

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 southwestern 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 southwestern 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 to meet the December 2008 deadline. 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 DHS, pursuant to his authority under Section 102(c) of IIRIRA, exercised his authority to waive certain laws that were an impediment to the expeditious construction of tactical infrastructure along the southwestern border. Although the Secretary's waiver means that CBP no longer has any specific legal obligations under the Clean Water Act (CWA), Clean Air Act (CAA), or National Historic Preservation Act (NHPA), Endangered Species Act (ESA) and others, for the tactical infrastructure (TI) segments addressed in this Environmental Stewardship Plan (ESP), the Secretary committed the Department to responsible environmental stewardship of our valuable natural and cultural resources. CBP supports this objective and has applied the appropriate standards and guidelines associated with these Federal regulations as the basis for evaluating potential environmental impacts and appropriate mitigations. A copy of the waiver is included as Appendix A.

CBP and USBP plan to construct, operate, and maintain approximately 7.6 miles of TI along the U.S./Mexico international border in Santa Cruz County, Arizona, east of the City of Nogales, Arizona (Figure 1-1). TI is a term used by USBP to describe physical structures that facilitate enforcement activities. These items typically include, but are not limited to, roads, fences, lights, gates, boat ramps, and barriers. TI will consist of primary pedestrian fence, Normandy Style Vehicle Fence, minor improvements to existing roads, and construction of new unimproved construction/maintenance roads along the U.S./Mexico border. The Planned Action will occur within the USBP Tucson Sector, Nogales Station's area of operation (AO).

