



## **APPENDIX C**

### Draft Scoping Summary Report





**SCOPING REPORT**

**FOR THE**

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

*Prepared for:*

**U.S. Customs and Border Patrol**

*Prepared by:*



**OCTOBER 2007**



**SCOPING REPORT  
SAN DIEGO SECTOR TACTICAL INFRASTRUCTURE EIS**

**TABLE OF CONTENTS**

**1. INTRODUCTION..... 1**

**2. THE NEPA PROCESS AND THE EIS ..... 2**

**3. PUBLIC INVOLVEMENT PROCESS ..... 4**

**4. PUBLIC SCOPING RESULTS ..... 5**

    4.1 Issues and Concerns..... 5

**5. NEXT STEPS ..... 10**

**APPENDICES**

- A Notice of Intent**
- B Newspaper Ads**
- C Web site**
- D Agency Letters**

**TABLES**

4-1. Summary of Comments During the San Diego Tactical Infrastructure Scoping Comment Period..... 5

5-1. Public Input Process for the San Diego Tactical Infrastructure EIS ..... 10

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# 1. INTRODUCTION

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

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

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

27

## 2. THE NEPA PROCESS AND THE EIS

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

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

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

4

### 3. PUBLIC INVOLVEMENT PROCESS

1  
2 CBP invited comments from the public to help determine the scope of the EIS by  
3 publishing an NOI in the *Federal Register* (72 FR 184) on September 24, 2007.  
4 The NOI provided background information on the Proposed Action, the EIS, a  
5 description of the scoping process, and a discussion of alternative methods for  
6 the public to provide comments. A copy of the NOI is included in **Appendix A** of  
7 this Scoping Report.

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

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

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

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

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

**4. PUBLIC SCOPING RESULTS**

**4.1 ISSUES AND CONCERNS**

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

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

Comment Type	Summary of Concerns Raised in Scoping Comments
Alternatives suggested	<ul style="list-style-type: none"> <li>• Continuous fence along entire US/Mexico border (double or triple layer)</li> <li>• Enforce immigration laws better</li> <li>• Armed forces along the entire border</li> <li>• Improve law enforcement options: immigration/deportation</li> <li>• Change/alter laws (do not allow a child born to an illegal to obtain citizenship)</li> <li>• Stronger enforcement and harsher penalties for employers that hire illegal immigrants, harsher penalties to illegal border crossers</li> <li>• Build “bridges of compassion and understanding” and stronger enforcement and harsher penalties for employers that hire illegal immigrants</li> <li>• More USBP agents, hi-tech patrolling, and guard dogs in lieu of fence</li> <li>• Use numerous contractors to build fence along entire border and give incentives for finishing early</li> <li>• Solid fence (this would give the appearance to the illegal border crossers that the “grass is not greener on the other side”)</li> <li>• Manned towers and electronic surveillance instead of fence</li> <li>• Use salvaged land mines along border instead of fence</li> <li>• Detain illegal crossers and set up prison camp along border and using detained persons for building the fence</li> <li>• Vehicle barriers instead of fence</li> <li>• Sterilize mothers of anchor babies</li> <li>• See through plastic fence</li> </ul>

Comment Type	Summary of Concerns Raised in Scoping Comments
Changes to fence design	<ul style="list-style-type: none"> <li>• Machine gun nests on fence every few miles</li> <li>• Water cannons on top of fence controlled from “Command Center”</li> <li>• Include razor wire on top of fence to prevent scaling, or some type of spikes to prevent use of rope, razor wire should extend 30–40 feet from base of fence</li> <li>• Electrified fence</li> <li>• Fence with surveillance (e.g., camera/video, sensors, lasers, and underground sensors)</li> <li>• Replace all run-down existing fences in addition to building a double layer fence for entire border</li> <li>• Fence should be made of noncorrosive material and a minimum 3-foot-deep concrete foundation</li> <li>• Include a mine field along the fence and manned gun turrets every 300 yards or include mines between a double layered fence</li> <li>• Minimum design criteria should include that the materials be low maintenance (core 10 steel and salt/air resistant) and modular (easy to replace/repair)</li> <li>• Height of fence should be 50 feet above ground and extend 25 feet below ground.</li> <li>• Fence should duplicate the Israelis</li> <li>• Fence should include small openings for animals</li> <li>• Needs to have a technology to detect tampering</li> <li>• Aesthetics should not be considered, just effectiveness</li> <li>• Fence should be equipped with a system to alert of trespassers</li> <li>• Fence should be constructed of concrete and at least 30–50 feet high</li> <li>• Double layer fence should have ditch, trench, or concrete blockers to stop all traffic</li> <li>• Use unmanned aerial vehicles with 30-caliber gatling guns and FLIR (forward looking infrared radar), or unmanned aerial surveillance</li> <li>• The fence should have a net at the top to catch anyone trying to jump/climb over</li> <li>• Fence should have sensors to detect those that try to tunnel underneath</li> <li>• A moat should supplement the fence</li> <li>• Eliminate surfaces on the fence that will allow people to jump over the fence</li> </ul>

Comment Type	Summary of Concerns Raised in Scoping Comments
EIS Process	<ul style="list-style-type: none"> <li>• EIS should be waived</li> <li>• EIS should also consider the negative impact the illegal immigrants create when crossing the border</li> <li>• Need to explain DHS’s process for bypassing environmental laws and regulations and whether there is an intention to do so for this project</li> <li>• USBP’s future plans to build additional border walls should be evaluated to avoid segmenting the entire project’s effects</li> <li>• Effectiveness of other border projects needs to be evaluated</li> <li>• A clear statement of purpose and need should be included</li> <li>• Cumulative impacts should focus on resources of concern and clearly identify the resources analyzed, the resources not analyzed, and why</li> <li>• The environmental baseline should be assessed prior to recent, intensive development in the area</li> </ul>
Other/Questions raised	<ul style="list-style-type: none"> <li>• What will stop people from tunneling underneath the fence?</li> <li>• Who watches the areas that have a natural flow of water?</li> <li>• Why don’t we have to the same on the Canada border?</li> <li>• Communicate and work with many environmental orgs and security companies to determine the best implementation of the fence</li> <li>• Companies which have won the construction bid should be penalized if they are unable to meet design criteria or schedule</li> <li>• ID verification in welfare offices, schools, or any taxpayer funded service – we need a national fraud proof ID</li> <li>• Will other sections of the fence be repaired that currently have damage (e.g., Yuma Sector)</li> <li>• Need to revise laws for existing illegal aliens to revoke privileges and rights given to immigrants</li> <li>• Fence should not change historic surface runoff characteristics at international border</li> <li>• Should not preclude the access of U.S. IBWC maintenance personnel</li> </ul>
Geology and Soils	<ul style="list-style-type: none"> <li>• Impact from illegal border crossers: Erosion of areas with elevation due to the frequent paths carved into the hill</li> </ul>

Comment Type	Summary of Concerns Raised in Scoping Comments
Water Resources	<ul style="list-style-type: none"> <li>• EIS should discuss original (natural) drainage patterns and should identify whether any components are within the 50- or 100-year floodplain</li> <li>• Changes to existing drainage patterns should be evaluated</li> <li>• Should meet the requirements of CWA Section 402</li> <li>• Work with the USACE to see if a 404 permit under CWA is needed</li> </ul>
Biological Resources	<ul style="list-style-type: none"> <li>• Impact from illegal border crossers: Frequent burning of sensitive areas affecting plants and wildlife, trampling (foot and vehicular) of protected plant and small animal species</li> <li>• Impact from illegal border crossers: Destruction of cacti (made by Native American 2594)</li> <li>• If needed, build another reserve to transplant fauna and flora affected by fence</li> <li>• Efforts be undertaken to examine potential impacts on the endangered Quino Checkerspot Butterfly and other threatened and endangered species</li> <li>• Prepare an inventory of present wildlife so that the fence design can consider modes of transport and whether or not the fence would obstruct every inventoried species' mode of transport</li> <li>• Follow EO 13112 regarding invasive species</li> <li>• Impact of borders and fences on animal movements and migrations.</li> <li>• Include analysis of nocturnal species movements and patterns from lighting.</li> </ul>
Cultural Resources	<ul style="list-style-type: none"> <li>• Follow EO 13175, 13007</li> <li>• Describe process and outcome of government to government consultation between the U.S. and USBP and each of the tribal governments</li> </ul>

Comment Type	Summary of Concerns Raised in Scoping Comments
Air Quality	<ul style="list-style-type: none"> <li>• San Diego County is currently in nonattainment for the 8-hour ozone NAAQS</li> <li>• Discussion of ambient air conditions (baseline or existing conditions), NAAQS, criteria pollutant nonattainment areas, and potential air quality impacts of the project (direct and cumulative)</li> <li>• Should include analysis of construction-related emissions</li> <li>• The EIS should address the applicability of Clean Air Act Section 176 and USEPA’s general conformity regulations at 40 CFR Parts 51 and 93</li> <li>• Mitigation measures could include reducing DPM and other pollutants with particle traps, using specialized catalytic converters (oxidation catalysts), properly tune diesel equipment, prohibit engine tampering to increase horsepower, distance certain equipment away from residences, require low sulfur diesel, using newer equipment, adopt a construction emissions mitigation plan</li> </ul>
Aesthetics and Visual Resources	<ul style="list-style-type: none"> <li>• Impact from illegal border crossers: Dumping of trash, feces, and urine</li> </ul>
Hazardous Materials and Wastes	<ul style="list-style-type: none"> <li>• Impacts from illegal border crossers: Leakage of hazardous materials such as antifreeze, engine oil, transmission fluid from vehicles (owned by illegal border crossers) lacking proper maintenance to prevent the discharge into environmentally sensitive areas</li> </ul>
Socioeconomics and Environmental Justice	<ul style="list-style-type: none"> <li>• Impacts on the OMW should be evaluated</li> </ul>

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## 5. NEXT STEPS

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

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

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

16  
 17

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

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

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**SCOPING REPORT  
APPENDIX A  
NOTICE OF INTENT**

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

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

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

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

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

potential impacts and alternatives that should be addressed in the EIS.

**FOR FURTHER INFORMATION CONTACT:** Visit <http://www.BorderFenceNEPA.com> or e-mail:

[information@BorderFenceNEPA.com](mailto:information@BorderFenceNEPA.com). Written requests for information may be submitted to: Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St., Room 3A14, Fort Worth, Texas 76102; Phone: (817) 886-1585; and Fax: (817) 886-6404.

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

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

One segment is approximately 3.4 miles long and would start at the Pueblo Tree and end at boundary monument 250. The proposed segment would be adjacent to and south of the Otay Mountain Wilderness; would follow the Pack Truck Trail; and would not connect to any existing fence. The Otay Mountain Wilderness is on public lands administered by the Bureau of Land Management (BLM), U.S. Department of the Interior in San Diego County, California. The wilderness boundary is at least 100 feet from the U.S./Mexico border, and the proposed fence would occur in this corridor between the U.S./Mexico border and the wilderness boundary. However, due to steep topography, a portion of road or other tactical infrastructure might encroach into the wilderness area.

The second segment would be approximately 0.6 miles long and would connect with existing border fence west of Tecate. This fence segment is an extension of existing fence up Tecate Peak and would pass through a riparian area. This proposed fence segment would be on privately owned land.

Potential alternatives for environmental impacts analysis will consider location, construction, and operation of tactical infrastructure. Potential alternatives must meet the need to gain effective control of our nation's borders, as well as essential technical, engineering, and economic threshold requirements to ensure that the Proposed Action is environmentally sound, economically viable, and meets all applicable laws and regulations.

The EIS will comply with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations in 40 CFR Parts 1500-1508, and Department of Homeland Security (DHS) Management Directive 5100.1 (*Environmental Planning Program*).

Consistent with 40 CFR 1508.28, the EIS will analyze the site-specific environmental impacts of the proposed action which were broadly described in two previous programmatic EISs prepared by the former U.S. Immigration and Naturalization Service (which now falls under the responsibility of CBP), Department of Defense, and Joint Task Force 6 (JTF-6). The *Programmatic EIS for JTF-6 Activities Along the U.S./Mexico Border*, August 1994, and its supplementing document, *Supplemental Programmatic EIS for INS and JTF-6 Activities*, June 2001, were prepared to address the cumulative effects of past and reasonably foreseeable projects undertaken by JTF-6 for numerous law enforcement agencies within the four southwestern states (California, Arizona, New Mexico, and Texas). These documents can be obtained from the U.S. Army Corps of Engineers, Fort Worth District, Engineering Construction and Support Office Web site, at <https://ecso.swf.usace.army.mil/>; by sending an e-mail to [charles.mcgregor@swf02.usace.army.mil](mailto:charles.mcgregor@swf02.usace.army.mil); or by mailing a request to: Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St., Room 3A14, Fort Worth, Texas 76102.

