

FINAL

ENVIRONMENTAL ASSESSMENT
FOR
NOGALES INFRASTRUCTURE IMPROVEMENTS
TUCSON SECTOR, NOGALES STATION
SANTA CRUZ COUNTY, ARIZONA



Department of Homeland Security
Washington, D.C.

OCTOBER 2003

FINDING OF NO SIGNIFICANT IMPACT
NOGALES INFRASTRUCTURE
DEPARTMENT OF HOMELAND SECURITY
U.S. BORDER PATROL, TUCSON SECTOR

PROJECT HISTORY: Illegal vehicle and pedestrian entries into the United States cause detrimental impacts to natural and cultural resources as well as increased risks to the health and safety of U.S. Border Patrol (USBP) agents and the general public. Due to the remote and isolated region of southeast Arizona, and the proximity of the Mexican border, makes the Nogales area a major artery for smuggling illegal immigrants and controlled substances into the United States. Hundreds of new trails have been created through this area by illegal immigrants, which lead to the destruction of sensitive species, fragmentation of landscape, disturbance to wildlife, impacts to historical sites and littering.

PURPOSE AND NEED: The purpose of the proposed infrastructure system is to facilitate the detection and deterrence of illegal drug traffickers and undocumented aliens by providing the USBP Nogales Station with enhanced electronic surveillance, better patrol roads, a physical deterrence, and better nighttime visibility. The proposed infrastructure system would allow the USBP to more effectively control a larger area and improve enforcement and apprehension response time. The need for the proposed RVS systems is based upon illegal alien activity and limited agents available to the USBP Nogales Station.

PROPOSED ACTION: The Proposed Action Alternative includes the continued operation and maintenance of up to 60 portable light systems; the installation, operation and maintenance of 15 RVS systems; construction of 1.5 miles of new border road; 0.5 mile of road improvements, and the installation of 1 mile of border fence and maintenance road.

ALTERNATIVES: One other alternative was analyzed in the Environmental Assessment (EA): the No Action Alternative, which would preclude the construction of the proposed infrastructure systems. Other alternatives considered but eliminated from further consideration included an increased aerial reconnaissance operations alternative and an increased workforce alternative.

This EA is tiered from the Supplemental Programmatic Environmental Impact Statement (SPEIS) for Immigration and Naturalization Service (INS) and Joint Task Force–Six (JTF-6) Activities (INS 2001a). The SPEIS addressed INS and JTF-6 activities along the U.S.-Mexico Border and included the installation of lights, culverts, low water crossings, and roads.

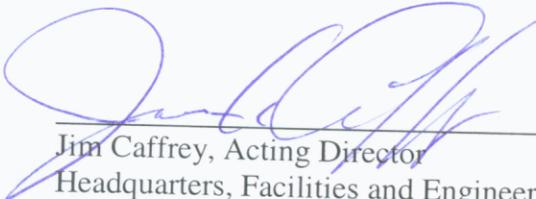
The EA is tiered from these previous documents in accordance with the President’s Council on Environmental Quality’s Regulations for Implementing the National Environmental Policy Act of 1969.

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U.S. BORDER PATROL, TUCSON SECTOR

ENVIRONMENTAL DESIGN MEASURES: Environmental design measures will be implemented and supervised by the USBP managers of the infrastructure improvements near Nogales, Arizona. These measures include:

1. Using standard construction procedures to minimize the potential for erosion and sedimentation and control fugitive dust during construction.
2. Onsite manager would closely monitor proper handling, storage, and/or disposal of hazardous and/or regulated materials.
3. On-site activities would be restricted to daylight hours on Monday through Saturday, except in emergency situations.
4. Flagging would be placed at Hinds Ridge, and 120 sites where pincushion cacti were observed to alert work crews of their presence.

FINDING: Based upon the results of the EA and the environmental design measures to be implemented as part of the Proposed Action, it has been concluded that the Proposed Action would not have a significant adverse effect on the environment.



Jim Caffrey, Acting Director
Headquarters, Facilities and Engineering Division

10-19-03

Date

FINAL

**ENVIRONMENTAL ASSESSMENT
FOR
NOGALES INFRASTRUCTURE IMPROVEMENTS**

**UNITED STATES BORDER PATROL
TUCSON SECTOR, NOGALES STATION
SANTA CRUZ COUNTY, ARIZONA**

October 2003

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EXECUTIVE SUMMARY

<p>PROPOSED ACTION:</p>	<p>The Department of Homeland Security proposes to construct 1.5 miles of all-weather patrol roads, perform 0.5 mile of road improvements, install 1 mile of border fence and maintenance road, and install 15 Remote Video Surveillance (RVS) systems in proximity to the U.S.-Mexico border in Nogales, Arizona. Road improvements to the first 0.5 mile of existing road would involve paving with asphalt. The road construction and improvements would begin 1,000 feet east of the Nogales POE, and continue east for approximately 2 miles. Additionally, 1 mile of border fence would be constructed starting about 1 mile east of the port of entry (POE). RVS systems would be installed on the east and west sides of the POE. Also, up to 60 portable light systems in the area would continue to be utilized to facilitate enforcement operations.</p>
<p>PURPOSE AND NEED FOR THE PROPOSED ACTION:</p>	<p>The purpose of the proposed infrastructure system is to facilitate the detection and deterrence of illegal drug traffickers and undocumented aliens by providing the U.S. Border Patrol (USBP) Nogales Station with enhanced electronic surveillance, better patrol roads, a physical deterrence, and better nighttime visibility. The proposed infrastructure system would allow the USBP to more effectively control a larger area and improve enforcement and apprehension response time. The need for the proposed RVS systems is based upon IA activity and limited agents available to the USBP Nogales Station.</p>
<p>ALTERNATIVES:</p>	<p>One other alternative was analyzed in the Environmental Assessment: the No Action Alternative, which would preclude the construction of the proposed infrastructure systems. Other alternatives considered but eliminated from further consideration included an increased aerial reconnaissance operations alternative and an increased workforce alternative.</p>
<p>ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION:</p>	<p>All proposed road alignments, portable lights, and RVS locations were surveyed for sensitive biological and cultural resources. Approximately 24.3 acres would be permanently impacted under the Proposed Action Alternative, of which existing roads have previously disturbed 1.2 acres. Five waters of the U.S. (0.5 acres) are expected to be impacted by the proposed infrastructure improvements. In addition, cattle grazing activities have disturbed vegetation within the project corridor through browsing and trampling. No significant adverse effects to air quality, noise, protected species, land use, cultural resources, socioeconomic, or water resources are expected.</p>
<p>CONCLUSIONS:</p>	<p>The proposed infrastructure improvements would have no significant adverse effects on natural resources within the project corridor. Therefore, no further analysis or documentation (<i>i.e.</i>, Environmental Impact Statement) is warranted. The Department of Homeland Security, in implementing this decision, would employ all practical means to minimize the potential adverse impacts on the local environment.</p>

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LIST OF EXHIBITS

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LIST OF ACRONYMS

ADEQ	Arizona Department of Environmental Quality
ADOT	Arizona Department of Transportation
ADWR	Arizona Department of Water Resources
AGFD	Arizona Game and Fish Department
AHPA	Archaeological and Historical Preservation Act
AMA	Active Management Area
AO	Area of Operation
APE	Area of Potential Effect
ASLD	Arizona Department of Land and State Parks
ASM	Arizona State Museum
BLM	Bureau of Land Management
BIA	Bureau of Indian Affairs
BMP	Best Management Practices
C	Candidate
CAA	Clean Air Act
CAAA	Clean Air Act Amendments
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CO	Carbon Monoxide
CWA	Clean Water Act
dB	decibel
DEM	Digital Elevation Model
DNL	Day-Night average sound Level
EA	Environmental Assessment
E.O.	Executive Order
ER	Export Restricted
ESA	Endangered Species Act
FICON	Federal Interagency Committee on Noise
Ft	Foot
Ft ²	Square Feet
FY	Fiscal Year
HR	Harvest Restricted
HS	Highly Safeguarded
IA	Illegal Alien
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act
INA	Immigrant Nationality Act
INS	Immigration and Naturalization Service
IO	Isolated Occurrences
JTF-6	Joint Task Force Six
LaF	Lampshire very gravelly sandy loam
LcF	Lampshire-Chiricahua Association
µg/m ³	Micrograms per cubic meter
mg/m ³	Milligrams per cubic meter
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act of 1969
NHPA	National Historic Preservation Act
NIWWTP	Nogales International Wastewater Treatment Plant
NRCS	Natural Resource Conservation Service
NRHP	National Register of Historic Places

NOA	Notice of Availability
NO ₂	Nitrogen Dioxide
NPS	National Park Service
NWPs	Nationwide Permits
O ₃	Ozone
OHWM	Ordinary High Water Mark
OSHA	Occupational Safety and Health Administration
P	Primary
PCPI	Per Capita Personal Income
PM ₁₀	Particulate matter <10 micrometers
PM _{2.5}	Particulate matter < 2.5 micrometers
Pb	Lead
POE	Ports-Of-Entry
ppm	Parts per million
ROI	Region of Influence
ROW	Rights-of-way
RVS	Remote Video Surveillance
SA	Salvage Assessed
SAR	Search and Rescue
SC	Special Concern
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SO ₂	Sulfur dioxide
SPEIS	Supplemental Programmatic Environmental Impact Statement
SR	Salvage Restricted
SWPPP	Stormwater Pollution Prevention Plan
TAMU	Texas A&M University
TEA-21	Transportation Efficiency Act for the 21 st Century
THPO	Tribal Historic Preservation Officers
TPI	Total Personal Income
USACE	U.S. Army Corps of Engineers
USBEA	U.S. Bureau of Economic Analysis
USBP	U.S. Border Patrol
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service
USGS	United States Geographical Survey
WC	Wildlife of Special Concern
WoE	Whitehouse-Caralampi Complex
WUS	Waters of the U.S.

SECTION 1.0
INTRODUCTION AND PURPOSE AND NEED



1.0 INTRODUCTION

This Environmental Assessment (EA) addresses the potential effects, beneficial and adverse, of the continued operation of up to 60 portable lights, construction of 1.5 miles of all-weather patrol roads and improvements to 0.5 miles of roadway, the installation of 1 mile of border fence, and the installation, operation and maintenance of 15 remote video surveillance systems (RVS) systems near the Nogales port-of-entry (POE) (Figure 1-1). The infrastructure improvements proposed for the Nogales area would result in quicker response times, better security of the border, and provide an environment that promotes the safety and well being of U.S. Border Patrol (USBP) agents, as well as the citizens of Nogales. This EA was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality (CEQ) regulations implementing NEPA (Title 40 of the U.S. Code of Federal Regulations [CFR], Parts 1500-1508), and 28 CFR Part 61.

This EA is tiered from the Supplemental Programmatic Environmental Impact Statement (SPEIS) for the Immigration and Naturalization Service (INS) and Joint Task Force–Six (JTF-6) Activities (INS 2001a). This SPEIS addressed INS and JTF-6 activities along the U.S.-Mexico Border and included the installation of lights, culverts, low water crossings, fences, and roads.

1.1 HISTORY

Because of concerns of rising numbers of illegal aliens (IA), the U.S. Congress passed the Immigration Act of 1891, the nation's first comprehensive immigration law. The Act created the Bureau of Immigration within the Treasury Department and placed the Commissioner of Immigration in the port of New York. The Bureau of Immigration was transferred to the Department of Commerce in 1903. Immigration continued to rise, reaching a peak in 1907 when 1,285,349 immigrants arrived. Subsequent legislation (e.g., Immigration Act of 1924) that required more stringent requirements to enter the U.S., coupled with the events surrounding World War I and the Great Depression, caused immigration rates to decline over the next few decades.

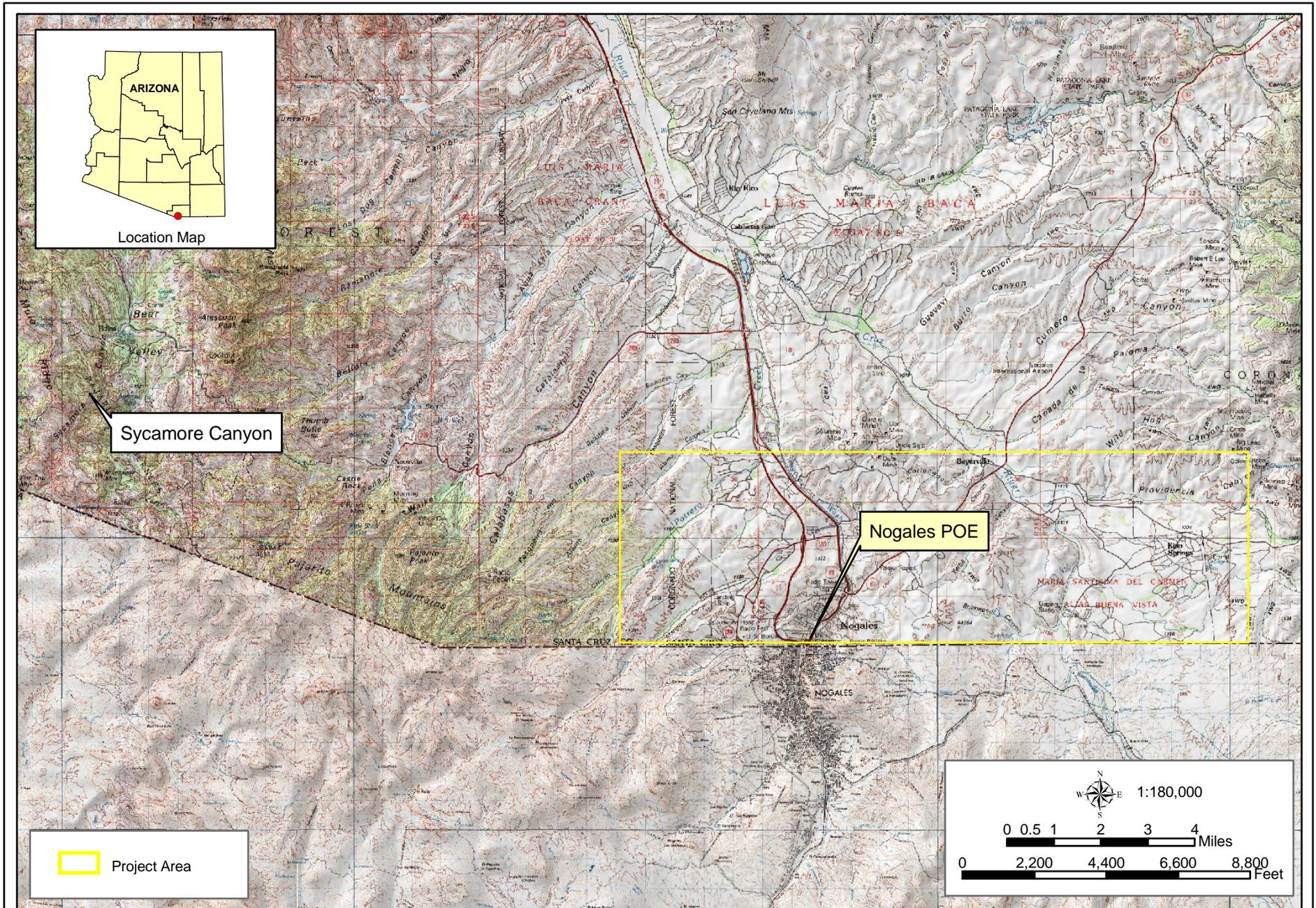


Figure 1-1: Project Location

In the years preceding World War II, the numerical quota system continued under amendments to the Immigration Act of 1924. Immigration increased quickly after the war, partially because of new legislation that relaxed or waived some quotas to allow immigration of war brides, refugees, and orphans. The Displaced Persons Act of 1948, the Immigration and Nationality Act of 1952, and the Refugee Relief Act of 1953 were among those acts.

Until the 1960s, the majority of immigrants that entered the U.S. came from Europe, with smaller numbers coming from Asia and other countries in the Western Hemisphere. In the 1960s the national origins principle of determining immigration quotas was discontinued after 40 years of use. During the 1960s and 1970s, legislation allowed for the immigration of refugees fleeing from political upheavals in specific countries and fleeing due to fear of persecution because of race, religion, or political beliefs. It was also during this period that the Immigration and Nationality Act (INA) was amended in October 1965, placing the first numerical ceiling on the total number of immigrants into the U.S., but abolished quotas by nationality. The new system provided an annual ceiling of 290,000 immigrants (later reduced to 270,000 in 1980 by Congress).

Since 1980, an average of 150,000 immigrants have been naturalized every year. At the same time, however, IAs have become a significant issue. USBP's apprehension rates are currently averaging more than one million IAs per year throughout the country. Studies have indicated approximately 10 million IAs are in the U.S. For the past several years, Mexicans have comprised the largest number of legal as well as illegal immigrants to the U.S.

Until the early 1990s, there was limited awareness of southwest border issues and little national attention was given to illegal border activity. As a result, the USBP growth was nominal, funding for enforcement efforts fell short, and the USBP was required to function within severe constraints. Social events in the 1990s elevated the nation's awareness concerning illegal immigration, narcotics smuggling, and generated substantial interest in policing the southwest border. Increased national concern has led to increases in funding and staffing, and has enabled the USBP to develop effective enforcement strategies independent of conventional limitations.

On November 25, 2002, Congress transferred all INS responsibilities to the newly created Department of Homeland Security with the passage of the Homeland Security Act of 2002. The official transfer of responsibilities occurred on March 1, 2003 and USBP was transferred into the Bureau of Customs and Border Protection within the Department of Homeland Security.

The USBP's primary mission remains to prevent and deter illegal entry across the international borders of the U.S. Deterrence is affected through the actual presence (24 hours per day, seven days per week) of USBP agents on the border, fences, and other physical (natural and man-made) barriers, lighting, and the certainty that the illegal entrants will be detected and apprehended. Detection of the illegal traffickers is accomplished through a variety of low-technology and high-technology resources, including observing physical signs of illegal entry (vehicle tracks, footprints, refuse, human waste, clothes, etc.), visual observation of the illegal entries, information provided by private landowners or the general public, ground sensors, and RVS systems. The continuation of historic enforcement operations such as dragging operations, aerial reconnaissance, remote sensing technology, lighting, increased patrols, and patrol agents, coupled with additional future infrastructure, would greatly facilitate deterrence of illegal crossings and allow the USBP to maintain control of the border.

In partial response to the continued problems of smuggling and IAs, the U.S. Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. Title 1, Subtitle A, Section 102 of IIRIRA states that the Attorney General, in consultation with the Commissioner of Immigration and Naturalization, shall take such actions as may be necessary to install additional physical barriers, roads, and other infrastructure deemed necessary in the vicinity of the U.S. border to deter illegal crossings in areas of high illegal entry into the U.S.

1.2 REGULATORY AUTHORITY

The mission of the USBP includes the enforcement of the INA and the performance of a uniformed, Federal law enforcement agency with authority delegated by the U.S. Attorney General. The primary sources of authority granted to officers of the USBP are the INA, found in Title 8 of the U.S. Code (8 U.S.C.), and other statutes relating to the

immigration and naturalization of aliens. The secondary sources of authority are administrative regulations implementing those statutes, primarily those found in Title 8 of the CFR (Section 287), judicial decisions, and administrative decisions of the Board of Immigration Appeals. In addition, the Illegal Immigration Reform and IIRIRA mandates the USBP to acquire and/or improve equipment and technology along the border, hire and train new agents for the border region, and develop effective border enforcement strategies.

Subject to constitutional limitations, USBP officers may exercise the authority granted to them in the INA. The statutory provisions related to enforcement authority are found in Sections 287(a), 287(b), 287(c), and 287(e) [8 U.S.C. § 1357(a,b,c,e)]; Section 235(a) [8 U.S.C. § 1225]; Sections 274(b) and 274(c) [8 U.S.C. § 1324(b,c)]; Section 274(a) [8 U.S.C. § 1324(a)]; and Section 274(c) [8 U.S.C. § 1324(c)] of the INA. Other statutory sources of authority are Title 18 of the U.S.C., which has several provisions that specifically relate to enforcement of the immigration and nationality laws; Title 19 [19 U.S.C.] § 1401(i)], relating to U.S. Customs Service cross-designation of USBP officers; and Title 21 [21 U.S.C. § 878], relating to Drug Enforcement Agency cross-designation of USBP officers.

Section 287(a)(3) of the INA provides further authority to USBP agents to enter any lands and/or facilities within 25 miles of the international borders, without prior approval of the property owner, in the pursuit of IAs and/or drug traffickers. The USBP attempts to stay on established roads during their apprehension efforts to avoid environmental impacts, increase their own safety, and reduce maintenance costs to vehicles. However, it is within their authority to traverse all lands during apprehension.

1.3 PURPOSE AND NEED

The purpose of this EA is to identify actions necessary to deter the entry of IAs, potential terrorists, and contraband (i.e., drugs, vehicles, etc.) from entering the U.S., to reduce associated crime along the international border, to enhance the effectiveness of USBP in their daily operations, and to improve the safety and welfare of USBP agents and U.S. residents. Illegal immigrants threaten the safety and welfare of U.S. residents, as well as USBP agents, in addition to causing detrimental impacts to natural and cultural

resources in their attempts to enter the U.S. Due to the remote and isolated nature of southeastern Arizona, coinciding with the proximity of the U.S.-Mexico border, this area is a major artery for smuggling illegal immigrants and controlled substances into the U.S. Hundreds, possibly thousands of trails have been created through this area by IAs. This has led to the destruction of sensitive species, fragmentation of landscape, disturbance of wildlife, impacts to historic sites, starting of wildfires, deposition of litter, destruction of public and private property, which cause negative impacts to the economy, as well as other detrimental consequences (INS 2001d).

The continual influx of IAs severely damages and many times destroys natural resources. IAs damage native vegetation by uprooting plants to build temporary shelters, camouflaging drug stashes, or for use as fuel to build fires. Warming or cooking fires are often left burning unattended, which in many cases has led to large wildfires that devastated thousands of acres. In 2000 approximately 16,000 acres of habitat was burned in the Buenos Aires National Wildlife Refuge, costing over \$360,000 in suppression efforts and an additional \$210,000 were spent on support, and equipment and repairs. At the Leslie Canyon National Wildlife Refuge, dense areas of habitat for the Federally endangered Huachuca water umbel were trampled and killed by IAs waiting to be picked up. Breeding bird populations are being negatively impacted by the continual disturbance of IAs, which typically lead to nest failure. The spread of invasive plant species is likely exacerbated when seeds are transported from Mexico on clothing, and in many areas have displaced native vegetation (INS 2001d).

The mere numbers of IAs traveling through the border area create problems for residents, Federal employees, and visitors that use the vast amount of public lands. In a report presented to the House of Representatives Committee on Appropriations concerning impacts caused by IAs crossing Federal Lands in Southeast Arizona, disclosed that:

Burglaries, vandalism, killing of animals and theft are common along the border. Money, vehicles, cattle, firearms, and other personal possessions have been stolen from both private and Federal owners. In 1983, two employees of the Salerno Ranch, located in Tubac (20 miles north of Nogales) were murdered by two IAs that used rifles stolen from nearby homes. Unfortunately, this type of event will likely occur again due to ever-increasing drug smuggling operations

and large amounts of money associated with these operations. Tons of trash is left behind each year by IAs carrying water and personal items into the U.S., which detracts from the scenic qualities of this area that visitors come to see. This, coupled with the fear of being confronted by illegal immigrants is enough to keep the public away. Additionally, there is an increased burden to U.S. taxpayers, medical providers, and court systems due indirectly to IAs entering the U.S (INS 2001d).

These are only a few of the impacts that are caused by the constant influx of IAs throughout southeast Arizona. The form of deterrence measures used to combat illegal immigrants and smuggling activities is based upon the need to provide protection to the citizens of the U.S., natural and cultural resources, and Federal employees.

In fiscal year (FY) 2002, the USBP Nogales Station estimated 108,750 IAs entered the U.S., 50,377 were apprehended, while the remainder either returned back to Mexico or successfully escaped into the U.S. The Nogales Station seized more than 83,000 pounds of marijuana and over 294 pounds of cocaine and other narcotics, for a combined street value of over \$76.3 million (Bundschuh 2003).

The RVS systems have become one of the most effective enforcement technologies in the USBP arsenal because of their capability to monitor large areas with the use of limited personnel 24 hours, 7 days a week while having minimal impact on the environment. RVS systems would allow the USBP to more effectively control a larger area (a force multiplier), improve response time, and increase the safety of USBP agents and IAs attempting to illegally enter the U.S. The RVS systems would allow the USBP to apprehend illegal entrants in proximity of the border thereby resulting in a more compact enforcement area to patrol and allow for a greater agent presence. As well, the need to deter IAs traffic by extending the existing fence for 1 mile would provide further protection to the City of Nogales. Nogales is an area that receives high amounts of illegal traffic due to the lack of a physical barrier. Fencing would halt or substantially hinder illegal traffic in the immediate area. The improved roads and installation of proper drainage structures would enhance the agents' ability to react to an illegal incursion, and thus, provide deterrence to illegal entry attempts. Road improvements would also reduce risks to the USBP agents patrolling the roads and reduce vehicle maintenance and

downtime associated with poor road conditions. The continued use of portable lighting systems would also facilitate in detecting IAs as they attempt to avoid detection by hiding in heavily vegetated areas. Overall, the operational effectiveness of the USBP would be greatly enhanced by increasing their surveillance and apprehension capabilities once the proposed infrastructure system is installed.

In summary, the objective of the Proposed Action is to decrease and deter the entry of IAs, potential terrorists, and contraband (i.e., drugs, vehicles, etc.) from entering the U.S., to reduce associated crime along the international border, to enhance the USBP's effectiveness, and to enhance the safety and welfare of USBP agents and U.S. residents. The need for the proposed infrastructure improvements is to provide a safer working environment for USBP agents and enhance their apprehension and deterrence effectiveness.

1.4 APPLICABLE ENVIRONMENTAL STATUTES AND REGULATIONS

This EA was prepared for the Department of Homeland Security in accordance with, but not limited to the National Environmental Policy Act of 1969; Endangered Species Act (ESA) of 1973, as amended; the National Historic Preservation Act (NHPA) of 1966, as amended; the Archaeological and Historical Preservation Act (AHPA) of 1974, as amended. Table 1-1 summarizes the pertinent environmental requirements that guided the development of this EA.

1.5 REPORT ORGANIZATION

This EA is divided into nine major sections, including this chapter. Chapter 2 describes the alternatives that were considered that would satisfy the stated purpose and need. Current environmental conditions within the project area and vicinity are presented in Chapter 3. The potential impacts, beneficial and adverse, of all alternatives that are being considered are discussed in Chapter 4, including a discussion of the cumulative effects that have occurred and are anticipated. Chapter 5 presents mitigation measures and plans to reduce, eliminate, or compensate for any adverse impacts to the human or

Table 1-1
Applicable Environmental Statutes and Regulations

Federal Statutes
Archaeological and Historical Preservation Act of 1974
Clean Air Act of 1955, as amended
Clean Water Act of 1977, as amended
Endangered Species Act of 1973, as amended
Migratory Bird Treaty Act of 1972
National Historic Preservation Act of 1966, as amended
National Environmental Policy Act of 1969, as amended
Watershed Protection and Flood Prevention Act of 1954
Wild and Scenic Rivers Act of 1968, as amended
Farmland Protection Policy Act of 1980
Native American Graves Protection and Repatriation Act of 1990
Executive Orders, Memorandums, etc.
Floodplain Management (E.O. 11988) of 1977
Protection of Wetlands (E.O. 11990) of 1977
Federal Actions to Address Environmental Justice to Minority Populations and Low-Income Populations (E.O. 12898) of 1994
Protection of Children from Environmental Health Risks (E.O. 13045) of 1997
Protection of Migratory Birds & Game Mammals (E.O. 11629) of 2001
Indian Sacred Sites (E.O. 13007) of 1996
Executive Order (E.O.) No. 11593, "Protection and Enhancement of the Cultural Environment of 1971
Consultation and Coordination with Indian Tribal Governments (E.O. 13175) of 2000
Government-to-Government Relations with Native American Tribal Governments (Presidential Memorandum) of 1994

natural environment. Chapter 6 discusses the public involvement measures that have been utilized throughout the preparation of this EA in soliciting, obtaining, and incorporating input from the general public and resource agencies. References that were used while preparing the EA, as cited in the text, are presented in Chapter 7. A list of persons responsible for preparing the EA is presented as Chapter 8. Appendix A includes state listed species of concern, and Appendix B contains supporting documents of the public involvement program, such as the notice of availability, public comment letters, coordination letters, and public correspondence letters.

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SECTION 2.0
ALTERNATIVES



2.0 ALTERNATIVES

Each alternative, as well as the No Action Alternative, has been evaluated using the objectives of the project with respect to associated environmental consequences. Operational criteria, in general, include important design, location, or construction features that may affect the degree to which the Proposed Action Alternative can satisfy the project needs and objectives. Operational criteria relevant to the needs and objectives of the Proposed Action, include:

- Facilitate rapid response time to operational and emergency situations;
- Minimize hazards to USBP agents;
- Maximize use of existing USBP agent workforce;
- Enhance the USBP's capabilities in preventing and deterring possible terrorist acts, and;
- Enhance the ability of the USBP to prevent, deter, and apprehend illegal entrants in proximity of the border and therefore result in less trans-border traffic and fewer enforcement actions outside the immediate border vicinity.

2.1 NO ACTION ALTERNATIVE

The No Action Alternative would exclude the construction of 1.5 miles of all-weather roads and 0.5 mile of road improvements, the installation and use of 15 RVS systems, the continued use of up to 60 portable lights, and construction of 1 mile of barrier fence. Under this alternative, smugglers, IAs, and potential terrorists would be more likely to enter the U.S. The lack of advanced detection capabilities, coupled with inadequate access roads and the lack of a physical barrier along the border, would require additional agents to be placed on duty to provide an equal level of deterrence and detection capabilities afforded by the Proposed Action Alternative. Poor road conditions create safety risks for USBP agents using the existing roads. In addition, vehicle maintenance associated with rough road conditions would continue to occur under the No Action Alternative. The probability of confrontations between IAs and the citizens of Nogales, USBP agents, and other U.S. citizens would likely continue due to the lack of deterrence measures along this section of the U.S.-Mexico border. Migration of IAs would continue to place financial strains on local communities (e.g. Nogales), state, and Federal

government, and, in turn, American citizens. Additionally, continued damage to the natural environment and cultural resources would persist under this alternative.

2.2 PROPOSED ACTION ALTERNATIVE

The Proposed Action involves the installation, operation, and maintenance of 15 RVS systems, the continued operation and maintenance of up to 60 portable light systems, improvements to 0.5 mile of border road and construction of 1.5 miles of all-weather patrol roads, and the installation of 1 mile of border fence and maintenance road along the U.S.-Mexico border within Santa Cruz County, Arizona.

Remote Video Surveillance

The first component involves the installation of 15 RVS systems. The standard design for pole mounted RVS systems would be used for all 15 RVS systems. The sites are accessible via existing roads. Two alternate sites are also being evaluated. Descriptions of the RVS sites and their Area of Potential Effect (APE) are listed in Table 2-1 and are shown in Figure 2-1.

The standard design for pole mounted RVS systems would consist of multiple color cameras (low-light and infrared) and transmitters to send the signals back to the USBP Nogales Station's RVS operations and control room. This equipment would be mounted approximately 60-80 feet above ground level, depending upon the local terrain. The RVS equipment is mounted on a rectangular or triangular platform that holds the microwave and antennae systems, cameras mounted on pan-and-tilt pedestals, and control equipment. The exact number and types of equipment depend on the number and types of cameras used, area to be monitored, IAS traffic, and other design variables. In addition, one or more small solid parabolic antennas are mounted on the platform railings or on a separate antenna mount. The platform would be mounted on steel or concrete poles that are approximately three feet in diameter. Typical pole placement is on a foundation that requires a 4-ft diameter by 12-ft deep hole drilled by an auger, but the design is dependent upon subterranean characteristics determined by subsurface investigations. Concrete is placed in the hole and around the



Table 2-1. Location, Construction Footprint, and Design of the 15 Proposed RVS Sites.

Site #	Site Name	Latitude	Longitude	Elevation	Power	Structure	Impacts (ft²)
1	120	N 31-20-01.82	W 110-46-56.55	4291'	SOLAR	80ft Monopole	2,500
2	130	N 31-20-01.62	W 110-48-27.63	3975'	SOLAR	80ft Monopole	2,500
3	Water Shed	N 31-20-19.86	W 110-50-45.01	3903'	SOLAR	80ft Monopole	2,500
4	El Oso Wash	N 31-20- 41.9	W 110-51-34.9	4000'	SOLAR	80ft Monopole	2,500
5	Hinds Ridge	N 31-21-29.8	W 110-52-25.8	4265	SOLAR	30ft Tower	2,500
6	186 Ridge	N 31-20-29.79	W 110-53-37.28	4226'	SOLAR	80ft Monopole	2,500
7	82 Water Tank	N 31-21-33.94	W 110-53-54.75	4146'	AC	80ft Monopole	925
8	Kimmer Overwatch	N 31-20-14.44	W 110-54-47.42	3887'	SOLAR	80ft Monopole	2,500
9	HS Water Tank	N 31-22-00.4	W 110-58-58.2	4022	AC	80ft Monopole	900
10	84 Tank	N 31-20-28.03	W 110-58-31.98	4232'	SOLAR	80ft Monopole	2,500
11	Meadow Hills	N 31-22-39.61	W 110-58-31.94	3827'	AC	60ft Monopole	900
12	End of 50's Ridge	N 31-19-58.76	W 110-59-35.81	4364'	SOLAR	60ft Monopole	2,500
13	End of 60's Ridge	N 31-19-57.96	W 111-0-38.19	4440'	SOLAR	80ft Monopole	2,500
14	South of 624 Site	N 31-20-40.42	W 110-59-56.7	4346'	SOLAR	80ft Monopole	2,500
15	3 Gates	N 31-23-33.02	W 110-58-46.9	4010'	SOLAR	80ft Monopole	2,500
Total Impacts							32,725
Alternate Sites							
1	Goal Posts	N 31- 20-00.79	W 110- 54-6.25	4146'	SOLAR	80ft Monopole	2,500
2	020 Road	N 31- 21- 31	W 110- 47- 27	4100'	SOLAR	80ft Monopole	2,500
Total Impacts							5,000

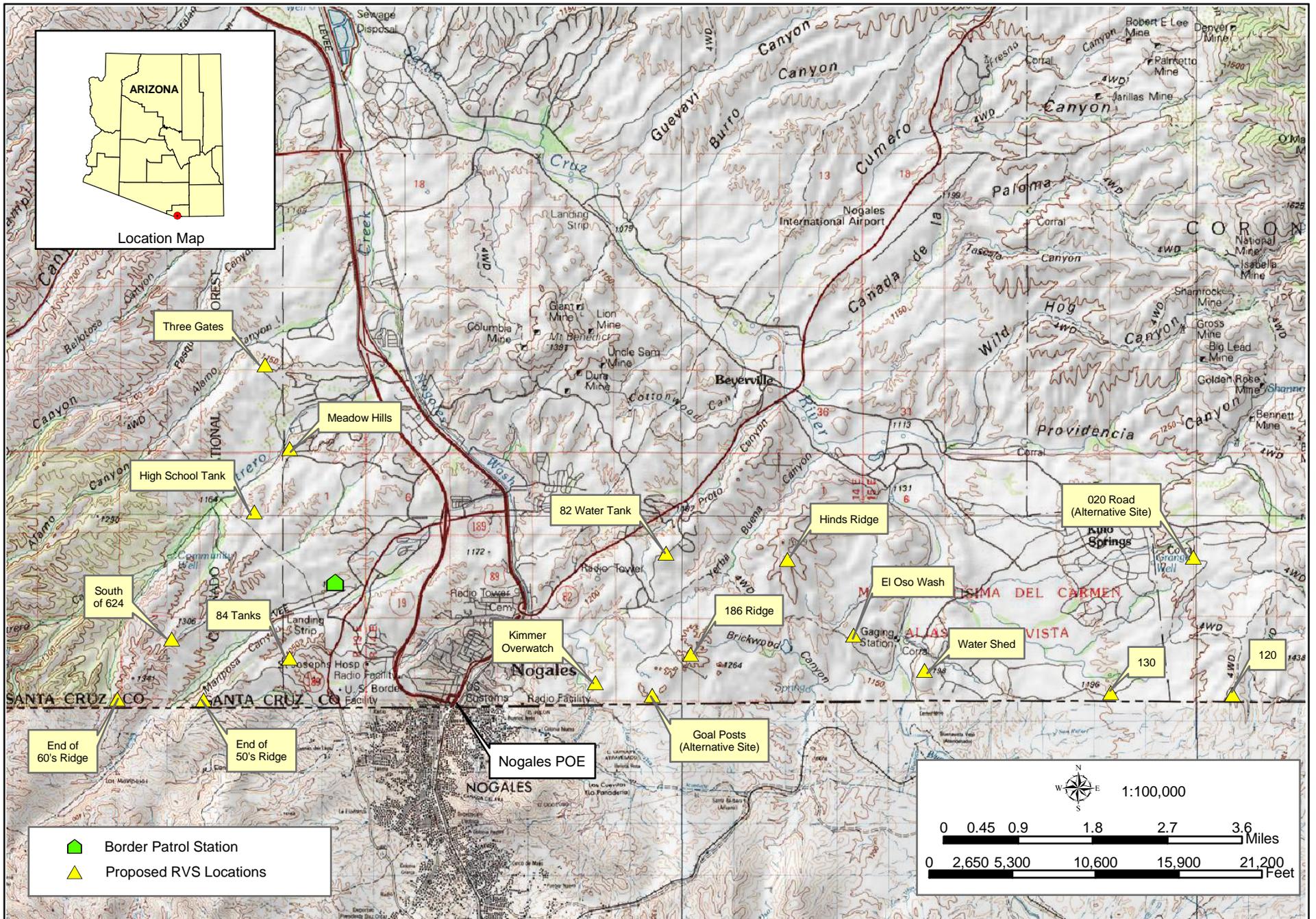


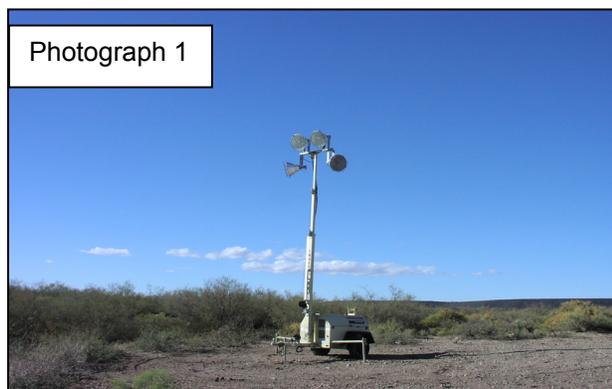
Figure 2-1: Proposed RVS Locations

pole forming a foundation, to anchor the pole in the ground. The APE is between 900 square feet (ft²) (30 ft X 30 ft) and 2,500 ft² (50 ft X 50 ft), respectively at each site depending on the power source for the RVS systems. RVS systems which utilize solar power, require a larger area for installation of the solar panels and associated equipment (2,500 ft²). Power to the RVS systems are generally supplied via aerial lines from adjacent power grids. Small propane powered generators with a panel of batteries are used to backup the solar powered systems. RVS systems are generally painted which allow the RVS systems to blend into the surrounding landscape.

Lights

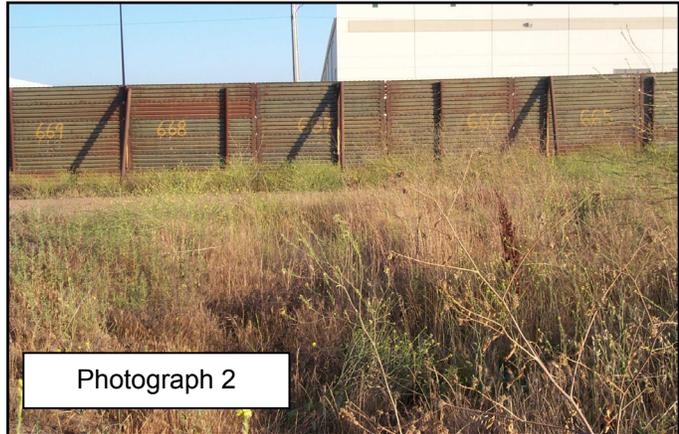
The use of up to 60 portable lights along a 4-mile corridor, 2 miles east and west of the Nogales POE would remain in operation. Portable lights are stationed in locations based on USBP intelligence and known areas where IAs have attempted to enter the U.S. in the past. While portable lights may be removed temporarily from their locations to have routine maintenance performed on them, the light systems remain at the designated locations. Portable lights have been used in the Nogales area since 2000 and have aided in the detection of illegal activities, enhanced the mission of the USBP, and reduced hazardous risks to IAs and USBP agents.

The portable light system consists of a 6-kilowatt self-contained diesel generator which powers four 1000-watt metal halide light bulbs at each portable light location (Photograph 1). Generators typically run 12 hours between each fueling. Portable lights operate from dusk to dawn 365 days a year. Lights are typically spaced 100 feet apart, but light placement depends upon topography and IAS traffic routes. Catch pans, which aid in preventing any accidental spills would continue to be used during fueling activities and routine maintenance.



Fencing

The proposed fence would begin approximately 1 mile east of the POE and would continue east for approximately 1 mile. The majority of the proposed barrier would likely be constructed from surplus military landing mat fence (Photograph 2) similar to the existing fence in the area at a cost of approximately



\$5,000 per mile. Each landing mat panel would be welded to the next to form a solid fence. Vertical support poles would be installed through the annular space of the hollow-stem auger. The poles would be placed in the boreholes and grouted with concrete to secure them. Ground disturbance would only occur where support poles would be installed. This action would substantially impede illegal foot and eliminate vehicle traffic within the area with minimal cost and environmental impacts.

Bollard style fence would be used instead of landing mat fence in major washes and draws that transect the proposed roadway (Photograph 3). Bollard fence would allow water to flow through it along its natural course without jeopardizing the security of the border. Bollard fence consists of a double row of 10 to 15-foot high steel poles, approximately 6 inches in diameter, placed on 8.5-inch centers. The pipes would be filled with concrete for added strength and security. The two rows are offset, such that the poles of the other row would fill the gaps between the poles. A concrete footer, 20



inches wide and 3 feet deep, is required to anchor the poles. Bollard fencing costs range from \$850,000 to \$1,000,000/mile to construct; however, this type of fence would only be used in areas that receive flowing water known to damage other types of fence.

Roads

A 12-foot wide maintenance road, parallel with the international border would be constructed and used during the installation of the fence. Construction of a maintenance road would consist of grading the land to provide a safe travel route to transport fence materials to the construction site. No cut and fill activities would take place to establish the maintenance road. Areas along the fence where steep topography limit equipment use, would be bypassed and equipment would be carried in on foot. The road would be maintained indefinitely to facilitate fence repairs in the future, if needed. The maintenance road would impact a maximum of 1.5 acres.

The fourth portion of the Proposed Action Alternative would involve 1.5 miles of road construction, with the associated drainage structures needed, along with 0.5 mile of road improvements east of the Nogales POE. The proposed new road construction would encompass grading, leveling, filling areas with on-site soil or engineered fill (soil from offsite source that is free of vegetation, rock and lumps larger than 3 inches), lifting and bedding, and installing structures to aid with water drainage. Improvements to approximately a 0.5 mile of existing patrol road would be accomplished by minor grading and asphalt pavement. The proposed road footprint would be 54 feet wide, which includes a 20-foot all weather road, a 6-foot shoulder, a 10-foot drag road, and a 9-foot stabilized ditch on each side of the road (Figure 2-2). The 10-foot drag road would be located 6 feet south of the all weather road and would parallel the patrol road for the entire distance of the road. Additionally, drainage structures would be added to areas that have periodic surface water flow to prevent roads from washing out and limiting patrol activities during rain events. The location of these improvements and the portable light locations are depicted in Figures 2-3a and 2-3b. Improvements to the existing 0.5 mile patrol road would remain in the existing road footprint and within the 60 foot Roosevelt Easement. The asphalt road would be approximately 20 feet wide and would utilize the existing drainage structures that are already in place. The maximum permanent disturbance expected from the implementation of 2 miles of improvements and construction is expected to be approximately 22 acres, which includes all cut and fill areas.

Military engineer units from the Arizona National Guard or Joint Task Force Six (JTF-6), USBP, or private contractors would complete actions proposed under this alternative.

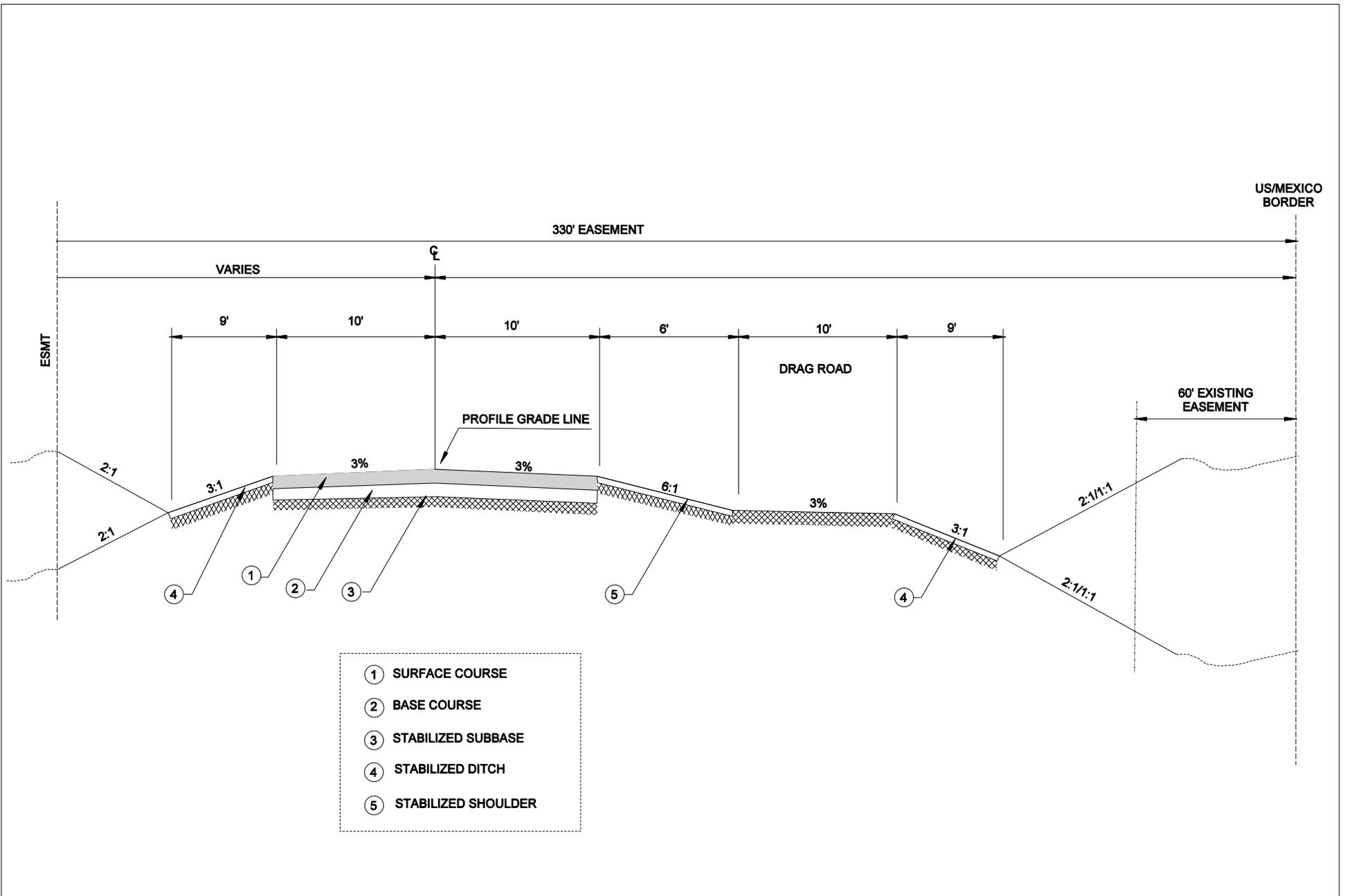


Figure 2-2: Typical Roadway Section



Figure 2-3a: Proposed Infrastructure Improvements

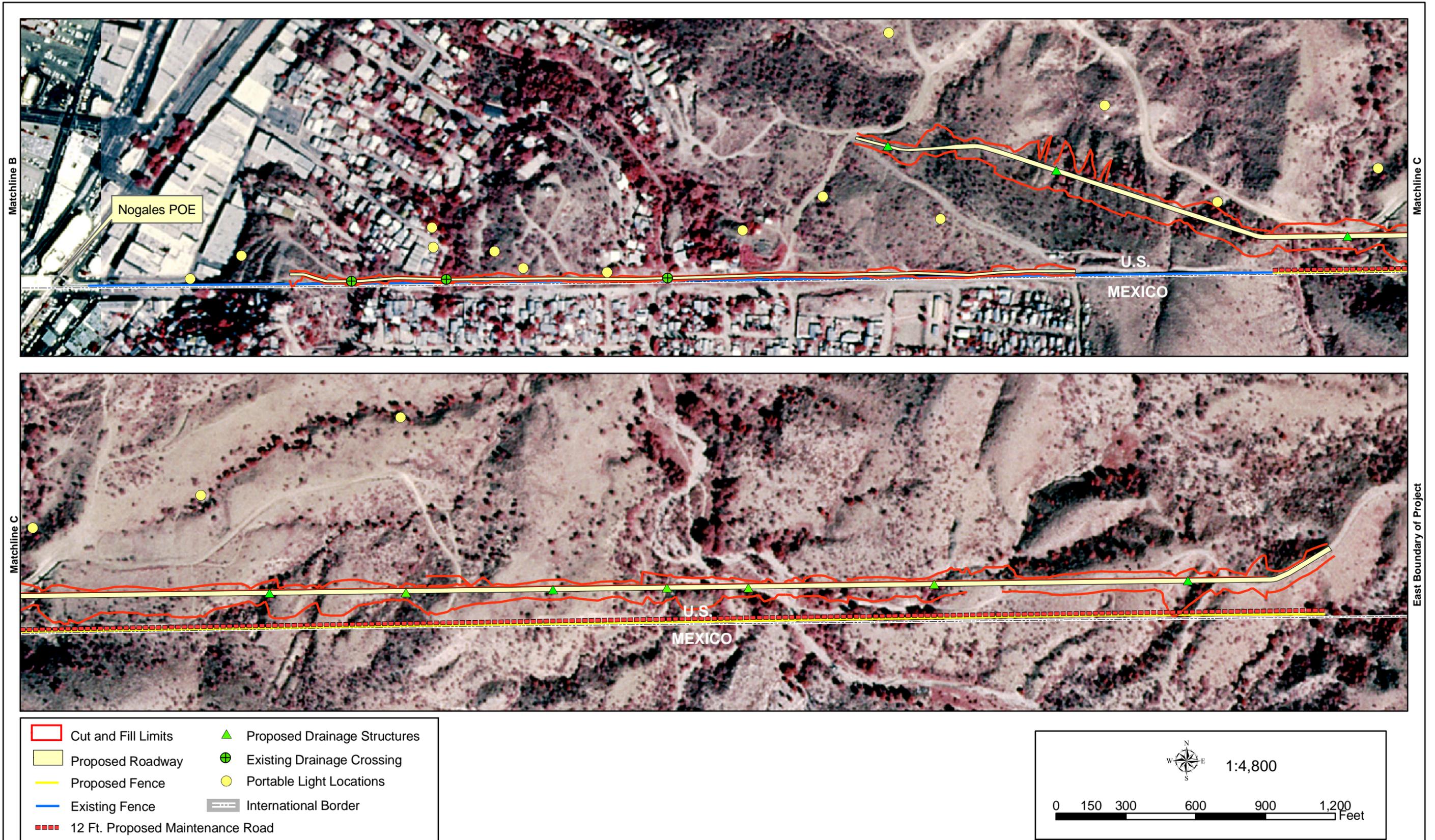


Figure 2-3b: Proposed Infrastructure Improvements

2.3 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM FURTHER EVALUATION

2.3.1 Increased Aerial Reconnaissance/Operations

Under this alternative, increased aerial reconnaissance would involve the use of helicopters and fixed-wing aircraft for surveillance in support of the Nogales Station.