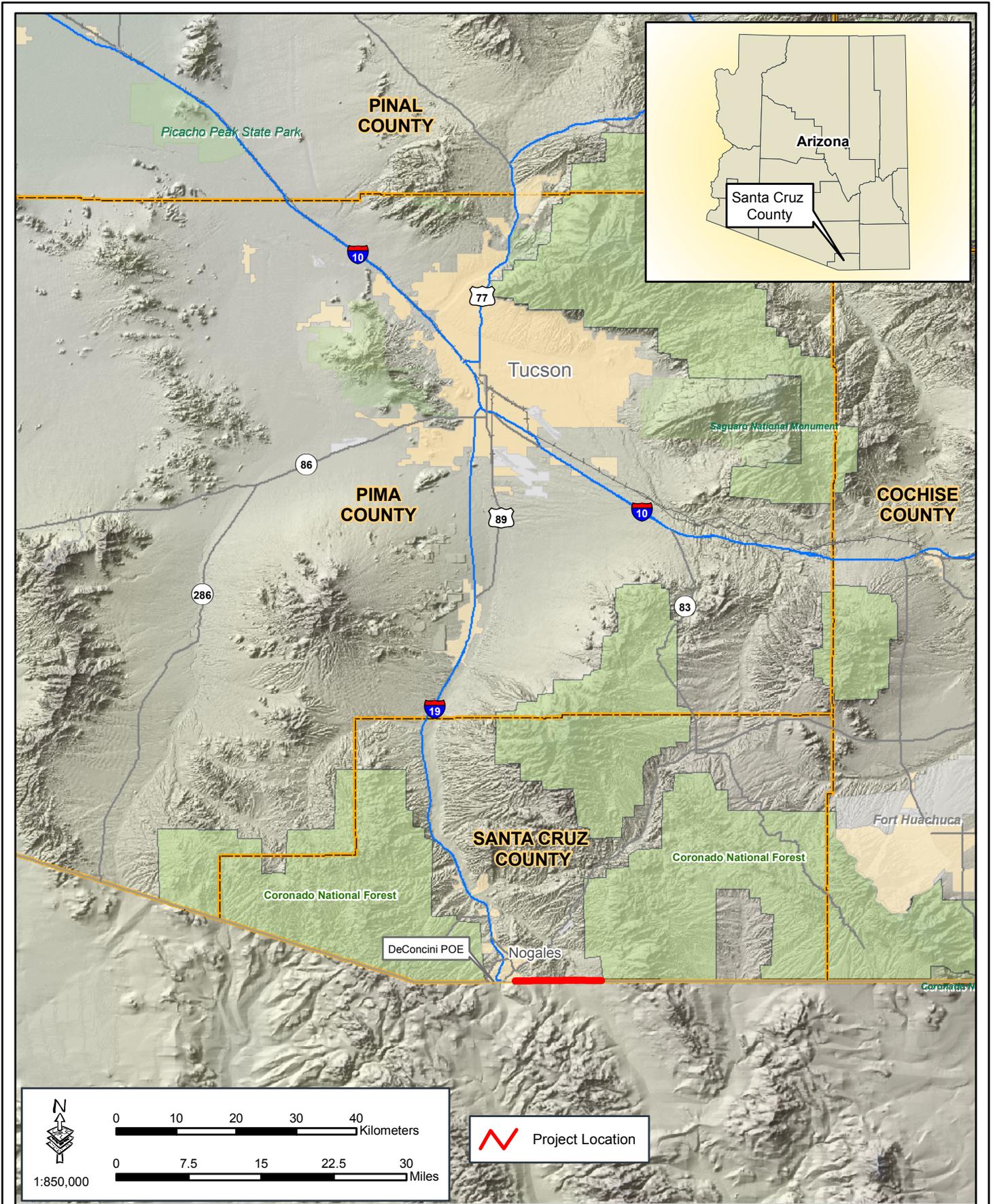


Figure 1-1: Vicinity Map

In October 2003, CBP issued a signed Finding of No Significant Impact (FONSI) and *Final Environmental Assessment for Nogales Infrastructure Improvements, USBP, Tucson Sector, Nogales Station, Santa Cruz County, Arizona* (CBP 2003). This Environmental Assessment (EA) addressed the continued operation of up to 60 portable lights, construction of 1.5 miles of all-weather patrol roads and improvements to 0.5 mile of roadway, installation of 1 mile of primary pedestrian fence, and installation and operation of 15 remote video surveillance systems (CBP 2003). All proposed TI was located east of the DeConcini port of entry (POE) in Nogales, Arizona. A short segment of the proposed lighting and all-weather patrol road overlapped with the westernmost portion of the current project corridor. In May 2007, CBP issued a signed FONSI and the *Final Supplemental Environmental Assessment (SEA), Nogales Infrastructure Improvements, USBP, Tucson Sector, Nogales Station, Santa Cruz County, Arizona*, herein referred to as the 2007 SEA (CBP 2007a). This SEA addressed proposed all-weather patrol road realignments to 0.34 mile of road and relocation of 55 permanent lights (CBP 2007a). The all-weather patrol road and permanent lights were proposed approximately 150 feet north of the U.S./Mexico border.

In December 2004, USBP issued a signed FONSI and *Final EA for Temporary Vehicle Barriers (TVB), Tucson Sector, Pima, Santa Cruz, and Cochise Counties, Arizona* (CBP 2004a), herein referred to as the 2004 TVB EA. The 2004 TVB EA addressed 37 miles of TVBs in 21 different locations throughout the Tucson Sector AO, of which 2.7 miles of TVBs currently overlap with primary pedestrian and vehicle fence alignments planned for this project. The existing TVBs will be removed and either dismantled and recycled or placed in other border areas.

Two other EAs addressing projects in the ROI, and from which information is incorporated by reference, include the March 2007 FONSI and *Final EA for the Construction of New Patrol and Drag Roads, Office of Border Patrol, Nogales Station, Santa Cruz County, Arizona* (CBP 2007b), herein referred to as the 2007 Road EA, and the November 2007 FONSI and *Final EA for Construction of 2.4 miles of Primary Fence, USBP, Tucson Sector, Nogales Station, Santa Cruz County, Arizona* (CBP 2007c), herein referred to as the 2007 Fence EA. These two EAs included construction of 3 miles of all-weather patrol roads and 2.4 miles of primary pedestrian fence approximately 1 mile west of the Mariposa POE. The purpose of these projects was to address USBP agent safety issues and enhance enforcement effectiveness in the area.

