FACT SHEET – ~~INTERNAL ONLY~~

Environmental Stewardship Initiatives for
PF225 Fence Construction along the Southwest Border
U.S. Border Patrol Del Rio Sector
February 2012

U.S. Customs and Border Protection

The following is a summary of the environmental stewardship initiatives undertaken by U.S. Customs and Border Protection (CBP) during the planning, construction, and post-construction stages associated with installing tactical infrastructure (TI) along the U.S./Mexico International Border in the U.S. Border Patrol (USBP) Del Rio Sector for TI (b) (7)(E) *TI is a term used by the USBP to describe the physical structures that facilitate enforcement activities. These items typically include, but are not limited to, roads, vehicle and pedestrian fences, lights, gates, and boat ramps. TI constructed under CBP's Secure Border Initiative (SBI) Pedestrian Fence 225 (PF225) Program within the Del Rio Sector consisted of pedestrian fence and construction/maintenance roads along the U.S./Mexico International Border in Val Verde and Maverick counties, Texas. Temporary construction staging areas were also required to build the TI. This Fact Sheet provides the environmental impacts anticipated during pre-construction planning and those actually encountered during and following construction. In addition, it describes stakeholder outreach efforts that were carried out during all phases of the project, contributing partners, and any continuing issues.*

On April 1, 2008, the Secretary of the U.S. Department of Homeland Security (DHS), pursuant to Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, as amended, exercised the waiver authority and waived certain environmental and other laws in order to ensure the expeditious construction of TI along the U.S./Mexico International Border. The TI described in this Fact Sheet is covered by the Secretary's April 1, 2008, waiver. 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 has committed DHS to responsible environmental stewardship of our valuable natural and cultural resources. CBP strongly supports the Secretary's commitment to responsible environmental stewardship. To that end, CBP prepared a pre-construction Environmental Stewardship Plan (ESP), which analyzed the potential environmental impacts associated with construction of TI. Following construction, CBP prepared an Environmental Stewardship Summary Report (ESSR), which compared the final completed action to the original planned for installation of TI.

The following is a summary of CBP's environmental stewardship efforts.

- CBP carried out environmental stewardship efforts before, during, and after construction.
- Environmental impacts that resulted from this project were both positive and negative.
- Best Management Practices (BMPs) were developed and carried out to minimize negative environmental impacts.
- Stakeholder public outreach was conducted during all phases of the project. Some stakeholder input resulted in changes to the project.
- CBP participated in interagency and intergovernmental coordination activities to help minimize potential environmental impacts and streamline environmental review processes. Some interagency and intergovernmental input also resulted in changes to the project.

After construction of the TI in the USBP Del Rio Sector, the following facts were identified:

- Approximately (b) (7)(E) acres of land were disturbed from the construction of TI in the USBP Del Rio Sector. This represents a reduction of (b) (7)(E) acres from what was predicted in the ESP prior to construction.

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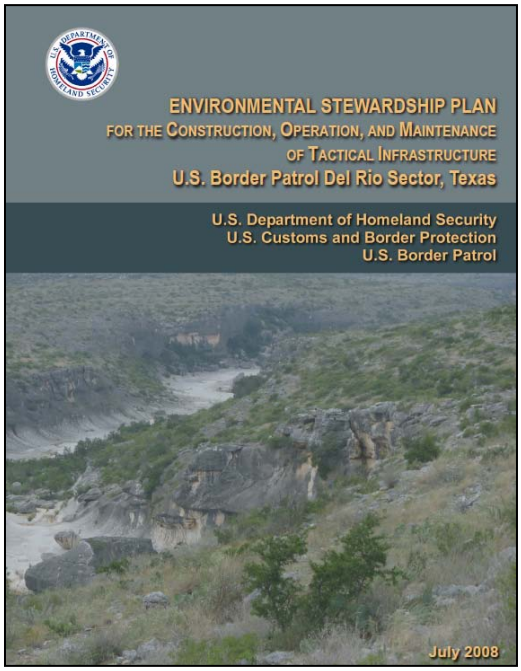
- No impacts on cultural resources occurred beyond those anticipated in the ESP.
- Wetlands in (b) (7)(E) were impacted more than anticipated in the ESP. It was estimated that (b) (7)(E) acres of wetlands would be impacted in (b) (7)(E) within the (b) (7)(E) potential impact area; however, (b) (7)(E) acres of wetlands were impacted due to a change in the fence alignment. Wetlands in (b) (7)(E) were not impacted more than anticipated in the ESP. Erosion and sediment control and storm water management measures were used to minimize the impacts.

