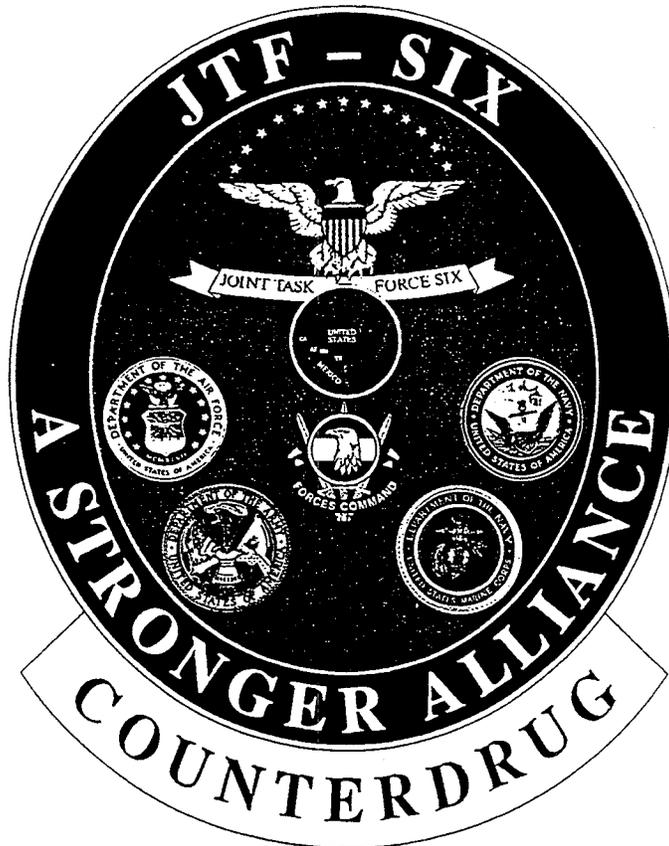


**FINAL
ENVIRONMENTAL ASSESSMENT
FOR
BORDER ROAD AND FENCE; CONSTRUCTION AND REPAIR
TECATE TO CANYON CITY, SAN DIEGO COUNTY, CALIFORNIA
(JT-41-94A)**



SERVICE TO THE NATION

Prepared for:
Joint Task Force - Six
Fort Bliss, Texas

Prepared by:
U.S. Army Corps of Engineers
Los Angeles District

OCTOBER 1993

FINDING OF NO SIGNIFICANT IMPACT
FOR THE
JOINT TASK FORCE SIX OPERATION (JT 041-94A)
BORDER FENCE/ROAD CONSTRUCTION AND ROAD REPAIR
TECATE, SAN DIEGO COUNTY, CALIFORNIA

I have reviewed the attached Environmental Assessment (EA) prepared by the U.S. Army Corps of Engineers (COE), Los Angeles District (LAD) for the Joint Task Force Six (JTF-6) project for Tecate, California. JTF-6 coordinates all Department of Defense support to Federal, State and local law enforcement agencies as requested by Operation Alliance and approved by the Joint Chiefs of Staff in the efforts to disrupt illegal operations along the southwest land border and protect national security.

The purpose of JTF-6 Operation at Tecate, is to repair and construct roads and fencing to assist law enforcement agencies in the prevention of illegal importation of drugs along the border with Mexico. The proposed project consists of construction and repair of approximately 10 miles of road in the vicinity of Tecate City, California. The road repair will consist of light grading, installation of culverts, and grading and shaping for drainage. The road construction will be near and parallel to the border and be utilized for the construction and placement of a 10 foot high border fence. The improved border roads will be utilized to effectively monitor, patrol, spot and interdict drug trafficking and smuggling activities in the region. The intent is to repair the erosion damage on the existing roadway and the streams that intersect the road.

In the event of time delays, resource agencies and concerned individuals will be notified via telephone by Corps personnel. In the event of flooding or heavy rain, project construction will be delayed until conditions are again suitable for the movement of machines and materials.

The effects of the proposed project on natural, biological and cultural resources were analyzed in the Final Environmental Assessment (FEA) for the proposed project. Environmental commitments and mitigation measures are outlined in the FEA to minimize impacts to the environmental resources. The loss of 0.65 acres of willow habitat will be mitigated by planting willow cuttings within the project area. Mature oak trees in the project vicinity will be avoided and will not be disturbed. Erosion control measures will be implemented by seeding exposed surfaces created in the course of the project construction.

I have considered the available information contained in this EA, and it is my determination that the proposed project will not result in any significant long or short term adverse effects on the existing environment. Therefore, preparation of an Environmental Impact Statement (EIS) is not required.

Joint Task Force Six

7 Oct 93
DATE

Terrance L. Smith
TERRANCE L. SMITH
Colonel, U.S. Marine Corps
Commander

TABLE OF CONTENTS

	Page
1.0 PROJECT SUMMARY	1
1.1 JTF-6 Mission	1
2.0 PROJECT LOCATION AND VICINITY	2
3.0 NEED FOR THE PROPOSED ACTION	2
4.0 ACTION	2
4.1 Road and Fence Construction and Repair	2
4.2 Support Activities	4
4.3 Fence Installation Equipment	4
4.4 Road Construction/Repair Equipment	4
4.5 Battalion Support	4
4.6 No Action	5
5.0 ALTERNATIVES	5
5.1 No Action	5
5.2 Construction and Repair as Proposed	5
5.3 Construction of All New Roads	5
5.4 Construction of All New Fencing	5
6.0 AFFECTED ENVIRONMENT	5
6.1 Physical Setting	5
6.2 Climate	6
6.3 Water Quality	6
6.4 Air Quality	6
6.5 Biological Resources	6
6.5.1 Vegetation	6
6.5.2 Fish and Wildlife	7
6.5.3 Endangered and Threatened Species	7
6.5.3.1 Federal	7
6.5.3.2 State of California	7
6.5.4 Candidate Species	8
6.5.4.1 Federal	8
6.5.4.2 State of California	8
6.6 Cultural Resources	8
6.7 Land Use	10
6.8 Aesthetics	10
6.9 Noise	10
6.10 Socioeconomics	10
6.11 Transportation	10
7.0 ENVIRONMENTAL IMPACTS	10
7.1 Physical Setting	10
7.2 Climate	11
7.3 Water Quality	11
7.4 Air Quality	11
7.5 Biological Resources	11
7.5.1 Vegetation	11
7.5.2 Fish and Wildlife	15

TABLE OF CONTENTS (Continued)

	Page
7.5.3 Endangered and Threatened Species	15
7.5.4 Candidate Species	15
7.5.5 Mitigation	15
7.6 Cultural Resources	16
7.7 Land Use	16
7.8 Aesthetics	16
7.9 Noise	17
7.10 Socioeconomics	17
7.11 Transportation	17
8.0 COORDINATION	17
9.0 COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS	21
10.0 COMMITMENTS	22
11.0 LIST OF PREPARERS AND REVIEWERS	25
12.0 REFERENCES	25

FIGURES

Figure 1 - Tecate Project Area Map

Figure 2(a) and 2(b) - Tecate Project Maps

TABLES

Table 1 - Plant Species Identified in the Project Area

Table 2 - Animal Species Identified in the Project Area

ATTACHMENT

Attachment 1 - Biological Assessment

APPENDICES

Appendix A - Section 404(b)(1) Water Quality Evaluation

Appendix B - Correspondence and Letters of Comment

Appendix C - Replies to Comments

1.0 PROJECT SUMMARY

1.1 JTF-6 Mission. The Secretary of Defense established Joint Task Force Six (JTF-6) in November 1989 to coordinate all Title 10 Department of Defense support to Operation Alliance, Federal, state, and local law enforcement agencies as requested by local authorities and approved by the Secretary of Defense in their efforts to disrupt illegal drug smuggling operations along the southwest land border and protect national security. Under this direction, the Border Patrol has requested JTF-6 to assist them in repairing and constructing roadways. Subsequently, JTF-6 and the California National Guard (CANG) have requested that the Corps of Engineers (COE) assess impacts of the repair and/or construction of roads; and repair and/or construction of fencing along the border of the United States and Mexico in the vicinity of Tecate, California (See Figures 1, 2(a) and 2(b)).

This document consists of the Final Environmental Assessment (FEA) of the actions to be taken for border road construction and repair, and fence construction and repair. This FEA has been prepared to assess any environmental concerns associated with this action. It provides for the required National Environmental Policy Act (NEPA) documentation.

The U.S. Border Patrol utilizes the dirt/gravel road along and near the United States/Mexico border daily to meet their mission. This mission is detection and prevention of the illegal entry of narcotics along the border.

This proposal includes limited repairs and improvements to the existing roads, construction of several new road segments; the installation and/or repair of fencing; and the installation of culverts on about 10 miles of the U.S./Mexico border in the vicinity of Tecate, California. The project will include some widening of roads. A detailed project description is included in Section 4.0 of this FEA.

It is estimated that the project will take about 18 months to complete; construction will occur between October 1993 and March 1995. However, due to funding limitations, weather, or availability of construction personnel the work could take longer. If that should occur, the work then would be accomplished prior to April 1996. Construction activity will be reduced or stopped in the event of heavy rain or floods to reduce any impacts to water quality. If there is a delay in project construction, the appropriate resource agencies and concerned individuals will be notified via telephone by COE personnel.

Impacts from this action are minimal and primarily short term. Most movement of soils and other materials will primarily be confined to the present roadway imprint. Temporary storage of earthmoving and construction equipment will occur in areas

designated on Figure 2(a) and 2(b), near Tecate and Campo. Monitors for cultural features and/or vegetation will be utilized in any areas that contain sensitive resources.

2.0 PROJECT LOCATION AND VICINITY

The project area is located in the relatively sparsely settled area of southeastern San Diego County, California, approximately 30 to 60 miles east of the City of San Diego. San Diego is the seat of the County and the second largest city in the state. Most of this border area is composed of rugged terrain, with the highest elevations reaching 3,885 feet above mean sea level at Tecate Peak, west of the town of Tecate. The lowest elevation is 1,800 feet, in the vicinity of the town of Tecate. The area is relatively dry, with chaparral vegetation and no permanent surface streams.

3.0 NEED FOR THE PROPOSED ACTION

The purpose of this JTF-6/CANG operation is to construct and/or repair roadway and fencing along the border in the vicinity of the U.S./Mexico border from west of Tecate to east of Canyon City, California (See Figures 2(a) and 2(b)).

Present road conditions are such that excessive time is consumed in back-country travel and the vehicles are subject to much wear and tear. Also, at times officers can find themselves far removed from assistance if an emergency occurs. This project will assist in improving the performance and safety conditions for Border Patrol personnel while patrolling.

During the period of 1 October 1991 to 30 September 1992, 24,389 pounds of marijuana and 3,712 pounds of cocaine were seized in this area by the Border Patrol. From 1 October 1992 to 8 July 1993, 27,214 pounds of marijuana and 1,130 pounds of cocaine were seized. These figures may only represent a small portion of the illegal drug traffic in this area. With the improved border security in the San Ysidro area (west of this project) it is expected that illegal traffic will increase in this border area. Improved roads and solid fencing will greatly increase the effectiveness of the limited number of officers and vehicles available for this work.

4.0 ACTION

R 4.1 Road and Fence Construction and Repair. The project is outlined below (See Figures 1 and 2a & 2b). The need for culverts and any alignment modifications will be assessed and monitored during construction. Access road width along the

border parallel to the fence will be approximately 20 feet and other existing or new road will be improved/constructed to maximum width of 24 feet.

- A. Construct approximately 2.7 miles of new roadway and a 10 foot high steel fence, near to and parallel to the border, from southeast of Tecate Peak to near the Port of Entry in the town of Tecate.
- B. Construct approximately 1.4 miles of new roadway and a 10 foot high steel fence, near to and parallel to the border, from near the Port of Entry in the town of Tecate to the border of Sections 29 and 30*.
- C. On the west slopes of the border peak (located under Border Monument Marker 243) on the south side of Section 29*, near to and parallel to the border, install approximately 0.4 miles of a barrier composed of vertical I-beams.
- D. Repair or construct approximately 2.5 miles of roadway, from the boundary between Sections 29 and 28* to 0.2 miles east of the boundary between Sections 27 and 28*.
- E. Construct approximately 0.6 miles of new roadway in Section 27*. This will connect to 0.7 miles of new road and 10 foot high steel fence, near to and parallel to the border, across Bell Valley.
- F. Construct and/or repair approximately 2.6 miles of roadway in Sections 23, 24* and 19#, to the boundary of Sections 19 and 20#.

* These sections are in Township 18 South and Range 4 East.

These sections are in Township 18 South and Range 5 East.

The ten foot high fencing will be constructed from steel poles and steel airport runway matting. It will be composed of assembled sections that are 10 foot by 10 foot. The fence sections will be assembled at either of the two staging areas near Tecate. The steel poles will be set in concrete on site and the fence sections welded to them.

The barrier (item C, above), to be erected on the western side of the border hill in Section 29, will be constructed of vertical I-beams, five feet high, five feet apart, set in concrete. This structure may be constructed by the Marines' 7th Engineer Support Group.

During construction some fill material may be moved from one location to another, when needed. Where additional fill material may be needed, a borrow site near Tecate (See Figure 2a) will be

utilized to supply the material. Culverts, of 24" to 48" diameter galvanized steel, will be installed in washes where needed to prevent erosion to the road. Where large drainages may exist, Bell Valley and near the railroad trestle, multiple culverts may be installed.

4.2 Support Activities. Personnel from the Team Engineers, Task Force Grizzly, California National Guard will accomplish the road work. Personnel from the U.S. Marines, 7th Engineer Support Battalion will accomplish the fence work in the Tecate area.

4.3 Fence Installation Equipment. The equipment required to install the fencing will be provided and/or rented by the U.S. Marines and/or the Border Patrol maintenance department. Equipment to be utilized for this work will include: fork lifts, wheeled cranes, earth augers, rick drills, stake bed trucks and arc welders. This equipment will be stored in an area several hundred feet east of the Marine Billeting Area.

4.4 Road Construction/Repair Equipment. Various military units will be assigned to this work on a rotating basis. However, the number of personnel at the sites will vary depending upon operational needs and availability of personnel from the units. Equipment could include all or part of the following: four scrapers, four bulldozers, two compactors, two water distributor trucks, one auger truck, one backhoe, one excavator, one vibrator roller, two road graders, three flat-bed trucks (to carry fence panels).

R 4.5 Battalion Support. The approximately 20 National Guard personnel will be housed (billeted) at Camp Morena, on the north shore of Lake Morena. Vehicle transportation will be provided for the 20 to 30 miles to and from the construction sites. Their various equipments and trucks will be maintained and repaired at Camp Morena, but will be stored daily in an "Equipment Storage Site" near Tecate and/or Campo (See Figure 2a).

R The Marine contingent of 60 to 80 personnel will be housed (billeted) in a compound approximately two blocks north of the Tecate POE (See Figure 2(a)). The area, of about 4 acres, is on private land. The sparse, poor quality chaparral vegetation on the site will be removed for the installation of tents and support structures. A total of 14 tents will be erected to house the construction staff and provide office space. A telephone will be installed for outside communication. Rented portable restrooms will be available for personnel. The meals for breakfast and dinner will be contracted through nearby restaurants. Trash from this site will be handled via a local contractor.

Construction could be delayed due to funding, weather or availability of military construction personnel. However,

construction will be accomplished prior to April 1996. If a delay does occur in the proposed construction schedule, the Army Corps of Engineers staff will notify the appropriate agencies and concerned individuals by telephone.

5.0 ALTERNATIVES

5.1 No Action. Taking no action along this stretch of border would leave the area as it is today. This alternative would not allow for any repair or construction activity to take place.

This alternative would cause a deterioration in the ability of the law enforcement agencies to fulfill their mission. With recently increased border security to the west a large amount of illegal drug traffic will probably be shifted to this area. Safety of area residents, safety of law enforcement personnel, effectiveness of law enforcement personnel, law enforcement patrolling and vehicle wear and tear would be adversely impacted. As a result, this alternative is not acceptable and will not be addressed further in this document.

5.2 Construction and Repair, as Proposed. This alternative would allow for the repair/construction of the roadways and the repair/construction of the border fence as proposed in Section 4.0 above. This is the Preferred Alternative.

5.3 Construction of All New Roads. Construction of completely new roads would require land and/or right-of-way clearance, as well as engineering, planning, and construction implementation. This alternative would require many months to develop a project design and would be very costly. The local flora and fauna would be greatly impacted. This proposal would be much more environmentally damaging than the Preferred Alternative.