**Public Participation:** Pursuant to the Council on Environmental Quality's regulations, CBP invites public participation in the NEPA process. This notice requests public participation in the scoping process, establishes a public comment period, and provides information on how to participate.

Public scoping is an open process for determining the scope of the EIS and identifying significant issues related to the proposed action. Anyone wishing to provide comments, suggestions, or relevant information on the Proposed Action may do so as follows:

54278

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

You may submit comments to CBP by contacting the SBInet, Tactical Infrastructure Program Office. To avoid duplication, please use only one of the following methods:

(a) Electronically through the Web site at: <http://www.BorderFenceNEPA.com>;

(b) By e-mail to: [SDcomments@BorderFenceNEPA.com](mailto:SDcomments@BorderFenceNEPA.com);

(c) By mail to: San Diego Tactical Infrastructure EIS, c/o e<sup>2</sup>M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031; or

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

Comments and related material must reach CBP by October 15, 2007. CBP will consider all comments and material received during the NOI comment period. If you submit a comment, please include your name and address, and identify your comments as for the San Diego Sector EIS. Comments received after October 15, 2007 will receive responses following the publication of the draft EIS.

This scoping period is not the only opportunity you will have to comment. A draft EIS will be prepared, and prior to the development of a final EIS, CBP will release the draft EIS for public review. At that time, a Notice of Availability (NOA) will be published in the **Federal Register**, the *San Diego Union Tribune*, and the *San Diego Daily Transcript*. The NOA will announce the availability of the draft EIS, how to obtain a copy, and the dates, times, and places of any associated public informational meetings.

Dated: September 19, 2007.

**Eugene H. Schied,**

*Assistant Commissioner, Office of Finance.*

[FR Doc. E7-18830 Filed 9-21-07; 8:45 am]

BILLING CODE 9111-14-P

**SCOPING REPORT  
APPENDIX B**

**NEWSPAPER ADS**

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San Diego Union-Tribune, 9/24/07

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

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

The EIS will comply with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations in 40 CFR Parts 1500–1508, and Department of Homeland Security (DHS) Management Directive 5100.1 (Environmental Planning Program).

Consistent with 40 CFR 1508.28, the EIS will analyze the site-specific environmental impacts of the Proposed Action, which were broadly described in two previous programmatic EISs prepared by the former U.S. Immigration and Naturalization Service (INS) (which now fall under the responsibility of CBP), Department of Defense, and Joint Task Force 6 (JTF-6). The Programmatic EIS for JTF-6 Activities Along the U.S./Mexico Border, August 1994, and its supplementing document, Supplemental Programmatic EIS for INS and JTF-6 Activities, June 2001, were prepared to address the cumulative effects of past and reasonably foreseeable projects undertaken by JTF-6 for numerous law enforcement agencies within the four southwestern states (California, Arizona, New Mexico, and Texas). These documents can be obtained from the U.S. Army Corps of Engineers, Fort Worth District, Engineering Construction and Support Office website, at <https://ecso.swf.usace.army.mil>; by sending an email request to [charles.mcgregor@swf02.usace.army.mil](mailto:charles.mcgregor@swf02.usace.army.mil); or by mailing a request to Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St., Room 3A14, Fort Worth, Texas 76102.

Pursuant to the Council on Environmental Quality's regulations, CBP invites public participation in the NEPA process. This notice requests public participation in the scoping process, establishes a public comment period, and provides information on how to participate. Public scoping is an open process for determining the scope of the EIS and identifying significant issues related to the Proposed Action. Anyone wishing to provide comments, suggestions, or relevant information on the Proposed Action may do so as follows:

- (a) Electronically through the web site at [www.BorderFenceNEPA.com](http://www.BorderFenceNEPA.com);
- (b) By email to [SDcomments@BorderFenceNEPA.com](mailto:SDcomments@BorderFenceNEPA.com);
- (c) By mail to: San Diego Tactical Infrastructure EIS, c/o e<sup>2</sup>M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031; or
- (d) By fax to 757-257-7643.

Comments and related material must reach CBP by October 15, 2007. CBP will consider all comments and material received during the NOI comment period. If you submit a comment, please include your name and address, and identify your comments as for the San Diego Sector EIS. Comments received after October 15, 2007 will receive responses following the publication of the draft EIS.

San Diego Daily Transcript, 09/24/07

**CERTIFICATE OF PUBLICATION**

Lauri Watson  
 Engineering-environmental Management, Inc. (e2M)  
 2751 Prosperity Ave. Suite 200  
 Fairfax VA 22031

**IN THE MATTER OF**

**CASE NO.**

**Environment Impact Statement**

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

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

The EIS will comply with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations in 40 CFR Parts 1500-1508, and Department of Homeland Security (DHS) Management Directive 5100.1 (Environmental Planning Program).

Consistent with 40 CFR 1508.28, the EIS will analyze the site-specific environmental impacts of the Proposed Action, which were broadly described in two previous programmatic EISs prepared by the former U.S. Immigration and Naturalization Service (INS) (which now falls under the responsibility of CBP), Department of Defense, and Joint Task Force 6 (JTF-6). The Programmatic EIS for JTF-6 Activities Along the U.S./Mexico Border, August 1994, and its supplementing document, Supplemental Programmatic EIS for INS and JTF-6 Activities, June 2001, were prepared to address the cumulative effects of past and reasonably foreseeable projects undertaken by JTF-6 for numerous law enforcement agencies within the four southwestern states (California, Arizona, New Mexico, and Texas). These documents can be obtained from the U.S. Army Corps of Engineers, Fort Worth District, Engineering Construction and Support Office website at <https://wco.usace.army.mil> by sending an email request to [charles.mcgregor@sw02.usace.army.mil](mailto:charles.mcgregor@sw02.usace.army.mil) or by mailing a request to Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 919 Taylor St., Room 3A14, Fort Worth, Texas 76102.

Pursuant to the Council on Environmental Quality's regulations, CBP invites public participation in the NEPA process. This notice requests public participation in the scoping process, establishes a public comment period, and provides information on how to participate. Public scoping is an open process for determining the scope of the EIS and identifying significant issues related to the Proposed Action. Anyone wishing to provide comments, suggestions, or relevant information on the Proposed Action may do so as follows:

- (a) Electronically through the web site at [www.BorderFenceNEPA.com](http://www.BorderFenceNEPA.com)
- (b) By email to [SDComments@BorderFenceNEPA.com](mailto:SDComments@BorderFenceNEPA.com)
- (c) By mail to: San Diego Tactical Infrastructure EIS, c/o e2M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031
- (d) By fax to 757-257-7543.

Comments and related material must reach CBP by October 15, 2007. CBP will consider all comments and material received during the NOI comment period. If you submit a comment, please include your name and address, and identify your comments as for the San Diego Sector EIS. Comments received after October 15, 2007 will receive responses following the publication of the draft EIS. Pub. Sep 24-00030874

I, Cathy L. Krueger, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not party to or interested in the above entitled matter. I am the principal clerk of the San Diego Transcript, a newspaper of general circulation, printed and published daily, except on Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

**Notice of Intent**

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

**September 24**

I certify under penalty of perjury that the forgoing is true and correct.

Dated at San Diego, California this September 24, 2007

*Cathy L. Krueger*  
 \_\_\_\_\_  
 Signature

Hispanos Unidos, 09/28/07

Página 4

28 de septiembre al 4 de octubre del 2007



**Aviso de Intento a Preparar un Aviso sobre el Ambiente (EIS por sus siglas en inglés) y Petición para Comentarios Públicos Concernientes a la Construcción Propuesta y Operación de Infraestructura Táctica para la Protección de la Frontera y la Aduana de los Estados Unidos Oficina del Sector de San Diego para la Patrulla Fronteriza**

De acuerdo a la Regla Nacional Ambiental del Acto de 1969, 42 U.S.C. 4321 et seq., (NEPA, por sus siglas en inglés), la Aduana de los Estados Unidos y Protección de la Frontera (CBP, por sus siglas en inglés) preparará un Aviso de Impacto al Ambiente (EIS) para identificar y asistir en los impactos potenciales asociados con la propuesta para construir y operar aproximadamente cuatro millas de infraestructura táctica y apoyo a las carreteras de patrullas a lo largo de la frontera internacional de México/Estados Unidos al sur del área adyacente de las Montañas de Otay en el Condado de San Diego, California (la Acción Propuesta). El propósito de la Acción Propuesta es el implementar la habilidad de CBP para incrementar control efectivo para la frontera y detener el acceso a peatones y otros en su sección de alta prioridad en la Oficina de la Patrulla Fronteriza (CBP, por sus siglas en inglés) del Sector de San Diego.

El EIS irá de acuerdo con las Reglas Nacionales del Ambiente para el acto de 1969 (NEPA, por sus siglas en inglés), el Concejo para Regular la Calidad del Ambiente en 40 partes CFR 1500-1508, y el Departamento de Seguridad Nacional (DHS, por sus siglas en inglés) en Manejo de la Directiva 5 100.1 (Programa de Planeación Ambiental).

En Consistencia con la 40 CFR 1508.28, el EIS analizará el sitio específico para los impactos ambientales de la Acción Propuesta, que han sido ampliamente descritos en dos programaciones previas de EIS preparadas por la antigua agencia del Servicio de Inmigración y Naturalización de los Estados Unidos (INS, por sus siglas en inglés) (que ahora caen bajo responsabilidad de CBP), Departamento de Defensa, y la Fuerza Unida de Acción 6 (JTF-6, por sus siglas en inglés). El programado EIS para las actividades de JTF-6 a lo Largo de la Frontera de México/Estados Unidos, en agosto de 1994, y su documento suplementario, Programa Suplementario EIS para actividades de INS y JTF-6, Junio del 2001, fueron preparados para asistir los efectos acumulativos de proyectos pasados previstos llevados a cabo por JTF-6 para numerosas agencias para ejercer la ley entre los cuatro estados (California, Arizona, Nuevo México y Texas). Estos documentos pueden ser obtenidos por parte de los Ingenieros de las Fuerzas Armadas de Los Estados Unidos, el Distrito de 'Forth Worth', Ingeniería en Construcción y Oficina de Apoyo por medio de su página de Internet en: <https://ecso.swf.usace.army.mil>; o enviando un correo electrónico a [charles.mcgregor@swf02.usace.army.mil](mailto:charles.mcgregor@swf02.usace.army.mil); o por correspondencia escrita a 'Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St., Room 3A14, Fort Worth, Texas 76102'.

De acuerdo al Concejo de regulaciones de Calidad Ambiental, CBP invita al público a la participación en el proceso de NEPA. Este aviso requiere la participación del público en el proceso de análisis, establece un periodo de comentario público, provee información en cómo participar. El Análisis público en un proceso abierto para determinar la visualización de EIS e identificar los temas significativos relacionados a la Acción Propuesta. Cualquiera que desee proveer comentarios, sugerencias, o información relevante en la Acción Propuesta que pueden ser de la siguiente manera:

- (a) Electrónicamente por medio de la página de Internet en: [www.BorderFenceNEPA.com](http://www.BorderFenceNEPA.com);
- (b) Por correo electrónico a [SDcomments@BorderFenceNEPA.com](mailto:SDcomments@BorderFenceNEPA.com);
- (c) Por correo a: San Diego Tactical Infrastructure EIS, c/o e2M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031; o también
- (d) Por fax al 757-257-7643.

Comentarios y material relacionado debe llegar a CBP antes del 15 de octubre del 2007. CBP considerará todos los comentarios y material recibido durante el periodo de comentarios de NOI. Si usted envía un comentario, favor de incluir su nombre y dirección, e identifique sus comentarios como parte del Sector de San Diego EIS. Comentarios recibidos después del 15 de octubre del 2007 recibirán respuesta después de la publicación del borrador de EIS.

