

DHS NEPA Categorical Exclusions
DHS MD 023-01

Instructions: Section I is to be completed and signed by the Project Proponent for the Proposed Action. Sections II, III, IV, and V are to be completed and signed by agency environmental staff that are working on the Proposed Action, and finally signed by the CBP NEPA Document Signature Authority. Continue on separate sheets if necessary.

PROJECT NAME: CATEX EPT STN Conduct Minimally Intrusive Geo-Technical Survey

SECTION I –Proponent Information

1. Project Proponent: U.S. Customs and Border Protection Office of Border Patrol	2. Project Manager (PM): (b)(6);(b)(7)(C)	2a. PM Contact Info (phone/email): Phone: (b)(6);(b)(7)(c) Email: (b)(6);(b)(7)(c)
3. Title of Proposed Action: CATEX EPT STN Conduct Minimally Intrusive Geo-Technical Survey		
4. Description of Proposed Action and Alternatives: (Sufficient information must be provided to answer Section II.) The proposed action includes conducting a minimally intrusive geo-technical survey of an approximately twenty mile stretch of existing vehicle border fence and road located in the Santa Teresa Station (STN) Area Of Responsibility (AOR). The survey will start west of the Santa Teresa Port of Entry at (b) (7)(E) and follow the alignment of the existing vehicular fence west for twenty miles to (b) (7)(E). Drilling will occur along the existing previously disturbed border road that is located adjacent to existing border infrastructure. Several existing roads provide access to the project area. The geo-technical survey will consists of approximately 49 borings along the existing border road at washes, two hilltops, and will occur at approximately quarter to one-mile intervals. The boreholes will be approximately 4 inches in diameter and will be drilled to a depth between 5 and 20 feet. Once drilling is completed, the holes will be backfilled and restored to pre-project condition. The boreholes will be drilled using a standard wheeled or tracked geo-technical drilling rig. It is anticipated that the geo-technical survey will be completed in approximately five field days utilizing a crew of four people. Staging of equipment, if required, will occur within previously disturbed portions of the existing road.		
5. Purpose and Need for Proposed Action: The purpose of the proposed action is to enhance the overall international border security in the El Paso Sector. The action is needed to provide CBP engineers an understanding of the subsurface geophysical conditions underlying a section of existing tactical infrastructure in the STN Station AOR.		
6. Environmental Manager/Project Manager (Name and Title): (b)(6);(b)(7)(c) Environmental Protection Specialist Border Patrol & Air and Marine Program Management Office	6a. Signature: (b)(6);(b)(7)(c)	6b. Date: July 6, 2017

SECTION II—Environmental Staff: Proposed Action Clearly Fits a Category of Excludable Actions (DHS MD 023-01)

7. ☒ The entire Proposed Action clearly fits within the category of excludable actions set forth as Categorical Exclusion (CatEx) #A7 in DHS MD 023-01.
☐ The entire Proposed Action does not clearly fit within any of the categories of excludable actions set forth in DHS MD 023-01.

Remarks:

The entire Proposed Action clearly fits within the category of excludable actions set forth as Categorical Exclusion (CATEX) A7 in DHS MD 023-01.

A7 *The commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature. If any of these commitments result in proposals for further action, those proposals must be covered by an appropriate CATEX. Examples include, but are not limited to:*

(a) Activities designed to support the improvement or upgrade management of natural resources, such as surveys for threatened and endangered species, wildlife and wildlife habitat, historic properties, and archeological sites; wetland delineations; timber stand

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examination; minimal water, air, waste, material and soil sampling; audits, photography, and interpretation.

(b) Minimally-intrusive geological, geophysical, and geo-technical activities, including mapping and engineering surveys.

(c) Conducting Facility Audits, Environmental Site Assessments and Environmental Baseline Surveys, and

(d) Vulnerability, risk, and structural integrity assessments of infrastructure.

SECTION III—Environmental Staff: Analysis as to Whether the Proposed Action is a Part of a Larger Action (DHS MD 023-01)

8. ☒ Proposed Action Is Not a Piece of a Larger Action OR
☐ Proposed Action Is a Piece of a Larger Action.

Remarks: The proposed action is not a piece of a larger action. The geo-technical survey has independent utility. If the survey results in proposals for further action, those proposals will be covered by an appropriate environmental document.