5.4 Construction of All New Fencing. Construction of completely new fencing would replace the old, damaged fence. This would be very expensive and difficult to accomplish in the more rugged areas. Replacement with all steel fencing, with stronger more resilient materials, would be even more expensive and difficult to construct than replacement of the present type of fence.

6.0 AFFECTED ENVIRONMENT

6.1 Physical Setting. This region is part of the Peninsular Ranges Physiographic Province of the extreme southwestern United States. Most of the project area is rather rugged terrain. Several prominent mountains lie in the project area: Tecate Peak (3,885 feet) and Boundary Peak (3,942 feet). Elevations in the project area range from 1,800 to almost 4,000 feet above mean sea level.

6.2 Climate. Climate in this region is characterized by mostly sunny days with hot summers and mild winters. Precipitation normally is highest in winter, due to moisture from the west, from low pressure systems moving inland from the Pacific Ocean. Average annual precipitation is approximately 12 inches. Annual snowfall can vary from none to about 6 inches, on the peaks of the inland area.

Temperatures normally vary, in the winter, from lows in the lower 30's to highs in the 60's or 70's. Summer temperatures can vary from low's in the 60's to highs in the low 100's. Winds for most of the year generally blow from the west.

6.3 Water Quality. Due to the dry climate of this area most of the surface drainage channels are dry most of the year. The direction of flow in this area is north to south, i.e. the United States into Mexico. Since most lands on both sides of the border are relatively undeveloped, there are few sources of contaminants in the area. Ground-water in the area is of good quality for local use. Most of the water consumed locally is from wells.

6.4 Air Quality. The project area has generally good air quality due to the rural nature of the region. Very few sources of contamination exist in the project area. However, due to winds that can blow from west to east some pollutants are transported into the area. San Diego County is a nonattainment area for Ozone and PM 10.

6.5 Biological Resources. The area of interest supports habitat classified as Chaparral, a community of fire-adapted shrubs usually forming dense, impenetrable thickets (Kricher and Morrison, 1993). Chaparral vegetation is located throughout the Southwest and northern Mexico, but is prominent in portions of California. Chaparral habitat supports an estimated 900 species of vegetation of which approximately 240 species are classified as woody, mostly evergreen shrubs. Although plant diversity appears to be high, the plant community is basically simple and supports a low animal diversity. The floral and faunal components have been described in several publications (Beauchamp, 1985; Brown, 1982; Kricher and Morrison, 1993). A Corps of Engineers Ecologist conducted a limited resource inventory survey of the proposed project area over a five day period in July and August 1993. An inspection of the survey area was conducted in the presence of U.S. Fish and Wildlife Service biologist, Ellen Berryman, on July 29, 1993 but was restricted to the Tecate, California portion of the project area due to time constraints on the part of the Service biologist.

6.5.1 Vegetation. Vegetation within the project area is generally characterized as Chamise Chaparral and Mixed Chaparral (Beauchamp, 1986) but also supports inland sage scrub intermixed with chaparral vegetation as well as drainage sites supporting

Oak Woodlands and Riparian Woodlands. The project site is predominantly vegetated by chamise, California buckwheat, scrub oaks, sage, ceanothus, manzanita, redshanks, sagebrush, yucca, laurel sumac, sugar bush, assorted grasses and California dodder as well as lesser occurring species. The project area is also dissected by numerous drainages which support riparian and oak woodland species including California sycamore, willows, mulefat, poison oak, Monkey flowers, Live Oaks, Tree Tobacco, and lesser occurring species. Plant species identified in the course of field surveys are listed in Table 1.

6.5.2 Fish and Wildlife. Animal species likely to occur within the project vicinity are those generally associated with chaparral communities and the few permanent drainages. Likely candidates which may occur in chaparral include turkey vultures, red-tailed Hawks, California quail, scrub jays, California towhee, wrenit, mourning dove, California ground squirrel, brush rabbit, California mouse, coast horned lizard, western fence lizard, rattlesnakes, gopher snakes, southern alligator lizard, coyote, cougars, gray foxes and mule deer (Kricher and Morrison, 1993). The most frequently sighted animals occurring in the project area included California ground squirrels, brush rabbits, turkey vultures, red-tailed hawks, California quail, mourning doves, ants, tarantula wasps, and roadrunners; animals encountered infrequently included a coast horned lizard, rattlesnake, gopher snake, and an owl. Animal species sighted during the course of field surveys are included in Table 2.

6.5.3 Endangered and Threatened Species.

R 6.5.3.1 Federal. A list of Federal listed endangered, threatened and proposed species with the potential to be found in the project vicinity was requested from the U.S. Fish and Wildlife Service (USFWS) on August 2, 1993. The results of this request were provided by letter dated September 17, 1993 and included six endangered species, one threatened species and two proposed endangered species (Appendix B). Endangered species with the potential to occur in the project area included the least Bell's vireo (Vireo bellii pusillus), the Riverside fairy shrimp (Steptocephalus woottoni), San Diego Button Celery (Eryngium aristutlatum parishii), San Diego mesa mint (Pogogyne abramsii), California orcutt grass (Orcuttia californica), Gambel's watercress (Rorippa gambellii); one threatened species: California gnatcatcher (Polioptila californica); and two proposed endangered species: southwestern willow flycatcher (Empidonax trailii extimus) and southwestern arroyo toad (Bufo microscapius californicus).

6.5.3.2 State of California. Resource management plans formulated by BLM in 1992 for land parcels in which a portion of the project occurs did not indicate the presence of a State special status species in parcels traversed by the project.

6.5.4 Candidate Species.

6.5.4.1 Federal. Information regarding the occurrence of candidate species which may occur within the project area was requested from the USFWS on August 2, 1993; a response was received on September 17, 1993. Two Category one species were identified by the U.S. Fish and Wildlife Service with the potential to occur in the project vicinity: California red-legged frog (Rana aurora draytoni) and the San Diego thorn mint (Acanthominta ilicifolia). Sixty five Category two species were identified with the potential to occur in the project vicinity and are included in Appendix B. An U.S. Bureau of Land Management (BLM) document addressing management of resources on land parcels in which portions of the project are located lists four candidate species with the potential to be encountered (BLM, 1992). These include the following plant species: felt-leaved monardella (Monardella hypoleuca ssp. lanata), slender-pod jewelflower (Caulanthus stenocarpus), and Tecate tarplant (Hemizonia floribunda) and one reptile: orange-throated whiptail (Cnemidophorus hyperythrus).

6.5.4.2 State of California. No state sensitive species were identified in BLM resource documents as occurring on portions of the project area (Bureau of Land Management, 1992).

6.6 Cultural Resources. Information that was obtained from the records and literature search, and subsequent correspondence with a private consultant and the Bureau of Land Management, Palm Springs Office, archeologist indicated the presence of three previously recorded cultural resources near the area of potential effects (APE). The entire APE was surveyed by COE staff archeologist, Richard Perry and Rod McLean from July 20 to 24, 1993. The survey consisted of walking (where possible) over all existing and proposed roads, areas to be fenced, and borrow and staging areas. An additional site was located as a result of the Corp survey (site BV-1).

The project corridor runs through an area which has an extensive prehistory and history. The main fence and road right-of-way (ROW) begins west of the town of Tecate, part way up the eastern slope of Tecate Peak and extends approximately nine miles east to the point where Campo Creek crosses the border into Mexico. The project area includes a staging area right outside of Tecate, and a borrow area on top of a small hill about one-quarter-mile northeast of Tecate. The ROW is bounded on the Mexico side by historic border markers that were placed approximately one-hundred years ago. The markers occur irregularly with shorter modern concrete ones placed in the intermediate expanses. The ROW includes a diversity of landforms that range from valleys, drainages, and flat areas to ridges and peaks with slopes as precipitous as 60 degrees.

The local geological resources provided a good source of material for the manufacture of stone tools. The entire project area is situated on granite of the Mesozoic Southern California batholith. This natural source of material was instrumental in the manufacture of manos, metates, and bedrock mortars and slicks.

Just over the western boundary of the APE is the National Register of Historic Places nominated Tecate Peak, known to the Kumeyaay Indians as Kuchamaa. The historic property is described as reaching down to the 3,000 foot contour level; this project's western boundary is well below that contour level, therefore the site will not be impacted in any way.

The "Heard Ranch Site", CA-SDI-9968, is located on the east flank of Tecate Peak near a year-round stream. The site was not recorded as part of a formal survey, and the site record form did not include a sketch map of the site. The form also listed the site as being located between the dirt road and the International Border. The site was relocated and inspected by COE staff archaeologists. SDI-9968 is a series of bedrock milling slicks, flakes and scraping tools. The site, when visited by the COE was found to have been recently burned from a brush fire, with the northern portion destroyed by heavy, dirt moving equipment. Generally speaking the observed remains of the site were extensive but will be avoided completely by the project, as it is outside of the APE.

Archeological site CA-SDI-11,168 was recorded near the APE close to the Port of Entry. The site was recorded as a very light lithic scatter, comprised only of several flakes and one core. An attempt to relocate the site was unsuccessful. There will be no impacts to this site as it is outside of the APE.

The additional site was found by the COE staff archaeologists in Bell Valley. The site has been temporarily designated BV-1. The site is comprised of bedrock mortars on the granite boulder overlooking the stream with six flakes south of the agricultural fence. The site will be avoided by the proposed project.

Two properties which are near the APE, but will not be affected by the project, are the historic railroad trestle for the San Diego and Arizona Eastern Railroad and a pipe from a buried water cistern. The trestle was given the trinomial, CA-SDI-6992H and the metal pipe was given CA-SDI-9174H. The trestle crosses over Campo Creek into Mexico just about on the Section line between Sections 24 and 19 on the Potrero Quadrangle map. The pipe is east of the trestle near the existing road. There will be no impacts to these resources. No other cultural resources were found or relocated in the APE.

6.7 Land Use. Land usage in the area is primarily grazing of livestock, several small towns and isolated buildings. Some commercial chicken raising is conducted in the vicinity, but none in the immediate project area.

6.8 Aesthetics. This area is characterized by its rural, pastoral nature. The vistas are composed of desert mountains and valleys; it is pleasing and mostly untouched by development. Good visibility most of the year permits views of the surrounding countryside and mountains. Along the border abandoned vehicles, other structures, trash and burns were noted during the surveys. These factors contribute toward degrading the aesthetics of the area.

6.9 Noise. There are very few noise producing centers in this region. Noise is not a significant problem for people in the area.

6.10 Socioeconomics. The 1990 population of San Diego County exceeded 2.5 million people. The population within a 10 mile radius of the project area is approximately 2,300. Much of the land in the project area is under the ownership of the U.S. Bureau of Land Management. Very little land area is available for private economic development, therefore most employment in the area is in ranching, stables, chicken farms and other agricultural pursuits.

6.11 Transportation. There is one major transportation artery near the project area: Interstate Highway 8 (I-8) to the north. California Highway Routes 94 and 188 are the only state surface routes near the project area. Traffic is light on these roads compared with I-8. The traffic at the Tecate Port of Entry during fiscal year 1992 was: approximately 1 million private vehicles; 42,000 trucks; 330 buses; 7 trains; and over 400,000 pedestrians.

7.0 ENVIRONMENTAL IMPACTS

Environmental impacts related to the preferred alternative (repair/construction of roads and fencing) are summarized in the following paragraphs. Impacts related to the No Action, Construction of a New Roads and the Construction of New Fencing Alternatives are not addressed in this FEA because they are not viable alternatives. In general, impacts of No Action Alternatives are to allow continuous drug flow and other illegal activities in the United States.

7.1 Physical Setting. Project related impacts on the physical environment are anticipated to be minor, except in the areas where new roads would be constructed. A relatively small number of acres would be impacted, but this loss will not significantly

affect the physical terrain, climate, or water resources within the project area.

7.2 Climate. This project will have little to no impact on the climate of the area. Some relatively small amount of dust will be released to the atmosphere during the movement of dirt, sand and rock. Water will be sprayed on dust producing areas as the construction progresses.

7.3 Water Quality. There will be little to no impact to surface or ground water. Standard construction procedures will be followed to minimize erosion during construction if a rain should occur. Construction activities will cease or be curtailed until the surface conditions are satisfactory for them to be resumed. The decomposed granite material, which characterizes most of the area, will allow any surface water to quickly soak into the soil.

7.4 Air Quality. Air quality should remain good while this construction progresses. Some dust will be released during construction in the immediate area of the activities. Water sprayed by watering trucks during the construction should reduce dust and other particulates to a minimum. This impact will be short term and minor. Overall, air quality in the project area should not be adversely affected by the proposed project.

R 7.5 Biological Resources.

7.5.1 Vegetation. The proposed actions consist of three components:

1) Construction of a steel mat fence and parallel access road north of the existing border that separates the United States and Mexico east and west of Tecate Peak and across Bell Valley;

2) Improvements to an existing jeep trail by widening from the current 12 foot width to a maximum width of 24 feet where terrain permits commencing at the boundary between sections 28 and 29;

3) Construction of new roads on the upslope of the unnamed peak east of the Tecate POE (boundary marker 243), on the upslope side of the peak west of Bell Valley (section 27) to a maximum width of 24 feet, and new road north of the international boundary from the fence/road alignment across Bell Valley to the existing jeep trail.

Fence Construction.

Tecate POE: The proposed fence and parallel road will be constructed north of the international boundary between the U.S. and Mexico approximately 2.25 miles west and 1.4 miles east of the Tecate Port of Entry (POE). The construction corridor is a rectangular configuration of approximately 20000 feet in length

(along the border) and 20 feet in width (approximately 9.2 acres). The construction corridor has undergone extensive degradation as evidenced by the sparse to none vegetation cover, the amount of trash that has been deposited, uncontrolled burns set by the local population, foot and car traffic, and its location within the international firebreak between the U.S. and Mexico. Vegetation community structure in the vicinity is indistinguishable with the exception of an area on the bottomslope of Tecate Peak that supports an area of intact chaparral that is estimated to be 0.45 acre. Chamise chaparral is reported as the dominant plant community in the vicinity by Beauchamps (1986) and chamise is relatively abundant in the vicinity of the construction corridor as well as California buckwheat, two common members of the chamise chaparral community. Inland sage scrub was reported to exist in the area but was not evident in the construction corridor. The construction corridor is similar east of the POE and has undergone more extensive disturbance as evidenced by a complete loss of vegetative cover as a result of fires. The fence east and west of the POE in its current alignment is expected to have a negligible impact upon the current habitat and may eventually contribute to recolonization by endemic plants.

The proposed fence and parallel road alignment east and west of the POE traverses a number of drainages which vary in size and quality. A total of eight are located in the segment west of the POE and the remaining two are located east of the POE. Seven of the ten drainages are ephemeral and contain plants typical of the construction corridor including mullein, buckwheat, assorted grasses, mustard as well as debris deposited by local residents; one additional drainage area contains a greater abundance of plants but is limited to grass, mustard, mullein, and one unidentified tree. Two drainage areas exist within the project corridor which support vegetation which can be characterized as riparian/marsh; the approximate locations are 1200 feet west of the POE and 3500 feet east of the POE. The drainage area west of the POE supports approximately twelve willows with an understory of grasses and is estimated to be approximately 0.4 acres. The drainage area east of the POE contains approximately 4 willow trees, bulrushes and an understory of cocklebur, sunflowers, mullein and mustard; the areal extent of impact in this area is estimated to be 0.25 acre.

Bell Valley. An additional fence and parallel road 20 feet in width is proposed to be constructed north of the international border across Bell Valley. The fence/road alignment commences at the base of the peak west of Bell Valley and terminates 2500 feet east of the commencement point. The construction corridor dimensions are approximately 2500 feet by 20 feet and impact an area estimated to be 1.15 acres. The major portion of the project corridor (approximately 0.95 acre) is within an area highly disturbed due to cattle grazing while the remaining

project corridor (approximately 0.20 acre) is considered to be disturbed chaparral supporting a mixture of chamise, buckwheat, yucca, sage, laurel sumac, and sugarbush. The area is within the international firebreak and has been subjected to vegetation management practices reducing the incidence of chamise which is expected to occur within this area. The fence/road will traverse a drainage area surrounded by old oak growth but no vegetation within the drainage. The placement of a fence/road across the ephemeral drainage will impact an area approximately 0.40 acre. Indirect impacts to vegetation may occur where the fence terminates as traffic will be distributed to end points of the fence. This is expected to be negligible as the site is located within an isolated area, usually traversed by vehicular traffic, which will be prevented by placement of a fence across the valley.

