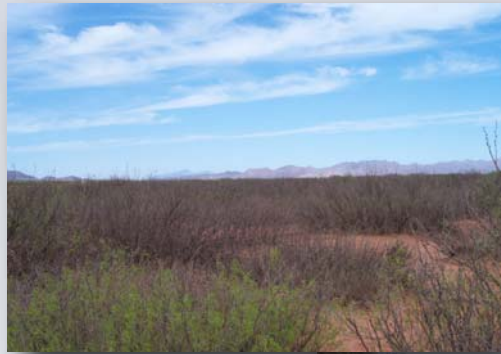




RESPONSE TO PUBLIC COMMENTS
FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE
OF TACTICAL INFRASTRUCTURE
U.S. BORDER PATROL TUCSON SECTOR, NACO STATION, ARIZONA



JULY 2008

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FOR THE
CONSTRUCTION, OPERATION, AND MAINTENANCE OF
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**U.S. Department of Homeland Security
U.S. Customs and Border Protection
U.S. Border Patrol**

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1. Response to Public Comments

1.1 Introduction

On April 1, 2008, the Secretary of the U.S. Department of Homeland Security (DHS), pursuant to his authority under Section 102(c) of Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, as amended, exercised his authority to waive certain environmental and other laws in order to ensure the expeditious construction of tactical infrastructure along the U.S./Mexico international border. Although the Secretary's waiver means that CBP no longer has any specific legal obligations under the laws that are included in the waiver, the Secretary committed DHS to continue responsible environmental stewardship of valuable natural and cultural resources. CBP strongly supports the Secretary's commitment to responsible environmental stewardship.

U.S. Customs and Border Protection (CBP) is continuing to work in a collaborative manner with local government, state and Federal land managers, and the interested public to identify environmentally sensitive resources and develop appropriate best management practices (BMPs) to avoid or minimize adverse impacts resulting from the construction of tactical infrastructure.

CBP prepared an Environmental Stewardship Plan (ESP) which analyzes the potential environmental impacts associated with construction of tactical infrastructure in the U.S. Border Patrol (USBP) Tucson Sector. The ESP also describes measures CBP has identified—in consultation with Federal, state and local agencies—to avoid, minimize, or mitigate impacts to the environment, whenever possible. The ESP will guide CBP's efforts going forward. The tactical infrastructure described in the ESP for the USBP Tucson Sector is covered by the Secretary's April 1, 2008 waiver.

This document has been prepared to provide responses to public comments received on the General Project Description.

1.2 ESP Public Involvement Process

On May 13, 2008, a public meeting was conducted in Sierra Vista to share information on the project and consult with the community on impacts of the project and ways to avoid, minimize, or mitigate adverse impacts. On June 15, 2008, CBP posted the General Project Description of the Planned Action for this area on the <http://www.borderfenceplanning.com> website. The website was developed to receive information from the public on sensitive resources that may need to be considered in the fence projects. The posting of the General Project Description on the website initiated a formal 15-day public comment period that ended June 30, 2008.

1.3 Methodology for Analyzing Comments

CBP received two comments as a result of the public meeting held in Sierra Vista on May 13, 2008 and five submissions via e-mail from the general public from the website posting. **Table 1-1** is a summary of the comments received and how these comments were addressed in the ESP.

Table 1-1. Summary of Public Comments Response Matrix

#	Reviewer	Comment	Response
1	Public	General comment regarding photo documentation of illegal aliens, human smugglers, and garbage in neighborhood. Documentation of groups of illegal aliens coming through their neighborhood six out of ten nights of the week. They get into the Huachuca Mountains through the Coronado National Park.	Comment noted.
2	Public	General comment from a citizen whose house is bordering the Coronado National Forest. They would like to know to what extent there's fencing that is planned for and is being built to protect our national forests.	Details of the fencing project can be found in the ESP which is posted at the website [www.borderfenceplanning.com] and ESPs will be distributed to selected libraries. Copies of ESPs may be obtained by emailing information@BorderFencePlanning.com or by written request to Mr. Loren Flossman, Program Manager, SBI Tactical Infrastructure, 1300 Pennsylvania Ave, NW, Washington, DC 20229, Tel: (877) 752-0420, Fax: (703) 752-7754.
3	Public	<p>Please email me a map file (s) (PDF or JPG) showing the locations of current and proposed pedestrian fencing and vehicle barriers along the Arizona border with Mexico.</p> <p>I need these maps in order to submit important environmental information to you by the suggested deadline of June 30, 2008.</p> <p>Please note: The general location-of-tactical-infrastructure map on your website appears outdated. For example, there is already a pedestrian fence along the border across the Altar Valley. The map on your website shows no such proposal.</p> <p>I tried to email this request to you at information@borderplanning.com but my message bounced (June 25).</p>	<p>The ESP is posted at the website [www.borderfenceplanning.com] and ESPs will be distributed to selected libraries. Copies of ESPs may be obtained by emailing information@BorderFencePlanning.com or by written request to Mr. Loren Flossman, Program Manager, SBI Tactical Infrastructure, 1300 Pennsylvania Ave, NW, Washington, DC 20229, Tel: (877) 752-0420, Fax: (703) 752-7754.</p>

