



FINAL

**SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT
FOR THE CONSTRUCTION OF COMMERCIAL TRAFFIC LANES
AT THE I-10 BORDER PATROL CHECKPOINT NEAR
LAS CRUCES, NEW MEXICO**

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



October 2009

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ACRONYMS AND ABBREVIATIONS

AOR	area of responsibility
APE	Area of Potential Effect
bgs	below ground surface
BLM	Bureau of Land Management
BMP	best management practices
CBP	U.S. Customs and Border Protection
CBV	cross border violator
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CO	carbon monoxide
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
DHS	Department of Homeland Security
EA	Environmental Assessment
EO	Executive Order
ESA	Endangered Species Act
FOB	Forward Operating Base
FONSI	Finding of No Significant Impact
FR	Federal Register
GIS	Geographic Information system
GSRC	Gulf South Research Corporation
I-10	Interstate Highway 10
IA	illegal alien
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act
INA	Immigration and Nationality Act
INS	Immigration and Naturalization Service
MBTA	Migratory Bird Treaty Act
NAAQS	National Ambient Air Quality Standards
NEAP	Natural Events Action Plan
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMCRIS	New Mexico Cultural Resources Information System
NMDGF	New Mexico Department of Game and Fish
NMDOT	New Mexico Department of Transportation
NMED	New Mexico Environment Department
NO ₂	nitrogen dioxide
NOA	Notice of Availability
NRCS	Natural Resource Conservation Service
NRHP	National Register of Historic Places
O ₃	ozone
PM-10	particulate matter measuring less than 10 microns
POE	port of entry
ppm	parts per million
ROI	region of influence

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FINDING OF NO SIGNIFICANT IMPACT
FOR THE CONSTRUCTION OF COMMERCIAL TRAFFIC LANES
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LAS CRUCES, NEW MEXICO

PROJECT HISTORY: The United States (U.S.) Customs and Border Protection (CBP) of the U.S. Department of Homeland Security (DHS) has the responsibility to regulate and control immigration into the U.S. The priority mission of the U.S. Border Patrol (USBP) is to strengthen the U.S. borders to prevent the entry of illegal aliens (IAs), terrorist weapons, narcotics, and contraband. IAs include all individuals who attempt to cross the international border between legal Ports-of-Entry (POE), regardless of citizenship. The principle objective of USBP is to apply appropriate levels of personnel, intelligence, technology, and infrastructure resources to increase the level of operational effectiveness sufficient to convey an absolute certainty of detection, apprehension and prosecution. In keeping with the spirit of the mission, USBP operates highway checkpoints to enhance the USBP's capability to gain, maintain and extend control of the border in areas beyond the immediate border.

This Supplemental Environmental Assessment (SEA) was developed to address the impacts, beneficial and adverse, associated with the addition of expanded commercial traffic lanes to the Interstate 10 (I-10) Checkpoint near Las Cruces in Doña Ana County, New Mexico, and alternatives to this action.

The Doña Ana County, New Mexico checkpoint is currently located within the New Mexico Department of Transportation (NMDOT) right-of-way (ROW) for I-10, 12 miles west of Las Cruces. Expansion of the checkpoint was addressed in a SEA and FONSI completed in 2007 by CBP. This SEA updates the 2007 SEA and FONSI, and incorporates by reference information from that decision.

PURPOSE AND NEED: The purpose of the expanded commercial traffic lanes is to provide a safer work environment for USBP agents and increased safety for the general public using the highway adjacent to the checkpoint. The expanded lanes were requested by NMDOT to provide better separation between commercial traffic and general automobile traffic at the checkpoint. The Proposed Action is needed to increase USBP agent safety by accommodating the large volume of traffic and afford sufficient space for USBP agents to conduct vehicle searches safely. Increasing the size of commercial traffic lanes will also allow standing traffic awaiting inspection at the checkpoint to avoid blocking the highway, and thus reduce the possibility of rear-end collisions.

ALTERNATIVES: Two Alternatives were analyzed in detail in this SEA, the No Action Alternative and Proposed Action Alternative. No other alternative was evaluated because all other alternatives failed to meet the purpose and need of the proposed project.

NO ACTION: The No Action Alternative would construct the I-10 Checkpoint as described in the 2007 SEA, but not allow for the expanded commercial traffic lanes. This alternative would not meet the purpose and need for this project.

PROPOSED ACTION: This alternative includes the construction of the new I-10 Checkpoint as described in the 2007 SEA, with the addition of expanded, longer commercial traffic lanes on both sides of the checkpoint. These activities would occur in an area of existing ground disturbance within the existing NMDOT ROW, as well as on adjacent property outside the ROW. A total of approximately 17 additional acres would be acquired and potentially disturbed within and outside of the existing ROW on property owned by the State of New Mexico and the U.S. Bureau of Land Management (BLM).

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ENVIRONMENTAL CONSEQUENCES: The Proposed Action Alternative would require typical construction activities associated with leveling, paving and erecting structures within the project area, most of which has been previously disturbed.

A cultural resources survey of the project area found no cultural resources or artifacts present, and concurrence from the State Historic Preservation Officer (SHPO) for New Mexico has been received for the Proposed Action Alternative, completing the Section 106 process. CBP, in implementing its decision, would employ all practical means to minimize the potential adverse impacts on the local environment. No significant impacts are expected to occur on biological resources, aesthetic resources, air quality, land use, soils, water resources, and noise upon implementation of the Proposed Action Alternative.

ENVIRONMENTAL DESIGN MEASURES: CBP will be responsible for implementation of environmental design measures, as described in the 2007 SEA. These design measures include:

1. Best Management Practices (BMPs) will be implemented as standard operating procedures during all construction activities. These BMPs will include proper handling, storage, and disposal of hazardous and regulated materials. To minimize potential impacts from hazardous and regulated materials, all fuels, waste oils, and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery will be completed following accepted guidelines, and all vehicles will have drip pans during storage to contain minor spills and drips. Although it would be unlikely for a major spill to occur, any spill of a reportable quantity will be contained immediately within an earthen dike, and the application of an absorbent (e.g., granular, pillow, sock) will be used to absorb and contain the spill. Any spill of a reportable quantity of a hazardous or regulated substance will be reported immediately to on-site environmental personnel who will notify appropriate Federal and state agencies. A Spill Prevention, Control and Countermeasure Plan will be in place prior to the start of construction, and all personnel will be briefed on the implementation and responsibilities of this plan.

All waste oil and solvents generated during construction will be recycled. All non-recyclable hazardous and regulated wastes will be collected, characterized, labeled, stored, transported, and disposed of in accordance with all Federal, state, and local regulations, including proper waste manifesting procedures. Non-hazardous solid waste (trash and waste construction materials) will be collected and deposited in on-site receptacles for eventual collection and disposal by a local contractor.

2. Vehicular traffic associated with the vehicle checkpoint construction activities and operational support activities will remain on established roads when traveling to and from the proposed project area. Erosion control measures will be implemented before, during, and after construction activities. Any excess soils not used during construction of the proposed vehicle checkpoint will be hauled from the site and disposed of properly.

3. All construction equipment, vehicles, electric generators, and portable lights will be required to be kept in good operating condition to minimize engine exhaust emissions.

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4. All bare ground disturbed during construction and not used for facilities or paving will be replanted with approved native vegetation or ground cover. Invasive or non-native species disturbed during construction will be removed from the project site and disposed of in a manner that will not promote the spread of those species.

5. Although no cultural resources are known within the project areas, should any evidence of cultural resources be observed during construction, work will stop in the immediate vicinity, the resource will be protected, and the appropriate state cultural resources agency and BLM will be notified within 24 hours of the discovery. If, in consultation with the New Mexico Department of Cultural Affairs, it is determined that the resource is significant, and cannot be avoided, a mitigation plan will be developed and implemented before construction is resumed.

6. Migratory bird surveys will be conducted during nesting season (March 1 through September 1), and any nests found would be avoided or eggs and chicks moved by a qualified biologist prior to construction. If construction activities would result in the "take" of a migratory bird, then consultation with the U. S. Fish and Wildlife Service (USFWS) and New Mexico Department of Game and Fish (NMDGF) will occur, and applicable permits will be obtained prior to construction or clearing activities.

FINDING: Based upon the results of the SEA and the environmental design measures that will be implemented by CBP and incorporated as part of the Proposed Action Alternative, it has been concluded that the Proposed Action Alternative would not have a significant effect on the environment. Therefore, no further environmental impact analysis for the Proposed Action Alternative is warranted.



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9.21.09

Date



Gregory L. Giddens
Executive Director
Facilities Management and Engineering

23 Oct 09

Date

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**Supplemental Environmental Assessment
for the Construction of Commercial Traffic Lanes
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Las Cruces, New Mexico**

October 2009

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EXECUTIVE SUMMARY

PROPOSED ACTION: The United States (U.S.) Army Corps of Engineers, on behalf of U.S. Customs and Border Protection (CBP), prepared a Supplemental Environmental Assessment (SEA) in 2007 for the Construction/Renovation of the U.S. Border Patrol (USBP) Checkpoint on Interstate Highway 10 (I-10) west of Las Cruces, New Mexico. The project included renovation of buildings and expansion of secondary inspections lanes at the checkpoint in Doña Ana County, New Mexico, as well as two other checkpoints. Due to public safety and traffic concerns at the expanded I-10 checkpoint, and to improve efficiency and safety for USBP agents at the checkpoint, it was decided to add additional commercial truck lanes to the project. The proposed action would acquire an additional total of approximately 17 acres within and adjacent to the existing highway right of way to expand truck lanes at the checkpoint.

PURPOSE AND NEED FOR THE PROPOSED ACTION: The purpose of the expanded commercial traffic lanes is to provide a safer work environment for USBP agents and increased safety for the general public using the highway adjacent to the checkpoint. The expanded lanes were requested by New Mexico Department of Transportation (NMDOT) to provide better separation between commercial traffic and general automobile traffic at the checkpoint. The Proposed Action is needed to increase USBP agent safety by accommodating the large volume of traffic and afford sufficient space for USBP agents to conduct vehicle searches safely. Increasing the size of commercial traffic lanes would also allow standing traffic awaiting inspection at the checkpoint to avoid blocking the highway, and thus reduce the possibility of rear-end collisions.

PROPOSED ACTION AND ALTERNATIVES: Two alternatives are evaluated in this SEA: the No Action Alternative, and the Proposed Action Alternative. The Proposed Action Alternative includes the construction of additional truck lanes as discussed above. The No Action Alternative would expand the checkpoint facilities as described in the 2007 SEA, but would not expand the truck lanes at the checkpoint, and existing public safety and traffic concerns would remain. This SEA updates the previous 2007 SEA, and the Proposed Action for the 2007 SEA is included as part of the No Action Alternative for this SEA.

ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION AND NO ACTION ALTERNATIVES: The Proposed Action would involve construction activities in a rural area of Doña Ana County. The Proposed Action would result in numerous beneficial effects for USBP personnel and the general public within the Region of Influence. There are no threatened or endangered species and no cultural resources located at the site; and the habitat of the site to be impacted is similar to vast amounts of other habitat in the immediate area.

No significant direct, indirect, short-term or long-term adverse impacts on the physical or biological environment would result from the Proposed Action Alternative. Best management practices would be employed during construction to minimize minor temporary direct impacts.

The No Action Alternative would have no direct adverse impacts; however, significant indirect long-term and cumulative adverse impacts would result from lack of commercial traffic capacity at the expanded checkpoint. The lack of sufficient vehicle capacity at the station would result in continued traffic delays and back-ups on the adjacent highway, and increase the safety risk for USBP personnel operating the checkpoint station and for the general public using I-10.

CONCLUSIONS:

No significant, long-term, adverse impacts are anticipated for any resource analyzed within this document. Therefore, no further analysis or documentation (*i.e.*, Environmental Impact Statement) is warranted. CBP, in implementing this decision, would employ all practical means to minimize the potential adverse impacts on the local environment.

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SECTION 1.0
INTRODUCTION



1.0 INTRODUCTION

The United States (U.S.) Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), is mandated to control illegal immigration and smuggling across the U.S. borders between the land ports-of-entry (POE). The U.S. Border Patrol (USBP) uses a variety of measures to satisfy this mission, including operation of vehicle checkpoints at strategic locations away from the border, such as the subject checkpoint discussed in this report on Interstate Highway 10 (I-10). The I-10 Checkpoint is located west of Las Cruces, New Mexico, and is in need of expansion to accommodate increased traffic and to enhance the safety of USBP personnel and the general public.

A Supplemental Environmental Assessment (SEA) and Finding of No Significant Impact (FONSI) were completed in 2007 for the expansion of the checkpoint (CBP 2007). The New Mexico Department of Transportation (NMDOT) has requested that the commercial truck lanes for the checkpoint be extended beyond the size previously approved in the project design to prevent excessive back-up of other traffic on I-10 and possible safety concerns for the general public. The additional expansion areas necessary to accommodate the expanded truck lanes constitute a minor expansion of the area covered by the previous SEA; therefore, the additional acreage involved at the site will be addressed in this SEA. Resource discussions and impacts previously addressed in the 2007 SEA will be incorporated into this SEA, as appropriate.

1.1 PURPOSE AND NEED

The configuration and location of the existing checkpoint, which is the subject of this SEA, is such that there is insufficient capacity to adequately inspect all vehicles entering the checkpoint during periods of high traffic volume. The resulting backlog of traffic on the adjacent highway has resulted in safety concerns on the highway and several related accidents. The bus lanes for the checkpoint are not wide enough to safely allow for passengers to disembark while inspections are underway. This results in safety risks for passengers and USBP personnel. The purpose of the expanded commercial traffic lanes is to provide a safer work environment for USBP agents and increased safety for the general public using the highway adjacent to the checkpoint. The expanded lanes were requested by NMDOT to provide better separation between commercial traffic and general automobile traffic at the checkpoint.

The standard checkpoint configuration adopted for use at highway checkpoints would be implemented at the I-10 site addressed here. The Proposed Action is needed to increase USBP agent safety by accommodating the large volume of traffic and afford sufficient space for USBP agents to conduct vehicle searches safely. Increasing the size of commercial traffic lanes would also allow standing traffic awaiting inspection at the checkpoint to avoid blocking the highway, and thus reduce the possibility of rear-end collisions. The expanded commercial lanes are needed to address safety and traffic congestion concerns identified in the original project design.

1.2 LOCATION OF PROPOSED ACTION

The I-10 Checkpoint is located on a 9.2-acre site 12 miles west of Las Cruces, New Mexico (Figure 1-1), on the north side of I-10 in an existing pull-out on the west-bound lanes of I-10 (Figures 1-2 and 1-3). It is depicted on the Aden Hills and Sleeping Lady Hills (1985) U.S. Geological Survey (USGS) 7.5 minute quadrangle maps. The current structures on the site include an open canopy, a movable modular office structure, a communications tower and support shed. The original project (described in the 2007 SEA) enlarged the checkpoint area by a total of 5.8 acres, including a truck separation lane constructed for 0.5 mile east of the checkpoint within the highway right-of-way (ROW) on the highway shoulder. The Proposed Action would expand that truck separation lane by an additional 0.5 mile, and add a 1-mile long truck lane to the west side of the checkpoint. The added acreage (approximately 17 acres) would be directly within and adjacent to the current I-10 ROW on lands owned by the Bureau of Land Management (BLM) and the State of New Mexico.

1.3 SCOPE OF ENVIRONMENTAL REVIEW

This SEA describes and analyzes the potential environmental impacts of the activities associated with the Proposed Action that meet the stated purpose and need. Consistent with the Council on Environmental Quality (CEQ) regulations, the scope of analysis presented in this SEA is defined by the potential range of environmental impacts that would result from implementation of the Proposed Action. Resources that would not be affected by implementation of any of the alternatives are not addressed. Where applicable, reference is made to the resources discussion presented in the original SEA completed in 2007 (CBP 2007).



