United States Department of the Interior
Bureau of Land Management
Case File # 53512

Finding of No Significant Impact

# IMPROVEMENT AND CONSTRUCTION, OPERATION, AND MAINTENANCE OF PROPOSED ALL-WEATHER ROAD IN THE EL CENTRO STATION AREA OF RESPONSIBILITY, U.S. CUSTOMS AND BORDER PROTECTION, U.S. BORDER PATROL, EL CENTRO SECTOR

Imperial County, California

U.S. Department of the Interior
Bureau of Land Management
El Centro Field Office
1661 South 4th Street
El Centro, CA  93342

October 2013

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**Proposed Action Title/Type:**

Improvement and Construction, Operation, and Maintenance of Proposed All-Weather Road in the El Centro Station Area of Responsibility, U.S. Customs and Border Protection, U.S. Border Patrol, El Centro Sector.

**Applicant/Proponent:**

U.S. Customs & Border Protection

**Location of Proposed Action**:

The location of the proposed all-weather roads is west of the All-American Canal, near the U.S./Mexico border within U.S. Border Patrol (USBP) El Centro Station's Area of Responsibility (AOR). The project is located adjacent to and within the Yuha Desert Area of Critical Environmental Concern (ACEC). The City of Calexico, California is located approximately 10 miles east of the project area, while the City of El Centro, California is located approximately 11.5 miles northeast of the project area. Access to the project area is limited to primitive roads with ingress and egress locations along State Route (SR) 98. The border road improvements would occur from near Border Monument 224 (approximately N 32° 38.96544, W 115° 42.1974), to near Border Monument 225 (approximately N32° 38.89518, W115° 43.52994).

INTRODUCTION

USBP is a law enforcement entity of U.S. Customs and Border Protection (CBP) within Department of Homeland Security (DHS). USBP's priority mission is to prevent the entry of terrorists and their weapons of terrorism and to enforce the laws that protect the U.S. homeland. This is accomplished by the detection, interdiction, and apprehension of those who attempt to illegally enter or smuggle any person or contraband across the sovereign borders of the United States.

CBP prepared an Environmental Assessment (EA), which is incorporated herein by reference, to address the potential effects, beneficial and adverse, resulting from the proposed improvement, construction, operation, and maintenance of approximately 1.6 miles of all-weather road near the U.S./Mexico border within USBP El Centro Station's AOR.

The EA was prepared in accordance with the National Environmental Policy Act (NEPA) and analyzes the project alternatives and potential impacts on the human and natural environment from two action alternatives and a No Action Alternative.

## PURPOSE AND NEED

The purpose of this action is to increase border security within the USBP El Centro Sector with an ultimate objective of reducing illegal cross-border activity by providing safer and more efficient access for USBP agents along the U.S./Mexico border in the west desert area of the USBP El Centro Station's AOR and to BP Hill. The primary need for this action is because of the remoteness of the west desert area and the impassability of the existing road, which creates long drive times for agents to reach patrol areas and limits their ability to assist with interdictions and apprehensions. An additional need for the action is to provide agents with the infrastructure necessary to carry out USBP's mission.

## SELECTED ALTERNATIVE

The BP Hill Alternative (Selected Alternative) includes the improvement, operation, and maintenance of approximately 1.4 miles of existing border road, improvement of the existing BP Hill access road where CBP operates a RVSS tower, and construction and use of five new staging areas.

The border road would be improved to an all-weather surface road (1.4 miles long) approximately 20 feet wide with 2-foot shoulders and would include any necessary drainage structures (i.e., culverts, low-water crossing, or bridge). A drag road would also be constructed along the north side of the all-weather surface. Staging areas would be located approximately every 0.3 mile within the construction corridor. In addition to the 1.4 miles of road improvement, the existing access road leading to the BP Hill RVSS tower would be improved. This approximately 0.3 mile long road would be widened to 16 feet and include the installation of ancillary structures, all-weather surfacing, and reduction of the grade though cut and fill activities.

