbed sites. The magnitude of the effects would depend upon the length and width of the road right of way (ROW) and the extant conditions within and adjacent to the ROW.

Due to the many remote and unpopulated areas of southern New Mexico, there are very few on-going or future projects other than those conducted by USBP, BLM, and private ranching activities. County governments conduct on-going general maintenance on gravel and dirt surface roads. NMDOT periodically conducts minor road improvement projects on existing state highway ROWs (CBP 2006). However, the impact tends to be low, as the majority of construction is within existing ROWs. The NMDOT projects listed in Table 4-2 are in the planning stage and potential impacts are unknown at this time.

Table 4-2. NMDOT Proposed Projects within Luna County, New Mexico Proposed to 2008

Roadway	Segment	Improvements	Projected Fiscal Year
NM Highway(Hwy) 26	Mile Post (MP) 29 to 39	Pavement Rehabilitation	2008
NM Hwy 377	Near Junction of NM Hwy 549	Bridge Replacement	2008
Interstate-10	MP 102	Bridge Rehabilitation	2007
NM Hwy 11	Deming to Columbus	Reconstruction	2006 delayed to 2008
NM Hwy 26	Hatch, New Mexico	Pavement Rehabilitation	2008
NM Hwy 549	24 Miles East of Deming, New Mexico	Bridge Replacement	2008

Source: CBP 2007

In addition, projects are currently being planned by other Federal entities which could affect areas in use by USBP, and CBP/USBP should maintain close coordination with these agencies to ensure that CBP/USBP activities do not conflict with other agency policies or management plans. CBP would consult with applicable state and Federal agencies prior to performing any construction activities and would coordinate operations so that it does not impact the mission of other agencies. The following paragraphs list

projects that other Federal and state agencies are conducting or have completed within the region.

The Santa Teresa POE is proposed to become a major North American Free Trade Agreement (NAFTA) import/export facility for both rail and trucking traffic. Increased illegal traffic and the new NAFTA traffic would heighten the need for improved border security and infrastructure (Rogers 2006).

Many habitat improvement projects are slated over the next 5 years for bighorn sheep and other species in the Bootheel area of New Mexico; these are cooperatively planned by the NMDGF, the Sikes Act Habitat Stamp Program, NRCS Environmental Quality Incentive Program, and BLM challenge cost share program (Lister 2006). BLM has communicated with USBP on the location of water development projects in the Hatchets and Peloncillo mountains. The U.S. Geological Survey, BLM, and NMDGF are conducting nectar feeding bat surveys in the Hatchets, Animas, and Peloncillo mountains (Lister 2006). Additional BLM Las Cruces District Office projects were described and listed in the 2006 PEA and are incorporated herein by reference. In summary, BLM proposes the following:

- grazing permit issuances, transfers, and renewals;
- free use mineral material permits;
- transportation and utility ROW easements;
- oil and gas ROW easements;
- mineral exploration permits;
- resource management plans;
- scenic trails; and
- competitive land sales.

A summary of the anticipated cumulative impacts relative to the Proposed Action Alternative (i.e., construction of 24.5 miles of additional primary pedestrian fence in Luna County) is presented below. Discussions are presented for each of the resources described previously.

4.1 LAND USE

There would be a significant impact if any action is inconsistent with adopted land use plans or as a result of any action that would substantially alter those resources required for, supporting, or benefiting the current use. The Proposed Action would not affect any additional acreage that has not been previously addressed in planned projects, especially the TI projects that have been addressed in the April 2007 EA (CBP 2007). In addition, the actions proposed herein would occur within the Roosevelt Reservation, which was set aside specifically for border control actions. This action, therefore, is consistent with the authorized land use and, when considered with other potential alterations of land use, would not be expected to result in a significant cumulative adverse effect.

4.2 SOILS

There would be a significant impact if the action exacerbates or promotes long-term erosion, if the soils are inappropriate for the proposed construction and create a risk to life or property, or if there is a substantial reduction in agricultural production or loss of prime farmland soils. The Proposed Action Alternative and other USBP actions have not reduced prime farmland soils or agricultural production. Pre- and post-construction SWPPP measures would be implemented to control erosion. No inappropriate soil types are located in the project corridor that would present a safety risk. A minor impact on regionally abundant and disturbed soils, when combined with past and proposed projects in the region, would not result in significant cumulative adverse effects.

4.3 VEGETATION

The significance threshold for biological resources would include a substantial reduction in ecological process, communities, or populations that would threaten the long-term viability of a species or result in the substantial loss of a sensitive community that could not be off-set or otherwise compensated for. No additional loss of vegetation

communities would occur if the Proposed Action Alternative were implemented, beyond that already addressed in the April 2007 EA (CBP 2007). Therefore, the Proposed Action Alternative would have no or negligible cumulative impact on Chihuahuan desert communities.

4.4 WILDLIFE

Since no additional vegetation communities would be affected under the Proposed Action Alternative, insignificant cumulative effects on wildlife populations would be expected. However, cumulative impacts due to fragmentation of habitat would be considered moderate to substantial, since nearly all of the border within Hildago, Luna, and Doña Ana Counties have existing or proposed barriers. Most of these barriers, especially those within Hildago County, would be vehicle fence (i.e., PVB) rather than primary pedestrian fence. Thus, there would still be opportunities for transboundary migration. Due to the vast amount of similar habitat contained within and surrounding the project corridor, the juxtaposition of the project corridor with other disturbed and developed areas, and the fact that there will be gaps in the barriers, the long-term viability of species and communities in the project region would not be threatened. In addition, prior to construction, site surveys for migratory species and appropriate mitigation measures would be implemented. This loss, when combined with other ground-disturbing or development projects in the project region, would not result in significant cumulative negative impacts on the region's biological resources.

4.5 SENSITIVE, UNIQUE, AND AESTHETIC RESOURCES

Actions that cause the permanent loss of the characteristics that make an area visually unique or sensitive would be considered to cause a significant impact. There would be no major impact on visual resources from implementing the Proposed Action Alternative, due in part to the surrounding development and the existing border TI. Construction and maintenance of the proposed primary pedestrian fence, when considered with existing and proposed developments in the surrounding area, would not

result in a significant cumulative negative impact on the visual quality of the region. Areas north of the border would experience beneficial, indirect cumulative effects through the reduction of trash, soil erosion, and wildfires produced by IAs.

4.6 AIR QUALITY

Impact on air quality would be considered significant if the action results in a violation of air quality standards, obstructs implementation of an air quality plan, or exposes sensitive receptors to substantial pollutant concentrations. The emissions generated during and after the construction of the primary pedestrian fence would be short-term and minor. Although maintenance of the fence and construction road would result in cumulative impacts on the region's airshed, these impacts would not be considered significant, even when combined with the other proposed developments in the border region. BMPs designed to reduce fugitive dust have been and will continue to be standard operating procedure for USBP construction projects. Deterrence of and improved response time to IAs created by the construction of the fence and road would reduce off-road enforcement actions that are currently required by USBP agents.

4.7 WATER RESOURCES

The significance threshold for water resources includes any action that substantially depletes ground water supplies or interferes with groundwater recharge, substantially alters drainage patterns, or results in the loss of WUS that cannot be compensated for. No significant impact on water resources would occur as a result of the construction and maintenance of the proposed primary pedestrian fence. Potential impact on WUS would be mitigated as appropriate. The required SWPPP measures would reduce erosion and sedimentation during construction to negligible levels and would eliminate post-construction erosion and sedimentation from the site. The same measures would be implemented for other construction projects; therefore, cumulative impacts would not be significant.

4.8 NOISE

Actions would be considered to cause significant impact if they permanently and substantially increase ambient noise levels over 65 dBA (current ambient conditions). Most of the noise generated by the proposed action would occur during construction and, thus, would not contribute to cumulative impacts on ambient noise levels. Routine maintenance of the fence would result in slight temporary increases in noise levels, which would continue to sporadically occur over the long-term. Potential sources of noise from other projects are not enough (temporal or spatial) to increase ambient noise levels above the 65 dBA range at the proposed sites. Thus, the noise generated by the construction and maintenance of the primary pedestrian fence, when considered with the other existing and proposed projects in the region, would not result in a significant cumulative adverse effect.

4.9 CULTURAL RESOURCES

The Proposed Action Alternative would not result in significant effects on any known cultural resources sites. Therefore, this action, when combined with other existing and proposed projects in the region, would not result in significant cumulative impacts on historical properties.

4.10 SOCIOECONOMICS

The significance threshold for socioeconomic conditions includes displacement or relocation of residences or commercial buildings, increases in long-term demands to public services in excess of existing and projected capacities, and disproportionate impact on minority and low-income families. Construction of the proposed primary pedestrian fence would result in a temporary, minor, and beneficial impact on the region's economy. There would be no impact on residential areas, population, or minority or low-income families. Therefore, this action, when combined with the other

projects currently proposed or on-going within the region, would not result in significant cumulative impacts on socioeconomic conditions.

4.11 HAZARDOUS MATERIALS

There would be significant impact if an action creates a public hazard, if the site is considered a hazardous waste site that poses health risks, of if the action would impair the implementation of an adopted emergency response or evacuation plans. Only minor increases in the use of hazardous substances (e.g., POL) would occur as a result of the construction and maintenance of the proposed primary pedestrian fence. No health or safety risks would be created by the proposed action. The effects of the Proposed Action Alternative, when combined with other on-going and proposed projects in the region, would not be considered to have a significant cumulative effect.

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SECTION 5.0
MITIGATION MEASURES

5.0 MITIGATION MEASURES

It is CBP's policy to reduce impacts through the sequence of avoidance, minimization, mitigation, and finally, compensation. Mitigation efforts vary and include activities such as restoration of habitat in other areas, acquisition of lands, and implementation of appropriate BMPs. CBP considers it standard operating procedure to coordinate its environmental design measures with the appropriate Federal and state resource agencies, as appropriate.

This chapter describes those measures that would be implemented to reduce or eliminate potential adverse impacts on the human and natural environment. Many of these measures have been incorporated as standard operating procedures by CBP on past projects. Environmental design measures are presented for each resource category that would be potentially affected. It should be emphasized that these are general mitigation measures. Development of specific mitigation measures would be required for certain activities implemented under the action alternatives. The proposed mitigation measures would be coordinated through the appropriate agencies and land managers or administrators, as required.

Implementation of the environmental design measures addressed in this section have been carried forward from those addressed in the April 2007 EA and subsequently will be committed to in this SEA. Design measures described in this SEA address minimization of potential impacts to a less than significant level for all alternatives as applicable (Proposed Action and Secure Fence Act Alternative). Implementation of design measures is the responsibility of the USBP, El Paso Sector, project manager or his/her delegated manager with the immediate authority to decide or recommend a course of action, from among options, to the next higher organization level for approval.

5.1 GENERAL CONSTRUCTION ACTIVITIES

BMPs will be implemented as standard operating procedures during all construction activities, and would include proper handling, storage, and/or disposal of hazardous and/or regulated materials. To minimize potential impacts from hazardous and regulated materials, all fuels, waste oils, and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery will be completed following accepted industry guidelines, and all vehicles will have drip pans during storage to contain minor spills and drips. Although a major spill will be unlikely to occur, any spill of reportable quantities will be contained immediately within an earthen dike, and the application of an absorbent (e.g., granular, pillow, sock, etc.) will be used to contain the spill. Furthermore, a spill of any petroleum liquids (e.g., fuel) or material listed in 40 CFR 302 Table 302.4 of a reportable quantity must be cleaned up and reported to the appropriate Federal and state agencies. Reportable quantities of those substances listed on 40 CFR 302 Table 302.4 will be included as part of the SPCCP. An SPCCP will be in place prior to the start of construction and all personnel will be briefed on the implementation and responsibilities of this plan.

All non-recyclable hazardous and regulated wastes will be collected, characterized, labeled, stored, transported, and disposed of as regulated by the EPA and managed by CBP, pursuant to compliance with the Resources Conservation and Recovery Act (RCRA) P.L. 94-580, 90 Statute 2795 (1976), and other Federal guidelines and regulations.

Solid waste receptacles will be maintained at staging areas. Non-hazardous solid waste (trash and waste construction materials) will be collected and deposited in on-site receptacles. Solid waste will be collected and disposed of properly in accordance with the Solid Waste Disposal Act, P.L. 89-272, 79 Stat. 997, as amended by the RCRA.

In order to ensure that primary fence designs do not impede or limit access to existing border monuments for maintenance, all final engineering designs will be submitted to USIBWC for review prior to start of construction activities.

Once activities in any given construction segment of the project corridor are completed, active measures will be required to ensure the rehabilitation of areas outside of the 60-foot construction area and established staging areas. However, such actions would coincide with mitigation requirements of the other TI construction addressed in the April 2007 EA. USBP will coordinate with the appropriate land managers to determine the most suitable and cost-effective measures for successful rehabilitation.

As required for successful rehabilitation, all or some of the following measures will be conducted on the part of USBP:

- site preparation through ripping and disking to loosen compacted soils;
- hydro mulch with native grasses and forbs in order to control soil erosion and ensure adequate revegetation;
- planting of native shrubs as required;
- temporary irrigation (i.e., truck watering) for seedlings; and
- periodic monitoring to determine if additional actions are required to ensure that rehabilitated areas remain on a path to recovery.

5.2 SOILS

Proper site-specific BMPs are designed and utilized to reduce the impact of non-point source pollution during construction activities. BMPs include such things as buffers around washes to reduce the risk of siltation, installation of waterbars to slow the flow of water down hill, and placement of culverts, low-water crossings, or bridges where washes need to be traversed. These BMPs will greatly reduce the amount of soil lost to runoff during heavy rain events and ensure the integrity of the construction site. Soil erosion BMPs can also beneficially impact air quality by reducing the amount of fugitive dust.

Vehicular traffic associated with construction will remain on established roads to the maximum extent practicable. Areas with highly erodible soils (see Table 3-1 in the April 2007 EA) will be given special consideration to ensure incorporation of various and effective compaction techniques, aggregate materials, wetting compounds, and rehabilitation to reduce potential soil erosion. Erosion control measures such as waterbars, gabions, straw bales, and revegetation will be implemented during and after construction activities. Revegetation efforts will be implemented to ensure long-term recovery of the area and to prevent significant soil erosion problems.

5.3 VEGETATION COMMUNITIES

Construction equipment will be cleaned following BMPs described in an SWPPP prior to entering and departing the project corridor to minimize the spread and establishment of non-native invasive plant species.

To minimize impact on vegetation, designated construction travel corridors will be marked with easily observed removable or biodegradable markers, and travel will be restricted to the project corridor, staging areas, and access roads.

5.4 WILDLIFE RESOURCES

Environmental design measures that will be considered, especially in areas that support protected species, include coordination with local resource agencies' biologists, as deemed necessary, and monitoring by qualified biologists of sensitive species potentially impacted by construction. To ensure that any impact on less mobile species (e.g., Texas horned lizard) would remain at a less than significant level, CBP will require periodic (weekly to semi-monthly) inspections of construction sites by qualified biologists (i.e., professional biologists with education and training in wildlife biology or ecology). Construction crews will be informed of sensitive resources and the need to avoid impacts to these resources. Once fence post holes or trenches are excavated,

construction crews will conduct daily inspections for trapped reptiles under the guidance of qualified biologists, and will continue to do so until the concrete foundations are set.

The Migratory Bird Treaty Act (MBTA) requires that Federal agencies coordinate with USFWS if a construction activity would result in the take of a migratory bird or bird parts. Since avoidance of the breeding/nesting season (March through September) is unlikely for this project, surveys for migratory birds would be completed prior to clearing and grubbing activities. Any migratory bird nests that are observed in the project corridor and are active, including burrowing owl burrows, will be flagged and avoided to the extent practicable. Construction activities determined to result in the take of a migratory bird will be coordinated with USFWS and NMDGF, and applicable permits will be obtained prior to construction or clearing activities.

Informal coordination will continue as necessary with USFWS Ecological Services to advise of potential conservation measures, if any, that could be implemented to promote habitat conservation for the aplomado falcon. One such measure that will occur as requested by BLM is to conduct preconstruction surveys for aplomado falcon nesting activity and occurrences prior to scheduled construction activities in grassland habitats. If activity is discovered, then either avoidance or the appropriate resource agencies (USFWS, BLM, and NMDGF) will be contacted to determine the best management practice, such as monitoring of construction activities, so that falcons are not adversely affected. In order to ensure free movement of animals across the border, primary fences would be equipped (to the extent practicable) with reptile and small rodent tunnels at the base.

5.5 WATER RESOURCES

The installation of TI will require an SWPPP as part of the NPDES permit process because the area of disturbance exceeds 1 acre. Coordination with the Regulatory Functions Branch of USACE, Albuquerque District, EPA, the Luna County NRCS, and other appropriate agencies will be completed prior to the initiation of the construction

activities in washes and arroyos that are potentially jurisdictional WUS. Applicable CWA Section 404/401 permit procedures will be completed prior to any work in these areas and compensatory mitigation implemented, as appropriate.

All engineering designs and subsequent hydrology reports will be reviewed by USIBWC prior to start of construction activities so that the results of construction activities do not increase, concentrate, or relocate overland surface flows into either country.