Figure 1-1: Vicinity Map



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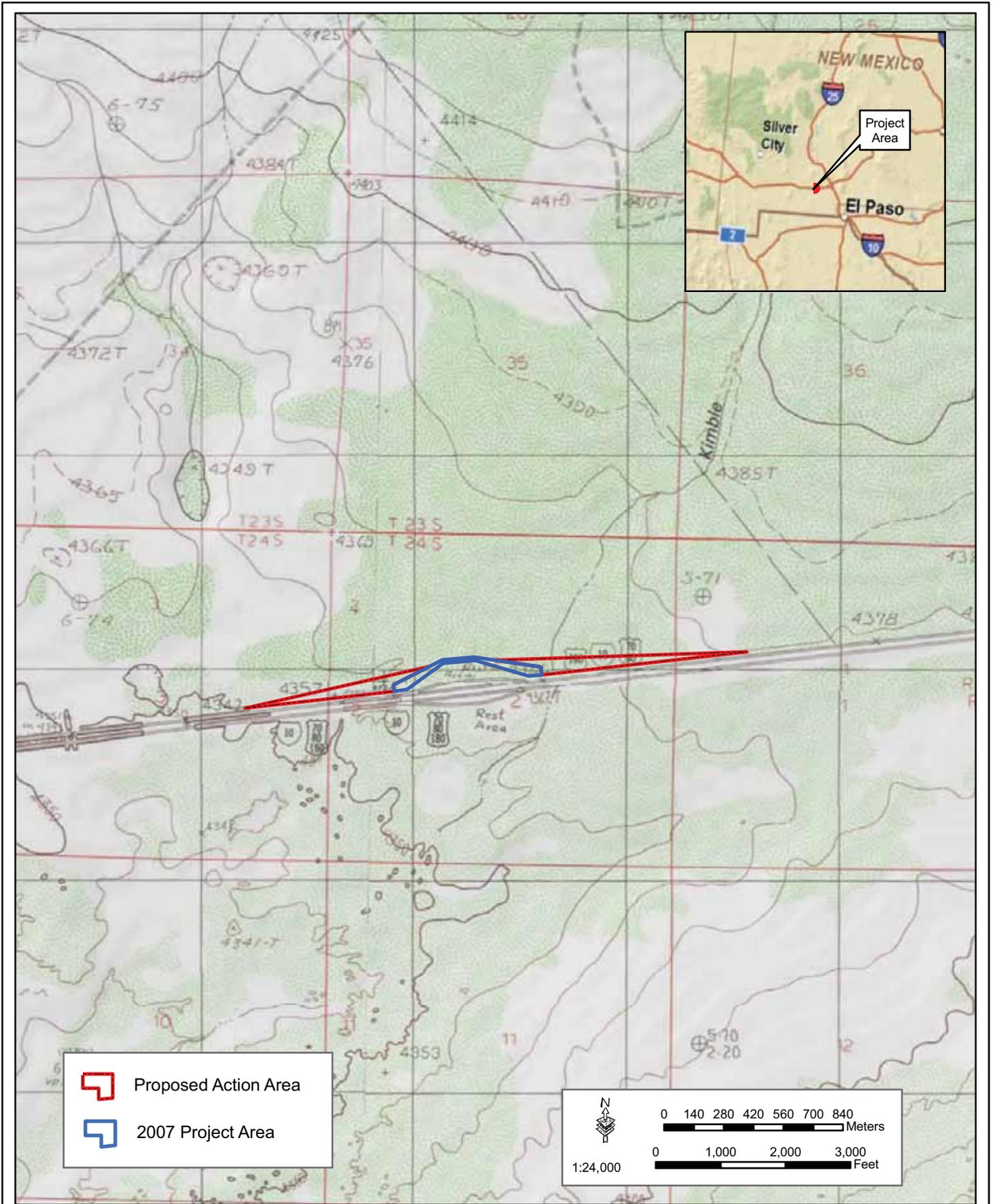


Figure 1-2: Project Location Map



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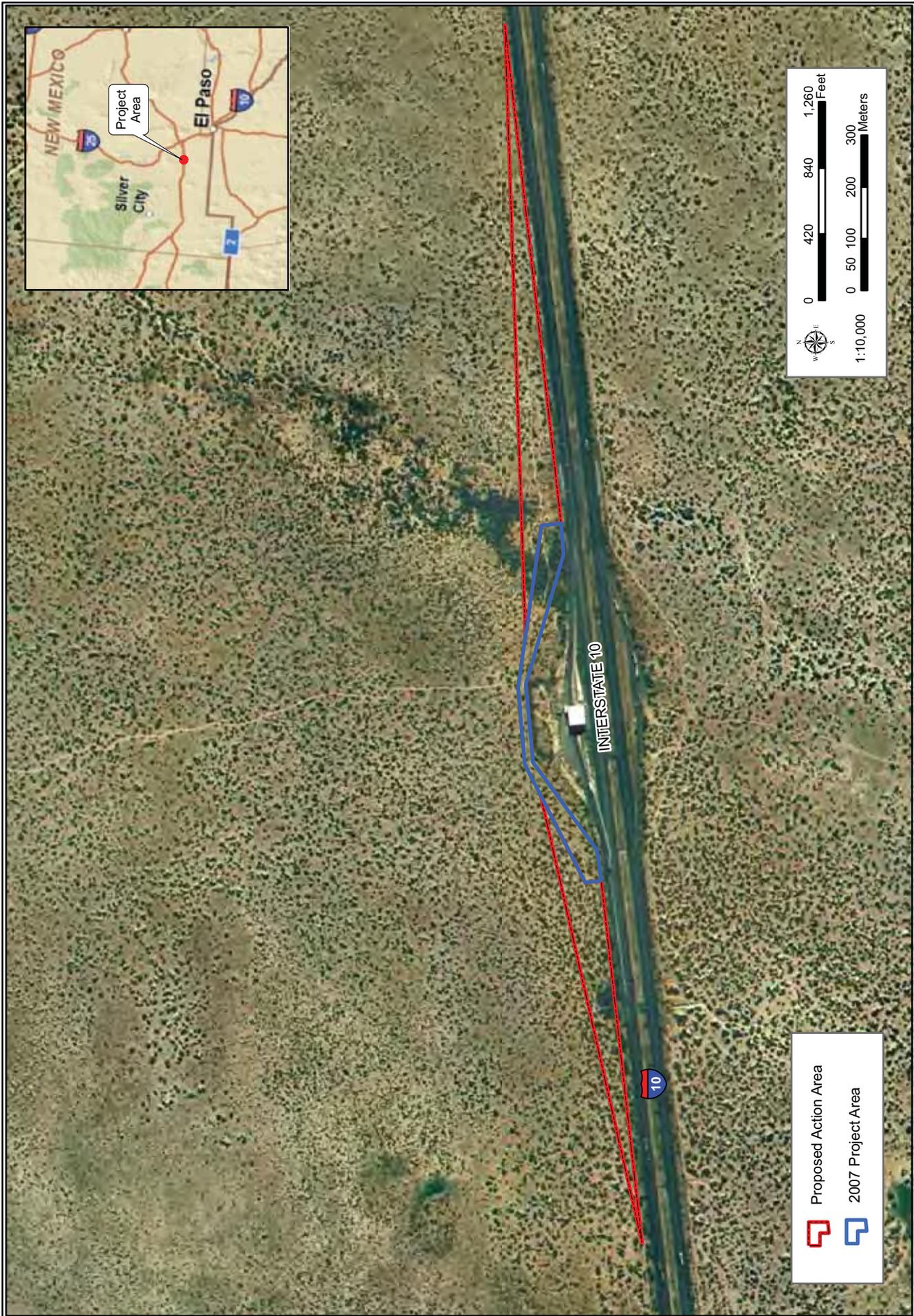


Figure 1-3: Project Area Map

Resources that have a potential for impact were considered in more detail in order to provide the CBP decision maker with sufficient evidence and analysis to determine whether or not additional analysis is required pursuant to 40 Code of Federal Regulations (CFR) Part 1508.9. The resources analyzed in more detail are land use, aesthetics and noise, soils and geology, water resources, air quality, biological resources, cultural resources, and human health and safety. The affected environment and the potential environmental consequences relative to these resources are described in Section 3.0.

1.4 REGULATORY AUTHORITY

The primary sources of authority granted to USBP agents are the Immigration and Nationality Act (INA), found in Title 8 of the United States Code (8 USC), and other statutes relating to the immigration and naturalization of aliens. The secondary sources of authority are administrative regulations implementing those statutes, primarily those found in 8 CFR Section 287, judicial decisions, and administrative decisions of the Board of Immigration Appeals. In addition, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), and subsequently the Homeland Security Act, mandates DHS to acquire and/or improve equipment and technology along the border, hire and train new agents for the border region, and develop effective border enforcement strategies.

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

The use of BLM lands would be in accordance with the Federal Land Purchase and Management Act. The Proposed Action is in conformance with the BLM Mimbres Resource Management Plan, which states on p. 2-17 "The remainder of the Resource Area (outside of

avoidance and exclusion areas) is open to the location of ROWs subject to standard stipulations (1,970,180 acres)."

1.5 FEDERAL, STATE AND LOCAL PERMITS, LICENSES AND FEES

Prior to construction, a Storm Water Pollution Prevention Plan (SWPPP) would be developed for the site, and an appropriate storm water construction permit would be acquired from the responsible state or local agency. Prior to construction, a building permit would be obtained from the county building official for the site. A ROW permit would be obtained from BLM.

1.6 RELATED ENVIRONMENTAL DOCUMENTS

EA and FONSI for Construction/Renovations of Border Patrol Checkpoints near Las Cruces and Alamogordo, New Mexico and El Paso, Texas 1998 (USACE 1998): This EA and FONSI were prepared to assess impacts associated with renovation of the two checkpoints in Doña Ana County, New Mexico and the construction of a new checkpoint in Texas.

SEA and FONSI for Construction/Renovations of Border Patrol Checkpoints near Las Cruces, New Mexico and El Paso, Texas March 2007 (CBP 2007). This SEA and FONSI were prepared to assess impacts associated with expansion of the checkpoint footprints addressed in the 1998 EA.

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SECTION 2.0
DESCRIPTION OF ALTERNATIVES

2.0 DESCRIPTION OF ALTERNATIVES

2.1 PROPOSED ACTION

The I-10 Checkpoint expansion addressed in the 2007 SEA would be enlarged by a total of approximately 17 acres. New expanded truck lanes would be added 0.5 mile east and 1 mile west of the I-10 Checkpoint within the current disturbed highway ROW and on land directly adjacent to the ROW, owned by the BLM and the State of New Mexico. The truck lane construction would involve grading, leveling and installation of drainage structures to provide a base for laying of approximately 40 to 50-foot wide asphalt pavement lanes and stabilized road shoulders.

The checkpoint structures would be constructed as defined in the 2007 SEA to conform to the standard USBP checkpoint layout. The construction and modification of the checkpoint would take place on site with standard equipment and techniques typically used for road construction, modular building placement, canopy construction, water well installation, *etc.*

2.2 NO ACTION ALTERNATIVE

Under the No Action Alternative, the I-10 Checkpoint would be constructed and renovated as indicated in the 2007 SEA. Impacts on the physical or biological environment as a result of the No Action Alternative were addressed in the 2007 SEA, and were found to be insignificant. Under the No Action Alternative, the expanded truck separation lanes would not be constructed. This would result in continued unsafe highway conditions in the vicinity of the checkpoint.

Table 2-1. Summary of Effects for the Proposed Action and No Action Alternative

Impacted Resource	Proposed Action	No Action Alternative
Air Quality	Area is rural; effects would be temporary and negligible	No adverse effects
Geology and Soils	No critical geology or soil resources; effects would be temporary and negligible	No adverse effects
Water Resources	No surface waters present; no long term increase in water resources demand; no significant effects	No adverse effects
Native Vegetation	Site already partially impacted, and vegetation would re-colonize; no long-term effects	No adverse effects
Wildlife Species	No quality wildlife habitat; negligible effects	No adverse effects
Threatened/Endangered Species	No suitable habitat present, and no listed species present; no effects	No adverse effects
Cultural Resources	No adverse effects, since no cultural resources are present	No adverse effects
Aesthetics and Noise	Effects would be negligible due to remote site location and lack of noise receptors	No adverse effects
Human Health and Safety	Long-term beneficial effects for USBP and general public	Long-term adverse effects for USBP and general public
Land Use	No significant change in land use; no significant adverse effects	No adverse effects
Cumulative Effects	Minor cumulative effects due to construction of all CBP and other agencies' projects	Long-term adverse cumulative effects on public safety

SECTION 3.0
AFFECTED ENVIRONMENT AND CONSEQUENCES

3.0 AFFECTED ENVIRONMENT AND CONSEQUENCES

3.1 AIR QUALITY

3.1.1 Existing Environment

Doña Ana County borders El Paso, Texas and Ciudad Juarez, Mexico. This area is considered part of the Paso del Norte air shed, which includes El Paso County, Texas and Ciudad Juarez, Mexico. This region of the state has historically had air quality problems, including particulate matter and ozone pollution.

There is presently one nonattainment area for a particulate matter 10 microns or less in size (PM-10) within Doña Ana County in Anthony, New Mexico, which lies on the border of Texas and New Mexico. This area was designated nonattainment for PM-10 by the U.S. Environmental Protection Agency (USEPA) in 1991.

In 1995, USEPA declared a 42 square-mile region in the southeast corner of the County on the border of Texas and Mexico as a marginal nonattainment area for the 1-hour ozone standard. The nonattainment area included the City of Sunland Park, Santa Teresa, and La Union. The 1-hour ozone standard was revoked by USEPA in 2004 with the adoption of the new 8-hour ozone standard. Due to the revocation of the 1-hour ozone standard, Sunland Park was redesignated to a maintenance area for the new 8-hour ozone standard. Due to the lowering of the Federal standard, the governor of New Mexico is recommending that Sunland Park (including the communities of Santa Teresa and La Union) be designated as nonattainment for the new 8-hour ozone standard (New Mexico Air Quality Bureau 2009). The remainder of Doña Ana County is not designated as non-attainment for ozone, including the site evaluated by this SEA.

In response to the PM-10 nonattainment status, Doña Ana County has adopted a dust control ordinance (Ordinance Number 192-2000 Erosion Control Regulations) in support of the Natural Events Action Plan (NEAP) submitted to USEPA. In addition, NMDOT has signed a Memorandum of Agreement (MOA) with the New Mexico Environment Department (NMED) in support of the NEAP.

3.1.2 Environmental Consequences

3.1.2.1 Proposed Action

During construction and renovation of the affected facilities, fugitive dust levels may increase depending on wind speeds and soil moisture. The effects would be short-term and negligible due to the remote location of the site. Dust suppression best management practices (BMPs) would be employed to reduce PM-10 emissions during construction, in compliance with the dust control ordinance for Doña Ana County and the NMDOT MOA in support of the NEAP. Likewise, pollutant exhaust emissions from construction equipment would be short-term and negligible in the vicinity of the affected site due to the remote location of the site and wind dispersion. The Proposed Action would not result in long term increase of ozone emissions of PM-10, and, thus, no long-term adverse effects are anticipated.

3.1.2.2 No Action Alternative

For the No Action Alternative, PM-10 emissions during construction would be controlled with BMPs, as described in the 2007 SEA. The lack of extended commercial traffic lanes would result in long traffic delays at the checkpoint, and exhaust emissions would be increased due to excessive vehicle idling. Due to the remote location of the checkpoint, the increased exhaust emissions would be dispersed to a minimal level, and would not result in a long term increase of ozone emissions.

3.2 PHYSIOGRAPHY, GEOLOGY AND SOILS

3.2.1 Existing Environment

The area of Doña Ana County around Las Cruces is situated in the Mesilla Bolson of the Mexican Highland Section of the Basin and Range Province. The area is characterized as arid to semi-arid continental, with most drainages containing water only after heavy rains. The I-10 Checkpoint is located in a relatively flat range area west of the Doña Ana Mountains.

The Las Cruces area is flanked by the San Andres-Organ mountain range to the east, the Doña Ana Mountains to the north, and the Robledo-Pichaco uplifts to the northwest. These mountains have Precambrian and Tertiary igneous cores, and supplied the alluvial deposits that fill the Mesilla Bolson, or basin. The Mesilla Bolson is a structural basin formed during the Miocene, and deposition is represented by Miocene to middle Pleistocene sedimentary rocks of the Santa Fe Group and Quaternary alluvial fill (King and Hawley 1975).

The soil component around the I-10 checkpoint in Doña Ana County is the Onite-Pintura. This soil consists of well-drained, very gravelly loams that have moderate infiltration rates (NRCS 2009). This soil is not considered prime or unique farmland soil.

3.2.2 Environmental Consequences

3.2.2.1 Proposed Action

Environmental impacts on physiography, geology and soil were discussed in the 2007 SEA, and that discussion is incorporated herein by reference. The Proposed Action would have no impacts on physiography or geology, and the impacts on soils would be slightly greater (17 acres) than described in the 2007 SEA due to the larger project footprint; however, implementation of BMPs to control erosion would still reduce the impacts to less than significant.

3.2.2.2 No Action Alternative

Environmental impacts for the No Action Alternative would be the same as the Proposed Action impacts discussed in the 2007 SEA. No significant impacts would occur.

3.3 WATER RESOURCES

The I-10 Checkpoint site is located in a semi-arid climate with limited water resources. The principal aquifer for the site is the Santa Fe Group, an important aquifer for urban uses, with potable water at depths of over 300 feet below the ground surface (King *et al.* 1971). Total groundwater resources in the Las Cruces Mesilla basin area are approximately 52 million acre-feet (325,853 gallons per acre-foot) and annual water use in Las Cruces is approximately 20,000 acre-feet, with approximately half of that returned as recharge by wastewater discharges and seepage from the Rio Grande (New Mexico Water Resources Research Institute 2007, and *Las Cruces Sun-News* 2007). There are no nearby surface drainage ways or waters of the U.S., and the site is not located within the 100-year floodplain.

3.3.1 Environmental Consequences

3.3.1.1 Proposed Action

The Proposed Action would require the use of ground water resources for dust control, soil compaction, and general road and site construction. Water resources would be trucked to the site for construction use, and would be obtained from nearby commercial sources, probably in Las Cruces. Total water resources required for construction of the truck lanes would be

approximately 2 million gallons. When compared to the ground water resources available in the Mesilla Basin aquifer for the region (approximately 17 trillion gallons), this would be an insignificant, temporary water use impact. Water use for operation of the checkpoint would not change following construction.

The existing drainage culverts under I-10 on the site would be reconstructed and extended to fit under the expanded commercial truck lanes, such that no interruption of existing storm water flows would occur. Storm water runoff from the increased paved area of the truck lanes would be insignificant in comparison to the vast amount of undeveloped open ground area in the region available for surface water percolation. The SWPPP developed for the project would insure minimal impacts on the environment from storm water runoff during construction.

3.3.1.2 No Action Alternative

Water resources impacts resulting from the No Action Alternative were addressed in the 2007 SEA and found to be insignificant, and that analysis is incorporated herein by reference.

3.4 BIOLOGICAL RESOURCES

3.4.1 Native Vegetation

Vegetation species observed at the I-10 site were described in the 2007 SEA, and that description is incorporated herein by reference. During a site visit on April 15, 2009, GSRC personnel surveyed the additional acreage evaluated in this SEA. The vegetation community was a Mesquite Duneland interspersed with Desert Grassland. Species identified during the survey consisted of soaptree yucca (*Yucca elata*), honey mesquite (*Prosopis glandulosa*), tobosa grass (*Hilaria mutica*), four-winged saltbush (*Atriplex canescens*) and broom snakeweed (*Gutierrezia microcephala*). One non-native plant, Russian thistle (*Salsola* sp.) was also abundant in disturbed areas.

3.4.2 Common Wildlife Species

Wildlife species potentially occurring in Doña Ana County were described in the 2007 SEA, and that description is incorporated herein by reference. During the site visit on April 15, 2009, six bird species were identified, including red-winged blackbird (*Agelaius phoeniceus*), yellow warbler (*Dendroica petechia*), chipping sparrow (*Spizella passerina*), Gambel's quail (*Callipepla*

gambelii), Audubon's yellow-rumped warbler (*Dendroica coronata auduboni*) and Chihuahuan raven (*Corvis cryptoleucus*).

Seven mammal species were also identified by sight, scat, or sign. These included kangaroo rat (*Dipodomys* sp.), black-tailed jackrabbit (*Lepus californicus*), wood rat (*Neotoma* sp.), American badger (*Taxidea taxus*), pocket gopher (*Thomomys* sp.), western cottontail (*Sylvilagus auduboni*) and coyote (*Canis latrans*).

Reptile species identified during the same site visit included lesser earless lizard (*Holbrookia maculata*) and little striped whiptail (*Aspidocelis inornata*). No amphibians were observed and there is no fish habitat within the project area.

