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To: Environmental Planning
Office of Safety and Environment, Management Directorate
Department of Homeland Security
Washington, D.C. 20528

Submittal via Fax (202) 772-9749

Pages: 3: including this page.

Date: 07/13/04

RE: The United States Section, International Boundary and Water Commission (USIBWC) comments on the proposed Department of Homeland Security (DHS): Management Directive 5100.1, Environmental Planning Program referenced in the June 9, 2004 fact sheet and June 14, 2004 Federal Register

Please see the attached comments from the United States Sections of the International Boundary and Water Commission

Thank You

Martin Burris

From the desk of...

Martin Burris

INTERNATIONAL BOUNDARY AND WATER COMMISSION

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OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

JUL 13 2004

Environmental Planning
Office of Safety and Environment, Management Directorate
Department of Homeland Security
Washington, D.C. 20528

Dear Department Representative:

The United States Section, International Boundary and Water Commission (USIBWC) comments on the proposed Department of Homeland Security (DHS): Management Directive 5100.1, Environmental Planning Program (Directive) referenced in the June 9, 2004 fact sheet and June 14, 2004 Federal Register are provided below.

Projects that include construction on property owned or managed by the USIBWC must be authorized by the USIBWC. Applications require detailed plan sheets and project descriptions. This information is used to determine if the project elements within the USIBWC properties will be consistent with current or proposed functions of those properties. The USIBWC is required to follow the Agency specific "Operational Procedures for Implementing Section 102 of the National Environmental Policy Act (NEPA) of 1969" published in the Federal Register on September 2, 1981. Applicants must demonstrate that the action will not impact unique geographical features such as: wetlands, wild and scenic rivers, or flood plains. Projects must comply with the terms of the Rivers and Harbors Act of 1899, the Clean Water Act, and other regulations applicable to waters of the United States, coastal waters and/or international waters. Applicants must evaluate any impacts to species listed or proposed to be listed as endangered or threatened as required by the Endangered Species Act. Applicants must ensure that projects will not impact sites listed on the National Register of Historic Places in accordance with provisions of the National Historic Preservation Act and the Archeological and Historic Preservation Act. Typically these requirements may be addressed by consulting with the United States Army Corps of Engineers (USACE), the United States Fish and Wildlife Service (USFWS), and the appropriate State Historic Preservation Office (SHPO).

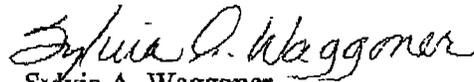
The USIBWC operational procedures allow for decisions based on environmental documentation prepared by other federal agencies. This documentation must provide adequate support for the USIBWC decision. If adequate documentation is not available for the USIBWC decision, a separate Environmental Assessment, or Environmental Impact Statement may be required. The project proponent should prepare one environmental document that addresses the NEPA compliance requirements for the DHS, the USIBWC, and other federal agencies. Section 2.3 of the Directive discusses this type of coordination.

The USIBWC and DHS predecessor agencies have cooperated on many projects along the United States and Mexico border. The DHS should contact the USIBWC early in the planning process for any project on USIBWC properties and schedule adequate time for review of project elements and environmental documents. The USIBWC must ensure proposed actions comply with agency requirements as well as international treaties and agreements between the United States and Mexico. We look forward to DHS comments on USIBWC projects as discussed in section 2.7 of the Directive.

These comments reflect the USIBWC comments on projects within the United States. Projects with impacts in Mexico may require USIBWC coordination with appropriate authorities in Mexico. This includes international structures and projects in close proximity to the international boundary.

The USIBWC appreciates this opportunity to provide comments on the proposed Directive. If you have any questions regarding this information, please call Mr. Martin Burris at (915) 832-4730.

Sincerely,



Sylvia A. Waggoner
Division Engineer
Environmental Management Division

Submitted via FAX
Hardcopy sent via mail.