COVER SHEET

DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED CONSTRUCTION, OPERATION, AND MAINTENANCE OF TACTICAL INFRASTRUCTURE U.S. BORDER PATROL SAN DIEGO SECTOR, CALIFORNIA

Responsible Agencies: U.S. Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP).

Affected Location: U.S./Mexico international border in San Diego County, California.

Proposed Action: The Proposed Action includes the construction, operation, and maintenance of tactical infrastructure, to include a primary pedestrian fence, supporting patrol roads, and other infrastructure in two distinct sections along the U.S./Mexico international border within USBP's San Diego Sector. The fence sections would be approximately 0.8 miles and 3.6 miles in length. Proposed constructed access and patrol roads to support each fence section would be 0.8 miles and 5.2 miles, respectively.

Report Designation: Draft Environmental Impact Statement (EIS).

Abstract: CBP proposes to construct, operate, and maintain approximately 4.4 miles of tactical infrastructure. Proposed tactical infrastructure would consist of primary pedestrian fence, patrol roads, and access roads in two sections along the U.S./Mexico international border in San Diego County, California. The first section designated as A-1 would consist of 3.6 miles of primary pedestrian fence, supported by an access and patrol road that would be approximately 5.2 miles in length and would start at the Puebla Tree and end at Boundary Monument 250. The proposed section would be south of the Otay Mountain Wilderness (OMW) and would not connect to any existing fence. Approximately half of the 5.2 miles of access and patrol road and 1,300 feet of fence would be on the OMW. The OMW is on public lands administered by the Bureau of Land Management (BLM). The second section designated as A-2 would be approximately 0.8 miles in length and would connect with existing border fence west of Tecate, California. This fence section is an extension of existing fence near Tecate Peak and would pass through a riparian area. Some portions of the fence sections would be on privately owned land parcels. Lights would not be constructed as part of the Proposed Action.

The EIS process will serve as a planning tool to assist agencies with decisionmaking authority associated with the Proposed Action and ensure that the required public involvement under the National Environmental Policy Act (NEPA) is accomplished. This Draft EIS presents potential environmental impacts associated with the Proposed Action and alternatives and provides information to assist in the decisionmaking process about whether and how to implement the Proposed Action.

Throughout the NEPA process, the public may obtain information concerning the status and progress of the Proposed Action and the EIS via the project Web site at *www.BorderFenceNEPA.com*; by emailing *information@BorderFenceNEPA.com*; or by written request to Mr. Charles McGregor, Environmental Manager, U.S. Army Corps of Engineers (USACE), Fort Worth District, Engineering Construction Support Office (ECSO), 814 Taylor Street, Room 3B10, Fort Worth, TX 76102, and Fax: (757) 257-7643.

Interested parties may submit comments to CBP. To avoid duplication, please use only one of the following methods:

(a) Electronically through the Web site at: www.BorderFenceNEPA.com

(b) By email to: SDcomments@BorderFenceNEPA.com

(c) By mail to: San Diego Sector Tactical Infrastructure EIS, c/o e²M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031

(d) By fax to: (757) 257-7643.

PRIVACY NOTICE

Public comments on this document are requested. Comments will normally be addressed in the EIS and made available to the public. Any personal information included in comments will therefore be publicly available.

DRAFT

ENVIRONMENTAL IMPACT STATEMENT

FOR THE

PROPOSED CONSTRUCTION, OPERATION, AND MAINTENANCE OF TACTICAL INFRASTRUCTURE

U.S. BORDER PATROL SAN DIEGO SECTOR, CALIFORNIA

U.S. Department of Homeland Security
U.S. Customs and Border Protection
U.S. Border Patrol

DECEMBER 2007

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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

INTRODUCTION

U.S. Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP) proposes to construct, operate, and maintain approximately 4.4 miles of tactical infrastructure including primary pedestrian fence, patrol roads, and access roads along the U.S./Mexico international border in the USBP San Diego Sector, California.

The mission of CBP is to prevent terrorists and terrorist weapons from entering the United States, while also facilitating the flow of legitimate trade and travel. In supporting CBP's mission, USBP is charged with establishing and maintaining effective control of the border of the United States. USBP's mission strategy consists of the following five main objectives:

- Establish substantial probability of apprehending terrorists and their weapons as they attempt to enter illegally between the Ports of Entry (POEs)
- Deter illegal entries through improved enforcement
- Detect, apprehend, and deter smugglers of humans, drugs, and other contraband
- Leverage "smart border" technology to multiply the effect of enforcement personnel
- Reduce crime in border communities and consequently improve quality of life and economic vitality of targeted areas.

This Draft Environmental Impact Statement (EIS) has been prepared through coordination with Federal and state agencies to identify and assess the potential impacts associated with the proposed construction, operation, and maintenance of tactical infrastructure. This Draft EIS is also being prepared to fulfill the requirements of the National Environmental Policy Act (NEPA) of 1969 and the California Environmental Quality Act (CEQA).

PURPOSE AND NEED

The purpose of the Proposed Action is to increase security capabilities within the USBP San Diego Sector through the construction, operation, and maintenance of tactical infrastructure in the form of fences, roads, and supporting technological and tactical assets. The USBP San Diego Sector has identified several areas along the U.S./Mexico international border that experience high levels of illegal cross-border activity. This activity occurs in areas that are remote and not easily accessed by USBP agents, are near POEs where concentrated populations might live on either side of the border, contain thick vegetation that can provide concealment, or have quick access to U.S. transportation routes.

The Proposed Action is needed because of high levels of illegal cross-border activity in these two sections of the USBP San Diego Sector and the associated environmental damage. The Proposed Action would provide USBP agents with the tools necessary to strengthen their control of the U.S. borders between POEs in the USBP San Diego Sector. The Proposed Action would help to deter illegal cross-border activities within the USBP San Diego Sector by improving enforcement, preventing terrorists and terrorist weapons from entering the United States, reducing the flow of illegal drugs and other contraband, and enhancing response time, while providing a safer work environment for USBP agents.

PUBLIC INVOLVEMENT

CBP initiated the public scoping process for this Draft EIS on September 24, 2007, with the publication in the *Federal Register* of a Notice of Intent (NOI) to prepare an EIS. The NOI requested public comments on the scope of the EIS and provided information on how the public could submit comments by mail, facsimile, electronic mail, or through the project-specific Web site. Public comments submitted as part of the public scoping process were considered during the EIS development process.

DESCRIPTION OF PROPOSED ACTION

CBP proposes to construct, operate, and maintain tactical infrastructure consisting of primary pedestrian fence, patrol roads, and access roads along the U.S./Mexico international border in the USBP San Diego Sector, California. Proposed tactical infrastructure includes installation of fence sections in areas of the border that are not currently fenced. The proposed locations of tactical infrastructure are based on a USBP San Diego Sector assessment of local operational requirements where tactical infrastructure would assist USBP agents in reducing illegal cross-border activities. The Fiscal Year (FY) 2007 DHS Appropriations Act (Public Law [P.L.] 109-295) provided $1,187,565,000 under the Border Security Fencing, Infrastructure, and Technology appropriation for the installation of fencing, infrastructure, and technology along the border.

CBP has identified the Proposed Action as its Preferred Alternative. Implementation of the Proposed Action would meet USBP's purpose and need.

ALTERNATIVES ANALYSIS

No Action Alternative

Under the No Action Alternative, proposed tactical infrastructure would not be built and there would be no change in fencing, access roads, or other facilities along the U.S./Mexico international border in the proposed project locations within the USBP San Diego Sector. The USBP San Diego Sector would continue to use agents and technology to identify illegal cross-border activity, and deploy agents to make apprehensions. Although USBP agents would continue to patrol

the Pack Trail and make apprehensions, their response time and success rate in apprehensions would continue to be impeded. The No Action Alternative is no longer an efficient use of USBP resources and would not meet future USBP mission or operational needs. However, inclusion of the No Action Alternative is prescribed by the CEQ regulations and will be carried forward for analysis in the EIS. The No Action Alternative also serves as a baseline against which to evaluate the impacts of the Proposed Action.

Proposed Action

The proposed tactical infrastructure would be constructed in two sections (designated as A-1 and A-2) along the U.S./Mexico international border within the USBP San Diego Sector, in San Diego County, California. Section A-1 is approximately 3.6 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The proposed section of fence would be adjacent to and on the Otay Mountain Wilderness (OMW), and would follow the U.S./Mexico international border where topography allows, deviating from the border to follow the proposed construction access road where topography does not allow, such as descent to canyon bottoms. The length of access road and patrol road to support the operation and maintenance of the fence would be approximately 5.2 miles. In areas where the patrol road is not adjacent to the fence, trails suitable for light-tracked vehicles would be constructed for the purposes of fence installation and maintenance. These trails would require clearing of brush and boulders and minor grading. Rock outcrops might require leveling for safe travel and fence construction.

The OMW is on public lands administered by Bureau of Land Management (BLM). The wilderness boundary is at least 100 feet from the U.S./Mexico international border. The corridor between the OMW and the U.S./Mexico international border is public land administered by the BLM. Approximately one half of the proposed patrol and access road would occur in this corridor between the U.S./Mexico international border and the wilderness boundary. Due to steep topography, approximately one half of the length of patrol and access road and approximately 1,300 feet of the primary pedestrian fence would extend into the OMW.

Section A-2 would be approximately 0.8 miles in length and would connect with existing border fence west of Tecate. This fence section would be constructed along the southeastern border of Tecate Peak, and would pass through a riparian area. This proposed fence section would encroach on a mix of privately owned land parcels and public land administered by the BLM. Construction of this fence section would include an upgrade to an access road west of Tecate.

SUMMARY OF ENVIRONMENTAL IMPACTS

Table ES-1 provides an overview of potential impacts anticipated under each alternative considered, broken down by resource area. **Section 4** of this EIS evaluates these impacts.

Table ES-1. Summary of Anticipated Environmental Impacts by Alternative

Resource Area	No Action Alternative	Proposed Action
Air Quality	No impacts would be expected.	Short- and long-term minor adverse impacts would be expected.
Noise	No impacts would be expected.	Short-term moderate and long-term negligible to minor adverse impacts would be expected.
Land Use and Recreation	Long-term minor adverse impacts would continue to occur.	Long-term minor adverse impacts would be expected.
Geology and Soils	Long-term minor adverse impacts would continue to occur.	Short- and long-term major adverse impacts would be expected.
Hydrology and Groundwater	Long-term minor adverse impacts would continue to occur.	Short- and long-term minor direct adverse impacts would be expected
Surface Water and Waters of the United States	Long-term minor adverse impacts would continue to occur.	Long-term minor direct and short-term negligible adverse impacts would be expected.
Floodplains	Long-term minor adverse impacts would continue to occur.	Short- and long-term negligible to minor adverse impacts would be expected.
Vegetation	Short- and long-term moderate adverse impacts would continue to occur.	Short- and long-term, minor to moderate, adverse impacts would be expected.
Wildlife and Aquatic Resources	Long-term minor adverse impacts would continue to occur.	Short- and long-term negligible to major adverse impacts would be expected.

Resource Area	No Action Alternative	Proposed Action
Special Status Species	Long-term minor adverse impacts would continue to occur.	Short- and long-term minor to major adverse, and minor beneficial impacts would be expected.
Cultural Resources	Long-term minor adverse impacts would continue to occur.	Long-term minor adverse impacts would be expected.
Visual Resources	No impacts would be expected.	Short- and long-term minor to major adverse impacts would be expected.
Socioeconomic Resources, Environmental Justice, and Protection of Children	No impacts would be expected.	Short- and long-term minor direct and indirect beneficial impacts would be expected.

CBP followed design criteria to reduce adverse environmental impacts and would implement mitigation measures to further reduce or offset adverse environmental impacts. Design criteria to reduce adverse environmental impacts include selecting a location for tactical infrastructure that would avoid or minimize impacts on environmental and cultural resources, consulting with Federal and state agencies and other stakeholders to avoid or minimize adverse environmental impacts and develop appropriate Best Management Practices (BMPs), and avoiding physical disturbance and construction of solid barriers in wetlands/riparian areas and streambeds. BMPs would include implementation of a Construction Mitigation and Restoration (CM&R) Plan, Spill Prevention Control and Countermeasure (SPCC) Plan, Storm Water Pollution Prevention Plan (SWPPP), Dust Control Plan, Fire Prevention and Suppression Plan, and Unanticipated Discovery Plan.

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SECTION 1

Introduction

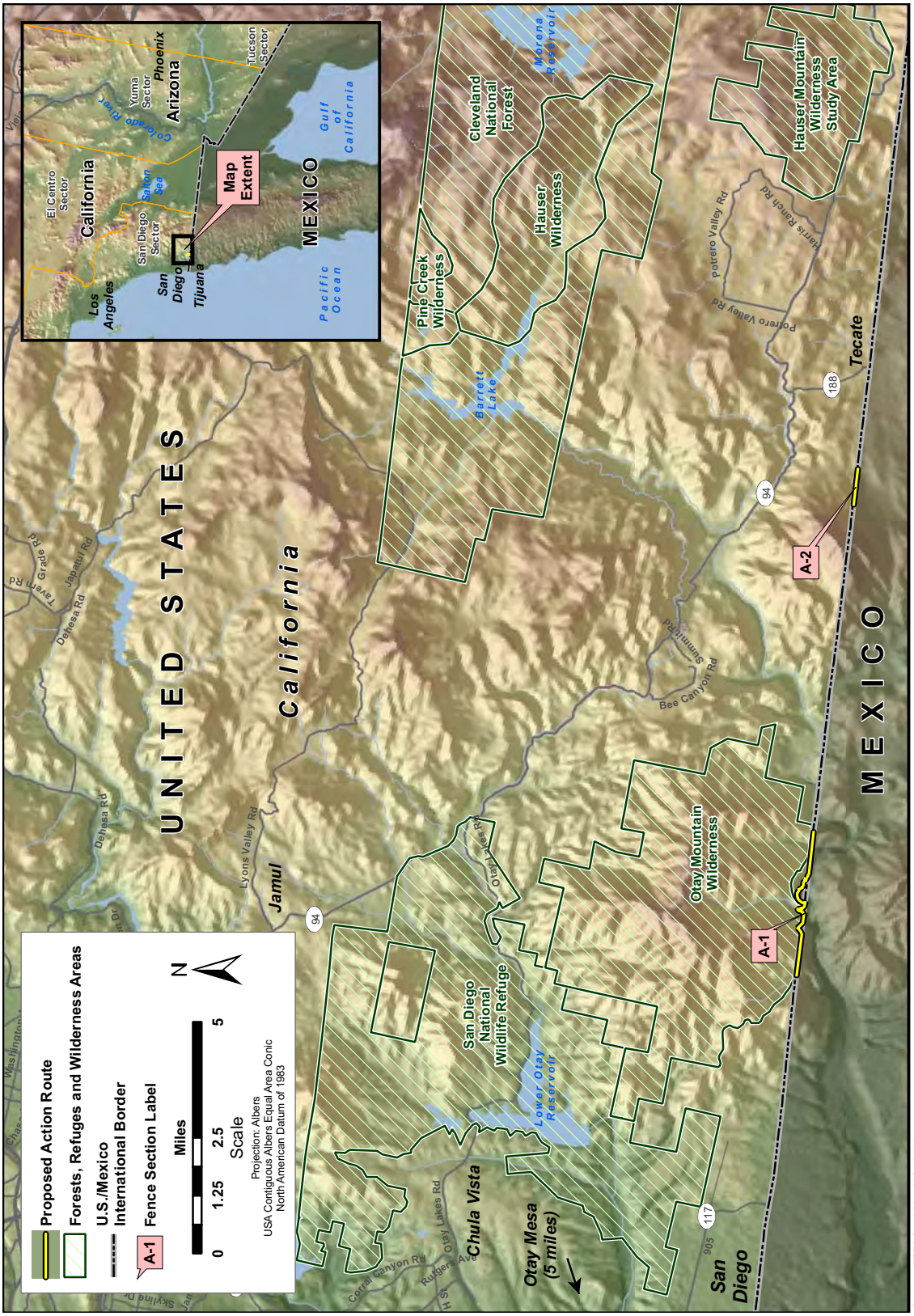
1. INTRODUCTION

U.S. Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP) proposes to construct, operate, and maintain approximately 4.4 miles of tactical infrastructure including primary pedestrian fence, patrol roads, and access roads along the U.S./Mexico international border in the USBP San Diego Sector, California.

The proposed tactical infrastructure would be constructed in two discrete sections (designated A-1 and A-2). The first section designated as A-1 would consist of 3.6 miles of primary pedestrian fence, supported by access and patrol roads that would be approximately 5.2 miles in length and would start at the Puebla Tree and end at Boundary Monument 250. The second section would be approximately 0.8 miles in length and would connect with existing border fence west of Tecate, California (see **Figure 1-1**). Construction of this fence section would include an upgrade to an access road west of Tecate. The proposed tactical infrastructure could encroach on both public lands managed by the Bureau of Land Management (BLM)—including the Otay Mountain Wilderness (OMW)—and multiple privately owned land parcels.

This Draft Environmental Impact Statement (EIS) is divided into nine sections and appendices. **Section 1** provides background information on USBP missions, identifies the purpose of and need for the Proposed Action, describes the area in which the Proposed Action would occur, and explains the public involvement process. **Section 2** provides a detailed description of the Proposed Action, alternatives considered, and the No Action Alternative. **Section 3** describes existing environmental conditions in the areas where the Proposed Action would occur. **Section 4** identifies potential environmental impacts that could occur within each resource area under the alternatives evaluated in detail. **Section 5** presents proposed mitigation measures and the California Environmental Quality Act (CEQA). **Section 6** discusses potential cumulative and other impacts that might result from implementation of the Proposed Action, combined with foreseeable future actions. **Sections 7** and **8** provide references and acronyms, respectively. **Section 9** identifies the preparers of the Draft EIS.

Appendix A provides potential fence designs and a description of the proposed tactical infrastructure. **Appendix B** contains a listing of those laws, regulations, and Executive Orders (EOs) potentially applicable to the Proposed Action. **Appendix C** presents the Scoping Summary Report which includes the *Federal Register*, Notice of Intent (NOI), newspaper ads posted in local papers, and agency coordination letters. **Appendix D** will present materials related to the Draft EIS comment process and public involvement. **Appendix E** contains detailed maps of the proposed tactical infrastructure sections. **Appendix F** presents air quality information for the Proposed Action. **Appendix G** contains detailed soil maps of each of the two proposed tactical infrastructure sections.



Source: ESRI StreetMap USA 2005

Figure 1-1. Locations of the Proposed Tactical Infrastructure

Appendix H contains the Draft Biological Survey Report for the Proposed Action. **Appendix I** contains the Draft Cultural Resources Survey Report for the Proposed Action.

1.1 USBP BACKGROUND

The mission of CBP is to prevent terrorists and terrorist weapons from entering the United States, while also facilitating the flow of legitimate trade and travel. In supporting CBP's mission, USBP is charged with establishing and maintaining effective control of the border of the United States. USBP's mission strategy consists of the following five main objectives:

- Establish substantial probability of apprehending terrorists and their weapons as they attempt to enter illegally between the Ports of Entry (POEs)
- Deter illegal entries through improved enforcement
- Detect, apprehend, and deter smugglers of humans, drugs, and other contraband
- Leverage "smart border" technology to multiply the effect of enforcement personnel
- Reduce crime in border communities and consequently improve quality of life and economic vitality of targeted areas.

USBP has nine administrative sectors along the U.S./Mexico international border. The USBP San Diego Sector is responsible for 7,000 square miles of southern California and 66 miles of the U.S./Mexico international border. The USBP San Diego Sector is responsible for all of San Diego County, California (CBP 2007a).

Within the USBP San Diego Sector, areas for tactical infrastructure improvements have been identified that would help the Brown Field and Chula Vista Stations gain more effective control of the border and significantly contribute to USBP's priority mission of homeland security. The Brown Field Station has responsibility for approximately 11.5 miles of the border within the USBP San Diego Sector. During the 2006 calendar year, the Brown Field Station was responsible for 46,213 apprehensions, or 34 percent of all apprehensions within the USBP San Diego Sector. As such, the Brown Field Station is the fifth busiest station (in terms of apprehensions) of USBP (CBP 2007a).

Approximately half of the Brown Field Station area of responsibility has tactical infrastructure in place. The region without infrastructure is rugged mountainous terrain that is difficult for USBP to access and patrol. This unsecured mountain region encompasses Otay Mountain which consists of lands administered by BLM. The majority of this unsecured mountain region is under special Federal

designation as the OMW. The entire mountain area is a focal point of illegal immigrant traffic, where traffickers are well-funded and organized.

1.2 PURPOSE AND NEED

The purpose of the Proposed Action is to increase border security within the USBP San Diego Sector through the construction, operation, and maintenance of tactical infrastructure in the form of fences, roads, and supporting infrastructure. The USBP San Diego Sector has identified two discrete areas along the border that experience high levels of illegal cross-border activity. This activity occurs in areas that are remote and not easily accessed by USBP agents, are near POEs where concentrated populations might live on either side of the border, or have quick access to U.S. transportation routes.

The Proposed Action is needed because of high levels of illegal cross-border activity in these two sections of the USBP San Diego Sector, the associated environmental damage, and the steep terrain of the OMW (see **Figure 1-2**). The Proposed Action would provide USBP agents with the tools necessary to strengthen their control of the U.S. borders between POEs in the USBP San Diego Sector. The Proposed Action would help to deter illegal cross-border activities within the USBP San Diego Sector by improving enforcement, preventing terrorists and terrorist weapons from entering the United States, reducing the flow of illegal drugs and other contraband, and enhancing response time, while providing a safer work environment for USBP agents.

1.3 PROPOSED ACTION

CBP proposes to construct, operate, and maintain tactical infrastructure consisting of primary pedestrian fence and associated patrol roads, and access roads along two discrete areas of the U.S./Mexico international border in the USBP San Diego Sector, California (examples of primary pedestrian fence are included in **Appendix A**). Proposed tactical infrastructure includes installation of fence sections in areas of the border that are not currently fenced. The proposed locations of tactical infrastructure are based on a USBP San Diego Sector assessment of local operational requirements where such infrastructure would assist USBP agents in reducing illegal cross-border activities. The Fiscal Year (FY) 2007 DHS Appropriations Act (Public Law [P.L.] 109-295) provided $1,187,565,000 under the Border Security Fencing, Infrastructure, and Technology appropriation for the installation of fencing, infrastructure, and technology along the border (CRS 2006). **Figure 1-1** illustrates the location of the proposed tactical infrastructure within the USBP San Diego Sector. Details of the Proposed Action are included in **Section 2.2.8**. CBP has identified the Proposed Action as its Preferred Alternative.

Figure 1-2. Photographs Depicting Illegal Grazing and Extensive Erosion Caused by Illegal Cross-Border Activity within the OMW

1.4 FRAMEWORK FOR ANALYSIS

The process for implementing the National Environmental Policy Act (NEPA) is codified in Code of Federal Regulations (CFR) 40 Parts 1500–1508, *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act*, and DHS's related Management Directive (MD) 5100.1, *Environmental Planning Program*. The Council on Environmental Quality (CEQ) was established under NEPA to implement and oversee Federal policy in this process.

An EIS is prepared when a proposed action is anticipated to have potentially "significant" environmental impacts, or a proposed action is environmentally controversial. An EIS generally presents separate chapters specifically tailored to address the following:

- The purpose and need for the Proposed Action
- Reasonable alternatives to the Proposed Action
- A characterization of the affected environment
- The nature and extent of potential environmental impacts associated with the Proposed Action and alternatives (including the No Action Alternative)
- A listing of agencies and persons contacted during the EIS preparation process and public involvement efforts.

To comply with NEPA, the planning and decisionmaking process for actions proposed by Federal agencies involves a study of other relevant environmental statutes and regulations. The NEPA process, however, does not replace procedural or substantive requirements of other environmental statutes and regulations. It addresses them collectively in the form of an Environmental Assessment (EA) or EIS, which enables the decisionmaker to have a comprehensive view of major environmental issues and requirements associated with the Proposed Action. According to CEQ regulations, the requirements of NEPA must be integrated "with other planning and environmental review procedures required by law or by agency so that all such procedures run concurrently rather than consecutively."

Within the framework of environmental impact analysis under NEPA, additional authorities that might be applicable include the Clean Air Act (CAA), Federal Water Pollution Control Act (also known as the Clean Water Act [CWA]) (including a National Pollutant Discharge Elimination System [NPDES] storm water discharge permit and Section 404 permit), Noise Control Act, Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), National Historic Preservation Act (NHPA), Archaeological Resources Protection Act, and various Executive Orders (EOs). A summary of laws, regulations, and EOs that might be applicable to the Proposed Action are shown in **Appendix B**. **Table 1-1** lists

Table 1-1. Major Permits, Approvals, and Interagency Coordination

Agency	Permit/Approval/Coordination
U.S. Department of the Interior, Bureau of Land Management (BLM)	- Otay Mountain Wilderness Act
U.S. Department of the Interior, U.S. Fish and Wildlife Service (USFWS)	- Section 7 ESA consultation - MBTA coordination
U.S. Environmental Protection Agency (USEPA)	- CWA NPDES permit
U.S. Army Corps of Engineers (USACE)	- CWA Section 404 permit
San Diego Regional Water Quality Control Board	- CWA Section 401 State Water Quality Certification
San Diego Air Pollution Control District	- CAA permit consultation
California Coastal Commission San Diego District Office	- Coastal Zone Management Act (CZMA) Consistency Determination
California Department of Fish and Game (CDFG)	- California Endangered Species Act (CESA) coordination
California State Historic Preservation Office (SHPO)	- NHPA Section 106 consultation
Federally recognized American Indian Tribes	- Consultation regarding potential effects on cultural resources
Advisory Council on Historic Preservation (ACHP)	- NHPA Section 106 consultation

major Federal and state permits, approvals, and interagency coordination required to construct, operate, and maintain the proposed tactical infrastructure.

CEQA as promulgated in the California Public Resources Code 21000-21177, was adopted in 1970 by the State of California to inform governmental decisionmakers and the public about the potential environmental effect of a project, identify ways to reduce adverse impacts, offer alternatives to the project, and disclose to the public why a project was approved. CEQA applies to projects undertaken, funded, or requiring an issuance of a permit by a public agency. For this project, CEQA is applicable because under Section 401 of the CWA (33 United States Code [U.S.C.] 1341), states and tribes are delegated authority to approve, condition, or deny all Federal permits or licenses that might result in a discharge to state or tribal waters, including wetlands. Projects that have a potential for resulting in physical change to the environment, or that might be subject to several discretionary approvals by governmental agencies, including construction activities, clearing or grading of land, improvements to existing structures, and activities or equipment involving the issuance of a permit, are required to go through the CEQA process.

The California Code of Regulations (CCR), Title 14, Section 15063, allows the use of a NEPA document to meet the requirements for an Initial Study under CEQA. A CEQA Initial Study Environmental Checklist would also be prepared to support the CWA Section 401 Application.

1.5 PUBLIC INVOLVEMENT

Agency and public involvement in the NEPA process promotes open communication between the public and the government and enhances the decisionmaking process. All persons or organizations having a potential interest in the Proposed Action are encouraged to participate in the decisionmaking process.

NEPA and CEQ implementing regulations direct agencies to make their EISs available to the public during the decisionmaking process and prior to actions being taken. The premise of NEPA is that the quality of Federal decisions will be enhanced if proponents provide information to the public and involve the public in the planning process.

Public scoping activities for this EIS were initiated on September 24, 2007, when an NOI to prepare this EIS was published in the *Federal Register* (72 FR 184, pp. 54277–78, see **Appendix C**). Besides providing a brief description of the Proposed Action and announcing CBP's intent to prepare this EIS, the NOI also established a 20-day public scoping period. The purpose of the scoping process was to solicit public comments regarding the range of issues, including potential impacts and alternatives that should be addressed in the EIS. Public comments received during the public scoping period were taken into consideration in the preparation of this Draft EIS. A summary of the scoping comments received are included in **Appendix C**.

In addition to the NOI published in the *Federal Register*, newspaper notices coinciding with the NOI were published in *San Diego Union-Tribune* and the *San Diego Daily Transcript* on September 24 and 30, 2007. The notice was also published in Spanish in *La Prensa* and *Hispanos Unidos* on September 28, 2007. Copies of the newspaper notices are included in **Appendix C**.

The U.S. Environmental Protection Agency (USEPA) will publish the Notice of Availability (NOA) for this Draft EIS in the *Federal Register*. The purpose of the USEPA NOA is to announce to the public the availability of this Draft EIS, and to begin a 45-day public comment period. In addition to the USEPA NOA, CBP will publish a separate NOA in the *Federal Register* announcing the dates, times, and places for public informational meetings and to request comments on the Draft EIS. All comments received will be taken into consideration in the development of the Final EIS and subsequent to this draft will also be included in **Appendix C**. Upon completion, CBP will make the Final EIS available to the public for 30 days. At the conclusion of the 30-day period, a Record of Decision

(ROD) regarding the Proposed Action can be signed and published in the *Federal Register*.

Through the public involvement process, CBP also notified relevant Federal, state, and local agencies of the Proposed Action and requested input regarding environmental concerns they might have regarding the Proposed Action. The public involvement process provides CBP with the opportunity to cooperate with and consider Federal, state, and local views in its decision regarding implementation of this Federal proposal. As part of the EIS process, CBP has coordinated with agencies such as the USEPA; U.S. Fish and Wildlife Service (USFWS); California State Historic Preservation Office (SHPO); and other Federal, state, and local agencies (see **Appendix C**). Input from agency responses has been incorporated into the analysis of potential environmental impacts.

Anyone wishing to provide comments, suggestions, or relevant information regarding the Proposed Action and this EIS may do so by submitting comments to CBP. To avoid duplication, please use only one of the following methods:

a. Electronically through the Web site at: www.BorderFenceNEPA.com
b. By email to: SDcomments@BorderFenceNEPA.com
c. By mail to: San Diego Sector Tactical Infrastructure EIS, c/o e²M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031
d. By fax to: (757) 257-7643.

Throughout the NEPA and CEQA processes, the public may obtain information concerning the status and progress of the EIS via the project Web site at *www.BorderFenceNEPA.com*; by emailing *information@BorderFenceNEPA.com*; or by written request to Mr. Charles McGregor, Environmental Manager, U.S. Army Corps of Engineers (USACE), Fort Worth District, Engineering and Construction Support Office, 814 Taylor Street, Room 3B10, Fort Worth, TX 76102, and Fax (757) 257-7643.

1.6 COOPERATING AND COORDINATING AGENCIES

The CEQ regulations implementing NEPA instruct agencies to combine environmental documents to reduce duplication and paperwork (40 CFR 1506.4). As such, the USACE-Los Angeles District, the United States Section, International Boundary and Water Commission (USIBWC), and the Palm Springs South Coast Field Office of the BLM as cooperating agencies and the USFWS as a coordinating agency also have decisionmaking authority for components of the Proposed Action and intend for this EIS to fulfill their requirements for compliance with NEPA.

The USACE-Los Angeles District Engineer has the authority to authorize actions under Section 404 of the CWA. Applications for work involving the discharge of

fill material into waters of the United States and work in, or affecting, a navigable water of the United States will be submitted to the USACE-Los Angeles District Regulatory Program Branch for review, and a decision on issuance of a permit will be reached.

The Palm Springs South Coast Field Office of the BLM has jurisdiction over most of the land traversed by the Proposed Action. BLM also has oversight for OMW, which is directly north of Section A-1. Any activity occurring within the BLM-owned portions of the Proposed Action or the adjacent OMW would require approval and oversight by the Palm Springs South Coast Field Office of the BLM.

Section 7 of the ESA requires federal agencies to consult with the USFWS when actions may affect federally listed species or designated critical habitat. Pre-consultation coordination with USFWS is underway for this project. The USFWS has provided critical feedback on the location and design of fence sections to avoid, minimize or mitigate potential impacts to listed species or designated critical habitat. CBP is developing the Biological Assessment in coordination with the USFWS. Potential effects of fence construction, maintenance, and operation will be analyzed in both the Biological Assessment and Biological Opinion to accompany the Final Environmental Impact Statement.

The USIBWC is an international body composed of a U.S. Section and a Mexican Section, each headed by an Engineer-Commissioner appointed by his/her respective president. Each of these sections is administered independently of the other. The USIBWC is a Federal government agency headquartered in El Paso, Texas, and operates under the foreign policy guidance of the Department of State (USIBWC 2007). The USIBWC will provide access and rights-of-way (ROWs), if necessary, to construct proposed tactical infrastructure in areas of the Tijuana River floodplain. The USIBWC will also ensure that design and placement of the proposed tactical infrastructure does not impact flood control and does not violate treaty obligations between the United States and Mexico.

SECTION 2

Proposed Action and Alternatives

2. PROPOSED ACTION AND ALTERNATIVES

This section provides detailed information on CBP's proposal to construct, operate, and maintain tactical infrastructure along the U.S./Mexico international border in the USBP San Diego Sector, California. The range of reasonable alternatives considered in this EIS is constrained to those that would meet the purpose and need described in **Section 1** to provide USBP agents with the tools necessary to achieve effective control of the border in the USBP San Diego Sector. Such alternatives must also meet essential technical, engineering, and economic threshold requirements to ensure that each alternative is environmentally sound, economically viable, and complies with governing standards and regulations.

2.1 SCREENING CRITERIA FOR ALTERNATIVES

The following screening criteria were used to develop the Proposed Action and evaluate potential alternatives. The USBP San Diego Sector is working to develop the right combination of personnel, technology, and infrastructure to meet its objective to gain effective control of the border in the USBP San Diego Sector.

- *USBP Operational Requirements*. The selected alternative must support USBP mission needs to hinder or delay individuals crossing the border illegally. Once individuals have entered an urban area or suburban neighborhood, it is much more difficult for USBP agents to identify and apprehend suspects engaged in unlawful border entry. In addition, around populated areas it is relatively easy for cross-border violators to find transportation into the interior of the United States.
- *Threatened or Endangered Species and Critical Habitat*. The selected alternative would be designed to minimize adverse impacts on threatened or endangered species and their critical habitat to the maximum extent practical. USBP is working with the USFWS to identify potential conservation and mitigation measures.
- *Wetlands and Floodplains*. The selected alternative would be designed to avoid and minimize impacts on wetlands, surface waters, and floodplain resources to the maximum extent practicable. USBP is working with the USACE-Los Angeles District to avoid, minimize, and mitigate potential impacts on wetlands, surface waters, and floodplains.
- *Cultural and Historic Resources.* The selected alternative would be designed to minimize impacts on cultural and historic resources to the maximum extent practical. USBP is working with the California SHPO to identify potential conservation and mitigation measures.

2.2 ALTERNATIVES ANALYSIS

CBP evaluated a range of possible alternatives to be considered for the Proposed Action. During the public scoping process described in **Section 1.5** and **Appendix C**, the following potential alternatives were proposed: (1) stronger enforcement and harsher penalties for employers that hire illegal immigrants, (2) additional USBP agents in lieu of tactical infrastructure, (3) technology in lieu of tactical infrastructure, and (4) vehicle fences in lieu of tactical infrastructure. Alternative fence designs were also proposed to make the fence taller, wider, or more impenetrable. In addition, CBP considered several route alternatives for the construction of tactical infrastructure. This section addresses alternatives that were reviewed but not carried forward for detailed analysis.

The following sections describe the alternative analysis for this Proposed Action. **Section 2.2.1** through **2.2.7** describes alternatives considered but eliminated from further detailed analysis. **Section 2.2.8** provides specific details of the Proposed Action, and **Section 2.2.9** presents the No Action Alternative. **Section 2.3** is the identification of the preferred alternative.

2.2.1 Stronger Enforcement and Harsher Penalties for Employers That Hire Illegal Immigrants

During the public scoping process several comments were received encouraging CBP to consider stronger enforcement of current immigration laws and harsher penalties for employers that hire illegal immigrants. This alternative was not studied in detail primarily because it would not meet the USBP San Diego Sector's Purpose and Need and the screening criteria established for viable alternatives. The Proposed Action is needed to provide USBP agents with the tools necessary to strengthen their control of the U.S. borders between POEs in the USBP San Diego Sector. USBP enforces current laws to the maximum extent practical. Although harsher penalties for employers might have some deterrent effect, it is an aspect of enforcement that is not within the purview of the USBP. Further, it does not immediately address the purpose and need of the Proposed Action, which is to strengthen control of the border, in part, by hindering or delaying individuals who attempt to cross the border illegally. It is also not clear that harsher penalties on employers would help in preventing terrorists and terrorist weapons from entering the United States, reducing the flow of illegal drugs, or providing a safer work environment for USBP agents. For these reasons, this alternative is not a practical alternative to the construction of tactical infrastructure in the USBP San Diego Sector and will not be carried forward for detailed analysis.

2.2.2 Additional USBP Agents in Lieu of Tactical Infrastructure

CBP considered the alternative of increasing the number of USBP agents assigned to the U.S./Mexico international border as a means of gaining more effective control of the U.S./Mexico international border in the San Diego Sector.

Under this alternative, USBP would hire and deploy a significantly larger number of agents than are currently deployed along the U.S./Mexico international border and increase patrols to apprehend cross-border violators. USBP would deploy additional agents as determined by operational needs, but patrols might include the use of 4-wheel drive vehicles, all-terrain vehicles, helicopters, or fixed-wing aircraft. Currently, USBP maintains an aggressive hiring program and a cadre of well-trained agents.

This alternative was determined not to meet the screening criteria of USBP operational requirements. The physical presence of an increased number of agents could provide an enhanced level of deterrence against illegal entry into the United States, but the use of additional agents alone, without the addition of proposed tactical infrastructure, would not provide a practical solution to achieving the level of effective control of the border necessary in the USBP San Diego Sector. The use of physical barriers has been demonstrated to slow cross-border violators and provide USBP agents with additional time to make apprehensions (USACE 2000). Additionally, as tactical infrastructure is built, agents could be more effectively redeployed to secure other areas.

A Congressional Research Service (CRS) report (CRS 2006) concluded that USBP border security initiatives within the USBP San Diego Sector such as the 1994 “Operation Gatekeeper” required a 150 percent increase in USBP manpower, lighting, and other equipment. The report states that “It soon became apparent to immigration officials and lawmakers that USBP needed, among other things, a ‘rigid’ enforcement system that could integrate infrastructure (i.e., multi-tiered fence and roads), manpower, and new technologies to further control the border region” (CRS 2006).

Increased patrol agents would aid in interdiction activities, but not to the extent anticipated by the construction of primary pedestrian fence and other tactical infrastructure along Sections A-1 and A-2. As such, this alternative is not practical in the USBP San Diego Sector and will not be carried forward for further detailed analysis.

2.2.3 Technology in Lieu of Tactical Infrastructure

CBP does and would continue to use various forms of technology to identify cross-border violators. The use of technology in certain sparsely populated areas is a critical component of the Secure Border Initiative (SBI) and an effective force multiplier that allows USBP to monitor large areas and deploy agents to where they would be most effective in apprehending cross-border violators. However, due to the large urban areas in Mexico along the U.S./Mexico international border, combined with the remoteness and steep terrain that hinders tracking and apprehension of cross-border violators, physical barriers represent the most effective means to control illegal entry into the United States, as noted above. The use of technology alone would not provide a practical solution to achieving the level of effective control of the U.S./Mexico

international border necessary in the USBP San Diego Sector. Current USBP San Diego Sector operations include the use of technology to identify cross-border violations and deploying agents to make apprehensions. As such, this alternative is very similar to the No Action Alternative discussed in **Section 2.2.9**. Therefore, this alternative would not meet the purpose and need as described in **Section 1.2** and will not be carried forward for further detailed analysis.

2.2.4 Vehicle Fences in Lieu of Primary Pedestrian Fence

During the public scoping process, the alternative of constructing vehicle fences in lieu of primary pedestrian fence was suggested. The USBP deploys both permanent and temporary vehicle fences on the U.S./Mexico international border as necessary. Temporary vehicle fences are typically chained together and can be moved to different locations at the USBP's discretion. Permanent vehicle fences are embedded in the ground and are meant to remain in one location. Vehicle fences are designed to impede the entry of vehicles while allowing individuals and animals to cross the border freely. Therefore, vehicle fences would be effective in stopping illegal vehicle traffic but would not be effective in impeding illegal foot traffic. In Section A-1, because of the steep terrain, illegal cross-border activity is typically pedestrian and not vehicle traffic, therefore vehicle fence would not provide an effective means of impeding pedestrians. In Section A-2, illegal cross-border activity is both pedestrian and vehicle, but vehicle fence would not impede pedestrians. This alternative was not studied in detail primarily because it would not meet the USBP operational screening criteria of hindering or delaying individuals crossing the border illegally. This alternative is not a practical alternative to primary pedestrian fence in the USBP San Diego Sector and will not be carried forward for detailed analysis.

2.2.5 Tactical Infrastructure 3 Feet from the U.S./Mexico International Border Alternative

The route initially identified by USBP San Diego Sector as best meeting its operational needs would be tactical infrastructure including primary pedestrian fence and patrol road approximately 3 feet north of the U.S./Mexico international border within the Roosevelt Reservation.[1] Under this alternative, Section A-1 primary pedestrian fence and construction access road would be approximately 3.4 miles long and Section A-2 primary pedestrian fence and construction access road would be approximately 0.8 miles long. The construction access road

[1] In 1907, President Roosevelt reserved from entry and set apart as a public reservation all public lands within 60 feet of the international boundary between the United States and Mexico within the State of California and the Territories of Arizona and New Mexico. Known as the "Roosevelt Reservation," this land withdrawal was found "necessary for the public welfare ... as a protection against the smuggling of goods." The proclamation excepted from the reservation all lands, which, as of its date, were (1) embraced in any legal entry; (2) covered by any lawful filing, selection, or rights of way duly recorded in the proper U.S. Land Office; (3) validly settled pursuant to law; or (4) within any withdrawal or reservation for any use or purpose inconsistent with its purposes (CRS 2006).

would subsequently become the patrol road. Due to very steep topography along Section A-1, this alternative would require significant amounts of blasting activity and cut-and-fill operations. To build the construction access road adjacent to the border, preliminary engineering design estimated that approximately 2,131,000 cubic yards of cut-and-fill would be necessary. This alternative would result in some road grades between 33 and 46 percent which would be far greater than the acceptable maximum standard of 15 percent suitable for use in the USBP San Diego Sector (USACE 2007). The resulting steep grades were determined to be unsafe for rubber tired vehicles and would place USBP agents in an unsafe environment. This alternative would not meet the purpose and need of providing a safer work environment for USBP agents, have much higher environmental impacts, and have much higher construction costs. For these reasons this alternative was deemed unfeasible and eliminated from further analysis, and other route alternatives were evaluated.

2.2.6 Secure Fence Act Alignment Alternative

Numerous comments received during the public scoping process encouraged CBP to build primary pedestrian fence that would be taller, wider, or more impenetrable. An alternative of two layers of fence, known as primary and secondary fence, was also considered for analysis in this EIS. Under this alternative, the two layers of fence would be constructed approximately 130 feet apart along Sections A-1 and A-2, and would be most closely aligned with the fence description in the Secure Fence Act of 2006, P.L. 109-367, 120 Stat. 2638, codified at 8 U.S.C. 1701. This alternative would also include construction and maintenance of construction access and patrol roads. The patrol road would be between the primary and secondary fences.

Construction of the proposed tactical infrastructure would impact an approximately 150-foot-wide corridor for 4.4 miles along Sections A-1 and A-2. The proposed project corridor would accommodate primary and secondary fencing, construction access and patrol roads. Since the patrol road would be placed between the primary and secondary fence alignments, the road in many instances would be required to follow a much steeper incline closer to the border compared to a single fence alignment where road and fence deviate from each other to avoid such grades. Consequently, the level of disturbance would be approximately double that of single-fence alternatives, would be environmentally unacceptable, prohibitively expensive, and would result in unsafe operating conditions for USBP, in direct conflict with the intended purpose and need of the Proposed Action. Therefore, this alternative was eliminated from further analysis.

2.2.7 Tactical Infrastructure Following Natural Topography Alternative

To maintain safer grades for the construction access and patrol road, a route alternative for Section A-1 was identified that would have a maximum of 15 percent slope and would follow, instead of modify, the natural topography. Under

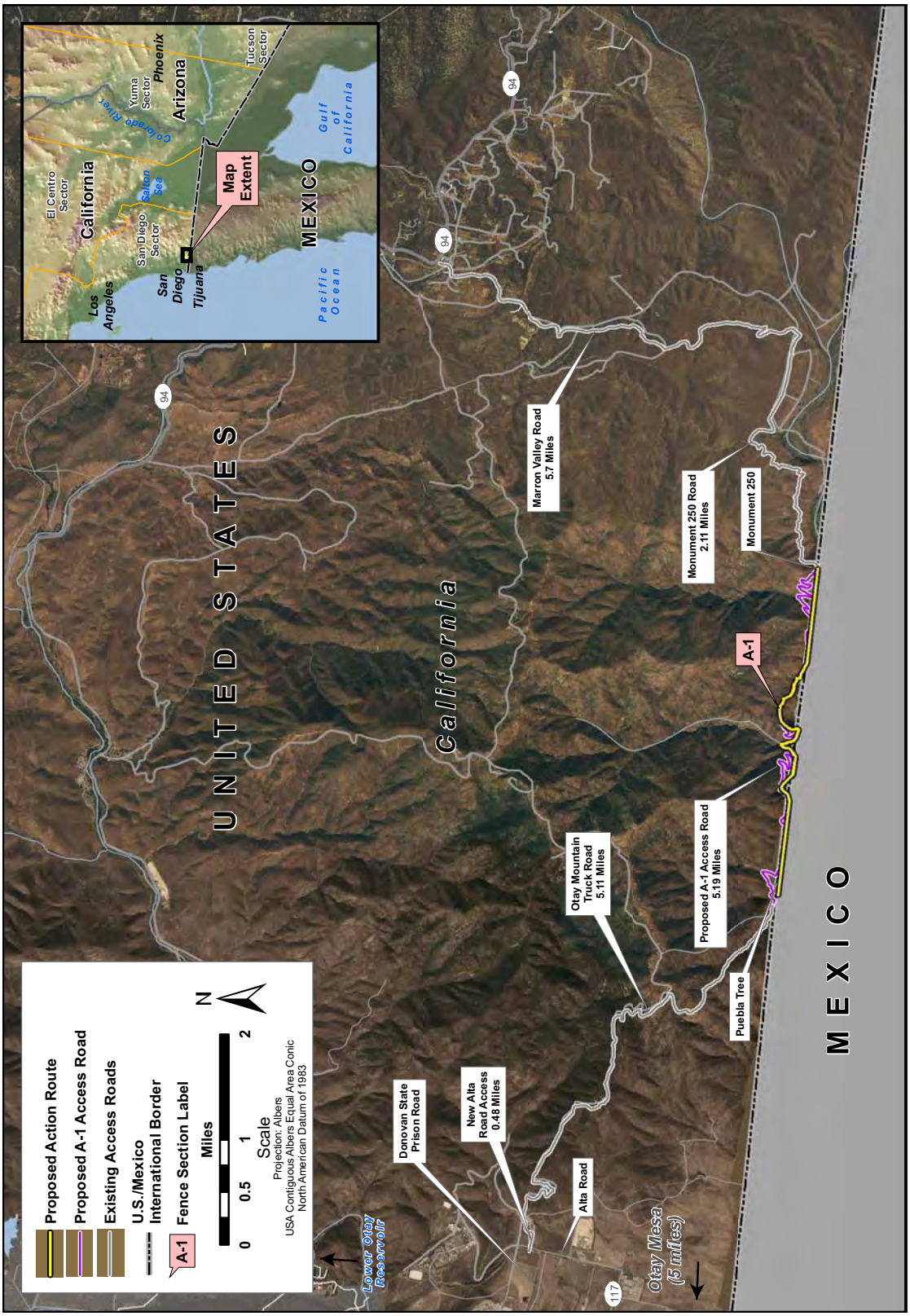
this alternative, the Section A-1 primary pedestrian fence and construction access and patrol roads would not be directly adjacent to the U.S./Mexico international border. The length of primary pedestrian fence and roads would be approximately 5.2 miles. Under this alternative, approximately 1,300 feet of the primary pedestrian fence would extend into the OMW. There would be 143 acres of land between the road/fence and the U.S./Mexico international border. Although the Section A-1 route alternative would have fewer adverse environmental impacts compared to the Tactical Infrastructure 3 Feet from the U.S./Mexico International Border Alternative, since the fence would be too far from the U.S./Mexico international border (more than 1,000 feet) this alternative would not fully meet the USBP San Diego Sector's screening criteria to hinder or delay individuals illegally crossing the border. For this reason, other route alternatives for Section A-1 were considered and this alternative was eliminated from further analysis. In Section A-2, the fence and road would be constructed approximately 3 feet from the U.S./Mexico international border. This alternative meets the purpose and need and screening criteria, and therefore was carried forward as the Proposed Action for Section A-2.

2.2.8 Proposed Action

Under this alternative, CBP would construct, operate, and maintain tactical infrastructure consisting of primary pedestrian fence, construction access and patrol roads, and other infrastructure along the U.S./Mexico international border in the USBP San Diego Sector, California. The Section A-1 construction access and patrol road would follow the natural topography along the route identified in the Tactical Infrastructure Following Natural Topography Alternative (**Section 2.2.7**), while the primary pedestrian fence would follow the U.S./Mexico international border but deviate where topography does not allow, such as descent to canyon bottoms. Sections A-1 and A-2 are shown on **Figures 2-1** and **2-2**, in **Appendix E**, and are listed in **Table 2-1**.

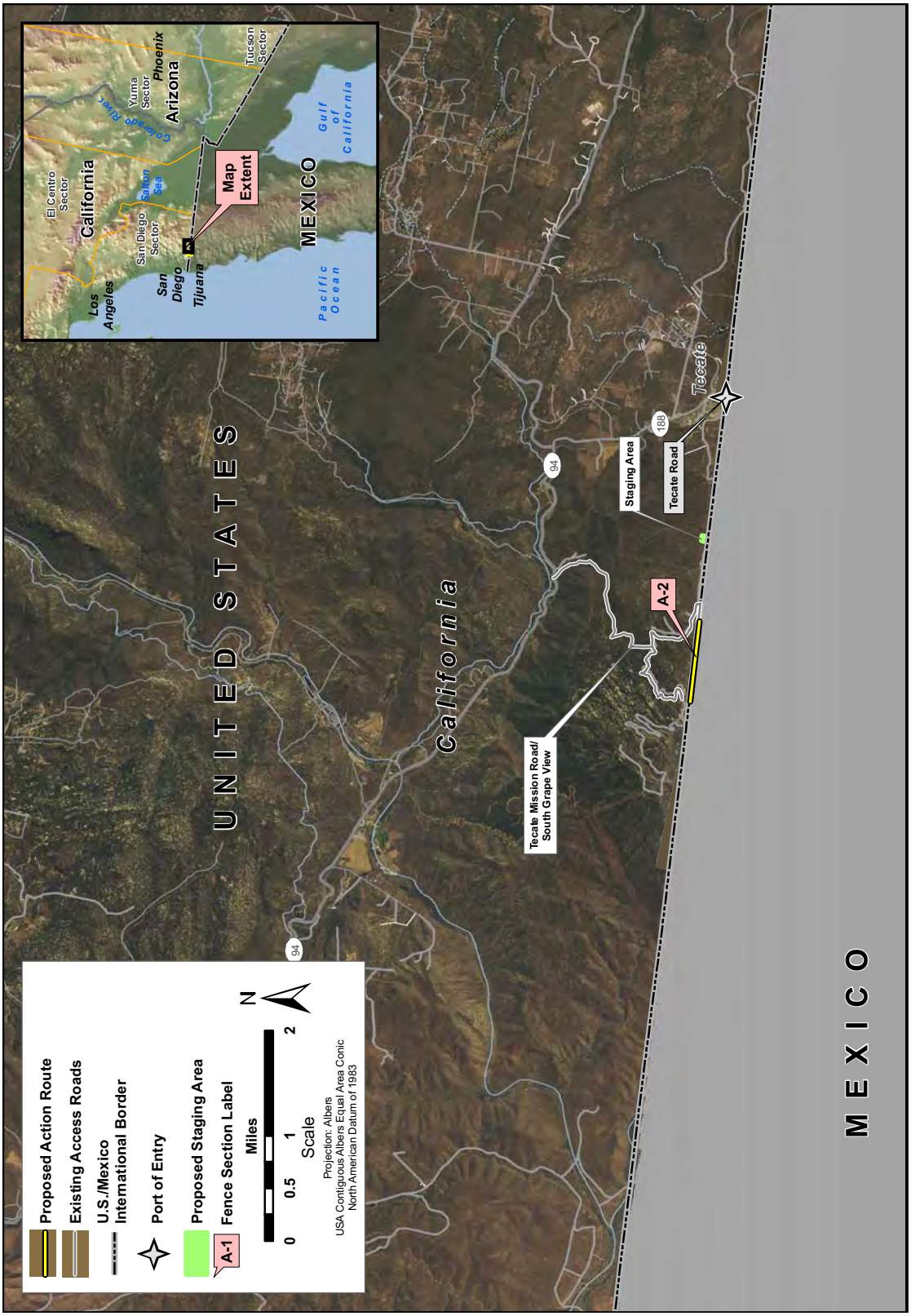
Table 2-1. Proposed Tactical Infrastructure Sections

Fence Section Number	Border Patrol Station	General Location	Land Ownership	Length of Fence Section
A-1	Brown Field/Chula Vista	Pack Trail	Public: BLM-managed	3.6
A-2	Brown Field	West of Tecate	Private Public: BLM-managed	0.8
			Total	**4.4**



Source: ESRI StreetMap USA 2005

Figure 2-1. Proposed Tactical Infrastructure Section A-1



Source: ESRI StreetMap USA 2005

Figure 2-2. Proposed Tactical Infrastructure Section A-2

Section A-1 would be approximately 3.6 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The Section A-1 primary pedestrian fence would be adjacent to the U.S./Mexico international border where topography allows. The proposed fence would deviate from the border to follow a new construction access road where conditions warrant, such as descent to canyon bottoms.

The proposed fence would be constructed around IBWC monuments and locked gates would be installed at each monument to allow for access to the monuments. The length of construction access and patrol road to support the operation and maintenance of the fence would be approximately 5.2 miles. Aggregate and soil stabilizing or binding agents (such as RoadOyl or Pennzsuppress) would be added to the surface of the construction access road to reduce erosion and maintenance activities. An additional layer of the soil stabilizing agent would be applied to the road surface on an annual basis. When applied according to label directions, the soil stabilizers would be non-toxic to terrestrial and aquatic organisms. Maps of the proposed route are shown in **Figures 2-3** through **2-8**. In areas where the patrol road would not be adjacent to the fence, trails suitable for light-tracked vehicles would be constructed for the purposes of fence installation and maintenance. These trails would require clearing of brush and boulders and minor grading. Rock outcrops might require leveling for safe travel and fence construction.

Approximately one half of the proposed construction and patrol road would occur on the Roosevelt Reservation between the U.S./Mexico international border and the OMW boundary. Due to steep topography, approximately one half of the length of the construction and patrol road and approximately 1,300 feet of the primary pedestrian fence would extend into the OMW.

Section A-2 would be approximately 0.8 miles in length and would connect with existing border fence west of Tecate. Section A-2 would be an extension of an existing fence near Tecate Peak, would be constructed along the southeastern border of Tecate Peak, and would pass through a riparian area. This proposed fence section would encroach on a mix of privately owned land parcels and public land administered by the BLM. Construction of this fence section would necessitate an upgrade to an access road west of Tecate (see **Figure 2-2** and **Appendix E**).

