



"Andrew, Jonathan M"  
<Jonathan\_Andrew@ios.doi.gov>

05/12/2011 07:45 AM

To "Thomsen, Gregory" <gthomsen@blm.gov>, "Yuen, Andy" <andy\_yuen@fws.gov>, "Slone, Sid" <sid\_slone@fws.gov>, "Baiza, Lee" <Lee\_Baiza@nps.gov>, "Gall, Sally"

cc

bcc

Subject FW: List of Road Guys by Sector

History:

 This message has been forwarded.

I think I have the key people copied here but if there is someone I missed be sure to send this info on.

I am told these guys are connected closely with each PLLA and if you have road needs or concerns—and I know you do—these are some good contacts. As CBP gets their road program going this will be the person to coordinate with and express priority needs and see if we can't get help from CBP, partner with them in some way or otherwise address the needs we all have.

I am also told there will be some initial coordination meetings in May with ES offices in Carlsbad (24<sup>th</sup>) and Tucson (25<sup>th</sup>) on the TIMR NEPA stuff and ESA compliance.

Jon

**From:** COLACICCO, CHRISTOPHER J. (CTR) [mailto:CHRISTOPHER.Colacicco@associates.dhs.gov]  
**Sent:** Wednesday, May 11, 2011 5:45 PM  
**To:** Andrew, Jonathan M  
**Cc:** GUZEWICH, DAVID C; ANDERSON, ABEL  
**Subject:** RE: List of Road Guys by Sector

Jon,

Here are the TIMR COTRs by Sector:

Harry Hart: El Centro and Yuma  
Email address: [harry.hart@dhs.gov](mailto:harry.hart@dhs.gov)

Robert Elledge: Marfa, Del Rio, Laredo and Rio Grande Valley  
Email address: [Robert.elledge@dhs.gov](mailto:Robert.elledge@dhs.gov)

Bashar Alhajar: San Diego  
Email address: [basher.alhajar@dhs.gov](mailto:basher.alhajar@dhs.gov)

Tim Guy: Tucson  
Email address: [timothy.guy@dhs.gov](mailto:timothy.guy@dhs.gov)

Since you have the mailing lists set up, I would appreciate if you could send out this information.

Thanks,  
Chris

Christopher J. Colacicco



Shela  
McFarlin/AZSO/AZ/BLM/DOI  
06/09/2008 11:07 AM

To Edwin\_Roberson@blm.gov@BLM  
cc Rick Schultz/SIO/OS/DOI@DOI, Elaine  
Zielinski/AZSO/AZ/BLM/DOI@BLM, Helen  
Hankins/AZSO/AZ/BLM/DOI@BLM, Michael  
bcc

Subject Mitigation MOA DHS/DOI: Tri State Review Comments

History: This message has been forwarded.

Ed: Attached are review comments from AZ, NM and CA on the draft Mitigation MOA and the DOI Advisory Committee. Reviewers include: Greg, Eddie and myself along with Helen Hankins and Elaine Zielinski.

Provided are both general comments and specific notes and questions within the MOA sections. Some key comments:

(b) (5)

On the Advisory Committee:

Is this a decision-making body? Who is the decision-maker?



DOI Advisory Committee TriState review 6608 97-03.doc



MIT MOA 51208 BLM tri-state comments 6608 97-003.doc

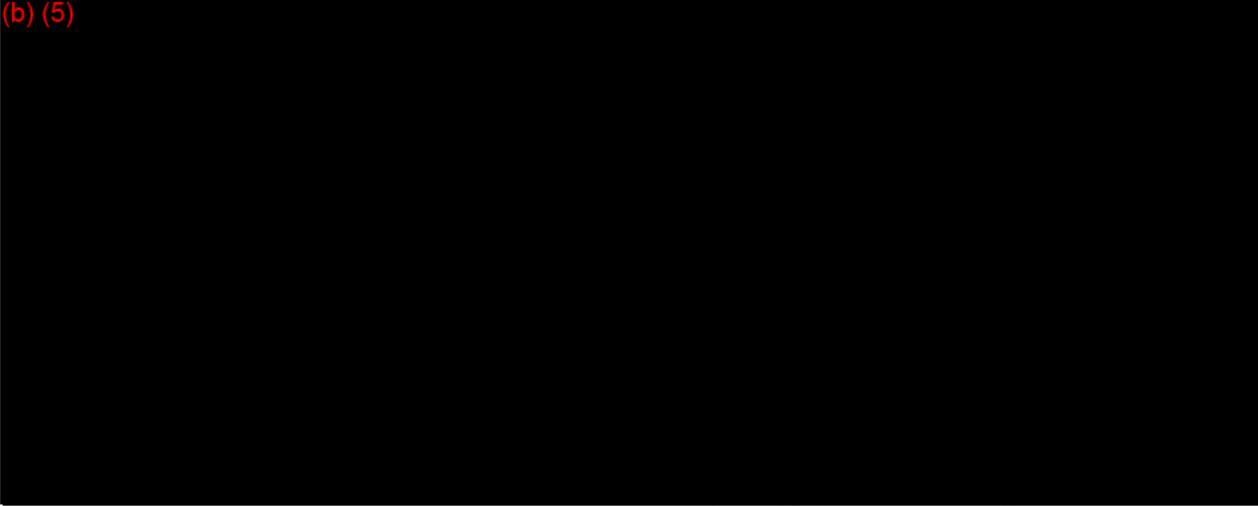
Rick plans a DOI borders call on June 11 at 1:00 pm your time.

Shela A. McFarlin,  
Special Assistant for International Programs  
USDI, Bureau of Land Management  
Federal Building, CNF Sixth Floor, #6V3  
300 West Congress  
Tucson, Arizona 85701  
520-624-0560 voice, 520-388-8305 fax  
602-361-0379 cell  
Shela\_McFarlin@blm.gov

6/6/08 Review Comments: **Borderland Security Mitigation Funding DOI Advisory Committee [draft proposal]**

**General Comments.**

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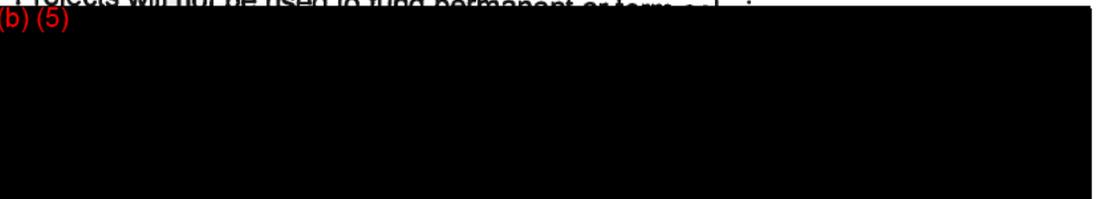
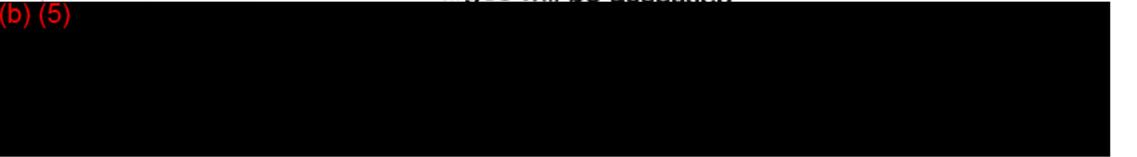


**Purpose**

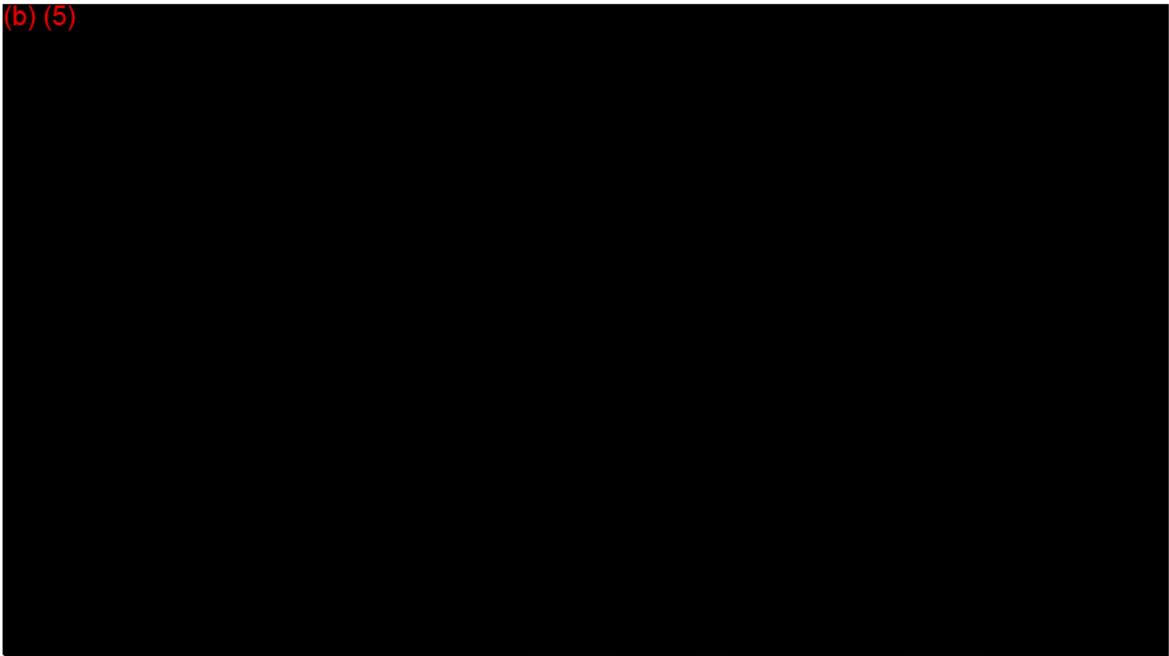
To effectively administer mitigation funding associated with the construction of the Department of Homeland Security (DHS) border security infrastructure and with Border Patrol operations.

**Rules of Thumb**

The following rules of thumb will apply to any alternative that is selected:

- (b) (5) 
- (b) (5) 
- Projects will not be used to fund permanent or temporary 
- No DOI or bureau overhead charges will be assessed 

(b) (5)



#### Initial Steps

Several initial steps would be undertaken to set any alternative in motion. These steps include:

- Establish a DOI advisory committee
- Develop operating rules including project review and approval processes

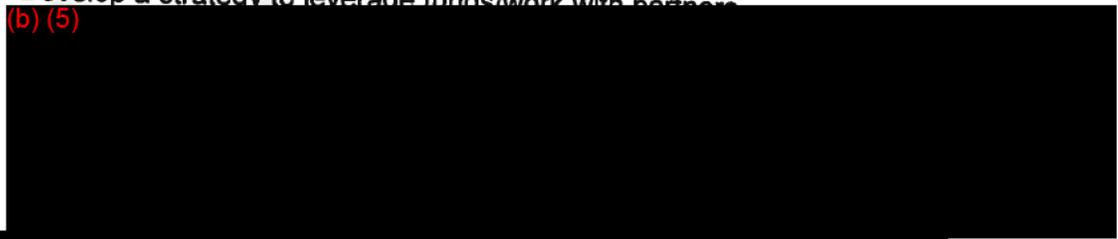
- Develop a five-year mitigation plan

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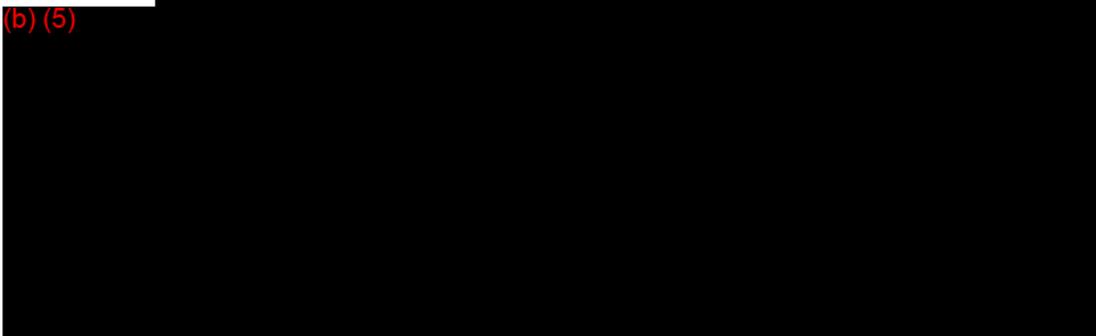


- Develop a strategy to leverage funds/work with partners

(b) (5)

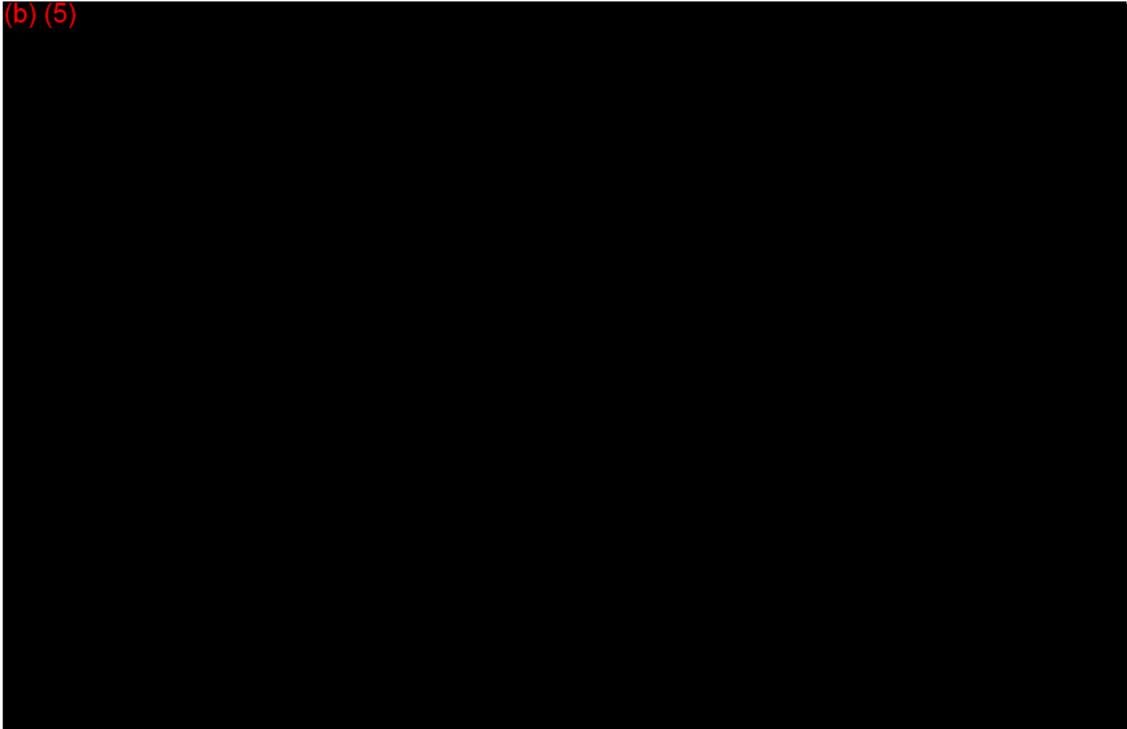


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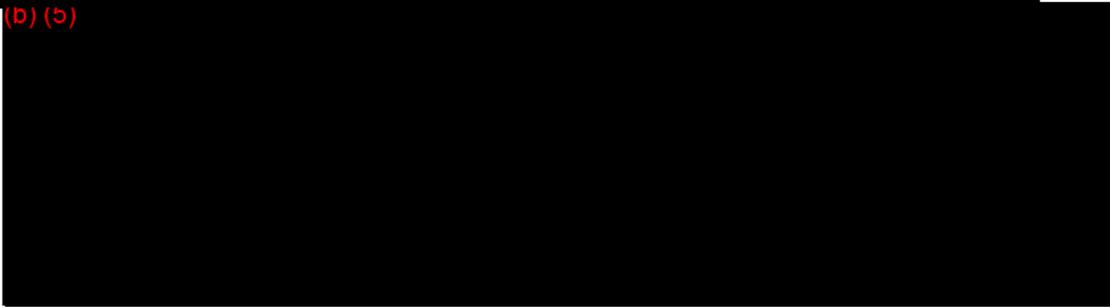


June 6, 2008

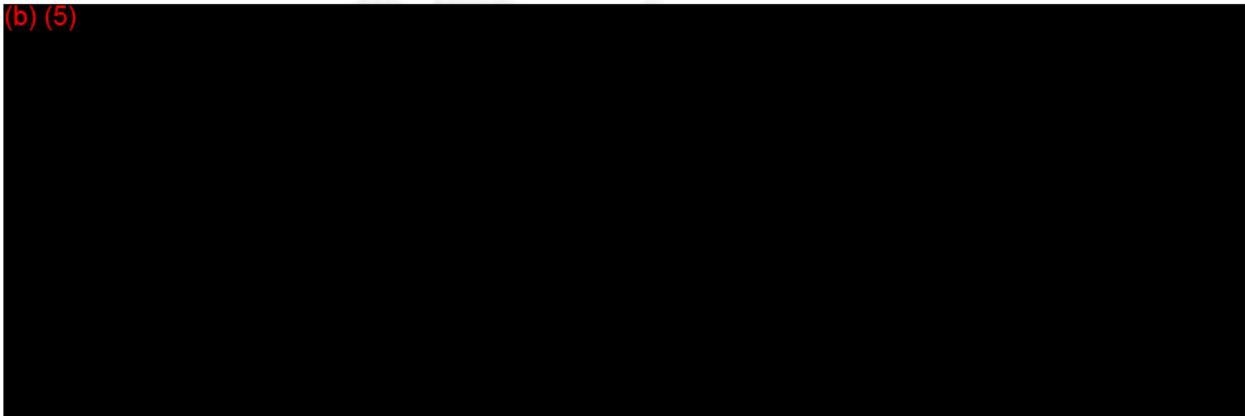
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(b) (5)



(b) (5)



June 6, 2008

**6/6/08 BLM Review Comments: Memorandum of Agreement Among U.S. Department of Homeland Security And U.S. Department of the Interior Regarding Natural and Cultural Resource Mitigation to Offset Impacts Associated with Construction of Border Security Infrastructure along the Southwest Border Of the United States**

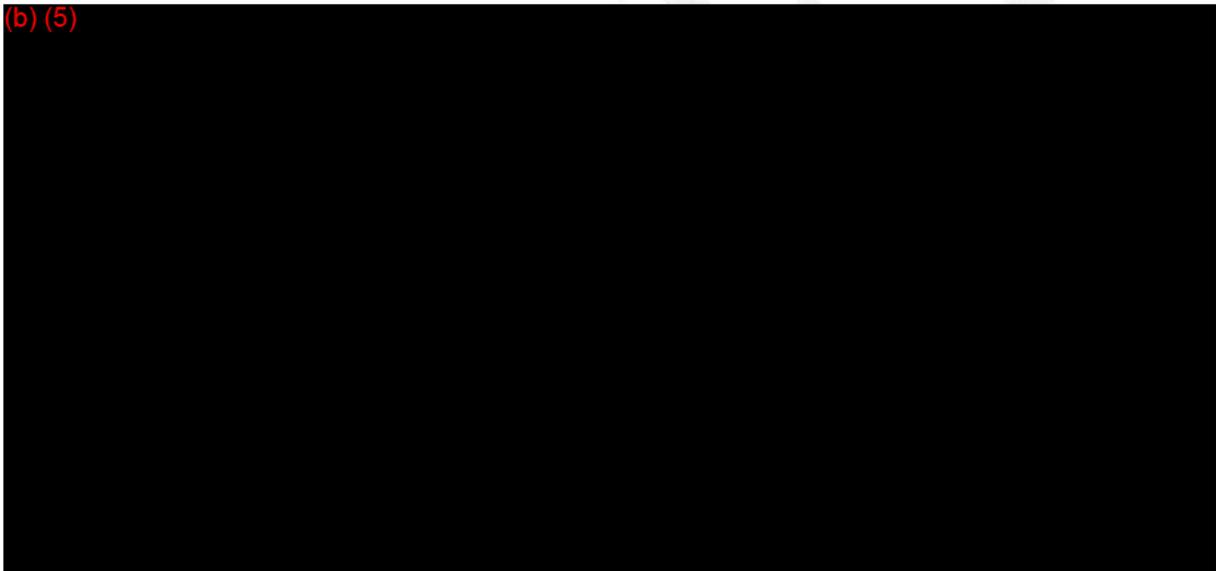
**General Notes and Questions:**

1. The MOA should clearly state which DHS programs are/are not covered.

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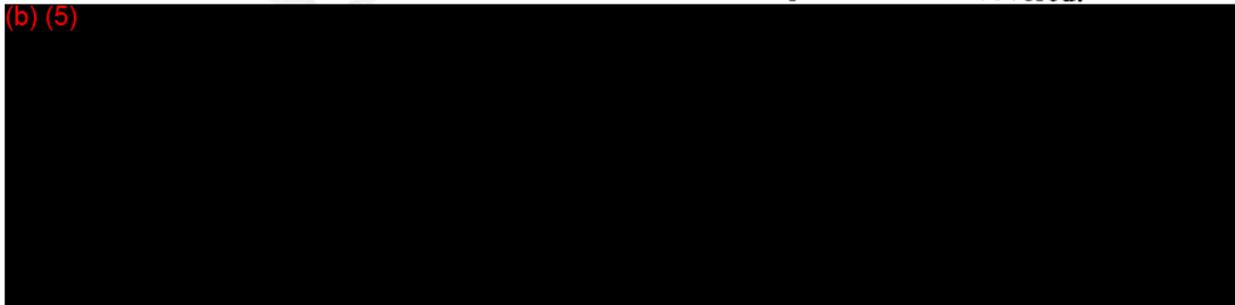
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(b) (5)

A large black rectangular redaction box covering the text of the second question.