Road Widening. The current road system utilized by U.S. Border Patrol will be widened from its current width of approximately 12 feet to 24 feet where terrain permits. The sites where road improvements are projected to occur are demarcated by road markers placed by the California National Guard and include the road between mile markers 3.0 and 3.5, at mile marker 4.5, at mile marker 6.0, and between mile markers 5.0 and 8.0. The vegetation within the project corridor is chamise and mixed chaparral interspersed with inland sage scrub. Road improvements within these segments may potentially impact an area estimated to be approximately 2.85 acres in extent consisting primarily of mixed chaparral (1.8 acres), an area supporting component species of both chaparral and inland sage scrub (approximately 0.45) and an area recently subjected to fire (0.6 acre). A portion of the road at mile marker 4.5 will traverse a drainage that is dominated by chaparral species; the area of impact is estimated to be 0.25 acre. A permanent drainage exists at mile marker 6.0 where a concrete pad will be restored in the drainage; no vegetation will be impacted by this action.

New Road Construction. Three segments of new road construction are located within the project area. A road segment is proposed to be placed on an upslope position on the peak east of the Tecate POE (identified by boundary marker 243) and will impact an area approximately 1.2 acres in extent (2200 feet by 24 feet). The plant community in this location is heavily disturbed due to a high incidence of burning, its location within the international firebreak, and its proximity to the international border. The second site is located on an upslope position on the peak west of Bell Valley which will impact an area approximately 1.1 acres. The plant community within this area is mature chaparral and will be removed to accommodate a new road alignment. A third segment will be oriented north from the proposed border fence/road at the eastern termination point of Bell Valley. The proposed road alignment will impact an area of disturbed chaparral approximately 0.6 acre (1000 feet in length

and 24 feet in width). A small drainage will be traversed at the base of the peak east of the Tecate POE, vegetated by grasses, and is estimated to be less than 0.05 acre.

Staging and Borrow Sites. Four sites have been selected to accommodate equipment and personnel in the course of fence and road construction. Three of the four sites have been previously utilized by the local landowner for personnel use and had undergone a high degree of disturbance; no identifiable plant communities were present on these sites. A fourth location approximately 0.75 acre in extent was selected as a bivouac site for personnel involved in the construction of the fence; this site was considered to be in a disturbed chaparral predominantly composed of grasses, mullein, mustard, buckwheat, chamise, yucca and prickly pear. The borrow site supports a plant community predominantly composed of grasses and chamise as well as lesser occurring species including yucca and prickly pear. The area expected to be impacted through the removal of fill from the borrow site will not exceed 1.5 acres and may be significantly less depending upon the amount of fill required. An additional site for staging of equipment in the vicinity of the bivouac site may be required. A suitable site has been selected vegetated by mustard approximately 1.5 acres in extent and will be evaluated when permission from the land owner is secured.

R Summary of Impacts.

Construction Element	Plant Community			
	Chaparral	Sage Scrub	Riparian	Grassland
	<u>In Acres</u>			
Fence/Road Alignment				
West of Tecate POE	5.8		0.40	
East of Tecate POE	3.4		0.25	
Bell Valley	1.15			
Road Widening	2.65	0.20		
New Road Construction	2.9			
Staging Sites	0.75			
Borrow Site				1.5
	16.65 +	0.20	0.65	1.5

+ Approximately 14.85 acres have previously been disturbed

7.5.2 Fish and Wildlife. Project activities will directly impact an area approximately 19 acres in extent but less than 5 acres throughout the project area supports intact stands of vegetation; the remainder of the project area has undergone a high degree of disturbance. The removal of relatively undisturbed habitat within the project area is limited to approximately 1.8 acres of chaparral. Wildlife species most likely to be impacted are those commonly observed within the project vicinity including rabbits, ground squirrels, raptors, ants, and tarantula wasps and will be subjected to indirect impacts as a result of construction activities. Similar vegetation exists throughout the project area and wildlife may relocate outside of the project area. Riparian/marsh habitat within the project area is located primarily in the vicinity of the Tecate POE and has been continuously subjected to human disturbance. Wildlife movement through the project area is not expected to be adversely impacted as corridors which potentially serve as routes of movement are not within the project corridor.

7.5.3 Endangered and Threatened Species. The proposed project is not expected to have any effect on the continued existence of any Federally listed endangered, threatened, or proposed endangered species identified by the USFWS. An assessment of the impacts to listed species is included as an attachment.

7.5.4 Candidate Species. The proposed project was anticipated to potentially affect four candidate species: the slendor-pod jewelflower, felt-leaved monardella, Tecate tarplant, and the orange-throated whiptail. An additional candidate species was observed in the project vicinity, the San Diego coast horned lizard, in a heavily impacted area of the project vicinity. The project area was resurveyed in September 1993 by Corps of Engineers biologists and a BLM botanist and the candidate species enumerated in this section were not observed to occur in the project vicinity. There is a low potential for the project to affect the San Diego coast horned lizard but the impacts are considered temporary and its potential for movement into undisturbed areas is likely. The existence of the horned lizard may be well served by the addition of a fence as this will reduce impacts to its present habitat which occur as a result of traffic movement and unauthorized fires.

7.5.5 Mitigation. The mitigation recommended in this report is based on estimates of habitat impacted by the proposed project, and in consideration of recommendations provided by the USFWS.

a. Vegetation. The loss of riparian and marsh vegetation represents the primary impact of the proposed project. The removal of riparian plants and shrubs will be compensated by replanting of similar species in an approved location. A qualified biologist will monitor for two years after replanting the cuttings and quarterly status report will be submitted to the

Regulatory Branch, Los Angeles District and USFWS. The majority of the affected area is heavily disturbed and was not considered for mitigation; inland sage scrub, a transition community, may be disturbed in an area estimated to be approximately 0.2 acres. Old oak growth which occurs in the project area will be avoided and will not be disturbed in the course of project activities.

b. Wildlife. Tree replacement in suitable sites and about 10 acres of disturbed areas will be seeded for the erosion control and to minimize impacts to wildlife.

c. Endangered, Threatened, and Proposed Species. The project will have no effect on the continued existence of any Federally listed Endangered, Threatened, or proposed Endangered species are expected; therefore, no mitigation measures or formal consultation under Section 7 of the Endangered Species Act is required.

7.6 Cultural Resources. No adverse effects to cultural resources will occur. There were no cultural resources located in the staging area or the borrow area; as the proposed fence line does not extend too far up Tecate Peak towards the 3,000-foot contour level, there will be no problem with avoiding the National Register property. Site CA-SDI-11,168 was not found through extensive relocation efforts. The railroad trestle will not be affected since the roadway passes under it, and the pipe will not be affected as the road next to it has already been maintained to its proposed extent with no additional work planned.

The proposed fence and road which are scheduled to run near archeological site CA-SDI-9968 is routed to the north to avoid the site. In order to avoid impacts to Site BV-1 the fence and road will be placed as near the border as possible. Construction will be monitored to insure avoidance of all National Register of Historic Places eligible or listed properties. In summary, there will be no impacts to sites which are eligible for or listed on the National Register of Historic Places.

7.7 Land Use. This proposal will not have any adverse impacts to land uses in the area. Any traffic or construction activity will be short term, and therefore have very little impact or no significant impact.

7.8 Aesthetics. There will be impacts to the appearance of the immediate border areas that will have new roads and/or fence. This will be minor however, when viewed from a distance, due to the presence of the old roads and old fencing.

R With joint effort of military personnel, CANG and U.S. Border Patrol the abandoned vehicles, trash and other structures will be removed from the project area. The fencing

will also assist in improving the immediate border area by preventing the dumping of trash and garbage across the border.

7.9 Noise. Noise from the equipment will increase the noise level in the immediate area of the work. With the exception of the Tecate, Mexico, area few people reside in the area to be impacted. The noise will move with the progress of work and therefore will not be much of a concern to anyone that may be nearby. The impact will be short term and insignificant.

7.10 Socioeconomic. The daily needs of approximately 60 to 80 Marines could have an economic impact on an area the size of Tecate. Local purchasing of goods and/or services will also have a limited increased short-term economic impact on the area.

7.11 Transportation. Some equipment will be transported by truck from the San Diego/Camp Pendelton area to the construction area. California Highways 94 and 188, and I-8 will most likely be the routes to be used. Any permits required for oversized or overweight equipment will be obtained from the California Department of Transportation (CDOT) by CLNG or Marines' Billeting.

8.0 COORDINATION

The proposed project outlined in this document has been brought to the attention of and/or discussed with the following agencies: U.S. Border Patrol, U.S. Customs Service, International Boundary and Water Commission (U.S. Section), U.S. Fish and Wildlife Service, U.S. Bureau of Land Management, California Department of Fish and Game, California State Historic Preservation Officer and various San Diego County offices.

The **Immigration and Naturalization Service (INS)**, in a telephone conversation on 27 July 1993, indicated that their main concern was with the aesthetics of the fence in the immediate Tecate area. It was requested that the Mayor of Tecate, Mexico, be contacted and have the proposed project explained.

In a telephone conversation on the 8th of September the COE informed the INS of the Marines' Billeting location and other general information concerning their involvement with the proposed project (as described in Section 4 above).

R The **U.S. Bureau of Land Management (BLM)**, in a telephone conversation on 26 July, and in letter dated August 5, 1993 (Appendix B) indicated concerns about the project's impacts on wildlife movements in the border area and about vegetation in the project area. On September 28-30, 1993, COE coordinated with Elena Miguez, BLM, regarding their concerns for the proposed project. COE informally coordinated responses with BLM and

obtained their verbal approval. Responses to BLM concerns are located in Appendix C. Informally, COE coordinated responses to BLM concerns and they agreed with the COE as long as the work on BLM land will occur after obtaining their permission to proceed with the construction.

R The **International Boundary and Water Commission (IBWC)**, in a telephone conversation on 15 July, requested that drawings of any water related feature near the border be sent for review and that the Draft Environmental Assessment should be forwarded to the IBWC office during the review period. JTF-6 staff will submit a letter of request for military personnel to work along the border. The Draft EA was mailed to IBWC during the public review period. By letter dated 17 September 1993 (Appendix B), IBWC indicated their concerns for the proposed project; responses to their concerns can be found in Appendix C and JTF-6 will notify the construction crew about their concerns (letter from JTF-6 is located in Appendix B).

In a telephone conversation on the 9th of September the Corps informed the Commission of the Marines' Billeting location and other general information concerning their involvement with the proposed project (as described in Section 4 above).

R The **U.S. Fish and Wildlife Service (USFWS)** was informally coordinated with on July 8, 1993 on the proposed project. They indicated that the proposed project is not in the vicinity of the coastal area, however, it is advisable to coordinate with their biologist for habitat which may support California gnatcatcher. The COE requested an updated list of endangered and threatened species from the USFWS on August 2, 1993 and received a list of significant species in a letter dated September 17, 1993. A site visit was conducted with a USFWS biologist, Ellen Berryman, on July 29, 1993 in the vicinity of the Tecate POE; the remainder of the project area was not inspected by the USFWS due to the unavailability of Service personnel. An additional survey was conducted on September 28 and 29, 1993 after receipt of the species list to ensure that the project was properly evaluated for the occurrence of listed species within the project area. An assessment of impacts to listed species is included as an attachment.

The COE informally coordinated with USFWS regarding their comments on the draft EA. Section 10 of this EA, Environmental Commitments, has been revised to incorporate USFWS concerns.

In a telephone conversation on the 8th of September the COE informed the **Border Patrol** of the Marines' Billeting location and other general information concerning their involvement with the proposed project (as described in Section 4 above).

The **General Services Administration (GSA)**, in a telephone conversation on 26 July, indicated a concern about the solid fence extending up to the border station at Tecate. A copy of their letter of April 30, 1993 on this subject is shown in Appendix B. Coordination about this design feature of this proposed project will be conducted between the U.S. Border Patrol and GSA.

R The COE (Environmental Design Section) informally coordinated with **Regulatory Branch, COE** regarding 404 Water Quality Permit requirements. The project as proposed qualifies for Part 330, Section # 14 and # 26 of Nationwide Permit Program. The proposed project will not have an effect on any endangered, threatened species listed by USFWS. Mitigation measures for loss of willow has been developed (see Section 7.5). Construction along the washes that support the riparian vegetation will occur after receipt of a letter from the Regulatory Branch, San Diego, COE.

The COE informally coordinated with the **U.S. Forest Service (USFS)**, Cleveland National Forest, Rancho Bernardo Office, Rancho Bernardo, California for indications as to sensitive resources which may occur within the project area. Hazel Gordon, Ecologist, informally discussed plant community structure in the project area and recommended making contact with personnel more familiar with the area. Responses received from recommended sources: Mr. F. Sproul and Mr. P. Unit were utilized to evaluate significant resources and are included in the biological assessment.

R The COE contacted Ms. Anita Castio, of the **Southern California Tribal Chairman's Association** in August. The project parameters were explained to her and she recommended contacting Mr. Ralph Goff, Chairman of the Campo Band of Mission Indians. A telephone call was made to Mr. Goff in August and again on September 30, 1993. He was not available either time, but a message explaining the project was left.

All cultural resources documentation will be sent to the **State Historic Preservation Officer (SHPO)** for review and comment. Copies of the documentation will also be sent to the Bureau of Land Management, Palm Springs Office, and the Campo Band of Mission Indians.

A letter was sent to the SHPO which stated that the project as planned will have no effect on National Register eligible or listed properties. Upon concurrence from the SHPO the project may proceed. All coordination with the SHPO shall be conducted pursuant to Section 106 of the National historic Preservation Act (36 CFR 800).

The **California Department of Forestry (CDF)** was contacted regarding resources within the project area. A portion of the project site is located within the international firebreak north of the border and is cleared of vegetation at regular intervals to reduce fire hazards.

The **California Department of Transportation**, in a telephone conversation on 16 July, indicated that a new leach field was to be constructed in the area near the Tecate border station and may impact the road and/or fence construction.

The **Regional Water Quality Control Board, San Diego (RWQCBSD)**, in a telephone conversation on 16 July, indicated they had no concerns at this time. They request that the project description be faxed to them and that the Draft EA be mailed to their offices in San Diego. The Draft EA was mailed to them and no comment received from the Regional Water Quality Control Board.

R Storm Water permit was submitted to State Water Resources Control Board, Division of Water Quality, Sacramento in second week of September 1993.

R In a telephone conversation on the 8th of September the COE informed the Border Patrol of the Marines' Billeting location and other general information concerning their involvement with the proposed project (as described in Section 4 above).

R On 1 October 1993, RWQCBSD indicated that request for Water Quality Certification should be submitted for the proposed project with a copy of comment letters and responses. Measures should be taken to prevent discharge of polluted material into waters of the United States. COE submitted a request for a waiver for the Water Quality Certification to the RWQCBSD (Appendix B) and provided additional information for their review. All possible measures will be taken to prevent discharge of polluted material into waters of the United States during construction across the washes. Erosion along the banks of the washes will be controlled by seeding native vegetation.

The **San Diego Air Pollution Control District**, in a telephone conversation on 16 July, indicated that any stationary air contamination sources (screening, sorting, grinding, etc. machinery) would require permits to operate. Screening, sorting or grinding of material is not involved in this project construction, therefore, air quality permit for the stationary air contamination sources will not be required.

In a telephone conversation on the 9th of September the COE informed the District of the Marines' Billeting location and

other general information concerning their involvement with the proposed project (as described in Section 4 above).

The **San Diego County Department of Planning and Land Use**, in a telephone conversation on 26 July, indicated concerns about the possibility of coastal sage scrub habitat and any drainage problems in the project area.

In a telephone conversation on the 8th of September the COE informed the Department of the Marines' Billeting location and other general information concerning their involvement with the proposed project (as described in Section 4 above).

The Draft EA was provided to the concern agencies and individuals for 15 days review in September 1993, the comment period was closed on 17 September 1993. Letters of comments are included in Appendix B, and response to the comment letters are located in Appendix C.

9.0 COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS

9.1 National Environmental Policy Act (NEPA), as amended. This Environmental Assessment has been prepared in accordance with the requirements of the Act and with the Council of Environmental Quality Regulations for implementing NEPA.

