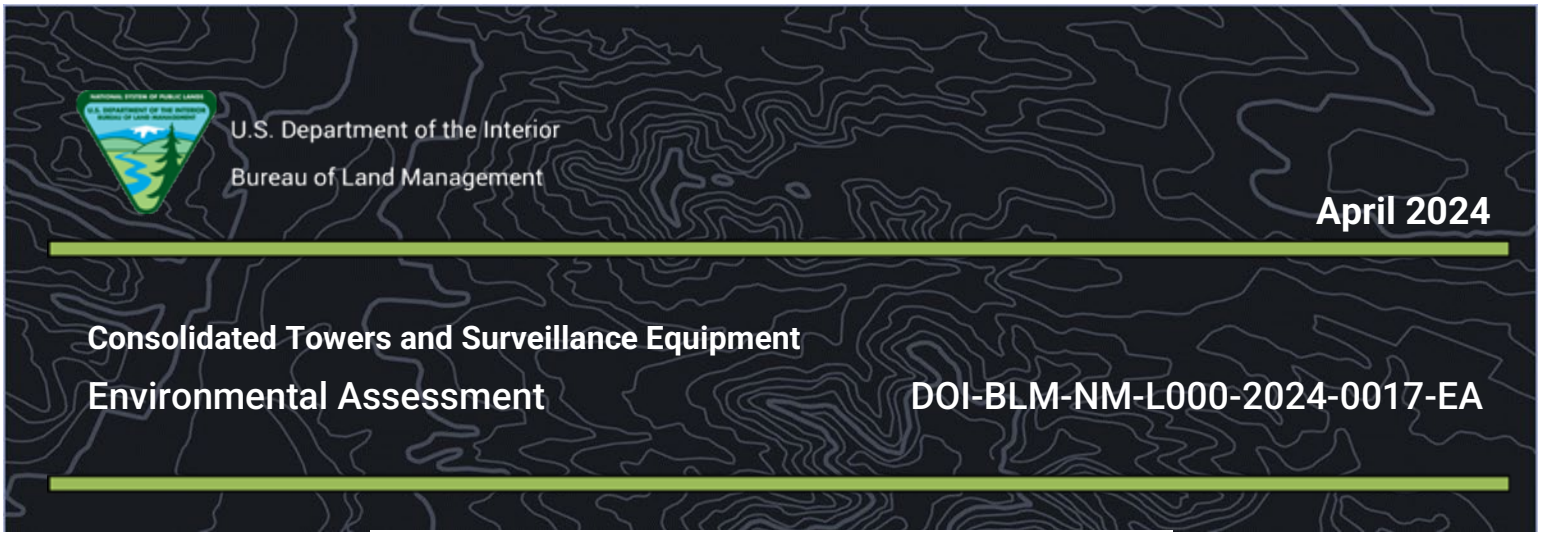

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CHAPTER 1. INTRODUCTION

U.S. Customs and Border Protection (CBP) is the law enforcement component of the Department of Homeland Security (DHS) responsible for securing the border and facilitating lawful international trade and travel. U.S. Border Patrol (USBP) is the uniformed law enforcement component within CBP responsible for securing the Nation's borders against the illegal entry of people and goods between Ports of Entry. As CBP agents often work in remote areas, providing improved surveillance detection capabilities where none exist is critical to mission execution and vital to agent safety.

The Bureau of Land Management (BLM) is an agency within the United States Department of the Interior responsible for administering federal lands. The mission of the BLM is to sustain the health, diversity, and productivity of public lands for the use and enjoyment of present and future generations.

This Environmental Assessment (EA) analyzes the potential environmental consequences of deploying and operating 14 Integrated Surveillance Tower (IST) - Consolidated Tower and Surveillance Equipment (CTSE) at sites administered by BLM Las Cruces District Office (LCDO) within the U.S. Border Patrol (USBP) El Paso Sector (EPT) Area of Responsibility (AOR). The CTSEs would provide long-range, persistent surveillance, enabling USBP personnel to detect, track, identify, and classify illegal entries through a series of integrated sensors and tower-based surveillance equipment. The proposed CTSE Program represents a technology solution for the rugged terrain within the USBP EPT AOR.

The Proposed Action constitutes a federal action and has the potential to affect the condition of the physical, biological, and human environment of public lands administered by the BLM. As such, the Proposed Action must be analyzed pursuant to the National Environmental Policy Act of 1969 (NEPA). Under NEPA, federal agencies must carefully consider environmental concerns in their decision-making processes and provide relevant information to the public for review and comment. CBP has prepared this EA in compliance with NEPA and other relevant federal and state laws and regulations. This EA contains analyses consistent with NEPA, Council on Environmental Quality (CEQ) regulations, BLM policy, and DHS policy. It discloses the potential effects on the human and biological environment anticipated to result from implementation of the Proposed Action.

1.1. Purpose and Need

The goal of the Proposed Action for CBP is to acquire and deploy technology-based tower surveillance solutions to decrease illegal cross-border activities and deter and prevent illegal entries in the USBP EPT AOR.