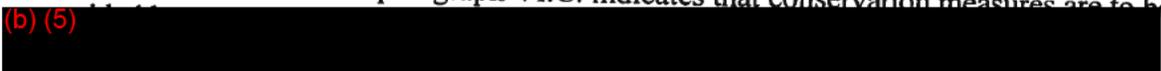
2. The MOA should clearly articulate which mitigation requirements are covered.

(b) (5)

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3. About the \$50 million: paragraph VI.C. indicates that conservation measures are to be

(b) (5)

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(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

4. The MOA reads as though it is mainly for T&E species (b) (5)

(b) (5)

5. Landscape and fence segments. Under VI.C. reference is made to organizing conservation measures by fence segment... Some fence segments are less than 1/5 mile

(b) (5)

6. Paragraph VI.C. requires some consideration and re-write.

**Additional Specific Comments** are marked below in highlighted fashion or marked in red font. Comments may be referred to Shela, Eddie or Greg for clarification.

## I. Purpose and Scope

A. This Memorandum of Agreement (MOA) is made and entered into by the Department of Homeland Security (DHS), including and on behalf of its constituent bureaus, U.S. Customs and Border Protection (CBP) and the CBP Office of Border Patrol (CBP-BP); and the U.S. Department of the Interior, 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). Throughout this MOA, these two 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. (b) (5)

(b) (5) DHS recognizes that the BIA enters into this agreement only on its own behalf and not on behalf of any Indian tribe.

B. The geographic scope of this MOA is the southwestern United States which consists of the border regions of Texas, New Mexico, Arizona, and California. Do we need to further tighten this definition?

(b) (5)

D. This MOA is entered into pursuant to the governing statutory authorities of each of the Parties. Do we need more specific information about the laws that appropriate funding?

## II. Background

A. DHS, through its constituent bureaus, is statutorily mandated to secure the Nation's borders and boundaries.

B. DOI, through its constituent bureaus, is statutorily charged as manager of Federal lands and assets and interests in the vicinity of the southwest border. These lands consist of a variety of valuable and ecologically critical communities and are administered as wilderness areas, conservation areas, wildlife refuges, irrigation projects, public lands, national monuments, national conservation areas, and/or units of the national park system. Tribal governments have primary management over tribal lands. However, the United States, through the BIA, may also have stewardship or law enforcement responsibilities over these lands. (b) (5)

(b) (5)

## III. Common Findings and Affirmation of the Parties

A. Both Parties recognize that reducing illegal cross-border immigration and securing our borders are national priorities and are in our Nation's best interest.

B. Both Parties recognize DHS' mandate and desire to install border security infrastructure as expeditiously as possible. This infrastructure includes but is not

limited to fences, communication towers (b) (5)  
(b) (5)

C. Both Parties recognize that the construction and operation of border security infrastructure has the potential to significantly impact the delicate ecological balance and unique cultural resources communities of the southwest border.

D. Both Parties agree that a collaborative and cooperative approach to the mitigation of unavoidable impacts to the environment concerning the installation and operation of border security infrastructure is in the best interest of DHS and DOI.

(b) (5)

#### **IV. DHS Responsibilities and Commitments**

A. Where possible, DHS agrees to develop border security infrastructure in cooperation with DOI to avoid and/or minimize impacts to the natural and cultural resources of the area.

B. Where avoidance and/or minimization of impacts cannot be achieved, DHS is strongly committed to providing reasonable compensation to offset the impacts of the border security infrastructure upon the area's natural and cultural resources.

#### **V. DOI Responsibilities and Commitment**

A. DOI agrees to provide assistance to DHS in identifying alternatives and/or best management practices for border security infrastructure that avoids or minimizes impacts to the natural and cultural resources of the area.

B. Where avoidance and/or minimization cannot be achieved, DOI agrees to provide DHS recommendations for conservation measures designed to offset the impacts of border security infrastructure.

#### **VI. Agreement Concerning Conservation Measures**

A. Both Parties acknowledge the value and use of best management practices that have been developed and incorporated into border infrastructure contracts administered by DHS or the Army Corp of Engineers.

A. Both Parties agree that conservation measures beyond best management practices will be developed by DOI and provided to DHS in the following categories:

(b) (5)

1. Endangered and/or threatened species whose habitats, distribution, or population are affected by border security infrastructure.
2. Other fish and wildlife including migratory birds and resident species whose populations or habitats may be affected by border security infrastructure.
3. Important plant communities including wetlands and riparian areas that may be affected by the footprint of border security infrastructure.
4. Direct impacts to other natural resources including soils and hydrology.

(b) (5)

5. Cultural resources that may be impacted by the construction of border infrastructure.

C. Both Parties agree that these conservation measures will be organized by fence segment in the case of PF-225 and VF-300; and by DOI unit in the case of virtual fence infrastructure such as towers, cameras, sensors, and supporting assets.

(b) (5)

D. In addition to the above, both Parties agree for the need to develop a long-term monitoring protocol to assess the overall impact of border security infrastructure and related conservation measures on the ecological communities of the southwest border region. (b) (5)

(b) (5)

E. Both Parties agree that DOI conservation measures will be based on the best science available and are closely related to the construction of border infrastructure.

F. Both Parties agree that DOI recommended measures are subject to review, discussion, and negotiation before final acceptance by DHS and DOI. (b) (5)

(b) (5)

(b) (5)

H. Once conservation measures have been agreed to, both Parties agree to expedite the processes for either transferring funds or initiating the projects.

## VII. Dispute Resolution

It is expected that DHS and DOI will work collaboratively to reach agreement on all aspects of this MOA. In the unlikely event that differences remain between each Party's constituent bureaus concerning any aspect of this MOA, these issues will be elevated to the Deputy Secretary of each Department for discussion and resolution. [Is there any desire for attempted resolution at a lower level?]

## VIII. Miscellaneous Provisions

A. Nothing in this MOA 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.

B. Nothing in this MOA will be construed as affecting the authority of the Parties in carrying out their statutory responsibilities.

C. This MOA may be modified or amended in writing upon consent of both Parties.

D. The Parties shall retain all applicable legal responsibility for their respective personnel working pursuant to this MOA with respect to *inter alia*, pay, personnel benefits, injuries, accidents, losses, damages, and civil liability. This MOA is not intended to change in any way the individual employee status or the liability or responsibility of any Party under Federal law.

E. The Parties agree to participate in this MOA until its termination. Any Party wishing to terminate its participation in this MOA shall provide sixty (60) days written notice to the other Party.

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 MOA is not and shall not be construed as a rule or regulation.

**IX. Signatories**

In witness whereof, the Parties hereto have caused this Memorandum of Agreement to be executed and effective as of the date of the last signature below.

Date: \_\_\_\_\_  
Secretary of Homeland Security

Date: \_\_\_\_\_  
Secretary of the Interior

## COORDINATION AND REVIEW OF NEPA DOCUMENTS FOR THE DHS SBI PROJECTS Revised Feb 15, 2008

The Office of Environmental Policy and Compliance (OEPC) has taken on a coordination role for the review of both EIS and EA-level documents that are being released by the DHS Customs and Border Protection (CPB) and its major contractor, the Army Corps of Engineers.

The OEPC is working through their regional [environmental](#) offices which are:  
Albuquerque, [NM \(for projects in NM and TX\)](#): Stephen Spencer  
Oakland, CA ([for projects in CA and AZ](#)): \_\_\_\_\_ Patricia Port and Nicolle Johnson

and through agency NEPA coordinators. For BLM, in WO, this is Shannon Stewart, Planning & Environmental Analyst BLM, Washington Office WO-210 (202) 452-5015 [office](#)

The number and complexity of SBI projects and the compressed timeframes for the NEPA review require that we pay close attention to the release of documents as well as the process of commenting.

Currently, our tri-state approach is to submit comments to the agency that has requested the comments ([notifying them that they will receive official DOI comments from DOI/OEPC](#)) AND simultaneously to BLM WO and the [OEPEC](#) regional office.

This ensures that comments are timely received by those who should review and consider input from the BLM field offices AND provides a formal review by DOI to DHS.

How do I know what document is ready for review, deadlines for review, and office to send comments?: [All sources are listed below.](#)

1. ER notice received through:  
Shannon Stewart  
Stephen Spencer or Nicole Johnson/Pat Port

To access electronic ERs visit the OEPC Natural Resources Management Team website at: <http://www.doi.gov/oepec/nrm.html>- Under Quick Links select: Environmental Review Distributions (Bureau ER Notifications).

2. ACOE tracking website:  
Provides full list and documents  
[Please check http://ecso.swf.usace.army.mil/Pages/Publicreview.cfm](http://ecso.swf.usace.army.mil/Pages/Publicreview.cfm)

3. Border coordinators notify affected field offices.

[4. Notices of public meetings by DHS CBP ACOE and/or its contractors are also occurring periodically.](#)

These documents will be available in electronic format.

How do I respond?:  
Coordinate with border coordinator

If BLM lands or interest are affected,  
Review and/or have NEPA team review.

Compile comments

Review with local manager

[Consider sharing draft comments with affected DOI sister agencies](#)

Review any issues with border coordinator

a. Send comments to the [DOIOEPC and the](#) SBI office that requested comments  
and

b. Simultaneously send [theming](#) to Shannon Stewart, [with cc to:](#)

cc: Border coordinator

cc: State NEPA Coordinator

The border coordinators are: Shela McFarlin, AZ 602-361-0379

~~\_\_\_\_\_~~ Greg Thomsen, CA 951-697-5237

~~EE~~ Eddie Guerrero, NM 505-525-4309

~~Jim~~ Renthal for 2/28—3/18, AZ 602-417-9505

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The state NEPA coordinators are: Chris Horyza, AZ 602-417-9446???

~~\_\_\_\_\_~~ Sandra McGinnis, CA 916-978-4427

~~\_\_\_\_\_~~ Mark Spencer, (505)438-7416

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What about short timeframes?

For due date concerns, coordinate with the border coordinator who will work with the affected OEPC office.

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What is a Negative Declaration Statement? For EAs that do not involve BLM lands, you may wish to send a negative declaration statement.

*The Bureau of Land Management appreciates the opportunity to review and provide comment regarding the subject ER 07/XXX. However, the BLM has no jurisdiction or authority with respect to the project, the agency does not have expertise or information relevant to the project, nor does the agency intend to submit comments regarding the project.*

Or as appropriate.

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Review Tracking:

ER request	Title	Affected Office(s) Lead	Comments Due	Follow-Up
ER 08/100	Review of the Draft Supplemental EA for Proposed Construction, Operation, and Maintenance of Tactical Infrastructure along 7.6 Miles of the	Tucson Field Office	<a href="#">Rec OEPC Jan 31: comments due to OEPC Feb 8: Oakland to OEPC</a>	1. Doesn't appear to have any BLM lands 2. @Shela sent negative

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	U.S./Mexico Border within the, U.S. Border Patrol, Tucson Sector, Santa Cruz County, AZ		DC Feb 13: Due to agency Feb. 20 Se Feb. X To OEPC And to Shannon	comment on 2/13/08- TFO had no lands or interests after checking with Linda/Susan
ER 08/112	Review of the Draft EA for Proposed Construction, Operation, and Maintenance along 14 Miles of the U.S./Mexico Border within the, U.S. Border Patrol, Yuma Sector, Yuma County, Arizona	El Centro and Yuma Field Offices	Feb 20 Check on date Feb 20 To the requesting office;	1. May want one coordinated response from field offices Yuma FO has issues: needs another alternative 2. Yuma Sent to OEPC, Pat via fax and email on 2/13/08 3. El Centro sent to OEPC 2/14/08?
ER 08/39	Review of the Draft EA for Proposed Construction, Operation, and Maintenance of Tactical Infrastructure within the U.S. Border Patrol, El Centro Sector	El Centro FO		Sent to DOI OEPC 1/17/08
ER 08/23	Review of the Draft EA for Proposed Construction, Operation and Maintenance of Tactical Infrastructure within the U.S. Border Patrol, San Diego Sector	Palm Springs/ South Coast FO		Sent to DOI OEPC 1/25/08
ER 08/24	Border Fence draft EIS for the proposed border fence and related projects in the Otay Mountains and a stretch west of Tecate Peak	Palm Springs/ South Coast FO GASO		Sent to DOI OEPC 2/5/08
ER 08/96	SEA for TI El Paso Sector, Deming Station, NM	Las Cruces	OEPC notice Jan 30 Due to OEPC Alb Feb 6: OEPC Alb to OEPC WO Feb 12. due at agency Feb 16.	Actual field review time Jan 30 to Feb 6: OEPC Alb notified by LC BLM of new comment date. Eddie sent on 2/11/08

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THE ASSOCIATE DEPUTY SECRETARY OF THE INTERIOR  
WASHINGTON

**MAR 20 2008**

The Honorable Michael Chertoff  
Secretary of the Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Chertoff:

Over the past few years, the Department of the Interior (Interior) and the Department of Homeland Security have been working together to secure our Nation's border. More specifically, we have cooperated in the placement of border security infrastructure along the Southwest border in the States of California, Arizona, New Mexico, and Texas.

We recognize that the primary purpose of border infrastructure is to prevent terrorists and terrorist weapons from entering our Nation, as well as stem the flow of illegal aliens and drug trafficking coming into the United States from Mexico. Because our visitors and employees are at risk, we have had to close off substantial portions of our lands. This infrastructure will improve the security of Interior lands and increase the safety of both our visitors and our employees. Finally, these pedestrian and vehicle fences will decrease some adverse environmental effects of illegal activities upon fragile plant and animal communities located within Interior lands.

Since Interior lands comprise nearly 800 miles of this border and include uniquely beautiful and environmentally sensitive areas, it has been imperative for our agencies to work in a cooperative fashion to protect these resources and lands. In working together, we very much appreciate your goal of completing the project in a timely fashion with your commitment of building the infrastructure in a way that minimizes the effects on the environment.

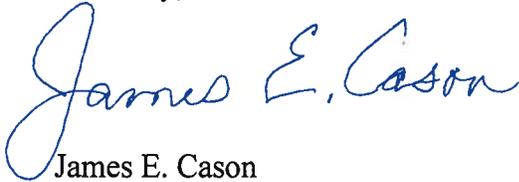
Interior managers have attempted to facilitate the construction of these facilities. In doing so, we have come to realize that some of our governing authorities and statutes do not accommodate approval of these projects. For instance, we have a legal obligation to manage and oversee many Interior lands in a way that is consistent with statutes such as the Wilderness Act and the National Wildlife Refuge System Administration Act. We have determined that we cannot, consistent with these legal obligations, provide the approvals that would be necessary to allow DHS to construct certain infrastructure on Interior lands that are subject to these laws.

Similarly, we have also come to realize that the process for gaining access to Interior lands that would otherwise allow such construction is too lengthy to allow the completion of these projects in a compressed time frame, as required by the Congress. Although we have tried to accommodate DHS, we are again bound by our own governing authorities and processes set forth for reviewing and approving DHS's access to such lands. As a result, we see the need for you to invoke a Real ID Act waiver of Interior statutory requirements.

Although we agree with the need to invoke a waiver, we also expect to continue to work together in a mutually acceptable fashion to reduce impacts to public lands, cultural and historic resources, and wildlife. In particular, we look forward to reaching agreement with you to mitigate the adverse impacts of border security infrastructure upon Interior lands. We also look forward to strengthening existing relationships and building others as this project transitions from construction to operational phases in the not-too-distant future.

In closing, we support the mission of your Department to secure our Nation's borders. We also acknowledge that it is in our best interests to work with you in supporting this mission since Interior lands have already suffered the consequences of these illegal border activities. Thank you for your efforts to date and please contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "James E. Cason". The signature is written in a cursive, flowing style with a large initial "J".

James E. Cason



DOIOEPC1478@aol.com  
01/10/2008 01:48 PM

To <sfry@mp.usbr.gov>, "Alan Schmierer"  
<alan\_schmierer@nps.gov>, "Arriaga"  
<larriaga@uc.usbr.gov>, "Charles Ault"

cc  
bcc

Subject Comments on Border Infrastructure ERs.

History:  This message has been forwarded.

The Office of Environmental Policy & Compliance would like to remind you of the following Border Infrastructure ERs.

**ER 08/23:** Review of the Draft Environmental Assessment (EA) for Construction, Operation, and Maintenance of Tactical Infrastructure, U.S. Border Patrol, San Diego Sector, San Diego County, California.

Comments for this ER MUST BE SENT to this office by January 25, 2008.

