



# El Paso Sector Border Barrier Remediation Plan DoD 284 Funded Projects Stakeholder Feedback Report

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## 1. Introduction and Background

On June 11, 2021, the Department of Defense (DoD) and Department of Homeland Security (DHS) completed plans for the redirection of funds concerning the southern border barrier, as directed by Presidential Proclamation No. 10142. As directed by those plans, DoD has canceled all the border barrier projects it had undertaken pursuant to 10 U.S.C. § 284 (DoD 284 projects). The DHS plan provides for use of DHS Fiscal Year 2021 border barrier appropriations to fund close-out and remediation work at the former DoD 284 project sites turned over to DHS.

Since the termination of the DoD 284 projects, DHS has been working to implement the close-out and remediation component of its plan, including assessing the statuses and conditions of the project sites to determine the scope and extent of this work.

DHS intends to prioritize funding on those close-out and remediation activities needed to address life and safety, including the protection of the public, U.S. Border Patrol (USBP) agents, and nearby communities from potential harms, and avert further environmental damage or degradation.

The incomplete DoD 284 border barrier construction projects located in the U.S. Border Patrol's El Paso Sector spanned approximately 57 miles in Luna and Doña Ana counties, New Mexico and El Paso County, Texas. On March 8, 2022, CBP released its Border Barrier Remediation Plan—Luna County, Dona Ana County, New Mexico, and El Paso County, Texas, for public comment. The public comment period closed on April 7, 2022. The Remediation Plan described the proposed close-out and remediation activities for DoD 284 projects the El Paso Sector including, but are not limited to, the following: installation of erosion control measures, completion of safety work on border and access roads, revegetation of disturbed areas, drainage completion and repair, and gate and gap closure. Comments collected during the comment period will be used to prioritize and inform the Scope of Work for the close-out and remediation projects.

### *1.1 Purpose of this Report*

The purpose of this report is to summarize the input received during the public comment period to provide stakeholders and the public transparency into the issues that will be considered during the planning of the border barrier remediation projects. It does not present individual comments received or provide responses to the comments.

## 2. Public Input Process



From March 8, 2022 to April 7, 2022, input was collected regarding actions needed to address life and safety issues, project priorities, and best practices. CBP sent informational materials to federal, state, and local agencies, environmental non-governmental organizations, and Tribes to solicit input. The notification and informational materials (Appendix A) were also posted online.

Comments could be submitted via email, mail, phone, and ArcGIS StoryMap. In addition, CBP coordinated extensively with land management agencies prior to the comment submission period. CBP staff plan to continue meeting with stakeholders throughout the process to ensure all remediation input is considered.

### *2.1 Public Feedback Review*

Members of the Infrastructure Portfolio team reviewed all comments received during the comment period, responded to comments as appropriate, and prepared this report to summarize public input. The comment review was conducted based on explicit concerns; comments that were not specific or contained vague statements were not interpreted by the reviewers. Comments that provided substantive information were further assessed by CBP.

As a next step, CBP will hold a working session with project managers to ensure the feedback and recommendations provided by the public are incorporated into the remediation planning process to the greatest practicable and present how the information is being used in an informational public webinar.

## **3. Summary of Public Feedback**

All comments received by CBP have been reviewed and categorized. Sixteen comments were received during the comment period, all of which were received via email and all of which were considered to be unique. No comments were received via StoryMap, by mail, or phone. As the comments were received, they were reviewed and categorized by their primary topic. If a comment included substantive information on multiple topics or multiple project areas, it was included in each relevant category.

The following summarizes the considerations provided by the public during the comment period. CBP identified 12 topic categories within the received comments.



### 3.1 Habitat and Wildlife

A total of 12 comments stated that the barrier interrupts the migration of animals and fragments and destroys habitats. Many comments specifically noted impacts on mountain lions, bobcats, coyotes, javelinas, gray foxes, badgers, pronghorns, mule deer and endangered Mexican gray wolves. Commenters noted the need for multiple open passages across washes to allow wildlife migration. Several commenters suggested leaving flood gates and any gaps open to address potential impacts and noted that 8 x 11" gaps are not large enough for various species. Gaps need to be large enough to allow those species movement through this area, including mountain lion, bobcat, gray fox, mule deer, badger, Mexican gray wolves, and others.

Other suggestions included avoiding construction in the spring and summer to minimize impacts to wildlife during seasonal migration and reproduction; and to have wildlife monitoring conducted by specialized organizations (not affiliated with CBP). Commenters advocated the planting of native species to restore the cover and function of sensitive wildlife habitat.

### 3.2 Restoration of Disturbed Areas

A total of 9 comments noted that local aquifers should be recharged and monitored, while avoiding activities that are known to deplete these areas, such as unnecessary water extraction by contractors and Border Patrol or mixing concrete and dust-prevention practices. Commenters also noted that topsoil disturbance during construction has changed soil properties which has in turn negatively affected ecosystems. Using soil from the surrounding area is recommended for restoration of sites because it contains the native seed bank and de-compacting the soil to improve water filtration and encourage native revegetation. One commenter recommended monitoring for invasive plants until native vegetation has been reestablished.