Information from these previous EAs will be incorporated by reference, as appropriate, in this ESP.

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 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 to its operational requirements. The Tucson Sector is responsible for Cochise, Pima, and Santa Cruz Counties, Arizona. The areas affected by the Planned Action include the southernmost portion of Santa Cruz County, east of the City of Nogales, Arizona.

1.3 GOALS AND OBJECTIVES OF THE PLANNED ACTION

The goal of the project is to increase border security within the USBP Tucson Sector with an ultimate objective of reducing illegal cross-border activity. 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 Tucson Sector identified two distinct areas along the border that experience high levels of illegal cross-border activity. This activity occurs in areas near POEs where concentrated populations might live on either side of the border, are fairly remote and not easily accessed by USBP agents, contain thick vegetation that can provide concealment, or have quick access to U.S. transportation routes. The Planned Action will help to deter illegal entries within the USBP Tucson 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

Prior to the waiver, CBP prepared a SEA and draft FONSI to address the potential effects of the Planned Action. A Notice of Availability (NOA) for the draft SEA and FONSI were published in the *Arizona Daily Star* on 18 and 23 January 2008, announcing the release of documents for a 30-day public comment period. In addition, a public meeting was conducted in Tucson on 31 January 2008.

Although the Secretary of DHS issued the waiver, and thus, CBP has no responsibilities under the National Environmental Policy Act (NEPA) for this project, CBP reviewed, considered, and incorporated comments received from the public and other Federal, state, and local agencies, as appropriate, during the preparation of this ESP. CBP responses to public comments received under the NEPA process will be provided on the www.BorderFencePlanning.com Web site.

In addition to the past public involvement and 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), Los Angeles District - CBP has coordinated all activities with USACE to identify potential jurisdictional Waters of the U.S., including wetlands, and to develop measures to avoid, minimize or compensate for losses to these resources.

U.S. Fish and Wildlife Service (USFWS) - CBP has coordinated extensively with USFWS to identify listed species that have the potential to occur in the project area and have cooperated with the USFWS to prepare a Biological Resources Plan (BRP) that presents the analysis of potential effects to listed species and the BMPs, which could be implemented to reduce or off-set any adverse impacts. A copy of the BRP is contained in Appendix B.

U.S. Department of the Interior (DOI) - CBP has continued to coordinate with U.S. Department of the Interior (DOI) and its bureaus throughout the southwest border, including the USFWS, U.S. Bureau of Land Management (BLM), U.S. Bureau of Indian Affairs (BIA), and U.S. Bureau of Reclamation (Reclamation).

U.S. Department of Agriculture (USDA) – CBP has continued to coordinate with the USDA, U.S. Forest Service (USFS), Coronado National Forest (CNF) during the planning of the extension of the eastern most access road, since this action will occur on CNF lands.

1.5 MITIGATION

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 and implementation of appropriate BMPs. CBP coordinates its environmental design measures with the appropriate Federal and state resource agencies, as appropriate. Both general BMPs and species-specific BMPs

have been developed during the preparation of this ESP. A detailed description of the BMPs are included in the BRP, which was prepared as part of this ESP.

This section describes those measures that may 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. Environmental design measures and BMPs are presented for each resource category that will be potentially affected. The mitigation measures will be coordinated with 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 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. Additionally, all construction activities will follow DHS Management Directive for 5100.1 for waste management.

All equipment maintenance, laydown, and dispensing of fuel, oil, or any other such activities, will occur in staging areas identified for use in the Project description. The designated staging areas will be located in such a manner as to prevent any runoff from entering waters of the United States, 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 EPA standards.