**ER 08/24:** Review of the Draft Environmental Impact Statement (EIS) for Construction, Operation, and Maintenance of Tactical Infrastructure, U.S. Border Patrol, San Diego Sector, San Diego County, California.

Comments for this ER MUST BE SENT to this office by January 1, 2008.

**ER 08/39:** Review of the Draft Environmental Assessment (EA) for Proposed Construction, Operation, and Maintenance of Tactical Infrastructure, U.S. Border Patrol, El Centro Sector, near the City of El Centro, Imperial County, California.

It is *imperative* That comments for this ER are received in this office by January 17, 2008.

Please disregard this message if you have already commented. If you have any questions please email or call (510) 817-1477.

Thank you,

**Nicole Johnson**  
**Regional Environmental Intern**  
**Office of Environmental Policy & Compliance**  
**US Department of the Interior, Region 9**  
1111 Jackson Street, Suite 520  
Oakland, CA 94607-4807  
510.817.1477 (voice) 510.419.0177 (fax)  
[DOIOEPC1478@aol.com](mailto:DOIOEPC1478@aol.com)



Start the year off right. Easy ways to stay in shape in the new year. ER08-23(San Diego Sector Draft EA)[1].pdf



ER08-24(San Diego Sector DEIS)[1].pdf ER08-39(El\_Centro,\_California\_Sector\_Draft\_EA)[1].pdf

Bureau of Land Management (BLM)  
Palm Springs-South Coast Field Office  
PF225-A1 and A2 (Otay Fence, San Diego Sector) ER 08/24  
February 1, 2008

<p align="center"><b>Comment Response Matrix</b>  <b>Draft EIS for Construction, Operation, and Management of Tactical Infrastructure</b>  <b>U.S. Border Patrol San Diego Sector, CA</b></p>						
#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
0						
1				<p><b>General Comments:</b></p> <p>Overall the analysis of impacts throughout Chapter 4 lacks specific detail. The description of the impacts does not support the conclusions. The analysis needs to incorporate specific detail regarding all activities of the project and Best Management Practices (BMPs) provided by the U.S. Fish and Wildlife Service.</p>	<p>Janaye Byergo (JB)</p>	
2				<p>Otay Mountain Wilderness (OMW) plays a critical role as one of the preserve systems under the San Diego subarea plan for the Multiple Species Conservation Program (MSCP). The lack of consistency with the MSCP should be addressed.</p>	<p>JB</p>	
3				<p>Provide maps of the project area which indicate the various critical habitat and vegetative communities. Maps should indicate BLM administered lands.</p>	<p>JB</p>	
4				<p>The document lacks an adequate array of alternatives. Develop an alternative which would forgo the pedestrian fence. Formulate an alternative based on the upgrade of the Border Pack Trail to support all-terrain vehicles instead of full size vehicles. Incorporate lighting to support night patrols.</p>	<p>JB</p>	

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
5	2-6		2.2.8	Move the paragraph on page 2-9, line 22 to the beginning of the Proposed Action section. State upfront in this section that the project area for A1 totally encompasses BLM administered lands within and outside the Otay Mountain Wilderness (OMW). This could partly be accomplished by moving the paragraph on page 2-9, line 22 to the beginning of the Proposed Action section.	JB	
6			2.2.8	Nowhere in the document are the activities from the geo technical data gathering mentioned. These activities should be incorporated into the proposed action and carried through the environmental consequences section. In addition, the drilling of the two wells should be addressed in Chapter 2 under the proposed action. The impacts should be analyzed in Chapter 4. The well locations should be identified on the maps.	JB	
7	2-16	12	2.2.8	State in this paragraph that widening of the Otay Truck Trail, Puebla Tree Road and the Monument 250 Road would encroach into the OMW as these roads form the boundary of the wilderness. The impacts from this activity should be detailed in the Environmental Consequences section.	JB	
8	3-9	20	3.4	Check figure. Should be 3-8 miles for total miles.	JB	
9	3-57	24	3.13	Remove "north of the Proposed Action". The OMW is part of the proposed action.	JB	
10	4-8		4.4.2	<p>What are the differences [quantity, location, etc within OMW] between no action and PA for pedestrian use, INS use, garbage, etc. Without this, the consequences on wilderness values cannot be assessed.</p> <p>With this information, the document needs to address the impacts to wilderness values (Naturalness, Outstanding Opportunities for Solitude and Primitive Recreation, and Special Features) under each alternative. Refer to the Wilderness Act of 1964 and the BLM Wilderness Management Handbook "H-8560-1".</p>	JB	

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
11	4-16	35	4.9.2	Eliminate the word Road after Marron Valley. The improvement to the Marron Valley Road starts at SR 94 and ends at the 250 U.S.-Mexico border monument marker.	JB	
12	4-17	Table 4.9.1	4.9.2	The widening of the western section of the Otay Truck Trail (specifically at the S-turns) would remove Tecate cypress. This impact to Southern Interior Cypress Forest should be reflected in the table under the Otay Mtn. Truck Trail column. The additional amount of Interior Cypress Forest impacted should be corrected throughout the chapter.	JB	
13	4-18	17	4.9.2	<p>In question is the following statement "These impacts represent short- and long-term, minor to moderate, adverse impacts on vegetation resources". The loss of vegetation within each community type is important. However, the significance of impacts to vegetation should be the type of species impacted in each community. Although most of the species impacted are not Federally listed, they may be endemic, at risk or only occur within the U.S. on Otay Mtn. Such species would include the Tecate cypress and Cedro Island Oak. Therefore, should the impacts not be considered minor to major?</p> <p>In contrast, the weight given to beneficial impacts from the project as stated on line 26 from the potential reduction in fire warrants a moderate to major rating. This rating seems extreme as a beneficial impact as a result of the proposed action. The reduction in fires is speculative as compared to the reduction in vegetation which is a known impact.</p>	JB	
14			5	The mitigation section needs to provide the BMPs developed by the U.S. Fish and Wildlife Service for special status species. This section should provide a detailed analysis of how each BMP would significantly reduce impacts from the proposed action.	JB	

<b>Comment Response Matrix</b> <b>Draft EIS for Construction, Operation, and Management of Tactical Infrastructure</b> <b>U.S. Border Patrol San Diego Sector, CA</b>						
#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
15	5-1		5	The reduction in significant impacts for the proposed action is dependent upon the implementation of mitigation measures, Best Management Practices (BMPs), construction, operation, and maintenance plans. Due to the size and complexity of the project, a contracted 3 <sup>rd</sup> party may best oversee project compliance. This would ensure that all BMPs, mitigation measures and regulations are implemented and construction, operation, and maintenance plans are followed.	JB	

Reviewer: Please provide your name, title, phone number, and date of comments

- Janaye Byergo, San Diego Project Manager, BLM-Palm Springs-South Coast Field Office, 858-451-1767 2/1/2008

<b>Comment Response Matrix</b> <b>Draft EIS for Construction, Operation, and Management of Tactical Infrastructure</b> <b>U.S. Border Patrol San Diego Sector, CA</b>						
#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
1	5-1		5	<p>Section 5. Mitigation, Page 5-1. Additional mitigation measures related to fire prevention and suppression:</p> <p>Fire Water Tanks – In addition to the two wells, construct a 10,000 gallon water tank at each well. Fit each well with an Aero motor type wind mill. Plumb the tanks with metal wharfhead fire hydrants with minimum 2 ½" National hose thread.</p> <p>Fire Prevention Signs – Affix signs in Spanish to the fence to educate travelers with the necessary information for fire safety.</p> <p>Construction Phase – Construction area would maintain appropriate Dry Chemical and Pressurized Water or Water/Class A Foam fire extinguishers to halt small fire ignitions. Any campfires must be approved by BLM and permitted. Restrict campfires under periods of Fire Restrictions. Each accidental ignition must be reported to CAL FIRE/BLM.</p> <p>Inspections - CAL FIRE and BLM fire inspectors would conduct intermittent onsite visits of the project area.</p> <p>Road Maintenance – Border Patrol notify CAL FIRE and BLM of all road maintenance activity and any road failure.</p>	Clay Howe (CH)	

Reviewer: Please provide your name, title, phone number, and date of comments

- Clay Howe, Fire Prevention Officer, BLM, Palm Springs-South Coast Field Office, 858-676-0894, 2/1/2008

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
				General comment: cannot determine whether the cultural survey included the entire APE. Need GIS data showing all of the proposed actions (including light use trails, staging areas, roads that will be improved or upgraded). Also need GIS data from e2m that shows the area they inventoried.	Wanda Raschko w (wrr)	
1				Do not include the full cultural report in the EIS. It contains location information (in descriptions and photos) for cultural sites. This information should not be provided to the general public.	wrr	
2				BLM has not received a copy of the cultural report and has not provided comments to the report as provided in the DEIS.	wrr	
3		27-29	Cover sheet	Line 27 contradicts info provided in Lines 28-29. Add "...and on.." after "south of..."	wrr	
4	ES-5	Table		Cultural Resources Impacts reported here are not consistent with statements made on pages 4-26 and 4-27. Impacts to Native American concerns not addressed.	wrr	
5			2.2.8	Proposed Action includes new road construction and improvements to existing roads outside of the A1 and A2 areas. These are illustrated in Figs 2-1 and 2-2. Include a table similar to Table 2-1 to show the miles and ownership of all roads (adjacent to fences, new, light vehicle tails, or "improved existing") that will be part of the project. Include a table for acres of staging areas and ownership.	wrr	
6				Figs 2-3 through 2-8: provide topo maps as well as aerial photos. Show BLM ownership on the maps.	wrr	

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
7	2-16	17-19		Cannot determine whether the upgrades to Monument 250 road have been inventoried for cultural resources.	WTR	
8	2-16	21-26		Upgrades and improvements to Otay truck trail, Marron Valley Road, etc will need Section 106 review and may need cultural inventory.	WTR	
9	3-13	23		Appears to be a word missing: "The _____ portions..."	WTR	
10	3-48	8	3.12	Insert <i>any</i> in front of <i>prehistoric</i> .	WTR	
11	3-48	26		Per NR Bulletin 38, traditional cultural places are not restricted to association with native American groups.	WTR	
12	3-48	33-37		Same comment as above: traditional places may be associated with any living community".	WTR	
13	3-49		Cultural Context	Cultural Report should not appear as an Appendix to the EIS since it contains confidential material. In light of that, need more detail from the report in the EIS itself.	WTR	
14	3-50	23		36 CFR 800.4: change to 36 CFR 800.4a	WTR	
15	3-50	33		The letters appear in Appendix D and are mixed in with letters to agencies. SHPO letter is mixed in with Native American letters.	WTR	
16	3-51		Table 3.12-1	Include columns: within APE (yes/no) and NRHP Eligible (yes/no/unevaluated)	WTR	
17	3-51	9		Palm Springs-South Coast Field Office	WTR	

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
18	3-51	7		Provide a more detailed description of areas that were inventoried since Appendix I will not be available to the public.	WTR	
19			A2: Previously Recorded Resources	Concerned with the inability to find the previously recorded sites. Which GPS datum was used? Chambers' UTM's were given in NAD83. If they are read as NAD27 coordinates they may appear to be on the wrong side of the border.	WTR	
20	3-53	6-7		Were the two milling slicks identified during the current survey or reported by Chambers in 2002?	WTR	
21	3-54	31-32		Description indicates that this is "believed to be a new resource." Unclear as to whether SDI-16370 was identified during the current survey. Mapped location per DPR form would indicate that it is much further than 250 meters from SDI-18578.	WTR	
22	3-55	13-15 and 19-20		Provide specific info for "sufficient buffer". How far is the site from the road? Is this section of road going to be "upgraded"?	WTR	
23	3-55	16		9102 is reported as being west of itself.	WTR	
24	3-55			Cannot tell from description- were 9101 and 9102 examined during the current cultural inventory? Have site form updates been prepared that show the sites relative to proposed road use/upgrades?	WTR	

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
25	3-55	29-30		Additional work may be needed at SDI-9968 to determine whether the site will be affected by the use/upgrade of the road.	WIT	
26	3-55	35-36		Additional work may be needed at this site to determine whether site will be affected by use/upgrade of road.	WIT	
27	3-56	7-13		Revise the section on Tecate Peak NRHP by incorporating the following information: Kuchamaa is the name of the National Register District that encompasses 642 acres of land on the upper reaches of Tecate Peak (above the 3000 foot level). It was included on the National Register of Historic Places on 10/6/92 under criteria A. It is considered to be a religious property deriving its significance from its historical importance to the Kumeyaay people....	WIT	
28	3-56	10-21		Cite Hector and Garnsey as source of this information.	WIT	
29	4-10	33-34		Where is erosion expected to occur? Have these areas been assessed for cultural resources?	WIT	
30	4-12	11		Where will the wells be located? Are they discussed in Section 2.2.8: Proposed Alternative? Have they been assessed for cultural impacts?	WIT	
31	4-16		4.9.2	Have the effects of the road improvements been analyzed for cultural impacts? They are not discussed in the cultural analysis section. Have the staging areas been reviewed for cultural impacts?	WIT	

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
32	4-26		4.12.2	Unclear as to whether the actions noted in section 4.9.2 have been included in the cultural resources analysis.	WTR	
33	4-27	4-13		State why monitoring is being proposed: for avoidance or due to a potential for subsurface materials to be present, or both?	WTR	
34	4-27	8		Monitoring for avoidance may also be necessary at SDI-9101, SDI-9102, and GV-1.	WTR	
35	4-27	10		Typo: SDI-16388, change to 16368.	WTR	
36	4-27	24-25		The decision that monitoring is not necessary also requires a finding that there is no potential for subsurface materials.	WTR	
37	4-27			Evaluation of eligibility, determination of effect, and development of treatment plan should be completed prior to project implementation. Determination of eligibility and effect must be completed in order to assess the impact of the project and cumulative impacts.	WTR	
38	5-8	Table	Cultural Resources	Typo: "paleontological resources". What is the potential for effects to paleontological resources?	WTR	
39	6-6	Table	Cultural Resources	Table entries are not consistent with discussion on pages 6-1 through 6-3. Cumulative impact statement does not take into account past, current, and future actions.	WTR	
40	6.9		6.11	Not consistent with information provided elsewhere in Section 6. A loss of resources is likely to occur as a result of this project, has occurred as a result of development, and likely will occur as a result of future development.	WTR	

<b>Comment Response Matrix</b> <b>Draft EIS for Construction, Operation, and Management of Tactical Infrastructure</b> <b>U.S. Border Patrol San Diego Sector, CA</b>						
#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			

Reviewer: Please provide your name, title, phone number, and date of comments

- *Wanda Raschkow, Archaeologist BLM-Palm Springs-South Coast Field Office, (760)-251-4824, 01/30/2008*

<b>Comment Response Matrix</b> <b>Draft EIS for Construction, Operation, and Management of Tactical Infrastructure</b> <b>U.S. Border Patrol San Diego Sector, CA</b>						
#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
1	2-4 and 2-5		2	<p>NEPA – with respect to Section A-1 and proximity to/in Otay Mountain Wilderness: Alternative alignments considered but not evaluated include alternatives along the US/Mexico border [2.2.5] and Alternative 2.2.7. The summary discussion of why they were not evaluated is inadequate. Under 2.2.7 [page 30 line 10, the natural topography alternative is too far from the Border. Therefore, "For this reason, other alternatives for Section A-1 were considered ...." The PA is geographically between those two.</p> <p>Please describe those other alternatives considered before specifying the PA alignment. Otherwise, the range of alternatives is sparse and may be inadequate.</p>	Chris Roholt (CR)	
2			2	<p>NEPA – with respect to Section A-1 and proximity to/in Otay Mountain Wilderness.</p> <p>Have a full range of alternatives between the US/Mexico border and the PA alignment been defined?</p>	CR	

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

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	Page	Line	Section			
3	4-7		4.4	What are the differences [quantity, location, etc within OMW] between No Action and PA for illegal entrant use, USBP use, garbage, etc. Without this, the consequences on wilderness values cannot be assessed.	CR	
4	4-10	4-5	4.4	Add at beginning another sentence: "The determination of whether the PA and alternatives are "...necessary to meet minimum requirements for the administration of the area for the purpose of this [Wilderness] Act..." [WA sec 4[c]].  Change '8560' to "H-8560-1"	CR	
5	4-10	4	4.4	The analysis per 'minimum necessary' and 'Minimum Tool' should be incorporated into the PA and all alternatives in the consequence section of the EIS. Otherwise, a determination cannot be made.	CR	
6	4-9	26-30	4	We are concerned that the quote from the Wilderness Act [ <i>"the President may, ..., authorize ... and other facilities needed in the public interest..."</i> ] is not applicable to this project. This section derives from testimony and hearings on several of the 60+ bills that culminated in the Wilderness Act. The focus dealt with Federal Power Commission authorities for projects within their jurisdiction. See 'Committee on Interior and Insular Affairs Report To Accompany H.R. 9070' at page 22 [7/2/64].  The entire text of the subsection [remainder provided as italicized text below] of the Wilderness Act, rather than a partial quote, should be provided for a fuller context, "(1) <i>the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and the maintenance essential to development and use thereof, upon his determination that such uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; ...</i> "	CR	

<b>Comment Response Matrix</b> <b>Draft EIS for Construction, Operation, and Management of Tactical Infrastructure</b> <b>U.S. Border Patrol San Diego Sector, CA</b>						
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	Page	Line	Section			
7	1-4		1.3	<p>Chapter 1: Both the 'Otay Mountain Wilderness Act of 1999' [Public Law 106-145] and the Wilderness Act [Public Law 88-433] are listed, but not discussed, in Appendix B page B-4.</p> <p>There should be some discussion as to their relevance to the PA in Chapter 1. The discussion of the former on Page 3-12 Line 39 is too cursory. The citation and discussion of the Wilderness Act on Page 4-9 Line 20-31 is inadequate and, as noted above, flawed.</p>	CR PB	
8	3-12	38	3.4	As part of the Existing Environment for the Otay Mountain Wilderness, describe the wilderness values of naturalness, solitude, primitive recreation per sec 2[c] of the Wilderness Act. This is necessary to establish what wilderness values may be affected.	CR PB	
9	4-9		4.4	The consequences of the PA and Alternatives on the wilderness values yet to be described on page 3-12 must be analyzed. Note that the change in use of illegal entrants and USBS staff are presumably different under the alternatives analyzed, subject to the EIS revealing consequences by alternative of use, garbage, etc.	CR PB	

Reviewer: Please provide your name, title, phone number, and date of comments

- Chris Roholt, Wilderness Specialist, BLM-California Desert District, 951-697-5395, 2/1/2008
- Paul Brink, Lead Wilderness Specialist, BLM-California State Office, 916-978-4641, 2/1/2008