The objective for the Proposed Action is to provide the following:

- Adequate surveillance coverage in the USBP EPT AOR
- Sustained safety of CBP/USBP agents through improved communication coverage and technology
- Opportunity for future expansion of communication services, as necessary

The Purpose and Need for the Proposed Action is established by the BLM's responsibility under the Federal Land Policy and Management Act of 1976 (FLPMA) to respond to a right-of-way (ROW) grant application for the deployment, operation, and maintenance of surveillance towers. BLM's purpose is to respond to the CBP application for legal use and access across BLM-managed lands by granting a new ROW. The BLM would consider the application in accordance with 43 CFR 2800 "Rights-of-Way" and under the FLPMA. The need for the BLM's action is established by the policies and mandates set forth in the White Sands and Mimbres Resource Management Plans (RMPs), and the BLM's responsibility under Title V of the FLPMA, as amended (43 United States Code [USC] 1761-1771). As such, the BLM is required to respond to the application for ROW submitted by CBP pursuant to 43 CFR 2804.12.

1.2. Decision to be Made

Consideration of the application to issue a ROW for Facilities on Federal Lands and Property (SF-299) is a federal action requiring compliance with the NEPA and its implementing regulations. The BLM-LCDO would decide whether to issue a new ROW for the deployment of CTSEs on public land, as established by Title V of FLPMA. The decision to be made by the BLM is whether to issue a ROW for all, part(s) or none of the 14 CTSEs (Proposed Action) on public lands analyzed in this EA. The Authorized Office (AO) for the ROW grant is the LCDO District Manager and or representative. Based on the information provided, the AO would decide whether to grant CBP the desired ROW actions to construct, operate, maintain, and terminate 14 CTSEs on public land, and if so, under what terms, conditions, and stipulations.

1.3. Land Use Plan Conformance

There are 13 CTSE sites in Luna, Hidalgo and Doña Ana Counties, and this Proposed Action conforms to the Mimbres Resource Management Plan (RMP) (BLM, 1993) and is consistent with the following program objective: "The program is responsible for granting rights-of-ways across public land," (p. 2-9). In addition, the Proposed Action is specifically provided for in decision 11 of the Mimbres RMP Record of Decision (BLM, 1993a), which states: "Issue ROWs, Leases, and Permits," (p. S-1).

There is one CTSE site in Sierra County, and the Proposed Action conforms to the White Sands Resource Area RMP (BLM, 1986) and is consistent with the following program objective: "BLM grants utility and transportation rights-of-way (ROWs) leases, and permits to individuals, businesses, and governmental entities for use of the public land" (p. 11).

1.4. Scoping and Issues

1.4.1. Internal Scoping

The CTSE site selection process is based on initial operational requirements and assessment by USBP agents at sector and station levels. Operationally preferred site locations are selected based on knowledge of the terrain, environment, land ownership, and operational requirements. Mapping programs, modeling, and communications analysis processes are also utilized to develop a laydown that achieved both optimal surveillance and communications capabilities with the minimum number of tower sites.

Sites are evaluated for laydown inclusion by the project team and representatives from EPT and stations. Site evaluation includes site visits. During these site visits, project team personnel, including Border Patrol Program Management Office Directorate (PMOD) and USBP, evaluated each of the locations based on accessibility, constructability, operability, and environmental considerations. Evaluation considerations included, but were not limited to, the following:

- Proximity to existing roads and the potential need for new access roads or improvements to existing roads
- Proximity to a power source
- Terrain, slope, soil type, drainage, available space
- Proximity to sensitive biological and cultural resources, Waters of the United States, floodplains, and wetlands
- Surrounding viewshed

1.4.2. Issues

Using the scoping comments submitted and input from the Bureau of Land Management Las Cruces District Office (BLM LCDO) Interdisciplinary team, a list of issues to analyze in detail in this EA was developed in accordance with guidelines set forth in the Bureau of Land Management National Environmental Policy Handbook H-1790-1 (BLM 2008). The key issues identified internally during CBP and BLM LCDO agency scoping are summarized in Table 1-1. Impact Indicators in Table 1-1 are selected to describe the difference between the baseline condition of the affected environment and the condition of the environment after implementation of the proposed action.

Table 1-1. Issues Identified for Detailed Analysis in this EA.

ISSUE #	ISSUE STATEMENT	IMPACT INDICATOR
Issue 1	How would ground-disturbing activities from CTSE deployment (installation, operation, maintenance, and repair) activities potentially impact land use?	Acres
Issue 2	How would ground-disturbing activities from CTSE deployment (installation, operation, maintenance, and repair) activities potentially impact vegetation resources?	Acres
Issue 3	How would ground-disturbing activities from CTSE deployment (installation, operation, maintenance, and repair) activities potentially impact wildlife habitat?	Acres

The following potential issues were evaluated and are not discussed in further detail in this Draft EA for the reasons described in Table 1-2. The impacts of the Proposed Action were considered to either not be significant or to be sufficiently mitigated.

Table 1-2. Resources and resource uses not significantly impacted by the proposed action.

