

**RECORD OF ENVIRONMENTAL CONSIDERATION
For Construction of a Culvert in the 242 Well Field Canal East
of the San Luis Point of Entry and Within the United States
Customs and Border Protection's Border Infrastructure System,
Yuma Sector, Arizona**

October 19, 2007

This Record of Environmental Consideration (REC) has been prepared in accordance with the National Environmental Policy Act (NEPA) and the Department of Homeland Security's (DHS) Management Directive (MD) 5100.1.

Description of Proposed Action: The proposed action is to replace approximately 250 feet of the concrete lined 242 Well Field Canal with concrete culvert for the purpose of traversing the canal with an all-weather patrol road. The existing trapezoidal canal flows into a concrete culvert approximately 75 feet north of the international boundary.

(b) (7)(E)

San Luis, Arizona (Figure 1). The scope of the construction also includes removing the existing foot bridge over the 242 Well Field Canal, hauling the foot bridge to an existing facility designated by the Bureau of Reclamation (Reclamation), constructing an approximately 250-foot concrete culvert and associated all-weather patrol road crossing. The United States (U.S.) Customs and Border Protection's (CBP) Supplemental Environmental Assessment for the Installation of Permanent Security Lighting and a Border Infrastructure System, Office of Border Patrol Yuma Sector, Arizona (March 2007) discussed removal of the existing footbridge and construction of a pre-engineered bridge at this location.

Purpose and Need: Reclamation is the Federal agency responsible for the management of the canal system, which includes the 242 Well Field Canal, which supply freshwater to Mexico near San Luis, Arizona. During the review of the pre-engineered bridge plans and after the Finding of No Significant Impact (FONSI) for the 2007 Supplemental Environmental Assessment (SEA) had been signed, Reclamation requested that CBP extend the existing concrete culvert in the 242 Well Field Canal northward approximately 250 feet in lieu of constructing a pre-engineered bridge over the canal. Construction of a culvert would facilitate Reclamation's canal maintenance activities in this area. The purpose of the proposed action is to comply with the request from Reclamation to construct a culvert in lieu of a pre-engineered bridge. The need for the proposed action is to enhance border security and enforcement capability.

Background: As part of their overall mission to gain operational control of our nation's borders, CBP, Yuma Sector has initiated construction of a border infrastructure system. In December of 2004, the Final Environmental Assessment (EA) for the Installation of

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Permanent Lighting and a Border Infrastructure System was completed for the CBP, Yuma Sector. The Finding of No Significant Impact (FONSI) was signed and submitted with the Final EA on December 17, 2004. This project consisted of construction of 13 miles of infrastructure system, which included permanent security lights, a secondary fence, all-weather patrol road, maintenance road, and security fence (see Figure 1). This infrastructure would create a 150-foot border infrastructure system adjacent to and paralleling the U.S. - Mexico border near San Luis, Arizona.

In March of 2007 the Final SEA for the Installation of Permanent Lighting and a Border Infrastructure System was completed for the CBP, Yuma Sector. The Finding of No Significant Impact (FONSI) was signed on March 8, 2007. After the completion of the original EA (December 2004), the CBP determined that the border infrastructure system needed to be extended northward from the international border approximately 1.5 miles, somewhat parallel to the Colorado River, primarily due to changes in the enforcement environment that occurred after the original EA was completed. This project consisted of extending the border infrastructure system northward 1.5 miles from the international border somewhat parallel to the Colorado River, re-clearing and maintenance of vegetation on an approximately 164-acre area west of the Bypass Drain (also known as the Salinity Canal) and an approximately 35-acre area east of the Bypass Drain, and removal and replacement of three existing footbridges with vehicle bridges. The 164-acre and 35-acre areas were previously cleared of all non-native vegetation by Bureau of Land Management (BLM) in December 2004 under BLM Categorical Exclusion CX-AZ-320-2005-12 (Hazardous Fuels Reduction and Emergency Safety Hazard Removal).