This alternative was eliminated from further consideration because it does not satisfy the purpose and need of the project. The purpose and need is to deter the entry of IAs and prevent illegal smuggling activities from occurring within Nogales, Arizona. Aerial reconnaissance/operations require highly skilled pilots, cannot be used on a 24-hour per day basis, and cannot operate under all weather conditions. Aerial reconnaissance/operations also have limited detection capabilities in areas such as deep ravines, nighttime, and thick vegetation. Aerial reconnaissance/operations are also limited over or near military installations, National Parks and Monuments, wilderness areas, and near commercial airports. The Federal Aviation Administration and/or the Department of Defense impose flight restrictions on USBP operations on missions over or near their facilities. Aerial reconnaissance/operations also have restricted flight patterns near endangered species or other sensitive wildlife habitats, at nighttime, and over Indian reservations or other sacred cultural sites. This alternative was also considered undesirable, as the residents of Nogales and visitors would be subjected to constant aircraft noise and would detract from the community.

This alternative does not provide an adequate alternative to the Proposed Action and does not meet the operational criteria identified for the Proposed Action. Aerial reconnaissance/operations have proven to be an effective border enforcement strategy in some regions of the border. For example, aerial operations have proven highly effective in areas with the open terrain, low growing vegetation, and sandy soils that allow signs of illegal border traffic to be easily recognized from aircraft. Additionally, aerial reconnaissance/operations have become invaluable to USBP agents and IAs for performing Search and Rescue (SAR) missions and during vehicle pursuits. Due to their effectiveness in given situations and specific areas of the border, increasing aerial reconnaissance/operations may be an effective solution in given areas or to meet the purpose and need of other USBP activities.

2.3.2 Increased Workforce Alternative

Another alternative that was considered during the preparation of this EA was to increase the workforce at the Nogales Station. This alternative would involve increasing the number of USBP agents to observe activities and detect any potential illegal entry efforts. Additional USBP agents would have to be stationed in areas 24 hours per day, seven days a week, and due to rolling topography and vegetation, would not provide the same level of deterrence as the Proposed Action. Consequently, additional observation points would have to be established to provide the same coverage as the proposed RVS systems, which would disturb additional areas along the border. Such efforts would require an enormous commitment of resources and would demand an increase of about 80 agents per shift to obtain an equal level of effectiveness as the proposed RVS systems. These agents would be assigned to these observation points and would provide minimal additional strength to the station's apprehension capabilities. In addition, the purchase of large amounts of equipment would be necessary due to the fact that USBP agents and/or their vehicles would have to be equipped with infrared cameras or spotting scopes to allow night observations. Furthermore, in order to physically monitor one position 24 hours per day along the international border requires approximately five agents. Thus, this alternative would require 400 additional agents (5 X 80) to effectively monitor the same area.

Under this alternative, patrol roads would remain in the same unimproved condition as they are now. However, due to an increase in workforce, more vehicles would be utilizing patrol roads, possibly worsening their current condition and increasing safety risks to more USBP agents.

Due to the increased cost of implementing this alternative and lack of improvements to safety issues, this alternative was not considered viable because it does not satisfy the purpose and need. The additional staff would not provide additional flexibility in the station's enforcement strategy. In addition, the effectiveness of the USBP would not be improved under this alternative since IAs and smuggling activities could continue to travel across the U.S.-Mexico border unrestricted without the presence of a physical barrier.

2.4 SUMMARY

Two alternatives, the No Action Alternative and the Proposed Action Alternative, will be carried forward for analysis. A summary matrix (Table 2-2) presents each of the alternatives in comparison to the stated purpose and need, as well as those eliminated from further evaluation. Table 2-3 presents a summary matrix of the impacts from the two alternatives carried forward for analysis and how they affect the environmental resources in the Region of Influence (ROI).

Table 2-2. Alternative Matrix

Requirements	No Action	Proposed Action Alternative	Increased Aerial Reconnaissance/ Operations	Increased Workforce Alternative
Deterrence of IAs	No	Yes	Yes	Partial
Ability to monitor a large area 24 hours a day in all weather conditions	No	Yes	No	Partial
Improve USBP response time	No	Yes	Partial	No
Enhance the safety of USBP agents	No	Yes	Partial	No
Reduce number of field agents	No	Yes	Yes	No

Table 2-3. Summary Matrix of Potential Impacts

Affected Environment	No Action Alternative	Proposed Action Alternative
Land Use	No impacts.	Impacts would occur to approximately 24.3 acres of rural rangeland.
Soils and Prime Farmlands	No direct impacts; indirect impacts would continue from illegal traffic and consequent enforcement activities.	Approximately 24.3 acres of soils would be permanently impacted. Approximately 1.2 acres of previously disturbed soils are present in the proposed road footprint. No prime or unique farmlands would be impacted.
Vegetation Communities	No direct impacts; illegal traffic would indirectly impact vegetation communities.	Approximately 24.3 acres would be permanently impacted. 1.2 acres of vegetation have been previously disturbed.
Fish and Wildlife Resources	No direct impacts, illegal traffic would continue to damage vegetation thereby causing synergistic impacts to wildlife.	Approximately 24.3 acres of wildlife habitat would be permanently impacted. Impacts to wildlife resulting from operation of the lighting at night could occur.
Unique and Sensitive Areas	No direct impacts; illegal traffic would continue to damage unique and sensitive areas by causing accidental wildfires, creating trails, and discarding trash.	No impacts.
Protected Species and Critical Habitat	No direct impacts; indirect impacts would occur due to illegal traffic trampling habitat and threatened and endangered plant species.	No impacts.
Cultural Resources	No impacts.	A total of 25 NRHP listed structures and districts are within the view-shed of one or more of the 15 proposed RVS locations and the 2 alternates.
Air Quality	No direct impacts; indirect impacts from additional patrol activities.	Short-term degradation in local air quality during construction; impacts considered insignificant. Improvements to air quality due to the construction of all weather roads, which will reduce the amount of fugitive dust particles in the air.
Water Resources	No impacts.	Temporary impacts caused by the installation of drainage structures would impact a maximum of 7 washes (0.5 acre) identified as WUS. However beneficial long-term gains to water resources are expected upon completion. A one-time use of 132,000 gallons of water would be needed for construction activities, which would have no long-term effects to water resources in the area.

Table 2-3 continued

Affected Environment	No Action Alternative	Proposed Action Alternative
Socioeconomics	No direct impacts; indirect impacts from societal costs from illegal immigration and drug trafficking.	Indirect benefits from the increased effectiveness of the USBP in the reduction of IAs and drug smugglers.
Environmental Justice and Protection of Children	No direct impacts relative to environmental justice or protection of children. Indirect impacts regarding protection of children would result from illegal traffic and its associated criminal activity continuing to create an unsafe environment for children.	No impacts relative to environmental justice would be expected. Beneficial impacts to the protection of the children from a reduction of illegal immigration, drug trafficking, and other crimes within the area creating a safer living environment for the children on both sides of the border.
Noise	No direct impacts; indirect impacts would result from illegal foot traffic, and other illegal activity continuing and probably increase resulting in the need for additional patrols or aerial reconnaissance.	Temporary, insignificant increases in ambient noise levels during construction.
Aesthetics	No further direct impacts from the continued use of portable light systems; indirect impacts would continue from increased footpaths and trash left behind by illegal entrants.	No further direct impacts from the continued use of portable light systems are anticipated. Direct impacts would occur to the aesthetic and visual resources within the project corridor with the establishment of 1.5 miles of all weather road, 0.5 mile of asphalt, 1 mile of fence, and 15 RVS sites. Visual impacts caused by RVS systems would be minimized by the poles being painted to blend in with the surrounding landscape. Indirect benefits from decreased footpaths and trash left behind by illegal entrants.

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SECTION 3.0
AFFECTED ENVIRONMENT

3.0 AFFECTED ENVIRONMENT

This section of the EA describes the natural and human environment that exists in the Nogales region. Only those parameters that have the potential to be affected by the Proposed Action are described. Parameters dismissed from further discussion are discussed below:

Geologic Resources (Geologic Resources, Seismicity)

Geological resources include physical surface and subsurface features of the earth such as geological formations, and the seismicity of the area. The Proposed Action Alternative involves cut and fill activities required to construct a road in the rugged topography of southern Arizona. The proposed roadway alignment would primarily use ridge tops, thus minimizing cut and fill activities. There are no seismic areas, or unstable soils located within the project area and will not be further discussed.

Construction activities including a new roadway, fence, RVS sites, and access roads would require the disturbance of soils. For this reason, soils and topography will be addressed as an impacted resource.

3.1 LAND USE

The major land uses include agriculture, rangeland, urban, forest, recreation/special use, and water. Agencies controlling land areas in Santa Cruz County include Federal agencies, such as, the National Park Service (NPS), Department of Defense, and U.S. Fish and Wildlife Service (USFWS), U.S. Forest Service (USFS), and the Bureau of Land Management (BLM), along with municipal, county, state, and local entities. State agencies controlling large areas of land are the Arizona Department of Land and State Parks (ASLD) and the Arizona Game and Fish Department (AGFD). Native American nations also own significant areas of land. Private and corporate owners own a small percentage of the total land area of Santa Cruz County. These lands contain urban areas and intensive specialized agriculture land, along with areas of rangeland.

According to the 2000 census, the total area of Santa Cruz County is 1,238 square miles (smallest county in Arizona) with a population of 39,150. The BLM and USFS control approximately 421,000 acres (53%). Private and corporate landowners have 309,000 acres (39%). Outside of urban areas, the major land use of private and corporate land is rangeland and a small amount of agriculture. The State of Arizona controls approximately 62,000 acres (8%). Nogales, the county seat, is the largest urban area with a population of 21,205. Other urban areas include Sonoita, Patagonia, Tubac, and Amado. The project corridor is located on private and corporate property primarily; however, a very small parcel is owned by the State of Arizona. The primary land use in the project corridor is rangeland for cattle production, although, a hill within the project area is home to a communication tower. There are no zoning or other land management issues that would require special permits or permission.

3.2 SOILS AND TOPOGRAPHY

The U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) soil survey was reviewed to determine specific soil types found within the project corridor (USDA 1979). The soil types found in the proposed project corridor are the White House-Caralampi complex (WoE), Lampshire very gravelly sandy loam (LaF), and the Lampshire-Chiricahua association (LcF).

The LaF and LcF association soils consist of well-drained soils that are 4 to 12 inches in depth over bedrock. These soils are formed in residuum weathered from rhyolite, rhyodacite, granite, andesite, tuffs, and tuff-conglomerate. Slopes range from 0-60 percent and are found in elevations from 3,400 to 5,400 feet. These soils are used mainly for range and wildlife habitat. Additionally, these soils have severe limitations to road and street construction due to bedrock at a depth of 4 to 20 inches.

The WoE complex soils are found on long, narrow, roughly parallel, convex ridge remnants formed by deep dissection of old piedmont surfaces. The White House and Caralampi soils each makeup approximately 45% of the complex. White House soils are generally on less sloping ridge tops and shoulders that have slopes of 10 to 20 percent. Caralampi soils are located on the steeper portions of slopes having 20 to 35 percent slope. These soils most commonly have a gravelly sandy loam surface layer. Also, these

soils are used primarily for range and wildlife habitat. Runoff is rated as medium, and the erosion hazard is classified as moderate. Additionally, these soils are rated as severe for high shrink swell potential.

In August 1980, the CEQ directed that Federal agencies must contact the NRCS for location of soils that may be classified as prime or unique farmland soils. Prime farmland soils are defined as soil that particularly produces general crops such as common foods, forage, fiber, and oil seed; unique farmland soils produces specialty crops such as fruits, vegetables, and nuts. According to the NRCS, there are no prime or unique farmlands in the project corridor (INS 2002c).

The City of Nogales is located in the Southeastern Arizona Basin and Range Major Land Resource Area. This area consists of southeast-northwest-trending mountain ranges with relatively smooth valleys separating the mountains (Soil Information For Environmental Modeling and Ecosystem Management 2002). This area is surrounded by small mountain ranges with the local topography characterized by hills and steep canyons. Elevation ranges from 2,625 ft. to 4,593 ft. in most places and from 4,921 ft. to 5,906 ft. in the mountains. On some peaks, however, elevation is 8,858 ft.

3.3 BIOLOGICAL RESOURCES

3.3.1 Provinces

There are four biotic provinces in Arizona. The two provinces in the study region are: 1) the Apachian province which runs west from the New Mexico-Arizona state line through a large portion of Cochise County, Santa Cruz County, and parts of Pima County and 2) the Sonoran province which includes the northwestern part of Santa Cruz, Pima, Maricopa, Yuma, and La Paz counties (Dice 1943). The Apachian biotic province covers the high grassy plains and mountains of southeastern Arizona and consists of plant and wildlife species adapted to semiarid conditions. The Sonoran biotic province covers the desert region of southern Arizona and is characterized by extensive plains from which isolated small mountains and buttes rise abruptly.

3.3.2 Project Site Vegetation

Surveys were conducted within the project corridor during the week of February 3, 2003, to characterize the existing conditions. Although biologists collected data regarding general wildlife and vegetation, they focused their efforts on the protected species described later in Section 3.4.1. No Federal or state listed species were observed. Several plant species protected under the 1999 Arizona Native Plant law (see section 3.4.2) were observed within the project corridor. The project corridor is classified as a mesquite-grassland community. Three different habitat types within this community type are distinguishable on the aerial photograph of the project area presented in Chapter 2. They are the mesquite-grassland, scrub oak canyons, and grasslands. Commonly observed shrubs and native grasses in the grassland community type were slender plantain (*Bouteloua repens*), lovegrass (*Eragrostis* sp.), and bluestem grass (*Schizachyrium scoparium*), mesquite (*Prosopis* sp.), prickly pear (*Opuntia phaeacantha*) desert broom (*Baccharis sarothroides*), fairy duster (*Calliandra eriophylla*), Parry's century plant (*Agave parryi*), rainbow cactus (*Echinocereus pectinatus*), ocotillo (*Fouquieria splendens*), soaptree yucca (*Yucca elata*), beargrass (*Nolina microcarpa*), and sotol (*Dasyilirion wheeleri*). The scrub oak canyons were dominated by the presence of scrub live oak (*Quercus turbinella*), and Mexican blue oak (*Quercus oblongifolia*). Access roads that transect the area have previously disturbed 1.2 acres of vegetation within the footprint of the proposed road construction. An estimated 95% of the project area is vegetated; however, there is heavy grazing activities present throughout the project area. Cattle are the primary cause of grazing activities within the project area, as evident by the numerous tracks and manure piles.

Biological surveys were conducted separately from the February 2003 surveys at the 15 proposed RVS locations during the week of March 18, 2002, to ascertain the existing conditions at each site. Site-specific descriptions of the RVS locations, based on these surveys, are provided in the following paragraphs. On April 17, 2003, RVS site surveys were conducted for additional RVS locations, specifically sites 120, 130, Water Shed, Hinds Ridge, Goal Posts, End of 50s Ridge, and End of 60s Ridge. Surveyed sites lie within both USFS and private property.

South of 624

An existing road and grazing have previously disturbed portions of this site. The site is owned by the USFS. Common plants found included curly mesquite grass (*Bouteloua oligostachya*) and three-awn grass (*Aristida ternipes*).

84 Tank

An existing road and other activities have previously disturbed this site. The site is privately owned. A few specimens of pearly everlasting (*Gnaphalium wrightii*) were found at the proposed RVS site and several mesquite trees were located near the edge of this site.

High School Tank

Existing roadways, vehicle traffic, and grazing have previously disturbed this site. The site is owned by the City of Nogales. Common plants found included fairyduster and curly mesquite grass. Other vegetation present on the proposed RVS site included specimens of desert broom, mesquite, and three-awn grass (*Aristida ternipes*).

Meadow Hills

Portions of this site have been previously disturbed by vehicle traffic and grazing. The site is owned by the City of Nogales. Common vegetation at the proposed RVS site included fairyduster, lovegrass, and spiny aster (*Aster horridus*).

Three Gates

This site is owned by the USFS and has been previously disturbed by vehicle traffic and grazing. Common vegetation at the proposed RVS site included fairyduster, mesquite, and Texas beardgrass (*Schizachyrium cirratum*).

El Oso Wash

This site was mostly void of vegetation and has been previously disturbed by grazing and vehicle traffic. The site is owned by the City of Nogales. Vegetation at the proposed RVS site included mesquite, three-awn grass, grama grass, and pepper grass (*Lepidium* sp.). A few specimens of cane cholla (*Opuntia spinosior*) were also noted on the site.

Kimmer Overwatch

This site is privately owned and was mostly void of vegetation from previous disturbances, including grazing and vehicle traffic. Specimens of fairyduster, desert beauty dalea (*Dalea* sp.), and cane beardgrass (*Bothriochloa barbinodis*) were observed. Specimens of banana yucca (*Yucca baccata*) were also noted in the surrounding area.

186 Ridge

This site is privately owned and was mostly void of vegetation from previous disturbances including grazing and vehicle traffic. Specimens of fairyduster and six-weeks three-awn grass (*Aristida adscensionis*) were found at this proposed RVS site. The surrounding area also contained ocotillo and mesquite.

82 Water Tank

Portions of this site have been previously disturbed by vehicle traffic and grazing. The site is owned by the City of Nogales. Vegetation at the proposed RVS site included fairyduster, mesquite, lovegrass, and three-awn grass.

120

This site, located along the upper slope of a ridge, exhibited minor degradation from previous livestock grazing. The site is located on USFS land. The site is characterized as moderate herbaceous coverage throughout. Herbaceous species observed include slender gramma grass, fairy duster, locoweed (*Astragalus* sp.), phacelia (*Phacelia* sp.), goosefoot (*Chenopodium* sp.), lovegrass, desert broom, mariposa (*Calochortus* sp.), and woolly plantain (*Plantago patagonica*). Three pincushion cacti (*Mammillaria* sp.) were observed on the project site and scattered clumps of soaptree yucca were observed along the outer edge of the site.

130

This site, located immediately adjacent to the international border, along an existing road, exhibited extensive degradation from vehicular traffic and livestock grazing. The site is located on USFS land. The site is characterized by a sparse herbaceous plant layer. Dominant herbaceous species observed include fairy duster, white bursage, woolly plantain, and slender grama grass. A large sotol plant was observed along the

international border, however due to its location, the species should not be impacted by pole installation. Adjacent to the project site, numerous species of bear grass, prickly pear (*Opuntia* sp.), and soaptree yucca were observed.

Water Shed

This site, located atop a ridge, exhibited moderate degradation from vehicular traffic and livestock grazing. The site is located on private land. The site is characterized by highly scattered mesquite shrubs along the outer boundary of the site and a sparse to moderate herbaceous layer throughout. Herbaceous species observed include buckwheat, white bursage (*Ambrosia dumosa*), fairy duster, locoweed (*Astragalus* sp.), cranes-bill (*Erodium* sp.), and mariposa.

Hinds Ridge

This site is located atop a ridge exhibited extensive degradation and soil disturbance from previous vehicular traffic and operation of an existing USBP skywatch tower. The site is located on private land. The area immediately surrounding the skywatch tower exhibited a sparse number of herbaceous species including wooly plantain, Mexican gold poppy (*Eschscholtzia mexicana*), fairy duster, and white bursage. Adjacent to this disturbed zone, occurrences of herbaceous species increased dramatically. Three pincushion cacti were observed along the access road near the project site; however, these species are located far enough away not to be impacted by tower installation. To ensure these plants would not be damaged during construction, flagging would be placed around the plants to alert work crews of their presence.

End of 50s Ridge

This site, located atop a ridge, exhibited extensive degradation from previous vehicular traffic and livestock grazing. The site is located on USFS land. Scattered mesquite shrubs with a sparse herbaceous understory characterize the site. Dominant herbaceous species observed include white bursage, fairy duster, lovegrass, and goosefoot.

End of 60s Ridge

This site, located atop a ridge adjacent to the international border, exhibited extensive degradation from previous vehicular traffic and livestock grazing. The site is located on USFS land. This site is characterized by scattered mesquite trees and Emory oak trees

(*Quercus emoryi*) with sparse herbaceous understory. Dominant herbaceous observed include fairy duster, amaranth (*Amaranthus* sp.), few-flowered hyacinth (*Dichelostemma pauciflorum*), white bursage, goosefoot, thistle (*Cirsium* sp.), cryptantha (*Cryptantha* sp.), and Parry penstemon (*Penstemon parryi*). A single fish hook barrel cactus (*Ferocactus wislizenii*) was observed growing near the international border. Due to its location the species should not be harmed by the proposed project.

Alternate Sites

Due to problems with lease agreements on the 186 Ridge site and the 130 site the subsequent sites would be used as alternatives locations.

020 Road

This site is owned by the USFS and has been previously disturbed by grazing. Common plants found included: fairyduster, mesquite, and curly mesquite grass. Other grasses present on the proposed RVS site included hairy gramma grass (*Bouteloua hisuta*) and beargrass.

Goal Posts

This site is located on the side of a ridge within the Roosevelt Easement, exhibited minor disturbance other than light livestock grazing. Herbaceous perennials and annuals, with scattered cacti, characterize the site. Herbaceous species observed include fairy duster, slender gramma grass, loco weed (*Astragalus* sp.), and woolly plantain. Seven hedgehog cacti (*Echinocereus* sp.) were observed at the site. The majority of observed specimens are located along the eastern boundary of the site. Three hedgehog cacti and one small ocotillo approximately 7 inches in height was observed in the center of the site. In addition, a large sotol was observed growing near the international border adjacent to the border monument.

3.3.3 Fish and Wildlife Resources

Arizona contains an enormous diversity of environments for wildlife (751 vertebrate species) ranging from hot, dry deserts at low elevations through rich upland deserts, grasslands, and woodlands at mid-elevations to cold, moist montane/alpine habitats. The distribution of these environments is controlled generally by climatic conditions as well as by topographic features. Physiographic features such as scarps, plateaus, plains,

mountains, and drainage systems along with soil types and pedogenic and biotic elements influence wildlife distribution (Hendrickson and McKinley 1984).

3.3.3.1 Wildlife

The native faunal components of southeastern Arizona include 370 species of birds. The study area is dominated by sparrows and towhees (35 species); wood warblers (32 species); swans, geese, and ducks (31 species); tyrant flycatchers (30 species); and sandpipers and phalaropes (26 species). The majority of these bird species occur in spring and fall when neotropical migrants (e.g., flycatchers and warblers) pass through on their way to summer breeding or wintering grounds and in the winter when summer resident birds (e.g., robins, kinglets, and sparrows) from the north arrive to spend the winter. The majority of the 109 mammal species found in the study area are bats and rodents (i.e., mice and rats, squirrels) with rodents (e.g., pocket mice and kangaroo rats) being the most commonly encountered mammals. Of the 23 amphibian species that inhabit southeastern Arizona, spadefoot toads and true toads are dominant and the most widespread. A total of 72 species of reptiles can be found in the area with the iguanid lizards and colubrid snakes being the most prevalent along with whiptail lizards (Lowe 1964; Hoffmeister 1986; Lane 1988; USDOI 1989; USACE 1990; Davis and Russell 1991; Lowe and Holm 1992).

Wildlife species observed during the site visits included rock dove (*Columbina livia*), roadrunner (*Geococcyx californianus*), western kingbird (*Tyrannus verticalis*), turkey vulture (*Cathartes aura*), green towhee (*Pipilo chlorurus*), verdin (*Auriparus flaviceps*), desert cottontail (*Sylvilagus audubonii*), and black-tailed jackrabbit (*Lepus californicus*). No aquatic communities were observed during the biological surveys.

Portable lights were located in disturbed areas along existing unimproved roads. Portable lights located within the project area have been in operation since 2002, and there is no evidence that they have negatively affected wildlife patterns in the area. Furthermore, during the February field survey, it was noted at several locations that raptures were utilizing portable lights as perch sites.

3.4 PROTECTED SPECIES AND CRITICAL HABITAT

The USFWS's responsibilities under the ESA include: (1) the identification of threatened and endangered species; (2) the identification of critical habitats for listed species; (3) implementation of research on, and recovery efforts for, these species; and (4) consultation with other Federal agencies concerning measures to avoid harm to listed species.

In addition, the USFWS has identified species that are candidates for listing as a result of identified threats to their continued existence. The candidate (C) designation includes those species for which the USFWS has sufficient information on hand to support proposals of species to list as endangered or threatened under the ESA. However, proposed rules have not yet been issued because such actions are precluded at present by other listing activity.

3.4.1 Federal

A total of 22 Federally endangered, threatened, proposed threatened, and candidate species occur within Santa Cruz County, Arizona (USFWS 2003). A total of 14 species are listed as endangered, four as threatened, three as candidate, and one as proposed endangered (Table 3-1).

No evidence of Federally listed threatened and endangered species were found within the project area during the site visits conducted in March 2002, or in February and April 2003. However, Perry's century plants, which are a potential food source of the lesser long-nosed bat, were frequently observed.

3.4.2 State

The AGFD maintains lists of Wildlife of Special Concern in Arizona (WC). This list includes flora and fauna whose occurrence in Arizona is or may be in jeopardy, or with known or perceived threats or population declines (AGFD 2002). These species are not necessarily the same as those protected by the Federal government under the ESA.

**Table 3-1
Federally Listed, Proposed, and Candidate Species Potentially Occurring
within Santa Cruz County, Arizona**

Common/Scientific Name	Status	Date Listed	Habitat
PLANTS			
Canelo Hills ladies'-tresses <i>Spiranthes delitescens</i>	E	1/6/97	Finely grained, highly organic, saturated soils of cienegas
Huachuca water umbel <i>Lilaeopsis schaffneriana</i> spp. <i>recurva</i>	E	1/6/97	Cienegas, perennial low gradient streams, wetlands
Pima pineapple cactus <i>Coryphantha scheeri</i> var. <i>robustispina</i>	E	9/23/93	Sonoran desertscrub or semi-desert grassland communities
BIRDS			
Bald eagle <i>Haliaeetus leucocephalus</i>	T	1/12/95	Large trees or cliffs near water with abundant prey
Cactus ferruginous pygmy-owl <i>Glaucidium brasilianum cactorum</i>	E	3/10/97	Mature cottonwood/willow, mesquite bosques, and Sonoran Desertscrub
California brown pelican <i>Pelecanus occidentalis californicus</i>	E	3/6/85	Feed in shallow estuarine waters; nest on small coastal islands
Mexican spotted owl <i>Strix occidentalis lucida</i>	T	3/15/93	Nests in canyons and dense forests with multi-layered foliage structure
Northern aplomado falcon <i>Falco femoralis septentrionalis</i>	E	1/25/86	Grassland and savannah
Southwestern willow flycatcher <i>Empidonax traillii extimus</i>	E	2/27/95	Cottonwood/willow and tamarisk vegetation communities along rivers and streams
Yellow-billed cuckoo <i>Coccyzus americanus</i>	C	7/25/01	Large blocks of riparian woodlands
AMPHIBIANS			
Chiricahua leopard frog <i>Rana chiricahuensis</i>	T	6/13/02	Streams, rivers, backwaters, ponds, and stock tanks
Sonora tiger salamander <i>Ambystoma tigrinum stebbinsi</i>	E	1/6/97	Stock tanks and impounded cienegas in San Rafael Valley, Huachuca Mountains
INVERTEBRATES			
Stephan's riffle beetle <i>Heterelmis stephani</i>	C	6/13/02	Free-flowing springs and seeps
Huachuca springsnail <i>Pyrgulopsis thompsoni</i>	C	1/6/89	Aquatic areas, small springs with vegetation slow to moderate flow
MAMMALS			
Jaguar <i>Panthera onca</i>	E	3/28/72	Found in tropical rainforests, arid scrub, and wet grasslands and prefer dense forests or swamps with a ready supply of water
Lesser long-nosed bat <i>Leptonycteris curasoae yerbabuenae</i>	E	9/30/88	Desert scrub habitat with agave and columnar cacti present as food plants
Mexican gray wolf <i>Canis lupus baileyi</i>	E	3/11/67	Chaparral, woodland, and forested areas; may cross desert areas
Ocelot <i>Leopardus pardalis</i>	E	7/21/82	Humid tropical and sub-tropical forests, savannahs, and semi-arid thornscrub

Table 3-1 continued

FISHES			
Common/Scientific Name	Status	Date Listed	Habitat
Desert pupfish <i>Cyprinodon macularius</i>	E	3/31/86	Shallow springs, small streams, and marshes.
Gila chub <i>Gila intermedia</i>	PE	8/9/02	Pools, springs, cienegas, and streams
Gila topminnow <i>Poeciliopsis occidentalis occidentalis</i>	E	3/11/67	Small streams, springs, and cienegas vegetated shallows.
Sonora chub <i>Gila ditaenia</i>	T	4/30/86	Perennial and intermittent shallow to moderate streams with boulders and cliffs

Legend: E – Endangered C – Candidate **Source:** USFWS, 2003.
T – Threatened PE – Proposed Endangered Last Updated January 7, 2003.

The Arizona Department of Agriculture maintains a list of protected plant species within Arizona. The 1999 Arizona Native Plant Law defined five categories of protection within the state. These include: Highly Safeguarded (HS), no collection allowed; Salvage Restricted (SR), collection only with permit; Export Restricted (ER), transport out of state prohibited; Salvage Assessed (SA), permit required to remove live trees; and Harvest Restricted (HR), permit required to remove plant by-products (AGFD 2002).

There was no evidence of or observations of any state-listed WC in the project area during the surveys. Species observed within the project corridor that are protected under the Arizona Native Plant Law include mesquite (SA, HR), beargrass (SR), ocotillo (SR), sotol (SR), rainbow cactus (SR), prickly pear (SR) and Parry's century plant (SR). Since this project will impact less than 40 acres, a Notice of Intent to Clear Land Form would be filed with the Arizona Department of Agriculture 30 days prior to the initiation of construction activities.

3.4.3 Critical Habitat

The ESA also calls for the conservation of what is termed Critical Habitat - the areas of land, water, and air space that an endangered species needs for survival. Critical habitat also includes such things as food and water, breeding sites, cover or shelter, and sufficient habitat area to provide for normal population growth and behavior. One of the primary threats to many species is the destruction or modification of essential habitat by uncontrolled land and water development. There are no designated critical habitats within

the proposed project corridor. The nearest Critical Habitat for the Huachuca water umbel is 21 miles east of the POE in the Santa Cruz River Valley; Critical Habitat for the Mexican spotted owl is 34 miles east of the POE in the Huachuca Mountains; and the Sonoran chub has Critical Habitat 15.5 miles west of the POE, in Sycamore Canyon.

3.5 UNIQUE AND ENVIRONMENTALLY SENSITIVE AREAS

Southeastern Arizona is an ecological crossroads, where habitats and species from the Sierra Madre of Mexico, the Rocky Mountains, and the Sonoran and Chihuahuan deserts converge. Ongoing efforts by many government agencies, as well as private entities, have set aside preservations. These areas are intended for use by the public in hopes of better understanding the myriad of natural systems exhibited in their natural state. Riparian (riverbank) areas, basin wetlands, scenic canyons, and vast wilderness represent these unique areas. There are four areas that are described as unique and environmentally sensitive within the project region, they are: Patagonia Lake State Park, Peña Blanca Lake, Tumacácori National Historical Park, and Coronado National Forest. Patagonia Lake State Park is located 12 miles northeast of Nogales, Pena Blanca Lake is 17 miles northwest of Nogales, Tumacacori National Historical Park is 18 miles north of Nogales, and the closest portion of Coronado National Forest is located approximately 3 miles west of Nogales.

3.6 AIR QUALITY

3.6.1 Applicable Air Quality Statutes

The United States Environmental Protection Agency (USEPA) is the agency responsible for enforcing the Clean Air Act (CAA) of 1970 and the 1977 and 1990 Clean Air Act Amendments (CAAA). The purpose of the CAAA were to establish National Ambient Air Quality Standards (NAAQS), to classify areas as to their attainment status relative to the NAAQS, to develop schedules and strategies to meet the NAAQS, and to regulate emissions of criteria pollutants and air toxics to protect the public health and welfare. Under the CAA, individual states are allowed to adopt air quality standards and other regulations provided that they are at least as stringent as the Federal standards.

3.6.2 Background in Air Quality Management

The USEPA established NAAQS, for specific pollutants determined to be of concern with respect to the health and welfare of the general public. The USEPA defines ambient air quality in 40 CFR 50 as “that portion of the atmosphere, external to buildings, to which the general public has access.” Ambient air quality standards are intended to protect public health and welfare and are classified as either “primary” or “secondary” standards. Primary standards define levels of air quality necessary to protect the public health. National secondary ambient air quality standards define levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant. The major pollutants of concern, or criteria pollutants, are carbon monoxide, sulfur dioxide, nitrogen dioxide, ozone, suspended particulate matter less than ten microns, and lead. NAAQS represent the maximum levels of background pollution that are considered safe, with an adequate margin of safety, to protect the public health and welfare. Short-term standards (1-, 8-, and 24-hour averaging periods) are established for pollutants contributing to acute health effects, while long-term standards (annual averages) are established for pollutants contributing to long-term health effects. The NAAQS are included in Table 3-2. The State of Arizona has adopted the NAAQS. Areas that do not meet these standards are called non-attainment areas; areas that meet both primary and secondary standards are known as attainment areas. The CAAA of 1990 established new deadlines for the achievement of NAAQS, depending on the severity of nonattainment.

The USEPA requires each state to develop a State Implementation Plan (SIP) that sets forth how the CAA provisions would be implemented within that state to obtain the NAAQS. The SIP is the primary means for the implementation, maintenance, and enforcement of the measures needed to attain and maintain compliance with the NAAQS within each state. To provide consistency in different state programs and ensure that a state program complies with the requirements of the CAA and USEPA, approval of the SIP must be made by the USEPA. The purpose of the SIP is twofold. First, it must provide a strategy that would result in the attainment and maintenance of the NAAQS. Second, it must demonstrate that progress is being made in attaining the standards in each nonattainment area.

Table 3-2. National Ambient Air Quality Standards

POLLUTANT	STANDARD VALUE*	STANDARD TYPE
Carbon Monoxide (CO)		
8-hour average	9ppm (10mg/m ³)	P
1-hour average	35ppm (40mg/m ³)	P
Nitrogen Dioxide (NO₂)		
Annual arithmetic mean	0.053ppm (100µ/m ³)	P and S
Ozone (O₃)		
1-hour average	0.12ppm (235µg/m ³)	P and S
8-hour average	0.08ppm (157µg/m ³)	P and S
Lead (Pb)		
Quarterly average	1.5µg/m ³	P and S
Particulate<10 micrometers (PM-10)		
Annual arithmetic mean	50µg/m ³	P and S
24-hour average	150µg/m ³	P and S
Particulate<2.5 micrometers (PM-2.5)		
Annual arithmetic mean	15µg/m ³	P and S
24-hour Average	65µg/m ³	P and S
Sulfur Dioxide (SO₂)		
Annual arithmetic mean	0.03ppm (80µg/m ³)	P
24-hour average	0.14ppm (365µg/m ³)	P
3-hour average	0.50ppm (1300µg/m ³)	S

Source: USEPA 2001.

Legend: P = Primary
 ppm = parts per million
 µg/m³ = micrograms per cubic meter
 S = Secondary
 mg/m³ = milligrams per cubic meter
 *Parenthetical value is an approximately equivalent concentration.

Arizona is located in the USEPA's Region 9. The Arizona Department of Environmental Quality (ADEQ) is the state agency responsible for "controlling present and future sources of air pollution" (ADEQ 2002). Nogales is currently in violation of the NAAQS for Particulate Matter (PM₁₀) (USEPA 2002a). The emission sources have been identified as unpaved roads, cleared areas, and paved roads (USEPA 2002a).

3.7 WATER RESOURCES

The Arizona Department of Water Resources (ADWR) and ADEQ are the regulatory bodies in the State of Arizona that are in charge of surface water quality and designation of uses. The ADWR and ADEQ recognize the geologic and hydrologic diversity of the state by delineating major river basins and reservoirs/lakes as classified segments. The

study area is located in the Santa Cruz Active Management Area (AMA). This AMA consists of 716 square miles and is located in the basin and range physiographic province. The Santa Cruz River bisects the AMA, forming a river valley bordered on the east by the Patagonia, San Cayetano, and Santa Rita Mountains and on the west by the Pajarito, Atacosa, and Tumacácori Mountains.

3.7.1 Water Quality

The sources of potable water for the City of Nogales, are the Santa Cruz River and the Potrero Creek. Approximately 87% of the population of Nogales receives their potable water from the City's water system. Water quality problems in Nogales, Arizona are a result of broken wastewater lines in Sonora, Mexico, which enter the Nogales Wash and flow into the U.S, resulting in occasional nonpotable water designations.

3.7.2 Groundwater

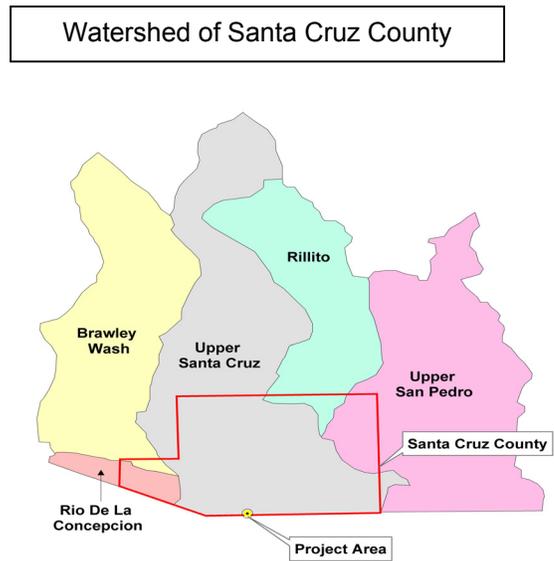
The project area is located within the Santa Cruz AMA as designated by the ADWR. Basin-fill sediments in the Upper Santa Cruz River Valley form three aquifer units. The Nogales Formation and the Older and the Younger Alluvium make up these units. All three units are unconfined, hydraulically connected, and yield water to wells.

The Younger Alluvium provides about 75% of the total water pumpage in the Santa Cruz AMA. Generally, the thickness and width of the younger alluvium increases in a northerly direction following the path of the Santa Cruz River. The hydrogeologic structure of the younger alluvium can be generally divided into characteristics associated with segments of the Santa Cruz River located upstream and downstream from the Nogales International Wastewater Treatment Plant (NIWWTP).

Upstream from the NIWWTP, the Santa Cruz River flows through a series of four microbasins filled with younger alluvial deposits. Groundwater movement between adjacent microbasins is limited by subsurface hardrock outcrops, especially during times of low flow or no streamflow.

The Supply and Demand Analysis Report for the Santa Cruz AMA indicates a current water use of about 56,000 acre-feet per year (1 acre foot equal 325,851 gallons), while the inflow to the AMA ranges between 39,600 and 142,900 acre-feet per year.

Most groundwater recharge comes from the rivers in the area and infiltration of irrigation water. Only minor amounts are supplied by precipitation. The Santa Cruz AMA is one of five areas where ADWR regulates groundwater use. Groundwater regulations are a result of the Arizona Groundwater Management Code, enacted in 1980 to ensure dependable water supplies are available in the future. This Code places conservation requirements on municipal and agricultural water use and promotes the use of renewable supplies. Groundwater levels are locally controlled by the use of imported water, drainage ditches, and pumpage from irrigation and drainage (JTF-6 1998).



3.7.3 Affected Watershed Descriptions

There are five watersheds found in Santa Cruz County: Upper San Pedro, Upper Santa Cruz, Rillito, Brawley Wash, and Rio de la Concepcion (USEPA 2002b). The proposed infrastructure improvements are located within the Upper Santa Cruz watershed.

3.7.3.1 Upper Santa Cruz

The Upper Santa Cruz watershed covers 2,203 square miles of Santa Cruz County (307 mile perimeter) including the city of Nogales. The Santa Cruz River bisects the Santa Cruz AMA, forming a river valley that descends northward. This valley is bound on the east by the Patagonia, San Cayetano, and Santa Rita Mountains, and is bound on the west by the Pajarito, Atacosa, and Tumacacori Mountains. The Santa Cruz River is characterized as interrupted perennial from the international border to the NIWWTP. Most of the Santa Cruz River is ephemeral or intermittent, however, some segments of effluent-dominated flow do exist within the Santa Cruz AMA. The Santa Cruz River is located approximately 5 miles northeast of Nogales.

There are seven ephemeral streams located within the project corridor where the fence and road construction would occur.

3.7.4 Waters of the U.S. and Wetlands

Section 404 of the Clean Water Act (CWA) of 1977 (P.L. 95-217) authorizes the Secretary of the Army, acting through the USACE, to issue permits for the discharge of dredged or fill material into Waters of the United States (WUS), including wetlands. WUS (Section 328.3[2] of the CWA) are those waters used in interstate or foreign commerce, subject to ebb and flow of tide, and all interstate waters including interstate wetlands. WUS are further defined and may include waters such as intrastate lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, or impoundments of waters, tributaries of waters, and territorial seas. Jurisdictional boundaries for WUS are defined in the field as the ordinary high water marks (OHWM) which is that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural lines impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Wetlands are those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (USACE 1987).

Activities that result in the dredging and/or filling of jurisdictional wetlands are regulated under Section 404 of the CWA. The USACE has established Nationwide Permits (NWP) to efficiently authorize common activities, which do not significantly impact WUS, including wetlands. The NWP were modified and reissued by the USACE in the *Federal Register* on 15 January 2002, with an effective date of 18 March 2002. All NWP have an expiration date of 19 March 2007. The USACE has the responsibility to authorize permitting under a NWP, or to require an Individual Permit.

The soil survey for Santa Cruz County was examined for any hydric soils that may be found within the area of proposed infrastructure improvements. No hydric soils are listed as occurring in the project area (USDA 1979). The field survey determined that there were seven small ephemeral washes that could be classified as WUS within the proposed project corridor (Figure 4-1). These washes are not vegetated, due to the

heavy scouring from surface waters that rush through the canyons and into the washes during rain events. All of the washes have defined channels with an aggregate substrate.

There was no evidence of any wetlands present within the project corridor.

3.8 NOISE

Noise is generally described as unwanted sound, which can be based either on objective effects (hearing loss, damage to structures, etc.) or subjective judgments (community annoyance). Sound is usually represented on a logarithmic scale with a unit called the decibel (dB). Sound on the decibel scale is referred to as a sound level. The threshold of human hearing is approximately 0 dB, and the threshold of discomfort or pain is around 120 dB.

Noise levels are computed over a 24-hour period and adjusted for nighttime annoyances to produce the day-night average sound level (DNL). DNL is the community noise metric recommended by the USEPA (USEPA 1972) and has been adopted by most Federal agencies (Federal Interagency Committee on Noise [FICON] 1992).

A DNL of 65 dB is the level most commonly used for noise planning purposes and represents a compromise between community impact and the need for activities like construction, which do cause noise. Areas exposed to DNL above 65 dB are generally not considered suitable for residential use. A DNL of 55 dB was identified by USEPA as a level below which there is effectively no adverse impact (USEPA 1972). The lowest level at which adverse health effects could be credible is a DNL of 75 dB (USEPA 1972).

The project area is located adjacent to the Mexican city of Nogales, which has a population of 152,946. The urban environment of Nogales, Mexico create common sounds of a city environment and can be heard for more that a mile from the POE.

Construction activities would take place away from noise sensitive sites such as schools, churches, hospitals, etc., however there are residential areas located within the first ½ mile of the road improvements. According to a 1995 Environmental Assessment for a project in the Nogales, Arizona area, the ambient noise level within the general area is

typical of rural areas, with projected levels ranging from 35 to 55 day/night noise level. However, these levels may be substantially higher when the wind is blowing (JTF-6 1998).

3.9 CULTURAL RESOURCES

Section 106 of the NHPA requires Federal agencies to identify and assess the effects of their actions on cultural resources. Cultural resources consist of prehistoric and historic districts, sites, structures, artifacts, and any other physical evidence of human activities considered important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. Federal agencies must consult with the appropriate state and local officials, Indian tribes, applicants for Federal assistance, and members of the public and consider their views and concerns about historic preservation issues when making final project decisions. The historic preservation review process mandated by Section 106 is outlined in regulations issued by the National Advisory Council. Revised regulations, "Protection of Historic Properties" (36 CFR Part 800), became effective January 11, 2001.

3.9.1 Cultural Resources Overview

A brief cultural setting is presented for the project area within this section. The cultural setting of the project area is generally divided into six different periods: Pre-Clovis, Paleoindian, Archaic, Formative, Late Prehistory and Protohistory, and Spanish Exploration and Settlement. These periods are commonly subdivided into smaller temporal phases based on particular characteristics of the artifact assemblages encountered in each of three archeological regions within southern Arizona. The prehistoric periods and corresponding phases are defined by the presence of particular diagnostic artifacts such as projectile points, certain types of pottery, and occasionally, particular site locations. For the historic periods, documentary information more often is used to distinguish certain phases; nevertheless, particular artifacts also can be used to recognize certain historic affiliations. The following cultural chronology is taken predominantly from Hathaway and Yost (2002) except where noted.

Pre-Clovis or "Early man sites" in the New World, those defined as being occupied prior to 12,000 years ago, are most frequently reported in the southwestern deserts. Early man

sites have been reported for ancient Lake Mannix, China Lake, Calico, and the Yuha Desert in California (Schuiling 1972; Davis 1978; Davis et al. 1981), and the Sierra Piñacate region of nearby Sonora, Mexico (Hayden 1976; Moratto 1984). No claims for humans in southern Arizona predating 12,000 years ago have met the scrutiny of the entire scientific community. At present, the earliest widely accepted human presence in the area is the Paleoindian Period (ca. 9500-6000 B.C.).

During the Paleoindian Period (9500-6000 B.C.) the project area was cooler and moister than at present with more abundant vegetation and occasional lakes, which are now evaporated. Pleistocene megafauna inhabited the area and were used as game by the Paleoindian hunters. The Paleoindian people were organized as small-scale, mobile, socially fluid hunters and gathers. The Paleoindian period is further divided in three complexes or phases: the Clovis Complex (ca. 9500-9000 B.C.), the Folsom Complex (ca. 9000-8000 B.C.) and the Plano Complex (ca. 8000-6000 B.C.).

The Archaic Period saw gradually drier and warmer conditions. These changes in the environment along with the extinction of the megafauna prompted subsequent changes in the stone tools of the Archaic people. There was the introduction of ground stone tools and grinding stones. The Archaic Period in southwestern New Mexico and southeastern Arizona has been defined as the Cochise Tradition. The Cochise Tradition has been subsequently divided various ways into the following phases: Sulphur Spring phase (6000-3500 B.C.), the Chiricahua phase (3500-1500 B.C.), the San Pedro phase (1200-800 B.C.), and the relatively recently proposed Cienega phase (800 B.C.-A.D. 200). The introduction of agriculture occurred during the Late Archaic period, particularly the San Pedro and Cienega Phases. Though agriculture was adopted during this period, it is generally thought that it was a minor activity and that hunting and gathering still provided the dominant subsistence activity. From his work in the Cienega Valley, B. B. Huckell proposed that maize farming was more important than previously thought and that the late Archaic populations were at least semi-sedentary (Hathaway and Yost 2002). As a result, he proposed that the period 1500 B.C.–A.D. 200 be redefined as the “Early Agricultural Period,” separate from the Archaic Period. Archaeological sites from this time period are of particular importance in answering questions regarding the importance of agriculture in the economy, settlement patterns, and the degree of social organization that existed during this time period.

The Formative Period denotes a stage at which a population has an adequate subsistence base and social organization to sustain village life (Hathaway and Yost 2002). During this stage agriculture becomes the dominant subsistence strategy. Also during this stage, ceramics assemblages become prominent, so much so that sometimes this period is referred to as the Ceramic Period. Near the project area, the Hohokam (300 B.C.-1450 A.D.) and Mogollon cultures, particularly for this area the San Simon Mogollon (A.D. 900-1200), plus elements of Trinceras, Chihuahuan, and Salado traditions are evident. These cultures and traditions vary regionally and temporally with one another. The Pueblo Culture Period, marked by the appearance of rock and adobe pueblos, has also been defined in the project area, though much of the material from this period could also be incorporated into either the Mogollon or Hohokam traditions. The phases of the Pueblo Culture period for the project area consists of the Ringo phase (A.D. 1250-1325), the Animas phase (A.D. 1175-1350), and the Salado phase (A.D. 1300-1450). The temporal and cultural sequences in the vicinity of the project area are poorly understood making exact sequences tenuous at best. Archaeological sites within the project area dating to the Formative Period are of particular importance in defining both the temporal and cultural sequences of the area.

By the late 1400s, much of the Hohokam and Mogollon areas appear to have been abandoned. After the collapse of the Hohokam regional system, the Sobaipuri, Pima, and Tohono O'odham occupied the region, distinguished by environmental adaptations and geographic regions. The southern Athapaskans or Apache moved into the southwest by approximately 1500. Seven groups of Athapaskan-speaking people are recognized: Chiricahua, Jicarilla, Kiowa-Apache, Lipan, Mescalero, Navajo, and Western Apache. Both the Chiricahua and Western Apaches were in southeastern Arizona.

Spanish Exploration and settlement of the area did not begin until 1536 by Cabeza de Vaca. This early exploration inspired Francisco Vasquez de Coronado to lead a large military expedition in 1540 and entered what is now the U.S. in southeastern Arizona. The colonial period and Spanish settlement of the area began much later than it did in New Mexico and western Texas. Building new missions in the area was largely the effort of Father Eusebio Francisco Kino who established the first mission in the Santa Cruz Valley in 1691. Spanish rule in the 18th century was well established in the Rio Grande Valley though Native American groups challenged Spanish rule throughout the area through a

series of rebellions by the Yaquis, the Pimas, the Seris and Lower Pimas, along with raids and warfare with the Apaches. In southeastern Arizona, the Spanish military authority and the Jesuits conflicted over control of the Native American populations. The military and civilian land owners wanted control of the Native population for labor. The military established garrisons or presidios. Presidios were established across southern Arizona to provide defense against raiding Apaches, and thus protect local settlers encouraging further settlement of the area. The discovery of silver and copper in the region further encouraged settlement of the area (INS 2001a; Vargas et. al. 2002).