3.4.3 Threatened and Endangered Species

No changes regarding threatened and endangered species listed at the site have occurred since the 1998 EA and the 2007 SEA were completed. There were no listed species observed at the site during the site survey on April 15, 2009, and the site does not contain habitat suitable for establishment of a listed species.

3.4.3.1 Northern Aplomado Falcon

The northern aplomado falcon (*Falco femoralis septentrionalis*) is listed as endangered by USFWS and NMDGF. The USFWS has worked collaboratively for over 20 years with The Peregrine Fund, private landowners, and State and Federal agencies to recover the northern aplomado falcon in its historic range in southern New Mexico. In 2008, USFWS New Mexico Ecological Services Field Office coordinated with The Peregrine Fund to reintroduce a total of 70 juvenile northern aplomado falcons to three locations in New Mexico as an Experimental Non-essential population. This designation allows for unintentional or incidental take pursuant to legal actions (Zenone 2008).

Young *et. al.* (2005) addressed northern aplomado falcon habitat suitability. Moderately suitable habitat was characterized by homogenous grasslands and grasslands with either a distinct edge or composed of highly interspersed woody vegetation. These sites tended to have low grass cover of mixed species, and low to moderate woody vegetation density and may support prey species such as chestnutcollared longspur (*Calcarius ornatus*), horned lark (*Eremophila alpestris*), and northern mockingbird (*Mimus polyglottos*). Highly suitable habitat was defined as

primarily homogenous grasslands of tobosa or grama with moderate to high percent cover and low woody vegetation density. These habitats may support greater numbers of small bird prey species positively correlated with grass cover.

This site does not contain suitable habitat for nesting or foraging of northern aplomado falcon. The site is primarily desert shrub habitat with very few yucca perches and very little grassland.

3.4.4 Environmental Consequences

3.4.4.1 Proposed Action

The Proposed Action would have similar impacts on biological resources as described in the 2007 SEA, and that description is incorporated herein by reference. Vegetation displaced by construction of the truck lanes is common in the area, and the loss of 17 acres of scattered pockets of native vegetation would not be a significant impact.

Wildlife impacted by construction of the truck lanes is also common to the area, and mobile species would flee the construction area, thereby avoiding direct impacts. A survey for migratory bird nests would be conducted if construction takes place during the migratory bird nesting season (typically March 1 through September 1) in compliance with the Migratory Bird Treaty Act (MBTA), and any nest found would be avoided or eggs and chicks relocated by a qualified biologist to avoid impacts on migratory birds.

No Federal listed threatened or endangered species or habitats are present in the area, so no impacts would occur for those species.

3.4.4.2 No Action Alternative

Biological resource impacts for the No Action Alternative were found to be insignificant in the 2007 SEA, and that discussion is incorporated herein by reference.

3.5 CULTURAL RESOURCES

3.5.1 Previous and Current Investigations

Cultural investigations conducted for the 2007 SEA and FONSI are herein incorporated by reference.

Archaeological surveys were conducted in July 2009 for the checkpoint site area covered by this report. No previously recorded archaeological sites were identified in the project area from a search of the New Mexico Cultural Resources Information System (NMCRIS).

The results of the cultural resources survey at the site were negative, and no cultural resource artifacts were found. The survey report was filed with the appropriate cultural resources agency for New Mexico and BLM. The New Mexico State Historic Preservation Officer (SHPO) has concurred with the no effect finding, and the Section 106 process has been completed for the site. A copy of the SHPO concurrence can be found in Appendix A. No potentially affected cultural resources were indicated by any Native American tribes having interest in the project area.

3.5.2 Environmental Consequences

3.5.2.1 Proposed Action

Implementation of the Proposed Action would have no effects on historical or cultural resources, since none are present in the project footprint. If any cultural resources are discovered during construction, then work will stop in the area of the discovery, the SHPO or appropriate Tribal Historic Preservation Officer (THPO) and BLM would be contacted, and the resource would be protected until a mitigation plan or other appropriate action can be implemented.

3.5.2.2 No Action Alternative

Cultural resource impacts for the No Action Alternative were found to be insignificant in the 2007 SEA, and that discussion is incorporated herein by reference.

3.6 AESTHETICS AND NOISE

Aesthetics for the site have a principal form of uneven terrain with human-made features such as electric lines, fences, dirt roads, and I-10, as well as existing USBP structures at the checkpoint site in rural Doña Ana County. The colors are typically light brown to pale yellow and green associated with a desert landscape. Sound at the site is associated with natural sources, such as wind and birds, accompanied by human-made sounds of vehicular traffic along I-10, which are predominant. No sensitive noise receptors, such as residences or commercial buildings, are present near the site due to the rural location.

3.6.1 Environmental Consequences

3.6.1.1 Proposed Action

The Proposed Action would not substantially alter the general aesthetic appearance of the project site, since all new construction would be adjacent to the existing I-10 traffic lanes and the existing USBP checkpoint facilities. The expanded truck lanes would be at ground level, and would not obstruct views of the adjacent desert landscape. Due to the absence of any noise receptors, there would be no noise impacts from construction or operation of the Proposed Action facilities.

3.6.1.2 No Action Alternative

Impacts for the No Action Alternative were described in the 2007 SEA, and were found to be insignificant; that description is incorporated herein by reference.

3.7 HUMAN HEALTH AND SAFETY

Police, fire protection, and hospital services would continue to be provided at the current level for the site. Details of human health and safety conditions are found in the 1998 EA and 2007 SEA to which this SEA applies (referenced in Section 1.6 above), and are incorporated by reference. There is currently traffic congestion at the checkpoint during peak traffic times, and this contributes to public safety concerns and traffic accidents.

3.7.1 Environmental Consequences

3.7.1.1 Proposed Action

The expanded commercial traffic lanes would have a beneficial effect on traffic safety at the checkpoint by providing larger lanes for separation of truck traffic from other vehicles on I-10.

3.7.1.2 No Action Alternative

The No Action Alternative impacts were described in the 2007 SEA, and that discussion is incorporated herein by reference. Since the 2007 SEA was completed, additional traffic safety concerns were identified due to insufficient commercial and general traffic separation, and those safety concerns would continue if the expanded truck lanes are not constructed.

3.8 LAND USE

The current land use at the site is maintained highway ROW adjacent to I-10 on BLM lands, and open range land used for grazing beyond the highway ROW on state lands. The existing checkpoint site is used as a developed USBP checkpoint station.

3.8.1 Environmental Consequences

3.8.1.1 Proposed Action

The Proposed Action would convert land currently used for cattle grazing to road ROW and paved road surfaces. Considering the vast amount of adjacent land available for cattle grazing (several million acres), the conversion of up to 17 acres would not be considered a significant impact on land use. The I-10 ROW proposed for the truck lanes is currently used for highway construction and operations, and would remain as the same land use when the truck lanes are constructed.

3.8.1.2 No Action Alternative

The land use impacts for the No Action Alternative were found to be insignificant in the 2007 SEA, and that description is incorporated herein by reference.

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SECTION 4.0
ENVIRONMENTAL DESIGN MEASURES

4.0 ENVIRONMENTAL DESIGN MEASURES

If the Proposed Action is implemented, the following measures will be implemented to further mitigate for possible impacts:

- BMPs will be implemented as standard operating procedures during all construction activities. These BMPs will include proper handling, storage, and disposal of hazardous and regulated materials. To minimize potential impacts from hazardous and regulated materials, all fuels, waste oils, and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery will be completed following accepted guidelines, and all vehicles will have drip pans during storage to contain minor spills and drips. Although it would be unlikely for a major spill to occur, any spill of a reportable quantity will be contained immediately within an earthen dike, and the application of an absorbent (e.g., granular, pillow, sock) will be used to absorb and contain the spill. Any spill of a reportable quantity of a hazardous or regulated substance will be reported immediately to on-site environmental personnel who will notify appropriate Federal and state agencies. A Spill Prevention, Control and Countermeasure Plan will be in place prior to the start of construction, and all personnel will be briefed on the implementation and responsibilities of this plan. Non-hazardous solid waste (trash and waste construction materials) will be collected and deposited in on-site receptacles for eventual collection and disposal by a local contractor.
- Dust suppression methods will be employed during construction to minimize airborne particulate matter.
- Vehicular traffic associated with the vehicle checkpoint construction activities and operational support activities will remain on established roads when traveling to and from the proposed project area. Construction equipment will be maintained in good operating condition to minimize exhaust emissions and fluid leaks. BMPs will be employed during construction to minimize erosion and soil loss. Prior to construction, a SWPPP will be developed for the site, and an appropriate storm water construction permit will be acquired from the responsible state or local agency.
- Although no cultural resources are known within the project area, should any evidence of cultural resources be observed during construction, work will stop in the immediate

vicinity, the resource will be protected, and the appropriate state or tribal cultural resources agency or BLM will be notified within 24 hours of the discovery. If, in consultation with the New Mexico Department of Cultural Affairs, it is determined that the resource is significant, and cannot be avoided, a mitigation plan will be developed and implemented before construction is resumed.

- All bare ground disturbed during construction and not used for facilities or paving will be replanted with approved native vegetation or ground cover. Invasive or non-native species disturbed during construction will be removed from the project site and disposed of in a manner that will not promote the spread of those species.
- Migratory bird surveys will be conducted during nesting season (March 1 through September 1), and any nests found would be avoided or eggs and chicks moved by a qualified biologist prior to construction. If construction activities would result in the “take” of a migratory bird, then consultation with the USFWS and NMDGF will occur, and applicable permits will be obtained prior to construction or clearing activities.

***SECTION 5.0
CUMULATIVE EFFECTS***

5.0 CUMULATIVE EFFECTS

This section of the EA addresses the potential cumulative impacts associated with the implementation of the alternatives and other projects/programs that are planned for the region. The CEQ defines cumulative impacts as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions” (40 CFR 1508.7). This section continues, “Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.”

The cumulative impacts associated with CBP activities such as those addressed by this SEA were previously addressed in a Supplemental Programmatic EIS prepared in 2001 (USACE 2001) and in the 2007 SEA. The Proposed Action qualifies as an action covered by the previous Supplemental EIS. The Proposed Action, associated with the checkpoint construction, has major benefits, including the long-term reduction of flow of illegal drugs and IAs into the U.S. and the concomitant effects upon the Nation’s health and economy, drug-related crimes, community cohesion, property values and traditional family values. A secondary benefit is a reduction in safety concerns for traffic at the checkpoint.

USBP has been conducting law enforcement actions along the border since its inception in 1924, and has continuously transformed its methods as new missions; IA modes of operation, agent needs and National enforcement strategies have evolved. Development and maintenance of training ranges, station and sector facilities, detention facilities, and roads and fences have impacted thousands of acres with synergistic and cumulative impacts on soil, wildlife habitats, water quality, and noise. Beneficial effects, too, have resulted from the construction and use of these roads and fences including, but not limited to, increased employment and income for border regions and surrounding communities; protection and enhancement of sensitive resources north of the border; reduction in crime within urban areas near the border; increased land value in areas where border security has increased; and increased knowledge of the biological communities and pre-history of the region through numerous biological and cultural resources surveys and studies.

With continued funding and implementation of CBP's environmental conservation measures, including use of biological and archaeological monitors, wildlife water systems, and restoration activities, adverse impacts due to future and on-going projects would be avoided or minimized. However, recent, on-going and reasonably foreseeable proposed projects will result in cumulative impacts. CBP is currently planning, conducting, or has completed, several projects in the region.

CBP Projects include:

- Development of a muster site at South Walnut Street in Las Cruces, for the increasing agent force in the Las Cruces Station area of responsibility (AOR);
- Construction of a new USBP Forward Operating Base (FOB) in the Deming Station AOR, Luna County, New Mexico.
- Construction of a new USBP station in the Lordsburg Station AOR, Hidalgo County, New Mexico.
- Construction of a new USBP Las Cruces station in the West Mesa Industrial Park.

No significant municipal, county or state transportation construction projects were identified in the region of influence (ROI) for the checkpoint project in Doña Ana County.

A summary of the anticipated cumulative impacts relative to the Proposed Action Alternative is presented below. These discussions are presented for each of the resources described previously.

The Proposed Action would contribute to the cumulative construction projects and impacts within the ROI for the project area; however, the net effect of all CBP projects would be minor when compared to the overall effect of other construction in the vicinity of Las Cruces, the major populated area in the ROI. Therefore, cumulative impacts from past, present and future developments as a result of the Proposed Action would be negligible.

The No-Action Alternative would have no immediate effect on the existing human environment, but the lack of upgraded commercial truck lanes at the USBP checkpoint would have future cumulative adverse effects due to increased potential public safety problems.

5.1 AIR QUALITY

Impacts on air quality would be considered significant if the action results in a violation of air quality standards, obstructs implementation of an air quality plan, or exposes sensitive receptors to substantial pollutant concentrations. The emissions generated during the construction of the new expanded commercial traffic lanes would be short-term and minor. More efficient traffic flow at the checkpoint would reduce vehicle emissions due to engine idling, and would result in cumulative reduced impacts on the region's airshed. The overall impacts would not be considered significant, even when combined with the other proposed developments in the Las Cruces Metropolitan Area, because of the rural location of the checkpoint would allow for vehicle emissions to dissipate. BMPs implemented to control particulate matter during construction would also result in insignificant cumulative emissions in the area when considered with other construction projects by the city, county and CBP.

5.2 GEOLOGY AND SOILS

A significant impact would occur if the action exacerbates or promotes long-term erosion, if the soils are inappropriate for the proposed construction and would create a risk to life or property, or if there would be a substantial reduction in agricultural production or loss of prime farmland soils. The Proposed Action and other CBP actions have not reduced prime farmland soils or agricultural production regionally, as much of the land developed by CBP has not been used for agricultural production. Many of the projects under consideration for the Las Cruces Metropolitan Area are planned for developed, urban areas or areas where soils have already been disturbed, such as the runway reconstruction at the Las Cruces International Airport. Pre- and post-construction SWPPP measures would be implemented to control soil erosion. The impact from the construction of the expanded commercial traffic lanes, when combined with past and proposed projects in the region would not be considered a significant cumulative adverse effect.

5.3 WATER RESOURCES

The significance threshold for water resources includes any action that substantially depletes groundwater water supplies or interferes with groundwater recharge, or substantially alters drainage patterns. The significance threshold for surface water includes any action that

substantially depletes surface water supplies, substantially alters drainage patterns, or results in the loss of waters of the U.S. that cannot be compensated.

The Mesilla Bolson aquifer constitutes the main source of groundwater for southern Doña Ana County's population centers. This aquifer is below the maximum capacity of daily use by 12 mgd during summer months, and the proposed projects for the Las Cruces area, including population growth and urban development, do not pose a significant impact on this potable water supply. Drainage patterns of surface water sources would not be impacted by this proposed project or any other proposed project in the vicinity of Las Cruces, as many of the projects under consideration in the Las Cruces Metropolitan Area are planned for developed, urban areas. This Proposed Action, in conjunction with other regionally proposed projects, does not create a substantial cumulative effect on water resources in the region.

5.4 BIOLOGICAL RESOURCES

5.4.1 Vegetative Habitat

The significance threshold for vegetation would include a substantial reduction in ecological process, communities, or populations that would threaten the long-term viability of a species or result in the substantial loss of a sensitive community that could not be off-set or otherwise compensated. Many of the projects under consideration for the Las Cruces Metropolitan Area are planned in developed, urban areas or areas where vegetation has already been removed or disturbed. Over 3 million acres of scrub shrub rangeland occur in the region, even with the expanded commercial traffic lanes at the checkpoint and other development projects. Therefore, this proposed project in conjunction with other regionally proposed projects does not create a substantial cumulative effect on vegetative habitat in the region.

5.4.2 Wildlife Resources

The significance threshold for wildlife resources would be the same as for vegetative habitat with regard to the viability of species or populations. As discussed for vegetative habitat, many of the projects under consideration in the Las Cruces Metropolitan Area are planned in developed, urban areas or areas where wildlife habitat has already been removed or disturbed. No particularly sensitive species occur in the vicinity of the proposed project, and the location of the project adjacent to I-10 and the current checkpoint facilities would reduce the potential for wildlife to be present in the project area. Therefore, the proposed project, in conjunction with

other regionally proposed projects, does not create a substantial cumulative effect on wildlife in the region.

5.4.3 Threatened and Endangered Species

A significant impact on threatened and endangered species would occur if any action resulted in a jeopardy opinion for any endangered, threatened, or rare species. The Proposed Action would not have any effect on protected species, since none are present in the project area, nor would any of the other planned projects in the region; therefore, no cumulative impacts would occur.

5.5 CULTURAL RESOURCES

The Proposed Action would have no effect on cultural resources. As discussed above, many of the projects under consideration in the Las Cruces Metropolitan Area are planned in developed, urban areas or areas where cultural resource have already been avoided or disturbed and mitigated. Therefore, this action, when combined with other existing and proposed projects in the region, would not result in significant cumulative impacts on cultural resources.

5.6 AESTHETICS AND NOISE

Actions would be considered to cause significant impacts if they permanently increase ambient noise levels over 65 dBA. Most of the noise generated by the Proposed Action would occur during construction and, thus, would not contribute to cumulative impacts on ambient noise levels. Operation activities at the checkpoint would create a minor increase in ambient noise levels; however, there are no noise receptors located near the checkpoint, and the ambient noise from traffic on the adjacent I-10 would be greater than any noise generated by operation of the checkpoint. Therefore, there would be no cumulative noise impacts as a result of the Proposed Action.

Actions that cause the permanent loss of the characteristics that make an area visually unique or sensitive would be considered to cause a significant impact. No major impacts on visual resources would occur from constructing the expanded commercial traffic lanes, due in part to the location adjacent to I-10 and the existing USBP checkpoint facilities. No visually intrusive structures are proposed, so there would be no cumulative effect on aesthetics in the area.

5.7 HUMAN HEALTH AND SAFETY

The Proposed Action would provide beneficial effects for human health and safety at the checkpoint, and no adverse impacts have been identified; therefore, when combined with other projects in the area, there would be no cumulative adverse impacts.