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In 1999 the former Joint Task Force - Six prepared an EA in support of permanent lighting infrastructure in Yuma County, Arizona and Imperial County, California. The legacy Immigration Naturalization Service (INS) prepared a Supplemental Environmental Impact Statement (EIS) for INS and Joint Task Force - Six activities along the southwest border. These documents are:

- Final Environmental Assessment Joint Task Force Six Proposed Lighting Project Yuma County, Arizona, Imperial County, California (May 1999)
- Supplemental Programmatic Environmental Impact Statement for Immigration Naturalization Service and Joint Task Force Six Activities along the United States-Mexico Border (June 2001)

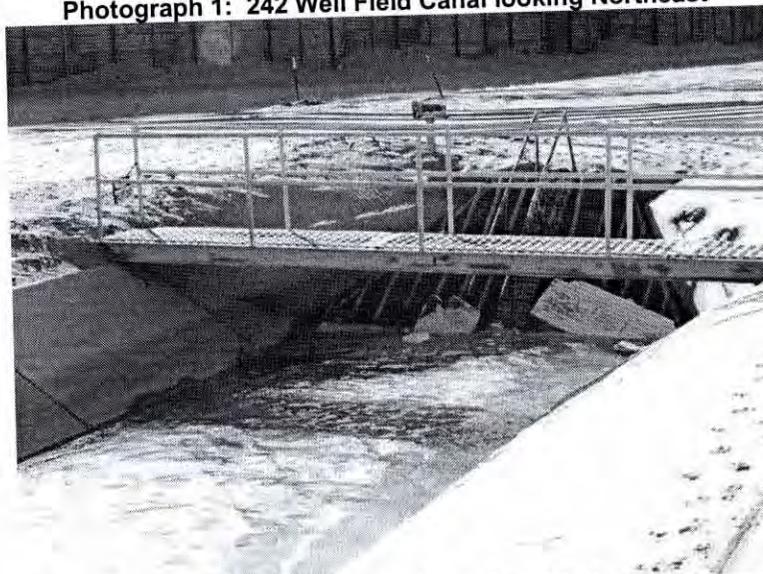
The 2004 EA and 2007 SEA for the Installation of Permanent Lighting and a Border Infrastructure System were tiered from the 2001 PEIS listed above.

These analyses have concluded that potential impacts are insignificant or they could be mitigated by implementing best management practice measures. These documents have concluded with a FONSI and have determined that significant environmental impacts would not occur as a result of building the border infrastructure system.

Condition of Existing Environment: The 242 Well Field Canal is a concrete-lined canal constructed for the purpose of supplying fresh water to Mexico in agreement with international treaties (Photograph 1). Currently, the canal empties into a concrete culvert just prior to crossing the international border (Photograph 2). The existing footbridge over the 242 Well Field Canal is located within the 150-foot border infrastructure system corridor (Photograph 3). This area is highly disturbed with little to no vegetation from the construction of the canal itself, Reclamation's canal maintenance activities, and border enforcement activities (see Photograph 1). Access roads are maintained on both sides of the canal.



Photograph 1: 242 Well Field Canal looking Northeast



Photograph 2: Existing Culvert extending North from United States/Mexico Border



Photograph 3: Existing Footbridge over the 242 Well Field Canal looking East along the Border

Discussion and Environmental Analyses: The use of a Categorical Exclusion and REC for the proposed action is the appropriate level of environmental analysis documentation based on the following determination:

1. The entire action clearly fits within one or more of the categories of excludable actions identified in the DHS MD 5100.1, Section 3.3;
2. The action is not a piece of a larger action; and
3. No extraordinary circumstances exist based on the absence of:
 - (a) A potentially significant effect on public health or safety.
 - (b) A potentially significant affect on species or habitats protected by the Endangered Species Act, Marine Mammal Protection Act, The Migratory Bird Treaty Act, or Magnuson-Stevens Fishery Conservation and Management Act.
 - (c) A potentially significant effect on a district, site, highway, structure, or object that is listed in or eligible for listing in the National Register of Historic Places, affects a historic or cultural resource or traditional and sacred sites, or the loss or destruction of a significant scientific, cultural, or historic resource.
 - (d) A potentially significant effect on an environmentally sensitive area.
 - (e) A potential or threatened violation of a Federal, state, or local law or administrative determination imposed for the protection of the environment.
 - (f) An effect on the quality of the human environment that is likely to be highly controversial in terms of scientific validity, likely to be highly uncertain, or likely to involve unique or unknown environmental risks.

- (g) Employment of new technology or unproven technology that is likely to involve unique or unknown environmental risks, where the effect on the human environment is likely to be highly uncertain, or where the effect on the human environment is likely to be highly controversial in terms of scientific validity.
- (h) Extent to which a precedent is established for future actions with significant effects.
- (i) Significantly greater scope or size than normally experienced for a particular category of action.
- (j) Potential for significant degradation of already existing poor environmental conditions. Also, initiation of a potentially significant environmental degrading influence, activity, or effect in areas not already significantly modified from their natural condition.
- (k) Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts.