#	Reviewer	Comment	Response
4	Public	<p>Please avoid extensive construction of pedestrian fencing along the Arizona/New Mexico border with Mexico because of harm to the jaguar and other endangered wildlife. The recovery of the jaguar population in the American Southwest is contingent upon the continued movement of jaguars between the United States and Mexico.</p> <p>Barrier fencing should be especially avoided near the following areas of primary jaguar habitat: In Arizona – The Baboquivari Mountains; Cumero Mountain (San Luis Mtns) to the Pajarito Mountains (all national forest lands); The Pajarito Mountains to the Huachuca Mountains (all national forest lands); The San Pedro River area; Perilla Mountain/Chiricahua Mountains to the Peloncillo Mountains In New Mexico – The Peloncillo Mountains to the Alamo Hueco Mountains (the “Boot Heel” area)</p> <p>Our concern about extensive pedestrian fencing in other areas, such as that already built in Altar Valley and between Naco and Douglas, Arizona, will force illegal border crossings and related border patrol activity into more rugged and remote country that includes primary habitat for jaguar.</p> <p>We urge that vehicle barriers, electronic surveillance, and other measures and policies be applied in lieu of barriers such as pedestrian fences that block the movement of wildlife along our southern border.</p> <p>We would appreciate your kind response to this request, particularly in terms of the extent to which you will limit pedestrian fencing and other absolute barriers along the border in deference to the jaguar and other wildlife.</p>	<p>CBP has prepared a Biological Resources Plan (BRP) in coordination with the USFWS.</p> <p>This plan (provided as Appendix B to the ESP) addresses potential impacts to the Jaguar along with other species. The ESP and BRP also provided planned Best Management Practices to avoid or minimize any negative impacts to these species and potential appropriate mitigations.</p>

#	Reviewer	Comment	Response
5	Public	Please send any information that you have regarding the border wall in Arizona. I am extremely disappointed to see that the website that purported to be in compliance with NEPA has been taken down, and that the public may no longer access that information. Please mail whatever information is available to my mailing address:	ESPs and related information will be posted on the website [www.borderfenceplanning.com] and ESPs will be distributed to selected libraries. Copies of ESPs may be obtained by emailing information@BorderFencePlanning.com or by written request to Mr. Loren Flossman, Program Manager, SBI Tactical Infrastructure, 1300 Pennsylvania Ave, NW, Washington, DC 20229, Tel: (877) 752-0420, Fax: (703) 752-7754.
6	Public	I am conducting some research regarding the proposed border fence in the Sonoran Desert and would greatly appreciate if you could provide me links you have to any Environmental Impact Statements or Environmental Assessments that you have for this area.	ESPs and related information will be posted on the website [www.borderfenceplanning.com] and ESPs will be distributed to selected libraries. Copies of ESPs may be obtained by emailing information@BorderFencePlanning.com or by written request to Mr. Loren Flossman, Program Manager, SBI Tactical Infrastructure, 1300 Pennsylvania Ave, NW, Washington, DC 20229, Tel: (877) 752-0420, Fax: (703) 752-7754.
7	Public	I would feel safer bicycling near the border west of the San Pedro River if there were a pedestrian border fence. Please start as soon as possible.	Comment noted. The website (www.borderfenceplanning.com) also provides links to NEPA documents from recent past and related fence projects. Construction is expected to begin in July 2008.