5.8 LAND USE

A significant impact would occur if any action is inconsistent with adopted land use plans or an action would substantially alter those resources required for, supporting, or benefiting the current use. The Proposed Action site is located adjacent to and within the existing I-10 ROW, and use of the ROW land would not change. The loss of up to 17 acres of range land and open ROW adjacent to I-10, in combination with other development projects, would not be a cumulative significant impact due to the millions of acres of similar land use in the vicinity. The construction and operation of the expanded commercial traffic lanes would not promote an increase of development, and the area is not currently zoned. Therefore, the Proposed Action would not be expected to result in a significant cumulative adverse effect.

SECTION 6.0
PUBLIC INVOLVEMENT

6.0 PUBLIC INVOLVEMENT

6.1 PUBLIC REVIEW

A Notice of Availability of the Draft FONSI and SEA was published in *The Las Cruces Sun-News* on August 7, 2009. A copy of the Draft FONSI and SEA was available for review in the Las Cruces Public Library: Thomas Brannigan Memorial Library, 200 E. Picacho, Las Cruces, NM 88001. The Draft SEA and Draft FONSI, as well as the 2007 SEA, were also available on the USACE web site at: <http://ecso.swf.usace.army.mil/> under the link for Documents for Public Review/Comment. A copy of the Draft SEA Notice of Availability is found in Appendix A.

6.2 AGENCY COORDINATION

Copies of the Draft SEA and FONSI were distributed to appropriate state and Federal agencies for comment. A distribution list of agencies and personnel consulted and copies of coordination correspondence can be found in Appendix A.

Coordination for Section 106 of the National Historic Preservation Act has been completed with the appropriate cultural resource agency for New Mexico and potentially affected Federally recognized native American tribes. Copies of coordination and concurrence letters can be found in Appendix A.

Exhibit 6-1

NOTICE OF AVAILABILITY

**DRAFT SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT AND
DRAFT FINDING OF NO SIGNIFICANT IMPACT
FOR THE EXPANSION OF COMMERCIAL TRUCK LANES AT THE U.S. BORDER PATROL
I-10 CHECKPOINT NEAR LAS CRUCES, NEW MEXICO**

The public is hereby notified of the availability of the Draft Supplemental Environmental Assessment (SEA) and Draft Finding of No Significant Impact (FONSI) for the expansion of commercial truck lanes at the U.S. Border Patrol I-10 Checkpoint near Las Cruces, New Mexico, prepared by U.S. Customs and Border Protection. The checkpoint improvements are needed to remediate public safety concerns and traffic delays at the checkpoint. The project is located on the north side of I-10, approximately 12 miles west of Las Cruces in Doña Ana County, New Mexico. The Draft SEA and Draft FONSI are available for review and downloading from the U.S. Army Corps of Engineers, Fort Worth District's Internet web page at the following url address: <http://ecso.swf.usace.army.mil/> under the link for Documents for Public Review/Comment. Copies of the documents are also available at the Thomas Brannigan Memorial Library, 200 E. Picacho, Las Cruces, NM 88001.

Comments will be accepted on the Draft SEA until September 7, 2009. For additional information, contact Ms. Traci Fambrough, U.S. Army Corps of Engineers, Environmental Resources Branch, 819 Taylor Street, Room 3B09, Fort Worth, Texas 76102.

SECTION 7.0
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7.0 REFERENCES

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SECTION 8.0
LIST OF PREPARERS

8.0 LIST OF PREPARERS

The following people were primarily responsible for preparing this SEA.

NAME	AGENCY/ORGANIZATION	DISCIPLINE/EXPERTISE	EXPERIENCE	ROLE IN PREPARING EA
Mark Gable	Customs and Border Protection	NEPA/DHS PM and Regional Environmental Officer	25 years Environmental Management and Review	EA review
Nancy Parrish	USACE, Fort Worth District	Archaeology	10 years professional archaeologist/cultural resource manager	Cultural Resources Manager and cultural resources review
Traci Fambrough	USACE, Fort Worth District, ECSO	NEPA	10 years Environmental Management and Review	ECSO Project Manager, EA review and coordination
Garth Rogers	Customs and Border Protection	Tactical Infrastructure	20 years Border Patrol/Project Management	EA Review
Chris Ingram	Gulf South Research Corporation	Biology/Ecology	25 years EAVEIS studies	EA review
Eric Webb, Ph.D.	Gulf South Research Corporation	Ecology/Wetlands	15 years experience in natural resources and NEPA studies	EA technical review
Steve Oivanki	Gulf South Research Corporation	Geology/NEPA	20 years NEPA and natural resources	Project Manager
Michael Stowe	Geo-Marine, Inc.	Archaeology	Professional Archaeologist	Cultural resources survey
Sharon Newman	Gulf South Research Corporation	GIS/graphics	10 years GIS/graphics experience	GIS/graphics

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APPENDIX A
COORDINATION AND CORRESPONDENCE

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



U.S. Customs and
Border Protection

11 August 2009

Lori Allen
Realty Specialist
USDOJ- BLM- Las Cruces District Office
1800 Marquess Street
Las Cruces, NM 88005

Dear Ms. Allen:

Enclosed please find two copies of the cultural resources survey completed for the expansion of the US Border Patrol Checkpoint along Interstate 10 on BLM lands west of Las Cruces in Dona Ana County. The results of the survey were negative, and Customs and Border Protection has determined that the proposed project will have no effect on prehistoric or historic cultural resources. The report has been submitted to the New Mexico State Historic Preservation Office for concurrence with that determination.

If you have any questions, please contact Mr. Mark Gable, Dallas Facilities Center, CBP, 7701 North Stemmons Freeway, Dallas, Texas 75247-4232; office telephone (214) 905-5509 or email at mark.gable@dhs.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Margaret Hartigan".

MH
Margaret Hartigan, Director
Dallas Facilities Center

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



**U.S. Customs and
Border Protection**

11 August 2009

Honorable Jeff Houser, Chairman
Fort Sill Apache Tribe of Oklahoma
Rt. 2, Box 121
Apache, Oklahoma 73006

Dear Chairman Houser:

The U.S. Customs and Border Protection (CBP) intends to expand an existing checkpoint located along Interstate 10 in Dona Ana County, New Mexico. The extension will encompass 17 acres adjacent to the interstate at the current checkpoint location. CBP is in the process of completing an Environmental Assessment for this project. In addition, we have conducted a cultural resources survey of the 17 acres proposed for the expansion. As part of our on-going Section 106 consultation, we are reporting to you that the survey did not locate any prehistoric or historic cultural resources at the site. The report is being sent to the New Mexico State Historic Preservation Office for their concurrence that the project will have no effect on known cultural resources.

CBP respectfully requests any information you may wish to forward indicating the presence of other cultural resources or Traditional Cultural Properties in the immediate vicinity that may be affected by this project. If you have any questions, please contact Mr. Mark Gable, Dallas Facilities Center, CBP, 7701 North Stemmons Freeway, Dallas, Texas 75247-4232; office telephone (214) 905-5509 or email at mark.gable@dhs.gov.

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Margaret Hartigan, Director
Dallas Facilities Center

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



U.S. Customs and
Border Protection

11 August 2009

Ms. Katherine Slick, Director
Department of Cultural Affairs
Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

Dear Ms. Slick:

The U.S. Customs and Border Protection (CBP) intends to expand an existing checkpoint located along Interstate 10 in Dona Ana County, New Mexico. The extension will encompass 17 acres adjacent to the interstate at the current checkpoint location. CBP is in the process of completing an Environmental Assessment for this project. In addition, we have conducted a cultural resources survey of the 17 acres proposed for the expansion. As part of our on-going Section 106 consultation, we have enclosed a copy of the survey report for your review and comment. The survey did not locate any prehistoric or historic cultural resources at the site.

Based on the findings of the survey report, and in accordance with 36 CFR Part 800.4(d)(1), CBP has determined that No Historic Properties will be affected by the proposed undertaking. CBP respectfully requests your concurrence with this finding of no effect. If you have any questions, please contact Mr. Mark Gable, Dallas Facilities Center, CBP, 7701 North Stemmons Freeway, Dallas, Texas 75247-4232; office telephone (214) 905-5509 or email at mark.gable@dhs.gov.

Sincerely,

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Margaret Hartigan, Director
Dallas Facilities Center

Enclosure

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



U.S. Customs and
Border Protection

11 August 2009

Honorable Benjamin H. Nuvamsa, Chairman
Hopi Tribal Council
P.O. Box 123
Kykotsmovi, AZ 86039

Dear Chairman Nuvamsa:

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Dallas Facilities Center

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



U.S. Customs and
Border Protection

11 August 2009

Honorable Mark Chine, President
ATTN: Ms. Holly Houghton, Cultural Affairs Office
Mescalero Apache Tribe
124 Chiricahua Plaza
Mescalero, New Mexico 88340

Dear President Chine:

The U.S. Customs and Border Protection (CBP) intends to expand an existing checkpoint located along Interstate 10 in Dona Ana County, New Mexico. The extension will encompass 17 acres adjacent to the interstate at the current checkpoint location. CBP is in the process of completing an Environmental Assessment for this project. In addition, we have conducted a cultural resources survey of the 17 acres proposed for the expansion. As part of our on-going Section 106 consultation, we are reporting to you that the survey did not locate any prehistoric or historic cultural resources at the site. The report is being sent to the New Mexico State Historic Preservation Office for their concurrence that the project will have no effect on known cultural resources.

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Margaret Hartigan, Director
Dallas Facilities Center

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



U.S. Customs and
Border Protection

11 August 2009

Honorable Ronnie Lupe, Chairman
ATTN: Mr. Mark Altaha, THPO
White Mountain Apache Tribal Council
P.O. Box 700
Whiteriver, AZ 85941

Dear Chairman Lupe:

The U.S. Customs and Border Protection (CBP) intends to expand an existing checkpoint located along Interstate 10 in Dona Ana County, New Mexico. The extension will encompass 17 acres adjacent to the interstate at the current checkpoint location. CBP is in the process of completing an Environmental Assessment for this project. In addition, we have conducted a cultural resources survey of the 17 acres proposed for the expansion. As part of our on-going Section 106 consultation, we are reporting to you that the survey did not locate any prehistoric or historic cultural resources at the site. The report is being sent to the New Mexico State Historic Preservation Office for their concurrence that the project will have no effect on known cultural resources.

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Margaret Hartigan, Director
Dallas Facilities Center

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



**U.S. Customs and
Border Protection**

11 August 2009

Honorable Frank Piaz, Governor
Ysleta del Sur Pueblo
Tigua Reservation
119 South Old Pueblo Road
El Paso, Texas 79907

Dear Governor Piaz:

The U.S. Customs and Border Protection (CBP) intends to expand an existing checkpoint located along Interstate 10 in Dona Ana County, New Mexico. The extension will encompass 17 acres adjacent to the interstate at the current checkpoint location. CBP is in the process of completing an Environmental Assessment for this project. In addition, we have conducted a cultural resources survey of the 17 acres proposed for the expansion. As part of our on-going Section 106 consultation, we are reporting to you that the survey did not locate any prehistoric or historic cultural resources at the site. The report is being sent to the New Mexico State Historic Preservation Office for their concurrence that the project will have no effect on known cultural resources.

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Sincerely,

A handwritten signature in blue ink that reads "Margaret Hartigan".

MH
Margaret Hartigan, Director
Dallas Facilities Center

GOVERNOR
Bill Richardson



DIRECTOR AND SECRETARY
TO THE COMMISSION
Tod Stevenson

Robert S. Jenks, Deputy Director

STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

One Wildlife Way
Post Office Box 25112
Santa Fe, NM 87504
Phone: (505) 476-8101
Fax: (505) 476-8128

Visit our website at www.wildlife.state.nm.us
For information call: 505-476-8000
To order free publications call: 1-800-862-9310

STATE GAME COMMISSION

Jim McClintic, Chairman
Albuquerque, NM

Sandy Buffett, Vice-Chairman
Santa Fe, NM

Dr. Tom Arvas, Commissioner
Albuquerque, NM

Alfredo Montoya, Commissioner
Alcalde, NM

M.H. "Dutch" Salmon, Commissioner
Silver City, NM

Kent A. Salazar, Commissioner
Albuquerque, NM

Leo V. Sims, II, Commissioner
Hobbs, NM

August 4, 2009

Margaret Hartigan
Dallas Facilities Center, CBP
7701 North Stemmons Freeway
Dallas, Texas 75247-4232

Re: Supplemental EA for the USBP I-10 Checkpoint near Las Cruces; NMDGF No. 12817

Dear Ms. Hartigan,

In response to your letter dated June 30, 2009, regarding the above referenced project, the Department of Game and Fish (Department) has the following comment. There is an invasive non-native grass, Lehmann Lovegrass (*Eragrostis lehmanniana*) present at the I-10 Checkpoint. The right of way should be reseeded with native species and monitored for successful establishment. Construction BMP's should be followed to prevent the spread of invasive species. For your information, we have enclosed a list of sensitive, threatened and endangered species that occur in Dona Ana County.

For more information on listed and other species of concern, contact the following sources:

1. BISON-M Species Accounts, Searches, and County lists: <http://www.bison-m.org>
2. Habitat Handbook Project Guidelines: http://wildlife.state.nm.us/conservation/habitat_handbook/index.htm
3. For custom, site-specific database searches on plants and wildlife, go to <http://nhnm.unm.edu>, then go to Data, then to Free On-Line Data, and follow the directions
4. New Mexico State Forestry Division (505-476-3334) or <http://nmrareplants.unm.edu/index.html> for state-listed plants
5. For the most current listing of federally listed species **always** check the U.S. Fish and Wildlife Service at (505-346-2525) or <http://www.fws.gov/southwest/es/NewMexico/SBC.cfm>.

Thank you for the opportunity to review and comment on your project. If you have any questions, please contact Patrick Mathis, Southwest Area Habitat Specialist at (575) 532-2108 or patrick.mathis@state.nm.us.

Sincerely,

Terra Manasco
Assistant Chief, Conservation Services Division
Technical Guidance Section

TLM/pm

xc: Wally Murphy, Ecological Services Field Supervisor, USFWS
Luis Rios, SW Area Operations Chief, NMDGF
Pat Mathis, SW Area Habitat Specialist, NMDGF

MARG,
PLEASE ACTION - PLS
PUT IN PROJ FOLDER.
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24 AUG 09

NEW MEXICO WILDLIFE OF CONCERN DONA ANA COUNTY

For complete up-dated information on federal-listed species, including plants, see the US Fish & Wildlife Service NM Ecological Services Field Office website at <http://www.fws.gov/ifw2es/NewMexico/SBC.cfm>. For information on state-listed plants, contact the NM Energy, Minerals and Natural Resources Department, Division of Forestry, or go to <http://nmrareplants.unm.edu/>. If your project is on Bureau of Land Management, contact the local BLM Field Office for information on species of particular concern. If your project is on a National Forest, contact the Forest Supervisor's office for species information.

<u>Common Name</u>	<u>Scientific Name</u>	<u>NMGF</u>	<u>US FWS</u>	<u>critical habitat</u>
Bleached Earless Lizard	<i>Holbrookia maculata ruthveni</i>	s		
Southwestern Fence Lizard	<i>Sceloporus cowlesi</i>	s		
Little White Whiptail	<i>Aspidoscelis gypsi</i>	s		
Brown Pelican	<i>Pelecanus occidentalis</i>	E		
Neotropic Cormorant	<i>Phalacrocorax brasilianus</i>	T		
Bald Eagle	<i>Haliaeetus leucocephalus</i>	T	T	
Northern Goshawk	<i>Accipiter gentilis</i>	s	SOC	
Common Black-Hawk	<i>Buteogallus anthracinus</i>	T	SOC	
Aplomado Falcon	<i>Falco femoralis</i>	E	Exp	
Peregrine Falcon	<i>Falco peregrinus</i>	T	SOC	
Mountain Plover	<i>Charadrius montanus</i>	s	SOC	
Least Tern	<i>Sterna antillarum</i>	E	E	
Black Tern	<i>Chlidonias niger surinamensis</i>		SOC	
Common Ground-Dove	<i>Columbina passerina</i>	E		
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	s	C	
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	s	T	Y
Burrowing Owl	<i>Athene cunicularia</i>		SOC	
Buff-collared Nightjar	<i>Caprimulgus ridgwayi</i>	E		
Broad-billed Hummingbird	<i>Cynanthus latirostris</i>	T		
Violet-crowned Hummingbird	<i>Amazilia violiceps</i>	T		
Costa's Hummingbird	<i>Calypte costae</i>	T		
Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	E	E	Y
Loggerhead Shrike	<i>Lanius ludovicianus</i>	s		
Bell's Vireo	<i>Vireo bellii</i>	T	SOC	
Gray Vireo	<i>Vireo vicinior</i>	T		
Baird's Sparrow	<i>Ammodramus bairdii</i>	T	SOC	
Varied Bunting	<i>Passerina versicolor</i>	T		
Western Small-footed Myotis Bat	<i>Myotis ciliolabrum melanorhinus</i>	s		
Yuma Myotis Bat	<i>Myotis yumanensis yumanensis</i>	s		
Occult Little Brown Myotis Bat	<i>Myotis lucifugus occultus</i>	s		
Long-legged Myotis Bat	<i>Myotis volans interior</i>	s		
Fringed Myotis Bat	<i>Myotis thysanodes thysanodes</i>	s		
Western Red Bat	<i>Lasiurus blossevillii</i>	s	SOC	
Spotted Bat	<i>Euderma maculatum</i>	T		
Pale Townsend's Big-eared Bat	<i>Corynorhinus townsendii pallescens</i>	s	SOC	
Big Free-tailed Bat	<i>Nyctinomops macrotis</i>	s		
Organ Mountains Colorado Chipmunk	<i>Neotamias quadrivittatus australis</i>	T	SOC	
Desert Pocket Gopher	<i>Geomys arenarius</i>	s	SOC	
Pecos River Muskrat	<i>Ondatra zibethicus ripensis</i>	s	SOC	
Red Fox	<i>Vulpes vulpes</i>	s		

Common Name

Ringtail
Western Spotted Skunk
Common Hog-nosed Skunk
Desert Bighorn Sheep
Dona Ana Talussnail
Fairy Shrimp
Anthony Blister Beetle
Desert Viceroy Butterfly

Scientific Name

Bassariscus astutus
Spilogale gracilis
Conepatus leuconotus
Ovis canadensis mexicana
Sonorella todseni
Streptocephalus moorei
Lytta mirifica
Limenitis archippus obsoleta

NMGF

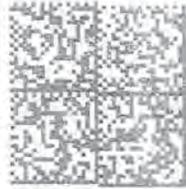
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New Mexico Department of Game and Fish
P. O. Box 25112
Santa Fe, NM 87504



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US POSTAGE

Margaret Hartigan
Dallas Facilities Center, CBP
7701 North Stemmons Freeway
Dallas, Texas 75247-4232





For HR

Margaret Hartigan - NOT
Dallas Facilities Gr.
7701 N. Stemmons Freeway
Dallas TX 75247-4232

THE HOPI TRIBE

P.O. Box 123
Kykotsmovi, Arizona
86039



received
8/18/09 car

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



U.S. Customs and
Border Protection

11 August 2009

Honorable Benjamin H. Nuvamsa, Chairman
Hopi Tribal Council
P.O. Box 123
Kykotsmovi, AZ 86039

RECEIVED
AUG 20 2009
BY: CPO/ks

Dear Chairman Nuvamsa:

The U.S. Customs and Border Protection (CBP) intends to expand an existing checkpoint located along Interstate 10 in Dona Ana County, New Mexico. The extension will encompass 17 acres adjacent to the interstate at the current checkpoint location. CBP is in the process of completing an Environmental Assessment for this project. In addition, we have conducted a cultural resources survey of the 17 acres proposed for the expansion. As part of our on-going Section 106 consultation, we are reporting to you that the survey did not locate any prehistoric or historic cultural resources at the site. The report is being sent to the New Mexico State Historic Preservation Office for their concurrence that the project will have no effect on known cultural resources.