The proposed tactical infrastructure for Section A-2 would potentially impact an approximate 60-foot-wide corridor. Steep topography at Section A-1 would necessitate a wider impact corridor where more extensive cutting and filling would be required. This corridor would include primary pedestrian fence, construction and patrol roads, and construction staging areas. In areas of Section A-1 where the fence separates from the road, a disturbance corridor no greater than 60 feet is anticipated. The area permanently impacted within the two sections (including new road construction and staging areas) would be

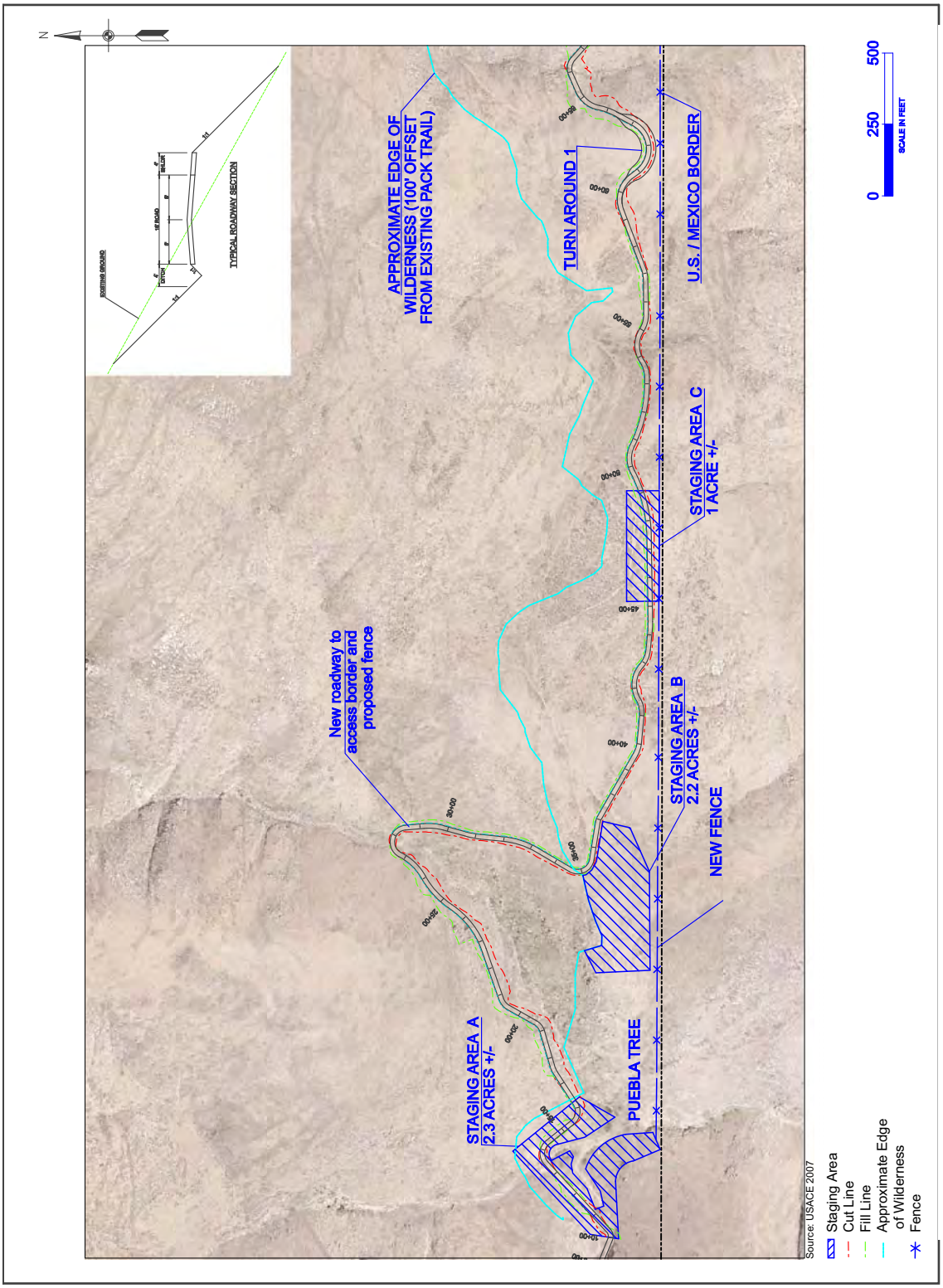


Figure 2-3. Detailed Map of Section A-1 (1 of 6)

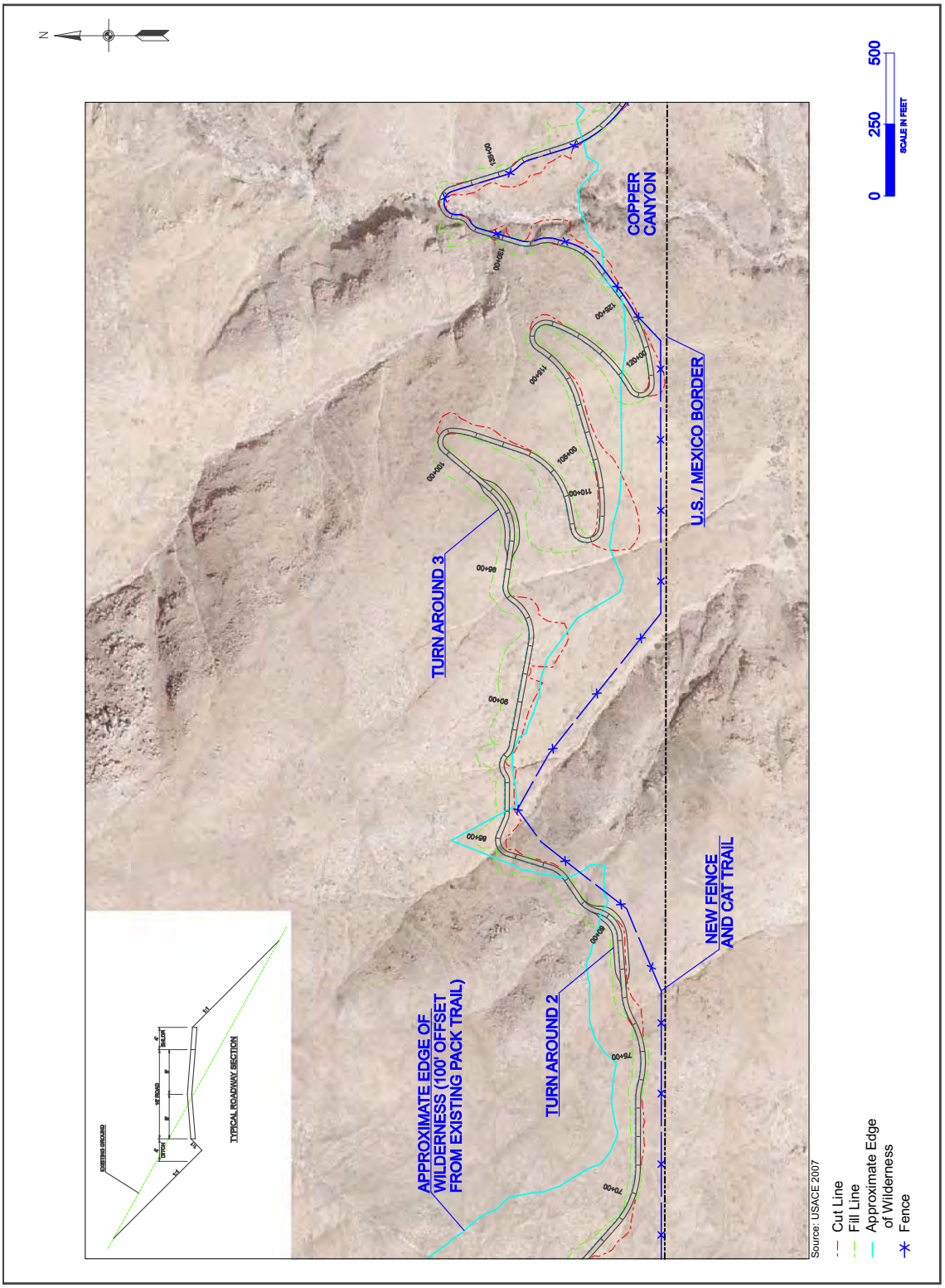


Figure 2-4. Detailed Map of Section A-1 (2 of 6)

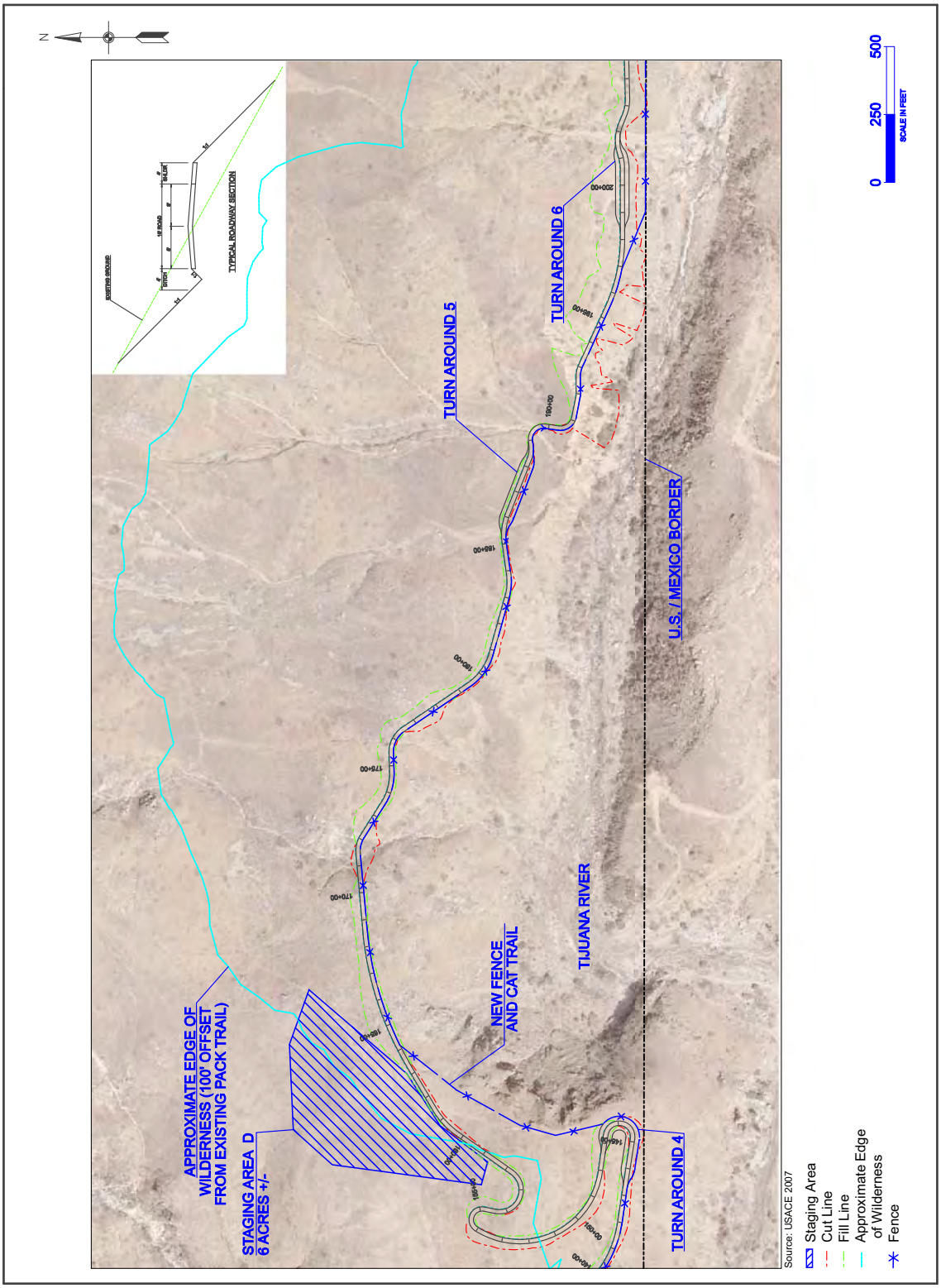


Figure 2-5. Detailed Map of Section A-1 (3 of 6)

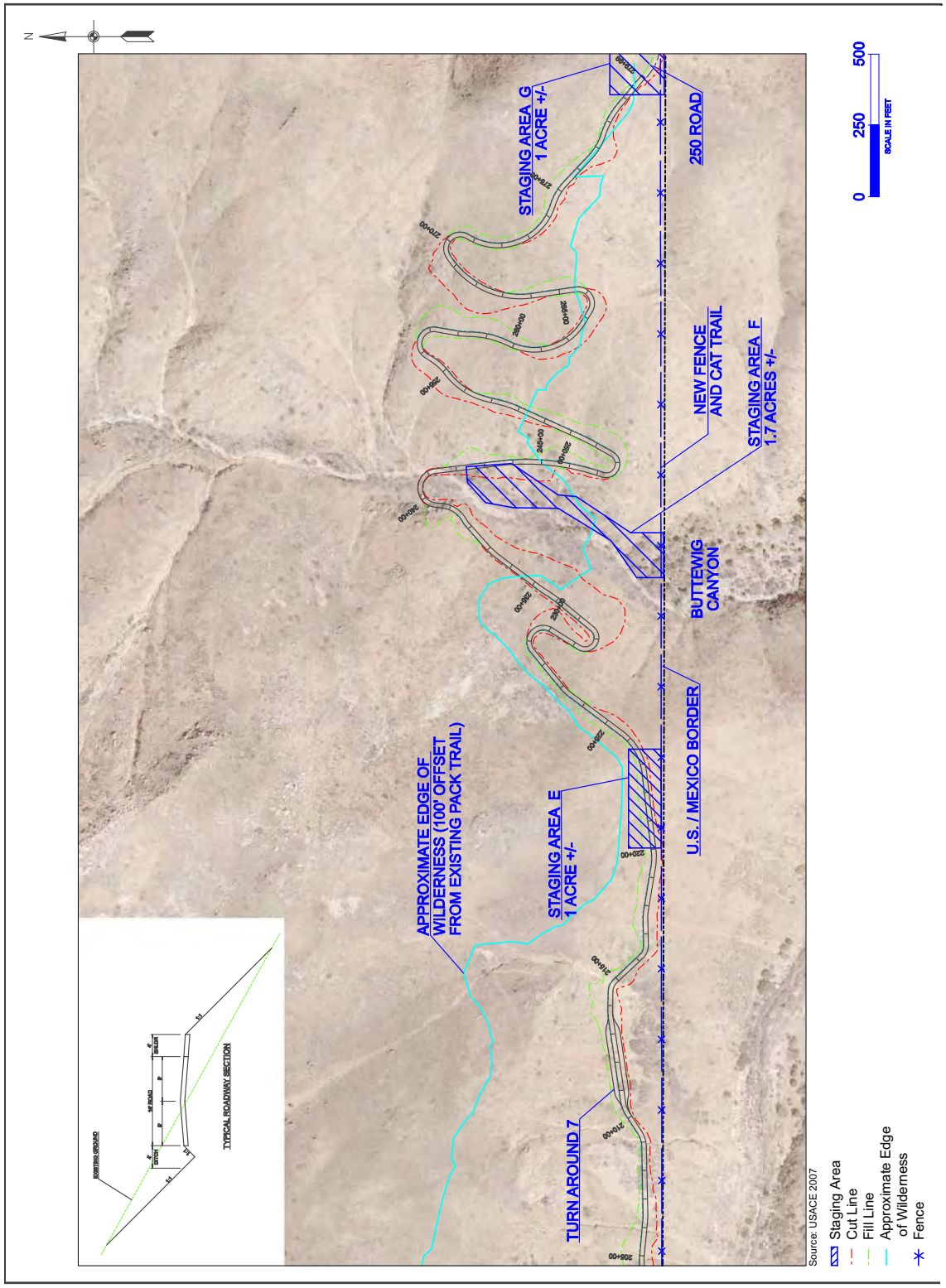


Figure 2-6. Detailed Map of Section A-1 (4 of 6)

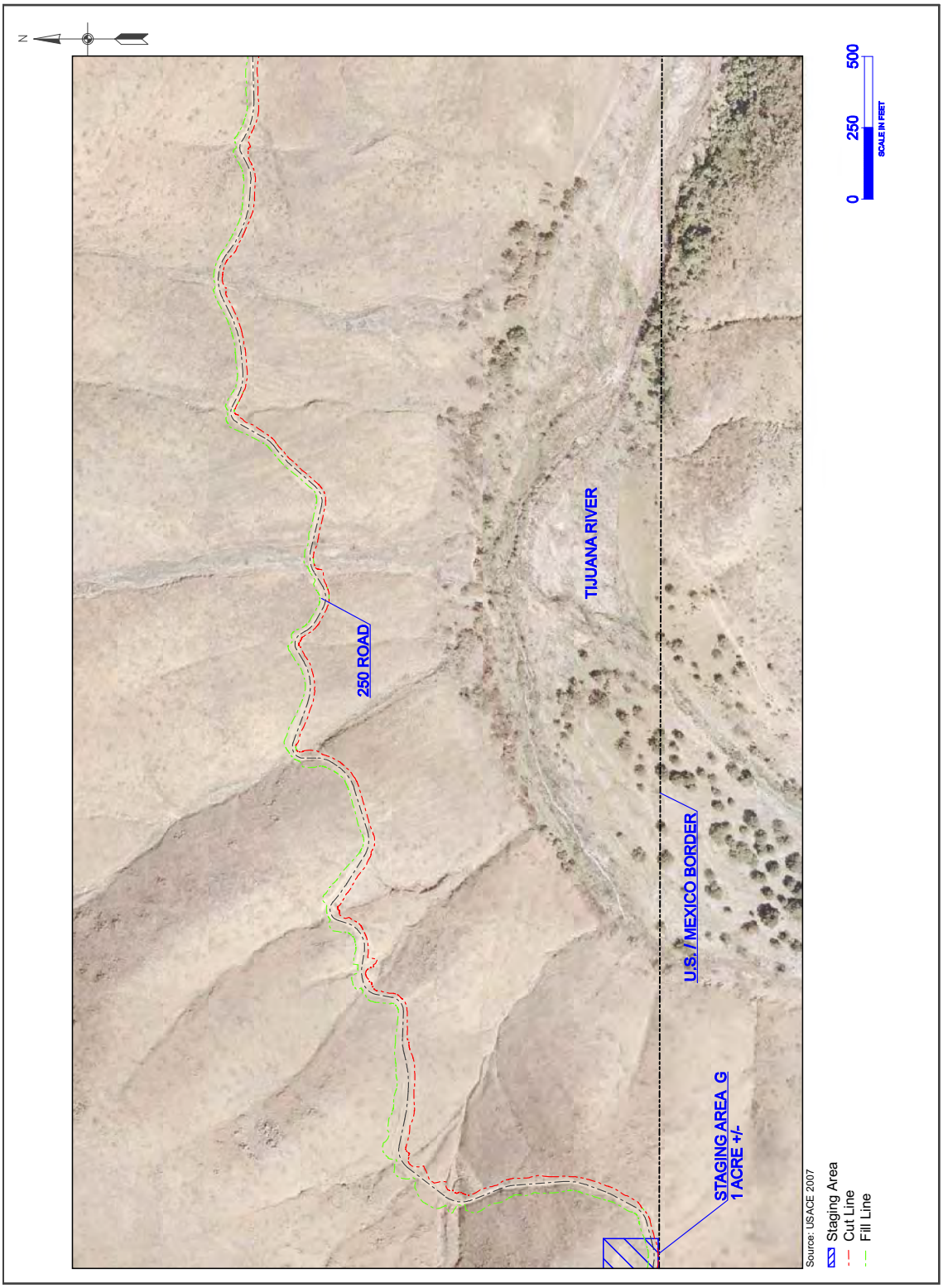


Figure 2-7. Detailed Map of Section A-1 (5 of 6)

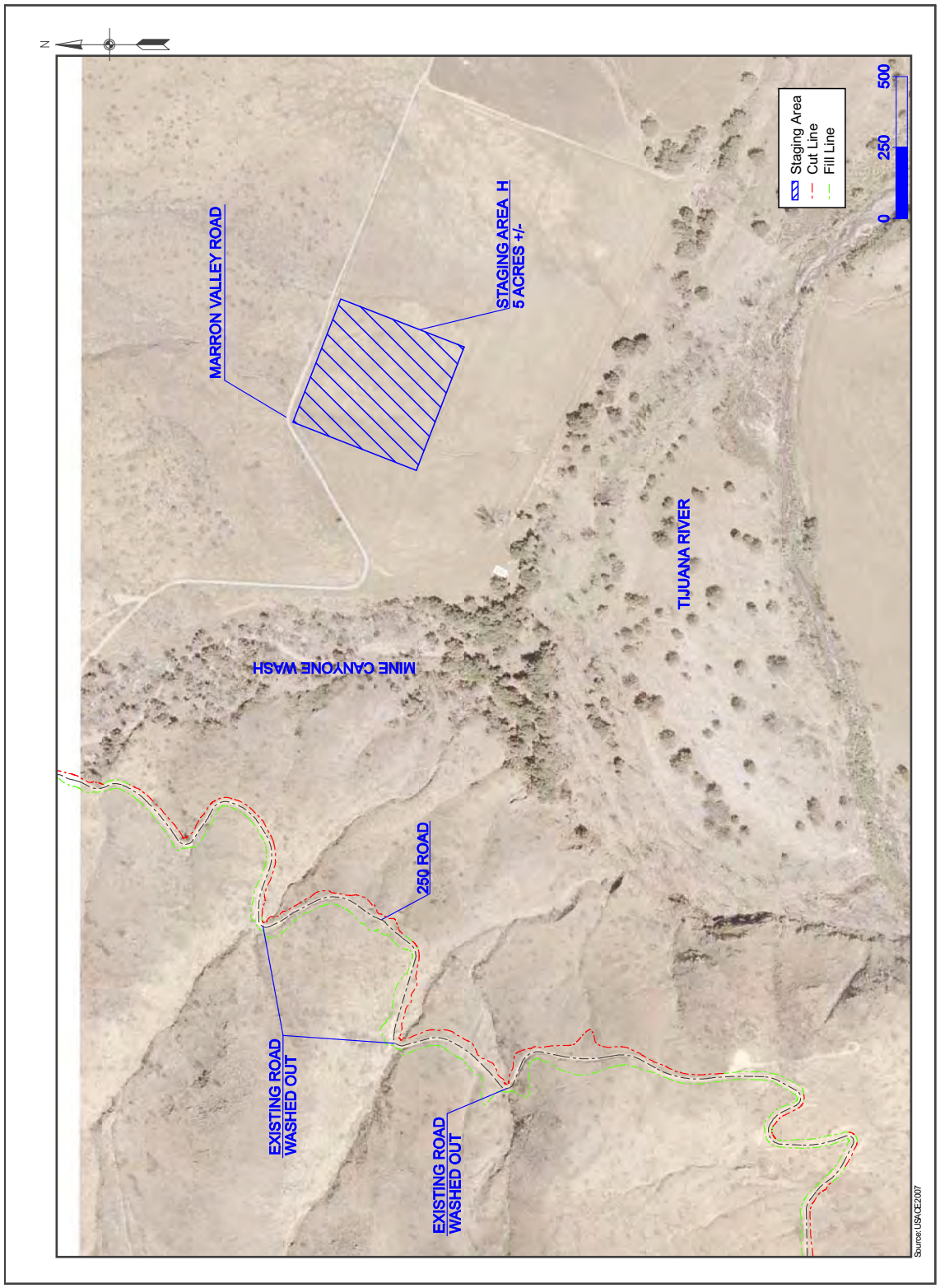


Figure 2-8. Detailed Map of Section A-1 (6 of 6)

approximately 82.4 acres for Section A-1 and approximately 10 acres for Section A-2. It is estimated that approximately 270,000 cubic yards (cy) of cut-and-fill disturbance would be required to construct Section A-1 and an estimated 30,000 cy of cut-and-fill disturbance would be required for Section A-2. **Figure 2-9** shows a schematic drawing of the proposed project corridor.

Wherever possible, existing roads would be used to access the Section A-1 and A-2 areas. These access roads would require some improvements in places to allow for the passage of commercial construction equipment. To the west of Section A-1, approximately 5.1 miles of existing access road would be utilized. A new access road would be constructed starting at the intersection of Alta and Donovan Prison Roads for a distance of approximately 0.5 miles.

To the east of Section A-1, approximately 7.8 miles of existing road would be utilized. Part of this road is designated as the Monument 250 Road. Certain upgrades to this portion were recently addressed in an EA (*Monument 250 Road Improvement Project, Office of Border Patrol, San Diego Sector, Brown Field Station, San Diego County, California).* Relevant information discussed in this EA will be incorporated by reference. Additional widening and drainage upgrades not evaluated in the *Monument 250 Road Improvement Project EA* would be necessary. It is estimated that an additional 75,000 cy of cut-and-fill disturbance would occur in association with access road upgrades and new road construction. To the west of Section A-1, certain points along Otay Mountain Truck Road and the spur to Puebla Tree construction access roads might require widening at various locations to allow for the safe travel of large construction vehicles. To the east of Section A-1, similar improvement might be required to Marron Valley Road (see **Figure 2-1**). It is anticipated that Mission Road would serve as the access road to Section A-2.

Design criteria that have been established based on USBP operational needs require that, at a minimum, any fencing must meet the following requirements:

- Built 15 to 18 feet high and extend below ground
- Capable of withstanding a crash of a 10,000-pound (gross weight) vehicle traveling at 40 miles per hour
- Capable of withstanding vandalism, cutting, or various types of penetration
- Semi-transparent, as dictated by operational need
- Designed to survive extreme climate changes
- Designed to reduce or minimize impacts on small animal movements
- Engineered not to impede the natural flow of surface water
- Aesthetically pleasing to the extent practical.

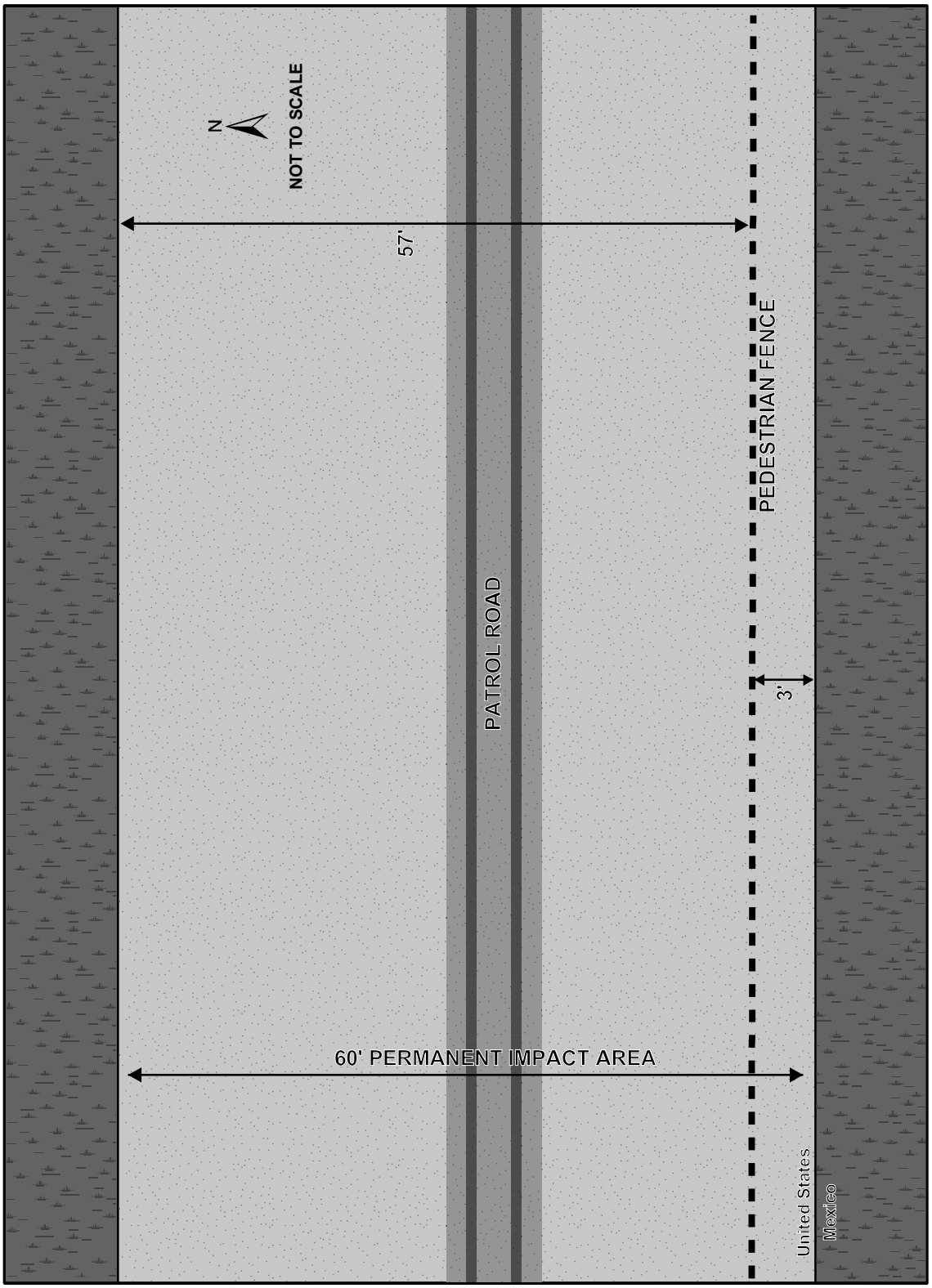


Figure 2-9. Schematic Drawing of Proposed Project Corridor

Typical primary pedestrian fence designs that could be used are included in **Appendix A**. Congress has appropriated funds for the construction of the proposed tactical infrastructure. The preliminary estimate to construct the proposed tactical infrastructure sections is approximately $50 million.

There would be no overall change in USBP San Diego Sector operations. The USBP San Diego Sector activities routinely adapt to operational requirements, and would continue to do so under this alternative. Overall, the USBP San Diego Sector operations would retain the same flexibility to most effectively provide a law enforcement resolution to illegal cross-border activity. Fence maintenance would initially be performed by USBP Sector personnel, but would eventually become a contractor performed activity.

If approved, construction of the proposed tactical infrastructure would begin in Spring 2008 and continue through December 31, 2008.

Construction of other tactical infrastructure might be required in the future as mission and operational requirements are continually reassessed. To the extent that additional actions are known, they are discussed in this EIS in **Section 5**, Cumulative Impacts.

2.2.9 No Action Alternative

Under the No Action Alternative, proposed tactical infrastructure would not be built and there would be no change in fencing, access roads, or other facilities along the U.S./Mexico international border in the proposed project locations within the USBP San Diego Sector. The USBP San Diego Sector would continue to use agents and technology to identify illegal cross-border activity, and deploy agents to make apprehensions. Although USBP agents would continue to patrol the Pack Trail and make apprehensions, their response time and success rate in apprehensions would continue to be impeded. The No Action Alternative is no longer an efficient use of USBP resources and would not meet future USBP mission or operational needs. However, inclusion of the No Action Alternative is prescribed by the CEQ regulations and will be carried forward for analysis in the EIS. The No Action Alternative also serves as a baseline against which to evaluate the impacts of the Proposed Action.

2.3 IDENTIFICATION OF THE ENVIRONMENTALLY PREFERRED ALTERNATIVE

CEQ's implementing regulation 40 CFR 1502.14(c) instructs EIS preparers to "Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference." CBP has identified the Proposed Action to be the most environmentally preferred, least-damaging, and most practical alternative considered.

Implementation of the Proposed Action would meet USBP's purpose and need described in **Section 1.2**. The No Action Alternative would not meet USBP's purpose and need.

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SECTION 3

Affected Environment

3. AFFECTED ENVIRONMENT

3.1 INTRODUCTION

In compliance with NEPA, the CEQ guidelines, and DHS MD 5100.1, the following evaluation of potential environmental impacts focuses on those resource areas and conditions subject to impacts and on potentially significant environmental issues deserving of study, and deemphasizes insignificant issues. All potentially relevant resource areas were initially considered in this EIS. Some environmental resource areas and conditions that are often selected for analysis in an EIS have been omitted from detailed analysis here because of their inapplicability to this proposal. General descriptions of the eliminated resources and the bases for elimination are described below.

Climate. The Proposed Action would neither affect nor be affected by the climate. However, air emissions and their impact on air quality are discussed in **Section 3.2**.

Utilities and Infrastructure. The Proposed Action would not be located in any utility corridors, and would not impact utilities or similar infrastructure. Operation and maintenance of the proposed tactical infrastructure would not be connected to any utilities.

Roadways and Traffic. The Proposed Action would be located in remote areas not accessible from public roadways. Construction traffic would have negligible impacts on other traffic in local areas. As a result, the Proposed Action would have negligible impacts on transportation and transportation corridors.

Hazardous Materials and Solid Waste. Long-term, minor, adverse effects would be expected as a result of the Proposed Action. Products containing hazardous materials (such as fuels, oils, lubricants, pesticides, and herbicides) would be procured and used during the proposed construction. It is anticipated that the quantity of products containing hazardous materials used would be minimal and their use would be of short duration. Minimal quantities of herbicide would be used for vegetative growth in the immediate vicinity of the fence. In addition, the quantity of hazardous and petroleum wastes generated from proposed construction would be negligible. Construction contractors would be responsible for the management of hazardous materials and wastes. The management of hazardous materials and wastes would include the use of best management practices (BMPs), a pollution prevention plan, and a storm water pollution prevention plan (SWPPP). All hazardous materials and wastes would be handled in accordance with applicable Federal, state, and local regulations.

Sustainability and Greening. EO 13423, *Strengthening Federal Environmental, Energy, and Transportation Management* (January 24, 2007), promotes environmental practices, including acquisition of biobased, environmentally

preferable, energy-efficient, water-efficient, and recycled-content products; and maintaining cost-effective, waste prevention and recycling programs in their facilities. The Proposed Action would use minimal amounts of resources during construction and maintenance. Therefore, the Proposed Action would have negligible impacts on sustainability and greening.

3.2 AIR QUALITY

In accordance with Federal CAA requirements, the air quality in a given region or area is measured by the concentration of various pollutants in the atmosphere. The CAA directed USEPA to develop National Ambient Air Quality Standards (NAAQS) for pollutants that have been determined to affect human health and the environment. USEPA established both primary and secondary NAAQS under the provisions of the CAA. NAAQS are currently established for six criteria air pollutants: ozone (O_3), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), respirable particulate matter (including particulates equal to or less than 10 microns in diameter [PM_{10}] and particulates equal to or less than 2.5 microns in diameter [$PM_{2.5}$]), and lead (Pb). The primary NAAQS are ambient air quality standards of which maintenance is required to protect the public health, with an adequate margin of safety. Secondary NAAQS specify levels of air quality of which maintenance is required to protect vegetation, crops, and other public resources along with maintaining visibility standards.

The CAA requires states to designate any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for a criteria pollutant as a nonattainment area. For O_3, the CAA requires that each designated nonattainment area be classified as marginal, moderate, serious, severe, or extreme, based on ambient O_3 concentrations. The California Environmental Protection Agency (Cal/EPA), California Air Resources Board (CARB) has delegated responsibility for implementation of the Federal CAA and California CAA to local air pollution control agencies. The Proposed Action is subject to rules and regulations developed by the San Diego County Air Pollution Control District (SDAPCD).

The State of California adopted the NAAQS and promulgated additional State Ambient Air Quality Standards (SAAQS) for criteria pollutants. The California standards are more stringent than the Federal primary standards. **Table 3.2-1** presents the primary and secondary USEPA NAAQS and SAAQS.

USEPA classifies the air quality in an air quality control region (AQCR), or in subareas of an AQCR, according to whether the concentrations of criteria pollutants in ambient air exceed the primary or secondary NAAQS. All areas within each AQCR are therefore designated as either “attainment,” “nonattainment,” “maintenance,” or “unclassified” for each of the six criteria pollutants. Attainment means that the air quality within an AQCR is better than

Table 3.2-1. National and State Ambient Air Quality Standards

Pollutant	Averaging Time	California Standard	National Standard	
		Concentration	Primary	Secondary
O_3	1 Hour [c]	0.09 ppm (180 µg/m^3)	----	Same as Primary Standard
	8 Hour [b]	0.070 ppm (137 µg/m^3)	0.08 ppm (157 µg/m^3)	
PM_{10}	24 Hour [a]	50 µg/m^3	150 µg/m^3	Same as Primary Standard
	Annual Arithmetic Mean [d]	20 µg/m^3	----	
$PM_{2.5}$	24 Hour [f]	No separate State Standard	35 µg/m^3	Same as Primary Standard
	Annual Arithmetic Mean [e]	12 µg/m^3	15 µg/m^3	
CO	8 Hour [a]	9.0 ppm (10 mg/m^3)	9.0 ppm (10 mg/m^3)	None
	1 Hour [a]	20 ppm (23 mg/m^3)	35 ppm (40 mg/m^3)	
NO_2	Annual Arithmetic Mean	0.030 ppm (56 µg/m^3)	0.053 ppm (100 µg/m^3)	Same as Primary Standard
	1 Hour	0.18 ppm (338 µg/m^3)	----	
SO_2	Annual Arithmetic Mean	----	0.030 ppm (80 µg/m^3)	----
	24 Hour [a]	0.04 ppm (105 µg/m^3)	0.14 ppm (365 µg/m^3)	----
	3 hour [a]	----	----	0.5 ppm (1300 µg/m^3)
	1 Hour	0.25 ppm (655 µg/m^3)	----	
Pb	30 Day Average	1.5 µg/m^3	----	----
	Calendar Year	----	1.5 µg/m^3	Same as Primary Standard

Pollutant	Averaging Time	California Standard	National Standard	
		Concentration	Primary	Secondary
Visibility Reducing Particles	8 Hour	Extinction coefficient of 0.23 per kilometer visibility of 10 miles or more due to particles when relative humidity is less than 70 percent	No Federal Standards	
Sulfates	24 Hour	25 µg/m^3		
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m^3)		
Vinyl Chloride	24 Hour	0.01 ppm (26 µg/m^3)		

Sources: USEPA 2007a and CARB 2007a

Notes: Parenthetical values are approximate equivalent concentrations.

[a] Not to be exceeded more than once per year.

[b] To attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.08 ppm.

[c] (a) The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm is ≤ 1. (b) As of June 15, 2005, USEPA revoked the 1-hour ozone standard in all areas except the 14 8-hour ozone nonattainment Early Action Compact Areas.

[d] To attain this standard, the expected annual arithmetic mean PM_{10} concentration at each monitor within an area must not exceed 50 µg/m^3.

[e] To attain this standard, the 3-year average of the annual arithmetic mean $PM_{2.5}$ concentrations from single or multiple community-oriented monitors must not exceed 15.0 µg/m^3.

[f] To attain this standard, the 3-year average of the 98th percentile of 24-hour concentrations at each population-oriented monitor within an area must not exceed 35 µg/m^3.

ppm = parts per million

µg/m^3 = micrograms per cubic meter

mg/m^3 = milligrams per cubic meter

the NAAQS, nonattainment indicates that criteria pollutant levels exceed NAAQS, maintenance indicates that an area was previously designated in nonattainment but is now in attainment, and unclassifiable means that there is not enough information to appropriately classify an AQCR, so the area is considered in attainment.

Many chemical compounds found in the Earth's atmosphere act as "greenhouse gases." These gases allow sunlight to enter the atmosphere freely. When sunlight strikes the Earth's surface, some of it is reflected back towards space as infrared radiation (heat). Greenhouse gases absorb this infrared radiation and

trap the heat in the atmosphere. Over time, the trapped heat results in the phenomenon of global warming.

In April 2007, the U.S. Supreme Court declared that carbon dioxide (CO_2) and other greenhouse gases are air pollutants under the CAA. The Court declared that the USEPA has the authority to regulate emissions from new cars and trucks under the landmark environment law.

Many gases exhibit these "greenhouse" properties. The majority of greenhouse gases comes from natural sources but is also contributed to by human activity. Additional information on sources of greenhouse gases is included in **Appendix F**.

Sections A-1 and A-2

The Proposed Action is located within San Diego County, California, within the San Diego Interstate Air Quality Control Region (SDIAQCR). The SDIAQCR is composed of San Diego County, California. San Diego County is within a Federal Subpart 1 (Basic) and State nonattainment area for 8-hour O_3, Federal moderate maintenance area for CO, and State nonattainment area for PM_{10} and $PM_{2.5}$. San Diego County is in attainment/unclassified for all other criteria pollutants.

3.3 NOISE

Sound is defined as a particular auditory effect produced by a given source, for example the sound of rain on a rooftop. Sound is measured in decibels. "A-weighted" decibels (dBA) denote the frequency range for what the average human ear can sense. "A-weighted" denotes the adjustment of the frequency content of a sound-producing event to represent the way in which the average human ear responds to the audible event. Noise levels associated with construction equipment, vehicle operations, and aircraft operations are analyzed using dBA. C-weighted sound level measurement correlates well with physical vibration response of buildings and other structures to airborne sound. Impulsive noise resulting from demolition activities and the discharge of weapons are assessed in terms of C-weighted decibels (dBC).

Noise and sound share the same physical aspects, but noise is considered a disturbance while sound is defined as an auditory effect. Noise is defined as any sound that is undesirable because it interferes with communication, is intense enough to damage hearing, or is otherwise annoying. Noise can be intermittent or continuous, steady or impulsive, and can involve any number of sources and frequencies. Human response to increased sound levels varies according to the source type, characteristics of the sound source, distance between source and receptor, receptor sensitivity, and time of day. Affected receptors are specific (i.e., schools, churches, or hospitals) or broad (e.g., nature preserves or

designated districts) areas in which occasional or persistent sensitivity to noise above ambient levels exists.

Most people are exposed to sound levels of 50 to 55 dBA or higher on a daily basis. Studies specifically conducted to determine noise impacts on various human activities show that about 90 percent of the population is not significantly bothered by outdoor sound levels below 65 dBA (USEPA 1974). Studies of community annoyance in response to numerous types of environmental noise show that an A-weighted day-night average sound level (ADNL) correlates well with impact assessments and that there is a consistent relationship between ADNL and the level of annoyance.

Ambient Sound Levels. Noise levels in residential areas vary depending on the housing density and location. As shown in **Figure 3.3-1**, a suburban residential area is about 55 dBA, which increases to 60 dBA for an urban residential area, and 80 dBA in the downtown section of a city.

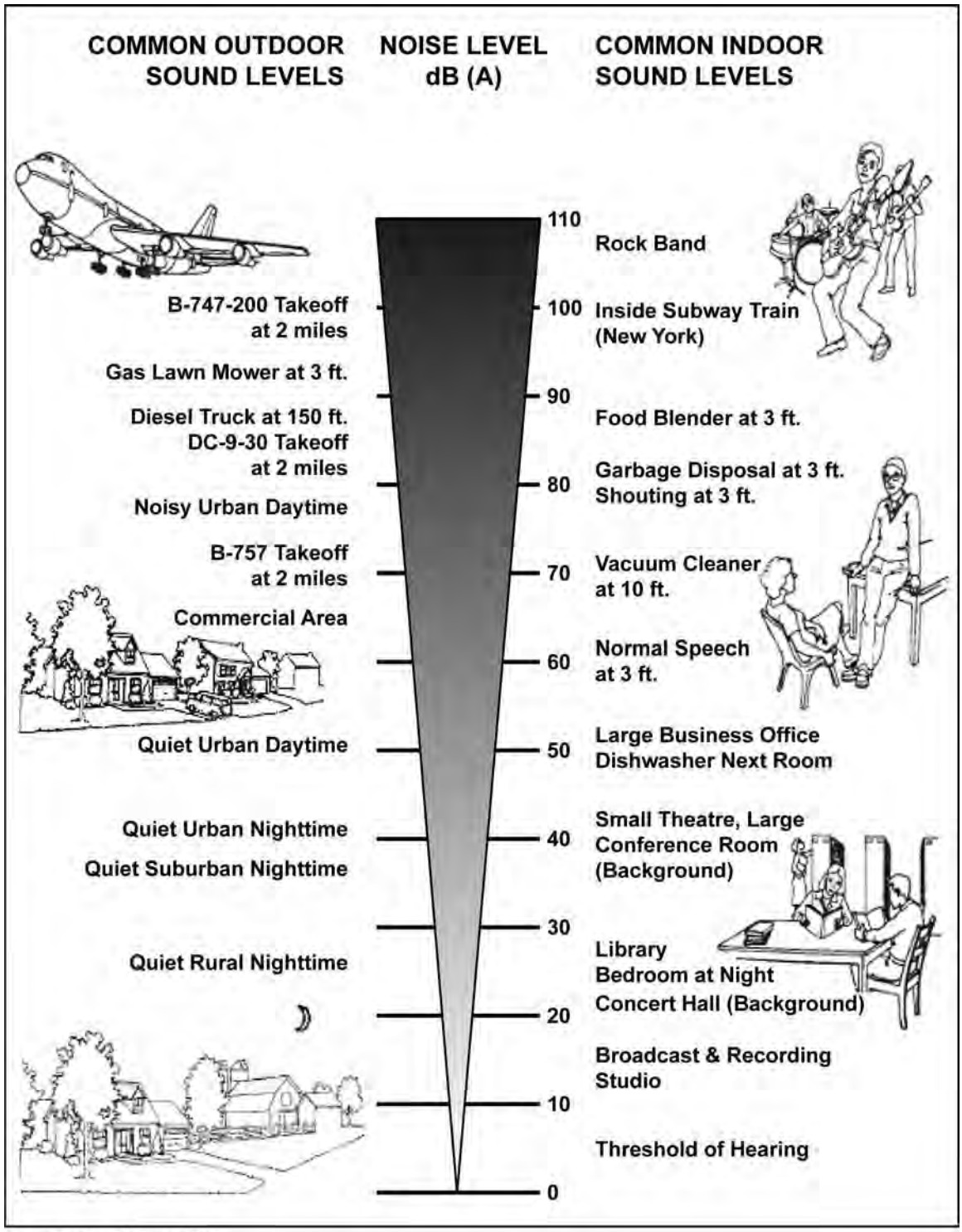
Construction Sound Levels. Building construction, modification, and demolition work can cause an increase in sound that is well above the ambient level. A variety of sounds come from graders, pavers, trucks, welders, and other work processes. **Table 3.3-1** lists noise levels associated with common types of construction equipment that are likely to be used under the Proposed Action. Construction equipment usually exceeds the ambient sound levels by 20 to 25 dBA in an urban environment and up to 30 to 35 dBA in a quiet suburban area.

Sections A-1 and A-2

Section A-1 of the proposed border fence is in a remote area along the U.S./Mexico international border between Puebla Tree and Boundary Monument 250. As such, the ambient acoustical environment in the proposed project corridor is likely to be equivalent to the noise levels in a rural area. Aircraft and vehicle traffic are likely the largest noise contributors in the vicinity of the proposed Section A-1.

The closest major transportation route in the vicinity of the proposed Section A-1 is State Route (SR) 94. SR 94 runs in a northwest-southeast direction and lies about 3.5 miles north of the U.S./Mexico international border. Direct access to the border is obtained by several small dirt roads. SR 94 passes by several residential areas.

Section A-2 is west of the city of Tecate, California. Tecate, Mexico, is heavily populated; however, an existing fence reduces the noise from Tecate, Mexico, from impacting U.S. residents in the vicinity of the proposed site. There is one residential home in the United States that is approximately 250 feet from the proposed project corridor. The ambient acoustical environment in this area is likely to be equivalent to the noise levels in a rural or suburban area.



Source: Landrum & Brown 2002

Figure 3.3-1. Common Noise Levels

Table 3.3-1. Predicted Noise Levels for Construction Equipment

Construction Category and Equipment	Predicted Noise Level at 50 feet (dBA)
Clearing and Grading	
Bulldozer	80
Grader	80–93
Truck	83–94
Roller	73–75
Excavation	
Backhoe	72–93
Jackhammer	81–98
Building Construction	
Concrete mixer	74–88
Welding generator	71–82
Pile driver	91–105
Crane	75–87
Paver	86–88

Source: COL 2001

Major transportation routes in the vicinity of proposed Section A-2 include SR 94 and SR 188. SR 94 is approximately 1.5 miles north and SR 188 is approximately 2 miles east of the proposed Section A-2. Direct access to the proposed project corridor can be obtained from Tecate Mission Road, which abuts the current sections of border fence and the city of Tecate, California. Residential buildings are approximately 0.1 mile from the current border fence.

3.4 LAND USE AND RECREATION

The term land use refers to real property classifications that indicate either natural conditions or the types of human activity occurring on a parcel. In many cases, land use descriptions are codified in local zoning laws. There is, however, no nationally recognized convention or uniform terminology for describing land use categories. As a result, the meanings of various land use descriptions, “labels,” and definitions vary among jurisdictions.

Two main objectives of land use planning are to ensure orderly growth and compatible uses among adjacent property parcels or areas. Compatibility among land uses fosters the societal interest of obtaining the highest and best uses of real property. Tools supporting land use planning include written master plans/management plans and zoning regulations. In appropriate cases, the location and extent of a proposed action needs to be evaluated for its potential effects on a project site and adjacent land uses. The foremost factor affecting a

proposed action in terms of land use is its compliance with any applicable land use or zoning regulations. Other relevant factors include matters such as existing land use at the project site, the types of land uses on adjacent properties and their proximity to a proposed action, the duration of a proposed activity, and its "permanence."

Recreational resources are both natural and man-made lands designated by Federal, state, and local planning entities to offer visitors and residents diverse opportunities to enjoy leisure activities. Recreational resources are those places or amenities set aside as parklands, trails (e.g., hiking, bicycling, equestrian), recreational fields, sport or recreational venues, open spaces, aesthetically pleasing landscapes, and a variety of other locales. National, state, and local jurisdictions typically have designated land areas with defined boundaries for recreation. Other less-structured activities, like hunting, are performed in broad, less-defined locales. A recreational setting might consist of natural or man-made landscapes and can vary in size from a roadside monument to a multimillion-acre wilderness area.

Sections A-1 and A-2

The proposed primary pedestrian fence would traverse approximately 4.4 miles of public and private lands within southern San Diego County (see **Table 3.4-1**). Approximately 3.5 miles of publicly owned land consisting of 3.6 miles (17,600 feet) in Section A-1 and 0.2 miles (approximately 1,000 feet) in Section A-2, and 0.6 miles (approximately 3,100 feet) of privately owned land in Section A-2 would be traversed by the primary pedestrian fence.

Table 3.4-1. Land Ownership Along the Proposed Primary Pedestrian Fence

Fence Section	Land Ownership	Length of Fence Section (feet)	Length of Fence Section (miles)
A-1	Public	17,600	3.6
A-2	Public	820	0.2
	Privately Owned	2,900	0.6
	Total	**21,320**	**4.4**

Approximately 58 percent of the proposed project corridor within Section A-1 would be within the Federal government's 60-foot Roosevelt Reservation along the U.S./Mexico international border, and the remainder would be on land managed by the BLM, which includes the OMW. However, the entire length of fence within Section A-2 would be within the Federal government's 60-foot Roosevelt Reservation.

Land uses identified in the analysis include those uses that are traversed by or located immediately adjacent to the proposed project corridor and could be affected by construction, operation, or maintenance of the Proposed Action. The land use data presented in this EIS utilize land use designations that are compiled and maintained by the San Diego Association of Governments (SANDAG) for use in its programs and projects within San Diego County (SANDAG 2007a). The land use information is continuously updated using aerial photography, the San Diego County Assessor Master Property Records file, and other ancillary information. In addition, the land use data are reviewed by each of the local jurisdictions and the County of San Diego to ensure their accuracy. The current SANDAG land use inventory identifies more than 90 land use categories, however these categories were generalized into the following nine land use categories: Residential, Industrial, Transportation, Commercial, Office, Public Facilities, Recreation and Open Space, Agriculture, and Vacant and Undeveloped Land (see **Table 3.4-2**).

Table 3.4-2. General Land Use Categories

General Land Use Category	SANDAG General Land Use Designations	Example Land Uses
Residential	Spaced Rural Residential, Single-Family Residential, Multi-Family Residential, Mobile Home Park, Group Quarters, Hotel/Motel/ Resort	Single family houses; multi-family residences such as duplexes, townhouses, condominiums; mobile home parks; group quarters such as jails/prisons, dormitories, military barracks; hotels, motels, resorts
Public Facilities	Public Services, Hospitals, Military Use, Schools	Cemeteries, religious facilities; libraries; post offices; fire or police stations; cultural facilities; social service agencies; hospitals; health care facilities; military facilities; educational institutions
Recreation and Open Space	Commercial Recreation, Parks	Tourist attractions; stadiums/arenas; racetracks; golf courses; convention centers; marinas; fitness clubs/swim clubs; campgrounds; theaters; regional and local parks; recreation areas/centers; wildlife and nature preserves; open space lands; beaches; neighborhood landscaped open spaces
Agriculture	Agriculture	Orchards or vineyards; nurseries, greenhouses, dairies, ranches; row crops; pasture or fallow field crops
Vacant and Undeveloped Land	Vacant	Historical and existing vacant and undeveloped land not placed in another land use category

Source: SANDAG 2007a

The proposed tactical infrastructure, including access roads and staging areas, and proposed project corridor would be located on land designated as Public Facilities (Jail/Prison), Agriculture (Field Crops), Recreation and Open Space (Open Space Park or Preserve), Residential (Spaced Rural Residential), and Vacant and Undeveloped Land (see **Table 3.4-2**).

Specific land use data were gathered from various regional and local planning and environmental documents, aerial photography, and other research. **Table 3.4-3** identifies the specific land uses that occur in the vicinity of the Proposed Action. The figures displayed in **Appendix E** show the location of the proposed tactical infrastructure and the proximity of adjacent and intersecting land uses.

Table 3.4-3. Land Uses in the Vicinity of the Proposed Action

Fence Section	Jurisdiction	General Land Use Category	Specific Land Uses
A-1	Unincorporated San Diego County	Public Facilities	George F. Bailey Detention Facility, East Mesa Detention Facility, San Diego Correctional Facility
	State of California	Public Facilities	Richard J. Donovan Correctional Facility
	Unincorporated San Diego County	Agriculture/ Vacant and Undeveloped Land	Kuebler Ranch Site
	BLM	Recreation and Open Space	OMW
	USIBWC	Recreation and Open Space	Roosevelt Reservation
	City of San Diego	Recreation and Open Space	Marron Valley Preserve
A-2	USIBWC	Recreation and Open Space	Roosevelt Reservation
	BLM	Recreation and Open Space	Kuchamaa Area of Critical Environmental Concern (ACEC)
	Unincorporated San Diego County	Residential/ Vacant and Undeveloped Land	Private residence

The following is a description of the specific land uses that occur in the vicinity of the Proposed Action.

George F. Bailey Detention Facility. This is a maximum-security correctional facility operated by the San Diego County Sheriff's Department. This facility is sited within a complex that also houses the East Mesa Detention Facility and the San Diego Correctional Facility. It is the largest of all the facilities operated under the San Diego County Sheriff's jurisdiction with a rated capacity of between 1,330 and 1,670 inmates (SDCSD 2002). The facility is approximately 0.5 miles northwest of the proposed new access road at the intersection of Alta and Donovan Prison Roads.

East Mesa Detention Facility. This is a medium-security facility built in conjunction with the George F. Bailey Detention Facility for use by the San Diego County Sheriff's Department. It houses 490 inmates, but is rated for approximately 340 to 510 inmates. The facility includes a central laundry and food production for this and other facilities, and is operated with the use of inmate workers at the site (SDCSD 2007).

San Diego Correctional Facility. This is a minimum- to medium-security facility that is privately managed by Corrections Corporation of America (CCA). It includes 1,232 beds and houses male and female inmates for Immigrations and Customs Enforcement (ICE) and the U.S. Marshals Service (CCA 2007).

Richard J. Donovan Correctional Facility. This is a state correctional facility operated by the California Department of Corrections and Rehabilitation (CDCR) that houses medium- to high-security inmates (CDCR 2007). The facility is located approximately 0.8 miles west of the proposed new access road at the intersection of Alta and Donovan Prison Roads.

Kuebler Ranch Site. Kuebler Ranch is the site of an old ranch, but also includes an important archaeological site on which artifacts such as stone artifacts, drilled scallop shells, and shell beads have been found (SDAC 2007). This site is immediately north of the proposed location of the new access road at the intersection of Alta and Donovan Prison Roads.

Pack Trail. The Pack Trail is a foot-path/pack-trail along the U.S./Mexico international border within BLM land. The Pack Trail traverses the San Ysidro Mountains beginning on the west end at Puebla Tree and ends at Border Monument 250. The Pack Trail is primarily used for hiking, with limited use by all-terrain vehicles (ATVs). The proposed Pack Trail access road would generally follow the general path of the Pack Trail unless severe topography makes it unfeasible.