NON-ISSUE STATEMENT	RATIONALE
How would CTSE deployment (installation, operation, maintenance, and repair) activities impact the air resource?	Eliminated from detailed analysis because the impact to the air resource is low and adheres to the BLM LCDO's 2019 General Project Design Features/Guide Stipulations and Road Construction Stipulations. In addition, any impacts to air quality from vehicles, road dust, constructing and operating CTSE would be temporary and of short duration. In addition, all equipment used would be well maintained and functioning properly, which will also reduce air quality impacts.
How would CTSE deployment (installation, operation, maintenance, and repair) activities impact the soil resource?	Eliminated from detailed analysis because proposed locations would have no new ground disturbance and are stationed along existing roads, two-tracks, as well as in areas with prior vegetation clearing and ground disturbance.
How would construction and operation activities associated with Border Patrol CTSE impact the establishment or spread of class A, B, C, or species of concern relating to Noxious / Invasive Weeds?	Design features would be incorporated into the ROW grant. Specifically, CBP as the ROW holder, would be responsible for conducting a survey for and control of noxious weeds along the route to access sites, for each site to receive equipment, and where aggregate would be sourced. If during construction or use, noxious weeds are identified that were not originally encountered during the survey, the project applicant would avoid driving vehicles and equipment through or over the infested area. If avoidance measures cannot be taken within the area originally cleared, construction would cease, and the BLM LCDO AO shall be contacted. Any use of herbicides/pesticides would comply with the applicable Federal and State laws.
How would CTSE deployment (installation, operation, maintenance, and repair) potentially impact the integrity of cultural sites?	Section 106 consultation was completed with New Mexico SHPO on December 8, 2023. Design features would be implemented to offset any potential adverse impacts to cultural resources. This would include construction contract language that identifies a process for unanticipated archaeological sites or human burials that may be discovered during construction.
How would CTSE deployment (installation, operation, maintenance,	Project locations are on a variety of geologic units, which vary in Potential Fossil Yield Classification

NON-ISSUE STATEMENT	RATIONALE
and repair), particularly grubbing and caliche pad construction impact paleontological resources?	from 1 (very low) to 4 (high) and U (unknown). Plant grubbing would have limited ground disturbance, and any needed caliche pad construction would cover the existing geology. If paleontological resources exist in the subsurface, these activities should not disturb them. Should paleontological resources be discovered during the project, the design features in this EA would protect them.
How would CTSE deployment (installation, operation, maintenance, and repair) potentially impact nesting migratory birds?	Design features would be implemented to minimize potential adverse impacts from deployment activities during the bird nesting season.
How would ground-disturbing activities from CTSE construction and operation activities impact the wildlife and special status species?	Eliminated from detailed analysis because the proposed locations would have no new ground disturbance and are stationed along existing roads, two-tracks, as well as in areas with prior vegetation clearing and ground disturbance. Biological surveys were performed in April 2023. The results of these surveys show that there are no special status species present at the proposed locations. The new ground disturbance that would occur is in habitat that is widespread and common in the area.
How would CTSE deployment (installation, operation, maintenance, and repair) impact the visual resource?	There are no sensitive receptors (e.g., residential, cultural, Class I and II).
How would CTSE deployment (installation, operation, maintenance, and repair) impact climate change?	The anticipated level of carbon dioxide equivalent is estimated to be 146 tpy. This anticipated level does not exceed the potential to emit of 75,000 tpy of greenhouse gases (GHGs) GHGs include water vapor, carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), fluorinated gases including chlorofluorocarbons (CFC) and hydrochlorofluorocarbons (HFC), and halons, as well as ground level O3. (U.S. Energy Information Administration, 2022).
How would CTSE deployment (installation, operation, maintenance,	Eliminated from detail analysis because the potential impact would be low to the environmental justice communities that are present within the USBP EPT

NON-ISSUE STATEMENT	RATIONALE
and repair) activities impact environmental justice?	AOR. The impact is low due to in part the 0.229-acre CTSE footprint and of the 14 locations for the CTSEs, the closest CTSE is approximately 6 to 7 air miles from an environmental justice community. No residential areas are within or adjacent to the proposed CTSE sites.

CHAPTER 2. ALTERNATIVES

2.1. Alternative A – Proposed Action

The Proposed Action consists of the deployment (i.e., installation, operation, maintenance, and repair) of fourteen (14) Consolidated Towers and Surveillance Equipment (CTSE) in U.S. Border Patrol (USBP) El Paso Sector (EPT) - Truth or Consequences (TCN), Santa Teresa (STN), Deming (DNM), and Lordsburg (LOB) Stations' Area of Responsibility (AOR) in New Mexico.

Table 2-1. Proposed CTSE Sites

SITE NAME	COUNTY
Radars	Luna
Vineyard	Hidalgo
Microwave Tower	Hidalgo
Old Animas	Hidalgo
Chato Road	Hidalgo
Hwy 9 MM2	Hidalgo
Monument 5	Doña Ana
Monument 7	Doña Ana
Monument 8 Alt	Doña Ana
Monument 11	Doña Ana
Monument 13	Doña Ana
Monument 15	Luna
MM411	Doña Ana
TCN Border Patrol Station	Sierra