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Sincerely,

Margaret Hartigan
Margaret Hartigan, Director
Dallas Facilities Center

for

26

concur

Margaret

for
Kwaniskwiz
8-21-09



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Las Cruces District Office
1800 Marquess
Las Cruces, New Mexico 88005
www.nm.blm.gov



IN REPLY REFER TO:
NMNM 122191
2800 (L0310)

MAR 24 2009

Ms. Cathy Hall
Department of the Army
Albuquerque District, Corps of Engineers
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435

Dear Ms. Hall:

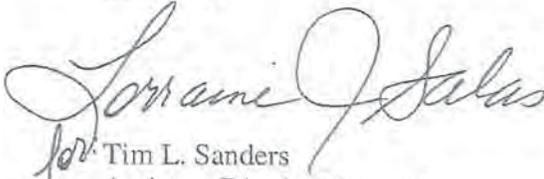
This is in regards to your letter dated March 19, 2007, requesting a right-of-entry for non-ground disturbing environmental surveys on public land in effort to supplement an existing environmental assessment for the proposed expansion of the Las Cruces Border Patrol Checkpoint on I-10. The following are the requested locations on public land:

T. 24 S., R. 3 W.,
secs. 1 and 3.

The Bureau of Land Management has reviewed your request and has determined that environmental surveys on public land are Casual Use, under 43 CFR 2801.5 (b) *with the enclosed restrictions*. Therefore, Albuquerque District, Corps of Engineers may proceed with the stated request.

If you have any additional questions, please contact Lori Allen, Realty Specialist at (575) 525-4454.

Sincerely,


for Tim L. Sanders
Assistant District Manager
Division of Multi-Resources

1 Enclosure

**Conditions for Casual Use of Public Land
in Support of
Las Cruces Border Patrol Station I-10 Checkpoint Expansion Project
Environmental Surveys**

1. Off-road travel is prohibited and vehicle use is limited to existing roads.
2. If damage occurs to a historic property as a result of the aforementioned activities, Albuquerque District, Corps of Engineers will contract with an archaeological contractor (permitted by the Bureau of Land Management (BLM)) to assess the damages, prepare a treatment plan, and conduct mitigation on the property. The treatment plan must be acceptable to both the BLM and New Mexico State Historic Preservation Office.
3. Albuquerque District, Corps of Engineers will furnish the BLM with telephone contacts to handle calls to the BLM that result from the ongoing activities.
4. Albuquerque District, Corps of Engineers will coordinate their activities with Lori Allen, Las Cruces District Office-BLM Realty Specialist (575) 525-4454, prior to beginning their operations.
5. Albuquerque District, Corps of Engineers will coordinate their activities with existing right-of-way holders and grazing permittees within the selected areas prior to beginning their operations.

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



U.S. Customs and
Border Protection

5 August 2009

U.S. Fish and Wildlife Service
New Mexico Ecological Services State Office
ATTN: Wally Murphy
2105 Osuna NE
Albuquerque, NM 87113

Dear Mr. Murphy:

U.S. Customs and Border Protection (CBP) has prepared a draft Supplemental Environmental Assessment (SEA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of expanded commercial traffic lanes at the U.S. Border Patrol (USBP) I-10 Checkpoint near Las Cruces, Doña Ana County, New Mexico. The proposed traffic lanes would be constructed to accommodate the heavy truck traffic at the checkpoint, and to provide for increased separation from general civilian traffic and increase safety at the checkpoint. The expansion of the I-10 checkpoint was examined in a SEA completed in 2007, and a Finding of No Significant Impact (FONSI) was issued for the project in 2007. The new truck lanes are directly adjacent to the previous checkpoint expansion property along I-10, approximately 18 miles west of the City of Las Cruces.

Please review the enclosed draft SEA and draft FONSI, and submit any comments or questions to Mr. Mark Gable, Dallas Facilities Center, CBP, 7701 North Stemmons Freeway, Dallas, Texas 75247-4232; or email at mark.gable@dhs.gov. The draft SEA is also available at <http://ecso.swf.usace.army.mil> under the link for Documents for Public Review/Comment. Comments on the draft SEA must be received by September 7, 2009.

Sincerely,

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Margaret Hartigan, Director
Dallas Facilities Center

Enclosures

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



U.S. Customs and
Border Protection

5 August 2009

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Department of Cultural Affairs
Historic Preservation Division
407 Galisteo Street, Suite 236
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Dallas Facilities Center

Enclosures

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



**U.S. Customs and
Border Protection**

5 August 2009

Dr. Gedi Cibas
New Mexico Environment Department
Environmental Impact Review Coordinator
1190 St. Francis Drive
Santa Fe, NM 87502

Dear Dr. Cibas:

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Margaret Hartigan, Director
Dallas Facilities Center

Enclosures

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



U.S. Customs and
Border Protection

5 August 2009

Lori Allen
Realty Specialist
USDOI- BLM- Las Cruces District Office
1800 Marquess Street
Las Cruces, NM 88005

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Margaret Hartigan, Director
Dallas Facilities Center

Enclosures

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



U.S. Customs and
Border Protection

5 August 2009

Ms. Lisa Kirkpatrick
Chief, Conservation Services Division
New Mexico Department of Game and Fish
P.O. Box 25112
Santa Fe, NM 87504

Dear Ms. Kirkpatrick:

U.S. Customs and Border Protection (CBP) has prepared a draft Supplemental Environmental Assessment (SEA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of expanded commercial traffic lanes at the U.S. Border Patrol (USBP) I-10 Checkpoint near Las Cruces, Doña Ana County, New Mexico. The proposed traffic lanes would be constructed to accommodate the heavy truck traffic at the checkpoint, and to provide for increased separation from general civilian traffic and increase safety at the checkpoint. The expansion of the I-10 checkpoint was examined in a SEA completed in 2007, and a Finding of No Significant Impact (FONSI) was issued for the project in 2007. The new truck lanes are directly adjacent to the previous checkpoint expansion property along I-10, approximately 18 miles west of the City of Las Cruces.

Please review the enclosed draft SEA and draft FONSI, and submit any comments or questions to Mr. Mark Gable, Environmental Planning Specialist, Dallas Facilities Center, CBP, 7701 North Stemmons Freeway, Dallas, Texas 75247-4232; or email at mark.gable@dhs.gov. The draft SEA is also available at <http://ecso.swf.usace.army.mil> under the link for Documents for Public Review/Comment. Comments on the draft SEA are due by September 7, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret Hartigan", written over a horizontal line.

Margaret Hartigan, Director
Dallas Facilities Center

Enclosures

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



**U.S. Customs and
Border Protection**

5 August 2009

Thomas Branigan Memorial Library
200 E. Picacho
Las Cruces, NM 88001

Subject: Draft Finding of No Significant Impact and Draft Supplemental Environmental Assessment for the Construction of Commercial Traffic Lanes at the U.S. Border Patrol I-10 Checkpoint near Las Cruces, New Mexico

Dear Sir:

Enclosed please find a copy of a Supplemental Environmental Assessment (SEA) with a Draft Finding of No Significant Impact prepared by the Department of Homeland Security and U. S. Customs and Border Protection (CBP). This SEA addresses the potential impacts of expanded truck lanes construction proposed for the U.S. Border Patrol (USBP) I-10 Checkpoint in Doña Ana County, New Mexico. CBP evaluated the need to construct and improve the checkpoint to enhance their capabilities to apprehend and deter illegal aliens and contraband smuggling in this area and to improve USBP agent and public safety conditions at the checkpoint in a SEA in 2007.

This SEA addresses changes to the original design of the project in response to a request by the New Mexico Department of Transportation for larger truck separation lanes at the checkpoint. The new design includes expanded truck lanes to accommodate higher traffic volumes.

The SEA has been distributed for review and downloading from the U.S. Army Corps of Engineers, Fort Worth District's Internet web page at the following url address <http://ecso.swf.usace.army.mil/>. A copy of the 2007 SEA is also available for review and downloading on the same web page. CBP is soliciting comments on this SEA from Federal and state agencies, organizations, and the general public. Written comments can be sent to Ms. Traci Fambrough, U.S. Army Corps of Engineers, Environmental Resources Branch, 819 Taylor Street, Room 3B09, Fort Worth, Texas 76102. or by fax at (817) 886-6404.

Please make this document available for public review at your facility for a period of 30 days following receipt. The deadline for receipt of comments is September 7, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read 'Margaret Hartigan', with a long horizontal flourish extending to the right.

Margaret Hartigan, Director
Dallas Facilities Center

Enclosures

White Mountain Apache Tribe Heritage Program
PO Box 507 Fort Apache,AZ 85926
1 (928) 338-3033 Fax: (928) 338-6055

To: Mark Gable, Dallas Facilities Center, CBP, Dallas, Texas.
Date: July 14, 2009
Project: U.S. Customs and Border Protection SEA Checkpoint Station, Las Cruces, NM.

.....

The White Mountain Apache Historic Preservation Office (THPO) appreciates receiving information on the proposed project, dated July 30, 2009 In regards to this, please attend to the checked items below.

▶ ***There is no need to send additional information unless project planning or implementation results in the discovery of sites and/or items having known or suspected Apache Cultural affiliation.***

The proposed project is located within an area of probable cultural or historical importance to the White Mountain Apache Tribe (WMAT). As part of the effort to identify historical properties that maybe affected by the project we recommend an ethno-historic study and interviews with Apache Elders. The Cultural Resource Director, **Mr. Ramon Riley** would be the contact person at (928) 338-4625 should this become necessary.

The proposed project is located within or adjacent to a known historic property of cultural concern and/or historical importance to the White Mountain Apache Tribe and will most likely result in adverse affect to said property. Considering this, please refrain from further steps in project planning and/or implementation.

▶ Please refer to the attached additional notes in regards to the proposed project:

We have received and reviewed the information regarding United States Customs and Border Protection's proposal to construct, and maintain the expanded commercial traffic lanes at the U.S. Border Patrol I-10 Checkpoint near Las Cruces, Dona Ana County, New Mexico and we've determined the proposed action and/or evaluation **will not have an effect** to the White Mountain Apache tribe's Cultural Heritage Resources and/or historic properties. The project may proceed with the understanding that any ground disturbance should be monitored **if** there are reasons to believe that human remains and/or funerary objects are present, if they are encountered all construction activities are to be stopped and the proper authorities and/or affiliated tribe(s) be notified to evaluate the situation.

We look forward to continued collaborations in the protection and preservation of places of cultural and historical significance.

Sincerely,

Mark T. Altaha
White Mountain Apache Tribe
Historic Preservation Officer
Email: markaltaha@wmat.nsn.us

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



**U.S. Customs and
Border Protection**

30 June 2009

Ms. Lisa Kirkpatrick
Chief, Conservation Services Division
New Mexico Department of Game and Fish
P.O. Box 25112
Santa Fe, NM 87504

Dear Ms. Kirkpatrick:

U.S. Customs and Border Protection (CBP) is preparing a Supplemental Environmental Assessment (SEA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of expanded commercial traffic lanes at the U.S. Border Patrol (USBP) I-10 Checkpoint near Las Cruces, Doña Ana County, New Mexico. The proposed traffic lanes would be constructed to accommodate the heavy truck traffic at the checkpoint, and to provide for increased separation from general civilian traffic and increase safety at the checkpoint. The expansion of the I-10 checkpoint was examined in a SEA completed in 2007, and a Finding of No Significant Impact (FONSI) was issued for the project in 2007. The new truck lanes are directly adjacent to the previous checkpoint expansion property along I-10. The project area is located approximately 18 miles west of the City of Las Cruces (Figure 1). Figure 2 shows the proposed project area boundaries on aerial photography. The additional 17 acres being added to the project footprint are owned by the State of New Mexico and the U.S. Bureau of Land Management.

We are currently in the process of gathering the most current information available regarding Federal and state resources of concern potentially occurring within the project area. CBP respectfully requests that your agency provide a list of resources of concern that occur within or near the project site, and a location map for those resources that you believe may be affected by the proposed CBP activities in Doña Ana County, New Mexico.

We intend to provide your agency with a copy of the Draft SEA once the document is completed. Please inform us if additional copies are needed and/or if someone else within your agency other than you should receive the Draft SEA.

Your prompt attention to this request would be greatly appreciated. For additional information, please contact Mr. Mark Gable, Dallas Facilities Center, CBP, 7701 North Stemmons Freeway, Dallas, Texas 75247-4232; office telephone (214) 905-5509 or email at mark.gable@dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Margaret Hartigan', with a long, sweeping horizontal stroke extending to the right.

Margaret Hartigan, Director
Dallas Facilities Center

Enclosure



Figure 1: Vicinity Map



June 2009

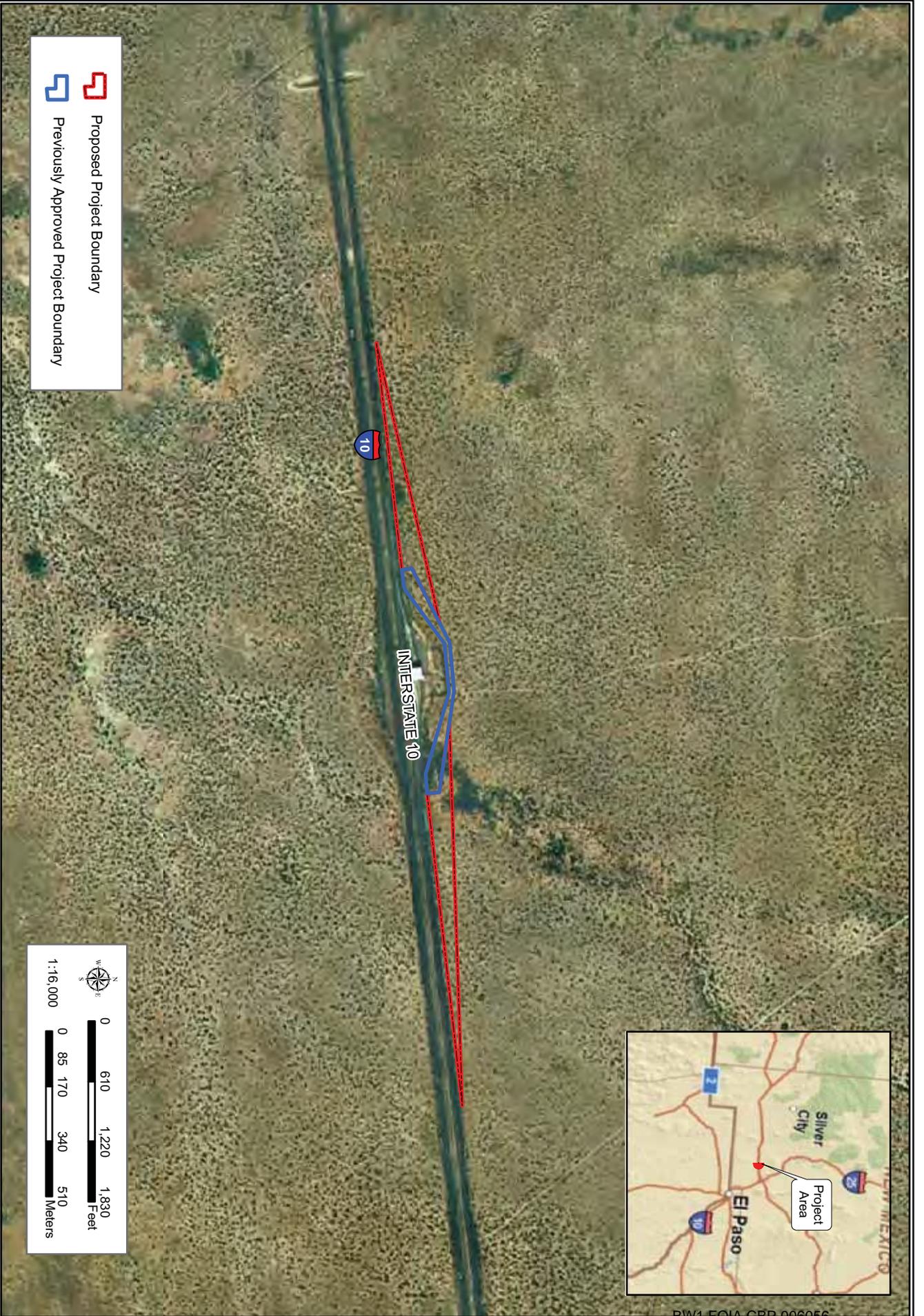


Figure 2: Project Area Map

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



**U.S. Customs and
Border Protection**

30 June 2009

Honorable Ronnie Lupe, Chairman
ATTN: Mr. Mark Altaha, THPO
White Mountain Apache Tribal Council
P.O. Box 700
Whiteriver, AZ 85941

Dear Chairman Lupe,

U.S. Customs and Border Protection (CBP) is preparing a Supplemental Environmental Assessment (SEA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of expanded commercial traffic lanes at the U.S. Border Patrol (USBP) I-10 Checkpoint near Las Cruces, Doña Ana County, New Mexico. The proposed traffic lanes would be constructed to accommodate the heavy truck traffic at the checkpoint, and to provide for increased separation from general civilian traffic and increase safety at the checkpoint. The expansion of the I-10 checkpoint was examined in a SEA completed in 2007, and a Finding of No Significant Impact (FONSI) was issued for the project in 2007. The new truck lanes are directly adjacent to the previous checkpoint expansion property along I-10. The project area is located approximately 18 miles west of the City of Las Cruces (Figure 1). Figure 2 shows the proposed project area boundaries on aerial photography. The additional 17 acres being added to the project footprint are owned by the State of New Mexico and the U.S. Bureau of Land Management.