## PLAN CONFORMANCE AND CONSISTENCY

The project corridor is located within the Yuha Desert Area of Critical Environmental Concern (ACEC). The Yuha Desert ACEC was designated by the BLM for the purpose of protecting sensitive natural and cultural resources as part of the BLM California Desert District multiple use plan (BLM 1999). This area is also classified as the Yuha Desert Management Area (YDMA) for the FTHL. The YDMA encompasses approximately 60,000 acres. Approximately 57,200 acres of the YDMA are under Federal ownership. As part of the FTHL Rangewide Management Strategy, the cumulative new disturbance per management area since 1997 may not exceed 1 percent of the total management area acreage on Federal lands (i.e., 572 acres). The Selected Alternative is consistent with the BLM California Desert District multiple use plan and the FTHL Rangewide Management Strategy.

FINDING OF NO SIGNIFICANT IMPACT

The El Centro Field Office interdisciplinary review and analysis determined that the Selected Alternative would not trigger significant impacts on the environment based on criteria established by regulations, policy and analysis.

Based on the findings discussed herein, I conclude that the selected action is not a major Federal action and will result in no significant impacts to the environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in applicable land use plans. Therefore, preparation of an environmental impact statement to further analyze possible impacts is not required pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969.

This determination is based on the rationale that the significance criteria, as defined by the Council on Environmental Quality (CEQ) (40 CFR 1508.27) have not been met. "Significantly" as used in NEPA requires considerations of both context and intensity. In making this Finding of No Significant Impact (FONSI), the following criteria have been considered, in accordance with the Council on Environmental Quality (CEQ), 40 C.F.R. 1508.27.

**Context:** This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long term effects are relevant.

Environmental impacts associated with the proposed action and alternatives have been assessed by an interdisciplinary team and described in the Environmental Assessment (EA) prepared by the U.S. Customs and Border Protection. The context of the EA analysis was reviewed by staff at the BLM El Centro Field Office and determined to be at a local and regional scale in Imperial County, California. The effects of the action are not applicable on a national scale since no nationally significant values were involved.

**Intensity**: This refers to the severity of impact. The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and supplemental Instruction Memorandum, Acts, regulations and Executive Orders.

**The following have been considered in evaluating intensity for this proposal:**

*1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.*

Beneficial Effects:

The Selected Alternative would provide increased effectiveness for USBP agents in the performance of their duties, provide safe access to the west desert area within the El Centro Station's AOR, and provide a more safe, effective, and efficient working environment for USBP agents. Beneficial effects on areas north of the project corridor could be realized due to less vegetation and wildlife disturbance, less compaction, and less erosion as USBP agents are better able to detect, deter, and apprehend illegal cross-border violators.

Adverse Effects:

No adverse effects are anticipated to result from the BP Hill Improvement Alternative for any environmental resources.

*2) The degree to which the selected alternative will affect public health or safety.*

There is little potential for USBP agents, private contractors, BLM personnel, or the general public to be at risk from a human health and safety aspect as a result of the Selected Alternative. Construction would occur during daylight hours, whenever possible. Safety buffer zones would be designated around all construction sites to ensure public health and safety. Automobile traffic associated with construction and operation of the improved roadway is not anticipated to increase the risks of automobile accidents or roadway capacities. Through BMPs developed for general construction practices, and because of the rural nature of the project area with no residences located near the project footprint, only negligible impacts would be expected.

*3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.*

Through the implementation of the Selected Alternative, moderate impacts on land use are expected. The permanent disturbance of up to 7.3 acres of the Yuha Desert Management Area (YDMA) would occur as a result of the improvement and construction activities. This amount of disturbance would not cause the BLM to exceed its cumulative cap of one percent of the total area of the YDMA. Further, CBP would compensate BLM for all impacts within the YDMA. Land in the immediate surrounding area would remain uninhabited, and the presence of the proposed roadway would not have an impact on cultural or historical resources, surface water resources, or local agricultural or residential areas.

*4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

Because of the limited scope and standard methods anticipated for use in the Selected Alternative, this action would not result in controversial, uncertain, or unique effects on the quality of the human environment.

*5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The Selected Alternative would be completed using standard construction methods and technology and would not involve any unique or unknown risks.

*6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The Selected Alternative is a stand-alone action with independent utility. It does not establish a precedent for future action.