The most significant event of the 19th century for the region was Mexico's independence from Spain in 1821. During this period, land grants were made to encourage settlement of the area. The Mexican-American War (1846-1848) arose out of America's desire to expand its borders to the Pacific Ocean, and border disputes between the U.S. and Mexico over the newly independent Texas, which was annexed by the U.S. The new international boundary ran along the Rio Grande from its mouth to just north of El Paso then west to the Pacific Ocean. The Gadsden Purchase, which was negotiated in 1853 and ratified in 1854, added the lands in southern Arizona and New Mexico establishing the border we have today. The newly acquired areas were not very well protected and near-anarchy within the region began to take root. This led to the establishment of Arizona County from the western portion of Dona Ana County, New Mexico, with Tucson as its county seat. Arizona joined as a territory of the Confederate States of America but fell quickly that summer to Union forces and became a U.S. territory and placed under Martial law (INS 2001a; Varagas et. al. 2002). The Arizona territory was finally established in 1863. During the late 19th century the discovery of precious metals and the development of ranching produced a significant influx of Euro American settlers into the area and towns such as Douglas, Bisbee, and Tombstone were established. Military forts and camps were established to protect the growing population of settlers from Apachean attacks. By the late 1880s, the Apaches were pacified which resulted in greater expansion of mining, ranching, and settlement (INS 2001a).

3.9.2 Past Investigations

Prior the initiation of the pedestrian field surveys, a literature review was conducted at the Arizona State Museum, Arizona State Historic Preservation Officer (SHPO) office, and the Coronado National Forest. The literature review sought to identify any previous cultural

resources surveys and previously recorded archaeological sites and historic structures within one mile of the proposed RVS systems, temporary lights, and infrastructure improvements. A total of 38 cultural resources surveys were conducted within one mile of the proposed project locations. A summary of those surveys is presented in Table 3-3. A total of 19 previously recorded sites are located within one mile of the proposed project sites. A summary of the previously recorded sites is presented in Table 3-4. In order to assess potential visual impacts to known properties listed in the National Register of Historic Places a viewshed analysis was completed for both the portable lights and RVS towers. A total of 37 NRHP listed properties and districts were identified within the five mile view shed buffer. Table 3-5 below summarizes the NRHP properties and districts within the five mile buffer areas.

3.9.3 Current Investigations

A Class III (intensive field survey) survey was conducted in March, April, and May of 2003 within the APE of the proposed construction sites. The survey method used consisted of two archaeologists walking parallel transects, spaced approximately 10 to 20 feet apart within the boundary of the light systems, five feet apart within the boundary of the RVS towers, and 45 feet apart for the corridor parcels (i.e. road and fence improvements). All areas with the exception of one approximately seven acre parcel, were surveyed. The seven acre parcel was not surveyed due to lack of access (Vargas and Goar 2003; Vargas 2003).

Two previously recorded sites (AZ EE:9:141 (ASM) and AZ EE:9:143 (ASM)) are located within the proposed project ROW for border patrol road and fence installation. Both of these sites were relocated; their status assessed and updated site forms were completed and submitted electronically to AZSITE (Vargas 2003).

AZ:EE:9:141 was originally recorded in 1991 as a light density lithic scatter described as a possible resource exploitation site. The site was revisited on March 6, 2003 and field crews recorded a much lighter artifact scatter than what was previously recorded. The site is now highly disturbed by border foot and vehicular traffic, as well as erosion. The site is highly deflated and lacks potential for intact subsurface deposits. As a result the site is recommended ineligible for inclusion in the NRHP due to its lack of potential for

Table 3-3: Cultural Resources Projects Within One Mile of Project Areas

Project Number	Client/Agency	Project Title	Reference
1964-008	ADOT	I-19, Tuscon to Nogales Highway Survey	Brown (1967); Grebinger (1971)
1976-033	USDA Forest Service	An Archaeological Survey of the Proposed Alamo Water Development Pipeline Coronado National Forest, Arizona	Wood (1976a)
1976-034	USDA Forest Service	An Archaeological Survey of the Proposed Alamo-Portero Watershed Project Coronado National Forest, Arizona	Wood (1976b)
83-11	USDA Forest Service	A Cultural Resource Survey of the Proposed Sierra Tordillo Pipeline Coronado National Forest, Arizona	Piper (1983)
84-030	USDA Forest Service	A Cultural Resources Investigation of the Proposed Tordillo Borrow Site and Access Road Sierra Vista Ranger District, Coronado National Forest, Arizona	Wheat (1984)
85-125	ADOT	A Cultural Resources Survey of a Proposed Aggregate Materials Source (Pit 7328) on U.S. Forest Service and Private Lands near Nogales, Santa Cruz County, Arizona	Stone (1985)
86-010	USDA Forest Service	Survey of USDA Corral Holding Facility for Cattle Importing and Exporting at Nogales, Arizona	Breternitz (1986)
1991-308	INS/USACE	Cultural Resources Survey of a five mile stretch of U.S.-Mexico border road east of Nogales	Martyneec et al. (1995)
1992-013	ADOT	Mariposa Road (SR 189) Upgrading Project	Bruder (1992)
1994-253	El Paso Natural Gas Co.	Archaeological Assessment of a Parcel along the El Paso Natural Gas Company California Line (No. 2143) Near Nogales, Santa Cruz County, Arizona	Adams (1994)
1995-49	Granite Construction Company	An Archaeological Assessment for the Mariposa Canyon Borrow Pit in Nogales, Arizona	Carpenter (1995)
1995-72	GST Lightwave, Inc.	Archaeological Assessment of a Proposed Fiber Optic Cable Right-of-Way between Tuscon , Pima County and Nogales, Santa Cruz County, Arizona	Adams and Hoffman (1995)

Table 3-3 continued

Project Number	Client/Agency	Project Title	Reference
95-32	USDA Forest Service	Meadows Hills Fence Work and Pipeline Burial	South (1995)
1995-180	Pena Blance Properties	Pena Blance Survey	Terzis and Doak (1995)
96-24	USDA Forest Service	Pima Pineapple Cactus Enclosure Fence	Dupee (1996)
1996-389	ADOT	A Cultural Resources Survey of 5.2 Miles of Business 19 Right-of-Way (Mileposts 0.0 to 5.2) in Nogales, Santa Cruz County, Arizona	Lite (1997)
1996-393	Archaeological Research Services Inc.	State Route 189/Nogales	Archaeological Research Services Inc. (1996)
1996-408	ADOT	A Cultural Resources Survey of 30 miles of Interstate-19 Right-of-Way Along the Santa Cruz Valley Between Nogales and Amado (Kilometers 0.0 to 48.3; Mileposts 0.0 to 30.0), Santa Cruz County, Arizona	Lite et al. (1997)
1996-459	ADOT	SR 82, Nogales-Sonoita-SR 90	-
1997-423	Associated Consulting Engineers, Inc.	A Class III Archaeological Inventory of Fifty Eight 30 Meter Diameter Light and Power Pole Locations along the International Border, Nogales, Santa Cruz County, Arizona	Lascaux (1997)
1998-428	Statistical Research, Inc.	An Archaeological Survey of Portions of Country Club Road and Other Adjacent Areas in North Santa Cruz County, Nogales, Arizona	Gregory (1999)
1999-137	ADOT	Cultural Resources Survey of the SR 189 (Mariposa Road) State Port of Entry Expansion, Santa Cruz County, Arizona	Shaafsma (1999)
1999-349	Westland Resources, Inc.	Archaeological Survey within Escalada Canyon in Southeast Nogales, Arizona	Ciacio (1999)
99-83	USDA Forest Service	Archaeological Survey of the Proposed Sycamore Canyon Off-Highway Vehicle Project, Sierra Vista Ranger District, Coronado National Forest	Gillespie (1999)
2000-45	ADOT	Addendum to: Cultural Resources Survey of the SR 189 (Mariposa Road) State Port of Entry Expansion, Santa Cruz County, Arizona	Grafil (2000)

Table 3-3 continued

Project Number	Client/Agency	Project Title	Reference
2000-245	El Paso Natural Gas Co.	Cultural Resources Overview and Identification Survey Report for the Ductos de Nogales Lateral Pipeline Project, Nogales, Santa Cruz County, Arizona	Bauer et al. (2000)
2001-827	Tucson Electric Power Company	Cultural Resources Survey for the Nogales Gateway Project, Nogales, Arizona	Bauer and Rogge (2001)
01-032	USDA Forest Service	Heritage Resource Survey of the Chamberlain Tank Fence Project, Sierra Vista Ranger District, Coronado National Forest	Gillespie (2001)
2000-470	Assett Environmental Services	Court Street Tower	Olsson (2000)
86-l	-	Archaeological Assessment of a Parcel Along the El Paso Natural Gas Company Line near Nogales	-
82-l	Geo-Marine Inc.	Cultural Resources Monitoring Survey of the Nogales Arizona Sector of the U.S.-Mexican Border	Martynec et al. (1997)
75-l	-	Piman Settlement Survey in the Middle Santa Cruz River Valley	-
55-l	DOD- Army of Corps of Engineers	Joint Task Force Six (JTF-6) Roads and Pistol Range	Maxwell (1990)
54-l	SSI	AT7T Fiber Optic Cable, Nogales	Towner (1990)
-	City of Nogales	Nogales Historic Property Inventory Survey	Woodward and Francissen (1984a)
100-l	City of Nogales	Marsh Heights Residential Historic District NRHP Nomination-Nogales MRA	Woodward and Francissen (1984b)
101-l	City of Nogales	Crawford Hill Residential Historic District NRHP Nomination-Nogales MRA	Woodward and Francissen (1984b)
-	City of Nogales	Pennington Historic Rural Landscape District NRHP Nomination	Stein (1999)

Source: Vargas and Goar 2003; Vargas 2003

Table 3-4: Previously Recorded Sites Within One Mile of Project Areas on File at ASM

Site Number (ASM)	Site Type	Reference	NRHP Eligibility
BB:13:6790	Twin Buttes Railroad	Site Card ASM	Eligible
EE:9:63	St. Teresa Urrea's Chapel & rented house with well (foundation and ruins)	Brown (n.d.-pre 1968)	Not Assessed
E:9:68	Trincheras-Hohokam Cremation Cemtery	Hammack (1969); Reinhard (1975)	Not Assessed
EE:9:140	Prehistoric lithic scatter	Martyneec et al. (1995)	Not Assessed
EE:9:141	Prehistoric lithic scatter	Martyneec et al. (1995)	Not Assessed
EE:9:142	Prehistoric lithic scatter	Martyneec et al. (1995)	Not Assessed
EE:9:143	Prehistoric lithic scatter	Martyneec et al. (1995)	Not Assessed
EE:9:144	Prehistoric lithic scatter	Martyneec et al. (1995)	Not Assessed
EE:9:145	Prehistoric lithic scatter	Martyneec et al. (1995)	Not Assessed
EE:9:146	Prehistoric lithic scatter	Martyneec et al. (1995)	Not Assessed
EE:9:147	Prehistoric lithic scatter (with historic features)	Martyneec et al. (1995)	Not Assessed
EE:9:148	Prehistoric lithic scatter	Martyneec et al. (1995)	Not Assessed
EE:9:149	Prehistoric lithic scatter	Martyneec et al. (1995)	Not Assessed
EE:9:159	Prehistoric lithic scatter	Carpenter (1995)	Potentially Eligible
EE:9:179	Prehistoric lithic scatter	Lascaux (1998)	Elgible
EE:9:181	Historic water control feature	Schaafsma (1998)	Ineligible
EE:9:223	Prehistoric lithic scatter	Bauer and Rogge (2001)	Ineligible
EE:9:224	Prehistoric lithic scatter	Bauer and Rogge (2001)	Ineligible
I:30:10	U.S. 89	Site Card ASM	Eligible

Source: Vargas and Goar 2003; Vargas 2003

Table 3-5: NRHP Properties and Districts Within Five-Mile View Shed Boundary from Proposed Portable Light Systems and RVS Towers

Resource Name	Address	City	Listed	Multiple
10 Cottage on Short Street	117—126 Short	Nogales	08/29/1985	Nogales MRA
Arizona-Sonora Manufacturing Company Machine Shop	Grand Ave. at Arroyo Blvd.	Nogales	08/29/1985	Nogales MRA
Bowman, W. G. House	112 Sierra	Nogales	08/29/1985	Nogales MRA
Bowman Hotel	314—316 Grand Ave.	Nogales	08/29/1985	Nogales MRA
Burton Building	322—324 Grande	Nogales	08/29/1985	Nogales MRA
Calabasas	N. of Nogales	Nogales	06/03/1971	
Cranz, Frank F., House	408 Arroyo	Nogales	08/29/1985	Nogales MRA
Crawford Hill Historic Residential District	Roughly bounded by Oak St., Terrace Ave., Compound St., Interstate 19, and Grindell	Nogales	8/29/1985	Nogales MRA
Dunbar, George, House	118 Sierra	Nogales	08/29/1985	Nogales MRA
Guevavi Mission Ruins	6 mi. N of U.S.-Mexico Border	Nogales	11/5/1971	
Harrison, Sen. James A., House	449 Morley	Nogales	08/29/1985	Nogales MRA
Hotel Blanca	701 Morley	Nogales	08/29/1985	Nogales MRA
House at 220 Walnut Street	220 Walnut St.	Nogales	08/29/1985	Nogales MRA
House at 334—338 Walnut Street	334-338 Walnut St.	Nogales	08/29/1985	Nogales MRA
House at 665 Morley Ave.	665 Morley Ave	Nogales	08/29/1985	Nogales MRA
Kitchen, Pete, Ranch	3.5 mi. N. of Nogales of U.S. 89	Nogales	2/20/1975	
Kress, S.H., & amp Co., building	119—121 Morley	Nogales	08/29/1985	Nogales MRA
Las Dos Naciones Cigar Factory	331 Morley	Nogales	08/29/1985	Nogales MRA
Marsh, George B., Building	213-225 Grand	Nogales	08/29/1985	Nogales MRA
Marsh Heights Historic District	Roughly bounded by Court St., Summit Ave., S Court St., and Morley Ave	Nogales	10/29/1985	Nogales MRA
Mediterranean Style House	116 Walnut	Nogales	08/29/1985	Nogales MRA
Mediterranean Style House	124 Walnut	Nogales	08/29/1985	Nogales MRA

Table 3-5 continued

Resource Name	Address	City	Listed	Multiple
Miller, Hugo, House	750 Petrero	Nogales	08/29/1985	Nogales MRA
Montezuma Hotel	217 Morley	Nogales	08/29/1985	Nogales MRA
Nogales Electric Light, Ice, & Water Company Power House	498 Grand	Nogales	08/29/1985	Nogales MRA
Nogales High School	209 Plum	Nogales	08/29/1985	Nogales MRA
Nogales Steam Laundry Building	223-219 East	Nogales	08/29/1985	Nogales MRA
Noon, A.S., Building	246 Grande	Nogales	08/29/1985	Nogales MRA
Old Nogales City Hall and Fire Station	223 Grand Ave	Nogales	04/03/1980	Nogales MRA (AD)
Pennington Rural Historic Landscape	N of jct. Of Royal Rd. and Called Del Rio	Nogales	02/10/2000	
Piscorski, Jose, Building	315 Morley	Nogales	08/29/1985	Nogales MRA
Santa Cruz Bridge No. 1	South River Rd. over the Santa Cruz River	Nogales	08/29/1985	Vehicular Bridges in Arizona MPS
Santa Cruz County Courthouse	Court and Morley Sts.	Nogales	12/07/1977	
Three Mediterranean Cottages on Pajarito Street	102-104 Pajarito	Nogales	08/29/1985	Nogales MRA
US Custom House	Jct. of International and Terrace Sts.	Nogales	08/06/1987	Nogales MRA
US Post Office and Immigrations Station – Nogales Main	Hudgin St. and Morley Ave.	Nogales	12/03/1985	Historic US Post Offices in Arizona 1900—1941, TR
Wise, J.E., Building	134 Grande	Nogales	08/29/1985	Nogales MRA

Source: Vargas and Goar 2003; Vargas 2003

yielding data important for broadening the understanding of prehistory in Arizona (Vargas 2003). AZ EE:9:143 was also originally recorded in 1991. The site is described as a light density lithic scatter with two heavier concentrations of lithics. The concentrations were documented as being located on both sides of the border road and were likely originally a continuous scatter. The site was thought to represent the remains of a prehistoric lithic resource procurement area. The site was revisited on May 7, 2003. Only one flake and a few chert cobbles were located, no other indications of the site were visible. The site is highly disturbed by road construction and widening, border traffic

(foot and vehicular), deflation, and erosion. Due to the sites highly disturbed nature it does not appear to have the potential for yielding intact subsurface remains. Therefore, this site is also recommended as ineligible for listing in the NRHP due to its lack of potential for yielding data that might contribute to the understanding of the prehistory of Arizona (Vargas 2003).

One newly recorded site (AZ EE:9:228) was identified during the survey of the proposed RVS locations. The site consists of a low-density lithic scatter covering an approximately 100 foot diameter area with an associated cobble mound feature. The cobble mound consists of a low mound measuring 15 ft northeast-southwest by 12.7 feet northwest-southeast. A possible stone alignment measuring 8.7 feet in length is present on the southwest side of the cobble mound. The artifact assemblage recorded at the site were approximately 10 pieces of lithic debitage including tertiary flakes, secondary flakes, cores, core fragments and shatter. No culturally or chronologically diagnostic material were noted within the artifact assemblage. The site appears to represent a prehistoric limited use area and the cobble mound could represent the remains of a temporary field house or small habitation structure. There is moderate soil development at the site and the moderate to high likelihood for subsurface materials, particularly near the cobble mound. The site appears to be in fair condition and has been only moderately impacted by road construction, vehicular traffic, erosion and grazing. The site is recommended eligible for inclusion in the NRHP based upon Criterion D of 36 CFR Part 60.4. The site has the potential to yield important information pertaining to the prehistoric occupation and/or utilization of this portion of southeast Arizona (Vargas and Goar 2003).

Isolated Occurrences (IO) were identified at six different locations. The isolated occurrences consisted of two chert core fragments, a chert secondary flake and a rhyolite core; a rust rhyolite cortical core flake; an alignment of rock measuring approximately 20 feet in length with a border monument in its center; a small lithic scraper made from gray rhyolite and a gray and black banded chert core; a single white chalcedony secondary flake; and a chert secondary flake. The isolated artifact occurrences do not represent significant cultural resources in terms of National Register eligibility criteria (Vargas and Goar 2003; Vargas 2003).

In addition to the Class III survey a view-shed analysis was conducted for the proposed RVS towers and portable lights. A view-shed analysis is a GIS process that determines areas of the ground that afford visibility to a particular structure or feature. This analysis was conducted to determine the potential for impacts to NRHP properties from the installation of the proposed RVS towers and portable lights. The first step in the view-shed analysis was assigning an offset value of 20 feet (the approximate height of the poles) to the point that spatially represented the locations of the proposed portable lights and RVS poles. The next step involved acquiring a Digital Elevation Model (DEM) from the United States Geographical Survey (USGS). A DEM contains a grid of values derived from the contours on a 7.5' minute quadrangle. Next the visibility command was run in ArcINFO using the DEM as the ground lattice and the point representing the tower with an offset of 120'. The output resulted in a grid displaying areas that afforded visibility to the tower. The next step was determining which NRHP locations fell into the visible areas. The locations of the NRHP properties were entered using UTM coordinates collect from the National Register Information System database. The identity command in ArcINFO was used to determine where the visibility layer and the NRHP points overlapped. As a result, 31 structures and historic districts are within the view-shed of one or more of the portable lights and 25 structures and historic districts are within the view-shed of one or more of the RVS towers. Table 3-6 summarizes which portable lights and RVS towers are visible from the NRHP listed structures and districts (Vargas and Goar 2003; Vargas 2003).

3.10 SOCIOECONOMICS

3.10.1 Population

The ROI for the proposed project is Santa Cruz County. The 2000 population of Santa Cruz County was 38,381 and this ranked 12th in the state (U.S. Census Bureau 2002; USBEA 2002). The racial mix of Santa Cruz County consists predominantly of Caucasians (76%) and people claiming to be of some race other than Caucasian, African-American, Native American, Asian, Native Hawaiian, and other Pacific Islander (20%). The remaining four percent is divided among people claiming some other race, or two or more races (U.S. Census Bureau 2002). About 81% of the total population of Santa Cruz County claim to be of Hispanic origin (U.S. Census Bureau 2002).

Table 3-6: RVS Tower and Portable Light Systems Visibility from NRHP Properties Within the Five-Mile View-Shed Radius

Property Name	Portable Light Visibility	RVS Tower Visibility
10 Cottage on Short Street	44, 46	-
Arizona-Sonora Manufacturing Company Machine Shop	45, 46, 47, 52	186 Ridge, Hinds Ridge, 82 Water Tank
Bowman, W. G. House	23, 43, 45, 46, 47, 52, 54, 56	Kimmer Overwatch, Hinds Ridge, 186 Ridge, Goal Posts, 82 Water Tank
Bowman Hotel	42, 43, 44, 45, 46, 47, 52	82 Water Tank
Burton Building	42, 43, 44, 45, 46, 47, 51, 52	82 Water Tank
Calabasas	2, 21, 23	84 Tanks
Cranz, Frank F., House	42, 43, 44, 45, 46, 47, 51, 52	Hinds Ridge, 82 Water Tank
Crawford Hill Historic Residential District	21, 23, 31, 36, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 56	Kimmer Overwatch, Hinds Ridge, Goal Posts, 82 Water Tank
Dunbar, George, House	21, 23, 42, 43, 45, 46, 47, 52, 54, 56	Kimmer Overwatch, Hinds Ridge, 186 Ridge, Goal Posts, 82 Water Tank
Guevavi Mission Ruins	-	-
Harrison, Sen. James A., House	23, 46, 51, 52	-
Hotel Blanca	-	Hinds Ridge, 82 Water Tank
House at 220 Walnut Street	44, 45, 46, 47, 51, 52	186 Ridge, Goal Posts, Hinds Ridge, 82 Water Tank
House at 334—338 Walnut Street	44, 45, 46, 47, 51, 52, 54	Kimmer Overwatch, 186 Ridge, Goal Posts
House at 665 Morley Ave.	-	Hinds Ridge, 82 Water Tank
Kitchen, Pete, Ranch	-	84 Tanks
Kress, S.H., & amp Co., building	23, 21, 36, 38, 39, 40, 42, 43	-
Las Dos Naciones Cigar Factory	21, 23, 42, 43	-
Marsh, George B., Building	42, 43, 44, 45, 46, 47	-
Marsh Heights Historic District	2, 21, 23, 31, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 52	84 Tanks, Hinds Ridge, 186 Ridge, 82 Water Tank
Mediterranean Style House	42, 43, 44, 45, 46, 47, 51	Hinds Ridge, 82 Water Tank
Mediterranean Style House	42, 43, 44, 45, 46, 47, 51, 52	Hinds Ridge, 186 Ridge, 82 Water Tank

Table 3-6 continued

Property Name	Portable Light Visibility	RVS Tower Visibility
Miller, Hugo, House	42, 43, 46, 52, 54, 56	Hinds Ridge, 186 Ridge, Goal Posts, Kimmer Overwatch, 82 Water Tank
Montezuma Hotel	23, 31, 36, 38, 39, 40, 42, 43	-
Nogales Electric Light, Ice, & amp; Water Company Power House	52, 53, 54, 56	Hinds Ridge, 186 Ridge, Goal Posts, 82 Water Tank
Nogales High School	42, 43, 44, 45, 46, 47, 49, 51, 52, 54	Kimmer Overwatch, Hinds Ridge, 186 Ridge, Goal Posts, 82 Water Tank
Nogales Steam Laundry Building	44, 45, 46, 47	-
Noon, A.S., Building	43, 44, 45, 46, 47, 51, 52	82 Water Tank
Old Nogales City Hall and Fire Station	42, 43, 44, 45, 46, 47	82 Water Tank
Pennington Rural Historic Landscape	-	Watershed
Piscorski, Jose, Building	21, 23, 42, 43, 44, 45, 46, 47	-
Santa Cruz Bridge No. 1	-	-
Santa Cruz County Courthouse	21, 23, 42, 47	-
Three Mediterranean Cottages on Pajarito Street	42, 43, 46, 52	Hinds Ridge, 186 Ridge, Goal Posts, Kimmer Overwatch, 82 Water Tank
US Custom House	23, 31, 36, 38, 42, 43, 45	82 Water Tank
US Post Office and Immigrations Station – Nogales Main	23, 47	-
Wise, J.E., Building	23, 42, 43, 44, 46, 47	82 Water Tank

Source: Vargas and Goar 2003; Vargas 2003

The City of Nogales has a population of 20,878, which constitutes 54% of the total population of Santa Cruz County (U.S. Census Bureau 2002). The predominance of the population in the city is Caucasian (78%) followed by people claiming to be of some race other than Caucasian, African-American, Native American, Asian, Native Hawaiian, and other Pacific Islander (18%). The majority (94%) of the population of the City of Nogales claim to be of Hispanic Origin (U.S. Census Bureau 2002).

3.10.2 Employment, Poverty Levels, and Income

The total number of jobs in the study area in 2000 was 15,956, an increase of 18% over the 1990 number of jobs of 13,491 (USBEA 2002). The services industry provided the most jobs, followed by the retail trade industry, and the government sector. The 2000 annual average unemployment rate for Santa Cruz County was 13.9%. This is higher than the average annual unemployment rate for the state of Arizona of 3.9% (Arizona Department of Economic Security 2002).

The 2000 annual total personal income (TPI) for the ROI was \$6.7 billion. This TPI ranked 12th in the state of Arizona and accounted for 0.5% of the state total (USBEA 2002). Over the past 10 years, the average annual growth rate of TPI was 6.4%. This is lower than the annual growth rate for the state (7.1%) and higher than that for the nation (5.5%) (USBEA 2002). Per capita personal income (PCPI) for Santa Cruz County was \$17,373 in 2000. This PCPI ranked 10th in the state, and was 70% of the state average (\$24,988) and 57% of the national average of (\$29,469) (USBEA 2002). The average annual growth rate of PCPI over the past 10 years was 3.6%, which is lower than the state's growth rate of 3.8% and the national growth rate of 4.2% (USBEA 2002). The estimated number of people of all ages in poverty for Santa Cruz County was 10,575. This represented 26.6% of the county, which is higher than the estimated 14.9% of the state population that lives in poverty.

3.10.3 Housing

The total number of housing units in the ROI was 13,036 in 2000 (U.S. Census Bureau 2002). This represents less than one percent of the total housing units reported for the state of Arizona. Of the housing units within Santa Cruz County, 11,809 (91%) are occupied and the remaining 1,227 (9%) are vacant. Approximately 68% (8,026) of the occupied housing units are owner occupied, while 32% (3,783) are renter occupied (U.S. Census Bureau 2002). The number of households within Santa Cruz County grew from 8,808 in 1990 to an estimated 11,485 in 1998. This represents an annual growth rate of 3.4% for the county (Arizona Housing Commission 1999). This is the same as the annual growth rate of 3.4% for the state of Arizona. The number of new private housing units by authorized building permits in 2000 was 440 which is a 81% increase over the 1990 number of new private housing units of 243 (U.S. Census Bureau 2002).

3.10.4 Executive Order 12898, Environmental Justice

The fair treatment of all races has been assuming an increasingly prominent role in environmental legislation and implementation of environmental statutes. In February 1994, President Clinton signed Executive Order (E.O.) 12898 titled, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. This action requires all Federal agencies to identify and address disproportionately high and adverse effect of its programs, policies, and activities on minority and low-income populations.

3.10.5 Executive Order 13045, Protection of Children

E.O. 13045 requires each Federal Agency “to identify and assess environmental health risks and safety risks that may disproportionately affect children; and “ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.” This E.O. was prompted by the recognition that children, still undergoing physiological growth and development, are more sensitive to adverse environmental health and safety risks than adults.

3.11 AESTHETICS

Aesthetic resources consist of the natural and man-made landscape features that appear natural to the area and give a particular environment its visual characteristics. The current visual characteristics of the general project area are mostly open areas with low rolling hills covered by native grasses and other vegetation



(Photograph 4). Background vistas outside of the city consist of distant views of the surrounding mountains. These visually appealing characteristics of outlying areas of Nogales are what make it aesthetically attractive. Since most of the project area lies outside the residential areas of Nogales, it's aesthetic value lies in its undeveloped landforms and native vegetation.

Many of the proposed portable lights and RVS sites are located in remote locations not generally visible to, or accessed by, the public. These sites have been previously degraded due to past and ongoing human disturbances including vehicle traffic, grazing, and other sources.

However, several of the RVS sites are located near the City of Nogales and provide expansive views of the Nogales POE and Sonora, Mexico. All of the potential RVS sites and current portable lights are located in previously disturbed areas or portions of the site have been previously disturbed. However, due to the positioning of the lights to provide optimal visibility along the border, the lights are detectable from many locations throughout the City of Nogales.

The proposed fence and road construction would take place on the outskirts of the City of Nogales, in an area not generally visible to or accessed by the public. The project area has been previously disturbed by past and ongoing human disturbances including vehicle traffic, grazing, and other sources.

3.12 SOLID AND HAZARDOUS WASTE

According to USBP representatives, there is no known or suspected toxic and/or hazardous material contamination within the proposed project area, and a phase I environmental site assessment was not required. Additionally, no physical evidence of hazardous dumping sites were noted during the biological field surveys. However, due to the evidence of illegal and uncontrolled dumping of trash in the immediate vicinity, it is possible that potentially hazardous wastes may have been disposed of within the vicinity of the project area.

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SECTION 4.0
ENVIRONMENTAL CONSEQUENCES



4.0 ENVIRONMENTAL CONSEQUENCES

This section of the EA addresses potential impacts to the human and natural environment within the project corridor for the No Action and Preferred Alternatives outlined in Section 2.0.

Based on observations made during site visits, and discussions with USBP personnel, Federal and state agencies, and local authorities, several environmental factors potentially associated with the Proposed Action have been identified, as discussed in the following subsections.

4.1 LAND USE

4.1.1 No Action Alternative

The project area is currently used by USBP officials to defend the U.S. against IAs, potential terrorists, and drug traffickers attempting to illegally enter the U.S. The USBP would continue to patrol and defend the international border under the No Action Alternative, in which case the current land use in this area would not change.

4.1.2 Proposed Action Alternative

The Proposed Action Alternative would permanently impact 24.3 acres of rural rangeland. All land use changes would be localized within the footprint of the RVS sites and road and fence construction areas; therefore, land use on a regional basis would not be affected. Operation and maintenance activities would not alter land use in the region.

4.2 SOILS AND TOPOGRAPHY

4.2.1 No Action Alternative

The No Action Alternative would not allow the construction of the proposed infrastructure system. The USBP would not be as effective in deterring and apprehending illegal entrants and foot traffic would continue at its current level and probably increase. The continuation of illegal traffic and consequent enforcement activities such as attempts to

apprehend IAs, force USBP vehicles off road, thus adversely impacting soils in the project area.

4.2.2 Proposed Action Alternative

Implementation of the Proposed Action would disturb 24.3 acres of soils. Engineering designs for road construction activities were developed to utilize ridge tops and minimize cut and fill; however, several areas would require substantial cut and fill. The installation of landing mat or bollard fences is expected to impact 0.2 acres (2 ft. wide by 1 mile long footer) of soils. To the extent possible, existing roads that parallel the border would be used in the installation of the border fence. However, a 10 to 12 foot maintenance road would be established to facilitate the installation of a border fence for a distance of 1 mile, which would impact 1.5 acres. Existing roadways within the proposed footprint have disturbed approximately 1.2 acres; however, IA footpaths, grazing, and other activities are present throughout the project area.

Installation of RVS systems would not require the construction of any new roads and would only disturb a minimal amount (32,725 ft²) of soils. Also, all RVS sites have been previously disturbed from roadways, traffic, grazing and other activities. Thus, the impacts to soils by the Proposed Action Alternative would be minimal and insignificant.

Best management practices (BMPs) would be incorporated into the construction plan to reduce post-construction erosion. The probability of any fuel-related soil contamination from equipment required for road construction is low. No permanent sanitary facilities are planned during construction, and any waste materials generated during roadwork would be disposed of at an approved waste disposal site. Staging areas for equipment maintenance and refueling would be designated prior to construction activities.

Activities required to construct patrol roads would change the rolling topography to a nearly level surface within the cut and fill limits of the project area.

4.3 BIOLOGICAL RESOURCES

4.3.1 Vegetation Communities

4.3.1.1 No Action Alternative

Under the No Action Alternative, illegal traffic would continue to adversely impact vegetation communities. The USBP would not be as effective in detecting, deterring, and apprehending illegal entrants without the establishment of the infrastructure system along the border. Illegal activity along the border would continue at its current level and would likely increase. The operation of portable lights would not continue under this alternative and would be removed from their current locations.

4.3.1.2 Proposed Action Alternative

Implementation of the Proposed Action would permanently impact a maximum of 24.3 acres. Approximately 1.2 acres within the proposed road footprint have been previously disturbed due to past disturbances from roadways. Cattle grazing, illegal footpaths, and other activities, have also caused detrimental impacts to vegetation communities within the project corridor. Therefore, minimal impacts to vegetation within the project corridor are expected under this action.

Road improvements to the existing patrol road along the international border would remain primarily in the current road footprint. New road construction work would be completed just north of the international border in order to avoid steep canyons and valleys, and minimize cut and fill activities. The construction of the new patrol road would be 54 feet wide, which includes a 20 foot all weather road, with a 6 foot shoulder, a 10 foot drag road, and a nine foot stabilized ditch on each side of the road. Direct impacts to surrounding biological resources would remain in the areas identified as cut and fill areas, in which all vegetation in these limits would be considered a permanent loss. Construction of 1 mile of barrier fence would result in a minimal (0.03 acres) loss of vegetation in the area. Additionally, a 10 to 12 foot maintenance road, approximately 1 mile long would be constructed to assist in installing the border fence, which would impact 1.5 acres.

Installation of the RVS systems would impact a maximum of 0.75 acres. Very little, if any, vegetation would be damaged at the proposed locations, since vegetation is

currently lacking due to past disturbances from roadways, traffic, grazing and other activities.

Due to the limited size of the area required for each system and the presence of similar habitat in the surrounding areas, impacts to vegetation communities would be insignificant. Once the RVS systems are installed, the operation and maintenance of the systems would have no effects on the vegetation within the project area.

The long-term effects of nighttime lighting on plant communities is a relatively new area of biological research and often contains conflicting results. It has been reported that lights emitting energy in the 300 to 800 nanometer spectral range are effective in influencing the photosynthesis and photo responses of plants. The portable lights that are currently operating consist of four 1000-watt, metal halide light bulbs. Metal halide lights emit energy from 500 to 800 nanometers (Chaney 2002). Conversely, it was reported that the amount of energy produced by the lights would not cause negative effects on the plant communities present in the proposed project area (USACE 1997).

Additional information from the Texas A&M University (TAMU), Plant Sciences Department, indicates that effects from the lighting systems is not expected to cause a negative impact on vegetation. Dr. Dan Lineberger with the TAMU Plant Sciences Department indicated that he believes the amount of light would not be of adequate wattage to affect the growth patterns of plants (USACE 1997). Past studies have been conducted on the effects of street lighting disrupting the dormancy pattern for trees in the urban environment. These studies have shown that indirect low wattage lighting concerns on vegetation species is unfounded. Additionally, there are no identifiable effects to vegetation in or around the current portable lights.

Due to presence of similar habitat in the surrounding areas, impacts to vegetation communities would be insignificant. Once the infrastructure improvements are complete, the operation and maintenance would have no further effects on the vegetation within the project area.

4.3.2 Fish and Wildlife Resources

4.3.2.1 No Action Alternative

Under the No Action Alternative, illegal traffic and consequent USBP enforcement actions would continue. Therefore, damage to vegetation and wildlife communities could be expected to continue and likely increase.

4.3.2.2 Proposed Action Alternative

Wildlife populations would not be significantly impacted by the implementation of the Proposed Action Alternative, due to the minimal disturbances to wildlife and their habitats. Although the installation of landing mat fence may alter large mammal migration patterns through this area, it is not expected to be detrimental to wildlife in this locale due to the enormous amount of virtually homogeneous habitat available to the east and west of Nogales. Furthermore, the proximity of the urban environment of Nogales, which is an active POE, would not be conducive for large mammals to migrate through this area (see Figures 2-3a and 2-3b). However, the bollard fence would permit small wildlife to move freely through the fence.

Improvements to roads may result in increases in speed and the amount of use by the USBP during their patrols, which may increase the number of vehicle related wildlife deaths in the project area. On the other hand, improvements to roads may provide protection to wildlife species and their habitats by increasing the efficiency of the USBP agents to apprehend illegal entrants and reducing the potential for off-road pursuits. Less IA traffic would result in fewer off-road impacts to wildlife populations.

Once RVS systems are installed, the operation and maintenance of the systems would have no effect on the region's wildlife. RVS systems and portable lights may serve as perch sites for raptors, as the lack of tall perch sites are limited due to the lack of trees in this region. However, there also may be incidental bird kills, caused by birds flying into towers, guide wires, or poles.

Slight impacts to wildlife resulting from the continued operation of lighting may occur. The adverse and/or beneficial effects of lighting on reptiles and amphibians is currently unknown; however, continual exposure to light has been proven to slightly alter circadian rhythms in mammals and birds. Studies have proven that under constant light, the time

an animal is active, compared with the time it is at rest, increases in diurnal animals, but decreases in nocturnal animals (Carpenter and Grossberg 1984). Also, in diurnal animals, the total amount of active time increases with light intensity, while the reverse is true in nocturnal species (Carpenter and Grossberg 1984). The alteration of circadian rhythms by high intensity lighting is minimal, accounting for a maximum of two to three hours of increase or decrease in activity per day (Luce 1973). It has also been shown that within several weeks under constant lighting, mammals and birds will quickly stabilize and reset their circadian rhythms back to their original schedules. The long-term effect of an increased photoperiod on mobile wildlife species is expected to be insignificant. Given the vast open area within the project corridor, animals can easily relocate to adjacent areas of darkness. The lighting in the project area is not constant, and the position of the lights allow for some dark areas to still exist. Therefore, impacts of lighting to wildlife would probably be short-term and minimal.

The long-term effect of an increased photoperiod on mobile wildlife species would be expected to be insignificant. Given the vast open area within the proposed project area, animals can easily relocate to adjacent unaffected areas. The position of the proposed portable lights allows for some dark areas to still exist. In addition, the “internal clocks” of many species maintain the species’ daily rhythms regardless of the extended presence of daylight or nighttime conditions (USACE 1997). Additionally, long-term impacts could include the impact of generator noise on wildlife species. The highest period of movement for most wildlife species occurs during night time or low daylight hours, which is consistent with the hours of continuous generator operation required for this system.

Impacts to wildlife resulting from operation of the lighting at night could occur, but are difficult to assess. In general, lights attract and concentrate insects, which in turn attract insectivorous animals such as some bats. An increase in dead insects could also be expected on the ground near the light structures, which could also attract more insectivores, and possibly animals that prey upon these insectivores. Some nocturnal animals may avoid the lighted areas. Impacts to wildlife populations should not be significant since the area is highly impacted by human activities on both sides of the border.

4.4 PROTECTED SPECIES AND CRITICAL HABITAT

4.4.1 No Action Alternative

Implementation of the No Action Alternative would not allow the construction of the infrastructure systems; therefore, no direct impacts to protected species would occur under this alternative. However, due to the lack of a physical barrier, and the hazardous and inefficient roads network used to monitor the border, the USBP efforts at IAS interdiction is wanting. Impacts to unknown protected species and critical habitat could result as illegal foot traffic and drive throughs continue throughout the area unabated.

4.4.2 Proposed Action Alternative

No threatened or endangered species were observed within the project area during the biological surveys performed in March 2002, or in February and April 2003, or even during past surveys in the project area (INS 2002c). As discussed in Section 3.4 of this document, no such species were recorded in the Nogales. Also, no critical habitat designations fall within the project area. Therefore, no direct impacts to threatened or endangered species or designated critical habitat would be expected upon implementation of the Proposed Action Alternative. Plants protected under the Arizona Native Plant Law that were observed in the project area would be allowed to be salvaged. Individual specimens of Parry's century plant should be flagged and avoided to the extent practicable to avoid effect to potential food sources of the lesser long-nose bat. Additionally, a Notice of Intent to Clear Land Form would be filed with the Arizona Department of Agriculture 30 days prior to the initiation of construction activities.

Implementation of the Proposed Action Alternative would most likely provide indirect benefits to threatened and endangered species potentially occurring outside of the project corridor.

4.5 UNIQUE AND ENVIRONMENTALLY SENSITIVE AREAS

4.5.1 No Action Alternative

The No Action Alternative would not allow the installation of the infrastructure system. As a result, the USBP would not be as effective in detecting, preventing, and apprehending illegal entrants; illegal traffic would continue at its current level and probably increase.

This illegal traffic would continue to damage unique and sensitive areas by starting wildfires, creating trails, and discarding trash within these areas.

4.5.2 Proposed Action Alternative

The Proposed Action Alternative could indirectly benefit unique and sensitive areas that are located north of the project area by reducing the number of IAs that illegally cross the U.S. border. The presence of physical barriers and other infrastructure systems (i.e. roads, RVS systems, lights, etc.), which would prevent and deter IAs from entering the U.S., could potentially protect unique and sensitive areas outside the ROI.

4.6 AIR QUALITY

4.6.1 No Action Alternative

Under this alternative, no additional emissions are expected to occur. Due to the lack of deterrence measures in the Nogales AO, USBP agents are many times forced into off-road pursuits, which may increase fugitive dust emissions in the area if IAS entry attempts increase.

4.6.2 Proposed Action Alternative

Under the Proposed Action Alternative, increased exhaust pollutants and dust emissions would be temporarily created from heavy equipment used for road construction activities. Measures outlined in Chapter 5 would reduce these temporary impacts. The construction activities for the Proposed Action is anticipated to be less than 220 days, and therefore not expected to contribute to long-term degradation of the area's air quality. Any increases or impacts on ambient air quality during construction and maintenance activities are expected to be short-term and can be reduced further through the use of standard dust control techniques, including roadway watering and chemical dust suppressants. Although some fugitive dust would be associated with road use, it is expected to remain below the *de minimis* threshold. Upon completion of the road construction and improvements fugitive dust emissions would be lowered as a result of the all-weather roads.

Construction activities would be limited to small, isolated locations during installation of the RVS equipment. The short duration of these activities (approximately 1 week each),

the type of equipment used, and the good dispersion patterns of the region, indicate that air emissions would not be created that would adversely affect air quality. Maintenance vehicles driving to and from the RVS sites would be the only emission sources required by the operation and maintenance of the RVS systems. Maintenance is expected to be required no more than twice per year.

The generators necessary to run the portable lighting systems cause low amounts of air emissions. The generators are in operation approximately 12 hours per day. The portable lighting units used by the Nogales Station consists of a 6-kilowatt diesel generator that powers four 1000-watt lights. The emissions from the portable light generators in the Nogales area have not resulted in any violations of National or state standards since they have been in operation. Table 4-1 shows the maximum air emissions expected from 60 portable light generators (the maximum number of lighting systems proposed). Therefore, no long-term impacts to air quality are anticipated from the continued use of portable light generators.

Table 4-1: Total Emission Factors for 60 Diesel Powered Generators

Pollutant	Emission Factors (tons/year)
Exhaust hydrocarbons	0.0044
Carbon monoxide (CO)	0.0120
Nitrogen oxides (NO _x)	0.0558
Aldehydes	0.0008
Sulfur oxides (SO _x)	0.0037
Carbon dioxide (CO ₂)	2.0880
Particulate matter (PM ₁₀)	0.0040

Source: EPA 1995

4.7 WATER RESOURCES

4.7.1 No Action Alternative

Since construction would not occur under this alternative, no additional effects to water resources would result. However, an increase in sediment runoff into water resources, which is a result of disturbance to vegetation by both IAS and USBP traffic, could be expected. Additionally, trash left behind in these natural water courses would also continue.

4.7.2 Proposed Action Alternative

The Proposed Action Alternative would have minimal impacts to ground or surface water quality. Construction of a patrol road would also include the installation of associated drainage structures. The installation of drainage structures and culverts is not expected to have long-term negative impacts on WUS that were identified in the February 2003 survey. The installation of water crossing structures would protect areas from erosion due to USBP and other vehicular traffic and improve long-term water quality in the area. Bollard style fencing would be installed in all washes to allow the water to follow its natural course during rain events, and have no effects on area drainage. A total of seven washes or drains that were identified as WUS cross the proposed border road within the 2 mile project area. Five drainages that were classified as WUS are expected to be impacted by road construction efforts, the other two washes already have existing drainage structures in them, which would remain along the 0.5 mile of road improvements (Figure 4-1). All of the WUS impacted by the construction effort would be covered under a NWP No. 14, Linear Transportation Crossings. The NWP No. 14 states that for linear transportation projects in non-tidal waters, the action cannot result in a loss of greater than 0.5 acre of WUS. Two of the drainages identified as WUS would incur impacts that would result in a loss of greater than 0.1 acre, and would require a pre-construction notification be submitted to the USACE, Los Angeles District before any work would be performed.

According to the engineering estimates, a maximum of 66,000 gallons of water per mile would be needed to complete the road construction efforts. The majority of the water would be used as a wetting agent to compact and prepare soil for construction. Water for dust suppression, which would be used on roads traveled to and from the project site, is also accounted for in the total. Therefore, an estimated 132,000 gallons of water would be needed to complete the 2 miles of roadway. However, this number could vary based upon soil type, soil moisture, and environmental variables. By comparison, construction of 4 miles of all weather roads in Douglas, Arizona during the months of May and June required 176,000 gallons of water. The City of Nogales uses approximately 1.4 billion gallons of water per year to provide service to a 32 square mile area. The Rio Rico golf course, which is also located in the Santa Cruz Active Management Area, utilized almost 200 million gallons of water in 1995 to maintain their facilities (ADWR 2002). Thus, while

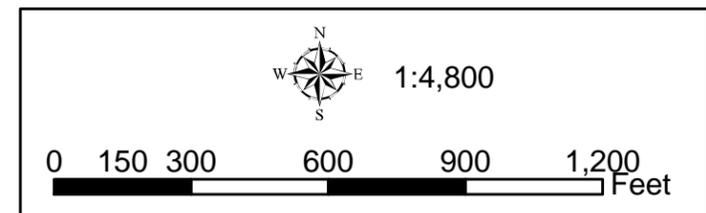
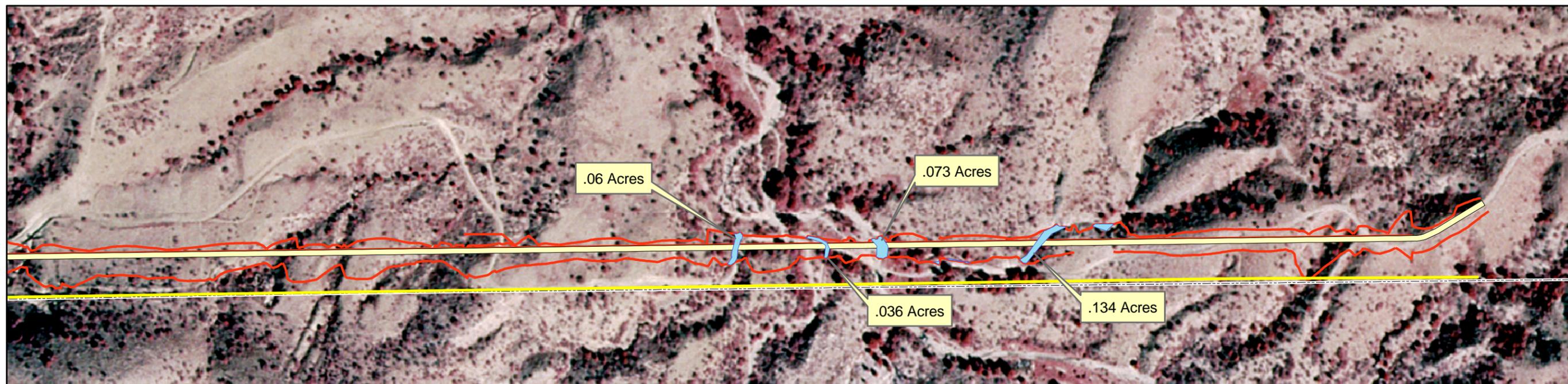


Figure 4-1: Waters of the U.S within the 2-Mile Road Improvement Area

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the one time use of 132,000 gallons of water for construction the project would add to demand of local water resources, baseline conditions would return after completion of the project and cause no long-term effects to water resources. Additionally, the supply and demand as reported in the management plan for Santa Cruz AMA demonstrated that there is no overdraft or water deficiency present at this time (ADWR 2002).

Proper maintenance of construction equipment, RVS systems and portable light generators along with best management practices during construction activities and daily refueling of portable light generators or the occasional refilling of propane bottles used as an emergency backup would minimize the possibility of accidental spills of fuels or lubricants that, if they occurred, could affect surface water quality. Although catch pans are used when refueling, accidental spills could occur as a result of daily maintenance procedures to portable light generators

4.8 NOISE

4.8.1 No Action Alternative

The No Action Alternative would not result in any increases or decreases in ambient noise levels. The current illegal foot traffic, and other illegal activity would continue and probably increase, resulting in the need for additional patrols along the border, which may increase ambient noise levels.

4.8.2 Proposed Action Alternative

Temporary construction noise impacts would occur with the Proposed Action Alternative. Short-term noise associated with equipment necessary to complete the road improvement work would be expected to last no more than 220 days and would likely begin in the third quarter of the FY 2003. Noise levels created by construction equipment would vary greatly depending on factors such as the type of equipment, the specific model, the operation being performed, and the condition of the equipment. The equivalent sound level of the construction activity also depends on the fraction of time that the equipment is operated over the time period of the construction.

Heavy equipment such as drill rigs and cement and dump trucks would cause temporary increases in noise levels during construction. Slight increases in noise levels may occur

from increased traffic speed along the newly constructed roadway. However, there would be no increase in the amount of vehicle traffic expected to use the new access road.

The generators used to power the light systems would continue to function as they have previously, so no additional noise levels are expected. Additionally, the portable light locations are generally located away from residential areas and sensitive noise receptors (churches, schools, hospitals). Some studies have demonstrated that most wildlife species may exhibit startled responses to noise, but rapidly acclimate to such disturbances (INS 2002a). There is no evidence that wildlife is affected by the use of portable light generators within the project area.