9.2 Clean Water Act, as amended. Limited construction activity will occur near any water channels, therefore no changes are anticipated to the quality of water in the area. In compliance with Section 404 of the Act, a 404(b)(1) has been prepared (Appendix A). The proposed road improvement passes through few washes. Proposed construction meets with the Nationwide permit criteria (coordination with COE, Regulatory Branch). Provisions of the Clean Water Act are complied with.

9.3 Clean Air Act, as amended. The small number of construction equipments needed for this work and the short duration of the work will not significantly impact the air quality in this area. This proposal is in compliance with this Act.

R 9.4 National Historic Preservation Act of 1966 (36 CFR 800). A letter was sent to the SHPO, on 3 September 1993, stating that the project as planned will have no effect on National Register listed or eligible properties. According to 36 CFR 800 the SHPO must respond to a request for consultation within 30 days or the agency may proceed with the project. The SHPO failed to respond with comments within the allotted thirty days, therefore, the project is in compliance with Section 106.

R 9.5 Endangered Species Act of 1973, as amended (Public Law 93-205). Section 7(c) of the Act requires consultation with the U.S. Fish and Wildlife Service in order to determine if a Federal action will potentially affect an endangered or threatened species in order to ensure that the proposed project will not jeopardize the continued existence of any listed species or result in the destruction of critical habitat. A letter requesting information on endangered, threatened, proposed, and candidate species for the project area was sent to the U.S. Fish and Wildlife Service on August 2, 1993. A letter dated September 17, 1993 provided by USFWS listed endangered, threatened, proposed and candidate species. The proposed project is not expected to effect the continued existence of any Endangered or Threatened species with the potential to occur in the project area; formal consultation pursuant to Section 7 of the Act is not required.

9.6 Fish and Wildlife Coordination Act, as amended (Public Law 95-217). This project has been informally coordinated with the U.S. Fish and Wildlife Service. While the views and recommendations of the USFWS have been requested, no Coordination Act report is necessary because the project does not involve development of water resources. The project is in compliance with this act.

9.7 Executive Order 11990, Protection of Wetlands. Wetlands protection includes the avoidance to the maximum extent possible of long and short term adverse impacts associated with the destruction or modification of wetlands and avoidance of support of new construction in wetlands. The proposed project involves placement of culverts in washes. Riparian habitat will be mitigated.

9.8 Farmland Protection Policy Act, 1981 (Public Law 97-98). No unique or prime farmland of statewide importance would be impacted by the project, nor will there be an adverse impact on grazing land. The project is in compliance with this act.

9.9 Executive Order 11988, Floodplain Management. This Executive Order states that before an action may be undertaken, agencies will determine whether the action will occur in a floodplain. The proposed project does not exist within a floodplain.

10.0 COMMITMENTS

10.1 Thirty days prior to construction, JTF-6 will inform IBWC of approximate construction start date, type of equipment and number of personnel involved.

10.2 A qualified archeological monitor will be on site to insure that all sensitive areas will be flagged and avoided by the construction crews. The COE will insure that the western boundary of the project will not encroach upon Tecate Peak near the 3,000-foot contour level.

If buried archeological deposits are encountered during ground disturbing activities, the archeological monitor will halt all work in progress and the provisions of 36 CFR 800.11, "Properties discovered during implementation of an undertaking", will be complied with.

10.3 The proposed project will not disturb existing drainage patterns and flow rates.

10.4 Appropriate control techniques in the form of culverts will be utilized during construction along the washes to control erosion and improve water flow.

10.5 A watering program will be employed during the construction to minimize dust; the water will be obtained from a local source and will be free of contaminants.

10.6 Clean material will be used to construct structures; no polluted silts or other material will be placed in the washes; debris and rock will be removed upon completion of the project.

10.7 During construction any rocks, sand, oil and grease or other debris will be removed and properly disposed.

10.8 Roads parallel to the fence will be repaired and/or constructed to a width of approximately 20 feet; road widening of existing jeep trails will not exceed 24 feet from the current width of 12 feet.

10.9 A qualified Biologist familiar with the Environmental Assessment, including commitments and mitigation, will be present at critical times of the project including mobilization, construction in sensitive areas, and demobilization to provide guidance to construction personnel in order to avoid or minimize impacts to sensitive resources.

R 10.10 Qualified biologists will survey the site for biological resources, including Threatened and Endangered species, prior to construction in areas of the project where a specific road or fence alignment was not established during the planning stages. These surveys will ensure that no impacts will occur to Federally listed, proposed or candidate species or impair the movement of deer or large predators across the border.

10.11 A fire hazard will exist in and near the areas where welding equipment is utilized; i.e. the panel assembly areas and

the fence erection areas. Suitable fire suppression precautions and/or equipment will be readily available in these areas.

10.12 The U.S. Border Patrol will coordinate this project with the Mayor of Tecate, Mexico, and any other entity on the Mexico side of the border with an interest in these proposals.

10.13 Mature oak trees in project vicinity will be avoided and will not be disturbed. Exotic trees, i.e. eucalyptus which occur in the project area will be avoided, if possible.

10.14 Debris and abandoned vehicles which exist in the fence project corridor will be collected by military personnel from the project area and U.S. Border Patrol will make arrangements for disposal; no hazardous waste will be collected during the course of the project.

R 10.15 Loss of willows from riparian habitat will be mitigated by replacement with cuttings to provide an equivalent value of the existing habitat lost. Cuttings will be planted at a density that will optimize the potential for successful habitat replacement value. Labor will be provided by CANG, and funding will be provided by the responsible agencies. A qualified biologist will monitor the established cuttings for two years after planting to assess impacts to riparian vegetation, and a quarterly report will be submitted to the Regulatory Branch, Los Angeles District, and to the U.S. Fish and Wildlife Service, Southern California Field Station, Carlsbad Office.

R 10.16 Erosion control measures will be implemented by seeding exposed surfaces created in the course of the project construction. The seed mix will be coordinated with the U.S. Fish and Wildlife Service and will include species to replace the loss of .20 acre inland sage scrub habitat values. Labor for seeding will be provided by CANG, and funding will be contributed by responsible agencies.

10.17 Construction along the drainages which support willow habitat will occur after receipt of a letter approving the action from the Regulatory Branch, Los Angeles District.

10.18 Within the 60-foot international boundary strip, BLM is not the administering agency, therefore construction can proceed in this area. JTF-6/CANG will submit required permit application to work on BLM land. Road repair/construction on BLM land will not occur until permission is obtained from BLM.

10.19 COE will notify BLM of construction start date for the proposed project. On BLM land, construction shall not commence until they are notified. BLM stated they would have personnel available to monitor sensitive biological and cultural resources

on their land and if possible would monitor other project segments.

- R 10.20 To the maximum extent possible, native vegetation will not be removed between 15 February and 1 September, in order to avoid direct harm to birds covered under the Migratory Bird Treaty Act. If vegetation clearing during this period is unavoidable, a biologist familiar with the bird species potentially breeding in the project vicinity shall survey the area to be cleared. If any nests with eggs or unfledged young are found, the biologist will coordinate with USFWS to determine procedures to avoid or minimize impact, if appropriate. Road construction activities that do not involve vegetation removal, such as grading, are permitted during that period, if the vegetation is cleared prior to 15 February.

11.0 LIST OF PREPARERS AND REVIEWERS

Preparers.

David Compas, Geographer, Environmental Coordinator

Richard Perry, Archaeologist, Cultural Resources

Emily Carter, Ecologist, Biological Resources

Reviewers.

Ron MacDonald, Senior Ecologist

Steve Dibble, Senior Archaeologist

Joy Jaiswal, Environmental Protection Specialist

Laura Tschudi, Chief, Environmental Design Section

LTC. Mark DeHarde, Joint Task Force-Six

Milton Blankenship, Joint Task Force-Six

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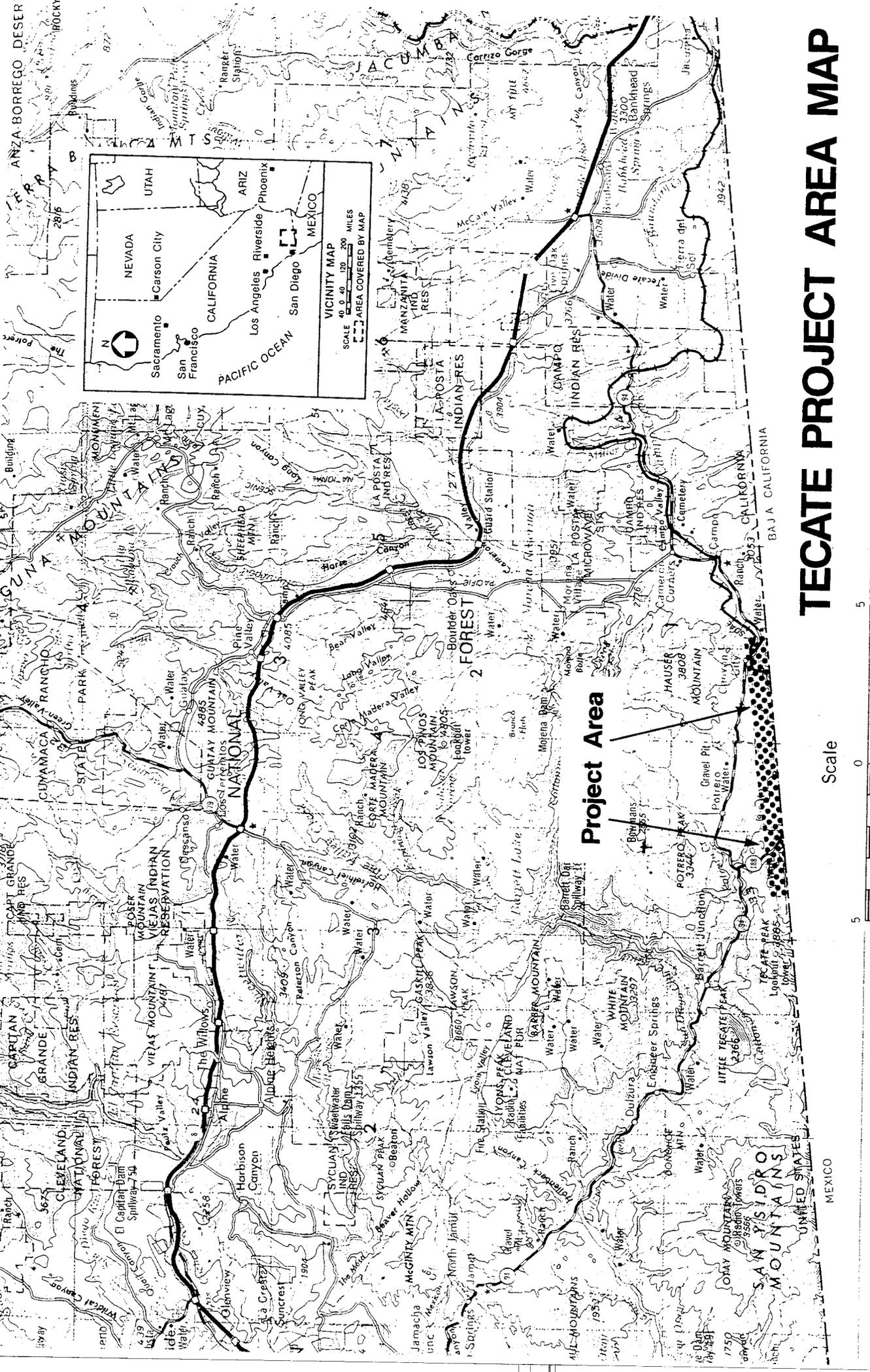
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FIGURES 1 AND 2a & 2b



TECATE PROJECT AREA MAP

FIGURE 1



North

Scale



Statute Miles

TABLES 1 AND 2

Table 1. Plant Species Identified in Project Area

<u>Common Name</u>	<u>Scientific Name</u>
Chamise (Greasewood)	<u>Adenostoma fascoiculatum</u>
Whiteleaf Manzanita	<u>Arctostaphylos viscida</u>
Hoary Manzanita	<u>Arctostaphylos canescens</u>
Common Buckbrush	<u>Ceanothus cuneatus</u>
Hoaryleaf Ceanothus	<u>Ceanothus crassifolius</u>
Mountain Mahogany	<u>Cercocarpus betuloides</u>
Yucca	<u>Yucca whipplei</u>
Hedge Mustard	<u>Sysimbrium officinale</u>
Laurel Sumac	<u>Rhus laurina</u>
Sugarbush	<u>Rhus ovata</u>
Castor Bean	<u>Ricinis communis</u>
Common Rabbitbush	<u>Chrysothamnus spp.</u>
Willow	<u>Salix spp.</u>
California Scrub Oak	<u>Quercus dumosa</u>
Coast Live Oak	<u>Quercus agrifolia</u>
California Buckwheat	<u>Eriogonum fasciculatum</u>
Red Shanks	<u>Adenostoma sparsifolium</u>
Redberry	<u>Rhamnus crocea</u>
Sage	<u>Salvia spp.</u>
Tree Tobacco	<u>Nicotiana glauca</u>
Red Monkeyflower	<u>Mimulus puniceus</u>
Mule Fat	<u>Baccharis viminea</u>
Coyote Brush	<u>Baccharis pilularis</u>
Deerweed	<u>Lotus scoparius</u>
Mexican Elderberry	<u>Sambucus mexicana</u>
Scarlet Pimpernel	<u>Anagallis arvensis</u>
Cocklebur	<u>Xanthium spinosum</u>
California Encelia	<u>Encelia californica</u>
Sunflower	<u>Helianthus annuus</u>
Prickly Pear	<u>Opuntia spp.</u>
Cholla	<u>Opuntia spp.</u>
California Dodder	<u>Cuscuta californica</u>
Turkey Mullein	<u>Eremocarpus setigerus</u>
California Fuschia	<u>Zauschneria californica</u>
Rattlesnake Weed	<u>Euphorbia albomarginata</u>
Sweet Fennel	<u>Foeniculum vulgare</u>
California Sagebrush	<u>Artemisia californica</u>
Basin Sagebrush	<u>Artemisia tridentata</u>
Yerba Santa	<u>Eriodyction crassifolium</u>
Wild oats	<u>Avena fatua</u>

Table 2. Animal Species Identified in Project Area

<u>Common Name</u>	<u>Scientific Name</u>
Scrub Jay	<u>Aphelocoma coerulescens</u>
Quail	<u>Callipepla spp.</u>
Coast Horned Lizard	<u>Phrynosoma coronatum</u>
Turkey Vulture	<u>Cathartes aura</u>
Red-tailed Hawk	<u>Buteo jamaicensis</u>
Mourning Dove	<u>Zenaida asiatica</u>
Lizard	
Ants	
Tarantula Wasps	
Brush Rabbit	<u>Sylvilagus bachmani</u>
California Ground Squirrel	<u>Citellus beecheyi</u>
Gopher Snake	<u>Pituophis melanoleucus</u>
San Diego Coast Horned Lizard	<u>Phrynosoma coronatum var. blainvillei</u>

ATTACHMENT 1

**BIOLOGICAL ASSESSMENT OF ENDANGERED, THREATENED,
AND PROPOSED ENDANGERED SPECIES FOR THE
PROPOSED JTF-6 PROJECT FOR CONSTRUCTION OF BORDER
FENCE/ROAD AND ROAD IMPROVEMENTS,**

TECATE, CALIFORNIA

September, 1993

PROJECT DESCRIPTION.

The proposed Joint Task Force Six (JTF-6) project in the vicinity of the international border between the United States and Mexico consists of the following components:

- 1) Construction of a steel mat fence and parallel access road within 25 feet of the international border between the United States and Mexico in the vicinity of the Tecate, California Port of Entry (POE) extending 2.25 miles west of the POE, 1.4 miles east of the POE, and 0.4 miles across Bell Valley, an isolated area 3.5 miles east of the POE.
- 2) Improvements to an existing jeep trail consisting of widening the current road from 12 feet to 24 feet where terrain permits and commencing 2.0 miles east of the POE.
- 3) Construction of new roads at three locations: an upslope position of an unnamed peak 1.0 mile east of the POE, an upslope position of a peak 3.0 miles west of the POE and immediately west of Bell Valley, and a road oriented north of the proposed fence/road alignment at the eastern portion of Bell Valley.