Published in Hispanos Unidos Newspaper on 09/28/2007

La Prensa, 09/28/07

La Prensa San Diego

September 28, 2007

**NOTICIA DE INTENTO PARA PREPARAR UNA DECLARACION DE IMPACTO AMBIENTAL (EIS) Y SOLICITAR COMENTARIOS PUBLICOS REFERENTE A PROPUESTA DE CONSTRUCCION Y OPERACION DE LA INFRAESTRUCTURA TACTICA PARA LA ADUANA DE EE.UU. Y PROTECCION DE LA FRONTERA, LA OFICINA DE LA PATRULLA FRONTERIZA SECTOR SAN DIEGO**

De conformidad al Acto de la Política del Ambiente Nacional de 1969, 42 U.S.C. 4321 et seq. (NEPA) Aduanas EE.UU. y Protección de la Frontera (CBP) prepararán una Declaración de Impacto Ambiental (EIS) para identificar y evaluar los impactos potenciales con la propuesta de construir y operar aproximadamente cuatro millas de infraestructura táctica y apoyar caminos de patrullaje por la frontera sur internacional EE.UU./México y adyacente al área Paramo Montañoso de Otay en el Condado de San Diego, California (la Acción Propuesta). El propósito de la Acción Propuesta es para promover la habilidad de CBP para obtener control efectivo de la frontera con el fin de negar el acceso a los peatones y otros en esta sección altamente prioritaria de la Oficina de la Patrulla Fronteriza (OBP's) Sector San Diego.

El EIS accederá con el Acto de la Política del Ambiente Nacional de 1969 (NEPA), las regulaciones del Consejo en Calidad Ambiental en 40 CFR Partes 1500-1508, y el Departamento de Seguridad Nacional (DHS) Directiva Administrativa 5100/1 (Programa de Planeación Ambiental).

Consistente con 40 CFR 1508.28, el EIS analizará los impactos del ambiente del sitio específico y la Acción Propuesta, los cuales fueron descritos en términos generales en dos anteriores programáticos EIS preparados por el anterior Servicio de Inmigración de EE.UU. y Naturalización (INS) (el cual ahora está bajo la responsabilidad del CBP), Departamento de Defensa, y la Fuerza Operativa 6 (JTF-6). La Programática EIS para JTF-6 Actividades a lo largo de la Frontera EE.UU./México, Agosto 1994, y su documento suplementario, Programático Suplementario EIS para INS y Actividades JTF-6, Junio 2001, fueron preparados para abocar los efectos cumulativos del pasado y proyectos razonablemente previsibles asumidos por JTF-6 por varias agencias de seguridad dentro de los cuatro estados suroestes (California, Arizona, Nuevo México y Texas). Estos documentos pueden ser obtenidos de la página cibernética del U.S. Army Corps of Engineers, Fort Worth District, Engineering Construction and Support Office en <https://llecso.swf.usace.army.mil>; solicitando una petición por correo electrónico a [charles.mcgregor@swf02.usace.army.mil](mailto:charles.mcgregor@swf02.usace.army.mil); o mandando por correo una petición a Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St. Room 3A14, Fort Worth, Texas 76102.

De conformidad a las regulaciones del Consejo de Calidad del Ambiente, CBP invita la participación del público en el proceso de NEPA. Esta noticia solicita participación pública en el proceso de investigación, establece un periodo de comentarios públicos, y provee información en cómo participar. La investigación pública es un proceso abierto para determinar el alcance del EIS e identificar asuntos significativos relacionados con la Acción Propuesta. Cualquiera que desee proveer comentarios, sugerencias, o información relevante en la Acción Propuesta puede hacerlo en la siguiente forma:

- (a) Electrónicamente a través de la página cibernética [www.BorderFenceNEPA.com](http://www.BorderFenceNEPA.com);
- (b) Por correo electrónico a: [SDcomments@BorderFenceNEPA.com](mailto:SDcomments@BorderFenceNEPA.com)
- (c) Por correo a: San Diego Tactical Infrastructure EIS, c/o e2M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031; o
- (d) Por fax a: 757-257-7643.

Comentarios y material relacionado debe llegar por Octubre 15, 2007. CBP considerará todos los comentarios y material recibido durante el periodo de comentarios NOI. Si usted manda un comentario, por favor incluya su nombre y dirección, e identifique su comentario hacia San Diego Sector EIS. Comentarios recibidos después de Octubre 15, 2007 recibirán respuestas siguiendo la publicación del borrador EIS.

Published: 9/28/07

La Prensa San Diego

**SCOPING REPORT  
APPENDIX C**

**WEB SITE**

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## Border Fence NEPA

PF 225

- [Home](#)
- [Del Rio Sector EA](#)
- [El Centro Sector EA](#)
- [Marfa Sector EA](#)
- [Rio Grande Valley Sector EIS](#)
- [San Diego Sector EIS](#)
- 

## Department of Homeland Security

### **Introduction**

The U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol (USBP) is preparing Environmental Impact Statements (EISs) and Environmental Assessments (EAs) to identify and assess the potential environmental impacts associated with proposed construction, maintenance, and operation of tactical infrastructure along the U.S./Mexico international border (the Proposed Actions). The tactical infrastructure includes primary fence and patrol roads.

The purpose of the Proposed Actions is to further USBP's ability to gain effective control of our nation's borders by denying pedestrian and other access in sections of the USBP's Sectors. These sectors include Rio Grande Valley, TX (EIS), San Diego, CA (EIS), El Centro, CA (EA), Del Rio, TX (EA), and Marfa, TX (EA).

The EAs and EISs are being prepared pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., (NEPA); the Clean Air Act of 1970, as amended; the Clean Water Act of 1977, as amended; the National Historic Preservation Act of 1966; the Archaeological Resource Protection Act of 1979; various Executive Orders (EOs), and applicable Federal and state laws and regulations.

This site has been developed to facilitate public comment on the EAs and EISs and to provide information on how and where to submit comments.

FOR FURTHER INFORMATION CONTACT: Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St., Room 3A28, Fort Worth, Texas 76102. Fax: (817) 886-6404.

### **Related Documents:**

[Final PEIS for JTF-6 Activities along the U.S./Mexico Border, August 1994](#)

[Final Supplemental PEIS for INS and JTF-6 Activities, June 2001](#)

[EIS for Operation Rio Grande, April 2004](#)

**Links:**

[What is NEPA?](#)

[Steps in the EIS Process](#)

[Resources and Issues Evaluated in an EIS](#)

[U.S. Department of Homeland Security \(DHS\)](#)

[DHS Management Directive on Environmental Planning Program](#)

[U.S. Customs and Border Protection, Border Patrol](#)

[U.S. Army Corps of Engineers-Fort Worth District Engineering Construction Support Office](#)

[Other USACE-Fort Worth District managed Border Patrol projects](#)

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Search

## Navigation

- [Del Rio Sector EA](#)
- [El Centro Sector EA](#)
- [Marfa Sector EA](#)
- [Rio Grande Valley Sector EIS](#)
- [San Diego Sector EIS](#)
- [Examples of Proposed Fence](#)

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## Border Fence NEPA

PF 225

- [Home](#)
- [Del Rio Sector EA](#)
- [El Centro Sector EA](#)
- [Marfa Sector EA](#)
- [Rio Grande Valley Sector EIS](#)
- [San Diego Sector EIS](#)
- 

### San Diego Sector EIS

#### Introduction

An Environmental Impact Statement (EIS) is being prepared in support of a proposal by U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol (USBP) San Diego Sector for controlling and deterring the influx of illegal immigration and contraband into the United States. To assist USBP agents and officers in gaining effective control of our nation's borders, USBP is proposing to construct, maintain, and operate tactical infrastructure consisting of pedestrian fences, supporting patrol roads, and other infrastructure along approximately 5.6 miles of the U.S./Mexico international border within the USBP's San Diego Sector.

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

#### Proposed Fence Segments for Border Patrol San Diego Sector

Map Number	Border Patrol Station	General Location	Land Ownership	Length of Fence Segment (miles)
A-1	Brown Field	Pak Truck Trail	Public: BLM managed	4.88
A-2	Brown Field	West of Tecate	Private	0.69
Total				5.57

One segment would be approximately 4.9 miles long and would start at the Puebla Tree and end at boundary monument 250. The proposed segment would be adjacent to and south of the Otay Mountain Wilderness, would follow the Pak Truck Trail, and would not connect to any existing fence. The Otay Mountain Wilderness is on public lands administered by BLM. The wilderness boundary is at least 100 feet from the U.S./Mexico international border, and the proposed fence would occur in this corridor

between the U.S./Mexico international border and the wilderness boundary. However, due to steep topography, a portion of road or other tactical infrastructure might encroach into the wilderness area.

The second segment would be approximately 0.7 miles long and would connect with existing border fence west of Tecate Peak. This fence segment would extend up a portion of Tecate Peak and would pass through a riparian area. This proposed fence segment could encroach on privately owned land.

The EIS will evaluate potential environmental impacts from construction, maintenance, and operation of the proposed tactical infrastructure, consisting of:

- Tactical infrastructure includes installation of two primary fence (areas of the border that are not currently fenced) segments as listed in the table above and a single-lane unpaved patrol road.
- The proposed tactical infrastructure would impact an approximate 60 foot wide corridor along each fence segment. This corridor would include fences, access roads, patrol roads, and construction staging areas. Vegetation would be cleared and grading may occur where needed. The area temporarily impacted within the two segments (both route alternatives) would be approximately 41 acres. Wherever possible, existing roads would be used for construction access.
- Significant amounts of blasting activity, cut and fill operations, creation of at least two stationing areas, the construction of switchback roads, and general improvement to existing access roads would be required to construct the fence and an adjacent patrol road. Wherever possible, existing roads would be used for construction access.
- If approved, the final design would be developed by a design/build contractor overseen by the U.S. Army Corps of Engineers (USACE). However, design criteria that have been established based on USBP operational needs require that, at a minimum, any fencing must meet the following requirements:
  - 15 feet high and extend below ground
  - Capable of withstanding a crash of a 10,000-pound (gross weight) vehicle traveling at 40 miles per hour
  - Capable of withstanding vandalism, cutting, or various types of penetration
  - Semi-transparent, as dictated by operational need
  - Designed to survive extreme climate changes
  - Designed to reduce or minimize impacts on small animal movement
  - Not impede the natural flow of water
  - Aesthetically pleasing to the extent possible.

The USACE is working with public and private land owners to obtain easements or purchase the construction corridor. Where necessary, the Corps might purchase privately owned land for the fence, access roads, and patrol roads.

If approved, construction of the new Tactical Infrastructure would begin in Spring 2008 and continue through December 31, 2008.

#### [General Locations of Tactical Infrastructure in San Diego Sector](#)

[See the complete Notice of Intent \(NOI\) published in the Federal Register.](#)

#### **Scoping and Public Comments**

A public scoping process has been initiated for the San Diego Sector EIS. The purpose of the scoping

process is to solicit public comment regarding the range of issues, including potential impacts and alternatives that should be addressed in the EIS.

Public scoping is an open process for determining the scope of the EIS and identifying significant issues related to the Proposed Action as described above. Anyone wishing to provide comments, suggestions, or relevant information on the Proposed Action may do so as follows:

You may submit comments to CBP by contacting SBInet, Tactical Infrastructure Program Office. To avoid duplication, please use only one of the following methods:

- (a) Electronically through the website at: [www.BorderFenceNEPA.com](http://www.BorderFenceNEPA.com);
- (b) By email to: [SDcomments@BorderFenceNEPA.com](mailto:SDcomments@BorderFenceNEPA.com);
- (c) By mail to: San Diego Tactical Infrastructure EIS, c/o e<sup>2</sup>M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031; or
- (d) By fax to: (757) 257-7643.

Comments and related material must reach the CBP by **October 15, 2007**. CBP will consider all comments and material received during the NOI comment period. If you submit a comment, please include your name and address, and identify your comments as for the San Diego Sector EIS. Comments received after **October 15, 2007** will receive responses following the publication of the draft EIS.