The propane generators to be used as backup for the solar powered RVS systems would produce additional noise and raise the ambient noise levels slightly. However, since the propane generator would be used on an as-needed basis, the effects of noise would be minor, localized, and temporary. Additionally, the RVS sites that would utilize propane generators are generally located away from residential areas and sensitive noise receptors.

4.9 CULTURAL RESOURCES

4.9.1 No Action Alternative

Due to the decreased effectiveness of USBP efforts at alien interdiction, impacts to both known and unknown cultural resources could result as illegal foot traffic continues throughout the area unabated.

4.9.2 Proposed Action

Two previously recorded sites (AZ EE:9:141 (ASM) and AZ EE:9:143 (ASM)) are located within the proposed project ROW of the proposed road and fence installation. Both sites were revisited and were recommended ineligible for listing in the NRHP. As a result, these two sites are not considered to be historic properties under Section 106 and no impacts are anticipated (Vargas 2003). The Arizona SHPO concurred with this finding, that no historic properties would be affected, in a letter dated May 6, 2003. This letter can be found in Appendix B of this EA.

One newly recorded site (AZ EE:9:228) was identified during the intensive field surveys of the proposed RVS locations. This site was recommended eligible for inclusion on the NRHP due to its research potential. If this location would be used for a proposed RVS tower then there would have been an adverse impact to this potentially significant resource. It was determined that the RVS pole located at this site would be moved to an alternate site (Vargas and Goar 2003). As a result, AZ EE:9:228 would be avoided and therefore would not be impacted.

A total of 31 NRHP listed structures and districts are within the view-shed of one or more of the 57 portable light systems that are now in use. Consultation was conducted with the Arizona SHPO office about the potential visual impacts that these portable lights would have on the NRHP listed structures and districts. It was agreed that since the lights have been in operation already in the past several years and that because they are portable, they would only be temporarily placed in these locations. Therefore, there would be no impacts to the NRHP listed structures and districts (Vargas 2003). The Arizona SHPO concurred with this finding in a letter dated May 6, 2003 that no historic properties were affected. This letter can be found in Appendix B of this EA.

A total of 25 NRHP listed structures and districts are within the view-shed of one or more of the 17 proposed RVS locations and alternates (Vargas and Goar 2003). Consultation with the Arizona SHPO and the City of Nogales concerning the potential visual impacts to these historic structures and districts is on-going.

4.10 SOCIOECONOMICS

4.10.1 No Action Alternative

Adverse effects to socioeconomic resources would occur if illegal entrants were able to enter undetected. The current level of illegal immigration and drug trafficking through the area would continue, if not increase. The associated societal costs for this illegal activity would also increase. These societal costs include, but are not limited to, shoplifting, car theft, and breaking and entering with an associated rise in insurance costs.

4.10.2 Proposed Action Alternative

The Proposed Action Alternative would utilize USBP maintenance staff, JTF-6 personnel, National Guard units, or private contractors to complete the mission; therefore, no effects on population, personal income, or housing would occur unless private contractors were used. In this event, a temporary increase in personal income may occur. Most materials and other project expenditures would also be obtained from outside the region, providing little or no temporary direct economic benefits. No displacement is predicted to result from this action; therefore, there would be no direct impacts to housing in the area.

4.10.3 Environmental Justice

4.10.3.1 No Action Alternative

Under the No Action Alternative, the apprehension of IAs entering the U.S. would remain the same. As a result, no impacts would be anticipated under the No Action Alternative for environmental justice issues.

4.10.3.2 Proposed Action Alternative

Although the ROI exhibits a high minority population, particularly groups claiming Hispanic origin, all proposed work would not affect residential structures or facilities in Nogales. As a result, there would be no displacement of minority or low-income families, and therefore no impacts in regards to environmental justice.

4.10.4 Executive Order 13045, Protection of Children

4.10.4.1 No Action Alternative

Under the No Action Alternative, the current illegal traffic and its associated criminal activity would continue creating an unsafe environment for children.

4.10.4.2 Proposed Action Alternative

Implementation of the Proposed Action Alternative would not result in disproportionately high or adverse environmental health or safety impacts to children on either sides of the border. The Proposed Action Alternative would result in a reduction of illegal immigration, drug trafficking, and other crimes within the area further creating a safer living environment for children. It would be the responsibility of the on-site project manager to ensure children are kept out of the project area during construction.

4.11 AESTHETICS

4.11.1 No Action Alternative

Under the No Action Alternative further degradation of aesthetics would occur due to the trash left behind, increases in footpaths, and wildfires, which are caused by IAS traffic.

4.11.2 Proposed Action Alternative

This alternative would create direct adverse impacts to the aesthetic and visual resources within the project corridor. Approximately 1 mile of proposed fence would be visible at all times. The fence would only be visible in the immediate area unless the observer is located at much higher elevations. Otherwise, the rolling terrain and desert vegetation would impede sight of these infrastructures. Many of the RVS locations have existing systems and other structures, which already detract from the aesthetic value of the area. Furthermore, the systems would be painted to blend into the surrounding landscape and, therefore, would have minimal impacts on aesthetics. Four miles of portable lighting would remain in operation under this alternative. Lighting may also obstruct the dark skies for which southeastern Arizona is so well known. Impacts to aesthetics have occurred where portable lights are located, particularly where portable lights are visible from the City of Nogales. Portable lights illuminate a 100 ft² area when in operation, therefore approximately 6,000 ft² on non-contiguous illumination is present along the 4-mile corridor where the lights are positioned.

The implementation of this alternative would also result in long-term beneficial impacts by limiting and possibly eliminating IAS activities in protected areas to the north of the project corridor. Thus, the human induced fire, excessive amounts of litter, and illegal roads and footpaths would no longer degrade the scenic qualities of the areas north of the project corridor.

4.12 HAZARDOUS MATERIALS

4.12.1 No Action Alternative

Under the No Action Alternative all portable lights and generators would no longer be used in the detection of IAs along the U.S./Mexico border near Nogales, Arizona. This

alternative would eliminate the threat of possible incidental spills of fuels, oils, lubricants or other hazardous materials that are used to power and maintain portable light generators.

4.12.2 Proposed Action

Because of the random nature of illegal dumping along the border areas, it is difficult to determine the location and quantity of hazardous waste that may be present within the general project area. If hazardous materials or wastes are present, there would be a potential for exposure during construction activities. Construction personnel would be informed about the potential to encounter hazardous wastes that may be present on the site from illegal dumping and the appropriate procedures to use if suspected hazardous contamination is encountered. Under the Proposed Action, it is assumed that worker-safety risks would be reduced through the implementation of standard safe practices, such as wearing hard hats, steel-toed boots, gloves, ear protection, facemasks, safety vests, and other equipment, where appropriate and/or prescribed by State and/or Federal worker health and safety laws and regulations.

During construction activities, as well as daily maintenance of portable generators, fuels, oils, lubricants, and other hazardous materials would be used. Although catch pans are used when refueling, accidental spills could occur as a result of daily maintenance procedures to portable light generators. A spill could result in potentially adverse impacts to on-site soils, and threaten the health of the local population, as well as wildlife, soils, water, and vegetation. However, the amount of fuel, lubricants, and oil is limited, and equipment necessary to quickly contain any spills is present when refueling.

A Spill Response Prevention Plan would be in place prior to construction, and all personnel would be briefed in the implementation and responsibilities of the plan.

4.13 CUMULATIVE IMPACTS

This section of the EA addresses the potential cumulative impacts associated with the implementation of the alternatives outlined in Chapter 2.0 and other projects/programs that are planned for the region. The following paragraphs present a general discussion regarding cumulative effects that would be expected irrespective of the alternative selected.

The CEQ defines cumulative impacts as the incremental impact of multiple present and future actions with individually minor but collectively significant effects. Cumulative impacts can be concisely defined as the total effect of multiple land uses and developments, including their interrelationships, on the environment.

Past NEPA documents were reviewed to evaluate cumulative effects of the USBP operations/activities and infrastructure construction projects for the southwest border region. These included, but were not limited to, EAs from previous and current USBP and JTF-6 projects.

- Programmatic Environmental Impact Statement for INS and JTF-6 activities along the U.S./Mexico Border (USACE 1994)
- Environmental Assessment for JTF-6 Proposed Lighting and Camera Installation Project (USACE 1998)
- Environmental Assessment for Operation Skywatch for Tucson Sector, Arizona (INS 2002a)
- Environmental Assessment for Operation Desert Grip within the Tucson and Yuma Sector, Arizona (INS 2002a, INS 2002b)
- Supplemental Programmatic Environmental Impact Statement for INS and JTF-6 Activities (INS 2001a).

Within Santa Cruz County, JTF-6 and INS projects included:

- Environmental Assessment For JTF-6 Operation 23-90/20-91, Nogales Arizona (USACE 1991)
- Environmental Assessment For JTF-6 Operation Border Fence and Road Upgrade for Nogales, Arizona (USACE 1995)
- Establishment of bivouac sites (USACE 1991)
- Construction of firearms ranges (USACE 1991)
- Road improvements
- Establishment of checkpoint stations at Palo Parado and Sonoita (INS 2001b, INS 2001c)
- Construction of a parking facility at the Sonoita USBP Station (INS 2001b)
- Restoration of Ephriam Ridge (INS 2003)

An analysis of each component of the affected environment was completed from the existing documents in order to identify, which would have cumulative impacts as a result of the past and proposed activities. Other activities currently proposed by the USBP are discussed below.

The Arizona Department of Transportation (ADOT) has several road improvement projects scheduled for Santa Cruz County in the next five years. No new road

construction is planned near the project area (INS 2002c). As a result, acreage for impacts would tend to be low as the majority of the construction would be within existing Rights-of-Way (ROW). The projects listed below are in the planning stage and potential impacts are unknown at this time (ADOT 2002).

- Country Club Road-Ruby Road. Design of Frontage roads (2006)
- Rio Rico-Ruby Road, East. Construction of Frontage Road (2006)
- Tubac State Park. Construction of Park Roads, Phase II (2003)
- Patagonia State Park. Design of park roads, Phase II (2005)
- San Rafael State Park. Construction of park roads (2003)
- Santa Cruz River Bridge #424. Replacement of Santa Cruz River Bridge on Route 82 (2003)
- State Route 82 at Milepost (MP) 15. Rockfall containment (2004)
- Junction of State Route 83 and State Route 82 to MP 45.9. Elimination and upgrade of guardrail (2003)
- Nogales Port of Entry Construction of Intelligent Transportation Systems (ITS)/ Commercial Vehicle Operations system (2002).
- Mariposa road at U.S. Customs State Port. Construction of access road for State port (2002).
- Customs Service family housing units (15) at the Lukeville POE.
- 2-acre site (at Randall & Valencia in Tucson) for expansion of their maintenance facility.
- 10-acre development for USBP family housing units (52) to house about 215 people (agents and family members). This will be a private development and USBP will lease the units from the developer.
- The Ajo Station will lease a maintenance facility in Ajo.
- The Ajo Station plans to develop a 5-acre site near the Station for parking and horse corrals.

The City of Nogales is the designated gateway from and to Mexico on the CANAMEX Trade Corridor. The name "CANAMEX" is derived from the country names of Canada, America, and Mexico where a western trade corridor of existing 1,700 miles of highway and interstate systems connect the three countries. The CANAMEX corridor is poised to become one of the most important north/south trade corridors in North America, as well as a catalyst for economic growth and development in the CANAMEX region.

The U.S. 1998 Transportation Efficiency Act for the 21st Century (TEA-21) has allocated \$140 million per year for planning, engineering, design, and construction of high priority corridors and border crossings for the next five years. The state governments of Arizona and Nevada have committed to obtain funds to construct a four-lane bridge spanning the Colorado River and to upgrade U.S. Highway 93 to a four-lane divided highway in

anticipation of the CANAMEX Trade Corridor. The completion of these projects would create an uninterrupted north/south highway system down the spine of the CANAMEX Trade Corridor. This project is in the planning stage and potential impacts are unknown at this time.

4.13.1 No Action Alternative

The No Action Alternative would result in the continued negative impacts to the area's resources. Threatened or endangered species or critical habitat and cultural and historic structures would continue be affected by the increasing and persistent attempts by IAs to enter the U.S. Additional impacts to air quality, water resources, soils, and socioeconomic conditions would occur under this alternative as a result of the increased off-road apprehension attempts by USBP, attempted vehicle drive throughs, and new foot paths. The continued use of portable light systems around the City of Nogales, have caused minimal increases in emissions

Based on past project completed by JTF-6 and USBP, approximately 70 acres within Santa Cruz County have been impacted. Long-term indirect cumulative effects have occurred and would continue to occur to the area's natural habitats. However, these effects, both beneficial and adverse, are difficult, if not impossible, to quantify. Reductions in habitat have undoubtedly created inter- and intra-species competition for available food and shelter and, eventually, slight reductions in some wildlife populations. Given the rural nature of Santa Cruz County, 70 acres of altered habitat would be a negligible loss.

Positive cumulative benefits have resulted from USBP activities as well. Additional knowledge regarding threatened or endangered species locations, distribution, and life requisites has been obtained through surveys and monitoring efforts associated with USBP construction projects. Erosion has been alleviated along some roads, and has precluded illegal foot and vehicular traffic through environmentally sensitive areas.

Positive cumulative benefits have resulted from USBP activities to cultural resources as well. Increased surveillance, patrols, roads, and fences improved the USBP abilities to interdict IAs early. As a result, there has been a reduction in both illegal vehicle and pedestrian traffic across the area. Such illegal traffic can harm cultural resources and be

detrimental to the cultural landscape of the area. Archaeological surveys from past USBP projects have increased our knowledge of the prehistory and history of the area. These surveys not only identify sites which now can be protected that would not normally be identified, but also provide informative data about site densities, settlement patterns, and site distribution across the area.

4.13.2 Proposed Action Alternative

In addition to impacts caused by CANAMEX, TEA-21, ADOT construction projects, as well as 70 acres of already altered habitat resulting from JTF-6 and USBP projects, the Proposed Action Alternative would impact approximately 24.3 acres of additional wildlife habitat and soil resources in the Nogales area. Construction vehicles traveling to and from the proposed sites would result in a slight increase in temporary emissions and particulate matter, but these increases would be temporary and would not be expected to add to the cumulative effects. Short-term impacts to WUS are expected during road construction activities and installation of low water crossing and culverts.

The installation of physical barriers and the construction of patrol roads is expected to have a positive long-term effect. Habitat protection, archeological and historic resource protection, as well as safer environments for USBP agents and Nogales citizens are expected with the Proposed Action Alternative.

In addition to the 1.4 billion gallons of water used annually by the City of Nogales, and the yearly water use by the Rio Rico golf course, a one-time use of an estimated 132,000 gallons of water would be needed to complete the Proposed Action Alternative. Thus, while the one time use of 132,000 gallons of water for construction would add to the demand of the local water resources, baseline conditions would return after completion of the project and would result in no long-term cumulative effects to water resources in the region.

Indirect effects could occur to the vegetation beyond the project area by IAs attempting to avoid the area in search of locations with little or no physical barrier. With the Proposed Action Alternative, the USBP could re-allocate agents and equipment, which would lessen any indirect effects to vegetation and cultural resources from illegal traffic trying to avoid areas. The magnitude of these effects cannot be determined at the

present, since the routes selected by IAs and smugglers are at their discretion and out of the control of the USBP.

Positive cumulative benefits have resulted from USBP activities as well. Additional knowledge regarding threatened or endangered species' locations, distribution, and life requisites has been obtained through surveys and monitoring efforts associated with USBP construction projects. Erosion has been alleviated along some roads, and fences have precluded illegal foot and vehicular traffic through environmentally sensitive areas.

USBP activities have also resulted in positive cumulative effects to cultural resources as well. Increased surveillance, patrols, roads, and fences improved the USBP abilities capture IAs early. As a result, there has been a reduction in both illegal vehicle and pedestrian traffic across the area. Such illegal traffic can harm cultural resources and be detrimental to the cultural landscape of the area. Archaeological surveys from past USBP projects have increased our knowledge of the prehistory and history of the area.

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SECTION 5.0
ENVIRONMENTAL MITIGATION MEASURES



5.0 ENVIRONMENTAL DESIGN MEASURES

This chapter describes environmental design measures that would be implemented as part of the Proposed Action Alternative to reduce or eliminate impacts from infrastructure system construction and use.

Environmental design measures will be implemented and supervised by the USBP managers of the infrastructure improvements near Nogales, Arizona. These measures include:

1. Using standard construction procedures to minimize the potential for erosion and sedimentation and control fugitive dust during construction.
2. Onsite manager would closely monitor proper handling, storage, and/or disposal of hazardous and/or regulated materials.
3. On-site activities would be restricted to daylight hours on Monday through Saturday, except in emergency situations.
4. Flagging would be placed at Hinds Ridge, and 120 sites where pincushion cacti were observed to alert work crews of their presence.

Due to the limited nature of construction activities associated with the Proposed Action Alternative, construction impacts are expected to be slight; therefore, mitigation measures are only described for those resources with potential for impacts.

5.1 WATER RESOURCES

Standard construction procedures will be implemented to minimize the potential for erosion and sedimentation during construction activities. All work will cease during heavy rains and would not resume until conditions are suitable for the movement of equipment and material. Prior storage or staging sites with proper containment will be used that are located at least 0.5 mile from wildlife or livestock tanks or other intermittent surface water bodies to reduce potential effects of accidental spills. Portable latrines, provided and maintained by licensed contractors, will be used to the extent practicable during construction and operational support activities. Discharges of gray water to soil for dust

suppression would be permitted through the Arizona Department of Environmental Quality.

Due to the project impacting up to 24.3 acres, a Storm Water Pollution Prevention Plan (SWPPP) will be prepared for the project before any implementation will begin.

USACE NWP No. 14 will be used for the five drainages identified as WUS, which would be impacted during construction, of which two would require formal pre construction notification to the Los Angeles District USACE before any work is performed.

5.2 AIR QUALITY

Construction measures will include dust suppression methods to minimize airborne particulate matter that would be created during construction activities. Additionally, all construction equipment and vehicles will be required to be kept in good operating condition to minimize exhaust emissions. Standard construction practices will be used to control fugitive dust during the construction phases of the proposed project.

5.3 BIOLOGICAL RESOURCES

Permanent impacts of 24.3 acres of vegetation are expected during construction activities. All impacts to biological resources would take place within the limits of the cut and fill construction. It will be the responsibility of the on-site construction manager to ensure construction boundaries are well marked. Disturbed sites will be utilized to the maximum extent practicable for construction and operation support activities. Additionally, attempts to minimize loss of vegetation may include: (1) trimming vegetation along roadsides rather than removing the entire plant; (2) requiring heavy equipment to utilize road pullouts or other such disturbed areas; and (3) considering the possibility of revegetation efforts. The temporary impact area will be reseeded upon completion of the proposed construction activities. Native seeds or plants, which are compatible with the enhancement of protected species, will be carried out under Executive Order 13112 Invasive Species (64 *Federal Register* 6183, February 1999). USBP station managers would be responsible for ensuring that the revegetated areas

become successfully vegetated. The Department of Homeland Security will fund revegetation efforts.

The impacts to wildlife will be minimal due to the small amount of habitat that would be lost. The Migratory Bird Treaty Act requires that Federal agencies evaluate whether construction activities would result in the take of a migratory bird and report information to the USFWS. Since construction is scheduled during nesting season (March through August), surveys would be performed to identify active nests, which would be avoided to the extent practicable. Bird surveys would not be required if construction activities occur outside of the nesting season.

Additional design measures will include BMPs during construction to minimize or prevent erosion and soil loss. Vehicular traffic associated with engineering and operational support activities will remain on established roads to the maximum extent practicable.

5.4 NOISE

During the construction phase, short-term noise impacts are anticipated. All Occupational Safety and Health Administration (OSHA) requirements will be followed. On-site activities will be restricted to daylight hours with exceptions for emergency situations. All construction equipment will possess properly working mufflers and be kept in a proper state of tune to reduce backfires. Implementation of these measures will reduce the expected short-term noise impacts to an insignificant level in and around the project area.

5.5 SOLID AND HAZARDOUS WASTES

With proper handling, storage, and/or disposal of hazardous and/or regulated materials there will be no significant adverse impacts to onsite workers and neighboring flora and fauna. 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 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 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 5 gallons or more 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. Any major spill of 5 gallons or more of a hazardous or regulated substance will be reported immediately to the on-site environmental personnel who will notify appropriate Federal and state agencies. A designated environmental advisor will be on-site during construction activities in case of such accidents.

A Spill Prevention Control, Containment, and Countermeasures Plan 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 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 of in accordance with all Federal, state, and local regulations, including proper waste manifesting procedures.

5.6 CULTURAL RESOURCES

One archaeological site considered eligible for inclusion on the NRHP was identified during the intensive field surveys of the proposed RVS locations. In order to avoid impacts to this potentially significant archaeological site, an alternate location for the RVS will be used.

Consultation is still ongoing with the Arizona SHPO office, Native American tribes, and the City of Nogales on the potential visual impacts to 25 historic structures and districts that are within the viewshed of the 17 proposed RVS locations and alternates. This consultation process would be completed prior to any construction of the proposed RVS systems. Since it would be almost impossible to relocate these RVS towers where they would not be visible from the historic structures and districts within Nogales and satisfy the purpose and need along with the mission of the USBP, relocation is not a viable option (Vargas and Goar 2003). If it is determined that there would be an adverse visual impact to any of the historic structures and districts then appropriate mitigation measures would be developed through consultation with the Arizona SHPO office, Native American

tribes, and the City of Nogales. This consultation would be completed prior to any construction at the proposed RVS locations and alternates.

Prior to any construction the Section 106 process would be completed. The Arizona SHPO would be immediately notified if any cultural resource artifacts are discovered during construction.

The revised 36 CFR Part 800 has been broadened to emphasize more strongly the roles of tribes as consulting parties. According to Sec. 800.2(c)(3) of the revised regulations, Federal agencies are required to consult not only with the SHPO and/or the THPO, but also with relevant tribes that might claim cultural affinity in the area of the undertaking. Such consultation would take place on all Federal undertakings subject to Section 106 review, regardless of whether or not the undertaking is on tribal lands. Such consultation is taking place at all levels of the Section 106 and NEPA compliance process with the tribal entities claiming a cultural affinity to the project area.

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SECTION 6.0
PUBLIC INVOLVEMENT

6.0 PUBLIC INVOLVEMENT

6.1 AGENCY COORDINATION

This chapter discusses consultation and coordination that has occurred during preparation of the draft and final versions of this document. Formal and/or informal coordination has been conducted with the following agencies:

- U.S. Fish and Wildlife Service (USFWS)
- U.S. Environmental Protection Agency (USEPA)
- U.S. Forest Service (USFS)
- Bureau of Land Management (BLM)
- Natural Resource Conservation Service (NRCS)
- Arizona State Historic Preservation Office (SHPO)
- Arizona Department of Transportation (ADOT)
- Arizona Game and Fish Department (AGFD)
- Arizona Department of Environmental Quality (ADEQ)
- Arizona Department of Agriculture
- Arizona Department of Water Resources (ADWR)
- Native American Nations
- Bureau of Indian Affairs (BIA)
- National Park Service (NPS)

6.2 PUBLIC REVIEW

The EA will be made available for public review for 30 days, and the Notice of Availability (NOA) will be published in local newspapers and is also available electronically at <http://ins.swf.usace.army.mil>. Exhibit 1 is a copy of the NOA that will be published. All correspondence sent or received during the preparation of this EA is included as Appendix B.

Exhibit 6-1

NOTICE OF AVAILABILITY
ENVIRONMENTAL ASSESSMENT
For
Nogales Infrastructure
Nogales, Santa Cruz County, Arizona

The public is hereby notified of the availability of the final Environmental Assessment (EA) for the construction, use, and maintenance of 15 remote video surveillance (RVS) sites, 1.5 miles of all-weather patrol road, 0.5 miles of road improvements, and 1 mile of fence and maintenance road, and the continued use of up to 60 portable lights near the U.S./Mexico Border in Nogales, Arizona. The final EA will be available for review at the Nogales City-Santa Cruz Library and is also available at <http://ins.swf.usace.army.mil>.

6.3 COMMENTS AND RESPONSES

The following sections addresses comment letters received during the public review of the draft EA.

6.3.1 Form Letter 1 (79 individuals and the Chiricahua-Draoon Conservation Alliance)

Comment 1: The Commenter states that the EA fails to adequately address impacts to people and indigenous communities the Proposed Action would have. The Commenter suggests the DHS follow the No Action alternative.

Response 1: Chapter 4 of this EA fully discloses and describes the direct and indirect impacts the current project would have on the environment, wildlife, and local indigenous communities. The cumulative impacts of past projects on wildlife habitat, vegetation communities, wildlife populations, accidental wildlife deaths, movement of wildlife, air quality, Waters of the U.S., beneficial impacts of past USBP activities, and additional acres impacted by the Proposed Action are discussed in detail in Section 4.13. Other projects are currently in the planning process and the actions are not clearly defined at this time; therefore, the magnitude of future projects cannot be determined at the present time. The impacts of future actions by USBP and other entities will be addressed in future NEPA documents once the Proposed Action has been clearly defined.

Initial coordination letters to the USFWS were sent on September 26, 2002 but were in advertently left out of the appendix, but are included in this document. Additionally, copies of the draft EA were sent to both the Tucson and Phoenix USFWS offices, but no response has been received concerning the actions of this project to date. The USBP as the proponent agency has the responsibility of making an effect determination an initializing formal consultation.

Comment 2: Commenter states, that this project will have severe direct impacts to wildlife and habitat as a result of increased fencing, road building, and lighting. Commenter has concerns the endangered jaguar's corridor would be devastated by the presence of permanent fencing, and that more fencing and lighting would only funnel destructive foot traffic into more remote, pristine, and inhospitable terrain.

Response 2: As discussed in Chapter 4 of this document no significant negative impacts to wildlife or their habitat would occur with the implementation of the Proposed Action. In response to the concerns about the destruction of jaguar corridor, there have only been 1 sighting in Sycamore Canyon. Sycamore Canyon is located 17.5 miles west of the project area. Furthermore, the additional 1 mile of fence is located near the City of Nogales which is a populated area, and would not be expected to be a preferred corridor for wildlife travel. Also, the potential effects of illegal entrants redirecting their activities are discussed in Section 4.13 of this document.

Comment 3: Commenter states, that more obstacles would be encountered as indigenous peoples of the borderland between U.S. and Mexico attempt to conduct cross border cultural, religious, family, and business visits.

Response 3: Citizens of both the U.S. and Mexico are able to visit either country as long as they enter through designated Ports of Entry and follow the legal processes for visiting either country. The U.S.A. Immigration Services provides immigrants with official documentations for their entrance needs such as: green cards, temporary visas, and permanent visas.

Comment 4: Commenter claims U.S. border policies have neither deterred nor stopped the immigrants from entering into the U.S. Commenter claims that over 2,000 deaths have occurred since the border policy was put in place, and continued infrastructure improvements would further militarize the region, disrupting border communities, creating divisions among residents, increase violations of human rights, further the coyote industry, and add to the rise of hate crimes and vigilantism.

Response 4: As stated in Chapter 1 of this report, infrastructure improvement projects reduced IA entrance, drug smuggling attempts, violent crimes, theft, etc. in areas where they are implemented. Laws to prevent and deter illegal entry mandates the actions implemented by the USBP.

6.3.2 Latin America Working Group

Comment 1: Commenter feels that the purpose and need did not give a full review of the effectiveness of the proposed infrastructure.

Response 1: DHS respectfully disagrees. Section 1.3 of the EA provides a detailed discussion identifying all the problems/issues that are facing the USBP and the Nogales area.

Comment 2: Commenter states that the environmental assessment fails to analyze the overall impact of the proposed construction on the USBP's ability to deter illegal immigration, and it fails to take into account the impact of the proposed construction on migrants ability to earn money and the impacts it has on their lives.

Response 2: NEPA guidelines do not require, nor does it attempt to quantify the wages of illegal immigrants under the socioeconomic impacts of this report. Also, immigrants from other countries are free to come into the U.S. to work and visit at anytime provided they complete the proper legal documentation to do so. The U.S.A. Immigration Services provides immigrants with official documentations for their entrance needs such as: green cards, temporary work visas, and permanent visas.

Comment 3: Commenter states that the environmental assessment is part of the Southwest Border Strategy, devised to tighten control over urban area, believing migrants would not risk their lives in the remote, dangerous areas of the US-Mexico border. Commenter believes that construction in Nogales is part of this larger, border-wide strategy to deter migration.

Response 3: USBP agrees with Commenter, the mission of the Border Patrol is to detect and deter illegal immigrants from entering the U.S. The EA addresses the potential that IAs may alter their illegal migration routes, however the routes selected for attempted illegal entry is at the discretion of IAs and smugglers.

Comment 4: Commenter states that the environmental assessment fails to discuss the direct and cumulative impacts on the migration trends of the entire border, and should do so.

Response 4: Indirect effects of the potential for IAs and smugglers to shift their illegal entry attempts were discussed in Chapter 4. It is impossible for USBP to accurately predict where and when illegal entries will be attempted. If they could make such predictions, there would not be any IAs.

Comment 5: Commenter states that with the focus of this EA only on the Nogales area, the indirect and cumulative impacts that the Proposed Action will have on other communities along the border should be analyzed.

Response 5: See Response 4 above. Also, the SPEIS, from which this EA was tiered, addresses the programmatic effects along the border.

Comment 6: Commenter states that EA fails to include “migrants” in the evaluation of minority and low-income populations.

Response 6: The EA states that the proposed infrastructure would not displace any commercial or residential structures; therefore, no environmental justice issues would arise from this action. The proposed infrastructure is intended to impede and deter illegal entry into the U.S. It does not impede any person, regardless of race, sex, nationality, or income status from entering the U.S. through legal processes.

Comment 7: Commenter states that infrastructure projects “push” “migrants” into harsh environmental conditions and that this EA does not address the direct and indirect impacts from this.

Response 7: The USBP does not push or force anyone into any areas. The illegal entrants have complete control over their decision of when and where they choose to attempt illegal entry into the United States. The USBP is currently conducting Operation Desert Grip, Operation Skywatch, and maintains rescue beacons in these desolate areas to reduce the loss of life of individuals attempting to illegally cross these inhospitable areas. These issues are discussed in the cumulative impacts section.

Comment 8: Commenter states that purpose and need does not demonstrate that infrastructure projects control illegal immigration.

Response 8: See Response 1 above.

6.3.3 Sky Island Alliance and Defenders of Wildlife

Comment 1: Commenter is concerned about what post-construction mitigation measures would be taken and to what extent might they be effective?

Response 1: Chapter 5 of this report explains the Environmental Design Measures, which includes mitigation and avoidance measures that would be taken under the Proposed Action. The USBP is not responsible for providing mitigation/compensation of

upland habitat losses, unless the habitat is occupied by or designated as critical habitat for Federally protected species.

Comment 2: Commenter is concerned about how would monitoring for vegetation be carried out and how would it be funded.

Response 2: A statement was added to Chapter 5 explaining who would monitor and fund revegetation efforts. Also, see Response 1 above.

Comment 3: How would the fencing of nearly the entire border be mitigated in terms of its effect on migratory and movement patterns of wildlife?

Response 3: This EA only proposes the construction of 1 mile of fencing, not the entire border. The cumulative effects of the USBP projects are discussed in Chapter 4. However, it should be noted that there are no plans to fence the entire border.

Comment 4: How would the impacts of increased poaching, facilitated by new roads, be mitigated?

Response 4: While safer, more efficient roads would be constructed under the Proposed Action, these new roads would not provide any more access than is already available. Therefore increased poaching or off-road vehicles use as a result of new roads would not be an issue under the Proposed Action Alternative. In fact, by providing more effective patrol of the area, poaching, if it occurs, could be reduced.

Comment 5: The Commenter is concerned about threatened and endangered species and their status and fragmentation.

Response 5: The Department of Homeland Security/USBP provided early coordination with the USFWS and AGFD regarding protected species. Surveys of all sites and the surrounding areas were conducted, and no protected species or habitat suitable to support such species were located at any of the sites, as noted in the EA. Furthermore, sites that were previously disturbed were selected to the extent practicable. Based on these findings, the Department of Homeland Security/USBP determined that no effect to protected species would occur. The USFWS received a copy of the Draft EA and has not provided comments to the contrary of this determination. All letters to and from these agencies associated with this project are included in Appendix B of this document.

Comment 6: The Commenter is concerned about erosion, sedimentation, and run-off due to off road vehicle use by USBP operations and public use on public land.

Response 6: The effects of USBP operations on erosion, sedimentation, and run-off are discussed in Chapter 4; however, the extent of public use of public land is not regulated by the Department of Homeland Security or the USBP. The construction of a fence and improvements to the road systems would facilitate enforcement and enhance deference, which, in turn, would reduce the potential need for off-road pursuits.

Comment 7: The Commenter is concerned about exotic and invasive species.

Response 7: Areas that are able to be revegetated after completion of the construction efforts would be done so with native species, as required by E.O. 13112. Therefore, there is a potential for exotic species to invade, but would be minimized by using native seed to revegetate disturbed areas.

Comment 8: The Commenter is concerned about the current status of the plant species protected under the Arizona Native Plant Law that occur in the area and how the construction and later use of the land would affect these species.

Response 8: Section 3.4.2 gives a detailed description of plants found in the project area that are protected under the Arizona Native Plant Law and how they would be mitigated. If the USBP future plans involves other projects in the area, a separate EA would be performed before an action would occur. Also, see Response 6 above.

Comment 9: Commenter is concerned about the current health of the ephemeral streams within the project corridor.

Response 9: Section 3.7.4 and 4.7.2 give accurate descriptions of the ephemeral streams, as well as how the Proposed Action would affect them.

Comment 10: Commenter wants to know what existing non-Federal uses of roads are taking place on Federal lands?

Response 10: There are no Federal lands associated with this project. As indicated in Chapters 1 and 2 of the EA, however, illegal immigrants are crossing into the U.S. on Federal lands, which cause both on and off-road pursuits to increase, and become a major problem. The USBP does not keep statistics on road traffic.

Comment 11: Commenter wants to know what the combined effects of current federal activities are on the border environment?

Response 11: Cumulative effects are addressed in Section 4.13 of this EA. The EA discusses the cumulative impacts of past and on-going projects on wildlife and sensitive areas. Other aspects of the environment such as soils, water resources, air quality, and socioeconomics when associated with the Proposed Action would have negligible, if any, direct, indirect, or cumulative impacts on these resources. The magnitude of future projects cannot be determined at the present time; however, these impacts will be addressed in future NEPA documents.

Comment 12: The Commenter would like to know how the impacts of 24.3 acres were determined.

Response 12: As stated in Section 2.2 of this EA, permanent impacts to 24.3 acres are a result of the impacts from the road and fence construction and the installation of 15 RVS sites. The area of impact for 2 miles of road improvements and construction would be 22 acres, RVS locations would impact 0.75 acres ($32,725\text{ft}^2/43,560\text{ft}^2$), and the fence construction and maintenance road would impact a maximum of 1.5 acres ($12\text{ft.} \times 5,280\text{ft.}/43,560\text{ft}^2$).

Comment 13: Commenter claims that effects of lighting, roads, and fencing were not addressed in the cumulative effects analysis.

Response 13: The Department of Homeland Security and the USBP feel that the effects of lighting, roads, and fencing were adequately discussed in Section 4.13.

Comment 14: The Commenter feels the EA is lacking scientific evidence that indicates that impacted species would have the ability to establish new territory in adjacent lands during construction activities.

Response 14: The statement in the EA that suggests that mobile wildlife populations would be temporarily dispersed during construction activities is based on professional judgment, past observations of wildlife in and around construction sites, and previous NEPA documents. To our knowledge there have been no studies that document reductions in general wildlife populations caused by these types of temporary activities. The small amount of land to be used, the temporary nature of the construction efforts,

combined with the vast amount of similar habitat adjacent to the construction sites, would infer that no measurable change in general wildlife populations would occur.

Comment 15: Commenter feels that the EA does not give the true status of the plant species occurring in the proposed project area from one section to the next. Commenter feels that there is a contradiction about amount of vegetation present in the project area.

Response 15: The EA states in Section 3.3.2 that an estimated 95% of the project area is vegetated, however there is heavy grazing activities present throughout the project area which was recorded in the biological surveys and photographed. As well, in Section 4.3 the EA states that approximately 1.2 acres within the proposed road footprint have been previously disturbed due to past disturbances from roadways.

Comment 17: Commenter disagrees with the statement that RVS systems would have no effect on the vegetation within the project area, since maintenance roads were built to install them.

Response 17: As stated in Section 2.2 of this report, no new road construction or improvements would be necessary to access RVS locations. All access to RVS site would be via existing roads.

Comment 18: Commenter asks about the effect of lights on plant photosynthesis?

Response 18: See page 4-4 of this EA for details on effects of lights on plant photosynthesis.

Comment 19: Commenter would like scientific support to the statement of RVS systems would have no effect on wildlife.

Response 19: The statement in the EA that suggests that the regions wildlife populations would be impacted is based on professional judgment, past observations of wildlife in and around construction sites, and previous NEPA documents. To our knowledge there have been no studies that document reductions in general wildlife populations caused by the RVS systems.

Comment 20: There is no scientific evidence to support that circadian rhythms of some animals will adjust in time or relocate, rendering the impact of the lighting insignificant.

What about the effect lights may have on the navigation abilities of the lesser long-nosed bats in the area?

Response 20: Section 4.3.3 provides references to the scientific evidence available on circadian rhythms. Bats use echolocation to navigate, thus they would not be impacted by the lighting operations.

Comment 21: Commenter wants to know the direct effects of lighting on wildlife as well as the cumulative impacts.

Response 21: See Sections 4.3.3 and 4.13 of this EA.

Comment 22: Commenter questions the evidence present to support the statement that the Proposed Action would probably have indirect benefits to threatened and endangered species outside of the corridor.

Response 22: With the completion of the proposed infrastructure, it is anticipated that fewer IAs would enter the U.S. through this specific area therefore potentially lessening the impacts critical habitat or threatened or endangered species that are known to occur north of the project area.

Comment 23: What would the cumulative and direct impacts of increased emissions be on an area whose air quality is considered polluted?

Response 23: See Sections 4.6.2 and 4.13 of this report.

Comment 24: Commenter wants to know what happens in the formal coordination with the USACE concerning WUS, as well as goals, and mitigation plans.

Response 24: Coordination with the USACE involves informing the USACE of the planned action, type of fill to be placed in WUS, and location of Proposed Action. Under NWP 14, mitigation of WUS is not required, since there are no vegetated wetlands.

Comment 25: Commenter asks if there is no road there now and there would be a paved road there in the future, won't there be more vehicles using the paved road thus, increasing noise levels?

Response 25: Roads currently exist throughout the project, which are used by USBP agents as well as private landowners to access their property or perform routine patrol activities; however roads are unsafe and inefficient to use, which is the reason for the

new 1.5 mile all weather road. Also, as stated in Section 2.2 of this report the 0.5 mil of asphalt would be laid over existing dirt road. Noise levels may increase slightly due to the increased speeds on the asphalt road but the traffic in the area is not expected to increase. Therefore, no increase in vehicle traffic is expected as a result of these improvements.

Comment 26: Commenter asks what would the direct and cumulative effects of a hazardous material spill in the proposed area?

Response 26: Since spills would only occur during an accident, the type and quantities are unknown and thus it is impossible to determine the direct and cumulative impacts. However, only small quantities of fuels, and oils would be received, and spill containment equipment necessary to quickly limit any spills would be present during refueling and construction. Additionally, environmental design measures stated in Section 5.5 of this EA would be in place prior to any construction so if any spills would occur they would quickly be contained.

6.3.4 Border Action Network

Comment 1: Commenter states that the EA should discuss the obvious operational impacts such as environmental justice and socioeconomic impacts of the proposed infrastructure.

Response 1: All impacts related to environmental justice and socioeconomic impacts can be found in Chapter 4 of this EA.

Comment 2: Commenter states that the EA needs to discuss the impacts of increased USBP interactions with migrants.

Response 2: The purpose of the Proposed Action is to increase the deterrence rate in the Nogales area, therefore decreasing interactions between IAs and USBP agents. However, the Proposed Action would also increase detection rate of those IAs who may attempt to enter the U.S., thus increasing the apprehension rate of IAs in the Nogales station. IAs apprehended by USBP agents would be processed within the guidelines of the USBP policies.

Comment 3: The report fails to address the disproportionate impact that the preferred alternative and other alternatives would have on the Hispanic and Latino populations in the Nogales area.

Response 3: Sections 3.10.4 and 4.10.3 of this EA discuss environmental justice issues as related to the Proposed Action.

Comment 4: Commenter states that USBP agents rely on racial profiles, which result in indiscriminate rights violations of legal residents and citizens based solely upon their appearance. Why does the EA not address these environmental justice and socioeconomic impacts to Nogales?

Response 4: The focus of this EA is on the potential impacts caused by the Proposed Action. The DHS disagrees with your allegation that USBP discriminates against persons due to their appearance. Also, see Response 3 above.

Comment 5: Commenter states that EA should include ways to avoid, prevent, and mitigate for discrimination and bad behavior of USBP agent towards the Hispanic and Latino populations in Nogales.

Response 5: See Response 4.

Comment 6: Commenter states that EA lacks details regarding past and present cultural resource investigations.

Response 6: The Department of Homeland Security and USBP disagrees and feels past and present cultural resources are adequately discussed in sections 3.9 and 4.9 of the EA. Detailed discussions regarding these investigations are contained in the Cultural Resource survey report, which has been submitted to the Arizona SHPO. The Cultural Resource report is prohibited from public release.

Comment 7: Commenter is concerned about the statement “consultation with the Native American tribes would take place”, and wants to know if any follow up calls would be made in addition to the coordination letters.

Response 7: The EA was revised to show that consultation with Native American tribes is an ongoing process. In addition to initial coordination letters, Native American tribes receive draft and final copies of the EA and Cultural Resource Management reports for review. To date, no comments have been received from the Native American tribes.

Comment 8: Commenter asks if USBP can prove that the proposed activities would actually deter the entry of migrants, rather than shifting migration patterns?

Response 8: The USBP recognizes that IAs may alter their illegal entry routes and patterns; however, it is the mission of the USBP to deter illegal immigration from happening and protect the welfare of citizens of the U.S. In areas where similar infrastructure has been employed, illegal entries, drug smuggling, and violent crimes have substantially declined.

Comment 9: Commenter states that it is the strategy of the USBP to push migration routes away from urban areas and into desert regions, so how can the USBP claim that the international by-product of earlier border enforcement strategies is now being used as needed?

Response 9: The USBP does not push or force anyone into any areas. The illegal entrants have complete control over their decision of when and where they choose to attempt to illegally enter the United States. The USBP conducts Operation Desert Grip, Operation Skywatch, and maintains rescue beacons in these desolate areas to reduce the loss of life of individuals attempting to cross these inhospitable areas. In fact, much of the USBP's resources and budget has had to be shifted in recent years from enforcement to search and rescue missions and programs.

Comment 10: Commenter asks how does this EA address the needs of migrants, Hispanics, and Latinos to live without fear of being shot by USBP agents?

Response 10: See response 4.

Comment 11: Commenter states that the EA should be made available in Spanish.

Response 11: The Council on Environmental Quality does not require translation of an EA to other languages.

Comment 12: Commenter suggests that the EA should be presented in a public hearing format, where residents are provided with the option of submitting written or verbal testimonies. Commenter states the report should be made available in a more accessible, visual format.

Response 12: CEQ regulations do not require public meetings during the preparation of an EA. Additionally, these reports were made available at the Nogales City-Santa Cruz Library for a 30-day period in which anyone may view the EA and submit any comments they may have. This is stated in Section 6.1 of this report. This report is also available on the world wide web, which is also indicated in Section 6.1.

Comment 13: Commenter states that NEPA process is flawed since only the No Action and Proposed Action Alternatives were considered.

Response 13: This EA outlines four alternatives that were considered for analysis, however two of the alternatives were eliminated from discussion as explained in section 2.4 of this EA.

Comment 14: The Commenter feels that the purpose and need did not give a full review of the effectiveness of the proposed infrastructure.

Response 14: See Response 1 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 15: Commenter is concerned about how would monitoring be carried out and how would it be funded.

Response 15: See Response 2 of the Sky Island Alliance and Defenders of Wildlife letters.

Comment 16: How would the fencing of nearly the entire border be mitigated in terms of its effect on migratory and movement patterns of wildlife?

Response 16: See Response 3 of the Sky Island Alliance and Defenders of Wildlife letters.

Comment 17: How would the impacts of increased poaching, facilitated by new roads, be mitigated?

Response 17: See Response 4 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 18: The Commenter is concerned about threatened and endangered species and their status and fragmentation.

Response 18: See Response 5 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 19: The Commenter is concerned about erosion, sedimentation, and run-off due to off road vehicle use by USBP operations and public use on public land.

Response 19: See Response 6 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 20: The Commenter is concerned about exotic and invasive species.

Response 20: See Response 7 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 21: The Commenter is concerned about the current status of the plant species protected under the Arizona Native Plant Law that occur in the area and how would the construction and later use of the land will affect these species.

Response 21: See Response 8 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 22: Commenter is concerned about the current health of the ephemeral streams within the project corridor.

Response 22: See Response 9 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 23: Commenter wants to know what existing non-Federal uses of roads are taking place on Federal lands?

Response 23: See Response 10 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 24: The Commenter has inquired about the combined effects of current Federal activities are on the border environment?

Response 24: See Response 11 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 25: The Commenter has requested information on the impacts were calculated?

Response 25: See Response 12 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 26: The Commenter claims that effects of lighting, roads, and fencing were not addressed in the cumulative effects analysis.

Response 26: See Response 13 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 27: The Commenter feels the EA is lacking scientific evidence that indicates that impacted species would have the ability to establish new territory in adjacent lands during construction activities.

Response 27: See Response 14 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 28: Commenter feels that the EA does not give the true status of the plant species occurring in the proposed project area from one section to the next. Commenter feels that there is a contradiction about amount of vegetation present in the project area.

Response 28: See Response 15 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 29: The Commenter disagrees with the statement that RVS systems would have no effect on the vegetation within the project area, since maintenance roads were built to install them?

Response 29: See Response 17 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 30: Commenter asks about the effects of lights on plant photosynthesis?

Response 30: See Response 18 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 31: The Commenter would like scientific support to the statement of RVS systems would have no effect on wildlife.

Response 31: See Response 19 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 32: There is no scientific evidence to support that circadian rhythms of some animals would adjust in time or relocate, rendering the impact of the lighting insignificant. What about the effect lights may have on the navigation abilities of the lesser long-nosed bats in the area?

Response 32: See Response 20 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 33: Commenter wants to know the direct effects of lighting on wildlife as well as the cumulative impacts.

Response 33: See Response 21 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 34: Commenter questions the evidence present to support the statement that the Proposed Action would probably have indirect benefits to threatened and endangered species outside of the corridor.

Response 34: See Response 22 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 35: What would the cumulative and direct impacts of increased emissions be on an area whose air quality is considered polluted?

Response 35: See Response 23 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 36: Commenter wants to know what happens in the formal coordination with the USACE concerning WUS, as well as goals, and mitigation plans.

Response 36: See Response 24 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 37: Commenter asks if there is no road there now and there would be a paved road there in the future, won't there be more vehicles using the paved road thus, increasing noise levels?

Response 37: See Response 25 of Sky Island Alliance and Defenders of Wildlife letters.

Comment 38: Commenter asks what will the direct and cumulative effects of a hazardous material spill in the proposed area?

Response 38: See Response 26 of Sky Island Alliance and Defenders of Wildlife letters.

6.3.5 Sustainable Borderlands Planning

Comment 1: Commenter states the evidence provided in the EA did not give sufficient evidence that the proposed infrastructure improvements promotes the safety and welfare of the USBP agents and citizens of Nogales.

Response 1: Section 1.3 of this EA provides ample evidence on how the proposed infrastructure improvements would promote the safety and welfare of USBP agent as well as the citizens of Nogales.

Comment 2: Commenter states that terrorist is not a valid argument for the Proposed Action and the fence would not deter entry of IAs or terrorists from entering the U.S., but will only shift migration patterns further into more inhospitable areas, and send potential terrorist to Canada to try their attempt.

Response 2: For the Fiscal Year 2002 there were 56 people from countries other than Mexico that were apprehended in the Tucson sector. The USBP does not push or force anyone into any areas. The illegal entrants have complete control over their decision of when and where they choose to attempt to illegal enter the United States. The USBP conducts Operation Desert Grip, Operation Skywatch, and maintains rescue beacons in these desolate areas to reduce the loss of life of individuals attempting to cross these inhospitable areas. Additionally, infrastructures projects along the U.S.-Canada have been completed and more are under way to prevent illegal entry into the U.S.

Comment 3: Commenter states that they cannot assess the validity of the information quoted from the Report to the House of Representatives Committee on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona that was used in the preparation of this EA.

Response 3: Thank you for your comment, the Department of Homeland Security attempts to use the most up to date information in their documents.

Comment 4: Commenter states that it our understanding that the Environmental Quality Improvement Act of 1979 has superceded the NEPA of 1969.

Response 4: The Environmental Quality Improvement Act of 1970 does not supercede the NEPA of 1969.

Comment 5: Commenter states that the EA procedures do not follow recent law and format, nor was there a date by which comments must be received.

Response 5: The USBP uses regulations promulgated by INS (23 CFR 61) until the Department of Homeland Security can establish new regulations when formatting EAs. The INS regulates comply with CFQ Regulations and NEPA. Also, a notice of availability was published in the Nogales International newspaper on May 9th, which stated that comments were due by 7 June. The notice of availability published is in Section 6.1 of this document.

Comment 6: Commenter states that the Department of Homeland Security is in violation of NEPA for failing to analyze potential direct and indirect impacts, as well as the cumulative impacts of all Federal and non-Federal agencies. Commenter also believes the Department of Homeland Security is in violation of the Endangered Species

Act for failing to initiate consultation with the US Fish and Wildlife Service to address potential impacts to threatened and endangered species and their critical habitat, as well as Environmental Justice concerns. The Commenter suggests that the No Action alternative be implemented.

Response 6: Chapter 4 of this EA addresses direct, indirect, and cumulative impacts of the Proposed Action. Coordination with the USFWS as well Arizona Game and Fish were initiated on September 26, 2002 and can be found in Appendix B of this report. Environmental Justice issues were discussed Sections 3.10 and 4.10 of this EA. Additionally, there were no threatened or endangered species or suitable habitat found within the project area

Comment 7: Commenter claims that the proposed infrastructure project would only funnel destructive foot trails into more remote areas as well as be devastating to the endangered jaguar.

Response 7: The USBP does not funnel or force anyone into any areas. The illegal entrants have complete control over their decision of when and where they choose to attempt to illegal enter the United States. In response to the concerns about the destruction of jaguar corridor, there has been a sighting in Sycamore Canyon, which is over 17 miles west of the project area. Furthermore, the additional 1 mile of fence is located near the City of Nogales with is a populated area, which is not preferred corridor for wildlife travel.