5.6 AIR QUALITY

Standard construction BMPs such as routine watering of the roads will be used as a primary means of fugitive dust control during the construction phases of the proposed project. Additionally, all construction equipment and vehicles will be required to be kept in good operating condition to minimize exhaust emissions. If a 24-hour work schedule is needed and portable lights or back-up generator is used, sufficient record-keeping of generator usage (hours used) is required to verify operational use, as regulated under 20.2.72 New Mexico Administrative Code. If generators are used more than 500 hours per year, an air quality construction permit would be required.

5.7 AESTHETICS

BLM will be afforded the opportunity to provide comments and recommendations on the design/build and performance specifications of the proposed primary pedestrian fence for consistency with management goals for visual resources on BLM land.

5.8 CULTURAL RESOURCES

Prior to ground-disturbing activities near sites determined to be potentially eligible for listing on the NRHP, consultation will be completed with the New Mexico SHPO, BLM, and the appropriate Tribal Historic Preservation Officer (THPO). The appropriate mitigation measures will be identified and implemented through the resulting

Memorandum of Agreement. The preferred mitigation measure will be to (1) avoid sites to the extent practicable; (2) recover data; and (3) monitor construction activities to ensure potential impacts are minimized.

5.9 HAZARDOUS MATERIALS

To minimize the potential impact of solid and hazardous materials, all fuels, waste oils, and solvents will continue to be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. Refueling of machinery will be allowed only at a properly located and designated fuel truck equipped with a proper spill containment kit. All vehicles will have drip pans during storage to contain minor spills and drips.

All used oil and solvents will continue to be recycled if possible. All non-recyclable hazardous and regulated wastes will continue to be collected, characterized, labeled, stored, transported, and disposed of in accordance with all Federal, state, and local regulations, including proper waste manifesting procedures. Construction activities planned adjacent to active agricultural areas will be coordinated with local farmers so none are conducted during or immediately after pesticide or herbicide applications.

5.10 APPLICABLE ENVIRONMENTAL GUIDANCE, STATUTES, AND REGULATIONS

Table 5-1 summarizes the pertinent environmental statutes, regulations, permits, and compliance requirements that will be adhered to prior to, or in conjunction with, implementation of the construction activities.

Table 5-1. Summary of Relevant Guidance, Statutes, and Regulations Including Compliance Requirements

Resource	Pertinent Statute/ Regulation	Agency	Required Permits, License, Compliance, or Review/Status
Land Use	Mimbres Resource Management Plan	BLM	Compliance with land use plans
	Land Manager Charter	BLM	Land Withdrawal application or Land Use Permit
Soils	Farmland Protection Policy Act of 1981, 7 U.S. Code §4201 *et seq*.; 7 CFR 657-658 Prime and unique farmlands	NRCS	NRCS determination via Form AD-1006
Vegetation and Wildlife Resources	MBTA	USFWS	Compliance by lead agency and consultation to assess impacts and, if necessary, develop mitigation measures
	New Mexico Wildlife Conservation Act	NMDGF	Compliance by lead agency and consultation to assess impacts and, if necessary, develop mitigation measures
	Endangered Species Act	USFWS	Compliance by lead agency and/or consultation to assess impacts and, if necessary, develop mitigation measures
Cultural	National Historic Preservation Act	SHPO, THPO, BLM	Section 106 consultation/compliance
	Archaeological Resources Protection Act	SHPO, THPO, BLM	Permits to survey and excavate/remove archeological resources on Federal lands; Native American tribes with interests in resources must be consulted prior to issue of permits
Air	Clean Air Act	EPA and NMED	Compliance with National Ambient Air Quality Standards, emission limits, and reduction measures; conformity to *de minimis* thresholds
Water	CWA	EPA and USACE, NMED	Section 402(b) NPDES preparation of SWPPP, General Construction permit and NOI prior to construction activities Section 404/401 DA Permit
	E.O. 11988 Floodplain Management	Water Resources Council, FEMA, CEQ	Compliance
	E.O. 11990 Protection of Wetlands	USACE and USFWS	Compliance
	USIBWC Environmental Policy	USIBWC	Ensure compliance with USIBWC Environmental Policy through technical review

Table 5-1, continued

Resource	Pertinent Statute/ Regulation	Agency	Required Permits, License, Compliance, or Review/Status
	State of New Mexico Water Law	OSE	Compliance with water well permits, applications, and contractor license requirements
Social/ Economic	E.O. 13045 Protection of Children	EPA	Compliance
	E.O. 12898 Environmental Justice	EPA	Compliance
Noise	Noise Control Act	EPA	Compliance with surface carrier noise emissions through design measures
Health and Safety	Occupational Safety and Health Act	OSHA	General compliance with guidelines including Material Safety Data Sheets
Waste	Solid Waste Disposal Act	EPA	Compliance by lead agency
	RCRA/ CERCLA	EPA	Ensure compliance/implementation of an SPCCP
	E.O. 12780 Sustainability and Greening	EPA	Compliance

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SECTION 6.0
REFERENCES

6.0 REFERENCES

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SECTION 7.0
LIST OF PREPARERS

7.0 LIST OF PREPARERS

The following people were primarily responsible for preparing this Supplemental Environmental Assessment.

NAME	AGENCY/ ORGANIZATION	DISCIPLINE/EXPERTISE	EXPERIENCE	ROLE IN PREPARING EA
Charles McGregor	USACE, Ft. Worth District	Chemistry and Environmental Sciences	17 years geotechnical and environmental related studies	Environmental Manager, ECSO
Roy Dahlstrom	Office of Border Patrol, El Paso Sector	Law Enforcement	11 years Law Enforcement	Technical Review
Suna Adam Knaus	Gulf South Research Corporation	Forestry/Wildlife	18 years natural resources	SEA Technical Review
Chris Ingram	Gulf South Research Corporation	Biology/Ecology	31 years EA/EIS studies	Project Manager Technical Review
Eric Webb, Ph.D.	Gulf South Research Corporation	Ecology/Wetlands	18 years natural resources and NEPA studies	Technical Review
Howard Nass	Gulf South Research Corporation	Ecology / Forestry	16 years natural resources	Technical Review
Stephen Oivanki	Gulf South Research Corporation	Geology	20 years EA and remediation	Technical Review
John Mire	Gulf South Research Corporation	Natural Resources	15 years NEPA and natural resources studies	SEA Preparation
Shanna McCarty	Gulf South Research Corporation	Forestry	2 years natural resources	SEA Preparation
Steve Kolian	Gulf South Research Corporation	Environmental Science	12 years natural resources	Water resources and air quality
Sharon Newman	Gulf South Research Corporation	GIS/graphics	12 years GIS/graphics experience	GIS/graphics

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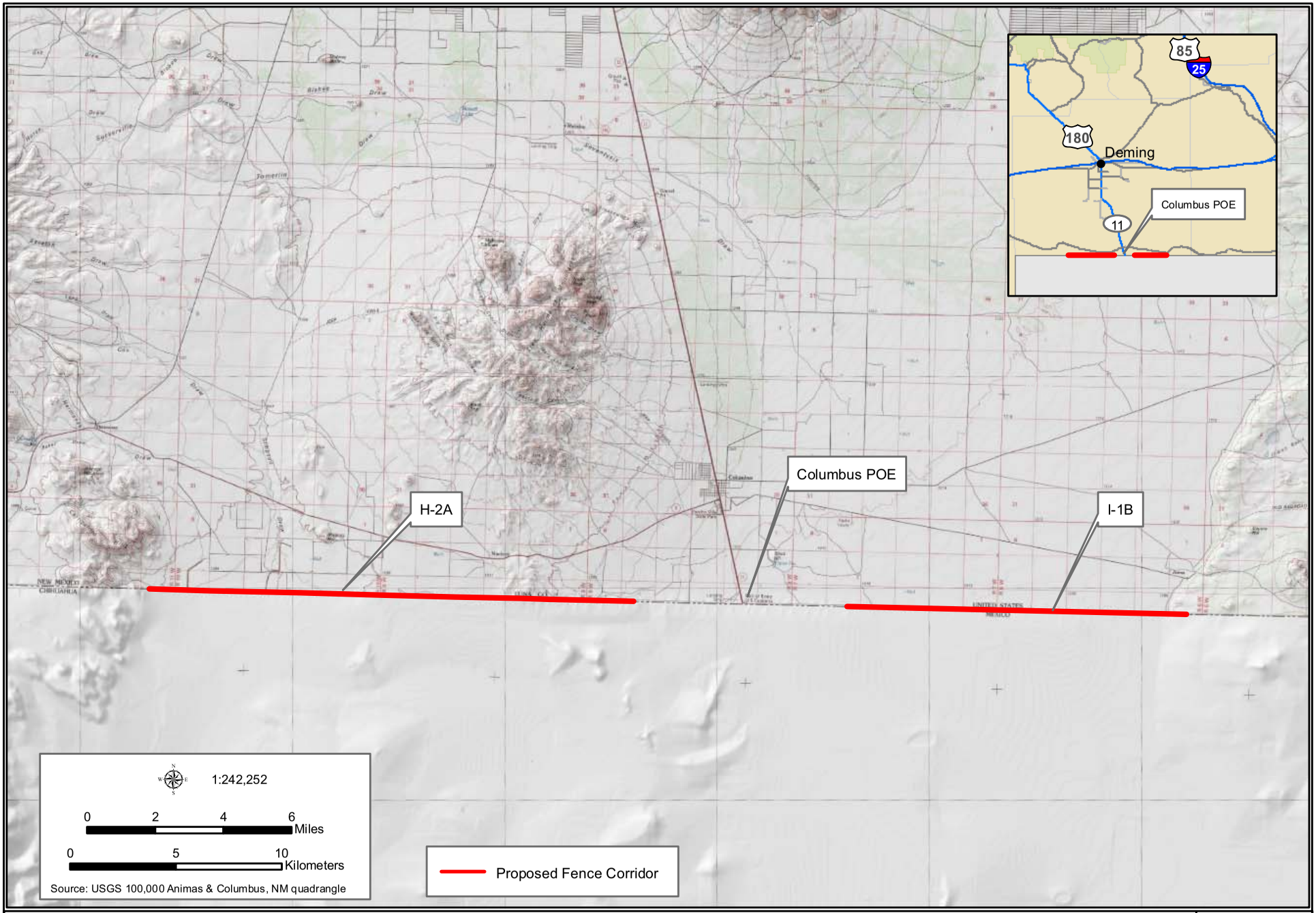
APPENDIX A
Agency Coordination Correspondence



Proposed Corridor for H-2B and I-1B

GSRC

December 2007

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

DEC 3 1 2007

Department of Cultural Affairs
Historic Preservation Division
Attn: Katherine Slick
407 Galisteo Street, Suite 236
Santa Fe, New Mexico 87501

Subject: Supplemental Environmental Assessment (SEA) for Proposed Construction, Operation, and Maintenance of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol El Paso Sector, Deming Station, New Mexico

Dear Ms. Slick:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing a Supplemental Environmental Assessment (SEA) to address the potential environmental impacts and feasibility of constructing, operating, and maintaining tactical infrastructure in two segments totaling approximately 24.5 miles in length within USBP El Paso Sector, Deming Station, New Mexico. In preparing the SEA, CBP will be working directly with the U.S. Army Corps of Engineers (USACE), Fort Worth District, which will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act (NHPA)and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate consultation with appropriate, federally-recognized tribes who historically used and/or continue to use the area.

To assist USBP in gaining and maintaining effective control of the border, CBP proposes to construct, operate, and maintain tactical infrastructure to include primary pedestrian fence and access and patrol roads in two segments along the U.S./Mexico international border. Individual segments would be approximately 10.3 miles and 14.2 miles in length. A map presenting the proposed project sites is enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire U.S./Mexico international border. Preparing the SEA does not necessarily mean the 24.5 miles of tactical infrastructure will be installed within USBP El Paso Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the NHPA, the Clean Water Act (CWA), and other applicable environmental laws and regulations.

We welcome your comments on this undertaking and look forward to hearing any concerns your office may have. A cultural resources survey has been completed for this border area as part of the original NEPA environmental review process, and a copy of the report was submitted to the New Mexico State Historic Preservation Office (SHPO) on June 5, 2007 and concurrence was received on August 3, 2007. Our determination, as outlined in that letter, would remain the same for this proposed project because the construction footprint has not changed. CBP, through the USACE, will continue to coordinate with the SHPO and any affected Tribe regarding avoidance, testing, and other mitigation measures required for those sites considered potentially eligible or eligible for listing on the National Register of Historic Places.

Your prompt attention to this request would be greatly appreciated. If you have any questions, please contact Mr. Charles McGregor of the USACE, Fort Worth District, Engineering and Construction Support Office by mail at P.O. Box 17300, Forth Worth, Texas 76102-0300 or by telephone at (817) 886-1585, or contact USBP El Paso Sector's Tactical Infrastructure Coordinator, Agent Terry Kranz, at (505) 544-6100.

Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosure(s)

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

DEC 3 1 2007

Mr. Richard Greene
Regional Administrator, Region 6
Environmental Protection Agency
Fountain Place 12th Floor, Suite 1200
1445 Ross Avenue
Dallas, Texas 75202-2733

Subject: Supplemental Environmental Assessment (SEA) for Proposed Construction, Operation, and Maintenance of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol El Paso Sector, Deming Station, New Mexico

Dear Mr. Greene:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing a Supplemental Environmental Assessment (SEA) to address the potential environmental impacts and feasibility of constructing, operating, and maintaining tactical infrastructure in two segments totaling approximately 24.5 miles in length within USBP El Paso Sector, Deming Station, New Mexico. In preparing the SEA, CBP will be working directly with the U.S. Army Corps of Engineers (USACE), Fort Worth District, who will provide technical expertise and other support to CBP.

To assist USBP in gaining and maintaining effective control of the border, CBP proposes to construct, operate, and maintain tactical infrastructure to include primary pedestrian fence and access and patrol roads in two segments along the U.S./Mexico international border. Individual segments would be approximately 10.3 miles and 14.2 miles in length. A map presenting the proposed project sites is enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire U.S./Mexico international border. Preparing the SEA does not necessarily mean the 24.5 miles of tactical infrastructure will be installed within USBP El Paso Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Your agency has been identified as a Federal authority with responsibilities for resources that may be affected by the Proposed Action. In accordance with the Council on Environmental Quality (CEQ) regulations addressing cooperating agencies (40 CFR 1501.6 and 1508.5) and CEQ's January 30, 2002, guidance, CBP is inviting you to participate in the development of the SEA as a cooperating agency. Please contact Mr. Charles McGregor of the USACE, Fort Worth District, Engineering and Construction Support Office by mail at P.O. Box 17300, Forth Worth, Texas 76102-0300 if your agency would like to be a cooperating agency.

Your prompt attention to this request would be greatly appreciated. If you have any questions, please call Mr. Charles McGregor at (817) 886-1585 or USBP El Paso Sector's Tactical Infrastructure Coordinator, Agent Terry Kranz, at (505) 544-6100.

Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosure(s)

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

DEC 3 1 2007

LTC Bruce Estok
U.S. Army Corps of Engineers
Albuquerque District
4101 Jefferson Plaza NE
Albuquerque, New Mexico 87109

Subject: Supplemental Environmental Assessment (SEA) for Proposed Construction, Operation, and Maintenance of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol El Paso Sector, Deming Station, New Mexico

Dear LTC Estok:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing a Supplemental Environmental Assessment (SEA) to address the potential environmental impacts and feasibility of constructing, operating, and maintaining tactical infrastructure in two segments totaling approximately 24.5 miles in length within USBP El Paso Sector, Deming Station, New Mexico. In preparing the SEA, CBP will be working directly with the U.S. Army Corps of Engineers (USACE), Fort Worth District, who will provide technical expertise and other support to CBP.

To assist USBP in gaining and maintaining effective control of the border, CBP proposes to construct, operate, and maintain tactical infrastructure to include primary pedestrian fence and access and patrol roads in two segments along the U.S./Mexico international border. Individual segments would be approximately 10.3 miles and 14.2 miles in length. A map presenting the proposed project sites is enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire U.S./Mexico international border. Preparing the SEA does not necessarily mean the 24.5 miles of tactical infrastructure will be installed within USBP El Paso Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Your agency has been identified as a Federal authority with responsibilities for resources that may be affected by the Proposed Action. In accordance with the Council on Environmental Quality (CEQ) regulations addressing cooperating agencies (40 CFR 1501.6 and 1508.5) and CEQ's January 30, 2002, guidance, CBP is inviting you to participate in the development of the SEA as a cooperating agency. Please contact Mr. Charles McGregor of the USACE, Fort Worth District, Engineering and Construction Support Office by mail at P.O. Box 17300, Forth Worth, Texas 76102-0300 if your agency would like to be a cooperating agency.

Your prompt attention to this request would be greatly appreciated. If you have any questions, please call Mr. Charles McGregor at (817) 886-1585 or USBP El Paso Sector's Tactical Infrastructure Coordinator, Agent Terry Kranz, at (505) 544-6100.

Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosure(s)

cc: Mr. James Mace, Chief
El Paso Regulatory Office
U.S. Army Corps of Engineers
Albuquerque District
P.O. Box 6096
Fort Bliss, Texas 79906-0096

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

DEC 3 1 2007

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

Subject: Supplemental Environmental Assessment (SEA) for Proposed Construction, Operation, and Maintenance of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol El Paso Sector, Deming Station, New Mexico

Dear Dr. Tuggle:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing a Supplemental Environmental Assessment (SEA) to address the potential environmental impacts and feasibility of constructing, operating, and maintaining tactical infrastructure in two segments totaling approximately 24.5 miles in length within USBP El Paso Sector, Deming Station, New Mexico. In preparing the SEA, CBP will be working directly with the U.S. Army Corps of Engineers (USACE), Fort Worth District, who will provide technical expertise and other support to CBP.

