

SECTION 1.0
GENERAL PROJECT DESCRIPTION

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1.1 INTRODUCTION TO THE ENVIRONMENTAL STEWARDSHIP PLAN (ESP)

In Section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), Congress mandated that the United States (U.S.) Department of Homeland Security (DHS) install fencing, barriers, roads, lighting, cameras, and sensors on not less than 700 miles of the southwest border. This total includes certain priority miles of fencing in areas most practical and effective in deterring illegal entry and smuggling into the U.S. Congress has mandated that these priority miles be completed by December 2008. To that end, DHS plans to complete 370 miles of pedestrian fencing and 300 miles of vehicle fencing along the southwest border by the end of 2008. As of March 21, 2008, 201 miles of primary pedestrian fence and 140 miles of vehicle fence remained to be constructed by December 2008. These efforts support the U.S. Customs and Border Protection (CBP) mission to prevent terrorists and terrorist weapons from entering the U.S., while also facilitating the flow of legitimate trade and travel.

On April 1, 2008, the Secretary of the DHS, pursuant to his authority under Section 102(c) of IIRIRA, exercised his authority to waive certain environmental and other laws in order to ensure the expeditious construction of tactical infrastructure along the U.S./Mexico border. The tactical infrastructure (TI) described in this Environmental Stewardship Plan (ESP) is covered by the Secretary's April 1, 2008, waiver (73 Federal Register [FR] 65, pp. 18293-24, Appendix A). Although the Secretary's waiver means that CBP no longer has any specific legal obligations under the laws that are included in the waiver, the Secretary committed DHS to responsible environmental stewardship of our valuable natural and cultural resources. CBP strongly supports this objective and remains committed to being a good steward of the environment. CBP will continue to work in a collaborative manner with local government, state and Federal land managers, and the interested public to identify environmentally sensitive resources and develop appropriate Best Management Practices (BMPs) to avoid or minimize adverse impacts resulting from the installation of tactical infrastructure.

To that end, CBP has prepared the following ESP, which analyzes the potential environmental impacts associated with construction of tactical infrastructure in the U.S. Border Patrol's (USBP) El Paso Sector, Lordsburg Station area of operation (AO). The ESP also discusses CBP's plans to mitigate unavoidable environmental impacts. The ESP further details the BMPs associated with the tactical infrastructure that CBP will implement during, and after construction.

The Project area covered by this ESP has been determined to be an area of high illegal entry into the U.S. As such, the Project area is designated as an area where completion of border TI must be accomplished in an expeditious manner, and the Secretary of DHS has waived compliance with Federal regulations and legal requirements necessary for the completion of the TI (i.e., the Project). This ESP is

prepared in order to evaluate impacts of the Project on natural and human resources in the Project corridor, and to assist CBP in protecting critical resources during construction and operation of the TI being installed for the Project. This ESP is designed in a format that identifies each affected resource and evaluates all potential impacts to each resource, with the intent to minimize resource impacts to the extent practicable. This ESP was not prepared to comply with specific laws or regulations; rather it is a planning and guidance tool to assist CBP to accomplish construction in a manner that will minimize adverse impacts to the extent practicable.

CBP will construct, operate, and maintain approximately 36 miles of TI, which includes vehicle fence, construction road, and access roads along the U.S./Mexico border in Hidalgo County, New Mexico. This action is in support of the USBP El Paso Sector mission and will occur within the Lordsburg Station's AO. The vehicle fence and associated roads will extend approximately 1 mile west of Border Monument 69 to 1.5 miles east of Border Monument 66 and from 1.5 miles west of Border Monument 64 to Border Monument 62. All fence construction activities will occur within the Roosevelt Reservation. The vehicle fence will be installed approximately 3 to 6 feet north of the U.S./Mexico border. Figure 1-1 is a vicinity map while Figure 1-2 illustrates the Project location of the planned TI.

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 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 and proposed TI throughout the El Paso Sector, New Mexico stations' AO on a programmatic level. Data from this document has been incorporated by reference, as appropriate, during the preparation of this ESP.

