

US EPA ARCHIVE DOCUMENT



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

February 27, 2008

Robert F. Janson  
Acting Executive Director  
Asset Management  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW  
Room 3.4D  
Washington, DC 20229

Subject: Draft Supplemental Environmental Assessment and Draft Finding of No Significant Impacts for Construction, Operation, and Maintenance of the Proposed Tactical Infrastructure, U.S. Border Patrol Yuma Sector, Arizona, U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Border Patrol

Dear Mr. Janson:

The U.S. Environmental Protection Agency (EPA) has reviewed the subject Draft Environmental Assessment (DEA) and draft Finding of No Significant Impact (FONSI) pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Thank you for agreeing to accept our comments late, per the telephone conversation between Marthea Rountree of EPA Headquarters office and Dave Reese of Department of Homeland Security on February 13, 2008.

The DSEA does not sufficiently evaluate cumulative impacts and does not support a FONSI determination. A thorough cumulative impacts assessment is important for this project, especially considering the piecemeal nature of the impact assessments for these border fence projects. Because nearly all of the U.S.-Mexico border within Yuma and Imperial Counties would have physical barriers when all proposed projects are completed, the document should evaluate cumulative impacts to wildlife, including the flat-tailed horned lizard, a California species of special concern. EPA recommends substantial improvements be made to the cumulative impacts assessment and that this assessment be included in a revised NEPA document and made available for public and agency review. EPA recommends the *Guidance for Preparers of Cumulative Impact Analysis* (June 2005) as a useful methodology<sup>1</sup>.

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<sup>1</sup> Available at [http://www.dot.ca.gov/ser/cumulative\\_guidance/purpose.htm](http://www.dot.ca.gov/ser/cumulative_guidance/purpose.htm), this guidance, developed jointly by Caltrans, FHWA, and EPA, focuses on transportation projects in California; however, it is useful for non-highway projects and will assist in identifying cumulative impacts and preparing an analysis that is sound, well documented,

EPA believes a comprehensive mitigation strategy should be developed for cumulative impacts resulting from the many border fence and infrastructure projects that are occurring along the border. We understand that preliminary discussions with U.S. Fish and Wildlife Service (USFWS) have occurred at a senior staff level regarding a comprehensive programmatic mitigation agreement to address wildlife impacts. We encourage such an approach and are available to assist in identifying comprehensive mitigation for impacts to watersheds and waters of the U.S.

We understand that the Secretary of the Department of Homeland Security has authority to waive environmental laws for these border fence projects in its mission to secure the homeland and protect it against conventional and unconventional attacks. We urge the Department to avoid the use of waivers and make every effort to comply with environmental laws, consistent with our national environmental policy (42 U.S.C. 4321).

We appreciate the opportunity to review this DSEA. If you have any questions, please contact me at (415) 972-3846 or Karen Vitulano, the lead reviewer for this project. Ms. Vitulano can be reached at 415-947-4178 or [vitulano.karen@epa.gov](mailto:vitulano.karen@epa.gov).

Sincerely,

/S/ Connell Dunning

Nova Blazej, Manager  
Environmental Review Office

cc: Charles McGregor, U.S. Army Corps of Engineers, Fort Worth District  
Patricia Sanderson Port, U.S. Department of the Interior  
Jim Rorabaugh, U.S. Fish and Wildlife Service  
Gulf South Research Corporation