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Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosure(s)

cc: Mr. Wally Murphy, Field Supervisor
U.S. Fish and Wildlife Service
New Mexico Ecological Service Field Office
2105 Osuna Road NE
Albuquerque, New Mexico 87113

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

DEC 3 1 2007

Commissioner Carlos Marin
International Boundary and Water Commission
U.S. Section
4111 North Mesa, Suite C-100
El Paso, Texas 79902-1441

Subject: Supplemental Environmental Assessment (SEA) for Proposed Construction, Operation, and Maintenance of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol El Paso Sector, Deming Station, New Mexico

Dear Commissioner Marin:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing a Supplemental Environmental Assessment (SEA) to address the potential environmental impacts and feasibility of constructing, operating, and maintaining tactical infrastructure in two segments totaling approximately 24.5 miles in length within USBP El Paso Sector, Deming Station, New Mexico. In preparing the SEA, CBP will be working directly with the U.S. Army Corps of Engineers (USACE), Fort Worth District, who will provide technical expertise and other support to CBP.

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Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosure(s)

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

DEC 3 1 2007

DEC 3 1 2007

Ms. Lori Allen
Bureau of Land Management
Las Cruces Field Office
1800 Marquess Street
Las Cruces, New Mexico 88005-3371

Subject: Supplemental Environmental Assessment (SEA) for Proposed Construction, Operation, and Maintenance of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol El Paso Sector, Deming Station, New Mexico

Dear Ms. Allen:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing a Supplemental Environmental Assessment (SEA) to address the potential environmental impacts and feasibility of constructing, operating, and maintaining tactical infrastructure in two segments totaling approximately 24.5 miles in length within USBP El Paso Sector, Deming Station, New Mexico. In preparing the SEA, CBP will be working directly with the U.S. Army Corps of Engineers (USACE), Fort Worth District, who will provide technical expertise and other support to CBP.

To assist USBP in gaining and maintaining effective control of the border, CBP proposes to construct, operate, and maintain tactical infrastructure to include primary pedestrian fence and access and patrol roads in two segments along the U.S./Mexico international border. Individual segments would be approximately 10.3 miles and 14.2 miles in length. A map presenting the proposed project sites is enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire U.S./Mexico international border. Preparing the SEA does not necessarily mean the 24.5 miles of tactical infrastructure will be installed within USBP El Paso Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

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Your prompt attention to this request would be greatly appreciated. If you have any questions, please call Mr. Charles McGregor at (817) 886-1585 or USBP El Paso Sector's Tactical Infrastructure Coordinator, Agent Terry Kranz, at (505) 544-6100.

Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosure(s)

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

DEC 3 1 2007

The Honorable Arturo Senclair, Governor
Ysleta del Sur Pueblo
119 South Old Pueblo Road
P.O. Box 17579, Ysleta Station
El Paso, Texas 79917

Subject: Supplemental Environmental Assessment (SEA) for Proposed Construction, Operation, and Maintenance of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol El Paso Sector, Deming Station, New Mexico

Dear Governor Senclair:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing a Supplemental Environmental Assessment (SEA) to address the potential environmental impacts and feasibility of constructing, operating, and maintaining tactical infrastructure in two segments totaling approximately 24.5 miles in length within USBP El Paso Sector, Deming Station, New Mexico. In preparing the SEA, CBP will be working directly with the U.S. Army Corps of Engineers (USACE), Fort Worth District, which will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act (NHPA)and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate consultation with appropriate, federally-recognized tribes who historically used and/or continue to use the area.

To assist USBP in gaining and maintaining effective control of the border, CBP proposes to construct, operate, and maintain tactical infrastructure to include primary pedestrian fence and access and patrol roads in two segments along the U.S./Mexico international border. Individual segments would be approximately 10.3 miles and 14.2 miles in length. A map presenting the proposed project sites is enclosed.

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We welcome your comments on this undertaking and look forward to hearing any concerns your office may have. A cultural resources survey has been completed for this border area as part of the original NEPA environmental review process, and a copy of the report was submitted to the New Mexico State Historic Preservation Office (SHPO) on June 5, 2007 and concurrence was received on August 3, 2007. Our determination, as outlined in that letter, would remain the same for this proposed project because the construction footprint has not changed. CBP, through the USACE, will continue to coordinate with the SHPO and any affected Tribe regarding avoidance, testing, and other mitigation measures required for those sites considered potentially eligible or eligible for listing on the National Register of Historic Places.

Your prompt attention to this request would be greatly appreciated. If you have any questions, please contact Mr. Charles McGregor of the USACE, Fort Worth District, Engineering and Construction Support Office by mail at P.O. Box 17300, Forth Worth, Texas 76102-0300 or by telephone at (817) 886-1585, or contact USBP El Paso Sector's Tactical Infrastructure Coordinator, Agent Terry Kranz, at (505) 544-6100.

Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosure(s)

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

DEC 3 1 2007

The Honorable Jeff Houser, Chairman
Fort Sill Apache Tribe
2 miles North of Apache on Highway 281
Apache, Oklahoma 73006

Subject: Supplemental Environmental Assessment (SEA) for Proposed Construction, Operation, and Maintenance of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol El Paso Sector, Deming Station, New Mexico

Dear Chairman Houser:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing a Supplemental Environmental Assessment (SEA) to address the potential environmental impacts and feasibility of constructing, operating, and maintaining tactical infrastructure in two segments totaling approximately 24.5 miles in length within USBP El Paso Sector, Deming Station, New Mexico. In preparing the SEA, CBP will be working directly with the U.S. Army Corps of Engineers (USACE), Fort Worth District, which will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act (NHPA)and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate consultation with appropriate, federally-recognized tribes who historically used and/or continue to use the area.

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Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosure(s)

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

DEC 3 1 2007

The Honorable Wallace Coffey, Chairman
Comanche Nation
584 NW Bingo Road
HC 32 Box 1720
Lawton, Oklahoma 73507

Subject: Supplemental Environmental Assessment (SEA) for Proposed Construction, Operation, and Maintenance of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol El Paso Sector, Deming Station, New Mexico

Dear Chairman Coffey:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing a Supplemental Environmental Assessment (SEA) to address the potential environmental impacts and feasibility of constructing, operating, and maintaining tactical infrastructure in two segments totaling approximately 24.5 miles in length within USBP El Paso Sector, Deming Station, New Mexico. In preparing the SEA, CBP will be working directly with the U.S. Army Corps of Engineers (USACE), Fort Worth District, which will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act (NHPA)and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate consultation with appropriate, federally-recognized tribes who historically used and/or continue to use the area.

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Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosure(s)

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

DEC 3 1 2007

The Honorable Billy Evans Horse, Chairman
Kiowa Tribe of Oklahoma
Highway 9 West
Carnegie, Oklahoma 73015

Subject: Supplemental Environmental Assessment (SEA) for Proposed Construction, Operation, and Maintenance of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol El Paso Sector, Deming Station, New Mexico

Dear Chairman Horse:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing a Supplemental Environmental Assessment (SEA) to address the potential environmental impacts and feasibility of constructing, operating, and maintaining tactical infrastructure in two segments totaling approximately 24.5 miles in length within USBP El Paso Sector, Deming Station, New Mexico. In preparing the SEA, CBP will be working directly with the U.S. Army Corps of Engineers (USACE), Fort Worth District, which will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act (NHPA)and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate consultation with appropriate, federally-recognized tribes who historically used and/or continue to use the area.

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Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosure(s)

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

DEC 3 1 2007

The Honorable Mark Chino, President
Mescalero Apache Tribe
124 Chiricahua Plaza
Mescalero, New Mexico 88340

Subject: Supplemental Environmental Assessment (SEA) for Proposed Construction, Operation, and Maintenance of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol El Paso Sector, Deming Station, New Mexico

Dear President Chino:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing a Supplemental Environmental Assessment (SEA) to address the potential environmental impacts and feasibility of constructing, operating, and maintaining tactical infrastructure in two segments totaling approximately 24.5 miles in length within USBP El Paso Sector, Deming Station, New Mexico. In preparing the SEA, CBP will be working directly with the U.S. Army Corps of Engineers (USACE), Fort Worth District, which will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act (NHPA)and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate consultation with appropriate, federally-recognized tribes who historically used and/or continue to use the area.

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Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosure(s)

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

DEC 3 1 2007

The Honorable Dallas Massey, Sr., Chairman
White Mountain Apache Tribe Council
202 East Walnut Street
Whiteriver, Arizona 85941

Subject: Supplemental Environmental Assessment (SEA) for Proposed Construction, Operation, and Maintenance of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol El Paso Sector, Deming Station, New Mexico

Dear Chairman Massey:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing a Supplemental Environmental Assessment (SEA) to address the potential environmental impacts and feasibility of constructing, operating, and maintaining tactical infrastructure in two segments totaling approximately 24.5 miles in length within USBP El Paso Sector, Deming Station, New Mexico. In preparing the SEA, CBP will be working directly with the U.S. Army Corps of Engineers (USACE), Fort Worth District, which will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act (NHPA)and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate consultation with appropriate, federally-recognized tribes who historically used and/or continue to use the area.

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Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosure(s)

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

October 10, 2007

Planning, Environmental and
Regulatory Division

Subject: Customs and Border Protection (CBP), Office of Border Patrol (OBP) Cultural Resources Survey for Tactical Infrastructure, Deming Station, Deming, New Mexico.

Mr. David C. Eck
Trust Land Archaeologist
New Mexico State Land Office
P.O. Box 1148
Santa Fe, New Mexico 87504

Dear Mr. Eck:

On behalf of the U.S. Customs and Border Protection (CBP) and the U.S. Border Patrol, El Paso Sector, please find enclosed three (3) copies of the revised Final Cultural Resources Survey of Proposed Border Protection Access Roads, Equipment Staging Areas, and Border Improvements in Luna and Hidalgo Counties, New Mexico.

This document contains the revisions requested by Ms. Lisa M. Meyer, New Mexico State Historic Preservation Office, through an email to Ms. Nancy Parrish of my staff on June 19, 2007. These revisions also address comments provided by the Bureau of Land Management (BLM) and the New Mexico State lands Office (SLO). This revised final document, along with revised Laboratory of Anthropology (LA) site forms that are provided in Volume II, are being provided to you for your Administrative Record.

The revisions address site determinations for BLM and SLO managed sites. Below is a summary of the revisions made to the document based upon BLM and SLO comments:

- BLM disagreed with the site determination that site LA 125755 is eligible and recommended a determination of "not eligible".

- SLO did not concur with the ineligibility determinations for two sites LA 50343 and 125756 and considered them "undetermined", contending that they must be treated as "eligible".

- SLO asked for more information, concerning LA 154850 about the protection of the site's values or for additional documentation. In order to mitigate potential effect it was agreed that the site would be tested if avoidance could not occur.

Revisions to the enclosed document were made to the following sections.

- EVALUATION AND STATEMENT OF SIGNIFICANCE- updated the determinations and recommendations of LA 125755, 50343, 125756, and 154850
- TABLE 74- (updated accordingly)
- APPENDIX B- revised the respective LA site forms

We thank you for your participation in the Section 106 consultation process and appreciate your comments on the document. If you have any questions, please call Ms. Nancy Parrish (817) 886-1725.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures:

Copy furnished w/o enclosure
Ms. Katherine Slick, Director
Department of Cultural Affairs
Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

October 10, 2007

Planning, Environmental and
Regulatory Division

Subject: Customs and Border Protection (CBP), Office of Border Patrol (OBP) Cultural Resources Survey for Tactical Infrastructure, Deming Station, Deming, New Mexico.
SHPO Log 80645

State Historic Preservation Officer
Katherine Slick, Director
Attn: Ms. Lisa Myer
Department of Cultural Affairs
Historic Preservation Division
228 East Palace Ave, Room 320
Santa Fe, NM 87501

Dear Ms. Slick:

On behalf of the U.S. Customs and Border Protection (CBP) and the U.S. Border Patrol, El Paso Sector, please find enclosed a copy of the revised Final Cultural Resources Survey of Proposed Border Protection Access Roads, Equipment Staging Areas, and Border Improvements in Luna and Hidalgo Counties, New Mexico.

This document contains the revisions requested by Ms. Lisa M. Meyer, of your office, through an email to Ms. Nancy Parrish of my staff on June 19, 2007. These revisions also address comments provided by the Bureau of Land Management (BLM) and the New Mexico State lands Office (SLO). This revised final document, along with revised Laboratory of Anthropology (LA) site forms that are provided in Volume II, are being provided to you for your Administrative Record.

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Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures:

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

October 10, 2007

Planning, Environmental and
Regulatory Division

Subject: Customs and Border Protection (CBP), Office of Border Patrol (OBP) Cultural Resources Survey for Tactical Infrastructure, Deming Station, Deming, New Mexico.

Tom Holcomb, Cultural Resources
Bureau of Land Management
Las Cruces Field Office
1800 Marquess Street
Las Cruces, NM 88005-3371

Dear Mr. Holcomb:

On behalf of the U.S. Customs and Border Protection (CBP) and the U.S. Border Patrol, El Paso Sector, please find enclosed five (5) copies of the revised Final Cultural Resources Survey of Proposed Border Protection Access Roads, Equipment Staging Areas, and Border Improvements in Luna and Hidalgo Counties, New Mexico.

This document contains the revisions requested by Ms. Lisa M. Meyer, New Mexico State Historic Preservation Office, through an email to Ms. Nancy Parrish of my staff on June 19, 2007. These revisions also address comments provided by the Bureau of Land Management (BLM) and the New Mexico State lands Office (SLO). This revised final document, along with revised Laboratory of Anthropology (LA) site forms that are provided in Volume II, are being provided to you for your Administrative Record.

The revisions address site determinations for BLM and SLO managed sites. Below is a summary of the revisions made to the document based upon BLM and SLO comments:

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We thank you for your participation in the Section 106 consultation process and appreciate your comments on the document. If you have any questions, please call Ms. Nancy Parrish (817) 886-1725.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures:

Copy furnished w/o enclosure
Ms. Katherine Slick, Director
Department of Cultural Affairs
Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

October 10, 2007

Planning, Environmental and
Regulatory Division

Subject: Customs and Border Protection (CBP), Office of Border Patrol (OBP) Cultural Resources Survey for Tactical Infrastructure, Deming Station, Deming, New Mexico.

The Honorable Arturo Senclair, Governor
Ysleta del Sur Pueblo
119 S Old Pueblo Road
PO Box 17579, Ysleta Station
El Paso, TX 79917

Dear Governor Senclair,

In a letter dated March 12, 2007, the US Army Corps of Engineers, Fort Worth District, on behalf of the U.S. Customs and Border Protection, provided you a copy of a draft cultural resources report for the tactical infrastructure (TI) proposed for the Deming, NM Sector of the Office of Border Patrol.

A cultural resources inventory was conducted along the entire proposed construction corridor, including construction easements and staging areas that will only be used during construction and not as part of the permanent TI. The survey covered a total of 756 acres, which includes a 50 to 100-foot buffer around known sites as required by the BLM.

At this time, we are pleased to submit a finalized copy of that cultural resources report for your files. We appreciate your participation in the Section 106 process for this undertaking and we look forward to working with you in the future.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosure:

Copy furnished w/o enclosure
Ms. Katherine Slick, Director
Department of Cultural Affairs
Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

October 10, 2007

Planning, Environmental and
Regulatory Division

Subject: Customs and Border Protection (CBP), Office of Border Patrol (OBP) Cultural Resources Survey for Tactical Infrastructure, Deming Station, Deming, New Mexico.

Honorable Jeff Houser, Chairman
Ft. Sill Apache Tribe
Attn: Mr. Leland Darrow
2 Miles north of Apache on HWY 281
Apache, Oklahoma 73006

Dear Chairman Houser,

In a letter dated March 12, 2007, the US Army Corps of Engineers, Fort Worth District, on behalf of the U.S. Customs and Border Protection, provided you a copy of a draft cultural resources report for the tactical infrastructure (TI) proposed for the Deming, NM Sector of the Office of Border Patrol.

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Department of Cultural Affairs
Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

October 10, 2007

Planning, Environmental and
Regulatory Division

Subject: Customs and Border Protection (CBP), Office of Border Patrol (OBP) Cultural Resources Survey for Tactical Infrastructure, Deming Station, Deming, New Mexico.

Honorable Billy Evans Horse, Chairman
Kiowa Tribe of Oklahoma
Hwy 9 West
Carnegie, OK 73015

Dear Chairman Evans Horse

In a letter dated March 12, 2007, the US Army Corps of Engineers, Fort Worth District, on behalf of the U.S. Customs and Border Protection, provided you a copy of a draft cultural resources report for the tactical infrastructure (TI) proposed for the Deming, NM Sector of the Office of Border Patrol.

A cultural resources inventory was conducted along the entire proposed construction corridor, including construction easements and staging areas that will only be used during construction and not as part of the permanent TI. The survey covered a total of 756 acres, which includes a 50 to 100-foot buffer around known sites as required by the BLM.

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Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosure:

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Department of Cultural Affairs
Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

October 10, 2007

Planning, Environmental and
Regulatory Division

Subject: Customs and Border Protection (CBP), Office of Border Patrol (OBP) Cultural Resources Survey for Tactical Infrastructure, Deming Station, Deming, New Mexico.