Otay Mountain Wilderness. This 18,500-acre wilderness area was designated by Congress in 1999 through the Otay Mountain Wilderness Act, and is managed by the BLM, Palm Springs-South Coast Field Offices. Management direction for

the area has focused on conservation of the area's flora, fauna, ecologic, geologic, cultural, and scenic values as well as the protection of its wilderness values. As part of the Border Mountains Special Recreation Management Area (SRMA), OMW provides opportunities for low-impact recreation, including hiking, backpacking, equestrian use, camping, picnicking, nature study, hunting, and motorized vehicle use including ATV use on two existing routes (BLM 1994). The OMW includes stands of rare Tecate Cypress and 15 to 20 other sensitive vegetative species. The northern end of the OMW also contains the Cedar Canyon Area of Critical Environmental Concern (ACEC) and a grazing allotment (BLM 1999). Approximately 50 percent of the primary pedestrian fence, Pack Trail access road, and staging areas would be on the OMW.

Roosevelt Reservation. This is an area of land President Theodore Roosevelt reserved from entry and set apart as a public reservation in 1907 consisting of all public lands within 60 feet of the international boundary between the United States and Mexico within the State of California and the Territories of Arizona and New Mexico. Known as the "Roosevelt Reservation," this land withdrawal was found "necessary for the public welfare ... as a protection against the smuggling of goods." The proclamation excepted from the reservation all lands, which, as of its date, were (1) embraced in any legal entry; (2) covered by any lawful filing, selection, or rights of way duly recorded in the proper U.S. Land Office; (3) validly settled pursuant to law; or (4) within any withdrawal or reservation for any use or purpose inconsistent with its purposes (CRS 2006). The portions of the proposed tactical infrastructure, including the primary pedestrian fence, Pack Trail access road, and staging areas, would be located within the Roosevelt Reservation.

Marron Valley Preserve. The Marron Valley Preserve consists of approximately 2,600 acres owned and maintained by the City of San Diego Water Department. This area has been designated "Cornerstone Lands" under the City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan because it is considered an essential building block for creating a viable habitat preserve system. Much of the area is currently leased by the city for cattle grazing, however as part of its designation as Cornerstone Lands, the city would place conservation easements on portions of the preserve, which then can be used as a Conservation Land Bank and sold as mitigation credits to public entities, public utility/service providers, and private property owners doing projects in San Diego County and needing mitigation (City of San Diego 1997). A small portion of the proposed primary pedestrian fence, Pack Trail access road, and one staging area would be within the Marron Valley Preserve near Boundary Monument 250. An additional staging area to be used during upgrades of Monument 250 Road would also be located within the Preserve, east of Mine Canyon Wash.

Kuchamaa ACEC[2]. The Kuchamaa ACEC was established for the protection of Native American religious heritage values, including lands at Tecate Peak and Little Tecate Peak (BLM 1994). The boundary of the Kuchamaa ACEC that encompasses Tecate Peak is approximately 500 feet west of the end of Section A-2.

3.5 GEOLOGY AND SOILS

Geology and soils resources include the surface and subsurface materials of the earth. Within a given physiographic province, these resources typically are described in terms of topography, soils, geology, minerals, and paleontology, where applicable.

Topography is defined as the relative positions and elevations of the natural or human-made features of an area that describe the configuration of its surface. Regional topography is influenced by many factors, including human activity, seismic activity of the underlying geological material, climatic conditions, and erosion. Information describing topography typically encompasses surface elevations, slope, and physiographic features (i.e., mountains, ravines, or depressions).

Site-specific geological resources typically consist of surface and subsurface materials and their inherent properties. Principal factors influencing the ability of geological resources to support structural development are seismic properties (i.e., potential for subsurface shifting, faulting, or crustal disturbance), topography, and soil stability.

Soils are the unconsolidated materials overlying bedrock or other parent material. They develop from weathering processes on mineral and organic materials and are typically described in terms of their landscape position, slope, and physical and chemical characteristics. Soil types differ in structure, elasticity, strength, shrink-swell potential, drainage characteristics, and erosion potential, which can affect their ability to support certain applications or uses. In appropriate cases, soil properties must be examined for compatibility with particular construction activities or types of land use.

Prime and unique farmland is protected under the Farmland Protection Policy Act (FPPA) of 1981. The implementing procedures of the FPPA and Natural Resources Conservation Service (NRCS) require Federal agencies to evaluate the adverse effects (direct and indirect) of their activities on prime and unique farmland, as well as farmland of statewide and local importance, and to consider

[2] Areas of Critical Environmental Concern (ACECs) were authorized in Section 202(c)(3) of the Federal Land Policy and Management Act of 1976. ACECs are areas where special management attention is needed to protect and prevent irreparable damage to important historic, cultural, and scenic values, fish, or wildlife resources or other natural systems or processes; or to protect human life and safety from natural hazards. The ACEC designation indicates that the BLM recognizes that an area has significant values, and establishes special management measures to protect those values (BLM 1994).

alternative actions that could avoid adverse effects. The Visalia sandy loam (5–9 percent slopes) is designated as a prime farmland soil. However, none of the area within the proposed project corridor is being used for agricultural purposes.

Sections A-1 and A-2

Physiography and Topography. USBP San Diego Sector occupies southeastern San Diego County, California, along the U.S./Mexico international border. The sector is in the Peninsular Range Physiographic Province of California, which is characterized by the northwest-trending Peninsular Range. Specifically, USBP San Diego Sector is in the San Ysidro Mountains, a sub-section of the Laguna Mountains section of the Peninsular Range. The topographic profile of USBP San Diego Sector is characterized by steep slopes. Elevations in USBP San Diego Sector range from about 500 to 1,350 feet above mean sea level (MSL) along Section A-1 and about 1,850 to 2,300 feet above MSL along Section A-2 (TopoZone.com 2007).

Geology. USBP San Diego Sector is within the Peninsular Range geomorphic region which consists predominantly of Mesozoic Era metavolcanic, metasedimentary, and plutonic rocks. The Peninsular Range region is underlain primarily by plutonic (e.g., granitic) rocks that formed from the cooling of molten magmas generated during subduction of an oceanic crustal plate that was converging on the North American Plate between 140 and 90 million years ago. During this time period, large amounts of granitic rocks accumulated at depth to form the Southern California Batholith. The intense heat of these plutonic magmas metamorphosed the ancient sedimentary rocks which were intruded by the plutons. These metasediments became marbles, slates, schist, quartzites, and gneiss currently found in the Peninsular Range region (Demere 2007).

Soils. Nine soil map units occur in USBP San Diego Sector. Generally, the soils of USBP San Diego Sector are well-drained to excessively drained, have varying permeability, and occur on moderately steep to very steep slopes with the exception of the Riverwash map unit (0–4 percent slopes) and the Visalia sandy loam soil map unit (5–9 percent slopes). The Visalia sandy loam (5–9 percent slopes) was the only soil map unit listed as prime farmland. The soil map units within the proposed corridor are classified as nonhydric soils (NRCS 2007). Hydric soils are soils that are saturated, flooded, or ponded for long enough during the growing season to develop anaerobic (oxygen-deficient) conditions in their upper part. The presence of hydric soil is one of the three criteria (hydric soils, hydrophytic vegetation, and wetland hydrology) used to determine that an area is a wetland based on the USACE *Wetlands Delineation Manual*, Technical Report Y-87-1 (USACE 1987).

The properties of soils identified in USBP San Diego Sector are described in **Table 3.5-1**. See **Appendix G** for a map of soil units within Section A-1 and Section A-2.

Table 3.5-1. Properties of the Soil Types Found Throughout the Areas of the Proposed Action

Name	Map Unit Symbol	Type	Slope	Drainage	Hydric*	Farmland Importance	Properties
Acid igneous rock land	AcG	NA	15–75 percent	NA	NA	NA	Found on mountain slopes and mountains and parent material consists of acid igneous rock.
Andersen	AuF	Very gravelly sandy loam	9–45 percent	Somewhat excessively drained	No	None	Found on alluvial fans. Permeability is moderately rapid.
Cieneba	CmE2	Rocky coarse sandy loam	9–30 percent	Somewhat excessively drained	No	None	Found on foothills and hills. Permeability is moderately rapid in soil, slower in weathered granite.
Cieneba-Fallbrook	CnE2	Rocky sandy loam	9–30 percent	Somewhat excessively to well-drained	No	None	Found on foothills and hills. Permeability of the Cieneba component is moderately rapid in soil, slower in weathered granite. Permeability of the Fallbrook component is moderately slow.
Cieneba-Fallbrook	CnG2	Rocky sandy loam	30–65 percent	Somewhat excessively to well-drained	No	None	Found on foothills and hills. Permeability of the Cieneba component is moderately rapid in soil, slower in weathered granite. Permeability of the Fallbrook component is moderately slow.
Metamorphic rock land	MrG	NA	30–75 percent	Excessively drained	NA	NA	Found on mountain slopes and mountains and parent material consists of metasedimentary or metavolcanic rocks.

Name	Map Unit Symbol	Type	Slope	Drainage	Hydric*	Farmland Importance	Properties
Riverwash	Rm	NA	0–4 percent	Excessively drained	NA	NA	Found on drainageways and parent material consists of sandy, gravelly, or cobbly alluvium derived from mixed sources.
San Miguel-Exchequer	SnG	Rocky silt loam	9–70 percent	Well-drained	No	None	Found on mountain slopes and mountains. Permeability is moderately to very low.
Visalia	VaC	Sandy loam	5–9 percent	Well-drained	No	Prime	Found on alluvial fans. Permeability is moderately rapid.

Source: NRCS 2007

Notes:

* No = Not listed as a hydric soil for San Diego County, California
NA = Not available

3.6 HYDROLOGY AND GROUNDWATER

Hydrology and groundwater relates to the quantity and quality of the water resource and its demand for various human purposes. Hydrology consists of the redistribution of water through the processes of evapotranspiration, surface runoff, and subsurface flow. Hydrology results primarily from temperature and total precipitation which determine evapotranspiration rates, topography which determine rate and direction of surface flow, and soil properties which determines rate of subsurface flow and recharge to the groundwater reservoir. Groundwater consists of subsurface hydrologic resources. It is an essential resource that functions to recharge surface water and is used for drinking, irrigation, and industrial processes. Groundwater typically can be described in terms of depth from the surface, aquifer or well capacity, water quality, recharge rate, and surrounding geologic formations.

The Safe Drinking Water Act (SDWA) of 1974 (42 U.S.C. 2011-300) establishes a Federal program to monitor and increase the safety of all commercially and publicly supplied drinking water. The Proposed Action has no potential to affect public drinking water supplies.

Sections A-1 and A-2

Hydrology and Groundwater. USBP San Diego Sector is in the South Coast hydrologic region of California. This area is characterized by a semi-arid climate due to low annual precipitation (15 to 20 inches [38 to 51 centimeters). Temperatures range from as low as 43 degrees Fahrenheit (°F) in the winter to almost 90 °F in the summer. Due to the semi-arid climate, vegetation consists of shrublands which can be sparse. Reduced groundcover along with steep slopes due to local topography can lead to heavy runoff and high erosion potential during precipitation events. Section A-1 surface runoff flows towards three north-to-south flowing intermittent tributaries of the Tijuana River, which runs east to west parallel to but outside the proposed project corridor and predominantly on the Mexican side of the border. These three tributaries intersect the project corridor and drain Copper, Buttewig, and Mine canyons. In Section A-2, surface runoff flows into a single north-to-south-oriented intermittent tributary of the Tijuana River. This intermittent tributary also intersects the project corridor.

USBP San Diego Sector is not in the immediate vicinity of any confined groundwater basins in the United States (CADWR 2003). Groundwater is generally present under unconfined, or water-table, conditions as is evidenced by the properties of the proposed project corridor soils. The depth to water table is greater than 80 inches on all soil map units except for the Riverwash map unit, associated with the Tijuana River Valley, which is at a depth of 60 to 72 inches. The water-yielding materials in this area consist primarily of unconsolidated alluvial fan deposits. The consolidated volcanic and carbonate rocks that underlie the unconsolidated alluvium are a source of water if the consolidated rocks are sufficiently fractured or have solution openings (NRCS 2007).

3.7 SURFACE WATER AND WATERS OF THE UNITED STATES

Surface Water. Surface water resources generally consist of lakes, rivers, and streams. Surface water is important for its contributions to the economic, ecological, recreational, and human health of a community or locale.

The CWA (33 U.S.C. 1251 et seq.) sets the basic structure for regulating discharges of pollutants to U.S. waters. Section 404 of the CWA (33 U.S.C. 1344) establishes a Federal program to regulate the discharge of dredged and fill material into waters of the United States. The USACE administers the permitting program for the CWA. Section 401 of the CWA (33 U.S.C. 1341) requires that proposed dredge and fill activities permitted under Section 404 be reviewed and certified by the designated state agency that the proposed project would meet state water quality standards. The Federal permit is deemed to be invalid unless it has been certified by the state. Section 303(d) of the CWA requires states and USEPA to identify waters not meeting state water-quality standards and to develop Total Maximum Daily Loads (TMDLs) and an implementation plan to reduce contributing sources of pollution.

Waters of the United States. Waters of the United States are defined within the CWA of 1972, as amended and jurisdiction is addressed by the USEPA and the USACE. Both agencies assert jurisdiction over (1) traditional navigable waters, (2) wetlands adjacent to navigable waters, (3) nonnavigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-around or have continuous flow at least seasonally (e.g., typically 3 months), and (4) wetlands that directly abut such tributaries.

The CWA (as amended in 1977) established the basic structure for regulating discharges of pollutants into the waters of the United States. The CWA objective is restoration and maintenance of chemical, physical, and biological integrity of United States waters. To achieve this objective several goals were enacted, including (1) discharge of pollutants into navigable waters be eliminated by 1985; (2) water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by 1983; (3) the discharge of toxic pollutants in toxic amounts be prohibited; (4) Federal financial assistance be provided to construct publicly owned waste treatment works; (5) the national policy that areawide waste treatment management planning processes be developed and implemented to ensure adequate control of sources of pollutants in each state; (6) the national policy that a major research and demonstration effort be made to develop technology necessary to eliminate the discharge of pollutants into navigable waters, waters of the contiguous zone, and the oceans; and (7) the national policy that programs be developed and implemented in an expeditious manner so as to enable the goals to be met through the control of both point and nonpoint sources of pollution. The USACE regulates the discharge of dredge and fill material (e.g., sand, gravel, concrete, riprap, soil, cement block) into waters of the United States including adjacent wetlands under Section 404 of the CWA and work

on/or structures in or affecting navigable waters of the United States under Section 10 of the Rivers and Harbors Act of 1899.

Wetlands are an important natural system and habitat, performing diverse biologic and hydrologic functions. These functions include water quality improvement, groundwater recharge and discharge, pollution mitigation, nutrient cycling, wildlife habitat provision, unique flora and fauna niche provision, storm water attenuation and storage, sediment detention, and erosion protection. Wetlands are protected as a subset of the waters of the United States under Section 404 of the CWA. The term "waters of the United States." has a broad meaning under the CWA and incorporates deepwater aquatic habitats and special aquatic habitats (including wetlands). The USACE defines wetlands as "those areas that are inundated or saturated with ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas" (33 CFR 328).

Section 404 of the CWA authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits for the discharge of dredge and fill materials into the waters of the United States, including wetlands. Therefore, even an inadvertent encroachment into wetlands or other "waters of the United States" resulting in displacement or movement of soil or fill materials has the potential to be viewed as a violation of the CWA if an appropriate permit has not been issued by the USACE. In California, the USACE has primary jurisdictional authority to regulate wetlands and waters of the United States. However, the California Porter-Cologne Water Quality Control (Porter-Cologne) Act (California Water Code §13000) established the State Water Resources Control Board and nine Regional Water Quality Control Boards as the principal state agencies for having primary responsibility in coordinating and controlling water quality in California. The state boards and the regional boards promulgate and enforce water quality standards in order to protect water quality. The Porter-Cologne Act applies to surface waters (including wetlands), groundwater, and point and nonpoint sources of pollution. Section 401 of the CWA gives the state board and regional boards the authority to regulate, through water quality certification, any proposed federally permitted activity that could result in a discharge to water bodies, including wetlands. The state may issue, with or without conditions, or deny certification for activities that could result in a discharge to water bodies. USBP San Diego Sector is within the jurisdiction of the San Diego Regional Water Quality Control Board (Region 9). A Section 401 water quality certification application would be submitted to the San Diego Regional Water Quality Control Board.

Furthermore, wetlands are protected under EO 11990, *Protection of Wetlands* (43 *Federal Register* 6030), the purpose of which is to reduce adverse impacts associated with the destruction or modification of wetlands.

Sections A-1 and A-2

Surface Waters and Waters of the United States. Section A-1 lies parallel to and north of the Tijuana River. The Tijuana River is a 120-mile-long intermittent river that flows along the U.S./Mexico international border from east to west before terminating in the Tijuana Estuary of the Pacific Ocean. This estuary occurs on the southern edge of San Diego and is the last undeveloped wetland system in San Diego County (SDSU 2007). The Tijuana River watershed covers approximately 1,750 square miles from the Laguna Mountains in the United States to the Sierra de Juarez in Mexico (SDSU 2007). Surface waters in the proposed project corridor consist of two riparian corridors that flow intermittently north to south and intersect this section prior to discharging to the Tijuana River. These riparian corridors are, from west to east, Copper and Buttewig canyons. In addition, the Monument 250 Road crosses Mine Canyon. This crossing was recently addressed in the *Monument 250 Road Improvement Project* (CBP 2007b) and is not part of the Proposed Action. During the 2007 site survey (see **Appendix H**), biologists observed that these riparian corridors were approximately 25 to 30 feet deep and up to 60 feet wide and of an intermittent nature. The areas were dry at the time of the survey but large boulders and rocks strewn across the canyon bottoms were evidence that there is heavy flow during precipitation events. Tumbling boulders, cobble, and gravel that move with heavy storm water events are largely responsible for the sparse riparian vegetation that consists of primarily 25 to 30 foot tall trees of oak (*Quercus* sp.), western sycamore (*Platanus racemosa*), laurel sumac (*Malosma laurina*), western poison-oak (*Toxicodendron diversilobum*), and mulefat (*Baccharis* sp.). An estimated 23 washes would be crossed by the Section A-1 patrol road. An estimated 17 washes, including 2 low water crossings, would be crossed by the *Monument 250 Road improvements.* The Monument 250 Road culverts and low water crossings were recently addressed in the *Monument 250 Road Improvement Project* (CBP 2007b) and are not part of the Proposed Action.

Section A-2 contains an unnamed intermittent tributary which intersects the proposed project corridor on its way to the Tijuana River. During the site survey, botanists observed that this riparian corridor supports mature oak (*Quercus* sp.) trees and an understory of willow (*Salix* sp.), sedges (*Carex* spp.), mulefat (*Baccharis salicifolia*), and bulrush (*Scirpus* sp.), which are commonly associated with wetlands.

Delineations for wetlands and waters of the United States have not yet been conducted. The most current information available to identify wetlands is the National Wetlands Initiative (NWI) (USFWS 2007). There are no NWI wetlands in Sections A-1 or A-2. Approximately 2.4 acres of riverine wetlands are estimated by aerial photography review.

Surface Water Quality. The Tijuana River Watershed has been used as a wastewater conduit for several decades and recurring problems due to raw sewage overflows from Mexico continue to occur and are being addressed using

cross-border efforts. The *FY 2005-2006 Tijuana River Watershed Urban Runoff Management Program* prepared by San Diego County and the cities of San Diego and Imperial Beach indicated that several high priority constituents of concern (COCs) such as bacterial indicators (total/fecal coliform and enterococcus), the pesticide Diazinon, and total suspended solids (TSS)/turbidity have consistently had the highest occurrence in the Tijuana River Watershed since 2002. They occur in the upper and lower reaches of the watershed. The nutrients ammonia and phosphorus have a medium frequency of occurrence and methyelene blue active substances and copper have a low frequency of occurrence in the watershed (SeaWorld Inc. 2007). **Table 3.7-1** identifies the potential sources of COCs.

Table 3.7-1. Potential Sources of COCs

COC	Frequency of Occurrence in Watershed	Potential Sources of Contamination
Bacterial Indicators (total/fecal coliform and enterococcus)	High	Domestic animals, Sewage overflow, Septic systems, Wildlife
Pesticides (Diazinon)	High	Agriculture, Commercial and residential landscaping, Industrial waste
TSS/Turbidity	High	Agriculture, Grading/construction, Slope erosion
Nutrients (ammonia and phosphorus)	Medium	Agriculture, Sewage overflow, Septic systems
Organic Compounds	Low	Agriculture, Commercial and residential landscaping, Sewage overflow, Septic systems
Trace Metals (copper)	Low	Automobiles, Industrial waste

Source: SeaWorld Inc. 2007

3.8 FLOODPLAINS

Floodplains are areas of low-level ground and alluvium adjacent to rivers, stream channels, or coastal waters. The living and nonliving parts of natural floodplains interact with each other to create dynamic systems in which each component helps to maintain the characteristics of the environment that supports it. Floodplain ecosystem functions include natural moderation of floods, flood storage and conveyance, groundwater recharge, nutrient cycling, water quality maintenance, and a diversity of plants and animals. Floodplains provide a broad area to spread out and temporarily store floodwaters. This reduces flood peaks and velocities and the potential for erosion. In their natural vegetated state,

floodplains slow the rate at which the incoming overland flow reaches the main water body.

Floodplains are subject to periodic or infrequent inundation due to runoff of rain or melting snow. Risk of flooding typically hinges on local topography, the frequency of precipitation events, and the size of the watershed upstream from the floodplain. Flood potential is evaluated by the Federal Emergency Management Agency (FEMA), which defines the 100-year floodplain. The 100-year floodplain is the area that has a 1 percent chance of inundation by a flood event in a given year. Certain facilities inherently pose too great a risk to be constructed in either the 100- or 500-year floodplain, including hospitals, schools, or storage buildings for irreplaceable records. Federal, state, and local regulations often limit floodplain development to passive uses, such as recreational and preservation activities, to reduce the risks to human health and safety.

EO 11988, *Floodplain Management*, requires Federal agencies to determine whether a proposed action would occur within a floodplain. This determination typically involves consultation of appropriate FEMA Flood Insurance Rate Maps (FIRMs), which contain enough general information to determine the relationship of the proposed project corridor to nearby floodplains. EO 11988 directs Federal agencies to avoid floodplains unless the agency determines that there is no practicable alternative. Where the only practicable alternative is to site in a floodplain, a specific step-by-step process must be followed to comply with EO 11988 outlined in the FEMA document *Further Advice on EO 11988 Floodplain Management*.

Section A-1

Section A-1 is addressed in the September 29, 2006, FEMA FIRM Panel No. 06073C2225F for San Diego County, California. This panel has a Zone D designation and has not been printed. Zone D is used to classify areas where there are possible but undetermined flood hazards. In areas designated as Zone D, no analysis of flood hazards has been conducted (FEMA 2006). During the 2007 survey (see **Appendix H**), it was determined that Section A-1 would cross two riparian corridors associated with Copper Canyon and Buttewig Canyon. Though intermittent and incised in the proposed project corridor, these riparian crossings might have associated floodplains.

Section A-2

According to the June 19, 1997, FEMA FIRM Panel No. 06073C2250F for San Diego County, California, Section A-2 is located in Zone X or “areas determined to be outside the 500-year floodplain” (FEMA 1997).

3.9 VEGETATION RESOURCES

Vegetation resources include native or naturalized plants and serve as habitat for a variety of animal species. Wetlands are discussed in **Section 3.7**. This section describes the affected environment for native and nonnative vegetation to support the discussion of potential impacts on those resources from each alternative in **Section 4.9**. This analysis is based on site surveys conducted in October 2007. More detailed information on vegetation resources, including descriptions of vegetation classifications, species observed, and the survey methodology is contained in the Draft Biological Survey Report prepared to support this EIS (see **Appendix H**).

Section A-1 and A-2

The proposed project corridor and associated access roads are on Otay Mountain (Section A-1) and the southeastern side of Tecate Peak (Section A-2). Both of these mountains are widely considered by botanists to be islands for endemic plants (plants with very restricted ranges). The large numbers of locally endemic species combined with more common species creates both unique vegetation assemblages and an unusually high diversity of plant species.

The Jepson Manual (Hickman 1996) describes California vegetation using combined features of the natural landscape including vegetation types, plant communities, geology, topography, and climatic variation. The Jepson Manual places the proposed project areas in the California Floristic Province, Southwestern California Region and the Peninsular Ranges Subdivision. A Flora of San Diego County (Beauchamp 1986) describes plants occurring in the proposed project areas as belonging to the Otay Mountain Floral district. This assemblage consists of very restricted plants occurring on peaks of cretaceous metavolcanic rock in an island-like fashion, with intervening areas covered by grasslands, sage scrub, and chamise chaparral.

NatureServe (2007) defines ecological systems as representing recurring groups of biological communities that are found in similar physical environments and are influenced by similar ecological processes such as fire or flooding. Ecological systems represent classification units that are readily identifiable by conservation and resource managers in the field. “Natural Communities Descriptions” (Holland 1986) incorporated a combination of abiotic factors, species composition, and geographic ranges to describe natural communities. The Holland descriptions are the most commonly used descriptions in San Diego County and the basis for vegetation analyses in all of the regional habitat management plans. A Manual of California Vegetation (Sawyer and Keeler-Wolf 1995) defines a quantitative approach to the vegetation classification in California. These quantitative descriptions are more commonly used in other parts of the State of California, outside of San Diego County.

The following vegetation associations found in the proposed project corridors were prepared with the intent of bridging all three classification systems. **Table 3.9-1** provides translation between the differing systems, and a framework for the vegetation discussed in this section. The Holland system will be used for the vegetation discussions within this section. **Appendix H** shows the location of the habitats in Section A-1 and Section A-2, and portions of the respective access roads. Access roads discussed within this section are also identified in **Figures 2-2** and **2-3**.

Southern mixed chaparral is defined as a tall chaparral without any single species dominating the habitat. The southern mixed chaparral found near Sections A-1 and A-2 is typically dominated by some combination of the following shrubs: chamise (*Adenostema fasciculatum*), lilac (*Ceanothus sp*.), laurel leafed sumac (*Malosma laurina*), mission manzanita (*Xylococcus bicolor*), chaparral pea (*Pickeringia montana*) or scrub oak (*Quercus* sp.). The under story usually consists of common rock rose (*Helianthemum scoparium*) and deerweed (*Lotus scoparius*). Southern mixed chaparral is the most abundant habitat within the Section A-1 and Section A-2 areas. In Section A-2 it is primarily found along the access roads. In Section A-1 the southern mixed chaparral is found throughout the proposed corridor and access roads.

Mafic southern mixed chaparral is similar to southern mixed chaparral, but a significant component of the chaparral consists of species with restricted ranges or soils. The dominant species in the mafic chaparral areas near Section A-1 are southern mountain misery (*Chamaebatia australis*), chaparral pea (*Pickeringia montana)*, Otay lilac (*Ceanothus otayensis)*, Ramona lilac (*Ceanothus tomentosus*), and yerba santa (*Eriodictyon trichocalyx*). Additionally Otay manzanita (*Arctostaphylos otayensis*), Cleveland's sage (*Salvia clevelandii*), Cedros island scrub oak (*Quercus cedrosensis*), and wooly blue curls (*Trichostema lanatum*) often are found in abundance within the habitat. Mafic southern mixed chaparral was not observed near Section A-2. This habitat occurs along the proposed access and patrol road in Section A-1. This habitat is one of the vegetation types associated with the rare and unusual vegetation for which the OMW is known.

Diegan coastal sage scrub was observed throughout the project areas. This was the second most common habitat observed near Sections A-1 and A-2. It is most common at the lower elevations and in areas of past disturbance. Coastal sage scrub is a low-growing chaparral-type habitat that rarely exceeds 4 feet in height. The coastal sage scrub species dominant in the project areas are San Diego sunflower (*Viguiera laciniata*), flat-topped buckwheat (*Eriogonum fasciculatum*), deerweed (*Lotus scaprius*), and coastal sage (*Artemisia californica*). Large areas of coastal sage scrub occur at the low elevations along Otay Mountain Truck Trail, throughout the east end of Marron Valley Road, and along Section A-2.

Table 3.9-1. Vegetation Communities Observed During Biological Surveys (Equivalencies Between Systems)

NatureServe	Holland	Sawyer & Keeler-Wolf
Southern California Dry Mesic Chaparral CES206.930	Southern Mixed Chaparral 37120	Chamise-Mission Manzanita-Woollyleaf Ceanothus Series
Southern California Dry Mesic Chaparral CES206.930	Southern Mixed Chaparral 37120	Scrub oak Series
Southern California Dry Mesic Chaparral CES206.930	Mafic southern mixed chaparral 37122	Chamise-Mission Manzanita-Woollyleaf Ceanothus Series
Southern California Coastal Scrub CES206.933	Diegan Coastal Sage Scrub 32500	California Encelia Series
Southern California Coastal Scrub CES206.933	Diegan Coastal Sage Scrub 32500	California sagebrush-California buckwheat series
Southern California Coastal Scrub CES206.933	Diegan Coastal Sage Scrub 32500	California buckwheat-white sage series
Baccharis salicifolia riparian shrubland CEGL003549	Mulefat scrub 63310	Mulefat Series
Quercus agrifolia/Toxicodendron diversilobum woodland CEGL002866	Southern Coast Live Oak Riparian forest 61310	Coast Live Oak Series
California maritime chaparral CES206.929	Whitethorn chaparral 37532	Chaparral whitethorn series
Bromus herbaceous alliance A.1813	Non-Native grassland 42200	California annual grassland Series
Adenostema fasciculatum shrubland CEGL002924	Chamise Chaparral 37200	Chamise series
Mediterranean California Foothill and Lower Montane Riparian Woodland CES206.944	Southern Cottonwood-Willow Riparian Forest 61330	Black willow series
No equivalent	Southern Interior Cypress Forest 83330	Tecate cypress stand
No equivalent	Disturbed 11300	No equivalent
No equivalent	Landscaped 12000	No equivalent
No equivalent	Developed 12000	No equivalent

Mulefat scrub is found in the bottom of the Puebla Tree drainage. The mulefat scrub found within the proposed project corridor is dominated by a combination of mulefat (*Baccharis salicifolia*) and San Diego marsh elder (*Iva hayesiana*). There are few willows in these areas. Mulefat scrub also occurred in the drainage along Marron Valley Road prior to the recent wildfires.

Southern coast live oak riparian forest is found along the larger drainages in the project areas and access roads. Southern coast live oak woodlands were observed patchily along every portion of the proposed project corridor except for the Otay Mountain Truck Trail access road. The canopy of this habitat can be either open or closed coast live oaks (*Quercus agrifolia*) intermixed with a diverse riparian understory. Willows, mulefat, and other more mesic plant species are found among the oak trees. The bottoms of Copper, Buttewig, and Mine canyons all supported this habitat. Southern coast live oak riparian forest is common along Marron Valley Road where the road parallels tributaries of Dulzura and Cottonwood creeks. A small unnamed drainage on the eastern edge of the Tecate fence segment supports disturbed southern coast live oak woodlands. Upstream, the same drainage later intersects the impact area of the northern access road with an undisturbed patch of this habitat.

Whitethorn chaparral is dominated by the whitethorn lilac (*Ceanothus leucodermis*). This habitat was observed in the rock outcrops at the west end of Section A-2. This occurrence had burned in 2005 and was recovering. Wild oats had invaded the area after the fire and were a co-dominant species. The Matillija poppy (*Romneya coulteri* var. unk.) is abundant in this habitat.

Nonnative grassland is a nonnative naturalized habitat that sometimes requires mitigation when impacted. Nonnative grasslands differ from disturbed areas do to being predominantly vegetated with exotic forbs or grasses. Areas of non-native grassland can differ significantly in their appearance and species composition. The nonnative grassland areas within the area are dominated by wild oats (*Avena* sp.) and bromes. A large area of nonnative grassland occurs near the west end of Section A-2. There are also areas of nonnative grasslands along Marron Valley Road.

Chamise chaparral in the proposed project areas is similar to southern mixed chaparral, but dominated by the shrub species, chamise (*Adenostema fasciculatum*). Chamise chaparral typically is less diverse than similar chaparral-type habitat. Common Rock rose (*Helianthemum scoparium*) and ashy spike moss (*Selaginella cinerescens*) are typical understory plants in chamise chaparral. This habitat was observed along Section A-1. None of the chamise chaparral occurred near Section A-2.

Southern cottonwood-willow riparian forest differs form the coast live oak woodland by having greater diversity in the tree canopy and few or no oaks. It is also a streamside habitat, but usually only along perennial streams or areas with lots of groundwater. There are only two places in the project where this habitat

was observed. Southern cottonwood-willow riparian forest parallels the northern part of Tecate Mission Road. It is also found just outside the staging area in Marron Valley Road, east of Mine Canyon.

Southern interior cypress forest in the form found near Sections A-1 and A-2 is a nearly endemic habitat to San Diego County, and the largest Tecate cypress (*Cupressus forbesii*) stands in the county occur here. The habitat is dominated by Tecate cypress, which when fully mature can reach approximately 20 feet in height. The series of recent wildfires (i.e., 1996, 2003, 2005, and 2007) have left no known mature stands of Tecate cypress in San Diego County. A handful of mature trees occur immediately along the Otay Mountain Truck Trail. The understory of Tecate cypress stands are usually very depauperate of species, but what few species occur there are often rare, including the Otay lotus and Gander's pitcher sage. The largest cypress forests are found along the Otay Mountain Truck Trail access road and the Tecate Mission Road access to Section A-2 from SR 94. Small stands of Tecate cypress (not mapped as cypress forest) can be found in the drainages along Section A-1.

Disturbed areas lack native vegetation and show evidence of soil disturbance. Disturbed areas were observed on Kuebler Ranch at Alta Road, along the Tecate Mission access road adjacent to SR 94, and along Marron Valley Road including the staging area east of Mine Canyon.

Landscaped areas are areas where exotics have been planted near existing residences. Two residential properties within Section A-2 proposed project corridor have landscaping. Several residences along Marron Valley Road also have landscaping (these were mapped as undifferentiated exotic habitat).

Developed areas are constructed, paved, or concreted, with no remaining habitat values. While not technically distinct from landscaping it is a useful distinction to make in planning. There is a set of buildings on Kuebler Ranch which qualifies as developed.

A recent wildfire (October 2007) burned through the Section A-1 and Section A-2 areas during the field survey. Prior to the wildfire, field work had been completed for Section A-2 but not the associated northern access road. Field work had also been completed for all but approximately one-half mile of Section A-1. The surveys also were completed for the part of the Monument 250 Road, and approximately one-quarter mile of the very eastern part of the access along the Puebla Tree Spur to Otay Mountain Truck Trail. After the wildfires the entire Section A-2 area had burned as well as the Marron Valley Road area. The entire Tecate Mission access road, the remainder of the Puebla Tree Spur to Otay Mountain Truck Trail, and the remaining accessible portions of Section A-1 were surveyed.

Even before the recent fire the vegetation in all proposed project areas was recovering from prior wildfires (2003, 2005). The vegetation recovery from past

wildfires had been slowed by the recent drought conditions in San Diego County. All vegetation types occurring in the proposed project area are impacted by foot traffic from illegal border crossings. The severity of impacts on the vegetation varies considerably. All areas along the fence portion of Section A-1 showed signs of impacts from cattle and horse grazing. Prior burns, drought, border activity, and grazing have degraded much of the vegetation in Section A-1. Most of the upland habitats are heavily grazed and in poor condition. The vegetation along the drainage edges and the canyon bottoms appear to be thriving even with the environmental stress.

Two kinds of existing impacts from border activities are physically evident. The first activity is the access roads used by the border patrol, which are bare of vegetation. The second impact is the large number of informal overlapping footpaths stretching north from the border. The areas most heavily impacted by footpaths have more than 10 parallel paths within approximately 100 feet. Other areas have as few as one trail approximately every 100 feet.

The vegetation near Section A-2 is not impacted by grazing. This area shows signs of recovering from recent wildfires and impacts from illegal cross-border activities. There are existing dirt access roads and numerous foot paths running south to north. Near the western end of the existing fence there is a disturbed coast live oak riparian forest associated with an unnamed drainage. This riparian area is in poor condition due to a farmhouse creating disturbance and a large number of exotic species amongst the oak trees. Additional information on existing vegetation can be found in **Appendix H**.

A total of 149 species of plants were observed in the Section A-1 area during the biological surveys conducted for this EIS, and 107 species were observed in the Section A-2 area (see **Table 3.9-2**). No federally listed threatened or endangered plant species were observed during the biological surveys conducted for this EIS.

3.10 WILDLIFE AND AQUATIC RESOURCES

This section provides a description of the habitat and wildlife and aquatic species observed and anticipated to occur in the area of the proposed project. Species addressed in this section include those which are not listed as threatened or endangered by the Federal or state government. Sensitive species are those classified by California Department of Fish and Game (CDFG) as species of special concern (SC), species included in the San Diego County MSCP, and those identified as sensitive by the BLM.

The County of San Diego has a greater number of threatened and endangered species than anywhere in the continental United Sates. More than 200 plant and animal species occur in the county that are federally or state-listed as endangered, threatened, or rare; proposed or candidate for listing; or otherwise

Table 3.9-2. Species Observed During Biological Surveys

Scientific Name	Common Name	A-1	A-2	A-1 Access Road *
Achnatherum coronatum	Giant needlegrass	X	X	X
Acourtia microcephala	Sacapellote		X	
Adenostema fasciculatum	Chamise	X	X	X
Ageratina adenophora	Sticky thorough-wort		X	
Ambrosia monogyra	Single-whorl burrow-brush	X		
Ambrosia psilostachya	Naked-spike ambrosia		X	
Antirrhinum nuttallianum	Violet snapdragon		X	
Arctostaphylos glauca	Bigberry manzanita		X	
Arctostaphylos otayensis	Otay manzanita	X		X
Artemisia californica	California sagebrush	X	X	X
Arundo donax	Giant reed		X	
Asclepias fascicularis	Narrowleaf milkweed	X		
Atriplex semibaccata	Australian saltbush	X	X	X
Avena sp.	Wild oat	X	X	X
Baccharis salicifolia	Willow-leaf false willow	X	X	X
Baccharis sarothroides	Desert broom false willow		X	
Bebbia juncea	Sweetbush	X		
Bothriochloa barbinodis	Cane bluestem	X		
Brickellia californica	California brickellbush	X	X	
Brodiaea pulchellum	Brodiaea		X	
Brodiaea sp.	Brodiaea		X	
Bromus diandrus	Ripgut brome	X	X	
Bromus madritensis	Compact brome		X	
Bromus mollis	Soft brome	X	X	
Bromus rubens	Red brome		X	
Bromus sp.	Brome	X		X
Calochortus sp.	Mariposa lily	X	X	
Calystegia macrostegia	Island false bindweed	X	X	X
Carex spissa	San Diego sedge	X	X	
Castilleja sp.	Indian paint brush		X	
Caulanthus sp.	Wild cabbage	X		
Ceanothus leucodermis	Chaparral whitethorn		X	
Ceanothus otayensis	Otay Mountain ceanothus	X		X
Ceanothus tomentosus	Woolyleaf ceanothus	X		X
Centaurea melitensis	Maltese star thistle	X	X	X
Cercocarpus minutiflorus	Smooth mountain mahogany			X
Chamaebatia australis	Southern mountain misery			X

Scientific Name	Common Name	A-1	A-2	A-1 Access Road *
Cheilanthes sp.	Cloak fern	X		
Cirsium occidentale	Cobweb thistle	X	X	
Cirsium vulgare	Bull thistle	X	X	
Clematis pauciflora	Ropevine clematis		X	
Cneoridium dumosum	Bush rue		X	
Cordylanthus rigidus	Stiffbranch bird's beak		X	
Cryptantha sp.	Cryptantha	X	X	
Cupressus forbesii	Tecate cypress	X		X
Cuscuta sp.	Dodder	X	X	
Daucus pusillus	American wild carrot	X	X	
Delphinium sp.	Larkspur		X	
Dendromecon rigida	Tree poppy	X		
Dicentra chrysantha	Golden eardrops	X	X	
Dudleya edulis	Fingertips	X		
Dudleya pulverulenta	Chalk dudleya	X	X	
Croton setigerus	Dove weed		X	
Epilobium canum	Hummingbird trumpet	X		
Erigeron foliosus	Leafy daisy		X	
Eriodictyon trichocalyx	Smoothleaf Yerba Santa	X	X	X
Eriogonum fasciculatum	Flat-top buckwheat		X	
Eriogonum fasciculatum var. polifolium	Eastern Mojave buckwheat		X	
Eriophyllum confertiflorum	Golden yarrow		X	
Erodium botrys	Long-beaked storkbill		X	
Erodium sp.	None	X		
Eucalyptus sp.	Eucalyptus		X	
Ferocactus viridescens	San Diego barrel cactus	X		
Filago sp.	Cudweed	X	X	
Foeniculum vulgare	Fennel	X	X	
Gallium sp.	Bedstraw		X	X
Gastridium ventricosum	Nit grass	X		
Gnapahalium stramineum	Cotton batting	X	X	X
Gnaphalium bicolor	Two-tone everlasting	X	X	
Gnaphalium californicum	California everlasting	X		X
Gnaphalium luteo-album	Weedy cudweed	X		
Gutierrezia californicum	California snakeweed	X		
Gutierrezia sarothrae	Broom snakeweed	X	X	
Hazardia squarrosa	Sawtooth goldenbush	X	X	X
Hedypnois cretica	Crete weed	X		
Helianthemum scoparium	Common sun rose	X	X	X

Scientific Name	Common Name	A-1	A-2	A-1 Access Road *
Helianthus sp.	Sunflower		X	
Hemizonia sp.	Tarweed	X		
Heteromeles arbutifolia	Christmas berry	X		X
Hirschfeldia incana	Mediterranean mustard	X	X	X
Hypochoeris sp.	None		X	
Isocoma menziesii	Coast goldenbush	X		
Isomeris arborea	Bladderpod			X
Iva havesiana	San Diego marsh elder	X		X
Juncus acutus	Spiny rush	X		X
Keckiella antirrhinoides	Yellow bush snapdragon		X	
Keckiella cordifolia	Climbing penstemon			X
Keckiella ternata	Summer bush penstemon			X
Lamarckia aurea	Goldentop grass	X		
Lathyrus sp.	None			X
Lepidium sp.	Pepperweed	X	X	
Lessingia filaginifolia	Common California aster	X	X	X
Lonicera subspicata	Honeysuckle	X	X	
Lotus argophyllus	Silver bird's foot trefoil		X	
Lotus scoparius	Deerweed	X	X	X
Lythrum californica	None	X		
Malocothamnus fasciculatus	Bush mallow	X	X	X
Malocothamnus sp.	Bush mallow	X		
Malosma laurina	Laurel sumac	X	X	X
Marah macrocarpus	Wild cucumber		X	
Marrubium vulgare	Horehound		X	
Melilotus sp.	Sweetclover		X	
Melica frutescens	Woody melicgrass	X		
Mellica imperfecta	Coast range melic		X	
Mimulus aurantiacus	Bush monkeyflower	X	X	X
Mimulus brevipes	Yellow monkeyflower		X	
Mimulus guttatus	Seep monkeyflower		X	
Mirabilis californica	Wishbone bush	X		
Nassella sp.	Purple needlegrass		X	
Navarretia sp.	Pincushionplant	X	X	
Nicotiana glauca	Tree tobacco		X	
Opuntia littoralis	Coast prickly pear	X		
Osmondenia tenella	None	X	X	
Paeonia californica	California peony		X	
Pellaea sp.	None	X	X	

Scientific Name	Common Name	A-1	A-2	A-1 Access Road *
Penstemon spectabilis	Showy penstemon	X		
Penstemon sp.	Penstemon		X	
Phacelia cicutaria	Caterpillar phaecelia		X	
Phacelia sp.	None		X	
Pickeringia montana	Chaparral pea	X	X	X
Pityrogramma sp.	None	X	X	X
Plantago erecta	Plantain	X	X	
Platanus racemosa	Western sycamore	X		
Polypogon monspeliensis	Annual beardgrass	X		
Populus fremontii	Western cottonwood		X	
Porophyllum gracile	Slender poreleaf	X		
Prunus ilicifolia	Hollyleaf cherry			X
Quercus agrifolia	Coast live oak		X	
Quercus berberidifolia	Scrub oak		X	
Quercus cedrosensis	Cedros oak	X		X
Rhamnus crocea	Redberry		X	X
Rhus ilicifolia	Lemonadeberry	X		
Rhus ovata	Sugarbush		X	
Ribes sp.	Gooseberry	X		X
Romneya coulteri	Matillija poppy	X	X	X
Rumex crispus	Curly dock	X		
Rumex sp.	None		X	
Salix gooddingii	Goodding's willow		X	
Salix lasiolepis	Arroyo willow		X	
Salsola tragus	Russian thistle	X		X
Salvia apiana	White sage	X	X	
Salvia clevelandii	Cleveland's sage			
Salvia columbariae	Chia		X	
Salvia munzii	Munz's sage	X		
Sambucus mexicana	Mexican elderberry		X	
Schinus molle	Peruvian peppertree		X	
Schismus barbatus	Common Mediterranean grass		X	
Scirpus sp.	None		X	
Scrophularia californica	Figwort	X	X	
Selaginella bigelovii	Spike moss	X	X	
Selaginella cinerescens	Ashy spike moss	X	X	X
Silene gallica	Small-flower catchfly			
Simmondsia chinensis	Jojoba	X		
Solanum sp.	Nightshade	X		

Scientific Name	Common Name	A-1	A-2	A-1 Access Road *
Solidago occidentallis	Goldenrod		X	X
Stachys rigida	Rough hedge-nettle		X	
Stephanomeria virgata	Virgate wire-lettuce	X		
Stylocline gnaphalioides	New-straw cotton-weed		X	
Tamarix ramosissima	salt-cedar		X	
Thysanocarpus sp.	Fringepod		X	
Toxicodendron diversilobum	Western poison-oak		X	
Trichostema sp.	Bluecurls	X		
Urtica dioica	Stinging nettle		X	
Viguiera laciniata	San Diego County viguiera	X		
Vinca major	Large-leaf periwinkle		X	
Xanthium sp.	Cocklebur		X	
Xylococcus bicolor	Mission manzanita	X	X	X
Cupressus forbesii	Tecate cypress	X		
Ornithostaphylos oppositifolia	Baja bird bush		X	
Dudleya blachmaniae ssp. *brevifolia*	Short leaved dudleya		X	
Rosa minutifolia	Small leaved rose			
Yucca whipplei	Our-lord's-candle	X	X	X
Total Number of species per section or access road:		**100**	**113**	**47**

Note: * The biological survey for the Section A-1 access road is underway but not completed. Complete results of the survey will be included in the Final EIS, BA, and BO.

considered sensitive. The MSCP was developed to provide natural resources guidance for where future development should and should not occur, to streamline and coordinate procedures for review and permitting, and to better assess impacts on biological resources (MSCP 1998).

The MSCP is a comprehensive habitat conservation planning program in San Diego which provides for a regional process to authorize incidental take of protected species for urban development and for the conservation of multiple species and their habitat within a 582,243-acre planning area in southwestern San Diego County. The MSCP planning area includes 12 local jurisdictions in southern coastal San Diego County. Local jurisdictions implement their respective portions of the MSCP Plan through subarea plans that describe specific implementing mechanisms for the MSCP Plan. This includes the City of San Diego and the County of San Diego subarea plans. Both the County and City of San Diego have finalized their respective subarea plans and have received take authorizations under the MSCP.

The MSCP Plan, and each subarea plan prepared pursuant to the MSCP Plan, is intended to serve as a multiple species habitat conservation plan (HCP) pursuant to Section 10(a)(2)(A) of the ESA. An HCP is required for issuance of a permit for incidental take of listed species pursuant to Section 10(a)(1)(B) of the Act. An HCP can also serve as a Natural Communities Conservation Plan (NCCP) pursuant to the State of California's NCCP Act of 1991, provided findings are made that the plan is consistent with the NCCP Act.

The MSCP Plan proposes the authorization of incidental take of 85 species, including 20 listed animal and plant species, 8 species currently proposed for Federal listing as endangered or threatened, and 1 candidate for Federal listing. All 85 species will hereafter be referred to as Covered Species. This proposed list of species for which take is authorized is based upon full implementation of the MSCP Plan (MSCP 1998).

The BLM Manual 6840 provides policy and guidance, consistent with appropriate laws, for the conservation of special status species of plants and animals, and the ecosystems upon which they depend. The sensitive species designation is normally used for species that occur on BLM-administered lands for which BLM has the capability to significantly affect the conservation status of the species through management.

General Affected Environment

The proposed fence alignment lies within the Peninsular Ranges Province and is part of the warm-temperate scrublands biotic community. These scrublands are dominated by the California chaparral and coastal scrub communities which provide suitable habitats for a number of species (i.e., bats, rodents, salamanders, snakes, and lizards, plus a variety of waterfowl, shorebirds, and rangeland/forest birds) adapted to this environment. The warm temperate scrublands biotic community of the Peninsular Ranges has a diversity of faunal elements to coincide with the varied coastal habitats ranging from coniferous forests to chaparral, oak woodlands, grasslands, marshes, sandy beaches, vernal pools, and the Tijuana River Estuary (USACE 1999).

The San Ysidro area, including the Otay Mountain, Cerro San Isidro, San Miguel Mountain, and Tecate Peak, supports some of the largest remaining intact patches of Diegan coastal sage scrub (including coastal sage scrub with abundant cactus patches) in the border region, supporting core populations of California gnatcatchers and coastal cactus wrens (*Campylorhynchus brunneicapillus couesi*). This area also supports mafic chaparral communities, important riparian habitat along the Tijuana and Tecate rivers, and vernal pools on the mesa tops. The Thorne's hairstreak butterfly (*Mitoura thornei*) is an endemic species here, whose larvae are obligate to Tecate cypress (CBI 2004). The chaparral along the border between Otay Mountain and Jacumba likely serves as an important dispersal corridor for some bird species including the gray vireo (*Vireo vicinior*) and sage sparrow (*Amphispiza belli*).

The native faunal components of the Peninsular Range support more than 400 species of birds, which are dominated by wood warblers, swans, geese, and ducks, sandpipers and phalaropes, gulls and terns, sparrows and towhees, and tyrant flycatchers. The majority of these species are present in the spring and fall, when neotropical migrants (e.g., flycatchers and warblers) pass through on their way to either summer breeding or wintering grounds, and during winter when summer resident birds (i.e., robins, kinglets, and sparrows) from the north arrive to spend the winter. The majority of the mammalian species found in the Peninsular Range are evening bats and rodents, with rodents being the most common. Frogs are considered the most abundant and common of the amphibian species. Iguanid lizards and colubrid snakes are the most dominant reptiles inhabiting the Peninsular Range (CBP 2007b).

Section A-1

The fence alignment would start at the Puebla Tree, a well-known border patrol landmark, and end at Boundary Monument 250. Topographically, the terrain is steep along most of the trail. The trail skirts the mid-span of the mountain, so that steep upslopes lead out of canyons, and steep downslopes lead into another canyon. There are three canyons that the Pack Trail crosses; from west to east, these are Copper, Buttewig, and Mine canyons. In addition, Wild Bill's Canyon is a drainage located at the west end of the Pack Trail, near the Puebla Tree.

Much of Section A-1 is grazed illegally by cows, and numerous cows were observed during natural resources surveys. Numerous north-south trending footpaths have been created over much of the mountain from cows and cross-border violators. Portions of the mountain burned during the 2003 Cedar fire and show signs of recovering. Much of the area where coastal sage scrub communities are dominant (a large area of the Pack Trail) are considered disturbed and of poor quality. Areas of chaparral are of moderate quality, and riparian areas dominated by coast live oak in the canyon bottoms are considered high-quality habitat.

Section A-2

High-quality coastal sage scrub habitat exists in some areas of the section that are dominated by California sagebrush (*Artemisia californica*) and laurel sumac (*Malosma laurina*). An occupied house with a fenced yard is within the section where the area is dominated by coast live oak riparian habitat. The understory of this habitat is mainly nonnative species. Much of the section is a non-native grassland, with dominant species being brome grass (*Bromus* sp.) and wild oat (*Avena* sp).

In late October 2007, most of the alignment and associated access roads were burned in the Harris fire. The alignment for Section A-2 was surveyed prior to the fire, and the access roads and staging area were surveyed after the fire.

Species Potentially Present and Observed

The California Natural Diversity Database (CNDDB) is a CDFG-maintained inventory of data on the location and status of sensitive species in California. Non-listed wildlife species (i.e., those that are not threatened or endangered) included in the CNDDB records for the Otay Mountain and Tecate quadrangles, and therefore having the potential to occur within or near the proposed project corridor, are listed in **Table 3.10-1**.

Common wildlife species observed during the October and December 2007 surveys are listed in **Appendix H.** Forty-one species of vertebrates were recorded during the October and December 2007 surveys, including 2 reptiles, 33 birds, and 6 mammals. In addition, 32 insects were observed and identified during the surveys (see **Appendix H**). Section A-1 was the most species-rich with 29 wildlife species recorded.

The following eight state species of concern were observed. Species below that are preceded by an asterisk are also covered under the Regional MSCP.

- Harbison dun skipper (larva) (*Euphyes vestris harbisoni*)
- Coast patch-nosed snake (*Salvadora hexalepis virgultea*)
- *Orange-throated whiptail lizard (*Cnemidophorus hyperythrus beldingi*)
- *Copper's hawk (*Accipiter cooperii*)
- *Golden eagle (*Aquila chrysaetos*)
- *Northern harrier (*Circus cyaneus*)
- *Rufous-crowned sparrow (*Aimophila ruficeps*)
- San Diego black-tailed jackrabbit (*Lepus californicus bennettii*).

Although the following species are not in the CNDDB database for the proposed project corridor and no individuals of these species were observed, potential habitat for them does occur within or near the project corridor:

- Hermes copper butterfly (*Lycaena hermes*) (SC)
- Thorne's hairstreak (*Callophrys thornei*) (SC, MSCP, BLM)
- Quino checkerspot butterfly (see **Section 3.11**).

Aquatic and riparian systems and the associated woodlands (i.e., oaks, willows and cottonwoods) which are important to fish, amphibian, and wildlife resources occur throughout the study area. These types of systems would occur in riparian vegetation along most of the coastal streams (i.e., San Luis Rey, San Diego, Sweetwater, Otay, and Tijuana rivers; Jamul and Campo creeks) and valley foothill and montane (areas in the mountains) regions. Vernal pools occur as small depressions in flat-topped marine terraces and occur in areas north and

Table 3.10-1. Non-Listed Sensitive Wildlife Species in the CNDDB Records near the Proposed Project Corridor

Common Name	Scientific Name	SD County Quad[1]	State Status	CDFG Status
Crustaceans				
Little mousetail	*Myosurus minimus ssp. apus*	OM	None	None
Invertebrates				
Thorne's hairstreak	*Callophrys thornei*	OM	None	None
Amphibians				
Western spadefoot	*Spea hammondii*	OM	None	SC
Reptiles				
Coast (San Diego) horned lizard	*Phrynosoma coronatum (blainvillii* population*)*	OM, T	None	SC
Coast patch-nosed snake*	*Salvadora hexalepis virgultea*	OM	None	SC
Coastal western whiptail	*Aspidoscelis tigris stejnegeri*	OM	None	None
Orange-throated whiptail*	*Aspidoscelis hyperythra*	OM, T	None	SC
Two-striped garter snake	*Thamnophis hammondii*	OM	None	SC
Birds				
Burrowing owl	*Athene cunicularia*	OM	None	SC
California horned lark	*Eremophila alpestris actia*	OM	None	SC
Coastal cactus wren	*Campylorhynchus brunneicapillus sandiegensis*	OM	None	SC
Golden eagle*	*Aquila chrysaetos*	T	None	SC
Yellow-breasted chat	*Icteria virens*	OM	None	SC
Mammals				
American badger	*Taxidea taxus*	OM	None	SC
Northwestern San Diego pocket mouse	*Chaetodipus fallax fallax*	OM	None	SC
San Diego black-tailed jackrabbit*	*Lepus californicus bennettii*	OM	None	SC
San Diego desert woodrat	*Neotoma lepida intermedia*	OM	None	SC
Townsend's big-eared bat	*Corynorhinus townsendii*	OM	None	SC

Common Name	Scientific Name	SD County Quad[1]	State Status	CDFG Status
Mammals (continued)				
Western mastiff bat	*Eumops perotis californicus*	T	None	SC

Source: CDFG 2007
Notes:
[1] OM = Otay Mountain Quadrangle Map; T = Tecate Quadrangle Map
* Denotes species also covered under the Regional MSCP
SC = Species of special concern designation (CDFG Designation)
Harbison's dun skipper is a CA DFG species of concern, but not listed on the CNDDB.

south of San Diego with more sites along the border (e.g., Otay Mesa). Being an amphibious ecosystem, the alternation of very wet and very dry contributions creates a unique ecological situation that supports a variety of fauna. Because of unique species diversity or hydrological regime, riparian systems and vernal pools are vital for maintenance of some fish and wildlife species at sustainable populations (USACE 1999).