[Click here to email your comments.](#)

#### [Examples of Proposed Fence](#)

\* Name

\* Email

\* Subject

\* Verify

B5FDE

\* Message

## Navigation

- [Del Rio Sector EA](#)
- [El Centro Sector EA](#)
- [Marfa Sector EA](#)
- [Rio Grande Valley Sector EIS](#)
- [San Diego Sector EIS](#)
- [Examples of Proposed Fence](#)

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**SCOPING REPORT  
APPENDIX D  
AGENCY LETTERS**

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U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

OCT 23 2007

Honorable H. Paul Cuero, Jr., Chairman  
Campo Band of Kumeyaay Indians  
36190 Church Road, Suite 1  
Campo, California 91906

**Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Mr. Cuero:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. A map presenting the proposed project site is enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable H. Paul Cuero, Jr.  
Page 2

A Notice of Intent (NOI) to prepare an EIS was published in the *Federal Register* on September 24, 2007. A copy of the NOI is enclosed, which provides additional information about the proposed project, background information, and the framework for Federal environmental review requirements under NEPA.

We welcome your comments on this undertaking and look forward to hearing any concerns you may have regarding known sacred sites or other traditional cultural properties within the proposed project area. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Fort Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,



For R. Janson

Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosures



54278

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

You may submit comments to CBP by contacting the SBInet, Tactical Infrastructure Program Office. To avoid duplication, please use only one of the following methods:

(a) Electronically through the Web site at: <http://www.BorderFenceNEPA.com>;

(b) By e-mail to: [SDcomments@BorderFenceNEPA.com](mailto:SDcomments@BorderFenceNEPA.com);

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

(d) By fax to: (757) 257-7643. Comments and related material must reach CBP by October 15, 2007. CBP will consider all comments and material received during the NOI comment period. If you submit a comment, please include your name and address, and identify your comments as for the San Diego Sector EIS. Comments received after October 15, 2007 will receive responses following the publication of the draft EIS.

This scoping period is not the only opportunity you will have to comment. A draft EIS will be prepared, and prior to the development of a final EIS, CBP will release the draft EIS for public review. At that time, a Notice of Availability (NOA) will be published in the *Federal Register*, the *San Diego Union Tribune*, and the *San Diego Daily Transcript*. The NOA will announce the availability of the draft EIS, how to obtain a copy, and the dates, times, and places of any associated public informational meetings.

Dated: September 19, 2007.

Eugene H. Schied,  
Assistant Commissioner, Office of Finance.  
[FR Doc. E7-18830 Filed 9-21-07; 8:45 am]  
BILLING CODE 9111-14-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Coastal Barrier Improvement Act of 1990; Amendments to the John H. Chafee Coastal Barrier Resources System

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of distribution and availability of replacement maps of eight of the John H. Chafee Coastal Barrier Resources System.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), have replaced maps of eight John H. Chafee Coastal Barrier Resources System units in North Carolina, Georgia, Florida, and Texas, as directed by Congress. We are using this notice to inform the public

about the distribution and availability of the replacement maps.

**DATES:** The replacement map for Units T07/T07P became effective on December 1, 2003. The replacement maps for Unit NC-07P became effective on October 18, 2004. The replacement map for Units P25/P25P became effective on October 30, 2004. The replacement maps for Units FL-95P, FL-96, and GA-06P became effective on October 16, 2006.

**ADDRESSES:** For information about how to get copies of the maps or where to go to view them, see **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Ms. Katie Niemi, Department of the Interior, U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation, (703) 358-2161.

#### SUPPLEMENTARY INFORMATION:

##### Background

In 1982, Congress passed the Coastal Barrier Resources Act (Pub. L. 97-348) to restrict Federal spending that has the effect of encouraging development on undeveloped coastal barriers along the Atlantic and Gulf of Mexico coasts. In the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591), Congress amended the 1982 Act to broaden the definition of a coastal barrier, and approved a series of maps entitled "John H. Chafee Coastal Barrier Resources System" dated October 24, 1990. These maps identify and depict those coastal barriers located on the coasts of the Atlantic Ocean, Gulf of Mexico, Great Lakes, Virgin Islands, and Puerto Rico that are subject to the Federal funding limitations outlined in the Act.

The Act also defines Service responsibilities regarding the John H. Chafee Coastal Barrier Resources System maps. We have official custody of these maps and prepare and distribute copies. In the *Federal Register* on June 6, 1991 (56 FR 26304), we published a notice of the filing, distribution, and availability of the maps entitled "John H. Chafee Coastal Barrier Resources System" and dated October 24, 1990. We have announced all subsequent map revisions in the *Federal Register*.

##### Revisions to the John H. Chafee Coastal Barrier Resources System in Texas

Public Law 108-138, enacted on December 1, 2003, replaced one of the six maps relating to Matagorda Peninsula Units T07/T07P in Matagorda County, Texas, with a revised map entitled "John H. Chafee Coastal Barrier Resources System, Matagorda Peninsula Unit T07/T07P" for that area. The changes to the map ensure that the

boundary of Unit T07 does not include property within the Matagorda Dunes Homesites Subdivision. A full complement of infrastructure was available to each lot within the subdivision prior to 1982, therefore meeting the Coastal Barrier Resources Act definition of "developed" at the time the subdivision was included within Unit T07 in 1982. Under the new map, 76 acres (23 fastland acres and 53 associated aquatic habitat acres) were removed from Unit T07, and 3 acres of associated aquatic habitat were added to Unit T07. Additionally, 80 acres were reclassified from Unit T07 to Unit T07P.

##### Revisions to the John H. Chafee Coastal Barrier Resources System in North Carolina

Public Law 108-339, enacted on October 18, 2004, replaced the two maps relating to Cape Fear Unit NC-07P in New Hanover and Brunswick Counties, North Carolina, with two revised maps entitled "John H. Chafee Coastal Barrier Resources System, Cape Fear Unit NC-07P." The changes to the maps ensure that the boundary of Unit NC-07P follows the exterior boundaries of lands held for conservation or recreation. Under the new maps, 273 acres (13 acres of fastland and 261 acres of associated aquatic habitat) were removed from Unit NC-07P, and 8,117 acres (2,714 acres of fastland and 5,403 acres of associated aquatic habitat) were added to Unit NC-07P.

##### Revisions to the John H. Chafee Coastal Barrier Resources System in Florida

Public Law 108-380, enacted on October 30, 2004, replaced one of the two maps relating to Cedar Keys Units P25/P25P in Levy County, Florida, with a revised map entitled "John H. Chafee Coastal Barrier Resources System, Cedar Keys Unit P25/P25P." The changes to the map clarify the boundaries of an excluded area on Cedar Key so that the Unit P25 boundary more precisely follows geomorphic features. Under the new map, 41 acres (32 fastland acres and 9 associated aquatic habitat acres) were removed from Unit P25, and 56 acres (1 acre of fastland and 55 acres of associated aquatic habitat) were added to Unit P25.

Public Law 109-355, enacted on October 16, 2006, replaced the map relating to Grayton Beach Unit FL-95P and Draper Lake Unit FL-96 in Walton County, Florida, with a revised map entitled "John H. Chafee Coastal Barrier Resources System, Grayton Beach Unit FL-95P Draper Lake Unit FL-96." The changes to the map ensure that the boundary of Unit FL-95P follows the exterior boundaries of Grayton Beach

review. At that time, a Notice of Availability (NOA) will be published in the *Federal Register*, the *Brownsville Herald* (Brownsville, Texas), and the *The Monitor* (McAllen, Texas). The NOA will announce the availability of the draft EIS, how to obtain a copy, and the dates, times, and places of any associated public informational meetings.

Dated: September 19, 2007.

Eugene H. Schied,  
Assistant Commissioner, Office of Finance.  
[FR Doc. E7-18829 Filed 9-21-07; 8:45 am]  
BILLING CODE 9111-14-P

#### DEPARTMENT OF HOMELAND SECURITY

##### Bureau of Customs and Border Protection

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

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

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

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

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

potential impacts and alternatives that should be addressed in the EIS.

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

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

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

One segment is approximately 3.4 miles long and would start at the Puebla Tree and end at boundary monument 250. The proposed segment would be adjacent to and south of the Otay Mountain Wilderness; would follow the Pack Truck Trail; and would not connect to any existing fence. The Otay Mountain Wilderness is on public lands administered by the Bureau of Land Management (BLM), U.S. Department of the Interior in San Diego County, California. The wilderness boundary is at least 100 feet from the U.S./Mexico border, and the proposed fence would occur in this corridor between the U.S./Mexico border and the wilderness boundary. However, due to steep topography, a portion of road or other tactical infrastructure might encroach into the wilderness area.

The second segment would be approximately 0.6 miles long and would connect with existing border fence west of Tecate. This fence segment is an extension of existing fence up Tecate Peak and would pass through a riparian area. This proposed fence segment would be on privately owned land.

Potential alternatives for environmental impacts analysis will consider location, construction, and operation of tactical infrastructure. Potential alternatives must meet the need to gain effective control of our nation's borders, as well as essential technical, engineering, and economic threshold requirements to ensure that the Proposed Action is environmentally sound, economically viable, and meets all applicable laws and regulations.

The EIS will comply with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations in 40 CFR Parts 1500-1508, and Department of Homeland Security (DHS) Management Directive 5100.1 (*Environmental Planning Program*).

Consistent with 40 CFR 1508.28, the EIS will analyze the site-specific environmental impacts of the proposed action which were broadly described in two previous programmatic EISs prepared by the former U.S. Immigration and Naturalization Service (which now falls under the responsibility of CBP), Department of Defense, and Joint Task Force 6 (JTF-6). The *Programmatic EIS for JTF-6 Activities Along the U.S./Mexico Border*, August 1994, and its supplementing document, *Supplemental Programmatic EIS for INS and JTF-6 Activities*, June 2001, were prepared to address the cumulative effects of past and reasonably foreseeable projects undertaken by JTF-6 for numerous law enforcement agencies within the four southwestern states (California, Arizona, New Mexico, and Texas). These documents can be obtained from the U.S. Army Corps of Engineers, Fort Worth District, Engineering Construction and Support Office Web site, at <https://ecso.swf.usace.army.mil/>; by sending an e-mail to [charles.mcgregor@swf02.usace.army.mil](mailto:charles.mcgregor@swf02.usace.army.mil); or by mailing a request to: Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St., Room 3A14, Fort Worth, Texas 76102.

**Public Participation:** Pursuant to the Council on Environmental Quality's regulations, CBP invites public participation in the NEPA process. This notice requests public participation in the scoping process, establishes a public comment period, and provides information on how to participate.

Public scoping is an open process for determining the scope of the EIS and identifying significant issues related to the proposed action. Anyone wishing to provide comments, suggestions, or relevant information on the Proposed Action may do so as follows:

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U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

OCT 23 2007

Honorable Bobby L. Barrett, Chairman  
Viejas Band of Mission Indians  
P.O. Box 908  
Alpine, California 91903

**Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Mr. Barrett:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. A map presenting the proposed project site is enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Bobby L. Barrett  
Page 2

A Notice of Intent (NOI) to prepare an EIS was published in the *Federal Register* on September 24, 2007. A copy of the NOI is enclosed, which provides additional information about the proposed project, background information, and the framework for Federal environmental review requirements under NEPA.

We welcome your comments on this undertaking and look forward to hearing any concerns you may have regarding known sacred sites or other traditional cultural properties within the proposed project area. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Fort Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,

Handwritten signature of Robert F. Janson in black ink, appearing as 'RJ For R. Janson'.

Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

OCT 23 2007

Honorable Leroy Elliott, Chairman  
Manzanita Band of Mission Indians  
P.O. Box 1302  
Boulevard, California 91905

**Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Mr. Elliott:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. A map presenting the proposed project site is enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Leroy Elliott  
Page 2

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We welcome your comments on this undertaking and look forward to hearing any concerns you may have regarding known sacred sites or other traditional cultural properties within the proposed project area. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O. Box 17300, Fort Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,



Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

Honorable Johnny Hernandez, Spokesman  
Santa Ysabel Band of Mission Indians  
P.O. Box 130  
Santa Ysabel, California 92070

**Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Mr. Hernandez:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. A map presenting the proposed project site is enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Johnny Hernandez  
Page 2

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Sincerely,



For R. Janson

Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

OCF 2 9 2011

Honorable John James, Chairman  
Cabazon Band of Mission Indians  
84-245 Indio Springs Pkwy  
Indio, California 92203

**Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Mr. James:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable John James  
Page 2

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Sincerely,

A handwritten signature in black ink, appearing to read "R. Janson", with a horizontal line extending to the right.

Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

Honorable Allen E. Lawson, Spokesman  
San Pasqual Band of Mission Indians  
27458 North Lake Wolford Rd., Level #3  
Valley Center, CA 92082

**Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Mr. Lawson:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

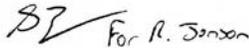
Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Allen E. Lawson  
Page 2

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We welcome your comments on this undertaking and look forward to hearing any concerns you may have regarding known sacred sites or other traditional cultural properties within the proposed project area. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O. Box 17300, Fort Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,

Handwritten signature of Robert F. Janson in black ink, with the text "For R. Janson" written below it.

Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

Honorable Howard Maxcy, Chairman  
Mesa Grande Band of Mission Indians  
P.O. Box 270  
Santa Ysabel, California 92070

**Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Mr. Maxcy:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Howard Maxcy  
Page 2

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Sincerely,



Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

OCT 23 2014  
Honorable Richard Milanovich, Chairperson  
Agua Caliente Band of Cahuilla Indians  
600 East Tahquitz Canyon Way  
Palm Springs, CA 92262

**Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Mr. Milanovich:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

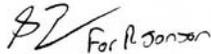
Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Richard Milanovich  
Page 2

A Notice of Intent (NOI) to prepare an EIS was published in the *Federal Register* on September 24, 2007. A copy of the NOI is enclosed, which provides additional information about the proposed project, background information, and the framework for Federal environmental review requirements under NEPA.

We welcome your comments on this undertaking and look forward to hearing any concerns you may have regarding known sacred sites or other traditional cultural properties within the proposed project area. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Fort Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,



Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

OCT 23 2007

Honorable Gwendolyn Parada, Chairperson  
La Posta Band of Mission Indians  
1048 Crestwood Road  
Boulevard, California 92905

**Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Ms. Parada:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Gwendolyn Parada  
Page 2

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We welcome your comments on this undertaking and look forward to hearing any concerns you may have regarding known sacred sites or other traditional cultural properties within the proposed project area. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O. Box 17300, Fort Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,



Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

Honorable Harlan Pinto, Chairman  
Cuyapaipe Band of Mission Indians  
4054 Willows Road  
Alpine, California 91903-2250

**Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Mr. Pinto:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

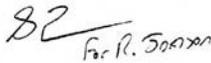
Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Harlan Pinto  
Page 2

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We welcome your comments on this undertaking and look forward to hearing any concerns you may have regarding known sacred sites or other traditional cultural properties within the proposed project area. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Fort Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,



Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

OCT 23 2007

Honorable Catherine Saubel, Spokeswoman  
Los Coyotes Band of Mission Indians  
2300 Camino San Ignacio  
Warner Springs, California 92086

**Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Ms. Saubel:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Catherine Saubel  
Page 2

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We welcome your comments on this undertaking and look forward to hearing any concerns you may have regarding known sacred sites or other traditional cultural properties within the proposed project area. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Fort Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,

Handwritten signature of Robert F. Janson, with the text "For Janson" written below it.

Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

OCT 23 2007

Honorable Rhonda Welch-Sealco, Chairwoman  
Barona Band of Mission Indians  
1095 Barona Road  
Lakeside, CA 92040

**Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Ms. Welch-Sealco:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Rhonda Welch-Sealco  
Page 2

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We welcome your comments on this undertaking and look forward to hearing any concerns you may have regarding known sacred sites or other traditional cultural properties within the proposed project area. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Fort Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Janson" with a flourish underneath.

Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

Honorable Daniel J. Tucker, Chairman  
Sycuan Band of Mission Indians  
5459 Dehesa Road  
El Cajon, CA 92019

OCT 23 2007

**Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Mr. Tucker:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

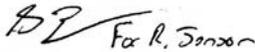
Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Daniel J. Tucker  
Page 2

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We welcome your comments on this undertaking and look forward to hearing any concerns you may have regarding known sacred sites or other traditional cultural properties within the proposed project area. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Fort Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,

Handwritten signature of Robert F. Janson in black ink, appearing as 'RFJ' followed by 'For R. Janson'.

Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

Mr. Milford Wayne Donaldson, FAIA  
California State Historic Preservation Officer  
ATTN: Michael McGuirt  
Office of Historic Preservation  
1416 9<sup>TH</sup> Street, Room 1442-7  
Sacramento, CA 95814

OCT 23 2007

**Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Mr. Donaldson:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate consultation with your office.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. A map presenting the proposed project sites is enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969

Mr. Milford Wayne Donaldson  
Page 2

(NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

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We welcome your comments on this undertaking and look forward to hearing any concerns your office may have. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O. Box 17300, Fort Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,



Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

OCT 23 2007

Honorable Leon Acebedo, Chairman  
Jamul Band of Mission Indians  
13910 Lyons Valley Road  
Jamul, California 91935

**Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Mr. Acebedo:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP. At this time, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, CBP wishes to initiate its consultation process with appropriate federally-recognized tribes who historically used this region and/or continue to use the area.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. A map presenting the proposed project site is enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

Honorable Leon Acebedo  
Page 2

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We welcome your comments on this undertaking and look forward to hearing any concerns you may have regarding known sacred sites or other traditional cultural properties within the proposed project area. A cultural resources survey is currently being conducted on the project corridor, and we will provide you a copy of the cultural resources report for your review and comment once it has been prepared. We will also provide a copy of the EIS for your review and comment. If you have any questions, please contact Mr. Charles McGregor by mail at USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Fort Worth, Texas 76102-0300 or by telephone at (817) 886-1585 or by contacting Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at (619) 216-4028.

Sincerely,



Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosures

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

Mr. Ren Lohofener  
Regional Director  
U.S. Fish and Wildlife Service  
Pacific Region  
911 NE 11th Avenue  
Portland, OR 97232

OCT 18 2007

**Subject: Environmental impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Mr. Lohofener:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, his effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969

Page 2

Mr. Ren Lohofener

(NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

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Your agency has been identified as a Federal authority with responsibilities for resources that may be impacted by the Proposed Action. In accordance with the Council on Environmental Quality (CEQ) regulations addressing cooperating agencies (40 CFR 1501.6 and 1508.5) and CEQ's January 30, 2002, guidance, CBP is inviting you to participate in the development of the EIS as a cooperating agency. Please contact Mr. Charles McGregor of the USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O. Box 17300, Fort Worth, Texas 76102-0300 if your agency would like to be a cooperating agency.

Your prompt attention to this request would be greatly appreciated. If you have any questions, please call Mr. Charles McGregor at (817) 886-1585 or Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at 619-216-4028.

Sincerely,



Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosure

Cc: Mike Horton

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

Mr. Steve Thompson, Manager  
California/Nevada Operations Office  
U.S. Fish and Wildlife Service  
2800 Cottage Way  
Room W-2606  
Sacramento, CA 95825-1846

OCT 18 2007

**Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Mr. Thompson:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, his effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969

Page 2  
Mr. Steve Thompson

(NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

A Notice of Intent (NOI) to prepare an EIS was published in the *Federal Register* on September 24, 2007. A copy of the NOI is enclosed, which provides additional information about the proposed project, background information, and the framework for Federal environmental review requirements under NEPA.

Your agency has been identified as a Federal authority with responsibilities for resources that may be impacted by the Proposed Action. In accordance with the Council on Environmental Quality (CEQ) regulations addressing cooperating agencies (40 CFR 1501.6 and 1508.5) and CEQ's January 30, 2002, guidance, CBP is inviting you to participate in the development of the EIS as a cooperating agency. Please contact Mr. Charles McGregor of the USACE, Fort Worth District, Engineering Construction Support Office by mail at P.O Box 17300, Fort Worth, Texas 76102-0300 if your agency would like to be a cooperating agency.

Your prompt attention to this request would be greatly appreciated. If you have any questions, please call Mr. Charles McGregor at (817) 886-1585 or Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at 619-216-4028.

Sincerely,

  
Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosure

Cc: Mike Horton

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

Mr. John Kalish  
Field Manager  
Palm Springs/South Coast Field Office  
U.S. Bureau of Land Management  
P.O. Box 581260  
North Palm Springs, CA 92258-1260

OCT 1 2 2011

**Subject: Environmental impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Mr. Kalish:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any

Page 2  
Mr. John Kalish

environmental concerns in accordance with the National Environmental Policy Act of 1969 (NEPA), the National Historic Preservation Act (NHPA), the Clean Water Act (CWA), and other applicable environmental laws and regulations.

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Sincerely,



Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosure

Cc: Ms. Janaye Byergo

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

COL Thomas H. Magness, IV  
U.S. Army Corps of Engineers  
Los Angeles District  
915 Wilshire Blvd., Suite 980  
Los Angeles, CA 90017

**Subject: Environmental Impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear COL Magness:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969

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COL Thomas H. Magness, IV

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Your prompt attention to this request would be greatly appreciated. If you have any questions, please call Mr. Charles McGregor at (817) 886-1585 or Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at 619-216-4028.

Sincerely,

  
Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosure

U.S. Department of Homeland Security  
Washington, DC 20229



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

OCT 18 2007

Mr. Wayne Nastri  
Regional Administrator, Region 9  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105

**Subject: Environmental impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Mr. Nastri:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP.

To assist USBP in gaining and maintaining operational control of the border, CBP proposes to construct, maintain, and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, and other infrastructure in 2 high priority segments along the U.S./Mexico international border. The first segment is approximately 4.9 miles in length and would start at Puebla Tree and end at Boundary Monument 250. The second would be approximately 0.7 miles in length and would connect with existing border fence west of Tecate. Maps presenting the proposed project sites are enclosed.

Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969

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Mr. Wayne Nastri

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Your prompt attention to this request would be greatly appreciated. If you have any questions, please call Mr. Charles McGregor at (817) 886-1585 or Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at 619-216-4028.

Sincerely,



Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosure



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION IX  
**75 Hawthorne Street**  
**San Francisco, CA 94105-3901**

October 15, 2007

Mr. Charles McGregor  
U.S. Army Corps of Engineers  
Engineering Construction and Support Office  
819 Taylor St. Room 3A14  
Fort Worth, TX 76102

Subject: Scoping Comments for the Construction and Operation of Tactical Infrastructure for the U.S. Customs and Border Protection (CBP), Office of Border Patrol San Diego Sector

Dear Mr. McGregor:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Register Notice published on September 24, 2007 requesting comments on the Bureau of Customs and Border Protection's decision to prepare an Environmental Impact Statement. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act.

The proposed project is to construct and operate approximately 5.57 miles of tactical infrastructure and supporting patrol roads along the U.S./Mexico international border south of and adjacent to Otay Mountain Wilderness area, with a segment extending the existing fence west of Tecate in San Diego County, California. The proposed tactical infrastructure would impact an approximate 60 foot wide corridor along each fence segment and include fences, access roads, patrol roads, and construction staging areas. The project involves vegetation clearing and grading on approximately 41 acres, significant amounts of blasting activity, cut and fill operations, creation of at least two stationing areas, construction of switchback roads, and general improvement to existing access roads. To assist in the scoping process, we have identified several issues for your attention in the preparation of the DEIS, which are detailed in the attached comments.

We appreciate the opportunity to provide comments on the preparation of the DEIS, and look forward to continued participation in this process as more information becomes available. When the DEIS is released for public review, please send one hard copy to the address above

*Printed on Recycled Paper*

(mail code: CED-2). If you have any questions, please contact me at (415) 972-3846 or Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or [vitulano.karen@epa.gov](mailto:vitulano.karen@epa.gov).

Sincerely,



Nova Blazej, Manager  
Environmental Review Office

Enclosure: EPA's Detailed Comments

cc: Justin Seastrand, Bureau of Land Management, Otay Mountain Wilderness Area

EPA DETAILED SCOPING FOR THE CONSTRUCTION AND OPERATION OF TACTICAL INFRASTRUCTURE FOR THE U.S. CUSTOMS AND BORDER PROTECTION, OFFICE OF BORDER PATROL SAN DIEGO SECTOR, OCTOBER 15, 2007

#### **Purpose and Need / Alternatives Analysis**

A clear purpose and need sets the stage for thorough consideration of a range of alternatives. The Notice of Intent (NOI) states that the purpose of the project is to further U.S. Customs and Border Protection's (CBP) ability to gain effective control of the border by denying pedestrian and other access in the high priority San Diego Sector of the Office of Border Patrol.

All reasonable alternatives that fulfill the purpose of the project's purpose and need should be evaluated in detail, including alternatives to physical barriers such as infrastructure to support a "virtual fence" if this meets the purpose and need. A robust range of alternatives will include an alternative that avoids significant environmental impacts. The DEIS should provide a clear discussion of the reasons for the elimination of alternatives which are not evaluated in detail.