Personnel-Vehicle Fence – (b) (7)(E)

- Potential suitable habitat for the ocelot and jaguarundi, two federally listed species, was impacted in (b) (7)(E). Note that these species are seldom observed in Maverick County. There were no impacts on federally listed plant or animal species or their critical habitats in (b) (7)(E).

ENVIRONMENTAL STEWARDSHIP COMPONENTS

CBP carried out environmental stewardship initiatives during all phases of the project: before, during, and after construction. Each component is discussed in the following paragraphs.



PRE-CONSTRUCTION

Environmental Stewardship Plan – CBP commenced preparation of an Environmental Assessment (EA) for the construction, operation, and maintenance of TI in the USBP Del Rio Sector in late 2007 to satisfy the requirements of the National Environmental Policy Act (NEPA) of 1969. Following the Secretary's April 1, 2008, waiver, CBP converted the Draft EA to an ESP.

- July 2008 – *Environmental Stewardship Plan for the Construction, Operation, and Maintenance of Tactical Infrastructure U.S. Border Patrol Del Rio Sector, Texas*.

The ESP is similar to an EA in that it discusses the unique biological, geographical, and environmental conditions associated with the areas proposed for TI and includes BMPs and mitigation measures designed to reduce and offset potential environmental impacts. The ESP remains available to the public and is posted on the internet at: http://cbp.gov/xp/cgov/border_security/ti/ti_docs/.

Biological Resources Field Surveys and Plans – CBP carried out pre-construction surveys to identify existing vegetation and wildlife within the area of the proposed fence and construction/maintenance road corridor and construction staging areas. Subsequently, a BRP was developed in coordination with the U.S. Fish and Wildlife Service (USFWS) to summarize findings and incorporate them into the ESP.

- July 2008 – *Biological Resources Plan for Construction, Operation, and Maintenance of Tactical Infrastructure for Del Rio Sector, Texas*.

Special attention was paid to identifying federally listed species and critical habitats of federally listed species within the project area.

Estimated Footprint – It was estimated prior to construction that approximately (b) (7)(E) acres of land would be disturbed from the construction of TI in the USBP Del Rio Sector.

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Examples of potential environmental impacts and the BMPs and mitigation measures used to minimize these impacts are listed in **Table 1**. Not all anticipated environmental impacts were adverse; in fact, some were positive. CBP predicted that the installation of TI would reduce the amount of smuggling and illegal immigration, which would have a beneficial effect on local and national security and socioeconomics. The reduction in illegal cross-border activity would reduce foot traffic in sensitive and migratory bird habitats and would benefit native species and their habitats.

Table 1. Potential Environmental Impacts and BMPs/Mitigation Measures Identified Prior to Construction

Potential Environmental Impact (Cultural, Species, Wetlands)	BMPs and Mitigation Measures to Reduce or Eliminate the Potential Environmental Impact
Discovery of cultural resources in work area	• Halt construction until authorized to proceed by a qualified archaeologist who will consult with appropriate resource agencies
Discovery of federally protected species in work area	• Halt construction until an environmental monitor can safely remove the protected species or it moves away on its own
Wildlife impacts due to construction, fencing, and habitat fragmentation	• Survey the area for migratory bird nests immediately prior to construction during migratory bird nesting season • Integrate small openings into the fence design to allow small animals to pass through • Integrate wildlife escape ramps into open trenches and excavations • Cap vertical bollards to prevent birds from falling inside
Introduction of invasive species	• Wash equipment prior to use to minimize introduction of nonnative species • Remove only the minimum amount of vegetation • Remove invasive species that appear
Change in size of wetlands and surface waters	• Halt construction during heavy rains • Design fence to allow the conveyance of water • Avoid stream crossings at channel bends when practical alternatives exist

DURING CONSTRUCTION

CBP contracted independent environmental monitors (i.e., for biological and cultural resources) to be present during all construction activities. The monitors' responsibilities included documenting adherence to the BMPs prescribed in the ESP, identifying environmental impacts that occurred beyond those predicted in the ESP, and ensuring that federally listed species and cultural resources were not impacted by the TI construction activities. CBP's environmental monitors worked during all construction activities, which occurred from September 2008 to March 2009 and from November 2010 to April 2011.