Comment 8: Commenter states the proposed infrastructure project will disrupt the indigenous peoples ability to visit with family and friends along the border.

Response 8: Citizens of both countries are able to visit anytime, provided they enter through designated Ports of Entry. Also, immigrants from other countries are free to come into the U.S. at anytime provided they complete the proper legal documentation to do so. The U.S.A Immigration Services provides immigrants with official documentations for their entrance needs such as: green cards, temporary visas, and permanent visas.

Comment 9: Commenter states that the infrastructure improvements would further militarize the region, disrupt border communities, creating division among residents on both sides of the border, increasing violations of human rights, furthering the coyote industry, and adding to the rise of hate crimes and vigilantism.

Response 9: The USBP recognizes that IAs may alter their illegal entry routes and patterns; based on infrastructure projects in an area; however, it is the mission of the USBP to deter illegal immigration from happening and protect the welfare of citizens of the U.S. The actions and reactions of immigrants and U.S. citizens as a result of the Proposed Action are out of the control of the USBP; furthermore USBP is mandated by law to stop illegal immigration.

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SECTION 7.0
REFERENCES



7.0 REFERENCES

- Adams, K. 1994. Archaeological Assessment of a Parcel Along the El Paso Natural Gas Company California Line (No. 2143) Near Nogales, Santa Cruz County, Arizona. On file, Archaeological Consulting Services, Ltd., Tempe.
- Adams, K. and T.L. Hoffman. 1995. Archaeological Assessment of a Proposed Fiber Optic Cable Right-of-Way Between Tucson, Pima County and Nogales, Santa Cruz County, Arizona. On file, Archaeological Consulting Services, Ltd. Tempe.
- Archaeological Research Services, Inc. 1996. A Cultural Resources Survey of 1.1 Miles of State Route 189 (Mariposa Road) Right-of-Way, From Mileposts 3.0 to 3.8, Nogales, Santa Cruz County, Arizona. Archaeological Research Service, Inc. Project Report No. 96:85.
- Arizona Game and Fish Department (AGFD). 2002. Arizona's Heritage Data Management System. Internet website:
http://www.gf.state.az.us/frames/fishwild/hdms_site/SpeciesLists.htm. Last accessed: August 7, 2002.
- Arizona Department of Economic Security. 2002. Arizona Department of Economic Security-Economic Analysis. Internet website:
<http://www.de.state.az.us/links/economic/webpage/page4.html>. Last accessed: July 18, 2002.
- Arizona Department of Environmental Quality. 2002. Air Quality Division. Internet Website: <http://www.adeq.state.az.us/environ/air/>.
- Arizona Department of Transportation (ADOT). 2002 Tucson District, Active Project Status Report – Design. Arizona Department of Transportation.
<http://www.dot.state.az.us/about/ppms/ps1/tucson.pdf>.
- Arizona Department of Water Resources (ADWR). 2002. Santa Cruz Active Management Area.
<http://www.water.az.gov/adwr/Content/WaterInfo/InsideAMAs/amasanta.html>.
- Arizona Housing Commission. 1999. The State of Housing in Arizona. Arizona Department of Commerce, Office of Housing and Infrastructure Development. Phoenix, Arizona.
- Bauer, S.K., and A.E. Rogge. 2001. Cultural Resources Survey for the Nogales Gateway Project, Nogales, Arizona. URS Corporation. Phoenix.
- Bauer, S.K., A.E. (Gene) Rogge, and C. Lonardo. 2000. Cultural Resources Overview and Identification Survey Report for the Ductos de Nogales Later Pipeline Project, Nogales, Santa Cruz County, Arizona. On file, URS Dames & Moore. Phoenix.
- Breternitz, C. 1986. Letter Report to United States Department of Agriculture. On file at Coronado National Forest, Arizona.

- Brown, J.L. 1967. An Experiment in Problem-Oriented Highway Salvage Archaeology. *The Kiva* 33(2).
- Bruder, J.S. 1992. Cultural Resources Class III Inventory for the Mariposa Road (State Route 189) Upgrading Project, Santa Cruz County, Arizona. Dames and Moore, Phoenix.
- Bundschuh, Rick. 2003. Personal Communication between Brad Yarbrough of Gulf South Research Corp. Analyst for United States Border Patrol Intelligence Department, Nogales Station, AZ.
- Ciaccio, Robert. 1999. Archaeological Survey within Escalada Canyon in Southeast Nogales, Arizona. On file, Desert Archaeology, Inc. Tucson.
- Carpenter, Gail A. and S. Grossberg. 1984. A Neural Theory of Circadian Rhythms: Aschoff's Rule in Diurnal and Nocturnal Animals. *American Journal of Physiology*. 16:R1067-R1082.
- Carpenter, J.P. 1995. An Archaeological Assessment for the Mariposa Canyon Borrow Pit in Nogales, Arizona. On file, Tierra Right of Way Services, Ltd. Tucson.
- Chaney, William R. 2002. Does Night Lighting Harm Trees? Purdue University, West Lafayette, Indiana.
- Davis, E.L. 1978. The Ancient Californians: Rancholabrean Hunters of the Mojave Lakes County. Science Series 29, Los Angeles County Museum of Natural History.
- Davis, E.L, K.H. Brown, and J. Nichols. 1981. Evaluation of Early Human Activities and Remains in the California Desert. Bureau of Land Management, California Desert District, Riverside.
- Dice, L.R. 1943. *The Biotic Provinces of North America*. University of Michigan Press, Ann Arbor, MI. 78 p.
- Dupee, L. 1996. Coronado National Forest Archaeological Survey Report form for Pima Pineapple Cactus Enclosure Fence. On file at Coronado National Forest. Tucson, Arizona.
- Environmental Protection Agency (EPA). 1995. AP-42: Compilation of Air Pollutant Emission Factors. Volume I: Stationary Point and Area Sources. Fifth Edition.
- Federal Interagency Committee on Noise (FICON). 1992. Federal Agency Review of Selected Airport Noise Analysis Issues. Federal Interagency Committee on Noise. August.
- Gillespie, W.B. 1999. Archaeological Survey of the Proposed Sycamore Canyon Off-Highway Vehicle Project, Sierra Vista Ranger District, Coronado National Forest. On file at Coronado National Forest. Tucson, Arizona.
- Gillespie, W.B. 2000. Heritage Resource Survey of the Chamberlain Tank Fence Project, Sierra Vista Ranger District, Coronado National Forest. On file, Coronado National Forest. Tucson, Arizona.

- Grafil, L.S. 2000. Addendum to: Cultural Resources Survey of the SR 189 (Mariposa Road) State Port of Entry Expansion, Santa Cruz County, Arizona. On file, Logan Simpson Design, Inc. Tucson.
- Grebinger, P. 1971. The Potrero Creek Site: Activity Structure. *The Kiva* 37(1).
- Gregory, T.L. 1990. An Archaeological Survey of Portions of Country Club Road and Other Adjacent Area in North Santa Cruz County, Nogales, Arizona. Technical Report No. 98-37. Statistical Research, Inc., Tucson.
- Hathaway, Jeffery B. and Stephen W. Yost. 2002. Cultural Resources Survey of 27 Remote Video Surveillance (RVS) Sites Along The U.S.-Mexico International Border In The Vicinity of Douglas, Naco, And Nogales, Cochise and Santa Cruz Counties, Arizona. TRC. Albuquerque, New Mexico
- Hayden, J.D. 1976. Pre-Altithermal Archaeology in the Sierra Piñacate, Sonora, Mexico. *American Antiquity* 41(3): 274-289.
- Hendrickson, D.A. and W.L. McKinley. 1984. Cienegas-Vanishing Climax Communities of the American Southwest. *Desert Plants* 6(3):131-175.
- Hoffmeister, D.F. 1986. Mammals of Arizona. The University of Arizona and the Arizona Game and Fish Department. 602 p.
- INS. 2001a. Supplemental Programmatic Environmental Impact Statement for INS and JTF-6 Activities. Fort worth District USACE. June 2001.
- INS. 2001b. Final Environmental Assessment for Immigration and Naturalization Service Expansion of Parking/Storage Facilities and New Traffic Checkpoint at Sonoita, Arizona. U.S. Immigration and Naturalization Service, Washington D.C.
- INS. 2001c. Final Environmental Assessment for the Immigration and Naturalization Service New Palo Parado Temporary Traffic Checkpoint, Nogales, Arizona. Immigration and Naturalization Service, Washington D.C.
- INS. 2001d. Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona. Immigration and Naturalization Service, Washington D.C.
- INS. 2002a. Final Environmental Assessment Operation Skywatch USBP, Tucson Sector. U.S. Immigration and Naturalization Service, Washington D.C.
- INS 2002b. Final Environmental Assessment for Operation Desert Grip, USBP, Tucson and Yuma Sectors. U.S. Immigration and Naturalization Service, Washington D.C.
- INS. 2002c. Final Environmental Assessment for Installation and Operation of a Relay Tower at Crawford Hill. USBP, Tucson Sector, Nogales, Arizona. Immigration and Naturalization Service, Washington D.C.

- INS. 2003. Final Environmental Assessment for the Restoration of Ephriam Ridge. USBP, Tucson Sector, Nogales, Arizona. Immigration and Naturalization Service, Washington, D.C.
- JTF-6. 1998. Final Environmental Assessment for Joint Task Force Six Proposed Lighting and Camera Installation Project. Nogales, Arizona. Immigration and Naturalization Service, Washington D.C.
- Lane, J.A. 1988. A Birder's Guide to Southeastern Arizona. L&P Press, Denver, Colorado. 122 p.
- Lascaux, A. 1998. A Class III Archaeological Inventory of Fifty Eight 30 Meter-Diameter Light and Power Pole Locations Along the International Border, Nogales, Santa Cruz County, Arizona. SWCA, Phoenix.
- Lite, J. 1997. A Cultural Resources Survey of 5.2 Miles of Business-19 Right-of-Way (Mileposts 0.0 to 5.2) in Nogales, Santa Cruz County, Arizona. Archaeological Research Services, Inc.
- Lite, J.A., J.K. Tweedy, and T.A. Cadiente. 1997. Cultural Resources Survey of 30 Miles of Interstate-19 Right-of-Way Along the Santa Cruz River Valley Between Nogales and Amado (Kilometers 0.0 to 48.3; Mileposts 0.0 to 30.0), Santa Cruz County, Arizona. On file, Archaeological Research Services, Tempe.
- Lowe, C.H. (editor). 1964. The Vertebrates of Arizona. The University of Arizona Press. Tucson, Arizona. 270 p.
- Lowe, C.H. and P.A. Holm. 1992. A Checklist of Amphibians and Reptiles of Chiricahua National Monument. Southwest Parks and Monument Association. Tucson, Arizona. 5 p.
- Luce, G. G. 1973. Body Time. Granada Publishing Ltd., Frogmore, St. Albans, Herts, Great Britain.
- Martyneec, R., S. Martyneec, and D.E. Peters. 1995. Cultural Resources Survey and Monitoring of the Nogales, Arizona Sector of the U.S. Mexico Border. On file, Geo-Marine Inc., Plano, Texas.
- Martyneec, R., S. Martyneec, D.E. Peter, and C. Hardeker. 1997. Cultural Resources Survey and Monitoring of the Douglas-Naco, Arizona Sector of the U.S.-Mexico Border. On file, Geo-Marine, Inc. Plano, Texas.
- Maxwell, P. 1990. Archaeological Resources Assessment for the Joint Task Force Six (JTF-6) Operation Near Nogales.
- Moratto, M.J. 1984. California Archaeology. Academic Press, San Diego.
- National Park Service (NPS). 2002. Tumacacori National Historical Park. Internet Website: <http://www.nps.gov/tuma/index.htm>. Last updated July 2, 2002.

- Olsson, Karin. 2000. A Cultural Resources Assessment Survey for a Telecommunications Tower Site on Court Street in Nogales, Santa Cruz, Arizona. Tierra Archaeological and Environmental Consultants. Tucson.
- Piper, W.T. 1983. A Cultural Resources Survey of the Proposed Tordilla Pipeline, Coronado National Forest, Arizona. On file at the Coronado National Forest, Tucson, Arizona.
- Schulling, W. (editor) 1972. Pleistocene Man at Calico. San Bernardino County Museum Association Quarterly. Redlands, California.
- Shaafsma, H. 1999. Cultural Resources Survey of the SR 189 (Mariposa Road) State Port of Entry Expansion, Santa Cruz County, Arizona. On file, Logan Simpson Design Inc., Tempe.
- Soil Information For Environmental Modeling and Ecosystem Management. 2002. Land Resource Regions. Internet website:
<http://www.statlab.iastate.edu/soils/MLRAweb/mlra>. Accessed on 20 March 2003. Last Updated 12/16/98.
- South, M.M. 1995. Coronado National Forest Archaeological Survey Report for Meadow Hills Fence Work and Pipe Line Burial (Project 95-32). On file at Coronado National Forest. Tucson, Arizona.
- Stein, P.H. 1999. Pennington Rural Historic Landscape: National Register of Historic Places Registration Form. Arizona Preservation Consultants. Flagstaff.
- Stone, L.M. 1985. A Cultural Resource Survey of a Proposed Aggregate Materials Source (pit 7328) in U.S. Forest Service and Private Lands Near Nogales, Santa Cruz County, Arizona. Archaeological Research Services, Inc. Tempe.
- Terzis, L. and D. Doak. 1995. A Cultural Resource Survey of Two Proposed Roads Through Pena Blance Highlands, Santa Cruz County, Arizona. SWCA, Inc.
- Towner, R.H. 1990. Cultural Resources Survey for a Proposed Fiber Optic Line from a Tower Location to the International Border in Nogales. SSI. Tucson, Arizona.
- U.S. Army Corps of Engineers (USACE). 1987. Corps of Engineers Wetlands Delineation Manual.
- USACE. 1990. Final Environmental Impact Statement for the Fort Huachuca, Fort Devens, Fort Monmouth Base Realignment, U.S. Army Corps of Engineers, Los Angeles District and New England Division.
- USACE 1991. Final Environmental Assessment for Joint Task Force Six Operation 23-90/20-91, Nogales, Santa Cruz County, Arizona. U.S. Army Corps of Engineers, Los Angeles District, Los Angeles, California.

- USACE. 1994. Programmatic Environmental Impact Statement for INS and JTF-6 Activities Along the U.S./Mexico Border. USACE, Fort Worth District, Fort Worth, Texas
- USACE. 1995. Environmental Assessment For JTF-6 Operation Border Fence and Road Upgrade for Nogales, Arizona.
- USACE. 1997. Final Environmental Assessment, area lighting, fencing, and roadways at international border, San Diego, California. U.S. Army Corps of Engineers, Los Angeles District, Los Angeles, California
- USACE. 1998. Environmental Assessment for JTF-6 Proposed Lighting and Camera Installation Project, Nogales Arizona.
- USACE. 2002. SWAACC Ruling: Memorandum concerning CWA Jurisdiction over Isolated Waters. Internet website: <http://www.spk.usace.army.mil/pub/outgoing/co/reg/SWANCC.pdf>. Updated 12 July 02.
- U.S. Bureau of Economic Analysis. 2002. Bureau of Economic Analysis. Internet Website: <http://www.bea.doc.gov/>.
- U.S. Census Bureau. 2002. U.S. Census Bureau. Internet Website: <http://www.census.gov/>.
- U.S. Department of Agriculture (USDA). 1979. Soil Survey of Santa Cruz and Parts of Cochise and Pima Counties Arizona. U.S. Department of Agriculture, Soil Conservation Service and Forest Service.
- U.S. Department of the Interior (USDOI). 1989. Final San Pedro River Riparian Management Plan and Environmental Impact Statement. U.S. Department of the Interior, Bureau of Land Management, Stafford District, Stafford, Arizona.
- U.S. Environmental Protection Agency (USEPA). 1972. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety. Report 550/9-74-004.
- USEPA. 1999. Environmental Assessment for Water System Improvements, City of Nogales, Sonora, Mexico. United State Environmental Protection Agency, Region IX. San Francisco, California.
- USEPA. 2001. National Ambient Air Quality Standards (NAAQS). Internet website: <http://www.epa.gov/airs/criteria.html>.
- USEPA. 2002a. EPA Green Book. Internet website: <http://www.epa.gov/air/oaqps/greenbk/>.
- USEPA. 2002b. Internet Website: http://cfpub.epa.gov/surf/county.cfm?fips_code=04023. Last accessed: July 18, 2002.

- U.S. Fish and Wildlife Service (USFWS). 2003. Arizona Ecological Services Field Office. Endangered Species List for Santa Cruz County, Arizona. 9 July 2002. <http://arizonaes.fws.gov/>.
- Vargas, Victoria D. 2003. Cultural Resources Survey of the proposed locations for 57 U.S.B.P. Light Systems, Road Improvements and Construction, and Fence Installation Along the U.S.-Mexico Border, Santa Cruz County, Arizona. TRC. Albuquerque, New Mexico.
- Vargas, Victoria D. and Toni R. Goar. 2003. Cultural Resources Survey of 15 Proposed Remote Video Surveillance Locations and 2 Alternates: Nogales Infrastructure Improvements Project, Tucson Sector, Nogales Station, Santa Cruz County Arizona. TRC. Albuquerque, New Mexico.
- Wheat, M.A. 1984. A Cultural Resource Investigation of the Proposed Sierra Tordilla Borrow Site and Access Road, Sierra Vista Ranger District, Coronado National Forest. On file at Coronado National Forest, Tucson, Arizona.
- Wood, Donald G. 1976a. Nogales Architectural/Historic Resource Survey Forms. Janus Associates, Phoenix.
- Wood, Donald G. 1976b. Nogales Multiple Resource Area (MRA): National Register of Historic Places Inventory Nomination Form. Janus Associates, Phoenix.
- Woodward, James and Shauna Patton Francissen. 1984a. Nogales Architectural/Historical Resource Survey Forms. Janus Associates. Tucson.
- Woodward, James and Shauna Patton Francissen. 1984b. Nogales Multiple Resource Area (MRA): National Register of Historic Places Inventory Nomination Form. Janus Associates. Phoenix.

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SECTION 8.0
LIST OF PREPARERS



8.0 LIST OF PREPARERS

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

Name	Agency/Organization	Discipline/Expertise	Experience	Role In Preparing EA
Kevin Feeney	Department of Homeland Security, Headquarters	Environmental Planning	30 years, EIS/EAs for Federal projects	INS Environmental Office Program Manager
Charles Parsons	Department of Homeland Security, Western Region	Geology	25 years of geotechnical and environmental related studies	Program Manager, Review
Patience Patterson	USACE, Ft. Worth District	Archaeology	29 years Professional Archaeologist/Cultural Resource Manager	EA review and coordination
Chris Ingram	Gulf South Research Corporation	Biology/Ecology	25 years NEPA and related studies	EA Review
Suna Adam Knaus	Gulf South Research Corporation	Biology/Ecology	14 years NEPA and related studies	EA Review
John Lindemuth	Gulf South Research Corporation	Archaeology/Project Archaeologist	11 years archaeological studies	EA Preparation, cultural resources
David Alford	Gulf South Research Corporation	GIS/Graphics	3 years GIS analysis	GIS and Graphics
Brad Yarbrough	Gulf South Research Corporation	Environmental Studies	3 years natural resource and NEPA studies	Project Manager, EA review and field surveys
Donna Bankston	Gulf South Research Corporation	Forestry	3 years of natural resources and NEPA studies	EA preparation and field surveys
Brady Turk	Gulf South Research Corporation	Environmental Studies	7 years of environmental, natural resource, and NEPA studies	Field surveys, EA review
Kate Roussel	Gulf South Research Corporation	Environmental Studies	4 years of natural resources and NEPA studies	EA review
James Henderson	Gulf South Research Corporation	Botany/Ecology	10 years of natural resources and NEPA studies	Field surveys
Victoria D. Vargas, M.A., R.P.A.	TRC-Albuquerque	Archaeology/CRM	12 years of archaeological experience	Cultural Resources Survey Report co-Author. Project Manager

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APPENDIX A
STATE PROTECTED SPECIES



January 15, 2002

Special Status Species by County for Arizona AGFD, HDMS

Scientific Name	Common Name	ESA	*Critical Habitat	USFS	BLM	WSCA	NPL	NESL	Taxonomic Group
COUNTYNAME : SANTA CRUZ									
TYRANNUS MELANCHOLICUS	TROPICAL KINGBIRD					WC			BIRD
AGCSIA CHRYSOGASTER	LONGFIN DACE	SC			S				FISH
CATOSTOMUS CLARKI	DESERT SUCKER	SC			S				FISH
CATOSTOMUS INSIGNIS	SONORA SUCKER	SC			S				FISH
GILA DITAENIA	SONORA CHUB	LT	Y			WC			FISH
GILA INTERMEDIA	GILA CHUB	C		S		WC			FISH
POECILIOPSIS OCCIDENTALIS	GILA TOPMINNOW	LE				WC			FISH
RHINICHTHYS OSCULUS	SPECKLED DACE	SC			S				FISH
AGATHYMUS ARYXNA	ARIZONA GIANT SKIPPER			S					INVERTEBRATE
CALEPHELIS RAWSONI ARIZONENSIS	ARIZONA METALMARK			S					INVERTEBRATE
HETERELMIS STEPHANI	STEPHAN'S HETERELMIS RIFFLE BEETLE	SC		S					INVERTEBRATE
LIMENITIS ARCHIPPUS OBSOLETA	OBSOLETE VICEROY BUTTERFLY			S					INVERTEBRATE
NEOPHASIA TERLOOTII	CHIRICAHUA PINE WHITE	C		S					INVERTEBRATE
PYRGULOPSIS THOMPSONI	HUACHUCA SPRINGSNAIL			S					INVERTEBRATE
SYMPETRUM SIGNIFERUM	MEXICAN MEADOWFLY			S					INVERTEBRATE
CHOERONYCTERIS MEXICANA	MEXICAN LONG-TONGUED BAT			S		WC			MAMMAL
LASIURUS BLOSSEVILLII	WESTERN RED BAT	SC			S	WC			MAMMAL
LEPTONYCTERIS CURASOAE YERBABUENAE	LESSER LONG-NOSED BAT	LE		S		WC			MAMMAL
MAGROTUS CALIFORNICUS	CALIFORNIA LEAF-NOSED BAT	SC			S	WC			MAMMAL
MYOTIS VELIFER	CAVE MYOTIS	SC			S				MAMMAL
PLECOTUS TOWNSENDII PALLESCENS	PALE TOWNSEND'S BIG-EARED BAT	SC			S			4	MAMMAL
SIGMODON OCHROGNATHUS	YELLOW-NOSED COTTONRAT	SC			S				MAMMAL
SOREX ARIZONAE	ARIZONA SHREW	SC			S				MAMMAL
THOMOMYS UMBRINUS INTERMEDIUS	SOUTHERN POCKET GOPHER	SC			S				MAMMAL
ABLUTILON PARISHII	PIMA INDIAN MALLOW	SC			S	WC	SR		PLANT
ACACIA SMALLII	SWEET ACACIA	SC			S				PLANT
AGAVE PARVIFLORA SSP PARVIFLORA	SANTA CRUZ STRIPED AGAVE	SC			S		HS		PLANT
ALLIUM RHIZOMATUM	REDFLOWER ONION	SC			S		SR		PLANT
AMOREUXIA GONZALEZII	SAIYA	SC			S		HS		PLANT
AMSONIA GRANDIFLORA	LARGE-FLOWERED BLUE STAR	SC			S				PLANT
ASCLEPIAS LEMMONII	LEMMON MILKWEED	SC			S				PLANT
ASCLEPIAS UNCIALIS	GREENE MILKWEED	SC			S				PLANT
ASTRAGALUS HYPOXYLUS	HUACHUCA MILK-VETCH	SC			S				PLANT
BROWALLIA ELUDENS	ELUSIVE NEW BROWALLIA SPECIES	SC			S		SR		PLANT
CAPSICUM ANNUUM VAR GLABRUSCULUM	CHILTEPIN	SC			S				PLANT
CAREX CHIHUAHUENSIS	A SEDGE				S				PLANT
CHOISYA MOLLIIS	ARIZONA GIANT SEDGE				S				PLANT
COMOSELINUM MEXICANUM	SANTA CRUZ STAR LEAF	SC			S				PLANT
CORYPHANTHA RECURVATA	MEXICAN HEMLOCK PARSLEY	SC			S				PLANT
CORYPHANTHA SCHEERI VAR ROBUSTISPINA	SANTA CRUZ BEEHIVE CACTUS				S		HS		PLANT
COURSETIA GLABELLA	PIMA PINEAPPLE CACTUS	LE			S		HS		PLANT
DALEA TENTACULOIDES		SC			S				PLANT
ERIGERON ARISOLIUS	GENTRY INDIGO BUSH	SC			S		HS		PLANT

Scientific Name	Common Name	ESA	*Critical Habitat	USFS	BLM	WSCA	NPL	NESL	Taxonomic Group
COUNTYNAME : SANTA CRUZ									
EUPHORBIA MACROPIUS	WOODLAND SPURGE								PLANT
GRAPTOPETALUM BARTRAMI	BARTRAM STONECROP	SC		S			SR		PLANT
HEDEOMA DENTATUM	MOCK-PENNYROYAL	SC		S			SR		PLANT
HETEROTHECA RUTTERI	HUACHUCA GOLDEN ASTER	SC		S					PLANT
HEXALECTRIS REVOLUTA	CHISOS CORAL-ROOT			S					PLANT
HEXALECTRIS SPICATA	CRESTED CORAL ROOT			S					PLANT
HIERACIUM PRINGLEI	PRINGLE HAWKWEED			S			SR		PLANT
IPCMOEA PLUMMERAE VAR CUNEIFOLIA	HUACHUCA MORNING GLORY	SC		S					PLANT
IPCMOEA THURBERI	THURBER'S MORNING-GLORY			S					PLANT
LAENNECIA ERIOPHYLLA	WOOLLY FLEABANE			S					PLANT
LILAEOPSIS SCHAFFNERIANA VAR RECURVA	HUACHUCA WATER UMBEL			S					PLANT
LILIUM PARRYI	LEMMON LILY	LE	Y						PLANT
LOBELIA FENESTRALIS	LEAFY LOBELIA	SC		S			HS		PLANT
LOBELIA LAXIFLORA	MEXICAN LOBELIA						SR		PLANT
LOTUS ALAMOSANUS	ALAMOS DEER VETCH						SR		PLANT
LUPINUS HUACHUCANUS	HUACHUCA MOUNTAIN LUPINE			S			SR		PLANT
MACROPTILUM SUPINUM	SUPINE BEAN			S					PLANT
MALAXIS CORYMBOSA	MAUREAN ADDERS MOUTH			S			SR		PLANT
MALAXIS PORPHYREA	PURPLE ADDER'S MOUTH	SC		S			SR		PLANT
MAMMILLARIA WRIGHTII VAR WILCOXII	WILCOX FISHHOOK CACTUS						SR		PLANT
MAHOUT DAVISIAE	ARIZONA MANIHOT						SR		PLANT
MARINA DIFFUSA	ESCOBA						SR		PLANT
METASTELMA MEXICANUM	WIGGINS MILKWEED VINE			S					PLANT
MUHLENBERGIA XEROPHILA	WEEPING MUHLY	SC		S					PLANT
NOTHOLAENA LEMMONII	LEMMON CLOAK FERN			S					PLANT
PASPALUM VIRLETII	VIRLET PASPALUM	SC		S					PLANT
PASSIFLORA FOETIDA	FOETID PASSIONFLOWER			S					PLANT
PECTIS IMBERBIS	BEARDLESS CHINCH WEED			S					PLANT
PENSTEMON DISCOLOR	CATALINA BEAR TONGUE	SC		S					PLANT
PENSTEMON SUPERBUS	SUPERB BEAR TONGUE			S					PLANT
PHYSALIS LATIPHYSA	BROAD-LEAF GROUND-CHERRY			S			HS		PLANT
PSILOTUM NUDUM	WHISK FERN			S					PLANT
SAMOLUS VAGANS	CHIRICAHUA MOUNTAIN BROOKWEED			S					PLANT
SCHIEDEELLA PARASITICA	FALLEN LADIES'-TRESSES			S			HS		PLANT
SENECIO CARLOMASONII	SEEMANN GROUNDSEL			S			SR		PLANT
SENECIO HUACHUCANUS	HUACHUCA GROUNDSEL			S					PLANT
SISYRINCHIUM CERNUUM	NODDING BLUE-EYED GRASS			S			HS		PLANT
SOLANUM LUMHOLTZIANUM	LUMHOLTZ NIGHTSHADE			S					PLANT
SPIRANTHES DELITESCENS	MADREAN LAD ES'-TRESSES			S					PLANT
STEVIA LEMMONII	LEMMON'S STEVIA	LE		S			HS		PLANT
TALINUM HUMILE	PINCS ALTOS FLAME FLOWER			S					PLANT
TALINUM MARGINATUM	TEPIC FLAME FLOWER	SC		S			SR		PLANT
TEPHROSIA THURBERI	THURBER HOARY PEA	SC		S			SR		PLANT
TRAGIA LACINIATA	SONORAN NOSEBURN			S					PLANT

Scientific Name	Common Name	ESA	*Critical Habitat	USFS	BLM	WSCA	NPL	NESL	Taxonomic Group
COUNTYNAME : SANTA CRUZ									
CNEMIDOPHORUS BURTI STICTOGRAMMUS	GIANT SPOTTED WHIFTAIL	SC		S	S				REPTILE
CROTALUS WILLARDI WILLARDI	ARIZONA RIDGEMOSE RATTLESNAKE	SC		S		WC			REPTILE
GOPHERUS AGASSIZII (SONORAN POPULATION)	SONORAN DESERT TORTOISE	SC				WC			REPTILE
OXYBELIS AENEUS	MEXICAN VINE SNAKE	SC		S		WC			REPTILE
THAMNOPHIS EQUES MEGALOPS	MEXICAN GARTER SNAKE	SC				WC			REPTILE
COUNTYNAME : YAVAPAI									
BUFO MICROCAPHUS MICROCAPHUS	ARIZONA TOAD	SC		S		WC			AMPHIBIAN
RANA CHIRICAHUENSIS	CHIRICAHUA LEOPARD FROG	PT		S		WC			AMPHIBIAN
RANA YAVAPAIENSIS	NORTHERN LEOPARD FROG	SC		S		WC		2	AMPHIBIAN
ACCIPITER GENTILIS	LOWLAND LEOPARD FROG	SC		S		WC			AMPHIBIAN
BUTEO REGALIS	NORTHERN GOSHAWK	SC		S		WC		4	BIRD
BUTEOGALLUS ANTHRACINUS	FERRUGINOUS HAWK	SC		S		WC		3	BIRD
CERYLE ALCYON	COMMON BLACK-HAWK	SC		S		WC			BIRD
COCCYZUS AMERICANUS	BELTED KINGFISHER			S		WC			BIRD
EMPIDONAX TRAILLII EXTIMUS	YELLOW-BILLED CUCKOO	C		S		WC		4	BIRD
FALCO PEREGRINUS ANATUM	SOUTH-WESTERN WILLOW FLYCATCHER	LE	Y	S		WC		3	BIRD
HALIAEETUS LEUCOCEPHALUS	AMERICAN PEREGRINE FALCON	SC		S		WC		2	BIRD
SETOPHAGA RUTICILLA	BALD EAGLE	LT		S		WC		4	BIRD
STRIX OCCIDENTALIS LUCIDA	AMERICAN REDSTART	LT	Y	S		WC			BIRD
AGOSIA CHRYSOGASTER	MEXICAN SPOTTED OWL	SC		S		WC		3	BIRD
CATOSTOMUS CLARKI	LONGFIN DACE	SC		S					FISH
CATOSTOMUS INSIGNIS	DESERT SUCKER	SC		S					FISH
CYPRINODON MACULARIUS	SONORA SUCKER	SC		S					FISH
GILA INTERMEDIA	DESERT PUPFISH	LE	Y						FISH
GILA ROBUSTA	GILA CHUB	C				WC			FISH
MEDA FULGIDA	ROUNDTAIL CHUB	SC		S		WC			FISH
POECILOPSIS OCCIDENTALIS OCCIDENTALIS	SPIKEDACE	LT	Y	S		WC			FISH
PTYCHOCHEILUS LUCIUS	GILA TOPMINNOW	LE		S		WC		2	FISH
RHINICHTHYS OSCULUS	COLORADO PIKEMINNOW	LE	Y	S		WC			FISH
XYRAUCHEN TEXANUS	SPCKLED DACE	LEXN	Y			WC		2	FISH
CICINDELA OREGONA MARIKOPIA	RAZORBACK SUCKER	SC				WC			FISH
CYLLOEPUS PARKERI	MARIKOPIA TIGER BEETLE	LE	Y	S		WC		2	FISH
METRICHIA VOLADA	PARKER'S CYLLOEPUS RIFLE BEETLE	SC		S					FISH
PYRGULOPSIS GLANDULOSA	PAGE SPRING MICRO CADDISFLY	SC		S					INVERTEBRATE
PYRGULOPSIS MONTEZUMENSIS	VERDE RIM SPRINGSNAIL	SC		S					INVERTEBRATE
PYRGULOPSIS MORRISONI	MONTEZUMA WELL SPRINGSNAIL	SC		S					INVERTEBRATE
PYRGULOPSIS SOLA	PAGE SPRINGSNAIL	C		S					INVERTEBRATE
EUDERMA MACULATUM	BROWN SPRINGSNAIL	SC		S					INVERTEBRATE
IDIONYCTERIS PHYLLLOTIS	SPOTTED BAT	SC		S					INVERTEBRATE
LASIURUS BLOSSEVILLII	ALLEN'S BIG-EARED BAT	SC		S					MAMMAL
MACROTUS CALIFORNICUS	WESTERN RED BAT	SC		S		WC			MAMMAL
	CALIFORNIA LEAF-NOSED BAT	SC		S		WC			MAMMAL

APPENDIX B
CORRESPONDENCE



**Sustainable Borderlands Planning
an Arizona non-profit corporation
1309 E. Lee St. Tucson, AZ 85719
(520) 327-4058 borderlands@lgc.org**

Mr. Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, California 92607-0080

RE: Draft Environmental Assessment, Nogales Infrastructure Improvements, Tucson Sector,
Nogales Station, Santa Cruz County, Arizona

Dear Mr. Parsons:

Please find our comments on the Environmental Assessment For Nogales Infrastructure
Improvements in the following document.

Title of the Document (from the Title page):

DRAFT

Environmental Assessment For Nogales Infrastructure Improvements
United States Border Patrol
Tucson Sector, Nogales Station
Santa Cruz County, Arizona

May 2003

Lead Agency:

U.S. Department of Homeland Security
Headquarters Facilities and Engineering
425 I Street N.W.
Washington, D.C. 20536

Point of Contact:

Mr. Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, California 92607-0080
Charles Parsons
Fax: (949) 360-2985

Introduction

Environmental Assessment (EA) seeks to address the potential effects, beneficial and adverse, of the continued operation of up to 60 portable lights, construction and improvements to 2 miles of border roadway, the installation of 1 mile of border fence and maintenance road, and the installation, operation and maintenance of 15 Remote Video Surveillance (RVS) site systems near the Nogales port-of-entry (POE).¹

- Although the EI being examined here is supposed to “serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made” it appears that the Border Patrol seeks to justify the continued operation of up to 60 portable lights in the Nogales Point of Entry (PoE) area, even though these lights are not directly related to the major project of this study, the border roadway running east of the PoE.”

The proposed infrastructure improvements seek to enable quicker law enforcement response times, better security of the border, and provide an environment that promotes the safety and well being of the U.S. Border Patrol (USBP) agents, as well as the citizens of Nogales.

- We did not see the evidence that the proposed improvements would enable better security of the border and provide an environment that promotes the safety and well-being of the Border patrol agents and citizens of Nogales.

Other objectives of this project are to deter entry of undocumented alien's (UDAs), potential terrorists, and contraband from entering the U.S., and to reduce crime along the border.

- We respectfully point out that the mention of terrorists as a problem is not valid as there have been no apprehensions along the entire border of the United States and Mexico of persons identified as terrorists. It is felt that the heightened bulwark of the militarized U.S./Mexico border has the effect of diverting UDAs to the desert area south of Sells, Arizona. This area experiences approximately 300 deaths per year of UDAs trying to enter the U.S. across one of the harshest deserts in the world. It would seem a genuine terrorist trying to illegally enter the United States would be sufficiently funded to fly into a Canadian airport and cross into the United States over it's northern border by car. This path seems more likely for success and less likely that the terrorist will die of thirst trying to make the desert border trek. For similar reasons, the perception is that this two miles of fence east south of Sells, Arizona will only have an effect of diverting human traffic to the desert south of Sells, Arizona. This fence will not deter entry of undocumented aliens, as stated.

The Purpose and Need section of the document (Section 1.3) cites many environmental justifications for this Nogales section of the Wall.

- We would like to point out that many of the citations are for areas in other regions of the border, and although there may be problems in those areas, the data used to describe those areas cannot be legitimately transferred to the Nogales PoE region

without further investigation. Cures will not apply to the Nogales remedy being sought because the problems are different from those at Nogales. For example, citations are of fires in the Buenos Aires National Wildlife Refuge (north and west of Nogales, Arizona), and the Leslie Canyon National Wildlife Refuge, and the document cites (pg 1-6) "thousands of trails created through this area by illegal immigrants, leading to the destruction of sensitive species, fragmentation of landscape, disturbance of wildlife, impacts to historic sites, starting of wildfires, litter, destruction of public and private property, which cause negative impacts to economy, and many other detrimental consequences (INS 2001d)."ⁱⁱⁱ Citation is from a Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona. Immigration and Naturalization Service, Washington, D.C. There is no evidence here to show where their statements come from. We cannot assess the validity of the unsupported evidence.

The study says that this EA was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality (CEQ) regulations implementing NEPA (Title 40 of the U.S. Code of Federal Regulations [CFR], Parts 1500-1508), and 28 CFR Part 61.(pg -1)

- It is our understanding that the NEPA of 1969 has been superceded by the Environmental Quality Improvement Act of 1979.^{iv}

The EA procedure found on the Internet^v varied substantially from that of the prepared document. To start with, the Cover Sheet of the document we viewed had no Abstract of the Statement as required in 1502.11.e, nor was there a date by which comments must be received as required by 1502.11.d. There are many other variations throughout the document. Perhaps future versions of the document can be prepared using more recent law and formats.

With this Draft the Department of Homeland Security (DHS) is in violation of the National Environmental Policy Act for failing to adequately analyze potential direct and indirect impacts, as well as the cumulative impacts of all federal and non-federal agencies. DHS is also in violation of the Endangered Species Act for failing to initiate consultation with the US Fish and Wildlife Service to address potential impacts to threatened and endangered species and their critical habitat. The draft also fails to adequately address the impacts the proposed actions would have on people (Environmental Justice concerns) and Indigenous communities. Unless the Final EA is substantially revised we feel the Department of Homeland Security must adopt the "No Action" alternative addressed in the Draft Environmental Assessment and not move forward with the proposed actions.

This proposed fence and road construction, lighting and remote video cameras will have severe direct impacts to wildlife and habitat, including fragmentation of habitat and disruption of species' migration patterns due to increased fencing and road-building, and harassment of nocturnal species due to installation of high-voltage lighting stations. These

impacts will be particularly devastating to the endangered jaguar, a nocturnal cross-border species that is known to use this area as an important migration corridor. DHS claims that proposed developments will help the environment are spurious propaganda; more fences and lighting will only funnel destructive foot traffic into even more remote, pristine, and inhospitable terrain.

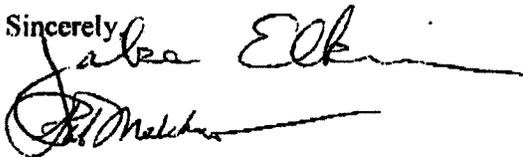
There are several nations of indigenous people living along this regional border. Their homelands have been bisected by our artificial political boundary rendering their ability to visit with family and friends severely impeded. This proposal would add to these obstacles.

U.S. border policies have consistently failed in their attempts to deter immigration from their inception. Routing migrants through dangerous terrain in order to deter future crossers with their deaths is a shameful policy. It has neither deterred nor stopped the immigrants who seek to better their economic situations. Studies indicate that over 2,000 deaths have occurred since the initiation of this deadly border policy. The infrastructure improvements proposed by this EA would further militarize the region, disrupting border communities, creating divisions among residents on both sides of the border, increasing violations of human rights, furthering the coyote industry, and adding to the rise of hate crimes and vigilantism.

Thank you for your close consideration of my comments. It is obvious that the United States must develop a humane border policy that will not destroy our precious natural resources or trample the sovereignty and rights of Indigenous people.

I am very concerned about this issue and I would like to receive all future documents, Environmental Assessments, Environmental Impact Statements and notices regarding Department of Homeland Security, Border Patrol and Joint Task Force Six activities within the Tucson and Yuma Sectors.

Sincerely,



Jake Elkins
Pat Malchow
Sustainable Borderlands Planning, Inc
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ⁱ DRAFT

Environmental Assessment For Nogales Infrastructure Improvements. United States Border Patrol. Tucson Sector, Nogales Station, Santa Cruz County, Arizona, page ii and 6-2.

ⁱⁱ Sec. 1502.2(g), Implementation of the NEPA states: Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.

LATIN AMERICA WORKING GROUP

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June 30, 2003

Mr. Charles Parsons
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RE: Draft Environmental Assessment for Nogales Infrastructure Improvements United States Border Patrol Tucson Sector, Nogales Station Santa Cruz County, Arizona

Dear Mr. Parsons:

Please accept these comments on the Draft Supplemental Environmental Assessment (EA) for the Nogales Infrastructure Improvements United States Border Patrol Tucson Sector, Nogales Station Santa Cruz County, Arizona submitted by the Latin America Working Group.

The Latin America Working Group is one of the nation's longest standing coalitions dedicated to foreign policy. It seeks to ensure that US policies toward the region are grounded in a respect for the basic human rights of all people. As a coalition, LAWG represents the interests of over 60 major religious, humanitarian, grassroots and policy organizations to decision makers in Washington. Under the direction of our Mexico and Central America programs, we focus on the impact of US Border Patrol activities and policies on the lives of migrants entering the US.

The draft supplemental environmental assessment currently does not provide an adequate discussion of the purpose and need for the proposed action. While these purpose and need are clearly stated, there is no discussion of how the proposed activities will actually contribute to achieving these goals. Rather, it states as fact with no discussion or analysis, that the proposed activities will satisfy the purpose and need. We feel it is unacceptable to pursue large infrastructure policies such as those proposed in this document without a thorough review of their effectiveness.

We also believe that the draft supplemental environmental assessment as written fails to adequately analyze the overall impact of the proposed construction on the Border Patrols ability to deter illegal immigration, and that it fails to take into account the impact of the proposed construction on migrant lives. Given that this project is being proposed specifically to affect migrants, we feel that any assessment of proposed projects should, under the National Environmental Policy Act guidelines requiring an assessment on the impact of proposed activities on socioeconomic issues, address the impact of proposed activities on the target population – migrants.

The draft supplemental environmental assessment specifically states that the "purpose of the proposed infrastructure system is to facilitate the detection and deterrence of ... undocumented aliens." However, all discussion of this project is confined to the Nogales area. Under the Southwest Border Strategy, devised in 1994, the Border Patrol began to tighten control over urban areas, believing that migrants would not risk their lives crossing in the remote, dangerous areas of the US-Mexico border. Construction in Nogales is part of this larger, border-wide strategy to deter migration.

In ten years, we have seen that, despite effective control of urban areas such as San Diego and El Paso, migrants are willing to risk their lives to enter the US. Furthermore, in ten years of implementation of infrastructure construction projects similar to the proposed activities for the Nogales area found in this environmental assessment, we have not seen a decrease in the number of migrants that cross the southwest border as a whole. From 1993 to 2002, Border Patrol statistics show that the number of migrants apprehended has dropped only two, non-sequential years (1994 and 2002) out of ten years across the entire southwest border. We believe that these deterrence and detection policies are not effective at stopping migration into the US, and feel that before the Border Patrol continues to spend money and resources in construction projects, it should evaluate the effectiveness of these projects not just on deterrence in the local context of the construction area, but as a strategy for the entire southwest border. The current draft supplemental environmental assessment fails to discuss the direct and cumulative impact on the migration trends of the entire border, and should do so.

Border Patrol data also show that the increase in Border Patrol activity along one section of the border only serves to shift migration to another part of the border. In 1993, the San Diego Border Patrol sector was responsible for 44% of all apprehensions along the southwest border, while the Tucson and Yuma sectors accounted for only 10% of apprehensions. Since the dramatic increase of infrastructure projects and Border Patrol activity in the San Diego sector, apprehensions there decreased to 11% in 2002. However, these successes in California have led to the influx of migrants through Arizona that the Border Patrol is now trying to address in the Nogales area. As of 2002, the Yuma and Tucson sectors accounted for 41% of all southwest border apprehensions. This data clearly shows that migration has shifted from one area of the border - California - to another - Arizona - as a result of Border Patrol activities. With its focus only on the Nogales area, the current draft supplemental environmental assessment does not acknowledge the indirect and cumulative impacts that the proposed actions for Nogales will have on other communities along the border with regards to shifts in migration patterns, and should do so.

We also feel strongly that the draft supplemental environmental assessment should evaluate the likely impact that the proposed deterrence and detection activities will have on the lives of the migrants who are entering the US. Executive Order 12898 of February 11, 1994, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" requires each Federal agency to identify and address disproportionate adverse effects of its proposed actions on minority populations and low-income communities. As a project whose primary purpose is to act as a deterrent to migrants, all evaluation documents should discuss the direct and indirect impacts the project will have on its target community.

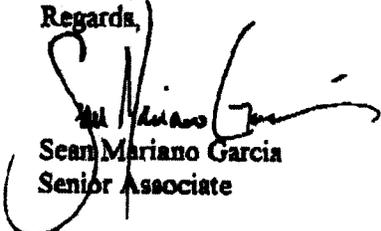
Already, Border Patrol statistics show that migration does not decrease as a result of increased Border Patrol activities, and they also show that migration routes into the US move to other areas as a result of Border Patrol activities. One of the consequences of Southwest Border Strategy implemented is that, since its inception, there has been a dramatic climb in the number of migrant deaths each year. These deaths are directly attributable to the fact that migrants increasingly enter the US through remote and dangerous areas such as the Sonoran desert in Arizona. In 2002 alone, 384 migrants died entering the US – the vast majority of those deaths were due to exposure to harsh environmental conditions. And in fiscal year 2003, 55 migrants have already been found dead in the deserts of Arizona alone. Border Patrol policies that increase deterrence in urban areas most likely push migrants into these desert areas where they die, yet no Border Patrol document has addressed this direct and indirect impact on the target community, migrants, and should do so.

In the past ten years, the Border Patrol Southwest Border Strategy has not been effective in deterring illegal migration into the US, has spread the environmental and social impacts of illegal migration across a much wider swath of the southwest border than was affected prior to 1993, and has contributed to the skyrocketing number of migrant deaths. Despite these facts, which Border Patrol statistics clearly show, there has been no analysis of the effectiveness of proposed infrastructure projects like those proposed in this draft supplemental environmental assessment. As the first step in determining the purpose and need for proposed actions, we strongly feel that the Border Patrol must address these critical issues.

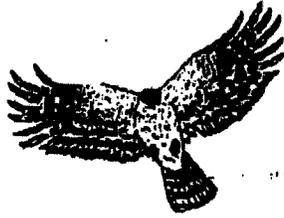
In sum, the environmental assessment does not contain an adequate analysis of the proposed action and the impacts that will flow from it. There is simply no basis upon which to conclude that the action will fulfill the stated purpose and need. To conclude that the consequences of this proposed action would fulfill that need without any discussion is irresponsible.

Thank you for the opportunity to comment on Border Patrol activities. We hope that our comments will prompt further study of the impact of Border Patrol projects on its target population - migrants. If you have any questions, please feel free to contact us at 202.546.7010.

Regards,



Sean Mariano Garcia
Senior Associate



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June 30, 2003

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RE: Draft Environmental Assessment for Nogales Infrastructure Improvements United States Border Patrol Tucson Sector, Nogales Station Santa Cruz County, Arizona

Dear Mr. Parsons:

Please accept these comments on the Draft Supplemental Environmental Assessment (EA) for the Nogales Infrastructure Improvements United States Border Patrol Tucson Sector, Nogales Station Santa Cruz County, Arizona submitted by the Sky Island Alliance.

The Sky Island Alliance is a membership-based coalition of citizens dedicated to the preservation and restoration of native flora and fauna within the Sky Island region of southeastern Arizona, southwestern New Mexico and the northern states of Sonora and Chihuahua in Mexico. We are a non-profit organization currently representing over 1000 members and supporters in Arizona, New Mexico, and around the country.

We believe the draft supplemental environmental assessment as written fails to comply with the National Environmental Policy Act in numerous ways. Despite assertions to the contrary within the document, the proposals contained within the EA undoubtedly will significantly impact the many resources on public and private lands near the border. The proposal will also adversely impact federal and state endangered and threatened species, in particular those species that migrate between Mexico and the United States, an impact that constitutes a significant impact in itself.

In many places, the EA draws conclusions about the potential environmental effects without any factual support within the document. We believe that the environmental consequences of the proposed action and other action alternatives pose a far more significant threat to the environment than disclosed by the Border Patrol.

Overall, the draft EA fails to describe the environmental consequences of the proposed actions, thereby precluding the ability of the public to review and submit informed comments on the proposed activities. The document fails to include an adequate analysis

of potential harm to federally listed endangered or threatened species, and fails to include any range of reasonable alternatives. In addition, the cumulative impacts discussion included in the EA is abhorrently insufficient.

Failure to Consider New or Modified Alternatives.

The Council on Environmental Quality's (CEQ) implementing regulations for the National Environmental Policy Act (NEPA) make clear that the alternatives section "is the heart of the [EIS]." 40 C.F.R. § 1502.14. Moreover, the CEQ's handbook for conducting cumulative impacts analyses under NEPA specifically includes "modify or add alternatives to avoid, minimize, or mitigate significant cumulative effects" as one of the key steps in determining the environmental consequences stemming from the cumulative effects of a proposed action. CEQ Handbook at 10, 37, 45; see also *id.* at v ("Generally it is also critical to incorporate cumulative effects analysis into the development of alternatives for an ... EIS. Only by reevaluating and modifying alternatives in light of the projected cumulative effects can adverse consequences be effectively avoided or minimized."). Clearly, NEPA envisions a rigorous analysis and objective evaluation of cumulative impacts as a critical component in the formative stage of decision making; in other words, the relevant decision makers should have this information before them in developing proposals and alternatives and in selecting preferred actions.

Unfortunately, by limiting consideration to only one alternative other than the "No Action" alternative, the Border Patrol is apparently attempting to rubberstamp the agency's predetermined course of action for this proposal. There is no attempt to conduct an analysis of other alternatives beyond briefly mentioning and dismissing them as insufficient to meet the purpose and need of this project. Though EA does mention an increased aerial reconnaissance/ operations alternative and an increased workforce alternative, both are dismissed upfront and not mentioned again in the EA. By not addressing these and other potential alternatives throughout the EA, this EA fails to consider a sufficient range of alternatives to address adverse impacts to the resources that this project is meant to address. This meets neither the spirit nor the letter of NEPA, and the NPS must consider a broad range of alternatives as it finalizes this assessment.