The environmental impacts of the proposal and alternatives should be presented in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public (40 CFR 1502.14). The potential environmental impacts of each alternative should be quantified to the greatest extent possible (e.g., acres of wetlands impacted, tons per year of emissions produced, etc.).

#### **Compliance with Environmental Regulations**

The DEIS should discuss any legislative acts that allow the Department of Homeland Security agencies to bypass U.S. environmental laws and regulations, and whether there is the intention to do so for this project.

#### **Water Resources**

The DEIS should describe the original (natural) drainage patterns in the project locale, as well as the drainage patterns of the area during project operations. Also, the DEIS should identify whether any components of the proposed project are within a 50 or 100-year floodplain.

#### *Clean Water Act Section 402*

The DEIS should note that, under the federal Clean Water Act (CWA), any construction project disturbing a land area of one or more acres requires a construction storm water discharge permit. The DEIS should document the project's consistency with applicable storm water permitting requirements. Requirements of a storm water pollution prevention plan should be reflected as appropriate in the DEIS. The DEIS should discuss specific mitigation measures that may be necessary or beneficial in reducing adverse impacts to water quality and aquatic resources. The CBP should coordinate the California Regional Water Quality Control Board on all required permits.

*Clean Water Act Section 404*

The fence and infrastructure south of the Otay Mountain Wilderness will cross a number of drainages, and the fence segment west of Tecate would pass through a riparian area. Impacts to waters of the U.S. should be avoided or mitigated to the maximum extent possible. The project applicant should coordinate with the U.S. Army Corps of Engineers to determine if the proposed project requires a Section 404 permit under the CWA. Section 404 regulates the discharge of dredged or fill material into waters of the U.S. The DEIS should describe all waters of the U.S. that could be affected by the project alternatives, and include maps that clearly identify all waters within the project area. The discussion should include acreages and channel lengths, habitat types, values, and functions of these waters.

If a permit is required, EPA will review the project for compliance with *Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials* (40 CFR 230), promulgated pursuant to Section 404(b)(1) of the CWA ("404(b)(1) Guidelines"). Pursuant to 40 CFR 230, any permitted discharge into waters of the U.S. must be the least environmentally damaging practicable alternative available to achieve the project purpose. The DEIS should include an evaluation of the project alternatives in this context in order to demonstrate the project's compliance with the 404(b)(1) Guidelines. If, under the proposed project, dredged or fill material would be discharged into waters of the U.S., the DEIS should discuss alternatives to avoid those discharges. EPA strongly encourages early coordination with the U.S. Army Corps of Engineers. Information on waters of the U.S. is best disclosed at the DEIS stage so that the appropriateness of the proposed NEPA alternative can be evaluated in the context of the 404(b)(1) Guidelines, and relevant comments can receive responses and effect appropriate modifications in the Final EIS.

If a discharge to waters of the U.S. is anticipated, the DEIS should discuss how potential impacts would be minimized and mitigated. This discussion should include: (a) acreage and habitat type of waters of the U.S. that would be created or restored; (b) water sources to maintain the mitigation area; (c) the revegetation plans, including the numbers and age of each species to be planted, as well as special techniques that may be necessary for planting; (d) maintenance and monitoring plans, including performance standards to determine mitigation success; (e) the size and location of mitigation zones; (f) the parties that would be ultimately responsible for the plan's success; and (g) contingency plans that would be enacted if the original plan fails. Mitigation should be implemented in advance of the impacts to avoid habitat losses due to the lag time between the occurrence of the impact and successful mitigation.

**Biological Resources**

The border region of California and Baja California comprises one of the world's biodiversity hotspots. The project area to the south of Otay Mountain Wilderness contains especially rich botanical resources and includes habitat that is important to the conservation of the federally endangered Quino checkerspot butterfly. We recommend that the CBP work closely with the Bureau of Land Management regarding the protection of wilderness and biological resources in

this area, and consult with the U.S. Fish and Wildlife Service for the protection of threatened and endangered species.

#### *Wildlife Impacts*

The DEIS should identify all petitioned and listed threatened and endangered species and critical habitat that might occur within the project area. The document should identify and quantify which species or critical habitat might be directly or indirectly affected by each alternative. We recommend that the DEIS include a biological assessment, as well as a description of the outcome of consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

The Border Fence NEPA website at [www.borderfenceNEPA.com](http://www.borderfenceNEPA.com) indicates that any fencing must be designed to reduce or minimize impacts on small animal movement and not impede the natural flow of water. EPA commends these design criteria and suggests that the CBP prepare an inventory of resident wildlife so that fence design can consider modes of transport. The DEIS should identify all wildlife movement corridors that could be obstructed or impacted by infrastructure. For all species that are impacted, the DEIS should discuss the other cumulative impacts these species are experiencing on an ecosystem level. The DEIS should discuss how the border infrastructure could impact vegetation and its distribution and use as cover by resident wildlife species.

#### *Mitigation*

The DEIS should propose measures that will mitigate direct impacts to wildlife, such as provision for wildlife crossings, and cumulative impacts on an ecosystem level. For example, if species will be impacted from natural movements due to the proposed project, mitigation to restore or enhance movement and habitat in other areas of their range should be proposed. EPA recommends the project include the development of alternative water sources if the project prohibits wildlife populations from accessing water sources. The DEIS should also evaluate the impacts that increased illumination would have on wildlife species in the area and identify and evaluate technologies that can detect pedestrians without impacting nocturnal wildlife.

#### **Air Quality**

San Diego County currently does not meet the health-based air quality standard for ozone and is designated as nonattainment (basic) for the 8-hour ozone National Ambient Air Quality Standard or NAAQS.

The DEIS should provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS), criteria pollutant nonattainment areas, and potential air quality impacts of the project (including cumulative and indirect impacts) for each fully evaluated alternative. Construction related impacts should also be discussed.

### *General Conformity*

The DEIS should address the applicability of CAA Section 176 and EPA's general conformity regulations at 40 CFR Parts 51 and 93. Federal agencies need to ensure that their actions, including construction emissions subject to state jurisdiction, conform to an approved implementation plan. Emissions authorized by a CAA permit issued by the State or the local air pollution control district would not be assessed under general conformity but through the permitting process.

### *Construction Emissions Mitigation*

EPA recommends an evaluation of the following measures to reduce construction emissions of criteria air pollutants and hazardous air pollutants (air toxics). The DEIS should address the use of these measures during construction.

- Reduce emissions of diesel particulate matter (DPM) and other air pollutants by using particle traps and other technological or operational methods. Control technologies such as traps control approximately 80 percent of DPM. Specialized catalytic converters (oxidation catalysts) control approximately 20 percent of DPM, 40 percent of carbon monoxide emissions, and 50 percent of hydrocarbon emissions.
- Ensure that diesel-powered construction equipment is properly tuned and maintained, and shut off when not in direct use.
- Prohibit engine tampering to increase horsepower.
- Locate diesel engines, motors, and equipment as far as possible from residential areas and sensitive receptors (schools, daycare centers, and hospitals).
- Require low sulfur diesel fuel (<15 parts per million), if available.
- Reduce construction-related trips of workers and equipment, including trucks.
- Lease or buy newer, cleaner equipment (1996 or newer model), using a minimum of 75 percent of the equipment's total horsepower.
- Use engine types such as electric, liquified gas, hydrogen fuel cells, and/or alternative diesel formulations.
- Adopt a *Construction Emissions Mitigation Plan* to reduce construction emissions.
- Work with the local air pollution control district(s) to implement the strongest mitigation for reducing construction emissions.

### **Indirect and Cumulative Impacts**

The definition of *cumulative impact* is "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions" (40 CFR Part 1508.7). Per guidance provided by the Council on Environmental Quality (CEQ), the cumulative impacts analysis should provide the context for understanding the magnitude of the impacts of the alternatives by analyzing the impacts of other past, present, and reasonably foreseeable projects or actions and then considering those cumulative impacts in their entirety (CEQ's Forty Questions, #18). Where adverse cumulative impacts may exist, the DEIS

should disclose the parties that would be responsible for avoiding, minimizing, and mitigating those adverse impacts.

The DEIS should focus on resources of concern – those resources that are “at risk” and/or are significantly impacted by the proposed project, before mitigation. In the introduction to the Cumulative Impacts section, identify which resources are analyzed, which ones are not, and why. For each resource analyzed, the DEIS should:

- Identify the current condition of the resource as a measure of past impacts. For example, the percentage of species habitat lost to date.
- Identify the trend in the condition of the resource as a measure of present impacts. For example, the health of the resource is improving, declining, or in stasis.
- Identify the future condition of the resource based on an analysis of the cumulative impacts of reasonably foreseeable projects or actions added to existing conditions and current trends. For example, what will the future condition of the watershed be.
- Assess the cumulative impacts contribution of the proposed alternatives to the long-term health of the resource, and provide a specific measure for the projected impact from the proposed alternatives.
- Disclose the parties that would be responsible for avoiding, minimizing, and mitigating those adverse impacts.
- Identify opportunities to avoid and minimize impacts, including working with other entities.

#### **Coordination with Tribal Governments**

##### ***Executive Order 13175***

Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments* (November 6, 2000), was issued in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes.

The DEIS should describe the process and outcome of government-to-government consultation between the U.S. Customs and Border Protection (CBP) and each of the tribal governments within the project area, issues that were raised (if any), and how those issues were addressed in the selection of the proposed alternative.

##### ***National Historic Preservation Act and Executive Order 13007***

Historic properties under the National Historic Preservation Act (NHPA) are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register. Section 106 of the NHPA requires a federal agency, upon determining that activities under its control could affect historic properties, consult with the appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO).

Executive Order 13007, *Indian Sacred Sites* (May 24, 1996), requires federal land managing agencies to accommodate access to, and ceremonial use of, Indian sacred sites by Indian Religious practitioners, and to avoid adversely affecting the physical integrity of such sacred sites. It is important to note that a sacred site may not meet the National Register criteria for a historic property and that, conversely, a historic property may not meet the criteria for a sacred site.

The DEIS should address the existence of Indian sacred sites in the project area. It should address Executive Order 13007, distinguish it from Section 106 of the NHPA, discuss how the CBP will avoid adversely affecting the physical integrity of sacred sites, if they exist, and address other requirements of the Order.

#### **Invasive Species**

The project involves grading and clearing of vegetation, which can introduce invasive species. Executive Order 13112, *Invasive Species* (February 3, 1999), mandates that federal agencies take actions to prevent the introduction of invasive species, provide for their control, and minimize the economic, ecological, and human health impacts that invasive species cause. The DEIS should include project design features that call for the development of an invasive plant management plan to monitor and control noxious weeds, and to utilize native plants for restoration of disturbed areas after construction.

U.S. Department of Homeland Security  
Washington, DC 20229



U.S. Customs and  
Border Protection

Commissioner Carlos Marin  
International Boundary and Water Commission  
U.S. Section  
4111 North Mesa, Suite C-100  
El Paso, TX 79902-1441

OCT 18 2007

**Subject: Environmental impact Statement (EIS) for Proposed Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol San Diego Sector**

Dear Commissioner Marin:

While no final decisions on the fence locations have been made, U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), a component of the Department of Homeland Security, is preparing an Environmental Impact Statement (EIS) to address the potential environmental impacts and feasibility of constructing, maintaining, and operating tactical infrastructure in segments totaling approximately 5.6 miles within USBP San Diego Sector. In preparing the EIS, CBP will be working directly with the United States Army Corps of Engineers, Fort Worth District (USACE), who will provide technical expertise and other support to CBP.

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Based on Congressional and Executive mandates, CBP and USBP are assessing operational requirements and land issues along the entire Southwest border. Preparing the EIS does not necessarily mean the 5.6 miles of tactical infrastructure will be installed within USBP San Diego Sector. Rather, this effort is a prudent part of the planning process needed to assess any environmental concerns in accordance with the National Environmental Policy Act of 1969

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Commissioner Carlos Marin

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Your prompt attention to this request would be greatly appreciated. If you have any questions, please call Mr. Charles McGregor at (817) 886-1585 or Supervising Patrol Agent Oscar Pena, USBP San Diego Sector at 619-216-4028.