2.1.1. Actions Common to All Proposed CTE Sites

2.1.1.1. *Criteria for Site Selection*

The proposed CTSE site selection process is based on initial operational requirements and assessment by USBP agents at sector and station levels. Operationally preferred site locations are selected based on knowledge of the terrain, environment, land ownership, and operational requirements. Mapping programs, modeling, and communications analysis processes are also utilized to develop a laydown that achieved both optimal surveillance and communications capabilities with the minimum number of tower sites. Sites are evaluated for laydown inclusion by the project team and representatives from EPT and stations. Site evaluation includes site visits. During these site visits, project team personnel, including Border Patrol Program Management Office Directorate (PMOD) and USBP, evaluated each of the locations based on accessibility, constructability, operability, and environmental considerations. Evaluation considerations included, but were not limited to, the following:

- Proximity to existing roads and the potential need for new access roads or improvements to existing roads
- Proximity to a power source
- Terrain, slope, soil type, drainage, available space
- Proximity to sensitive biological and cultural resources, waters of the United States, floodplains, and wetlands
- Surrounding viewshed

2.1.1.2. *CTSE Characteristics*

The CTSE consists of an up to 120-ft. relocatable trailer-based trailer system, hybrid power system, sensors, and multi modal communications.

The CTSE configuration includes:

- Tower staging area not to exceed 100-ft. x 100-ft.
- Permanent site footprint not to exceed 60-ft. x 60-ft.
- Solar panels and battery power as the primary power source
- Backup propane generators with capacity less than 15-Kw on the towable trailer and a backup propane tank
- Minimum 8-ft. tall non-ground penetration security fence with access gates.
- Grounding rods inserted into the soil to protect equipment from lightning strikes.
- Guy wires to stabilize the mast and are attached to the system structure and outriggers, not the ground.

The security fence is a minimum of 8-ft. in height from ground level and would enclose an area of 60-ft. x 60-ft. or necessary area determined by the footprint of the designated tower. The fence is non- ground penetrating and is designed to be non-scalable. It can be deployed on uneven

ground with a slope of up to 10 degrees. The fence components are transportable on a trailer that can be pulled by a ¾ ton rated pick-up truck (Appendix A).

2.1.1.3. *Site Preparation*

Site preparation consists of the clearance of any vegetation that is in the site footprint determined by the site designed. The exact work to be done is dependent on the existing conditions at each site. The pad would be constructed as necessary for the designated tower size and the approach to pad surface from access road would be ensured. The site pad would be compact and level to hold the relocatable tower. To achieve this caliche or gravel would be added, as needed. The installation of the CTSE would comprise of the system being towed to the site via a heavy-duty pickup truck. Crews would use approved roads and park in approved areas. Sites may require two weeks for setup and testing. Once operational, the towers require periodic (monthly or bi-monthly), and emergency maintenance as needed. Setup and maintenance would occur during daylight hours. The installation team would mount the sensors on the mast, lift the mast to the operating height, stabilize the tower/outriggers, connect a grounding wire, power on the system, confirm connectivity, ensure the system is operationally stable, and depart the site.

2.1.2. Design Features

This chapter describes the design features that would be implemented to reduce or eliminate potential adverse impacts on the human and natural environments. Many of these measures have been incorporated as standard operating procedures by CBP on past projects.

Erosion

- Erosion issues shall be repaired as discovered, as directed by the Authorized Officer (AO).
- No activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of three inches deep, the soil shall be deemed too wet to support construction equipment.
- CBP shall recontour disturbed areas, or designated sections of the authorized area by grading to restore the sites to approximately the original contour of the ground, as determined by the AO.
- CBP shall, as directed by the AO, rectify backfill settling in the authorized area.

Herbicides

- CBP shall be responsible for conducting a survey for and control of noxious weeds along the route to access sites, for each site to receive equipment, and where aggregate would be sourced. If during construction or use, noxious weeds are identified that were not originally encountered during the survey, CBP and its contractors shall avoid driving vehicles and equipment through or over the infested area. If avoidance measures cannot be taken within the area originally cleared, construction shall cease, and the AO shall be contacted.
- Any use of herbicides/pesticides shall comply with the applicable Federal and State laws.
- Herbicides/pesticides shall be used only in accordance with their registered uses and

within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, CBP shall obtain from the AO written approval of a plan showing the type and quantity of materials to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the AO. Emergency use of pesticides shall be approved in writing by the AO prior to use.

- Any gravel or fill to be used shall come from weed-free sources. Gravel pits and fill sources shall be inspected to identify weed-free sources.
- No soil spoil that could potentially contain noxious weed seeds shall be transported out of the area where it is created unless it has been treated with a pre-emergent herbicide or brought to a temperature of 180° F for a period of 30 minutes.
- If equipment is going to be moved from one location to another equipment shall be power washed or high-pressure cleaned. Equipment shall not move if ground conditions are muddy.
- CBP shall be responsible for weed control on disturbed areas within the limits of the site.
- CBP is responsible for consultation with the AO and/or local authorities for acceptable weed control methods, which include the Environmental Protection Agency (EPA) and BLM requirements and policy.

Noxious Weeds

- No soil spoil that could potentially contain noxious weed seeds shall be transported out of the area where it is created unless it has been treated with a pre-emergent herbicide or brought to a temperature of 180° F for a period of 30 minutes.
- If equipment is going to be moved from one location to another equipment shall be power wash or high-pressure cleaned. Equipment shall not move if ground conditions are muddy.
- CBP shall be responsible for weed control on disturbed areas within the limits of the site.
- CBP is responsible for consultation with the AO and/or local authorities for acceptable weed control methods, which include following the EPA BLM requirements and policy.

