

MEMORANDUM FOR:

(b) (6)

DIRECTOR, LAGUNA FACILITY CENTER

FROM:

(b) (6)

Environmental Planning Branch Chief

(b) (6)

Environmental Planning Program Manager

(b) (6)

Environmental Officer, Laguna Facility Center

SUBJECT: Programmatic Environmental Impact Statement for Border Patrol Operations in Yuma and Tucson Sectors

BACKGROUND:

In 1999, legacy INS and its successor Customs and Border Protection (CBP) initiated a Programmatic Environmental Impact Statement (PEIS) for Border Patrol operations within Tucson and Yuma sectors. The document included facilities and operations. However, in 2002 and after the initial public review and comment period, (b) (5)

The public asked questions (e.g., you need to address impacts resulting from new border patrol stations), which could not be answered because INS had no plans or station locations at that time.

The PEIS was rewritten and resubmitted to public review. During public and the U.S. EPA review, additional questions were raised regarding why facilities were no longer included as part of the analysis. Shortly thereafter, legacy INS was disestablished by establishment of the Department of Homeland Security and Office of Border Patrol and Asset Management were integrated into the CBP.

The completion of the PEIS was further delayed when the Office of Border Patrol (OBP) initiated new and more complex operations such as the Arizona Border Control Initiative (ABCI) and the subsequent ABCI II which required additional rewrites. In addition, the PEIS was only focused on addressing legacy INS operations and did not include existing Customs operations. Subsequently, the PEIS was revised to include ABCI, excluding facilities considerations and Customs operations, and sent to CBP legal for review in late

2005. (b) (5) [redacted]
[redacted] Since the CBP legal review the OBP has initiated ABCI II and Operation Jump Start, and the Secure Border Initiative.

DISCUSSION:

Joint discussions between CBP legal, Environmental Programs Branch (b) (6) and Laguna Facilities Center (b) (6) (b) (5) [redacted]

(b) (5) [redacted]

[redacted]

[redacted]

[redacted]

In an effort to expedite operations in Coronado National Forest, the Tucson Sector of the Office of Border Patrol and Coronado National Forest personnel have advised the Chief of the Office of Border Patrol and the Chief Ranger of the Forest Service that the PEIS would cover many of the make their existing operations. The representative of the Coronado National Forest had indicated that both chiefs had requested that the documents be completed within the year. After several conversations with the Forest Service representative and after reviewing the PEIS, she felt that the final document would not be of much assistance and since the action would require an environmental assessment. In addition, once the contractor was told to proceed with corrections to the PEIS it would take at least another year to fix.

Lastly, (b) (6) [redacted] told (b) (6) [redacted] that SBI wanted to have the PEIS completed so that they could to tier from the document, (b) (5) [redacted]

Please note that there has been little to no public inquiry into the PEIS in the past 12 months. However, the US EPA have contacted (b) (6) and (b) (6) regarding the status of the PEIS. Any additional revisions to the PEIS will also require additional legal review.

This past year, CBP Environmental Branch initiated a resource gap analysis “conducted on a resource-by-resource” basis (Final Environmental Baseline Compliance Report, Ecosystems 7, 8, 9, October 2006). The report indicated that in

“many instances the level of resource-specific detail provided in the CBP-provided documents was too general or vague to determine which resources or resource categories ... were to be impacted, the degree of impact, or the necessity to comply with federal or state regulations.”

The report further indicated that

“... in cases where there were project-specific actions not tiered from a parent document, the documents typically deferred resource-specific impacts to a future activity or addressed avoidance, minimization, and mitigation in general terms. The CBP-provided NEPA compliance documents did not include compliance documentation, or agency concurrence documentation specific to the CWA, HPA, or ESA.” (Clean Water Act, Historic Preservation Act and Endangered Species Act)

The PEIS was written to support the legacy INS operations and leadership direction, both of which have changed since the existing document was prepared. (b) (5)

RECOMMENDATIONS:

(b) (5)