There are no state-listed species of fish within the two quads (Otay Mountain and Tecate) along Sections A-1 and A-2. There are several riparian habitats located in canyon bottoms on Section A-1 (Copper, Buttewig, and Mine canyons), as well as an unnamed riparian area on Section A-2. These areas are important to fish resources, however, due to the seasonality of flow, most were not considered of high quality due to lack of structure or lack of pooling sites.

3.11 SPECIAL STATUS SPECIES

Special status species addressed in this EIS are Federal threatened and endangered species, state threatened and endangered species, and migratory birds. Each group has its own definitions, and legislative and regulatory drivers for consideration during the NEPA process; these are briefly described below.

The ESA provides broad protection for species of fish, wildlife, and plants that are listed as threatened or endangered in the United States or elsewhere. Provisions are made for listing species, as well as for recovery plans and the designation of critical habitat for listed species. Section 7 of the ESA outlines procedures for Federal agencies to follow when taking actions that might jeopardize listed species, and contains exceptions and exemptions. Criminal and civil penalties are provided for violations of the ESA.

Section 7 of the ESA directs all Federal agencies to use their existing authorities to conserve threatened and endangered species and, in consultation with the USFWS, to ensure that their actions do not jeopardize listed species or destroy or adversely modify critical habitat. Section 7 applies to management of Federal lands as well as other Federal actions that might affect listed species, such as

Federal approval of private activities through the issuance of Federal permits, licenses, or other actions.

Under the ESA, a Federal endangered species is defined as any species which is in danger of extinction throughout all or a significant portion of its range. The ESA defines a Federal threatened species as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

The State of California has enacted the California Endangered Species Act (CESA) to protect from "take" any species that the commission determines to be endangered or threatened (Fish and Game Code; Section 2050–2085). Take is defined as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" (Fish and Game Code; Section 86) (CBI 2004).

The State of California administers 103,855 acres in the border region. The CDFG manages Ecological Reserves and Wildlife Management Areas, while the Department of Parks and Recreation manages Anza-Borrego Desert State Park, Cuyamaca Rancho State Park, and Border Field State Park. The Department of Forestry and Fire Protection administers a single property on the border, Tecate Peak (CBI 2004).

The MBTA (16 U.S.C. 703–712), as amended, implements various treaties for the protection of migratory birds. Under the Act, taking, killing, or possessing migratory birds is unlawful without a valid permit. Under EO 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, the USFWS has the responsibility to administer, oversee, and enforce the conservation provisions of the MBTA, which include responsibility for population management (e.g., monitoring), habitat protection (e.g., acquisition, enhancement, and modification), international coordination, and regulations development and enforcement. The MBTA defines a migratory bird as any bird listed in 50 CFR 10.13, which includes nearly every native bird in North America.

The MBTA and EO 13186 require Federal agencies to minimize or avoid impacts on migratory birds listed in 50 CFR 10.13. If design and implementation of a Federal action cannot avoid measurable negative impact on migratory birds, EO 13186 requires the responsible agency to consult with the USFWS and obtain a Migratory Bird Depredation Permit.

Sections A-1 and A-2

There are 15 federally listed taxa that have the potential to occur within or near the proposed fence corridors in southern San Diego County: 2 crustaceans, 1 butterfly, 1 amphibian, 3 birds, and 8 plants. Of these, 2 birds and 5 plants are also state-listed (see **Table 3.11-1**). A description of the biology of each federally listed species potentially occurring within the fence corridor is provided in the *Draft Biological Survey Report: USBP San Diego Sector, Brown Field Station* (see **Appendix H**). Federal- and state-listed species potentially occurring in the proposed project corridor and their potential habitats are briefly described below.

Table 3.11-1. Federal and State Threatened and Endangered Species Potentially Occurring Within the Project Corridor

Scientific Name	Common Name	Federal Status	State Status
Branchinecta sandiegonensis	San Diego fairy shrimp	E	
Streptocephalus woottoni	Riverside fairy shrimp	E	
Euphydryas editha quino	quino checkerspot butterfly	E	
Bufo californicus	arroyo toad	E	
Polioptila californica californica	coastal California gnatcatcher	T	
Vireo bellii pusillus	least Bell's vireo	E	E
Empidonax trailii extimus	Southwestern willow flycatcher	E	E
Ambrosia pumila	San Diego ambrosia	E	
Eryngium aristulatum var. parishii	San Diego button-celery	E	E
Deinandra conjugens	Otay tarplant	T	E
Pogogyne nudiuscula	Otay Mesa mint	E	E
Navarretia fossalis	spreading navarretia	T	
Fremontodendron mexicanum	Mexican flannelbush	E	
Orcuttia californica	California Orcutt grass	E	E
Baccharis vanessae	Encinitas baccharis	T	E

Note: T – Threatened, E – Endangered

The native faunal components of the Peninsular Range, in which the Proposed Action would occur, support more than 400 species of birds, which are dominated by wood warblers, swans, geese, ducks, sandpipers and phalaropes, gulls and terns, sparrows and towhees, and tyrant flycatchers. The majority of these species are present in the spring and fall, when neotropical migrants (e.g., flycatchers and warblers) pass through on their way to either summer breeding or wintering grounds, and during winter when summer resident birds (i.e., robins, kinglets, and sparrows) from the north arrive to spend the winter. A number of migratory birds are known to pass through or otherwise use the border region between California and Baja California. Some of these species fly through this general area to avoid having to cross the Gulf of California (CBI 2004). Examples of such species include olive-sided flycatcher (*Contopus cooperi*), dusky flycatcher (*Empidonax oberholseri*), yellow-rumped warbler (*Dendroica coronata*), green-tailed towhee (*Pipilo chlorurus*), and fox sparrow (*Passerella iliaca*). However, no records of these species are known from the vicinity of the potential fence corridors.

On-site inspection of habitat within the potential fence alignment was conducted by USFWS-approved species specialists in October and December 2007. Due to the timing of the surveys, and the wildfires that burned portions of the proposed project corridor in November 2007, there were no observations of state

or Federal threatened or endangered animal species. Species observed in each of the two proposed project corridors are provided in **Appendix H**. Potential habitat was evaluated to the extent possible given the wildfires and the time of year.

In addition, element occurrence data were acquired from NatureServe for inclusion in the environmental consequences analyses. These data indicate documented occurrences of several listed taxa or their habitats within the proposed project corridor (see **Table 3.11-2**).

Table 3.11-2. Listed Species for which Individuals or Habitat are Documented In or Near[a] the Proposed Project Corridor by NatureServe

Scientific Name	Common Name	Federal Status	State Status	Fence Section[b]
Branchinecta sandiegonensis	San Diego fairy shrimp	E		A-1
Euphydryas editha quino	quino checkerspot butterfly	E		A-1
Bufo californicus	arroyo toad	E		A-1
Polioptila californica californica	coastal California gnatcatcher	T		A-1
Baccharis vanessae	Encinitas baccharis	T	E	A-1

Notes:
[a] Within one mile of the project corridor, including fence alignments and access roads.
[b] A-1 = fence section south of Otay Mountain.
Note: T – Threatened, E – Endangered

Section A-2 of the Proposed Action did not present suitable habitat for any listed species during the October 2007 surveys which were completed before the area burned in November 2003. No records from the NatureServe data are in or near Section A-2. Therefore, the affected environment for Section A-2 is not described further in this section.

The remainder of this section focuses on the proposed project corridor for Section A-1. A brief description of which species are anticipated to be found within the Section A-1 proposed project corridor, based on potential habitat and historic data, is provided below. More detailed descriptions of the federally listed species can be found in **Appendix H.**

San Diego Fairy Shrimp (SDFS). This species is listed as endangered under the ESA and is covered by the Regional MSCP. The SDFS is a vernal pool specialist that is found in small, shallow vernal pools. Unlike other species associated with vernal pools, this fairy shrimp is also occasionally found in ditches and road ruts with similar conditions to those of vernal pools.

NatureServe data indicate a record for SDFS near the connection of the Otay Mountain Truck Trail to Alta Road. The record appears to have been from a road

ditch or rut as the area indicated by the record is currently an existing and active road. The only other occurrence of SDFS near the proposed project corridor is approximately 0.8 miles south of Monument 250 Road. Surveys of the proposed access roads have not been completed. If surveys indicate the presence of vernal pools within the access road corridors, this species will be considered in detail. This species is currently assumed to be absent from the project corridor and no impacts on this species would be expected; therefore, this species is not carried forward for discussion in **Section 4.11**.

Quino Checkerspot Butterfly (Quino). This species is listed as endangered under the ESA. It is considered a species of concern by CDFG, but currently does not have coverage under the Regional MSCP. Host plants are dwarf plantain (*Plantago erecta*), Purple owl's clover (*Castilleja exserta*), White snapdragon (*Antirrhinum coulterianum*), woolly plantain (*Plantago patagonica*), and bird's beak (*Cordylanthus rigidus*). The plants are annuals which thrive in clay soils but can also occur in other soil types.

Adult Quino were observed on the mesa along the Pack Trail in March 2005 just above the Puebla Tree access (Klein 2007). There is a record of adults on the hill just north of the mesa, and adults were found in March 2007 along the Monument 250 Road on the east side of the proposed project corridor (Klein 2007). In addition, NatureServe data indicate additional locations for Quino within one mile of the proposed fence corridor and access roads, primarily on the east and west ends of Section A-1's proposed project corridor. The apparent absence of locations along the central portion of the proposed alignment is undoubtedly due to the difficulty of accessing this area and not to true absence of the species in this area. Potential habitat (three of the host plant species) were observed along the 5-mile stretch proposed for Section A-1 during the October and December 2007 surveys and the species is assumed to be present. Host plant(s) occur along most of the Pack Trail, suitable habitat occurs throughout the entire mountain, and adults occur along the Otay Mountain Truck Trail which is the access to get to Puebla Tree. Therefore, the Pack Trail, Puebla Pack Trail, and Monument 250 Truck Trail are considered suitable Quino habitat and considered to be occupied. Quino checkerspot butterfly is addressed in **Section 4.11**.

Arroyo Toad. The arroyo toad is listed as endangered under the ESA, is considered a species of concern by CDFG, and is covered under the MSCP. The arroyo toad requires shallow, slow-moving stream habitats, and riparian habitats that are disturbed naturally on a regular basis, primarily by flooding. Adjacent stream banks can be sparsely to heavily vegetated with trees and shrubs such as mulefat (*Baccharis* spp.), California sycamore (*Platanus racemosa*), cottonwoods (*Poputus* spp.), coast live oak (*Quercus agrifolia*), and willows (*Salix* spp.) (USFWS 1999). For breeding, the arroyo toad uses open sites such as overflow pools, old flood channels, and pools with shallow margins, all with gravel bottoms. This species aestivates in sandy terraces adjacent to the stream habitat.

No habitat for this species was observed during the field surveys for this project. NatureServe (2007) data indicates a record south of the eastern access road. The existing access road traverses the northern boundary of the aestivation habitat associated with this record. This species is assumed to be present and is addressed in the Environmental Consequences section.

Coastal California Gnatcatcher (CAGN). This species is listed as threatened under the ESA, is considered a species of concern by CDFG, and is covered by the Regional MSCP. The CAGN occurs almost exclusively in the coastal sage scrub community with occasional populations in the chaparral. Its southern limit coincides with the southern distributional limit of this vegetation community. The coastal sage scrub community is composed of low-growing, summer deciduous, and succulent plants including coastal sagebrush (*Artemisia californica),* various species of sage (*Salvia* spp*.),* California buckwheat (*Eriogonum fasciculatum),* lemonadeberry (*Rhus integrifolia*), California encelia (*Encelia californico),* pricklypear and cholla cactus (*Opuntia* spp.), and various species of *Haplopoppus* (NatureServe 2007). CAGN is nonmigratory and its breeding season extends from late February to July.

No individuals of this species were observed during the October and December 2007 surveys. Due to the 2003 fire which burned through the proposed project corridor of Section A-1, the habitat in and near the proposed project corridor is too sparse for CAGN occupancy in its current condition (Clark 2007). However, with continued regrowth, habitat could become suitable in the future. While no impacts on individuals are anticipated, impacts on potential future habitat for CAGN are addressed in **Section 4.11**.

Least Bell's Vireo (LBV). This species is listed as endangered under both the ESA and the CESA. It is also covered by the Regional MSCP. LBV is an obligate riparian species during its breeding season and prefers early successional habitat. The woodlands it inhabits are often structurally diverse and lie along watercourses including southern willow scrub, mule fat scrub, sycamore alluvial woodland, coast live oak riparian forest, arroyo willow riparian forest, and cottonwood bottomland forest (USFWS 1998). LBV is a migratory species that arrives at its southern California breeding grounds in mid-March to early April and usually departs in September.

No records of LBV are known from in or near the project corridor. However, a narrow band of suitable riparian habitat occurs along the Tijuana River just south of the proposed project corridor. Therefore, this species is assumed to be present in that riparian habitat and potential impacts to LBV are discussed in **Section 4.11**.

Southwestern Willow Flycatcher (SWF). This species is listed as endangered by both the ESA and the CESA. It is also covered by the Regional MSCP. SWF usually breeds in dense or patchy riparian habitats along streams or other wetlands near standing water or saturated soils. Common tree and shrub

species composing nesting habitat include willows (*Salix* spp.), seepwillow (aka mulefat (*Baccharis* spp.), boxelder (*Acer negundo*), stinging nettle (*Urtica* spp.), blackberry (*Rubus* spp.), cottonwood (*Populus* spp.), arrowweed (*Tessaria sericea*), tamarisk (aka salt-cedar; *Tamarix ramosissima*), and Russian olive (*Elaeagnus angustifolia*). Habitat characteristics vary widely across its range, but some similar characteristics include distribution of open spaces within dense shrub thickets (USFWS 2002). As a neotropical migrant, the southwestern willow flycatcher only spends 3 to 4 months in the breeding grounds arriving in early May to early June and departing between mid-August and early September (USFWS 2002).

No records of SWF are known from in or near the project corridor. No suitable habitat for this species was observed in or near the project corridor. However, the riparian woodland habitat along the Tijuana River has the potential to provide suitable habitat in the future, as it reaches taller heights. Therefore, potential impacts on this species are discussed in **Section 4.11**.

San Diego Ambrosia. This species is listed as endangered under the ESA and is covered under the Regional MSCP. It primarily occupies the upper terraces of rivers and drainages as well as in open grasslands, openings in coastal sage scrub, and occasionally in the areas adjacent to vernal pools. Species found near the ambrosia include saltgrass (*Distichlis spicata*), mulefat (*Baccharis salicifolia*), desertbroom (*Baccharis sarathroides*), California buckwheat, and dove weed (*Croton setigerus*). This ambrosia primarily occupies gravelly or sterile clay soils (University of California 2007).

No records of San Diego ambrosia are known from in or near the project corridor. The closest known record for this species is miles to the north, on the other side of Otay Mountain and the wilderness area. No individuals of this species were observed during the October and December 2007 surveys. Therefore, this species is dismissed from further analysis in this EIS.

San Diego Button-Celery. This species is listed as endangered under the ESA and the CESA, and is also covered under the Regional MSCP. It is an endemic species of vernal pools of southern California and northern Mexico. Vernal pools are seasonal depressional wetlands where the proliferation of flora and fauna can be related to the Mediterranean climate that prevails throughout their range.

No records of San Diego button-celery are known from in or near the project corridor. The closest known record for this species is over a mile west of the end of the Alta Road access to Otay Mountain Truck Trail; well beyond potential impacts resulting from the Proposed Action. Surveys of the access roads have not been completed. If surveys indicate the presence of vernal pools within the access road corridors, this species will be considered in detail. This species is currently assumed to be absent from the proposed project corridor and no impacts on this species would be expected. Therefore, this species is not carried forward for discussion in **Section 4.11**.

Otay Tarplant. This species is listed as threatened under the ESA, as endangered under the CESA, and is covered under the Regional MSCP. The Otay tarplant is restricted to clay soils, subsoils, or lenses. Historically, the Otay tarplant occupied areas vegetated with native grassland, open coastal sage scrub, and maritime succulent scrub. Currently, it occupies those communities, but is also found on the margins of disturbed sites and cultivated fields.

One record of Otay tarplant is known from south of the west end of the western access road. This record is well outside the project corridor and no impacts on individuals in that area, if they still exist, would be anticipated. Therefore, this species is dismissed from further analysis in this EIS.

Otay Mesa Mint. This species is listed as endangered under both the ESA and the CESA, and is covered by the Regional MSCP. The Otay Mesa mint is an endemic species of vernal pools of Otay Mesa in southern California.

No records of Otay Mesa mint are known from in or near the project corridor. The closest known record for this species is over a mile west of the end of Otay Mountain Truck Trail; well beyond potential impacts resulting from the Proposed Action. Surveys of the access roads have not been completed. If surveys indicate the presence of vernal pools within the access road corridors, this species will be considered in detail. This species is currently assumed to be absent from the proposed project corridor and no impacts on this species would be expected. Therefore, this species is not carried forward for discussion in **Section 4.11**.

Spreading Navarretia. This species is listed as threatened under the ESA, and is covered by the Regional MSCP. It is a vernal pool specialist that is found in small, shallow vernal pools. Unlike other species associated with vernal pools, this species is also occasionally found in ditches and road ruts with similar conditions to those of degraded vernal pools.

No records of spreading navarretia are known from in or near the project corridor. The closest known record for this species is more than 4 miles west of the end of Otay Mountain Truck Trail; well beyond potential impacts resulting from the proposed action. Surveys of the access roads have not been completed. If surveys indicate the presence of vernal pools within the access road corridors, this species will be considered in detail. This species is currently assumed to be absent from the proposed project corridor and no impacts on this species would be expected. Therefore, this species is not carried forward for discussion in **Section 4.11**.

Mexican Flannelbush. This species is listed as endangered under the ESA. It is not covered by the Regional MSCP. The flannelbush occurs primarily in closed-canopy coniferous forests dominated by Tecate cypress (*Cupressus forbesii*) and southern mixed chaparral, often in metavolcanic soils. The chaparral that the flannelbush occupies has dense shrub cover of moderate

height characterized by chamise (*Adenostoma fasciculatum*), buckbrush (*Ceanothus* sp.) hollyleaf redberry (*Rhamnus ilicifolia*), manzanita (*Arctostaphylos* sp.), scrub oak (*Quercus berberidifolia*), sugar sumac (*Rhus ovate*), laurel sumac (*Malosma laurina*), toyon (*Heteromeles arbutifolia*), California buckwheat, and black sedge (*Salvia mellifera*).

No record of Mexican flannelbush is known from within or near the proposed project corridor. The nearest record is more than 2 miles north, and several ridges away from the closest portion of the project corridor. No impacts on individuals in that area, if they still exist, would be anticipated. Therefore, this species is dismissed from further analysis in this EIS.

California Orcutt Grass. This species is listed as endangered under both the ESA and the CESA, as well as covered by the Regional MSCP. This species occurs in the beds of dried vernal pools, typically in grassland or chaparral (Smith and Berg 1988).

No records of this grass are known from in or near the project corridor. The closest known record for this species is more than 4 miles west of the end of the western access road, well beyond potential impacts resulting from the Proposed Action. Surveys of the access roads have not been completed. If surveys indicate the presence of vernal pools within the access road corridors, this species will be considered in detail. This species is currently assumed to be absent from the proposed project corridor and no impacts on this species would be expected. Therefore, this species is not carried forward for discussion in **Section 4.11**.

***Encinitas Baccharis*.** This species is listed as threatened under the ESA and endangered under the CESA. It is also covered under the Regional MSCP. This species is restricted to the southern maritime chaparral which is a low, fairly open chaparral community.

No records of this species are known from in or near the proposed project corridor. The closest known record is well over a mile north of and up Copper Canyon from the project corridor. The only impacts on individuals at this location, if they still exist, would be beneficial due to reduced cross-border violator traffic through the area. Therefore, this species is dismissed from further analysis in this EIS.

Summary

The following listed species or their habitats have the potential to occur within or near the project corridor and therefore have the potential to be impacted by implementation of the Proposed Action:

- Quino checkerspot butterfly
- Arroyo toad

- Coastal California gnatcatcher
- Least Bell's vireo
- Southwestern willow flycatcher.

Potential impacts on these species, and to migratory birds as a group, are addressed in **Section 4.11**.

3.12 CULTURAL RESOURCES

Cultural resources is an umbrella term for many heritage-related resources. The NHPA focuses on "historic properties," specifically, prehistoric or historic district, site, building, or structure included in, or eligible for, the National Register of Historic Places (NRHP), including related artifacts, records, and material remains. Traditional, religious, and cultural properties holding significance for Native American tribes, and Native Alaskan and Native Hawaiian organizations may also be considered NRHP-eligible. Depending on the condition and historic use, such resources might provide insight into living conditions in previous civilizations or might retain cultural and religious significance to modern groups.

Several Federal laws and regulations govern protection of cultural resources, including the NHPA (1966), the Archaeological and Historic Preservation Act (1974), the American Indian Religious Freedom Act (1978), the Archaeological Resources Protection Act (1979), and the Native American Graves Protection and Repatriation Act (NAGPRA) (1990).

Typically, cultural resources are subdivided into archaeological resources (prehistoric or historic sites where human activity has left physical evidence of that activity but no structures remain standing); architectural resources (buildings or other structures or groups of structures, or designed landscapes that are of historic or aesthetic significance); or resources of traditional, religious, or cultural significance to Native American tribes. Archaeological resources comprise areas where human activity has measurably altered the earth or deposits of physical remains are found (e.g., projectile points and bottles).

Architectural resources include standing buildings, bridges, dams, and other structures of historic or aesthetic significance. Generally, architectural resources must be more than 50 years old to be considered for the NRHP. More recent structures, such as Cold War-era resources, might warrant protection if they have the potential to gain significance in the future. Resources of traditional, religious, or cultural significance to Native American tribes can include archaeological resources, structures, neighborhoods, prominent topographic features, habitat, plants, animals, and minerals that Native Americans or other groups consider essential for the preservation of traditional culture.

Ethnographic Context. The Area of Potential Effect (APE) for the Proposed Action lies in the southern portion of San Diego County within the historical

territory of the Kumeyaay people. Kumeyaay is a native term referring to all Yuman-speaking peoples living in the region from the San Dieguito River south to the Sierra Juarez in Baja California and roughly west of present day Salton Sea. A detailed description of the ethnographic background can be found in **Appendix I**.

Prehistoric Context. Southern San Diego County contains archaeological evidence of human use and occupation that spans the known periods of prehistory. Dated to the Holocene, the earliest sites are known as the San Dieguito complex (i.e., 9,000–7,500 years ago), so-named because the culture was first defined at a site along San Dieguito River, about 20 miles north of the APE for the Proposed Action. The archaeological remains from these sites consist of large, stemmed projectile points and finely made scraping and chopping tools, which were used for hunting and processing large game animals (Moratto 1984).

The La Jolla complex (i.e., 7,500–2,000 years ago) followed the San Dieguito complex. La Jollan sites are recognized by abundant millingstone assemblages in shell middens often located near lagoons and sloughs. This complex is associated with a shift from hunting to a more generalized subsistence strategy relying on a broader range of resources, including plants, shellfish, and small game. La Jollan sites occur in larger numbers than those of the preceding San Dieguito complex, and are found across a greater range of environmental zones.

As elsewhere during late prehistory in southern California, the Yuman complex (i.e., 1,300–200 years ago) was a time of cultural transformation. Beginning about 1,000 years ago, Yuman-speaking groups moved into the San Diego area. These later populations are recognized by distinctive small projectile points, ceramic vessels, and an increase in the use of mortars. The acorn became an increasingly important component of the diet, although subsistence pursuits from earlier periods continued. The number of Yuman-complex sites dramatically outnumbers those from the earlier periods. A detailed description of the prehistoric context can be found in **Appendix I**.

Historic Context. The historical period includes Spanish expeditions of the Alta California coast. In the 1760s, spurred on by the threat to Spanish holdings in Alta California by southward expansion of the Russian sphere of influence, the Spanish government began planning for the colonization of Alta California (Rolle 1978). Mission San Diego de Alcalá was established on July 16, 1769, at the present-day location of the San Diego Presidio. For the next 50 years, mission influence grew in southern California. Mission San Luis Rey de Francia, north of San Diego in present-day Oceanside, was established on June 13, 1798. The mission economy was based on farming and open-range ranching over vast expanses of territory.

Mexican independence from Spain in 1821 was followed by secularization of the California missions in 1832. Between 1833 and 1845, the newly formed Mexican

government began to divide up the immense church holdings into land grants. By the 1840s, ranches, farms, and dairies were being established throughout the El Cajon Valley, along the Sweetwater River, and in nearby areas.

The rancho era in California was short-lived and, in 1848, Mexico ceded California to the United States under the Treaty of Guadalupe Hidalgo. Growth of the region was comparatively rapid after succession. Subsequent gold rushes, land booms, and transportation development all played a part in attracting settlers to the area. San Diego County was created in 1850, the same year that the City of San Diego was incorporated. Over the next 20 years, the county's population increased sixfold and the city population more than tripled. By the late 1800s, the county was still growing and a number of outlying communities developed around the old ranchos and land grants, in particular areas in the southern limits of the county (Collett and Cheever 2002).

Throughout the early 20th century, most of San Diego County remained primarily rural. Like most of southern California, this region changed rapidly following World War II when the pace of migration and growth quickened. Today, southern San Diego County has transformed into a burgeoning metropolis with unprecedented urban expansion. The remoteness of the proposed project corridor has resulted in a generally undeveloped appearance with the exception of access roads, heavily used footpaths, and the accumulation of modern trash.

Previously Recorded Resources. An archaeological site record and archival search was conducted at the South Coastal Information Center in accordance with the requirements of NHPA Section 106 (36 CFR 800.4 [2, 3, and 4]). The archaeological site record and archival search were conducted to identify and collect data for cultural resources sites and isolates recorded within a 0.5-mile radius of the proposed project APE. A search of the National Archaeological Data Base also was completed in an effort to identify cultural resources management reports for previously completed cultural resources management activities (archaeological survey or evaluation excavations) in or near the APE. Finally, the NRHP was reviewed for information on historic properties that are or have the potential to be listed.

A letter to initiate consultation was sent to 14 tribal groups with cultural links to the proposed project corridor (**Appendix C**). This letter was provided to initiate consultation and solicit comment on traditional cultural properties and areas of concern. No responses have been received to date.

A review of the archaeological site records and archival information, including site (CA-SDI) and Primary (P-37) plot USGS maps (Otay Mountain and Tecate, California 7.5-minute quads) and the National Archaeological Data Base indicates that two cultural resources studies have been conducted within the vicinity of the APE (Foster and Jenkins 1984, Cotterman and Espinoza 2002). These studies covered large areas associated with the Otay Mountain Pack Trail (sometimes known as the Pack Trail) and with Heard Ranch.

Previously recorded archaeological resources include six prehistoric sites, five isolates, and an historic trail (see **Table 3.12-1** and **Appendix I**). Five of the recorded sites are along the Pack Trail and the sixth is near, but not within the Section A-2 proposed project corridor. The five sites along the trail are all within the APE based on site mapping information.

Table 3.12-1. Previously Recorded Archaeological Resources

Site Number	Site Description
P-37-015715	Isolate-Interior dacite flake
P-37-015716	Pack Trail
P-37-024688	Isolate-Dark gray basalt flake
P-37-024689	Isolate- Light brown dacite core and light brown dacite flake
P-37-024690	Isolate-Brown dacite flake
P-37-024691	Isolate-Gray basaltic flake
CA-SDI-16368	Sparse lithic artifact scatter
CA-SDI-16369	Small flaked lithic artifact and prehistoric ceramic scatter
CA-SDI-16370	Seasonal camp with two milling features and a sparse flaked lithic artifact scatter
CA-SDI-16371	Sparse flaked lithic artifact scatter
CA-SDI-16372	Dense flaked lithic artifact scatter
CA-SDI-9968	Extensive bedrock milling features with sparse flaked lithic artifact scatter

An intensive pedestrian survey of the entire project alignment was completed in November 2007. The survey was completed under a Fieldwork Authorization Permit granted by the BLM Palm Springs/Bakersfield Field Office (Permit No. CA-08-03). Several weeks prior to the survey a severe wildfire burned all of the Section A-2 area and affected smaller portions of the Section A-1 area (see **Appendix I**).

Section A-1

Previously Recorded Resources

The Pack Trail (P-37-015716). The Pack Trail winds over chaparral-covered slopes on the flank of the San Ysidro Mountains. The conditions are rocky and generally sloped with a series of north-south-trending ridges cut by deep canyons created by runoff to the Tijuana River from the mountain. The elevation ranges from 440 to 1,330 feet above MSL. According to Mitchell (1997) the Pack Trail averaged approximately 20 inches in width and was formed by clearing brush and pushing “conspicuous” rocks to the side. The trail was difficult to follow in its entirety as heavy vegetation, topography, and “hundreds” of footpaths from migrant human groups as well as large livestock activity, obscure the primary path. Mitchell surveyed the trail in 1996, after a wildfire cleared vegetation from a large section of the trail. The trail was resurveyed in 2002 by Chambers Group,

Inc. (2002) and found to be nearly 1 to 3 meters in width along its full length, brush-free, and easy to follow despite the many intersecting footpaths. Chambers noted the possibility that the trail had been altered through the use of picks and shovels to excavate a more suitable path along the steep ridge slopes and to form a more defined pathway. The trail ranges from a surface manifestation to a path that is excavated as much as 60 centimeters into the hillsides. The trail runs parallel to the international border and within 1 meter of the border in many areas and more than 550 meters from the border in other areas.

The research completed by Mitchell (1997) concluded that the trail was constructed in the 1930s or 1940s to bring fencing material up the steep mountain flanks to construct a fence along the border. Mitchell (1997) presented the notion that the barbed wire fence was constructed to maintain a separation of livestock and not as a means of controlling human population movement. Mitchell (1997) and the Chambers Group, Inc. (2002) both concluded that the Pack Trail is not associated with any persons or events of particular importance in regional transportation history and is not the work of a master and in Chambers view the trail has been significantly modified from the original form and, as such, the trail is not eligible for nomination to the NRHP.

The pedestrian survey completed in November 2007 confirmed both the configuration and condition of the trail. The inspection and survey followed the existing trail, beginning at the western end. There were no associated historic or prehistoric artifacts identified within the narrow confines of the trail. A more detailed discussion is provided in **Appendix I**.

CA-SDI-16368. CA-SDI-16388 was recorded by the Chambers Group in 2002 and described as a sparse lithic scatter approximately 18 meters north of the U.S./Mexico international border. CA-SDI-16368 is described as a single metavolcanic boulder measuring approximately 1.1 by 0.85 meters with several pieces of rock chipped from the surface of this boulder. The Chambers Group described the shatter as representing an opportunistic prehistoric quarry. According to the California Department of Parks and Recreation (CDPR) site record, the site is bisected by the Pack Trail. There was no evidence of flakes or shatter found at the plotted or Universal Transverse Mercator- (UTM-) based location.

CA-SDI-16369. CA-SDI-16369 is recorded as a prehistoric ceramic and stone artifact scatter approximately 8 meters north of the Otay Mountain Truck Trail and 50 meters north of the U.S./Mexico international border. As plotted, the site is outside the project alignment. The site is recorded as containing approximately 70 sherds of prehistoric pottery, approximately 10 pieces of stone shatter, and a core. In addition to the artifacts, a single granite outcrop was described as having a possible milling slick. The site record indicates that a subsurface component to this resource was not expected. As plotted, this site is on the Mexico side of the border and is outside the existing project.

CA-SDI-16370. CA-SDI-16370 is a sparse lithic scatter with two associated milling slicks. This site is recorded at the convergence of three tributaries of the Tijuana River, with materials found in both the United States and Mexico. The site is reported to be 10 meters south of the Pack Trail. During the initial survey (Chambers Group Inc. 2002), approximately 16 pieces of debitage (shatter) were found scattered over an area 18 meters by 10 meters. Two milling slicks were identified on a boulder in Mexico. As plotted, this site is in Mexico and the stone artifacts were not relocated during the current survey.

CA-SDI-16371. CA-SDI-16371 is categorized as a sparse lithic scatter with approximately 8 pieces of chipping waste and a single metavolcanic core scattered over an area 8 by 4 meters. As recorded, the site is plotted on a southeast-facing slope, 30 meters northwest of the bottom of Buttewig Canyon (Chambers Group Inc. 2002). The site form indicated that a subsurface component to the site was not expected. This site was not relocated during the current survey.

CA-SDI-16300. CA-SDI-16300 is a moderately dense stone artifact scatter at the intersection of Puebla Tree and White Cross Road. This site is not within the Otay Mountain Truck Trail route, but along an access road to the proposed project. The site is approximately 800 by 600 meters in size and is on the eastern side of a small hill. Artifacts include approximately 300 pieces of chipping waste and several cores. The site was identified during the current survey at the location plotted on the site record. Although the recorded information for this resource suggests that CA-SDI-16300 is potentially eligible for NRHP nomination, eligibility evaluations have not been conducted. This site appears to be one of several opportunistic quarries where available fine-grained metavolcanic stone was tested for suitability for prehistoric tool manufacture. There was no evidence at the site of a buried component or of formal tools such as blades, performs, or hammerstones.

Previously Recorded Isolates. Four prehistoric isolates (P-37-15715, P-37-024688, P-37-024689, and P-37-024691) were recorded by the Chambers Group in 2002. Each isolate is a single piece of metavolcanic chipping waste (flake or shatter) with no other associated artifacts or features. None of the isolates were relocated during the current survey. As defined, isolates are not eligible for National Register consideration since they do not contain the potential to address regional research questions.

Newly Recorded Resources. During the course of the pedestrian survey, two newly discovered archaeological sites and two isolated finds were identified and recorded. Both archaeological sites are small, prehistoric quarries with a limited amount of debitage scattered over the ground surface. These quarries represent opportunistic extraction and sampling of the naturally occurring metavolcanic stone to determine its overall suitability for creating flaked-stone implements. It appears that these naturally occurring outcrops were examined for quality stone material, which was reduced with the removal of cortex followed by the transport

of usable stone to various field camps and habitation areas for further reduction and tool manufacture. The locations of these field camps and habitation areas are not known, although it is likely there are a number of them in the project vicinity.

The individual artifacts found at the newly discovered sites do not represent a specific period of occupation other than an association with the broad prehistoric past. The previously recorded site CA-SDI-16300 and the two newly discovered sites CA-SDI-18578 and -18579 are representative of special use prehistoric quarry areas. The study area contains a number of exposed Santiago Peak metavolcanic cobbles or boulders that are suitable for making prehistoric tools. This is a fine-grained stone, generally blue to blue-green in color which provides a predictable fracture plane and is seen throughout the southern part of San Diego County as a source stone for flaked stone tools. Based on the current survey these small quarry locales do not include an associated buried deposit or other evidence of prehistoric settlement or use.

The appropriate CDPR forms have been completed and were submitted to the South Coastal Information Center for assignment of official trinomials and Primary designations. Those trinomials are used here.

Truck Trail – CA-SDI-18578. Truck Trail CA-SDI-18578 represents a location where a limited number of flakes were removed from small metavolcanic cobbles. This site is on a small, plateau that is bisected by the Truck Trail. The site assemblage consists of approximately 50 pieces of fine-grained metavolcanic debitage. This material appears to have been removed from several moderately sized metavolcanic cobbles. The site appears to have been created by “testing” or extraction of usable stone material for making formal tools such as scrapers and projectile points. With the exception of a few cores and the debitage, no other artifacts were found. The artifact scatter measures approximately 20 by 30 meters, with the majority of the artifacts found on the north side of the Truck Trail. Given the soil conditions and the geology of the area the potential for a subsurface deposit is considered very low for this site. Although CA-SDI-18578 is approximately 250 meters to the east of CA-SDI-16370 and contains similar artifacts, this site is believed to be a new resource. While it is possible that the plotted location of CA-SDI-16370 could be offset by 250 meters, this is not supported by the current work effort.

Truck Trail – CA-SDI-18579. Truck Trail CA-SDI-18579 is a small flake scatter with a scraper and a broken mano. The site is at the east end of the Truck Trail, on a small plateau overlooking the Tijuana River drainage. As with CA-SDI-18578, this site is defined by a number of moderate-sized metavolcanic cobbles that appear to have been tested for suitability for the creation of flaked stone tools. The resulting debitage and cores are what define this site area. The area is also used as a helicopter landing pad (Pad 33) by the Border Patrol. The Truck Trail passes approximately 20 meters to the north of the site. Surface artifacts consist of approximately approximately 15 pieces of fine-grained

metavolcanic chipping waste, a scraper, and a mano fragment, scattered over an area 20 by 30 meters. The two formal tools are a fine-grained metavolcanic scraper and a granite mano fragment.

Newly Discovered Isolates. Two isolated finds, both fine-grained metavolcanic flakes, were found along the survey route. These items were not recorded but were noted on the project maps. No additional artifacts or archaeological resources (prehistoric or historic) were found during the survey.

Section A-2

Previously Recorded Sites

CA-SDI-9101. This two-locus site is a bedrock milling complex with a scatter of flaked stone artifacts and a second locus with a scatter of flaked stone and one ground stone artifacts. This site was recorded in 1981 by the BLM as part of the Mission Park application. The site is south of Tecate Mission Road (also known as South Grape View) for Section A-2 and outside of the proposed project corridor with a sufficient buffer.

CA-SDI-9102. This site is several thousand meters to the west of CA-SDI-9102 and is a small scatter of flaked stone artifacts. This site was recorded in 1981 by the BLM during the survey for the Mission Park application. The site is south of the access road for Section A-2 (i.e., Tecate Mission Road) and is outside the proposed project corridor with a sufficient buffer.

CA-SDI-9968. This site was recorded in 1984 and is known as the Heard Ranch site. The site occupies land on both sides of the international border and surrounds an historic residence that is currently occupied. The site is at the southern end of the access road (i.e., Tecate Mission Road) for Section A-2 and is on private property. There are numerous bedrock milling features on the large granite boulders with a surface scatter of flaked and ground stone artifacts as well as pockets of dark soil which could indicate accumulated midden. Inspection of the site was limited during the current project because of private property restrictions, though surface indications did not demonstrate that this site extends to the access road.

Newly Recorded Sites. The survey of the Section A-2 proposed project corridor resulted in the recording of one new cultural resource site. This site is referred to as GV-1 and was identified along Tecate Mission Road. The site is a bedrock milling station with a light surface scatter of debitage. Three slicks were recorded on a single, large granite boulder. The site is on the edge of the existing road with no evidence that it continues into the road right-of-way.

Architectural Resources. Review of maps and land records indicate that there are no buildings or structures present within the APE, or with viewsheds that would include the construction corridor for the Proposed Action. Accordingly, the Proposed Action would have no impact on architectural resources.

Resources of Traditional, Religious, and Cultural Significance to Native American Tribes. A review of the NRHP provided information on one sacred site within the vicinity of the construction corridor for the Proposed Action. Kuchamaa/Tecate Peak is identified as an ACEC by the BLM. This area encompasses a sacred mountain (Tecate Peak) that is a spiritual center for Native American people of southern California and northern Baja California. Tecate Peak was placed on the NRHP by the County of San Diego in 1992 (#92001268). This resource is listed for religious or ceremonial reasons and it is identified as a ceremonial site.

In 1981, a proposal to build a campground on the lower slopes of Tecate Peak initiated the preparation of an Environmental Impact Report by the BLM. As a result of research into ethnographic literature and Native American consultation, the BLM sought a nomination of Kuchamaa as a NRHP district. The Tecate Peak District encompasses 510 acres of both state and Federal lands. The district was determined to be eligible for the NRHP based upon its uniqueness as a site of extreme religious significance to the Kumeyaay and other Indians throughout southern California. It should be noted that portions of Kuchamaa are still privately owned. This creates a dilemma for the Kumeyaay, who feel that they risk personal harm by divulging information about their sacred mountain, but that, should portions of it be developed, the power of the site would be diminished. A detailed discussion is included in **Appendix I**.

3.13 VISUAL RESOURCES

Visual resources include both natural and man-made features that influence the visual appeal of an area for residents and visitors. Visual resources can be defined as the visible physical features on a landscape (e.g., land, water, vegetation, animals, structures, and other features).

In order to meet its responsibility to maintain the scenic values of public lands, BLM has developed a Visual Resource Management (VRM) system based on human perceptions and expectations in the context of the existing landscape. Different levels of scenic values require different levels of management. Determining how an area should be managed first requires an assessment of the area's scenic values. For management purposes, BLM has developed Visual Resource Classes.

1. *Class I Objective.* The objective of this class is to preserve the existing character of the landscape. This class provides for natural ecological changes but also allows very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention.
2. *Class II Objective.* The objective of this class is to preserve the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities are allowed, but should

not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape. New projects can be approved if they blend in with the existing surroundings and don't attract attention.

3. *Class III Objective.* The objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities might attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape. New projects can be approved that are not large-scale, dominating features.

4. *Class IV Objective.* The objective of this class is to provide for management activities which require major modifications of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities can dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements of predominant natural features (BLM 1986a).

Section A-1

As discussed in **Section 3.4**, the majority of the Proposed Action would be on Federal lands managed by the BLM. The area surrounding the Section A-1 falls into two classes. The OMW, north of the Proposed Action, is classified as a Class I Visual Resource and the BLM-managed land surrounding the OMW are designated as a Class III Visual Resource.

Section A-2

Although Section A-2 of the Proposed Action is mostly on private property, the area would be designated as a Class III Visual Resource under the BLM VRM system.

3.14 SOCIOECONOMIC RESOURCES, ENVIRONMENTAL JUSTICE, AND PROTECTION OF CHILDREN

Socioeconomic Resources. Socioeconomics is defined as the basic attributes and resources associated with the human environment, particularly characteristics of population and economic activity.

Socioeconomic data shown in this section are presented at the community and county levels to characterize baseline socioeconomic conditions in the context of regional and state trends. Data have been collected from previously published

documents issued by Federal, state, and local agencies; and from state and national databases (e.g., U.S. Census Bureau).

Environmental Justice, Protection of Children, and Safety. There are no Federal regulations on socioeconomics; however, there is one EO that pertains to environmental justice issues based on socioeconomic and racial makeup of an affected population and the health effects that could be imposed on them. On February 11, 1994, President Clinton issued EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. This EO requires that Federal agencies' actions substantially affecting human health or the environment do not exclude persons, deny persons benefits, or subject persons to discrimination because of their race, color, or national origin. The EO was created to ensure the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no groups of people, including racial, ethnic, or socioeconomic groups, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of Federal, state, tribal, and local programs and policies. Consideration of environmental justice concerns includes race, ethnicity, and the poverty status of populations in the vicinity of a proposed action. Such information aids in evaluating whether a proposed action would render vulnerable any of the groups targeted for protection in the EO.

In addition to EO 12898, President Clinton issued EO 13045, *Protection of Children From Environmental Health Risks and Safety Risks*. This EO called for the protection of children from exposure to disproportionate environmental health and safety risks. This EO established that each agency has a responsibility to ensure that its policies, programs, activities, and standards address risk to children that result from environmental health risks or safety risks.

Sections A-1 and A-2

***Socioeconomic Resources*.** The proposed tactical infrastructure of Sections A-1 and A-2 are within southern San Diego County. As of January 1, 2007, San Diego County had a population of 3,098,269, which is a 10.1 percent increase over the 2000 Census population (SANDAG 2007b). Sections A-1 and A-2 would be located in relatively sparsely populated areas of San Diego County; however the Mexican cities of Tijuana and Tecate, which have a combined population of more than 2 million people, are along the U.S./Mexico international border to the southwest and southeast, respectively, of the Proposed Action. Section A-1 is adjacent to the OMW and near the community of Otay Mesa, California. Section A-2 is just west of the community of Tecate, California, and within the Zip Code 91980. Otay Mesa and Tecate, California, were chosen as the Regions of Influence (ROIs) for the Proposed Action because they best represent the socioeconomic and demographic characteristics of the area. ROI 1

(community of Otay Mesa) is defined by the City of San Diego Otay Mesa Community Planning Area, while ROI 2 (community of Tecate) is defined by Zip Code 91980.

Otay Mesa is a community within the City of San Diego that has undergone considerable commercial and industrial development in recent years. As of January 1, 2007, Otay Mesa had a population of 13,892, which is a 698 percent increase from the 2000 U.S. Census population of 1,740 (SANDAG 2007c). Otay Mesa has become the largest commercial land border port and one of the busiest commercial land border crossings in the United States (Otay Mesa undated).

Tecate, California, is an unincorporated community in San Diego County that is directly adjacent to the Mexican City of Tecate, Baja California. The community of Tecate, California, is a relatively sparse area that had a population of 177 during the 2000 Census, but as of January 1, 2007, the population had decreased by approximately 22 percent to 139 (see **Table 3.14-1**) (SANDAG 2007d).

Table 3.14-1. State, County, and ROI Population Trends Comparison

Year	State of California	San Diego County	ROI 1 (Community of Otay Mesa)	ROI 2 (Community of Tecate)
2000	33,871,648	2,813,833	1,740	177*
2007	37,662,518	3,098,269	13,892	139
Change 2000 to 2007	11.2%	10.1%	698.4%	-21.5%

Source: U.S. Census Bureau 2000, State of California 2006, SANDAG 2007b, SANDAG 2007c, SANDAG 2007d.

Note: * Minor adjustments were made to the 2000 U.S. Census total population data for Zip Code 91980 after its initial release in order to more accurately reflect the region's true population and housing distribution. Therefore, the total population for Zip Code 91980 (Community of Tecate) in Table 3.14-1, which used data from 2007, is different from that used in Table 3.14-2, which used 2000 data.

Based on 2000 U.S. Census data, employment types in the affected ROIs vary (see **Table 3.14-2**). The largest employment type in ROIs 1 and 2, San Diego County, and California is educational, health, and social services (21.1, 25.5, 19.4, and 18.5 percent, respectively) (SANDAG 2003a, SANDAG 2003b, SANDAG 2003c, U.S. Census Bureau 2000). In 2006, the unemployment rate in San Diego County was 4 percent (Fedstats 2007).

Environmental Justice, Protection of Children, and Safety. As of January 2007, approximately 44 percent of the 13,892 people living in Otay Mesa were Hispanic. Of the non-Hispanic residents, approximately 45 percent were White; 41 percent were Black or African American; 12 percent were Asian and Pacific

Table 3.14-2. Employment Type of Residents in State, County, and ROIs

Economic and Social Indicators	State of California	San Diego County	ROI 1 (Community of Otay Mesa)	ROI 2 (Community of Tecate)
Employed Persons in Armed Forces (Percent of Employed Total Population, Age 16 and over)	0.9	6.5	3.8	0.0
Employed Persons By Industry (Percent of Employed Civilian Population, Age 16 and over)				
Agriculture, forestry, fishing and hunting, and mining	1.9	0.7	0.0	5.5
Construction	6.2	6.6	3.8	14.5
Manufacturing	13.1	11.0	12.6	3.6
Wholesale trade	4.1	3.2	3.3	5.5
Retail trade	11.2	11.3	11.8	7.3
Transportation and warehousing, and utilities	4.7	3.8	7.1	1.8
Information	3.9	3.5	4.5	1.8
Finance, insurance, real estate, and rental and leasing	6.9	7.1	5.6	0.0
Professional, scientific, management, administrative, and waste management services	11.6	13.3	6.9	5.5
Educational, health and social services	18.5	19.4	21.1	25.5
Arts, entertainment, recreation, accommodation and food services	8.2	9.6	7.9	14.5
Other services (except public administration)	5.2	5.2	4.6	7.3
Public administration	4.5	5.4	11.0	7.3

Source: U.S. Census Bureau 2000, SANDAG 2003c, SANDAG 2003a, SANDAG 2003b

Islander; 2 percent were of some other race; and 0.6 percent were American Indian. As of 2007 the median household income was $97,694 (current dollars) and the approximate median age was 38.3. The approximate percentage of the population under the age of 5 years old in Otay Mesa was 3.2 percent in 2007 (SANDAG 2007c). As of January 2007, the Zip Code 91980, containing Tecate, was 37.4 percent Hispanic, and of the non-Hispanic population, 78.2 percent were White, 8.0 were Black or African American, 5.7 percent were American

Indian, 2.3 percent were Asian or Pacific Islander, 5.7 percent were some other race. The 2007 median household income in Zip Code 91980 was $38,776 (current dollars) and the approximate median age was 35 years old (SANDAG 2007d).

Demographics in Otay Mesa and Tecate, California, are similar to those in San Diego County. As of 2007, approximately 29.3 percent of the population in San Diego County was Hispanic, and of the non-Hispanic population, 72.9 percent were White, 13.9 percent were Asian or Pacific Islander, 7.6 percent were Black or African American, 4.8 percent were some other race, and 0.7 percent was American Indian. San Diego County's 29.3 percent Hispanic population is lower than Otay Mesa and Tecate, however the 2007 median household income (in current dollars) in San Diego County and Tecate, California ($68,388 and $97,694 respectively) were lower than the median household income of Otay Mesa ($97,694) (see **Table 3.14-3**) (SANDAG 2007b). This trend is also reflected in the poverty status. Based upon 2000 U.S. Census data, 13 percent of the population in San Diego County and 8 percent in Tecate, California, lived below the poverty line, while 4 percent lived below the poverty line in Otay Mesa (see **Table 3.14-3**) (SANDAG 2003a, SANDAG 2003b).

Table 3.14-3. 2007 Demographic and Economic Characteristics of ROIs and San Diego County

	San Diego County	ROI 1 (Community of Otay Mesa)	ROI 2 (Community of Tecate)
2007 Total Population	3,098,269	13,892	139
Percent Hispanic	29.3	43.9	37.4
Percent Non-Hispanic	70.7	56.1	62.6
Percent White	72.9	44.8	78.2
Percent Black or African American	7.6	41.2	8.0
Percent American Indian	0.7	0.6	5.7
Percent Asian or Pacific Islander	13.9	11.5	2.3
Percent "Some other race"	4.8	1.9	5.7
Median Household Income	$68,388	$97,694	$38,776

Source: SANDAG 2007b, SANDAG 2007c, SANDAG 2007d

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SECTION 4

Environmental Consequences

4. ENVIRONMENTAL CONSEQUENCES

4.1 INTRODUCTION

This chapter presents an analysis of the potential direct and indirect impacts each alternative would have on the affected environment, as characterized in **Section 3**. Alternatives were evaluated against their potential impact on environmental resources; including social, natural, cultural, and visual resources.

In developing this EIS, the proponent agencies adhered to the procedural requirements of NEPA, the CEQ regulations for implementing NEPA (40 CFR 1500–1508), and *National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts*. The following discussion elaborates on the nature of the characteristics that might relate to various impacts:

- *Short-term or long-term.* These characteristics are determined on a case-by-case basis and do not refer to any rigid time period. In general, short-term impacts are those that would occur only with respect to a particular activity or for a finite period or only during the time required for construction or installation activities. Long-term impacts are those that are more likely to be persistent and chronic.
- *Direct or indirect.* A direct impact is caused by a Proposed Action and occurs at or near the location of the action. An indirect impact is caused by a Proposed Action and might occur later in time or be farther removed in distance but still be a reasonably foreseeable outcome of the action.
- *Negligible, minor, moderate, or major.* These relative terms are used to characterize the magnitude or intensity of an impact. Negligible impacts are generally those that might be perceptible but are at the lower level of detection. A minor impact is slight, but detectable. A moderate impact is readily apparent. A major impact is one that is severely adverse or exceptionally beneficial.
- *Significance.* Significant impacts are those that, in the specific context within which they occur and due to their intensity (severity), meet the thresholds for significance set forth in CEQ regulations (40 CFR 1508.27). This EIS meets the agencies' requirements to prepare a detailed statement on major Federal actions significantly affecting the quality of the human environment (42 U.S.C. 102.2(c)).
- *Adverse or beneficial.* An adverse impact is one having adverse, unfavorable, or undesirable outcomes on the man-made or natural environment. A beneficial impact is one having positive outcomes on the man-made or natural environment. A single act might result in adverse impacts on one environmental resource and beneficial impacts on another resource.

- *Context.* The context of an impact can be localized or more widespread (e.g., regional). While the definition of the term "local" (or localized) can vary by resource, it can be broadly defined as one that occurs within an established regulatory limit (e.g., 100-meter mixing boundary) or within approximately 10 kilometers (6 miles) of the source. "Regional" impacts are broadly defined as those that occur on the order of 100 kilometers (62 miles) or more from the source.
- *Intensity.* The intensity of an impact is determined through consideration of several factors, including whether the Proposed Action might have an adverse impact on the unique characteristics of an area (e.g., historical resources, ecologically critical areas), public health or safety, or endangered or threatened species or designated critical habitat. Impacts are also considered in terms of their potential for violation of Federal, state, or local environmental law; their controversial nature; the degree of uncertainty or unknown effects, or unique or unknown risks; if there are precedent-setting effects; and their cumulative impact (see **Section 6**).

For each resource area, the evaluation criteria provide a framework for establishing whether an impact would be negligible, minor, moderate, or major. Although some evaluation criteria have been designated based on legal or regulatory limits or requirements, others are based on best professional judgment and BMPs. The evaluation criteria include both quantitative and qualitative analyses, as appropriate to each resource.

4.2 AIR QUALITY

4.2.1 No Action Alternative

Under the No Action Alternative, USBP would not construct or maintain new tactical infrastructure in the USBP San Diego Sector and operational activities would remain unchanged. Therefore, the No Action Alternative would not create any additional impacts on air quality beyond those that are already occurring, as described in **Section 3.2**.

4.2.2 Proposed Action

Regulated pollutant emissions from the Proposed Action would not contribute to or affect local or regional attainment status with the NAAQS. The Proposed Action would generate air pollutant emissions during construction and maintenance of the proposed tactical infrastructure.

Proposed Construction Projects

Major, short-term, adverse impacts would be expected from construction emissions and land disturbance associated with the Proposed Action.

The construction projects would generate total suspended particulate and PM_{10} emissions as fugitive dust from ground-disturbing activities (e.g., grading, trenching, soil piles) and from combustion of fuels in construction equipment. Fugitive dust emissions would be greatest during the initial site preparation activities and would vary from day to day depending on the construction phase, level of activity, and prevailing weather conditions. The quantity of uncontrolled fugitive dust emissions from a construction site is proportional to the area of land being worked and the level of construction activity.

Construction operations would also result in emissions of criteria pollutants as combustion products from construction equipment. These emissions would be of a temporary nature. The NAAQS emissions factors and estimates were generated based on guidance provided in USEPA AP-42, Volume II, *Mobile Sources*. Fugitive dust emissions for various construction activities were calculated using emissions factors and assumptions published in USEPA's AP-42 Section 11.9.

For purposes of this analysis, the project duration and affected proposed project corridor that would be disturbed (presented in **Section 2**) were used to estimate fugitive dust and all other pollutant emissions. The construction emissions presented in **Table 4.2-1** include the estimated annual construction PM_{10} emissions associated with the Proposed Action. These emissions would produce slightly elevated short-term PM_{10} ambient air concentrations. However, the impacts would be temporary, and would fall off rapidly with distance from the proposed construction sites. As seen in **Table 3-1**, the emissions of NAAQS pollutant is not high; would not contribute to the deterioration of the air quality in the region; does not exceed the *de minimis* threshold limits for nitrogen oxide (NO_x), volatile organic compounds (VOCs), and $PM_{10/2.5}$; and does not exceed 10 percent of the regional values.

The construction emissions presented in **Table 4.2-1** include the estimated annual emissions from construction equipment exhaust associated with the Proposed Action in Calendar Year 2008 and operation of diesel-powered generators. Early phases of construction projects involve heavier diesel equipment and earthmoving, resulting in higher NO_x and PM_{10} emissions. Later phases of construction projects involve more light gasoline equipment, resulting in more CO and VOC emissions. However, the impacts would be temporary, fall off rapidly with distance from the proposed construction site, and would not result in any long-term impacts.