We are currently in the process of gathering the most current information available, and in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP respectfully requests that you provide information on any cultural resources that you believe may be affected by the proposed USBP activities in Doña Ana County, New Mexico. A cultural survey is being conducted for the proposed project area, and we will provide you a copy of the cultural resources report for your comment and concurrence once it is prepared.

We intend to provide you with a copy of the Draft SEA for review once the document is completed. Please inform us if additional copies are needed and/or if someone else within your agency other than you should receive the Draft SEA.

Your prompt attention to this request would be greatly appreciated. For additional information, please contact Mr. Mark Gable, Dallas Facilities Center, CBP, 7701 North Stemmons Freeway, Dallas, Texas 75247-4232; office telephone (214) 905-5509 or email at mark.gable@dhs.gov.

Sincerely,

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Margaret Hartigan, Director
Dallas Facilities Center

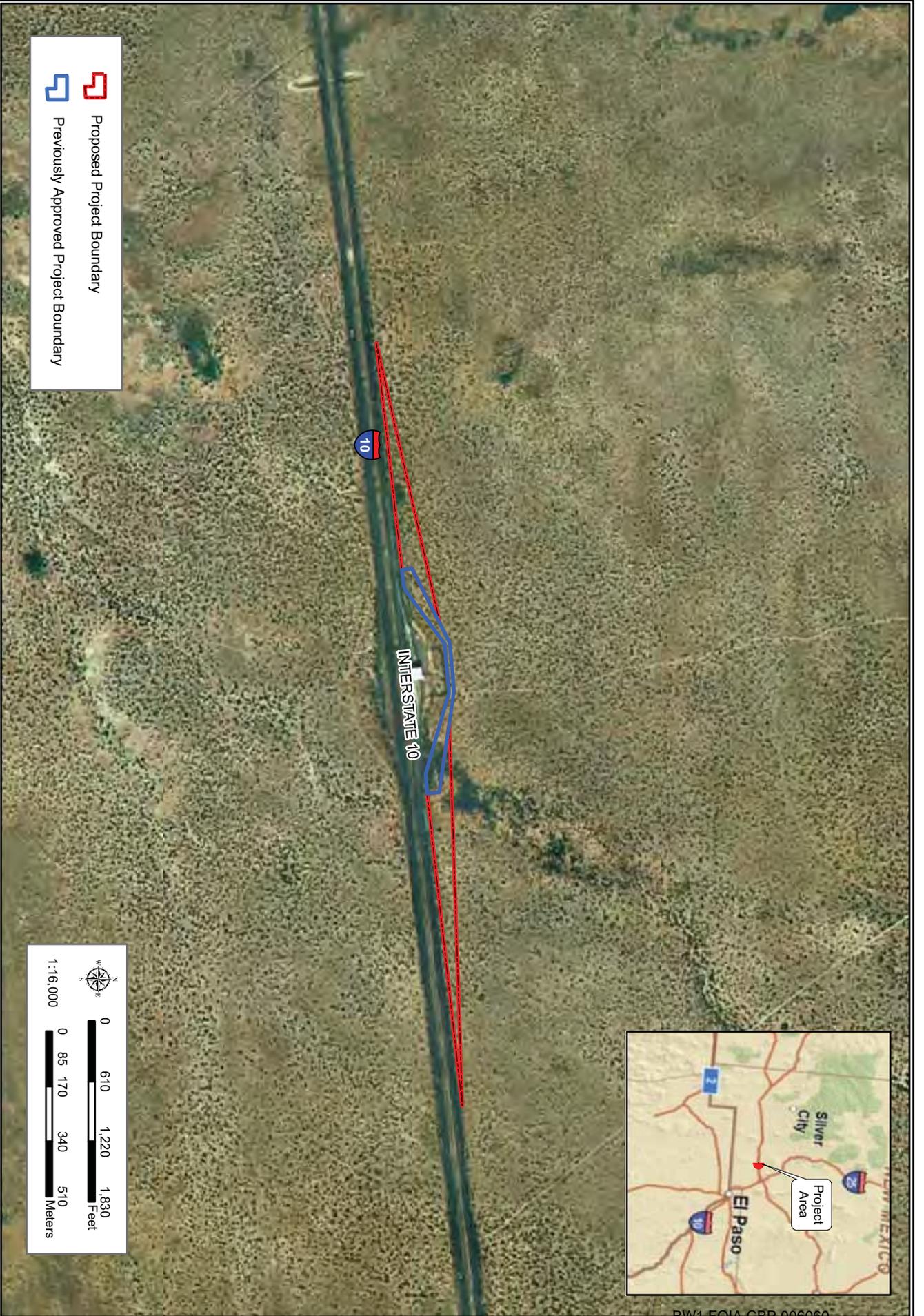
Enclosure



Figure 1: Vicinity Map



June 2009



BW1 FOIA GBP 006060

Figure 2: Project Area Map

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



**U.S. Customs and
Border Protection**

30 June 2009

Honorable Jeff Houser, Chairman
Fort Sill Apache Tribe of Oklahoma
Rt. 2, Box 121
Apache, Oklahoma 73006

Dear Chairman Houser,

U.S. Customs and Border Protection (CBP) is preparing a Supplemental Environmental Assessment (SEA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of expanded commercial traffic lanes at the U.S. Border Patrol (USBP) I-10 Checkpoint near Las Cruces, Doña Ana County, New Mexico. The proposed traffic lanes would be constructed to accommodate the heavy truck traffic at the checkpoint, and to provide for increased separation from general civilian traffic and increase safety at the checkpoint. The expansion of the I-10 checkpoint was examined in a SEA completed in 2007, and a Finding of No Significant Impact (FONSI) was issued for the project in 2007. The new truck lanes are directly adjacent to the previous checkpoint expansion property along I-10. The project area is located approximately 18 miles west of the City of Las Cruces (Figure 1). Figure 2 shows the proposed project area boundaries on aerial photography. The additional 17 acres being added to the project footprint are owned by the State of New Mexico and the U.S. Bureau of Land Management.

We are currently in the process of gathering the most current information available, and in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP respectfully requests that you provide information on any cultural resources that you believe may be affected by the proposed USBP activities in Doña Ana County, New Mexico. A cultural survey is being conducted for the proposed project area, and we will provide you a copy of the cultural resources report for your comment and concurrence once it is prepared.

We intend to provide you with a copy of the Draft SEA for review once the document is completed. Please inform us if additional copies are needed and/or if someone else within your agency other than you should receive the Draft SEA.

Your prompt attention to this request would be greatly appreciated. For additional information, please contact Mr. Mark Gable, Dallas Facilities Center, CBP, 7701 North Stemmons Freeway, Dallas, Texas 75247-4232; office telephone (214) 905-5509 or email at mark.gable@dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Margaret Hartigan', with a long horizontal flourish extending to the right.

Margaret Hartigan, Director
Dallas Facilities Center

Enclosure



Figure 1: Vicinity Map



June 2009

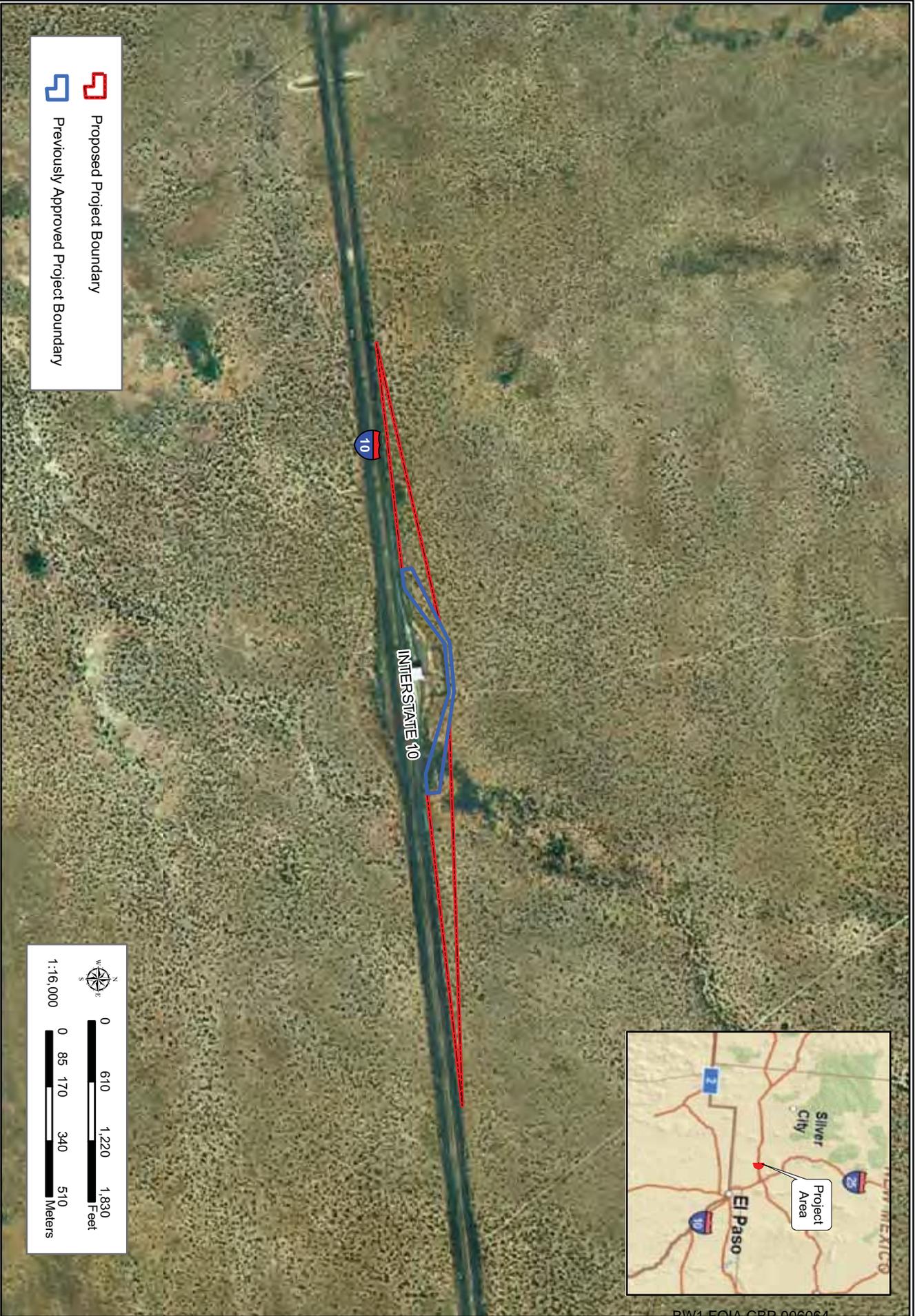


Figure 2: Project Area Map

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



**U.S. Customs and
Border Protection**

30 June 2009

Honorable Mark Chine, President
ATTN: Ms. Holly Houghton, Cultural Affairs Office
Mescalero Apache Tribe
124 Chiricahua Plaza
Mescalero, New Mexico 88340

Dear President Chine,

U.S. Customs and Border Protection (CBP) is preparing a Supplemental Environmental Assessment (SEA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of expanded commercial traffic lanes at the U.S. Border Patrol (USBP) I-10 Checkpoint near Las Cruces, Doña Ana County, New Mexico. The proposed traffic lanes would be constructed to accommodate the heavy truck traffic at the checkpoint, and to provide for increased separation from general civilian traffic and increase safety at the checkpoint. The expansion of the I-10 checkpoint was examined in a SEA completed in 2007, and a Finding of No Significant Impact (FONSI) was issued for the project in 2007. The new truck lanes are directly adjacent to the previous checkpoint expansion property along I-10. The project area is located approximately 18 miles west of the City of Las Cruces (Figure 1). Figure 2 shows the proposed project area boundaries on aerial photography. The additional 17 acres being added to the project footprint are owned by the State of New Mexico and the U.S. Bureau of Land Management.

We are currently in the process of gathering the most current information available, and in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP respectfully requests that you provide information on any cultural resources that you believe may be affected by the proposed USBP activities in Doña Ana County, New Mexico. A cultural survey is being conducted for the proposed project area, and we will provide you a copy of the cultural resources report for your comment and concurrence once it is prepared.

We intend to provide you with a copy of the Draft SEA for review once the document is completed. Please inform us if additional copies are needed and/or if someone else within your agency other than you should receive the Draft SEA.

Your prompt attention to this request would be greatly appreciated. For additional information, please contact Mr. Mark Gable, Dallas Facilities Center, CBP, 7701 North Stemmons Freeway, Dallas, Texas 75247-4232; office telephone (214) 905-5509 or email at mark.gable@dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Margaret Hartigan', with a long, sweeping horizontal line extending to the right.

Margaret Hartigan, Director
Dallas Facilities Center

Enclosure

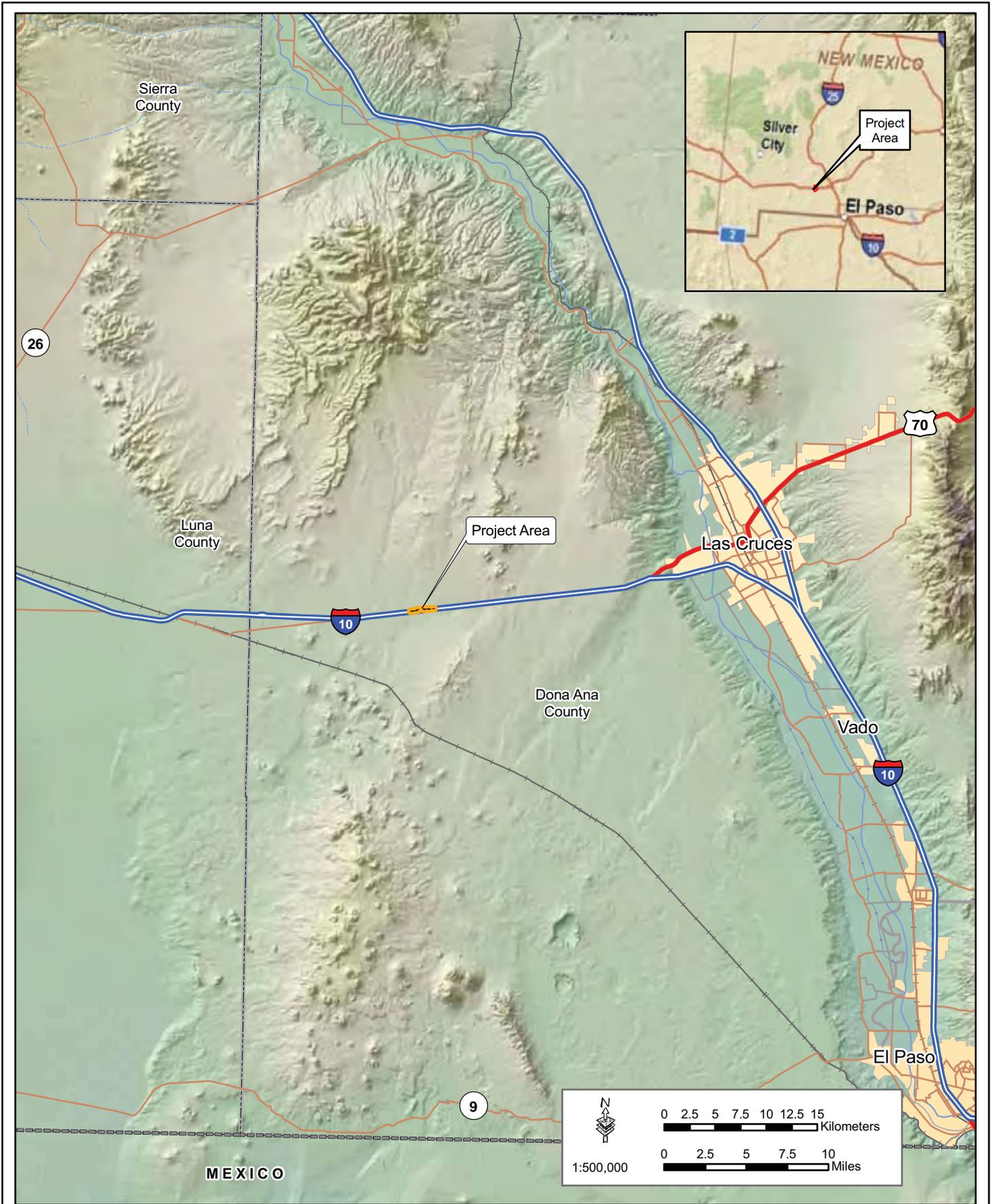
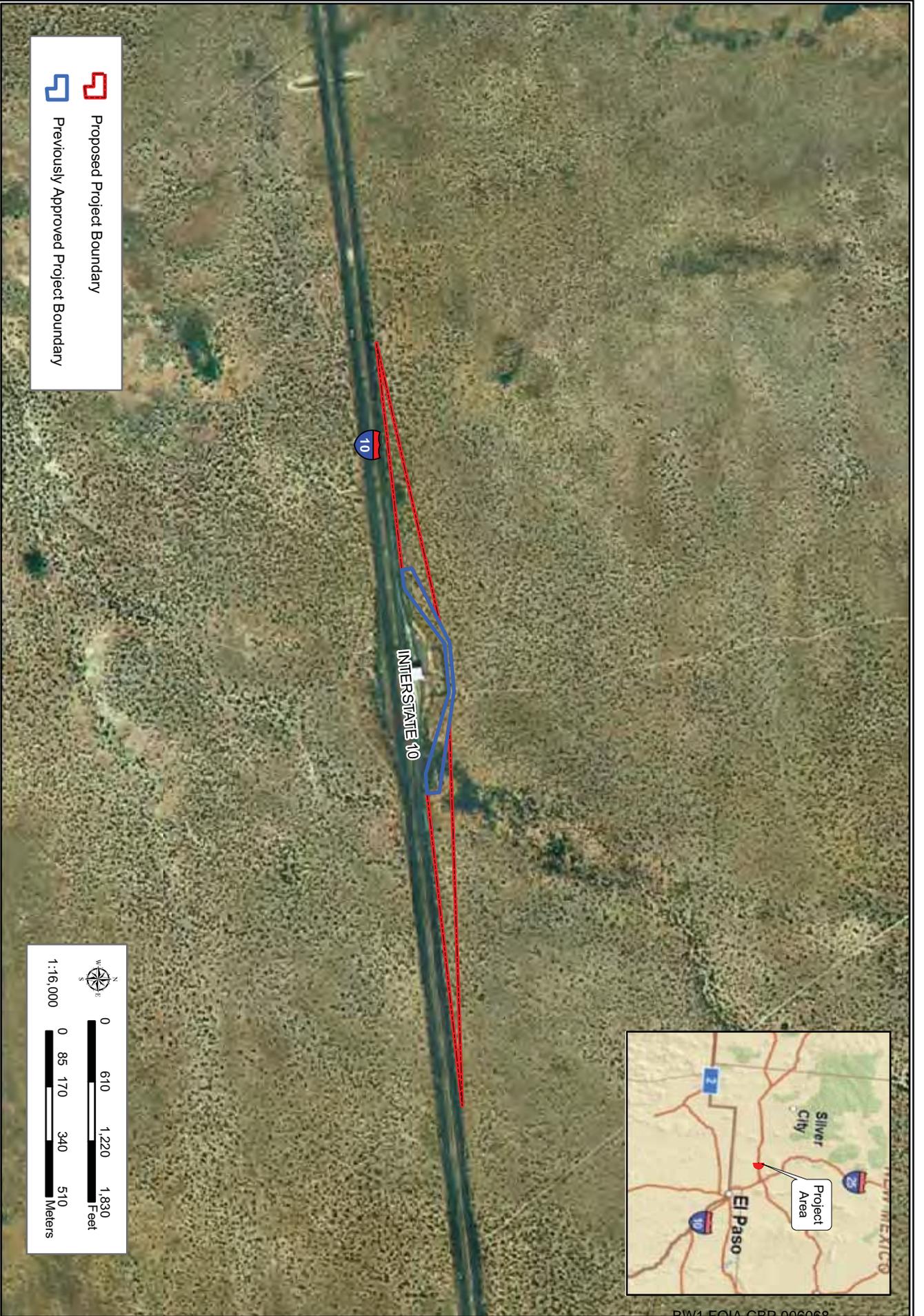