<b>Comment Response Matrix</b> <b>Draft EIS for Construction, Operation, and Management of Tactical Infrastructure</b> <b>U.S. Border Patrol San Diego Sector, CA</b>						
#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
1				Check for inconsistency between Cover Sheet, Executive Summary, Alternative Analysis, and Introduction when describing the length of the project in miles. It appears, all things considered, that the total miles will be six (?), but is depicted differently in each section.	Joyce Schlachter-BLM (JAS)	
2	Cover Sheet	27		Referring to Section A-1 of the fence..."The proposed section would be south of the Otay Wilderness", but in the Alternative Analysis-see next comment below	JAS	
3	ES-3	13,14	Proposed Action	Again referring to Section A-1 of the fence..."the proposed section would be adjacent to and on Otay Mountain Wilderness. This contradicts the above statement.	JAS	
4	ES-3	30-32	Proposed Action	"...approximately one half of the length of patrol and access road and approximately 1,300 feet of the primary pedestrian fence would extend into the OMW"  1. How many acres of wilderness will be impacted by the project?  2. Do calculated acres of impact for the entire project include a "zone of influence" outside of the project corridor?	JAS	
5	ES-5		Table ES-1	Special Status Species...how can an impact be minor and adverse at the same time? It's either adverse or it is not. The description of an adverse impact in the EIS is "...one having adverse, unfavorable, or undesirable outcomes on the man-made or natural environments" How is that minor, especially when addressing Special Status Species?	JAS	

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
6	1-6	31-38	1.4 Framework for Analysis	Include The Wilderness Act of 1964 (Public Law 88-577) in this paragraph.	JAS	
7	2-16	9-11	2	"A new access road would be constructed starting at the intersection of Alta and Donovan Prison Roads for a distance of approximately 0.5 miles." Is this new access road on BLM or private land? If on BLM land, is an analysis of impacts included in this EIS?	JAS	
8	2-16	17-19	2.2.8 Proposed Action	Referring to the Monument 250 road: "Additional widening and drainage upgrades not evaluated in the <i>Monument 250 Road Improvement Project EA</i> would be necessary." When will these upgrades be evaluated? In which document will they appear for analysis of potential impacts? The Monument 250 Road is an integral part of this project and would best be analyzed in this document, especially since Quino checkerspot butterfly has been found on the road, and the road bisects potential arroyo toad habitat.	JAS	
9	2-16	21-26	"	Regarding changes to the Otay Truck Trail (not Road) and the Marron Valley Road: detail and specificity is needed as to what the changes will be, and what impacts may occur due to the changes. The potential for impacts to "mature" Tecate Cypress and Thorne's hairstreak butterfly are probable.	JAS	

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
10			Proposed Action	There is no discussion regarding the perennial stream at the bottom of Wild Bill's Canyon, just south of the Puebla Tree. Perennial waters on Otay Mountain need special consideration. During previous surveys in this creek, the two-striped garter snake ( <i>Thamnophis hammondi</i> ) (a BLM Sensitive Species), California tree frog ( <i>Pseudacris cadaverina</i> ), and Climbing milkweed ( <i>Sarcostemma cyanchoides</i> ssp. <i>Hartwegii</i> ) were located. Milkweed species are important nectar sources for butterflies.	JAS	
11			Proposed Action	There is no discussion of future fence and road maintenance and the on-going impacts that would occur.	JAS	
12	3-1	23	3 Affected Environment	Hazardous Materials and Solid Waste: The use of hazardous materials and solid waste needs to be included in this analysis. Any use of pesticides on BLM lands is strictly regulated and requires an environmental assessment and a pesticide use permit, regardless of the type of herbicide, quantity, or duration of application.	JAS	
13	3-13	4-6	"	"....OMW provides opportunities for low-impact recreation, including hiking, backpacking, equestrian use, camping, picnicking, nature study, hunting, and motorized vehicle use including ATV use on two existing routes (BLM 1994)." Motorized vehicle use is prohibited in Wilderness. The two existing routes that you refer to above (Otay Truck Trail and Minnewawa Truck Trail) are corridors, designated by Congress, that go through Wilderness but, are not Wilderness.	JAS	
14	3-21	36	3	When will delineations of wetlands and waters of the U.S. be conducted? How will the outcome of these delineations affect the proposed project?	JAS	

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
15	3-28	4	3 Southern Interior Forest	Correction to information on Tecate cypress: Mature TC heights have been recorded at 30-35 feet in height. It is not true that there is no known mature TC. There are about 80 acres of mature (i.e., 30+ years in age) cypress remaining after the 2007 fire on Otay Mt. What is "mature" for TC in relationship to Thorne's hairstreak is debated and is being studied at this time. There are numerous TC that were not burned in the 2003 wildfire and haven't burned since 1996, that are in the 11-12 year old range and could possibly serve as larval hosts for Thorne's hairstreak.	JAS	
16	3-38		Table 3.10-1	<p>Add a column for BLM Sensitive Species in this table and indicate as such: Thorne's hairstreak, western spadefoot, coast horned lizard, two-striped garter snake, burrowing owl, Townsend's big-eared bat.</p> <p>Also add the following species that are BLM Sensitive and occur within the project corridor: pallid bat (<i>Antrozous pallidus</i>), fringed myotis (<i>Myotis thysanodes</i>), small-footed myotis (<i>Myotis ciliolabrum</i>), long-eared myotis (<i>Myotis evotis</i>), Yuma myotis (<i>Myotis yumanensis</i>), gray vireo (<i>vireo vicinior</i>)-&gt;this species would occur in the A-2 section of project.</p> <p>There is no discussion about the southwestern pond turtle-was this species considered? It is a BLM Sensitive species.</p>	JAS	
17	3-40	3-7	3	Include definition for Federal candidate species	JAS	

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

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	Page	Line	Section			
18	3-34		Table 3.9-2 Species Observed During Biological Surveys	Note at bottom of Species Observed Table: "The biological survey for the Section A-1 access road is underway but not completed. Complete results of the survey will be included in the Final EIS, BA, and BO."	JAS	
19	3-35	16-19	3	BLM Sensitive Species are those species not listed as State or Federal threatened, endangered, or candidate species and are designated by the BLM State Director only.	JAS	
20	3-29	4-5	3	"All areas along the fence portion of Section A-1 showed signs of impacts from cattle and horse grazing." Add illegal Mexican before cattle and horse grazing. Since there is a grazing allotment on Otay Mt. it's best to differentiate between the two.	JAS	
21	4-10	36-37	4 Environmental Consequences	When will the sediment and erosion control plans be developed? To what extent would these plans minimize sediment runoff? What would the residual impacts be? Will there be an opportunity to comment on the plans?	JAS	
22	4-11	17	4	Elaborate on "possible off-road vehicle use" (by Border Patrol or the Public?) and anticipated impacts.	JAS	
23	4-12	11	4	Where would the wells be placed? What impacts are anticipated due to construction of the wells? Has analysis of "drawdown" been conducted?	JAS	

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
24	4-13	1	4	I have seen topo maps with Butteweg Canyon...not sure about the Buttewig spelling.	JAS	
25	4-13	21	4	When will the "wetlands identification, mitigation and restoration plan" be developed? Will there be an opportunity to review this plan?	JAS	
26	4-15	23	4	"The most significant impact of the No Action Alternative is that cows from Mexico would continue to trample and graze on the southern slopes of the OMW."...Although the proposed border fence would deter grazing cattle and horses from Mexico, this problem can be alleviated by close coordination with USDA/APHIS and replacement of the barbed wire fencing which has been in disrepair for the last six years. Construction of the patrol road, access roads, and fence would have a permanent, detrimental affect on Quino, its critical habitat and native plants in the project area.	JAS	
27	4-19	27-31	4	<p>"Access roads would require moderate to substantial improvements, specifically the Otay Mountain Truck Trail and the BLM Road leading to Puebla Tree."...</p> <ol style="list-style-type: none"> <li>1. What are "moderate to substantial improvements"?</li> <li>2. Specifically where on the Otay Truck Trail will these improvements occur?</li> <li>3. Which resources would be impacted?</li> <li>4. What does "significant road widening" mean? 50 feet wider? Blasting required? Would exceed the 100ft setback for Wilderness?</li> </ol>	JAS	

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
28	4-20	30-34	4	"respectively" it's incorrect....should read spiny redberry, Tecate cypress, then San Diego sedge.	JAS	
29	4-20	30-37	4	Where are the spiny redberry plants that would be lost due to construction? How many are there? Have these plants been mapped? Do we know if Herme's are using these plants? These plants are critical to the survival of this imperiled butterfly and have already been severely impacted due to wildfire on Otay Mt. in 2003 and 2007. Woody shrubs take years to regenerate and mature. Mitigation should include revegetation with potted redberry instead of seeding for the species.	JAS	
30	4-20	38-41	4	Which mammals and reptiles are you referring to in this paragraph?	JAS	
31	4-21	5-6	4	"There would be no direct adverse impact on aquatic resources in the proposed project corridor." How do you know this? The sediment and erosion control plans have not been developed yet, and there will be cut and fill in the Copper and Butteweg Canyon drainages.  Which fish species are in the project corridor?	JAS	
32	4-22	1-2	4	"The larval host plants are annuals that thrive in clay soils but can also occur in other soil types."....cryptogamic soil crusts are frequently found in the same areas as Quino larval host plants. There is no discussion about these invaluable soil crusts and their contribution to healthy soils. Thought should be given to the use of cryptogrammic crusts as a mitigation measure for rehabilitation in the project area.	JAS	

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

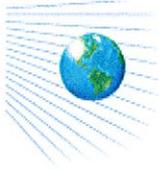
#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
33	4-22	13	4	The project would occur in critical habitat for Quino. It's true that not all critical habitat is created equal. Within a polygon of designated critical habitat, there may be areas that are not pristine or do not contain the constituent elements for the species but, that is not the case on Otay Mt. The loss of 75 acres of critical habitat for this endangered species is a major adverse impact, rather than a moderate one.	JAS	
34	4-29	28-38	4	From a "wilderness experience" perspective, both construction activity and the final project would result in major visual contrasts. From the overlooks above Copper and Butteweg Canyons, one can see almost the entire Border Pack Trail. For hikers, the incredible expanse of open space that can be experienced at this time, will be obliterated. There is a huge contrast in the colors between a frequently traveled roadway and the surrounding vegetation in the Border Mountains area, such that roadways look like scars and they stay that way until the road is allowed to re-vegetate.	JAS	
35	B-1		Appendix B	Add Wilderness Act to the Table of Applicable Laws and Executive Orders. The Wilderness Act is a law that would apply to the Proposed Action and alternatives.	JAS	

**Comment Response Matrix**  
**Draft EIS for Construction, Operation, and Management of Tactical Infrastructure**  
**U.S. Border Patrol San Diego Sector, CA**

#	Location			Comment	Reviewer	e <sup>2</sup> M's Response
	Page	Line	Section			
36	47		Permits, Technical Studies, and Notifications	For Joyce Schlachter the correct address (phone # is correct) and FAX is:  BLM SAN DIEGO PROJECT OFFICE POB 892 JAMUL, CA 91935 FAX: 619-468-3863	JAS	
37	A-6		Biological Survey Appendix A	Mexican Flannelbush:  Three populations of flannelbush have been located. The populations are in Cedar Canyon, Little Cedar Canyon, and a canyon known historically as Woodwardia Canyon. See FR Notice for designated critical habitat for this species.	JAS	
38				*I will send a list of BLM Sensitive plant species to e2M ASAP, along with any other information pertinent to the project.	JAS	

Reviewer: Please provide your name, title, phone number, and date of comments

- Joyce Schlachter, BLM Wildlife Biologist
- 619-468-3839
- January 31, 2008



**John  
Kalish/CASO/CA/BLM/DOI**  
04/01/2008 01:26 PM

To Holly Roberts/CASO/CA/BLM/DOI@BLM, Michael  
Bennett/CASO/CA/BLM/DOI@BLM, Greg  
Hill/CASO/CA/BLM/DOI@BLM, Derek  
cc Timothy Dunfee/CASO/CA/BLM/DOI@BLM  
bcc  
Subject Fw: DHS Secretary Michael Chertoff Invokes Two Real  
ID Act Waivers

All attachments are located on the PUB/Border Patrol Projects/Real-ID-Act-Waiver-Info.

----- Forwarded by John Kalish/CASO/CA/BLM/DOI on 04/01/2008 01:22 PM -----



**Gregory  
Thomsen/CASO/CA/BLM/D  
OI**  
04/01/2008 11:29 AM

To Steven J Borchard/CASO/CA/BLM/DOI@BLM, Alan  
Stein/CASO/CA/BLM/DOI@BLM, Doran  
Sanchez/NVSO/NV/BLM/DOI@BLM, Stephen  
Razo/CASO/CA/BLM/DOI@BLM, Larry  
LaPre/CASO/CA/BLM/DOI@BLM, Rolla  
Queen/CASO/CA/BLM/DOI@BLM, John  
Dalton/CASO/CA/BLM/DOI@BLM, John  
Kalish/CASO/CA/BLM/DOI@BLM, Michael  
Bennett/CASO/CA/BLM/DOI@BLM, Vicki  
Wood/CASO/CA/BLM/DOI@BLM  
cc Thomas Zale/CASO/CA/BLM/DOI@BLM  
Subject Fw: DHS Secretary Michael Chertoff Invokes Two Real  
ID Act Waivers

Tom Zale listened in on the DHS teleconference on this this morning and will send an email summary to us. I copied Jan Bedrosian on this as well. Stay tuned...

Greg

Greg Thomsen  
Program Manager  
22835 Calle San Juan De Los Lagos  
Moreno Valley, CA 92553-9046  
951-697-5237  
951-317-7075 (cell)  
951-697-5299 (fax)

----- Forwarded by Gregory Thomsen/CASO/CA/BLM/DOI on 04/01/2008 11:27 AM -----



**Richard D  
Schultz/NWRS/R9/FWS/D  
OI@FWS**  
04/01/2008 11:00 AM

To Janaye Byergo/CASO/CA/BLM/DOI@BLM, Daniel  
Steward/CASO/CA/BLM/DOI@BLM, Andy  
Yuen/CFWO/R1/FWS/DOI@FWS, Mitch  
Ellis/R2/FWS/DOI@FWS, Bryan  
Winton/R2/FWS/DOI@FWS, Kurt  
Roblek/CFWO/R1/FWS/DOI@FWS, Sherry



Barrett/R2/FWS/DOI@FWS, Wally  
Murphy/RO/R2/FWS/DOI@FWS, Kym  
Hall/CORO/NPS@NPS, JSIMES@lc.usbr.gov, Bill  
Radke/R2/FWS/DOI@FWS, Vicki  
Campbell/SAC/R1/FWS/DOI@FWS, Margaret  
Kolar/SAC/R1/FWS/DOI@FWS, Roger  
DiRosa/R2/FWS/DOI@FWS, Darrin  
Thome/SAC/R1/FWS/DOI@FWS, Dan  
Walsworth/SAC/R1/FWS/DOI@FWS, Theresa  
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McFarlin/AZSO/AZ/BLM/DOI@BLM, Eddie  
Guerrero/LCFO/NM/BLM/DOI@BLM, Bill  
Wellman/BIBE/NPS@NPS, Alan Cox/AMIS/NPS@NPS,  
Larisa Ford/R2/FWS/DOI@FWS, Gregory  
Thomsen/CASO/CA/BLM/DOI@BLM, Ernesto  
Reyes/R2/FWS/DOI@FWS, Jim  
Renthal/WO/BLM/DOI@BLM, Edwin  
Roberson/WO/BLM/DOI@BLM, Andy  
Loranger/NWRS/R9/FWS/DOI@FWS, Rick  
Sayers/ARL/R9/FWS/DOI@FWS, Karen  
Taylor-Goodrich/WASO/NPS@NPS, Don  
Coelho/WASO/NPS@NPS, Mike  
Snyder/DENVER/NPS@NPS, Michael  
Horton/ARL/R9/FWS/DOI@FWS, Janice  
Engle/ARL/R9/FWS/DOI@FWS, Terry  
Knupp/WO/USDAFS@FSNOTES, Peter  
Mali/WO/BLM/DOI@BLM, Judy  
Alderson/AKSO/NPS@NPS, Nancy  
Roeper/NWRS/R9/FWS/DOI@FWS

cc Larry Parkinson/PLE/OS/DOI, Kim Thorsen/PLE/OS/DOI

Subject Fw: DHS Secretary Michael Chertoff Invokes Two Real  
ID Act Waivers

Hi folks,

As indicated below, Secretary Michael Chertoff, Department of Homeland Security, has recently invoked two Real ID Act Waivers to expedite the construction of border security infrastructure along the Southwest Border. Included in these waivers are all environmental laws and several Department of the Interior authorities.

Without question, this action taken on behalf of DHS will be a new paradigm for all

involved with these projects. While many questions will certainly arise, I believe most of our energy will now be focused on site construction and environmental planning for each segment of the infrastructure. In particular, the design and location of the infrastructure will become part of the site plan as will specific measures taken to minimize the impacts to natural and cultural resources.

We will try and get some additional information out to all of you in the near future. In addition, we will have the opportunity to this issue more thoroughly during our upcoming conference call scheduled for April 8, 2008. In the meantime, please call me at 202-208-5045 if you have any questions.

Rick

-----Forwarded by Richard D Schultz/NWRS/R9/FWS/DOI on 04/01/2008 01:52PM -----

To: Lyle Laverty/ASFW/OS/DOI@DOI, C Stephen Allred/ASLM/OS/DOI@DOI, Carl J Artman/ASIA/OS/DOI@DOI, Kameron Onley/DSIO/OS/DOI@DOI

From: James Cason/SIO/OS/DOI

Date: 04/01/2008 01:46PM

cc: Lynn Scarlett/PMB/OS/DOI@DOI, Larry Parkinson/PLE/OS/DOI@DOI, Kim Thorsen/PLE/OS/DOI@DOI, Richard D Schultz/NWRS/R9/FWS/DOI@FWS, Tina Kreisher/OCO/OS/DOI@DOI, Shane Wolfe/OCO/OS/DOI@DOI, Matt Eames/OCL/OS/DOI@DOI, Robert G Howarth/OCL/OS/DOI@DOI, Ashley Carrigan/OEA/OS/DOI@DOI, Katie Loovis/OEA/OS/DOI@DOI, Pam Haze/POB/OS/DOI@DOI, Brian Waidmann/SIO/OS/DOI@DOI

Subject: DHS Secretary Michael Chertoff Invokes Two Real ID Act Waivers

Today, Secretary of Homeland Security (DHS) Michael Chertoff invoked two Real ID Act waivers on a number of statutes associated with the construction of border security infrastructure along our Nation's Southwest border. Included in these waivers are environmental statutes and legal authorities associated with the administration of Department of the Interior (DOI) lands and programs.

Secretary Chertoff invoked these waivers in order to construct these facilities in a timely fashion, as mandated by the U.S. Congress.

I ask that you communicate to your bureaus the information provided in this memo and accompanying attachments.

As you all know, the Department of the Interior has been working closely with

DHS over the past eight months to facilitate their access to DOI lands to comply with this congressional mandate. DOI lands comprise nearly 800 miles of the southwest border and include uniquely beautiful and environmentally sensitive areas. To fulfill our environmental and other responsibilities along the border, Interior has strived to work cooperatively with DHS.

We very much appreciate the hard work and dedication that our field managers have demonstrated while working on border security issues. Border infrastructure will increase our visitor and employee safety and help reverse the adverse environmental effects of illegal cross-border activities. Nonetheless, the installation of this infrastructure may create some adverse effects on our environmental and cultural resources. As a result, we must continue to work with DHS to minimize these effects on DOI-managed lands.