Haul Truck Emissions

Minor, short-term, adverse impacts would be expected from haul truck emissions to transport the required cut-and-fill materials along the proposed project corridor.

Table 4.2-1. Estimates of Total Proposed Construction Emissions from the Proposed Action in Tons Per Year

Description	NO_x	VOC	CO	SO_x	PM_{10}
Construction Emissions	56.743	8.459	66.291	1.135	56.739
Haul Truck Emissions	0.572	0.176	0,959	0.045	0.680
Generator Emissions	14.702	1.200	3.167	0.967	1.034
Total Proposed Action Emissions	**72.017**	**9.835**	**70.417**	**2.147**	**58.453**
Federal *de minimis* Threshold	100	50	100	NA	100
SDIAQCR Regional Emissions	76,343	95,371	605,178	2,007	72,011
Percent of SDIAQCR Regional Emissions	0.094	0.010	0.012	0.107	0.081

Source: USEPA 2007b

Large amounts of cut-and-fill are required from both onsite and offsite for the Proposed Action. It is assumed that approximately 291,222 cy of cut material, and 306,268 cy of fill material would be required from the proposed project corridor in order to construct Sections A-1 and A-2. In addition, approximately 60,000 cy of fill materials would be needed from off site and another 60,000 cy of cut waste would have to be removed from the project. Each haul truck is assumed to transport 30 cy of material. Furthermore, all onsite haul trucks would travel approximately 2 miles round trip and all offsite fill and waste materials would be transported an average of 10 miles round trip. This equates to approximately 23,913 haul truck loads traveling 79,826 miles (average of 83.15 miles per working days). Emissions factors for these heavy-duty diesel vehicles were taken from AP-42, Volume II, *Mobile Sources* to estimate emissions. Details of these emissions calculations can be found in **Appendix F**.

Generators

The Proposed Action's activities would require six diesel-powered generators to power construction equipment. It is assumed that these generators would be approximately 75 horsepower and operate approximately 8 hours per day for 190 working days. The emissions factors and estimates were generated based on guidance provided in USEPA AP-42, Volume I, *Stationary Internal Combustion Sources*. The generators to be used under the Proposed Action would be registered with the CARB under the Portable Equipment Registration Program (PERP), or would be operated under stationary source operating permits issue by the SDCAQCD. The CBP would coordinate with the SDCAQCD to ensure that all necessary registrations/operating permits for these generators are in place.

Proposed Operations and Maintenance Activities

After construction is completed, the USBP San Diego Sector would begin patrols along Sections A-1 and A-2. The vehicles used for surveillance of the existing border area are currently generating criteria pollutants and would not introduce new pollutant sources. Therefore, no net increase of criteria pollutant emissions would be expected.

The construction of new tactical infrastructure would increase maintenance activities. Maintenance activities associated with the Proposed Action would be comparable to current maintenance within the USBP San Diego Sector. Future maintenance might be conducted by contractors. The air emissions associated with maintenance would be a negligible contribution to overall air quality in the SDIAQCR. No long-term adverse impacts on air quality would be expected.

Greenhouse Gases

The Proposed Action would result in CO_2 emissions from the operation of construction vehicles, including haul trucks, and generators. Using emissions coefficients reported by the Energy Information Administration (EIA 2007), operation of construction vehicles would result in an estimated 66 tons of CO_2, and operation of generators would result in an estimated 274 tons CO_2. Therefore, short-term greenhouse gas emissions associated with construction activities would total approximately 340 tons of CO_2. These emissions estimates are included in **Appendix F**.

After construction is completed, USBP San Diego Sector would begin patrols along Sections A-1 and A-2. The vehicles used for surveillance of the existing border area are currently generating CO_2; therefore, no net increase of criteria pollutant emissions would be expected. Maintenance activities associated with the Proposed Action would be comparable to ongoing maintenance with other similar fence sections, which are summarized under *Proposed Operations and Maintenance Activities* above. The Proposed Action would result in negligible CO_2 emissions associated with maintenance activities.

The USEPA has estimated that the total greenhouse emissions for California were 427 million metric tons of carbon dioxide equivalent (MMTCE) in 1990 (CARB 2007b). The short-term CO_2 emissions associated with construction (340 tons) represent less than 0.0001 percent of the total estimated California CO_2 inventory. Long-term increases in CO_2 emissions would result from increased maintenance activities. The Proposed Action would be expected to have a negligible contribution to CO_2 and greenhouse gases.

Summary

Since San Diego County, including the area associated with the Proposed Action, is within a Federal Subpart 1 (Basic) and state nonattainment area for 8-hour O_3, the Federal moderate maintenance area for CO, and state

nonattainment area for PM_{10} and $PM_{2.5}$, the General Conformity Rule requirements are applicable to the Proposed Action. **Table 4.2-1** illustrates that the Proposed Action's NO_x, VOCs, and PM_{10} emissions would be less than the *de minimis* thresholds for the SDIAQCR. In addition, emissions from the Proposed Action would be much less than 10 percent of the emissions inventory for SDIAQCR (USEPA 2007b). Therefore, major, adverse impacts on regional or local air quality are not anticipated from implementation of the Proposed Action.

4.3 NOISE

4.3.1 No Action Alternative

Under the No Action Alternative, there would not be any construction of tactical infrastructure. Therefore, no impacts on existing noise conditions would occur.

4.3.2 Proposed Action

Short-term moderate adverse impacts are expected under the Proposed Action. Sources of noise from the Proposed Action would include blasting, the operation of construction equipment, noise from construction vehicles, and USBP activity such as vehicle noise.

Blast Noise

As discussed in **Section 2**, two sections of primary pedestrian fence along the U.S./Mexico international border would be constructed. As part of the construction, particularly for Section A-1, blasting would need to occur to enable construction of the fence and related infrastructure.

Blast noise was modeled with the Blast Noise Prediction computer program, BNoise 2.0, using an application that estimates single event noise levels. The noise from blasting activities varies depending on the type of explosive, the amount, and the type of material that would be subject to the explosion. To estimate the noise from blasting under the Proposed Action, several different amounts of TNT were used, ranging from 2.2 pounds to 8.8 pounds. Noise from blasting generates an average noise level of approximately 117 to 126 dBC at 100 feet. Blasting activities would only occur during the construction period. As such, short-term moderate adverse noise impacts would be anticipated as a result of the blasting during construction activities.

Construction Noise

The construction of the access road, fence, and related tactical infrastructure would result in noise impacts on the populations in the vicinity of the proposed fence.

- The closest residence between Puebla Tree and Boundary Monument 250, proximate to Valle Redondo, California, is approximately 7,000 feet south of Section A-1. Populations in this area would experience noise levels of approximately 43 dBA from construction activities.
- The closest residence between Puebla Tree and Boundary Monument 250, in the town of Dulzura, California, is approximately 14,000 feet north of Section A-1. Populations in this area would experience noise levels of approximately 37 dBA from construction activities.
- The closest residence west of Tecate is approximately 250 feet from Section A-2. Residences in this area would experience noise levels of approximately 72 dBA from construction activities.

Implementation of the Proposed Action would have temporary, minor, adverse effects on the noise environment from the use of heavy equipment during construction activities. However, noise generation would last only for the duration of construction activities and would be isolated to normal working hours (i.e., between 7:00 a.m. and 5:00 p.m.).

Vehicular Noise

Noise impacts from increased construction traffic would be temporary in nature. These impacts would also be confined to normal working hours and would last only as long as the construction activities were ongoing. However, SR 94 and SR 188 pass by several residential areas. It is anticipated that the Proposed Action would have short-term moderate adverse noise impacts as a result of the increase in traffic, most notably in the areas around Dulzura and Tecate.

USBP Operations

The construction of the border fence and related infrastructure would make the area around Section A-1 more accessible to vehicles. However, given that the closest population is about 7,000 feet away, and the USBP already operates in this area, the increase in noise from USBP traffic is not expected to be significant. USBP traffic is also not anticipated to significantly increase around Section A-2.

Impacts of noise to wildlife are further discussed in **Section 4.10**.

4.4 LAND USE AND RECREATION

4.4.1 No Action Alternative

Under the No Action Alternative, CBP would not implement the Proposed Action. No new fencing or access roads would be constructed. The affected environment described in **Section 3.4** would remain unchanged. In areas of private property, concerns about safety and security would still hold down

property values in the absence of increased tactical infrastructure. Recreational value of BLM land would continue to be limited due to public concerns over safety due to the continuing presence of illegal foot traffic from cross-border violators. In addition, other land uses in the vicinity of the Proposed Action could continue to be disrupted by the presence of cross-border violators.

4.4.2 Proposed Action

Constructing the proposed fence and access roads could result in short- and long-term, minor, adverse and beneficial impacts on land use. The severity of the adverse impacts would vary depending on the disruption to land uses and the need for rezoning to accommodate the fence and access road. Short-term, minor, adverse impacts would occur from construction and use of staging areas during the construction. Impacts on land use would vary depending on potential changes in land use and the land use of adjacent properties. USBP might be required to obtain a permit or zoning variance based on local restrictions and ordinances. USBP would adhere to all local zoning laws and ordinances to lessen impacts on land use conditions of areas affected. In addition, special permits might be required to traverse railroads, roadways, streams, and state and Federal lands.

Short-term, minor, adverse impacts due to construction activities and long-term, minor, adverse impacts due to the presence of the primary pedestrian fence and the associated preclusion of use of the affected land would occur on residential land uses. There is no residential land use along Section A-1; however the eastern end of the proposed project corridor of Section A-2 would traverse residential land with several structures. Therefore, Section A-2 would affect landowners whose property would be traversed or is adjacent to the proposed alignment.

Construction along the border usually requires the government to acquire some interest in the land. The Secretary of DHS is authorized (8 U.S.C. 1103) to contract for and buy any interest in land adjacent to or in the vicinity of the international land border when the Secretary deems the land essential to control and guard the border against any violation of immigration law. The acquisition of land is a negotiable process that would be carried out between USBP and individual landowners on a case-by-case basis.

The proposed fence and access roads would traverse both public and private lands. Various methods could be used to acquire the necessary interests in land. These methods include, among other things, acquiring permanent easements, ROW, or outright purchase.

For those proposed tactical infrastructure sections that are on Federal lands, the most likely means of acquisition would be an ROW obtained from the relevant Federal land manager. On private land, the government would likely purchase the land or some interest in land from the relevant landowner. Acquisition from

private landowners is a negotiable process that is carried out between the government and the landowner on a case-by-case basis. The government also has the statutory authority to acquire such interests through eminent domain.

No long-term changes to land use within the Roosevelt Reservation would occur because this area is designated for border enforcement. However, use of construction staging areas would result in temporary and short-term changes to land use, but upon completion of construction, the staging areas would be rehabilitated and returned to their original condition.

Short-term, minor, indirect, adverse impacts on recreation and open land uses, including the recreation and open space uses of the OMW, Pack Trail, and Marron Valley Preserve, would occur during construction of Section A-1. These impacts would be short-term and localized to staging and construction areas. No adverse impacts on recreation would be expected after construction, during operation of the Proposed Action. Additional long-term adverse land use impacts could occur if the Proposed Action precludes use of some portion of the Marron Valley Preserve as a conservation land bank. This impact could be lessened by coordination with the City of San Diego during the land acquisition process, and possibly compensating the city for removal or disturbance of the lands in the land bank.

There would be adverse impacts related to the Proposed Action's inconsistency with regulations governing the management of the OMW. The Wilderness Act of 1964 specifically prohibits several uses within wilderness areas, including use of motorized vehicles, equipment, or mechanical transport; or the erection of a structure or installation (P.L. 88-577, 88th Congress, Section 4[c]). However, the Act includes a special provision that allows the President to authorize within wilderness areas in national forests the establishment and maintenance of "other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area would better serve the interests of the United States and the people thereof than will its denial" (P.L. 88-577, Section 4[d]).

Long-term, indirect, beneficial impacts on recreational and open space areas could occur as a result of decreased illegal cross-border activity onto the OMW. In addition, by reducing the amount of illegal cross-border activity within and adjacent to the proposed project corridor, disturbance to lands north of this corridor would be reduced or possibly eliminated.

No impacts would occur on land use of the Kuchamaa ACEC or the Kuebler Ranch Site.

No impacts would occur on the public facility land uses, including the detention and correctional facilities, in the vicinity of the Proposed Action.

Within Section A-1, portions of U.S. land would be south of the fence, therefore since this land would be difficult and possibly unsafe to access, its value would decrease significantly.

A Minimum Tool Analysis for the OMW will be conducted in accordance with BLM Manual 8560, Management of Designated Wilderness.

4.5 GEOLOGY AND SOILS

4.5.1 No Action Alternative

The No Action Alternative would result in the continuation of existing conditions for geologic resources, as characterized in **Section 3.5**. Soil resources would continue to be degraded by cross-border violators who often damage habitat, cut vegetation, and increase erosion through repeated use of footpaths (CRS 2006).

4.5.2 Proposed Action

Physiography and Topography. Short- and long-term, minor, adverse impacts on the natural topography would occur as a result of implementing the Proposed Action. Grading, blasting, contouring, and trenching associated with the installation of the fence, patrol roads, access roads, and other tactical infrastructure would impact approximately 61.5 acres for Section A-1 and 12.9 acres for Section A-2, which would alter the existing topography.

Geology. Short- and long-term, negligible to minor adverse impacts on geologic resources could occur at locations where bedrock is at the surface and blasting would be necessary to grade for fence placement or patrol and access road development. Geologic resources could affect the placement of the fence or patrol and access roads due to the occurrence of bedrock at the surface, or as a result of structural instability. In most cases, it is expected that project design and engineering practices could be implemented to mitigate geologic limitations to site development.

Soils. Short-term, minor, direct, adverse impacts on soils in USBP San Diego Sector would be expected as a result of implementing the Proposed Action. Soil disturbance and compaction due to grading, contouring, and trenching associated with the installation of the fence, patrol roads, and access roads would impact approximately 36 acres for Section A-1 and 5 acres for Section A-2.

The proposed construction activities would be expected to result in an increase in soil erosion due to the steep topography. Soil disturbance on steep slopes has the potential to result in excessive erosion due to instability of the disturbed soils and high storm water runoff energy and velocity. An SWPPP and sediment and erosion control plans would be developed to minimize sediment runoff. Wind erosion has the potential to impact disturbed soils where vegetation has been

removed due to the semi-arid climate of the region. Construction activities would be expected to directly impact the existing soils as a result of grading, excavating, placement of fill, compaction, and mixing or augmentation necessary to prepare the site for development of the fence, patrol and access roads, and associated utility lines.

Because proposed construction would result in a soil disturbance of greater than 1 acre, authorization under the Cal/EPA State Water Resources Control Board (SWRCB) General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ) would be required. Construction activities subject to this permit include clearing, grading, and disturbances to the ground, such as stockpiling or excavation, but do not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of an SWPPP to include BMPs.

Additional soil disturbance could occur during and following construction as a result of periodic patrols. Compaction and erosion of soil would be expected as a result of patrol operations and possible off-road vehicle use that could decrease vegetation cover and soil permeability.

The Visalia sandy loam (5–9 percent slopes) is designated as a prime farmland soil. However, none of the area within the fence corridor in the United States is being used for agricultural purposes. The corridor selected for border fence and patrol road development would be linear and limited in extent; therefore any impacts as a result of the Proposed Action to designated prime farmland soils would be considered negligible to minor.

4.6 HYDROLOGY AND GROUNDWATER

4.6.1 No Action Alternative

Under the No Action Alternative, CBP would not implement the Proposed Action. As a result, there would be no change from the baseline conditions and no effects on surface hydrology, groundwater, surface water, or floodplains would be expected to occur.

The No Action Alternative would result in continuation of the existing condition of water resources, as discussed in **Section 3.6**. Water resources would also continue to be degraded by cross-border violators from the increase in sedimentation caused by erosion of repeatedly used footpaths.

4.6.2 Proposed Action

Hydrology and Groundwater. Short- and long-term, minor, direct, adverse impacts on surface hydrology would be expected as a result of implementing the Proposed Action. Under the Proposed Action, blasting, grading, and contouring

would be expected to alter the topography and remove vegetation, cobble, and gravel which could potentially increase erosion and runoff during heavy precipitation events. SWPPPs and sediment and erosion control plans would be developed to minimize sediment runoff. Revegetating the area with native vegetation following construction could reduce the impacts of erosion and runoff due to the changes in hydrological potential dependant on the success of vegetation establishment.

Water would be required for pouring concrete, for soil compaction associated with cut-and-fill operations, and watering of road and ground surfaces for dust suppression during construction. Because of the remote location of the proposed project corridor, the drilling of up to two wells might be required. However, water would be used for construction only and water use would be temporary. Once construction is complete, it is likely that both wells would be maintained for fire suppression and operational dust control. Based on 100 gallons of water per cubic yard of cut-and-fill, approximately 35 million gallons of water would be required for soil compaction associated with cut-and-fill operations. Additional water would be needed for pouring concrete and dust suppression. The Proposed Action is not expected to affect any water supplies (municipal or otherwise). If it is determined that the unconfined aquifer is not sufficient to supply water for construction, additional sources of water would be identified. Water not lost to evaporation during watering of surfaces during construction would potentially contribute to aquifer recharge through downward seepage.

Implementation of storm water and spill prevention BMPs developed consistent with the SWPPP and other applicable plans and regulations would minimize potential runoff or spill-related impacts on groundwater quality during construction.

4.7 SURFACE WATER AND WATERS OF THE UNITED STATES

4.7.1 No Action Alternative

Under the No Action Alternative, CBP would not implement the Proposed Action. As a result, there would be no change from the baseline conditions and no effects on surface hydrology, groundwater, surface water, or floodplains would be expected to occur.

The No Action Alternative would result in the continuation of existing conditions associated with water resources, as discussed in **Section 3.7**. Water resources would also continue to be degraded by cross-border violators from the increase in sedimentation caused by erosion of repeatedly used footpaths.

4.7.2 Proposed Action

Surface Waters and Waters of the United States. Long-term, minor, adverse impacts on waters of the United States would be expected as a result of Section

A-1 crossing intermittent tributaries associated with Copper and Buttewig Canyons and Section A-2 crossing an intermittent tributary of the Tijuana River. Fence design (**Appendix E**), meant to allow small animals to pass, would also allow water to flow unimpeded. Necessary permits from the USACE-Los Angeles District would be obtained prior to construction into drainages. If constructed, these fence locations would need to be inspected following runoff events to remove any debris and to maintain the integrity of the primary pedestrian fence and ensure that there is sufficient passage to allow water to flow unimpeded.

Section A-1 contains areas of riparian corridor (Copper and Buttewig canyons) and Section A-2 contains an intermittent tributary of the Tijuana River. Delineations for wetlands and waters of the United States have not yet been conducted. The most current information available to identify wetlands is the National Wetlands Initiative (NWI) (USFWS 2007). There are no NWI wetlands in Sections A-1 or A-2. Approximately 2.4 acres of riverine wetlands are estimated within the proposed project corridor by review of aerial photography. A wetland delineation would be conducted followed by a jurisdictional determination by the USACE prior to any construction activities.

If wetland impacts cannot be avoided, any necessary CWA Section 404 permits and Rivers and Harbors Act Section 10 Permits would be obtained. As part of the permitting process, a wetlands identification, mitigation, and restoration plan would be developed, submitted, and implemented to reduce and compensate for unavoidable impacts. The plan would be developed in accordance with USACE guidelines and in cooperation with USEPA. The plan would outline BMPs from preconstruction to post-construction activities to reduce impacts on wetlands and water bodies. A Section 401 (a) CWA Permit would also be obtained to ensure that action would comply with state water quality standards.

Water Quality. Short-term, negligible, adverse impacts on water quality would be expected as a result of the Proposed Action. The Proposed Action would cumulatively increase impervious surface area and runoff potential in the proposed project corridor. Approximately 82.4 acres of soil disturbance would occur during construction activities for Section A-1 and approximately 10 acres for Section A-2. The soil disturbance associated with the Proposed Action would disturb more than 1 acre of soil, therefore authorization under the Cal/EPA SWRCB *Construction General Permit* (99-08-DWQ) would be required. Erosion and sediment control and storm water management BMPs during and after construction would be implemented consistent with the SWPPP developed under the Construction General Permit. Based on these requirements, adverse impacts on surface water quality would be reduced to negligible.

4.8 FLOODPLAINS

4.8.1 No Action Alternative

Under the No Action Alternative, CBP would not implement the Proposed Action. As a result, there would be no change from the baseline conditions and no effects on surface hydrology, groundwater, surface water, or floodplains would be expected to occur.

The No Action Alternative would result in the continuation of existing conditions associated with water resources, as discussed in **Section 3.8**. Water resources would also continue to be degraded by cross-border violators from the increase in sedimentation caused by erosion of repeatedly used footpaths.

4.8.2 Proposed Action

During the 2007 biological survey to support this EIS (see **Appendix H**), it was observed that Section A-1 would cross intermittent washes associated with Copper and Buttewig canyons. Based on field observations, these intermittent washes might have narrow associated floodplains. Analysis using FEMA FIRMs was inconclusive. This panel has not been printed due to its Zone D designation. Zone D is used by FEMA to designate areas where there are possible but undetermined flood hazards. In areas designated as Zone D, no analysis of flood hazards has been conducted (FEMA 2006). Prior to construction, hydraulic modeling would be conducted to determine impacts on floodplains.

Should the canyons in question be determined to be floodplains, a specific eight-step process must be followed to comply with EO 11988 outlined in the FEMA document *Further Advice on EO 11988 Floodplain Management*. The eight steps, which are summarized below, reflect the decisionmaking process required:

1. Determine if a proposed action is in the base floodplain (that area which has a one percent or greater chance of flooding in any given year)
2. Conduct early public review
3. Identify and evaluate practicable alternatives to locating in the base floodplain, including alternative sites outside of the floodplain
4. Identify impacts of the Proposed Action
5. If impacts cannot be avoided, develop measures to minimize the impacts and restore and preserve the floodplain, as appropriate
6. Reevaluate alternatives
7. Present the findings and a public explanation
8. Implement the action.

No impacts associated with the 100-year or 500-year floodplains are expected as a result of the construction of Section A-2. According to the FEMA FIRM Panel No. 06073C2250F for San Diego County, California, Section A-2 is in Zone X or "areas determined to be outside the 500-year floodplain." However, Section A-2 would cross an intermittent tributary of the Tijuana River with potential for minor adverse effects associated with erosion and sedimentation in the event of a high-volume storm event or flooding during site construction. Properly designed erosion and sediment controls and storm water management practices implemented during construction activities would minimize potential for adverse impacts. Fences installed in washes/arroyos would be designed and constructed in a manner to ensure that water flow during excessive rain events would not be impeded or ponded.

4.9 VEGETATION

4.9.1 No Action Alternative

Under the No Action Alternative, proposed tactical infrastructure would not be built and there would be no change in fencing, access roads, or other facilities along the U.S./Mexico international border. Under the No Action Alternative, the environmental stresses currently impacting the vegetation resources in the area would continue. Existing illegal cross-border activities and cattle grazing activities are adversely affecting existing vegetation. The adverse impacts are most severe along the south slope of the OMW from Puebla Tree to Monument 250.

The most significant impact of the No Action Alternative is that cows from Mexico would continue to trample and graze on the southern slopes of the OMW. The remoteness of the area, steepness of the terrain, and cross-border violator destruction of existing barbed-wire fencing makes it difficult to stop cross border grazing. Impacts would continue from trampling and new foot path creation caused by the cross-border violators along both the Section A-1 and A-2 areas. Risk of increased fire frequency would continue from illegal camping on the OMW.

Impacts from the No Action Alternative along the proposed access roads include the potential for increased fire frequency and increase in foot path creation. These impacts affect all areas around Sections A-1 and A-2. There is also an increased risk to the vegetation resources from the introduction of new invasive species unintentionally being brought to the area by the continued levels of illegal cross-border violator traffic and grazing cattle.

The current impacts on vegetation beyond the existing fence west of Tecate and along the areas of improved access roads near Tecate would continue under the No Action Alternative. These areas would have an increased risk of fire resulting in greater fire frequency and an increased risk of the introduction of invasive plant species. The recovery of the recently burned vegetation in the Section A-2

area also would be affected by continued trampling and footpath creation from current levels of illegal cross-border traffic.

In summary, anticipated continuation or potential increases in illegal cross-border traffic and illegal grazing would be expected to have short- and long-term, moderate adverse impacts on vegetation in the region.

4.9.2 Proposed Action

Construction of Section A-1 and A-2 tactical infrastructure would have long-term, adverse impacts on vegetation resources. Impacts from construction of Section A-1 would include cut-and-fill required to build the fence and a permanent impact area adjacent to the fence. The total permanent impact on vegetation from fence construction is expected to be 26.8 acres. Six types of habitat representing 21.4 acres would be adversely impacted by Section A-1 construction (**Table 3.9-2**). Also impacted would be 5.4 acres of undifferentiated habitat. This undifferentiated habitat is expected to include southern cottonwood-willow riparian forest, southern mixed chaparral, mafic southern mixed chaparral, and Diegan coastal sage scrub.

The proposed Section A-1 patrol road would parallel the fence as closely as possible, but would deviate where topography does not allow. Permanent impacts from the patrol road include a 24-foot-wide road and required cut-and-fill areas. The impacts described here are only for those areas that do not overlap impacts from fence construction. Approximately 31 acres would be permanently impacted by construction of the patrol road (see **Table 4.9-1**).

Improvements to the Otay Mountain Truck Trail (between Alta Road and the Puebla Tree Spur) and the Puebla Tree Spur would have long-term, adverse impact on four habitats totaling 13.7 acres (**Table 4.9-1**). The remainder of the Otay Mountain Truck Trail is developed, undifferentiated exotic habitat, and undifferentiated native habitat. The estimated 2.5 acres of impacts on developed and undifferentiated exotic habitats are found in the Kuebler Ranch Area. A permanent paved road roughly a half mile long would be built to County of San Diego standards at the west end of the Otay Mountain Truck Trail in the area known as Kuebler Ranch. Construction would have a long-term, adverse impact on an estimated 26 acres of undifferentiated native vegetation, which consists of southern closed cone coniferous forest, southern mixed chaparral, mafic southern mixed chaparral, chamise chaparral, and Diegan coastal sage scrub.

Improvements to Marron Valley Road (SR 94 to Boundary Monument 250 Road) would permanently impact an estimated 65.6 acres, consisting of 15.1 acres of mapped habitat between Mine Canyon and Boundary Monument 250 and 41.5 acres of undifferentiated habitat. The 6.3 acres of undifferentiated exotic habitats

Table 4.9-1. Acreage of Estimated Impacts of Proposed Action

Habitat	Section A-1					Section A-2		Total
	Fence Section	Patrol Road	Staging Areas (temporary impacts)	Otay Mtn. Truck Trail	Marron Valley Road	Fence Section	Tecate Access Road	
Southern Mixed Chaparral 37120	10.1	11.8	4.5	3.3	1.2	4.2	22.0	57.1
Mafic southern mixed chaparral 37122	0.2	0.4	5.1	7.0	0.0	0.0	0.0	12.7
Diegan Coastal Sage Scrub 32500	9.3	12.2	3.2	2.7	12.9	0.0	3.5	43.8
Mulefat scrub 63310	0.2	0.1	0.5	0.0	0.0	0.0	0.0	0.8
Southern Coast Live Oak Riparian forest 61310	0.9	0.9	1.0	0.0	0.8	0.3	0.4	4.3
Whitethorn chaparral 37532	0.0	0.0	0.0	0.0	0.0	0.2	0.0	0.2
Non-Native grassland 42200	0.0	0.0	0.0	0.0	0.0	0.9	0.5	1.4
Chamise Chaparral 37200	0.7	0.0	0.0	0.7	0.2	0.0	0.0	1.6
Southern Cottonwood-Willow Riparian Forest 61330	0.0	0.0	0.0	0.0	0.0	0.0	1.5	1.5
Southern Interior Cypress Forest 83330	0.0	0.0	0.0	0.0	0.0	0.0	0.4	0.4
Disturbed 11300	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.1
Landscaped 12000	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.1
Developed 12000	0.0	0.0	0.0	1.0	0.0	0.0	0.0	1.0

Habitat	Section A-1					Section A-2		Total
	Fence Section	Patrol Road	Staging Areas (temporary impacts)	Otay Mtn. Truck Trail	Marron Valley Road	Fence Section	Tecate Access Road	
Undifferentiated native vegetation	5.4	5.3	0.0	26.3	35.2	0.0	0.0	72.2
Undifferentiated exotic vegetation	0.0	0.0	0.0	1.5	6.3	0.0	0.0	7.8

Note: Estimates of potential impacts to access roads are based on a 60 foot wide impact corridor.

occur at the residences along Marron Valley Road, and near the former ranch in Marron Valley. The undifferentiated native habitat predominantly consists of southern mixed chaparral, mafic southern mixed chaparral, chamise chaparral and Diegan coastal sage scrub, mulefat scrub, southern cottonwood-willow riparian forest, and southern coast live oak riparian forest.

Construction staging areas would temporarily impact five habitats totaling 14.3 acres (**Table 4.9-1** and **Figure 2-2**). One staging area is proposed for Section A-2. Staging areas within the proposed project corridor are discussed above.

Construction of Section A-2 tactical infrastructure would permanently impact approximately 5.6 acres of vegetation, including three native habitats and 0.9 acres of non-native grassland (**Table 4.9-1**). The proposed A-2 access road from SR 94 Tecate Mission Road would permanently impact an estimated 28.5 acres of vegetation. There are 22 acres of burned southern mixed chaparral, consisting of eight vegetation types (**Table 4.9-1**).

The proposed construction, operation, and maintenance of tactical infrastructure in Sections A-1 and A-2 would have a permanent, adverse impact on 190.7 acres of vegetation, and a temporary adverse impact on 14.3 acres. These impacts represent short- and long-term, minor to moderate, adverse impacts on vegetation resources.

Potential beneficial impacts from the Proposed Action would occur from reduced foot traffic across Sections A-1 and A-2. The Proposed Action would reduce the potential risk of fire frequency by reducing the number of people crossing and camping on OMW. This is a beneficial impact on all vegetation resources in and around Otay Mountain and Tecate Peak. The vegetation has suffered a higher-than-average fire frequency over the past 12 years, with four catastrophic wildfires affecting one or both those mountains. Reduction of fire hazard would represent short- and long-term, moderate to major, beneficial impacts on vegetation.

The Proposed Action would also reduce adverse impacts on vegetation from trampling and the creation of informal footpaths by reducing cross-border violator traffic through the OMW. Cross border grazing impacts north of the tactical infrastructure would be eliminated, resulting in short- and long-term, minor to moderate, beneficial impacts on vegetation resources. Cross border grazing impacts would increase south of the proposed fence line, resulting in short- and long-term, minor to moderate, adverse impacts on vegetation resources in that area.

The reduction in foot traffic and grazing would have an indirect, long term beneficial impact on OMW vegetation from reducing the potential for and rate of introduction of invasive exotic species. This represents a short- and long-term, minor to moderate beneficial impact on native vegetation.

In summary, implementation of the Proposed Action would result in short- and long-term minor to moderate, adverse impacts, and short- and long-term minor to major beneficial impacts on the vegetation resources.

4.10 WILDLIFE AND AQUATIC RESOURCES

4.10.1 No Action Alternative

Under the No Action Alternative, proposed tactical infrastructure would not be built and there would be no change in fencing, access roads, or other facilities along the U.S./Mexico international border in the proposed project locations within the USBP San Diego Sector. Anticipated continuation or even increases in cross-border violator traffic would be expected to have some adverse impacts on wildlife and aquatic resources.

4.10.2 Proposed Action

Temporary impacts on wildlife (disturbances by noise and dust) would occur along the access roads, within and adjacent to staging areas, and along the alignment during constructions. Access roads would require moderate to substantial improvements, specifically the Otay Mountain Truck Trail and the BLM Road leading to Puebla Tree. In order for ingress/egress by trucks and heavy equipment, significant road widening would be required to safely accommodate truck traffic.

Potential threats to wildlife in San Diego County include barrier to movement, interruption of corridors, increased human activity, and loss of habitat. Some wildlife deaths, particularly reptiles and amphibians could increase due to the improved accessibility of the area and increased vehicle traffic. Although some incidental take might occur, wildlife populations within the proposed project corridor would not be significantly impacted through the implementation of the Proposed Action.

Noise created during construction would be anticipated to result in short-term, moderate, adverse effects on wildlife. Noise levels after construction are anticipated to return to close to current ambient levels. Elevated noise levels during construction could result in reduced communication ranges, interference with predator/prey detection, or habitat avoidance. More intense effects on wildlife resulting with intense pulses of noise associated with blasting, could potentially result in behavioral change, disorientation, or hearing loss. Predictors of wildlife response to noise include noise type (i.e., continuous or intermittent), prior experience with noise, proximity to a noise source, stage in the breeding cycle, activity, and age. Prior experience with noise is the most important factor in the response of wildlife to noise, because wildlife can become accustomed (or habituate) to the noise. The rate of habituation to short-term construction is not known, but it is anticipated that wildlife would be displaced from the areas where the habitat is cleared and the fence and associated tactical infrastructure constructed, and temporarily dispersed from areas adjacent to the proposed project corridors during construction periods. See **Section 4.3** for additional details on expected noise levels associated with the Proposed Action.

The Tijuana River is considered a migration corridor for many species. The fence would be constructed well above the river, however there could still be side canyon crossing issues through live oak riparian vegetation and habitat (e.g., Copper, Buttewig, Mine canyons and smaller ones). Side canyons are from 10 to 60 meters across and the larger ones have channels incised to 5 to 8 meters deep. They are strewn with boulders up to 2 meters diameter. Riparian bottoms in the areas along the Pack Trail consist of mature oaks. There are several areas of coastal sage scrub observed along the Pack Trail. Areas slated for cut-and-fill would fill in two riparian corridors (in the bottoms of Copper Canyon and Buttewig Canyon). These direct impacts on wildlife species associated with these canyons would be adverse and permanent where the cut-and-fill would occur.

There is good potential for Herme's copper, Thorne's hairstreak, and Harbison dun skipper to occur along the access roads that lead to the Puebla Tree (west side of the Pack Trail). These three species rely on a host plant, the Tecate cypress (*Cupressus forbserii*), San Diego sedge (*Caryx spisa*), and redberry (*Rhamas crocea*), respectively (Klein 2007). Loss of habitat by implementation of the Proposed Action would have short and long-term, negligible to major adverse impacts on these butterflies in the areas disturbed by the proposed construction.

Impacts on mammals are expected to be indirect, adverse, and minor, due to their ability to disperse. Impacts on reptiles are expected to be indirect, adverse, and moderate. This is due to their inability to disperse as quickly as other wildlife.

Implementation of the Proposed Action would be anticipated to have short- and long-term, negligible to major, adverse impacts on wildlife due to habitat

conversion; short-term, minor to moderate, adverse impacts on wildlife due to construction noise; and minor to moderate, adverse impacts on aquatic habitats due to siltation from construction activities. Minor to moderate beneficial impacts would result from protection of wildlife and habitats U.S. side of the fence.

There would be no direct adverse impact on aquatic resources in the proposed project corridor. However, fish species and their habitat would continue to be indirectly impacted in the short term through habitat alteration and loss due to illegal trails and erosion. In the long term, the fence would reduce or eliminate cross-border violator traffic through this area. This would allow the slopes to revegetate and the riparian habitat to return to a more natural state. These changes would be anticipated to result in long-term, minor to moderate, beneficial impacts on aquatic species.

4.11 SPECIAL STATUS SPECIES

Section 7 of the ESA requires Federal agencies to consult with the USFWS when actions might affect federally listed species or designated critical habitat. Pre-consultation coordination with USFWS is underway for this project. The USFWS has provided critical feedback on the location and design of fence sections to avoid, minimize, or mitigate potential impacts on listed species or designated critical habitat. CBP is developing the BA in coordination with the USFWS. Potential effects of fence construction, operation, and maintenance would be analyzed in both the BA and BO to accompany the Final EIS.

Potential impacts on federally listed species and migratory birds are based on currently available data. Impacts are developed from a NEPA perspective and are independent of any impact determinations made for the Section 7 consultation process. Impact categories used in this document cannot be assumed to correlate entirely to potential impact determinations which have not yet been made under the Section 7 consultation process.

4.11.1 No Action Alternative

Under the No Action Alternative, proposed tactical infrastructure would not be built and there would be no change in fencing, access roads, or other facilities along the U.S./Mexico international border in the proposed project locations within the USBP San Diego Sector. Anticipated continuation or even increases in cross-border violator traffic would be expected to have short- and long-term adverse impacts on special status species and their habitats in the region.

4.11.2 Proposed Action

Quino Checkerspot Butterfly (Quino)

This species occupies grasslands, remnant forblands, juniper woodlands, and open scrub and chaparral communities that support the larval host plants and

provide a variety of adult nectar resources. The larval host plants are annuals that thrive in clay soils but can also occur in other soil types.

Adult Quino have been observed in numerous locations within and near the east and west ends of the project corridor. The apparent absence of locations along the central portion of the proposed alignment is undoubtedly due to the difficulty of accessing this area and not to true absence of the species in this area. Potential habitat (three of the host plant species) were observed along the 5-mile stretch proposed for Section A-1 during the October and December 2007 surveys and the species is assumed to be present throughout.

Based on the known locations and observed potential habitat for this species, implementation of the Proposed Action is anticipated to result in the permanent loss of approximately 75 acres of suitable habitat for this species, resulting in moderate adverse impacts on the species in the project area.

Although BMPs would be implemented to avoid and minimize impacts on individuals during construction, there is a relatively high likelihood that some individual of the species would be killed during construction. This butterfly's biology is somewhat unique for butterflies in general in that the 3rd or 4th larval growth (instar) will enter into its winter stasis (diapause) sometime in May. It remains this way until sufficient winter rains stimulate plant growth. If sufficient plant growth occurs, then the caterpillars come out of diapause and continue their feeding until they reach larval maturity, pupate, and then finally emerge as adults. If the winter rains are appropriate, caterpillars could emerge from diapause sometime in January. Pupation would occur sometime in February and adults would emerge in March. Once adults emerge, the cycle begins all over. Depending on the amount and timing of the rains the timeline would shift either earlier or later. Diapause typically occurs in or near the host plant patch upon which the larvae were feeding prior to entering diapause. Adults will disperse to suitable habitat and are known to disperse anywhere from 1 to 3 kilometers a year. Sometimes dispersal could be further if wind assisted.

The best scenario to reduce impacts on individual Quino checkerspot butterflies would be for construction (i.e., clear or remove host plants from the 60-foot impact corridor) to start immediately after emergence of the adults in March. However, since individual variation in time of emergence occurs, some Quino would likely still be in pupation and would be unable to disperse away from the impact area. Therefore, even under this best-timing scenario, some individuals would still likely be killed. Numbers of individuals lost to construction would increase from this minimum, depending upon the timing of land clearing for the construction effort. As such, direct impacts of construction activities on this species would be short-term, major, and adverse, while long-term impacts would be moderately adverse.

Indirect impacts from construction and subsequent operation of the access and patrol roads include dust impacts on individuals and habitat that would extend

beyond the boundaries of the project corridor. Increased settling of dust on larval host species and on nectar-providing species for the adults, could reduce palatability of larval host plants and reduce availability of nectar to adults. With the use of BMPs to reduce dust emissions during construction, these impacts are anticipated to be short- and long-term, minor to moderate, and adverse in the project area. An unexpected benefit of dust layers on vegetation is that it apparently provides some minimal resistance to fire. Bands of vegetation along the access roads that were coated with dust from operations on those access roads were not as severely burned during the wildfires of 2003 as was vegetation farther from the roads that was less dust-coated (Dossey 2007). This effect might result in short- and long-term, negligible to minor, beneficial impacts on this species.

A second beneficial impact anticipated to result from implementation of the Proposed Action is the reduction of foot traffic and grazing impacts on habitat for and individuals of this species. This area currently receives heavy foot traffic and illegal cattle grazing. These activities undoubtedly result in adverse impacts due to reduction of habitat quantity and quality, and to crushing of individuals. The potential cessation of these illegal activities in this area could result in short- and long-term, minor to major, beneficial impacts on this species.

In summary, for Quino checkerspot butterfly, direct and indirect impacts of construction, operation, and maintenance associated with implementation of the Proposed Action would include short- and long-term impacts in the project area and range from negligible to major beneficial and major adverse.

Arroyo Toad

The arroyo toad occupies shallow, slow-moving stream habitats, and riparian habitats that are disturbed naturally on a regular basis, primarily by flooding. Adjacent stream banks can be sparsely to heavily vegetated with trees and shrubs such as mulefat (*Baccharis* spp.), California sycamore (*Platanus racemosa),* cottonwoods (*Poputus* spp.), coast live oak (*Quercus agrifolia),* and willows *(Salix* spp.) (USFWS 1999) but must be sandy enough for the toads to burrow into the substrate. For breeding, the arroyo toad uses open sites such as overflow pools, old flood channels, and pools with shallow margins, all with gravel bottoms. This species aestivates in sandy terraces adjacent to the stream habitat.

No habitat for this species was observed during the field surveys for this project. NatureServe data indicate a record approximately 0.8 miles south of the eastern access road. The existing access road traverses the northern boundary of the aestivation habitat associated with this record. The portion of the existing access road that intersects the aestivation habitat is straight such that upgrades, if any are required, would be minimal. As such, conversion of habitat and impacts on individual arroyo toads as a result of implementing the Proposed Action are anticipated to be short- and long-term, negligible to minor, adverse. Beneficial

impacts similar to those described for Quino checkerspot butterfly would be anticipated due to reduced foot traffic and grazing in this area.

In summary, for arroyo toad, direct and indirect impacts of construction, operation, and maintenance associated with implementation of the Proposed Action would include short- and long-term impacts and range from negligible to minor adverse, and negligible to major beneficial.

Coastal California Gnatcatcher

This species occurs almost exclusively in mature coastal sage scrub habitat with occasional populations in chaparral. Due to the wildfires of 2003 which burned through the proposed project corridor, suitable habitat does not currently occur within or near the project corridor and no impacts on individual birds are anticipated from construction. However the coastal sage scrub and chaparral vegetation that is in the proposed project corridor might become suitable habitat if it is allowed to mature. Removal of approximately 75 acres of potential future habitat would represent a long-term minor adverse impact on this species in the project area.

A beneficial impact anticipated to result from implementation of the Proposed Action is the reduction of foot traffic and grazing impacts on habitat for and individuals of this species. This area currently receives heavy foot traffic and illegal cattle grazing. Cross-border violators sometimes set wildfires in this area. These activities undoubtedly result in adverse impacts due to reduction of habitat quantity and quality, interference with breeding and nesting behaviors, and potentially even direct mortality of eggs or young in nests. Reduction and potentially even cessation of these illegal activities in this area could result in short- and long-term, minor to major, beneficial impacts on this species.

In summary, for Coastal California gnatcatcher, direct and indirect impacts of construction, operation, and maintenance associated with implementation of the Proposed Action would include long-term minor adverse impacts, and short- and long-term, minor to major beneficial impacts.

Least Bell's Vireo

LBV is a migratory species that requires early-successional riparian habitat during its breeding season which extends from mid-March to September in southern California. No records of LBV are known from in or near the project corridor. However, a narrow band of suitable riparian habitat occurs along the Tijuana River just south of the project corridor. Therefore, this species is assumed to be present in that riparian habitat.

The riparian woodlands south of the project corridor would be directly impacted by increased noise levels during construction; noise from operation and maintenance activities are anticipated to return to ambient. If breeding pairs of LBV occur within this strand of habitat, the elevated noise level could interfere

with communication and breeding behaviors. This would represent a short-term, minor adverse impact on this species in the project area.

Implementation of the Proposed Action could reduce or even terminate the use of this riparian corridor as a staging area for cross-border violators, allowing the habitat to flourish and LBV to conduct normal behaviors in this habitat without human disturbance.

This would represent a short- and long-term, minor, beneficial impact on LBV as a result of implementing the Proposed Action.

In summary, for LBV, direct impacts of construction associated with implementation of the Proposed Action would be short-term, minor, and adverse. Beneficial impacts of implementing the Proposed Action would be short- and long-term, minor, and beneficial.

Southwestern Willow Flycatcher

This neotropical migrant usually breeds in dense or patchy riparian habitats along streams or other wetlands near standing water or saturated soils. The breeding season can extend from early May to early September.

No records of SWF are known from in or near the project corridor. No suitable habitat for this species was observed in or near the project corridor. However, the riparian woodland habitat along the Tijuana River has the potential to provide suitable habitat in the future, as it reaches taller heights.

The strand of potential future habitat along the Tijuana River would receive no direct impacts from construction, operation, or maintenance activities associated with implementation of the Proposed Action. Implementation of the Proposed Action could reduce or even terminate the use of this riparian corridor as a staging area for cross-border violators, allowing the habitat to mature and future SWF to conduct normal behaviors in the mature habitat with reduced or no human disturbance. This would represent a long-term, minor, beneficial impact on SWF as a result of implementing the Proposed Action.

In summary, for SWF there would be no direct impacts of construction associated with implementation of the Proposed Action. Beneficial impacts of implementing the Proposed Action would be long-term, minor, and beneficial.

Migratory Birds

Proposed construction would adversely affect migratory birds by disturbing habitat, habitat conversion, increased mortality during construction, and subsequent disturbance from the use of patrol roads and noise. Approximately 75 acres of vegetation would be cleared along the corridor for the Proposed Action. Impacts on migratory birds could be substantial, given the potential timing of fence construction. However, implementation of BMPs to avoid or

minimize adverse impacts could markedly reduce their intensity. The following is a list of BMPs normally recommended for reduction or avoidance of impacts on migratory birds:

- Any groundbreaking construction activities should be performed before migratory birds return to the area (approximately 1 March) or after all young have fledged (approximately 31 July) to avoid incidental take.
- If construction is scheduled to start during the period in which migratory bird species are present, steps should be taken to prevent migratory birds from establishing nests in the potential impact area. These steps could include covering equipment and structures, and use of various excluders (e.g., noise). Birds can be harassed to prevent them from nesting on the site. Once a nest is established, they cannot be harassed until all young have fledged and left the nest site.
- If construction is scheduled to start during the period when migratory birds are present, a supplemental site-specific survey for nesting migratory birds should be performed immediately prior to site clearing.
- If nesting birds are found during the supplemental survey, construction should be deferred until the birds have left the nest. Confirmation that all young have fledged should be made by a competent biologist.

Because not all of the above BMPs can be fully implemented due to time constraints of fence construction, a Migratory Bird Depredation Permit would be obtained from the USFWS.

Assuming implementation of the above BMPs to the fullest extent feasible, impacts from the Proposed Action on migratory birds is anticipated to be short- and long-term, minor, and adverse due to construction disturbance and associated loss of habitat, and long-term, minor, and beneficial due to reduction of foot traffic through migratory bird habitat north of the impact corridor.

4.12 CULTURAL RESOURCES

4.12.1 No Action Alternative

Under the No Action Alternative, proposed tactical infrastructure would not be constructed and there would be no change in fencing, or access roads along the border sections in USBP San Diego Sector. Since there would be no tactical infrastructure built, there would be no change to cultural, historical, and archaeological resources. No historic properties would be impacted.

4.12.2 Proposed Action

For assessing the impacts of the Proposed Action on archaeological resources, the APE is confined to the construction corridor for each alternative, as well as the access roads and staging areas. The APE for analysis of impacts on

resources of traditional, religious, or cultural significance to Native American tribes includes both those areas that would be impacted directly by ground disturbance as well as the viewshed and general setting of those resources.

Potential impacts on cultural resources associated with the project are limited to ground-disturbing construction and future maintenance and patrolling activities and indirect impacts from increased access. Based on the results of a cultural resources survey of the proposed project corridor (see **Appendix I**) and data provided on the site records, archaeological monitoring is recommended at five specific locations (CA-SDI-18578, CA-SDI-18579, CA-SDI-16300, CA-SDI-16388, and CA-SDI-16371) during all ground-disturbing activities associated with the project. All ground-disturbing activity within this portion of the study area would be monitored by a professional archaeologist who meets the requirements for archaeological monitors set by the reviewing agency.

Evaluations for eligibility to the National Register have not been conducted on newly recorded sites CA-SDI-18578 and CA-SDI-18579; or for CA-SDI-16300, -16388, or -16371 on Section A-1; or GV-1 on Section A-2. Prior to construction of the proposed fence or use of the Truck Trail and Tecate Mission Road in the vicinity of these site areas, the boundaries of the sites would be clearly marked with flagging or protective fencing to avoid inadvertent impacts on the resources. Alternatively CBP could evaluate these sites to determine their significance. The evaluation program would include additional mapping and excavation of exploratory units to determine the nature and character of any subsurface deposits. In addition, evaluation would result in more accurate definitions of the extent and nature of these site areas. If the individual sites are determined not to be eligible, monitoring would not be required.

Since no cemeteries, isolated Native American or other human remains have been documented within the study area, the potential for impacts on unrecorded Native American or other human remains during the project appears to be relatively low. If Native American or other human remains are inadvertently discovered during the course of project actions, there would be no further excavation or disturbance of the remains or the vicinity until the remains and the vicinity have been evaluated in accordance with CEQA Section 10564.5, California Health and Safety Code (CHSC) Section 7050.5, Public Resources Code (PRC) Section 5097.98, and the NAGPRA, as appropriate.

The impacts on Kuchamaa have not been defined and the development of protective measures has not been accomplished. Consultation with associated tribal groups has been initiated and is ongoing; additional consultation will be necessary to arrive at appropriate project protocols. Additional information regarding design and project limits should be developed to facilitate the presentation of this project to concerned parties with respect to traditional cultural property concerns.

4.13 VISUAL RESOURCES

Degree of Contrast Criteria

To properly assess the contrasts between the existing conditions and the Proposed Action, it is necessary to break each down into the basic features (i.e., landform/water, vegetation, and structures) and basic elements (i.e., form, line, color, and texture) so that the specific features and elements that cause contrast can be accurately identified.

General criteria and factors used when rating the degree of contrast are as follows:

- *None.* The element contrast is not visible or perceived
- *Weak.* The element contrast can be seen but does not attract attention
- *Moderate.* The element contrast begins to attract attention and dominate the characteristic landscape
- *Strong.* The element contrast demands attention, cannot be overlooked, and is dominant in the landscape.

When applying the contrast criteria, the following factors are considered :

1. *Distance*. The contrast created by a Proposed Action usually is less as viewing distance increases.
2. *Angle of Observation*. The apparent size of a Proposed Action is directly related to the angle between the viewer's line-of-sight and the slope upon which the Proposed Action is to take place. As this angle nears 90 degrees (vertical and horizontal), the maximum area is viewable.
3. *Length of Time the Project Is In View*. If the viewer can only view the Proposed Action for a short period of time, the contrast might not be of great concern. If the Proposed Action can be viewed for a long period of time, the contrast could be very significant.
4. *Relative Size or Scale*. The contrast created by the Proposed Action is directly related to its size and scale as compared to the immediate surroundings.
5. *Season of Use.* Contrast ratings should consider the physical conditions that exist during the heaviest or most critical visitor-use season, such as snow cover and tree defoliation during the winter, leaf color in the fall, and lush vegetation and flowering in the spring.
6. *Light Conditions*. The amount of contrast could be substantially affected by the light conditions. The direction and angle of light can affect color intensity, reflection, shadow, form, texture, and many other visual aspects

of the landscape. Light conditions during heavy periods must be a consideration in contrast ratings.

7. *Recovery Time*. The amount of time required for successful revegetation should be considered. Few projects meet the VRM management objectives during construction activities. Recovery usually takes several years and goes through several phases (e.g., bare ground to grasses, to shrubs, to trees).
8. *Spatial Relationships*. The spatial relationship within a landscape is a major factor in determining the degree of contrast.
9. *Atmospheric Conditions*. The visibility of a Proposed Action due to atmospheric conditions such as air pollution or natural haze should be considered.
10. *Motion.* Movements such as waterfalls, vehicles, or plumes draw attention to a Proposed Action (BLM 1986b).

4.13.1 No Action Alternative

Under the No Action Alternative, no primary pedestrian fence and supporting infrastructure would be constructed, resulting in no construction-related changes to the current landscape. However, under the No Action Alternative, cross-border violators would continue to impact the area. Without improved USBP patrol efficiency and effectiveness provided by road improvements, the area's natural vistas would continue to be degraded by trash, trails, and wildfires associated with cross-border violators. Indirect impacts from continued cross-border violators would permanently degrade the visual character of the area. Additionally, the illegal grazing of cattle herded into the area by Mexican farmers would continue to degrade vegetative stands with the potential for the introduction of unwanted and unsightly invasive species.

4.13.2 Proposed Action

The construction activity associated with the Proposed Action would result in both temporary and permanent moderate contrasts to both Class I and Class III Visual Resources.

The construction of access roads and fences in a Class I Visual Resource area is a strong contrast to the OMW and also represents a moderate to strong contrast in areas of lesser class designation. The following paragraphs discuss factors that may offset the strong contrasts.

In most areas of Section A-1 the fence would be screened from view by elevation and undulating terrain. **Figure 4.13-1** displays the degree to which the tactical infrastructure is visible from various trailheads within the OMW. Public viewing is also limited in this area because of low visitation frequency.

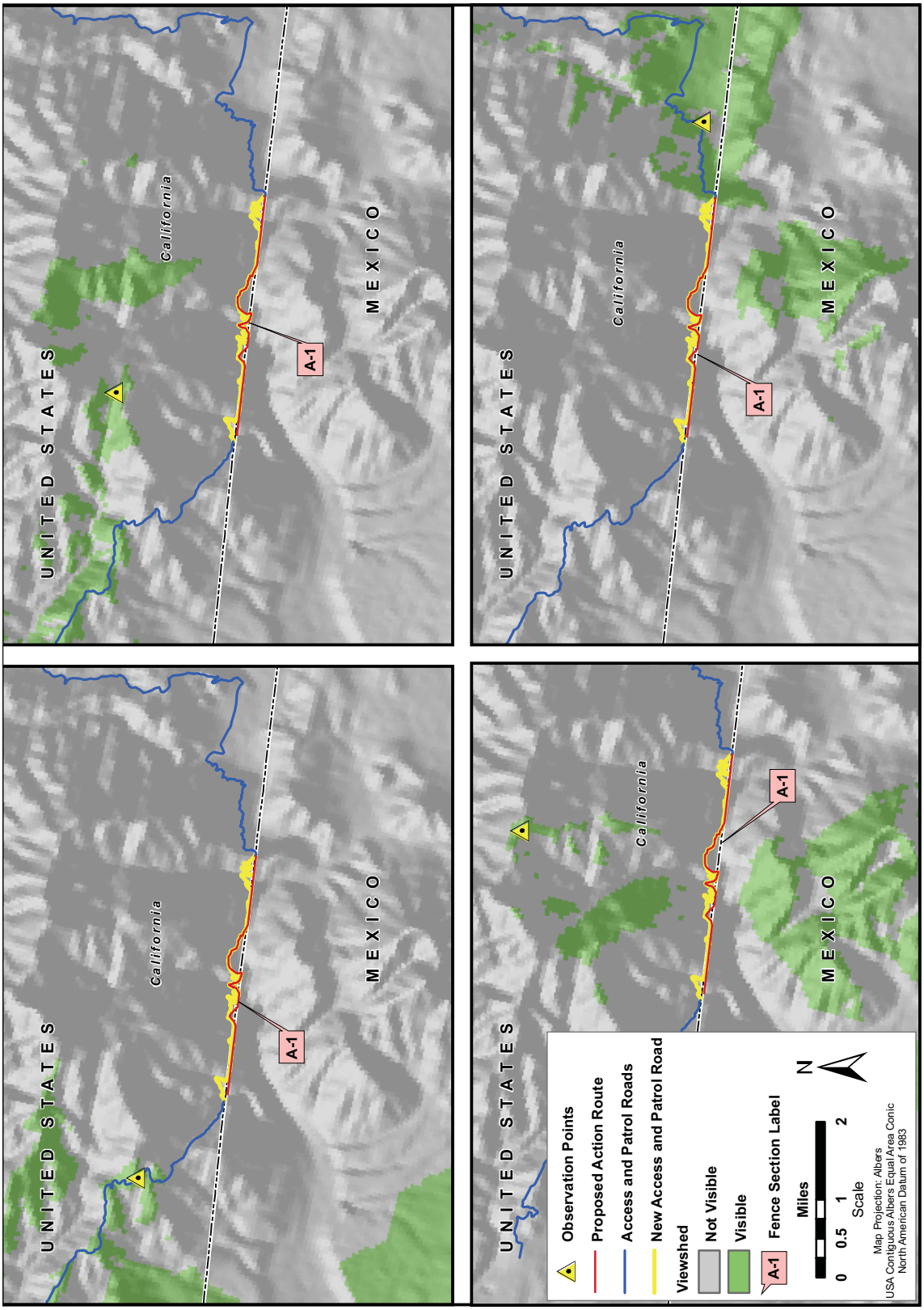

Figure 4.13-1. Viewsheds Associated with Section A-1

In Section A-2, the fence would connect to an existing fence and patrol roads, which greatly reduces the overall contrast created by the Proposed Action. **Figure 4.13-2** demonstrates that, although visibility is high from certain elevated vantage points (by design for observation of the border), there is limited line of sight from other locations. Line of sight from Tecate Peak appears to be negligible.