Unanticipated Paleontological Resource Discovery

- The operator shall immediately notify the BLM AO of any paleontological resources discovered. The operator shall suspend all activities in the vicinity of such discovery until notified to proceed by the AO and shall protect the discovery from damage or looting.
- The AO shall evaluate, or shall have evaluated, such discoveries as soon as possible, but not later than 10 working days after being notified.
- Appropriate measures to mitigate adverse effects to significant paleontological resources shall be determined by the AO after consulting with the operator. Within 10 days, the operator shall be allowed to continue construction through the site or shall be given of either (1) following the AO's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resources, or (2) following the AO's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.
-

Soils

- Clearly demarcate the perimeter of all new areas to be disturbed using flagging or temporary construction fencing. Do not allow any disturbance outside that perimeter.
- The area of disturbance shall be minimized by limiting deliveries of materials and equipment to only those amounts needed for effective project implementation.
- Within the designated disturbance area, grading or topsoil removal shall be limited to areas where this activity is needed to provide the ground conditions necessary for deployment or maintenance activities.
- Only the road necessary for the deployment of tower sites shall be improved, maintained, or repaired.
- Rehabilitation shall include revegetating or the distribution of organic and geological materials over the disturbed area to reduce erosion while allowing the area to naturally revegetate.
- Vehicular traffic associated with the deployment activities and operational support activities shall remain on established roads to the maximum extent practicable.

Vegetative Habitat

- Native weed free seeds or plants shall be used to revegetate temporarily disturbed areas.
- Materials used for on-site erosion control shall be free of non-native plant seeds and other plant parts to limit potential for infestation.
- Identify by its source location any fill material, sandbags, hay bales, and mulch brought in from outside the project site. These materials shall be free of non-native plant seeds and other plant parts to limit potential for infestation.
- Obtain materials such as gravel, topsoil, or fill from existing developed or previously used sources that are compatible with the project site and are from legally permitted sites. Do not use materials from undisturbed areas adjacent to the project site.

Wildlife Resources

- Anti-perching devices shall be incorporated into the site design and installed on the CTSE.
- Visual deterrents shall be installed on guy wires to minimize bird strikes.
- The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712, [1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989]) requires that federal agencies coordinate with the U.S. Fish and Wildlife (USFWS) if a construction activity would result in the *take* of a migratory bird. If construction or clearing activities are scheduled during the breeding season (March 15 through September 15) within potential nesting habitats, surveys shall be performed to identify active nests. If construction activities result in the *take* of a migratory bird, then coordination with USFWS shall be required, and applicable permits would be obtained prior to construction or clearing activities. Other mitigation measures that would be considered are to install visual markers on any guy wires used, and to schedule all construction activities outside nesting season, negating the requirement for nesting bird surveys. The proposed communications tower would also comply with USFWS guidelines for reducing fatal bird strikes on communications towers (Clark, 2000) to the greatest extent practicable.

- CBP shall not, for any length of time, permit any pets inside the project site or adjacent native habitats. This does not pertain to law enforcement animals.

Threatened and Endangered Species

- Deployment and maintenance activities for the Proposed Action shall occur during daylight hours to the greatest extent practicable

Air Quality

- All equipment and vehicles shall be kept in good operating condition to minimize exhaust emissions.

Noise

- All generators shall have an attached muffler or use other noise-abatement methods in accordance with industry standards.
- Deployment and maintenance activities shall be conducted during daylight hours to avoid nighttime noise impacts.
- If deployment or maintenance must occur during non-daylight hours, minimize the duration and frequency of these activities to the greatest extent possible.
- All Occupational, Safety, and Health Administration (OSHA) requirements shall be followed.
- All motor vehicles shall be properly maintained to reduce the potential for vehicle-related noise.

Cultural Resources

- If unanticipated archaeological resources or human burial remains are discovered during deployment or any other project-related activities or should known archaeological resources be inadvertently affected in a manner that was not anticipated, the CBP or its contractor shall immediately halt all activities in the immediate area of the discovery and take steps to stabilize and protect the discovered resource as directed by BLM AO until it can be evaluated by a qualified archaeologist and any relevant tribes.

Hazardous Materials

- Equipment shall be refueled in designated areas, and drip pans shall be provided for each piece of equipment stored on site. Any hazardous material shall be disposed of offsite per EPA procedures and guidelines.
- Spill Prevention, Control, and Countermeasures Plan (SPCCP) shall be developed and implemented and deployment and maintenance sites.
- Where handling of hazardous and regulated waste or materials is required, all fuels, waste oils, and solvents shall be collected and stored in clearly labeled tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein.
- Implement proper and routine maintenance of all vehicles and other maintenance equipment such that emissions are within the design standards of all maintenance

equipment. The refueling of machinery shall be conducted following accepted industry guidelines, and all vehicles will have drip pans during storage to contain minor spills and drips.