Sincerely,

  
Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection

Enclosure



OFFICE OF THE COMMISSIONER  
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION  
UNITED STATES AND MEXICO

October 15, 2007

United States Customs and Border Protection  
San Diego Tactical Infrastructure EIS  
c/o e<sup>2</sup>M  
2751 Prosperity Avenue, Suite 200  
Fairfax, Virginia 22031

Dear Customs Border Protection:

Thank you for the opportunity to comment on the notice of intent (NOI) to prepare an Environmental Impact Statement (EIS) on proposed construction and operation of tactical infrastructure for the United States Customs and Border Protection (CBP) in the vicinity of the Otay Mountain Wilderness Area and just west of Tecate. The United States Section, International Boundary and Water Commission (USIBWC), has reviewed the NOI dated September 24, 2007, and offers the following comments for your use.

As indicated in previous correspondence related to CBP fence projects, the USIBWC requests that proposed construction activities be accomplished in a manner that does not change historic surface runoff characteristics at the international border. If the project falls within USIBWC jurisdiction or property, the USIBWC will not approve any construction near the international boundary in the United States that increases, concentrates, or relocates overland drainage flows into either country. This requirement is intended to ensure that developments in one country will not cause damage to lands or resources in the other country as required by the 1970 Treaty. We also request that you ensure that structures constructed along the border are maintained in an adequate manner and that liability issues created by these structures are addressed.

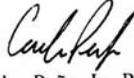
As with previous work by Border Patrol along the international boundary, the USIBWC requires that proposed works and related facilities not affect the permanence of existing boundary monuments and not impede access for their maintenance by USIBWC personnel. Any proposed construction must allow for line-of-sight visibility between each of the boundary monuments. The USIBWC requests that engineering drawings be submitted for review and approval before beginning construction on USIBWC jurisdictional property. The drawings must show the location of each component in relationship to the international boundary and nearby monuments.

In order to avoid any confusion and to allow better coordination, the USIBWC requests that a table be added to the Cumulative Effects Section that lists all the border fence projects, by state, that are being programmed for construction. This is due to the overwhelming amount of projects by the Border Patrol along the international border. For your information, the USIBWC has designated Mr. Richard Peace, Division Engineer, Operations and Maintenance Division as the agency single point of contact for border fence and other border security projects. Any future correspondence should be addressed to Mr. Peace at the letterhead address.

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If you have any questions regarding these comments, please contact Mr. Richard Peace at (915) 832-4158.