Honorable Wallace Coffey, Chairman
Comanche Nation
Attn: Ms. Ruth Toahty
584 NW Bingo Rd
HC 32 Box 908
Lawton, Oklahoma 73502

Dear Chairman Coffey,

In a letter dated March 12, 2007, the US Army Corps of Engineers, Fort Worth District, on behalf of the U.S. Customs and Border Protection, provided you a copy of a draft cultural resources report for the tactical infrastructure (TI) proposed for the Deming, NM Sector of the Office of Border Patrol.

A cultural resources inventory was conducted along the entire proposed construction corridor, including construction easements and staging areas that will only be used during construction and not as part of the permanent TI. The survey covered a total of 756 acres, which includes a 50 to 100-foot buffer around known sites as required by the BLM.

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Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosure:

Copy furnished w/o enclosure
Ms. Katherine Slick, Director
Department of Cultural Affairs
Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

October 10, 2007

Planning, Environmental and
Regulatory Division

Subject: Customs and Border Protection (CBP), Office of Border Patrol (OBP) Cultural Resources Survey for Tactical Infrastructure, Deming Station, Deming, New Mexico.

Honorable Mark Chino, President
Mescalero Apache Tribe
Attn: Ms. Holly Houghten, Cultural Affairs Office
124 Chiricahua Plaza
Mescalero, New Mexico 88340

Dear President Chino,

In a letter dated March 12, 2007, the US Army Corps of Engineers, Fort Worth District, on behalf of the U.S. Customs and Border Protection, provided you a copy of a draft cultural resources report for the tactical infrastructure (TI) proposed for the Deming, NM Sector of the Office of Border Patrol.

A cultural resources inventory was conducted along the entire proposed construction corridor, including construction easements and staging areas that will only be used during construction and not as part of the permanent TI. The survey covered a total of 756 acres, which includes a 50 to 100-foot buffer around known sites as required by the BLM.

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Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosure:

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Department of Cultural Affairs
Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

October 10, 2007

Planning, Environmental and
Regulatory Division

Subject: Customs and Border Protection (CBP), Office of Border Patrol (OBP) Cultural Resources Survey for Tactical Infrastructure, Deming Station, Deming, New Mexico.

Honorable Ronnie Lupe, Chairman
White Mountain Apache Tribal Council
Attn: Mark T. Altaha, THPO
202 East Walnut Street
Whiteriver, AZ 85941

Dear Chairman Lupe,

In a letter dated March 12, 2007, the US Army Corps of Engineers, Fort Worth District, on behalf of the U.S. Customs and Border Protection, provided you a copy of a draft cultural resources report for the tactical infrastructure (TI) proposed for the Deming, NM Sector of the Office of Border Patrol.

A cultural resources inventory was conducted along the entire proposed construction corridor, including construction easements and staging areas that will only be used during construction and not as part of the permanent TI. The survey covered a total of 756 acres, which includes a 50 to 100-foot buffer around known sites as required by the BLM.

At this time, we are pleased to submit a finalized copy of that cultural resources report for your files. We appreciate your participation in the Section 106 process for this undertaking and we look forward to working with you in the future.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosure:

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Ms. Katherine Slick, Director
Department of Cultural Affairs
Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

081394

June 5, 2007

Planning, Environmental and
Regulatory Division

Subject: Customs and Border Protection (CBP), Office of Border Patrol (OBP) Cultural Resources Survey for Tactical Infrastructure, Deming Station, Deming, New Mexico.
SHPO Log 80645

Ms. Katherine Slick, Director
Department of Cultural Affairs
Attn: Ms. Lisa Meyer
Historic Preservation Division
228 East Palace Ave, Room 320
Santa Fe, NM 87501

Dear Ms Slick,

In a letter dated March 8, 2006, the US Army Corps of Engineers, Fort Worth District, acting on behalf of the U.S. Customs and Border Protection, Office of Border Patrol, notified you of our intent to prepare an Environmental Assessment to address the potential effects of the proposed installation, operation and maintenance of various proposed tactical infrastructure (TI) (e.g., physical barriers, roads, and lighting) in the El Paso Sector, Deming Station Area of Operation. Again, the Office of Border Patrol is the sole proponent of this project, however, the USACE is acting on their behalf for completion of Section 106 consultation.

The proposed TI entails improving approximately 58 miles of existing patrol roads to an all-weather surface, construction of associated drag roads, and construction of ancillary structures as needed (i.e., low water crossings and culverts). Other TI components include improvements to 16 miles of border access roads, construction of 35 miles of permanent vehicle barriers, 3 miles of pedestrian barrier fencing near the Columbus Port-of-entry, and 20 miles of permanent pole-mounted lights. The individual components, when combined, would create an enforcement corridor approximately 100 feet wide.

A cultural resources inventory was conducted along the entire proposed construction corridor, including construction easements and staging areas that will only be used during construction and not as part of the permanent TI. The survey covered a

total of 756 acres, which includes a 50 to 100-foot buffer around known sites as required by the BLM. Enclosed is a copy of the report for your review and comment.

Thirty-one previously recorded sites were revisited and their site records were updated and five new sites were identified during the current survey. Some sites were combined as a result of the survey, therefore, a total of 34 sites are discussed rather than thirty-six. In regard to the findings of the cultural resources report, the Fort Worth District has made determinations which are summarized below. We have received comments and concurrence on these findings from both the State Land Office and the BLM for lands that they manage (enclosed). Both the SLO and the BLM concur with our determinations. The only exception is on site LA 125755 which the BLM does *not* agree is eligible for the NRHP. We have agreed to make changes to the text in response to comments by State Land Office archaeologist, Mr. David Eck.

A list summarizing the site numbers and determinations, drawn from Table 74 of the report, is attached for your reference:

1. Five of the 34 sites have been determined to be ineligible for inclusion on the National Register of Historic Places and require no further coordination (see attached summary of site eligibility for site numbers). In general, these sites are recommended ineligible for their relatively small, non diagnostic artifact assemblages, lack of features, and poor soil context for subsurface deposits. These sites hold little potential to yield information from further investigations. Details on each site are included in the enclosed report.
2. Impacts to 11 of the sites recommended eligible for inclusion in the National Register of Historic Places will be avoided (see attached summary for site numbers). These sites were identified in areas planned for construction staging and/or turnaround locations. Because of the presence of the sites, the construction features were moved to locations where no sites are present. Since the undertaking will have no affect on these properties, we have determined that no further coordination on these sites is required.
3. A portion of each of 17 sites, which have been determined eligible during previous investigations, and of one site that is of undetermined eligibility, is within the proposed construction Area of Potential Effect (see attached list for site numbers). Because these sites are larger than the construction corridor, our activities will only impact part of each of these 18 sites. We recommend investigating the portion of these sites that will be impacted to determine if that section is a contributing element to the site's eligibility.

At this time we ask for your concurrence with these determinations and welcome any comments you have on the enclosed report. We would like to discuss our plans to test portions of the sites that will be impacted with you and with Mr. Tom Holcomb of the BLM, Las Cruces District Office, at your earliest convenience. I will contact your office separately to set up a meeting.

In the meantime, due to national security concerns, we are under pressure to accelerate our construction schedule. To ensure we can complete this project in a timely manner, in early May we commenced construction in those areas of the project corridor

that are not in proximity to known cultural resources. We have a professional archaeologist on site to monitor construction to ensure no cultural resources are impacted in accordance with the 1991 Programmatic Agreement signed by your office, the BLM USACE, and the Border Patrol. In addition, we will have the known sites delineated and surrounded by construction safety fence installed to include a 50-foot buffer to prevent troops from inadvertently impacting any known resources. Construction will be limited to at least 100 feet from the safety fence. Construction is currently limited to BLM lands and Mr. Holcomb has expressed satisfaction with the presence of a monitor on site during construction.

Finally, I have enclosed copies of all correspondence we have received to date from the tribes we are consulting for this project for your records. If you have any questions or comments on the enclosed report or any other aspect of this project, please do not hesitate to call Ms. Nancy Parrish at (817) 886-1725 or via email at nancy.a.parrish@swf02.usace.army.mil.

Sincerely,

Mark C. Harburg

For William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

COMMENTS

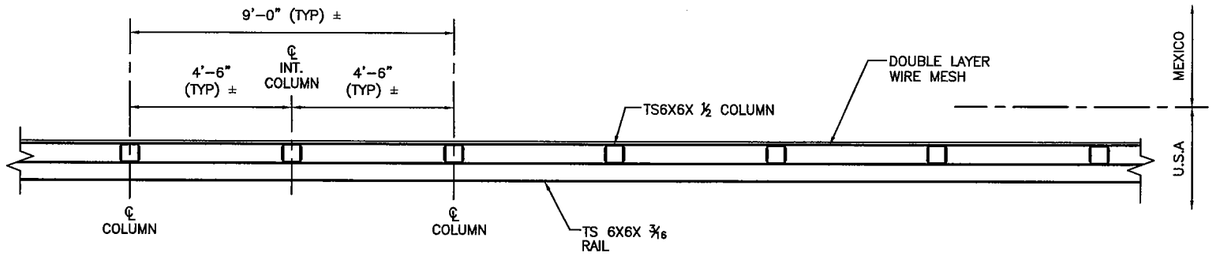
Lisa M. Meyer 8/3/07
for NM State Historic Preservation Officer

This undertaking has the potential to adversely affect historic properties. We concur with avoidance and monitoring measures. Testing is recommended for 17 sites. We look forward to receiving a testing plan. Site eligibility determinations are shown in the attached table - based on BLM & SLO consultations. This table differs slightly from your table.

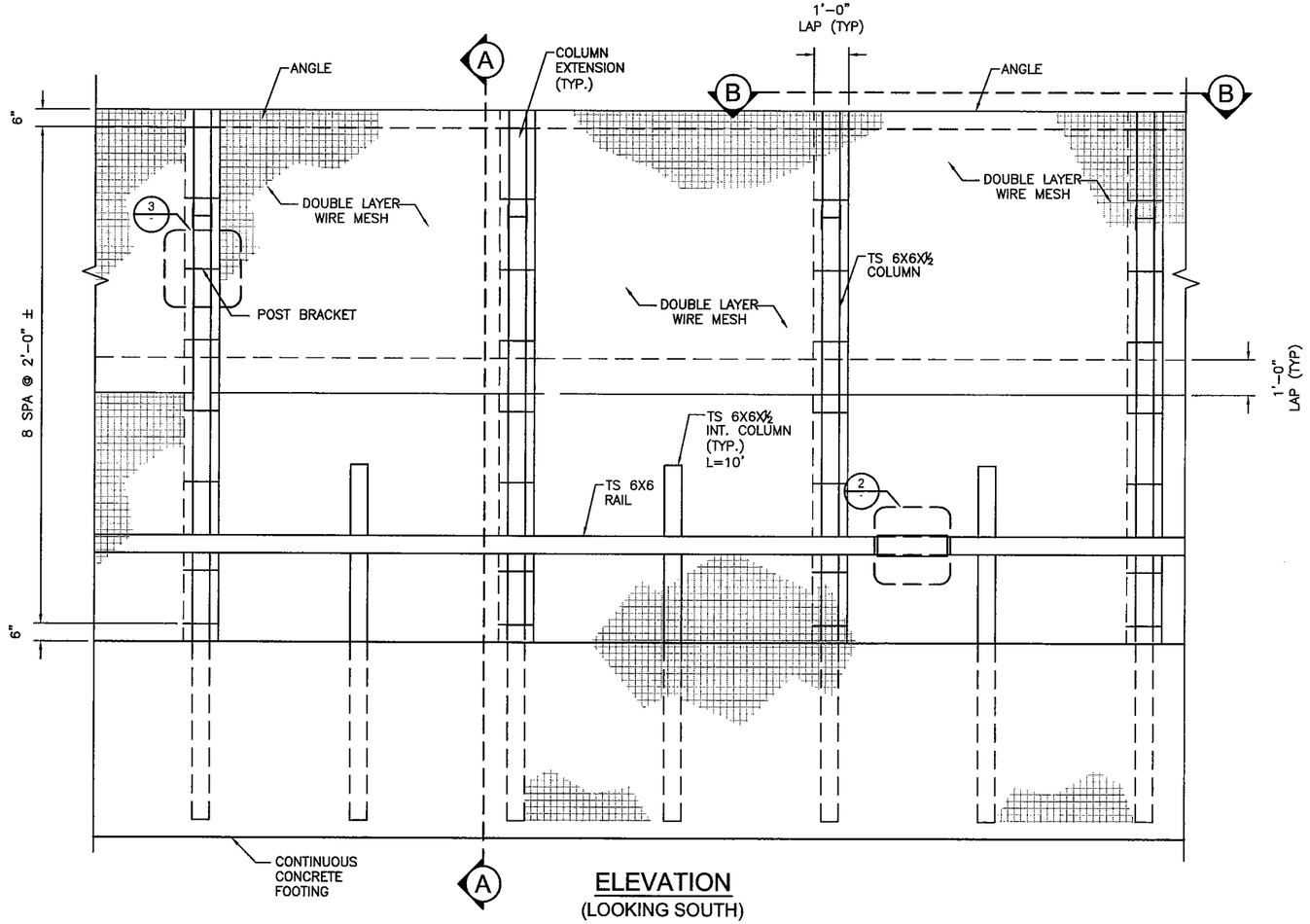
cc: BLM - Las Cruces, Tom Holcomb
SLO - David Eck

Site – LA number	Eligibility
50343	**Undetermined**
85782	Not Eligible
85783	Not Eligible – **This is part of 85779/85780/85781/85783 which is Eligible; please explain**
125754	Not Eligible
125756	**Undetermined**
136115	Not Eligible
54882	Yes
76114/125752	Yes
85768	Yes
85766/100706	Yes
100707	Yes
125755	**Not Eligible**
154849	Yes
154850	Yes
154851	Yes
154852	Yes
154853	Yes
85775	**Not Eligible**
35226/85076	Yes
85077	Yes
85078	Yes
85764	Yes
85765	Yes
85769	Yes
85770	Yes
85771	Yes
85772	Yes
85773	Yes
85774	Yes
85776	Yes
85777	Yes
85778	**Not Eligible**
85779/85780/85781/**85783**	Yes
85797	**Not Eligible**
125753	Yes

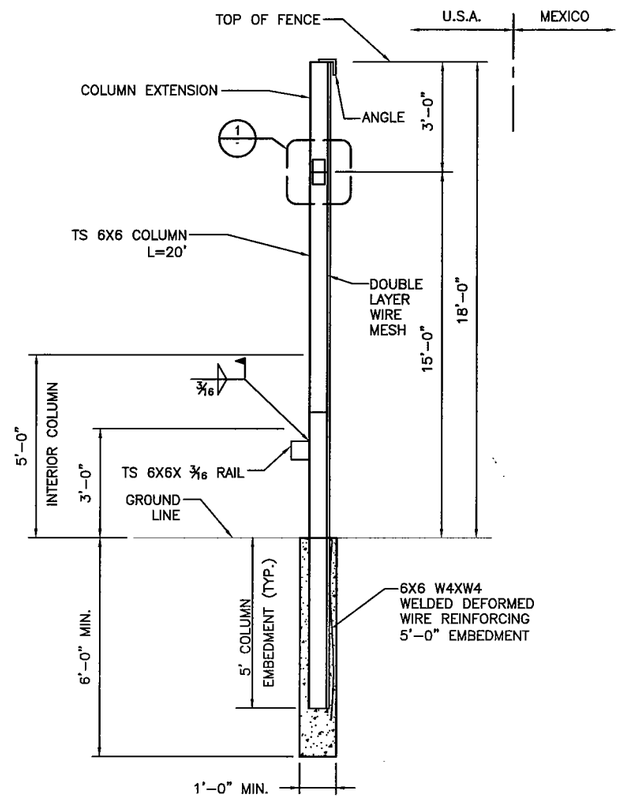
APPENDIX B
Examples of Potential Fence Designs



PLAN VIEW



ELEVATION
(LOOKING SOUTH)



SECTION A-A

NOTES:
1. VALID FOR 90 MPH WIND.

2. FOUNDATION DETAILS SHOWN REPRESENT MINIMUM DIMENSIONAL REQUIREMENTS AND SHALL BE INCREASED IF NECESSARY BASED ON FOUNDATION DESIGN.

US Army Corps of Engineers
Fort Worth District

Mark	Description	Date	Appr.