*7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.*

The Selected Alternative is part of a larger tactical infrastructure (TI) project, portions of which are waived from NEPA and other Federal regulatory compliance by the Secretary of DHS. The other elements of the larger TI project include the improvement, operation, and maintenance of two staging areas, two access roads, and border road to the east and west of the proposed project area. Construction of the other elements of the larger TI project will be completed in May 2013. In addition to the Selected Alternative and other elements that are covered by the Secretary's waiver and are part of the larger TI project, CBP has proposed and is evaluating a program of ongoing maintenance and repair of existing tactical infrastructure within the area. Cumulative impacts from the Selected Alternative and other related actions are not significant.

*8) The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

Two NRHP-eligible historic objects, International Boundary Monuments No. 224 and No. 225, were identified through a records search and fieldwork. Both monuments would be avoided during construction; therefore, no impacts would occur to the monuments. Section 106 consultation was completed and the California State Historic Preservation Officer concurred with the CBP determination of no historic properties affected. Additionally, BMPs, including the presence of archaeological and tribal monitors during ground-disturbing activities in the vicinities of ESAs, would be implemented in an effort

to avoid or minimize impacts on cultural or historical resources. However, should any archaeological artifacts be found during staging or installation activities, the appropriate BLM archaeologist or cultural resources specialist will be notified immediately. All work will cease until an evaluation of the discovery is made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values.

*9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.*

Under the Selected Alternative, there would be no adverse effects on federally listed or state-listed threatened and endangered species or their habitats, as none exist within the project area.

The Selected Alternative would potentially impact the habitat of two BLM sensitive species: burrowing owl and Flat-Tailed Horned Lizard (FTHL). No burrowing owls were observed during recent biological surveys. Biological monitors would be on-site during construction activities, if a burrowing owl is seen occupying a burrow or structure in the project area, CDFG recommended buffers would be established until the animal has left the project area. Therefore, any potential impacts would be minimized.

FTHL habitat would be impacted by the construction activities, and there is the potential for taking individuals. BMPs, such as preconstruction surveys and monitoring for the presence of the FTHL during construction activities, as well as compensation for loss of habitat, would compensate for the impacts on FTHL.

*10) Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.*

The Selected Alternative would not violate any environmental laws or administrative determinations.

ADDITIONAL MEASURES:

All practicable means to avoid or minimize environmental harm and unnecessary or undue degradation of the public land are inherent to the Selected Alternative.

The following Best Management Practices (BMP) will be implemented to minimize impacts on the human and natural environment.

Project Planning/Design- General Construction:

The all-weather road will be sited, designed, and improved/constructed to avoid or minimize habitat loss within or adjacent to the footprint. The amount of aboveground obstacles associated with the site will be minimized.

CBP will ensure that all construction will follow DHS Directive 025-01 for Sustainable Practices for Environmental, Energy, and Transportation Management.

CBP will incorporate BMPs relating to project area delineation, water sources, waste management, and site restoration into project planning and implementation for construction and maintenance.

General Construction Activities:

CBP will clearly demarcate project construction area perimeters with a representative from the land management agency. No disturbance outside that perimeter will be authorized.

Within the designated disturbance area, CBP will minimize the area to be disturbed by limiting deliveries of materials and equipment to only those needed for effective project implementation.

CBP will avoid contamination of ground and surface waters by storing any water that has been contaminated with construction materials, oils, equipment residue, etc., in closed containers on- site until removed for disposal. This wash water is toxic to wildlife. Storage tanks must have proper air space (to avoid rainfall-induced overtopping), be on-ground containers, and be located in upland areas instead of washes.

In the event that CBP contaminates soil or water resources as a result of the proposed project, the contaminated soil or water will be remediated as per BLM requirements.

CBP will avoid transmitting disease vectors, introducing invasive non-native species, and depleting natural aquatic systems by using wells, irrigation water sources, or treated municipal sources for construction or irrigation purposes instead of natural sources. CBP will place drip pans under parked equipment and establish containment zones when refueling vehicles or equipment.

Reviewed by: _____ _____
Environmental & Planning Coordinator Date

Approved by: _____ _____
Thomas F. Zale, Field Manager Date