Over time, the changes to the landscape caused by construction and repair of access roads would dissipate significantly, therefore reducing the contrast of viewable sections of both sections. Additionally, the presence of the fence would protect the area's natural vistas from continuing degradation by trash, foot trails, and potential wildfires associated with cross-border violators. The illegal grazing of cattle herded into the area by Mexican farmers would also be prevented, therefore reducing the potential for the introduction of unwanted and unsightly invasive species.

There are numerous design techniques and construction practices that can be used to reduce the visual impacts from surface-disturbing projects. These methods would be used in conjunction with BLM's visual resource contrast rating process wherein both the existing landscape and the Proposed Action are analyzed for their basic elements of form, line, color, and texture. The design techniques and construction practices include:

- Partial clearing of the limits of construction rather than clearing the entire area – leaving islands of vegetation results in a more natural look
- Using irregular clearing shapes
- Feathering/thinning the edges of the cleared areas. Feathering edges reduces strong lines of contrast. To create a more natural look along an edge, a good mix of vegetation species and sizes should be retained
- Hauling in or hauling out excessive earth cut or fill in sensitive viewing areas
- Rounding or warping slopes (shaping cuts and fills to appear as natural forms)
- Bending slopes to match existing landforms
- Retaining existing rock formations, vegetation, and drainage whenever possible
- Split-face rock blasting (cutting rock areas so that the resulting rock forms are irregular in shape, as opposed to making uniform "highway" rock cuts)
- Toning down freshly broken rock faces through the use of asphalt emulsions and rock stains
- Using retaining walls to reduce the amount and extent of earthwork

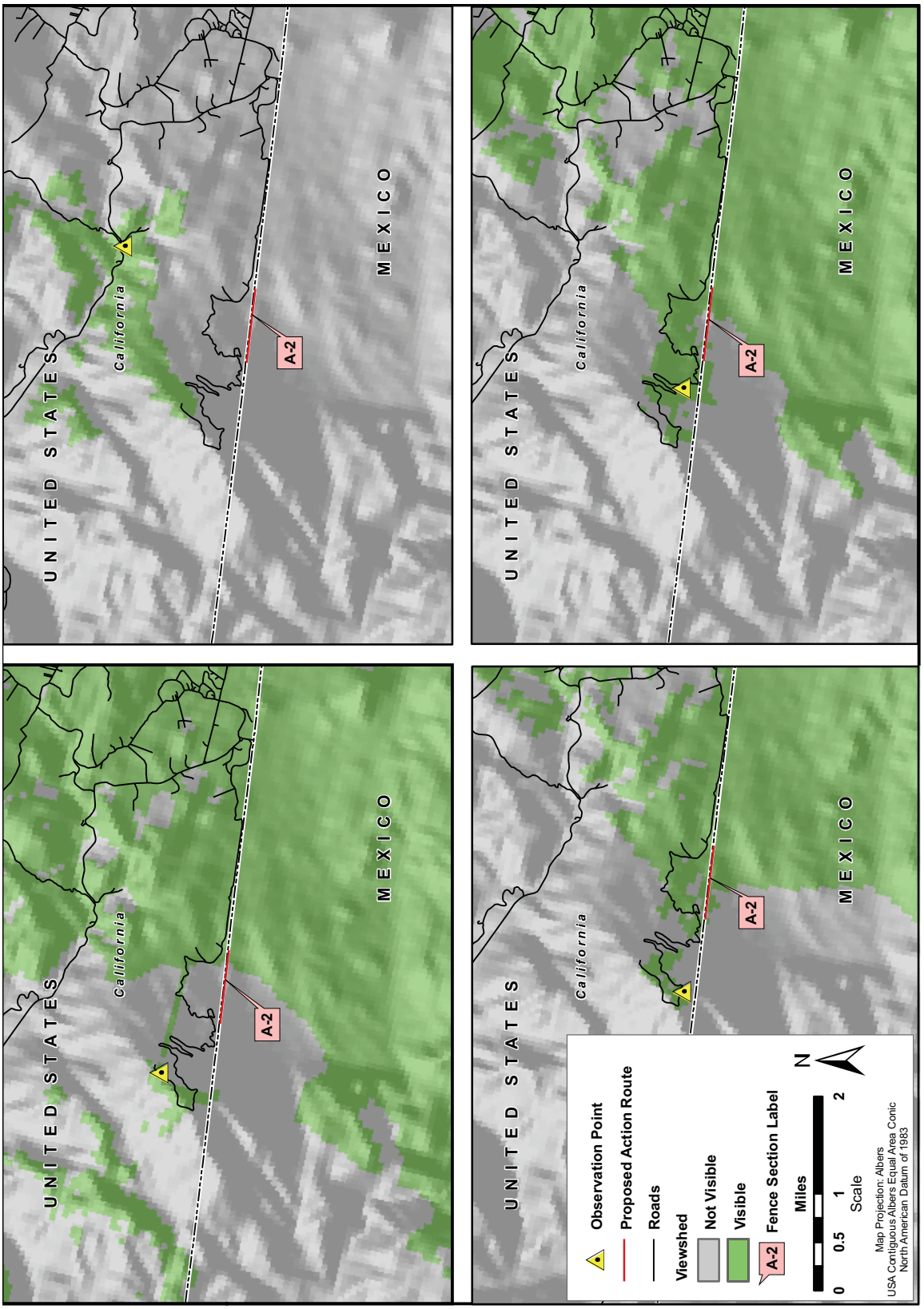

Figure 4.13-2. Viewsheds Associated with Section A-2

- Retaining existing vegetation by using retaining walls, reducing surface disturbance, and protecting roots from damage during excavations
- Avoiding soil types that would generate strong contrasts with the surrounding landscape when they are disturbed
- Prohibiting dumping of excess earth and rock on downhill slopes
- Striping, saving, and replacing topsoil (6-inch surface layer) on disturbed earth surfaces
- Mulching cleared areas
- Furrowing slopes
- Using planting holes on cut-and-fill slopes to retain water
- Choosing native plant species
- Fertilizing, mulching, and watering vegetation
- Replacing soil, brush, rocks, and forest debris over disturbed earth surfaces when appropriate, thus allowing for natural regeneration rather than introducing an unnatural looking grass cover.

4.14 SOCIOECONOMIC RESOURCES, ENVIRONMENTAL JUSTICE, AND PROTECTION OF CHILDREN

4.14.1 No Action Alternative

Under the No Action Alternative, there would be no change from the baseline conditions. There would be no tactical infrastructure constructed. Under the No Action Alternative, illegal immigration, narcotics trafficking, and opportunities for terrorists and terrorist weapons to enter the United States would remain. Over time, the number of crimes committed by smugglers and some cross-border violators would increase, and an increase in property damage would also be expected. Short-term local employment benefits from the purchase of construction materials and the temporary increase in construction jobs would not occur. Furthermore, money from construction payrolls that would circulate within the local economy would not be available.

Because the types of jobs obtained by cross-border violators generally are low-skilled and pay at or below minimum wage, some American workers have been displaced by undocumented workers willing to work for less pay and fewer benefits. Children of cross-border violators born in the United States are entitled to public assistance programs and education at a substantial cost to the American taxpayer. Implementation of the No Action Alternative would see these problems continue. One potential benefit of the No Action Alternative might be that cheap labor would be available to area farmers during harvesting (DHS 2004).

4.14.2 Proposed Action

Construction of proposed tactical infrastructure would have short-term, minor, direct and indirect, beneficial impacts on socioeconomics through increased employment and the purchase of goods and services. Project impacts related to employment, temporary housing, public services, and material supplies would be minor, temporary, and easily absorbed within the existing USBP San Diego Sector regional resource and socioeconomics infrastructure. Construction would occur over approximately 9 months in 2008, with a construction workforce peaking at about 200 workers. No permanent workers would be needed to maintain the access roads and fence sections.

Construction costs associated with the Proposed Action are estimated to be approximately $50 million. As stated in **Section 2.2.8**, if approved, design/build contracts would be issued to construct the fence.

Short-term moderate increases to populations would be expected in construction areas. Construction is expected to be drawn primarily from the regional workforce. Due to the temporary nature of the Proposed Action, there would be no change in population size or distribution and a relatively small increase in employment and contribution to the local economy. Therefore, demand for new housing units and other social services would not be expected.

No permanent or long-term effects on employment, population, personal income, or poverty levels; or other demographic or employment indicators would be expected from construction and operation of the tactical infrastructure. Since the Proposed Action would not measurably affect the local economy or workforce, no social effects are expected. There would be a net short-term increase in income to the region, as the funding for the project would come from outside the area, and, as a Federal project, construction workers would be paid the “prevailing wage” under the Davis-Bacon Act, which might be higher than the average wage in the construction industry locally.

No effects are expected on environmental justice populations or children. The construction area is localized and does not have the potential to disproportionately affect low-income, minority populations, or children. Although Otay Mesa and the zip code containing Tecate (91980) have a higher Hispanic population than San Diego County, potential impacts on low-income or minority populations would not be disproportionate. The proposed project corridor of Section A-1 is in the unpopulated OMW and Section A-2 is along a remote area, therefore there is little potential to affect environmental justice populations.

The proposed tactical infrastructure under this alternative would have short- to long-term, indirect, beneficial effects on children and safety in the ROIs and surrounding areas. The USBP San Diego Sector features no natural barriers to entry, therefore cross-border violators and smugglers are largely undeterred in this area (CRS 2006). The addition of tactical infrastructure would increase the

safety of USBP agents in the USBP San Diego Sector and would help to secure the OMW for visitors. The Proposed Action would help to deter illegal border crossings in the immediate area, which in turn could prevent drug smugglers, terrorists, and cross-border violators from entering the surrounding area. Previous fencing sections built in 1994 under Operation Gatekeeper have resulted in increased property values and new commercial growth in the USBP San Diego Sector.

However, minor, indirect, adverse impacts on human safety could result from the Proposed Action. Previous fencing built in the USBP San Diego Sector under Operation Gatekeeper pushed cross-border violators to adjacent more remote desert areas while many attempted to jump the fence and were injured in doing so. Hospitals in the San Diego County routinely treat cross-border violators that have sustained injuries, such as broken bones. Hospitals in adjacent Imperial County had an increase in the number of dehydration and exhaustion cases from apprehended cross-border violators who were forced to attempt crossing in more remote areas in the USBP San Diego Sector (Berestein 2004). Implementation of Sections A-1 and A-2 could result in similar effects from the additional tactical infrastructure.

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SECTION 5

Mitigation and CEQA Findings

5. MITIGATION AND CEQA FINDINGS

CBP has applied special design criteria to reduce adverse environmental impacts associated with the Proposed Action, including selecting a corridor for the tactical infrastructure that would avoid or minimize impacts on environmental and cultural resources. CBP has determined that construction, operation, and maintenance of tactical infrastructure in the USBP San Diego Sector would result in adverse environmental impacts. These impacts would be most significant during the period of construction. However, CBP has concluded, that the severity of impacts could be significantly reduced through the following course of action:

- BMPs would be used to avoid, minimize, or mitigate impacts on environmental, cultural, and historical resources.
- CBP would implement a Construction Mitigation and Restoration (CM&R) Plan, Storm Water Pollution Prevention Plan (SWPPP), Spill Prevention Control and Countermeasure (SPCC) Plan, Blasting Specifications, Dust Control Plan, Fire Prevention and Suppression Plan, and Unanticipated Discovery Plan for Cultural Resources.
- CBP would complete a ROD that discusses the results of appropriate consultations and mitigation measures with the USFWS, the CDFG, the SHPO, and Native American tribes before construction would begin in any given area.
- An environmental inspection process implemented according to a Mitigation and Monitoring Plan (MMP) would be prepared to ensure compliance with all mitigation measures.

In addition, CBP developed resource area-specific mitigation measures to further reduce the potential environmental impacts that would otherwise result from construction of the Proposed Action.

Table 5.1-1 presents a summary of the Proposed Action's potential environmental impacts and the mitigation measures identified to avoid or reduce each impact. The impacts are classified before and after mitigation in accordance with the CEQA significance classifications. The recommended mitigation would reduce potential environmental impacts to less than significant levels in most cases. However, the Quino Checkerspot Butterfly habitat would be impacted and mitigation is not available to reduce impacts to less than significant levels. **Table 5.1-1** is the basis for the mitigation and monitoring that would be implemented during construction, operation, and maintenance of the USBP San Diego Sector Tactical Infrastructure.

Table 5.1-1. Mitigation Monitoring Program for the USBP San Diego Tactical Infrastructure

Mitigation Number	Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation	Monitoring Responsibility
AIR QUALITY					
Air Quality 1	The construction activities that would generate emissions include land clearing, ground excavation, and cut and fill operations. The intermittent and short-term emissions generated by these activities would include dust from soil disruption and combustion emissions from the construction equipment. These emissions could result in minor, temporary impacts on air quality in the vicinity of fence installation.	Significant (CEQA Class II)	Construction equipment would be operated on an as-needed basis, and the emissions from gasoline and diesel engines would be minimized because the engines must be built to meet the standards for mobile sources established by the USEPA mobile source emissions regulations including those in Title 40 CFR Part 85. Most of the construction equipment would be powered by diesel engines and would be equipped with typical control equipment (e.g., catalytic converters), and project-related vehicles and construction equipment would be required to use the new low-sulfur diesel fuel as soon as it is commercially available. In addition, CBP would implement the following measures to minimize impacts on air resources: minimize idling time for diesel equipment whenever possible; ensure that diesel-powered construction equipment is properly tuned and maintained, and shut off when not in direct use; prohibit engine tampering to increase horsepower; use California Air Resources Board-certified low-sulfur diesel fuel (less than 15 parts per million [ppm]); and reduce construction-related trips as feasible for workers and equipment, including trucks.	Less than significant (CEQA Class III)	CBP

Mitigation Number	Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation	Monitoring Responsibility
AIR QUALITY (continued)					
Air Quality 2	Construction of the Proposed Action would generate emissions of nonregulated greenhouse gas (GHG). CO_2 would be formed as a primary product of combustion of the diesel and gas engines used to power construction equipment and vehicles.	Less than significant (CEQA III)	Increases in emissions of GHG would occur during construction. These emissions would be minimized by observing the equipment operation BMPs discussed in Air Quality 1, and would be negligible.	Less than significant (CEQA III)	CBP
Air Quality 3	Construction of the Proposed Action would generate emissions of PM_{10}.	Less than significant (CEQA III)	Fugitive dust generated by construction activities would be minimized by the implementation of CBP's Projectwide Dust Control Plan. The Projectwide Dust Control Plan includes control measures identified as BMPs by some of the regulating agencies. The measures that would be implemented include the following: take every reasonable precaution to minimize fugitive dust emissions from construction activities; take every reasonable measure to limit visible density (opacity) of emissions to less than or equal to 20 percent; apply water one or more times per day to all affected unpaved roads, and unpaved haul and access roads; reduce vehicle speeds on all unpaved roads, and unpaved haul and access roads; clean up track-out and carry-out areas at paved road access points at a minimum of once every 48 hours; if bulk transfer operations are required, spray handling and transfer points with water at least 15 minutes before use.	Less than significant (CEQA III)	CBP

Mitigation Number	Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation	Monitoring Responsibility
NOISE					
Noise 1	Individuals in the immediate vicinity of the construction activities could experience an increase in noise.	Significant (CEQA Class II)	Noise associated with construction activities would be both temporary and intermittent. Equipment would be operated on an as-needed basis. A majority of the activities would occur away from population centers. The duration of construction in the few populated areas would be limited to a few days.	Less than significant (CEQA Class III)	CBP
GEOLOGY AND SOILS					
Geology and Soils 1	Disturbances to the natural topography along the construction easement will be impacted by grading activities.	Significant (CEQA Class II)	After completion of construction, topographic contours and drainage conditions would be restored as close as practicable to their preconstruction condition.	Less than significant (CEQA Class III)	CBP and BLM
Geology and Soils 2	Blasting might be necessary along Section A-1. Blasting could adversely affect geological resources.	Significant (CEQA Class II)	The Proposed Action was developed to avoid geologic formations that would require blasting to the extent possible.	Less than significant (CEQA Class III)	CBP and BLM

Mitigation Number	Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation	Monitoring Responsibility
GEOLOGY AND SOILS (continued)					
Geology and Soils 3	Construction of the tactical infrastructure could expose soils to erosional forces, compact soils, affect soil fertility, cause mixing of soil horizons, and facilitate the dispersal and establishment of weeds.	Significant (CEQA Class II)	CBP would mitigate impacts on soils by implementing its CM&R Plan developed in consultation with the BLM, the USFWS, and the CDFG, and its Project-wide Dust Control Plan. Fugitive dust generated by construction activities would be minimized by the implementation of CBP's Project-wide Dust Control Plan. The Project-wide Dust Control Plan includes control measures identified as BMPs by some of the regulating agencies. The measures that would be implemented include the following: take every reasonable precaution to minimize fugitive dust emissions from construction activities; take every reasonable measure to limit visible density (opacity) of emissions to less than or equal to 20 percent; apply water one or more times per day to all affected unpaved roads, and unpaved haul and access roads; reduce vehicle speeds on all unpaved roads, and unpaved haul and access roads; clean up track-out and carry-out areas at paved road access points at a minimum of once every 48 hours; if bulk transfer operations are required, spray handling and transfer points with water at least 15 minutes before use. CBP would also adhere to BMPs identified in the project SWPP Plan.	Less than significant (CEQA Class III)	CBP
Geology and Soils 4	Contamination from spills or leaks of fuels, lubricants, and coolant from construction equipment could have an impact on soils.	Significant (CEQA Class II)	CBP would mitigate impacts on soils by implementing its SPCC Plan for Hazardous Materials and Wastes.	Less than significant (CEQA Class III)	None required.

Mitigation Number	Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation	Monitoring Responsibility
WATER RESOURCES					
Hydrology and Groundwater 1	Refueling of vehicles and storage of fuel, oil, and other fluids during the construction phase of the project could create a potential long-term contamination hazard to groundwater resources. Spills or leaks of hazardous liquids could contaminate groundwater and affect users of the aquifer.	Significant (CEQA Class II)	CBP would comply with its SPCC Plan. This includes avoiding or minimizing potential impacts by restricting the location of refueling activities and storage facilities and by requiring immediate cleanup in the event of a spill or leak. Additionally, the SPCC Plan identifies emergency response procedures, equipment, and clean-up measures in the event of a spill.	Less than significant (CEQA Class III)	None required.
Surface Waters 1	Spoil piles placed in floodplains during trenching or excavation for infrastructure foundation construction could cause an increase in flood levels or could be washed downstream or be deleterious to aquatic life.	Significant (CEQA Class II)	CBP would manage spoil piles to avoid placement in floodplains. Dry washes are also regulated by the SWRCB. CBP will leave gaps in the spoil piles in dry washes so the washes remain open during construction. CBP would prepare and submit an updated CM&R Plan to the Agency Staffs before construction if necessary to incorporate any additional requirements of Federal, state, and local permits. CBP would adhere to BMPs identified within the project SWPP Plan to avoid sedimentation issues.	Less than significant (CEQA Class III)	CBP

Mitigation Number	Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation	Monitoring Responsibility
WATER RESOURCES (continued)					
Surface Waters 2	Refueling of vehicles and storage of fuel, oil, or other hazardous materials near surface waters could create a potential for contamination if a spill were to occur. Immediate downstream users of the water could experience degradation in water quality. Acute chronic toxic effects on aquatic organisms could result from such a spill.	Significant (CEQA Class II)	CBP would comply with its SPCC Plan. This includes avoiding or minimizing potential impacts by restricting the location of refueling activities and storage facilities and by requiring immediate cleanup in the event of a spill or leak. Additionally, the SPCC Plan identifies emergency response procedures, equipment, and clean-up measures in the event of a spill.	Less than significant (CEQA Class III)	None required.
Waters of the United States 1	The primary impact of the Proposed Action on wetlands would be the temporary and permanent alteration of wetland vegetation. Other impacts could include temporary changes in wetland hydrology and water quality, mixing of topsoil and subsoil, and compaction and rutting of soils.	Significant (CEQA Class II)	CBP would adhere to its CM&R Plan, and comply with the USACE's Section 404 and the SDRWQCB's Section 401 Water Quality Certification permit conditions. Wetlands would be restored to preconstruction contours. Construction of the project would result in no net loss of wetlands because no wetlands would be permanently drained or filled. Some of the mitigation measures pertaining to wetland crossings include the following: minimizing construction time in wetland areas, requiring nonessential construction to avoid crossing wetland areas, and storing and returning the top foot of soil from wetland areas to preserve root stock for regrowth.	Less than significant (CEQA Class III)	CBP

Mitigation Number	Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation	Monitoring Responsibility
CULTURAL RESOURCES					
Cultural Resources 1	Construction of tactical infrastructure could impact upon the presence of archaeological sites.	Significant (CEQA Class II)	To address potential impacts on paleontological resources resulting from the Proposed Action, CBP will develop an Archaeological Resource Mitigation and Monitoring (ARMM) Plan. The ARMM Plan includes a summary of the literature and museum archival review, field survey results, and assessment of potential impacts on archaeological resources; project-wide and site-specific mitigation and monitoring measures; and curation and reporting procedures. In accordance with the ARMM Plan, CBP would have an archaeological monitor onsite in areas where archaeological resources have been identified. Known sites would be flagged and clearly identified. Additional measures of the plan include availability of a qualified project archaeologist to be called to the proposed project corridor to respond to construction-related issues and training of construction personnel and Environmental Inspectors (EIs) regarding the possibility that archaeological resources could be encountered during construction. Consultation with Native American Tribes would be ongoing throughout the project timeline.	Less than significant (CEQA Class III)	CBP

Mitigation Number	Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation	Monitoring Responsibility
BIOLOGICAL RESOURCES					
Vegetation 1	The primary impact of the Proposed Action on vegetation would be the cutting, clearing, or removal of existing vegetation within the construction work area. The removal of desert vegetation would have longer-term impacts than in agricultural areas where vegetation reestablishes quickly.	Significant (CEQA Class II)	CBP would minimize the area of new disturbance and the impacts on vegetation. CBP would implement its CM&R Plan to reduce impacts on vegetation within the construction and permanent ROWs and improve re-vegetation potential. Some of the measures that would be implemented include the following. Crush or skim vegetation within the construction corridor in areas where grading is not required, which would result in less soil disturbance. The remaining root crowns would aid in soil stabilization, help retain organic matter in the soil, aid in moisture retention, and have the potential to re-sprout following construction. Preserve native vegetation removed during clearing operations. The cut vegetation would be windrowed along the ROW during construction and then respread over the disturbed areas as part of restoration activities.	Less than significant (CEQA Class III)	CBP
Vegetation 2	Removal of existing vegetation and the disturbances of soils during construction could create conditions for the invasion and establishment of exotic-nuisance species.	Significant (CEQA Class II)	CBP would reduce the potential to spread noxious weeds and soil pests by implementing the measures included in its CM&R Plan. These measures include, survey by a qualified biologist, flagging or treatment before construction, identification of populations of plants listed as invasive exotics by the California Invasive Plant Council and the BLM National List of Invasive Weed Species of Concern, not allowing for disposal of soil and plant materials from nonnative areas to native areas, washing all construction equipment before beginning work on the project, use of gravel or fill material from weed-free sources for relatively weed-free areas, use of certified weed-free hay bales, implementation of post-construction monitoring and treatment of invasive weeds.	Less than significant (CEQA Class III)	CBP

Mitigation Number	Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation	Monitoring Responsibility
BIOLOGICAL RESOURCES (continued)					
Vegetation 3	Fires inadvertently started by construction activities (e.g., welding), equipment, or personnel could affect wildlife by igniting vegetation along the ROW.	Significant (CEQA Class II)	CBP would implement its Fire Prevention and Suppression Plan to minimize the potential for wildfires. Some of the measures contained in the plan include requiring the contractor to train all personnel on fire prevention measures, restricting smoking and parking to cleared areas, requiring all combustion engines to be equipped with a spark arrestor, and requiring vehicles and equipment to maintain a supply of fire suppression equipment (e.g., shovels and fire extinguishers).	Less than significant (CEQA Class III)	None required.
Wildlife 1	Some impact on migratory birds could result from habitat loss associated with construction of the project. Clearing of vegetation could also destroy nests and cause mortality of nestlings and nesting adults.	Significant (CEQA Class II)	CBP would attempt to schedule construction in native habitats outside of the breeding season for migratory birds. If, however, construction activities are necessary during the bird breeding season, in accordance with its CM&R Plan, CBP would remove vegetation that could provide nesting substrate from the ROW before the breeding season, thus eliminating the possibility that birds could nest on the ROW. Qualified biologists would conduct preconstruction surveys to confirm the absence of nesting birds before construction begins. CBP would, in consultation with the USFWS, the BLM, and the CDFG, develop Pre-clearing Plans to protect migratory bird species during construction. These plans would include specific details of the pre-clearing methods to be implemented, the specific locations where pre-clearing would occur, and the dates pre-clearing would be initiated and completed	Less than significant (CEQA Class III)	CBP

Mitigation Number	Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation	Monitoring Responsibility
BIOLOGICAL RESOURCES (continued)					
Wildlife 2	Construction would temporarily impact Quino checkerspot butterfly critical habitat at work areas, temporary access roads, and along the construction corridor.	Significant (CEQA Class II)	CBP would limit disturbance of previously unaffected areas to the narrowest extent practicable. Further, CBP would compensate for the loss of critical habitat. Clearing of vegetation in the affected areas would likely result in destruction of larval stage butterflies. Additional BMPs and Mitigation Strategies are being developed in conjunction with USFWS pursuant to the Section 7 consultation process.	Significant (CEQA Class II)	None required.
VISUAL RESOURCES					
Visual Resources 1	Installation of tactical infrastructure would impact visual resources.	Significant (CEQA Class II)	CBP will adopt techniques outlined in BLM's Visual Resources Management System. Examples of suggested methods include but would not be limited to: rounding and/or warping slopes (shaping cuts and fills to appear as natural forms); prohibiting dumping of excess earth/rock on downhill slopes; using retaining walls to reduce the amount and extent of earthwork; Replacing soil, brush, rocks, forest debris, etc., over disturbed earth surfaces when appropriate, thus allowing for natural regeneration rather than introducing an unnatural looking grass cover; Partial clearing of the limits of construction rather than clearing the entire area – leaving islands of vegetation results in a more natural look.	Less than significant (CEQA Class III)	None required.
SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE AND SAFETY					
Socioeconomics 1	Construction of the project could temporarily increase the population in the area by about 200 people.	Less than significant (CEQA Class III)	No mitigation is proposed during construction. This negligible short-term increase in population would not significantly affect housing availability or increase the demand for public services in excess of existing and projected capabilities.	Less than significant (CEQA Class III)	None required.

Mitigation Number	Impact	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation	Monitoring Responsibility
SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE AND SAFETY (continued)					
Environmental Justice 1	The project could result in a disproportionately high and adverse effect or impact on a minority or low-income portion of the population.	Less than significant (CEQA Class III)	No mitigation is proposed. U.S. Bureau of Census data show that minority and low-income populations are present along the proposed infrastructure routes, but there is no potential for disproportionate adverse impacts on these populations. CBP will conduct open houses in the proposed project corridor in January 2008 to inform the public about the project and provide an opportunity for the public to ask questions and express concerns. These public input opportunities will be announced in the local newspapers in English and Spanish, and Spanish translators will be present.	Less than significant (CEQA Class III)	None required.

SECTION 6

Cumulative Impacts

6. CUMULATIVE IMPACTS

CEQ defines cumulative impacts as the "impacts on the environment that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions" (40 CFR 1508.7). Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time by various agencies (Federal, state, and local) or individuals. Informed decisionmaking is served by consideration of cumulative impacts resulting from projects that are proposed, under construction, recently completed, or anticipated to be implemented in the reasonably foreseeable future.

This cumulative impacts analysis summarizes expected environmental effects from the combined impacts of past, current, and reasonably foreseeable future projects in accordance with CEQ regulations implementing NEPA and CEQ guidance on cumulative effects (CEQ 1997, 2005). The geographic scope of the analysis varies by resource area. For example, the geographic scope of cumulative impacts on noise, visual resources, soils, and vegetation is very narrow and focused on the location of the resource. The geographic scope of air quality, wildlife and sensitive species, and socioeconomics is much broader and considers more county- or regionwide activities. Projects that were considered for this analysis were identified by reviewing USBP documents, news releases, and published media reports; and through consultation with planning and engineering departments of local governments, and state and Federal agencies.

Projects that do not occur in close proximity (i.e., within several miles) to the proposed tactical infrastructure would not contribute to a cumulative impact and are generally not evaluated further.

Cumulative Fencing, Southern Border. There are currently 62 miles of landing mat fence at various locations along the U.S./Mexico international border (CRS 2006); 14 miles of single, double, and triple fence in San Diego, California; 70 miles of new pedestrian fence approved and currently under construction; and fence adjacent to POEs throughout the southern border. In addition, 225 miles of fence (including the approximately 4.4 miles proposed under the action considered in this EIS) are proposed. The implementation of proposed fence initiatives are being studied for specified areas in Texas, New Mexico, Arizona, and California.

Past Actions. Past actions are those within the cumulative effects analysis areas that have occurred prior to the development of this EIS. The effects of these past actions are generally included in the affected environment described in **Section 3**. For example, development throughout San Diego County has shaped the existing conditions described in **Section 3**.

Present Actions. Present actions include current or funded construction projects, USBP or other agency operations in close proximity to the proposed fence locations, and current resource management programs and land use activities within the cumulative effects analysis areas. Ongoing actions considered in the cumulative effects analysis include extensive construction activities in the East Otay Mesa area.

Reasonably Foreseeable Future Actions. Reasonably foreseeable future actions consist of activities that have been approved and can be evaluated with respect to their effects. The following activities are reasonably foreseeable future actions:

- SBI. SBI is a comprehensive program focused on transforming border control through technology and infrastructure. The goal of the program is to field the most effective proven technology, infrastructure, staffing, and response platforms, and integrate them into a single comprehensive border security suite for USBP. Potential future SBI projects include deployment of sensor technology, communications equipment, command and control equipment, fencing, barriers capable of stopping a vehicle, and any required road or components such as lighting and all-weather access roads (Boeing 2007). Within the next 2 years, 225 miles of primary fence are proposed for construction (including the approximately 4.4 miles addressed in this EIS).
- East Otay Mesa Specific Plan. San Diego County has developed the East Otay Mesa Specific Plan to promote development of the area into a comprehensive industrial and business district. The plan calls for the area to be divided into the following land use categories: heavy industrial (289 acres), light industrial (410 acres), a Technology Business Park (937 acres), conservation/limited use (241 acres), and regional circulation corridors (130 acres) (City of San Diego 2007).
- South Coast Resource Management Plan Amendment for the San Diego County Border Mountains. The BLM is proposing to prepare an amendment to the South Coast Resource Management Plan for BLM-administered public lands in the Border Mountains area of San Diego County, including Otay Mountain. The plan amendment proposes to establish management guidelines for lands acquired since 1994 and designate a travel network.
- BLM Upgrade of the Border Pack Trail. The trail runs east-west along the border below the OMW. The wilderness boundary is actually 100 feet north of the edge of the trail. The existing trail is mainly a hiking trail, but ATVs can access the trail at this time with some difficulty. The BLM is proposing to upgrade the trail to better accommodate ATVs safely. This would include widening the trail and constructing turnarounds and pull-outs. The primary obstacle with upgrading the trail is that it supports the endangered Quino checkerspot butterfly and habitat (CBP 2007b).

- San Diego Gas & Electric (SDG&E) Transmission Line. SDG&E has proposed to construct a new 150-mile transmission line between the cities of El Centro and San Diego. The stated purpose of the project is to bring renewable energy sources into San Diego from Imperial County, reduce energy costs, and improve reliability of electrical service in the San Diego area. SDG&E has filed an application with the California Public Utilities Commission (CPUC) to construct the Sunrise Powerlink Project (SRPL). A joint EIS/Environmental Impact Report (EIR) is being prepared (BLM 2007).

- Construction of Tactical Infrastructure. USBP is currently constructing a border tactical infrastructure system along the U.S./Mexico international border within San Diego County. The tactical infrastructure system project spans 14 miles and includes secondary and tertiary fences, patrol and maintenance roads, lights, and integrated surveillance and intelligence system resources. Approximately 9 miles of the 14-mile project have been completed or are currently under construction. These projects approved for this infrastructure initiative were addressed under several individual EAs as pilot projects for the tactical infrastructure system. When completed, the tactical infrastructure system would impact approximately 297 acres, consisting of disturbed/developed lands, coastal sage scrub, maritime succulent scrub, and grasslands.

Seven road and tactical infrastructure projects are proposed that include construction, repair, maintenance, and upgrade of existing roads and infrastructure within the Brown Field Station Area of Operations (AO).

In addition, ongoing maintenance of approximately 104 miles of patrol roads throughout the Brown Field, El Cajon, and Campo Stations AOs is proposed. The roads adjacent to or nearest the proposed project corridor are the Marron Valley Road (6.6 miles) and Barrett Truck Trail (9.6 miles) (CBP 2007b).

The FY 2007 DHS Appropriations Act provided $1.2 billion for the installation of fencing, infrastructure, and technology along the border (CRS 2006). USBP is proposing to construct up to 225 miles of primary fence in the Rio Grande Valley, Marfa, Del Rio, and El Paso, Texas; Tucson and Yuma, Arizona; and El Centro and San Diego, California, sectors. Proposed Section A-2 which is evaluated in this EIS, would connect to existing fence west of Tecate, California.

Table 6.0-1 presents the potential cumulative effects that might occur from implementation of the Proposed Action.

Table 6.0-1. Summary of Potential Cumulative Effects

Resource	Past Actions	Current Background Activities	Proposed Action	Known Future Actions	Cumulative Effects
Air Quality	State nonattainment for 8-hour O_3; Federal moderate maintenance for CO; state nonattainment for PM_{10} and $PM_{2.5}$.	Existing emissions sources continue to adversely affect regional air quality.	Construction activities would temporarily contribute to PM and combustion emissions.	Proposed new construction and business development in East Otay Mesa area would contribute to emissions and adverse regional air quality.	Construction activities would temporarily contribute to CO and PM emissions. Continued attainment.
Noise	Commercial and residential development, vehicles dominate ambient noise.	Commercial and residential development, vehicles dominate ambient noise near urban areas. Remote areas temporarily impacted by ATV recreational activities.	Short-term noise impacts from construction.	None.	Current activities would be the dominant noise source. Negligible cumulative impacts.
Land Use and Recreation	Establishment of OMW. Commercial and residential development, infrastructure improvements on natural areas.	Development of natural area.	USBP purchase of land or easements to construct tactical infrastructure. Natural areas developed for tactical infrastructure. Development inconsistent with Wilderness Act.	Residential and commercial development permanently alters natural areas.	Moderate adverse impacts on natural areas.

Resource	Past Actions	Current Background Activities	Proposed Action	Known Future Actions	Cumulative Effects
Geology and Soils	Intrusions by border-cross violators have modified soils.	Continued illegal border crossings adversely affect soils.	Grading, excavating, and recontouring would significantly disturb soils.	Continued illegal border crossings adversely affect soils.	Grading, excavating, and recontouring would significantly disturb geology.
Water Resources: Hydrology and Groundwater	Degradation of aquifers due to pollution; changes in hydrology due to increased impervious areas.	Continued degradation of aquifers from pollution; changes in hydrology due to increased impervious areas.	Short-term minor adverse effects from groundwater use for dust suppression during construction.	Minor to moderate short- and long-term impacts from development and increased impervious areas.	Minor short-term impact from groundwater use during construction.
Surface Waters and Waters of the United States	Degradation of water resources due to pollution.	Surface water quality adversely impacted by development.	Soil disturbance, erosion during construction, impacts on wetlands.	Construction erosion and sediment runoff, potential oil spills and leaks.	Nonpoint discharges, construction erosion and sediment runoff, potential oil spills and leaks.
Floodplains	Increase in impervious surfaces near Section A-2 increase runoff flood hazards.	Increase in impervious surfaces near Section A-2 increase runoff and flood hazards.	None.	Increase in impervious surfaces near Section A-2 increases runoff and flood hazards.	None.
Vegetation	Degraded historic habitat of sensitive and common wildlife species.	Continued urbanization results in loss of native species.	Habitat fragmentation. Minor to moderate loss of native species and habitat.	Continued urbanization results in loss of native species and habitat.	Moderate to major adverse impacts on vegetation and habitats.
Wildlife and Aquatic Resources	Loss of native habitat due to development; loss of wildlife corridors; impacted habitat and food sources.	Development continues to impact biological resources and wildlife habitat.	Minor to moderate loss of habitat and wildlife corridors, and habitat fragmentation.	Minor to moderate loss of habitat and wildlife corridors.	Minor to moderate loss of habitat and wildlife corridors.

Resource	Past Actions	Current Background Activities	Proposed Action	Known Future Actions	Cumulative Effects
Special Status Species	Habitat loss and degraded water quality impacted sensitive species.	Development continues to adversely impact and reduce potential habitat.	Moderate to major loss of habitat due to construction disturbance and fragmentation.	Development continues to adversely impact, reduce, and fragment potential habitat.	Fragmentation of suitable habitat might significantly reduce available habitat for certain sensitive species.
Cultural Resources	Possible destruction of unknown artifacts.	Identification and recordation of historic and cultural resources.	Minor adverse impacts on archaeological resources.	Proposed new construction and expansion into eastern San Diego County might adversely affect cultural resources.	Long-term adverse impacts from past destruction of unknown artifacts.
Visual Resources	Degradation of visual appeal due to illegal foot traffic, causing extensive littering and other blemishes to the landscape.	Development of natural areas for community and industry infrastructure.	Constant static visual interruption at fixed points. Loss of recreational area.	Continued moderate to severe impacts on Class I and Class III Visual Resources.	Major long-term impacts from tactical infrastructure.
Socioeconomic Resources, Environmental Justice, and Protection of Children	Urban development throughout county.	Strong local economy and high land values.	Minor, temporary contribution to local construction	Continued strong local economy, high land values, and expansion into eastern county.	Minor stimulation of local economies from construction activities.

6.1 AIR QUALITY

Proposed construction and USBP patrolling along the new fence Section A-1 would combine with past actions (current severe nonattainment for PM_{10} and moderate nonattainment for 8-hour O_3), and ongoing or future construction activities in the East Otay Mesa area to produce both temporary and long-term adverse cumulative impacts on regional air quality. USBP operational activities along the patrol road would produce minor adverse impacts on air quality due to increased vehicle emissions and PM_{10} emissions due to driving on the dirt patrol road. Emissions from construction, operation, and maintenance activities would not be expected to significantly affect local or regional air quality.

6.2 NOISE

Negligible cumulative effects on ambient noise would be expected. The Proposed Action would result in noise from construction, operation, and maintenance of tactical infrastructure. The Proposed Action would combine with existing noise sources to produce negligible cumulative effects along Section A-2.

6.3 LAND USE AND RECREATION

USBP purchase of land or easements to construct tactical infrastructure, when combined with past, current, and reasonably foreseeable future development, would result in long-term, adverse impacts on lands classified as “undeveloped” or “natural.” The Proposed Action might be inconsistent with the Wilderness Act relative to OMW.

6.4 GEOLOGY AND SOILS

Moderate localized impacts on geology and soils would be from the additive effects of current or ongoing actions, the Proposed Action, and other reasonably foreseeable future actions. Additive effects include some minor changes in topography, disturbance to surface bedrock, and increases in erosion. Potential impacts of the Proposed Action would include minor changes in topography and surface bedrock due to grading, contouring, blasting, and trenching; minor soil disturbance; and a minor increase in erosion. However, the impacts associated with the Proposed Action would be negligible in comparison to the impacts of current and future actions.

6.5 HYDROLOGY AND GROUNDWATER

Moderate impacts on hydrology and groundwater would be expected from the cumulative effects of current or ongoing actions, the Proposed Action, and other reasonably foreseeable future actions. Cumulative impacts would include changes in hydrology from increases in impervious surfaces and reductions in

the quantity and quality of groundwater in local aquifers. The Proposed Action would result in minor adverse impacts in hydrology from changes on topography and minor use of groundwater.

6.6 SURFACE WATER AND WATERS OF THE UNITED STATES

Moderate impacts on surface water and waters of the United States would be expected from the cumulative effects of current or ongoing actions, the Proposed Action, and other reasonably foreseeable future actions. Cumulative impacts would occur from soil disturbance reducing water quality resulting in indirect adverse impacts on wetlands. The Proposed Action would result in minor to moderate impacts on riparian areas and wetlands. An estimated 2.4 acres of Riverine wetlands would be permanently impacted by construction of the tactical infrastructure. USBP would obtain CWA Section 404 permits and mitigate the loss of wetlands. Since wetlands have not been delineated, acres potentially impacted could be higher. Cumulative impacts on wetlands would be long-term and adverse.

6.7 FLOODPLAINS

Moderate impacts on floodplains are expected from the additive effects of current or ongoing actions, the Proposed Action, and other reasonably foreseeable future actions. Additive effects would include an increase in the quantity and velocity of storm water runoff caused by an increase in impervious surface, which in turn causes an increase in flood hazards. Potential impacts of the Proposed Action would include an increase in impervious surface in the floodplain by placing a portion of a fence across an intermittent wash in Section A-1. This wash could potentially be a floodplain. If it is determined that this area is a floodplain, impacts would be avoided and minimized to the maximum extent practicable. However, the impacts associated with the Proposed Action would be negligible in comparison to the impact of current and future actions.

6.8 VEGETATION

Conversion of land for development is reducing the areal extent of native chamise chaparral and riparian communities in this portion of San Diego County. These habitats and their component species become rarer with each acre lost to development. Clearing for fence construction and long-term USBP operational activities might combine with these activities to produce a long-term adverse cumulative effect. Border-cross violators have created a large number of footpaths through the chaparral shrublands on the OMW. Fence construction might concentrate border-cross violators into corridors which, if left unchecked, would create wider unvegetated paths and produce a major adverse impact on those areas. Closing the maze of footpaths in the interior of the OMW would allow some land recovery outside of areas associated with permanent maintenance roads and patrol roads. Cumulative impacts would be long-term and adverse.

6.9 WILDLIFE AND AQUATIC RESOURCES

Minor to moderate impacts on wildlife and species are expected from the additive effects of the past, present, and reasonably foreseeable future actions. Cumulative impacts would mainly result from fragmentation of degraded habitat, disturbance and degradation of native vegetation, and construction traffic. Indirect impacts would result from noise during construction, and loss of potential food web species. Species would also be impacted by spills and leaks form mobilized equipment.

6.10 SPECIAL STATUS SPECIES

As discussed in **Section 4.11** CBP began Section 7 preconsultation coordination with the USFWS regarding potential impacts on listed species or designated critical habitat. The potential effects of fence construction, operation, and maintenance associated with the Proposed Action will be analyzed in the BA and BO. Special status species are commonly protected because their historic range and habitat has been reduced and will only support a small number of individuals. Past, present, and future activities which have impacted or have the potential to impact special status species in the vicinity of the Proposed Action include illegal livestock grazing, cross-border violator traffic, and residential and commercial development. If continued as currently occurring, these activities are anticipated to have major adverse cumulative impacts on special status species in the area of the Proposed Action through further reduction of habitat quantity and quality. If implemented, the Proposed Action would reduce or halt both illegal livestock grazing and cross-border violator traffic in the analyzed impact area and beyond. This would represent major long-term beneficial impacts. However, implementation of the Proposed Action would also have major adverse impacts from habitat alteration and loss. The past, present, and reasonably foreseeable future activities described above in combination with the impacts of the Proposed Action would result in major adverse and major beneficial cumulative impacts. The Proposed Action would provide a relatively small proportion of the adverse impacts and all of the beneficial impacts.

6.11 CULTURAL RESOURCES

No cumulative impacts on known historic and cultural resources are expected from the additive effects of past, present, and reasonably foreseeable future actions. Planning and consultation with BLM and the California SHPO would limit the possibility of future impacts on unknown historical and cultural resources.

6.12 VISUAL RESOURCES

Moderate to severe impacts on visual resources are possible from the additive effects of current or ongoing actions, the Proposed Action, and other reasonably

foreseeable future actions. The presence of construction equipment would produce a short-term adverse impact on visual resources. Once installed, the tactical infrastructure would create a permanent and fixed visual interruption in the viewscape. Adverse cumulative effects could include adverse impacts from the fence and patrol road combined with paths created by illegal cross-border activities. Over time, the visual contrast of the Proposed Action might diminish through re-establishment of vegetation and the softening of the edges of the area impacted by construction. The encroachment of overall development of the area would degrade vistas from various vantage points.

6.13 SOCIOECONOMIC RESOURCES, ENVIRONMENTAL JUSTICE, AND PROTECTION OF CHILDREN

Fence and road construction has the potential for minor beneficial effects from temporary increase in construction jobs and purchase of goods and services. Construction activities are negligible compared to substantial construction activities in East Otay Mesa area. The proposed tactical infrastructure would have short- to long-term indirect beneficial effects on children and safety by reducing the number of border-cross violators, smugglers, terrorists, and terrorist weapons. Indirect minor adverse impacts on human safety would occur from border-cross violators attempting to cross the border in more remote or hazardous areas.

6.14 SIGNIFICANT UNAVOIDABLE IMPACTS/STATEMENT OF OVERRIDING CONSIDERATIONS

Effects on all resources were evaluated to determine any significant impact that would remain so after mitigation. The USFWS and CDFG have not yet issued conclusions regarding the impact of the Proposed Action on Federal- and state-listed species.

6.15 IRREVERSIBLE/IRRETRIEVABLE COMMITMENT OF RESOURCES; SHORT- AND LONG-TERM USES OF THE ENVIRONMENT

The major nonrenewable resources that would be consumed by the Proposed Action are fossil fuels used to power construction vehicles and patrol vehicles over the life of the project. There would be a number of irretrievable resources committed to the proposal. The primary irretrievable resources potentially lost would include the following:

- Soils (water and wind erosion could occur in disturbed areas)
- Wildlife habitat (construction activities would result in the long-term loss of native desert habitats)

- Land use (aboveground facilities and permanent access roads would replace native desert vegetation and urban vegetation communities for the life of the Project)
- Visual resources (the presence of the tactical infrastructure would permanently affect viewsheds).

CBP has concluded that overall the Proposed Action would result in limited unmitigated adverse environmental impacts. While the losses described above would occur, the majority would be minimized and compensated for by USBP's mitigation plans. For these reasons, the irreversible and irretrievable resource commitments are considered acceptable.

The physical materials required to construct the proposed tactical infrastructure would be irretrievably lost. These materials could include concrete, metals, or plastics depending on the type of tactical infrastructure constructed (refer to **Appendix A** for examples of pedestrian fence design). This would be a minor irretrievable lost because none of these materials are considered scarce.

CBP would not begin construction activities until the following occur:

- USFWS issues a BO on Federal-listed species and issues incidental take permits, if required.
- The CDFG makes a consistency determination on the USFWS' BO pursuant to Section 2080.1 of the California Fish and Game Code or issues an Incidental Take Permit that covers both federally and state-listed species that could be affected.
- CBP obtains an Incidental Take Permit under Section 2081 of the California Fish and Game Code for all state-listed species that could be affected, or receives concurrence from the CDFG that an Incidental Take Permit is not required.
- CBP prepares a revised Projectwide Dust Control Plan.
- CBP prepares an MMP consistent with the identified mitigation measures.

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SECTION 7

Acronyms and Abbreviations

7. ACRONYMS AND ABBREVIATIONS

°F	degrees Fahrenheit
ACEC	Area of Critical Environmental Concern
ACHP	Advisory Council on Historic Preservation
ADNL	A-weighted day-night average sound level
AO	Area of Operations
APE	Area of Potential Effect
AQCR	air quality control region
ARMM	Archaeological Resource Mitigation and Monitoring
ATV	all-terrain vehicle
BA	Biological Assessment
BLM	Bureau of Land Management
BMP	Best Management Practice
BO	Biological Opinion
CAA	Clean Air Act
CAGN	Coastal California gnatcatcher
Cal/EPA	California Environmental Protection Agency
CARB	California Air Resources Board
CBP	Customs and Border Protection
CCA	Corrections Corporation of America
CCR	California Code of Regulations
CDCR	California Department of Corrections and Rehabilitation
CDFG	California Department of Fish and Game
CDPR	California Department of Parks and Recreation
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CHSC	California Health and Safety Code
CM&R	Construction Mitigation and Restoration
CNDDB	California Natural Diversity Database
CO	carbon monoxide
CO_2	carbon dioxide
COC	constituent of concern
CPUC	California Public Utilities Commission
CRS	Congressional Research Service
CWA	Clean Water Act
cy	cubic yards
CZMA	Coastal Zone Management Act
dBA	A-weighted decibels
dBC	C-weighted decibels
DHS	U.S. Department of Homeland Security
EA	Environmental Assessment

EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FPPA	Farmland Protection Policy Act
FY	Fiscal Year
GHG	greenhouse gas
HCP	Habitat Conservation Plan
IBWC	International Boundary and Water Commission
ICE	Immigrations and Customs Enforcement
LBV	least Bell's vireo
MBTA	Migratory Bird Treaty Act
MD	Management Directive
MMP	Mitigation and Monitoring Plan
MMTCE	million metric tons of carbon equivalent
MSCP	Multiple Species Conservation Program
MSL	mean sea level
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NCCP	Natural Communities Conservation Plan
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NO_2	nitrogen dioxide
NOA	Notice of Availability
NOI	Notice of Intent
NO_x	nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
O_3	ozone
OMW	Otay Mountain Wilderness
P.L.	Public Law
Pb	lead
PERP	Portable Equipment Registration Program
PM_{10}	particles equal to or less than 10 microns in diameter
$PM_{2.5}$	particles equal to or less than 2.5 microns in diameter
POE	Port of Entry
ppm	parts per million
PRC	Public Resources Code
ROD	Record of Decision
ROI	Region of Influence
ROW	right-of-way
SAAQS	State Ambient Air Quality Standards

SANDAG	San Diego Association of Governments
SBI	Secure Border Initiative
SC	species of special concern
SDAPCD	San Diego County Air Pollution Control District
SDFS	San Diego fairy shrimp
SDG&E	San Diego Gas & Electric
SDIAQCR	San Diego Interstate Air Quality Control Region
SDWA	Safe Drinking Water Act
SHPO	State Historic Preservation Office
SO_2	sulfur dioxide
SPCC	Spill Prevention Control and Countermeasure
SR	State Route
SRMA	Special Recreation Management Area
SRPL	Sunrise Powerlink Project
SWF	southwestern willow flycatcher
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TMDL	Total Maximum Daily Loads
TSS	total suspended solids
U.S.C.	United States Code
USACE	U.S. Army Corps of Engineers
USBP	U.S. Border Patrol
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USIBWC	United States Section, International Boundary and Water Commission
UTM	Universal Transverse Mercator
VOC	volatile organic compound
VRM	Visual Resources Management

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SECTION 8

References

8. REFERENCES

Beauchamp 1986 — Beauchamp, R.M. 1986. *Flora Of San Diego County, California*. Sweetwater River Press, National City, CA.

Berestein 2004 — Berestein, Leslie. 2004. *Tightened Border in S.D. Shifts Strain to Areas East*. San Diego Union-Tribune. 1 August 2004.

BLM 1986a — U.S. Bureau of Land Management (BLM). 1986. *BLM Manual H-8410-1, Visual Resource Inventory, Bureau of Land Management*. 17 January 1986.

BLM 1986b — BLM. 1986. *BLM Manual 8431 Visual Resource Contrast Rating, Bureau of Land Management*. 17 January 1986.

BLM 1994 — BLM. 1994. *South Coast Resource Management Plan and Record of Decision*. USDI-BLM, California Desert District, Palm Springs – South Coast Resource Area. June 1994.

BLM 1999 — BLM. 1999. "Statement of Tom Fry (Acting) Director, Bureau of Land Management on H.R. 15 Otay Mountain Wilderness Act of 1999 Before the House Resources Subcommittee on National Parks And Public Lands." Available online: <*http://www.blm.gov/nhp/news/legislative/pages/1999/te990204.htm*>. Accessed 30 November 2007.

BLM 2007 — BLM. 2007. "Sunrise Powerlink Project." Available online: <*http://www.blm.gov/ca/st/en/fo/elcentro/sunrise.html*>. Accessed 22 October 2007.

Boeing 2007 — Boeing. 2007. *SBInet Background*. Secure Border Initiative. March 2007.

CADWR 2003 — California Department of Water Resources (CADWR). 2003. "California's Groundwater, Bulletin 118, Update 2003." Available online: <*http://www.groundwater.water.ca.gov/bulletin118/update2003/index.cfm*>. Accessed 7 September 2007.

CARB 2007a — California Air Resources Board (CARB). 2007. "Ambient Air Quality Standards." Available online: <*http://www.arb.ca.gov/research/aaqs/aaqs2.pdf*>. Accessed 3 October 2007.

CARB 2007b — CARB. 2007. "California 1990 Greenhouse Gas Emissions Level and 2020 Emissions Limit." Available online: <*http://www.arb.ca.gov/cc/ccei/inventory/1990_level.htm*>. Accessed 20 November 2007.

CBI 2004 — Conservation Biology Institute (CBI). 2004. *Las Californias Binational Conservation Initiative: A Vision for Habitat Conservation in the Border Region of California and Baja California*. September 2004.

CBP 2007a — U.S. Customs and Border Protection (CBP). 2007. "San Diego Sector (California) Homepage." Available online: <*http://www.cbp.gov/xp/cgov/border_security/border_patrol/border_patrol_sectors/sandiego_sector_ca/*>. Accessed 2 October 2007.

CBP 2007b — CBP. 2007. *Environmental Assessment Brown Field Station Monument 250 Road Improvement Project, San Diego Sector, Brown Field Station, San Diego, California*.

CCA 2007 — Corrections Corporation of America (CCA). 2007. "San Diego Correctional Facility." Available online: <*http://www.correctionscorp.com/facility_detailed.cfm?facid=105*>. Accessed 30 November 2007.

CDCR 2007 — California Department of Corrections and Rehabilitation (CDCR). 2007. "Richard J. Donovan Correctional Facility at Rock Mountain (RJD)." Available online: <*http://www.cdcr.ca.gov/Visitors/Facilities/RJD.html*>. Accessed 30 November 2007.

CDFG 2007 — California Department of Fish and Game (CDFG). 2007. "California Natural Diversity Database (CNDDB) County Species List." Available online: <*http://imaps.dfg.ca.gov/viewers/CNDDB_QuickViewer*>. Accessed 15 October 2007.

CEQ 1997 — Council on Environmental Quality, Executive Office of the President (CEQ). 1997. *Considering Cumulative Effects Under the National Environmental Policy Act.* January 1997.

CEQ 2005 — CEQ. 2005. *Guidance on the Consideration of Past Actions in Cumulative Effects Analysis*. 24 June 2005.

Chambers Group Inc. 2002 — Chambers Group, Inc. 2002. *A Cultural Resources Inventory of the Border Pack Trail, San Diego County, CA.*

City of San Diego 1997 — City of San Diego. 1997. "City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan." City of San Diego Community and Economic Development Department. March 1997. Available online: <*http://www.sandiego.gov/planning/mscp/pdf/subareafullversion.pdf*>. Accessed 4 December 2007.