SCHEMATIC NOT FOR CONSTRUCTION

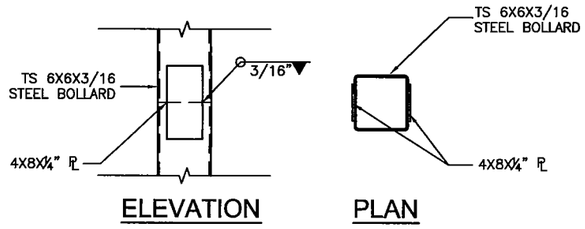
Baker
MICHAEL BAKER JR., INC
ASU RIVER PARK
2999 NORTH 44TH STREET, SUITE 600
PHOENIX, AZ 85012

Date:	
Rev.	
Submitted by:	Michael Baker Jr., Inc.
Plot date:	11/18/07
Baker Project No:	112319
Designed by:	KAS
Drwn by:	KAS/MC
Ckd by:	JWB
Reviewed by:	TQ

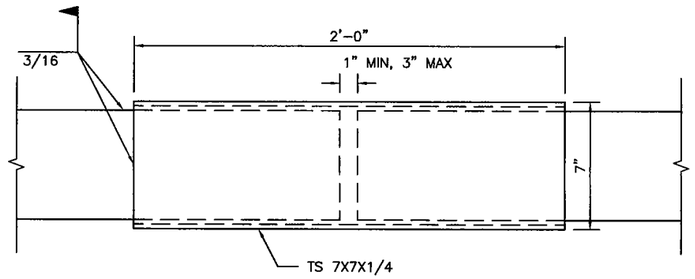
PF225 CONCEPTUAL FENCE DESIGNS

PERSONNEL - VEHICLE TYPE 2A

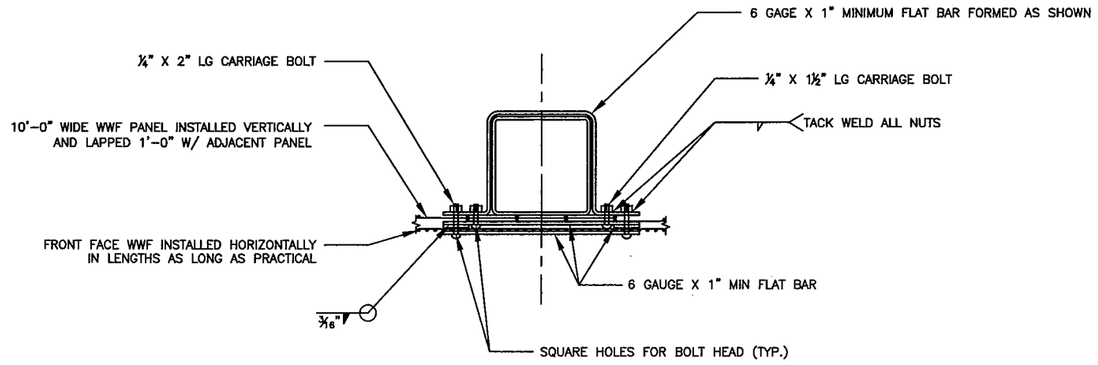
SHEET REFERENCE NUMBER
PV-2A



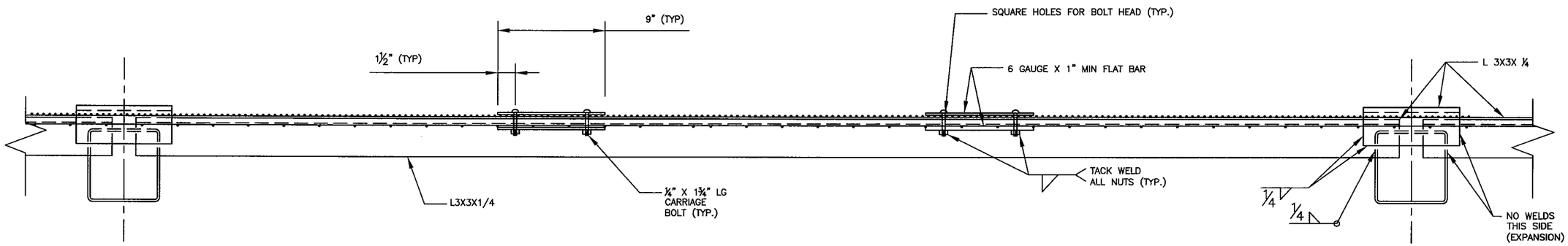
DETAIL 1
OPTIONAL SPLICE



DETAIL 2
RAIL SPLICE (36' MAX SPACE)



DETAIL 3
POST BRACKET



SECTION B-B
TOP HORIZONTAL RAIL DETAIL

US Army Corps of Engineers
Fort Worth District

Mark	Description	Date	Appr.

SCHEMATIC
NOT FOR
CONSTRUCTION

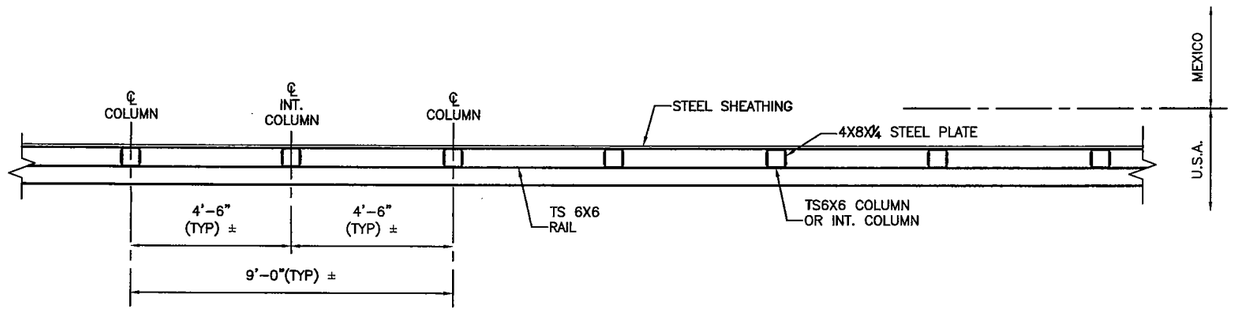
Baker
MICHAEL BAKER JR., INC
2929 NORTH CENTRAL AVENUE
SUITE 600
PHOENIX, AZ 85012

Designed by: KAS	Date:	Rev.
Drawn by: KAS	Ckd by: JWB	Submitted by: Michael Baker Jr., Inc.
Reviewed by: TQ		Plot date: 11/18/07
		Baker Project No: 112319

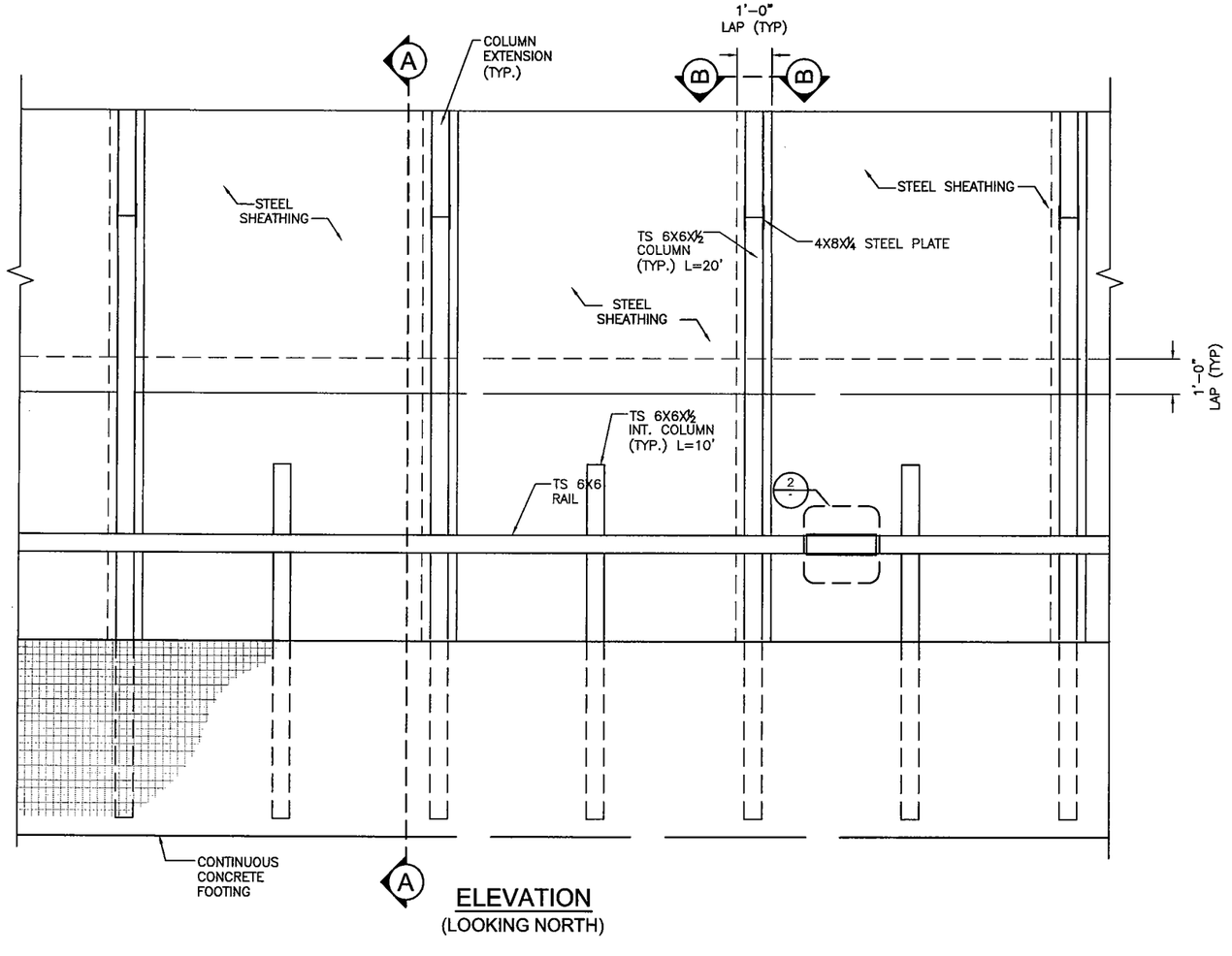
PF225
CONCEPTUAL
FENCE
DESIGNS

PERSONNEL -
VEHICLE
TYPE 2A

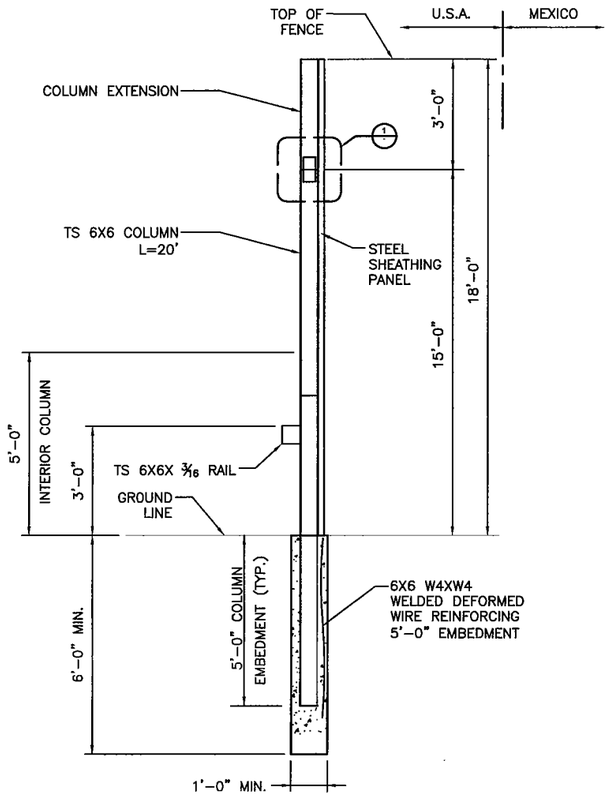
SHEET NOTEBACK NUMBER
PV-2A



PLAN VIEW



ELEVATION
(LOOKING NORTH)



SECTION A-A

NOTE:
1. VALID FOR 90 MPH WIND

2. FOUNDATION DETAIL REQUIREMENTS SHOWN REPRESENT MINIMUM DIMENSIONS. FOUNDATION DESIGN REQUIRED BASED ON SITE SPECIFIC SOIL PROPERTIES.

US Army Corps of Engineers
Fort Worth District

SCHEMATIC NOT FOR CONSTRUCTION

Baker
MICHAEL BAKER JR., INC
2929 NORTH CENTRAL AVENUE
SUITE 800
PHOENIX, AZ 85012

Mark	Description	Appr.

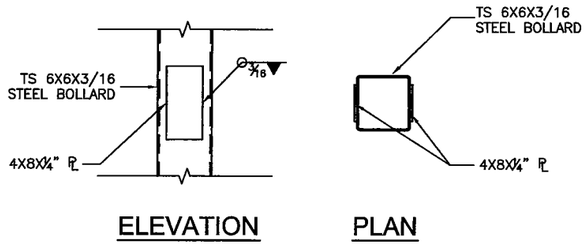
Designed by: KAS	Date:	Submitted by: Michael Baker Jr., Inc.	Baker Project No: 112319
Dwn by: MC	Ckd by: JWB	Plot date: 11/18/07	Rev.
Reviewed by: TQ			

PF225 CONCEPTUAL FENCE DESIGNS

PERSONNEL - VEHICLE TYPE 2B

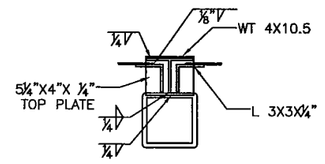
SHEET REFERENCE NUMBER
PV-2B

I:\projects\usace\pf225\drawings\acad 2006\pv-2b-1.dwg

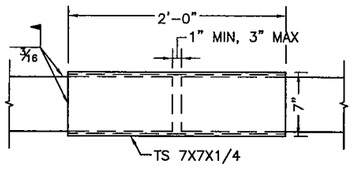


ELEVATION PLAN

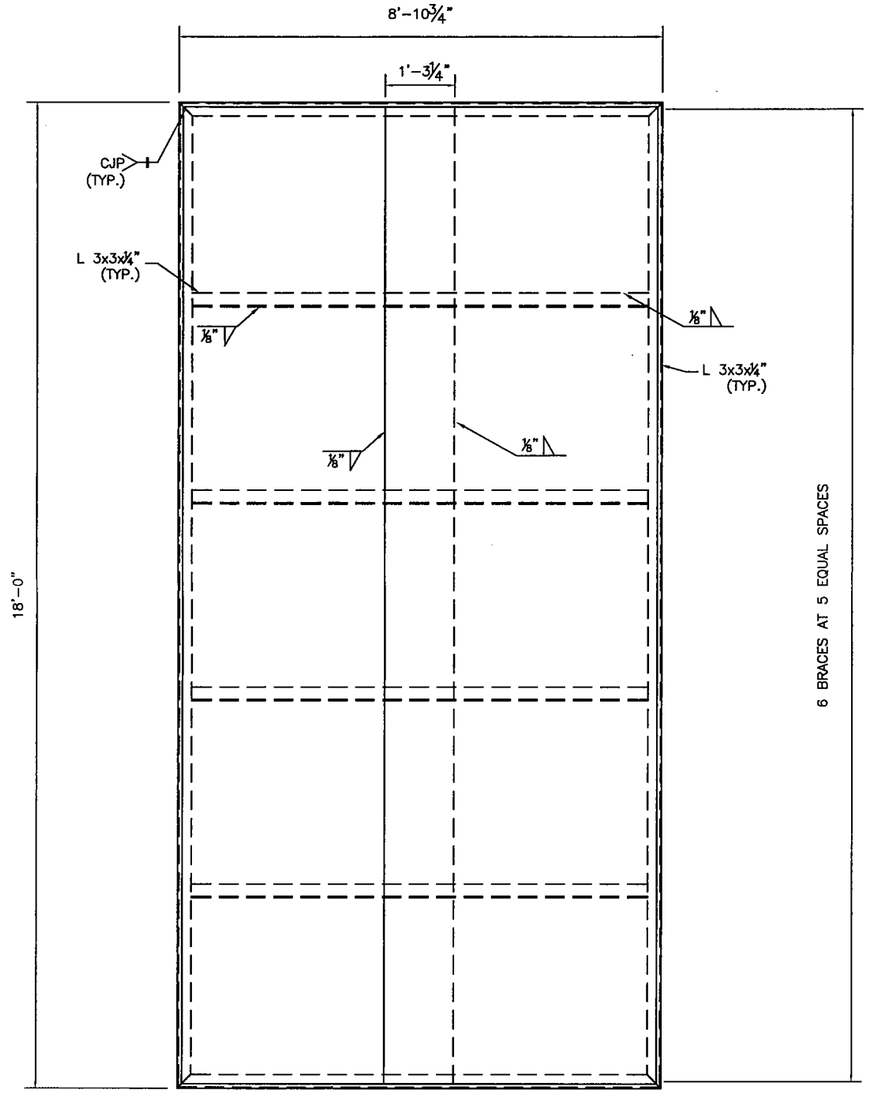
DETAIL 1
OPTIONAL SPLICE



SECTION B-B



DETAIL 2
RAIL SPLICE (36' MAX SPACE)



STANDARD STEEL SHEATHING PANEL

US Army Corps of Engineers
Fort Worth District

Mark	Description	Date

SCHEMATIC
NOT FOR
CONSTRUCTION

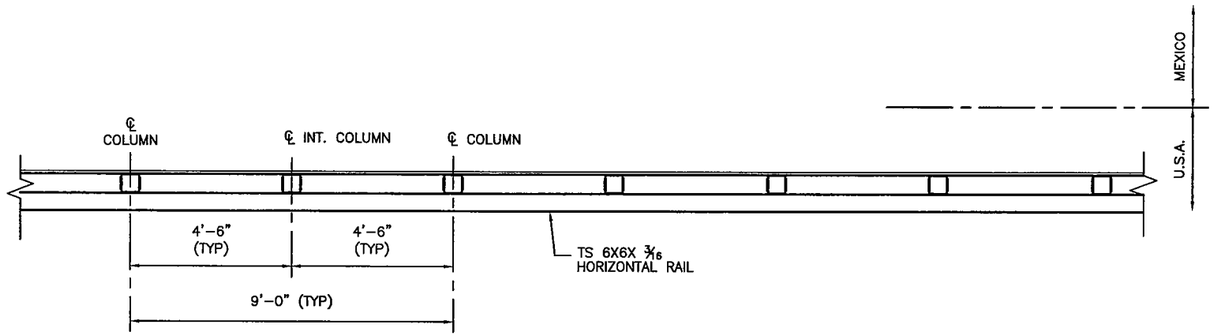
Baker
MICHAEL BAKER JR., INC
2609 NORTH GREENFIELD ROAD
SUITE 600
PHOENIX, AZ 85012