Solid waste receptacles will be maintained at staging areas and in compliance with DHS Management Directive 5100.1. 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.

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 implemented to rehabilitate areas outside of the 60-foot construction area and established staging areas (except for temporary impacts in disturbed areas and nonnative grassland). 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 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 re-vegetation.
- Planting of native shrubs as required.
- Temporary irrigation (i.e., truck watering) for seedlings.
- Periodic monitoring to determine if additional actions are necessary to successfully rehabilitate areas.

Additional general construction BMPs are included in the BRP (see Appendix B).

1.5.2 Air Quality

Standard construction BMPs, such as routine watering of the construction and access roads, will be used to control fugitive dust during the construction phases of the Planned Action. Additionally, all construction equipment and vehicles will be maintained 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 may 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. Upon completion of the construction activities, rehabilitation of the staging areas will include loosening compacted soils, re-vegetating, or distributing geological materials (i.e., boulders and rocks) over the disturbed area to reduce erosion while allowing the area to naturally vegetate. In addition, erosion control

measures and appropriate BMPs, as required and promulgated through the SWPPP, will be implemented before, during, and after construction activities.

Road construction and maintenance will avoid, to the extent practicable, making wind rows with the soils once grading activities are completed. Any excess soils not used during construction of the planned infrastructure will be distributed throughout the project corridor.

1.5.4 Water Resources

A Stormwater Pollution Prevention Plan (SWPPP) will be prepared and implemented to reduce potential stormwater erosion and sedimentation effects to local drainages. In addition, CBP will seek technical advice from the USACE Los Angeles District in determining mitigation measures to offset impacts to jurisdictional Waters of the U.S. (WUS) and vegetated wetlands, as appropriate.

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

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 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 needed to ensure long-term recovery of the area and to prevent major soil erosion problems.

1.5.5 Biological Resources

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 impacts 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.

Numerous BMPs have been identified that, if implemented, could reduce impacts to floral and faunal species. Many of these are general BMPs, designed to alleviate overall effects to wildlife populations and vegetation communities. Some are species-specific BMPs designed to avoid or offset impacts to rare and protected species. These BMPs are discussed in detail in Appendix B, as well as in Section 8.2.3 of this ESP.

BMPs 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. The installation of a bollard-style pedestrian fence, as well as a vehicle fence within the Santa Cruz, is also a BMP that will reduce impacts to transboundary wildlife migration. 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 animals under the guidance of qualified biologists, and will continue to do so until the concrete foundations are set.

Since avoidance of the breeding/nesting season (March through September) is unlikely for this project, surveys for migratory birds may be completed prior to clearing and grubbing activities. Any migratory bird nests that are observed in the project corridor and are active will be flagged and avoided to the extent practicable. Construction activities that can not avoid damage or disturbances to an active migratory bird nest, egg, or chicks will be reported to Arizona Game and Fish Department (AZGFD) for informational purposes.

Native seeds or plants, which are compatible with the enhancement of protected species, will be used to the extent feasible to re-vegetate staging areas and turnarounds. In addition, organic material will be collected and stockpiled during construction to be used for erosion control after construction while the areas naturally re-vegetate.

Construction equipment will be cleaned at the temporary staging areas, in accordance with BMPs, prior to entering and departing the project corridor, to minimize the spread and establishment of non-native invasive plant species.

1.5.6 Cultural Resources

Cultural resources surveys of the project corridor have been completed and five Border Monuments and one prehistoric archaeological site that have the potential to be eligible for listing on the National Register of Historic Places fall within the project APE. The area around the Border Monuments will be flagged to avoid any damage to the monuments during construction activities. The prehistoric site is recommended for avoidance and if not possible, testing is recommended to mitigate adverse affects.

1.5.7 Hazardous Materials

Refueling of machinery will be allowed only at designated staging areas using 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, in accordance with the SPCCP.

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.

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