The proposed action clearly fits within Categorical Exclusions defined by DHS's MD 5100.1 item E2* which states:

"New construction upon or improvement of land where all of the following conditions are met:

- (a) The structure and proposed use are compatible with applicable local planning and zoning standards.*
- (b) The site is in a developed area and/or a previously disturbed site.*
- (c) The proposed use will not substantially increase the number of motor vehicles at the facility or in the area.*
- (d) The site and scale of construction or improvement are consistent with those of existing, adjacent, or nearby buildings.*
- (e) The construction or improvement will not result in uses that exceed existing support infrastructure capacities (roads, sewer, water, parking, etc.)."*

Furthermore, construction of a vehicle bridge over the 242 Well Field Canal was covered under the 2007 CBP SEA and the border corridor has been previously degraded by the construction of the canal itself, Reclamation's canal maintenance activities, and border enforcement actions. Biological and cultural resources surveys conducted as part of the 2004 CBP EA did not identify any significant biological or cultural resources in the 150-foot border infrastructure system corridor. The culvert would extend approximately 70 feet north of the 150-foot corridor surveyed as part of the 2004 CBP EA (see Figure 1). However, this area is highly disturbed and is currently used and maintained as an access road along the north side of the canal. Environmental impacts associated with the proposed action would be similar to those described in the 2004 CBP EA and 2007 CBP EA. No historic resources within the

border corridor have been or would be impacted by activities covered in the CBP EA and SEA. Therefore, the 2004 CBP EA and 2007 CBP SEA remain the most appropriate environmental planning documents.

Conditions: If the proposed action extends beyond the scope of this REC, additional analysis will be required under NEPA and DHS MD 5100.1. Ground disturbance from these construction activities would be limited to the previously disturbed areas adjacent to the 242 Well Field Canal.

CBP has contacted all appropriate cooperating agencies to inform them of CBP construction plan. In the event that historic or archaeological artifacts are discovered during the construction of the proposed action, all activity in the vicinity of the discovered historic or cultural resource will cease and the appropriate Tribal and State Historic Preservation Officer will be contacted for direction and guidance.

CBP will obtain all necessary environmental permits and implement best management practices, such as dust mitigation measures, for the reconstruction efforts.

Migratory bird surveys will be conducted during the breeding season (typically March 1 to September 1) prior to any ground disturbing activities.

Conclusion: Based on the limited scope of the proposed action, the highly disturbed location, the previously completed environmental analyses, and the absence of "extraordinary circumstances" a REC is the appropriate level of environmental analysis and documentation for this action and does not require further analysis in the form of an EA or EIS. Should the proposed action expand in scope, require the issuance of regulatory permits for new operations, or identify previously unknown "extraordinary circumstances" as defined in MD 5100.1, additional environmental analysis and documentation may be required.

Recommended:
Project Proponent:

pot [Redacted Signature] (b)(6)
Chief Patrol Agent, Yuma Sector

10-19-07
Date

Approved:

fn [Redacted Signature] (b)(6)
Eugene H. Schied
Assistant Commissioner
Office of Finance and Administration

1/2/08
Date



United States Department of the Interior



BUREAU OF RECLAMATION
Yuma Area Office
7301 Calle Agua Salada
Yuma, Arizona 85364

IN REPLY REFER TO:

YAO-7120
LND-6.00

DEC 21 2007

(b)(6)

Chief Patrol Agent
Department of Homeland Security
Bureau of Customs and Border Protection
United States Border Patrol
4035 South Avenue A
Yuma, AZ 85365

Subject: United States Border Patrol (Border Patrol), Yuma Sector - Engineering Review of Proposed Crossing of Bureau of Reclamation (Reclamation) Facility - 242 Lateral - Protective and Regulatory Pumping Unit, Title I Division, Colorado River Basin Salinity Control Project, Arizona

Dear (b)(6)

This letter is in response to Border Patrol's recent submittal of design proposals for construction of an access structure across a Reclamation facility commonly referred to as the 242 Lateral (Lateral).