Designed by: KAS	Date:
Drwn by: KAS	Ckd by: JWB
Reviewed by: TQ	Submitted by: Michael Baker Jr., Inc.
Rev.	Plot date: 11/18/07
	Baker Project No: 112319

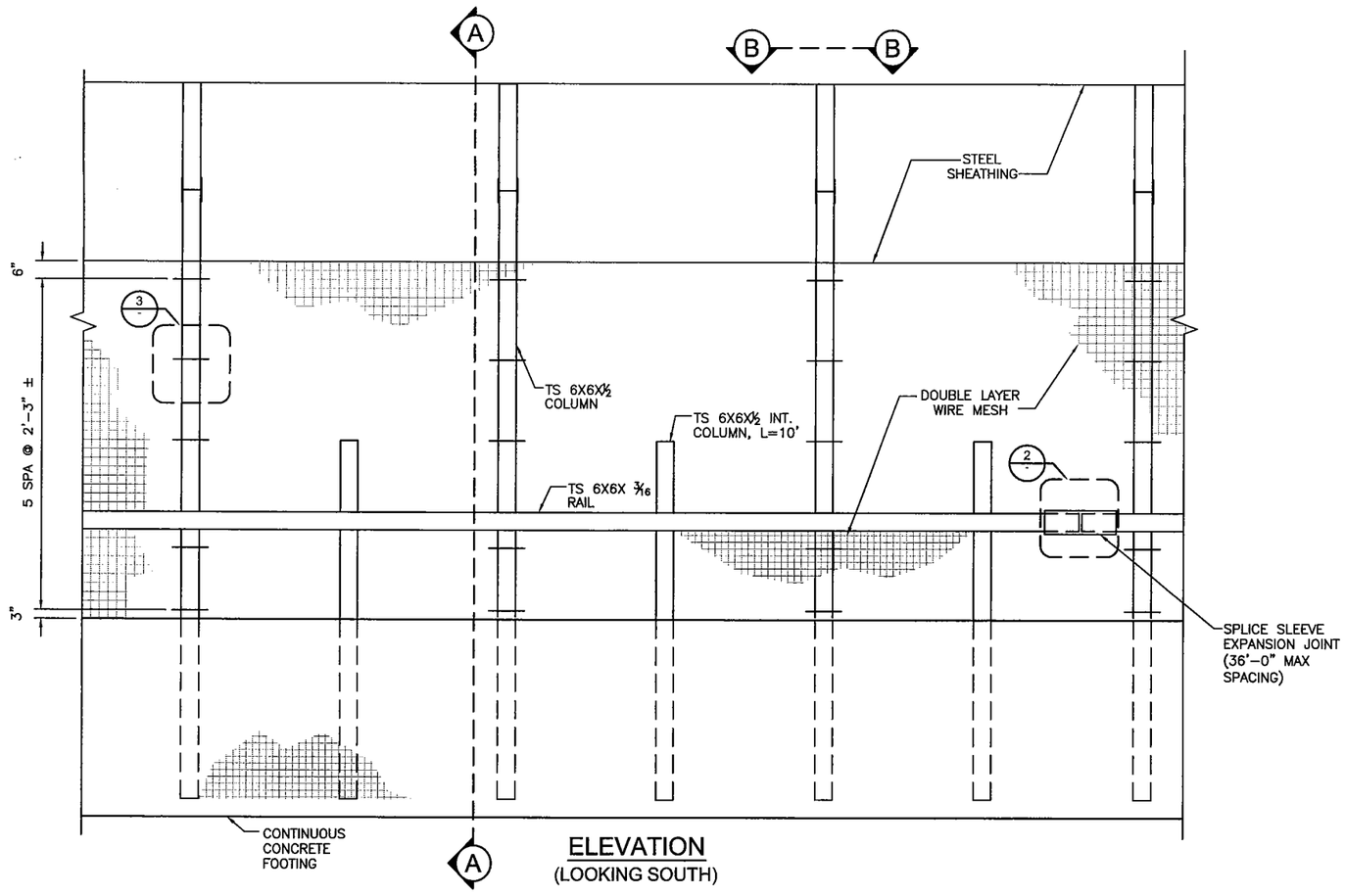
PF225
CONCEPTUAL
FENCE
DESIGNS

PERSONNEL -
VEHICLE
TYPE 2B

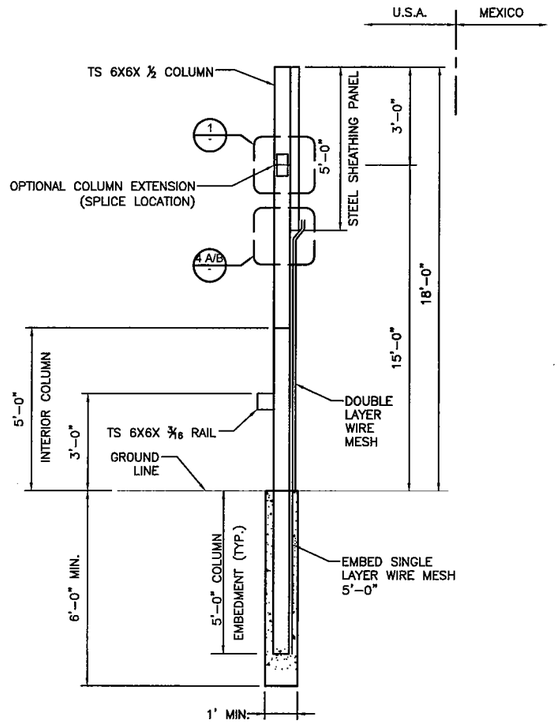
SHEET REFERENCE NUMBER
PV-2B



PLAN VIEW



ELEVATION
(LOOKING SOUTH)



SECTION A-A

NOTE:
1. DESIGN VALID FOR 90 MPH WIND

2. FOUNDATION DETAIL REQUIREMENTS SHOWN REPRESENT MINIMUM DIMENSIONS AND MAY NEED INCREASED BASED ON FOUNDATION DESIGN.

US Army Corps of Engineers
Fort Worth District

SCHEMATIC NOT FOR CONSTRUCTION

Baker
MICHAEL BAKER JR., INC
2929 NORTH CENTRAL AVENUE SUITE 800
PHOENIX, AZ 85012

Mark	Description	Date	Appr.

Designed by: RB
Drwn by: JN
Checked by: TEQ
Reviewed by: DJL
Date:
Rev.
Submitted by: Michael Baker Jr., Inc.
Plot date: 11/18/07
Baker Project No: 112319

PF225 CONCEPTUAL FENCE DESIGNS

PERSONNEL - VEHICLE TYPE 2C

SHEET NOTEBOOK NUMBER
PV-2C

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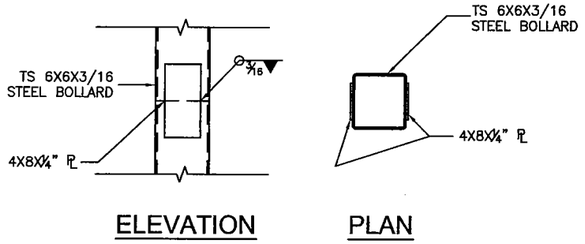
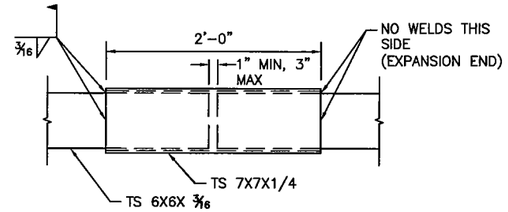
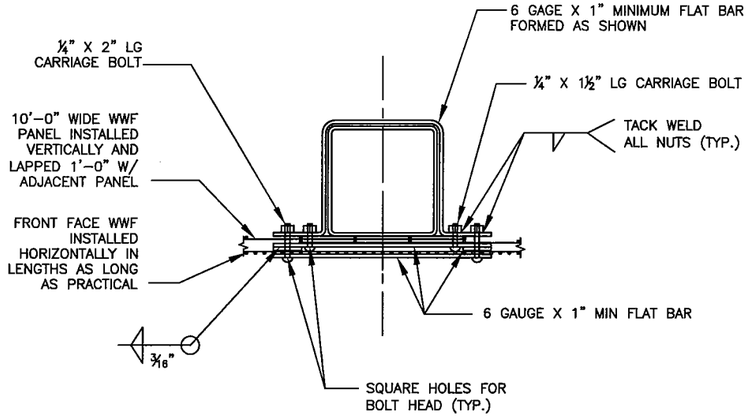


ELEVATION PLAN

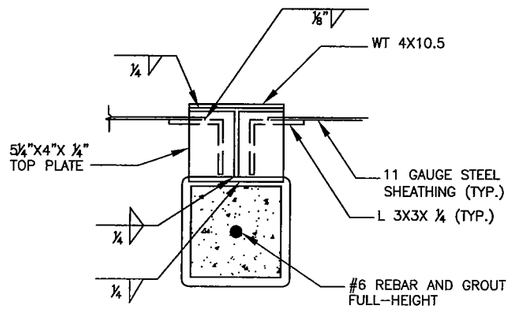
DETAIL1
OPTIONAL COLUMN SPLICE



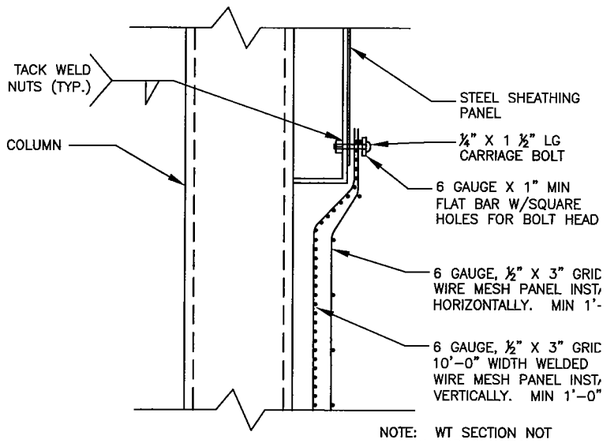
DETAIL 2
HORIZONTAL RAIL EXPANSION JOINT
36'-0" MAXIMUM SPACING



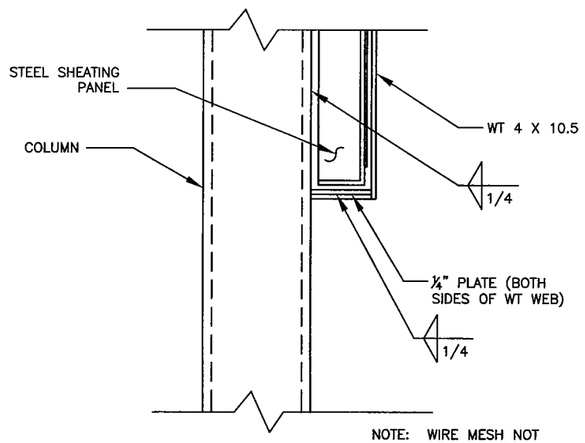
DETAIL3
POST BRACKET



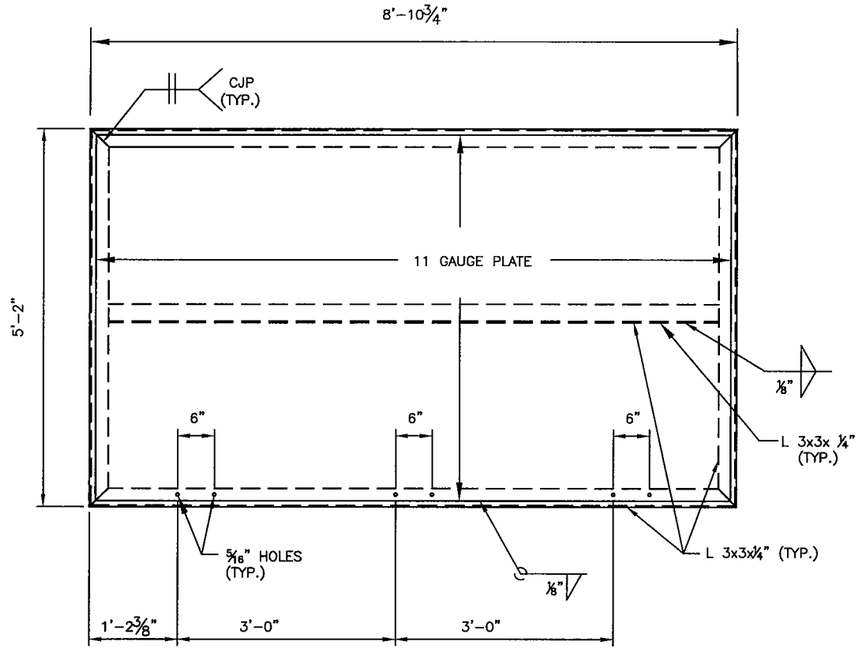
SECTION B-B



DETAIL 4 (A)
MESH - STEEL SHEATING PANEL ATTACHMENT BETWEEN COLUMNS



DETAIL 4 (B)
STEEL SHEATING PANEL SUPPORT (AT COLUMNS)



STEEL SHEATHING PANEL DETAIL

US Army Corps of Engineers
Fort Worth District

Mark	Description	Date	Appr.

SCHEMATIC NOT FOR CONSTRUCTION

Baker
MICHAEL BAKER JR., INC
2929 NORTH CENTRAL AVENUE
SUITE 900
PHOENIX, AZ 85012

Designed by: RB	Date:	Rev.	
Drwn by: JN	Chkd by: TEQ	Submitted by: Michael Baker Jr., Inc.	
Reviewed by: DJL		Plot date: 11/18/07	Baker Project No: 1112319

PF225 CONCEPTUAL FENCE DESIGNS

PERSONNEL - VEHICLE TYPE 2C

SHEET REFERENCE NUMBER
PV-2C

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APPENDIX C
Memorandum of Understanding

Memorandum of Understanding
Among
U. S. Department of Homeland Security
and
U. S. Department of the Interior
and
U. S. Department of Agriculture
Regarding
Cooperative National Security and Counterterrorism
Efforts on Federal Lands along the United States' Borders

I. Purpose and Scope

A. This Memorandum of Understanding (MOU) is made and entered into by the Department of Homeland Security (DHS), including and on behalf of its constituent bureau U.S. Customs and Border Protection (CBP) and the CBP Office of Border Patrol (CBP-BP); the Department of the Interior (DOI), including and on behalf of its constituent bureaus, the National Park Service (NPS), U.S. Fish and Wildlife Service (FWS), Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM), and the Bureau of Reclamation (BOR); and the Department of Agriculture (USDA), including and on behalf of its constituent agency the U.S. Forest Service (USFS). Throughout this MOU, these three Departments, including their constituent agencies, may be referred to as "the Parties." Any reference to a bureau, agency, or constituent component of a Party shall not be deemed to exclude application to any appropriate bureau or constituent component of that Party. DHS recognizes that the BIA enters into this agreement only on its own behalf and not on behalf of any Indian tribe.

B. The geographic and jurisdictional scope of this MOU is nationwide. The Parties recognize the national security and counterterrorism significance of preventing illegal entry into the United States by cross-border violators (CBVs), including but not limited to the following: drug and human smugglers and smuggling organizations, foreign nationals, and terrorists and terrorist organizations. The Parties further recognize that damage to DOI and USDA-managed lands and natural and cultural resources is often a significant consequence of such illegal entry. The Parties are committed to preventing illegal entry into the United States, protecting Federal lands and natural and cultural resources, and - where possible - preventing adverse impacts associated with illegal entry by CBVs.

C. This MOU is intended to provide consistent goals, principles, and guidance related to border security, such as law enforcement operations; tactical infrastructure installation; utilization of roads; minimization and/or prevention of significant impact on or impairment of natural and cultural resources; implementation of the Wilderness Act, Endangered Species Act, and other related environmental law, regulation, and policy across land management agencies; and provide for coordination and sharing information

on threat assessments and other risks, plans for infrastructure and technology improvements on Federal lands, and operational and law enforcement staffing changes. This MOU provides guidance in the development of individual agreements, where appropriate, between CBP and land management agencies to further the provisions contained herein.

D. This MOU is entered into pursuant to the governing statutory authorities of each of the Parties.

E. The Parties acknowledge that CBP operation and construction within the sixty-foot "Roosevelt Reservation" of May 27, 1907 (along the US-Mexico border) and the sixty-foot "Taft Reservation" of May 3, 1912 (along the US-Canada border) is consistent with the purpose of those reservations and that any CBP activity (including, but not limited to, operations and construction) within the sixty-foot reservations is outside the oversight or control of Federal land managers.

F. This MOU supersedes any conflicting provision of any prior MOU or Memorandum of Agreement between the Parties or their subordinate bureaus or components.

II. Background

A. DHS, through its constituent bureaus (including CBP and its CBP-BP), is statutorily mandated to control and guard the Nation's borders and boundaries, including the entirety of the northern and southern land and water borders of the United States.