Mitigation measures

The Border Patrol must provide a "discussion of appropriate mitigation measures not already included in the proposed action or alternatives" in the environmental impact statement. 40 C.F.R. § 1502.14(f). By limiting its mitigation discussion to "construction impacts," the Border Patrol fails to address any necessary mitigation of long term effects or cumulative damage this project may have on the region. How will the impacts of roads, once constructed, be mitigated?

- What post-construction mitigation measures will be taken and to what extent might they be effective?
- How will monitoring be carried out and how will it be funded?
- How will the fencing of nearly the entire border be mitigated in terms of its effect on migratory and movement patterns of wildlife?

- How will the impacts of increased poaching, facilitated by new roads, be mitigated?

Failure to Adequately Discuss Environmental Baseline

In order to properly gauge the environmental effect of a proposed action, the public must first be informed of the current status of the environment or "environmental baseline" within the area of impact. Under CEQ regulations, an EIS "shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration." 40 C.F.R. § 1502.15. "Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement." *Id.*

The description of the affected environment contained within the Draft EA is verbose and does not tell the reader what the current status of the environment is in the areas in question. It raises the question: how can the Border Patrol claim their actions will not affect the environment without first examining and explaining the relative health of the environment where the Border Patrol wants to continue to expand its activities? In addition, we believe the following questions need to be answered:

- Are endangered species recovering? In other words, are listed species being removed from endangered and threatened lists because their status has improved to the point where protection under the Endangered Species Act is no longer necessary?
- What is the current level of habitat fragmentation in the border region and how is that affecting wildlife, in particular endangered species?
- What is the extent of erosion, sedimentation, and increased run-off from existing operations of Border Patrol agents and the public?
- How is the current level of ORV use by both the public and the Border Patrol affecting the resources in the region?
- How are invasive and exotic species affecting vegetative communities in the region?
- Seven plant species protected under the Arizona Native Plant Law occur in the project corridor. What is their current status and how will the Border Patrol's construction and later use of the land affect these species?
- What is the current environmental health of the seven ephemeral streams within the project corridor where the Border Patrol intends to construct fencing and roads?
- What existing non-federal uses of roads, for example, are taking place on federal lands?

- What is the combined effect of current federal activities on the border environment?
- Did the Border Patrol examine the impacts of its existing operations? What is the incremental impact of Border Patrol activities on top of the impacts already occurring?

From surveys our organizations have conducted and existing scientific literature, it is quite clear that the border environment is one that is both extremely fragile, as well as one that is suffering from the extreme pressures of many human activities. The EA does not acknowledge these realities and therefore fails utterly to comply with NEPA in describing the affected environment.

Failure to Discuss Environmental Consequences

The purpose of an environmental impact statement is to provide a "detailed statement" of the environmental impacts associated with a proposed federal action. 42 U.S.C. § 4332(2)(c)(i). Though narrower in scope, an environmental assessment also must present such a "detailed statement." While the EA is capacious, it minimizes, misleads and may misdirect analysis of the true environmental consequences that surely will flow from the expansion of Operation Desert Grip in the Sonoran Desert region. As a result, the environmental effects analysis in its entirety is in direct violation of CEQ regulations on the subject.

Under current regulations, the Border Patrol is required to analyze the effects of connected actions in one environmental impact statement if they are interdependent parts of a larger action. 40 C.F.R. § 1508.25. NEPA regulations also define interconnected actions that are part of a larger programmatic plan as a "single course of action." 40 C.F.R. § 1502.4 (a). The proposed action as outlined in the EA meets the definition of just such a piece of a larger action. Therefore, the Border Patrol may not put off analysis of its actions to some future date and must reveal all of the consequences of establishing additional roads and fencing in one environmental assessment, including detailed statements regarding direct, indirect, and cumulative effects. The EA as written, however, fails to meet this simple NEPA requirement.

Failure to Analyze and Discuss Cumulative Impacts

The requirement for the Border Patrol to contemporaneously analyze, consider and determine the cumulative impacts of its actions is well-established in NEPA itself, CEQ regulations and caselaw. See 40 C.F.R. § 1508.25(c); *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1216 (9th Cir.1998). A "cumulative impact" is one whose impact on the environment "results from the incremental impact of the action when added to past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. Cumulative impacts "can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. § 1508.7.

In its cumulative impact analysis, the Border Patrol first lists its ongoing projects, but offers absolutely no analysis of the cumulative effect these projects may have on the environment. Further, the Border Patrol does not mention the PEIS for Arizona. Why was this document not used in the cumulative impact analysis?

The Border Patrol then launches into a series of outlandish assertions (some of which directly contradict other sections of the EA) without offering a shred of evidence, research or even theory to support their claims. Among the more disturbing of these contentions are:

- The EA states that a review of the ADOT road improvement plans scheduled for the next five years revealed no new road construction planned for the project area. The Border Patrol neglects to answer two critical questions. First, has the Border Patrol considered new roads and road improvement plans on the Mexican side of the border? Environmental impacts do not respect geopolitical boundaries. The Border Patrol must consider activities on both sides of the border. Second, did the ADOT plans mention any road improvements for the project area? The Border Patrol must consider such improvements in even the most cursory of cumulative impact analyses.
- The Border Patrol states that the majority of their road construction will be in existing rights of way. These road construction plans fail to address lands adjacent to the roadway. The EA must address impacts to these lands, as well.
- The EA claims that the no action alternative will continue to result in negative impacts to the environment due to the continuing attempts by UDAs to cross the border. First, the Border Patrol offers no real evidence to support such an unsubstantiated conclusion. Second, even if one assumes, *arguendo*, that the UDA activity is a major environmental stressor, the Border Patrol's proposal will simply funnel this stressor into more ecologically sensitive areas.
- The EA states that, at present under the no action alternative, projects by JTF-6 and the Border Patrol impacted 70 acres within Santa Cruz county and that the cumulative effects of this acreage loss are "difficult, if not impossible" to determine. Such a statement is unacceptable. The point of a cumulative impact assessment is to make such determinations. Therefore, the Border Patrol *must* answer the question, what will the cumulative impact on the migratory corridor be from the loss of 70 acres of habitat on the U.S. side? Further, the Border Patrol must provide an answer to this question before they can adequately perform a cumulative impacts assessment of any action that will further impact the area.
- The EA provides no documentation to support claim that past Border Patrol activities alleviated erosion along some roads and stopped illegal foot and vehicular traffic through sensitive areas.
- The proposed action alternative states that it will impact an additional 24.4 acres. How did the Border Patrol arrive at this figure?

- The Border Patrol claims that the installation of physical barriers and roads would have "positive long term effects" including habitat preservation. On what scientific data does the Border Patrol rest such an outlandish statement? Physical barriers and roads block migratory corridors. They cause habitat *fragmentation*, not preservation.
- The Border Patrol admits that the UDAs will try to avoid the areas with physical barriers which will impact the vegetation outside the project area. The Border Patrol claims they cannot predict the severity of this impact because they cannot forecast future UDA routes. The Border Patrol should be able to outline a perfunctory hypothesis based on the destructive effect their off-road activities have in areas they currently patrol. Future off-road activities in more sensitive areas will prove to be more destructive.
- The Border Patrol must consider the effects, not only to the vegetation outside the project area, but also to threatened and endangered species, critical habitat, and water and air quality outside their project area that may be effected by their activities in a cumulative impact analysis. Here, they fail to complete such an analysis.
- Finally, the Border Patrol fails to address the effects of lighting, roads and fencing in their cumulative impacts study. The thrust of this project focuses on lighting, roads and fencing. How can the Border Patrol claim to have analyzed the cumulative impacts of these activities without mentioning them in their cumulative impact analysis?

Clearly the cumulative impacts section of this EA is woefully lacking in scientific support for its claims, and in its initial analysis of the impact of the Border Patrol's proposal. At a minimum, the Border Patrol needs to clarify the aforementioned contradictions and address the cumulative impact of its actions on endangered species. Preferably, the Border Patrol will recognize the importance of an environmental assessment and address all cumulative impacts of their proposed actions along the U.S. - Mexico border.

Failure to Analyze and Discuss Indirect Effects

Under NEPA, the Border Patrol is required to examine the indirect effects of its actions, defined as those effects that are "caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. 40 C.F.R. § 1508 (b). Indirect effects "may include growth inducing effects or other effects related to induced changes in pattern of land use; population density or growth rate; and related effects on air, water, and other natural resources." 40 C.F.R. § 1508 (b).

The Border Patrol proposes an extremely narrow view of the scope of direct and indirect impacts in the EA. The EA makes no mention of the fragmentation of wildlife migratory and movement corridors, nor does it mention what other impacts could occur to other resources such as water or air quality outside the direct impact areas of the proposed action.

In addition to an outright failure to examine impacts to many resources in the border region, there also appears to be a blatant attempt to downplay and obfuscate the true nature of environmental impacts in the EA. For example, in several places within the EA, the drafters draw the conclusion that wildlife will simply move into other territory away from the impacted areas during construction or operation of new facilities. However, there is no support for this conclusion within the document. Because most non-migratory species are territorial, the establishment of new territory is extremely difficult and usually results in the death of the animal attempting to relocate. The idea that the operations will not create a significant impact because most animals will just move to new places is simply not scientifically defensible.

- What scientific evidence does the Border Patrol possess that indicates that herpetofauna, mammals and other impacted species will have the ability to establish new territory in adjacent lands during construction activities?

In multiple places within the EA, the Border Patrol alleges that wildlife and other natural resources in the United States will benefit from the additional infrastructure at the border; however, there is no support for this assertion. In fact, under the proposed action, many of the activities harming resources at the border will continue or increase, whether by Border Patrol officials, the public or migrants from the south such as off-road activities, road construction, etc.

Biological Resources

- The Border Patrol insists on page 4-3 of the EA that very little vegetation would be damaged in the installation and operation of the RVS systems and roads as "vegetation is currently lacking." However, page 3-4 of the EA states that 95% of the project area is vegetated and 3-12 catalogues seven plant species protected by the Arizona Native Plant Law that occur in the proposed project area. What is the true status of the plant species occurring in the proposed project area?
- The EA states that cattle grazing and illegal footpaths have harmed the vegetative communities within the project corridor. From this observation, the Border Patrol leaps to the unsupported conclusion that its action will have minimal impacts to vegetation within the project corridor. This conclusive statement not only lacks any detailed support, it also ignores the cumulative impacts of the Border Patrol's proposed actions. An EA must "catalogue adequately the relevant past projects in the area." *City of Carmel-by-the-Sea v. U.S. Dep't. of Trans.*, 123 F.3d 1142, 1160 (9th Cir. 1997). It must also include a "useful analysis of the cumulative impacts of past, present and future projects." *Id.* This requires "discussion of how [future] projects together with the proposed . . . project will affect [the environment]." *Id.* The EA must analyze the combined effects of the actions in sufficient detail to be "useful to the decisionmaker in deciding whether, or how, to alter the program to lessen cumulative impacts." *Id.* at 1160 (internal citations omitted). "Detail is therefore required in describing the cumulative effects of a proposed action with other proposed actions." *Muckleshoot Indian Tribe v. U.S. Forest Service*, 177 F.3d 800, 810 (9th Cir. 1999). See *Neighbors of Cuddy*

Mountain v. U.S. Forest Service, 137 F.3d 1372, 1379 (9th Cir. 1998); *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1214-15 (9th Cir. 1998). The Border Patrol roads will cause further stress on what can readily be described today as a stressed and fragile environment. An increase in Border Patrol presence in the proposed project area will harm additional sensitive areas when UDAs are forced to more remote and fragile areas. A detailed analysis must be performed so that the true environmental impact of the Border Patrol's activities may be weighed against their perceived utility.

- The EA states that the operation and maintenance of the RVS systems will have no effect on the vegetation within the project area. How can this be when the Border Patrol admits that the RVS systems will need maintenance which would mean increased traffic on the roads they built to install the RVS units?
- Effect of lights on plant photosynthesis? (4-4)
- The EA states that the construction of roads and the installation of RVS units will not significantly impact wildlife populations in the area. There is no discussion of the cumulative impact of this project and other projects discussed in the PEIS on local wildlife. Further, the Border Patrol admits that a giant landing mat fence might alter large mammal migration across the corridor, but offers no analysis as to what effect that may have on the migratory populations.
- The road improvements will increase the speed of vehicles on the roads and potentially the number of vehicle related wildlife deaths. The Border Patrol admits that there will still be a need for off road apprehension efforts which may also negatively impact wildlife. Surely, the impact on wildlife of continued habitat degradation by off-road vehicles and increased vehicular deaths is worth discussing in this EA.
- On page 4-5, the EA states that the operation and maintenance of the RVS systems will have "no effect" on wildlife. Such a bold and conclusive statement cannot be made responsibly without *some* scientific support. The Border Patrol offers none.
- The very next paragraph states that "slight impacts to wildlife" may occur due to the continued operation of the lighting systems. The Border Patrol claims that the additional light may disrupt the circadian rhythms of some animals, but that these creatures will adjust in time or relocate rendering the impact of the lighting as insignificant. There is no evidence to support this statement. Won't the lighting affect more than the circadian rhythms? What about the navigation abilities of the lesser long-nosed bats in the area?
- The generators used to power the lights may create potential long term effects on wildlife according to the Border Patrol. What might these direct effects be? What cumulative impact will they have?

- The Border Patrol then states that there have been "no detectable negative effects" on wildlife in presently lighted areas. The EA fails to document this conclusion which seems to contradict the statement that the generators used to power the lights may have potential adverse effects on wildlife.

Protected Species and Critical Habitat

- Under the no action alternative, the EA states that impacts to unknown protected species and critical habitat could continue if the Border Patrol is not permitted to proceed under its proposed action alternative. The EA presents no documentation in support of this belief.
- The EA states that as no endangered species were found during the biological survey of the area and no critical habitat designations fall within the project area, there would be no direct impacts to threatened or endangered species. First, we request that a copy of this survey be made available to the public. Second, the jaguar is an endangered species more frequently seen in Mexico, whose habitat extends into the project area. This EA never mentions this species or the impacts (direct and cumulative) the proposed action may have on its habitat. The Jaguar Conservation Team is a multi-agency group who functions as an "ad hoc" recovery team for the federally listed jaguar (*panthera onca*). This group is comprised of diverse private and public stakeholders including 16 signatories from various agency and governmental entities. Their written goal is "to conserve naturally occurring jaguars in Arizona and New Mexico, and to encourage parallel conservation actions in Mexico" (JAG-CT 1997 Memorandum of Understanding). They tasked the Arizona Game and Fish Department with creating a suitable habitat report for the jaguar in Arizona and this report was released in January of this year. (Nongame Technical Report 203 Characterizing and mapping potential jaguar habitat in Arizona) This report identified potential habitat in Arizona and corridor connectivity to remnant breeding populations in northern Sonora, Mexico and clearly indicates that the Nogales area reveals a high concentration of class 1 jaguar sightings over the last 100 years. The INS received a copy of this report during the public comment period on the Draft Programmatic EIS in February of 2003. Why was this information not integrated into the direct, indirect or cumulative impacts analysis of this report? The JAG-CT, in the cover letter presenting the habitat report, offered to "task our JAGCT Habitat Sub-committee to work with our JAGSAG to identify cross border migratory routes of special concern." There has been no communications from your agency to the JAG-CT in response. Moreover, the Border Patrol and INS have been frequently invited to participate in the JAG-CT, but neither agency has chosen to do so. Similarly, the jaguarondi and the ocelot are two additional species that are listed on the federal register as endangered. While less is known about the habitat requirements of these creatures in this area, any developments should be analyzed, as best as potentially possible, for the effects of developments on both species. This draft report fails to do this.

- The EA states that the proposed action alternative would probably have indirect benefits to threatened and endangered species outside the corridor. The Border Patrol offers no evidence for this statement. If this statement and others like it are true, wouldn't it be in the interest of the Border Patrol to support such statements rather than allow the public to assume they are no more than meaningless propaganda?
- The Border Patrol has not completed a section 7 consultation with FWS. "Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") is not likely to 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 by the Secretary, after consultation as appropriate with affected States, to be critical..." E.S.A. §7 (a) (2) "To facilitate compliance with the requirements of subsection (a) (2) each Federal agency shall, with respect to any agency action of such agency for which no contract for construction has been entered into and for which no construction has begun on the date of enactment of the Endangered Species Act Amendments of 1978, request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action. If the Secretary advises, based on the best scientific and commercial data available, that such species may be present, such agency shall conduct a biological assessment for the purpose of identifying any endangered species or threatened species which is likely to be affected by such action." E.S.A. §7 (c)(1) The purpose of a section 7 consultation is to reveal truer answers as to impacts on wildlife and afford agencies the opportunity to make sound decisions based on fact not conjecture. The Border Patrol must complete such a consultation and make all the results readily available to the public.

Unique and Environmentally Sensitive Areas

- The Border Patrol claims that the proposed action alternative could indirectly benefit the unique and sensitive areas located outside the project area. This is patently untrue. By increasing the Border Patrol's presence inside the project area, illegal entrants will be funneled into even more environmentally sensitive areas and the Border Patrol will be forced to destroy these areas as well in their quest for an airtight border.

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- On page 4-8, the EA states that the RVS systems should require semi-annual maintenance. The maintenance vehicles will be the only emissions sources connected with the RVS systems. This statement contradicts the statement on page 2-5 of the EA which discussed the use of portable generators as a source of back-up power for the RVS systems. Such generators also cause air emissions. Page 3-15 states that Nogales is in violation of the NAAQS for particulate matter.

What will the cumulative and direct impacts of increased emissions be on an area whose air quality is, at present, considered polluted by government standards?

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- The Border Patrol claims that there will be no increase in noise levels along the newly constructed road because the number of vehicles accessing the new roads will be unchanged. How is this possible? If there is no road there now and there will be a paved road there in the future, there will be more vehicles using the paved road.

Hazardous Materials

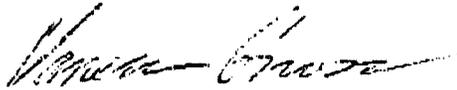
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Conclusion

In sum, the EA does not contain an adequate analysis of the proposed action and the impacts that will flow from it. There is simply no basis upon which to conclude that the action will not have a significant impact on the environment. The EA purports conclusions based on presumptions about anticipated effects, without providing any scientific evidence to support their claims. To conclude that the consequences of their proposed action will not be significant is arbitrary and environmentally irresponsible.

Thank you for the opportunity to comment on Border Patrol activities. We hope that our comments will prompt further study of the region at issue and the release of an improved environmental impact statement for border activities. If you have any questions, please feel free to contact us at (520) 624-7080 or (520) 623-5252.

Regards,



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June 30, 2003

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RE: Draft Environmental Assessment for Nogales Infrastructure Improvements United States Border Patrol Tucson Sector, Nogales Station Santa Cruz County, Arizona

Dear Mr. Parsons:

Thank you for the opportunity to provide comments on the Draft Supplemental Environmental Assessment (EA) for the Nogales Infrastructure Improvements United States Border Patrol Tucson Sector, Nogales Station Santa Cruz County, Arizona. Defenders of Wildlife has a long-standing interest in the natural environment of the border regions of the southwestern United States. Activities of the Border Patrol (BP) have impacts on many species and their habitat. We believe that these comments will inform the continued preparation of the alternatives, environmental consequences and mitigation measures for the proposed project.

We believe the draft supplemental environmental assessment as written fails to comply with the National Environmental Policy Act in numerous ways. Despite assertions to the contrary within the document, the proposals contained within the EA undoubtedly will significantly impact the many resources on public and private lands near the border. The proposal will also adversely impact federal and state endangered and threatened species, in particular those species that migrate between Mexico and the United States, an impact that constitutes a significant impact in itself.

In many places, the EA draws conclusions about the potential environmental effects without any factual support within the document. We believe that the environmental consequences of the proposed action and other action alternatives pose a far more significant threat to the environment than disclosed by the Border Patrol.

Overall, the draft EA fails to describe the environmental consequences of the proposed actions, thereby precluding the ability of the public to review and submit informed comments on the proposed activities. The document

fails to include an adequate analysis of potential harm to federally listed endangered or threatened species, and fails to include any range of reasonable alternatives. In addition, the cumulative impacts discussion included in the EA is abhorrently insufficient. As it stands, this EA cannot support a finding of no significant impact.

Failure to Consider New or Modified Alternatives.

The Council on Environmental Quality's (CEQ) implementing regulations for the National Environmental Policy Act (NEPA) make clear that the alternatives section "is the heart of the [EIS]." 40 C.F.R. § 1502.14. Moreover, the CEQ's handbook for conducting cumulative impacts analyses under NEPA specifically includes "modify or add alternatives to avoid, minimize, or mitigate significant cumulative effects" as one of the key steps in determining the environmental consequences stemming from the cumulative effects of a proposed action. CEQ Handbook at 10, 37, 45; see also id. at v. ("Generally it is also critical to incorporate cumulative effects analysis into the development of alternatives for an . . . EIS. Only by reevaluating and modifying alternatives in light of the projected cumulative effects can adverse consequences be effectively avoided or minimized."). Clearly, NEPA envisions a rigorous analysis and objective evaluation of cumulative impacts as a critical component in the formative stage of decision making; in other words, the relevant decision makers should have this information before them in developing proposals and alternatives and in selecting preferred actions.

Unfortunately, by limiting consideration to only one alternative other than the "No Action" alternative, the Border Patrol is apparently attempting to rubberstamp the agency's predetermined course of action for this proposal. There is no attempt to conduct an analysis of other alternatives beyond briefly mentioning and dismissing them as insufficient to meet the purpose and need of this project. Though the EA does mention an increased aerial reconnaissance/operations alternative and an increased workforce alternative, both are dismissed up front and are not mentioned again in the EA. By not addressing these and other potential alternatives throughout, the EA fails to consider a sufficient range of alternatives to address adverse impacts to the resources that this project is meant to address. This meets neither the spirit nor the letter of NEPA, and the Border Patrol must consider a broad range of alternatives as it finalizes this assessment.

Mitigation measures

The Border Patrol must provide a "discussion of appropriate mitigation measures not already included in the proposed action or alternatives" in the environmental impact statement. 40 C.F.R. § 1502.14(f). By limiting its mitigation discussion to "construction impacts," the Border Patrol fails to address any necessary mitigation of long term effects or cumulative damage this project may have on the region. How will the impacts of roads, once constructed, be mitigated?

- What post-construction mitigation measures will be taken and to what extent might they be effective?

- How will monitoring be carried out and how will it be funded?
- How will the fencing of nearly the entire border be mitigated in terms of its effect on migratory and movement patterns of wildlife?
- How will the impacts of increased poaching, facilitated by new roads, be mitigated?

Failure to Adequately Discuss Environmental Baseline

In order to properly gauge the environmental effect of a proposed action, the public must first be informed of the current status of the environment or 'environmental baseline' within the area of impact. Under CEQ regulations, an EIS must accurately describe the environment of the area(s) to be affected or created by the alternatives under consideration." 40 C.F.R. § 1502.15. "Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement." Id.

The description of the affected environment contained within the Draft EA is verbose and does not tell the reader what the current status of the environment is in the areas in question. It raises the question: how can the Border Patrol claim their actions will not affect the environment without first examining and explaining the relative health of the environment where the Border Patrol wants to continue to expand its activities? In addition, we believe the following questions need to be answered:

- Are endangered species recovering? In other words, are listed species being removed from endangered and threatened lists because their status has improved to the point where protection under the Endangered Species Act is no longer necessary?
- What is the current level of habitat fragmentation in the border region and how is that affecting wildlife, in particular endangered species?
- What is the extent of erosion, sedimentation, and increased run-off from existing operations of Border Patrol agents and the public?
- How is the current level of ORV use by both the public and the Border Patrol affecting the resources in the region?
- How are invasive and exotic species affecting vegetative communities in the region?
- Seven plant species protected under the Arizona Native Plant Law occur in the project corridor. What is their current status and how will the Border Patrol's construction and later use of the land affect these species?

- What is the current environmental health of the seven ephemeral streams within the project corridor where the Border Patrol intends to construct fencing and roads?
- What existing non-federal uses of roads, for example, are taking place on federal lands?
- What is the combined effect of current federal activities on the border environment?
- Did the Border Patrol examine the impacts of its existing operations? What is the incremental impact of Border Patrol activities on top of the impacts already occurring?

From the existing scientific literature, it is quite clear that the border environment is both extremely fragile and suffering from the extreme pressures of many human activities. The EA does not acknowledge these realities and therefore fails utterly to comply with NEPA in describing the affected environment.

Failure to Analyze and Discuss Cumulative Impacts

The requirement for the Border Patrol to contemporaneously analyze, consider and determine the cumulative impacts of its actions is well-established in NEPA itself, CEQ regulations and caselaw. See 40 C.F.R. § 1508.25(c); *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1216 (9th Cir. 1998). A "cumulative impact" is one whose impact on the environment "results from the incremental impact of the action when added to past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. Cumulative impacts "can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. § 1508.7.

In its cumulative impact analysis, the Border Patrol first lists its ongoing projects, but offers absolutely no analysis of the cumulative effect these projects may have on the environment. Further, the Border Patrol does not mention the PEIS for Arizona. Why was this document not used in the cumulative impact analysis?

The Border Patrol then launches into a series of outlandish assertions (some of which directly contradict other sections of the EA) without offering a shred of evidence, research or even theory to support their claims. Among the more disturbing of these contentions are:

- The EA states that a review of the ADOT road improvement plans scheduled for the next five years revealed no new road construction planned for the project area. The Border Patrol neglects to answer two critical questions. First, has the Border Patrol considered new roads and road improvement plans on the Mexican side of the border? Environmental impacts do not respect geopolitical boundaries. The

Border Patrol must consider activities on both sides of the border. Second, did the ADOT plans mention any road improvements for the project area? The Border Patrol must consider such improvements in even the most cursory of cumulative impact analyses.

- The Border Patrol states that the majority of their road construction will be in existing rights of way. These road construction plans fail to address lands adjacent to the roadway. The EA must address impacts to these lands as well.
- The EA claims that the "No Action" alternative will continue to result in negative impacts to the environment due to the continuing attempts by UDAs to cross the border. First, the Border Patrol offers no real evidence to support such an unsubstantiated conclusion. Second, even if one assumes, *arguendo*, that the UDA activity is a major environmental stressor, the Border Patrol's proposal will simply funnel this stressor into more ecologically sensitive areas.
- The EA states that, at present under the "No Action" alternative, projects by JTF-6 and the Border Patrol impacted 70 acres within Santa Cruz county and that the cumulative effects of this acreage loss are "difficult, if not impossible" to determine. Such a statement is unacceptable. The point of a cumulative impact assessment is to make such determinations. Therefore, the Border Patrol *must* answer the question, what will the cumulative impact on the migratory corridor be from the loss of 70 acres of habitat on the U.S. side? Further, the Border Patrol must provide an answer to this question before they can adequately perform a cumulative impacts assessment of any action that will further impact the area.
- The EA provides no documentation to support claim that past Border Patrol activities alleviated erosion along some roads and stopped illegal foot and vehicular traffic through sensitive areas.
- The proposed action alternative states that it will impact an additional 24.4 acres. How did the Border Patrol arrive at this figure?
- The Border Patrol claims that the installation of physical barriers and roads would have "positive long term effects" including habitat preservation. On what scientific data does the Border Patrol rest such an outlandish statement? Physical barriers and roads block migratory corridors. They cause habitat *fragmentation*, not preservation.
- The Border Patrol admits that the UDAs will try to avoid the areas with physical barriers which will impact the vegetation outside the project area. The Border Patrol claims they cannot predict the severity of this impact because they cannot forecast future UDA routes. The Border Patrol should be able to outline a perfunctory hypothesis based on the destructive effect their off-road activities have in areas they currently patrol. Future off-road activities in more sensitive areas will prove to be more destructive.

- The Border Patrol must consider the effects, not only to the vegetation outside the project area, but also to threatened and endangered species, critical habitat, and water and air quality outside their project area that may be effected by their activities in a cumulative impact analysis. Here, they fail to complete such an analysis.
- Finally, the Border Patrol fails to address the effects of lighting, roads and fencing in their cumulative impacts study. The thrust of this project focuses on lighting, roads and fencing. How can the Border Patrol claim to have analyzed the cumulative impacts of these activities without mentioning them in their cumulative impact analysis?

Clearly the cumulative impacts section of this EA is woefully lacking in scientific support for its claims, and in its initial analysis of the impact of the Border Patrol's proposal. At a minimum, the Border Patrol needs to clarify the aforementioned contradictions and address the cumulative impact of its actions on endangered species. Preferably, the Border Patrol will recognize the importance of an environmental assessment and address all cumulative impacts of their proposed actions along the U.S.-Mexico border.

Failure to Analyze and Discuss Indirect Effects

Under NEPA, the Border Patrol is required to examine the indirect effects of its actions, defined as those effects that are "caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. 40 C.F.R. § 1508 (b). Indirect effects "may include growth inducing effects or other effects related to induced changes in pattern of land use; population density or growth rate; and related effects on air, water, and other natural resources." 40 C.F.R. § 1508 (b).

The Border Patrol proposes an extremely narrow view of the scope of direct and indirect impacts in the EA. The EA makes no mention of the fragmentation of wildlife migratory and movement corridors, nor does it mention what other impacts could occur to other resources such as water or air quality outside the direct impact areas of the proposed action.

In addition to an outright failure to examine impacts to many resources in the border region, there also appears to be a blatant attempt to downplay and obfuscate the true nature of environmental impacts in the EA. For example, in several places within the EA, the drafters draw the conclusion that wildlife will simply move into other territory away from the impacted areas during construction or operation of new facilities. However, there is no support for this conclusion within the document. Because most non-migratory species are territorial, the establishment of new territory is extremely difficult and usually results in the death of the animal attempting to relocate. The idea that the operations will not create a significant impact because most animals will just move to new places is simply not scientifically defensible.

- What scientific evidence does the Border Patrol possess that indicates that herpetofauna, mammals and other impacted species will have the ability to establish new territory in adjacent lands during construction activities?

In multiple places within the EA, the Border Patrol alleges that wildlife and other natural resources in the United States will benefit from the additional infrastructure at the border; however, there is no support for this assertion. In fact, under the proposed action, many of the activities harming resources at the border will continue or increase, whether by Border Patrol officials, the public or migrants from the south such as off-road activities, road construction, etc.

Biological Resources

- The Border Patrol insists on page 4-3 of the EA that very little vegetation would be damaged in the installation and operation of the RVS systems and roads as "vegetation is currently lacking." However, page 3-4 of the EA states that 95% of the project area is vegetated and 3-12 catalogues seven plant species protected by the Arizona Native Plant Law that occur in the proposed project area. What is the true status of the plant species occurring in the proposed project area?
- The EA states that cattle grazing and illegal footpaths have harmed the vegetative communities within the project corridor. From this observation, the Border Patrol leaps to the unsupported conclusion that its action will have minimal impacts to vegetation within the project corridor. This conclusive statement not only lacks any detailed support, it also ignores the cumulative impacts of the Border Patrol's proposed actions. An EA must "catalogue adequately the relevant past projects in the area." *City of Carmel-by-the-Sea v. U.S. Dep't. of Trans.*, 123 F.3d 1142, 1160 (9th Cir. 1997). It must also include a "useful analysis of the cumulative impacts of past, present and future projects." *Id.* This requires "discussion of how [future] projects together with the proposed . . . project will affect [the environment]." *Id.* The EA must analyze the combined effects of the actions in sufficient detail to be "useful to the decisionmaker in deciding whether, or how, to alter the program to lessen cumulative impacts." *Id.* at 1160 (internal citations omitted). "Detail is therefore required in describing the cumulative effects of a proposed action with other proposed actions." *Muckleshoot Indian Tribe v. U.S. Forest Service*, 177 F.3d 800, 810 (9th Cir. 1999). See *Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372, 1379 (9th Cir. 1998); *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1214-15 (9th Cir. 1998). The Border Patrol roads will cause further stress on what can readily be described today as a stressed and fragile environment. An increase in Border Patrol presence in the proposed project area will harm additional sensitive areas when UDAs are forced to more remote and fragile areas. A detailed analysis must be performed so that the true environmental impact of the Border Patrol's activities may be weighed against their perceived utility.

- The EA states that the operation and maintenance of the RVS systems will have no effect on the vegetation within the project area. How can this be when the Border Patrol admits that the RVS systems will need maintenance which would mean increased traffic on the roads they built to install the RVS units?
- Effect of lights on plant photosynthesis? (4-4)
- The EA states that the construction of roads and the installation of RVS units will not significantly impact wildlife populations in the area. There is no discussion of the cumulative impact of this project and other projects discussed in the PEIS on local wildlife. Further, the Border Patrol admits that a giant landing mat fence might alter large mammal migration across the corridor, but offers no analysis as to what effect that may have on the migratory populations.
- The road improvements will increase the speed of vehicles on the roads and potentially the number of vehicle related wildlife deaths. The Border Patrol admits that there will still be a need for off road apprehension efforts which may also negatively impact wildlife. Surely, the impact on wildlife of continued habitat degradation by off-road vehicles and increased vehicular deaths is worth discussing in this EA.
- On page 4-5, the EA states that the operation and maintenance of the RVS systems will have “no effect” on wildlife. Such a bold and conclusive statement cannot be made responsibly without *some* scientific support. The Border Patrol offers none.
- The very next paragraph states that “slight impacts to wildlife” may occur due to the continued operation of the lighting systems. The Border Patrol claims that the additional light may disrupt the circadian rhythms of some animals, but that these creatures will adjust in time or relocate rendering the impact of the lighting as insignificant. There is no evidence to support this statement. Won't the lighting affect more than the circadian rhythms? What about the navigation abilities of the lesser long-nosed bats in the area?
- The generators used to power the lights may create potential long-term effects on wildlife according to the Border Patrol. What might these direct effects be? What cumulative impact will they have?
- The Border Patrol then states that there have been “no detectable negative effects” on wildlife in presently lighted areas. The EA fails to document this conclusion which seems to contradict the statement that the generators used to power the lights may have potential adverse effects on wildlife.

Protected Species and Critical Habitat

- Under the "No Action" alternative, the EA states that impacts to unknown protected species and critical habitat could continue if the Border Patrol is not permitted to proceed under its proposed action alternative. The EA presents no documentation in support of this belief.
- The EA states that as no endangered species were found during the biological survey of the area and no critical habitat designations fall within the project area, there would be no direct impacts to threatened or endangered species. First, we request that a copy of this survey be made available to the public. Second, the jaguar is an endangered species more frequently seen in Mexico, whose habitat extends into the project area. This EA never mentions this species or the impacts (direct and cumulative) the proposed action may have on its habitat. The Jaguar Conservation Team is a multi-agency group that functions as an "ad hoc" recovery team for the federally listed jaguar (*panthera onca*). This group is comprised of diverse private and public stakeholders including 16 signatories from various agency and governmental entities. Their written goal is "to conserve naturally occurring jaguars in Arizona and New Mexico, and to encourage parallel conservation actions in Mexico" (JAG-CT 1997 Memorandum of Understanding). They tasked the Arizona Game and Fish Department with creating a suitable habitat report for the jaguar in Arizona, and this report was released in January of this year. (Nongame Technical Report 203 Characterizing and mapping potential jaguar habitat in Arizona). This report identified potential habitat in Arizona and corridor connectivity to remnant breeding populations in northern Sonora, Mexico and clearly indicates that the Nogales area reveals a high concentration of class 1 jaguar sightings over the last 100 years. DHS received a copy of this report during the public comment period on the Draft Programmatic EIS in February of 2003. Why was this information not integrated into the direct, indirect or cumulative impacts analysis of this report? The JAG-CT, in the cover letter presenting the habitat report, offered to "task our JAGCT Habitat Sub-committee to work with our JAGSAG to identify cross border migratory routes of special concern." There has been no communications from your agency to the JAG-CT in response. Moreover, the Border Patrol and INS have been frequently invited to participate in the JAG-CT, but neither agency has chosen to do so. Similarly, the jaguarundi and the ocelot are two additional species that are listed on the federal register as endangered. While less is known about the habitat requirements of these creatures in this area, any developments should be analyzed, as best as potentially possible, for the effects of developments on both species. This draft report fails to do this.
- The EA states that the proposed action alternative would probably have indirect benefits to threatened and endangered species outside the corridor. The Border Patrol offers no evidence for this statement. If this statement and others like it are true, wouldn't it be in the interest of the Border Patrol to support such statements rather than allow the public to assume they are no more than meaningless propaganda?

- The Border Patrol has not completed a Section 7 consultation with FWS. "Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") is not likely to 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 by the Secretary, after consultation as appropriate with affected States, to be critical ..." E.S.A. §7 (a) (2) "To facilitate compliance with the requirements of subsection (a) (2) each Federal agency shall, with respect to any agency action of such agency for which no contract for construction has been entered into and for which no construction has begun on the date of enactment of the Endangered Species Act Amendments of 1978, request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action. If the Secretary advises, based on the best scientific and commercial data available, that such species may be present, such agency shall conduct a biological assessment for the purpose of identifying any endangered species or threatened species which is likely to be affected by such action." E.S.A. §7 (c)(1) The purpose of a Section 7 consultation is to reveal truer answers as to impacts on wildlife and afford agencies the opportunity to make sound decisions based on fact not conjecture. The Border Patrol must complete such a consultation and make all the results readily available to the public.

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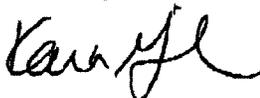
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In sum, the EA does not contain an adequate analysis of the proposed action and the impacts that will flow from it. There is simply no basis upon which to conclude that the action will not have a significant impact on the environment. The EA purports conclusions based on presumptions about anticipated effects, without providing any scientific evidence to support their claims. To conclude that the consequences of their proposed action will not be significant is arbitrary and environmentally irresponsible.

Thank you for the opportunity to comment on Border Patrol activities. We hope that our comments will prompt further study of the region at issue and the release of an improved environmental impact statement for border activities. If you have any questions, please feel free to contact me at (505) 248-0118.

Sincerely,



Kara Gillon
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June 30, 2003

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**Re: Draft Environmental Assessment for Nogales Infrastructure Improvements,
USBP Tucson Sector, Nogales Station, Santa Cruz County, Arizona**

Dear Mr. Parsons:

Thank you for the opportunity to comment on the EA for Nogales Infrastructure Improvements. As you are aware, the Border Action Network is a non-profit, community organization dedicated to protecting human rights, civil rights and the Sonoran desert along the Arizona-Mexico border. Our membership spans Tucson, Nogales and Douglas, Arizona. Because of this representation, we have a long-standing and distinct interest and concern in border enforcement activities in Santa Cruz county. The proposed activities in the draft Environmental Assessment (EA) cause us great concern, particularly on grounds of insufficient discussion and analysis on several levels: 1) international human rights implications; 2) civil rights implications; 3) environmental impacts to the Sonoran desert; and 4) violations of legal practices and procedures. These issues and concerns are explained below.

The Proposed Activities Violate International Human Rights Conventions

"Over the last two decades, the deepening domination of North countries over South countries, globalization, has increasingly blurred the differences between refugees and migrants. Forced displacement, whether by tanks or banks, results in communities being forced to abandon their homes; only some end up crossing international borders to survive." (National Network for Immigrant and Refugee Rights, *A World on the Move*)

Both migrants and refugees have universally recognized rights and protections that should be upheld by international border enforcement and immigration policies and practices in the US. The EA makes no mention of how the proposed activities are in compliance with internationally recognized rights and protections of migrants.

Given the recent shooting of Ricardo Olivares Martinez and the shootings of other migrants, it has become clear that border enforcement policies and practices need to

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demonstrate, at a minimum, respect for human life, but more broadly how the rights of migrants are being protected.

We expect the USBP to respond to the following list of human rights violations by claiming that EA is only considering infrastructure activities. Yet, it is not clear when the operational needs to support and utilize the proposed infrastructure activities will be analyzed. It is clear that if the EA proposes, for example, new roads, it is implied that we will experience an increase in USBP traffic and presence on those new roads. The same inference can be made to new wall construction (agents will be monitoring the wall), new surveillance equipment, and so on. There are two issues at hand here: 1) the EA should also discuss the obvious operational impacts of the proposed infrastructure; and 2) the EA needs to discuss the impacts of increased USBP interactions with migrants.

On the latter, given the recent and historical track record of USBP shootings, corruption (see Office of Inspector General quarterly reports to Congress for details of agent corruption), and abuse, the proposed activities will continue to violate human rights conventions and protocols as detailed below.

Proposed activities in the EA violate key components of the International Convention for the Protection of Rights for All Migrant Workers and Members of Their Families. Among other rights, the Convention establishes the principle of equality of treatment. Migrant workers and their families are entitled to equal rights as citizens in their host country, in a number of areas such as legal rights, access to employment, and access to education for their children. (adopted December 18, 1990, entered into force July 1, 2003)

Part II: Non-discrimination

Article 7: Provides that non-discrimination with respect to rights shall exist without distinction of any kind on the basis of sex, race, color, language, religion or convictions, political or other opinion, national ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.

- Current border enforcement policies and practices discriminate against migrants due to their economic position. U.S. immigration policy and border enforcement practices favors those with greater economic standing, resulting in impoverished migrants deciding to cross the border in dangerous, remote desert areas. Those that can pay for passports, visas, permits enter the country legally. Furthermore, the 10-15 year wait due to INS backlog for legal permanent residency contributes to migrants' decision to cross through non-ports of entry.
- Current border enforcement policies and practices discriminate against migrants because of their race and nationality—Eighty percent of border enforcement efforts are concentrated on the US-Mexico border and specifically Latin American migrants even though only 40% of undocumented immigrants within the US are from Latin America. This disproportionate allocation of resources to stop the migration of

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Mexican and Latin American migrants appears to be based on a discriminatory policy targeting these nationalities more than others.

Part III: Human Rights of All Migrant Workers and members of Their Families
Article 9: Right to life

- Current border enforcement policies and practices have intentionally militarized urban ports of entry and forced migration routes into dangerous desert terrain. As of June 20, 2003, the bodies of over 55 men, women and children who had scarcely other option but to cross the border through the Arizona desert have been found dead. This policy is denying migrants' right to life.
- Current border enforcement policies and practices that continue to tolerate agents to shoot-to-kill unarmed migrants as in the case Ricardo Olivares Martinez are denying migrants right to life. Additionally, the use of hollow shell bullets and other methods of excessive force are used by Border Patrol agents, resulting in needless deaths of migrants.

Article 10: No subjugation to torture or to cruel, inhuman or degrading treatment or punishment;

- Current border enforcement practices that deny detained migrants food and water constitute cruel treatment. The practice of forcing migrants to lay face down on the ground and then restraining them with an agents boot on the individuals neck, constitutes cruel, inhuman and degrading treatment. Shooting migrants who are fleeing apprehension constitutes cruel treatment or punishment. These are all practices that have been witnessed and reported by Arizona border residents.

Article 16: The rights to liberty and security of person and effective protection by the State against violence. Verification of identity must be carried out in accordance with the law. No individual or collective arbitrary arrest or detention. Information on the reasons for arrest shall be given in a language the detained understands.

- Current border enforcement practices that result in Border Patrol and Customs agents threatening to destroy legal permanent residents', visa holders', and citizens' identification violates the rights to liberty and security of person. This is based upon the personal reports of members of Border Action Network.

Article 21: It is unlawful other than by a public official duly authorized by law, to confiscate, destroy or attempt to destroy identity documents. No authorized confiscation of such documents shall take place without delivery of a detailed receipt.

- Current border enforcement practices that result in migrants having to leave all the personal belongings, frequently including their identification, at the site of apprehension, results in unauthorized destruction of migrants identity documents.

Part IV:

Article 39 provides for the right to liberty of movement in the territory of the State of employment without any restrictions except those provided by law and are necessary to protect national security and public order.

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- Current border enforcement policies and practices that rely on the creation of roads and the use of checkpoints to randomly stop and question people violate migrants, documented and undocumented, right to liberty of movement.

Article 44: Recognizes that the family is the natural and fundamental group unit of society and requires appropriate measures to

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Pp. 30d Urges states to ensure that migrants detained by public authorities, regardless of legal status, are treated with humanity and receive legal protection, and competent interpretation particularly during interrogation.

- Current border enforcement practices do not guarantee that migrants will be provided information about their apprehension, detention and deportation with competent interpretation or translation. Subsequently, many migrants have signed legal documents not knowing the implications of their consent.

Pp. 30e Urges states to ensure that police and immigration authorities treat migrants with dignity in accordance to international standards, and organize training courses for administrators, police officers, immigration officials and others

- Current border enforcement policies and practices do not ensure that migrants are treated with dignity. Training practices in human rights standards, or even use of minimal force, are apparently ineffective or non-existent.

Pp. 72 Urges states to design and enforce measures to eliminate "racial profiling."

- Current border enforcement policies and practices rely on the use of racial profiles. As a result, Latino/Hispanic border residents are routinely followed, stopped and questioned without cause, other than their appearance. This practice violates people's fundamental civil rights.

Pp. 183 Urges states to establish dialogues on the causes and consequences of migration focusing not only on border control or law enforcement, but also on the promotion of human rights of migrants, migration and development.

- Border enforcement consumes tens of millions of taxpayer dollars, despite its track record of ineffectiveness, corruption, and human and civil rights violations. Instead of continuing this failed approach, resources should be allocated towards understanding and addressing the causes and consequences of migration as well as promoting human rights of migrants, migration and development.

We also request that the following international instruments be considered:
Universal Declaration of Human Rights (adopted by the United Nations December 10, 1948) See articles 4, 20, 23, 24 and 25.

International Covenant on Economic, Social and Cultural Rights (adopted by UN December 16, 1966, entered into force January 3, 1976) See articles 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 15.

International Covenant on Civil and Political Rights (adopted December 16, 1966, entered into force March 23, 1976) See articles 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 21, 22, 24, 26, 27.

International Convention on the Elimination of All Forms of Discrimination Against Women (adopted December 18, 1979, entered into force September 3, 1981) See articles 3, 4, 5, 6, 11, 14, 15, 16.

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International Convention on the Elimination of All Forms of Racial Discrimination (adopted December 21, 1985, entered into force January 4, 1989) See articles 1, 2, 4, 5, 6.

International Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (adopted December 10, 1984, entered into force on June 26, 1987) See articles 3, 13, 15.

International Convention on the Rights of the Child (adopted November 20, 1989, entered into force September 2, 1990) See articles 7, 8, 9, 10, 11, 15, 18, 19, 24, 27, 28, 29, 30, 32, 34, 35, 37, 39.

Environmental Justice Impacts to Border Communities is Insufficiently Analyzed
As stated in section 4.14, Executive Order 12898 requires federal agencies to identify and address, as appropriate, disproportionate adverse effects of its proposed actions on minority populations and low-income communities. The report fails to address the disproportionate impact that preferred alternative and other alternatives would have on the Hispanic and Latino populations in the Nogales area.

Border Action Network's membership is mostly Hispanic families that live within Pima, Santa Cruz and Cochise County. Hispanic and Latino community members report incidents of civil rights violations by Border Patrol agents. Residents describe being stopped and questioned without cause and that agents ask intrusive and inappropriate questions. Many residents talk about their fear of their children being hit by an agent's speeding vehicle while playing in their neighborhoods. Others talk about the dust plumes created by agents speeding vehicles that exacerbate the already elevated occurrences of asthma and other respiratory illnesses. Others have family members or neighbors who have been fired upon by Border Patrol agents.

These incidents are not isolated occurrences, nor are they the result of merely one or two "bad apples" within the agency. Rather, there is a climate within the USBP that tolerates abuse of power against the mostly Latino and Hispanic residents of the Arizona border. Furthermore, agents' reliance on racial profiles results in indiscriminate rights violations of legal residents and citizens based solely upon their appearance. Why does the EA not address these environmental justice and socioeconomic impacts to Nogales? The Border Patrol receives complaints about their agents' behavior as well as has numerous pending investigations by the Office of the Inspector General. Why has this information, that obviously affects the community deeply, been excluded? Furthermore, the EA should include ways to avoid, prevent and mitigate these types of impacts to the Hispanic and Latino populations in Nogales.

Cultural Resources Section is Inadequate. Insufficient Native American Consultation and Notification.

Cultural Resources is a broad category that consists of "prehistoric and historic districts, sites, structures, artifacts, and any other physical evidence of human activities considered important to a culture, subculture, or community for scientific, traditional,

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religious, or other reasons." (section 3.9, p 3-20) While the report gives an extensive retelling of prehistoric uses of the affected area, the report gives minimal information regarding past and current investigations of sites. Section 3.9.2 is titled "past investigations" yet it appears that the work mentioned has not yet been completed. There is no timeframe, consulting firm, nor consultation process mentioned that would suggest the investigations will be completed prior to approval of the EA.

Section 3.9.3 says that a Class III survey is currently being conducted within the APE and provides no further details. In section 4.9.2 the EA says "When the results of those surveys are finalized, the impacts to cultural resources would be presented in this section." What does that mean? Will the information be released as part of a supplemental EA? How are decision-makers to make informed decisions regarding the impacts of proposed activities on cultural resources if no information is provided in the EA? Are there sites that are potentially affected? How many? How many are already listed? How many may be eligible for listing with the NRHP or receive other protected status?

Section 5.6 accurately states that 36 CFR Part 800 has been revised and broadened to emphasize that agencies need to actively consult with Native American tribes. However, the EA says that such consultations "would take place". What does that mean? Will consultations occur or will the agency ignore the requirements? Copies of letters sent to several tribes are found in the correspondence section of the report, however there is no evidence of follow up calls or subsequent communications. Given the rich history and contemporary use of the borderlands by several Native American groups, notification and consultation should be an important step completed prior to the release of the draft EA.

Purpose and Need are not sufficiently explained

The section entitled 'Purpose and Need' (1.3) begins, "The objective of this section is to identify actions necessary to deter the entry of UDAs, potential terrorists, and contraband from entering the US, to reduce associated crime along the international border, and to enhance the USBP's health, safety and effectiveness while conducting their daily apprehensions."

If indeed these are the objectives that the proposed activities are designed to accomplish, can the USBP demonstrate the proposed activities are proven to accomplish these objectives? Arizona's Operation Safeguard is a replication of Operation Gatekeeper and similar operations in Texas and New Mexico. Can the USBP show that the operations in California and Texas have actually deterred the entry of migrants? How will the proposed activities deter, rather than shift migration patterns? This section's needs analyses should answer these critical questions.

Furthermore, the EA continues by stating "this area is a major artery for smuggling illegal immigrants and controlled substances." The report then attributes environmental degradation, destruction of historic places and private property, and other detrimental

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consequences to migration and smuggling in the area. It is disingenuous to portray the impacts of migration through fragile desert areas as a need, when in fact it has been an intentional USBP strategy to push migration routes away from the urban areas and into these same desert regions. How can the USBP claim that the intentional by-product of earlier border enforcement strategies is now being used as a need? As noted in more depth below, this example also illustrates the USBP's failure to offer solid analysis of cumulative as well as indirect impacts of proposed activities.