BIRDS

The Los Angeles District, Corps of Engineers has determined that the proposed JTF-6 project for the construction of a fence and road and improvements to existing roads will not affect the following Federally listed or proposed bird species:

California gnatcatcher	(<u>Polioptila californica</u>)
Least Bell's vireo	(<u>Vireo bellii pusillus</u>)
Southwestern willow flycatcher	(<u>Empidonax trailii extimus</u>)

CALIFORNIA GNATCATCHER

Background Information: The California gnatcatcher, Federally listed as Threatened, is a small gray songbird which is distributed from coastal Southern California and south into lowland areas of Baja California to Cabo San Lucas. The primary habitat preferred by the California gnatcatcher is coastal sage scrub composed of aromatic, drought-deciduous species: Artemisia californica, Salvia mellifera, S. leucophylla, S. apiana, Encelia californica, and Eriogonum fasciculatum (Atwood, 1993). Its present geographical distribution in San Diego County is believed to be confined to areas below 250 meters but has been recorded at higher elevations (Atwood, 1993). The project area contains areas

of inland sage scrub which overlaps chamise and mixed chaparral which has been identified as the primary habitat component of the area (Beachamp, 1986). This may be characterized as transitional and not well developed as evidenced by the plant composition (personal communication, 1993, F. Sproul). Spot checking of the area for California gnatcatchers and the occurrence of appropriate habitat conducted by Phil Unitt, San Diego Natural History Museum, did not record the occurrence of California gnatcatchers or habitat capable of supporting California gnatcatchers (personal communication, 1993).

Determination of Effect. The project area does not contain appropriate habitat and is located at elevations beyond those where gnatcatchers have been recorded; in addition, surveys conducted in the project area did not record the presence of California gnatcatchers. Based on this information, the Corps of Engineers, Los Angeles District has determined that the proposed project will have no effect on the continued existence of the California gnatcatcher.

LEAST BELL'S VIREO

Background Information. The least Bell's vireo, Federally listed as Endangered, is a small, migratory songbird that breeds in riparian woodlands in southern California and northwestern Baja California. As a result of habitat loss and nest parasitism, the bird species has endured serious population declines and occurs in small, widely dispersed subpopulations. Major subpopulations occur in the Santa Margarita River, Sweetwater River, San Luis Rey River, San Diego River, Prado Basin-Santa Ana River, and the Santa Ynez River-Gibraltar Reservoir and represent approximately 90% of the total number of breeding pairs (Franzreb, 1989). The habitat preference of least Bells's vireo is permanent or nearly permanent streams with a dense shrub layer between 0.6 to 3.0 meters from the ground where willows dominate the canopy layer (BLM, 1992). Habitat characteristics include thickets dominated by willows and an understory of mulefat, in proximity to native brushland and southern California grassland, and not in proximity to agricultural, urban or recreational areas (RECON, 1988). The project area contains two drainage areas, one of which is dominated by willows but does not support an understory of mulefat; in addition it is located in an urbanized area. The second drainage contains 4 willows with an open canopy and undeveloped understory resembling a marsh. Although one drainage appears to be potential habitat for least Bell's vireo, distribution records, field surveys, and resource evaluations do not indicate the presence of least Bell's vireo in the project area.

Determination of Effect. Due to the absence of least Bells' vireo in the project area, the Corps of Engineers, Los Angeles District has determined the proposed project will have no effect on the continued existence of the least Bell's vireo.

SOUTHWESTERN WILLOW FLYCATCHER

Background Information. The southwestern willow flycatcher, proposed for Federal listing as Endangered, is one of four subspecies of the willow flycatcher (Empidonax trailli) and occurs in southern California, southern Nevada, southern Utah, western New Mexico and Arizona. It occurs in densely vegetated riparian habitats preferring streamside associations of cottonwood (Populus sp.), willows (Salix sp.) and other riparian vegetation (Bureau of Interior, 1992). Threats to its existence are the result of habitat loss, habitat replacement by tamarisk (Tamarisk sp.) and nest parasitism (Remsen, 1979). Its current range is restricted to drainages in the Sweetwater River, San Luis Rey River, and the Santa Margarita River, Prado Basin and Santa Ana River, and Santa Clara River (BLM, 1992). Two drainage areas are located within the project area, one dominated by willows, but field surveys and resource management records for the area did not indicate the presence of the southwestern willow flycatcher.

Determination of Effect. Due to the absence of southwestern willow flycatcher in the project area, the Corps of Engineers, Los Angeles District has determined the proposed project will have no effect on the continued existence of the southwestern willow flycatcher.

CRUSTACEANS

The Corps of Engineers, Los Angeles District has determined the proposed JTF-6 project for fence and road construction and road improvements in the vicinity of Tecate, California will not affect the following Federally listed crustacean species:

Riverside fairy shrimp (Steptocephalus woottoni)

RIVERSIDE FAIRY SHRIMP

Background Information. The Riverside fairy shrimp, Federally listed as Endangered, is a small, fresh water crustacean of the Order Anostraca. Suitable habitat for the existence of this species is seasonal (vernal) pools of freshwater which accumulate after suitable quantities of rainfall (Dpt. Interior, 1993b). No suitable habitat (vernal pools) occurs in the project area.

Determination of Effect. Due to the absence of vernal pool habitat in the project area, the Corps of Engineers, Los Angeles District has determined the proposed project will have no effect on the continued existence of the Riverside fairy shrimp.

AMPHIBIANS

The Corps of Engineers, Los Angeles District has determined the proposed JTF-6 project will not affect the following Federally listed amphibian species:

Southwestern arroyo toad (Bufo microscapius californicus)

SOUTHWESTERN ARROYO TOAD

Background Information. The southwestern arroyo toad, proposed for Federal listing as Endangered, is a small, light greenish gray or tan toad of the family Buionidae historically found in drainages from San Luis Obispo County to San Diego County. Habitat destruction has limited the toads to headwater areas in Los Padres, Angeles, San Bernardino, and Cleveland National Forests. Habitat characteristics associated with the southwestern arroyo toad are rivers with shallow, gravelly pools adjacent to sandy terraces. Juveniles and adults forage for insects on sandy stream terraces with nearly complete closure of cottonwoods, oaks, or willows (Dept. Interior, 1993(c)). The project area contains two drainages areas, one dominated by willows and the other a marsh/riparian area with willows and bulrushes. Field surveys and distribution records indicate the species does not occur in the project area.

Determination of Effect. Due to the absence of southwestern arroyo toad or suitable habitat, the Corps of Engineers, Los Angeles District has determined the proposed project will have no effect on the continued existence of the southwestern arroyo toad.

PLANTS

The Los Angeles District Corps of Engineers has determined that the proposed JTF-6 project will not affect the following Federally listed Endangered plant species:

San Diego button celery (Eryngium aristulatum ssp. parishii)

San Diego mesa mint (Pogogyne abramaii)

California Orcutt grass (Orcuttia californica)

SAN DIEGO BUTTON CELERY, SAN DIEGO MESA MINT, AND CALIFORNIA ORCUTT GRASS.

Background Information. These species, all Federally listed as Endangered, are all found in vernal pool habitats (Dept. of the Interior, 1993b). No appropriate habitat (vernal pools) for any these species occurs in the project area.

Determination of Effect. Due to the absence of vernal pool habitat in the project area, the Los Angeles District Corps of Engineers has determined that the proposed project will have no effect on the continued existence of these Federally listed Endangered plant species.

GAMBEL'S WATERCRESS, Additional Information.

Background Information. Gambel's watercress (*Rorippa gambellii*) is listed as *Cardamine gambellii* in Munz (1974) and Beauchamp (1986). The species historically occurred in coastal wetlands of San Luis Obispo and Santa Barbara Counties and in inland wetland communities in San Diego, San Bernardino, and Los Angeles Counties in California, and in Mexico. Habitat consists of fresh water or brackish marsh at the margin of lakes or slow-moving streams with permanent water. Associated species include cattail (*Typha* spp.) bur-reed (*Sparganium*), and bulrush (*Scirpus* spp.) (Dept. of the Interior, 1993a). In San Diego County, Gambel's watercress historically occurred near Julian (Beauchamp, 1986). All known remaining populations of Gambel's water cress occur in coastal San Luis Obispo County. The San Diego population has been extirpated due to habitat alteration (Dept. of the Interior, 1993a). One drainage in the project area, approximately 2/3 mi. east of the Tecate Port of Entry provides a permanent water source and supports cattails and bulrushes. Although this drainage appears to be potential habitat for the Endangered Gambel's watercress, distribution records and Corps biological field investigations conducted in July, August, and September 1993 indicate that the species does not occur in the project area.

Determination of Effect. Due to the absence of Gambel's watercress in the project area, the Los Angeles District Corps of Engineers has determined that the proposed project will have no effect on the continued existence of this Federally listed Endangered plant species.

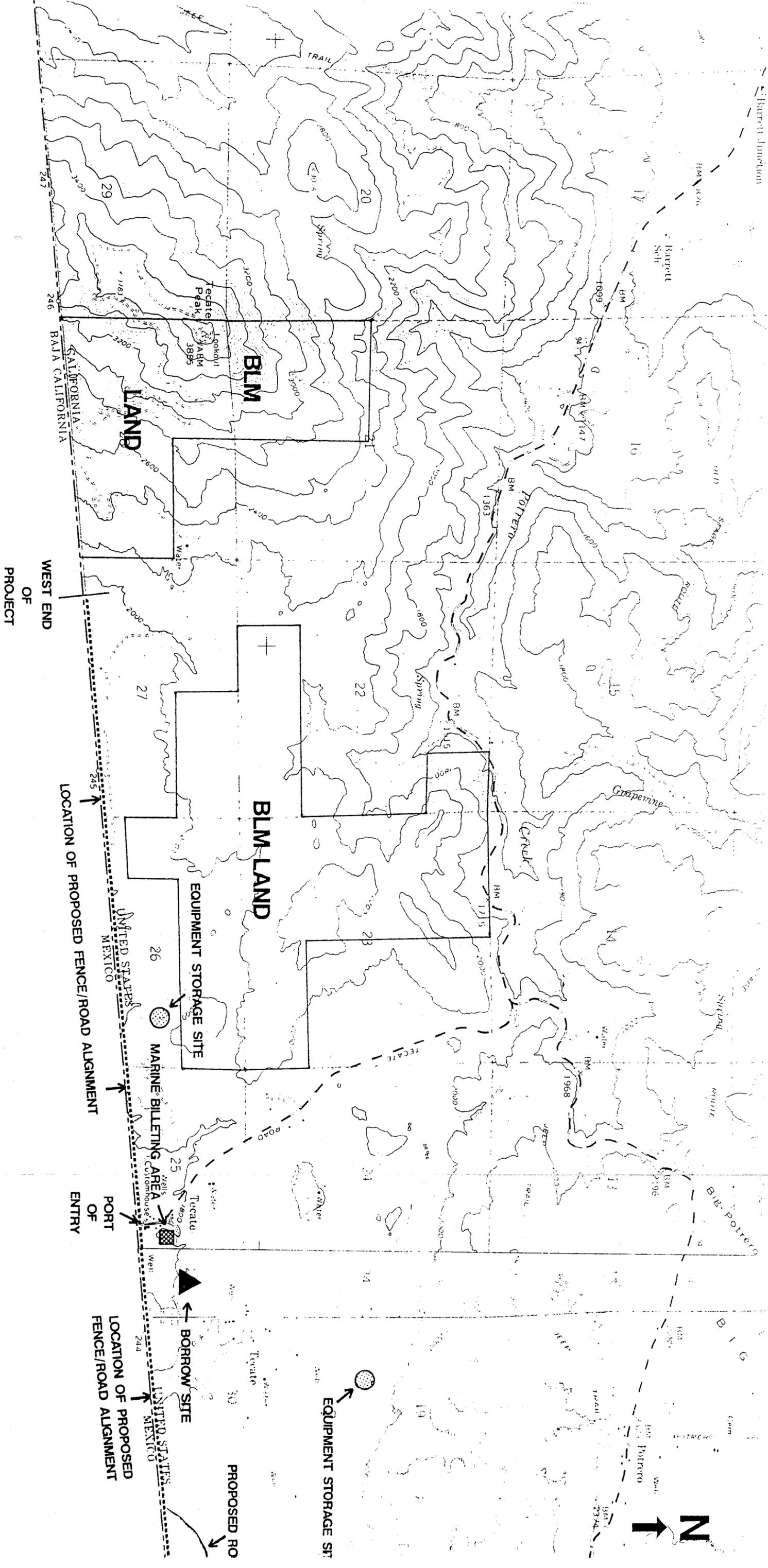
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Unitt, P. San Diego Natural History Museum. Phone Record, September, 1993.



TECATE QUADRANGLE
 CALIFORNIA—SAN DIEGO CO.
 7.5 MINUTE SERIES (TOPOGRAPHIC)
 SW 4 POTRERO 15 QUADRANGLE

SCALE 1:24,000

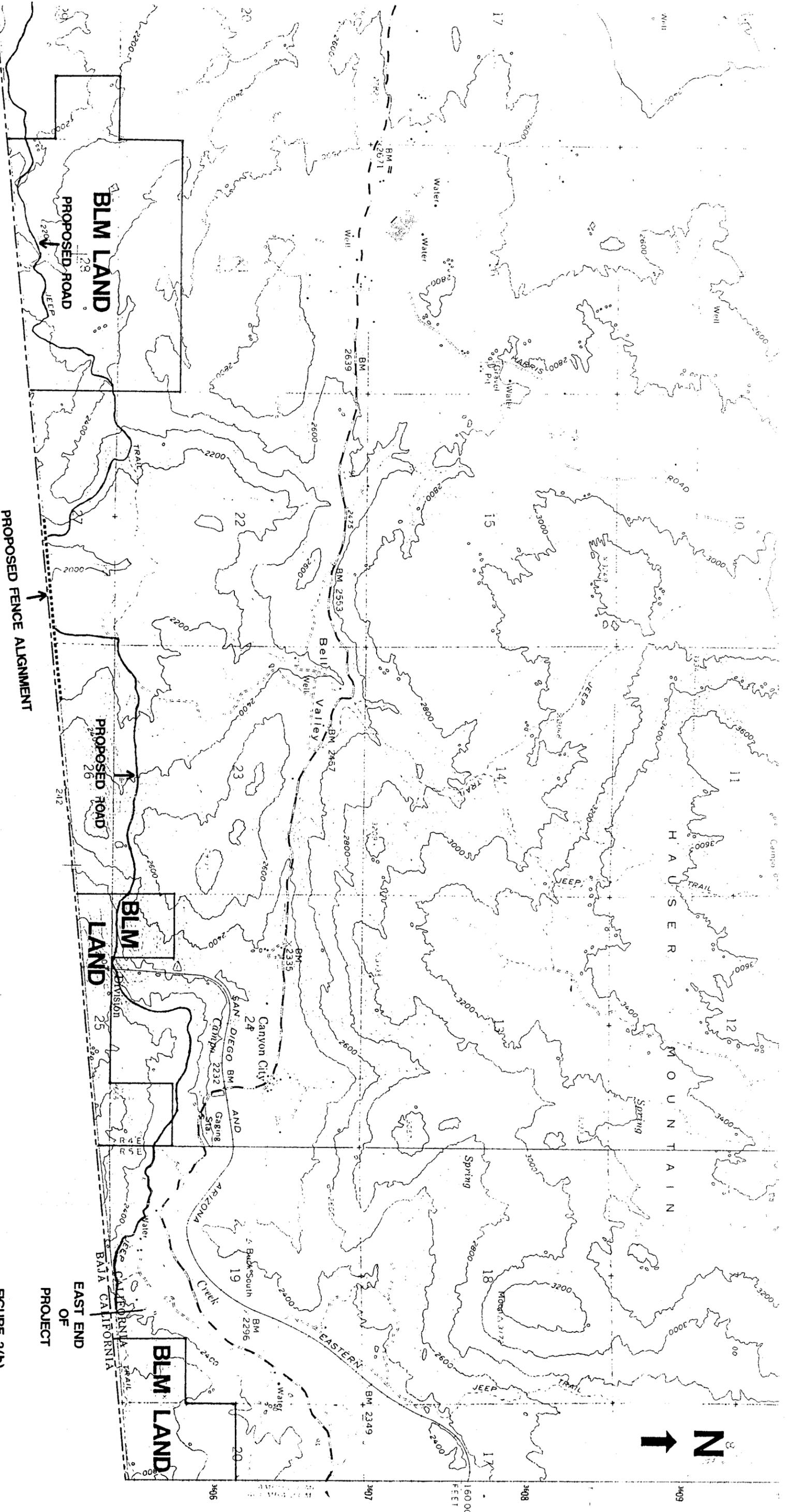


LEGEND

- PROPOSED ROAD
- BORDER FENCE
- BORROW SITE
- MARINE BILLETING AREA
- EQUIPMENT STORAGE AREAS

TECATE - CAMPO
BORDER FENCE/ROAD
PROJECT
 SAN DIEGO COUNTY, CALIFORNIA

FIGURE 2(a)



POTRERO QUADRANGLE
 CALIFORNIA-SAN DIEGO CO.
 7.5 MINUTE SERIES (TOPOGRAPHIC)
 SECTION 15 QUADRANGLE

SCALE 1:24,000



LEGEND

- PROPOSED ROAD
- BORDER FENCE
- BORROW SITE
- MARINE BILLETING AREA
- EQUIPMENT STORAGE AREAS

TECATE - CAMPO
BORDER FENCE/ROAD
PROJECT
 SAN DIEGO COUNTY, CALIFORNIA

FIGURE 2(b)

EAST END
 OF
 PROJECT

THE EVALUATION OF THE EFFECTS
OF THE DISCHARGE OF DREDGED OR FILL MATERIAL
INTO THE WATERS OF THE UNITED STATES
(Section 404 Evaluation)

JTF-6

TECATE TO CANYON CITY, SAN DIEGO COUNTY, CALIFORNIA

I. INTRODUCTION. The following evaluation is provided in accordance with Section 404 (b)(1) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) as amended by the Clean Water Act of 1977 (Public Law 95-217). Its intent is to succinctly state and evaluate information regarding the effects of discharge of dredged or fill material into the waters of the United States. As such, it is not meant to stand alone and relies heavily upon information provided in the environmental document to which it is attached. Citation in brackets [] refer to expanded discussion found in the Environmental Assessment (EA), to which the reader should refer for details.