City of San Diego 2007 — City of San Diego. 2007. "City of San Diego General Plan, Public Hearing Draft." September 2007. Available online: <*http://www.sandiego.gov/planning/genplan/index.shtml*>. Accessed 9 December 2007.

Clark 2007 — Clark, Kevin B. Personal communication and field notes from October 2007 field survey. Clark Biological Services. 25 October 2007.

COL 2001 — City of Lodi (COL). 2001. "City of Lodi Community Development Department. Prostyle Sports Complex Draft Environmental Impact Report." December 2001. Available online: <*http://www.lodi.gov/eir/index.html*>. Accessed 2 May 2006.

Collett and Cheever 2002 — Collett, R. O., and D. M. Cheever. 2002. *Results of Cultural Resource Survey for the Proposed Miguel-Mission 230 kV #2 Project, San Diego County, California.*

Cotterman and Espinoza 2002 — Cotterman, Cary and Maria Espinoza. 2002. *Cultural Resources Inventory of the Border Pack Trail, San Diego County, California*.

CRS 2006 — Congressional Research Service (CRS). 2006. "Report For Congress." *Border Security: Barriers Along the U.S. International Border*. 12 December 2006.

CSHPO 1988 — California State Historic Preservation Office (CSHPO). 1988. *California Archaeological Resource Identification and Data Acquisition Program: Sparse Lithic Scatters*.

Demere 2007 — Demere, Thomas A. 2007. "Geology of San Diego County, California." San Diego Natural History Museum. Available online: <*http://www.sdnhm.org/research/paleontology/sdgeol.html*>. Accessed 28 September 2007.

DHS 2004 — U.S. Department of Homeland Security (DHS). 2004. *Environmental Impact Statement for Operation Rio Grande*. April 2004.

Dossey 2007 — Dossey, Rod. 2007. Personal communication between Rod Dossey and Dr. Cheryl Schmidt (e²M) during field review of A-1 alignment and access roads. 4 December 2007.

EIA 2007 — Energy Information Administration (EIA). 2007. "Voluntary Reporting of Greenhouse Gases Program." Available online: <*www.eis.doe.gov/oiaf/1605/coefficients*>. Accessed 4 November 2007.

ESRI StreetMap 2005 — Environmental Systems Research Institute (ESRI) StreetMap. 2005. *StreetMap USA.* Copyright ESRI Data and Maps, 2005. Redlands CA.

Fedstats 2007 — Fedstats. 2007. "Mapstats, San Diego County, California." 31 July 2007. Available online: <*http://www.fedstats.gov/qf/states/06/06073.html*>. Accessed 4 December 2007.

FEMA 1997 — Federal Emergency Management Agency (FEMA). 1997. "Map Service Center Viewer – Flood Insurance Rate Map (FIRM) Panel No. 06073C2250F for San Diego County, California." Effective Date 19 June 1997. Available online: <*https://msc.fema.gov*>. Accessed 15 October 2007.

FEMA 2006 — FEMA. 2006. "Map Service Center Viewer – Flood Insurance Rate Map Panel No. 06073C2225F for San Diego County, California." Effective Date 29 September 2006. Available online: <*https://msc.fema.gov*>. Accessed 15 October 2007.

Foster and Jenkins 1984 — Foster, Dan and Richard Jenkins. 1984. *A Survey of the California Department of Forestry Evans-Wentz Property.*

Hickman 1996 — Hickman, James C. 1996. *The Jepson Manual, Higher Plants of California.* University of California Press. Berkeley, CA.

Holland 1986 — Holland, Robert F. 1986. *Preliminary Descriptions of the Terrestrial Natural Communities of California.* California Department of Fish and Game. Sacramento, CA.

James 1912 — James, G. W. 1912. *In and Out of the Old Missions*. Little, Brown, and Company. Boston, MA.

Klein 2007 — Klein, Michael. 2007. *Border Fence Field Survey Notes for Survey Dates 15 and 17 October 2007 and 3 and 4 December 2007.*

Landrum & Brown 2002 — Landrum & Brown, Inc. 2002. "Common Noise Sources." Available online : <*www.landrumbrown.com/env/PVD/EIS/Jan%202002%20Chapter%204/ 4%201-1%20%20 common_noise_sources.pdf*>. 15 January 2002. Accessed 6 July 2004.

Luomala 1978 — Luomala, K. 1978. "Tipai and Ipai." *Handbook of North American Indians: California.* Vol. 8. Smithsonian Institution, Washington D.C.

Mitchell 1997 — Mitchell, Mike. 1997. *A Cultural Resource Inventory of the Proposed Otay Mountain Horse Trail.* Bureau of Land Management.

Moratto 1984 — Moratto, Michael. 1984. *California Archaeology.* Academic Press.

MSCP 1998 — Multiple Species Conservation Program (MSCP). 1998. *Final Multiple Species Conservation Program: MSCP Plan*. San Diego County, CA.

National Park Service 1992 — National Park Service (NPS). 1992. National Register of Historic Places Registration Form for Kuchamaa. NRIS Reference No. 92001268.

NatureServe 2007 — NatureServe. 2007. "An Online Encyclopedia of Life [web application]." NatureServe Explorer Version 6.2. Arlington, VA. Available online: <*http://www.natureserve.org/explorer*>. Accessed December 2007.

NRCS 2007 — Natural Resources Conservation Service (NRCS). 2007. "National Cooperative Soil Survey (NCSS) Web Soil Survey Version 1.1." U.S. Department of Agriculture, NRCS. Available online: <*http://websoilsurvey.nrcs.usda.gov/app/*>. Accessed 28 September 2007.

Otay Mesa undated — Community of Otay Mesa. Undated. "About Otay Mesa." Available online: <*http://www.otaymesa.org/ab-otay.html*>. Accessed 15 October 2007.

Parker 2002 — Parker, Greig. 2002. *DPR Form CA-SDI-16300 on File at South Coastal Information Center.*

Rolle 1978 — Rolle, A.F. 1978. *California: A History.* Third Edition. AHM Publishing. Arlington Heights, IL.

San Diego County 2000 — San Diego County. 2000. "San Diego County Air Pollution Control District: Rule 11-Exemptions from Rule 10 Permit Requirements." Effective 15 November 2000. Available online: < *http://www.arb.ca.gov/drdb/sd/curhtml/R11.htm*>. Accessed 19 October 2007.

SANDAG 2003a — San Diego Association of Governments (SANDAG). 2003. "Census 2000 Profile Otay Mesa Community Planning Area City of San Diego." 12 June 2003. Available online: <*http://profilewarehouse.sandag.org/profiles/cen00/sdcpa1426cen00.pdf*>. Accessed 4 December 2007.

SANDAG 2003b — SANDAG. 2003. "Census 2000 Profile 91980." 12 June 2003. Available online: <*http://profilewarehouse.sandag.org/profiles/cen00/zip91980cen00.pdf*>. Accessed 4 December 2007.

SANDAG 2003c — SANDAG. 2003. "Census 2000 Profile San Diego Region." 12 June 2003. Available online: <*http://profilewarehouse.sandag.org/profiles/cen00/reg999cen00.pdf*>. Accessed 4 December 2007.

SANDAG 2007a — SANDAG. 2007. "2007 Current Land Use." 1 January 2007. Available online: <*http://www.sandag.org/resources/maps_and_gis/gis_downloads/land.asp*>. Accessed 4 December 2007.

SANDAG 2007b — SANDAG. 2007. "Population and Housing Estimates San Diego Region." October 2007. Available online: <*http://profilewarehouse.sandag.org/profiles/est/reg999est.pdf*>. Last updated October 2007. Accessed 4 December 2007.

SANDAG 2007c — SANDAG. 2007. "Population and Housing Estimates Otay Mesa Community Planning Area City of San Diego." October 2007. Available online: <*http://profilewarehouse.sandag.org/profiles/est/sdcpa1426est.pdf*>. Last updated October 2007. Accessed 4 December 2007.

SANDAG 2007d — SANDAG. 2007. "Population and Housing Estimates Zip Code 91980." October 2007. Available online: <*http://profilewarehouse.sandag.org/profiles/est/zip91980est.pdf*>. Last updated October 2007. Accessed 4 December 2007.

Sawyer and Keeler-Wolf 1995 — Sawyer, John O. and Todd Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society. Davis, CA.

SDAC 2007 — San Diego Archaeology Center (SDAC). 2007. "The View from Otay Mesa: Cultural Landscapes through Time." Available online: <*http://www.sandiegoarchaeology.org/Otay%20Mesa%20Exhibit%20.pdf*>. Accessed 30 November 2007.

SDCSD 2002 — San Diego County Sheriff's Department (SDCSD). 2002. "George F. Bailey Detention Facility". Last updated 10 March 2002. Available online: <*http://www.sdsheriff.net/gbdf/index.html*>. Accessed 30 November 2007.

SDCSD 2007 — SDCSD. 2007. "East Mesa Detention Facility." Available online: <*http://www.sdsheriff.net/emdf/index.html*>. Accessed 30 November 2007.

SDSU 2007 — San Diego State University (SDSU). 2007. "Tijuana River Watershed." Available online: <*http://trw.sdsu.edu/English/WshdOverw/wshOverwFrame.htm*>. Accessed 15 October 2007.

SeaWorld Inc. 2007 — SeaWorld Inc. 2007. "FY 2005-2006 Tijuana River Watershed Urban Runoff Management Program." Prepared by San Diego County, City of San Diego, and City of Imperial Beach. Available online: <*http://www.projectcleanwater.org/pdf/wurmp/tj_2006_annual_report.pdf*>. Accessed 16 October 2007.

Smith and Berg 1988 — Smith, J.P., and K. Berg. 1988. *California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California*. 4th edition. California Native Plant Society. Sacramento, CA.

State of California 2006 — State of California. 2006. "January 2007 Cities/Counties Ranked by Size, Numeric, and Percent Change." May 2006. Available online: <*http://www.dof.ca.gov/HTML/DEMOGRAP/ReportsPapers/Estimates/Rankings/CityCounties1-06/RankerText.php*>. Accessed 4 December 2007.

TopoZone.com 2007 — TopoZone.com. 2007. "USGS Otay Mountain and Tecate Topographic Maps." Copyright TopoZone.com © 1999–2003. Maps a la carte, Inc. Available online: <*http://www.topozone.com*>. Accessed 28 September 2007.

U.S. Census Bureau 2000 — U.S. Census Bureau. 2000. "Decennial Census 2000." Available online: <*http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=DEC&_submenuId=datasets_0&_lang=en*>. Accessed 4 December 2007.

University of California 2007 — University of California. 2007. "Jepson Flora Project for California Floristics." The Jepson Herbarium, University of California, Berkeley. Available online: < *http://ucjeps.berkeley.edu/cgi-bin/get_cpn.pl?CRSE11>.* Accessed 7 December 2007.

USACE 1987 — U.S. Army Corps of Engineers (USACE). 1987. *Wetlands Delineation Manual*. Technical Report Y-87-1, USACE Waterways Experiment Station, Environmental Laboratory. Vicksburg, MI.

USACE 1999 — USACE. 1999. *Draft Environmental Baseline Document ISO the Supplemental Programmatic EIS for INS and JTF-6 Activities Along the U.S./Mexico Border*. Volume 5: California Study Area. March 1999.

USACE 2000 USACE. 2000. *Final Environmental Assessment for the Proposed JTF-6 Levee Road Maintenance and Repair Project, Brownsville, Texas.* Prepared for Joint Task Force Six, Fort Bliss, TX. Prepared by USACE. Fort Worth District, TX. April 2000.

USACE 2007 USACE. 2007. *Design Concept Report for PF225 Project A-1 Pack Trail Access Road. No. W9126G-07-D-0009*. Delivery Order No. 20. USACE Forth Worth District. November 2007.

USEPA 1974 U.S. Environmental Protection Agency (USEPA). 1974. *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety*. March 1974.

USEPA 2007a USEPA. 2007. "National Ambient Air Quality Standards (NAAQS)." Available online: <*http://www.epa.gov/air/criteria.html*>. Accessed 2 October 2007.

USEPA 2007b USEPA. 2007. "AirData NET Tier Report for Southeast Desert AQCR". Available online: <*http://www.epa.gov/air/data/geosel.html*>. Accessed 3 October 2007.

USFWS 1998 U.S. Fish and Wildlife Service (USFWS). 1998. *Draft Recovery Plan for the Least Bell's Vireo*. Portland, OR.

USFWS 1999 USFWS. 1999. *Arroyo Southwestern Toad (Bufo microscaphus californicus) Recovery Plan.* Portland, OR.

USFWS 2002 USFWS. 2002. *Southwestern Willow Flycatcher Recovery Plan*. Appendices A-O. Albuquerque, NM.

USIBWC 2007 United States Section, International Boundary and Water Commission (USIBWC). 2007. "The International Boundary and Water Commission, its Mission, Organization and Procedures for Solution of Boundary and Water Problems." Available online: <*www.ibwc.state.gov/About_Us.html*>. Accessed 20 September 2007.

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APPENDIX A

Standard Design for Tactical Infrastructure

APPENDIX A

STANDARD DESIGN FOR TACTICAL INFRASTRUCTURE

A properly designed tactical infrastructure system is an indispensable tool in deterring those attempting to illegally cross the U.S. border. Tactical infrastructure is also integral to maintaining USBP's flexibility in deploying agents and enforcement operations. A formidable infrastructure acts as a force multiplier by slowing down illegal entrants and increasing the window of time that agents have to respond. Strategically developed tactical infrastructure should enable USBP managers to better utilize existing manpower when addressing the dynamic nature of terrorists, illegal aliens, and narcotics trafficking (INS 2002).

USBP apprehension statistics remain the most reliable way to codify trends in illegal migration along the border. Based on apprehension statistics, in a 2006 report on border security, the Congressional Research Service concluded that "the installation of border fencing, in combination with an increase in agent manpower and technological assets, has had a significant effect on the apprehensions made in the San Diego sector" (CRS 2006).

Since effective border enforcement requires adequate scope, depth, and variety in enforcement activity, any single border enforcement function that significantly depletes USBP's ability to satisfactorily address any other enforcement action creates exploitable opportunities for criminal elements. For example, the intense deployment of personnel resources necessary to monitor urban border areas without tactical infrastructure adversely affects the number of agents available for boat patrol, transportation check points, patrolling remote border areas, and other tasks. Tactical infrastructure reduces this effect by reinforcing critical areas, allowing the agents to be assigned to other equally important border enforcement roles (INS 2002).

Fencing

Two applications for fencing have been developed in an effort to control illegal cross-border traffic: primary pedestrian fences that are built on the border, and secondary fences that are constructed parallel to the primary pedestrian fences. These fences present a formidable physical barrier which impede cross-border violators and increases the window of time USBP agents have to respond (INS 2002).

There are several types of primary pedestrian fence designs USBP can select for construction depending on various site conditions and law enforcement tactics employed. Each option offers relative advantages and disadvantages. Fencing composed of concrete panels, for example, is among the more cost-effective options, but USBP agents cannot see through it. USBP prefers fencing

structures offering visual transparency, allowing observation of activities developing on the other side of the border.

Over the past decade, USBP has deployed a variety of types of fencing, such as primary pedestrian fence (see **Figures A-1** through **A-4**), primary pedestrian fence with wildlife migratory portals (see **Figures A-5** and **A-6**), and bollard fencing (see **Figure A-7**).

Figure A-1. Typical Primary Pedestrian Fence Foundation

Figure A-2. Typical Primary Pedestrian Fence Design

Figure A-3. Typical Primary Pedestrian Fence Design

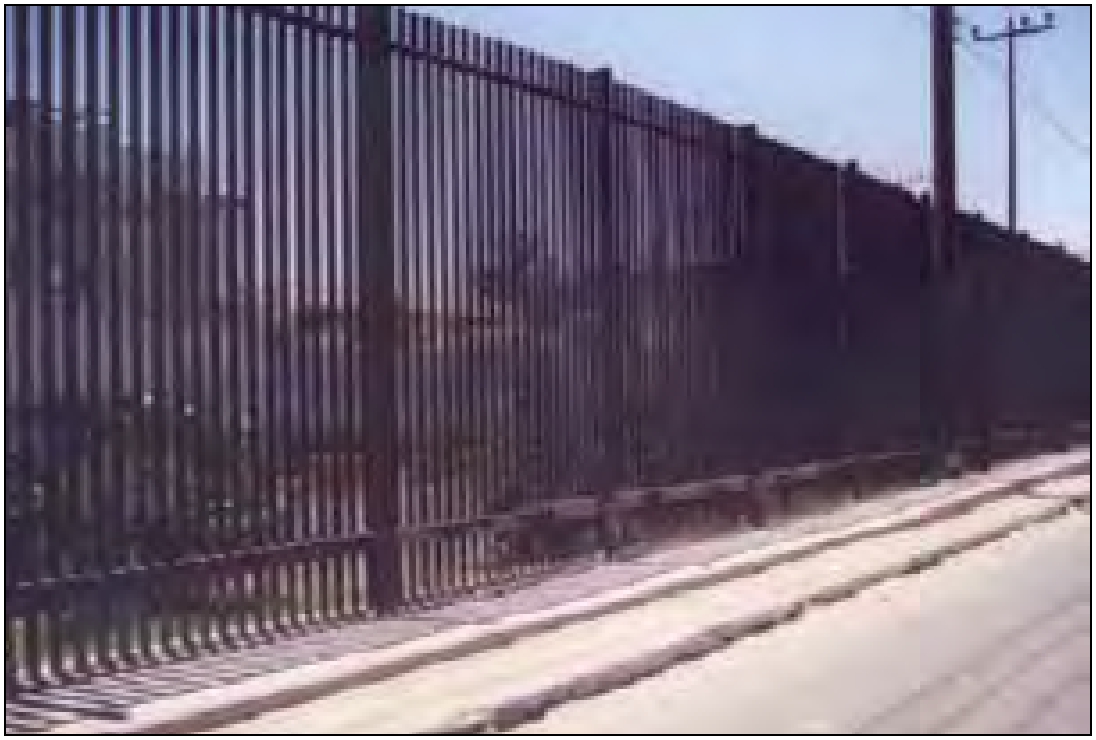

Figure A-4. Typical Primary Pedestrian Fence Design

Figure A-5. Primary Pedestrian Fence with Wildlife Migratory Portals

Figure A-6. Wildlife Migratory Portals

Figure A-7. Bollard Fence

Bollard fencing has been effective in its limited deployment and can also be seen through. However, it is expensive to construct and to maintain. Landing mat fencing is composed of Army surplus carbon steel landing mats which were used to create landing strips during the Vietnam War. Chain-link fencing is relatively economical, but more easily compromised. In selecting a particular fencing design, USBP weighs various factors such as its effectiveness as a law enforcement tool, the costs associated with construction and maintenance, potential environmental impacts, and other public interest concerns. USBP continues to develop fence designs to best address these objectives and constraints.

Patrol Roads

Patrol roads provide USBP agents with quick and direct access to anyone conducting illegal activity along the border, and allow agents access to the various components of the tactical infrastructure system. Patrol roads typically run parallel to and a few feet north of the primary pedestrian fence. Patrol roads are typically unpaved, but in some cases “all-weather” roads are necessary to ensure continual USBP access (INS 2002).

Lighting

Two types of lighting (permanent and portable) might be constructed in specific urban locations. Illegal entries are often accomplished by using the cover of darkness, which would be eliminated by lighting. Lighting acts as a deterrent to cross-border violators and as an aid to USBP agents in capturing illegal aliens, smugglers, terrorists, or terrorist weapons after they have entered the United States (INS 2001). Lighting locations are determined by USBP based on projected operational needs of the specific area.

The permanent lighting would be stadium-type lights on approximately 30- to 40-foot high poles with two to four lights per pole. Each light would have a range of 400 to 1,000 watts, with lower-wattage bulbs used where feasible. Wooden poles, encased in concrete and steel culvert pipe to prevent them from being cut down, would most often be used, although steel poles with concrete footings might also be used. The poles might be existing poles or they might need to be installed. Electricity would be run in overhead lines unless local regulations require the lines to be underground (DHS 2004). Lights would operate from dusk to dawn. Light poles adjacent to U.S. IBWC levees would be coordinated with and approved by the U.S. IBWC. The final placement and direction of lighting has been and would continue to be coordinated with the USFWS, with the USFWS having final review over both placement and direction along each fence section.

Portable lights are self-contained units with generators that can be quickly moved to meet USBP operational requirements. Portable lights are powered by a 6-kilowatt self-contained diesel generator. Portable lights would generally operate continuously every night and would require refueling every day prior to the next night's operation. The portable light systems can be towed to the desired location by USBP vehicles, but they are typically spaced approximately 100 to 400 feet apart, depending upon topography and operational needs. Each portable light would have a light fan directed toward the fence to produce an illuminated area of 100 ft^2. The lighting systems would have shields placed over the lamps to reduce or eliminate the effects of backlighting. Effects from the lighting would occur along the entire corridor where they could be placed; however, in reality, only parts of the fence would be illuminated at a given time since the portable lights would be periodically relocated to provide the most effective deterrent and enforcement strategy (INS 2001).

References

CRS 2006 — Congressional Research Service (CRS). 2006. "Report For Congress." *Border Security: Barriers Along the U.S. International Border*. 12 December 2006.

DHS 2004 — U.S. Department of Homeland Security (DHS). 2004. *Environmental Impact Statement for Operation Rio Grande*. CBP, Washington D.C. April 2004.

INS 2001 — Immigration and Naturalization Service (INS). 2001. *Final Environmental Assessment, Portable Lights within the Naco Corridor*. Cochise County, Arizona. December 2001.

INS 2002 — Immigration and Naturalization Service (INS). 2002. *Draft Environmental Impact Statement for the Completion of the 14-Mile Border Infrastructure System, San Diego, CA*. Immigration and naturalization Service. January 2002

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APPENDIX B

Applicable Laws and Executive Orders

Table of Applicable Laws and Executive Orders [1]

Title, Citation	Summary
Archaeological and Historical Preservation Act, 16 U.S.C. 469	Protects and preserves historical and archeological data. Requires Federal agencies to identify and recover data from archeological sites threatened by a proposed action(s).
Clean Air Act, 42 U.S.C. 7401–7671q, as amended	Establishes Federal standards for air pollutants. Prevents significant deterioration in areas of the country where air quality fails to meet Federal standards.
Clean Water Act, 33 U.S.C. 1251–1387 (also known as the Federal Water Pollution Control Act)	Comprehensively restores and maintains the chemical, physical, and biological integrity of the nation's waters. Implemented and enforced by the U.S. Environmental Protection Agency (USEPA).
Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601–9675 (also known as "Superfund")	Provides for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment and cleanup of inactive hazardous substances disposal sites. Establishes a fund financed by hazardous waste generators to support cleanup and response actions.
Endangered Species Act of 1973, 16 U.S.C. 1531–1543, as amended	Protects threatened, endangered, and candidate species of fish, wildlife, and plants and their designated critical habitats. Prohibits Federal action that jeopardizes the continued existence of endangered or threatened species. Requires consultation with U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries and a biological assessment when such species are present in an area affected by government activities.
Fish and Wildlife Coordination Act, 16 U.S.C. 661–667e, as amended	Authorizes the Secretaries of the Interior and Commerce to provide assistance to and cooperate with Federal and state agencies to protect, rear, stock, and increase the supply of game and fur-bearing animals, as well as to study the effects of domestic sewage, trade wastes, and other polluting substances on wildlife. The 1946 amendments require consultation with the USFWS and the state fish and wildlife agencies involving any waterbodies that are proposed or authorized, permitted, or licensed to be impounded, diverted, or otherwise controlled or modified by any agency under a Federal permit or license.
Migratory Bird Treaty Act, 16 U.S.C. 703–712	Implements various treaties for protecting migratory birds; the taking, killing, or possession of migratory birds is unlawful.

1

Table of Applicable Laws and Executive Orders [1] (continued)

Title, Citation	Summary
National Environmental Policy Act of 1969, 42 U.S.C. 4321–4370e, as amended	Requires Federal agencies to use a systematic approach when assessing environmental impacts of government activities. Proposes an interdisciplinary approach in a decisionmaking process designed to identify unacceptable or unnecessary impacts to the environment.
National Historic Preservation Act, 16 U.S.C. 470–470x-6	Requires Federal agencies to consider the effect of any federally assisted undertaking or licensing on any district, site, building, structure, or object eligible for inclusion, or listed in the National Register of Historic Places (NRHP). Provides for the nomination, identification (through NRHP listing), and protection of significant historical and cultural properties.
Noise Control Act of 1972, 42 U.S.C. 4901–4918	Establishes a national policy to promote an environment free from noise that jeopardizes health and welfare. Authorizes the establishment of Federal noise emissions standards and provides relevant information to the public.
Occupational Safety and Health Act of 1970, 29 U.S.C. 651–678	Establishes standards to protect workers, including standards on industrial safety, noise, and health standards.
Resource Conservation and Recovery Act, 42 U.S.C. 6901–6992k	Establishes requirements for safely managing and disposing of solid and hazardous waste and underground storage tanks.
Executive Order (EO) 12372, *Intergovernmental Review of Federal Programs*, July 14, 1982, 47 FR 30959 (6/16/82), as supplemented	Requires Federal agencies to consult with state and local governments when proposed Federal financial assistance or direct Federal development impacts interstate metropolitan urban centers or other interstate areas.
EO 12898, *Environmental Justice,* February 11, 1994, 59 FR 7629 (2/16/94), as amended	Requires certain Federal agencies, to the greatest extent practicable permitted by law, to make environmental justice part of their missions by identifying and addressing disproportionately high and adverse health or environmental effects on minority and low-income populations.

Table of Applicable Laws and Executive Orders [1] (continued)

Title, Citation	Summary
EO 13148, *Greening the Government Through Leadership in Environmental Management*, April 21, 2000, 65 FR 24595 (4/26/00)	Designates the head of each Federal agency to ensure that all necessary actions are taken to integrate environmental accountability into agency day-to-day decision making and long-term planning processes, across all agency missions, activities, and functions. Establishes goals for environmental management, environmental compliance, right-to-know (informing the public and their workers of possible sources of pollution resulting from facility operations) and pollution prevention, and similar matters.
EO 13175*, Consultation and Coordination with Indian Tribal Governments,* November 6, 2000, 65 FR 67249 (11/09/00)	Requires Federal agencies to establish an accountable process that ensures meaningful and timely input from tribal officials in developing policies that have tribal implications.
EO 13186*, Responsibilities of Federal Agencies to Protect Migratory Birds,* January 10, 2001, 66 FR 3853 (1/17/01)	Requires each agency to ensure that environmental analyses of Federal actions (required by the National Environmental Policy Act or other established environmental review processes) evaluate the effects of actions and agency plans on migratory birds, emphasizing species of concern. Agencies must support the conservation intent of migratory bird conventions by integrating bird conservation principles, measures, and practices into agency activities, and by avoiding or minimizing, to the extent practicable, adverse impacts on migratory bird resources when conducting agency actions.
EO 11593, *Protection and Enhancement of the Cultural Environment*, May 13, 1971, 36 FR 8921 (5/15/71)	Requires all Federal agencies to locate, identify, and record all cultural resources, including significant archeological, historical, or architectural sites.

Note: [1] This table only reflects those laws and EOs that might reasonably be expected to apply to the Proposed Action and alternatives.

Other laws and Executive Orders relevant to consideration of the construction, maintenance, and operation of tactical infrastructure include, but are not limited to:

- American Indian Religious Freedom Act, 42 U.S.C. 1996, et seq.
- Antiquities Act, 16 U.S.C. 433, et seq.; Archeological Resources Protection Act, 16 U.S.C. 470 aa-ll, et seq.
- Architectural Barriers Act, 42 U.S.C. 4151, et seq.

- Community Environmental Response Facilitation Act, 42 U.S.C. 9620, et seq.
- Department of Transportation Act, P.L. 89-670, 49 U.S.C. 303, Section 4(f), et seq.
- Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11001–11050, et seq.
- Environmental Quality Improvement Act, P.L. 98-581, 42 U.S.C. 4371, et seq.
- Farmlands Protection Policy Act, P.L. 97-98, 7 U.S.C. 4201, et seq.
- Federal Insecticide, Fungicide, and Rodenticide Act, P.L. 86-139, 7 U.S.C. 135, et seq.
- Federal Records Act, 44 U.S.C. 2101-3324, et seq.
- Fish and Wildlife Act of 1956, P.L. 85-888, 16 U.S.C. 742, et seq.
- Flood Disaster Protection Act, 42 U.S.C. 4001, et seq.
- Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001, et seq.
- Otay Mountain Wilderness Act of 1999. P.L.106-145
- Pollution Prevention Act of 1990, 42 U.S.C. 13101-13109, et seq.
- Safe Drinking Water Act, P.L. 93-523, 42, U.S.C. 201, et seq.
- Toxic Substances Control Act, 7 U.S.C. 136, et seq.
- Wild and Scenic Rivers Act, P.L. 90-542, 16 U.S.C. 1271, et seq.
- Wilderness Act of 1964. P.L. 88-577
- EO 12114, dated January 9, 1979, *Environmental Effects Abroad of Major Federal Actions*, 44 FR 1957
- EO 12088, dated October 13, 1978, *Federal Compliance with Pollution Control Standards*, 43 FR 47707, as amended by EO 12580, dated January 23, 1987, and revoked (in part) by EO 13148, dated April 21, 2000
- EO 13132, dated August 4, 1999, *Federalism*, 64 FR 43255
- EO 11988, dated May 24, 1977, *Floodplain Management and Protection*, 42 FR 26951, as amended by EO 12148, dated July 20, 1979, 44 FR 43239
- EO 13007, dated May 24, 1996, *Historic Sites Act*, 16 U.S.C. 46, et seq.; Indian Sacred Sites, 61 FR 26771

- EO 12372, dated July 14, 1982, *Intergovernmental Review of Federal Programs*, 47 FR 30959, as amended by EO 12416, April 8, 1983, 48 FR 15587; supplemented by EO 13132, August 4, 1999, 64 FR 43255
- EO 13112, dated February 3, 1999, *Invasive Species*, 64 FR 6183, as amended by EO 13286, February 28, 2003, 68 FR 10619
- EO 11514, dated March 5, 1970, *Protection and Enhancement of Environmental Quality*, 35 FR 4247, as amended by EO 11541, July 1,1970, 35 FR 10737 and EO 11991, May 24, 1977, 42 FR 26967
- EO 13045, dated April 21, 1997, *Protection of Children from Environmental Health and Safety Risks*, 62 FR 19885, as amended by EO 13229, October 9, 2001, 66 FR 52013 and EO 13296, April 18, 2003, 68 FR 19931
- EO 11990, dated May 24, 1977, *Protection of Wetlands*, 42 FR 26961, as amended by EO 12608, September 9, 1987, 52 FR 34617

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APPENDIX C

Draft Scoping Summary Report

SCOPING REPORT

FOR THE

SAN DIEGO SECTOR PROPOSED CONSTRUCTION, OPERATION, AND MAINTENANCE OF TACTICAL INFRASTRUCTURE ENVIRONMENTAL IMPACT STATEMENT

Prepared for:

U.S. Customs and Border Patrol

Prepared by:

Solutions Today for a Sustainable Tomorrow

OCTOBER 2007

SCOPING REPORT
SAN DIEGO SECTOR TACTICAL INFRASTRUCTURE EIS

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1. INTRODUCTION

This report documents comments and recommendations gathered from the public scoping and other outreach activities conducted by the U.S. Customs and Border Protection (CBP) on the San Diego Sector Proposed Construction, Operation, and Maintenance of Tactical Infrastructure Environmental Impact Statement (EIS).

CBP proposes to construct, operate, and maintain approximately 4 miles of tactical infrastructure. Proposed tactical infrastructure would consist of pedestrian fence, patrol roads, and access roads in two sections along the U.S./Mexico international border in San Diego County, California. The first section would be approximately 3.6 miles in length and would start at the Puebla Tree and end at boundary monument 250. The proposed section would be on and adjacent to the Otay Mountain Wilderness (OMW), would follow the Pak Trail, and would not connect to any existing fence. The OMW is on public lands administered by the Bureau of Land Management (BLM). The second section would be approximately 0.8 miles in length and would connect with existing border fence west of Tecate, Mexico. This fence section is an extension of existing fence up Tecate Peak and would pass through a riparian area. Some portions of the fence sections would be on multiple privately owned land parcels.

The EIS process will serve as a planning tool to assist agencies with decisionmaking authority associated with the Proposed Action and ensure that the required public involvement under the National Environmental Policy Act (NEPA) is accomplished. When completed, the EIS will present potential environmental impacts associated with the Proposed Action and alternatives and provide information to assist in the decisionmaking process about whether and how to implement the Proposed Action.

2. THE NEPA PROCESS AND THE EIS

NEPA requires Federal agencies to evaluate the potential environmental impacts of proposed projects and policies. The primary goal of NEPA is to provide sufficient information for the decisionmakers to make an informed decision. During the NEPA process, agencies consider issues ranging from air quality and biological impacts on cultural resources and socioeconomic impacts. CBP has determined that the most appropriate NEPA process for the San Diego Sector Tactical Infrastructure is an EIS, which is the most detailed analysis prescribed by the Council on Environmental Quality (CEQ). Public involvement is a vital component of the NEPA for vesting the public in the decisionmaking process and allowing for full environmental disclosure. Guidance for implementing public involvement is codified in Title 40 Code of Federal Regulations (CFR) 1506.6, thereby ensuring that Federal agencies make a diligent effort to involve the public in preparing NEPA documents. The public involvement process for this proposed project is outlined in the following steps:

- ***Conduct Public Scoping.*** In this phase of the process, CBP asked the public to provide feedback on the proposed project, potential environmental impacts, and analysis methods. Public scoping is critical for determining the issues to be discussed in the EIS and the methods for conducting the study. Outreach efforts included a Notice of Intent (NOI) to prepare an EIS in the *Federal Register* (**Appendix A**) and announcements of the public scoping process in local newspapers in English and Spanish (**Appendix B**). A Web site (*www.BorderFenceNEPA.com*) was established and information on the Proposed Action was posted on the Web site (**Appendix C**). Information on providing comments was discussed, and links to submit comments from the Web site were also provided.
- ***Prepare a Draft EIS (DEIS)***. The DEIS is the first version of the formal document. The DEIS will be distributed to the public libraries throughout the affected area; Federal, state, regional, and local agencies; private citizens; and local organizations. CBP will hold a public meeting to provide citizens an opportunity to make formal oral and written comments concerning the DEIS. Outreach efforts will include a Notice of Availability (NOA) of the DEIS and announcement of a public open house in the *Federal Register* and local newspapers. At the public open house, resource experts will be present to answer questions and the public will have an opportunity to enter comments and concerns into the official record.
- ***Prepare a Final EIS (FEIS)***. After the close of the comment period on the DEIS, CBP will prepare the FEIS to document the manner in which comments have been resolved. An NOA of the FEIS will appear in the *Federal Register* and local papers. The public will have 30 days to comment on the FEIS.

- ***Prepare a Record of Decision*.** A Record of Decision (ROD) will be prepared to document the final agency decision on the Proposed Action. Notice of the ROD will be made available on the Web site.

3. PUBLIC INVOLVEMENT PROCESS

CBP invited comments from the public to help determine the scope of the EIS by publishing an NOI in the *Federal Register* (72 FR 184) on September 24, 2007. The NOI provided background information on the Proposed Action, the EIS, a description of the scoping process, and a discussion of alternative methods for the public to provide comments. A copy of the NOI is included in **Appendix A** of this Scoping Report.

Announcements were published in newspapers in the San Diego area to announce the development of the EIS. Announcements were placed in two English language newspapers; the *San Diego Union-Tribune* and the *San Diego Daily Transcript*, and in two Spanish language newspapers; *Hispanos Unidos* and *La Prensa San Diego*.

A Web site was developed at *www.BorderFenceNEPA.com* to provide information to the public on the Proposed Action. Information posted on the Web site includes a description of the Proposed Action, a map of the locations of the tactical infrastructure, a picture of the type of fence proposed, and information on the NEPA process and opportunities for public involvement. A description of the ways to submit comments on the scope of the EIS is also included (via the Web site, email, fax, or mail). A link from the Web site to submit comments is provided to facilitate comments from individuals reviewing information on the Web site.

Public scoping comments were accepted through October 15, 2007. Comments were reviewed for incorporation into the DEIS. Comments will continue to be accepted throughout the EIS environmental planning period, but comments received after October 15, 2007, will be evaluated following the publication of the DEIS.

The Public Scoping Period represents only the first of multiple opportunities for public comment. USBP current plans include a 45-day public comment period once the DEIS is released. During this time, CBP also plans to hold a public information meeting on the DEIS. Comments on the DEIS will contribute to the FEIS. In addition, there will be a 30-day public comment period once the FEIS is released. Comments on the FEIS will contribute to the Record of Decision.

As each of these documents is released for public comment, a Notice of Availability will be published in the *Federal Register* and local newspapers.

4. PUBLIC SCOPING RESULTS

4.1 ISSUES AND CONCERNS

Comments were received from 3,503 private individuals during the scoping period. In addition, letters were received from the U.S. Environmental Protection Agency, Region 9 and the International Boundary and Water Commission (**Appendix D**). A letter was also received from the nongovernmental organization, Defenders of Wildlife. **Table 4-1** summarizes the comments received during the public scoping period.

Table 4-1. Summary of Comments During the San Diego Tactical Infrastructure Scoping Comment Period

Comment Type	Summary of Concerns Raised in Scoping Comments
Alternatives suggested	• Continuous fence along entire US/Mexico border (double or triple layer) • Enforce immigration laws better • Armed forces along the entire border • Improve law enforcement options: immigration/deportation • Change/alter laws (do not allow a child born to an illegal to obtain citizenship) • Stronger enforcement and harsher penalties for employers that hire illegal immigrants, harsher penalties to illegal border crossers • Build “bridges of compassion and understanding” and stronger enforcement and harsher penalties for employers that hire illegal immigrants • More USBP agents, hi-tech patrolling, and guard dogs in lieu of fence • Use numerous contractors to build fence along entire border and give incentives for finishing early • Solid fence (this would give the appearance to the illegal border crossers that the “grass is not greener on the other side”) • Manned towers and electronic surveillance instead of fence • Use salvaged land mines along border instead of fence • Detain illegal crossers and set up prison camp along border and using detained persons for building the fence • Vehicle barriers instead of fence • Sterilize mothers of anchor babies • See through plastic fence

Comment Type	Summary of Concerns Raised in Scoping Comments
Changes to fence design	• Machine gun nests on fence every few miles • Water cannons on top of fence controlled from "Command Center" • Include razor wire on top of fence to prevent scaling, or some type of spikes to prevent use of rope, razor wire should extend 30–40 feet from base of fence • Electrified fence • Fence with surveillance (e.g., camera/video, sensors, lasers, and underground sensors) • Replace all run-down existing fences in addition to building a double layer fence for entire border • Fence should be made of noncorrosive material and a minimum 3-foot-deep concrete foundation • Include a mine field along the fence and manned gun turrets every 300 yards or include mines between a double layered fence • Minimum design criteria should include that the materials be low maintenance (core 10 steel and salt/air resistant) and modular (easy to replace/repair) • Height of fence should be 50 feet above ground and extend 25 feet below ground. • Fence should duplicate the Israelis • Fence should include small openings for animals • Needs to have a technology to detect tampering • Aesthetics should not be considered, just effectiveness • Fence should be equipped with a system to alert of trespassers • Fence should be constructed of concrete and at least 30–50 feet high • Double layer fence should have ditch, trench, or concrete blockers to stop all traffic • Use unmanned aerial vehicles with 30-caliber gatling guns and FLIR (forward looking infrared radar), or unmanned aerial surveillance • The fence should have a net at the top to catch anyone trying to jump/climb over • Fence should have sensors to detect those that try to tunnel underneath • A moat should supplement the fence • Eliminate surfaces on the fence that will allow people to jump over the fence

Comment Type	Summary of Concerns Raised in Scoping Comments
EIS Process	• EIS should be waived • EIS should also consider the negative impact the illegal immigrants create when crossing the border • Need to explain DHS's process for bypassing environmental laws and regulations and whether there is an intention to do so for this project • USBP's future plans to build additional border walls should be evaluated to avoid segmenting the entire project's effects • Effectiveness of other border projects needs to be evaluated • A clear statement of purpose and need should be included • Cumulative impacts should focus on resources of concern and clearly identify the resources analyzed, the resources not analyzed, and why • The environmental baseline should be assessed prior to recent, intensive development in the area
Other/Questions raised	• What will stop people from tunneling underneath the fence? • Who watches the areas that have a natural flow of water? • Why don't we have to the same on the Canada border? • Communicate and work with many environmental orgs and security companies to determine the best implementation of the fence • Companies which have won the construction bid should be penalized if they are unable to meet design criteria or schedule • ID verification in welfare offices, schools, or any taxpayer funded service – we need a national fraud proof ID • Will other sections of the fence be repaired that currently have damage (e.g., Yuma Sector) • Need to revise laws for existing illegal aliens to revoke privileges and rights given to immigrants • Fence should not change historic surface runoff characteristics at international border • Should not preclude the access of U.S. IBWC maintenance personnel
Geology and Soils	• Impact from illegal border crossers: Erosion of areas with elevation due to the frequent paths carved into the hill

Comment Type	Summary of Concerns Raised in Scoping Comments
Water Resources	• EIS should discuss original (natural) drainage patterns and should identify whether any components are within the 50- or 100-year floodplain • Changes to existing drainage patterns should be evaluated • Should meet the requirements of CWA Section 402 • Work with the USACE to see if a 404 permit under CWA is needed
Biological Resources	• Impact from illegal border crossers: Frequent burning of sensitive areas affecting plants and wildlife, trampling (foot and vehicular) of protected plant and small animal species • Impact from illegal border crossers: Destruction of cacti (made by Native American 2594) • If needed, build another reserve to transplant fauna and flora affected by fence • Efforts be undertaken to examine potential impacts on the endangered Quino Checkerspot Butterfly and other threatened and endangered species • Prepare an inventory of present wildlife so that the fence design can consider modes of transport and whether or not the fence would obstruct every inventoried species' mode of transport • Follow EO 13112 regarding invasive species • Impact of borders and fences on animal movements and migrations. • Include analysis of nocturnal species movements and patterns from lighting.
Cultural Resources	• Follow EO 13175, 13007 • Describe process and outcome of government to government consultation between the U.S. and USBP and each of the tribal governments

Comment Type	Summary of Concerns Raised in Scoping Comments
Air Quality	• San Diego County is currently in nonattainment for the 8-hour ozone NAAQS • Discussion of ambient air conditions (baseline or existing conditions), NAAQS, criteria pollutant nonattainment areas, and potential air quality impacts of the project (direct and cumulative) • Should include analysis of construction-related emissions • The EIS should address the applicability of Clean Air Act Section 176 and USEPA's general conformity regulations at 40 CFR Parts 51 and 93 • Mitigation measures could include reducing DPM and other pollutants with particle traps, using specialized catalytic converters (oxidation catalysts), properly tune diesel equipment, prohibit engine tampering to increase horsepower, distance certain equipment away from residences, require low sulfur diesel, using newer equipment, adopt a construction emissions mitigation plan
Aesthetics and Visual Resources	• Impact from illegal border crossers: Dumping of trash, feces, and urine
Hazardous Materials and Wastes	• Impacts from illegal border crossers: Leakage of hazardous materials such as antifreeze, engine oil, transmission fluid from vehicles (owned by illegal border crossers) lacking proper maintenance to prevent the discharge into environmentally sensitive areas
Socioeconomics and Environmental Justice	• Impacts on the OMW should be evaluated

5. NEXT STEPS

CBP is working with resource agencies and stakeholders to prepare a DEIS for review. The DEIS will incorporate those issues discussed during the public comment period.

Following the publication of the NOA in the *Federal Register* for the DEIS, there will be a 45-day comment period and a public meeting. The public meeting will allow the general public to interface with resource agencies and other stakeholder groups. Comments pertaining to the DEIS during that time will be reviewed and incorporated into the FEIS.

A final 30-day comment period will follow the *Federal Register* publication of the NOA for the FEIS. Public comments during this time will be considered by CBP along with final comments by resource agencies. Following the public comment period, CBP decisionmakers will review all materials applicable to the Proposed Action and prepare a ROD. **Table 5-1** outlines the three phases of the EIS process that involve public participation.

Table 5-1. Public Input Process for the San Diego Tactical Infrastructure EIS

Phase I ⇒	**Phase II ⇒**	**Phase III ⇒**	**Final**
Notice of Intent for an EIS	Notice of Availability of the DEIS	Notice of Availability of the FEIS	**Record of Decision**
↓	↓	↓	
Public Scoping Comments	Public Meetings	Public Comments	
↓	↓	↓	
20-day Comment Period	45-day Public Comment Period	30-day Public Comment Period	

SCOPING REPORT
APPENDIX A

NOTICE OF INTENT

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Federal Register / Vol. 72, No. 184 / Monday, September 24, 2007 / Notices **54277**

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Notice of Intent To Prepare an Environmental Impact Statement (EIS) and Request for Public Comments Concerning Proposed Construction and Operation of Tactical Infrastructure for the U.S. Customs and Border Protection, Office of Border Patrol San Diego Sector

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement and Request for Public Comments.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA), U.S. Customs and Border Protection (CBP) will prepare an Environmental Impact Statement (EIS) to identify and assess the potential impacts associated with a proposal to construct and operate approximately four miles of tactical infrastructure and supporting patrol roads along the U.S./Mexico international border south of and adjacent to Otay Mountain Wilderness area in San Diego County, California (the Proposed Action). The purpose of the Proposed Action is to further CBP's ability to gain effective control of the border by denying pedestrian and other access in this high priority section of the Office of Border Patrol's (OBP's) San Diego Sector. CBP is the decision-making agency for this Proposed Action.

Notice is hereby given that the public scoping process has been initiated to prepare an EIS that will address the impacts and alternatives of the Proposed Action. The purpose of the scoping process is to solicit public comment regarding the range of issues, including potential impacts and alternatives that should be addressed in the EIS.

FOR FURTHER INFORMATION CONTACT: Visit *http://www.BorderFenceNEPA.com* or e-mail: *information@BorderFenceNEPA.com*. Written requests for information may be submitted to: Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St., Room 3A14, Fort Worth, Texas 76102; Phone: (817) 886–1585; and Fax: (817) 886–6404.

Background: An EIS is being prepared in support of a proposal by OBP's San Diego Sector for controlling and deterring the influx of illegal immigration and contraband into the United States. To assist Border Patrol officers, OBP is proposing to install and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, lights, and other infrastructure along approximately four miles of the U.S./Mexico international border within OBP's San Diego Sector.

In order to secure the nation's borders, CBP is developing and deploying the most effective mix of proven technology, infrastructure, and increased personnel. In some locations, fencing is a critical element of border security. OBP has identified this area of the border as a location where fence would significantly contribute to CBP's priority mission homeland security. As a part of this Proposed Action, two segments of fence are proposed for construction.

One segment is approximately 3.4 miles long and would start at the Puebla Tree and end at boundary monument 250. The proposed segment would be adjacent to and south of the Otay Mountain Wilderness; would follow the Pack Truck Trail; and would not connect to any existing fence. The Otay Mountain Wilderness is on public lands administered by the Bureau of Land Management (BLM), U.S. Department of the Interior in San Diego County, California. The wilderness boundary is at least 100 feet from the U.S./Mexico border, and the proposed fence would occur in this corridor between the U.S./Mexico border and the wilderness boundary. However, due to steep topography, a portion of road or other tactical infrastructure might encroach into the wilderness area.

The second segment would be approximately 0.6 miles long and would connect with existing border fence west of Tecate. This fence segment is an extension of existing fence up Tecate Peak and would pass through a riparian area. This proposed fence segment would be on privately owned land.

Potential alternatives for environmental impacts analysis will consider location, construction, and operation of tactical infrastructure. Potential alternatives must meet the need to gain effective control of our nation's borders, as well as essential technical, engineering, and economic threshold requirements to ensure that the Proposed Action is environmentally sound, economically viable, and meets all applicable laws and regulations.

The EIS will comply with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations in 40 CFR Parts 1500–1508, and Department of Homeland Security (DHS) Management Directive 5100.1 (*Environmental Planning Program*).

Consistent with 40 CFR 1508.28, the EIS will analyze the site-specific environmental impacts of the proposed action which were broadly described in two previous programmatic EISs prepared by the former U.S. Immigration and Naturalization Service (which now falls under the responsibility of CBP), Department of Defense, and Joint Task Force 6 (JTF–6). The *Programmatic EIS for JTF–6 Activities Along the U.S./Mexico Border*, August 1994, and its supplementing document, *Supplemental Programmatic EIS for INS and JTF–6 Activities*, June 2001, were prepared to address the cumulative effects of past and reasonably foreseeable projects undertaken by JTF–6 for numerous law enforcement agencies within the four southwestern states (California, Arizona, New Mexico, and Texas). These documents can be obtained from the U.S. Army Corps of Engineers, Fort Worth District, Engineering Construction and Support Office Web site, at *https://ecso.swf.usace.army.mil/*, by sending an e-mail to *charles.mcgregor@swf02.usace.army.mil;* or by mailing a request to: Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St., Room 3A14, Fort Worth, Texas 76102.

Public Participation: Pursuant to the Council on Environmental Quality's regulations, CBP invites public participation in the NEPA process. This notice requests public participation in the scoping process, establishes a public comment period, and provides information on how to participate.

Public scoping is an open process for determining the scope of the EIS and identifying significant issues related to the proposed action. Anyone wishing to provide comments, suggestions, or relevant information on the Proposed Action may do so as follows:

54278 **Federal Register** / Vol. 72, No. 184 / Monday, September 24, 2007 / Notices

You may submit comments to CBP by contacting the SBInet, Tactical Infrastructure Program Office. To avoid duplication, please use only one of the following methods:

(a) Electronically through the Web site at: *http://www.BorderFenceNEPA.com;*

(b) By e-mail to: *SDcomments@BorderFenceNEPA.com;*

(c) By mail to: San Diego Tactical Infrastructure EIS, c/o e²M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031; or

(d) By fax to: (757) 257–7643.

Comments and related material must reach CBP by October 15, 2007. CBP will consider all comments and material received during the NOI comment period. If you submit a comment, please include your name and address, and identify your comments as for the San Diego Sector EIS. Comments received after October 15, 2007 will receive responses following the publication of the draft EIS.

This scoping period is not the only opportunity you will have to comment. A draft EIS will be prepared, and prior to the development of a final EIS, CBP will release the draft EIS for public review. At that time, a Notice of Availability (NOA) will be published in the **Federal Register**, the *San Diego Union Tribune*, and the *San Diego Daily Transcript*. The NOA will announce the availability of the draft EIS, how to obtain a copy, and the dates, times, and places of any associated public informational meetings.

Dated: September 19, 2007.

Eugene H. Schied,

Assistant Commissioner, Office of Finance.

[FR Doc. E7–18830 Filed 9–21–07; 8:45 am]

BILLING CODE 9111–14–P

SCOPING REPORT
APPENDIX B

NEWSPAPER ADS

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San Diego Union-Tribune, 9/24/07

Notice of Intent to Prepare an Environmental Impact Statement (EIS) and Request for Public Comments Concerning Proposed Construction and Operation of Tactical Infrastructure for the U.S. Customs and Border Protection, Office of Border Patrol San Diego Sector

Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., (NEPA), U.S. Customs and Border Protection (CBP) will prepare an Environmental Impact Statement (EIS) to identify and assess the potential impacts associated with a proposal to construct and operate approximately four miles of tactical infrastructure and supporting patrol roads along the U.S./Mexico international border south of and adjacent to Otay Mountain Wilderness area in San Diego County, California (the Proposed Action). The purpose of the Proposed Action is to further CBP's ability to gain effective control of the border by denying pedestrian and other access in this high priority section of the Office of Border Patrol's (OBP's) San Diego Sector.

The EIS will comply with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations in 40 CFR Parts 1500–1508, and Department of Homeland Security (DHS) Management Directive 5100.1 (Environmental Planning Program).

Consistent with 40 CFR 1508.28, the EIS will analyze the site-specific environmental impacts of the Proposed Action, which were broadly described in two previous programmatic EISs prepared by the former U.S. Immigration and Naturalization Service (INS) (which now fall under the responsibility of CBP), Department of Defense, and Joint Task Force 6 (JTF-6). The Programmatic EIS for JTF-6 Activities Along the U.S./Mexico Border, August 1994, and its supplementing document, Supplemental Programmatic EIS for INS and JTF-6 Activities, June 2001, were prepared to address the cumulative effects of past and reasonably foreseeable projects undertaken by JTF-6 for numerous law enforcement agencies within the four southwestern states (California, Arizona, New Mexico, and Texas). These documents can be obtained from the U.S. Army Corps of Engineers, Fort Worth District, Engineering Construction and Support Office website, at *https://ecso.swf.usace.army.mil*; by sending an email request to *charles.mcgregor@swf02.usace.army.mil*; or by mailing a request to Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St., Room 3A14, Fort Worth, Texas 76102.

Pursuant to the Council on Environmental Quality's regulations, CBP invites public participation in the NEPA process. This notice requests public participation in the scoping process, establishes a public comment period, and provides information on how to participate. Public scoping is an open process for determining the scope of the EIS and identifying significant issues related to the Proposed Action. Anyone wishing to provide comments, suggestions, or relevant information on the Proposed Action may do so as follows:

(a) Electronically through the web site at www.BorderFenceNEPA.com;

(b) By email to SDcomments@BorderFenceNEPA.com;

(c) By mail to: San Diego Tactical Infrastructure EIS, c/o e^{2}M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031; or

(d) By fax to 757-257-7643.

Comments and related material must reach CBP by October 15, 2007. CBP will consider all comments and material received during the NOI comment period. If you submit a comment, please include your name and address, and identify your comments as for the San Diego Sector EIS. Comments received after October 15, 2007 will receive responses following the publication of the draft EIS.

San Diego Daily Transcript, 09/24/07

CERTIFICATE OF PUBLICATION

Lauri Watson
Engineering-enviornmental Management, Inc. (e2M)
2751 Prosperity Ave. Suite 200
Fairfax VA 22031

IN THE MATTER OF

Enviornment Impact Statement

Notice of Intent to Prepare an Environmental Impact Statement (EIS) and Request for Public Comments Concerning Proposed Construction and Operation of Tactical Infrastructure for the U.S. Customs and Border Protection, Office of Border Patrol San Diego Sector

Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., (NEPA), U.S. Customs and Border Protection (CBP) will prepare an Environmental Impact Statement (EIS) to identify and assess the potential impacts associated with a proposal to construct and operate approximately four miles of tactical infrastructure and supporting patrol roads along the U.S./Mexico international border south of and adjacent to Otay Mountain Wilderness area in San Diego County, California (the Proposed Action). The purpose of the Proposed Action is to further CBP's ability to gain effective control of the border by denying pedestrian and other access in this high priority section of the Office of Border Patrol's (OBP's) San Diego Sector.

The EIS will comply with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations in 40 CFR Parts 1500-1508, and Department of Homeland Security (DHS) Management Directive 5100.1 (Environmental Planning Program).

Consistent with 40 CFR 1508.28, the EIS will analyze the site-specific environmental impacts of the Proposed Action, which were broadly described in two previous programmatic EISs prepared by the former U.S. Immigration and Naturalization Service (INS) (which now fall under the responsibility of CBP), Department of Defense, and Joint Task Force 6 (JTF-6). The Programmatic EIS for JTF-6 Activities Along the U.S./Mexico Border, August 1994, and its supplementing document, Supplemental Programmatic EIS for INS and JTF-6 Activities, June 2001, were prepared to address the cumulative effects of past and reasonably foreseeable projects undertaken by JTF-6 for numerous law enforcement agencies within the four southwestern states (California, Arizona, New Mexico, and Texas). These documents can be obtained from the U.S. Army Corps of Engineers, Fort Worth District, Engineering Construction and Support Office website, at *https://ecso.swf.usace.army.mil* by sending an email request to *charles.mcgregor@swf02.usace.army.mil*, or by mailing a request to Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St., Room 3A14, Fort Worth, Texas 76102.