For restoration of areas impacted by gouging and blasting (such as the Whitewater and Carrizalillo Mountains), commenters suggest hiring contractors knowledgeable about contouring the land and performing such restoration or remediation in ecologically sound ways. Additionally, one commenter noted that any border monuments damaged by construction should be repaired and stabilized.

Commenters expressed concerns of the width of roads expanding through Border Patrol operations and vehicle traffic. Roads could be narrowed through restoration and live fencing (agave, cacti, and other thorny shrubs) defining the sides of the roads. Two commenters suggested that CBP plant cacti and woody species when restoring vegetation.



### 3.3 Erosion Concerns

A total of 7 comments expressed concern about the risk of erosion within the project sites. Commenters suggested that stabilization of slopes can be achieved through recontouring the land with passive rainwater harvesting methods to reestablish natural flow of water and avoiding the use of concrete along slopes. In-channel obstructions should be removed to allow flood flows with sediment and debris to move naturally through all existing washes.

### 3.4 Low Water Crossings

A total of 5 commenters expressed concerns about the integrity of low water crossings and streams and recommended restoring the crossings to their original, natural state. Commenters stated that gates at drainages should remain open year-round or be completely removed to prevent debris build-up, maintain original water flow, and allow large animals to cross between the U.S. and Mexico.

### 3.5 Gaps/Gates in Barrier

A total of 7 comments expressed concern about the closure of gaps in the barrier and suggested that the gaps in the barrier are necessary for habitat connectivity and the movement of large wildlife. (No one commented on gap closures or finishing/filling in barrier.). Many commenters stated the current small wildlife passages installed across various sections of the barrier are insufficient for the movement of large wildlife. They also noted that CBP should ensure adequate placement of gates in FEMA-identified flood zones, which includes most of the border barrier in El Paso County east of the Rio Grande.

### 3.6 Lighting and Light Pollution

A total of 10 comments expressed concern about the impacts of lighting installation. Commenters noted that artificial lighting can disorient animals, especially birds and bats, and alter animal behavior. Consequently, commenters recommended replacing existing LED lighting with red-spectrum lighting. For existing lighting, commenters suggest that the lighting partially installed in Doña Ana County should not be turned on and should be removed.

### 3.7 Restoration of Access Roads

A total of 4 remarks stated that newly constructed access roads should be decommissioned and restored.



### 3.8 Border Barrier Removal or Completion

Commenters did not provide input on whether the border barrier should be removed or completed, but one noted that incomplete structures should be addressed for safety, and one noted that land boundaries should be reviewed to determine if any work is required between the fence and the international boundary.

There was one suggestion to convert pedestrian barrier to vehicle barrier, as this will allow wildlife passage while still blocking vehicle traffic.

### 3.9 Impacts to Cultural Resources

A total of 2 comments noted that it is necessary to consult with Tribes regarding impacts to cultural resources. Commenters recommended CBP conduct surveys for cultural resources before any remediation work begins.

### 3.10 Best Practices

A total of 6 comments suggested restoration work should focus on preserving New Mexico's natural and wildlife resources and not the border barrier.

One response noted that remediation contractors should clean equipment to prevent the spread of invasive species.

Also, regarding environmental best practices, four commenters said CBP needs to be a good environmental steward, while one commenter specifically advised following all environmental laws including the National Environmental Protection Act (NEPA); and soliciting and implementing remediation recommendations made by the Department of Interior.

### 3.11 Project Priority

A total of 3 comments noted that eliminating invasive vegetation and restoring the natural landscape should be top priorities.

## 4. Next Steps

Stakeholder feedback collected during the public comments period and during regular consultations with federal partners will inform project planning and execution. Stakeholder feedback will also inform the development of the Scope of Work for the close-out and remediation projects.



## Appendix A: Notification Materials

March 8, 2022

### **SUBJECT: El Paso Sector Proposed Remediation Actions Associated with the Construction of Border Barrier**

To Whom It May Concern:

U.S. Customs and Border Protection (CBP) is seeking your input on proposed remediation actions associated with the construction of border barrier in Luna and Doña Ana counties, New Mexico and El Paso County, Texas within U.S. Border Patrol (USBP) El Paso Sector.

As directed by the Secretary of Defense, all border barrier construction projects funded by Department of Defense have been canceled. The Department of Homeland Security (DHS) has been assessing the status and condition of border barrier project sites and working closely with the Department of the Interior to determine the scope and extent of remediation work. More information concerning the proposed remediation work in the El Paso Sector is included in the enclosed El Paso Sector Remediation Plan at: <https://www.cbp.gov/about/environmental-management>.

DHS intends to prioritize funding on those remediation projects that are needed to address life and safety, including the protection of the public, USBP agents, and nearby communities from potential harms, and avert further environmental damage or degradation.

CBP would like your feedback on the El Paso Sector Remediation Plan. Specifically, CBP is seeking input and information to the following questions:

- Are there any other immediate actions that are needed to address life and safety issues, including the protection of the public, USBP agents, and nearby communities from potential harms, and avert further environmental damage or degradation as a result of border barrier construction since 2019?
- What are the highest priority actions?
- Are there best practices the remediation contractor should follow when implementing these activities?