II. PROJECT DESCRIPTION.

A. Location [2.0]: The project is located between Tecate and Canyon City, eastern San Diego County, California, along the U.S. and Mexico border (See EA Map 1).

B. General Description [1.0]: This Environmental Assessment (EA) addresses the construction and repair of approximately 10 miles of road between Tecate and Canyon City, California. The road repair will consist of light grading, installation of culverts, and grading and shaping for drainage. The road construction will, be near and parallel to the border, be utilized for the construction and placement of a 10 foot high border fence. The intent is to repair the erosion damage on the existing roadway and streams that intersect the road. The construction and repairs will be accomplished by military personnel and will be part of their training.

Project construction will take about 18 months and is scheduled to occur between October 1993 and March 1995. However, due to funding limitations and/or availability of construction personnel the work may be delayed. If that should occur the work would then be accomplished prior to April 1996. JTF-6 will avoid construction in the event of heavy rain or floods to reduce any impacts to water quality.

C. Authority and Purpose [1.1]: The Secretary of Defense established Joint Task Force Six (JTF-6) on 13 November 1989. The purpose of Joint Task Force Six (JTF-6) is to provide the U.S. Border Patrol, and other concerned agencies, with improved access to the border areas to spot and interdict illegal drug trafficking.

D. Description of the Proposed Discharge Sites [4.0]: The proposed discharge sites are located east of Tecate, California. At this time four streams have water in their channels. However, the USGS 7.5' Quads of the area (Tecate and Portrero) do not show any of these streams as perennial. Several stream crossings are planned for erosion control (culverts or rock emplacement). Sand bags will be used to protect banks were needed. Little, if any, discharge of materials or debris will take place.

E. Description of Disposal Method: Any materials needing disposal will be utilized in the grading and filling of the nearby roadway during construction.

III. FACTUAL DETERMINATIONS.

A. Disposal Site Physical Substrate Determinations:

1. Substrate Elevation and Slope: The project is located in the fairly rugged terrain of eastern San Diego County. The area is rather mountainous where elevations range between 1,800 and 3,900 feet above mean sea level.

2. Sediment type: During construction of culverts sand and/or dirt particles may fall from construction materials, therefore, sediment will be compatible with the material found in the walls of the streams.

3. Dredged/Fill Material Movement: All materials to be utilized on this road (stones, sand or gravel) will be obtained from the road surface itself or from a borrow site near Tecate. In the event of heavy rains, construction would be postponed until the project areas were suitable for machines and materials. Any silt or debris that might fall into any of the streams will be removed and used for nearby road repairs.

4. Physical Effects on Benthos: Not applicable to the proposed project.

5. Other effects:

Impact: N/A Insignif. Signif.

6. Action Taken to Minimize Impacts:

Needed: Yes No

Effect on Water Circulation, Fluctuation, and Salinity Determinations:

A. Effect on Water [6.3]. The following potential impacts were considered:

a. Salinity	_____	N/A	<u>X</u>	INSIGNIF.	_____	SIGNIF.
b. Water Chemistry (pH, etc.)	_____	N/A	<u>X</u>	INSIGNIF.	_____	SIGNIF.
c. Clarity	_____	N/A	<u>X</u>	INSIGNIF.	_____	SIGNIF.
d. Color	_____	N/A	<u>X</u>	INSIGNIF.	_____	SIGNIF.
e. Odor	_____	N/A	<u>X</u>	INSIGNIF.	_____	SIGNIF.
f. Taste	_____	N/A	<u>X</u>	INSIGNIF.	_____	SIGNIF.
g. Dissolved gas levels	_____	N/A	<u>X</u>	INSIGNIF.	_____	SIGNIF.
h. Nutrients	_____	N/A	<u>X</u>	INSIGNIF.	_____	SIGNIF.
i. Eutrophication	_____	N/A	<u>X</u>	INSIGNIF.	_____	SIGNIF.
j. Others	_____	N/A	<u>X</u>	INSIGNIF.	_____	SIGNIF.

B. Effect on Current Patterns and Circulation. The potential of discharge or fill on the following conditions were evaluated:

1. Current Pattern & Flow	_____	N/A	<u>X</u>	INSIGN.	_____	SIGN.
2 Velocity	_____	N/A	<u>X</u>	INSIGN.	_____	SIGN.
3 Stratification	_____	N/A	<u>X</u>	INSIGN.	_____	SIGN.
4 Hydrology Regime	_____	N/A	<u>X</u>	INSIGN.	_____	SIGN.

C. Effect on Normal Water Level Fluctuations: The potential effect of discharge or fill on tide and river stages is **not applicable** to this project.

IV. Suspended Particulate/Turbidity Determinations at the Disposal Site. Project construction will occur between October 1993 and March 1995. These streams will be dry for most of this period (precipitation ranges from 2 to 3 inches per month, only in the wettest months). In the event of heavy rains/flooding construction would be stopped until conditions are suitable for personnel and machines. Construction of culverts will reduce erosion, therefore, turbidity will be controlled. Disturbed areas will be seeded for the erosion control.

R

A. Expected Change in Suspended Particulate and Turbidity levels in Vicinity of Disposal Site: These impacts are considered insignificant because they will be distributed over a relatively small area and will be short term in duration.

Impact: _____ N/A X _____ INSIGNIF. _____ SIGNIF.

B. Effects (degree and duration) on Chemical and Physical Properties of the Water Column.

- | | |
|------------------------------|--|
| a. Light Penetration | <u> </u> N/A <u> X </u> INSIGNIF. <u> </u> SIGNIF. |
| b. Dissolved Oxygen | <u> </u> N/A <u> X </u> INSIGNIF. <u> </u> SIGNIF. |
| c. Toxic Metals &
Organic | <u> </u> N/A <u> X </u> INSIGNIF. <u> </u> SIGNIF. |
| d. Pathogen | <u> </u> N/A <u> X </u> INSIGNIF. <u> </u> SIGNIF. |
| e. Esthetics | <u> </u> N/A <u> X </u> INSIGNIF. <u> </u> SIGNIF. |
| f. Others | <u> </u> N/A <u> X </u> INSIGNIF. <u> </u> SIGNIF. |

1. Effects of Turbidity on Biota: These impacts are considered insignificant because streams within the project area are dry most of the time, involve a relatively small area and will be short term in duration.

- | | |
|---------------------------------|--|
| a. Primary Productivity | <u> </u> N/A <u> X </u> INSIGNIF. <u> </u> SIGNIF. |
| b. Suspension/Filter
Feeders | <u> </u> N/A <u> X </u> INSIGNIF. <u> </u> SIGNIF. |
| c. Sight feeders | <u> </u> N/A <u> X </u> INSIGNIF. <u> </u> SIGNIF. |

2. Actions taken to minimize impacts: In case of a flood occurrence, the project construction will be postponed until the streams areas are suitable for personnel and machines.

V. Contaminant Determination

No chemical or biological impacts are expected at the disposal site.

VI. Effect on Aquatic Ecosystem and Organism Determinations:

A. The Following ecosystem effects were evaluated [6.5]:
The proposed construction and repair of the roads would have no significant effect on aquatic organisms, special aquatic sites, or threatened and endangered species.

- | | |
|----------------|--|
| 1. On Plankton | <u> </u> N/A <u> X </u> INSIGNIF. <u> </u> SIGNIF. |
| 2. On Benthos | <u> </u> N/A <u> X </u> INSIGNIF. <u> </u> SIGNIF. |
| 3. On Nekton | <u> </u> N/A <u> X </u> INSIGNIF. <u> </u> SIGNIF. |
| 4. Food Web | <u> </u> N/A <u> X </u> INSIGNIF. <u> </u> SIGNIF. |

Sensitive Habitats:

- | | |
|-------------------------|--|
| 1. Sanctuaries, refuges | <u> </u> N/A <u> X </u> INSIGNIF. <u> </u> SIGNIF. |
| 2. Wetlands | <u> </u> N/A <u> X </u> INSIGNIF. <u> </u> SIGNIF. |
| 3. Mudflats | <u> X </u> N/A <u> </u> INSIGNIF. <u> </u> SIGNIF. |
| 4. Eelgrass beds | <u> X </u> N/A <u> </u> INSIGNIF. <u> </u> SIGNIF. |

R Approximately .65 acre of the riparian vegetation will be removed due to the project construction (for detail please refer Section 7.5). The removal of riparian plants and shrubs will be compensated by replanting of similar species in an approved location. A qualified biologist will monitor for two years after replanting the cuttings and quarterly status report will be submitted to the Regulatory Branch, Los Angeles District and USFWS.

Riffle and Pool Complexes

N/A INSIGNIF. SIGNIF.

Threatened & Endangered Species

N/A INSIGNIF. SIGNIF.

Other Wildlife (grunion, trout)

N/A INSIGNIF. SIGNIF.

Actions to Minimize Impacts: None required.

VII. Proposed Disposal Site Determinations: Is the mixing zone for the disposal site confined to the smallest practicable Zone? Yes. Repair activities will be limited to the present road imprint and the adjoining several feet of surface, not to exceed 30 feet.

VIII. Determination of Cumulative Effects of Disposal or Fill on the Aquatic Ecosystem: No such cumulative impacts are anticipated as a result of proposed project.

Impacts: N/A INSIGNIF. SIGNIF.

IX. Determination of Indirect Effects of Disposal or Fill on the Aquatic Ecosystem:

Impacts: N/A INSIGNIF. SIGNIF.

X. FINDING OF COMPLIANCE.

A review of the proposed project indicates that:

A. The discharge represents the least environmentally damaging practicable alternative and if in a special aquatic site, the activity associated with the discharge must have direct access or proximity to, or be located in the aquatic ecosystem to fulfill its basic purpose.

YES NO

B. The activity does not appear to: 1) violate applicable state water quality standards or effluent standards prohibited under Section 307 of the CWA; 2) jeopardize the existence of

Federally listed endangered or threatened species or their habitat; and 3) violate requirements of any Federally designated marine sanctuary.

YES NO

C. The activity will not cause or contribute to significant degradation of waters of the U.S. including adverse effects on human health, life stages of organisms dependent on the aquatic ecosystem, ecosystem diversity, productivity and stability, and recreational, aesthetic, and economic values;

YES NO

D. Appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on the aquatic ecosystem.

YES NO

On the Basis of the Guidelines, the Proposed Disposal Site(s) for the Discharge of Dredged or Fill Material (specify which) is (select one):

- (1) Specified as complying with the requirements of these guidelines; or,
- (2) Specified as complying with the requirements of these guidelines, with the inclusion of appropriate and practical conditions to minimize pollution or adverse effects on the aquatic ecosystem; or,
- (3) Specified as failing to comply with the requirements of these guidelines.

APPENDIX B



DEPARTMENT OF THE ARMY

LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF:

July 9, 1993

Office of the Chief
Environmental Resources Branch

Mr. Brooks Harper
Southern California Field Supervisor
U.S. Fish and Wildlife Service
2730 Loker Avenue
Carlsbad, California 92008

Dear Mr. Harper:

The Los Angeles District, U.S. Army Corps of Engineers (COE), requests a current list of any endangered, threatened, proposed, or candidate species that may be affected by the proposed Joint Task Force Six (JTF-6) Border Fence Construction/Road Improvement project to be conducted between Tecate Peak and the border area southeast of Canyon City, San Diego County, California. This request is pursuant to Section 7 of the Endangered Species Act of 1973 (as amended). Reproductions of topographic sheets depicting the project area were provided by Ms. Joy Jaiswal of the COE to U.S. Fish and Wildlife Service (USFWS) personnel on July 8, 1993. We also request your input regarding any other significant issues which may be affected by this project.

The project corridor is approximately ten (10) miles in length between Tecate Peak and the border area southeast of Canyon City, San Diego County, California. The proposed activities associated with this project include constructing 4.5 miles of fencing, upgrading approximately 9.0 miles of existing roadways, and construction of approximately 0.5 miles of new road. A second phase will be initiated at a future time which will continue fence construction and road improvements between Canyon City and Jacumba, California. A list of affected species will be requested at a later date and the impacts of this phase assessed in a Supplemental Environmental Assessment.

Please direct requests for clarifications or information to Dr. Emily Carter, Project Ecologist, at (213) 894-5082.

Thank you for your assistance in this matter.

Sincerely,

Robert S. Joe
Chief, Planning Division



United States Department of the Interior



FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
Carlsbad Field Office
2730 Loker Ave. West
Carlsbad, California 92008

Colonel Robert VanAntwerp
District Engineer
U.S. Army Corps of Engineers
Los Angeles District
P.O. Box 2711 Room 6650
Los Angeles, CA 90053-2325

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL		# of pages ▶ 6
To	Emile Carter	From JAMES BURNS
Dept. Agency	COE	Phone # 619 431 9440
Fax #	213 894-5312	Fax # 9624
NSN 7540-01-317-7366 5088-101		GENERAL SERVICES ADMINISTRATION

Attn: Mr. Laura Tschudi, Chief,

Environmental Design Section

Re: Sensitive Species Request for the Tecate to Canyon City Border
Project in San Diego County, California.

Dear Colonel VanAntwerp:

This species list is provided in response to your request dated August 2, 1993, requesting information on endangered, threatened, and candidate species that may be present within the area of the referenced project in San Diego County, California. The attached list of species fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under Section 7 (c) of the Endangered Species Act of 1973, as amended (Act).

The Federal lead agency under Section 7 (c) of the Act, has the responsibility to request a species list and to prepare a Biological Assessment if the proposed action is a construction activity which may require the preparation of an Environmental Impact Statement.¹ If a Biological Assessment is not required, the agency still has the responsibility to review its proposed activities and determine whether the listed species will be affected.

During the assessment or review process, the Federal agency may engage in planning efforts, but may not make any irreversible commitment of resources. Such a commitment could constitute a violation of Section 7(d) of the Act. If a listed species may be affected, the federal agency should request, in writing through our office, formal consultation pursuant to Section 7 of the Act.