We recognize that, at times, it has not always been easy to communicate, negotiate, and work with DHS on these issues. Their extremely compressed time frame, their myriad of contractors, and the multitude of issues have presented significant challenges to our field managers as they have strived to fulfill their missions and uphold their statutory responsibilities. In many cases, the infrastructure was modified to accommodate DOI concerns. In other cases, DHS determined that border security needs were paramount, which prevented them from accepting DOI recommended modifications to border infrastructure.

Sec. Chertoff's action will generate a great deal of interest throughout the environmental, land user, and border communities including specific tribal communities. Many of our employees who have worked with DHS on border infrastructure issues may be contacted and/or interviewed by the press and various stakeholders. In preparation for these likely events, we are providing you with the following materials.

- DOI Statement on Waiver
- Associate Deputy Secretary Letter to DHS
- DOI talking points
- DHS information (six files)

If you or your employees are contacted, we hope these materials will be helpful. It is important that we continue to fulfill our mission. Continuing to build a strong relationship with DHS on border security issues will help us achieve our goals. We have much to gain in protecting the environmental and cultural resources over which we have stewardship by working collaboratively with DHS. DHS has

committed to spending up to \$50 million to mitigate impacts on endangered and threatened resources. They have also committed to continue working with us to reduce impacts from border infrastructure notwithstanding the invoking of their waiver authority as provided for by the U.S. Congress.

[attachment "DOI Statement waiverFinal.doc" deleted by John Kalish/CASO/CA/BLM/DOI]  
[attachment "Chertoff001.PDF" deleted by John Kalish/CASO/CA/BLM/DOI] [attachment "DHS waiver tps 3-08 V2.doc" deleted by John Kalish/CASO/CA/BLM/DOI] [attachment "Hidalgo waiver.pdf" deleted by John Kalish/CASO/CA/BLM/DOI] [attachment "All segments waiver.pdf" deleted by John Kalish/CASO/CA/BLM/DOI] [attachment "DHS statement.doc" deleted by John Kalish/CASO/CA/BLM/DOI] [attachment "DHS waiver press release.doc" deleted by John Kalish/CASO/CA/BLM/DOI] [attachment "Hidalgo segments.doc" deleted by John Kalish/CASO/CA/BLM/DOI] [attachment "All segments locations.doc" deleted by John Kalish/CASO/CA/BLM/DOI]



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240



DEC 16 2010

The Honorable Gene Dodaro  
Acting Comptroller General of the  
United States  
Government Accountability Office  
Washington, D.C. 20548

Dear Mr. Dodaro:

The Department of the Interior appreciates the Government Accountability Office's work in developing the report titled *SOUTHWEST BORDER: More Timely Border Patrol Access and Training Could Improve Security Operations and Natural Resource Protection on Federal Lands* (GAO-11-38) and the opportunity to respond to the recommendations it contained. This letter is to inform you of the actions the Department plans to take with regard to those recommendations.

The GAO made two recommendations in the report to improve the effectiveness of Border Patrol operations while also protecting cultural and natural resources on federal lands along the southwestern border, as follows:

1. To help expedite Border Patrol's access to federal lands, the agencies should, when and where appropriate, (a) enter into agreements that provide for Customs and Border Protection to use its own resources to pay for or to conduct the required environmental and historic property assessments and (b) prepare programmatic National Environmental Policy Act documents for Border Patrol activities in areas where additional access may be needed.
2. As DHS, Interior and the Forest Service continue developing a national training module on environmental and cultural resource stewardship, the agencies should incorporate the input of Border Patrol agents and land managers into the design and development of training content, which may include training that is recurring, area specific, and provided by land managers.

We enclose a summary of actions planned by the Department, the names of the responsible Departmental official, and target dates for implementing the recommendations.

A similar letter is being sent to the Senate Committee on Homeland Security and Governmental Affairs; the Senate and House Committees on Appropriations; the Senate and House Appropriations Subcommittees on Interior, Environment, and Related Agencies; the Senate

Committee on Energy and Natural Resources; the House Committee on Natural Resources; the House Committee on Oversight and Government Reform; the Comptroller General of the GAO; and the Director of the Office of Management and Budget.

If you have any questions about this response or need additional information, please contact Jon Andrew, Department of the Interior, Interagency Borderlands Coordinator at (202) 208-7431, [jonathan\\_andrew@ios.doi.gov](mailto:jonathan_andrew@ios.doi.gov).

Sincerely,

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

Rhea Suh

Assistant Secretary

Policy, Management and Budget

Enclosures

Enclosure 1

**Government Accountability Office Report**  
**SOUTHWEST BORDER: More Timely Border Patrol Access and Training Could**  
**Improve Security Operations and Natural Resource Protection on Federal Lands**  
**GAO-11-38**

*To improve the effectiveness of Border Patrol operations while also protecting cultural and natural resources on federal lands along the southwestern border, we recommend the Secretary of the Interior take the following two actions:*

**Recommendation 1:** To help expedite Border Patrol's access to federal lands, the agencies should, when and where appropriate, (a) enter into agreements that provide for Customs and Border Protection to use its own resources to pay for or to conduct the required environmental and historic property assessments and (b) prepare programmatic National Environmental Policy Act documents for Border Patrol activities in areas where additional access may be needed.

**Response:** Customs and Border Protection (CBP) has produced programmatic documents for the Southwest border in the past to address this concern and is in the process of preparing a programmatic Environmental Impact Statement (PEIS) for the Northern border and an Environmental Assessment (EA) covering activities anticipated for the Tactical Infrastructure Maintenance and Repair (TIM&R) program for infrastructure installed along the Southwest border. We are closely coordinating these activities and seek to cooperate and leverage funds whenever possible. CBP has provided the results of their biological and cultural surveys for the Northern Border PEIS. CBP and DOI plan to continue coordination for both the Northern Border PEIS and the TIM&R EA through the work of Public Lands Liaison Agents and Borderlands Management Task Force meetings.

The Department of the Interior will support additional agreements which would facilitate access to federal lands by the Border Patrol while complying with laws and regulations related to environmental, historic and archeological resources. While the Department would support cooperative efforts with CBP to complete programmatic reviews with CBP funding for environmental and historic resource assessments, we recognize that this is central to the management of DOI public land units and is just as appropriately addressed using DOI funding.

CBP and DOI will assess and coordinate the need for future surveys and assessments and determine if there is a need to enter into additional agreements. This will be completed through an exchange of letters with CBP.

**Target Date:** March 31, 2011

**Responsible Official:** Kim Thorsen, Deputy Assistant Secretary, Law Enforcement, Security and Emergency Management

**Recommendation 2:** As Interior continues developing a national training module on environmental and cultural resource stewardship, the agencies should incorporate the input of Border Patrol agents and land managers into the design and development of training content, which may include training that is recurring, area-specific, and provided by land managers.

**Response:** In July of 2010 the U.S. Border Patrol initiated the process for development of an Environmental and Cultural Stewardship Training module. As envisioned, this module will provide Border Patrol agents with a basic orientation on incorporating environmental and cultural stewardship practices, accounting for operational constraints, into border enforcement work on public lands. This broad, two hour, web based training module will cover the full range of environmental and cultural stewardship practices and complement existing training products, many of which are geared to particular tracts of public land. In October of 2010 a design meeting was convened to develop a guide for development of the module. In attendance were Border Patrol agents and federal land managers, including both natural resources managers and law enforcement officials. Following development of the draft, headquarters officials and field managers in the Departments of Agriculture, the Interior and Homeland Security were provided three weeks to review and comment on the draft guide. The comments are now being incorporated into the Design Guide. The module is scheduled for completion in the spring of 2011. During development of the module, field personnel will continue to be provided the opportunity to comment on content and design. The module has been proposed for use on an annual basis.

Area-specific training will continue to be developed by field managers and will be provided as needed at Borderland Management Task Force meetings, and at formal and informal meetings with Public Lands Liaison Agents in each sector along the Southwest Border.

**Target Date:** Completion of the Module is expected by spring of 2011. Field implementation will occur shortly thereafter and likely be recurring annually. Area- specific information will be provided on a continuing basis.

**Responsible Official:** Kim Thorsen, Deputy Assistant Secretary, Law Enforcement, Security and Emergency Management

**Enclosure 2**

**IDENTICAL LETTERS SENT TO:**

**The Honorable Joseph I. Lieberman  
Chairman  
Committee on Homeland Security  
and Governmental Affairs  
United States Senate  
Washington, DC 20510**

**The Honorable Susan M. Collins  
Ranking Minority Member  
Committee on Homeland Security  
and Governmental Affairs  
United States Senate  
Washington, DC 20510**

**The Honorable Daniel Inouye  
Chairman  
Committee on Appropriations  
United States Senate  
Washington, DC 20510**

**The Honorable Thad Cochran  
Ranking Minority Member  
Committee on Appropriations  
United States Senate  
Washington, DC 20510**

**The Honorable Dianne Feinstein  
Chairman  
Subcommittee on Interior  
and Related Agencies  
Committee on Appropriations  
United States Senate  
Washington, DC 20510**

**The Honorable Lamar Alexander  
Ranking Minority Member  
Subcommittee on Interior  
and Related Agencies  
Committee on Appropriations  
United States Senate  
Washington, DC 20510**

**The Honorable Nick J. Rahall II  
Chairman  
Committee on Natural Resources  
House of Representatives  
Washington, DC 20515**

**The Honorable Doc Hastings  
Ranking Minority Member  
Committee on Natural Resources  
House of Representatives  
Washington, DC 20515**

**The Honorable David Obey  
Chairman  
Committee on Appropriations  
House of Representatives  
Washington, DC 20515**

**The Honorable Jerry Lewis  
Ranking Minority Member  
Committee on Appropriations  
House of Representatives  
Washington, DC 20515**

**The Honorable James P. Moran  
Chairman  
Subcommittee on Interior, Environment  
and Related Agencies  
Committee on Appropriations  
House of Representatives  
Washington, DC 20515**

**The Honorable Michael K. Simpson  
Ranking Minority Member  
Subcommittee on Interior, Environment,  
and Related Agencies  
Committee on Appropriations  
House of Representatives  
Washington, DC 20515**

The Honorable Edolphus Towns  
Chairman  
Committee on Oversight  
and Government Reform  
House of Representatives  
Washington, DC 20515

The Honorable Gene Dodaro  
Acting Comptroller General  
United States Government  
Accountability Office  
Washington, DC 20548

The Honorable Jeff Bingaman  
Chairman  
Committee on Energy  
and Natural Resources  
United States Senate  
Washington, DC 20510

The Honorable Rob Bishop  
Ranking Member  
Subcommittee on National Parks,  
Forests, and Public Lands  
Committee on Natural Resources  
House of Representatives  
Washington, DC 20515

The Honorable Darrell Issa  
Ranking Minority Member  
Committee on Oversight  
and Government Reform  
House of Representatives  
Washington, DC 20515

The Honorable Jacob J. Lew  
Director  
Office of Management and Budget  
Old Executive Office Building  
Washington, DC 20503

The Honorable Lisa Murkowski  
Ranking Member  
Committee on Energy  
and Natural Resources  
United States Senate  
Washington, DC 20510

The Honorable Peter King  
Ranking Member  
Committee on Homeland Security  
House of Representatives  
Washington, DC 20515



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Pacific Southwest Region  
1111 Jackson Street, Suite 520  
Oakland, California 94607

IN REPLY REFER TO:  
ER# 08/23

*Electronically Filed*

29 January 2013

San Diego Sector Tactical Infrastructure EA  
c/o Gulf South Research Corporation  
Baton Rouge, Louisiana, 70820  
[SDEAcomments@BorderFenceNEPA.com](mailto:SDEAcomments@BorderFenceNEPA.com)

Subject: Review of the Draft **Environmental Assessment (EA)** for Construction, Operation, and Maintenance of Tactical Infrastructure, U.S. Border Patrol, San Diego Sector, San Diego County, California

Dear Sir/Madam:

The Department of the Interior has received and reviewed draft Environmental Assessment (EA) for the above-referenced project, dated January 4, 2008. We recognize the importance of this project, and are committed to providing assistance as quickly and efficiently as possible.

In this initial review, we have identified potential effects of this project on trust resources and provide comments based on information provided in the EA, the Department's knowledge of sensitive and declining species and their habitats, and participation in regional conservation planning efforts.

Based on our review of the EA, we have concerns regarding the (1) adequacy of the project description, (2) adequacy of the analysis of direct, indirect, and cumulative effects on sensitive resources, (3) sufficiency of proposed mitigation measures, and (4) determination that environmental effects of proposed project are not significant.

The proposed project is to construct, maintain and operate approximately 30 miles of tactical infrastructure including five sections of fence, patrol roads, and access roads along the U.S.-Mexico border in San Diego County, California. The project would impact privately owned land and public lands managed by Bureau of Land Management.

The proposed project would be installed mostly within the Roosevelt Reservation with an approximate 60-foot wide impact corridor, with the exception of some roads occurring outside the reservation on Federal and private land. Per the EA, a total of 123 acres would be impacted, including 19 acres of chamise chaparral, 25 acres of mixed chaparral, 2 acres of mixed

chaparral/coast oak woodlands, 6 acres of coastal sage scrub, 13 acres of disturbed vegetation, and 45 acres of unspecified habitat for the construction of staging areas.

The project has potential to impact the following federally listed species: least Bell's vireo (*Vireo bellii pusillus*), coastal California gnatcatcher (*Polioptila californica californica*), southwestern willow flycatcher (*Empidonax traillii extimus*), Quino checkerspot butterfly (*Euphydryas editha quino*), arroyo toad (*Bufo californicus*), Otay tarplant [*Deinandra* (= *Hemizonia*) *conjugens*], willowy monardella (*Monardella linoides viminea*), Encinitas baccharis (*Baccharis vanessae*), and San Diego thornmint (*Acanthomintha ilicifolia*).

Due to incomplete project description, the EA is lacking necessary information to assess effects of the proposal on species mentioned above. The infrastructural appears to be undetermined for many segments. Since fence design is critical to determining effects on wildlife and plants, and focused surveys for the above species were either not conducted or were conducted at an inappropriate time of the year, the document's conclusions regarding environmental effects of the proposal are not substantiated.

Without complete information on final fence design, lay-down areas, and access roads, or relevant biological information, the EA does not adequately assess adverse effects of the proposal or mitigation measures needed to reduce impacts to a level of insignificance. Furthermore, the document references avoidance measures that do not appear feasible due to timing constraints of this project. Analyses of indirect and cumulative effects are not provided for most resources that would be impacted by this project.

We recognize the important nature of this project and offer to work expeditiously so that environmental review can be completed in a timely manner. We recommend that Department of Homeland Security (DHS) work with US Fish and Wildlife Service and Bureau of Land Management staff in an attempt to design the project in a way that avoids and minimizes adverse effects, and may potentially avoid the need to initiate formal consultation under section 7 of the Endangered Species Act. Without further information on project design and mitigation measures, it appears that initiation of formal consultation will be needed.

## General Comments

1. The EA states numerous times that environmental effects of the proposed project are below a level of significance. However, direct, indirect, and cumulative impacts to listed/sensitive species were not fully analyzed within the EA (see additional comments below) and a clear, comprehensive mitigation proposal was not provided. Without additional information and analyses the determination that project impacts are less than significant cannot be substantiated. The FWS encourages DHS to continue more comprehensive discussions with our Ecological Services and Refuges divisions to minimize and compensate for effects of the construction and operation of the proposed fence to federally-listed species.
2. Throughout the document, the discussion and assessment of indirect impacts due to proposed construction of the fence should be expanded and clarified. Indirect impacts that should be assessed include, but may not be limited to: redirection of illegal traffic to unsecured areas of the border that may impact wildlife habitat, construction of access roads and use of staging areas that are not included in the proposed 60-foot wide right of

way (ROW), and downstream effects on habitats within the Tijuana River watershed. Indirect impacts should be accounted for in any compensation for impacts to threatened and endangered species and mitigation for any unavoidable impacts to jurisdictional wetlands or waters of the United States.

3. The project description does not provide sufficient information regarding impacts to listed species and sensitive habitats. No maps or spatial representation of plant communities and listed/sensitive species distribution within and surrounding the project area were provided in the EA. Project area aerial photographs with habitat/vegetation communities clearly identified should be included to assist in the effects analysis. In addition, the EA should clearly describe project related impacts (temporary and permanent) to each vegetation community and species habitat for all aspects of the project, including road widening, staging/lay down areas, new fence construction, and new road construction.
4. The EA contains an insufficient alternatives analysis. Project alternatives including options besides fencing should be analyzed. Technology may be available in lieu of or in addition to fencing that would result in reduced direct impacts to the natural resources. Such project alternatives should be clearly stated and analyzed in the EA.
5. The EA repeatedly stated that design criteria would be used to minimize adverse impacts on threatened or endangered species and their critical habitat. Please clarify where this has or will occur. If avoidance measures cannot be included in the design criteria, mitigation measures should be included to mitigate impacts to levels that are less than significant.
6. To accurately assess the impacts of the proposed project, the FWS recommends that wetland delineation for the project be verified by the U.S. Army Corps of Engineers and that natural resource agencies be provided with a mitigation plan for any unavoidable impacts to wetlands and waters of the U.S. for review and comment prior to a final decision. The mitigation plan should include a complete restoration plan for temporary impacts as well as mitigation for all permanent and indirect impacts to jurisdictional areas.
7. Statements used throughout the document that the fence will have beneficial effects to wetland/riparian areas, vegetation, wildlife, and federally listed species (by reducing human activity and trash) are not supported with data. To the contrary, impacts from operational vehicular activity and road maintenance would be likely to increase. We recommend that the decision documents include a thorough analysis of all direct, indirect, and cumulative impacts that is based on the best available scientific information, not unsupported assumptions.
8. The EA should provide the reader with current information on the existing barrier fence segments along the International Border in San Diego County so that assessment of cumulative effects is possible, including effects to unlisted species.
9. Clearly identify the portion of the project that is proposed to take place on BLM administered lands outside the 60' Roosevelt Corridor. Identify and quantify the impacts that would occur on these public lands.

10.  Demonstrate that cultural and biological surveys have been completed within the project area for the following actions: Upgrade of existing access roads, construction of new roads, construction of staging areas, fence construction. Address the findings of those surveys.
11. Identify mitigation actions for cultural and biological resources.
12.  List Best Management Practices (BMP's) formulated for the project by the U.S. Fish and Wildlife Service for special status species.
13. In addition, BLM requires documentation which establishes the completion of Section 106 and formal tribal and SHPO consultation. The responsibility of this coordination lies with U.S. Customs and Border Protection-Border Patrol and U.S. Army Corps of Engineers as the lead agencies for the project. As part of the documentation, BLM must be provided the full cultural survey report for the project.

### Specific Comments

#### 2.0 Proposed Action and Alternatives, pg. 2-1:

- “This section provides detailed information on USBP’s proposal to construct, maintain, and operate TI...” While the description of the proposed action includes construction, maintenance, and operation of the fence and associated roads, the DEA does not include an analysis of potential environmental impacts associated with maintenance and operation activities.