The environmental monitors reported that most BMPs prescribed in the ESP were followed; see **Table 1** for examples of BMPs. However, some deviations did occasionally occur, including the following:

- Lack of drip pans beneath equipment
- Lack of lids on some trash receptacles
- Concrete wash spilling out of lined containment areas and flowing on to the ground surface.

No known impacts on federally listed species were documented as a result of these infractions. Most infractions did not require revegetation efforts because little to no native vegetation was removed.

Fence Construction at (b) (7)(E)

Unexpected field conditions during construction occasionally required practical changes to the plan for placement and design of the TI. One such occurrence took place when the alignment of fence for (b) (7)(E) needed to be modified in

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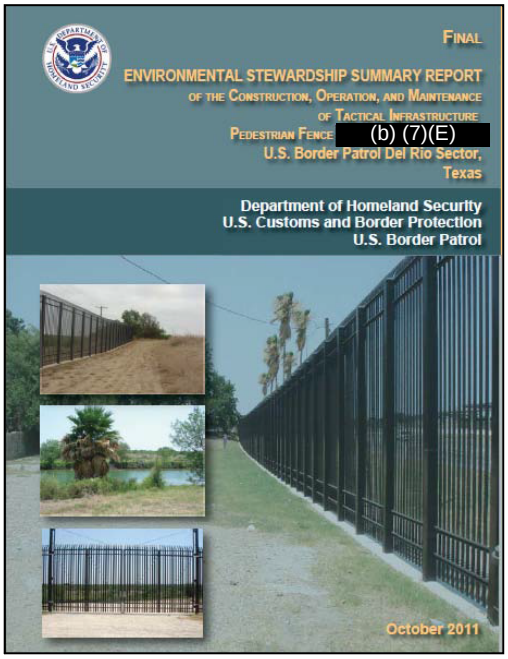
order to close a gap resulting from the relocation of the (b) (7)(E) under a separate project. In these situations, CBP conducted additional environmental surveys and analyses to determine the potential environmental impacts and the appropriate BMPs needed to support the changes. Most changes to the design and placement of the TI were minor and included slight refinements of fence type and footprint to meet operational requirements.



POST-CONSTRUCTION

Environmental Stewardship Summary Report – CBP conducted post-construction field surveys of biological and cultural resources and prepared an ESSR.

- October 2011 – *Final Environmental Stewardship Summary Report of the Construction, Operation, and Maintenance of Tactical Infrastructure Pedestrian Fence* (b) (7)(E) *U.S. Border Patrol Del Rio Sector, Texas*.

The ESSR provided the following information:

- Identification of the final locations of TI and acreages of areas impacted
- An environmental baseline for future TI maintenance and repair efforts
- Documentation of the overall adherence to and successes of the BMPs implemented during construction
- A record of the differences between the final locations and types of TI and those that were identified in the ESP.

CBP's post-construction field surveys found that (b) (7)(E) acres of land were disturbed from the construction of TI in the USBP Del Rio Sector. **Table 2** summarizes the estimated pre-construction and actual post-construction ground disturbance totals.

Table 2. Estimated Pre-Construction and Actual Post-Construction Ground Disturbance

Construction Activity	Estimated Disturbance in Acres (linear miles)	Actual Disturbance in Acres (linear miles)	Difference in Acres (linear miles)
Fence and Construction/Maintenance Road Corridor	(b) (7)(E)	(b) (7)(E)	(b) (7)(E)
Construction Staging Areas			
Total Impacts			

Note: [a] The ESP did not include the sizes of construction staging areas. They were obtained from CBP GIS data files.