SECTION IV—Environmental Staff: Extraordinary Circumstances Analysis (DHS MD 023-01)

9. Extraordinary Circumstances:

- ☒ Based on my review of the information that has been provided to me and that I have in my possession, no extraordinary circumstances apply to the Proposed Action (see A through K below); OR
☐ Based on my review of the information that has been provided to me and that I have in my possession, at least one extraordinary circumstance does apply to the Proposed Action (see A through K below). Therefore, a CatEx does NOT apply.

YES	NO	<i>For A through K below, check the appropriate box (Yes or NO) and provide description as appropriate.</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>A. Will the Proposed Action have a potentially significant effect on public health or safety?</p> <p><i>Remarks:</i> Any project-specific hazard(s) affecting project workers will be reduced based on strict adherence to Occupational Health and Safety Standards and other relevant safety laws, rules and regulations. The geotechnical survey is a common industry standard process that is executed in conformance with professional standards. The survey corridor is located in restricted area that is not accessible to the public.</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>B. Will the Proposed Action significantly affect species or habitats protected by the Endangered Species Act, Marine Mammal Protection Act, the Migratory Bird Treaty Act, or the Magnuson-Stevens Fishery Conservation and Management Act.?</p> <p><i>Remarks:</i> The project involves conducting a limited geo-technical survey of a minimally invasive nature located in a previously disturbed area. Given the limited scope and duration of the proposed geo-technical survey, the disturbed location, and adherence to standard environmental BMPs, CBP has determined that the proposed action will have no effect on Federally threatened and endangered species or their designated critical habitat.</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>C. Will the Proposed Action significantly affect a district, site, highway, structure, or object that is listed or eligible for listing in the National Register of Historic Places, or will it significantly affect historic or cultural resources, traditional or sacred sites, or result in the destruction of a significant scientific, cultural, or historic resource?</p> <p><i>Remarks:</i> The project involves a limited geo-technical survey occurring along a previously disturbed border road. Given the limited scope of the proposed undertaking and disturbed condition of the area CBP has determined that no historic properties will be affected as a result of the proposed minimally intrusive geo-technical survey. On July 6, 2017 CBP received concurrence from the New Mexico State Historic Preservation Office (SHPO) that if sites are avoided there will be no adverse effect (See Attachment A). If sites are located in the areas proposed for drilling, CBP will provide on-site cultural monitors to ensure sites are avoided.</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>D. Will the Proposed Action significantly affect an environmentally sensitive area?</p> <p><i>Remarks:</i> The proposed action will not affect an environmentally sensitive area. The survey corridor is located in a previously disturbed area adjacent to existing border infrastructure.</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>E. Will the Proposed Action result in a potential or threatened violation of a federal, state, or local law or administrative determination imposed for protection of the environment?</p> <p><i>Remarks:</i> The proposed action should not violate any Federal, state, or local law.</p>

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<input type="checkbox"/>	<input checked="" type="checkbox"/>	F. Will the Proposed Action result in an effect on the quality of the human environment that is likely to be highly controversial, highly uncertain, or involve unique or unknown environmental risks? <i>Remarks:</i> The proposed action should not have an adverse effect on the human environment and should not be controversial relative to scientific validity or involve unique or unknown environmental risks.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	G. Will the Proposed Action employ new or unproven technology that is likely to involve unique or unknown environmental risks? <i>Remarks:</i> The proposed action does not involve the use of any new or unproven technologies. The proposed action consists of typical industry standard methods. No unknown environmental risks are associated with the proposed action.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	H. Will the Proposed Action set a precedent for future actions that have significant effects? <i>Remarks:</i> The proposed action is an accepted practice and does not establish a precedent for future actions.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	I. Is the Proposed Action significantly greater in scope or size than is normally experienced for this particular category of action? <i>Remarks:</i> The proposed action is not larger in scope than what would be considered typical for this type of action.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	J. Will the Proposed Action significantly degrade an already poor environmental condition at or near the project area? <i>Remarks:</i> The proposed action will not cause any loss to the characteristics that make the areas visually unique or sensitive, nor will it substantially degrade the existing visual character or quality of the sites and its surroundings.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	K. Is the Proposed Action related to other actions with individually insignificant, but cumulatively significant impacts? <i>Remarks:</i> No other long-term actions are associated with the proposed action. Therefore, no cumulative significant impacts are associated with the proposed action.