A Federal agency is required to confer with the Service when the agency determines that its action is likely to jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat. Conferences are informal discussions between the Service and the federal agency, designed to identify and resolve potential conflicts between an action and proposed species or proposed critical habitat at an early point in the decision making process. The Service makes recommendations, if any, on ways to minimize or avoid adverse effects of the action. These recommendations are advisory because the jeopardy prohibition of section 7(a)(2) does not apply until the species is listed or the proposed

Listed, Proposed and Candidate Species
Which May Occur in the vicinity of the Tecate to
Canyon City Border Project in San Diego County, California

(1-6-93-SP-253)

LISTED SPECIES

<u>Common name</u>	<u>Scientific name</u>	<u>Status</u>
<u>Birds</u>		
California Gnatcatcher	<u>Polioptila californica</u>	(T)
Least Bell's vireo	<u>Vireo bellii pusillus</u>	(E)
<u>Crustaceans</u>		
Riverside fairy shrimp	<u>Steptocephalus woottoni</u>	(E)
<u>Plants</u>		
San Diego button celery	<u>Eryngium aristatatum parishii</u>	(E)
San Diego mesa mint	<u>Pogogyne abramsii</u>	(E)
California Orcutt grass	<u>Orcuttia californica</u>	(E)
Gambel's Watercress	<u>Rorippa gambellii</u>	(E)

PROPOSED SPECIES

<u>Birds</u>		
Southwestern Willow Flycatcher	<u>Empidonax trailii extimus</u>	(PE)
<u>Amphibians</u>		
Southwestern Arroyo Toad	<u>Bufo microscapius californicus</u>	(PE)

Butterflies & Moths

Quino checkerspot butterfly	<u>Euphydryas editha quino</u>	(2)
	(= <u>E. e. wrighti</u> = <u>Occidryas editha</u>)	
Dun skipper	<u>Euphyes vestris harbisoni</u>	(2)
Hermes copper butterfly	<u>Lycaena hermes</u>	(2)
Thorne's hairstreak butterfly	<u>Mitoura thornei</u>	(2)
Wandering skipper (=Eunus Skipper)	<u>Pseudocopaeodes eunus eunus</u>	(2)

PLANTS

San Diego thornmint	<u>Acanthominta ilicifolia</u>	(1)
San Diego ragweed	<u>Ambrosia pumila</u>	(2)
Otay manzanita	<u>Arctostaphylos otayensis</u>	(2)
Dean's milk-vetch	<u>Astragalus deanei</u>	(2)
Round-podded (Jacumba) milk-vetch	<u>Astragalus douglasii perstrictus</u>	(2)
San Diego milk-vetch	<u>Astragalus oocarpus</u>	(2)
Orcutt's Brodiaea	<u>Brodiaea orcuttii</u>	(2)
Dunn's mariposa	<u>Calochortus dunnii</u>	(2)
Slender-pod Caulanthus	<u>Caulanthus stenocarpus</u>	(2)
Lakeside Ceanothus	<u>Ceanothus cyaneus</u>	(2)
Summer-holly	<u>Comarostaphylis diversifolia</u> ssp. <u>diversifolia</u>	(2)
Orcutt's bird's beak	<u>Cordylanthus orcuttianus</u>	(2)
Tecate cypress	<u>Cupressus forbesii</u>	(2)
Variegated Dudleya	<u>Dudleya variegata</u>	(2)
Palmer's Happlopappus	<u>Ericameria palmeri palmeri</u>	(2)
San Diego barrel cactus	<u>Ferocactus viridescens</u>	(2)
Mexican flannelbush	<u>Fremontodendron mexicanum</u>	(2)
Mission Canyon bluecup	<u>Githopsis diffusa filicaulis</u> (= <u>G. filicaulis</u>)	(2)
Palmer's Grapling Hook	<u>Harpagonella palmeri</u>	(2)
Otay tarplant	<u>Hemizonia conjugens</u>	(2)
Tecate tarplant	<u>Hemizonia floribunda</u>	(2)
Smooth Tarplant	<u>Hemizonia pungens laevis</u>	(2)
Graceful Tarplant	<u>Holocarpa virgata elongata</u>	(2)
San Diego marsh elder	<u>Iva hayesiana</u>	(2)
Gander's pitcher sage	<u>Lepechina ganderi</u>	(2)
Otay Lotus	<u>Lotus crassifolius otayensis</u>	(2)
Willow Monardella	<u>Monardella linoides viminea</u>	(2)
San Diego goldenstar	<u>Muilla clevelandii</u>	(2)
Little mousetail	<u>Myosurus minimus apus</u>	(2)
No-named Navaretia	<u>Navaretia fossalis</u>	(2)
Snake cholla	<u>Opuntia parryi serpentina</u>	(2)
Gander butterweed	<u>Senecio ganderi</u>	(2)
Narrow-leaved nightshade	<u>Solanum tenuilobatum</u>	(2)
San Diego button bush	<u>Tetracoccus dioicus</u>	(2)



United States Department of the Interior



OPTIONAL FORM 99 (7 90)

FISH AND WILDLIFE SERVICE
FIELD OFFICE
Avenue West
California 92008

FAX TRANSMITTAL

of pages ▶ 2

To: <i>Emilie Carter</i>	From: <i>James Burns</i>
Dept./Agency: <i>COE</i>	Phone #: <i>619.431.9440</i>
Fax #: <i>213.894.5312</i>	Fax #: <i>9624</i>

September 17, 1993

NSN 7540-01-517-7368 5090-101 GENERAL SERVICES ADMINISTRATION

Colonel Robert VanAntwerp, District Engineer
Los Angeles District, Corps of Engineers
P.O. Box 2711
Los Angeles, CA 90053-2325

Attn: Ms. Laura Tschudi, Chief, Environmental Design Section

Re: Draft Environmental Assessment for Joint Task Force-6, U.S.
Border Patrol Project; Tecate to Canyon City

Dear Colonel VanAntwerp:

The Fish and Wildlife Service (Service) has reviewed the draft environmental assessment (EA) for the Joint Task Force-Six and U.S. Border Patrol Project for the construction and improvement of roads and fences along the border near Tecate. This report also includes the requested list of endangered and threatened species that may possibly occur in the project site.

This project involves the construction and improvement of 10 miles of road, fencing, and barriers along the border between Tecate and Canyon City, in an effort to curb the level of illegal traffic across this part of the border. The creation of a borrow pit, grading and widening of roads, and the construction of culverts and equipment storage sites is suggested as being vital to accomplishing this task.

The dominant plant community on the project site is Mixed Chaparral. Impacts to this habitat will be from road and fence construction on the lower east slope of Tecate Peak removing 2 acres; 19.5 acres within the city limits of Tecate; 2 acres in Bell Valley; and 1.5 acres for a borrow pit. A total of approximately 25 acres of chaparral would be removed. More than half of this habitat is described in the report as seriously degraded from dumping, burning, and other activities.

Road and culvert construction will cross 5 drainages, impacting 3+ acres of Riparian (Mule Fat/Willow) and Oak Woodland Communities. Impacts to wildlife will be from the direct removal of habitat, noise and disturbance from construction activity, and restriction of movement across the international border.

We recommend that a more detailed mitigation plan be incorporated into the final EA. The Service further recommends reducing construction sites and road widening to the minimum necessary and a 1:1 replacement ratio for



INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

SEP 1 1993

Colonel R.L. VanAntwerp
District Engineer
U.S. Army Corps of Engineers
Los Angeles District
Attn: Ms. Laura Tschudi (CESPL-PD-RL)
Chief, Environmental Design Section
P.O. Box 2711, Room 6650
Los Angeles, California 90053-2325

Dear Colonel VanAntwerp:

Thank you for the opportunity to review the Draft Environmental Assessment (DEA) for the Border Road and Fence, Construction and Repair, Tecate to Canyon City, San Diego County, California, dated August, 1993.

As you are aware from past correspondence prepared by our Agency regarding DEA's for various construction/repair/maintenance projects proposed to be undertaken by Joint Task Force Six along the U.S./Mexico border, the United States Section of the International Boundary and Water Commission (USIBWC), United States and Mexico, (Commission) by virtue of the 1944 Water Treaty (TS 994; 59 Stat. 1219) and agreements concluded thereunder by the United States and Mexico is responsible for ensuring that the United States Government meets the obligations incurred in those agreements. In this respect, we ask that the construction and/or repair of the roadways near the international border with Mexico and the construction of several sections of new steel fencing in the Tecate area which you propose be performed in a manner that will not adversely impact upon: (1) the visibility and permanency of the international boundary monuments, (2) the present drainage patterns to and from Mexico, and (3) that all potential sanitation problems be properly addressed to insure that no pollution occurs in either country.

We note that the construction activities will take place, in large part, directly adjacent to the international border. Regarding visibility and permanency of international boundary monuments, the United States and Mexico, through this and predecessor joint Commissions, placed and jointly maintain monuments in this area. Diplomatic protests by the Government of Mexico have been raised regarding the intrusion of the steel fence on the visibility of U.S./Mexico monuments that mark the international boundary. Under no circumstances would the Government of Mexico permit the incursion by personnel and equipment into Mexico to do the metallic fence construction. The Mexican government considers the steel fence to be a barrier to the amicable and friendly relations between the

governments and, therefore, it would be most improper for Mexico to cooperate with the U.S. in the construction of this steel fence. We will appreciate your cooperation in confining activities by equipment, materials, or personnel associated with this activity completely to U.S. territory and that to prevent any encroachment into Mexico, no fence be constructed or any materials placed any closer than 0.60 meters (2 feet) north of the international boundary. Where the fence is to be constructed next to the monuments themselves, it must be installed a minimum of 1.22 meters (4 feet) from the monument on a radius beginning and ending 1.83 meters (6 feet) from the monument to allow adequate room to set up survey instruments. A gate must also be installed to allow access to the monuments.

The DEA does not consider improved boundary demarcation as having a secondary border control benefit that may satisfy the purpose and need of the proposed action. In lieu of this fence, a proposal has been tendered to consider the installation of larger, more visible, and more permanent monuments to better demark the international boundary. It has further been suggested that there be a 18.3 meters (60-foot) open zone to either side of these larger markers within which there would be no construction of any works by either country, including fences. We urge you to consider improved boundary demarcation among the alternatives for the proposed action.

Regarding the present drainage patterns to and from Mexico, we note that your operation will involve the installation of culverts, and grading and shaping for drainage. We note that the proposed project is committed to not disturb existing drainage patterns and flow rates along the border. We ask that you provide the specific plans to P.E. Jose S. Valdez at this address as soon as possible for our review insofar as it impacts on transboundary drainage. Finally, we note that your operation will inform us thirty days in advance of the project's proposed start date, and detail the type of equipment and number of personnel to be involved. We thank you for this courtesy.

Thank you again for the opportunity to review and comment on your proposed project. Please send us two (2) copies of the Final Environmental Assessment (EA) when it becomes available.

Sincerely,



Conrad G. Keyes, Jr.
Principal Engineer, Planning



REPLY TO
ATTENTION OF

DEPARTMENT OF DEFENSE
JOINT TASK FORCE SIX
FORT BLISS, TEXAS 79916-0058

17 September 1993



Mr. Don Crawford
International Boundary and Water Commission
4171 North Mesa, Suite C-31C
El Paso, Texas 79902

Mr. Crawford,

This letter is to inform you on current planning for Joint Task Force Six (JTF-6) operations. The proposed project JT 41A-94, is for border road and fence construction at Tecate to Canyon City, San Diego County, California. The proposed project has been requested by the U.S. Border Patrol. Following is a project outline. (1) Construct approximately 2.7 miles of roadway and a 10 foot high fence, parallel to the border, from southeast of Tecate Peak to near the Port of Entry. (2) Construct approximately 1.4 miles of roadway and a 10 foot high fence parallel to the border form near the Port of Entry in Tecate to City Peak. (3) Repair or construct approximately 2.5 miles of roadway, from the boundary between Sections 29 and 28 to 0.2 miles east of the boundary between Sections 27 and 28. (4) the installation of approximately 0.4 miles of a barrier composed of vertical I-beams placed on the north side of border hill in section 29. (5) Construct and/or repair approximately 2.6 miles of roadway in sections 23, 24 and 19.

Road construction/repair will be undertaken by the California National Guard (CANG) under the direction of the State Adjutant General. JTF-6, in conjunction with the Los Angeles District Corps of Engineers, prepared environmental compliance documentation for the CANG. Fence repair/construction will be undertaken by the 7th Engineer Support Battalion, U.S. Marine Corps, under the direction of JTF-6.

We have received a copy of your letter to the Los Angeles District, and will notify the constructing units of your concerns for their compliance.

-2-

The project has been planned to begin around 12 October 1993. If you have any additional questions or comments please do not hesitate to contact me at (915) 568-8733. Thank you for your continued support to the counterdrug mission.

Joint Task Force Six - "Service to the Nation."

Sincerely,



Mark A. DeHarde
LTC, U.S. Army
Staff Engineer



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

California Desert District Office
6221 Box Springs Boulevard
Riverside, California 92507-0714

IN REPLY REFER TO:

1795
(CA-066.30)

SEP 3 1978

Mr. David Compas
U.S. Army Corps of Engineers
P.O. Box 2711, Rm 6632
Los Angeles, CA 90053

Dear Mr. Compas:

Thank you for the opportunity to comment on the Environmental Assessment (EA) for the proposed International Border Fence, San Diego County. Our comments are as follows:

1. So long as the road and fence are built within the 60 feet international boundary strip and the BLM is not the administering agency, BLM's signature on the EA and a right-of-way from the BLM is not required.
2. At this time, California BLM does not acknowledge responsibility for administering the 60 feet boundary strip (please see the enclosed letter to Congressman Duncan Hunter). This is not a critical issue to us, so long as the U.S. Border Patrol and Army Corp of Engineers have the legal authority to construct and maintain the road and fence. Therefore, for the sake of clarity, we suggest that you cite the authorizing authority in the EA.
3. We recommend that mitigation measures be included to offset adverse impacts to international wildlife movement, especially for Mountain lions and other wildlife.

Livestock and horses from Mexico have also been known to graze on both sides of the border. During fence construction, we recommend that livestock and horses be herded back into Mexico.

4. Please be sure to contact the local Tribal Association listed below for their concerns regarding Tecate peak. The Kumeyaay people consider this mountain sacred.

Southern California Tribal Chairman's Association
Attn: Ms. Anita Castio (619) 749-0910
P.O. Box 1470
Valley Center, CA 92082

Archaeological surveys must be conducted on public and private lands prior to fence construction.

5. As per informal field discussion with U.S. Border Patrol and California National Guard, we request that as many trees as possible be saved within the 60 feet strip, especially west of Tecate.
6. In the spirit of continuing cooperation with the U.S. Border Patrol, BLM would support any efforts to remove abandoned vehicles or illegal structures within the 60 feet strip.

Thank you for your consideration.

Sincerely,


for Henri Bisson
District Manager

The Resources Agency

Pete Wilson
Governor



Douglas P. Wheeler
Secretary

of California

California Conservation Corps • Department of Boating & Waterways • Department of Conservation
Department of Fish & Game • Department of Forestry & Fire Protection • Department of Parks & Recreation • Department of Water Resources

October 1, 1993

Colonel R. L. VanAntwerp
District Engineer
U. S. Army Corps of Engineers
Attn: Ms. Laura Tschudi (CESPL-PD-RL)
P. O. Box 2711, Room 6650
Los Angeles, CA 90053-2325

Dear Ms. Tschudi:

The State has reviewed the Joint Task Force Six Operation (JTF-6) and U. S. Border Patrol, Draft Environmental Assessment for Border Road and Fence; Construction and Repair, Tecate to Canyon City, San Diego County, submitted through the Office of Planning and Research.

We coordinated review of this document with the California Highway Patrol; Native American Heritage, and State Lands Commissions; the Air Resources, and San Diego Regional Water Quality Control Boards; and the Departments of Fish and Game, and Transportation.

The Department of Transportation comments that the leach field described on Page 31 under, California Department of Transportation is a component of the Tecate Border Station expansion project. The U. S. General Services Administration is the lead agency for that work. The contact person for State Highway Routes 94 and 188 is Rick Hopkins, Project Manager, Project Development Branch S-5, (619) 688-6664.

Thank you for providing an opportunity to review this project.

Sincerely,

A handwritten signature in cursive script, appearing to read "William G. Shafroth".

for William G. Shafroth
Assistant Secretary,
Land and Coastal Resources

cc: Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814
(SCH 93094001)

The Resources Building Sacramento, CA 95814 (916) 653-5656 FAX (916) 653-8102

California Coastal Commission • California Tahoe Conservancy • Colorado River Board of California
Energy Resources, Conservation & Development Commission • San Francisco Bay Conservation & Development Commission
State Coastal Conservancy • State Lands Commission • State Reclamation Board



General Services Administration
Public Buildings Service
Washington, DC 20405

OPTIONAL FORM 99 (7-90)		# of pages
FAX TRANSMITTAL		
To	From	3
DAVE COMPTON	Bill Gushin	
Dept./Agency	Phone #	
C.O.E. EXT 02A7	415 744 9835	
Fax #	Fax #	
213 894 6312	5768	
NSN 7540-01-317-7388	5099-101	GENERAL SERVICES ADMINISTRATION

APR 30 1993

Mr. Mike Williams
Chief
U.S. Border Patrol
425 I Street, NW.
Washington, DC 20536

Dear Mr. Williams:

I am writing in regard to the installation of landing mat fencing along the U.S./Mexico border by the U.S. Border Patrol. I understand from our regional offices that the Border Patrol has expressed interest in installing this fencing through border stations controlled by the General Services Administration (GSA) in California, Arizona, and New Mexico.