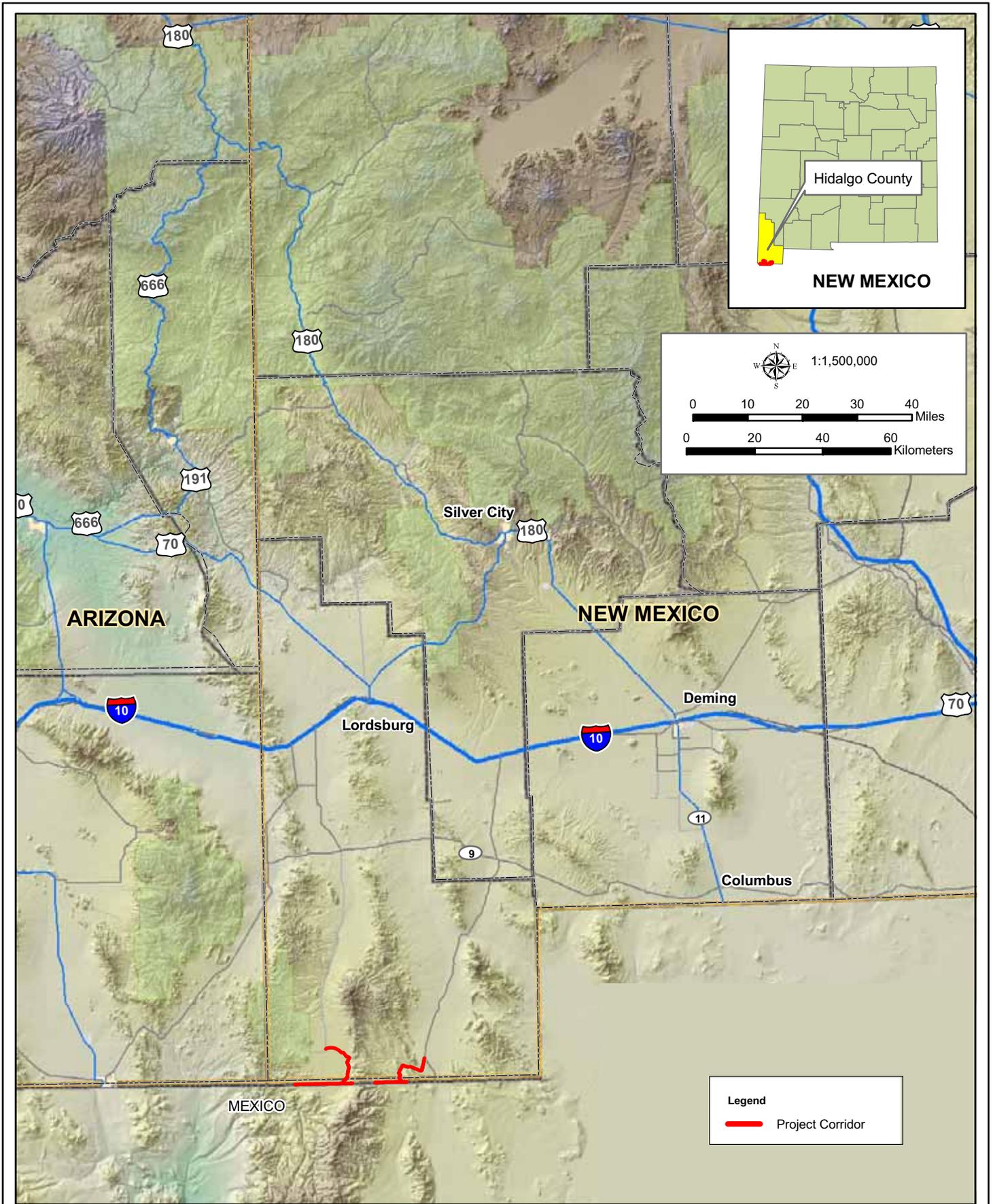


Figure 1-1: Vicinity Map



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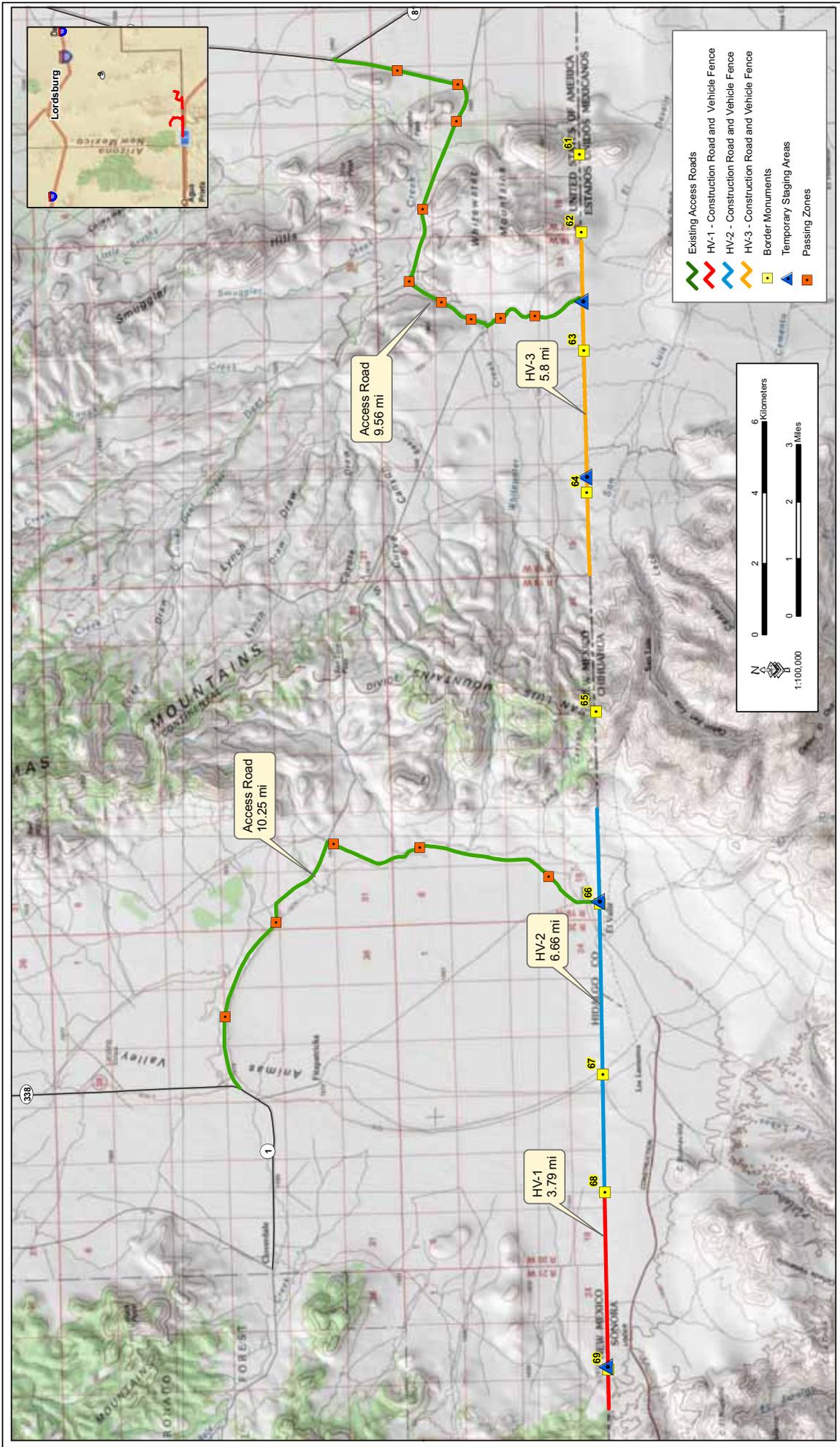


Figure 1-2: Project Corridor

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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 U.S. border. 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 Ports of Entry (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.
- 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 for its operational requirements. The El Paso Sector is responsible for Luna, Hidalgo, and Doña Ana counties, New Mexico, and El Paso and Hudspeth counties, Texas. The area affected by the Project includes the southernmost portion of Hidalgo County, New Mexico.