- No refueling or storage of oils or parking of vehicles shall take place within 100-ft. of drainage.
- Nonhazardous waste materials and other discarded materials, such as construction waste, shall be contained until removed from the construction and maintenance sites.
- Minimize site disturbance and avoid attracting predators by promptly removing waste materials, wrappers, and debris from construction site. Any waste that must remain on-site more than 12-hrs shall be properly stored in closed containers until disposal. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed daily from the project site.
- Herbicide and pesticide applications must be made under the supervision of a licensed applicator. A log of the chemical used, amount used, and specific location must be maintained.
- Use a ground cloth or an oversized tub for tool cleaning. Properly dispose of the wastes offsite, at an approved facility, in accordance with Federal, State, local, and tribal laws and regulations.
- Tools shall not be cleaned in a natural drainage or over a storm drain.

<u>Roadways and Traffic</u>

- Vehicles shall travel, and equipment shall be transported on established roads with proper flagging and safety precautions**.**

2.2. Alternative B – No Action Alternative

Under the No Action Alternative, the proposed CTSE would not be deployed to the USBP EPT AOR. This would prevent the enhancement of the USBP ability to detect and interdict cross-border violators. Therefore, operational efficiency and effectiveness would not be improved within the area covered by the proposed towers. USBP would continue to rely solely on traditional detection methodology that includes traditional sign detection, which requires both patrolling and dragging of roads. The No Action Alternative does not meet the CBP goals and objectives for this project.

2.3. Alternatives Considered but Dismissed

CBP evaluated existing technologies, such as Autonomous Surveillance Towers (AST) and Remote Video Surveillance Systems (RVSS) towers. The AST and RVSS towers are older tower technologies. The CTSE represents a new type of equipment and procurement process using a single program of record that allows CBP to utilize mid and long-range surveillance technologies.

CHAPTER 3. AFFECTED ENVIRONMENT AND ENVIRONMENTAL IMPACTS

3.1. Introduction

This section of the EA describes the natural and human environment that exists within the project area, and the potential impacts of the Proposed Action and No Action Alternative outlined in Section 2.0 of this document.

Only those parameters with the potential to be affected by the Proposed Action are described, per CEQ regulation (40 CFR 1502.2 [b]). The impact analysis presented in this EA is based upon existing regulatory standards, scientific and environmental knowledge, and best professional opinions. Some topics are limited in scope due to the lack of direct effect from the proposed project on the resource, or because that resource is not located within the project area. Per 40 CFR §1508.1(g), effects are defined as changes to the human environment from the Proposed Action or alternatives that are reasonably foreseeable and have a close causal relationship to the Proposed Action or alternatives, including those effects that occur at the same time and place as the Proposed Action or alternatives and may include effects that are later in time or farther removed in distance from the Proposed Action or alternatives.

For this EA, per 40 CFR §1508.1(g) effects are not considered if they are remote in time, geographically remote, or would be a result of a lengthy causal chain. They were also not considered if CBP has no ability to prevent the effect or if the effect would occur regardless of the Proposed Action. Also, per 40 CFR §1501.3(b)(2), CBP has considered as appropriate to the Proposed Action whether effects would be short-term, long-term, beneficial, or adverse. CBP also considered the effects on public health and safety and whether effects would violate federal, state, tribal, or local law protecting the environment.

Impacts (consequence or effect) can be either beneficial or adverse and can be either directly related to the action or indirectly caused by the action. This also includes ecological (such as the effects on natural resources and on the components, structures, and function of affected ecosystems), aesthetic, historic, cultural, economic (such as the effects on employment), social, and health effects. Direct impacts are those effects that are caused by the action and occur at the same time and place (40 CFR 1508.8[a]). Indirect impacts are those effects that are caused by the action and are later in time or further removed in distance but are still reasonably foreseeable (40 CFR 1508.8[b]).

3.2. Cumulative Actions

This section of the EA defines cumulative impacts, identifies past, present, and reasonably foreseeable projects relevant to cumulative impacts, and analyzes the potential cumulative impacts associated with the implementation of the Proposed Action and other projects/programs planned within BLM ROW for these proposed sites in Doña Ana, Hidalgo, Luna, and Sierra Counties.

3.2.1. Past and Present Actions

Past CBP projects regulated by NEPA include the Environmental Assessment Addressing Proposed Tactical Infrastructure Maintenance and Repair Along the U.S./Mexico International Border in New Mexico.

3.2.2. Reasonably Foreseeable Future Actions

With continued funding and implementation of CBP environmental design features, including use of biological monitors, wildlife water systems, and restoration activities, adverse impacts due to future and ongoing projects would be avoided or minimized. Recent, ongoing, and reasonably foreseeable proposed actions would result in cumulative impacts; however, the cumulative impacts would not be significant. CBP is currently planning, is conducting, or has completed several projects within the project area:

- Maintenance and repair of existing communication and surveillance towers
- Maintenance and repair of tactical infrastructure
- Deployment, operation, and maintenance of Autonomous Surveillance Towers

3.3. Issue 1: How would ground-disturbing activities from CTSE deployment (installation, operation, maintenance, and repair) activities potentially impact land use?

3.3.1. Affected Environment

The proposed CTSE sites are in southern New Mexico within the northern portion of the Chihuahuan Desert ecoregion. The topography of the area consists of broad desert valleys, bordered by terraces, mesas, and mountain ranges.