Originally, design plans for a bridge structure were submitted for Reclamation's review. As you are aware, Reclamation has determined that the proposed bridge design would significantly impair our ability to operate and maintain the Lateral and will not be authorized. The proposed location of the bridge is in the proximity of an existing siphon structure and trash rack. A bridge would interfere with siphon, trash rack and Lateral maintenance activities and create a substantial safety hazard for maintenance personnel conducting necessary cleaning, repair and maintenance activities.

Reclamation requires instead that the existing siphon structure be extended a distance of approximately 240 feet. A cursory review by Reclamation of conceptual design plans for this extension conclude that the overall concept is acceptable to Reclamation.

However, critical design features, normally shown only in final design plans and specifications, were not available for review. You will be advised of our immediate design concerns under separate letter. Once Reclamation receives and reviews acceptable final design plans and specifications, you will be advised of any concerns.

Use authorization to construct the siphon extension will be granted contingent upon resolution of any concerns of Reclamation may have regarding the final design package.

If you have any further questions or concerns please feel free to contact (b)(6)(b)(7)(C)
(b)(6)(b)(7)(C)
(b)(6)(b)(7)(C)

Reclamation appreciates your coordination efforts with our agency and supports your ongoing border security projects.

Sincerely,

(b)(6)

Resource Management Office

cc:

(b)(6)

Project Manager, Transportation Programs
Jacobs Carter Burgess
101 North 1st Avenue, Suite 3100
Phoenix, AZ 85003

Customs and Border Protection Document Routing Form

Congressional
 DHS
 Routine
 FYI

Date: **12/27/07**

FROM	Writer's Name: (b)(6)		Office: AM		Executive Secretariat Staff Tracking No.: TRACKING #	
	Telephone: (b)(6)		Room No.: 3.415		Subject: Review & Approval - 242 Well Field Canal REC - CUBEA	
To: Commissioner Deputy Commissioner Chief of Staff Senior Policy Advisor Senior Policy Advisor Spec. Asst. to Dep. Commissioner Program Manager ESS			Initials: Date:		Comments - Commissioner's Staff Only	
Anti-Terrorism		Finance (b)(6)		Public Affairs Asst. Commissioner		
Border Patrol Chief		3 Acting Exec Dir (b)(6) 12/28/07 2 PDC 1 Issuance Review (b)(6)		Regulations & Rulings Asst. Commissioner		
Chief Counsel		Human Resources Management Asst. Commissioner		Strategic Trade Asst. Commissioner		
Congressional Affairs Asst. Commissioner		Information and Technology Asst. Commissioner		The Interdiction Committee		
Equal Employment Opportunity		Internal Affairs Asst. Commissioner		Trade Relations		
Field Operations Asst. Commissioner		International Affairs Asst. Commissioner		Training and Development Asst. Commissioner		
		Investigations Asst. Commissioner		Office Comments Please sign by: 1/43/08 TTS20073105		
		Planning and Policy				

HQ 123 (03/03)



U.S. Customs and
Border Protection

MEMORANDUM FOR: Eugene H. Schied
Assistant Commissioner
Office of Finance

FROM: Robert F. Janson
Acting Executive Director
Asset Management

SUBJECT: Review and Approval of Record of Environmental Consideration
for Construction of a Culvert in the 242 Well Field Canal East of
the San Luis Point of Entry and Within the United States Customs
and Border Protection Infrastructure System, Yuma Sector,
Arizona

Attached for your review and signature is the Record of Environmental Consideration (REC) for Construction of a Culvert in the 242 Well Field Canal East of the San Luis Point of Entry and Within the United States Customs and Border Protection Infrastructure System, Yuma Sector, Arizona.

This REC supports that the replacement of concrete which currently lines 242 Well Field Canal with a concrete culvert all-weather patrol road crossing is covered under the Categorical Exclusion E2 in the Department of Homeland Security, Environmental Planning Management Directive 5100.1. This replacement is being made at the request of the Bureau of Reclamation (BOR) and the area was previously analyzed in the March 2007 CBP EA entitled *Supplemental Environmental Assessment for the Installation of Permanent Security Lighting and Border Infrastructure System, Office of Border Patrol, Yuma Sector, Arizona*.

This REC was signed by the project proponent on October 19, 2007, prior to Delegation 07-011, and was held pending the receipt of formal request by BOR to alter the proposed action. I recommend that you sign the attached REC as requested. If you have any additional questions or require additional information, please contact (b)(6)

(b)(6)

Robert F. Janson

Attachment(s)