B. DOI and USDA, through their constituent bureaus, are statutorily charged as managers of Federal lands throughout the United States, including DOI and USDA lands in the vicinity of international borders that are administered as wilderness areas, conservation areas, national forests, wildlife refuges, units/irrigation projects of the Bureau of Reclamation, and/or units of the national park system. Tribal governments have primary management roles over tribal lands; however, the United States, through the BIA, may also have a stewardship or law enforcement responsibility over these lands. Many of these Federal and tribal lands contain natural and cultural resources that are being degraded by activities related to illegal cross-border movements.

C. The volume of CBVs can and has, in certain areas, overwhelmed the law enforcement and administrative resources of Federal land managers. In order to more effectively protect national security, respond to terrorist threats, safeguard human life, and stop the degradation of the natural and cultural resources on those lands, DOI and USDA land managers will work cooperatively with CBP to benefit from the enforcement presence, terrorist and CBV interdiction, and rescue operations of CBP.

III. Common Findings and Affirmation of the Parties

A. The Parties to this MOU recognize that CBP-BP access to Federal lands can facilitate rescue of CBVs on Federal lands, protect those lands from environmental damage, have a role in protecting the wilderness and cultural values and wildlife resources of these lands, and is necessary for the security of the United States. Accordingly, the Parties understand that CBP-BP, consistent with applicable Federal laws and regulations, may access public lands and waterways, including access for purposes of tracking, surveillance, interdiction, establishment of observation points, and installation of remote detection systems.

B. The Parties recognize that DOI and USDA have responsibility for enforcing Federal laws relating to land management, resource protection, and other such functions on Federal lands under their jurisdiction.

IV. Responsibilities and Terms of Agreement

A. The Parties Agree to the Following Common Goals, Policies, and Principles:

1. The Parties enter into this MOU in a cooperative spirit with the goals of securing the borders of the United States, addressing emergencies involving human health and safety, and preventing or minimizing environmental damage arising from CBV illegal entry on public lands;

2. The Parties will strive to both resolve conflicts at and delegate resolution authority to the lowest field operational level possible while applying the principles of this MOU in such manner as will be consistent with the spirit and intent of this MOU;

3. The Parties will develop and consistently utilize an efficient communication protocol respecting the chain of command for each of the Parties that will result in the consistent application of the goals, policies, and principles articulated in this MOU, and provide a mechanism that will, if necessary, facilitate the resolution of any conflicts among the Parties. If resolution of conflict does not occur at the local level, then the issue will be elevated first to the regional/sector office; if not resolved at the regional/sector level, then the issue will be elevated to the headquarters level for resolution;

4. The Parties will cooperate with each other to complete, in an expedited manner, all compliance that is required by applicable Federal laws not otherwise waived in furtherance of this MOU. If such activities are authorized by a local agreement as described in sub-article IV.B below, then the DOI, USDA, and CBP will complete the required compliance before executing the agreement;

5. The Parties will cooperate with each other to identify methods, routes, and locations for CBP-BP operations that will minimize impacts to natural, cultural, and wilderness resources resulting from CBP-BP operations while facilitating needed CBP-BP access;

6. The Parties will, as necessary, plan and conduct joint local law enforcement operations consistent with all Parties' legal authorities;

7. The Parties will establish a framework by which threat assessments and other intelligence information may be exchanged, including intelligence training to be conducted by all parties so that the intelligence requirements of each may be identified and facilitated;

8. The Parties will establish forums and meet as needed at the local, regional, and national levels to facilitate working relationships and communication between all Parties;

9. The Parties will develop and share joint operational strategies at the local, regional, and national levels, including joint requests for infrastructure and other shared areas of responsibility;

10. The Parties will share the cost of environmental and cultural awareness training unless otherwise agreed; and

11. The Parties will, as appropriate, enter into specific reimbursable agreements pursuant to the Economy Act, 31 U.S.C. §1535 when one party is to furnish materials or perform work or provide a service on behalf of another party.

B. Responsibilities and Terms Specific to DOI and USDA. The DOI and the USDA hereby recognize that, pursuant to applicable law, CBP-BP is authorized to access the Federal lands under DOI and USDA administrative jurisdiction, including areas designated by Congress as wilderness, recommended as wilderness, and/or wilderness study areas, and will do so in accordance with the following conditions and existing authorities:

1. CBP-BP agents on foot or on horseback may patrol, or pursue, or apprehend suspected CBVs off-road at any time on any Federal lands administered by the Parties;

2. CBP-BP may operate motor vehicles on existing public and administrative roads and/or trails and in areas previously designated by the land management agency for off-road vehicle use at any time, provided that such use is consistent with presently authorized public or administrative use. At CBP-BP's request, the DOI and the USDA will provide CBP-BP with keys, combinations, or other means necessary to

access secured administrative roads/trails. CBP-BP may drag existing public and administrative roads that are unpaved for the purpose of cutting sign, subject to compliance with conditions that are mutually agreed upon by the local Federal land manager and the CBP-BP Sector Chief. For purposes of this MOU, "existing public roads/trails" are those existing roads/trails, paved or unpaved, on which the land management agency allows members of the general public to operate motor vehicles, and "existing administrative roads/trails" are those existing roads/trails, paved or unpaved, on which the land management agency allows persons specially authorized by the agency, but not members of the general public, to operate motor vehicles;

3 CBP-BP may request, in writing, that the land management agency grant additional access to Federal lands (for example, to areas not previously designated by the land management agency for off-road use) administered by the DOI or the USDA for such purposes as routine patrols, non-emergency operational access, and establishment of temporary camps or other operational activities. The request will describe the specific lands and/or routes that the CBP-BP wishes to access and the specific means of access desired. After receiving a written request, the local Federal land manager will meet promptly with the CBP-BP Sector Chief to begin discussing the request and negotiating the terms and conditions of an agreement with the local land management agency that authorizes access to the extent permitted by the laws applicable to the particular Federal lands. In each agreement between CBP-BP and the local land management agency, the CBP-BP should be required to use the lowest impact mode of travel and operational setup reasonable and practicable to accomplish its mission. The CBP-BP should also be required to operate all motorized vehicles and temporary operational activities in such a manner as will minimize the adverse impacts on threatened or endangered species and on the resources and values of the particular Federal lands. However, at no time should officer safety be compromised when selecting the least impactful conveyance or operational activity. Recognizing the importance of this matter to the Nation's security, the CBP-BP Sector Chief and the local Federal land manager will devote to this endeavor the resources necessary to complete required compliance measures in order to execute the local agreement within ninety (90) days after the Federal land manager has received the written request for access. Nothing in this paragraph is intended to limit the exercise of applicable emergency authorities for access prior to the execution of the local agreement. The Secretaries of the Interior, Agriculture, and Homeland Security expect that, absent compelling justification, each local agreement will be executed within that time frame and provide the maximum amount of access requested by the CBP-BP and allowed by law;

4. Nothing in this MOU is intended to prevent CBP-BP agents from exercising existing exigent/emergency authorities to access lands, including authority to conduct motorized off-road pursuit of suspected CBVs at any time, including in areas designated or recommended as wilderness, or in wilderness study areas when, in their professional judgment based on articulated facts, there is a specific exigency/emergency involving human life, health, safety of persons within the area, or posing a threat to national security, and they conclude that such motorized off-road pursuit is reasonably expected to result in the apprehension of the suspected CBVs. Articulated facts include, but are not limited to, visual observation; information received from a remote sensor, video camera, scope, or other technological source; fresh "sign" or other physical indication; canine alert; or classified or unclassified intelligence. For each such motorized off-road pursuit, CBP-BP will use the least intrusive or damaging motorized vehicle readily available, without compromising agent or officer safety. In accordance with paragraph IV.C.4, as soon as practicable after each such motorized off-road pursuit, CBP-BP will provide the local Federal land manager with a brief report;

5. If motorized pursuits in wilderness areas, areas recommended for wilderness designation, wilderness study areas, or off-road in an area not designated for such use are causing significant impact on the resources, or if other significant issues warrant consultation, then the Federal land manager and the CBP-BP will immediately meet to resolve the issues subject to paragraphs IV.A.2 and IV.A.3 of this MOU;

6. CBP may request, in writing, that the land management agency authorize installation or construction of tactical infrastructure for detection of CBVs (including, but not limited to, observation points, remote video surveillance systems, motion sensors, vehicle barriers, fences, roads, and detection devices) on land under the local land management agency's administrative jurisdiction. In areas not designated as wilderness, the local Federal land manager will expeditiously authorize CBP to install such infrastructure subject to such terms and conditions that are mutually developed and articulated in the authorization issued by the land management agency. In areas designated or managed as wilderness, the local Federal land manager, in consultation with CBP, will promptly conduct a "minimum requirement," "minimum tool," or other appropriate analysis. If supported by such analysis, the local Federal land manager will expeditiously authorize CBP to install such infrastructure subject to such terms and conditions that are mutually developed and articulated in the authorization issued by the land management agency;

7. The DOI and USDA will provide CBP-BP agents with appropriate environmental and cultural awareness training formatted to meet CBP-BP operational constraints. The DOI and USDA will work with CBP-BP in the development and production of maps for use or reference by CBP-BP agents including, as appropriate, site-specific and resource-specific maps that will identify specific wildlife and environmentally or culturally sensitive areas;

8. The DOI and USDA will, as applicable, provide CBP-BP with all assessments and studies done by or on behalf of DOI or USDA on the effects of CBVs on Federal lands and native species to better analyze the value of preventative enforcement actions;

9. The DOI and USDA will assist CBP-BP in search and rescue operations on lands within the respective land managers' administration when requested;

10. The CBP-BP and land management agencies may cross-deputize or cross-designate their agents as law enforcement officers under each other agency's statutory authority. Such cross-deputation or cross-designation agreements entered into by the local land management agency and the field operations manager for the CBP-BP shall be pursuant to the policies and procedures of each agency; and

11. DOI and USDA will work at the field operations level with affected local CBP-BP stations to establish protocols for notifying CBP-BP agents when DOI or USDA law enforcement personnel are conducting law enforcement operations in an area where CBP-BP and DOI/USDA operations can or will overlap.

C. Responsibilities and Terms Specific to the CBP. DHS hereby agrees as follows:

1. Consistent with the Border Patrol Strategic Plan, CBP-BP will strive to interdict CBVs as close to the United States' international borders as is operationally practical, with the long-term goal of establishing operational control along the immediate borders;

2. If the CBP-BP drag any unpaved roads for the purpose of cutting sign under provision IV.B.2 above, then CBP-BP will maintain or repair such roads to the extent that they are damaged by CBP-BP's use or activities;

3. If CBP-BP agents pursue or apprehend suspected CBVs in wilderness areas or off-road in an area not designated for such use under

paragraph IV.B.5, then the CBP-BP will use the lowest impact mode of travel practicable to accomplish its mission and operate all motorized vehicles in such a manner as will minimize the adverse impacts on threatened or endangered species and on the resources and values of the particular Federal lands, provided officer safety is not compromised by the type of conveyance selected;

4. CBP-BP will notify the local Federal land manager of any motorized emergency pursuit, apprehension, or incursion in a wilderness area or off-road in an area not designated for such use as soon as is practicable. A verbal report is sufficient unless either CBP-BP or the land managing agency determines that significant impacts resulted, in which case a written report will be necessary;

5. If motorized pursuits in wilderness areas, areas recommended for wilderness designation, wilderness study areas, or off-road in an area not designated for such use are causing significant impact on the resources as determined by a land manager, or if other significant issues warrant consultation, then the CBP-BP and Federal land manager will immediately meet to resolve the issues subject to paragraphs IV.A.2 and IV.A.3 of this MOU;

6. CBP will consult with land managers to coordinate the placement and maintenance of tactical infrastructure, permanent and temporary video, seismic and other remote sensing sites in order to limit resource damage while maintaining operational efficiency;

7. CBP-BP will ensure that current and incoming CBP-BP agents attend environmental and cultural awareness training to be provided by the land management agencies;

8. CBP-BP will provide land management agencies with appropriate and relevant releasable statistics of monthly CBV apprehensions, search and rescue actions, casualties, vehicles seized, drug seizures and arrests, weapons seizures and arrests, and other significant statistics regarding occurrences on the lands managed by the land manager;

9. CBP-BP will consult with land managers in the development of CBP-BP's annual Operational-Requirements Based Budgeting Program to ensure affected land managers can provide input and are, in the early stages of planning, made aware what personnel, infrastructure, and technology the CBP-BP would like to deploy along the border within their area of operation; and

10. CBP-BP will work at the field operations manager level with affected local land management agencies to establish protocols for notifying

land management agency law enforcement officers when BP is conducting special operations or non-routine activities in a particular area.

V. Miscellaneous Provisions

A. Nothing in this MOU may be construed to obligate the agencies or the United States to any current or future expenditure of funds in advance of the availability of appropriations, nor does this MOU obligate the agencies or the United States to spend funds for any particular project or purpose, even if funds are available.

B. Nothing in this MOU will be construed as affecting the authority of the Parties in carrying out their statutory responsibilities.

C. This MOU may be modified or amended in writing upon consent of all Parties, and other affected Federal agencies may seek to become a Party to this MOU.

D. The Parties shall retain all applicable legal responsibility for their respective personnel working pursuant to this MOU with respect to, *inter alia*, pay, personnel benefits, injuries, accidents, losses, damages, and civil liability. This MOU is not intended to change in any way the individual employee status or the liability or responsibility of any Party under Federal law.

E. The Parties agree to participate in this MOU until its termination. Any Party wishing to terminate its participation in this MOU shall provide sixty (60) days written notice to all other Parties.

F. This document is an intra-governmental agreement among the Parties and does not create or confer any rights, privileges, or benefits upon any person, party, or entity. This MOU is not and shall not be construed as a rule or regulation.

In witness whereof, the Parties hereto have caused this Memorandum of Understanding to be executed and effective as of the date of the last signature below.

Date: 3/24/06

Secretary of Homeland Security

Date: 3/31/06

Gale A. Norton

Secretary of the Interior

Date: 3/29/06

Secretary of Agriculture

APPENDIX D
Air Emission Calculations

CALCULATION SHEET-COMBUSTABLE EMISSIONS-3.0 MILE FENCE

Assumptions for Cumbustable Emissions					
Type of Construction Equipment	Num. of Units	HP Rated	Hrs/day	Days/yr	Total hp-hrs
Water Truck	2	300	16	120	1152000
Diesel Road Compactors	0	100	16	120	0
Diesel Dump Truck	0	300	16	120	0
Diesel Excavator	0	300	16	120	0
Diesel Hole Cleaners/Trenchers	2	175	16	120	672000
Diesel Bore/Drill Rigs	2	300	16	120	1152000
Diesel Cement & Mortar Mixers	3	300	16	120	1728000
Diesel Cranes	2	175	16	120	672000
Diesel Graders	0	300	16	120	0
Diesel Tractors/Loaders/Backhoes	2	100	16	120	384000
Diesel Bull Dozers	2	300	16	120	1152000
Diesel Front End Loaders	2	300	16	120	1152000
Diesel Fork Lifts	3	100	16	120	576000
Diesel Generator Set	6	40	16	120	460800

Emission Factors							
Type of Construction Equipment	VOC g/hp-hr	CO g/hp-hr	NOx g/hp-hr	PM-10 g/hp-hr	PM-2.5 g/hp-hr	SO2 g/hp-hr	CO2 g/hp-hr
Water Truck	0.440	2.070	5.490	0.410	0.400	0.740	536.000
Diesel Road Compactors	0.370	1.480	4.900	0.340	0.330	0.740	536.200
Diesel Dump Truck	0.440	2.070	5.490	0.410	0.400	0.740	536.000
Diesel Excavator	0.340	1.300	4.600	0.320	0.310	0.740	536.300
Diesel Trenchers	0.510	2.440	5.810	0.460	0.440	0.740	535.800
Diesel Bore/Drill Rigs	0.600	2.290	7.150	0.500	0.490	0.730	529.700
Diesel Cement & Mortar Mixers	0.610	2.320	7.280	0.480	0.470	0.730	529.700
Diesel Cranes	0.440	1.300	5.720	0.340	0.330	0.730	530.200
Diesel Graders	0.350	1.360	4.730	0.330	0.320	0.740	536.300
Diesel Tractors/Loaders/Backhoes	1.850	8.210	7.220	1.370	1.330	0.950	691.100
Diesel Bull Dozers	0.360	1.380	4.760	0.330	0.320	0.740	536.300
Diesel Front End Loaders	0.380	1.550	5.000	0.350	0.340	0.740	536.200
Diesel Fork Lifts	1.980	7.760	8.560	1.390	1.350	0.950	690.800
Diesel Generator Set	1.210	3.760	5.970	0.730	0.710	0.810	587.300

CALCULATION SHEET-COMBUSTABLE EMISSIONS-3.0 MILE FENCE

Emission factors (EF) were generated from the NONROAD2005 model for the 2006 calendar year. The VOC EFs includes exhaust and evaporative emissions. The VOC evaporative components included in the NONROAD2005 model are diurnal, hotsoak, running loss, tank permeation, hose permeation, displacement, and spillage. The construction equipment age distribution in the NONROAD2005 model is based on the population in U.S. for the 2006 calendar year.