1.3 GOALS AND OBJECTIVES OF THE PROJECT

The goal of the Project is to increase border security within the USBP El Paso Sector with the ultimate objective of achieving effective control of our Nation's borders. The Project further meets the objectives of the Congressional direction in the Fiscal Year (FY) 2007 DHS Appropriations Act (Public Law [P.L.] 109-295), Border Security Fencing, Infrastructure, and Technology appropriation to install fencing, infrastructure, and technology along the border.

The USBP El Paso Sector identified a distinct area along the border that experiences high levels of illegal cross-border activity. This activity typically occurs in areas near POEs where concentrated populations might live on either side of the border, contain thick vegetation that can provide concealment, is fairly remote and not easily accessed by USBP agents, or have quick access to U.S. transportation routes. The Project will help to deter illegal entries within the USBP El Paso Sector by improving enforcement efficiency, thus preventing terrorists and terrorist weapons, illegal aliens, drugs, and other cross border violators and contraband from entering the U.S., while providing a safer work environment for USBP agents.

1.4 STAKEHOLDER AND PUBLIC OUTREACH

CBP held meetings with the public and resource agencies and posted Project descriptions on www.BorderFencePlanning.com to elicit information on sensitive resources that may be present and/or potentially affected in the Project area. Information obtained has been included in the analysis of effects and presented in this ESP.

In addition to the public outreach program, CBP has continued to coordinate with various Federal and state agencies during the development of this ESP. These agencies are described in the following paragraphs.

U.S. Section, International Boundary and Water Commission (USIBWC) - CBP has coordinated with USIBWC to ensure that any construction along the international border does not adversely affect International Boundary Monuments or substantially impede floodwater conveyance within international drainages.

U.S. Army Corps of Engineers (USACE), Albuquerque District - CBP has coordinated activities with USACE to identify potential jurisdictional Waters of the U.S. (WUS), including wetlands, and to develop measures to avoid, minimize or compensate for losses to these resources.

U.S. Department of the Interior (DOI) - CBP has coordinated extensively with two resource managing agencies (U.S. Fish and Wildlife Service [USFWS] and U.S. Bureau of Land Management [BLM]) within DOI throughout the development of this ESP. The USFWS has assisted in identifying listed species that have the potential to occur in the Project area as well as preparation of the Biological Resources Plan (BRP). The BRP presents the analysis of potential effects to listed species and the BMPs proposed to reduce or off-set any adverse impacts. A copy of the BRP is contained in Appendix B. CBP has also continued to coordinate with BLM, since portions of other fence segments are planned for construction within or adjacent to BLM lands.

1.5 SUMMARY OF MITIGATION AND BMPs

It is CBP's policy to reduce impacts through the sequence of avoidance, minimization, mitigation, and if appropriate, compensation. Mitigation efforts vary and include activities such as restoration of habitat in other areas, and implementation of appropriate BMPs. CBP coordinates its mitigation measures with the appropriate Federal and state resource agencies, as appropriate.

This section describes those measures that will be implemented to reduce or eliminate potential adverse impacts on the human and natural environment. Many of these measures have been incorporated by CBP as standard operating procedures on past Projects. A summary of mitigation measures is presented for each resource category that will be potentially affected. It should be emphasized that these are general mitigation measures; development of specific mitigation measures have been on-going

for certain activities implemented under the Project and are included in the BRP (see Appendix B). The mitigation measures will be coordinated through the appropriate agencies and land managers or administrators, as appropriate.

1.5.1 General Construction Activities

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 a major spill is unlikely to occur, any spill of 5 gallons or more will be contained immediately within an earthen dike, and an absorbent (e.g., granular, pillow, sock, etc.) will be applied to contain the spill. Furthermore, a spill of any regulated substance in a reportable quantity will be cleaned up and reported to the appropriate Federal and state agencies. Reportable quantities of regulated substances will be included as part of a Project-specific Spill Prevention, Control and Countermeasures Plan (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 equipment maintenance, laydown, and dispensing of fuel, oil, or any other such activities, will occur in staging areas identified for use in this ESP. The designated staging areas will be located in such a manner as to prevent any runoff from entering WUS, including wetlands. All used oil and solvents will be recycled if possible. All non-recyclable hazardous and regulated wastes will be collected, characterized, labeled, stored, transported, and disposed in manners consistent with U.S. Environmental Protection Agency (EPA) standards.