The EA also mentions that 1983 killing of two ranch employees (p 1-6). It is curious that the report would highlight the killing of two people twenty years ago, when over 300 migrants have died every year since 1994. It is also difficult to ignore the June 5, 2003 shooting of Ricardo Olivares Martinez by a Border Patrol agent. How does the EA address the needs of migrants, Hispanics and Latinos to live without fear of being shot by Border Patrol agents?

Insufficient Public Notification

Our reading of the Census 2000 data reveals that 93/1% of Nogales residents report speaking a language other than English. 51.2% reported that they are able to speak English "less than 'very well'." Clearly Spanish is the primary language for more than one-half city's residents. It would therefore be reasonable to expect that for adequate public notification, the public notices should have been posted in English and Spanish. Furthermore, the EA should be made available in English as well as Spanish.

Furthermore, census figures also reveal that 29.8% of Nogales residents have completed less than a 9th grade education. Given the volume and verbosity of the EA, it would be more appropriate that public hearings be held in Nogales where residents are provided the option of submitting written or verbal testimonies. The report information should be available in more accessible, visual format. Two-inch thick reports do not provide reasonable access and opportunity for Nogales residents to comment on the proposed activities.

Proposed Activities Violate NEPA and Devastate the Environment

In many places, the EA draws conclusions about the potential environmental effects without any factual support within the document. We believe that the environmental consequences of the proposed action and other action alternatives pose a far more significant threat to the environment than disclosed by the Border Patrol.

Overall, the draft EA fails to describe the environmental consequences of the proposed actions, thereby precluding the ability of the public to review and submit informed comments on the proposed activities. The document fails to include an adequate analysis of potential harm to federally listed endangered or threatened species, and fails to include any range of reasonable alternatives. In addition, the cumulative impacts discussion included in the EA is abhorrently insufficient.

Failure to Consider New or Modified Alternatives.

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The Council on Environmental Quality's (CEQ) implementing regulations for the National Environmental Policy Act (NEPA) make clear that the alternatives section "is the heart of the [EIS]." 40 C.F.R. § 1502.14. Moreover, the CEQ's handbook for conducting cumulative impacts analyses under NEPA specifically includes "modify or add alternatives to avoid, minimize, or mitigate significant cumulative effects" as one of the key steps in determining the environmental consequences stemming from the cumulative effects of a proposed action. CEQ Handbook at 10, 37, 45; see also id. at v ("Generally it is also critical to incorporate cumulative effects analysis into the development of alternatives for an ... EIS. Only by reevaluating and modifying alternatives in light of the projected cumulative effects can adverse consequences be effectively avoided or minimized."). Clearly, NEPA envisions a rigorous analysis and objective evaluation of cumulative impacts as a critical component in the formative stage of decision making; in other words, the relevant decision makers should have this information before them in developing proposals and alternatives and in selecting preferred actions.

Unfortunately, by limiting consideration to only one alternative other than the "No Action" alternative, the Border Patrol is apparently attempting to rubberstamp the agency's predetermined course of action for this proposal. There is no attempt to conduct an analysis of other alternatives beyond briefly mentioning and dismissing them as insufficient to meet the purpose and need of this project. Though EA does mention an increased aerial reconnaissance/ operations alternative and an increased workforce alternative, both are dismissed upfront and not mentioned again in the EA. By not addressing these and other potential alternatives throughout the EA, this EA fails to consider a sufficient range of alternatives to address adverse impacts to the resources that this project is meant to address. This meets neither the spirit nor the letter of NEPA, and the NPS must consider a broad range of alternatives as it finalizes this assessment.

Mitigation measures

The Border Patrol must provide a "discussion of appropriate mitigation measures not already included in the proposed action or alternatives" in the environmental impact statement. 40 C.F.R. § 1502.14(f). By limiting its mitigation discussion to "construction impacts," the Border Patrol fails to address any necessary mitigation of long term effects or cumulative damage this project may have on the region. How will the impacts of roads, once constructed, be mitigated?

- What post-construction mitigation measures will be taken and to what extent might they be effective?
- How will monitoring be carried out and how will it be funded?
- How will the fencing of nearly the entire border be mitigated in terms of its effect on migratory and movement patterns of wildlife?
- How will the impacts of increased poaching, facilitated by new roads, be mitigated?

Failure to Adequately Discuss Environmental Baseline

In order to properly gauge the environmental effect of a proposed action, the public must first be informed of the current status of the environment or "environmental

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baseline" within the area of impact. Under CEQ regulations, an EIS "shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration." 40 C.F.R. § 1502.15. "Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement." *Id.*

The description of the affected environment contained within the Draft EA is verbose and does not tell the reader what the current status of the environment is in the areas in question. It raises the question: how can the Border Patrol claim their actions will not affect the environment without first examining and explaining the relative health of the environment where the Border Patrol wants to continue to expand its activities? In addition, we believe the following questions need to be answered:

- Are endangered species recovering? In other words, are listed species being removed from endangered and threatened lists because their status has improved to the point where protection under the Endangered Species Act is no longer necessary?
- What is the current level of habitat fragmentation in the border region and how is that affecting wildlife, in particular endangered species?
- What is the extent of erosion, sedimentation, and increased run-off from existing operations of Border Patrol agents and the public?
- How is the current level of ORV use by both the public and the Border Patrol affecting the resources in the region?
- How are invasive and exotic species affecting vegetative communities in the region?
- Seven plant species protected under the Arizona Native Plant Law occur in the project corridor. What is their current status and how will the Border Patrol's construction and later use of the land affect these species?
- What is the current environmental health of the seven ephemeral streams within the project corridor where the Border Patrol intends to construct fencing and roads?
- What existing non-federal uses of roads, for example, are taking place on federal lands?
- What is the combined effect of current federal activities on the border environment?
- Did the Border Patrol examine the impacts of its existing operations? What is the incremental impact of Border Patrol activities on top of the impacts already occurring?

From surveys the Tucson-based Sky Island Alliance have conducted and existing scientific literature, it is quite clear that the border environment is one that is both extremely fragile, as well as one that is suffering from the extreme pressures of many human activities. The EA does not acknowledge these realities and therefore fails utterly to comply with NEPA in describing the affected environment.

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Failure to Discuss Environmental Consequences

The purpose of an environmental impact statement is to provide a "detailed statement" of the environmental impacts associated with a proposed federal action. 42 U.S.C. § 4332(2)(c)(i). Though narrower in scope, an environmental assessment also must present such a "detailed statement." While the EA is capacious, it minimizes, misleads and may misdirect analysis of the true environmental consequences that surely will flow from the expansion of Operation Desert Grip in the Sonoran Desert region. As a result, the environmental effects analysis in its entirety is in direct violation of CEQ regulations on the subject.

Under current regulations, the Border Patrol is required to analyze the effects of connected actions in one environmental impact statement if they are interdependent parts of a larger action. 40 C.F.R. § 1508.25. NEPA regulations also define interconnected actions that are part of a larger programmatic plan as a "single course of action." 40 C.F.R. § 1502.4 (a). The proposed action as outlined in the EA meets the definition of just such a piece of a larger action. Therefore, the Border Patrol may not put off analysis of its actions to some future date and must reveal all of the consequences of establishing additional roads and fencing in one environmental assessment, including detailed statements regarding direct, indirect, and cumulative effects. The EA as written, however, fails to meet this simple NEPA requirement.

Failure to Analyze and Discuss Cumulative Impacts

The requirement for the Border Patrol to contemporaneously analyze, consider and determine the cumulative impacts of its actions is well-established in NEPA itself, CEQ regulations and caselaw. See 40 C.F.R. § 1508.25(c); Blue Mountains Biodiversity Project v. Blackwood, 161 F.3d 1208, 1216 (9th Cir.1998). A "cumulative impact" is one whose impact on the environment "results from the incremental impact of the action when added to past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. Cumulative impacts "can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. § 1508.7.

In its cumulative impact analysis, the Border Patrol first lists its ongoing projects, but offers absolutely no analysis of the cumulative effect these projects may have on the environment. Further, the Border Patrol does not mention the PEIS for Arizona. Why was this document not used in the cumulative impact analysis?

The Border Patrol then launches into a series of outlandish assertions (some of which directly contradict other sections of the EA) without offering a shred of evidence, research or even theory to support their claims. Among the more disturbing of these contentions are:

- The EA states that a review of the ADOT road improvement plans scheduled for the next five years revealed no new road construction planned for the project area. The Border Patrol neglects to answer two critical questions. First, has the Border Patrol considered new roads and road improvement plans on the Mexican side of the border? Environmental impacts do not respect geopolitical

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boundaries. The Border Patrol must consider activities on both sides of the border. Second, did the ADOT plans mention any road improvements for the project area? The Border Patrol must consider such improvements in even the most cursory of cumulative impact analyses.

- The Border Patrol states that the majority of their road construction will be in existing rights of way. These road construction plans fail to address lands adjacent to the roadway. The EA must address impacts to these lands, as well.
- The EA claims that the no action alternative will continue to result in negative impacts to the environment due to the continuing attempts by Migrants to cross the border. First, the Border Patrol offers no real evidence to support such an unsubstantiated conclusion. Second, even if one assumes, arguendo, that the MIGRANT activity is a major environmental stressor, the Border Patrol's proposal will simply funnel this stressor into more ecologically sensitive areas.
- The EA states that, at present under the no action alternative, projects by JTF-6 and the Border Patrol impacted 70 acres within Santa Cruz county and that the cumulative effects of this acreage loss are "difficult, if not impossible" to determine. Such a statement is unacceptable. The point of a cumulative impact assessment is to make such determinations. Therefore, the Border Patrol must answer the question, what will the cumulative impact on the migratory corridor be from the loss of 70 acres of habitat on the U.S. side? Further, the Border Patrol must provide an answer to this question before they can adequately perform a cumulative impacts assessment of any action that will further impact the area.
- The EA provides no documentation to support claim that past Border Patrol activities alleviated erosion along some roads and stopped illegal foot and vehicular traffic through sensitive areas.
- The proposed action alternative states that it will impact an additional 24.4 acres. How did the Border Patrol arrive at this figure?
- The Border Patrol claims that the installation of physical barriers and roads would have "positive long term effects" including habitat preservation. On what scientific data does the Border Patrol rest such an outlandish statement? Physical barriers and roads block migratory corridors. They cause habitat fragmentation, not preservation.
- The Border Patrol admits that the migrants will try to avoid the areas with physical barriers which will impact the vegetation outside the project area. The Border Patrol claims they cannot predict the severity of this impact because they cannot forecast future MIGRANT routes. The Border Patrol should be able to outline a perfunctory hypothesis based on the destructive effect their off-road activities have in areas they currently patrol. Future off-road activities in more sensitive areas will prove to be more destructive.
- The Border Patrol must consider the effects, not only to the vegetation outside the project area, but also to threatened and endangered species, critical habitat, and water and air quality outside their project area that may be effected by their activities in a cumulative impact analysis. Here, they fail to complete such an analysis.
- Finally, the Border Patrol fails to address the effects of lighting, roads and fencing in their cumulative impacts study. The thrust of this project focuses on lighting,

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roads and fencing. How can the Border Patrol claim to have analyzed the cumulative impacts of these activities without mentioning them in their cumulative impact analysis?

Clearly the cumulative impacts section of this EA is woefully lacking in scientific support for its claims, and in its initial analysis of the impact of the Border Patrol's proposal. At a minimum, the Border Patrol needs to clarify the aforementioned contradictions and address the cumulative impact of its actions on endangered species. Preferably, the Border Patrol will recognize the importance of an environmental assessment and address all cumulative impacts of their proposed actions along the U.S.-Mexico border.

Failure to Analyze and Discuss Indirect Effects

Under NEPA, the Border Patrol is required to examine the indirect effects of its actions, defined as those effects that are "caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. 40 C.F.R. § 1508 (b). Indirect effects "may include growth inducing effects or other effects related to induced changes in pattern of land use; population density or growth rate; and related effects on air, water, and other natural resources." 40 C.F.R. § 1508 (b).

The Border Patrol proposes an extremely narrow view of the scope of direct and indirect impacts in the EA. The EA makes no mention of the fragmentation of wildlife migratory and movement corridors, nor does it mention what other impacts could occur to other resources such as water or air quality outside the direct impact areas of the proposed action.

In addition to an outright failure to examine impacts to many resources in the border region, there also appears to be a blatant attempt to downplay and obfuscate the true nature of environmental impacts in the EA. For example, in several places within the EA, the drafters draw the conclusion that wildlife will simply move into other territory away from the impacted areas during construction or operation of new facilities.

However, there is no support for this conclusion within the document. Because most non-migratory species are territorial, the establishment of new territory is extremely difficult and usually results in the death of the animal attempting to relocate. The idea that the operations will not create a significant impact because most animals will just move to new places is simply not scientifically defensible.

What scientific evidence does the Border Patrol possess that indicates that herpetofauna, mammals and other impacted species will have the ability to establish new territory in adjacent lands during construction activities?

In multiple places within the EA, the Border Patrol alleges that wildlife and other natural resources in the United States will benefit from the additional infrastructure at the border; however, there is no support for this assertion. In fact, under the proposed action, many of the activities harming resources at the border will continue or increase.

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whether by Border Patrol officials, the public or migrants from the south such as off-road activities, road construction, etc.

Biological Resources

- The Border Patrol insists on page 4-3 of the EA that very little vegetation would be damaged in the installation and operation of the RVS systems and roads as "vegetation is currently lacking." However, page 3-4 of the EA states that 95% of the project area is vegetated and 3-12 catalogues seven plant species protected by the Arizona Native Plant Law that occur in the proposed project area. What is the true status of the plant species occurring in the proposed project area?
- The EA states that cattle grazing and illegal footpaths have harmed the vegetative communities within the project corridor. From this observation, the Border Patrol leaps to the unsupported conclusion that its action will have minimal impacts to vegetation within the project corridor. First, this is a conclusive statement lacking any support. Second, the Border Patrol fails to look at the cumulative impacts of their action. Their roads will cause further stress on what can readily be described today as a stressed and fragile environment. An increase in Border Patrol presence in the proposed project area will harm additional sensitive areas when migrants are forced to more remote and fragile areas.
- The EA states that the operation and maintenance of the RVS systems will have no effect on the vegetation within the project area. How can this be when the Border Patrol admits that the RVS systems will need maintenance which would mean increased traffic on the roads they built to install the RVS units?
- Effect of lights on plant photosynthesis? (4-4)
- The EA states that the construction of roads and the installation of RVS units will not significantly impact wildlife populations in the area. There is no discussion of the cumulative impact of this project and other projects discussed in the PEIS on local wildlife. Further, the Border Patrol admits that a giant landing mat fence might alter large mammal migration across the corridor, but offers no analysis as to what effect that may have on the migratory populations.
- The road improvements will increase the speed of vehicles on the roads and potentially the number of vehicle related wildlife deaths. The Border Patrol admits that there will still be a need for off road apprehension efforts which may also negatively impact wildlife. Surely, the impact on wildlife of continued habitat degradation by off-road vehicles and increased vehicular deaths is worth discussing in this EA.
- On page 4-5, the EA states that the operation and maintenance of the RVS systems will have "no effect" on wildlife. Such a bold and conclusive statement cannot be made responsibly without some scientific support. The Border Patrol offers none.
- The very next paragraph states that "slight impacts to wildlife" may occur due to the continued operation of the lighting systems. The Border Patrol claims that the additional light may disrupt the circadian rhythms of some animals, but that these creatures will adjust in time or relocate rendering the impact of the lighting as insignificant. There is no evidence to support this statement. Won't the lighting

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- affect more than the circadian rhythms? What about the navigation abilities of the lesser long-nosed bats in the area?
- The generators used to power the lights may create potential long term effects on wildlife according to the Border Patrol. What might these direct effects be? What cumulative impact will they have?
 - The Border Patrol then states that there have been "no detectable negative effects" on wildlife in presently lighted areas. The EA fails to document this conclusion which seems to contradict the statement that the generators used to power the lights may have potential adverse effects on wildlife.

Protected Species and Critical Habitat

- Under the no action alternative, the EA states that impacts to unknown protected species and critical habitat could continue if the Border Patrol is not permitted to proceed under its proposed action alternative. The EA presents no documentation in support of this belief.
- The EA states that as no endangered species were found during the biological survey of the area and no critical habitat designations fall within the project area, there would be no direct impacts to threatened or endangered species. First, we request that a copy of this survey be made available to the public. Second, the jaguar is an endangered species more frequently seen in Mexico, but whose habitat extends into the project area. This EA never mentions this species or the impacts (direct and cumulative) the proposed action may have on its habitat.
- The EA states that the proposed action alternative would probably have indirect benefits to threatened and endangered species outside the corridor. The Border patrol offers no evidence for this statement. If this statement and others like it are true, wouldn't it be in the interest of the Border Patrol to support such statements rather than allow the public to assume they are no more than meaningless propaganda?

Unique and Environmentally Sensitive Areas

- The Border Patrol claims that the proposed action alternative could indirectly benefit the unique and sensitive areas located outside the project area. This is patently untrue. By increasing the Border Patrol's presence inside the project area, illegal entrants will be funneled into even more environmentally sensitive areas and the Border Patrol will be forced to destroy these areas as well in their quest for an airtight border.

Air Quality

- On page 4-8, the EA states that the RVS systems should require semi-annual maintenance. The maintenance vehicles will be the only emissions sources connected with the RVS systems. This statement contradicts the statement on page 2-5 of the EA which discussed the use of portable generators as a source of back-up power for the RVS systems. Such generators also cause air emissions. Page 3-15 states that Nogales is in violation of the NAAQS for particulate matter. What will the cumulative and direct impacts of increased

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emissions be on an area whose air quality is, at present, considered polluted by government standards?

Water Resources

- The proposed action will impact five WUS and requires formal coordination with the Los Angeles District USACE prior to the start of any work. What will happen in this coordination? What are the goals? How does the Border Patrol plan to mitigate the direct and cumulative impact to the WUS?

Noise

- The Border Patrol claims that there will be no increase in noise levels along the newly constructed road because the number of vehicles accessing the new roads will be unchanged. How is this possible? If there is no road there now and there will be a paved road there in the future, there will be more vehicles using the paved road.

Hazardous Materials

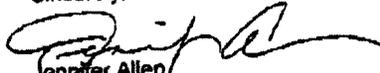
- What would the direct and cumulative effects be of a hazardous materials spill in the proposed area? The EA admits the potentially adverse effect such a spill could have, but fails to discuss the issue further other than to state that they will use catch pans as a preventive measure. Addressing such a serious issue in such a cursory manner is grossly insufficient.

Conclusion

In sum, the EA does not contain an adequate analysis of the proposed action and the impacts that will flow from it. There is simply no basis upon which to conclude that the action will not have a significant impact on the environment, human rights, and civil rights. The EA purports conclusions based on presumptions about anticipated effects, without providing any scientific evidence to support their claims. To conclude that the consequences of their proposed action will not be significant is arbitrary and environmentally and socially irresponsible.

Thank you again for the opportunity to provide comments on the proposed activities. Please do not hesitate to contact us with any questions.

Sincerely,



Jennifer Allen
Director

Border Action Network PO Box 384 Tucson, AZ 85702
Ph 520.623.4944 Fax 520.782.2097 www.borderaction.org

ARIZONA DEPARTMENT OF WATER RESOURCES

Santa Cruz Active Management Area

857 W. Bell Road, Suite 3, Nogales, Arizona 85621

Telephone 520-761-1814

Fax 520-761-1869



JANET NAPOLITANO
Governor

HERB GUENTHER
Director

June 10, 2003

Gulf South Research Corporation
Brad Yarbrough,
Natural Resources
P.O. Box 83564
Baton Rouge, Louisiana 70884 3564

RE: Nogales Infrastructure Restoration EA, Nogales Station

Dear Mr. Yarbrough:

Thank you for the opportunity to comment on the EA for the proposed restoration of the Nogales Infrastructure in Nogales, Arizona. I have reviewed the draft and have no comments.

If you have any question or concerns please do not hesitate to call me.

Sincerely,

A handwritten signature in cursive script that reads "Alejandro Barcenas".

Alejandro Barcenas, Director
Santa Cruz Active Management Area

ARB/skg

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

RE: Draft Environmental Assessment, Nogales Infrastructure Improvements, Tucson Sector, Nogales Station, Santa Cruz County, Arizona

With this draft the Department of Homeland Security (DHS) is in violation of the National Environmental Policy Act for failing to adequately analyze potential direct and indirect impacts, as well as the cumulative impacts of all federal and non-federal agencies. DHS is also in violation of the Endangered Species Act for failing to initiate consultation with the US Fish and Wildlife Service to address potential impacts to threatened and endangered species and their critical habitat. The draft also fails to adequately address the impacts the proposed actions would have on people (Environmental Justice concerns) and Indigenous communities. Because of these reasons I contend that the Department of Homeland Security must follow the "No Action" alternative addressed in the Draft Environmental Assessment and not move forward with the proposed actions.

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In addition, U.S. policy towards the nation's nearly 2 million Indians, Eskimos, and Aleuts has shifted back and forth over the years according to the political mood of the country. The belief in the inferiority of Indigenous people, in addition to the lack of consultation on matters that effect them, remains deeply embedded in dispossession and destruction of Indigenous territories and resources, political, religious and social systems. Since the 1990, Indigenous peoples in the borderlands between the U.S. and Mexico have experienced many obstacles that continue to impede the ability of tribal members to conduct cross-border cultural, religious, family and business visits. This proposal would add to these obstacles.

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Thank you for your close consideration of my comments. It is obvious that the United States must develop a humane border policy that will not destroy our precious natural resources or trample the sovereignty and rights of Indigenous people.

I am very concerned about this issue and I would like to receive all future documents, Environmental Assessments, Environmental Impact Statements and notices regarding Department of Homeland Security, Border Patrol and Joint Task Force Six activities within the Tucson and Yuma Sectors.

Sincerely,


Graham Sullivan
310 E 17th St.
Tucson AZ 85701

June 30, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607
(949) 360-2985 fax

**RE: Draft Supplemental Environmental Assessment for Infrastructure Within U.S. Border
Patrol Naco-Douglas Corridor, Cochise County, Arizona**

I am concerned that with this draft the Department of Homeland Security (DHS) is in violation of the National Environmental Policy Act for failing to adequately analyze potential direct and indirect impacts, as well as the cumulative impacts of all federal and non-federal agencies. DHS is also in violation of the Endangered Species Act for failing to initiate consultation with the US Fish and Wildlife Service to address potential impacts to threatened and endangered species and their critical habitat. In addition this draft fails to adequately address the impacts the proposed actions would have on people (Environmental Justice concerns) and Indigenous communities. I contend that the Department of Homeland Security must follow the "No Action" alternative addressed in the Draft Environmental Assessment and not proceed with the proposed action.

This proposed fence and road construction, lighting and remote video cameras will have severe direct impacts to wildlife and the environment, fragmenting the habitat and migratory routes of endangered cross-border species such as the jaguar, ocelot and jaguarondi, and will result in the harassment of endangered species such as the lesser-long nosed bat. DHS claims that proposed developments will help the environment are spurious propaganda; more fences and lighting will only funnel destructive foot traffic into even more remote, pristine and inhospitable terrain.

I do not support the policies of population control that have been promoted by racist groups in Cochise County. Anti-immigrant and border policies perpetuated and exacerbated racist activities in Cochise County with impunity. These activities have redirected undocumented immigrants through Indigenous borderlands with lethal consequences and have divided the indigenous community, blaming the tribal government for people dying on Native Lands

The Proposed Action also fails to adequately address the concerns of citizens, fails to justify the construction activities, and fails to instill in us the belief that all avenues for the border situation have been properly investigated. If that were true, community, environmental and Indigenous organizations would have had a significant part of this process of seeking viable solutions, and a reasonable alternative that would actually benefit all may have been developed. Solutions that seek to unify communities, not create divisions, fear, and oppression must be developed and implemented. Without this, we will continue to see a rise in division, fear, deaths on our borders, and human rights violations.

It is obvious that the United States must develop a humane border policy that will not destroy our precious natural resources or trample the sovereignty and rights of Indigenous people. This is an

issue I am very interested in and I would like to receive all future documents, Environmental Assessments, Environmental Impact Statements and notices regarding Department of Homeland Security, Border Patrol and Joint Task Force Six activities within the Tucson and Yuma Sectors.

Sincerely,

Erica Dahl-Bredine

Erica Dahl-Bredine
111 S. Church Ave.
Tucson, AZ 85701

June 30, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607
(949) 360-2985 fax

RE: Draft Environmental Assessment, Nogales Infrastructure Improvements, Tucson Sector, Nogales Station, Santa Cruz County, Arizona

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111 S. Church Ave.
Tucson, AZ 85701

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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I reject the policies of population control that have been supported by Racist groups in Cochise County. Anti-immigrant and border policies perpetuated and exacerbated racist activities in Cochise County with impunity. These activities have redirected undocumented immigrants through Indigenous borderlands with lethal consequences and have divided the indigenous community, blaming the tribal government for people dying on Native Lands

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Sincerely,

Benoit MONTIN

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Louis T. Putz
3033 E 23 St
Tucson AZ 85711

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607
(949) 360-2985 fax

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Sincerely,

Paul Gattone, Esq.
P.O. Box 989
Tucson, AZ 85702

May 31, 2003

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Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607
(949) 360-2085 fax

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Sincerely,

CAROLINE ISMAEL
4228 A.C. ST. AVE
TULSON AZ 85319
LINUS@DAKOTA.COM.NET

*The Sonoran Desert AND immigrants
have suffered enough!*



May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Kermainy Hallinan

Alessa Hecceg

Julia Burkart

Gentilde Siergala

409 B Parro Cerdo



Julia Burkart
2601 N Swan Rd.
Tucson, AZ 85712

6570 N. Montezuma Tucson, AZ 85718
4222 E. Blanton Rd. Tucson, AZ 85712

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Patricia Fernandez
2530 N. Meadmore Rd
Tucson, AZ 85745

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Barla J. Mastererson
2602 N. Greenway Rd.
Tucson, Az. 85745

Chiricahua-Dragoon Conservation Alliance

P.O. Box 76
Elfrida, AZ 85610
(520) 824-3201
asanta@vtc.net

June, 29th, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607
(949) 360-2985 fax

**Comments on the Draft Environmental Assessment,
Nogales Infrastructure Improvements, Tucson Sector,
Nogales Station, Santa Cruz County, Arizona**

The draft EA, and the responsible agency—the Department of Homeland Security (DHS), is in violation of the National Environmental Policy Act for failing to adequately and accurately analyze potential direct and indirect impacts, as well as the cumulative impacts of all federal and non-federal agencies. DHS is also in violation of the Endangered Species Act for failing to initiate consultation with the US Fish and Wildlife Service to address potential impacts to threatened and endangered species and their critical habitat. The DHS has also failed to initiate and disclose any ongoing consultation with the environmental agencies of Mexico, as well as those departments of indigenous treaty nations located on both sides of the border. As such the DHS is in violation of international laws and sovereign treaties. The draft also fails to accurately and adequately address the impacts the proposed actions would have on people (Environmental Justice concerns) and Indigenous communities. As such the EA is an illegal document, in contravention with federal, international, and treaty laws, policies, and guidelines and must be withdrawn. A full, accurate, comprehensive EIS, with the involvement of indigenous peoples, Mexico, and conservation organizations is clearly the only legal process open to the DHS for continuing to address the significant issues, concerns, and impacts which may result from the implementation of its proposed border policies. The Department of Homeland Security is herein requested to refrain from implementing any of its proposed border actions, and instead requested to abide by federal laws, policies, treaties and international laws, as well as conservation goals and needs. We herein request the agency to study the many existent successful border resolution examples worldwide. Rather than impose an archaic, militarized, draconian wall, reminiscent of the Berlin Wall, the Wall of China, and Hadrian's Wall, the DHS needs to realistically, honestly, and historically assess and disclose the many ecological, democratic, and cooperative border alternatives which exist. Until such a comprehensive, accurate EIS is adequately conducted, the DHS must abide by the "No Action" alternative addressed in the Draft Environmental Assessment and not move forward with any of the proposed actions.

This proposed fence and road construction, lighting and remote video cameras will have severe direct impacts to wildlife and habitat, including fragmentation of habitat and disruption of species' migration patterns due to increased fencing and road-building, and harassment of nocturnal species due to installation of high-voltage lighting stations. These impacts will be particularly devastating to the endangered jaguar, a nocturnal cross-border species that is known to use this area as an important migration corridor. DHS claims that proposed developments will help the environment are not only spurious propaganda, such patently false claims are illegal under the NEPA; more fences and lighting will only funnel destructive foot traffic into even more remote, pristine and inhospitable terrain.

In addition, U.S. policy towards the nation's nearly 2 million Indians, Eskimos, and Aleuts has shifted back and forth over the years according to the political mood of the country. The belief in the inferiority of Indigenous people, in addition to the lack of consultation on matters that effect them, remains deeply embedded in dispossession and destruction of Indigenous territories and resources, political, religious

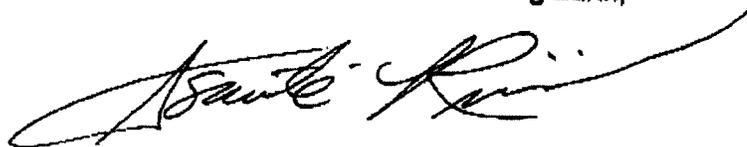
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U.S. border policies have consistently failed in their attempts to deter immigration, from their inception as well as their implementation. Routing migrants through dangerous terrain in order to deter future crossers with their deaths is a shameful policy. It has neither deterred nor stopped the immigrants who seek to better their economic situations. Studies indicate that over 2,000 deaths have occurred since the initiation of this deadly border policy. The infrastructure improvements proposed by this EA would further militarize the region, disrupting border communities, creating divisions among residents on both sides of the border, increasing violations of human rights, furthering the "coyote" industry, and adding to the rise of hate crimes and vigilantism.

It is obvious that the United States must develop a humane border policy that will not destroy our precious natural resources or trample the sovereignty and rights of Indigenous people.

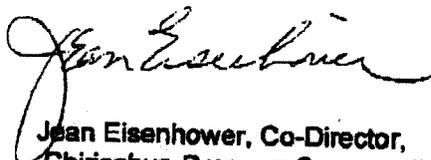
Our organization is very concerned about this issue. We herein request copies of all future documents, Environmental Assessments, Environmental Impact Statements and notices regarding Department of Homeland Security, Border Patrol and Joint Task Force Six activities within the Tucson and Yuma Sectors. Timely notices and copies of all NEPA documents are requested to be sent to the address above. Thank you,

For Life in Balance with this Living Earth,



Asante Riverwind, Co-Director, and

Cc: BAN
SIA
CBD
EJ
WELC



Jean Eisenhower, Co-Director,
Chiricahua-Dragoon Conservation Alliance

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

RE: Draft Environmental Assessment, Nogales Infrastructure Improvements, Tucson Sector, Nogales Station, Santa Cruz County, Arizona

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Thank you for your close consideration of my comments. It is obvious that the United States must develop a humane border policy that will not destroy our precious natural resources or trample the sovereignty and rights of Indigenous people.

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Sincerely,

Brita Miller
6201 N. Piedra Seca
Tucson, AZ
85718-3109

May 31, 2003

Mr. Charles Parsons
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24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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5755 E. River Rd #2612
Tucson AZ 85750

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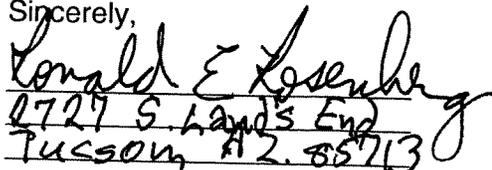
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Sincerely,


Ronald E. Rosenberry
4727 S. Lands End
Tucson, AZ 85713

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Mary Judge Ryan
Mary Judge Ryan
9115 El Solero St
Tucson, AZ 85710

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Regional Environmental Officer
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P.O. Box 30080
Laguna Niguel, CA 92607

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11230 E. Sundance Dr.
Tucson AZ 85749

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Sincerely,

Katie Bolger
1232 N. 3rd Ave
Tucson AZ 85705

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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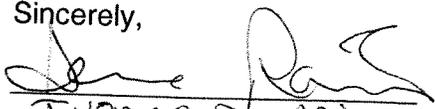
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Sincerely,


Ivonne Ramirez
6441 E Calle Cappela
Tucson, AZ 85710

May 31, 2003

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Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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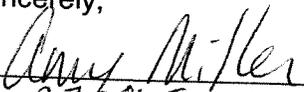
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2728 E. 5th St.

TUCSON, AZ 85716

May 31, 2003

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Sincerely,

Margaret Lawrence
6997 E. Abbey Lane
Tucson AZ 85715

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

RE: Draft Environmental Assessment, Nogales Infrastructure Improvements, Tucson Sector, Nogales Station, Santa Cruz County, Arizona

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2410 S. DeWitt King H. Pl.
Tucson, AZ 85713

May 31, 2003

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24000 Avila Road
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Laguna Niguel, CA 92607

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Sincerely,

Nancy Myers Nancy Myers
528 E. Third
TUCSON AZ 85701

May 31, 2003

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Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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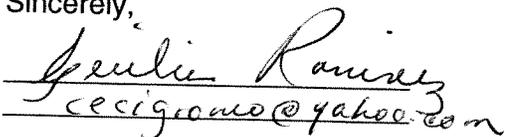
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Sincerely,


cecilramirez@yahoo.com

May 31, 2003

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Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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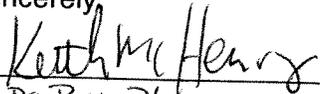
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PO Box 244

Tucson AZ 85702

May 31, 2003

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Andrew Silveira
3757 E. Calle Parnaso
Tucson, AZ 85716

May 31, 2003

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CHRIS FRED
223 W. 2ND ST
TUCSON, AZ 85705

May 31, 2003

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Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Randie Veltz
2295 E Camino RD
Tucson AZ 85718

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Theresa A. Berdine
4231 E La Cienega Dr
Tucson AZ 85712

May 31, 2003

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Regional Environmental Officer
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P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Jeanne Walter

P.O. Box 31

Tucson, AZ 85702

*Catholic Social Mission
Diocese of Tucson*

May 31, 2003

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Laguna Niguel, CA 92607

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Sincerely,

Helen Lundgren

3785 N. Warren
Tucson AZ

85719

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

RE: Draft Environmental Assessment, Nogales Infrastructure Improvements, Tucson Sector, Nogales Station, Santa Cruz County, Arizona

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Sincerely,

Ara Chacón

2351 S. Campbell Ave
Tucson AZ 85713

May 31, 2003

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Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Hussein Kamel
5920 E. Calle Agua Verde
Tucson, AZ 85756

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Kristina R. Krider
6255 E. Placita Chiripa
Tucson, Az. 85750

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

David F Cummings
PO Box 1748
Tucson, AZ
85702-1748

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Gabriella Santamaria
2357 S. CAMPBELL AVE
TUCSON AZ 85713

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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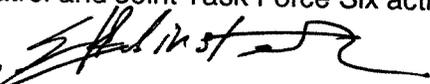
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Eliane Rubinstein-Avila
2534 E Edison St.
TUCSON AZ 85716

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Geraldine Abatte

*2357 S. Campbell Ave
Tucson AZ 85746*

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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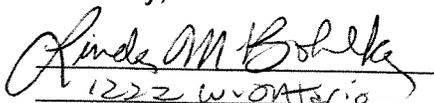
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Sincerely,


1222 W. OATARIO
TUCSON, AZ 85745
lozenme37@yahoo.com

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Kathryn Rodriguez

Kathryn Rodriguez
3401 E. Presidio Rd #4
Tucson, AZ 85716

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

J. Watkins
2726 E. Malvern
Tucson AZ 85716

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

RE: Draft Environmental Assessment, Nogales Infrastructure Improvements, Tucson Sector, Nogales Station, Santa Cruz County, Arizona

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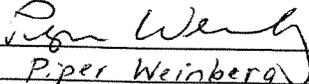
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Sincerely,



Piper Weinberg
530 N. 1st ave

TUCSON, AZ 85719

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Roy Goodwin
P.O. Box 1454
13500 E. 13
82602

May 31, 2003

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24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Kelly Wesselink
Kelly Wesselink
3463 English Oaks Dr.
Kennesaw, GA 30144

May 31, 2003

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Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

John Duarte
3215 E. Patricia St
Tucson, AZ 85716

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Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Randy Dinin
8201 E. 2nd Street #B4
Tucson, Arizona 85711

May 31, 2003

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Regional Environmental Officer
24000 Avila Road
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Laguna Niguel, CA 92607

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Bernice R Muller
3311 W. Fremont
Tucson AZ
85719

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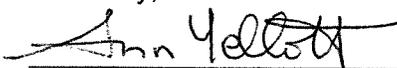
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1718 E. Speedway #305
Tucson, AZ 85714

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Helen L. Dick *Helen L. Dick*
3801 N. Swan Rd.
Tucson, AZ 85714

May 31, 2003

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P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Pat Tucson Cliff
4131 N. Westlawn Wends #230
Tucson AZ 85705

May 31, 2003

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24000 Avila Road
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Laguna Niguel, CA 92607

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801 W. Calle Sierra
Tucson AZ 85705

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Sincerely,

TED J. COOPER
510 E. DRACHMAN ST.
TUCSON AZ 85705

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

RE: Draft Environmental Assessment, Nogales Infrastructure Improvements, Tucson Sector, Nogales Station, Santa Cruz County, Arizona

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Sincerely,


Charles B. Salazar, Sr.
P.O. Box 85026
Tucson AZ 85754

May 31, 2003

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Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Archie Masterson
2602 N. GRANNEN RD
TUCSON, AZ 85745

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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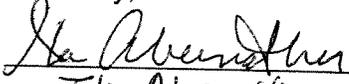
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Sincerely,



Elza Abernathy

1343 N. 5th Ave

Tucson, AZ 85705

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,


Deborah K. Cobb
9588 S. Walnut
Tucson, AZ 85706

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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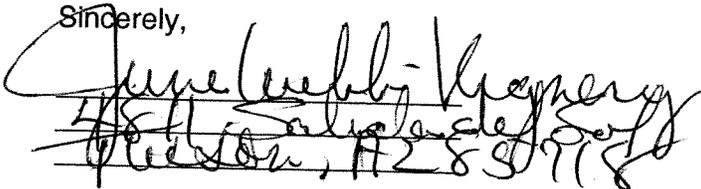
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4811
Tucson, AZ 85718

May 31, 2003

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Laguna Niguel, CA 92607

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Sincerely,

Linda Green
337 E Blackledge Dr
Tucson, AZ 85705

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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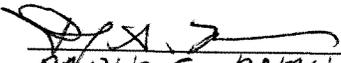
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Sincerely,



DAVID G. RAMIREZ
PASCOA YAQUI TRIBE
TUCSON, AZ 85746

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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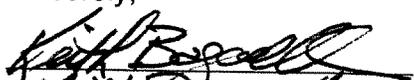
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Sincerely,


Keith Bagwell
744 S. Fifth Ave.
Tucson, AZ 85701

May 31, 2003

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Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Judith H. Barber
9321 N. Gazelle Pl
Tucson AZ 85742

May 31, 2003

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Regional Environmental Officer
24000 Avila Road
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Sincerely,

Maria Carillo
221 E. Lee St
Tucson, AZ 85705

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

RE: Draft Environmental Assessment, Nogales Infrastructure Improvements, Tucson Sector, Nogales Station, Santa Cruz County, Arizona

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Sincerely,


2357 S Campbell Ave
Tucson AZ 85713

May 31, 2003

Mr. Charles Parsons
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24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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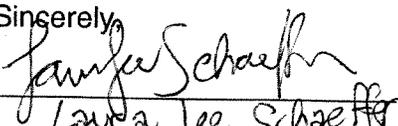
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Sincerely,


Laura Lee Schaeffer
231 W University
Tucson AZ 85705

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,


SUSAN THORPE
642 S. ROSEMONT
TUCSON, AZ. 85711

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Betsy McDonald
3461 E. 3rd St
Tucson AZ
85716

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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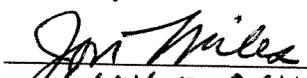
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12604 E. CALLE MERCURIO
TUCSON, AZ 85710

May 31, 2003

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Regional Environmental Officer
24000 Avila Road
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Laguna Niguel, CA 92607

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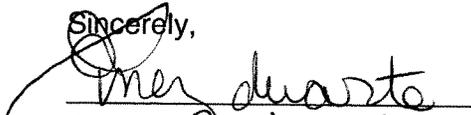
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Inez Duarte
3215 E Patricia
Tucson AZ 85716

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Samantha Knowlden
Samantha Knowlden
334 S. 6th Ave
Tucson, AZ 85702

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Josh Schachter
1120 E. 16th St.
Tucson, AZ 85701

May 31, 2003

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Regional Environmental Officer
24000 Avila Road
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Laguna Niguel, CA 92607

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Sincerely,

Rev. Robert Curran
1375 S. Camp. No. Seco
Tucson AZ 85710

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
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Laguna Niguel, CA 92607

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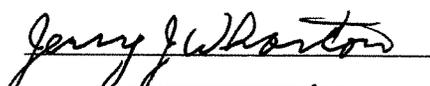
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I am very concerned about this issue and I would like to receive all future documents, Environmental Assessments, Environmental Impact Statements and notices regarding Department of Homeland Security, Border Patrol and Joint Task Force Six activities within the Tucson and Yuma Sectors.

Sincerely,



5033 E. 23rd St.
Tucson, AZ 85711

Jerry J. Wharton

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

RE: Draft Environmental Assessment, Nogales Infrastructure Improvements, Tucson Sector, Nogales Station, Santa Cruz County, Arizona

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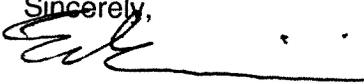
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Sincerely,


EARL KIMMICH
2744 N. MARTIN
TUCSON, AZ 85719

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Jose Matus

7781 S. Camino de Itaviecti
Tucson AZ 85746

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Luis Herrera
221 W. Saguaro St.
Tucson, AZ 85705

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

Richard Ortiz
1526 S. Columbus #2
Tucson, AZ 85711

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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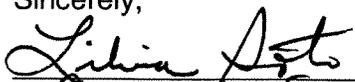
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9065 N. Sweet Acacia Pl.
Tucson, AZ 85742

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
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Laguna Niguel, CA 92607

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1309 E. Rio Al

Tucson Ariz 85719

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

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Sincerely,

1582 W. Swisher Rd
Tucson AZ 85746
806-0033 Home

Juli S. Coy

May 31, 2003

Mr. Charles Parsons
Regional Environmental Officer
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607

RE: Draft Environmental Assessment, Nogales Infrastructure Improvements, Tucson Sector, Nogales Station, Santa Cruz County, Arizona

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DANIEL GARCIA
5118 S. CAMINO DE LA TIERRA
TUCSON AZ. 85746



U.S. Department of Justice
Immigration and Naturalization Service
Administrative Center Laguna

ACLFAE 10/9.3.8

24000 Avila Road
P. O. Box 30080
Laguna Niguel, CA 92607-0080

May 28, 2003

Mr. Scotty Johnson
Natural Rural Outreach Campaign Associate
Defenders of Wildlife
302 South Convent Avenue
Tucson, Arizona 85701-2215

VIA U.S. Mail and FAX

Subject: Public Comment Period Extension
Environmental Assessments

Dear Mr. Johnson:

Per your written request, dated May 22, 2003, for an extension of the public comment period, the U.S. Border Patrol has extended the public comment period until June 30, 2003 for the *Draft Supplemental Environmental Assessment for Infrastructure Within U.S. Border Patrol Naco-Douglas Corridor, Cochise County, Arizona* and the *Draft Environmental Assessment for Nogales Infrastructure Improvements Tucson Sector, Nogales Station, Santa Cruz County, Arizona*.

In your letter, you requested copies of previous reports. The *Final Report Supplemental Programmatic Environmental Impact Statement for INS and JTF-6 Activities* and *Final Report Environmental Assessment for Infrastructure Within U.S. Border Patrol Naco-Douglas Corridor Cochise County, Arizona* are available on the INS-AERC web site. If you are unable to download the reports, we can send you a compact disk containing the reports. The web site can be reached at http://ins.swf.usace.army.mil/Pages/Environmental_Report_Repository.cfm

In response to your voice mail of May 23, 2003, you inquired if there would be a blanket extension for the public comment period. In addition, you inquired if there would be a published notice of the extension in something like the Federal register. The extension of the public comment period is extended to everyone until June 30, 2003. Our environmental contractor is in the process of sending a letter to all of our Arizona Stakeholders extending the deadline.

If you have any further questions or comments, please submit them in writing. Your help and comments are appreciated.

Sincerely,



Charles H. Parsons
Environmental Officer

cc: Gilbert Estrada, USBP by U.S. Mail
George Lopez, USBP by e-mail
Todd Jewell, USBP by e-mail
Gary Robison, USBP by e-mail
Kevin Feeney, DHS by e-mail
Geraldine Pontius, DHS by e-mail
Patience Patterson, USACE by U.S. Mail
Mark Doles, USACE by U.S. Mail
Chris Ingram, GSRC by U.S. Mail
Tim Montgomery, HDR by e-mail



May 22, 2003

Charles Parsons
U.S. Department of Homeland Security
Environmental Officer
Western Region
24000 Avila Road
P.O. Box 30080
Laguna Niguel, CA 92607-0080

Via Facsimile 949-360-2985

Dear Mr. Parsons:

Defenders of Wildlife respectfully requests that the Department of Homeland Security (DHS) extend the deadline for comment on the Draft Supplemental EA for infrastructure within U.S. Border Patrol Naco-Douglas Corridor Cochise County, Arizona, and the Draft Environmental Assessment for Nogales infrastructure improvements Tucson sector, Nogales station Santa Cruz County, Arizona, to July 21, i.e., another 45 days.

A recent flurry of draft EA's regarding proposed border construction of various kinds make a thorough review very difficult, especially given the short comment period and the identical public comment deadline. (June 7, also a Sunday). Defenders of Wildlife (Defenders) is interested in, and affected by, this proposed action, and would like to comment on both EA's. We trust that INS will afford us that opportunity by granting the requested extension of 45 days. Extending the comment deadline will allow true public comment to proceed.

Additionally, both draft EA's are tied to other documents which need to be obtained and analyzed to assess the implications of aforementioned drafts. Without these documents, meaningful scientific analysis and accuracy is seriously challenged. Because neither of the above EA's state where each document to which each is tied is available, Defenders requires additional time to obtain and reference the earlier documents. See 40 C.F.R. § 1502.20 (requiring tiered documents to state where the earlier document is available).

Thus, we are also requesting copies of the Final Supplemental Programmatic Environmental Impact Statement for INS and JTF-6 Activities (USACE, June 2001) and of the Final Environmental Assessment for Infrastructure within U.S. Border Patrol Naco-Douglas Corridor, Cochise County, Arizona (INS, August 2000). We intend that an additional 45 days is enough time to obtain and review

Southwest Office
302 South Convent Avenue
Tucson, Arizona 85701-2215
Telephone: 520-623-WOLF
Fax: 520-623-0447

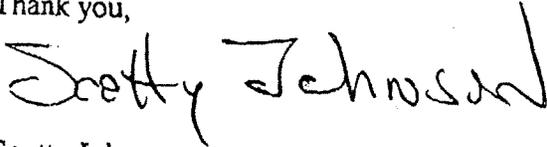
National Headquarters
1101 Fourteenth Street, N.W.
Suite 1400
Washington, D.C. 20005
Telephone: 202-682-9400
Fax: 202-682-1331
www.defenders.org
www.kidsplanet.org

Printed on Recycled Paper

necessary previous documents since they were not supplied when DHS issued the draft SEA and EA under discussion.

Please inform us of your decision on our extension request at your earliest convenience by calling me at 520 623 9653 (103) or e-mailing me at sjohnson@defenders.org

Thank you,



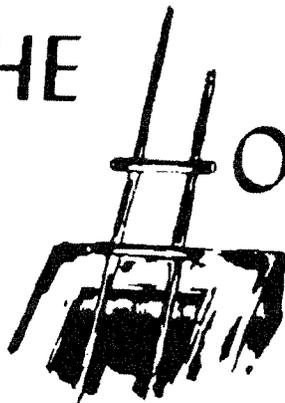
Scotty Johnson
National Rural Outreach Campaign Associate

cc:

Mark Doles
USACE - Fort Worth District
817-886-6499 (fax)

Elizabeth Gaffin
US DOJ, INS, Office of General Counsel
202-514-0455 (fax)

THE HOPI TRIBE



Wayne Taylor, Jr.
CHAIRMAN

VICE-CHAIRMAN

May 19, 2003

William Fickel, Jr., Chief Planning, Environmental and Regulatory Division
Attention Ms. Patience Patterson CESWF-PER-EE
Department of the Army, Fort Worth District, Corps of Engineers
P.O. Box 17300, 819 Taylor Street
Fort Worth, Texas 76102-0300

Dear Mr. Fickel,

Thank you for your correspondence on behalf of the Department of Homeland Security, U.S. Border Patrol to Chairman Taylor dated May 12, 2003, regarding an enclosed *Cultural Resources Survey of the Proposed Locations for 57 U.S.B.P. Light Systems, Road Improvements and Construction, and Fence Installation Along the United States-Mexico Border, Santa Cruz County, Arizona*, by TRC, and a Draft Environmental Assessment for Nogales Infrastructure Improvements. As you know, the Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Arizona, and therefore we appreciate the Corps of Engineers' continuing solicitation of our input and your efforts to address our concerns.

As you also know, the Hopi Cultural Preservation Office supports identification and avoidance of prehistoric archaeological sites. We have reviewed the cultural resources survey report which identifies two previously recorded and disturbed archaeological sites recommended as ineligible for the National Register. We are not aware of any Hopi Traditional Cultural Properties in this project area. Therefore, we have determined that this project is unlikely to affect any cultural resources significant to the Hopi Tribe.

Pursuant to previous consultations with Ms. Patience Patterson, and to assist the Corps in identifying issues important to the Hopi Tribe, in a letter dated August 29, 2002, the Hopi Cultural Preservation Office provided the Hopi Tribe's general comment subjects and questions. As we have previously stated, that letter can be included with all proposals when the Corps has conducted cultural resource surveys of the areas of potential effect with negative results for prehistoric archaeological sites.