#### 2.5 Other Alternatives Evaluated but Eliminated From Consideration, pg. 2-12:

- While the DEA considers several alternatives in addition to the proposed action (i.e., Secure Fence Act Alignment; additional agents in lieu of tactical infrastructure (TI); vehicle barriers in lieu of fence; fence only; technology in lieu of TI), an alternative incorporating the use of a combination of methods is not discussed. For example, potential use of TI in combination with additional agents and the use of technology should be considered. Such an alternative could include construction of new fence along existing roads. In areas where the existing road is somewhat north of the international border, the use of technology or additional agents should be analyzed. The use of multiple methods of detection in combination with each other may significantly reduce the environmental impacts of the proposed action, particularly in sensitive areas that will be significantly impacted, such as La Gloria and Horseshoe canyons.

#### Staging Areas:

- While the DEA maps depict the location of the staging areas, there is no site-specific discussion of the vegetation of each of these staging areas and subsequently no discussion of potential impacts. Also, it appears that several of these staging areas are being proposed in undisturbed habitat (e.g., staging area northwest of Cetus Hill and staging area northwest of Ag Loop). The relocation of staging areas to previously disturbed habitat would reduce impacts to sensitive species (i.e., habitat loss, fragmentation, and/or establishment of invasive species).
- The discussion in section 5.0 Mitigation Measures of how staging areas will be rehabilitated needs clarification. It is not clear if all staging areas will be rehabilitated (e.g., in previously disturbed and undisturbed habitat). Also, section 5.0 includes only

minimal discussion of how staging areas will be rehabilitated and states that rehabilitation methods would be developed in coordination with and approved by BLM.

- Without a detailed discussion of where each staging area will be located, the species and/or potential habitat that may occur in these areas, and how each staging area will be rehabilitated, potential impacts to sensitive species resulting from the construction, use, and rehabilitation of staging areas cannot be fully analyzed.

### 3.7 Vegetative Habitat, pg. 3-22:

- While the DEA discusses the presence of six potential jurisdictional ephemeral waters of the U.S. (pg. 3-15), including Campo Creek, Boundary Creek, and several small unnamed creeks, the presence of riparian habitat is not discussed in this section or in Table 3-3. Therefore, the calculations of altered vegetation are likely incomplete.
- The DEA does not include a specific discussion of the vegetative communities that would be impacted by filling LaGloria and Horseshoe canyons.
- Since coastal sage scrub and riparian habitats are considered sensitive or rare plant communities under local and State regulations, the finding that impacts to these plant communities are “not expected to be significant” is incorrect.

### 3.8 Wildlife and Aquatic Resources, pg. 3-29:

- Potential impacts to wildlife and aquatic resources should be discussed in terms of the life history and/or habitat requirements of the species that occur in and adjacent to the project corridor. For example, there’s no discussion of the potential impacts to wildlife of erecting movement barriers between habitats on either side of the international border. Beside the direct impacts of removing habitat, these gaps/barriers could prohibit movement thereby reducing gene flow. Also, the absence of vegetation in these large gaps could result in increased predation.
- The DEA should include a detailed discussion of the potential impacts of filling La Gloria and Horseshoe canyons to wildlife and aquatic resources. Filling these canyons could have substantial impacts, including but not limited to reducing species movement between habitats on either side of the international border and reducing seasonal water flows to the Tijuana River.
- Wildlife connectivity: Proposed filling of at least 2 canyons (Horseshoe and La Gloria) poses significant effects. The filling of canyons and the closing of existing gaps in the border fence would preclude general wildlife movement in one of three important dispersal zones recognized in *Las Californias Binational Conservation Initiative, A Vision for Habitat Conservation in the Border Region of California and Baja California* (2004), a report prepared by The Nature Conservancy, Conservation Biology Institute, and ProNatura, and supported by the California Biodiversity Council, a State and Federal interagency committee. The San Diego County border region is an internationally recognized biodiversity hotspot (IUCN 2000).
- The DEA should include a specific discussion of the mitigation measures that would be implemented to ensure consistency with the Migratory Bird Treaty Act.

### 3.9 Threatened and Endangered Species, pg. 3-32:

- To fully analyze project impacts to protected species, the EA should include maps of each project site that depicts the plant community type within and adjacent to the project area and occurrence data and potential habitat for protected species.

- While the EA acknowledges that indirect adverse impacts to potentially suitable habitat for protected species could result from illegal immigrants shifting their activities to the end of newly constructed fence segments to avoid apprehension, it does not include a thorough analysis of additional potential impacts to protected species and their habitats in these areas.
- The EA should include a detailed discussion of the potential impacts of filling La Gloria and Horseshoe canyons to threatened and endangered species. Filling these canyons could have substantial impacts, including but not limited to reducing species movement between habitats on either side of the international border and increasing predation.
- The EA should include a detailed discussion of the potential impacts of constructing low water crossings or similar drainage structures to riparian habitat and the protected species that may occur within these areas (e.g., least Bell's vireo, southwestern willow flycatcher, and arroyo toad). Given that the footprint of these structures is expected to extend approximately 25 to 40 feet on either side of the crossing to allow placement of rip rap (see page 2-4), the installation and use of these structures could have significant impacts to riparian habitat and associated species.
- Potential impacts to threatened and endangered species should be discussed in terms of the life history and/or habitat requirements of the species that occur in and adjacent to the project corridor. For example, there is no discussion of the potential impacts of increasing the gap between habitats on either side of the international border. Besides the direct impacts of removing habitat, these gaps could prohibit movement thereby reducing gene flow or increasing predation.
- *Least Bell's vireo, Southwestern willow flycatcher, and Arroyo toad:* While the DEA states that potential habitat for least Bell's vireo and southwestern willow flycatcher occurs adjacent to the 7 Gate/Railroad project site and that arroyo toad is known to historically and perhaps currently occur in Boundary Creek, upstream of the Willows project site, there is no detailed discussion of project impacts to these species and their habitats. Also, there is no discussion of potential habitat for any of these species along the other ephemeral waters of the U.S. (pg. 3-15), including Campo Creek and several small unnamed creeks that occur along the project corridor. Without a thorough analysis, the finding on page 3-38 that the proposed action may affect but is not likely to adversely affect the vireo or flycatcher is unsupported. Also, without a thorough discussion of arroyo toad occurrence data and habitat requirements, the finding that the project sites lack suitable habitat, and therefore would not affect this species, is unsupported.
- *Coastal California gnatcatcher:* The EA only analyzes impacts to coastal sage scrub (CSS) habitat. While the coastal California gnatcatcher is primarily associated with CSS during the breeding season, the species also occurs in non-CSS habitat (e.g., chaparral), which it uses for foraging and dispersing. The analysis of impacts to this species should include impacts to non-CSS habitat. Also, since wildfire is a natural component of the CSS/chaparral ecosystems, impacts associated with fire are considered temporary. Therefore, the acreage of the burned areas within the project sites should be included in the estimate of gnatcatcher habitat that would be permanently impacted by the project.
- *Quino checkerspot butterfly and critical habitat:* The EA acknowledges that the October 2007 biological surveys were conducted outside of the proper season to determine presence of listed species but later states that the primary host plant for Quino, *Plantago erecta*, was not observed at any of the surveyed areas. The EA should acknowledge that this host plant species is known to occur in the area but likely not found in the fall because it is an ephemeral annual plant. The EA should also discuss the other host plants known to be used by Quino and potentially present in the project corridor. Also, being a

low-flying species, the DEA also should include a discussion of the potential impacts to Quino movement between habitat patches on either side of the international border associated with the construction of new fence. Effects to Quino critical habitat were not adequately analyzed in the EA. The EA should recognize that disturbed habitat may still be functionally useful to the butterfly and should be analyzed as such.

- *Otay tarplant, willowy monardella, Encinitas baccharis, and San Diego thornmint*: The EA acknowledges that the October 2007 biological surveys were conducted outside of the proper season to determine presence of protected species, but later states that these plant species were not observed within the surveyed areas, implying that these species do not occur in the project corridor. Without a thorough discussion of species occurrence data and habitat requirements, the finding that the project sites lack suitable habitat and therefore would not affect these listed species is unsupported.
- *Peninsular bighorn sheep*: The endangered Peninsular bighorn sheep is likely to be affected by significant indirect impacts from the funneling of illegal immigrant traffic into the Jacumba Mountains, portions of which are designated as critical habitat. Alteration of the fence design with gaps or vehicle barriers only within one mile of sheep habitat would likely reduce the significance of the impacts and provide opportunity for connectivity with bighorn sheep in Mexico.
- *Tecate cypress and Thorne's hairstreak butterfly*: The EA states that up to eight Tecate cypress trees would be impacted by construction but it's not clear how these individuals will be impacted (e.g., destroyed during construction, indirectly impacted due to dust, adjacent soil disturbance, etc.). There is also no discussion of how impacts to this species would be minimized or mitigated other than avoidance. Also, while the EA acknowledges that the Thorne's hairstreak butterfly uses Tecate cypress as a host plant, there is no discussion of potential occurrence of this butterfly species or its suitable habitat (in addition to Tecate cypress) on the project site.

If you have any questions regarding these comments, please contact Janaye Byergo, Bureau of Land Management Palm Springs-South Coast Field Office (BLM), at 858-451-1767 or Kurt Roblek or Pete Sorensen, Fish and Wildlife, at (760) 431-9440.

Thank you for the opportunity to review this project.

Sincerely,

A handwritten signature in black ink that reads "Patricia Sanderson Port". The signature is written in a cursive, flowing style.

Patricia Sanderson Port  
Regional Environmental Officer

cc:  
Director, OEPC  
FWS, CNO

# Attachment A

BLM Palm Springs-South Coast Field Office Comments

**PROJECT:** San Diego Gap Filler (ER 08/23)

**DATE:** 18 Jan 2008

**PROJECT  
MILESTONE:**

Draft Environmental Assessment  
And  
Draft Finding of No Significant Impact

**RESPONSE LEGEND:**

A - Concur      D - Do Not Concur      E - Exception      X - Delete Comment  
(All responses besides "Concur" require a brief explanation from the Designer.)

REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
		<p>CULTURAL RESOURCES SECTION:</p> <p>As the lead for NEPA compliance of this project, the U.S. Customs and Border Protection – Border Patrol (BP) and U.S. Army Corps of Engineers (Corps) are responsible for completing Section 106 and formal consultation with SHPO and the local tribes. At this time it appears that only preliminary notice of the proposed action was given to SHPO and the tribes. The Corp must conduct government to government formal consultation with the tribes. In addition, BLM must be consulted on any determination of sites located on public lands.</p> <p>BLM must be provided the full cultural survey report for the project. This report is a critical component of the documentation BLM must review in order to authorize the project. At this time, the cultural survey report for the project has not been submitted to BLM. In addition, we require documentation of all SHPO and tribal consultation conducted by the Corp.</p>	

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
Wanda Raschkow (WRR)	1	FONSI Page 1, line 43: It is unclear whether or not the staging areas have been surveyed for cultural resources.	
WRR	2	FONSI P2, lines 6-7: Surface disturbance (grading or usage of) the existing roads is a direct impact of the project and as such the effects to cultural resources needs to be assessed. The argument that they are already in use and may have been maintained by other agencies does not negate the fact that they are being impacted by this undertaking.	
WRR	3	FONSI P5, lines 5-8: the draft was supposed to have been revised to indicate that the prehistoric site would also be fenced and effects to it would be avoided. It appears instead that all mention of the prehistoric site has been removed from the FONSI. The BLM has not yet determined whether the site is eligible for the NRHP (due to a lack of information). Effects to the site should be avoided.	

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
WRR	4	Page 2-6: the DEA states that the Ag Loop access roads will be extended south to the border. Map 5 does not show these extensions. In addition, there are no access roads indicated to connect to the proposed fence/road construction areas. The red polygons on Map 5 connect to roads- but according to the map key these are not access or project roads.	
WRR	5	Table 2-4: Were Native American concerns analyzed? The topic is not listed in the table.	
WRR	6	Page 3-25, line 21: "vegetation surveys were not conducted in staging areas due to lack of ROEs". Were cultural resources surveys conducted in the staging areas?	
WRR	7	Section 3.10: This is a very superficial treatment of the affected environment.	

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
WRR	8	3.10.1.1: Based on the review of literature, what are the important research questions for the area? Based upon these research questions and the historic context of the area, what types of site would have the potential to be eligible for the NRHP?	
WRR	9	Page 3-41, line 28: were the two previously recorded sites located? Are they within the APE or not?	
WRR	10	Page 3-42, line 7: Are these two <i>new</i> prehistoric sites, or are they the two that were previously recorded?	
WRR	11	Page 3-42, lines 11-12: How was the absence of subsurface materials confirmed? Subsurface potential generally cannot be determined from surface examination only	
WRR	12	Page 3-42, line 13: Re/the statement that the site is "not considered eligible". The cultural resources contractor may make <i>recommendations</i> as to eligibility, but the BLM makes the determination of eligibility for resources on BLM managed lands.	

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<b>REVIEWER</b>	<b>COMMENT NO.</b>	<b>REVIEW COMMENT</b>	<b>RESPONSE BY DESIGNER</b>
WRR	13	3-42, line 19: change "considered" to "recommended".	
WRR	14	Section 3.10.2: Use of federal terminology and regulations would be more appropriate.	
WRR	15	Section 3.10.2.2- Use federal terminology-change "significant cultural resources" to "historic properties".	
WRR	16	Page 3-43, line 21: Change "avoid adverse impacts" to "avoid effects". There should be no impact/effect to the Border Monuments if they are adequately fenced/flagged and construction is monitored.	
WRR	17	Page 3-43, lines 29-31: Rewrite to more accurately reflect federal terminology and process. Clarify what is meant by "Section 106 process"?	
WRR	18	Page 4-8, lines 18-21: Would be better phrased as "no effect to historic properties provided avoidance measures are implemented as described." "Historic" properties, not "historical".	

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
WRR	19	Pages 3-43 and 4-8: BLM has not made a determination that the project will have no effect to historic properties. This determination cannot be made until a cultural survey report has been submitted and reviewed, and the questions about the eligibility of the prehistoric milling site have been resolved.	
WRR	20	Section 4.18: This is a federal undertaking, should CEQA be referenced.	
WRR	21	Section 5.6: Provide clarification of what "Section 106 will be completed" means. Address avoidance of effects to the prehistoric milling site.	

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
Joyce Schlachter (JAS)	1	FONSI, Page 3, Line 4: Best Management Practices...add "developed in coordination or consultation with the U.S. Fish and Wildlife Service"	
JAS	2	FONSI, Page 3, Line 39: Should read...reduce erosion while allowing the area to naturally <u>re</u> vegetate.	
JAS	3	FONSI, Page 4, Line 6: same comment as comment #2...use <u>re</u> vegetate, instead of vegetate.	
JAS	4	FONSI, Page 5, Line 21: regarding " <b>aggregate materials</b> "...any gravel, cobble, or rock that is acquired from outside the project area, to be used within the project area, <b>must also be weed and seed free</b> . There is a major infestation of Italian thistle at this time on Otay Mountain, due to the importation of contaminated gravel by the BP for use on road surfaces.	

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
JAS	5	SECTION 1.0 INTRODUCTION, Page 1-3, Lines 7-12: This paragraph talks about why the proposed action is needed. Considering the recent wildfires, specifically the Harris Fire which was started by an undocumented immigrant campfire, the proposed action may also help to reduce the number of wildfires in the Border Mountain area.	
JAS	6	SECTION 2.3.1 ROAD IMPROVEMENTS, Page 2-3, Line 20: "Aggregate"...all aggregate must be free of weeds and seeds to prevent the infestation of non-native invasive species and weed species-as stated in comment # 4.	
JAS	7	SECTION 2.3.1 ROAD IMPROVEMENTS, Page 2-4, Line 2: Please describe (where appropriate in the document) what the "soil stabilizing agent" is composed of and how it may/may not affect water quality if there is runoff, or affect wildlife if the substance is applied in a manner such that puddles or pools occur.	

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
JAS	8	SECTION 3.4 HYDROLOGY AND GROUND WATER, Page 3-9, Line 11: "...were previously planned for and analyzed..."	
JAS	9	SECTION 3.7 VEGETATIVE HABITAT, Page 3-23, Line 1: just a note...agencies are transitioning to the use of Sawyer/Keeler-Wolf, instead of Holland, for the descriptions of plant communities in CA.	
JAS	10	Page 3-34, Line 12: "...those designated by each (change to ->) <b>BLM State Director as Sensitive</b> ".	

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
JAS	11	<p>SECTION 3.9.2.2 PROPOSED ACTION ALTERNATIVE, Page 3-38, Line 17: Were the eight specimens of Tecate Cypress determined to be mature? (i.e. are they bearing cones with seeds?) If so, has there been any discussion regarding the collection of seed from those trees that would be impacted (destroyed?).</p> <p>Line 19: Depending on the age of the Tecate Cypress, there could be a long term significant impact. The larvae of the Thorne's hairstreak butterfly depends on the "mature" cypress for its existence. The definition of "mature" is being researched, but it is thought that the larvae may be able to utilize the trees as soon as 8-10 years of age. Due to increased fire intervals, there are few remaining "mature" cypress. Have these trees been surveyed for Thorne's?</p>	
JAS	12	<p>SECTION 5.3 VEGETATION, Page 5-3, Line 16: "Native seeds or plants, (please add-&gt;) <b>chosen in coordination with and approved by the BLM,</b> which are compatible with..."</p>	

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
JAS	13	<p>APPENDIX E, BLM SENSITIVE SPECIES TABLE</p> <p>Below are some minor changes to plant names in the table, based on the recent 4<sup>th</sup> Edition of the <u>CHECKLIST OF THE VASCULAR PLANTS OF SAN DIEGO COUNTY</u> by Simpson and Rebman. The changes are <b>BOLDED</b>:</p> <p><i>Ceanothus cyaneus</i> = Lakeside-<b>lilac</b></p> <p><i>Chamaesyce platysperma</i> = Flat-seed<b>ed</b> spurge</p> <p><i>Hazardia orcuttii</i> = Orcutt's <b>goldenbush</b></p> <p><i>Lupinus excubitus</i> = Mountain Springs <b>s</b> bush lupine</p> <p><b>Bloomeria clevelandii</b> = San Diego goldenstar</p> <p><b>Cylindropuntia munzii</b> = Munz cholla</p> <p><i>Ribes canthariforme</i> = <b>Moreno current</b></p> <p>The use of <b>coast</b> instead of California horned lizard was confirmed by Robert Fisher, USGS:</p> <p><i>Phrynosoma coronatum frontale</i> = <b>Coast</b> horned</p>	

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JAS	14	General comment: Was translocation of cactus species that may be impacted due to the project, discussed? Please consider this as mitigation.	

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BLM Palm Springs-South Coast Field Office

PROJECT: San Diego Gap Filler (ER 08/23)

DATE: 23 Jan 2008

PROJECT  
MILESTONE:

Draft Environmental Assessment  
And  
Draft Finding of No Significant Impact

RESPONSE LEGEND:

A - Concur      D - Do Not Concur      E - Exception      X - Delete Comment  
(All responses besides "Concur" require a brief explanation from the Designer.)

REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
Janaye Byergo (JB)	1	INTRODUCTION 1.6, Page 1-13, Line 6: Should read BLM's <b>Resource</b> Management Plan.	
JB	2	<p>PROPOSED ACTION 2: Under the Proposed Action and Secured Fence Act Alternative the upgrading of the existing access roads should be described in detail. Are they going to be widened? If so how much. Are culverts going to be replaced? If so how many? Are additional culverts going to be constructed?</p> <p>It is not clear in the document as to how much of the new road construction would occur within and outside of the 60' Roosevelt Corridor. This needs to be quantified.</p>	

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
JB	3	<p>LAND USE 3.2.2.2, Page 3-5, Line 9: It states "Privately owned land and land owned by BLM is currently open, undeveloped areas. These sites would be permanently converted to areas set aside for law enforcement purposes".</p> <p>What is meant by this statement? Does it mean the public can not have access to the area? Does the area set aside for law enforcement purposes include the entire project area or just the 60' Roosevelt Corridor?</p>	
JB	4	<p>SURFACE WATERS 3.5.1, Page 3-12, Line 18: Figure 3-1 should be labeled 3-2.</p>	
JB	5	<p>VEGETATIVE HABITAT 3.7.1, Page 3-22, Lines 16-18: The 2007 wildfire (Harris Fire) did not affect the entire project area. The fire incorporated the western half of the project area.</p>	

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<b>REVIEWER</b>	<b>COMMENT NO.</b>	<b>REVIEW COMMENT</b>	<b>RESPONSE BY DESIGNER</b>
JB	6	AESTHETIC AND VISUAL RESOURCES 3.13.2.2 – 3.13.2.3, Page 3-54: The document needs to address the visual impacts of the proposed staging areas. These are not mentioned in this section.	

**Department of the Interior**  
**Statement Concerning Real ID Act Waiver**  
**Invoked by Secretary Michael Chertoff**  
**Department of Homeland Security**  
**Tuesday, April 1, 2008**

Today, Secretary of the Department of Homeland Security, Michael Chertoff, announced that he has invoked two Real ID Act waivers on a number of statutes associated with the construction of border security infrastructure along our Nation's Southwest border. Included in these waivers are environmental statutes and legal authorities associated with the administration of Department of the Interior (DOI) lands and programs. Secretary Chertoff invoked these waivers in order to construct these facilities in a timely fashion, as mandated by the U.S. Congress.

Over the last eight months, DOI and its constituent bureaus have been working very closely with DHS to facilitate the construction of border security fences in an environmentally sensitive fashion. Since Interior lands comprise nearly 800 miles of this border and include uniquely beautiful and environmentally sensitive areas, it has been imperative for our agencies to work cooperatively to address these issues.

DOI benefits from securing our Nation's border from illegal entrants into the United States and drug trafficking and to prevent the entry of terrorists and terrorist weapons. Because our visitors and employees are currently at risk, we also must improve the security of Interior lands and increase the safety of both our visitors and our employees. Finally, DOI lands will benefit from border security infrastructure that will decrease some of the adverse environmental effects of illegal activities upon fragile plant and animal communities located within Interior lands.

Many authorities and statutes that govern DOI land, resource and wildlife management do not accommodate approval of the DHS border projects. For instance, we have a legal obligation to manage and oversee many Interior lands in a way that is consistent with statutes such as the Wilderness Act and the National Wildlife Refuge System Administration Act. We have determined that we cannot, consistent with these legal obligations, provide the approvals that would be necessary to allow DHS to construct certain infrastructure on Interior lands that are subject to these laws.

Though DHS is invoking waivers of these and other laws, we will continue to work with them closely to protect environmental values and mitigate impacts. Among other actions, we look forward to finalizing an agreement with DHS that documents their commitment to fund mitigation projects for threatened and endangered species valued up to \$50 million.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Pacific Southwest Region  
1111 Jackson Street, Suite 520  
Oakland, California 94607

IN REPLY REFER TO:  
ER# 08/23

*Electronically Filed*

30 June 2008

San Diego Sector Tactical Infrastructure EA  
c/o Gulf South Research Corporation  
Baton Rouge, Louisiana, 70820  
[SDEAcomments@BorderFenceNEPA.com](mailto:SDEAcomments@BorderFenceNEPA.com)

**Subject:** Review of the Draft **Environmental Assessment (EA)** for Construction, Operation, and Maintenance of Tactical Infrastructure, U.S. Border Patrol, San Diego Sector, San Diego County, California

Dear Sir/Madam:

The Department of the Interior has received and reviewed draft Environmental Assessment (EA) for the above-referenced project, dated January 4, 2008. We recognize the importance of this project, and are committed to providing assistance as quickly and efficiently as possible.

In this initial review, we have identified potential effects of this project on trust resources and provide comments based on information provided in the EA, the Department's knowledge of sensitive and declining species and their habitats, and participation in regional conservation planning efforts.

Based on our review of the EA, we have concerns regarding the (1) adequacy of the project description, (2) adequacy of the analysis of direct, indirect, and cumulative effects on sensitive resources, (3) sufficiency of proposed mitigation measures, and (4) determination that environmental effects of proposed project are not significant.

The proposed project is to construct, maintain and operate approximately 30 miles of tactical infrastructure including five sections of fence, patrol roads, and access roads along the U.S.-Mexico border in San Diego County, California. The project would impact privately owned land and public lands managed by Bureau of Land Management.

The proposed project would be installed mostly within the Roosevelt Reservation with an approximate 60-foot wide impact corridor, with the exception of some roads occurring outside the reservation on Federal and private land. Per the EA, a total of 123 acres would be impacted, including 19 acres of chamise chaparral, 25 acres of mixed chaparral, 2 acres of mixed

chaparral/coast oak woodlands, 6 acres of coastal sage scrub, 13 acres of disturbed vegetation, and 45 acres of unspecified habitat for the construction of staging areas.

The project has potential to impact the following federally listed species: least Bell's vireo (*Vireo bellii pusillus*), coastal California gnatcatcher (*Polioptila californica californica*), southwestern willow flycatcher (*Empidonax traillii extimus*), Quino checkerspot butterfly (*Euphydryas editha quino*), arroyo toad (*Bufo californicus*), Otay tarplant [*Deinandra* (= *Hemizonia*) *conjugens*], willowy monardella (*Monardella linoides viminea*), Encinitas baccharis (*Baccharis vanessae*), and San Diego thornmint (*Acanthomintha ilicifolia*).

Due to incomplete project description, the EA is lacking necessary information to assess effects of the proposal on species mentioned above. The infrastructural appears to be undetermined for many segments. Since fence design is critical to determining effects on wildlife and plants, and focused surveys for the above species were either not conducted or were conducted at an inappropriate time of the year, the document's conclusions regarding environmental effects of the proposal are not substantiated.

Without complete information on final fence design, lay-down areas, and access roads, or relevant biological information, the EA does not adequately assess adverse effects of the proposal or mitigation measures needed to reduce impacts to a level of insignificance. Furthermore, the document references avoidance measures that do not appear feasible due to timing constraints of this project. Analyses of indirect and cumulative effects are not provided for most resources that would be impacted by this project.

We recognize the important nature of this project and offer to work expeditiously so that environmental review can be completed in a timely manner. We recommend that Department of Homeland Security (DHS) work with US Fish and Wildlife Service and Bureau of Land Management staff in an attempt to design the project in a way that avoids and minimizes adverse effects, and may potentially avoid the need to initiate formal consultation under section 7 of the Endangered Species Act. Without further information on project design and mitigation measures, it appears that initiation of formal consultation will be needed.

#### General Comments

1. The EA states numerous times that environmental effects of the proposed project are below a level of significance. However, direct, indirect, and cumulative impacts to listed/sensitive species were not fully analyzed within the EA (see additional comments below) and a clear, comprehensive mitigation proposal was not provided. Without additional information and analyses the determination that project impacts are less than significant cannot be substantiated. The FWS encourages DHS to continue more comprehensive discussions with our Ecological Services and Refuges divisions to minimize and compensate for effects of the construction and operation of the proposed fence to federally-listed species.
2. Throughout the document, the discussion and assessment of indirect impacts due to proposed construction of the fence should be expanded and clarified. Indirect impacts that should be assessed include, but may not be limited to: redirection of illegal traffic to unsecured areas of the border that may impact wildlife habitat, construction of access roads and use of staging areas that are not included in the proposed 60-foot wide right of

way (ROW), and downstream effects on habitats within the Tijuana River watershed. Indirect impacts should be accounted for in any compensation for impacts to threatened and endangered species and mitigation for any unavoidable impacts to jurisdictional wetlands or waters of the United States.

3. The project description does not provide sufficient information regarding impacts to listed species and sensitive habitats. No maps or spatial representation of plant communities and listed/sensitive species distribution within and surrounding the project area were provided in the EA. Project area aerial photographs with habitat/vegetation communities clearly identified should be included to assist in the effects analysis. In addition, the EA should clearly describe project related impacts (temporary and permanent) to each vegetation community and species habitat for all aspects of the project, including road widening, staging/lay down areas, new fence construction, and new road construction.
4. The EA contains an insufficient alternatives analysis. Project alternatives including options besides fencing should be analyzed. Technology may be available in lieu of or in addition to fencing that would result in reduced direct impacts to the natural resources. Such project alternatives should be clearly stated and analyzed in the EA.
5. The EA repeatedly stated that design criteria would be used to minimize adverse impacts on threatened or endangered species and their critical habitat. Please clarify where this has or will occur. If avoidance measures cannot be included in the design criteria, mitigation measures should be included to mitigate impacts to levels that are less than significant.
6. To accurately assess the impacts of the proposed project, the FWS recommends that wetland delineation for the project be verified by the U.S. Army Corps of Engineers and that natural resource agencies be provided with a mitigation plan for any unavoidable impacts to wetlands and waters of the U.S. for review and comment prior to a final decision. The mitigation plan should include a complete restoration plan for temporary impacts as well as mitigation for all permanent and indirect impacts to jurisdictional areas.
7. Statements used throughout the document that the fence will have beneficial effects to wetland/riparian areas, vegetation, wildlife, and federally listed species (by reducing human activity and trash) are not supported with data. To the contrary, impacts from operational vehicular activity and road maintenance would be likely to increase. We recommend that the decision documents include a thorough analysis of all direct, indirect, and cumulative impacts that is based on the best available scientific information, not unsupported assumptions.
8. The EA should provide the reader with current information on the existing barrier fence segments along the International Border in San Diego County so that assessment of cumulative effects is possible, including effects to unlisted species.
9. Clearly identify the portion of the project that is proposed to take place on BLM administered lands outside the 60' Roosevelt Corridor. Identify and quantify the impacts that would occur on these public lands.

10. Demonstrate that cultural and biological surveys have been completed within the project area for the following actions: Upgrade of existing access roads, construction of new roads, construction of staging areas, fence construction. Address the findings of those surveys.
11. Identify mitigation actions for cultural and biological resources.
12. List Best Management Practices (BMP's) formulated for the project by the U.S. Fish and Wildlife Service for special status species.
13. In addition, BLM requires documentation which establishes the completion of Section 106 and formal tribal and SHPO consultation. The responsibility of this coordination lies with U.S. Customs and Border Protection-Border Patrol and U.S. Army Corps of Engineers as the lead agencies for the project. As part of the documentation, BLM must be provided the full cultural survey report for the project.

### Specific Comments

#### 2.0 Proposed Action and Alternatives, pg. 2-1:

- “This section provides detailed information on USBP’s proposal to construct, maintain, and operate TI...” While the description of the proposed action includes construction, maintenance, and operation of the fence and associated roads, the DEA does not include an analysis of potential environmental impacts associated with maintenance and operation activities.

#### 2.5 Other Alternatives Evaluated but Eliminated From Consideration, pg. 2-12:

- While the DEA considers several alternatives in addition to the proposed action (i.e., Secure Fence Act Alignment; additional agents in lieu of tactical infrastructure (TI); vehicle barriers in lieu of fence; fence only; technology in lieu of TI), an alternative incorporating the use of a combination of methods is not discussed. For example, potential use of TI in combination with additional agents and the use of technology should be considered. Such an alternative could include construction of new fence along existing roads. In areas where the existing road is somewhat north of the international border, the use of technology or additional agents should be analyzed. The use of multiple methods of detection in combination with each other may significantly reduce the environmental impacts of the proposed action, particularly in sensitive areas that will be significantly impacted, such as La Gloria and Horseshoe canyons.

#### Staging Areas:

- While the DEA maps depict the location of the staging areas, there is no site-specific discussion of the vegetation of each of these staging areas and subsequently no discussion of potential impacts. Also, it appears that several of these staging areas are being proposed in undisturbed habitat (e.g., staging area northwest of Cetus Hill and staging area northwest of Ag Loop). The relocation of staging areas to previously disturbed habitat would reduce impacts to sensitive species (i.e., habitat loss, fragmentation, and/or establishment of invasive species).
- The discussion in section 5.0 Mitigation Measures of how staging areas will be rehabilitated needs clarification. It is not clear if all staging areas will be rehabilitated (e.g., in previously disturbed and undisturbed habitat). Also, section 5.0 includes only

minimal discussion of how staging areas will be rehabilitated and states that rehabilitation methods would be developed in coordination with and approved by BLM.

- Without a detailed discussion of where each staging area will be located, the species and/or potential habitat that may occur in these areas, and how each staging area will be rehabilitated, potential impacts to sensitive species resulting from the construction, use, and rehabilitation of staging areas cannot be fully analyzed.

### 3.7 Vegetative Habitat, pg. 3-22:

- While the DEA discusses the presence of six potential jurisdictional ephemeral waters of the U.S. (pg. 3-15), including Campo Creek, Boundary Creek, and several small unnamed creeks, the presence of riparian habitat is not discussed in this section or in Table 3-3. Therefore, the calculations of altered vegetation are likely incomplete.
- The DEA does not include a specific discussion of the vegetative communities that would be impacted by filling LaGloria and Horseshoe canyons.
- Since coastal sage scrub and riparian habitats are considered sensitive or rare plant communities under local and State regulations, the finding that impacts to these plant communities are “not expected to be significant” is incorrect.

### 3.8 Wildlife and Aquatic Resources, pg. 3-29:

- Potential impacts to wildlife and aquatic resources should be discussed in terms of the life history and/or habitat requirements of the species that occur in and adjacent to the project corridor. For example, there’s no discussion of the potential impacts to wildlife of erecting movement barriers between habitats on either side of the international border. Beside the direct impacts of removing habitat, these gaps/barriers could prohibit movement thereby reducing gene flow. Also, the absence of vegetation in these large gaps could result in increased predation.
- The DEA should include a detailed discussion of the potential impacts of filling La Gloria and Horseshoe canyons to wildlife and aquatic resources. Filling these canyons could have substantial impacts, including but not limited to reducing species movement between habitats on either side of the international border and reducing seasonal water flows to the Tijuana River.
- Wildlife connectivity: Proposed filling of at least 2 canyons (Horseshoe and La Gloria) poses significant effects. The filling of canyons and the closing of existing gaps in the border fence would preclude general wildlife movement in one of three important dispersal zones recognized in *Las Californias Binational Conservation Initiative, A Vision for Habitat Conservation in the Border Region of California and Baja California* (2004), a report prepared by The Nature Conservancy, Conservation Biology Institute, and ProNatura, and supported by the California Biodiversity Council, a State and Federal interagency committee. The San Diego County border region is an internationally recognized biodiversity hotspot (IUCN 2000).
- The DEA should include a specific discussion of the mitigation measures that would be implemented to ensure consistency with the Migratory Bird Treaty Act.

### 3.9 Threatened and Endangered Species, pg. 3-32:

- To fully analyze project impacts to protected species, the EA should include maps of each project site that depicts the plant community type within and adjacent to the project area and occurrence data and potential habitat for protected species.

- While the EA acknowledges that indirect adverse impacts to potentially suitable habitat for protected species could result from illegal immigrants shifting their activities to the end of newly constructed fence segments to avoid apprehension, it does not include a thorough analysis of additional potential impacts to protected species and their habitats in these areas.
- The EA should include a detailed discussion of the potential impacts of filling La Gloria and Horseshoe canyons to threatened and endangered species. Filling these canyons could have substantial impacts, including but not limited to reducing species movement between habitats on either side of the international border and increasing predation.
- The EA should include a detailed discussion of the potential impacts of constructing low water crossings or similar drainage structures to riparian habitat and the protected species that may occur within these areas (e.g., least Bell's vireo, southwestern willow flycatcher, and arroyo toad). Given that the footprint of these structures is expected to extend approximately 25 to 40 feet on either side of the crossing to allow placement of rip rap (see page 2-4), the installation and use of these structures could have significant impacts to riparian habitat and associated species.
- Potential impacts to threatened and endangered species should be discussed in terms of the life history and/or habitat requirements of the species that occur in and adjacent to the project corridor. For example, there is no discussion of the potential impacts of increasing the gap between habitats on either side of the international border. Besides the direct impacts of removing habitat, these gaps could prohibit movement thereby reducing gene flow or increasing predation.
- *Least Bell's vireo, Southwestern willow flycatcher, and Arroyo toad:* While the DEA states that potential habitat for least Bell's vireo and southwestern willow flycatcher occurs adjacent to the 7 Gate/Railroad project site and that arroyo toad is known to historically and perhaps currently occur in Boundary Creek, upstream of the Willows project site, there is no detailed discussion of project impacts to these species and their habitats. Also, there is no discussion of potential habitat for any of these species along the other ephemeral waters of the U.S. (pg. 3-15), including Campo Creek and several small unnamed creeks that occur along the project corridor. Without a thorough analysis, the finding on page 3-38 that the proposed action may affect but is not likely to adversely affect the vireo or flycatcher is unsupported. Also, without a thorough discussion of arroyo toad occurrence data and habitat requirements, the finding that the project sites lack suitable habitat, and therefore would not affect this species, is unsupported.
- *Coastal California gnatcatcher:* The EA only analyzes impacts to coastal sage scrub (CSS) habitat. While the coastal California gnatcatcher is primarily associated with CSS during the breeding season, the species also occurs in non-CSS habitat (e.g., chaparral), which it uses for foraging and dispersing. The analysis of impacts to this species should include impacts to non-CSS habitat. Also, since wildfire is a natural component of the CSS/chaparral ecosystems, impacts associated with fire are considered temporary. Therefore, the acreage of the burned areas within the project sites should be included in the estimate of gnatcatcher habitat that would be permanently impacted by the project.
- *Quino checkerspot butterfly and critical habitat:* The EA acknowledges that the October 2007 biological surveys were conducted outside of the proper season to determine presence of listed species but later states that the primary host plant for Quino, *Plantago erecta*, was not observed at any of the surveyed areas. The EA should acknowledge that this host plant species is known to occur in the area but likely not found in the fall because it is an ephemeral annual plant. The EA should also discuss the other host plants known to be used by Quino and potentially present in the project corridor. Also, being a

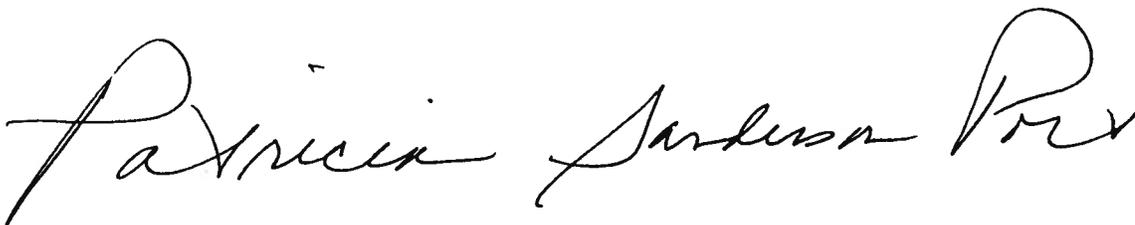
low-flying species, the DEA also should include a discussion of the potential impacts to Quino movement between habitat patches on either side of the international border associated with the construction of new fence. Effects to Quino critical habitat were not adequately analyzed in the EA. The EA should recognize that disturbed habitat may still be functionally useful to the butterfly and should be analyzed as such.