CBP is accepting comments until April 7, 2022. Comments can be submitted to CBP at [ElPasoComments@cbp.dhs.gov](mailto:ElPasoComments@cbp.dhs.gov). Please include "El Paso Remediation Plan Comments" in the subject of your email. Comments received by CBP, including names and addresses of those who comment, will become a part of the public record.

You may also provide comments, questions, or concerns by calling 1-800-542-2753 or by mail:

U.S. Customs and Border Protection  
U.S. Border Patrol Headquarters  
1300 Pennsylvania Ave. 6.5E Mail Stop 1039  
Washington, D.C. 20229-1100

We appreciate your feedback and help with prioritizing potential remediation activities.

Respectfully,

A handwritten signature in blue ink that reads "Paul Enriquez". The signature is written in a cursive, flowing style.

Paul Enriquez  
Deputy Director Infrastructure Portfolio  
Program Management Office Directorate  
U.S. Border Patrol





## El Paso Sector Border Barrier Remediation Plan

### Background

On June 11, 2021, the Department of Defense (DoD) and Department of Homeland Security (DHS) completed plans for the redirection of funds concerning the southern border barrier, as directed by Presidential Proclamation No. 10142. As directed by those plans, DoD has canceled all undertaken border barrier projects funded by 10 U.S.C. § 284 Counter Narcotics (DoD 284 projects), and DHS will not undertake any new border barrier construction on the former 284 projects.

On December 20, 2021, DHS authorized CBP to move forward with activities necessary to address life, safety, environmental and remediation requirements for the DoD 284 projects. The activities will be undertaken utilizing DHS Fiscal Year 2021 border barrier appropriations.

Since the termination of the DoD 284 projects, DHS has been working to implement the remediation component of its Plan, including assessing the statuses and conditions of the project sites to determine the scope and extent of remediation work. DHS intends to prioritize funding on those remediation projects needed to address life and safety, including the protection of the public, U.S. Border Patrol (USBP) agents, and nearby communities from potential harms, and avert further potential environmental damage or degradation. This plan summarizes the remediation activities anticipated in the USBP's El Paso Sector.

### Project Location

Prior to the cancellation of the DoD 284 projects, there were approximately 57 miles of non-contiguous new border barrier planned for construction within the El Paso Sector. Segments located in New Mexico exist within the Roosevelt Reservation. An overview of the DoD 284 project segments can be found at: <https://www.cbp.gov/about/environmental-management>.

### Proposed Activities

In the USBP El Paso Sector project segments identified in the attached maps, remediation activities will include, but not be limited to, the following:

1. Erosion control measures: Short-term and long-term erosion control measures will include installation of rip rap and other embankment/slope stabilization along slopes and drainages.
2. Completion of safety work on border and access roads: Work will include slope paving and associated erosion control in areas with steep slopes. Roads through Federal lands will be repaired or restored in accordance with previously established agreements with Federal land managers. CBP will work with USBP and other relevant agencies to determine which construction roads will be retained and which will be decommissioned. In some areas, the roadbed has been risen along the border so that a four foot drop off was left between the border wall and road's edge. Railings will be added in these areas for safety. In addition, trenches were left along the alignment which will be filled. Finally, extra materials and excess soil piled along the alignment will be cleared.
3. Revegetation of disturbed areas: Remediation will include reseeding staging areas and vehicle turn-arounds in accordance with the specifications provided by Federal land managers.
4. Drainage completion and/or repair: All drainage crossings will be protected by appropriate measures such as, but not limited to, articulated concrete block, concrete pavement, inlets/outlets, culverts, roadside ditches, debris posts, or a combination thereof.



5. Implementation of Stormwater Pollution Prevention Plan and Best Management Practices: Activities will include removal of sediment from drainages, removal of temporary structures from waterways, and installation of wattle and silt fencing to prevent accumulation of sediment in waterways.
6. Gap closure and gate installation: These gaps include incomplete migrant rescue gates and incomplete vehicle gates and associated foundation work. Incomplete gates create a security vulnerability to agent safety and without a complete operable gate providing close ingress or egress, Border Patrol agents are unable to leave and respond to a threat. In addition, there is a need to complete top lift of concrete on vehicle gate foundations.
7. Backfilling and grading of retention ponds: All retention ponds across the project areas will be filled so that drainage is restored to its natural flow path.
8. Bollards capped: Bollards will be capped.

More detailed information concerning the proposed remediation activities, including proposed project locations, can be found at: <https://www.cbp.gov/about/environmental-management>.

### **Proposed Schedule**

Beginning in March 2022, CBP will hold a 30-day comment period to collect input and information from the public on this El Paso Sector Remediation Plan. Feedback from the public will be reviewed and incorporated into direction to the contractors or formal contract modifications. Following the comment period, CBP will award remediation contracts and work is estimated to begin as soon as 30-60 days following awards. It is anticipated that remediation work will take approximately 12-28 months. 🌐

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