Figure 1: Vicinity Map



June 2009



BW1 FOIA GBP 006068

Figure 2: Project Area Map

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



**U.S. Customs and
Border Protection**

30 June 2009

U.S. Fish and Wildlife Service
New Mexico Ecological Services State Office
ATTN: Wally Murphy
2105 Osuna NE
Albuquerque, NM 87113

Dear Mr. Murphy:

U.S. Customs and Border Protection (CBP) is preparing a Supplemental Environmental Assessment (SEA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of expanded commercial traffic lanes at the U.S. Border Patrol (USBP) I-10 Checkpoint near Las Cruces, Doña Ana County, New Mexico. The proposed traffic lanes would be constructed to accommodate the heavy truck traffic at the checkpoint, and to provide for increased separation from general civilian traffic and increase safety at the checkpoint. The expansion of the I-10 checkpoint was examined in a SEA completed in 2007, and a Finding of No Significant Impact (FONSI) was issued for the project in 2007. The new truck lanes are directly adjacent to the previous checkpoint expansion property along I-10. The project area is located approximately 18 miles west of the City of Las Cruces (Figure 1). Figure 2 shows the proposed project area boundaries on aerial photography. The additional 17 acres being added to the project footprint are owned by the State of New Mexico and the U.S. Bureau of Land Management.

We are currently in the process of gathering the most current information available regarding Federal and state resources of concern potentially occurring within the project area. CBP respectfully requests that your agency provide a list of resources of concern that occur within or near the project site, and a location map for those resources that you believe may be affected by the proposed CBP activities in Doña Ana County, New Mexico.

We intend to provide your agency with a copy of the Draft SEA once the document is completed. Please inform us if additional copies are needed and/or if someone else within your agency other than you should receive the Draft SEA.

Your prompt attention to this request would be greatly appreciated. For additional information, please contact Mr. Mark Gable, Dallas Facilities Center, CBP, 7701 North Stemmons Freeway, Dallas, Texas 75247-4232; office telephone (214) 905-5509 or email at mark.gable@dhs.gov.

Sincerely,

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Margaret Hartigan, Director
Dallas Facilities Center

Enclosure



Figure 1: Vicinity Map



June 2009

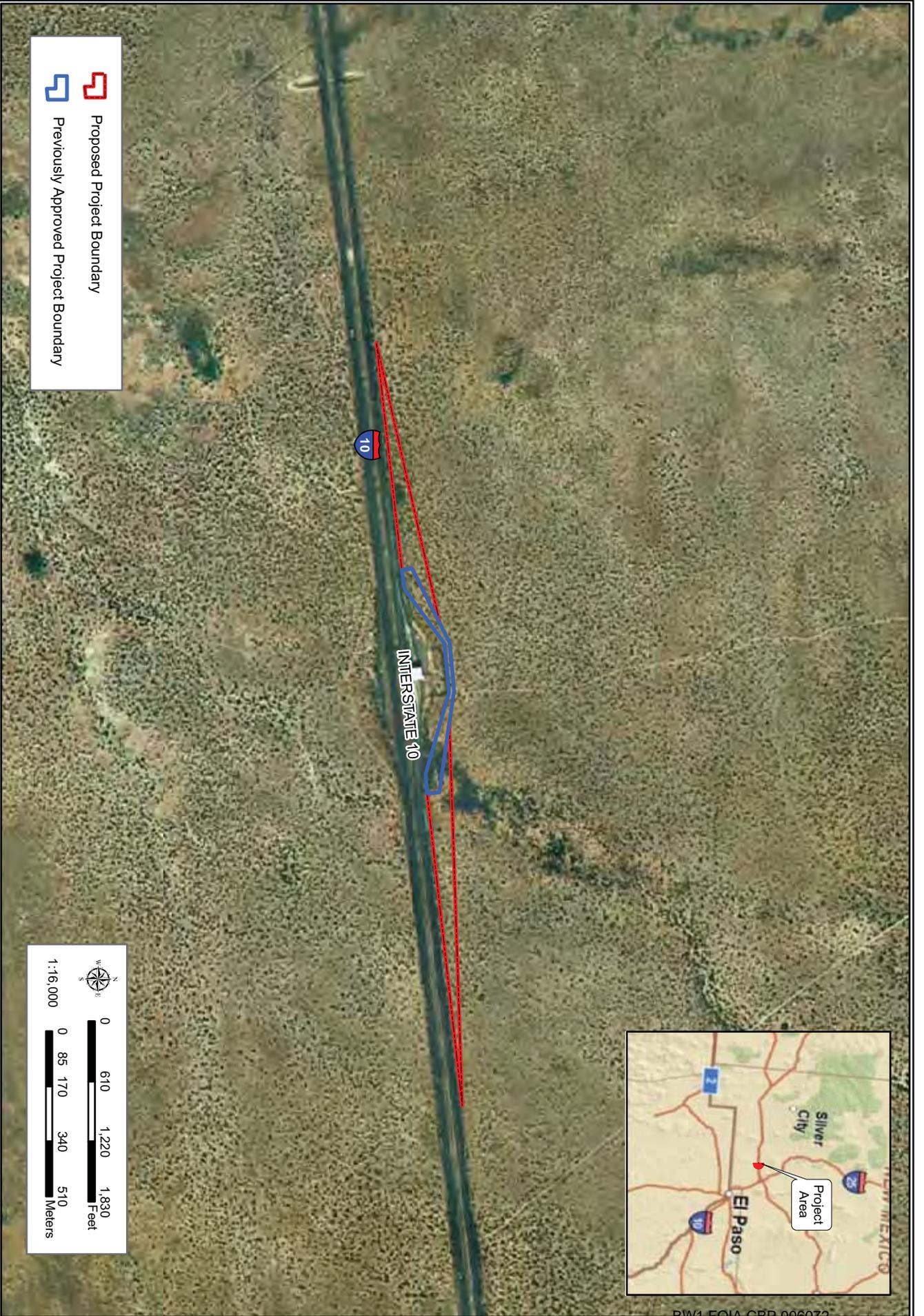


Figure 2: Project Area Map

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



**U.S. Customs and
Border Protection**

30 June 2009

Ms. Katherine Slick, Director
Department of Cultural Affairs
Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

Dear Ms. Slick,

U.S. Customs and Border Protection (CBP) is preparing a Supplemental Environmental Assessment (SEA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of expanded commercial traffic lanes at the U.S. Border Patrol (USBP) I-10 Checkpoint near Las Cruces, Doña Ana County, New Mexico. The proposed traffic lanes would be constructed to accommodate the heavy truck traffic at the checkpoint, and to provide for increased separation from general civilian traffic and increase safety at the checkpoint. The expansion of the I-10 checkpoint was examined in a SEA completed in 2007, and a Finding of No Significant Impact (FONSI) was issued for the project in 2007. The new truck lanes are directly adjacent to the previous checkpoint expansion property along I-10. The project area is located approximately 18 miles west of the City of Las Cruces (Figure 1). Figure 2 shows the proposed project area boundaries on aerial photography. The additional 17 acres being added to the project footprint are owned by the State of New Mexico and the U.S. Bureau of Land Management.

We are currently in the process of gathering the most current information available, and in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP respectfully requests that your agency provide information on any cultural resources that you believe may be affected by the proposed USBP activities in Doña Ana County, New Mexico. A cultural survey is being conducted for the proposed project area, and we will provide you a copy of the cultural resources report for your comment and concurrence once it is prepared.

We intend to provide your agency with a copy of the Draft SEA once the document is completed. Please inform us if additional copies are needed and/or if someone else within your agency other than you should receive the Draft SEA.

Your prompt attention to this request would be greatly appreciated. For additional information, please contact Mr. Mark Gable, Dallas Facilities Center, CBP, 7701 North Stemmons Freeway, Dallas, Texas 75247-4232; office telephone (214) 905-5509 or email at mark.gable@dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Margaret Hartigan', with a long, sweeping horizontal stroke extending to the right.

Margaret Hartigan, Director
Dallas Facilities Center

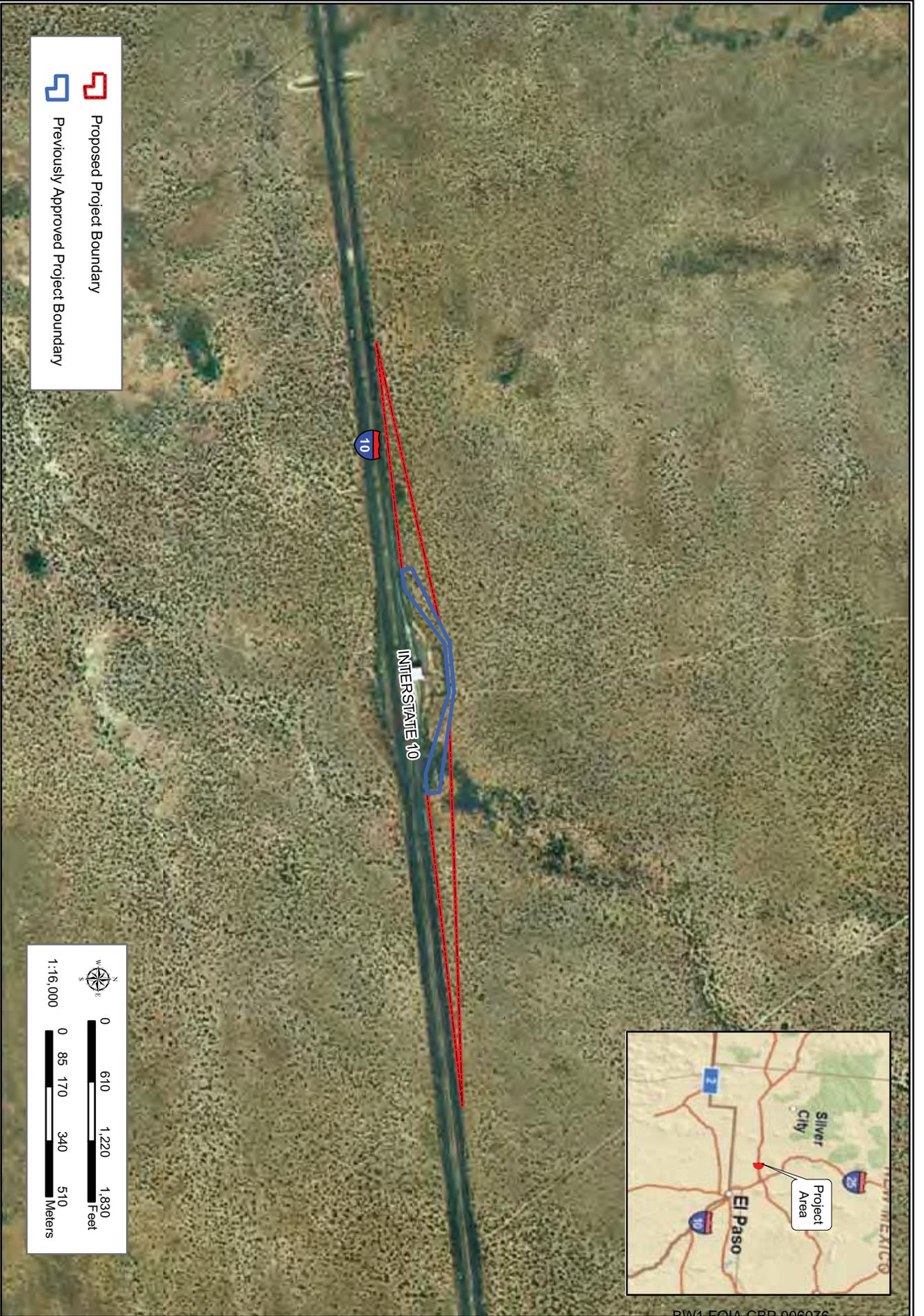
Enclosure



Figure 1: Vicinity Map



June 2009



BW1 FOIA GBP 006076

Figure 2: Project Area Map

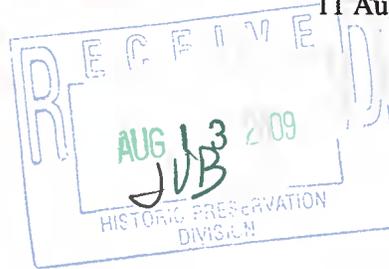
U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



U.S. Customs and
Border Protection

11 August 2009

087459



Ms. Katherine Slick, Director
Department of Cultural Affairs
Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

Dear Ms. Slick:

The U.S. Customs and Border Protection (CBP) intends to expand an existing checkpoint located along Interstate 10 in Dona Ana County, New Mexico. The extension will encompass 17 acres adjacent to the interstate at the current checkpoint location. CBP is in the process of completing an Environmental Assessment for this project. In addition, we have conducted a cultural resources survey of the 17 acres proposed for the expansion. As part of our on-going Section 106 consultation, we have enclosed a copy of the survey report for your review and comment. The survey did not locate any prehistoric or historic cultural resources at the site.

Based on the findings of the survey report, and in accordance with 36 CFR Part 800.4(d)(1), CBP has determined that No Historic Properties will be affected by the proposed undertaking. CBP respectfully requests your concurrence with this finding of no effect. If you have any questions, please contact Mr. Mark Gable, Dallas Facilities Center, CBP, 7701 North Stemmons Freeway, Dallas, Texas 75247-4232; office telephone (214) 905-5509 or email at mark.gable@dhs.gov.

Sincerely,

Cait Allred

for Margaret Hartigan, Director
Dallas Facilities Center

Enclosure

Concur No Historic Properties Affected.

9/16/09

M. Michelle Ensey
for NM State Historic Preservation Officer

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



**U.S. Customs and
Border Protection**

30 June 2009

Honorable Frank Piaz, Governor
Ysleta del Sur Pueblo
Tigua Reservation
119 South Old Pueblo Road
El Paso, Texas 79907

Dear Governor Piaz,

U.S. Customs and Border Protection (CBP) is preparing a Supplemental Environmental Assessment (SEA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of expanded commercial traffic lanes at the U.S. Border Patrol (USBP) I-10 Checkpoint near Las Cruces, Doña Ana County, New Mexico. The proposed traffic lanes would be constructed to accommodate the heavy truck traffic at the checkpoint, and to provide for increased separation from general civilian traffic and increase safety at the checkpoint. The expansion of the I-10 checkpoint was examined in a SEA completed in 2007, and a Finding of No Significant Impact (FONSI) was issued for the project in 2007. The new truck lanes are directly adjacent to the previous checkpoint expansion property along I-10. The project area is located approximately 18 miles west of the City of Las Cruces (Figure 1). Figure 2 shows the proposed project area boundaries on aerial photography. The additional 17 acres being added to the project footprint are owned by the State of New Mexico and the U.S. Bureau of Land Management.

We are currently in the process of gathering the most current information available, and in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP respectfully requests that you provide information on any cultural resources that you believe may be affected by the proposed USBP activities in Doña Ana County, New Mexico. A cultural survey is being conducted for the proposed project area, and we will provide you a copy of the cultural resources report for your comment and concurrence once it is prepared.

We intend to provide you with a copy of the Draft SEA for review once the document is completed. Please inform us if additional copies are needed and/or if someone else within your agency other than you should receive the Draft SEA.

Your prompt attention to this request would be greatly appreciated. For additional information, please contact Mr. Mark Gable, Dallas Facilities Center, CBP, 7701 North Stemmons Freeway, Dallas, Texas 75247-4232; office telephone (214) 905-5509 or email at mark.gable@dhs.gov.