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. Waste materials and other discarded materials contained in these receptacles will be removed from the site as quickly as possible. Solid waste will be collected and disposed of properly.

Once activities in any given construction segment of the Project corridor are completed, active measures will be implemented to rehabilitate the staging areas. CBP will coordinate with the appropriate land managers to determine the most suitable and cost-effective measures for successful rehabilitation.

For successful rehabilitation, all or some of the following measures may be conducted on the part of CBP:

- Site preparation through ripping and disking to loosen compacted soils.

- Hydromulch with native grasses and forbs in order to control soil erosion and ensure adequate re-vegetation.
- Planting of native shrubs as needed.
- Temporary irrigation (i.e., truck watering) for seedlings.
- Periodic monitoring to determine if additional actions are necessary to successfully rehabilitate disturbed areas.

1.5.2 Air Quality

Mitigation measures will be incorporated to ensure that particulate matter less than 10 microns in size (PM-10) emission levels remain minimal. Measures will include dust suppression methods to minimize airborne particulate matter created during construction activities. Standard construction BMPs, such as routine watering of the construction site and access roads, will be used to control fugitive dust during the construction phases of the Project. Additionally, all construction equipment and vehicles will need to be kept in good operating condition to minimize exhaust emissions.

1.5.3 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.

Areas with highly erodible soils 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 re-vegetation will be implemented during and after construction activities. Re-vegetation efforts will be implemented to ensure long-term recovery of the area and to prevent significant soil erosion problems.

1.5.4 Water Resources

CBP will require its contractor(s) to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) to avoid or reduce erosion and sedimentation outside the construction footprint. Coordination with the Regulatory Functions Branch of USACE, Albuquerque District will continue in order to avoid or reduce construction-related impacts to washes and arroyos that are potentially jurisdictional WUS. Compensatory mitigation will be implemented, as appropriate.

All engineering designs and subsequent hydrology reports will be provided to USIBWC prior to start of construction activities for recommendations of measures to avoid an increase, concentration, or relocation of overland surface flows into either the U.S. or

Mexico. Furthermore, CBP will routinely check and maintain drainage structures, including low water crossings, and vehicle fence installed within drainages. Such activities may include, but are not limited to, removal of debris that would impede proper conveyance, repair and maintenance of erosional features, installation of energy dissipation measures, and re-vegetation of temporarily disturbed areas.

1.5.5 Biological Resources

Construction equipment will be cleaned using a high-pressure water system prior to entering and departing the Project corridor to minimize the spread and establishment of non-native invasive plant species. Soil disturbances in temporary impact areas will be rehabilitated. Rehabilitation includes re-vegetation or the distribution of organic and geological materials over the disturbed area to reduce erosion while allowing the area to naturally revegetate. Rehabilitation methods will be outlined in a rehabilitation plan. At a minimum, the rehabilitation plan will include: the plant species to be used, a planting schedule, measures to control non-native species, specific success criteria, and the party responsible for maintaining and meeting the success criteria. Seeds or plants native to Hidalgo County will be used to the extent practicable.

Disturbed and restored areas will be monitored for the spread and eventual eradication of non-native invasive plant species as part of periodic maintenance activities as appropriate.

A qualified biologist (i.e., professional biologist with education and training in wildlife biology or ecology) will monitor construction operations to ensure adherence with the BMPs and provide advice to the construction contractor as needed.

Disease prevention protocols will be employed if the Project is in areas known or likely to harbor chytridiomycosis. CBP is coordinating with land owners and USFWS to identify these areas. In such cases, if construction vehicle/equipment use will occur in more than one suitable Chiricahua leopard frog (*Rana chiricahuensis*) habitat, all equipment will be cleaned and dried or disinfected before it moves to another location with suitable habitat.

1.5.6 Cultural Resources

Surveys were conducted to identify sites within the Project corridor. CBP will avoid or mitigate impacts to sites, as appropriate, in coordination with the land manager.

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