Emission Calculations							
Type of Construction Equipment	VOC tons/yr	CO tons/yr	NOx tons/yr	PM-10 tons/yr	PM-2.5 tons/yr	SO2 tons/yr	CO2 tons/yr
Water Truck	0.559	2.628	6.970	0.520	0.508	0.939	680.454
Diesel Road Paver	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Diesel Dump Truck	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Diesel Excavator	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Diesel Hole Cleaners\Trenchers	0.378	1.807	4.303	0.341	0.326	0.548	396.783
Diesel Bore/Drill Rigs	0.762	2.907	9.077	0.635	0.622	0.927	672.456
Diesel Cement & Mortar Mixers	1.162	4.418	13.863	0.914	0.895	1.390	1008.684
Diesel Cranes	0.326	0.963	4.236	0.252	0.244	0.541	392.636
Diesel Graders	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Diesel Tractors/Loaders/Backhoes	0.783	3.474	3.055	0.580	0.563	0.402	292.451
Diesel Bull Dozers	0.457	1.752	6.043	0.419	0.406	0.939	680.835
Diesel Front End Loaders	0.482	1.968	6.348	0.444	0.432	0.939	680.708
Diesel Aerial Lifts	1.257	4.926	5.433	0.882	0.857	0.603	438.487
Diesel Generator Set	0.614	1.909	3.032	0.371	0.361	0.411	298.232
Total Emissions	**6.779**	**26.751**	**62.359**	**5.358**	**5.213**	**7.640**	**5541.728**

Conversion factors	
Grams to tons	1.102E-06

CALCULATION SHEET-SUMMARY OF EMISSIONS-3.0 MILE FENCE

Proposed Action Construction Emissions for Criteria Pollutants (tons per year)						
Emission source	VOC	CO	NOx	PM-10	PM-2.5	SO_2
Combustable Emissions	6.78	26.75	62.36	5.36	5.21	7.64
Construction Site-fugitive PM-10	NA	NA	NA	3.45	0.69	NA
Construction Workers Commuter & Trucking	0.48	4.53	0.62	0.01	0.01	NA
Total emissions	7.26	31.28	62.98	8.81	5.91	7.64
De minimis threshold	NA	NA	NA	100.00	NA	NA

CALCULATION SHEET-TRANSPORTATION COMBUSTABLE EMISSIONS-3.0 MILE FENCE

Construction WorkerPersonal Vehicle Commuting to Construction Sight-Passenger and Light Duty Trucks									
	Emission Factors		Assumptions				Results by Pollutant		
Pollutants	Passenger Cars g/mile	Pick-up Trucks, SUVs g/mile	Mile/day	Day/yr	Number of cars	Number of trucks	Total Emisssions Cars tns/yr	Total Emissions Trucks tns/yr	Total tns/yr
VOCs	1.36	1.61	120	120	10	10	0.22	0.26	0.47
CO	12.4	15.7	120	120	10	10	1.97	2.49	4.46
NOx	0.95	1.22	120	120	10	10	0.15	0.19	0.34
PM-10	0.0052	0.0065	120	120	10	10	0.00	0.00	0.00
PM 2.5	0.0049	0.006	120	120	10	10	0.00	0.00	0.00
							-		

Heavy Duty Trucks Delivery Supply Trucks to Construction Sight									
	Emission Factors		Assumptions				Results by Pollutant		
Pollutants	10,000-19,500 lb Delivery Truck	33,000-60,000 lb semi trailer rig	Mile/day	Day/yr	Number of trucks	Number of trucks	Total Emisssions Cars tns/yr	Total Emissions Trucks tns/yr	Total tns/yr
VOCs	0.29	0.55	60	120	2	2	0.00	0.01	0.01
CO	1.32	3.21	60	120	2	2	0.02	0.05	0.07
NOx	4.97	12.6	60	120	2	2	0.08	0.20	0.28
PM-10	0.12	0.33	60	120	2	2	0.00	0.01	0.01
PM 2.5	0.13	0.36	60	120	2	2	0.00	0.01	0.01

OBP Commute to New Site									
	Emission Factors		Assumptions				Results by Pollutant		
Pollutants	Passenger Cars g/mile	Pick-up Trucks, SUVs g/mile	Mile/day	Day/yr	Number of cars	Number of trucks	Total Emisssions Cars tns/yr	Total Emissions Trucks tns/yr	Total tns/yr
VOCs	1.36	1.61	60	0	0	0	-	0.00	-
CO	12.4	15.7	60	0	0	0	-	0.00	-
NOx	0.95	1.22	60	0	0	0	-	0.00	-
PM-10	0.0052	0.0065	60	0	0	0	-	0.00	-
PM 2.5	0.0049	0.006	60	0	0	0	-	0.00	-

POV Source: USEPA 2005 Emission Facts: Average annual emissions and fuel consumption for gasoline-fueled passenger cars and light trucks. EPA 420-F-05-022 August 2005. Emission rates were generated using MOBILE.6 highway vehicle emission factor model.
Fleet Charactorization: 20 POVs commuting to work were 50% are pick up trucks and 50% passenger cars

CALCULATION SHEET-TRANSPORTATION COMBUSTABLE EMISSIONS-3.0 MILE FENCE

Conversion factor:	gms to tons
	0.000001102

CALCULATION SHEET-FUGITIVE DUST-3.0 MILE FENCE

Fugitive Dust Emissions at New Construction Site.					
Construction Site	**Emission Factor tons/acre/month (1)**	**Total Area-Construction Site**	**Months/yr**	**Total PM-10 Emissions tns/yr**	**Total PM-2.5 (2)**
Fugitive Dust Emissions	0.11	5.22	6	3.45	0.69

1. Mid-Atlantic Regional Air Management Association (MARAMA). Fugitive Dust-Construction Calculation Sheet can be found online at: http://www.marama.org/visibility/Calculation_Sheets/. MRI= Midwest Research Institute, Inventory of Agricultural Tiling, Unpaved Roads, Airstrips and construction Sites., prepared for the U.S. EPA, PB 238-929, Contract 68-02-1437 (November 1977)

2. 20% of the total PM-10 emissions are PM-2.5 (EPA 2006).

Coastruction Site Area	**Demension (ft)/yr**			
Proposed Prioject	**Length**	**Width**	**Units**	**Total Acres**
New Construction Area	18,955	12	1	5.22
New Construction Area	20	20	0	0.00
Total				**5.22**

Conversion Factors	**Miles to feet**	**Acres to sq ft**	**Sq ft to acres**	**Sq ft in 0.5 acres**
	5280	0.000022957	43560	21780

Assumptions	**Sections/day**	**Length of Section (ft)**	**Length/day (ft)**	**Days/yr**	**Length/yr (ft)**	**Miles/yr**
Fencing installed per day (ft)	22	10	220	290	63800	12.08

Assumptions	**Sections/day**	**Length of Section (ft)**	**Length/day (ft)**	**Days/Month**	**Length/Month (ft)**	**Miles/Month**
Fencing installed per day (ft)	22	10	220	24	5280	1.00
Length of fence/yr (miles)	3.59					

CALCULATION SHEET-COMBUSTABLE EMISSIONS-41 MILE FENCE

Assumptions for Cumbustable Emissions					
Type of Construction Equipment	Num. of Units	HP Rated	Hrs/day	Days/yr	Total hp-hrs
Water Truck	2	300	16	240	2304000
Diesel Road Compactors	0	100	16	240	0
Diesel Dump Truck	0	300	16	240	0
Diesel Excavator	0	300	16	240	0
Diesel Hole Cleaners/Trenchers	2	175	16	240	1344000
Diesel Bore/Drill Rigs	2	300	16	240	2304000
Diesel Cement & Mortar Mixers	3	300	16	240	3456000
Diesel Cranes	2	175	16	240	1344000
Diesel Graders	0	300	16	240	0
Diesel Tractors/Loaders/Backhoes	2	100	16	240	768000
Diesel Bull Dozers	2	300	16	240	2304000
Diesel Front End Loaders	2	300	16	240	2304000
Diesel Fork Lifts	3	100	16	240	1152000
Diesel Generator Set	6	40	16	240	921600

Emission Factors							
Type of Construction Equipment	VOC g/hp-hr	CO g/hp-hr	NOx g/hp-hr	PM-10 g/hp-hr	PM-2.5 g/hp-hr	SO2 g/hp-hr	CO2 g/hp-hr
Water Truck	0.440	2.070	5.490	0.410	0.400	0.740	536.000
Diesel Road Compactors	0.370	1.480	4.900	0.340	0.330	0.740	536.200
Diesel Dump Truck	0.440	2.070	5.490	0.410	0.400	0.740	536.000
Diesel Excavator	0.340	1.300	4.600	0.320	0.310	0.740	536.300
Diesel Trenchers	0.510	2.440	5.810	0.460	0.440	0.740	535.800
Diesel Bore/Drill Rigs	0.600	2.290	7.150	0.500	0.490	0.730	529.700
Diesel Cement & Mortar Mixers	0.610	2.320	7.280	0.480	0.470	0.730	529.700
Diesel Cranes	0.440	1.300	5.720	0.340	0.330	0.730	530.200
Diesel Graders	0.350	1.360	4.730	0.330	0.320	0.740	536.300
Diesel Tractors/Loaders/Backhoes	1.850	8.210	7.220	1.370	1.330	0.950	691.100
Diesel Bull Dozers	0.360	1.380	4.760	0.330	0.320	0.740	536.300
Diesel Front End Loaders	0.380	1.550	5.000	0.350	0.340	0.740	536.200
Diesel Fork Lifts	1.980	7.760	8.560	1.390	1.350	0.950	690.800
Diesel Generator Set	1.210	3.760	5.970	0.730	0.710	0.810	587.300

CALCULATION SHEET-COMBUSTABLE EMISSIONS-41 MILE FENCE

Emission factors (EF) were generated from the NONROAD2005 model for the 2006 calendar year. The VOC EFs includes exhaust and evaporative emissions. The VOC evaporative components included in the NONROAD2005 model are diurnal, hotsoak, running loss, tank permeation, hose permeation, displacement, and spillage. The construction equipment age distribution in the NONROAD2005 model is based on the population in U.S. for the 2006 calendar year.

Emission Calculations							
Type of Construction Equipment	VOC tons/yr	CO tons/yr	NOx tons/yr	PM-10 tons/yr	PM-2.5 tons/yr	SO2 tons/yr	CO2 tons/yr
Water Truck	1.117	5.256	13.939	1.041	1.016	1.879	1360.908
Diesel Road Paver	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Diesel Dump Truck	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Diesel Excavator	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Diesel Hole Cleaners\Trenchers	0.755	3.614	8.605	0.681	0.652	1.096	793.567
Diesel Bore/Drill Rigs	1.523	5.814	18.154	1.270	1.244	1.853	1344.913
Diesel Cement & Mortar Mixers	2.323	8.836	27.726	1.828	1.790	2.780	2017.369
Diesel Cranes	0.652	1.925	8.472	0.504	0.489	1.081	785.273
Diesel Graders	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Diesel Tractors/Loaders/Backhoes	1.566	6.948	6.111	1.159	1.126	0.804	584.903
Diesel Bull Dozers	0.914	3.504	12.086	0.838	0.812	1.879	1361.670
Diesel Front End Loaders	0.965	3.935	12.695	0.889	0.863	1.879	1361.416
Diesel Aerial Lifts	2.514	9.851	10.867	1.765	1.714	1.206	876.973
Diesel Generator Set	1.229	3.819	6.063	0.741	0.721	0.823	596.464
Total Emissions	**13.558**	**53.503**	**124.717**	**10.715**	**10.426**	**15.280**	**11083.455**

Conversion factors	
Grams to tons	1.102E-06

CALCULATION SHEET-SUMMARY OF EMISSIONS-41 MILE FENCE

Proposed Action Construction Emissions for Criteria Pollutants (tons per year)						
Emission source	VOC	CO	NOx	PM-10	PM-2.5	SO_2
Combustable Emissions	13.56	53.50	124.72	10.72	10.43	15.28
Construction Site-fugitive PM-10	NA	NA	NA	23.20	4.64	NA
Construction Workers Commuter & Trucking	0.97	9.06	1.25	0.02	0.02	NA
Total emissions	14.53	62.56	125.96	33.93	15.09	15.28
De minimis threshold	NA	NA	NA	100.00	NA	NA

CALCULATION SHEET-TRANSPORTATION COMBUSTABLE EMISSIONS-41 MILE FENCE

Construction WorkerPersonal Vehicle Commuting to Construction Sight-Passenger and Light Duty Trucks									
	Emission Factors		Assumptions				Results by Pollutant		
Pollutants	Passenger Cars g/mile	Pick-up Trucks, SUVs g/mile	Mile/day	Day/yr	Number of cars	Number of trucks	Total Emisssions Cars tns/yr	Total Emissions Trucks tns/yr	Total tns/yr
VOCs	1.36	1.61	120	240	10	10	0.43	0.51	0.94
CO	12.4	15.7	120	240	10	10	3.94	4.98	8.92
NOx	0.95	1.22	120	240	10	10	0.30	0.39	0.69
PM-10	0.0052	0.0065	120	240	10	10	0.00	0.00	0.00
PM 2.5	0.0049	0.006	120	240	10	10	0.00	0.00	0.00
							-		

Heavy Duty Trucks Delivery Supply Trucks to Construction Sight									
	Emission Factors		Assumptions				Results by Pollutant		
Pollutants	10,000-19,500 lb Delivery Truck	33,000-60,000 lb semi trailer rig	Mile/day	Day/yr	Number of trucks	Number of trucks	Total Emisssions Cars tns/yr	Total Emissions Trucks tns/yr	Total tns/yr
VOCs	0.29	0.55	60	240	2	2	0.01	0.02	0.03
CO	1.32	3.21	60	240	2	2	0.04	0.10	0.14
NOx	4.97	12.6	60	240	2	2	0.16	0.40	0.56
PM-10	0.12	0.33	60	240	2	2	0.00	0.01	0.01
PM 2.5	0.13	0.36	60	240	2	2	0.00	0.01	0.02

OBP Commute to New Site									
	Emission Factors		Assumptions				Results by Pollutant		
Pollutants	Passenger Cars g/mile	Pick-up Trucks, SUVs g/mile	Mile/day	Day/yr	Number of cars	Number of trucks	Total Emisssions Cars tns/yr	Total Emissions Trucks tns/yr	Total tns/yr
VOCs	1.36	1.61	60	0	0	0	-	0.00	-
CO	12.4	15.7	60	0	0	0	-	0.00	-
NOx	0.95	1.22	60	0	0	0	-	0.00	-
PM-10	0.0052	0.0065	60	0	0	0	-	0.00	-
PM 2.5	0.0049	0.006	60	0	0	0	-	0.00	-

POV Source: USEPA 2005 Emission Facts: Average annual emissions and fuel consumption for gasoline-fueled passenger cars and light trucks. EPA 420-F-05-022 August 2005. Emission rates were generated using MOBILE.6 highway vehicle emission factor model.
Fleet Charactorization: 20 POVs commuting to work were 50% are pick up trucks and 50% passenger cars

CALCULATION SHEET-TRANSPORTATION COMBUSTABLE EMISSIONS-41 MILE FENCE

Conversion factor:	gms to tons
	0.000001102

CALCULATION SHEET-FUGITIVE DUST-41 MILE FENCE

Fugitive Dust Emissions at New Construction Site.					
Construction Site	**Emission Factor tons/acre/month (1)**	**Total Area-Construction Site/month**	**Months/yr**	**Total PM-10 Emissions tns/yr**	**Total PM-2.5 (2)**
Fugitive Dust Emissions	0.11	17.58	12	23.20	4.64

1. Mid-Atlantic Regional Air Management Association (MARAMA). Fugitive Dust-Construction Calculation Sheet can be found online at: http://www.marama.org/visibility/Calculation_Sheets/. MRI= Midwest Research Institute, Inventory of Agricultural Tiling, Unpaved Roads, Airstrips and construction Sites., prepared for the U.S. EPA, PB 238-929, Contract 68-02-1437 (November 1977)

2. 20% of the total PM-10 emissions are PM-2.5 (EPA 2006).

Coastruction Site Area	**Demension (ft)**			
Proposed Prioject	**Length**	**Width**	**Units**	**Total Acres**
New Construction Area	63,800	12	1	17.58
New Construction Area	20	20	0	0.00
Total				**17.58**

Conversion Factors	**Miles to feet**	**Acres to sq ft**	**Sq ft to acres**	**Sq ft in 0.5 acres**
	5280	0.000022957	43560	21780

Assumptions	**Sections/day**	**Length of Section (ft)**	**Length/day (ft)**	**Days/yr**	**Length/yr (ft)**	**Miles/yr**
Fencing installed per day (ft)	22	10	220	290	63800	12.08

Assumptions	**Sections/day**	**Length of Section (ft)**	**Length/day (ft)**	**Days/Month**	**Length/Month (ft)**	**Miles/Month**
Fencing installed per day (ft)	22	10	220	24	5280	1.00
Length of fence/yr (miles)	12.08					

← *continued from front cover*

ROI	Region of Influence
ROW	Right-of-Way
SBI	Strategic Border Initiative
SEA	Supplemental Environmental Assessment
SHPO	State Historic Preservation Officer
SPCCP	Spill Prevention, Containment, and Countermeasures Plan
SWPPP	Storm Water Pollution Prevention Plan
THPO	Tribal Historic Preservation Officer
TI	Tactical infrastructure
U.S.	United States
USBP	U.S. Border Patrol
U.S.C.	U.S. Code
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USIBWC	U.S. Section of International Boundary Water Commission
VRM	Visual Resource Management
WUS	Waters of the U.S.