All the sites except the TCN Border Patrol Station are located within rangeland with grazing allotments. Grazing is a main economic driver of this area with millions of public land acres used for livestock grazing. The TCN Border Patrol Station site is located within a fenced area of an active USBP facility. The landcover for all sites is classified as shrubland.

Land use impacts are measured through the total acres converted from undeveloped rangeland use to law enforcement activity use for the deployment of CTSE.

3.3.2. Environmental Impacts

<u>Impacts of Alternative A – Proposed Action</u>

Under the Proposed Action, there are 14 CTSE sites with a 60-ft by 60-ft (0.08-acres) footprint resulting in an approximate total acreage of 1.2 acres (0.08-acres x 14-sites) of undeveloped land that would be permanently converted to a developed land use. In addition, a fence would be constructed around the 14 CTSE sites, resulting in a temporary impact of 0.229 acres for each CTSE location, and a total acreage of 3.2 acres for all 14 CTSE sites. The direct impact from this land conversion would be negligible due to the small size of the total, permanent tower footprint.

For cumulative impacts, a major impact would occur if any action were inconsistent with adopted land use plans or if an action would substantially alter those resources required for, supporting, or benefiting the current use. The proposed CTSE sites are within undeveloped rangeland located in a rural area. The Proposed Action would convert approximately 60-ft. x 60-ft. of undeveloped land per site to developed use. No other CBP actions would initiate an increase of development in immediate vicinity of the project area; therefore, the Proposed Action, when combined with past, present, and future actions in the area, would not be expected to result in a major cumulative adverse impact.

Impacts of Alternative B – No Action Alternative

Under the No Action alternative, site preparation and tower deployments would not occur. No land would be temporarily disturbed for tower deployment and there would be no permanent land use conversions due to tower deployment; therefore, land use would not be impacted.

3.4. Issue 2: How would ground-disturbing activities from CTSE deployment (installation, operation, maintenance, and repair) activities potentially impact vegetation resources?

3.4.1. Affected Environment

The project area is located within the northern portion of the Chihuahuan Desert ecoregion. Typical climate includes hot summers and cool, dry winters. Annual precipitation ranges from 6 to 20 inches, with a large part of the rain falling in the summer during monsoon season. The topography of the Chihuahuan Desert consists of broad desert valleys bordered by terraces, mesas, and mountain ranges. The Chihuahuan Desert is one of the largest and most diverse deserts in the world. Unique habitat types include yucca woodlands, playas, and gypsum dunes. Vast desert grasslands and a wide variety of yuccas and agaves, including many endemic species, are also found in the Chihuahuan Desert (NPS, 2022).

Impacts to vegetation from the Proposed Action would occur through the permanent loss of vegetation within the temporary and permanent footprints due to ground disturbing activities associated with site preparation. Vegetation impacts are measured through the total loss of acres from site preparation activities.

3.4.2. Environmental Impacts

Impacts of Alternative A – Proposed Action

The Proposed Action Alternative would have a permanent, impact on vegetation in the project area. Approximately 3.2-acres of native vegetative communities would be directly impacted because of the deployment of the CTSE. More specifically, it is estimated that approximately 1.2-acres (38%) of the 3.2-acres of locally and regionally common vegetative habitat would be permanently cleared during site preparation and would be maintained to ensure safe visibility conditions for Border Patrol agents. The proposed locations of the CTSE would have no new ground disturbance and would be in areas with prior vegetation clearing and ground disturbance. In addition, moving equipment and materials to the sites could result in excess crushing or

trampling of vegetation, resulting in temporary impacts to vegetation in vicinity of the CTSE footprint.

The permanent loss of the limited amount of acreage permanently impacted would not adversely affect the population viability of any plant species in the region. Design features would be implemented to ensure vegetation outside the project area would not be adversely impacted and to ensure that the Proposed Action does not actively promote the establishment of non-native and invasive species in the area (see Section 2.1.4).

By implementing design features to reduce the potential for excess trampling and invasive species, the Proposed Action would result in short-term, negligible adverse impacts to vegetation communities during deployment and maintenance activities. It is anticipated that vegetation communities would recover in a relatively short period of time from any direct disturbance, and no long-term adverse significant impacts would occur.

The Proposed Action could result in indirect and long-term beneficial impacts on vegetative habitat by reducing the adverse impacts of illegal cross-border violator activities in the project area. The proposed CTSE would enhance the CBP detection and threat classification capabilities and increase the efficiency of operational activities within the area of tower coverage. Over time the enhancement of detection capabilities and an increase in operational efficiency could increase the deterrence of illegal cross-border violator activity within the area of tower coverage and decrease the frequency of Border Patrol agents patrolling the area.

For cumulative impacts, a major impact on vegetation would occur if a substantial reduction in ecological processes, communities, or populations would threaten the long-term viability of a species or result in the substantial loss of a sensitive community that could not be offset or otherwise compensated. The Chihuahuan Desert ecoregion encompasses approximately 250,000 square miles in North America; therefore, due to the permanent impact of only approximately 1.2 acres on native vegetation, in conjunction with other past, ongoing, and proposed regional projects, the Proposed Action would not create a major cumulative effect on vegetative habitat in the region.