Please continue to keep the Hopi Cultural Preservation Office notified of any specific proposals with the potential to impact specific archeological sites and cultural resources. Should you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

xc: Office of the Chairman
Arizona State Historic Preservation Office



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

May 12, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Department of Homeland Security (DHS) and U.S. Border Patrol (USBP), Tucson Sector, Section 106 Project Coordination on proposed Nogales Infrastructure Improvements Project, Nogales, Arizona and the Draft Supplemental Environmental Assessment (SEA) for public comment

Honorable Wayne Taylor, Jr., Chairman
ATTN: Mr. Leigh J. Kuwanwisiwma or Mr. Terry Mogart
Hopi Tribal Council
P.O. Box 123
Kykotsmovi, AZ 86039

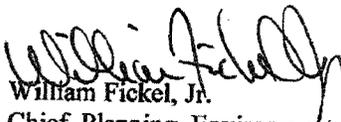
Dear Chairman Taylor:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is continuing to act on behalf of DHS in regard to proposed project mentioned above in the vicinity of Nogales, Arizona. Enclosed is the archaeological survey report on the project area of potential effects (APE). This archaeological report concerns the temporary lighting along the border in or near Nogales and assesses impacts of installation of up to 60 portable lights at designated locations within the Nogales Station area of operations. The analysis indicates that Light Systems 2, 21, 23, 31, 35-36, 38-54, and 56 are potential visible from NRHP properties or districts. However, the visual impact is not permanent since the lights are mobile and are moved according to intelligence regarding movements of smuggling and undocumented aliens (UDAs).

Given the evidence reported, we have determined, in accordance with 36 CFR Part 800.4.(d)(1) that no historic properties will be affected by this project and have asked the SHPO for concurrence accordingly. This report is provided for your reference.

Also enclosed is a copy of the Draft Supplemental EA for the same project for your review and comment. If you require additional information or have any questions, please contact Ms. Patience Patterson at (817) 886-1723. Thank you for your assistance with this project.

Sincerely,


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

Enclosure

-2-

Copy Furnished w/o enclosure:

Charles H. Parsons
Regional Environmental Officer
Immigration and Naturalization Service
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080

Mr. Gilbert Estrada
U.S. Border Patrol
Tucson Sector Headquarters,
1970 West Ajo Way
Tucson, Arizona 85713



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

May 12, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Department of Homeland Security (DHS) and U.S. Border Patrol (USBP), Tucson Sector, Section 106 Project Coordination on proposed Nogales Infrastructure Improvements Project, Nogales, Arizona and the Draft Supplemental Environmental Assessment (SEA) for public comment

Honorable Dallas Massey, Sr., Chairman
White Mountain Apache Tribal Council
P.O. Box 700
Whiteriver, AZ 85941

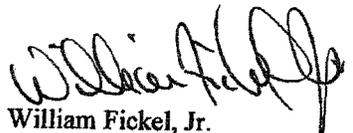
Dear Chairman Massey:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is continuing to act on behalf of DHS in regard to proposed project mentioned above in the vicinity of Nogales, Arizona. Enclosed is the archaeological survey report on the project area of potential effects (APE). This archaeological report concerns the temporary lighting along the border in or near Nogales and assesses impacts of installation of up to 60 portable lights at designated locations within the Nogales Station area of operations. The analysis indicates that Light Systems 2, 21, 23, 31, 35-36, 38-54, and 56 are potential visible from NRHP properties or districts. However, the visual impact is not permanent since the lights are mobile and are moved according to intelligence regarding movements of smuggling and undocumented aliens (UDAs).

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Sincerely,


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

Enclosure

-2-

Copy Furnished w/o enclosure:

Charles H. Parsons
Regional Environmental Officer
Immigration and Naturalization Service
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080

Mr. Gilbert Estrada
U.S. Border Patrol
Tucson Sector Headquarters,
1970 West Ajo Way
Tucson, Arizona 85713



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

May 12, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Department of Homeland Security (DHS) and U.S. Border Patrol (USBP), Tucson Sector, Section 106 Project Coordination on proposed Nogales Infrastructure Improvements Project, Nogales, Arizona and the Draft Supplemental Environmental Assessment (SEA) for public comment

Honorable Edward Manuel, Chairman
ATTN: Mr. Peter Steere, Cultural Resources Manager
Tohono O'odham Nation
P.O. Box 837
Sells, AZ 85634

Dear Chairman Manuel:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is continuing to act on behalf of DHS in regard to proposed project mentioned above in the vicinity of Nogales, Arizona. Enclosed is the archaeological survey report on the project area of potential effects (APE). This archaeological report concerns the temporary lighting along the border in or near Nogales and assesses impacts of installation of up to 60 portable lights at designated locations within the Nogales Station area of operations. The analysis indicates that Light Systems 2, 21, 23, 31, 35-36, 38-54, and 56 are potential visible from NRHP properties or districts. However, the visual impact is not permanent since the lights are mobile and are moved according to intelligence regarding movements of smuggling and undocumented aliens (UDAs).

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Also enclosed is a copy of the Draft Supplemental EA for the same project for your review and comment. If you require additional information or have any questions, please contact Ms. Patience Patterson at (817) 886-1723. Thank you for your assistance with this project.

Sincerely,


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

Enclosure

-2-

Copy Furnished w/o enclosure:

Charles H. Parsons
Regional Environmental Officer
Immigration and Naturalization Service
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080

Mr. Gilbert Estrada
U.S. Border Patrol
Tucson Sector Headquarters,
1970 West Ajo Way
Tucson, Arizona 85713



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

May 12, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Department of Homeland Security (DHS) and U.S. Border Patrol (USBP), Tucson Sector, Section 106 Project Coordination on proposed Nogales Infrastructure Improvements Project, Nogales, Arizona and the Draft Supplemental Environmental Assessment (SEA) for public comment

Honorable Raymond Stanley, Jr., Chairman
San Carlos Tribal Council
P.O. Box 0
San Carlos, AZ 85550

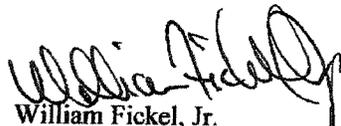
Dear Chairman Stanley:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is continuing to act on behalf of DHS in regard to proposed project mentioned above in the vicinity of Nogales, Arizona. Enclosed is the archaeological survey report on the project area of potential effects (APE). This archaeological report concerns the temporary lighting along the border in or near Nogales and assesses impacts of installation of up to 60 portable lights at designated locations within the Nogales Station area of operations. The analysis indicates that Light Systems 2, 21, 23, 31, 35-36, 38-54, and 56 are potential visible from NRHP properties or districts. However, the visual impact is not permanent since the lights are mobile and are moved according to intelligence regarding movements of smuggling and undocumented aliens (UDAs).

Given the evidence reported, we have determined, in accordance with 36 CFR Part 800.4.(d)(1) that no historic properties will be affected by this project and have asked the SHPO for concurrence accordingly.

Also enclosed is a copy of the Draft Supplemental EA for the same project for your review and comment. If you require additional information or have any questions, please contact Ms. Patience Patterson at (817) 886-1723. Thank you for your assistance with this project.

Sincerely,


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

Enclosure

-2-

Copy Furnished w/o enclosure:

Charles H. Parsons
Regional Environmental Officer
Immigration and Naturalization Service
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080

Mr. Gilbert Estrada
U.S. Border Patrol
Tucson Sector Headquarters,
1970 West Ajo Way
Tucson, Arizona 85713



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

May 12, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Department of Homeland Security (DHS) and U.S. Border Patrol (USBP), Tucson Sector, Section 106 Project Coordination on proposed Nogales Infrastructure Improvements Project, Nogales, Arizona and the Draft Supplemental Environmental Assessment (SEA) for public comment

Honorable Ivan Makil, President
Salt River Pima-Maricopa Indian Community Council
10005 E. Osborn
Scottsdale, AZ 85256

Dear President Makil:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is continuing to act on behalf of DHS in regard to proposed project mentioned above in the vicinity of Nogales, Arizona. Enclosed is the archaeological survey report on the project area of potential effects (APE). This archaeological report concerns the temporary lighting along the border in or near Nogales and assesses impacts of installation of up to 60 portable lights at designated locations within the Nogales Station area of operations. The analysis indicates that Light Systems 2, 21, 23, 31, 35-36, 38-54, and 56 are potential visible from NRHP properties or districts. However, the visual impact is not permanent since the lights are mobile and are moved according to intelligence regarding movements of smuggling and undocumented aliens (UDAs).

Given the evidence reported, we have determined, in accordance with 36 CFR Part 800.4.(d)(1) that no historic properties will be affected by this project and have asked the SHPO for concurrence accordingly.

Also enclosed is a copy of the Draft Supplemental EA for the same project for your review and comment. If you require additional information or have any questions, please contact Ms. Patience Patterson at (817) 886-1723. Thank you for your assistance with this project.

Sincerely,


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

Enclosure

-2-

Copy Furnished w/o enclosure:

Charles H. Parsons
Regional Environmental Officer
Immigration and Naturalization Service
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080

Mr. Gilbert Estrada
U.S. Border Patrol
Tucson Sector Headquarters,
1970 West Ajo Way
Tucson, Arizona 85713



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

May 12, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Department of Homeland Security (DHS) and U.S. Border Patrol (USBP), Tucson Sector, Section 106 Project Coordination on proposed Nogales Infrastructure Improvements Project, Nogales, Arizona and the Draft Supplemental Environmental Assessment (SEA) for public comment

Honorable Delia Carlyle, Chairperson
Ak Chin Indian Community Council
42507 W. Peters & Nail Road
Maricopa, AZ 85239

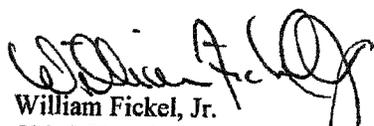
Dear Chairperson Carlyle:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is continuing to act on behalf of DHS in regard to proposed project mentioned above in the vicinity of Nogales, Arizona. Enclosed is the archaeological survey report on the project area of potential effects (APE). This archaeological report concerns the temporary lighting along the border in or near Nogales and assesses impacts of installation of up to 60 portable lights at designated locations within the Nogales Station area of operations. The analysis indicates that Light Systems 2, 21, 23, 31, 35-36, 38-54, and 56 are potential visible from NRHP properties or districts. However, the visual impact is not permanent since the lights are mobile and are moved according to intelligence regarding movements of smuggling and undocumented aliens (UDAs).

Given the evidence reported, we have determined, in accordance with 36 CFR Part 800.4.(d)(1) that no historic properties will be affected by this project and have asked the SHPO for concurrence accordingly.

Also enclosed is a copy of the Draft Supplemental EA for the same project for your review and comment. If you require additional information or have any questions, please contact Ms. Patience Patterson at (817) 886-1723. Thank you for your assistance with this project.

Sincerely,


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

Enclosures

-2-

Copy Furnished w/o enclosure:

**Charles H. Parsons
Regional Environmental Officer
Immigration and Naturalization Service
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080**

**Mr. Gilbert Estrada
U.S. Border Patrol
Tucson Sector Headquarters,
1970 West Ajo Way
Tucson, Arizona 85713**



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

May 12, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Department of Homeland Security (DHS) and U.S. Border Patrol (USBP), Tucson Sector, Section 106 Project Coordination on proposed Nogales Infrastructure Improvements Project, Nogales, Arizona and the Draft Supplemental Environmental Assessment (SEA) for public comment

Honorable Donald R. Antone, Governor
Gila River Indian Community Council
P.O. Box 97
Sacaton, AZ 85247

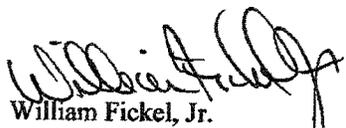
Dear Governor Antone:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is continuing to act on behalf of DHS in regard to proposed project mentioned above in the vicinity of Nogales, Arizona. Enclosed is the archaeological survey report on the project area of potential effects (APE). This archaeological report concerns the temporary lighting along the border in or near Nogales and assesses impacts of installation of up to 60 portable lights at designated locations within the Nogales Station area of operations. The analysis indicates that Light Systems 2, 21, 23, 31, 35-36, 38-54, and 56 are potential visible from NRHP properties or districts. However, the visual impact is not permanent since the lights are mobile and are moved according to intelligence regarding movements of smuggling and undocumented aliens (UDAs).

Given the evidence reported, we have determined, in accordance with 36 CFR Part 800.4.(d)(1) that no historic properties will be affected by this project and have asked the SHPO for concurrence accordingly.

Also enclosed is a copy of the Draft Supplemental EA for the same project for your review and comment. If you require additional information or have any questions, please contact Ms. Patience Patterson at (817) 886-1723. Thank you for your assistance with this project.

Sincerely,


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

Enclosure

Copy Furnished w/o enclosure:

**Charles H. Parsons
Regional Environmental Officer
Immigration and Naturalization Service
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080**

**Mr. Gilbert Estrada
U.S. Border Patrol
Tucson Sector Headquarters,
1970 West Ajo Way
Tucson, Arizona 85713**

NOTICE OF AVAILABILITY
ENVIRONMENTAL ASSESSMENT
FOR
NOGALES INFRASTRUCTURE
NOGALES, SANTA CRUZ COUNTY, ARIZONA

The public is hereby notified of the availability of the draft Environmental Assessment (EA) for the construction, use, and maintenance of 15 remote video surveillance (RVS) sites, 2 miles of border road, and 1 mile of fence and maintenance road, and the continued use of up to 60 portable lights near the U.S./Mexico Border in Nogales, Arizona. The draft EA will be available for review at the Nogales City/Santa Cruz Library until June 7, 2003. The Nogales City-Santa Cruz Library is located at 518 N. Grand Ave., Nogales, Arizona 85621. Send written comments to Mr. Charles Parsons, Regional Environmental Officer, 24000 Avila Road, Laguna Niguel, California 92677, Fax: (949) 360-2985. Comments will be received for a period of 30 days.

AFFIDAVIT OF PUBLICATION

STATE OF ARIZONA

COUNTY OF SANTA CRUZ

} ss.

BOB KIMBALL

_____ being of first duly sworn,
deposes and says: that he/she is PUBLISHER
of the NOGALES INTERNATIONAL, a newspaper
published in the County of Santa Cruz, State of Arizona,
and of general circulation in said County, State and
elsewhere, and that the hereto attached legal notice
NOTICE AVAILABILITY

_____ was printed and published correctly in the regular and
entire issue of said NOGALES INTERNATIONAL for
1 issues; that the first publication was made on
the 9 day of MAY, 2003, and the
last publication thereof was made on the 9 day of
MAY, 2003.

NOGALES INTERNATIONAL

By Bob Kimball
Subscribed and sworn to before me this 9
day of MAY, 2003
Sandra Morales
Notary Public

My commission expires: OFFICIAL SEAL
SANDRA MORALES
Notary Public - State of Arizona
SANTA CRUZ COUNTY
My Comm. Expires Jan. 4, 2005



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

May 6, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Department of Homeland Security (DHS) and U.S. Border Patrol (USBP), Tucson Sector, Section 106 Project Coordination on Proposed Nogales Infrastructure Improvements Project, Nogales, Arizona

Mr. James Garrison, State Historic Preservation Officer
ATTN: Joanne Medley
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Mr. Garrison:

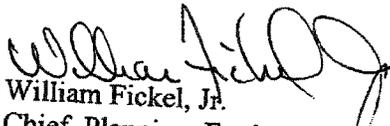
The U.S. Army Corps of Engineers, Fort Worth District (COE), is continuing to act on behalf of DHS in regard to the proposed project in the vicinity of Nogales, Arizona. Enclosed is the archaeological survey report on the project's area of potential effect (APE). This archaeological report concerns the temporary lighting along the border in or near Nogales and assesses impacts of installation of up to 60 portable lights at designated locations within the Nogales Station area of operations. Appendix B of the report contains the results of the viewshed analysis of the portable light systems. The analysis indicates that Light Systems 2, 21, 23, 31, 35-36, 38-54, and 56 are potentially visible from NRHP properties or districts. However, the visual impact is not permanent since the lights are mobile and are moved according to intelligence regarding movements of smuggling and undocumented aliens (UDAs).

Two previously recorded archaeological sites (AZ EE:0:141 [ASM] and AZ EE:9:143 [ASM]) within in the project APE are not considered eligible for the National Register of Historic Places (NRHP) due to their disturbed and eroded nature and the lack of potential for intact subsurface remains. No new sites were encountered during the survey. We ask for your concurrence on the non-eligibility of the two recorded sites.

Given the evidence reported, and pending your concurrence with non-eligibility, we have determined in accordance with 36 CFR Part 800.4.(d)(1) that no historic properties will be affected by this project and also ask for your concurrence with that determination.

If you require additional information or have any questions, please contact Ms. Patience Patterson at (817) 886-1723. Thank you for your assistance with this project.

Sincerely,


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

Enclosures

Copy Furnished w/o enclosure:

Mr. Charles H. Parsons
Regional Environmental Officer
Immigration and Naturalization Service
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080

Mr. Gilbert Estrada
U.S. Border Patrol
Tucson Sector Headquarters,
1970 West Ajo Way
Tucson, Arizona 85713



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

2221 WEST GREENWAY ROAD, PHOENIX, AZ 85023-4399
(602) 942-3000 • WWW.AZGFD.COM

GOVERNOR
JANE DEE HULL
COMMISSIONERS
CHAIRMAN, MICHAEL M. GOLIGHTLY, FLAGSTAFF
JOE CARTER, SAFFORD
SUSAN E. CHILTON, ARIVACA
W. HAYS GILSTRAP, PHOENIX
JOE MELTON, YUMA
DIRECTOR
DUANE L. SHROUFE
DEPUTY DIRECTOR
STEVE K. FERRELL



October 8, 2002

Mr. William Fickel, Jr.
DOA Fort Worth District
ACOE
Planning, Environmental, and Regulatory Division
PO Box 17300
Fort Worth, TX 76102-0300

Re: **Special Status Species Information for Township 24 South, Range 14 East, Sections 15-18; Township 24 South, Range 13 East, Section 13; Proposed Infrastructure Improvements in the US Border Patrol Nogales Station Area of Operations, Arizona.**

Dear Mr. Fickel:

The Arizona Game and Fish Department (Department) has reviewed your request, dated September 27, 2002, sent to Gerry Perry, regarding special status species information associated with the above-referenced project area. The Department's Heritage Data Management System (HDMS) has been accessed and current records show that the special status species listed on the attachment have been documented as occurring in the project vicinity (3-mile radius). In addition, the project does not occur in the vicinity of any proposed or designated Critical Habitats.

The Department's HDMS data are not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity.

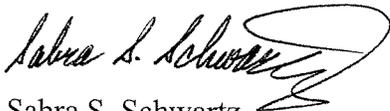
Making available this information does not substitute for the Department's review of project proposals, and should not decrease our opportunities to review and evaluate new project proposals and sites. The Department is also concerned about other resource values, such as other wildlife, including game species, and wildlife-related recreation. The Department would appreciate the opportunity to provide an evaluation of impacts

Mr. William Fickel, Jr.
October 8, 2002
2

to wildlife or wildlife habitats associated with project activities occurring in the subject area, when specific details become available.

If you have any questions regarding this letter, please contact me at (602) 789-3618. General status information, county and watershed distribution lists and abstracts for some special status species are also available on our web site at http://www.azgfd.com/frames/fishwild/hdms_site/Home.htm.

Sincerely,



Sabra S. Schwartz
Heritage Data Management System, Coordinator

SSS:ss

cc: Bob Broscheid, Project Evaluation Program Supervisor
Joan Scott, Habitat Program Manager, Region V

AGFD# 10-04-02(02)

STATUS DEFINITIONS
ARIZONA GAME AND FISH DEPARTMENT (AGFD)
HERITAGE DATA MANAGEMENT SYSTEM (HDMS)

FEDERAL US STATUS

ESA **Endangered Species Act** (1973 as amended)
US Department of Interior, Fish and Wildlife Service (<http://arizonaes.fws.gov>)

Listed

- LE** Listed Endangered: imminent jeopardy of extinction.
- LT** Listed Threatened: imminent jeopardy of becoming Endangered.
- XN** Experimental Nonessential population.

Proposed for Listing

- PE** Proposed Endangered.
- PT** Proposed Threatened.

Candidate (Notice of Review: 1999)

- C** Candidate. Species for which USFWS has sufficient information on biological vulnerability and threats to support proposals to list as Endangered or Threatened under ESA. However, proposed rules have not yet been issued because such actions are precluded at present by other listing activity.
- SC** Species of Concern. The terms "Species of Concern" or "Species at Risk" should be considered as terms-of-art that describe the entire realm of taxa whose conservation status may be of concern to the US Fish and Wildlife Service, but neither term has official status (currently all former C2 species).

Critical Habitat (check with state or regional USFWS office for location details)

- Y** Yes: Critical Habitat has been designated.
- P** Proposed: Critical Habitat has been proposed.

[**\N** No Status: certain populations of this taxon do not have designated status (check with state or regional USFWS office for details about which populations have designated status)].

USFS **US Forest Service** (1999 Animals, 1999 Plants: corrected 2000)
US Department of Agriculture, Forest Service, Region 3 (<http://www.fs.fed.us/r3/>)

- S** Sensitive: those taxa occurring on National Forests in Arizona which are considered sensitive by the Regional Forester.

BLM **US Bureau of Land Management** (2000 Animals, 2000 Plants)
US Department of Interior, Bureau of Land Management, Arizona State Office
(<http://azwww.az.blm.gov>)

- S** Sensitive: those taxa occurring on BLM Field Office Lands in Arizona which are considered sensitive by the Arizona State Office.
- P** Population: only those populations of Banded Gila monster (*Heloderma suspectum cinctum*) that occur north and west of the Colorado River, are considered sensitive by the Arizona State Office.

STATE STATUS**NPL Arizona Native Plant Law (1999)**

Arizona Department of Agriculture (<http://agriculture.state.az.us/PSD/nativeplants.htm>)

HS Highly Safeguarded: no collection allowed.

SR Salvage Restricted: collection only with permit.

ER Export Restricted: transport out of State prohibited.

SA Salvage Assessed: permits required to remove live trees.

HR Harvest Restricted: permits required to remove plant by-products.

WSCA Wildlife of Special Concern in Arizona (1996 in prep)

Arizona Game and Fish Department (<http://www.azgfd.com>)

WC Wildlife of Special Concern in Arizona. Species whose occurrence in Arizona is or may be in jeopardy, or with known or perceived threats or population declines, as described by the Arizona Game and Fish Department's listing of Wildlife of Special Concern in Arizona (WSCA, in prep). Species indicated on printouts as WC are currently the same as those in **Threatened Native Wildlife in Arizona (1988)**.

Special Status Species within 3 Miles of T24S,R14E Sec 15-18; T24S,R13E Sec 13

Arizona Game and Fish Department, Heritage Data Management System
October 8, 2002

Scientific Name	Common Name	ESA	USFS	BLM	WCSA	NPL
<i>AMSONIA GRANDIFLORA</i>	LARGE-FLOWERED BLUE STAR	SC	S			
<i>ASTURINA NITIDA MAXIMA</i>	NORTHERN GRAY HAWK	SC	S	S	WC	
<i>CORYPHANTHA RECURVATA</i>	SANTA CRUZ BEEHIVE CACTUS		S	S		HS
<i>CORYPHANTHA SCHEERI VAR ROBUSTISPINA</i>	PIMA PINEAPPLE CACTUS	LE				HS
<i>DENDROCYGNA AUTUMNALIS</i>	BLACK-BELLIED WHISTLING-DUCK				WC	
<i>MACROPTILIUM SUPINUM</i>	SUPINE BEAN	SC	S			SR
<i>SIGMODON OCHROGNATHUS</i>	YELLOW-NOSED COTTON RAT	SC				
<i>SOLANUM LUMHOLTZIANUM</i>	LUMHOLTZ NIGHTSHADE		S			

No Critical Habitats in the project area. AGFD #10-04-02(02); Proposed Infrastructure Improvements to US Border Patrol Nogales Station Area of Operations, Arizona.

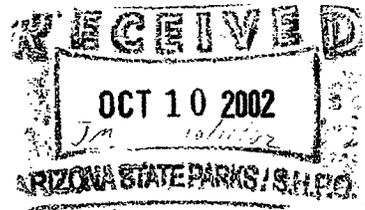


REPLY TO
ATTENTION OF

2002 - 01170 (12957)

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

PER-EG Correspondence
Ephraim Ridge



October 8, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Section 106 Project Initiation and proposed Environmental Assessment, Nogales Infrastructure Improvements Project, Nogales, Arizona

Mr. James Garrison, State Historic Preservation Officer
ATTN: Joanne Medley
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Mr. Garrison:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is acting on behalf of INS in regard to proposed project mentioned above in the vicinity of Nogales, Arizona. We wish to initiate the Section 106 coordination process for this project as noted in 36 CFR Part 800.3. The enclosed map illustrates the areas of the proposed actions.

The following is a description of each part of the Nogales infrastructure improvements:

- **Port-of-Entry Tunnels, STA 0+00:** Located at the Nogales Morley Street Port of Entry (POE) are two box culverts crossing from Mexico into the United States. These culverts are known points of illegal entry of Undocumented Aliens (UDA) and drug smugglers. Entry into the tunnels by agents requires special training, sensing equipment and decontamination suits.
- **2-Miles Roadway, STA 10+00E to STA 115+00E.** Beginning approximately 1000 feet east of the Nogales port-of-entry and continuing approximately 2 miles further east is a stretch of marginal and non-existent Border Patrol road. The limits of the project include numerous drainage crossings and the need for primary fencing.
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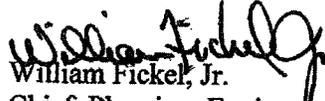
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The INS intends to prepare an Environmental Assessment (EA) addressing USBP activities within the Nogales Area of Operations (AO). The first project would not impact any cultural resources. The rest of the projects involve ground-disturbing activities that can potentially impact archaeological sites and will require surveys. Once these surveys have been completed we will continue the compliance process and request an appropriate determination for the proposed project.

Also, the use of portable lights also has the potential to impact Traditional Cultural Properties and/or Native American sacred sites. We have requested the assistance of the tribes listed on the attached list.

If you require additional information or have any questions, please contact Ms. Patience Patterson at (817) 886-1723. Thank you for your assistance with this project.

Sincerely,


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

Enclosure

Copy Furnished w/o enclosure:

Charles H. Parsons
Regional Environmental Officer
Immigration and Naturalization Service
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080

Mr. Gilbert Estrada
U.S. Border Patrol
Tucson Sector Headquarters,
1970 West Ajo Way
Tucson, Arizona 85713

*Thank you for
informing us about
this undertaking.
We look forward to
receiving the survey
reports and to conducting
a consult pursuant to
30 CFR 800.*

*Patience Patterson
for SPP
Nov. 17, 2002*



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

*John ...
CSRC*

16 pages

Padilla

October 8, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Section 106 Project Initiation and proposed Environmental Assessment, Nogales Infrastructure Improvements Project, Nogales, Arizona

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Arizona State Parks
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Phoenix, Arizona 85007

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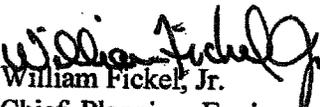
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Sincerely,


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

Enclosure

Copy Furnished w/o enclosure:

Charles H. Parsons
Regional Environmental Officer
Immigration and Naturalization Service
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080

Mr. Gilbert Estrada
U.S. Border Patrol
Tucson Sector Headquarters,
1970 West Ajo Way
Tucson, Arizona 85713



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

October 8, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Section 106 Project Initiation and proposed Environmental Assessment, Nogales Infrastructure Improvements Project, Nogales, Arizona

Honorable Dallas Massey, Sr., Chairman
White Mountain Apache Tribal Council
P.O. Box 700
Whiteriver, AZ 85941

Dear Chairman Massey:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is acting on behalf of INS in regard to proposed project mentioned above in the vicinity of Nogales, Arizona. As part of our on-going consultation in this area, we wish to solicit your comments on this project. The enclosed map illustrates the areas of the proposed actions.

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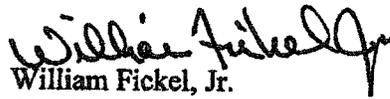
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Sincerely,


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

Enclosure

Copy Furnished w/o enclosure:

Charles H. Parsons
Regional Environmental Officer
Immigration and Naturalization Service
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080

Mr. Gilbert Estrada
U.S. Border Patrol
Tucson Sector Headquarters,
1970 West Ajo Way
Tucson, Arizona 85713



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

October 8, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Section 106 Project Initiation and proposed Environmental Assessment, Nogales Infrastructure Improvements Project, Nogales, Arizona

Honorable Edward Manuel, Chairman
ATTN: Mr. Peter Steere, Cultural Resources Manager
Tohono O'odham Nation
P.O. Box 837
Sells, AZ 85634

Dear Chairman Manuel:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is acting on behalf of INS in regard to proposed project mentioned above in the vicinity of Nogales, Arizona. As part of our on-going consultation in this area, we wish to solicit your comments on this project. The enclosed map illustrates the areas of the proposed actions.

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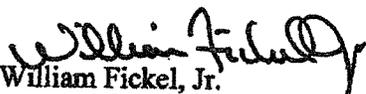
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Sincerely,


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

Enclosure

Copy Furnished w/o enclosure:

Charles H. Parsons
Regional Environmental Officer
Immigration and Naturalization Service
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080

Mr. Gilbert Estrada
U.S. Border Patrol
Tucson Sector Headquarters,
1970 West Ajo Way
Tucson, Arizona 85713



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

October 8, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Section 106 Project Initiation and proposed Environmental Assessment, Nogales Infrastructure Improvements Project, Nogales, Arizona

Honorable Raymond Stanley, Jr., Chairman
San Carlos Tribal Council
P.O. Box 0
San Carlos, AZ 85550

Dear Chairman Stanley:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is acting on behalf of INS in regard to proposed project mentioned above in the vicinity of Nogales, Arizona. As part of our on-going consultation in this area, we wish to solicit your comments on this project. The enclosed map illustrates the areas of the proposed actions.

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

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Charles H. Parsons
Regional Environmental Officer
Immigration and Naturalization Service
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080

Mr. Gilbert Estrada
U.S. Border Patrol
Tucson Sector Headquarters,
1970 West Ajo Way
Tucson, Arizona 85713



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

October 8, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Section 106 Project Initiation and proposed Environmental Assessment, Nogales Infrastructure Improvements Project, Nogales, Arizona

Honorable Ivan Makil, President
Salt River Pima-Maricopa Indian Community Council
10005 E. Osborn
Scottsdale, AZ 85256

Dear President Makil:

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

Enclosure

Copy Furnished w/o enclosure:

Charles H. Parsons
Regional Environmental Officer
Immigration and Naturalization Service
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080

Mr. Gilbert Estrada
U.S. Border Patrol
Tucson Sector Headquarters,
1970 West Ajo Way
Tucson, Arizona 85713



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

October 8, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Section 106 Project Initiation and proposed Environmental Assessment, Nogales Infrastructure Improvements Project, Nogales, Arizona

Honorable Wayne Taylor, Jr., Chairman
ATTN: Mr. Leigh J. Kuwanwisiwma or Mr. Terry Mogart
Hopi Tribal Council
P.O. Box 123
Kykotsmovi, AZ 86039

Dear Chairman Taylor:

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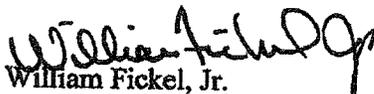
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William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosure

Copy Furnished w/o enclosure:

Charles H. Parsons
Regional Environmental Officer
Immigration and Naturalization Service
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080

Mr. Gilbert Estrada
U.S. Border Patrol
Tucson Sector Headquarters,
1970 West Ajo Way
Tucson, Arizona 85713



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

October 8, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Section 106 Project Initiation and proposed Environmental Assessment, Nogales Infrastructure Improvements Project, Nogales, Arizona

Honorable Donald R. Antone, Governor
Gila River Indian Community Council
P.O. Box 97
Sacaton, AZ 85247

Dear Governor Antone:

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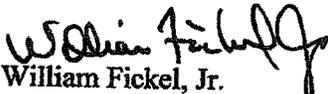
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William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

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Charles H. Parsons
Regional Environmental Officer
Immigration and Naturalization Service
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080

Mr. Gilbert Estrada
U.S. Border Patrol
Tucson Sector Headquarters,
1970 West Ajo Way
Tucson, Arizona 85713



REPLY TO
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DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

October 8, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Section 106 Project Initiation and proposed Environmental Assessment, Nogales Infrastructure Improvements Project, Nogales, Arizona

Honorable Delia Carlyle, Chairperson
Ak Chin Indian Community Council
42507 W. Peters & Nall Road
Maricopa, AZ 85239

Dear Chairperson Carlyle:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is acting on behalf of INS in regard to proposed project mentioned above in the vicinity of Nogales, Arizona. As part of our on-going consultation in this area, we wish to solicit your comments on this project. The enclosed map illustrates the areas of the proposed actions.

The following is a description of each part of the Nogales infrastructure improvements:

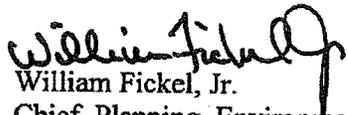
- **Port-of-Entry Tunnels, STA 0+00:** Located at the Nogales Morley Street Port of Entry (POE) are two box culverts crossing from Mexico into the United States. These culverts are known points of illegal entry of Undocumented Aliens (UDA) and drug smugglers. Entry into the tunnels by agents requires special training, sensing equipment and decontamination suits.
- **2-Miles Roadway, STA 10+00E to STA 115+00E.** Beginning approximately 1000 feet east of the Nogales port-of-entry and continuing approximately 2 miles further east is a stretch of marginal and non-existent Border Patrol road. The limits of the project include numerous drainage crossings and the need for primary fencing.
- **Ephraim Ridge Road Reclamation, STA 25+00W to STA 30+00W.** Located approximately 0.5 miles west of the Nogales port-of-entry is the Ephraim Ridge Road. Over the years, several patrol roads have developed across the ridge, resulting in sedimentation and drainage issues at the border fence. A 30% design package has been completed for the restoration of this ridge and development of appropriate drainage.

- **Portable Lights.** Assess impacts of installation of up to 60 portable lights at designated locations within the Nogales Station area of operations.

The INS intends to prepare an Environmental Assessment (EA) addressing USBP activities within the Nogales Area of Operations (AO). The first project would not impact any cultural resources. The rest of the projects involve ground-disturbing activities that can potentially impact archaeological sites and will require surveys. Also, the use of portable lights also has the potential to impact Traditional cultural properties and/or Native American sacred sites. Your help in identifying any possible infringement on these areas would be appreciated.

If you require additional information or have any questions, please contact Ms. Patience Patterson at (817) 886-1723. Thank you for your assistance with this project.

Sincerely,


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

Enclosure

Copy Furnished w/o enclosure:

Charles H. Parsons
Regional Environmental Officer
Immigration and Naturalization Service
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080

Mr. Gilbert Estrada
U.S. Border Patrol
Tucson Sector Headquarters,
1970 West Ajo Way
Tucson, Arizona 85713



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

REPLY TO
ATTENTION OF

March 28, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Installation and Operation and Maintenance of 27 Remote video Surveillance Systems (RVS) in the Tucson Sector, Santa Cruz and Cochise Counties, Arizona

Honorable Malcolm Bowekaty, Governor
Zuni Pueblo Tribal Council
P.O. Box 339
Zuni, NM 87327

Dear Governor Bowekaty:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is acting on behalf of INS in regard to the proposed project mentioned above in Santa Cruz and Cochise Counties, Arizona. In our continuing efforts on behalf of the INS and USBP to consult with those Native American groups who may have an interest in the proposed project area; we wish to initiate the coordination process for this project as noted in 36 CFR Part 800.3. This proposed project is the placement and operation of 27 RVS systems. Enclosed are maps with locations of all of the proposed RVS sites. Three of the proposed RVS systems will require steel, three-legged towers 80-120 feet tall (Site N-6, Figure 4; Site E-3, Figure 7; and Uniform, Figure 9) and the remainder will either be mounted on existing structures or be mounted on a 40-80 foot steel monopole. This proposed action includes the installation of overhead or underground power lines at some of the locations, the construction of two new access roads (Site N-1, Figure 1 and Site E-3, Figure 7), and the upgrade of two existing access roads (Site D-1, Figure 1 and Site N-4, Figure 3).

Archaeological surveys are being conducted this next week. You will be provided with the results of those surveys and further coordination on the proposed project at that time. We have initiated the consultation process with the Arizona State Historic Preservation Officer as well. We welcome your comments on this undertaking and look forward to hearing from you regarding known sacred sites or other traditional cultural properties within the proposed project area.

The INS intends to prepare an Environmental Assessment (EA) addressing the installation, operation and maintenance of these 27 remote video surveillance systems.



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

REPLY TO
ATTENTION OF:

March 28, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Installation and Operation and Maintenance of 27 Remote video Surveillance Systems (RVS) in the Tucson Sector, Santa Cruz and Cochise Counties, Arizona

Honorable Dallas Massey, Sr., Chairman
White Mountain Apache Tribal Council
P.O. Box 700
Whiteriver, AZ 85941

Dear Chairman Massey:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is acting on behalf of INS in regard to the proposed project mentioned above in Santa Cruz and Cochise Counties, Arizona. In our continuing efforts on behalf of the INS and USBP to consult with those Native American groups who may have an interest in the proposed project area; we wish to initiate the coordination process for this project as noted in 36 CFR Part 800.3. This proposed project is the placement and operation of 27 RVS systems. Enclosed are maps with locations of all of the proposed RVS sites. Three of the proposed RVS systems will require steel, three-legged towers 80-120 feet tall (Site N-6, Figure 4; Site E-3, Figure 7; and Uniform, Figure 9) and the remainder will either be mounted on existing structures or be mounted on a 40-80 foot steel monopole. This proposed action includes the installation of overhead or underground power lines at some of the locations, the construction of two new access roads (Site N-1, Figure 1 and Site E-3, Figure 7), and the upgrade of two existing access roads (Site D-1, Figure 1 and Site N-4, Figure 3).

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FORT WORTH DISTRICT, CORPS OF ENGINEERS
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REPLY TO
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March 28, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Installation and Operation and Maintenance of 27 Remote video Surveillance Systems (RVS) in the Tucson Sector, Santa Cruz and Cochise Counties, Arizona

Honorable Edward Manuel, Chairman
Tohono O'odham Nation
P.O. Box 837
Sells, AZ 85634

Dear Chairman Manuel:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is acting on behalf of INS in regard to the proposed project mentioned above in Santa Cruz and Cochise Counties, Arizona. In our continuing efforts on behalf of the INS and USBP to consult with those Native American groups who may have an interest in the proposed project area; we wish to initiate the coordination process for this project as noted in 36 CFR Part 800.3. This proposed project is the placement and operation of 27 RVS systems. Enclosed are maps with locations of all of the proposed RVS sites. Three of the proposed RVS systems will require steel, three-legged towers 80-120 feet tall (Site N-6, Figure 4; Site E-3, Figure 7; and Uniform, Figure 9) and the remainder will either be mounted on existing structures or be mounted on a 40-80 foot steel monopole. This proposed action includes the installation of overhead or underground power lines at some of the locations, the construction of two new access roads (Site N-1, Figure 1 and Site E-3, Figure 7), and the upgrade of two existing access roads (Site D-1, Figure 1 and Site N-4, Figure 3).

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

REPLY TO
ATTENTION OF:

March 28, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Installation and Operation and Maintenance of 27 Remote video Surveillance Systems (RVS) in the Tucson Sector, Santa Cruz and Cochise Counties, Arizona

Honorable Raymond Stanley, Jr., Chairman
San Carlos Tribal Council
P.O. Box 0
San Carlos, AZ 85550

Dear Chairman Stanley:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is acting on behalf of INS in regard to the proposed project mentioned above in Santa Cruz and Cochise Counties, Arizona. In our continuing efforts on behalf of the INS and USBP to consult with those Native American groups who may have an interest in the proposed project area; we wish to initiate the coordination process for this project as noted in 36 CFR Part 800.3. This proposed project is the placement and operation of 27 RVS systems. Enclosed are maps with locations of all of the proposed RVS sites. Three of the proposed RVS systems will require steel, three-legged towers 80-120 feet tall (Site N-6, Figure 4; Site E-3, Figure 7; and Uniform, Figure 9) and the remainder will either be mounted on existing structures or be mounted on a 40-80 foot steel monopole. This proposed action includes the installation of overhead or underground power lines at some of the locations, the construction of two new access roads (Site N-1, Figure 1 and Site E-3, Figure 7), and the upgrade of two existing access roads (Site D-1, Figure 1 and Site N-4, Figure 3).

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

REPLY TO
ATTENTION OF:

March 28, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Installation and Operation and Maintenance of 27 Remote video Surveillance Systems (RVS) in the Tucson Sector, Santa Cruz and Cochise Counties, Arizona

Honorable Benito F. Valencia, Chairman
Pascua Yaqui Tribe
7474 S. Camino de Oeste
Tucson, AZ 85746

Dear Chairman Valencia:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is acting on behalf of INS in regard to the proposed project mentioned above in Santa Cruz and Cochise Counties, Arizona. In our continuing efforts on behalf of the INS and USBP to consult with those Native American groups who may have an interest in the proposed project area; we wish to initiate the coordination process for this project as noted in 36 CFR Part 800.3. This proposed project is the placement and operation of 27 RVS systems. Enclosed are maps with locations of all of the proposed RVS sites. Three of the proposed RVS systems will require steel, three-legged towers 80-120 feet tall (Site N-6, Figure 4; Site E-3, Figure 7; and Uniform, Figure 9) and the remainder will either be mounted on existing structures or be mounted on a 40-80 foot steel monopole. This proposed action includes the installation of overhead or underground power lines at some of the locations, the construction of two new access roads (Site N-1, Figure 1 and Site E-3, Figure 7), and the upgrade of two existing access roads (Site D-1, Figure 1 and Site N-4, Figure 3).

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The INS intends to prepare an Environmental Assessment (EA) addressing the installation, operation and maintenance of these 27 remote video surveillance systems.



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

REPLY TO
ATTENTION OF:

March 28, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Installation and Operation and Maintenance of 27 Remote video Surveillance Systems (RVS) in the Tucson Sector, Santa Cruz and Cochise Counties, Arizona

Honorable Wayne Taylor, Jr., Chairman
Hopi Tribal Council
P.O. Box 123
Kykotsmovi, AZ 86039

Dear Chairman Taylor:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is acting on behalf of INS in regard to the proposed project mentioned above in Santa Cruz and Cochise Counties, Arizona. In our continuing efforts on behalf of the INS and USBP to consult with those Native American groups who may have an interest in the proposed project area; we wish to initiate the coordination process for this project as noted in 36 CFR Part 800.3. This proposed project is the placement and operation of 27 RVS systems. Enclosed are maps with locations of all of the proposed RVS sites. Three of the proposed RVS systems will require steel, three-legged towers 80-120 feet tall (Site N-6, Figure 4; Site E-3, Figure 7; and Uniform, Figure 9) and the remainder will either be mounted on existing structures or be mounted on a 40-80 foot steel monopole. This proposed action includes the installation of overhead or underground power lines at some of the locations, the construction of two new access roads (Site N-1, Figure 1 and Site E-3, Figure 7), and the upgrade of two existing access roads (Site D-1, Figure 1 and Site N-4, Figure 3).

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The INS intends to prepare an Environmental Assessment (EA) addressing the installation, operation and maintenance of these 27 remote video surveillance systems.



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REPLY TO
ATTENTION OF

March 28, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Installation and Operation and Maintenance of 27 Remote video Surveillance Systems (RVS) in the Tucson Sector, Santa Cruz and Cochise Counties, Arizona

Honorable Donald R. Antone, Governor
Gila River Indian Community Council
P.O. Box 97
Sacaton, AZ 85247

Dear Governor Antone:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is acting on behalf of INS in regard to the proposed project mentioned above in Santa Cruz and Cochise Counties, Arizona. In our continuing efforts on behalf of the INS and USBP to consult with those Native American groups who may have an interest in the proposed project area; we wish to initiate the coordination process for this project as noted in 36 CFR Part 800.3. This proposed project is the placement and operation of 27 RVS systems. Enclosed are maps with locations of all of the proposed RVS sites. Three of the proposed RVS systems will require steel, three-legged towers 80-120 feet tall (Site N-6, Figure 4; Site E-3, Figure 7; and Uniform, Figure 9) and the remainder will either be mounted on existing structures or be mounted on a 40-80 foot steel monopole. This proposed action includes the installation of overhead or underground power lines at some of the locations, the construction of two new access roads (Site N-1, Figure 1 and Site E-3, Figure 7), and the upgrade of two existing access roads (Site D-1, Figure 1 and Site N-4, Figure 3).

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The INS intends to prepare an Environmental Assessment (EA) addressing the installation, operation and maintenance of these 27 remote video surveillance systems.



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FORT WORTH DISTRICT, CORPS OF ENGINEERS
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REPLY TO
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March 28, 2002

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SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Installation and Operation and Maintenance of 27 Remote video Surveillance Systems (RVS) in the Tucson Sector, Santa Cruz and Cochise Counties, Arizona

Honorable. Delia Carlyle, Chairperson
Ak Chin Community Council
42507 W. Peters and Nall Road
Maricopa, AZ 85239

Dear Chairperson Carlyle:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is acting on behalf of INS in regard to the proposed project mentioned above in Santa Cruz and Cochise Counties, Arizona. In our continuing efforts on behalf of the INS and USBP to consult with those Native American groups who may have an interest in the proposed project area; we wish to initiate the coordination process for this project as noted in 36 CFR Part 800.3. This proposed project is the placement and operation of 27 RVS systems. Enclosed are maps with locations of all of the proposed RVS sites. Three of the proposed RVS systems will require steel, three-legged towers 80-120 feet tall (Site N-6, Figure 4; Site E-3, Figure 7; and Uniform, Figure 9) and the remainder will either be mounted on existing structures or be mounted on a 40-80 foot steel monopole. This proposed action includes the installation of overhead or underground power lines at some of the locations, the construction of two new access roads (Site N-1, Figure 1 and Site E-3, Figure 7), and the upgrade of two existing access roads (Site D-1, Figure 1 and Site N-4, Figure 3).

Archaeological surveys are being conducted this next week. You will be provided with the results of those surveys and further coordination on the proposed project at that time. We have initiated the consultation process with the Arizona State Historic Preservation Officer as well. We welcome your comments on this undertaking and look forward to hearing from you regarding known sacred sites or other traditional cultural properties within the proposed project area.

The INS intends to prepare an Environmental Assessment (EA) addressing the installation, operation and maintenance of these 27 remote video surveillance systems.



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
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FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

March 28, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Immigration Naturalization Service (INS) /U.S. Border Patrol (USBP), Tucson Sector, Installation and Operation and Maintenance of 27 Remote video Surveillance Systems (RVS) in the Tucson Sector, Santa Cruz and Cochise Counties, Arizona

Mr. James Garrison, State Historic Preservation Officer
ATTN: Joanne Miller
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Mr. Garrison:

The U.S. Army Corps of Engineers, Fort Worth District (COE), is acting on behalf of INS in regard to the proposed project mentioned above in Santa Cruz and Cochise Counties, Arizona. We wish to initiate the coordination process for this project as noted in 36 CFR Part 800.3. This proposed project is the placement and operation of 27 RVS systems. Enclosed are maps with locations of all of the proposed RVS sites. Three of the proposed RVS systems will require steel, three-legged towers 80-120 feet tall (Site N-6, Figure 4; Site E-3, Figure 7; and Uniform, Figure 9) and the remainder will either be mounted on existing structures or be mounted on a 40-80 foot steel monopole. This proposed action includes the installation of overhead or underground power lines at some of the locations, the construction of two new access roads (Site N-1, Figure 1 and Site E-3, Figure 7), and the upgrade of two existing access roads (Site D-1, Figure 1 and Site N-4, Figure 3).

Archaeological surveys are being conducted this next week. You will be provided with the results of those surveys and further coordination on the proposed project at that time. We are consulting with the appropriate Native American groups regarding this project as well. Enclosed is a list of those tribes being contacted.

The INS intends to prepare an Environmental Assessment (EA) addressing the installation, operation and maintenance of these 27 remote video surveillance systems. This document will be tiered from the 1994 Programmatic Environmental Impact Statement that addressed INS and Joint Task Force-Six (JTF-6) activities along the U.S.-Mexico Border.



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

REPLY TO
ATTENTION OF:

September 26, 2002

Planning, Environmental, and Regulatory Division

SUBJECT: Environmental Assessment for the Proposed Repair to Patrol Roads and Conversion of Vehicle Barriers Along the U.S./Mexico International Border in Cochise County, Arizona.

U.S. Fish and Wildlife Service
Attn: David Harlow, Field Supervisor
2321 W. Royal Palm Road, Suite 103
Phoenix, AZ 85021-4951

Dear Mr. Harlow,

The U.S. Army Corps of Engineers (USACE), Fort Worth District is acting on behalf of the U.S. Immigration and Naturalization Service in preparing an Environmental Assessment (EA) addressing the repair to patrol roads and the conversion of vehicle barriers to pedestrian barriers along the U.S./Mexico International Border in Cochise County, Arizona.

This EA will address the potential impacts of resurfacing a 4-mile stretch of existing border road beginning 2 miles east of the Naco Port of Entry (POE) and extending 2 miles west of the POE. In addition, the EA will also address the proposed installation of 0.2-miles of bollard fence 1 mile east of the POE and the conversion of 1 mile of vehicle barriers to pedestrian barriers beginning 1 mile west of the POE.

Enclosed is a portion of the Naco 7.5-minute USGS topographic quadrangle showing the project location. We are currently in the process of gathering the most current information available regarding Federally listed species potentially occurring within this area of Cochise County. The USACE respectfully requests that your agency provide a list of the protected species of Cochise County along with a description of the sensitive resources (e.g., rare or unique plant communities, threatened and endangered and candidate species, etc.) that you believe may be affected by the proposed activities. Any information you may have regarding critical habitat areas for these species would also be greatly appreciated.

We intend to provide your agency with a copy of the Draft EA once it is completed. Please inform us if additional copies are needed and/or if someone else within your agency other than you should receive the Draft EA.

Your prompt attention to this request would be greatly appreciated. If you have any questions, please feel free to call Mr. Charles McGregor at (817) 886-1708.

Sincerely,

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

Enclosure



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

REPLY TO
ATTENTION OF:

September 26, 2002

Planning, Environmental, and Regulatory Division

SUBJECT: Environmental Assessment for the Proposed Repair to Patrol Roads and Conversion of Vehicle Barriers Along the U.S./Mexico International Border in Cochise County, Arizona.

Arizona Department of Game and Fish
Attn: Mr. Jerry Perry, Regional Supervisor
555 North Greasewood Road
Tucson, AZ 85745

Dear Mr. Perry,

The U.S. Army Corps of Engineers (USACE), Fort Worth District is acting on behalf of the U.S. Immigration and Naturalization Service in preparing an Environmental Assessment (EA) addressing the repair to patrol roads and the conversion of vehicle barriers to pedestrian barriers along the U.S./Mexico International Border in Cochise County, Arizona.

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Attached is a portion of the Naco 7.5-minute USGS topographic quadrangle showing the project location. We are currently in the process of gathering the most current information available regarding state listed species potentially occurring within this area of Cochise County. The USACE respectfully requests that your agency provide a list of the protected species of Cochise County along with a description of the sensitive resources (e.g., rare or unique plant communities, threatened and endangered and candidate species, etc.) that you believe may be affected by the proposed activities. Any information you may have regarding critical habitat areas for these species would also be greatly appreciated.

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Sincerely,

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

Enclosure