The overall reduction in disturbed area from that anticipated prior to construction is attributed to a net reduction in the width of the fence and construction/maintenance road corridor and a reduction in the number and size of the construction staging areas. Approximately (b) (7)(E) percent of the area proposed for the fence and construction/maintenance road corridor and (b) (7)(E) percent of the area proposed for construction staging areas were not needed and, therefore, were not disturbed. truction access roads used existing paved roadways, so no net change in roadway footprint was recorded.

CBP constructed a total o (b) (7)(E) miles of pedestrian fence for these two sections, which is the same amount proposed in the ESP. However, (b) (7)(E) was 0.1 miles shorter and (b) (7)(E) was 0.1 miles longer than originally planned. These slight differences are typical of construction activities of this type and magnitude and result from slight changes in fence alignment in order to meet operational requirements.

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Additionally, CBP's post-construction field surveys identified the following:

- No impacts on cultural resources occurred beyond those anticipated in the ESP.
- Wetlands in (b) (7)(E) were impacted more than anticipated in the ESP. It was estimated that (b) (7)(E) acres of wetlands would be impacted in (b) (7)(E) within the (b) (7)(E) otential impact area; however, (b) (7)(E) acres of wetlands were impacted due to a change in the fence alignment. Wetlands in (b) (7)(E) were not impacted more than anticipated in the ESP. Erosion and sediment control and storm water management measures were used to minimize the impacts.

Completed Fence at (b) (7)(E) with Reestablished Vegetation

- Potential suitable habitat for the ocelot and jaguarundi, two federally listed species, was impacted in (b) (7)(E) (b) (7)(E) Note that these species are seldom observed in Maverick County. There were no impacts on federally listed plant or animal species or their critical habitats in (b) (7)(E) **Table 3** illustrates that the actual impacts were less than what was anticipated prior to construction.

Table 3. Estimated Pre-Construction and Post-Construction Impacts on Federally Listed Species

Method for Species Counts	Animals		Plants	
	Species	Critical Habitat	Species	Critical Habitat
Federally listed species and suitable habitat identified in the Biological Resources Plan	6	0	2	0
Federally listed species observed during pre-construction surveys[a] or construction monitoring[b] within the project areas	0	0	0	0
Federally listed species and suitable habitat impacted by construction	2	0	0	0

Notes: [a] Based on the proposed project area. [b] Based on surveys and monitoring of revised project areas.

STAKEHOLDER OUTREACH ACTIVITIES

Throughout all phases of this project, CBP reached out to stakeholder organizations and regulatory agencies to incorporate their input as potential environmental impacts were identified, evaluated, and mitigated, as necessary. Outreach efforts included the following:

- **Open House** – The general public was invited to receive information and provide comments at an open house event in Del Rio, Texas, on January 24, 2008. Approximately 30 people attended the open house and offered a total of three comments.
- **Incorporation of Comments** – CBP solicited comments from the following:
  - Federal, state, and municipal government agencies
  - Non-government organizations
  - Native American tribes
  - Stakeholder organizations
  - Private individuals.

  For the USBP Del Rio Sector, CBP received six submissions of comments from the public, Federal and state agencies, and non-governmental organizations. From these submissions, 131 individual comments were extracted, considered, and incorporated into the ESP by CBP, as appropriate.

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- **Government Agency Coordination** – CBP directly coordinated with government agencies, including the following:
  - U.S. Section, International Boundary and Water Commission
  - U.S. Army Corps of Engineers
  - U.S. Fish and Wildlife Service
  - Texas Parks and Wildlife.

The information received from the outreach efforts resulted in numerous changes to the project, including the placement of construction staging areas and design of fence components to minimize potential environmental impacts.

CONTRIBUTING PF225 PROGRAM PARTNERS

To accomplish the 2006 Congressional mandate for the DHS/CBP to construct approximately 700 miles of border fence along the U.S./Mexico International Border by the end of December 2008, the DHS enlisted the assistance and expertise of interagency departments and other governmental agencies to provide management and subject matter experts for environmental stewardship, construction, real estate acquisition, and contracting tasks. Contributing partners include the following:

- Office of Border Patrol
  - Del Rio Sector
- U.S. Army Corps of Engineers
  - Fort Worth District.

CONTINUING ISSUES

CBP's post-construction surveys identified no remaining issues that need to be resolved. CBP remains committed to environmental stewardship and will continue to monitor the TI for potential additional actions.

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