SECTION V – Environmental Analysis Determination		
10. <input checked="" type="checkbox"/> Proposed Action Qualifies for Categorical Exclusion (CatEx) #A7 (See Table 1); OR <input type="checkbox"/> Proposed Action does NOT qualify for a CatEx and further environmental analysis is required.		
11. <i>Remarks:</i> Based on a review of the information provided for the proposed action, there are no extraordinary circumstances associated with the action and therefore the action qualifies as a CATEX A7 under DHS MD 023-01.		
12. BPAM PMO Signature Authority Name and Title: (b)(6);(b)(7)(c) Environmental Branch Chief Border Patrol & Air and Marine Program Management Office	12a. Program Management Signature Authority Signature: (b)(6);(b)(7)(c)	12b. Date: July 7, 2017

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Attachment A – SHPO Concurrence

From: (b)(6);(b)(7)(c)
To: (c)
Subject: RE: Section 106 Compliance for a Geo-Technical Survey of Approximately 20 Miles of Existing Border Infrastructure near Santa Teresa, New Mexico
Date: Thursday, July 06, 2017 8:49:05 AM

Absolutely.

I can look at the eligibility for the sites along the APE. We can eliminate avoidance for all the not eligible sites, put a boundary restriction, defined by UTM coordinates, for the eligible sites. That ought to reduce the costs, and maybe obviate the need for a monitor.

From: (b)(6);(b)(7)(c)
Sent: Thursday, July 06, 2017 9:32 AM
To: (b)(6);(b)(7)(c)
Subject: RE: Section 106 Compliance for a Geo-Technical Survey of Approximately 20 Miles of Existing Border Infrastructure near Santa Teresa, New Mexico

Thanks (b)(6);(b)(7)(C)

If we agreed to staff cultural monitors and ensure no drilling occurred within site boundaries, if any exist, would that do it?

Thanks,

(b)(6);(b)(7)(C)
Environmental Protection Specialist
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
Office: (b)(6);(b)(7)(C)
Mobile: (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(c)
Sent: Thursday, July 06, 2017 8:27 AM
To: (b)(6);(b)(7)(c)
Subject: RE: Section 106 Compliance for a Geo-Technical Survey of Approximately 20 Miles of Existing Border Infrastructure near Santa Teresa, New Mexico

I looked at it a few weeks ago.

I didn't get a chance to review the previous report to see what sites might be affected, partly because our site files have been affected by black mold and no one is allowed into the file room.

Usually for geo-tech testing we don't allow work within a site boundary, and may require a monitor

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if testing is required very near a site.

Can you go with a conditional no adverse effect based on some sort avoidance treatment, to be determined?

From: (b)(6);(b)(7)(C)
Sent: Thursday, July 06, 2017 8:41 AM
To: (b)(6);(b)(7)(C)
Subject: RE: Section 106 Compliance for a Geo-Technical Survey of Approximately 20 Miles of Existing Border Infrastructure near Santa Teresa, New Mexico

(b)(6);(b)(7)(C)

Wanted to quickly follow-up with you on this one. The goal is to conduct this work in mid-July.

Appreciate your help...

Thanks,

(b)(6);(b)(7)(C)
Environmental Protection Specialist
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
Office: (b)(6);(b)(7)(C)
Mobile (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Tuesday, June 27, 2017 10:51 AM
To: (b)(6);(b)(7)(C)
Subject: Section 106 Compliance for a Geo-Technical Survey of Approximately 20 Miles of Existing Border Infrastructure near Santa Teresa, New Mexico

(b)(6);(b)(7)(C)

Wanted to give you a quick head's up that your office will be receiving the attached letter and maps today regarding a Section 106 consultation for a geo-tech survey of an existing and previously disturbed border infrastructure corridor in New Mexico.

I know you have the 30 days to process such requests, however we have a contractor on board that is eager to complete this work. As such, if you have any questions about this one please let me know.

Appreciate your help.

Regards,

(b)(6);(b)(7)(C)
Environmental Protection Specialist
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
Office: (b)(6);(b)(7)(C)
Mobile (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)