GSA is interested in helping the Border Patrol implement Federal policies for stopping the flow of illegal immigration and drug traffic along the border. However, we oppose the use of the landing mat fencing favored by the Border Patrol at GSA controlled border stations.

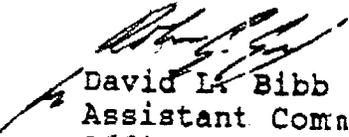
GSA currently has underway a major \$364 million construction and renovation program for border stations in Texas, New Mexico, Arizona, and California. GSA in cooperation with the Immigration and Naturalization Service, U.S. Customs Service, and the Department of Agriculture has designed facilities that are architecturally pleasing and meet the needs of these inspection agencies. In the design of these stations, GSA strives to project the appropriate image of the United States to those entering the country. Landing mat fencing in front of the stations does not present such an image.

If you believe that the type of fencing and barrier installed by GSA at border stations is not appropriate we are interested in working with you on finding fencing or other barriers that can be installed at GSA controlled border stations that are esthetically pleasing and meet the Federal policies that the Border Patrol is implementing.

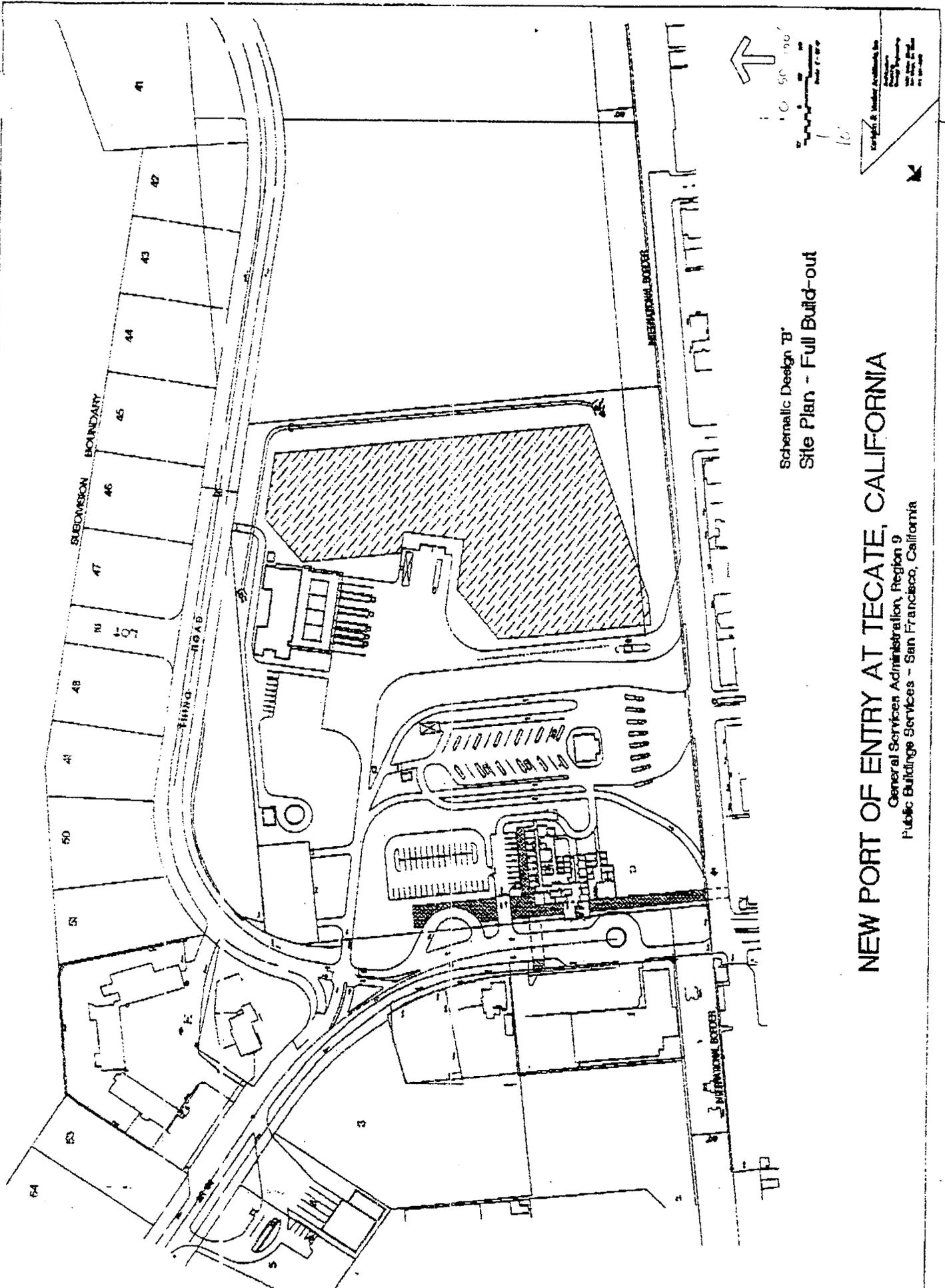
-2-

In this regard I would appreciate it if you or a member of your staff would contact me or John Mitrisin of my staff at 202-501-0638 to discuss this issue. We would hope that we could come to a general agreement at the national level with the particulars worked out at the regional level.

Sincerely,



David L. Bibb
Assistant Commissioner
Office of Planning



Schematic Design 'B'
 Site Plan - Full Build-out

NEW PORT OF ENTRY AT TECATE, CALIFORNIA

General Services Administration, Region 9
 Public Buildings Services - San Francisco, California



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2711
LOS ANGELES, CALIFORNIA 90053-2325

October 4, 1993

REPLY TO
ATTENTION OF

Office of the Chief
Environmental Resources Branch

Mr. Bruce Posthumus
WRC Engineer
California Regional Water Quality Control Board
San Diego Region
Attn: Mr. Brian Kelley
9771 Clairemont Mesa Boulevard, Suite B
San Diego, California 92124-1331

Dear Mr. Posthumus:

The Corps of Engineers (COE), Los Angeles District (LAD), request a waiver from obtaining a water quality permit for the Joint Task Force Six (JTF-6) project for Tecate to Canyon City, California. The purpose of the proposed project is to assist law enforcement agencies in the prevention of illegal importation of drugs along the border with Mexico. The proposed project consists of construction and repair of approximately 10 miles of road, and improvement/construction of fencing of about 5 miles between Tecate and Canyon City, California. The road repair will consist of grading, installation of culverts, and grading and shaping for drainage. The road construction will be near and parallel to the border and be utilized for the construction and placement of a 10 foot high border fence. The intent is to repair the erosion damage on the existing roadway, and the streams that intersect the road.

The Draft EA was provided for your review during the public review period. Subsequent to our phone conversation on October 1, 1993 enclosed for your review and comment is additional information on mitigation measures and environmental commitments for the proposed project.

The COE coordinated this action with COE Regulatory Branch, LAD office. They determined that the proposed construction will impact less than one acre where construction crosses streambeds and loss of willows will be mitigated by planting willow cuttings to equivalent value within the project area. The intent is to repair the erosion damage to the existing roadway, and to streams that intersect the road or fence. The slopes of the stream banks will be seeded with native plant species upon completion of the project. The project qualifies for Part 330, Section #14 and #26 of Nationwide Permit Program.

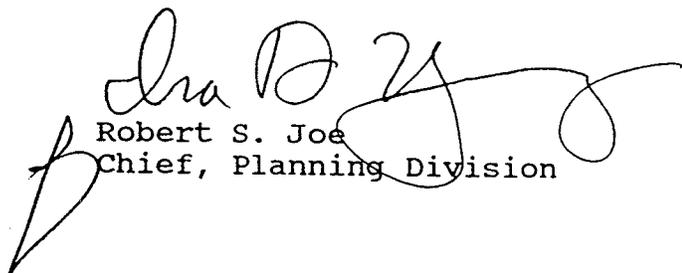
We would appreciate your response to the request for waiver of 401 certification and approval of the proposed project. Your immediate response would be greatly appreciated. Please respond to:

Colonel R.L. VanAntwerp
District Engineer
U.S. Army Corps of Engineers
Los Angeles District
Attn: Ms. Laura Tschudi (CESPL-PD-RL)
Chief, Environmental Design Section
P.O. Box 2711, Room 6650
Los Angeles, California 90053-2325

If you have any questions regarding the revised project, please contact Mr. Dave Compas, Environmental Coordinator, Environmental Planning Section, at (213) 894-5528 or Ms. Joy Jaiswal, Project Manager, Environmental Design Section, at (213) 894-0241.

Thank you for your attention to the Amendment.

Sincerely,


Robert S. Joe
Chief, Planning Division

Enclosures

APPENDIX C

RESPONSES TO THE COMMENT LETTER FROM

U.S. Fish and Wildlife Service (USFWS)

Comment #1. The project was anticipated to impact an estimated 25 acres of chaparral habitat of which approximately half was in degraded condition from dumping, burning, and other activities. In addition, construction activities will impact an additional 3 (or more) acres of habitat described as riparian and potentially disrupt animal communities through habitat loss and construction noise.

Response #1. The estimates of the number of acres anticipated to be impacted and the type of habitat within each portion of the project has been summarized in section 7.5, Biological Resources.

Comment #2. The USFWS recommends a more detailed mitigation plan incorporated in the Final EA which incorporates the recommended replacement values for impacted habitat.

Response #2. The Final EA includes a mitigation plan in section 7.5, Biological Resources, with recommendations to lessen or avoid impacts to the project area. Specific commitments and mitigation measures are also included in section 10.0, Commitments.

Comment #3. The occurrence of Coastal Sage Scrub habitat was not mentioned in the DEA which reportedly occurred in the project area. Mitigation for this habitat is recommended in a 3:1 replacement ratio if any is impacted.

Response #3. The project area was surveyed by Corps of Engineers biologists and it was determined that small portions of the project area primarily mapped as chamise and mixed chaparral are interspersed with inland sage scrub in a transitional state. An assessment of the habitat and its potential for the support of the threatened species, California gnatcatcher is included in the Biological Assessment.

Comment #4. Endangered/Threatened/Candidate species may be impacted by the proposed project, a list of which was provided to the Corps on September 17, 1993. During a brief site visit by a Service biologist, a San Diego (Coast) Horned Lizard, Category 2 species, was observed and six candidate species were cited with the potential to occur in the project vicinity. It is recommended a more intensive survey be conducted to better assess impacts on these species.

Response #4. The project site was surveyed in July/August 1993 to assess biological resources which may be impacted by the

project. The results of the survey were incorporated into the Draft EA as well as information regarding biological resources in the project vicinity identified from BLM resource documents; information from USFWS sources was not received until September 17, 1993. Information considered in the planning process included a resource management plan for all BLM parcels in San Diego County including three through which the project area traverses; only three candidate species were identified with the potential to occur on these parcels. However, in consideration of species listed as endangered, threatened, and proposed endangered, the Corps in conjunction with BLM personnel was undertaken a second assessment of the project site on September 28 and 29, 1993. A Biological Assessment (BA) addressing threatened and endangered species is included in this final EA as an attachment. The proposed project will have no effect on listed species.

Comment #5. Wildlife corridors were stated as potentially not impacted but should be explained in greater depth. It is advisable to leave steep ridges and drainages open and restrict human access.

Response #5. The potential for a wildlife corridor within the project area was identified by a Service biologist during a brief site visit. The location of the potential wildlife corridor is at the base of Tecate Peak and no actions are proposed for this site.

Comment #6. Mitigation measures identified in the Final EA should include replanting of temporarily used work areas and borders with native vegetation and removal of vegetation outside of the breeding season of resident birds to reduce loss of nests and nestlings.

Response #6. Mitigation measures specifically requested by the BLM have been incorporated into section 10.0, Environmental Commitments and a mitigation plan is provided in section 7.5, Biological Resources. Mitigation measures incorporated into the Final EA were considered appropriate to offset the impacts expected to occur in the course of the project.

Comment #6. A proposal has been tendered to consider the installation of larger, more visible, and more permanent monuments to better demark the international boundary.

Response #6. The steel panel fence that will be installed is approximately 10 feet in height. Military personnel have and will continue to work with the IBWC to provide access (steel doors, gates) near the International Boundary monuments so IBWC personnel can continue to maintain and use these markers to determine the legal boundary line between the U.S. and Mexico. In letter dated 17 September 1993 (Appendix B), JTF-6 has indicated that they will notify the constructing units of your concerns for their compliance.

RESPONSES TO THE COMMENT LETTER FROM

BUREAU OF LAND MANAGEMENT

Comment # 1. BLM is not the administering agency, within the 60 feet international boundary strip, therefore, BLM's signature on the EA and right-of-way form BLM is not required.

Response # 1. Within the 60 feet international boundary strip, BLM is not the administering agency, therefore construction can proceed in this area. JTF-6/CANG will submit required permit application to work on BLM land. Road repair/construction on BLM land will not occur until permission is obtained from BLM.

Comment # 2. State the authorization for the improvement/construction of road or fence within the 60 feet international boundary strip in the EA.

Response # 2. COE has coordinated with U.S. Border Patrol, San Diego Sector regarding the authorization for the improvement/ of existing roads and construction of new roads and a border fence within the 60 feet international boundary strip. The information provided by U.S. Border Patrol can be found at end of this Appendix.

Comment # 3. Mitigation measures to offset impacts to International movement of wildlife and that livestock be herded to the proper side of the border;

Response # 3. COE will inform the CANG and the Marines that prior to the fence construction livestock be herded to the appropriate side of the border.

Comment # 4. Contact be made with the Southern California Tribal Chairman's Association.

Response # 4. The COE contacted Ms. Anita Castio, of the Southern California Tribal Chairman's Association in August. The project parameters were explained to her and she recommended contacting Mr. Ralph Goff, Chairman of the Campo Band of Mission Indians. A telephone call was made to Mr. Goff in August and again on September 30, 1993. He was not available either time, but a message explaining the project was left.

All cultural resources documentation will be sent to the **State Historic Preservation Officer (SHPO)** for review and comment. Copies of the documentation will also be sent to the Bureau of Land Management, Palm Springs Office, and the Campo Band of Mission Indians.

Comment # 5. As many trees as possible be saved within the border strip.

Response # 5. Oak and mature trees will be avoided during the project construction and these trees will be marked by COE biologist prior to the construction.

Comment # 6. Remove abandoned vehicles or illegal structures within the border strip.

Response # 6. Military personnel will remove abandoned vehicles or other structures from the project area. U.S. Border Patrol will truck and dispose of them at designated disposal sites.

LEGAL AUTHORITY OF THE BORDER PATROL TO ERECT FENCE ON
THE U.S.-MEXICO BOUNDARY

* 8 USC 1103(a) (LAW)

General power of the Attorney General to establish regulations, instructions etc. to carry out his/her authority to enforce and carry out the provisions of the Immigration and Nationality Act. These powers are delegated down to Border Patrol, this Section specifically states that the Attorney General "shall have the power and duty to control and guard the boundaries and borders of the United States against the illegal entry of aliens ..."

* The Chinese exclusion cases

In 1889 and 1893, the Supreme Court first said that the U.S. has inherent power as a sovereign state to control its borders.

* Regulations

- delegation to Border Patrol (8 CFR 103.1(p))
- definition of patrolling the border as:
"conducting such activities as are customary or reasonable and necessary to prevent the illegal entry of aliens into the United States" (8 CFR 287.1(f))

Note: This information is provided by U.S. Border Patrol,
San Diego.

RESPONSES TO THE COMMENT LETTER FROM
THE RESOURCES AGENCY OF CALIFORNIA

COMMENT #1. The leach field is a component of the GSA proposed construction at the Tecate Border Station, and not a component of any Department of Transportation work.

RESPONSE #1. It is understood by the agencies involved in this project that GSA is the agency to coordinate with concerning the leach field. Any necessary coordination will be conducted with GSA. Also, any coordination that may be needed with the Department of Transportation will be conducted with Mr. Rich Hopkins, as noted in the comment letter.