Sincerely,

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Margaret Hartigan, Director
Dallas Facilities Center

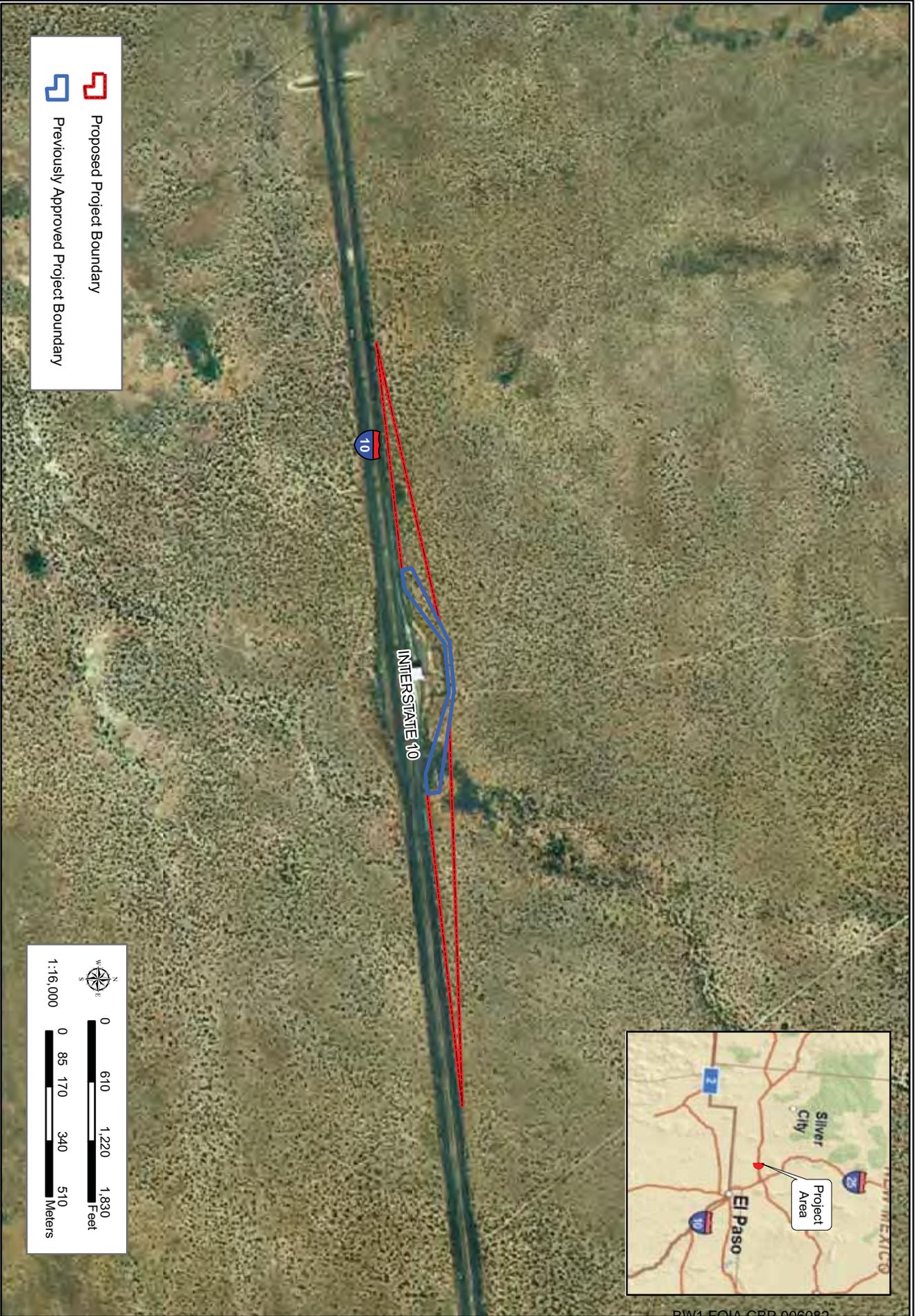
Enclosure



Figure 1: Vicinity Map



June 2009



BW1 FOIA GBP 006082

Figure 2: Project Area Map

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



**U.S. Customs and
Border Protection**

30 June 2009

Honorable Benjamin H. Nuvamsa, Chairman
Hopi Tribal Council
P.O. Box 123
Kykotsmovi, AZ 86039

Dear Chairman Nuvamsa,

U.S. Customs and Border Protection (CBP) is preparing a Supplemental Environmental Assessment (SEA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of expanded commercial traffic lanes at the U.S. Border Patrol (USBP) I-10 Checkpoint near Las Cruces, Doña Ana County, New Mexico. The proposed traffic lanes would be constructed to accommodate the heavy truck traffic at the checkpoint, and to provide for increased separation from general civilian traffic and increase safety at the checkpoint. The expansion of the I-10 checkpoint was examined in a SEA completed in 2007, and a Finding of No Significant Impact (FONSI) was issued for the project in 2007. The new truck lanes are directly adjacent to the previous checkpoint expansion property along I-10. The project area is located approximately 18 miles west of the City of Las Cruces (Figure 1). Figure 2 shows the proposed project area boundaries on aerial photography. The additional 17 acres being added to the project footprint are owned by the State of New Mexico and the U.S. Bureau of Land Management.

We are currently in the process of gathering the most current information available, and in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP respectfully requests that you provide information on any cultural resources that you believe may be affected by the proposed USBP activities in Doña Ana County, New Mexico. A cultural survey is being conducted for the proposed project area, and we will provide you a copy of the cultural resources report for your comment and concurrence once it is prepared.

We intend to provide you with a copy of the Draft SEA for review once the document is completed. Please inform us if additional copies are needed and/or if someone else within your agency other than you should receive the Draft SEA.

Your prompt attention to this request would be greatly appreciated. For additional information, please contact Mr. Mark Gable, Dallas Facilities Center, CBP, 7701 North Stemmons Freeway, Dallas, Texas 75247-4232; office telephone (214) 905-5509 or email at mark.gable@dhs.gov.

Sincerely,

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Margaret Hartigan, Director
Dallas Facilities Center

Enclosure



Figure 1: Vicinity Map



June 2009

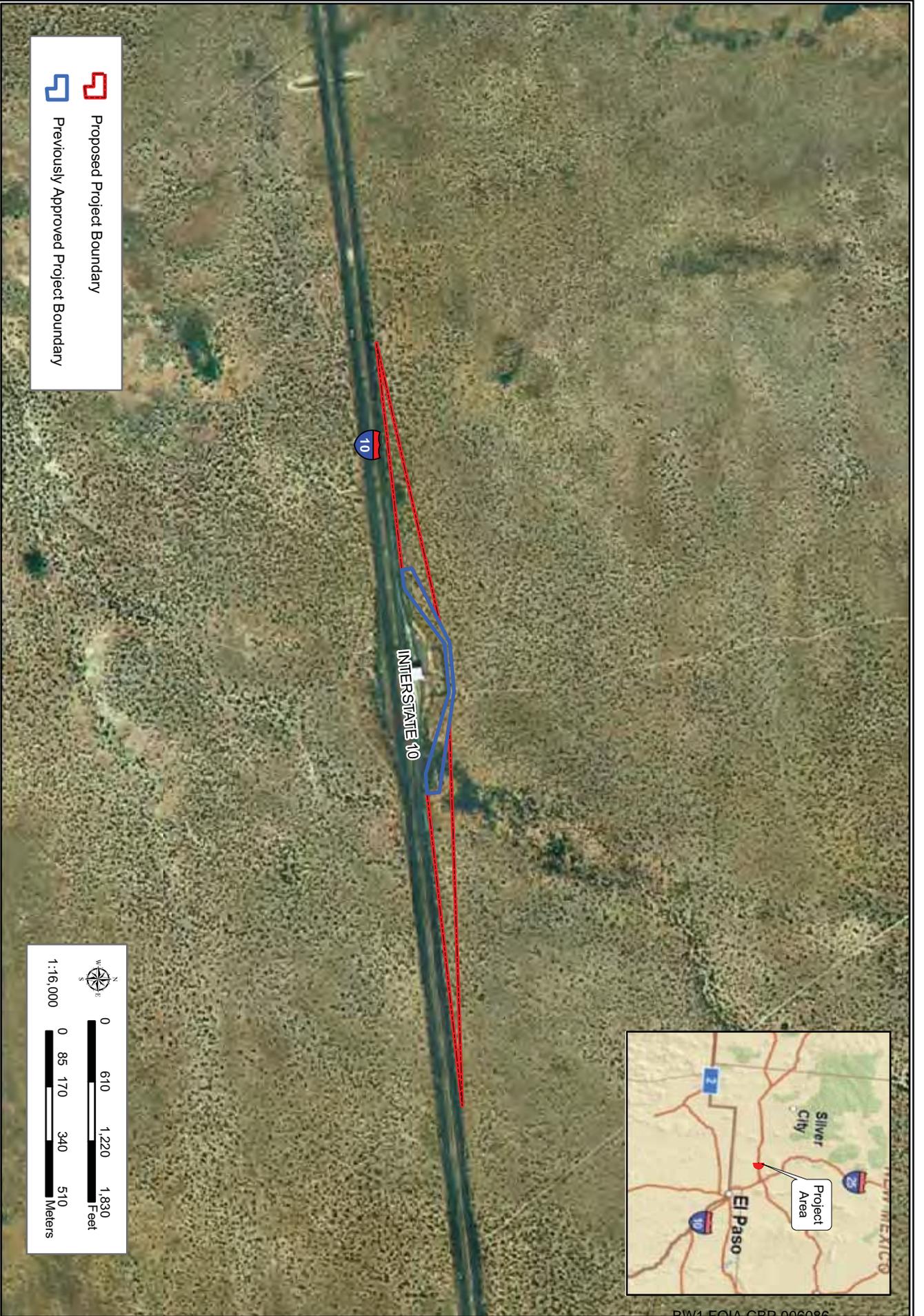


Figure 2: Project Area Map

U.S. Department of Homeland Security
Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232



**U.S. Customs and
Border Protection**

30 June 2009

Dr. Gedi Cibas
New Mexico Environment Department
Environmental Impact Review Coordinator
1190 St. Francis Drive
Santa Fe, NM 87502

Dear Dr. Cibas:

U.S. Customs and Border Protection (CBP) is preparing a Supplemental Environmental Assessment (SEA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of expanded commercial traffic lanes at the U.S. Border Patrol (USBP) I-10 Checkpoint near Las Cruces, Doña Ana County, New Mexico. The proposed traffic lanes would be constructed to accommodate the heavy truck traffic at the checkpoint, and to provide for increased separation from general civilian traffic and increase safety at the checkpoint. The expansion of the I-10 checkpoint was examined in a SEA completed in 2007, and a Finding of No Significant Impact (FONSI) was issued for the project in 2007. The new truck lanes are directly adjacent to the previous checkpoint expansion property along I-10. The project area is located approximately 18 miles west of the City of Las Cruces (Figure 1). Figure 2 shows the proposed project area boundaries on aerial photography. The additional 17 acres being added to the project footprint are owned by the State of New Mexico and the U.S. Bureau of Land Management.

We are currently in the process of gathering the most current information available regarding Federal and state resources of concern potentially occurring within the project area. CBP respectfully requests that your agency provide a list of resources of concern that occur within or near the project site, and a location map for those resources that you believe may be affected by the proposed CBP activities in Doña Ana County, New Mexico. Concerns and requirements addressed in your previous response dated February 19, 2007 will be incorporated into this SEA (your file Number: 2409ER).

We intend to provide your agency with a copy of the Draft SEA once the document is completed. Please inform us if additional copies are needed and/or if someone else within your agency other than you should receive the Draft SEA.

Your prompt attention to this request would be greatly appreciated. For additional information, please contact Mr. Mark Gable, Dallas Facilities Center, CBP, 7701 North Stemmons Freeway, Dallas, Texas 75247-4232; office telephone (214) 905-5509 or email at mark.gable@dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Margaret Hartigan', with a long, sweeping horizontal stroke extending to the right.

Margaret Hartigan, Director
Dallas Facilities Center

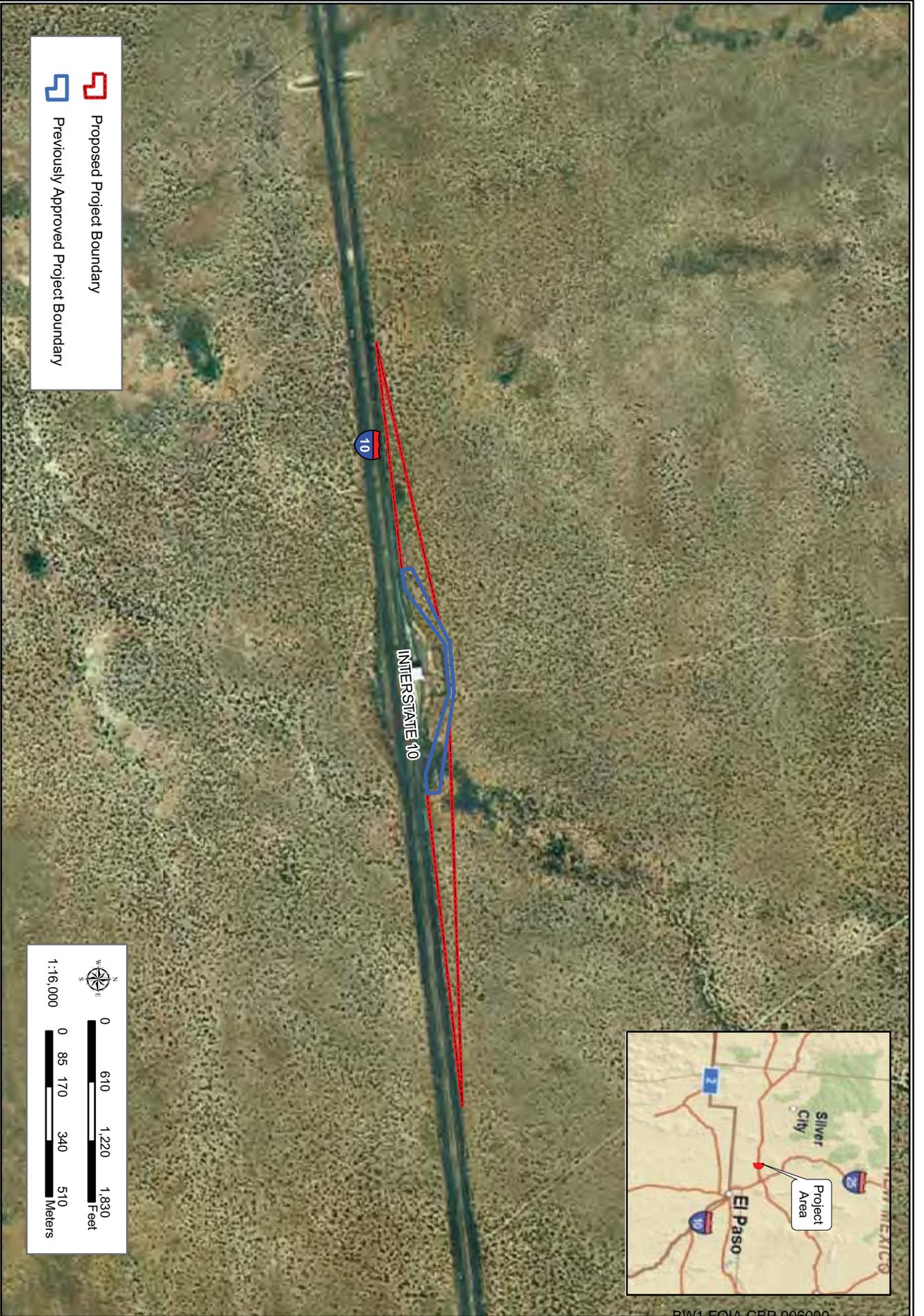
Enclosure



Figure 1: Vicinity Map



June 2009



BW1 FOIA GBP 006090

Figure 2: Project Area Map

LAS CRUCES SUN-NEWS

PROOF OF PUBLICATION

I, being duly sworn, Lou Hendren deposes and says that he is the Advertising Manager of the Las Cruces Sun-News, a newspaper published daily in the State of New Mexico; that the notice 42327 is an exact duplicate of the notice that was published once a week/day in regular and entire issue of said newspaper and not in any supplement thereof for 1 consecutive week(s)/day(s), the first publication was in the issue dated August 07, 2009 and the last publication was August 07, 2009.

Desponent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.

Signed

[Signature]
 Advertising Manager
 Official Position

STATE OF NEW MEXICO

ss.

County of Dona Ana

Subscribed and sworn before me this

11th day of September 2009

[Signature]
 Notary Public in and for

Dona Ana County, New Mexico

March 29, 2011

My Term Expires

NOTICE OF AVAILABILITY DRAFT SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT AND DRAFT FINDING OF NO SIGNIFICANT IMPACT FOR THE EXPANSION OF COMMERCIAL TRUCK LANES AT THE U.S. BORDER PATROL I-10 CHECKPOINT NEAR LAS CRUCES, NEW MEXICO

The public is hereby notified of the availability of the Draft Supplemental Environmental Assessment (SEA) and Draft Finding of No Significant Impact (FONSI) for the expansion of commercial truck lanes at the U.S. Border Patrol I-10 Checkpoint near Las Cruces, New Mexico, prepared by U.S. Customs and Border Protection. The checkpoint improvements are needed to remediate public safety concerns and traffic delays at the checkpoint. The project is located on the north side of I-10, approximately 12 miles west of Las Cruces in Dona Ana County, New Mexico. The Draft SEA and Draft FONSI are available for review and downloading from the U.S. Army Corps of Engineers, Fort Worth District's Internet web page at the following url address: <http://ecso.swf.usace.army.mil/> under the link for Documents for Public Review/Comment. Copies of the documents are also available at the Thomas Brannigan Memorial Library, 200 E. Picacho, Las Cruces, NM 88001.



OFFICIAL SEAL
 JUDY M. LUNA
 NOTARY PUBLIC, STATE OF NEW MEXICO
[Signature]
 My commission expires: 3/29/2011

LAS CRUCES SUN-NEWS

Comments will be accepted on the Draft SEA until September 7, 2009. For additional information, contact Ms. Traci Fambrough, U.S. Army Corps of Engineers, Environmental Resources Branch, 819 Taylor Street, Room 3B09, Fort Worth, Texas 76102.

Pub No. 42327

Pub Date: Aug 07,2009

← *continued from front cover*

ROW	right-of-way
SEA	Supplemental Environmental Assessment
SHPO	State Historic Preservation Officer
SO ₂	sulfur dioxide
SPCCP	Spill Prevention Control and Countermeasure Plan
SWPPP	Stormwater Pollution Prevention Plan
THPO	Tribal Historic Preservation Officer
U.S.	United States
U.S.C.	U.S. 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
USGS	U.S. Geological Survey
WUS	waters of the U.S.