Sincerely,



Carlos Peña, Jr., P.E.  
Division Engineer  
Environmental Management Division

<p style="text-align: center;"><b>Memorandum of Understanding Among U. S. Department of Homeland Security and U. S. Department of the Interior and U. S. Department of Agriculture Regarding Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States' Borders</b></p> <p><b>I. Purpose and Scope</b></p> <p>A. This Memorandum of Understanding (MOU) is made and entered into by the Department of Homeland Security (DHS), including and on behalf of its constituent bureau U.S. Customs and Border Protection (CBP) and the CBP Office of Border Patrol (CBP-BP); the Department of the Interior (DOI), including and on behalf of its constituent bureaus, the National Park Service (NPS), U.S. Fish and Wildlife Service (FWS), Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM), and the Bureau of Reclamation (BOR); and the Department of Agriculture (USDA), including and on behalf of its constituent agency the U.S. Forest Service (USFS). Throughout this MOU, these three Departments, including their constituent agencies, may be referred to as "the Parties." Any reference to a bureau, agency, or constituent component of a Party shall not be deemed to exclude application to any appropriate bureau or constituent component of that Party. DHS recognizes that the BIA enters into this agreement only on its own behalf and not on behalf of any Indian tribe.</p> <p>B. The geographic and jurisdictional scope of this MOU is nationwide. The Parties recognize the national security and counterterrorism significance of preventing illegal entry into the United States by cross-border violators (CBVs), including but not limited to the following: drug and human smugglers and smuggling organizations, foreign nationals, and terrorists and terrorist organizations. The Parties further recognize that damage to DOI and USDA-managed lands and natural and cultural resources is often a significant consequence of such illegal entry. The Parties are committed to preventing illegal entry into the United States, protecting Federal lands and natural and cultural resources, and - where possible - preventing adverse impacts associated with illegal entry by CBVs.</p> <p>C. This MOU is intended to provide consistent goals, principles, and guidance related to border security, such as law enforcement operations; tactical infrastructure installation; utilization of roads; minimization and/or prevention of significant impact on or impairment of natural and cultural resources; implementation of the Wilderness Act, Endangered Species Act, and other related environmental law, regulation, and policy across land management agencies; and provide for coordination and sharing information</p>	<p>on threat assessments and other risks, plans for infrastructure and technology improvements on Federal lands, and operational and law enforcement staffing changes. This MOU provides guidance in the development of individual agreements, where appropriate, between CBP and land management agencies to further the provisions contained herein.</p> <p>D. This MOU is entered into pursuant to the governing statutory authorities of each of the Parties.</p> <p>E. The Parties acknowledge that CBP operation and construction within the sixty-foot "Roosevelt Reservation" of May 27 1907 (along the US-Mexico border) and the sixty-foot "Taft Reservation" of May 3, 1912 (along the US-Canada border) is consistent with the purpose of those reservations and that any CBP activity (including but not limited to, operations and construction) within the sixty-foot reservations is outside the oversight or control of Federal land managers.</p> <p>F. This MOU supersedes any conflicting provision of any prior MOU or Memorandum of Agreement between the Parties or their subordinate bureaus or components.</p> <p><b>II. Background</b></p> <p>A. DHS, through its constituent bureaus (including CBP and its CBP-BP), is statutorily mandated to control and guard the Nation's borders and boundaries, including the entirety of the northern and southern land and water borders of the United States.</p> <p>B. DOI and USDA, through their constituent bureaus, are statutorily charged as managers of Federal lands throughout the United States, including DOI and USDA lands in the vicinity of international borders that are administered as wilderness areas, conservation areas, national forests, wildlife refuges, units/irrigation projects of the Bureau of Reclamation, and/or units of the national park system. Tribal governments have primary management roles over tribal lands; however, the United States, through the BIA, may also have a stewardship or law enforcement responsibility over these lands. Many of these Federal and tribal lands contain natural and cultural resources that are being degraded by activities related to illegal cross-border movements.</p> <p>C. The volume of CBVs, can and has, in certain areas, overwhelmed the law enforcement and administrative resources of Federal land managers. In order to more effectively protect national security, respond to terrorist threats, safeguard human life, and stop the degradation of the natural and cultural resources on those lands, DOI and USDA land managers will work cooperatively with CBP to benefit from the enforcement presence, terrorist and CBV interdiction, and rescue operations of CBP.</p>
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<p><b>III. Common Findings and Affirmation of the Parties</b></p> <p>A. The Parties to this MOU recognize that CBP-BP access to Federal lands can facilitate rescue of CBVs on Federal lands, protect those lands from environmental damage, have a role in protecting the wilderness and cultural values and wildlife resources of these lands, and is necessary for the security of the United States. Accordingly, the Parties understand that CBP-BP, consistent with applicable Federal laws and regulations, may access public lands and waterways, including access for purposes of tracking, surveillance, interdiction, establishment of observation points, and installation of remote detection systems.</p> <p>B. The Parties recognize that DOI and USDA have responsibility for enforcing Federal laws relating to land management, resource protection, and other such functions on Federal lands under their jurisdiction.</p> <p><b>IV. Responsibilities and Terms of Agreement</b></p> <p>A. The Parties Agree to the Following Common Goals, Policies, and Principles:</p> <ol style="list-style-type: none"> <li>1. The Parties enter into this MOU in a cooperative spirit with the goals of securing the borders of the United States, addressing emergencies involving human health and safety, and preventing or minimizing environmental damage arising from CBV illegal entry on public lands;</li> <li>2. The Parties will strive to both resolve conflicts at and delegate resolution authority to the lowest field operational level possible while applying the principles of this MOU in such manner as will be consistent with the spirit and intent of this MOU;</li> <li>3. The Parties will develop and consistently utilize an efficient communication protocol respecting the chain of command for each of the Parties that will result in the consistent application of the goals, policies, and principles articulated in this MOU, and provide a mechanism that will, if necessary, facilitate the resolution of any conflicts among the Parties. If resolution of conflict does not occur at the local level, then the issue will be elevated first to the regional/sector officer; if not resolved at the regional/sector level, then the issue will be elevated to the headquarters level for resolution;</li> <li>4. The Parties will cooperate with each other to complete, in an expedited manner, all compliance that is required by applicable Federal laws not otherwise waived in furtherance of this MOU. If such activities are authorized by a local agreement as described in sub-article IV.B below, then the DOI, USDA, and CBP will complete the required compliance before executing the agreement;</li> </ol>	<ol style="list-style-type: none"> <li>5. The Parties will cooperate with each other to identify methods, routes, and locations for CBP-BP operations that will minimize impacts to natural, cultural, and wilderness resources resulting from CBP-BP operations while facilitating needed CBP-BP access;</li> <li>6. The Parties will, as necessary, plan and conduct joint local law enforcement operations consistent with all Parties' legal authorities;</li> <li>7. The Parties will establish a framework by which threat assessments and other intelligence information may be exchanged, including intelligence training to be conducted by all parties so that the intelligence requirements of each may be identified and facilitated;</li> <li>8. The Parties will establish forums and meet as needed at the local, regional, and national levels to facilitate working relationships and communication between all Parties;</li> <li>9. The Parties will develop and share joint operational strategies at the local, regional, and national levels, including joint requests for infrastructure and other shared areas of responsibility;</li> <li>10. The Parties will share the cost of environmental and cultural awareness training unless otherwise agreed; and</li> <li>11. The Parties will, as appropriate, enter into specific reimbursable agreements pursuant to the Economy Act, 31 U.S.C. §1535 when one party is to furnish materials or perform work or provide a service on behalf of another party.</li> </ol> <p><b>B. Responsibilities and Terms Specific to DOI and USDA.</b> The DOI and the USDA hereby recognize that, pursuant to applicable law, CBP-BP is authorized to access the Federal lands under DOI and USDA administrative jurisdiction, including areas designated by Congress as wilderness, recommended as wilderness, and/or wilderness study areas, and will do so in accordance with the following conditions and existing authorities:</p> <ol style="list-style-type: none"> <li>1. CBP-BP agents on foot or on horseback may patrol, or pursue, or apprehend suspected CBVs, off-road at any time on any Federal lands administered by the Parties;</li> <li>2. CBP-BP may operate motor vehicles on existing public and administrative roads and trails and in areas previously designated by the land management agency for off-road vehicle use at any time, provided that such use is consistent with presently authorized public or administrative use. At CBP-BP's request, the DOI and the USDA will provide CBP-BP with keys, combinations, or other means necessary to</li> </ol>
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<p>access secured administrative roads/trails. CBP-BP may ding existing public and administrative roads that are unpaved for the purpose of cutting sign, subject to compliance with conditions that are mutually agreed upon by the local Federal land manager and the CBP-BP Sector Chief. For purposes of this MOU, "existing public roads/trails" are those existing roads/trails, paved or unpaved, on which the land management agency allows members of the general public to operate motor vehicles, and "existing administrative roads/trails" are those existing roads/trails, paved or unpaved, on which the land management agency allows persons specially authorized by the agency, but not members of the general public, to operate motor vehicles;</p> <p>3. CBP-BP may request, in writing, that the land management agency grant additional access to Federal lands (for example, to areas not previously designated by the land management agency for off-road use) administered by the DOI or the USDA for such purposes as routine patrols, non-emergency operational access, and establishment of temporary camps or other operational activities. The request will describe the specific lands and/or routes that the CBP-BP wishes to access and the specific means of access desired. After receiving a written request, the local Federal land manager will meet promptly with the CBP-BP Sector Chief to begin discussing the request and negotiating the terms and conditions of an agreement with the local land management agency that authorizes access to the extent permitted by the laws applicable to the particular Federal lands. In each agreement between CBP-BP and the local land management agency, the CBP-BP should be required to use the lowest impact mode of travel and operational setup reasonable and practicable to accomplish its mission. The CBP-BP should also be required to operate all motorized vehicles and temporary operational activities in such a manner as will minimize the adverse impacts on threatened or endangered species and on the resources and values of the particular Federal lands. However, at no time should officer safety be compromised when selecting the least impactful conveyance or operational activity. Recognizing the importance of this matter to the Nation's security, the CBP-BP Sector Chief and the local Federal land manager will devote to this endeavor the resources necessary to complete required compliance measures in order to execute the local agreement within ninety (90) days after the Federal land manager has received the written request for access. Nothing in this paragraph is intended to limit the exercise of applicable emergency authorities for access prior to the execution of the local agreement. The Secretaries of the Interior, Agriculture, and Homeland Security expect that, absent compelling justification, each local agreement will be executed within that time frame and provide the maximum amount of access requested by the CBP-BP and allowed by law;</p>	<p>4. Nothing in this MOU is intended to prevent CBP-BP agents from exercising existing exigent/emergency authorities to access lands, including authority to conduct motorized off-road pursuit of suspected CBVs at any time, including in areas designated or recommended as wilderness, or in wilderness study areas when, in their professional judgment based on articulated facts, there is a specific exigency/emergency involving human life, health, safety within the area, or posing a threat to national security, and they conclude that such motorized off-road pursuit is reasonably expected to result in the apprehension of the suspected CBVs. Articulated facts include, but are not limited to, visual observation; information received from a remote sensor, video camera, scope, or other technological source; fresh "sign" or other physical indication; canine alert; or classified or unclassified intelligence. For each such motorized off-road pursuit, CBP-BP will use the least intrusive or damaging motorized vehicle readily available, without compromising agent or officer safety. In accordance with paragraph IV.C.4, as soon as practicable after each such motorized off-road pursuit, CBP-BP will provide the local Federal land manager with a brief report;</p> <p>5. If motorized pursuits in wilderness areas, areas recommended for wilderness designation, wilderness study areas, or off-road in an area not designated for such use are causing significant impact on the resources, or if other significant issues warrant consultation, then the Federal land manager and the CBP-BP will immediately meet to resolve the issues subject to paragraphs IV.A.2 and IV.A.3 of this MOU;</p> <p>6. CBP may request, in writing, that the land management agency authorize installation or construction of tactical infrastructure for detection of CBVs (including, but not limited to, observation points, remote video surveillance systems, motion sensors, vehicle barriers, fences, roads, and detection devices) on land under the local land management agency's administrative jurisdiction. In areas not designated as wilderness, the local Federal land manager will expeditiously authorize CBP to install such infrastructure subject to such terms and conditions that are mutually developed and articulated in the authorization issued by the land management agency. In areas designated or managed as wilderness, the local Federal land manager, in consultation with CBP, will promptly conduct a "minimum requirement," minimum tool, or other appropriate analysis. If supported by such analysis, the local Federal land manager will expeditiously authorize CBP to install such infrastructure subject to such terms and conditions that are mutually developed and articulated in the authorization issued by the land management agency;</p>
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<p>7. The DOI and USDA will provide CBP-BP agents with appropriate environmental and cultural awareness training formatted to meet CBP-BP operational constraints. The DOI and USDA will work with CBP-BP in the development and production of maps for use or reference by CBP-BP agents including, as appropriate, site-specific and resource-specific maps that will identify specific wildlife and environmentally or culturally sensitive areas;</p> <p>8. The DOI and USDA will, as applicable, provide CBP-BP with all assessments and studies done by or on behalf of DOI or USDA on the effects of CBVs on Federal lands and native species to better analyze the value of preventative enforcement actions;</p> <p>9. The DOI and USDA will assist CBP-BP in search and rescue operations on lands within the respective land managers' administration when requested;</p> <p>10. The CBP-BP and land management agencies may cross-deputize or cross-designate their agents as law enforcement officers under each other agency's statutory authority. Such cross-deputization or cross-designation agreements entered into by the local land management agency and the field operations manager for the CBP-BP shall be pursuant to the policies and procedures of each agency; and</p> <p>11. DOI and USDA will work at the field operations level with affected local CBP-BP stations to establish protocols for notifying CBP-BP agents when DOI or USDA law enforcement personnel are conducting law enforcement operations in an area where CBP-BP and DOI/USDA operations can or will overlap.</p> <p>C. <u>Responsibilities and Terms Specific to the CBP</u>. DHS hereby agrees as follows:</p> <ol style="list-style-type: none"> <li>1. Consistent with the Border Patrol Strategic Plan, CBP-BP will strive to interdict CBVs as close to the United States' international borders as is operationally practical, with the long-term goal of establishing operational control along the immediate borders;</li> <li>2. If the CBP-BP drugs any unposted roads for the purpose of cutting sign under provision IV.B.2 above, then CBP-BP will maintain or repair such roads to the extent that they are damaged by CBP-BP's use or activities;</li> <li>3. If CBP-BP agents pursue or apprehend suspected CBVs in wilderness areas or off-road in an area not designated for such use under</li> </ol>	<p>paragraph IV.B.5, then the CBP-BP will use the lowest impact mode of travel practicable to accomplish its mission and operate all motorized vehicles in such a manner as will minimize the adverse impacts on threatened or endangered species and on the resources and values of the particular Federal lands, provided officer safety is not compromised by the type of conveyance selected;</p> <p>4. CBP-BP will notify the local Federal land manager of any motorized emergency pursuit, apprehension, or incursion in a wilderness area or off-road in an area not designated for such use as soon as is practicable. A verbal report is sufficient unless either CBP-BP or the land managing agency determines that significant impacts resulted, in which case a written report will be necessary;</p> <p>5. If motorized pursuits in wilderness areas, areas recommended for wilderness designation, wilderness study areas, or off-road in an area not designated for such use are causing significant impact on the resources as determined by a land manager, or if other significant issues warrant consultation, then the CBP-BP and Federal land manager will immediately meet to resolve the issues subject to paragraphs IV.A.2 and IV.A.3 of this MOU;</p> <p>6. CBP will consult with land managers to coordinate the placement and maintenance of tactical infrastructure, permanent and temporary video, seismic and other remote sensing sites in order to limit resource damage while maintaining operational efficiency;</p> <p>7. CBP-BP will ensure that current and incoming CBP-BP agents attend environmental and cultural awareness training to be provided by the land management agencies;</p> <p>8. CBP-BP will provide land management agencies with appropriate and relevant releasable statistics of monthly CBV apprehensions, search and rescue actions, casualties, vehicles seized, drug seizures, and arrests, weapons seizures and arrests, and other significant statistics regarding occurrences on the lands managed by the land manager;</p> <p>9. CBP-BP will consult with land managers in the development of CBP-BP's annual Operational Requirements Based Budgeting Program to ensure affected land managers can provide input and are, in the early stages of planning, made aware what personnel, infrastructure, and technology the CBP-BP would like to deploy along the border within their area of operation; and</p> <p>10. CBP-BP will work at the field operations manager level with affected local land management agencies to establish protocols for notifying</p>
<p>7. The DOI and USDA will provide CBP-BP agents with appropriate environmental and cultural awareness training formatted to meet CBP-BP operational constraints. The DOI and USDA will work with CBP-BP in the development and production of maps for use or reference by CBP-BP agents including, as appropriate, site-specific and resource-specific maps that will identify specific wildlife and environmentally or culturally sensitive areas;</p> <p>8. The DOI and USDA will, as applicable, provide CBP-BP with all assessments and studies done by or on behalf of DOI or USDA on the effects of CBVs on Federal lands and native species to better analyze the value of preventative enforcement actions;</p> <p>9. The DOI and USDA will assist CBP-BP in search and rescue operations on lands within the respective land managers' administration when requested;</p> <p>10. The CBP-BP and land management agencies may cross-deputize or cross-designate their agents as law enforcement officers under each other agency's statutory authority. Such cross-deputization or cross-designation agreements entered into by the local land management agency and the field operations manager for the CBP-BP shall be pursuant to the policies and procedures of each agency; and</p> <p>11. DOI and USDA will work at the field operations level with affected local CBP-BP stations to establish protocols for notifying CBP-BP agents when DOI or USDA law enforcement personnel are conducting law enforcement operations in an area where CBP-BP and DOI/USDA operations can or will overlap.</p> <p>C. <u>Responsibilities and Terms Specific to the CBP</u>. DHS hereby agrees as follows:</p> <ol style="list-style-type: none"> <li>1. Consistent with the Border Patrol Strategic Plan, CBP-BP will strive to interdict CBVs as close to the United States' international borders as is operationally practical, with the long-term goal of establishing operational control along the immediate borders;</li> <li>2. If the CBP-BP drugs any unposted roads for the purpose of cutting sign under provision IV.B.2 above, then CBP-BP will maintain or repair such roads to the extent that they are damaged by CBP-BP's use or activities;</li> <li>3. If CBP-BP agents pursue or apprehend suspected CBVs in wilderness areas or off-road in an area not designated for such use under</li> </ol>	<p>paragraph IV.B.5, then the CBP-BP will use the lowest impact mode of travel practicable to accomplish its mission and operate all motorized vehicles in such a manner as will minimize the adverse impacts on threatened or endangered species and on the resources and values of the particular Federal lands, provided officer safety is not compromised by the type of conveyance selected;</p> <p>4. CBP-BP will notify the local Federal land manager of any motorized emergency pursuit, apprehension, or incursion in a wilderness area or off-road in an area not designated for such use as soon as is practicable. A verbal report is sufficient unless either CBP-BP or the land managing agency determines that significant impacts resulted, in which case a written report will be necessary;</p> <p>5. If motorized pursuits in wilderness areas, areas recommended for wilderness designation, wilderness study areas, or off-road in an area not designated for such use are causing significant impact on the resources as determined by a land manager, or if other significant issues warrant consultation, then the CBP-BP and Federal land manager will immediately meet to resolve the issues subject to paragraphs IV.A.2 and IV.A.3 of this MOU;</p> <p>6. CBP will consult with land managers to coordinate the placement and maintenance of tactical infrastructure, permanent and temporary video, seismic and other remote sensing sites in order to limit resource damage while maintaining operational efficiency;</p> <p>7. CBP-BP will ensure that current and incoming CBP-BP agents attend environmental and cultural awareness training to be provided by the land management agencies;</p> <p>8. CBP-BP will provide land management agencies with appropriate and relevant releasable statistics of monthly CBV apprehensions, search and rescue actions, casualties, vehicles seized, drug seizures, and arrests, weapons seizures and arrests, and other significant statistics regarding occurrences on the lands managed by the land manager;</p> <p>9. CBP-BP will consult with land managers in the development of CBP-BP's annual Operational Requirements Based Budgeting Program to ensure affected land managers can provide input and are, in the early stages of planning, made aware what personnel, infrastructure, and technology the CBP-BP would like to deploy along the border within their area of operation; and</p> <p>10. CBP-BP will work at the field operations manager level with affected local land management agencies to establish protocols for notifying</p>

<p>land management agency law enforcement officers when BP is conducting special operations or non-routine activities in a particular area.</p> <p><b>V. Miscellaneous Provisions</b></p> <p>A. Nothing in this MOU may be construed to obligate the agencies or the United States to any current or future expenditure of funds in advance of the availability of appropriations, nor does this MOU obligate the agencies or the United States to spend funds for any particular project or purpose, even if funds are available.</p> <p>B. Nothing in this MOU will be construed as affecting the authority of the Parties in carrying out their statutory responsibilities.</p> <p>C. This MOU may be modified or amended in writing upon consent of all Parties, and other affected Federal agencies may seek to become a Party to this MOU.</p> <p>D. The Parties shall retain all applicable legal responsibility for their respective personnel working pursuant to this MOU with respect to, <i>inter alia</i>, pay, personnel benefits, injuries, accidents, losses, damages, and civil liability. This MOU is not intended to change in any way the individual employee status or the liability or responsibility of any Party under Federal law.</p> <p>E. The Parties agree to participate in this MOU until its termination. Any Party wishing to terminate its participation in this MOU shall provide sixty (60) days written notice to all other Parties.</p> <p>F. This document is an intra-governmental agreement among the Parties and does not create or confer any rights, privileges, or benefits upon any person, party, or entity. This MOU is not and shall not be construed as a rule or regulation.</p>	<p>In witness whereof, the Parties hereto have caused this Memorandum of Understanding to be executed and effective as of the date of the last signature below.</p> <p>Date: <u>3/24/06</u></p> <p>Date: <u>3/31/06</u></p> <p>Date: <u>3/29/06</u></p> <p> Secretary of Homeland Security</p> <p> Secretary of the Interior</p> <p> Secretary of Agriculture</p>
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