Pursuant to the Council on Environmental Quality's regulations, CBP invites public participation in the NEPA process. This notice requests public participation in the scoping process, establishes a public comment period, and provides information on how to participate. Public scoping is an open process for determining the scope of the EIS and identifying significant issues related to the Proposed Action. Anyone wishing to provide comments, suggestions, or relevant information on the Proposed Action may do so as follows:

(a) Electronically through the web site at www.BorderFenceNEPA.com
(b) By email to SDcomments@BorderFenceNEPA.com
(c) By mail to: San Diego Tactical Infrastructure EIS, c/o e2M
2751 Prosperity Avenue, Suite 200
Fairfax, Virginia 22031
(d) By fax to 757-257-7543.

Comments and related material must reach CBP by October 15, 2007. CBP will consider all comments and material received during the NOI comment period. If you submit a comment, please include your name and address, and identify your comments as for the San Diego Sector EIS. Comments received after October 15, 2007 will receive responses following the publication of the draft EIS.

Pub. Sep 24-00030674

CASE NO.

I, Cathy L. Krueger, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not party to or interested in the above entitled matter. I am the principal clerk of the San Diego Transcript, a newspaper of general circulation, printed and published daily, except on Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

Notice of Intent

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

September 24

I certify under penalty of perjury that the forgoing is true and correct.

Dated at San Diego, California this September 24, 2007

Signature

Hispanos Unidos, 09/28/07

Página 4 HISPANOS UNIDOS 28 de septiembre al 4 de octubre del 2007

Aviso de Intento a Preparar un Aviso sobre el Ambiente (EIS por sus siglas en inglés) y Petición para Comentarios Públicos Concernientes a la Construcción Propuesta y Operación de Infraestructura Táctica para la Protección de la Frontera y la Aduana de los Estados Unidos Oficina del Sector de San Diego para la Patrulla Fronteriza

De acuerdo a la Regla Nacional Ambiental del Acto de 1969, 42 U.S.C. 4321 et seq., (NEPA, por sus siglas en inglés), la Aduana de los Estados Unidos y Protección de la Frontera (CBP, por sus siglas en ingles) preparará un Aviso de Impacto al Ambiente (EIS) para identificar y asistir en los impactos potenciales asociados con la propuesta para construir y operar aproximadamente cuatro millas de infraestructura táctica y apoyo a las carreteras de patrullas a lo largo de la frontera internacional de México/Estados Unidos al sur del área adyacente de las Montañas de Otay en el Condado de San Diego, California (la Acción Propuesta). El propósito de la Acción Propuesta es el implementar la habilidad de CBP para incrementar control efectivo para la frontera y detener el acceso a peatones y otros en su sección de alta prioridad en la Oficina de la Patrulla Fronteriza (OBP, por sus siglas en inglés) del Sector de San Diego.

El EIS irá de acuerdo con las Reglas Nacionales del Ambiente para el acto de 1969 (NEPA, por sus siglas en inglés), el Concejo para Regular la Calidad del Ambiente en 40 partes CFR 1500-1508, y el Departamento de Seguridad Nacional (DHS, por sus siglas en inglés) en Manejo de la Directiva 5100.1 (Programa de Planeación Ambiental).

En Consistencia con la 40 CFR 1508.28, el EIS analizará el sitio especifico para los impactos ambientales de la Acción Propuesta, que han sido ampliamente descritas en dos programaciones previas de EIS preparadas por la antigua agencia del Servicio de Inmigración y Naturalización de los Estados Unidos (INS, por sus siglas en Inglés) (que ahora caen bajo responsabilidad de CBP), Departamento de Defensa, y la Fuerza Unida de Acción 6 (JTF-6, por sus siglas en Inglés). El programado EIS para las actividades de JTF-6 a lo Largo de la Frontera de México/Estados Unidos, en agosto de 1994, y su documento suplementario, Programa Suplementario EIS para actividades de INS y JFT-6. Junio del 2001, fueron preparados para asistir los efectos acumulativos de proyectos pasados previstos llevados a cabo por JTF-6 para numerosas agencias para ejercer la ley entre los cuatro estados (California, Arizona, Nuevo México y Texas). Estos documentos pueden ser obtenidos por parte de los Ingenieros de las Fuerzas Armadas de Los Estados Unidos, el Distrito de 'Forth Worth', Ingeniería en Construcción y Oficina de Apoyo por medio de su página de Internet en: https://ecso.swf.usace.army.mil; o enviando un correo electrónico a charles.mcgregor@swf02.usace.army.mil; o por correspondencia escrita a 'Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St., Room 3A14, Fort Worth, Texas 76102'.

De acuerdo al Concejo de regulaciones de Calidad Ambiental, CBP invita al público a la participación en el proceso de NEPA. Este aviso requiere la participación del público en el proceso de análisis, establece un periodo de comentario público, provée información en cómo participar. El Análisis público en un proceso abierto para determinar la visualización de EIS e identificar los temas significativos relacionados a la Acción Propuesta. Cualquiera que desée proveer comentarios, sugerencias, o información relevante en la Acción Propuesta que pueden ser de la siguiente manera:

(a) Electrónicamente por medio de la página de Internet en: www.BorderFenceNEPA.com;
(b) Por correo electrónico a SDcomments@BorderFenceNEPA.com;
(c) Por correo a: San Diego Tactical Infrastructure EIS, c/o e2M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031; o también
(d) Por fax al 757-257-7643.

Comentarios y material relacionado debe llegar a CBP antes del 15 de octubre del 2007. CBP considerará todos los comentarios y material recibido durante el periodo de comentarios de NOI. Si usted envía un comentario, favor de incluir su nombre y dirección, e identifique sus comentarios como parte del Sector de San Diego EIS. Comentarios recibidos después del 15 de octubre del 2007 recibirán respuesta después de la publicación del borrador de EIS.

Published in Hispanos Unidos Newspaper on 09/28/2007

La Prensa, 09/28/07

La Prensa San Diego **September 28, 2007**

NOTICIA DE INTENTO PARA PREPARAR UNA DECLARACION DE IMPACTO AMBIENTAL (EIS) Y SOLICITAR COMENTARIOS PUBLICOS REFERENTE A PROPUESTA DE CONSTRUCCION Y OPERACION DE LA INFRAESTRUCTURA TACTICA PARA LA ADUANA DE EE.UU. YPROTECCION DE LA FRONTERA, LA OFICINA DE LA PATRULLA FRONTERIZA SECTOR SAN DIEGO

De conformidad al Acto de la Politica del Ambiente Nacional de 1969, 42 U.S.C. 4321 et seq. (NEPA) Aduanas EE.UU. y Protección de la Frontera (CBP) prepararán una Declaración de Impacto Ambiental (EIS) para identificar y evaluar los impactos potenciales con la propuesta de construir y operar aproximadamente cuatro millas de infraestructura tactica y apoyar caminos de patrullaje por la frontera sur internacional EE.UU./México y adyacente al área Paramo Montañoso de Otay en el Condado de San Diego, California (la Acción Propuesta). El propósito de la Acción Propuesta es para promover la habilidad de CBP para obtener control efectivo de la frontera con el fin de negar el acceso a los peatones y otros en esta sección altamente prioritaria de la Oficina de la Patrulla Fronteriza (OBP's) Sector San Diego.

El EIS accederá con el Acto de la Política del Ambiente Nacional de 1969 (NEPA), las regulaciones del Consejo en Calidad Ambiental en 40 CRF Partes 1500-1508, y el Departamento de Seguridad Nacional (DHS) Directiva Administrativa 5100/1 (Programa de Planeación Ambiental).

Consistente con 40 CFR 1508.28, el EIS analizará los impactos del ambiente del sitio específico y la Acción Propuesta, los cuales fueron descritos en términos generales en dos anteriores programaticos EIS preparados por el anterior Servicio de Inmigración de EE.UU. y Naturalización (INS) (el cual ahora está bajo la responsabilidad del CBP), Departamento de Defensa, y la Fuerza Operativa 6 (JTF-6). La Programatica EIS para JTF-6 Actividades a lo largo de la Frontera EE.UU./México, Agosto 1994, y su documento suplementario, Programatico Suplementario EIS para INS y Actividades JTF-6. Junio 2001, fueron preparados para abocar los efectos cumulativos del pasado y proyectos razonablemente previsibles asumidos por JTF-6 por varias agencias de seguridad dentro de los cuatro estados suroestes (California, Arizona, Nuevo México y Texas). Estos documentos pueden ser obtenidos de la página cibernética del U.S. Army Corps of Engineers, Fort Worth District, Engineering Construction y Support Office en *https://llecso.swf.usace.army.mil.*; solicitando una petición por correo electrónico a *charles.mcgregor@swf02.usace.army.mil*; o mandando por correo una petición a Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St. Room 3A14, Fort Worth, Texas 76102.

De conformidad a las regulaciones del Consejo de Calidad del Ambiente, CBP invita la participación del público en el proceso de NEPA. Esta noticia solicita participación pública en el proceso de investigación, establece un periodo de comentarios públicos, y provee información en cómo participar. La investigación pública es un proceso abierto para determinar el alcance del EIS e identificar asuntos significativos relacionados con la Acción Propuesta. Cualquiera que desee proveer comentarios, sugerencias, o información relevante en la Acción Propuesta puede hacerlo en la siguiente forma:

(a) Electrónicamente a través de la página cibernética www.BorderFenceNEPA.com;
(b) Por correo electrónico a: SDcomments@BorderFenceNEPA.com
(c) Por correo a: San diego Tactical Infrastructure EIE, c/o e2M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031; o
(d) Por fax a: 757-257-7643.

Comentarios y material relacionado debe llegar por Octubre 15, 2007. CBP considerará todos los comentarios y material recibido durante el periodo de comentarios NOI. Si usted manda un comentario, por favor incluya su nombre y dirección, e identifique su comentario hacia San Diego Sector EIS. Comentarios recibidos después de Octubre 15, 2007 recibirán respuestas siguiendo la publicación del borrador EIS.

Published: 9/28/07 La Prensa San Diego

SCOPING REPORT
APPENDIX C

WEB SITE

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Border Fence NEPA

PF 225

- Home
- Del Rio Sector EA
- El Centro Sector EA
- Marfa Sector EA
- Rio Grande Valley Sector EIS
- San Diego Sector EIS
-

Department of Homeland Security

Introduction

The U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol (USBP) is preparing Environmental Impact Statements (EISs) and Environmental Assessments (EAs) to identify and assess the potential environmental impacts associated with proposed construction, maintenance, and operation of tactical infrastructure along the U.S./Mexico international border (the Proposed Actions). The tactical infrastructure includes primary fence and patrol roads.

The purpose of the Proposed Actions is to further USBP's ability to gain effective control of our nation's borders by denying pedestrian and other access in sections of the USBP's Sectors. These sectors include Rio Grande Valley, TX (EIS), San Diego, CA (EIS), El Centro, CA (EA), Del Rio, TX (EA), and Marfa, TX (EA).

The EAs and EISs are being prepared pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., (NEPA); the Clean Air Act of 1970, as amended; the Clean Water Act of 1977, as amended; the National Historic Preservation Act of 1966; the Archaeological Resource Protection Act of 1979; various Executive Orders (EOs), and applicable Federal and state laws and regulations.

This site has been developed to facilitate public comment on the EAs and EISs and to provide information on how and where to submit comments.

FOR FURTHER INFORMATION CONTACT: Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St., Room 3A28, Fort Worth, Texas 76102. Fax: (817) 886-6404.

Related Documents:

Final PEIS for JTF-6 Activities along the U.S./Mexico Border, August 1994

Final Supplemental PEIS for INS and JTF-6 Activities, June 2001

EIS for Operation Rio Grande, April 2004

Links:

What is NEPA?

Steps in the EIS Process

Resources and Issues Evaluated in an EIS

U.S. Department of Homeland Security (DHS)

DHS Management Directive on Environmental Planning Program

U.S. Customs and Border Protection, Border Patrol

U.S. Army Corps of Engineers-Fort Worth District Engineering Construction Support Office

Other USACE-Fort Worth District managed Border Patrol projects

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Search

Navigation

- Del Rio Sector EA
- El Centro Sector EA
- Marfa Sector EA
- Rio Grande Valley Sector EIS
- San Diego Sector EIS
- Examples of Proposed Fence

Border Fence NEPA was created by engineering-environmental Management, Inc.

Border Fence NEPA

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- San Diego Sector EIS
-

San Diego Sector EIS

Introduction

An Environmental Impact Statement (EIS) is being prepared in support of a proposal by U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol (USBP) San Diego Sector for controlling and deterring the influx of illegal immigration and contraband into the United States. To assist USBP agents and officers in gaining effective control of our nation's borders, USBP is proposing to construct, maintain, and operate tactical infrastructure consisting of pedestrian fences, supporting patrol roads, and other infrastructure along approximately 5.6 miles of the U.S./Mexico international border within the USBP's San Diego Sector.

In order to secure the nation's borders, USBP is developing and deploying the most effective mix of proven technology, infrastructure, and increased personnel. In some locations, fence is a critical element of border security. USBP has identified this area of the border as a location where fence would significantly contribute to USBP's priority mission of homeland security. As a part of this Proposed Action, two segments of fence are proposed for construction.

Proposed Fence Segments for Border Patrol San Diego Sector

Map Number	Border Patrol Station	General Location	Land Ownership	Length of Fence Segment (miles)
A-1	Brown Field	Pak Truck Trail	Public: BLM managed	4.88
A-2	Brown Field	West of Tecate	Private	0.69
			Total	5.57

One segment would be approximately 4.9 miles long and would start at the Puebla Tree and end at boundary monument 250. The proposed segment would be adjacent to and south of the Otay Mountain Wilderness, would follow the Pak Truck Trail, and would not connect to any existing fence. The Otay Mountain Wilderness is on public lands administered by BLM. The wilderness boundary is at least 100 feet from the U.S./Mexico international border, and the proposed fence would occur in this corridor

between the U.S./Mexico international border and the wilderness boundary. However, due to steep topography, a portion of road or other tactical infrastructure might encroach into the wilderness area.

The second segment would be approximately 0.7 miles long and would connect with existing border fence west of Tecate Peak. This fence segment would extend up a portion of Tecate Peak and would pass through a riparian area. This proposed fence segment could encroach on privately owned land.

The EIS will evaluate potential environmental impacts from construction, maintenance, and operation of the proposed tactical infrastructure, consisting of:

- Tactical infrastructure includes installation of two primary fence (areas of the border that are not currently fenced) segments as listed in the table above and a single-lane unpaved patrol road.
- The proposed tactical infrastructure would impact an approximate 60 foot wide corridor along each fence segment. This corridor would include fences, access roads, patrol roads, and construction staging areas. Vegetation would be cleared and grading may occur where needed. The area temporarily impacted within the two segments (both route alternatives) would be approximately 41 acres. Wherever possible, existing roads would be used for construction access.
- Significant amounts of blasting activity, cut and fill operations, creation of at least two stationing areas, the construction of switchback roads, and general improvement to existing access roads would be required to construct the fence and an adjacent patrol road. Wherever possible, existing roads would be used for construction access.
- If approved, the final design would be developed by a design/build contractor overseen by the U.S. Army Corps of Engineers (USACE). However, design criteria that have been established based on USBP operational needs require that, at a minimum, any fencing must meet the following requirements:

    - 15 feet high and extend below ground
    - Capable of withstanding a crash of a 10,000-pound (gross weight) vehicle traveling at 40 miles per hour
    - Capable of withstanding vandalism, cutting, or various types of penetration
    - Semi-transparent, as dictated by operational need
    - Designed to survive extreme climate changes
    - Designed to reduce or minimize impacts on small animal movement
    - Not impede the natural flow of water
    - Aesthetically pleasing to the extent possible.

The USACE is working with public and private land owners to obtain easements or purchase the construction corridor. Where necessary, the Corps might purchase privately owned land for the fence, access roads, and patrol roads.

If approved, construction of the new Tactical Infrastructure would begin in Spring 2008 and continue through December 31, 2008.

General Locations of Tactical Infrastructure in San Diego Sector

See the complete Notice of Intent (NOI) published in the Federal Register.

Scoping and Public Comments

A public scoping process has been initiated for the San Diego Sector EIS. The purpose of the scoping

process is to solicit public comment regarding the range of issues, including potential impacts and alternatives that should be addressed in the EIS.

Public scoping is an open process for determining the scope of the EIS and identifying significant issues related to the Proposed Action as described above. Anyone wishing to provide comments, suggestions, or relevant information on the Proposed Action may do so as follows:

You may submit comments to CBP by contacting SBInet, Tactical Infrastructure Program Office. To avoid duplication, please use only one of the following methods:

(a) Electronically through the website at: www.BorderFenceNEPA.com;
(b) By email to: SDcomments@BorderFenceNEPA.com;
(c) By mail to: San Diego Tactical Infrastructure EIS, c/o e²M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031; or
(d) By fax to: (757) 257-7643.

Comments and related material must reach the CBP by **October 15, 2007**. CBP will consider all comments and material received during the NOI comment period. If you submit a comment, please include your name and address, and identify your comments as for the San Diego Sector EIS. Comments received after **October 15, 2007** will receive responses following the publication of the draft EIS.

Click here to email your comments.

Examples of Proposed Fence

* Name

* Email

* Subject

* Verify B5FDE

* Message

Send Email

Search

Navigation

- Del Rio Sector EA
- El Centro Sector EA
- Marfa Sector EA
- Rio Grande Valley Sector EIS
- San Diego Sector EIS
- Examples of Proposed Fence

Border Fence NEPA was created by engineering-environmental Management, Inc.

SCOPING REPORT
APPENDIX D

AGENCY LETTERS

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U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

OCT 23 2007

Honorable H. Paul Cuero, Jr., Chairman
Campo Band of Kumeyaay Indians
36190 Church Road, Suite 1
Campo, California 91906

Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Mr. Cuero:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. A map presenting the proposed project site is enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable H. Paul Cuero, Jr.
Page 2

A Notice of Intent (NOI) to prepare an EIS was published in the *Federal Register* on September 24, 2007. A copy of the NOI is enclosed, which provides additional information about the proposed project, background information, and the framework for Federal environmental review requirements under NEPA.

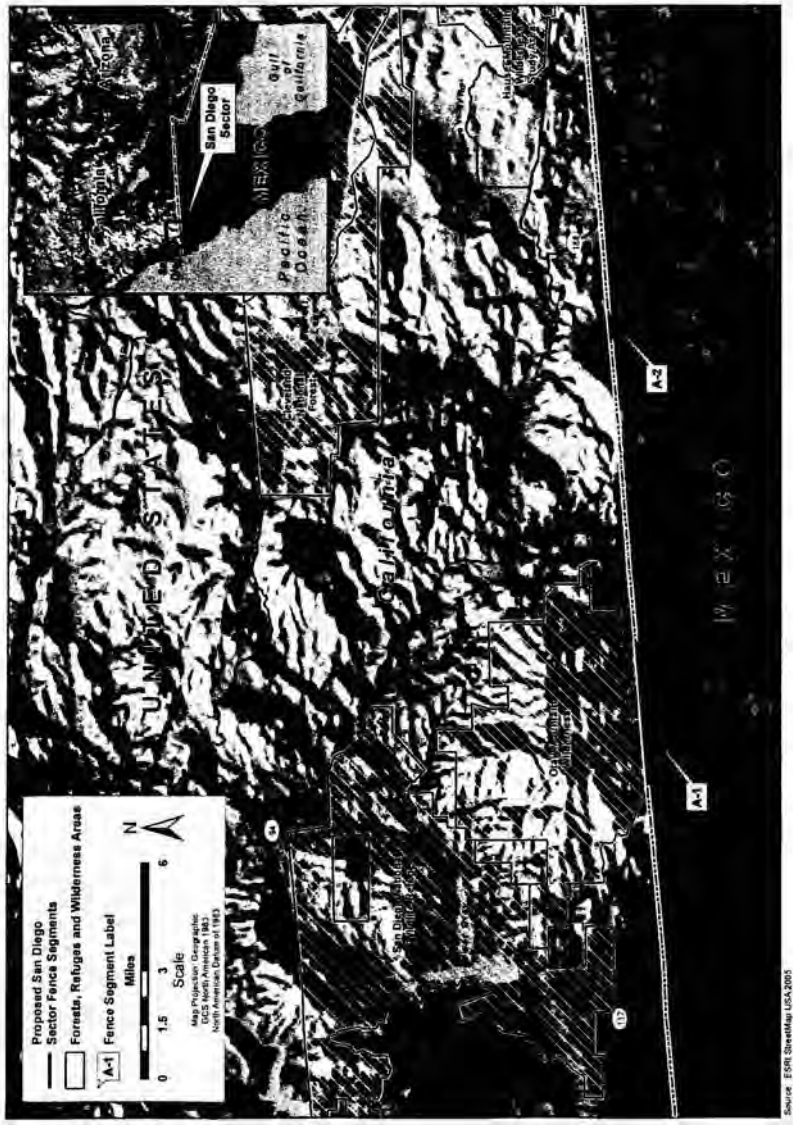
We welcome your comments on this undertaking and look forward to hearing any concerns you may have regarding known sacred sites or other traditional cultural properties within the proposed project area. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Forth Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,

For R. Janson

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosures


Proposed San Diego Sector Fence Segments
Forests, Refuges and Wilderness Areas
A-1 Fence Segment Label
Miles
0 1.5 3 6
Scale
N
Map Projection: Geographic
UTM Zone 11 (Meters)
North American Datum of 1983
UNITED STATES
MEXICO
Pacific Ocean
Gulf of California
Arizona
San Diego Sector
A-1
A-2
Source: ESRI StreetMap USA 2005

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You may submit comments to CBP by contacting the SBInet, Tactical Infrastructure Program Office. To avoid duplication, please use only one of the following methods:

(a) Electronically through the Web site at: *http://www.BorderFenceNEPA.com;*

(b) By e-mail to: *SDcomments@BorderFenceNEPA.com;*

(c) By mail to: San Diego Tactical Infrastructure EIS, c/o e³M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031; or

(d) By fax to: (757) 257–7643.

Comments and related material must reach CBP by October 15, 2007. CBP will consider all comments and material received during the NOI comment period. If you submit a comment, please include your name and address, and identify your comments as for the San Diego Sector EIS. Comments received after October 15, 2007 will receive responses following the publication of the draft EIS.

This scoping period is not the only opportunity you will have to comment. A draft EIS will be prepared, and prior to the development of a final EIS, CBP will release the draft EIS for public review. At that time, a Notice of Availability (NOA) will be published in the **Federal Register**, the *San Diego Union Tribune*, and the *San Diego Daily Transcript*. The NOA will announce the availability of the draft EIS, how to obtain a copy, and the dates, times, and places of any associated public informational meetings.

Dated: September 19, 2007.

Eugene H. Schied,

Assistant Commissioner, Office of Finance.

[FR Doc. E7–18830 Filed 9–21–07; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Coastal Barrier Improvement Act of 1990; Amendments to the John H. Chafee Coastal Barrier Resources System

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of distribution and availability of replacement maps of eight of the John H. Chafee Coastal Barrier Resources System.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have replaced maps of eight John H. Chafee Coastal Barrier Resources System units in North Carolina, Georgia, Florida, and Texas, as directed by Congress. We are using this notice to inform the public about the distribution and availability of the replacement maps.

DATES: The replacement map for Units T07/T07P became effective on December 1, 2003. The replacement maps for Unit NC–07P became effective on October 18, 2004. The replacement map for Units P25/P25P became effective on October 30, 2004. The replacement maps for Units FL–95P, FL–96, and GA–06P became effective on October 16, 2006.

ADDRESSES: For information about how to get copies of the maps or where to go to view them, see **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Ms. Katie Niemi, Department of the Interior, U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation, (703) 358–2161.

SUPPLEMENTARY INFORMATION:

Background

In 1982, Congress passed the Coastal Barrier Resources Act (Pub. L. 97–348) to restrict Federal spending that has the effect of encouraging development on undeveloped coastal barriers along the Atlantic and Gulf of Mexico coasts. In the Coastal Barrier Improvement Act of 1990 (Pub. L. 101–591), Congress amended the 1982 Act to broaden the definition of a coastal barrier, and approved a series of maps entitled "John H. Chafee Coastal Barrier Resources System" dated October 24, 1990. These maps identify and depict those coastal barriers located on the coasts of the Atlantic Ocean, Gulf of Mexico, Great Lakes, Virgin Islands, and Puerto Rico that are subject to the Federal funding limitations outlined in the Act.

The Act also defines Service responsibilities regarding the John H. Chafee Coastal Barrier Resources System maps. We have official custody of these maps and prepare and distribute copies. In the **Federal Register** on June 6, 1991 (56 FR 26304), we published a notice of the filing, distribution, and availability of the maps entitled "John H. Chafee Coastal Barrier Resources System" and dated October 24, 1990. We have announced all subsequent map revisions in the **Federal Register**.

Revisions to the John H. Chafee Coastal Barrier Resources System in Texas

Public Law 108–138, enacted on December 1, 2003, replaced one of the six maps relating to Matagorda Peninsula Units T07/T0P in Matagorda County, Texas, with a revised map entitled "John H. Chafee Coastal Barrier Resources System, Matagorda Peninsula Unit T07/T07P" for that area. The changes to the map ensure that the boundary of Unit T07 does not include property within the Matagorda Dunes Homesites Subdivision. A full complement of infrastructure was available to each lot within the subdivision prior to 1982, therefore meeting the Coastal Barrier Resources Act definition of "developed" at the time the subdivision was included within Unit T07 in 1982. Under the new map, 76 acres (23 fastland acres and 53 associated aquatic habitat acres) were removed from Unit T07, and 3 acres of associated aquatic habitat were added to Unit T07. Additionally, 80 acres were reclassified from Unit T07 to Unit T07P.

Revisions to the John H. Chafee Coastal Barrier Resources System in North Carolina

Public Law 108–339, enacted on October 18, 2004, replaced the two maps relating to Cape Fear Unit NC–07P in New Hanover and Brunswick Counties, North Carolina, with two revised maps entitled "John H. Chafee Coastal Barrier Resources System, Cape Fear Unit NC–07P." The changes to the maps ensure that the boundary of Unit NC–07P follows the exterior boundaries of lands held for conservation or recreation. Under the new maps, 273 acres (13 acres of fastland and 261 acres of associated aquatic habitat) were removed from Unit NC–07P, and 8,117 acres (2,714 acres of fastland and 5,403 acres of associated aquatic habitat) were added to Unit NC–07P.

Revisions to the John H. Chafee Coastal Barrier Resources System in Florida

Public Law 108–380, enacted on October 30, 2004, replaced one of the two maps relating to Cedar Keys Units P25/P25P in Levy County, Florida, with a revised map entitled "John H. Chafee Coastal Barrier Resources System, Cedar Keys Unit P25/P25P." The changes to the map clarify the boundaries of an excluded area on Cedar Key so that the Unit P25 boundary more precisely follows geomorphic features. Under the new map, 41 acres (32 fastland acres and 9 associated aquatic habitat acres) were removed from Unit P25, and 56 acres (1 acre of fastland and 55 acres of associated aquatic habitat) were added to Unit P25.

Public Law 109–355, enacted on October 16, 2006, replaced the map relating to Grayton Beach Unit FL–95P and Draper Lake Unit FL–96 in Walton County, Florida, with a revised map entitled "John H. Chafee Coastal Barrier Resources System, Grayton Beach Unit FL–95P Draper Lake Unit FL–96." The changes to the map ensure that the boundary of Unit FL–95P follows the exterior boundaries of Grayton Beach

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review. At that time, a Notice of Availability (NOA) will be published in the **Federal Register**, the *Brownsville Herald* (Brownsville, Texas), and *The Monitor* (McAllen, Texas). The NOA will announce the availability of the draft EIS, how to obtain a copy, and the dates, times, and places of any associated public informational meetings.

Dated: September 19, 2007.

Eugene H. Schied,

Assistant Commissioner, Office of Finance.

[FR Doc. E7–18829 Filed 9–21–07; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Notice of Intent To Prepare an Environmental Impact Statement (EIS) and Request for Public Comments Concerning Proposed Construction and Operation of Tactical Infrastructure for the U.S. Customs and Border Protection, Office of Border Patrol San Diego Sector

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement and Request for Public Comments.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA), U.S. Customs and Border Protection (CBP) will prepare an Environmental Impact Statement (EIS) to identify and assess the potential impacts associated with a proposal to construct and operate approximately four miles of tactical infrastructure and supporting patrol roads along the U.S./Mexico international border south of and adjacent to Otay Mountain Wilderness area in San Diego County, California (the Proposed Action). The purpose of the Proposed Action is to further CBP's ability to gain effective control of the border by denying pedestrian and other access in this high priority section of the Office of Border Patrol's (OBP's) San Diego Sector. CBP is the decision-making agency for this Proposed Action.

Notice is hereby given that the public scoping process has been initiated to prepare an EIS that will address the impacts and alternatives of the Proposed Action. The purpose of the scoping process is to solicit public comment regarding the range of issues, including potential impacts and alternatives that should be addressed in the EIS.

FOR FURTHER INFORMATION CONTACT: Visit *http://www.BorderFenceNEPA.com* or e-mail: *information@BorderFenceNEPA.com*. Written requests for information may be submitted to: Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St., Room 3A14, Fort Worth, Texas 76102; Phone: (817) 886–1585; and Fax: (817) 886–6404.

Background: An EIS is being prepared in support of a proposal by OBP's San Diego Sector for controlling and deterring the influx of illegal immigration and contraband into the United States. To assist Border Patrol officers, OBP is proposing to install and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, lights, and other infrastructure along approximately four miles of the U.S./Mexico international border within OBP's San Diego Sector.

In order to secure the nation's borders, CBP is developing and deploying the most effective mix of proven technology, infrastructure, and increased personnel. In some locations, fencing is a critical element of border security. OBP has identified this area of the border as a location where fence would significantly contribute to CBP's priority mission homeland security. As a part of this Proposed Action, two segments of fence are proposed for construction.

One segment is approximately 3.4 miles long and would start at the Puebla Tree and end at boundary monument 250. The proposed segment would be adjacent to and south of the Otay Mountain Wilderness; would follow the Pack Truck Trail; and would not connect to any existing fence. The Otay Mountain Wilderness is on public lands administered by the Bureau of Land Management (BLM), U.S. Department of the Interior in San Diego County, California. The wilderness boundary is at least 100 feet from the U.S./Mexico border, and the proposed fence would occur in this corridor between the U.S./Mexico border and the wilderness boundary. However, due to steep topography, a portion of road or other tactical infrastructure might encroach into the wilderness area.

The second segment would be approximately 0.6 miles long and would connect with existing border fence west of Tecate. This fence segment is an extension of existing fence up Tecate Peak and would pass through a riparian area. This proposed fence segment would be on privately owned land.

Potential alternatives for environmental impacts analysis will consider location, construction, and operation of tactical infrastructure. Potential alternatives must meet the need to gain effective control of our nation's borders, as well as essential technical, engineering, and economic threshold requirements to ensure that the Proposed Action is environmentally sound, economically viable, and meets all applicable laws and regulations.

The EIS will comply with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations in 40 CFR Parts 1500–1508, and Department of Homeland Security (DHS) Management Directive 5100.1 (*Environmental Planning Program*).

Consistent with 40 CFR 1508.28, the EIS will analyze the site-specific environmental impacts of the proposed action which were broadly described in two previous programmatic EISs prepared by the former U.S. Immigration and Naturalization Service (which now falls under the responsibility of CBP), Department of Defense, and Joint Task Force 6 (JTF–6). The *Programmatic EIS for JTF–6 Activities Along the U.S./Mexico Border*, August 1994, and its supplementing document, *Supplemental Programmatic EIS for INS and JTF–6 Activities*, June 2001, were prepared to address the cumulative effects of past and reasonably foreseeable projects undertaken by JTF–6 for numerous law enforcement agencies within the four southwestern states (California, Arizona, New Mexico, and Texas). These documents can be obtained from the U.S. Army Corps of Engineers, Fort Worth District, Engineering Construction and Support Office Web site, at *https://ecso.swf.usace.army.mil/*; by sending an e-mail to *charles.mcgregor@swf02.usace.army.mil*; or by mailing a request to: Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St., Room 3A14, Fort Worth, Texas 76102.

Public Participation: Pursuant to the Council on Environmental Quality's regulations, CBP invites public participation in the NEPA process. This notice requests public participation in the scoping process, establishes a public comment period, and provides information on how to participate.

Public scoping is an open process for determining the scope of the EIS and identifying significant issues related to the proposed action. Anyone wishing to provide comments, suggestions, or relevant information on the Proposed Action may do so as follows:

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U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

OCT 2 3 2007

Honorable Bobby L. Barrett, Chairman
Viejas Band of Mission Indians
P.O. Box 908
Alpine, California 91903

Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Mr. Barrett:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. A map presenting the proposed project site is enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Bobby L. Barrett
Page 2

A Notice of Intent (NOI) to prepare an EIS was published in the *Federal Register* on September 24, 2007. A copy of the NOI is enclosed, which provides additional information about the proposed project, background information, and the framework for Federal environmental review requirements under NEPA.

We welcome your comments on this undertaking and look forward to hearing any concerns you may have regarding known sacred sites or other traditional cultural properties within the proposed project area. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Forth Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,

BZ For R. Janson

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

OCT 2 0 2004

Honorable Leroy Elliott, Chairman
Manzanita Band of Mission Indians
P.O. Box 1302
Boulevard, California 91905

Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Mr. Elliott:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. A map presenting the proposed project site is enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Leroy Elliott
Page 2

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We welcome your comments on this undertaking and look forward to hearing any concerns you may have regarding known sacred sites or other traditional cultural properties within the proposed project area. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Forth Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,

For R. Janson

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

Honorable Johnny Hernandez, Spokesman
Santa Ysabel Band of Mission Indians
P.O. Box 130
Santa Ysabel, California 92070

Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Mr. Hernandez:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. A map presenting the proposed project site is enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Johnny Hernandez
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Sincerely,

For R. Janson

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

Honorable John James, Chairman
Cabazon Band of Mission Indians
84-245 Indio Springs Pkwy
Indio, California 92203

Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Mr. James:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable John James
Page 2

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Sincerely,

For R. Janson

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

Honorable Allen E. Lawson, Spokesman
San Pasqual Band of Mission Indians
27458 North Lake Wolford Rd., Level #3
Valley Center, CA 92082

Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Mr. Lawson:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Allen E. Lawson
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Sincerely,

BJ For R. Janson

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

Honorable Howard Maxcy, Chairman
Mesa Grande Band of Mission Indians
P.O. Box 270
Santa Ysabel, California 92070

Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Mr. Maxcy:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Howard Maxcy
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Sincerely,

For R. Janson

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

Honorable Richard Milanovich, Chairperson
Agua Caliente Band of Cahuilla Indians
600 East Tahquitz Canyon Way
Palm Springs, CA 92262

Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Mr. Milanovich

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Richard Milanovich
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We welcome your comments on this undertaking and look forward to hearing any concerns you may have regarding known sacred sites or other traditional cultural properties within the proposed project area. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Forth Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,

For R Janson

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

Honorable Gwendolyn Parada, Chairperson
La Posta Band of Mission Indians
1048 Crestwood Road
Boulevard, California 92905

Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Ms. Parada:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Gwendolyn Parada
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Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

Honorable Harlan Pinto, Chairman
Cuyapaipe Band of Mission Indians
4054 Willows Road
Alpine, California 91903-2250

Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Mr. Pinto:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Harlan Pinto
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Sincerely,

For R. Sonner

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

OCT 2 - 03

Honorable Catherine Saubel, Spokeswoman
Los Coyotes Band of Mission Indians
2300 Camino San Ignacio
Warner Springs, California 92086

Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Ms. Saubel:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

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Honorable Catherine Saubel
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Sincerely,

BP For Janson

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

OCT 2 3 2007

Honorable Rhonda Welch-Sealco, Chairwoman
Barona Band of Mission Indians
1095 Barona Road
Lakeside, CA 92040

Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Ms. Welch-Sealco:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Rhonda Welch-Sealco
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Sincerely,

For R. Janson

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

OCT 2 2 2007

Honorable Daniel J. Tucker, Chairman
Sycuan Band of Mission Indians
5459 Dehesa Road
El Cajon, CA 92019

Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Mr. Tucker:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

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Honorable Daniel J. Tucker
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Sincerely,

For R. Janson

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

OCT 2 2 2007

Mr. Milford Wayne Donaldson, FAIA
California State Historic Preservation Officer
ATTN: Michael McGuirt
Office of Historic Preservation
1416 9TH Street, Room 1442-7
Sacramento, CA 95814

Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Mr. Donaldson:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate consultation with your office.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. A map presenting the proposed project sites is enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969

Mr. Milford Wayne Donaldson
Page 2

(NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

A Notice of Intent (NOI) to prepare an EIS was published in the *Federal Register* on September 24, 2007. A copy of the NOI is enclosed, which provides additional information about the proposed project, background information, and the framework for Federal environmental review requirements under NEPA.

We welcome your comments on this undertaking and look forward to hearing any concerns your office may have. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Forth Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,

FOR R Janson

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and
Border Protection

OCT 23 2007

Honorable Leon Acebedo, Chairman
Jamul Band of Mission Indians
13910 Lyons Valley Road
Jamul, California 91935

Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Mr. Acebedo:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. A map presenting the proposed project site is enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Leon Acebedo
Page 2

A Notice of Intent (NOI) to prepare an EIS was published in the *Federal Register* on September 24, 2007. A copy of the NOI is enclosed, which provides additional information about the proposed project, background information, and the framework for Federal environmental review requirements under NEPA.

We welcome your comments on this undertaking and look forward to hearing any concerns you may have regarding known sacred sites or other traditional cultural properties within the proposed project area. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Forth Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

Mr. Ren Lohoefener
Regional Director
U.S. Fish and Wildlife Service
Pacific Region
911 NE 11th Avenue
Portland, OR 97232

OCT 18 2007

Subject: Environmental impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Mr. Lohoefener:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, his effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969

Page 2
Mr. Ren Lohoefener

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A Notice of Intent (NOI) to prepare an EIS was published in the *Federal Register* on September 24, 2007. A copy of the NOI is enclosed, which provides additional information about the proposed project, background information, and the framework for Federal environmental review requirements under NEPA.

Your agency has been identified as a Federal authority with responsibilities for resources that may be impacted by the Proposed Action. In accordance with the Council on Environmental Quality (CEQ) regulations addressing cooperating agencies (40 CFR 1501.6 and 1508.5) and CEQ's January 30, 2002, guidance, CBP is inviting you to participate in the development of the EIS as a cooperating agency. Please contact Mr. Charles McGregor of the USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Forth Worth, Texas 76102-0300 if your agency would like to be a cooperating agency.

Your prompt attention to this request would be greatly appreciated. If you have any questions, please call Mr. Charles McGregor at (817) 886-1585 or Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at 619-216-4028.

Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosure

Cc: Mike Horton

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

Mr. Steve Thompson, Manager
California/Nevada Operations Office
U.S. Fish and Wildlife Service
2800 Cottage Way
Room W-2606
Sacramento, CA 95825-1846

OCT 19 —

Subject: Environmental impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Mr. Thompson:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, his effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969

Page 2
Mr. Steve Thompson

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A Notice of Intent (NOI) to prepare an EIS was published in the *Federal Register* on September 24, 2007. A copy of the NOI is enclosed, which provides additional information about the proposed project, background information, and the framework for Federal environmental review requirements under NEPA.

Your agency has been identified as a Federal authority with responsibilities for resources that may be impacted by the Proposed Action. In accordance with the Council on Environmental Quality (CEQ) regulations addressing cooperating agencies (40 CFR 1501.6 and 1508.5) and CEQ's January 30, 2002, guidance, CBP is inviting you to participate in the development of the EIS as a cooperating agency. Please contact Mr. Charles McGregor of the USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Forth Worth, Texas 76102-0300 if your agency would like to be a cooperating agency.

Your prompt attention to this request would be greatly appreciated. If you have any questions, please call Mr. Charles McGregor at (817) 886-1585 or Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at 619-216-4028.

Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosure

Cc: Mike Horton

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

Mr. John Kalish
Field Manager
Palm Springs/South Coast Field Office
U.S. Bureau of Land Management
P.O. Box 581260
North Palm Springs, CA 92258-1260

Subject: Environmental impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Mr. Kalish:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any

Page 2
Mr. John Kalish

environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

A Notice of Intent (NOI) to prepare an EIS was published in the *Federal Register* on September 24, 2007. A copy of the NOI is enclosed, which provides additional information about the proposed project, background information, and the framework for Federal environmental review requirements under NEPA.

Your agency has been identified as a Federal authority with responsibilities for resources that may be affected by the Proposed Action. In accordance with the Council on Environmental Quality (CEQ) regulations addressing cooperating agencies (40 CFR 1501.6 and 1508.5) and CEQ's January 30, 2002, guidance, CBP is inviting you to participate in the development of the EIS as a cooperating agency. Please contact Mr. Charles McGregor of the USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Forth Worth, Texas 76102-0300 if your agency would like to be a cooperating agency.

Your prompt attention to this request would be greatly appreciated. If you have any questions, please call Mr. Charles McGregor at (817) 886-1585 or Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at 619-216-4028.

Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosure

Cc: Ms. Janaye Byergo

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

COL Thomas H. Magness, IV
U.S. Army Corps of Engineers
Los Angles District
915 Wilshire Blvd., Suite 980
Los Angles, CA 90017

Subject: Environmental impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear COL Magness:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, his effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969

Page 2
COL Thomas H. Magness, IV

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A Notice of Intent (NOI) to prepare an EIS was published in the *Federal Register* on September 24, 2007. A copy of the NOI is enclosed, which provides additional information about the proposed project, background information, and the framework for Federal environmental review requirements under NEPA.

Your agency has been identified as a Federal authority with responsibilities for resources that may be impacted by the Proposed Action. In accordance with the Council on Environmental Quality (CEQ) regulations addressing cooperating agencies (40 CFR 1501.6 and 1508.5) and CEQ's January 30, 2002, guidance, CBP is inviting you to participate in the development of the EIS as a cooperating agency. Please contact Mr. Charles McGregor of the USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Forth Worth, Texas 76102-0300 if your agency would like to be a cooperating agency.

Your prompt attention to this request would be greatly appreciated. If you have any questions, please call Mr. Charles McGregor at (817) 886-1585 or Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at 619-216-4028.

Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosure

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

OCT 1 [illegible]

Mr. Wayne Nastri
Regional Administrator, Region 9
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Subject: Environmental impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Mr. Nastri:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, his effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969

Page 2
Mr. Wayne Nastri

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A Notice of Intent (NOI) to prepare an EIS was published in the *Federal Register* on September 24, 2007. A copy of the NOI is enclosed, which provides additional information about the proposed project, background information, and the framework for Federal environmental review requirements under NEPA.

Your agency has been identified as a Federal authority with responsibilities for resources that may be impacted by the Proposed Action. In accordance with the Council on Environmental Quality (CEQ) regulations addressing cooperating agencies (40 CFR 1501.6 and 1508.5) and CEQ's January 30, 2002, guidance, CBP is inviting you to participate in the development of the EIS as a cooperating agency. Please contact Mr. Charles McGregor of the USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Forth Worth, Texas 76102-0300 if your agency would like to be a cooperating agency.

Your prompt attention to this request would be greatly appreciated. If you have any questions, please call Mr. Charles McGregor at (817) 886-1585 or Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at 619-216-4028.

Sincerely,

Robert F. Janson
Acting Executive Director
Asset Management
U.S. Customs and Border Protection

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

October 15, 2007

Mr. Charles McGregor
U.S. Army Corps of Engineers
Engineering Construction and Support Office
819 Taylor St. Room 3A14
Fort Worth, TX 76102

Subject: Scoping Comments for the Construction and Operation of Tactical Infrastructure for the U.S. Customs and Border Protection (CBP), Office of Border Patrol San Diego Sector

Dear Mr. McGregor:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Register Notice published on September 24, 2007 requesting comments on the Bureau of Customs and Border Protection's decision to prepare an Environmental Impact Statement. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act.

The proposed project is to construct and operate approximately 5.57 miles of tactical infrastructure and supporting patrol roads along the U.S./Mexico international border south of and adjacent to Otay Mountain Wilderness area, with a segment extending the existing fence west of Tecate in San Diego County, California. The proposed tactical infrastructure would impact an approximate 60 foot wide corridor along each fence segment and include fences, access roads, patrol roads, and construction staging areas. The project involves vegetation clearing and grading on approximately 41 acres, significant amounts of blasting activity, cut and fill operations, creation of at least two stationing areas, construction of switchback roads, and general improvement to existing access roads. To assist in the scoping process, we have identified several issues for your attention in the preparation of the DEIS, which are detailed in the attached comments.

We appreciate the opportunity to provide comments on the preparation of the DEIS, and look forward to continued participation in this process as more information becomes available. When the DEIS is released for public review, please send one hard copy to the address above

Printed on Recycled Paper

(mail code: CED-2). If you have any questions, please contact me at (415) 972-3846 or Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,

Nova Blazej, Manager
Environmental Review Office

Enclosure: EPA's Detailed Comments

cc: Justin Seastrand, Bureau of Land Management, Otay Mountain Wilderness Area

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EPA DETAILED SCOPING FOR THE CONSTRUCTION AND OPERATION OF TACTICAL INFRASTRUCTURE FOR THE U.S. CUSTOMS AND BORDER PROTECTION, OFFICE OF BORDER PATROL SAN DIEGO SECTOR, OCTOBER 15, 2007

Purpose and Need / Alternatives Analysis

A clear purpose and need sets the stage for thorough consideration of a range of alternatives. The Notice of Intent (NOI) states that the purpose of the project is to further U.S. Customs and Border Protection's (CBP) ability to gain effective control of the border by denying pedestrian and other access in the high priority San Diego Sector of the Office of Border Patrol.

All reasonable alternatives that fulfill the purpose of the project's purpose and need should be evaluated in detail, including alternatives to physical barriers such as infrastructure to support a "virtual fence" if this meets the purpose and need. A robust range of alternatives will include an alternative that avoids significant environmental impacts. The DEIS should provide a clear discussion of the reasons for the elimination of alternatives which are not evaluated in detail.

The environmental impacts of the proposal and alternatives should be presented in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public (40 CFR 1502.14). The potential environmental impacts of each alternative should be quantified to the greatest extent possible (e.g., acres of wetlands impacted, tons per year of emissions produced, etc.).

Compliance with Environmental Regulations

The DEIS should discuss any legislative acts that allow the Department of Homeland Security agencies to bypass U.S. environmental laws and regulations, and whether there is the intension to do so for this project.

Water Resources

The DEIS should describe the original (natural) drainage patterns in the project locale, as well as the drainage patterns of the area during project operations. Also, the DEIS should identify whether any components of the proposed project are within a 50 or 100-year floodplain.

Clean Water Act Section 402

The DEIS should note that, under the federal Clean Water Act (CWA), any construction project disturbing a land area of one or more acres requires a construction storm water discharge permit. The DEIS should document the project's consistency with applicable storm water permitting requirements. Requirements of a storm water pollution prevention plan should be reflected as appropriate in the DEIS. The DEIS should discuss specific mitigation measures that may be necessary or beneficial in reducing adverse impacts to water quality and aquatic resources. The CBP should coordinate the California Regional Water Quality Control Board on all required permits.

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Clean Water Act Section 404

The fence and infrastructure south of the Otay Mountain Wilderness will cross a number of drainages, and the fence segment west of Tecate would pass through a riparian area. Impacts to waters of the U.S. should be avoided or mitigated to the maximum extent possible. The project applicant should coordinate with the U.S. Army Corps of Engineers to determine if the proposed project requires a Section 404 permit under the CWA. Section 404 regulates the discharge of dredged or fill material into waters of the U.S. The DEIS should describe all waters of the U.S. that could be affected by the project alternatives, and include maps that clearly identify all waters within the project area. The discussion should include acreages and channel lengths, habitat types, values, and functions of these waters.

If a permit is required, EPA will review the project for compliance with *Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials* (40 CFR 230), promulgated pursuant to Section 404(b)(1) of the CWA ("404(b)(1) Guidelines"). Pursuant to 40 CFR 230, any permitted discharge into waters of the U.S. must be the least environmentally damaging practicable alternative available to achieve the project purpose. The DEIS should include an evaluation of the project alternatives in this context in order to demonstrate the project's compliance with the 404(b)(1) Guidelines. If, under the proposed project, dredged or fill material would be discharged into waters of the U.S., the DEIS should discuss alternatives to avoid those discharges. EPA strongly encourages early coordination with the U.S. Army Corps of Engineers. Information on waters of the U.S. is best disclosed at the DEIS stage so that the appropriateness of the proposed NEPA alternative can be evaluated in the context of the 404(b)(1) Guidelines, and relevant comments can receive responses and effect appropriate modifications in the Final EIS.

If a discharge to waters of the U.S. is anticipated, the DEIS should discuss how potential impacts would be minimized and mitigated. This discussion should include: (a) acreage and habitat type of waters of the U.S. that would be created or restored; (b) water sources to maintain the mitigation area; (c) the revegetation plans, including the numbers and age of each species to be planted, as well as special techniques that may be necessary for planting; (d) maintenance and monitoring plans, including performance standards to determine mitigation success; (e) the size and location of mitigation zones; (f) the parties that would be ultimately responsible for the plan's success; and (g) contingency plans that would be enacted if the original plan fails. Mitigation should be implemented in advance of the impacts to avoid habitat losses due to the lag time between the occurrence of the impact and successful mitigation.

Biological Resources

The border region of California and Baja California comprises one of the world's biodiversity hotspots. The project area to the south of Otay Mountain Wilderness contains especially rich botanical resources and includes habitat that is important to the conservation of the federally endangered Quino checkerspot butterfly. We recommend that the CBP work closely with the Bureau of Land Management regarding the protection of wilderness and biological resources in

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this area, and consult with the U.S. Fish and Wildlife Service for the protection of threatened and endangered species.

Wildlife Impacts
The DEIS should identify all petitioned and listed threatened and endangered species and critical habitat that might occur within the project area. The document should identify and quantify which species or critical habitat might be directly or indirectly affected by each alternative. We recommend that the DEIS include a biological assessment, as well as a description of the outcome of consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

The Border Fence NEPA website at www.borderfenceNEPA.com indicates that any fencing must be designed to reduce or minimize impacts on small animal movement and not impede the natural flow of water. EPA commends these design criteria and suggests that the CBP prepare an inventory of resident wildlife so that fence design can consider modes of transport. The DEIS should identify all wildlife movement corridors that could be obstructed or impacted by infrastructure. For all species that are impacted, the DEIS should discuss the other cumulative impacts these species are experiencing on an ecosystem level. The DEIS should discuss how the border infrastructure could impact vegetation and its distribution and use as cover by resident wildlife species.

Mitigation
The DEIS should propose measures that will mitigate direct impacts to wildlife, such as provision for wildlife crossings, and cumulative impacts on an ecosystem level. For example, if species will be impacted from natural movements due to the proposed project, mitigation to restore or enhance movement and habitat in other areas of their range should be proposed. EPA recommends the project include the development of alternative water sources if the project prohibits wildlife populations from accessing water sources. The DEIS should also evaluate the impacts that increased illumination would have on wildlife species in the area and identify and evaluate technologies that can detect pedestrians without impacting nocturnal wildlife.

Air Quality

San Diego County currently does not meet the health-based air quality standard for ozone and is designated as nonattainment (basic) for the 8-hour ozone National Ambient Air Quality Standard or NAAQS.

The DEIS should provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS), criteria pollutant nonattainment areas, and potential air quality impacts of the project (including cumulative and indirect impacts) for each fully evaluated alternative. Construction related impacts should also be discussed.

General Conformity

The DEIS should address the applicability of CAA Section 176 and EPA's general conformity regulations at 40 CFR Parts 51 and 93. Federal agencies need to ensure that their actions, including construction emissions subject to state jurisdiction, conform to an approved implementation plan. Emissions authorized by a CAA permit issued by the State or the local air pollution control district would not be assessed under general conformity but through the permitting process.

Construction Emissions Mitigation

EPA recommends an evaluation of the following measures to reduce construction emissions of criteria air pollutants and hazardous air pollutants (air toxics). The DEIS should address the use of these measures during construction.

- Reduce emissions of diesel particulate matter (DPM) and other air pollutants by using particle traps and other technological or operational methods. Control technologies such as traps control approximately 80 percent of DPM. Specialized catalytic converters (oxidation catalysts) control approximately 20 percent of DPM, 40 percent of carbon monoxide emissions, and 50 percent of hydrocarbon emissions.
- Ensure that diesel-powered construction equipment is properly tuned and maintained, and shut off when not in direct use.
- Prohibit engine tampering to increase horsepower.
- Locate diesel engines, motors, and equipment as far as possible from residential areas and sensitive receptors (schools, daycare centers, and hospitals).
- Require low sulfur diesel fuel (<15 parts per million), if available.
- Reduce construction-related trips of workers and equipment, including trucks.
- Lease or buy newer, cleaner equipment (1996 or newer model), using a minimum of 75 percent of the equipment's total horsepower.
- Use engine types such as electric, liquified gas, hydrogen fuel cells, and/or alternative diesel formulations.
- Adopt a *Construction Emissions Mitigation Plan* to reduce construction emissions.
- Work with the local air pollution control district(s) to implement the strongest mitigation for reducing construction emissions.

Indirect and Cumulative Impacts

The definition of *cumulative impact* is "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions" (40 CFR Part 1508.7). Per guidance provided by the Council on Environmental Quality (CEQ), the cumulative impacts analysis should provide the context for understanding the magnitude of the impacts of the alternatives by analyzing the impacts of other past, present, and reasonably foreseeable projects or actions and then considering those cumulative impacts in their entirety (CEQ's Forty Questions, #18). Where adverse cumulative impacts may exist, the DEIS

should disclose the parties that would be responsible for avoiding, minimizing, and mitigating those adverse impacts.

The DEIS should focus on resources of concern – those resources that are "at risk" and/or are significantly impacted by the proposed project, before mitigation. In the introduction to the Cumulative Impacts section, identify which resources are analyzed, which ones are not, and why. For each resource analyzed, the DEIS should:

- Identify the current condition of the resource as a measure of past impacts. For example, the percentage of species habitat lost to date.
- Identify the trend in the condition of the resource as a measure of present impacts. For example, the health of the resource is improving, declining, or in stasis.
- Identify the future condition of the resource based on an analysis of the cumulative impacts of reasonably foreseeable projects or actions added to existing conditions and current trends. For example, what will the future condition of the watershed be.
- Assess the cumulative impacts contribution of the proposed alternatives to the long-term health of the resource, and provide a specific measure for the projected impact from the proposed alternatives.
- Disclose the parties that would be responsible for avoiding, minimizing, and mitigating those adverse impacts.
- Identify opportunities to avoid and minimize impacts, including working with other entities.

Coordination with Tribal Governments

Executive Order 13175

Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments* (November 6, 2000), was issued in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes.

The DEIS should describe the process and outcome of government-to-government consultation between the U.S. Customs and Border Protection (CBP)and each of the tribal governments within the project area, issues that were raised (if any), and how those issues were addressed in the selection of the proposed alternative.

National Historic Preservation Act and Executive Order 13007

Historic properties under the National Historic Preservation Act (NHPA) are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register. Section 106 of the NHPA requires a federal agency, upon determining that activities under its control could affect historic properties, consult with the appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO).

Executive Order 13007, *Indian Sacred Sites* (May 24, 1996), requires federal land managing agencies to accommodate access to, and ceremonial use of, Indian sacred sites by Indian Religious practitioners, and to avoid adversely affecting the physical integrity of such sacred sites. It is important to note that a sacred site may not meet the National Register criteria for a historic property and that, conversely, a historic property may not meet the criteria for a sacred site.

The DEIS should address the existence of Indian sacred sites in the project area. It should address Executive Order 13007, distinguish it from Section 106 of the NHPA, discuss how the CBP will avoid adversely affecting the physical integrity of sacred sites, if they exist, and address other requirements of the Order.

Invasive Species

The project involves grading and clearing of vegetation, which can introduce invasive species. Executive Order 13112, *Invasive Species* (February 3, 1999), mandates that federal agencies take actions to prevent the introduction of invasive species, provide for their control, and minimize the economic, ecological, and human health impacts that invasive species cause. The DEIS should include project design features that call for the development of an invasive plant management plan to monitor and control noxious weeds, and to utilize native plants for restoration of disturbed areas after construction.

U.S. Department of Homeland Security
Washington, DC 20229

U.S. Customs and Border Protection

Commissioner Carlos Marin
International Boundary and Water Commission
U.S. Section
4111 North Mesa, Suite C-100
El Paso, TX 79902-1441

OCT 18 2005

Subject: Environmental impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector

Dear Commissioner Marin:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969