- *Otay tarplant, willowy monardella, Encinitas baccharis, and San Diego thornmint*: The EA acknowledges that the October 2007 biological surveys were conducted outside of the proper season to determine presence of protected species, but later states that these plant species were not observed within the surveyed areas, implying that these species do not occur in the project corridor. Without a thorough discussion of species occurrence data and habitat requirements, the finding that the project sites lack suitable habitat and therefore would not affect these listed species is unsupported.
- *Peninsular bighorn sheep*: The endangered Peninsular bighorn sheep is likely to be affected by significant indirect impacts from the funneling of illegal immigrant traffic into the Jacumba Mountains, portions of which are designated as critical habitat. Alteration of the fence design with gaps or vehicle barriers only within one mile of sheep habitat would likely reduce the significance of the impacts and provide opportunity for connectivity with bighorn sheep in Mexico.
- *Tecate cypress and Thorne's hairstreak butterfly*: The EA states that up to eight Tecate cypress trees would be impacted by construction but it's not clear how these individuals will be impacted (e.g., destroyed during construction, indirectly impacted due to dust, adjacent soil disturbance, etc.). There is also no discussion of how impacts to this species would be minimized or mitigated other than avoidance. Also, while the EA acknowledges that the Thorne's hairstreak butterfly uses Tecate cypress as a host plant, there is no discussion of potential occurrence of this butterfly species or its suitable habitat (in addition to Tecate cypress) on the project site.

If you have any questions regarding these comments, please contact Janaye Byergo, Bureau of Land Management Palm Springs-South Coast Field Office (BLM), at 858-451-1767 or Kurt Roblek or Pete Sorensen, Fish and Wildlife, at (760) 431-9440.

Thank you for the opportunity to review this project.

Sincerely,



Patricia Sanderson Port  
Regional Environmental Officer

cc:  
Director, OEPC  
FWS, CNO

# Attachment A

BLM Palm Springs-South Coast Field Office Comments

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**DATE:** 18 Jan 2008

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
		<p><b>CULTURAL RESOURCES SECTION:</b></p> <p>As the lead for NEPA compliance of this project, the U.S. Customs and Border Protection – Border Patrol (BP) and U.S. Army Corps of Engineers (Corps) are responsible for completing Section 106 and formal consultation with SHPO and the local tribes. At this time it appears that only preliminary notice of the proposed action was given to SHPO and the tribes. The Corp must conduct government to government formal consultation with the tribes. In addition, BLM must be consulted on any determination of sites located on public lands.</p> <p>BLM must be provided the full cultural survey report for the project. This report is a critical component of the documentation BLM must review in order to authorize the project. At this time, the cultural survey report for the project has not been submitted to BLM. In addition, we require documentation of all SHPO and tribal consultation conducted by the Corp.</p>	

**BLM Palm Springs-South Coast Field Office Comments**

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
Wanda Raschkow (WRR)	1	FONSI Page 1, line 43: It is unclear whether or not the staging areas have been surveyed for cultural resources.	
WRR	2	FONSI P2, lines 6-7: Surface disturbance (grading or usage of) the existing roads is a direct impact of the project and as such the effects to cultural resources needs to be assessed. The argument that they are already in use and may have been maintained by other agencies does not negate the fact that they are being impacted by this undertaking.	
WRR	3	FONSI P5, lines 5-8: the draft was supposed to have been revised to indicate that the prehistoric site would also be fenced and effects to it would be avoided. It appears instead that all mention of the prehistoric site has been removed from the FONSI. The BLM has not yet determined whether the site is eligible for the NRHP (due to a lack of information). Effects to the site should be avoided.	

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WRR	4	Page 2-6: the DEA states that the Ag Loop access roads will be extended south to the border. Map 5 does not show these extensions. In addition, there are no access roads indicated to connect to the proposed fence/road construction areas. The red polygons on Map 5 connect to roads- but according to the map key these are not access or project roads.	
WRR	5	Table 2-4: Were Native American concerns analyzed? The topic is not listed in the table.	
WRR	6	Page 3-25, line 21: "vegetation surveys were not conducted in staging areas due to lack of ROEs". Were cultural resources surveys conducted in the staging areas?	
WRR	7	Section 3.10: This is a very superficial treatment of the affected environment.	

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WRR	8	3.10.1.1: Based on the review of literature, what are the important research questions for the area? Based upon these research questions and the historic context of the area, what types of site would have the potential to be eligible for the NRHP?	
WRR	9	Page 3-41, line 28: were the two previously recorded sites located? Are they within the APE or not?	
WRR	10	Page 3-42, line 7: Are these two new prehistoric sites, or are they the two that were previously recorded?	
WRR	11	Page 3-42, lines 11-12: How was the absence of subsurface materials confirmed? Subsurface potential generally cannot be determined from surface examination only	
WRR	12	Page 3-42, line 13: Re/the statement that the site is "not considered eligible". The cultural resources contractor may make <i>recommendations</i> as to eligibility, but the BLM makes the determination of eligibility for resources on BLM managed lands.	

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WRR	13	3-42, line 19: change "considered" to "recommended".	
WRR	14	Section 3.10.2: Use of federal terminology and regulations would be more appropriate.	
WRR	15	Section 3.10.2.2- Use federal terminology- change "significant cultural resources" to "historic properties".	
WRR	16	Page 3-43, line 21: Change "avoid adverse impacts" to "avoid effects". There should be no impact/effect to the Border Monuments if they are adequately fenced/flagged and construction is monitored.	
WRR	17	Page 3-43, lines 29-31: Rewrite to more accurately reflect federal terminology and process. Clarify what is meant by "Section 106 process"?	
WRR	18	Page 4-8, lines 18-21: Would be better phrased as "no effect to historic properties provided avoidance measures are implemented as described." "Historic" properties, not "historical".	

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WRR	19	Pages 3-43 and 4-8: BLM has not made a determination that the project will have no effect to historic properties. This determination cannot be made until a cultural survey report has been submitted and reviewed, and the questions about the eligibility of the prehistoric milling site have been resolved.	
WRR	20	Section 4.18: This is a federal undertaking, should CEQA be referenced.	
WRR	21	Section 5.6: Provide clarification of what "Section 106 will be completed" means. Address avoidance of effects to the prehistoric milling site.	

BLM Palm Springs-South Coast Field Office

PROJECT: San Diego Gap Filler (ER 08/23)

DATE: 22 Jan 2008

PROJECT MILESTONE:

Draft Environmental Assessment  
And  
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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
Joyce Schlachter (JAS)	1	FONSI, Page 3, Line 4: Best Management Practices...add "developed in coordination or consultation with the U.S. Fish and Wildlife Service"	
JAS	2	FONSI, Page 3, Line 39: Should read...reduce erosion while allowing the area to naturally revegetate.	
JAS	3	FONSI, Page 4, Line 6: same comment as comment #2...use revegetate, instead of vegetate.	
JAS	4	FONSI, Page 5, Line 21: regarding "aggregate materials" ...any gravel, cobble, or rock that is acquired from outside the project area, to be used within the project area, <b>must also be weed and seed free</b> . There is a major infestation of Italian thistle at this time on Otay Mountain, due to the importation of contaminated gravel by the BP for use on road surfaces.	

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
JAS	5	SECTION 1.0 INTRODUCTION, Page 1-3, Lines 7-12: This paragraph talks about why the proposed action is needed. Considering the recent wildfires, specifically the Harris Fire which was started by an undocumented immigrant campfire, the proposed action may also help to reduce the number of wildfires in the Border Mountain area.	
JAS	6	SECTION 2.3.1 ROAD IMPROVEMENTS, Page 2-3, Line 20: "Aggregate" ....all aggregate must be free of weeds and seeds to prevent the infestation of non-native invasive species and weed species- as stated in comment # 4.	
JAS	7	SECTION 2.3.1 ROAD IMPROVEMENTS, Page 2-4, Line 2: Please describe (where appropriate in the document) what the "soil stabilizing agent" is composed of and how it may/may not affect water quality if there is runoff, or affect wildlife if the substance is applied in a manner such that puddles or pools occur.	

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
JAS	8	SECTION 3.4 HYDROLOGY AND GROUND WATER, Page 3-9, Line 11: " ....were previously planned for and analyzed...."	
JAS	9	SECTION 3.7 VEGETATIVE HABITAT, Page 3-23, Line 1: just a note...agencies are transitioning to the use of Sawyer/Keeler-Wolf, instead of Holland, for the descriptions of plant communities in CA.	
JAS	10	Page 3-34, Line 12: " ....those designated by each (change to ->) <b>BLM State Director as Sensitive</b> ".	

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JAS	11	<p>SECTION 3.9.2.2 PROPOSED ACTION ALTERNATIVE, Page 3-38, Line 17: Were the eight specimens of Tecate Cypress determined to be mature? (i.e. are they bearing cones with seeds?) If so, has there been any discussion regarding the collection of seed from those trees that would be impacted (destroyed?).</p> <p>Line 19: Depending on the age of the Tecate Cypress, there could be a long term significant impact. The larvae of the Thorne's hairstreak butterfly depends on the "mature" cypress for its existence. The definition of "mature" is being researched, but it is thought that the larvae may be able to utilize the trees as soon as 8-10 years of age. Due to increased fire intervals, there are few remaining "mature" cypress. Have these trees been surveyed for Thorne's?</p>	
JAS	12	SECTION 5.3 VEGETATION, Page 5-3, Line 16: "Native seeds or plants, (please add->) chosen in coordination with and approved by the BLM, which are compatible with...."	

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
JAS	13	<p>APPENDIX E, BLM SENSITIVE SPECIES TABLE</p> <p>Below are some minor changes to plant names in the table, based on the recent 4<sup>th</sup> Edition of the <u>CHECKLIST OF THE VASCULAR PLANTS OF SAN DIEGO COUNTY</u> by Simpson and Rebman. The changes are <b>BOLDED</b>:</p> <p><i>Ceanothus cyaneus</i> = Lakeside-lilac</p> <p><i>Chamaesyce platysperma</i> = Flat-seeded spurge</p> <p><i>Hazardia orcuttii</i> = Orcutt's goldenbush</p> <p><i>Lupinus excubitus</i> = Mountain Springs bush lupine</p> <p><i>Bloomeria cleavelandii</i> = San Diego goldenstar</p> <p><i>Cylindropuntia munzii</i> = Munz cholla</p> <p><i>Ribes canthariforme</i> = <b>Moreno current</b></p> <p>The use of <b>coast</b> instead of California horned lizard was confirmed by Robert Fisher, USGS:</p>	

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
JAS	14	General comment: Was translocation of cactus species that may be impacted due to the project, discussed? Please consider this as mitigation.	

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
Janaye Byergo (JB)	1	INTRODUCTION 1.6, Page 1-13, Line 6: Should read BLM's Resource Management Plan.	
JB	2	PROPOSED ACTION 2: Under the Proposed Action and Secured Fence Act Alternative the upgrading of the existing access roads should be described in detail. Are they going to be widened? If so how much. Are culverts going to be replaced? If so how many? Are additional culverts going to be constructed?  It is not clear in the document as to how much of the new road construction would occur within and outside of the 60' Roosevelt Corridor. This needs to be quantified.	

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
JB	3	<p>LAND USE 3.2.2.2, Page 3-5, Line 9: It states "Privately owned land and land owned by BLM is currently open, undeveloped areas. These sites would be permanently converted to areas set aside for law enforcement purposes".</p> <p>What is meant by this statement? Does it mean the public can not have access to the area? Does the area set aside for law enforcement purposes include the entire project area or just the 60' Roosevelt Corridor?</p>	
JB	4	SURFACE WATERS 3.5.1, Page 3-12, Line 18: Figure 3-1 should be labeled 3-2.	
JB	5	VEGETATIVE HABITAT 3.7.1, Page 3-22, Lines 16-18: The 2007 wildfire (Harris Fire) did not affect the entire project area. The fire incorporated the western half of the project area.	

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REVIEWER	COMMENT NO.	REVIEW COMMENT	RESPONSE BY DESIGNER
JB	6	AESTHETIC AND VISUAL RESOURCES 3.13.2.2 – 3.13.2.3, Page 3-54: The document needs to address the visual impacts of the proposed staging areas. These are not mentioned in this section.	



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

OCT -9 2008

## Memorandum

To: Borderland Sector Leaders

From: National Borderland Coordinator

Subject: Identification of Mitigation Measures – Southwest Border Initiative

The Department of the Interior (DOI) and its bureaus have been working with the Department of Homeland Security (DHS) to identify unavoidable impacts of border security infrastructure on DOI-administered natural and cultural resources. Consistent with these discussions, we agreed to identify mitigation measures for DHS' border infrastructure projects known as PF-225 and VF-300. The purpose of this memorandum is to request your assistance in refining and identifying a complete list of mitigation measures and their estimated costs for each sector that you serve as DOI Borderland Sector Leader.

We recognize that the Fish and Wildlife Service (Service) in cooperation with others has expended considerable effort to identify threatened and endangered (T&E) species mitigation measures on both public and private lands. We also recognize that a variety of other cultural and natural resource mitigation needs likely exist. With your assistance, we will assemble and provide DHS a comprehensive list of these natural and cultural resource mitigation needs. We also hope this process will serve to validate existing cost estimates (\$50 million for T&E species) and form the basis for additional mitigation funding.

In order to standardize the identification of mitigation measures, we have developed the attached guidelines and the attached spreadsheet. To ensure quality and to avoid duplication, the refinement of many mitigation measures will require close coordination among the bureaus, particularly with threatened and endangered species mitigation measures identified by the Service.

To further this process, we are asking each of you host a meeting within your sectors at which you would bring together Service endangered species biologists and DOI land managers and associated staff. We ask that you complete these meetings by November 15, 2008 and provide us your updated list of mitigation measures no later than December 1, 2008. In these meetings, we are asking you to accomplish the following:

- Review and refine previously identified mitigation measures for threatened and endangered species and associated cost estimates. In particular, all mitigation measures beyond best management practices that were identified in Environmental Stewardship and Biological Resource plans should be included.

- Identify mitigation measures and best cost estimates for other resource categories (see attached guidelines).
- To the degree possible, populate the attached spreadsheet using the most accurate information available.

Initially, this list should be restricted to DOI-administered resources. For example, wetland measures can be included on this list if DOI-administered wetlands are being affected by border infrastructure. On the other hand, wetlands located on private lands that will be mitigated by the Corp of Engineers should not be included on this list.

Currently, we are working with DHS to obtain a complete list of best management practices/mitigation measures identified for each project. It is from this list that we will determine which measures will be completed by the construction contract and which ones must be completed through subsequent efforts. It is those that must be completed by subsequent efforts that should be listed on the spread sheet.

For each mitigation measure identified on the spread sheet, we are requesting your best estimates for the core mitigation action plus best costs estimates for implementation (labor). As you will note, we are requesting these values on a cost per unit basis.

Charisa Morris, U.S. Fish and Wildlife Service and I are working together on this project here in headquarters and one or both of us will attempt to attend these sector meetings. In that regard, please let us know when you schedule these meetings so we can make ourselves available. We also intend to invite a representative from DHS to attend these meeting if they are also available.

Thanks for your assistance and please call me at (202) 208-5045 if you have any questions.

Attachment

A handwritten signature in black ink, appearing to read "Rick Schmitt". The signature is written in a cursive, somewhat stylized font.

**Guidelines for Border Infrastructure Mitigation Measures**  
**Department of the Interior**  
**October 9, 2008**

**Overview**

The Department of the Interior (DOI) has a unique and important opportunity to work with the Department of Homeland Security (DHS) to integrate environmental stewardship into border security activities. One of our primary roles in this effort is to identify good quality mitigation measures designed to offset the impacts of border security infrastructure on natural and cultural resources of the area. Due to the interest, visibility, and sensitivity of border security issues, we in DOI must put forth our best efforts to both identify and effectively administer these mitigation measures.

**Resource Categories**

Mitigation measures beyond best management practices will be developed by DOI and provided to DHS in the following resource categories:

1. Endangered and threatened species whose habitats, distribution, or population are adversely affected by the planning for, deployment, and maintenance of border security infrastructure.
2. Other fish and wildlife including migratory birds, resident species, and other members of the animal kingdom whose populations or habitats may be adversely affected by the planning for, deployment, and maintenance of border security infrastructure.
3. Plant communities including wetlands and riparian areas that may be adversely affected by the planning for, deployment, and maintenance of border security infrastructure.
4. Adverse effects to other natural resources such as soils, hydrology and wilderness from the planning for, deployment, and maintenance of border security infrastructure.
5. Cultural resources including Native American human remains and cultural items that may be adversely affected by the planning for, deployment, and maintenance of border security infrastructure.

## **Project Criteria**

The following criteria are offered to set a high standard for these mitigation measures.

Measures should be:

- directly related to border security infrastructure and directly offset impacts associated with this infrastructure
- feasible, practical, and reasonable
- well justified and well described
- supported by good quality cost estimates
- long-lived and not likely to be impacted by future additional border infrastructure and operations

In addition to the above, these measures should:

- seek to achieve a “no net loss” of resources and where attainable and feasible, a “net gain” of resources
- focus on preservation of wildlife habitat corridors and connectivity between protected habitats due to the needs of species to be able to adapt to climate change

## **DOI Mitigation Advisory Team**

DHS has committed significant funds for cultural and natural resource mitigation measures. Due to the complexity and nature of these mitigation efforts, it is very likely that these measures will take several years to complete. Consequently, a DOI Mitigation Advisory Team is being formed to oversee this effort. Although still in a formative stage, this team will be comprised on representatives of the bureaus from headquarters and/or field stations.

One of the Advisory Team’s initial responsibilities will be to review the mitigation project submissions to ensure quality. As mitigation funding becomes available, the Advisory Team will also help establish annual priorities and goals for the completion of these measures.

## **List Exclusions**

Items to exclude on the list include best management practices incorporated into fence construction contracts and any project not associated with the construction and maintenance of border security infrastructure (i.e. border patrol offices and dormitories). Mitigation measures addressing general border patrol operations should also be excluded from this list at this time. Likewise, remediation costs associated with the impact of unauthorized border crossings, i.e. trash and vehicle cleanup should also be excluded from this list at this time.