Impacts of Alternative B – No Action Alternative

Under the No Action Alternative, no direct impacts on vegetative would occur. However, vegetation within the vicinity of the proposed CTSE are directly and indirectly affected by illegal cross-border violator pedestrian traffic and consequent law enforcement activities. These areas experience damage to native vegetation because of these activities. Under the No Action Alternative, USBP detection and threat classification capabilities would not be enhanced, and operational efficiency would not be improved within the area of tower coverage, so illegal cross-border violator activities would continue to impact vegetation in the project area.

Vegetative habitat would not be disturbed or removed under the No Action Alternative since the proposed CTSE would not be deployed. However, long-term direct and indirect impacts on vegetation communities would continue because of cross border violator activities that create

unauthorized roads and trails, damage vegetation and promote the dispersal and establishment of nonnative invasive species.

3.5. Issue 3: How would ground-disturbing activities from CTSE deployment (installation, operation, maintenance, and repair) activities potentially impact wildlife habitat?

3.5.1. Affected Environment

The Chihuahuan Desert is home to more than 170 species of amphibians and reptiles and approximately 400 bird species. Its grasslands serve as wintering grounds for a sizable proportion of the North American Great Plains birds. The desert also supports a wide range of mammals (more than 130 species) such as the mule deer (*Odocoileus hemionus*), pronghorn (*Antilocapra americana*), jaguar (*Panthera onca*), javelina (*Tayassu tajacu*), and grey fox (*Urocyon cinereoargenteus*) (NPS, 2022).

Impacts to wildlife resources would occur through the permanent loss of habitat because of vegetation removal and ground disturbing activities associated with site preparation. Wildlife impacts are measured through the total loss of acres of habitat because of site preparation activities.

3.5.2. Environmental Impacts

Impacts of the Alternative A – Proposed Action

The permanent loss of approximately 1.2 acres would have a short-term, minor impact on wildlife. Soil disturbance and operation of heavy equipment could result in the direct loss of less mobile individuals such as lizards, snakes, and ground-dwelling species such as rodents and rabbits. However, most wildlife would avoid direct harm by escaping to surrounding habitat. The direct degradation and loss of habitat could also impact burrows and nests, as well as cover, forage, and other important wildlife resources. The loss of these resources would result in the displacement of individuals that would then be forced to compete with other wildlife for the remaining resources. Although this competition for resources could result in a reduction of total population size, such a reduction would be minimal in relation to total population size and would not result in long-term effects on the sustainability of any wildlife species.

The wildlife habitat present in the project area is both locally and regionally common, and the permanent loss of approximately 1.2 acres of wildlife habitat would not adversely affect the population viability or fecundity of any wildlife species in the region.

A major impact on wildlife would occur if a substantial reduction in ecological processes, communities, or populations would threaten the long-term viability of a species or result in the substantial loss of a sensitive community that could not be offset or otherwise compensated. The wildlife habitat present in the project area is both locally and regionally common. Due to the permanent impact of only approximately 1.2 acres of native habitat, in conjunction with other past, ongoing, and proposed regional projects, the amount of habitat potentially removed would

be minor on a regional scale. The Proposed Action would not create a major cumulative effect on wildlife populations in the region.

Impacts of the Alternative B – No Action Alternative

Under the No Action alternative, site preparation and tower deployments would not occur. There would be no ground disturbing activities associated with site preparation and tower deployment. Therefore, there would be no impacts to wildlife from ground disturbing activities. However, off-road cross border violator activity and required interdiction actions would continue to degrade wildlife habitat through a loss of cover, forage, nesting, or other opportunities and potentially a loss of suitable habitat over large areas.

CHAPTER 4. CONSULTATION AND COORDINATION

4.1. Consultation and Coordination

4.1.1. Consultation and Agency Coordination

Consultation and coordination with state and federal agencies and federally recognized tribes began in November 2023. Coordination was conducted with the following agencies and federally recognized tribes:

- U.S. Department of the Interior
  - Bureau of Land Management - Las Cruces District Office
  - U.S. Fish and Wildlife Service
- New Mexico Historic Preservation Division
- Fort Sill Apache Tribe
- Hopi Tribe
- Mescalero Apache Tribe
- White Mountain Apache Tribe
- Ysleta del Sur Pueblo
- Comanche Indian Tribe
- Kiowa Tribe
- Navajo Nation
- Tesuque Pueblo
- White Mountain Apache Tribe

Correspondence letters can be found in Appendix C.

4.2. Federal and State Agency Coordination

4.2.1. Federal Agencies

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CHAPTER 5. LIST OF PREPARERS

Name	Agency/ Organization	Discipline/ Expertise	Experience	Role in Preparing EA
Jennifer Brown	LMI Government Consulting	Environmental Planning Specialist	5 years of environmental science and regulatory compliance	Research, environmental analysis, impact analysis, technical writing
Margaret Rockwell	LMI Government Consulting	Environmental Planning Specialist	14 years of environmental science and regulatory compliance experience	Research, environmental analysis, impact analysis, technical writing

CHAPTER 6. REFERENCES

Bureau of Land Management (BLM) 2008. National Environmental Policy Act Handbook H-1790-1. Available at: https://www.blm.gov/sites/blm.gov/files/uploads/Media_Library_BLM_Policy_Handbook_h1790-1.pdf.

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