February 3, 2014

Mr. Paul Enriquez  
Environmental Branch Chief  
Border Patrol Facilities and Tactical Infrastructure Program Management Office  
1300 Pennsylvania Avenue NW  
Washington, DC 20229

Re: Coronado National Forest Road Construction Project Scoping Comments

Dear Mr. Enriquez:

These comments on the proposed Coronado National Forest Road Construction Project are submitted on behalf of the Sierra Club’s Grand Canyon Chapter, Sky Island Alliance, the Center for Biological Diversity and Defenders of Wildlife. We expect this project, and all U.S. Customs and Border Patrol (CBP) projects, to fully adhere to the National Environmental Policy Act and the public consultation requirements therein. For the Coronado National Forest Road Construction Project, we request a public comment period of at least 30 days.

About Us:

The Sierra Club is one of the oldest grassroots environmental organizations in the country. The Sierra Club’s mission is “to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth’s ecosystems and resources; and to educate and enlist humanity to protect and restore the quality of the natural and human environments.” The Grand Canyon Chapter has long been committed to protection of Arizona’s lands, wildlife, water, and communities and has been significantly involved in protection of the Coronado National Forest. Sierra Club has 2.4 million members and supporters nationally, about 40,000 of whom are in Arizona. Our members in Arizona recreate and participate in restoration and research projects in the Coronado National Forest.

The Center for Biological Diversity is a national non-profit conservation organization headquartered in Tucson, Arizona, with more than 675,000 members and supporters, more than 19,000 of whom reside in Arizona. The Center is dedicated to the protection of threatened and endangered species and their habitats. Our members have a keen interest in border enforcement activities, and particularly their impacts on the species and places we work to protect, including the jaguar and its proposed critical habitat. Most of the Coronado National Forest Road Construction Project area is within or very near the revised critical habitat of the jaguar proposed by the U.S. Fish and Wildlife Service.

Sky Island Alliance is a non-profit conservation organization dedicated to the protection and restoration of the rich natural heritage of native species and habitats in the Sky Island region of the southwestern United States and northwestern Mexico. We work with many partners to establish protected areas, restore healthy landscapes, and promote public appreciation of the region’s unique biological diversity.
Defenders of Wildlife is dedicated to the protection of all native animals and plants in their natural communities. Founded in 1947, Defenders of Wildlife is a major national conservation organization focused solely on wildlife and habitat conservation and the safeguarding of biodiversity. We believe in the inherent value of wildlife and the natural world, and this singular focus defines our important niche in the environmental and conservation community and serves as the anchor for our organizational values.

**Lack of Alternatives:**

The letter dated January 3, 2014 listed only two alternatives: going forward with road upgrades and construction as described in the letter, or taking no action. The alternatives analysis is the heart of a fully compliant NEPA document. Listing only 1) the preferred option and 2) no action alternative is insufficient. Examining only two options gives the strong impression that the document is perfunctory, and exists only to support a predetermined decision. The ‘two alternative’ approach provides the public and the agency with no real selection of alternatives, in violation of the National Environmental Policy Act (NEPA). The full spirit of NEPA begs a more collaborative approach and the full range of reasonable alternatives: CBP should analyze multiple options and means for achieving its goals if it is to craft a fully compliant document that gives decision makers sufficient information to make an informed decision.

We suggest a third alternative be considered, which would require no net increase in overall road length, meaning that an equal amount of roads as will be constructed will also be closed and restored. Roads would be redirected out of sensitive riparian areas. This measure would ensure that no additional smuggling routes are being created, and strengthen CBP’s argument that the Coronado National Forest Road Construction Project is being done with environmental conservation in mind.

**Insufficient Information in the Scoping Notice:**

A great deal of important information which would aid in the evaluation of this project is left out of the January 3, 2014 Scoping Notice, and should immediately be made publicly available and included in the draft document:

In discussing the Fresnal Wash road the notice states that “CBP currently accesses the border fence for patrol operations from spur roads…” What is the Customs and Border Protection designation of this section of border fence? Is it, for example, D-5 (pedestrian fencing), or DV-6, DV-7, or DV-8 (vehicle barriers)? What design is the fencing section that this road will intersect with? Have any environmental documents, such as an Environmental Assessment, Environmental Impact Statement, or Environmental Stewardship Plan, been completed for this section of fencing or any of CBP’s roads in the vicinity? If such documents do exist they should be cited, and pdfs should be made available online. Any environmental studies or documents prepared for tactical infrastructure in the vicinity of the proposed Cantinas Reservoir and Sycamore Canyon roads should likewise be cited and made publicly available. The cumulative impacts of existing fencing and/or roads in the vicinity of the proposed roads should be described and discussed in detail.

The Scoping Notice says of the existing roads that the Fresnal Wash road would replace, “These access roads could impact adjacent cultural resource sites and relocation would foster environmental protection in the area.” To evaluate these claims there should be a thorough description of the “adjacent cultural resource sites.” Are these sites believed to be related to the Tohono O’odham nation, and if so have they been consulted regarding this project? Do these sites include the potential for human remains, thereby bringing the Native American Graves Protection and Repatriation Act into play? There is also no description of the way that relocation of this road will “foster environmental protection in the area.” If the current roads are causing environmental impacts those impacts should be detailed, so that the difference between the impact of the existing roads and the proposed roads can be evaluated. With no information to
back up either assertion it is impossible for stakeholders to evaluate the claims and determine which course of action, be it the new road, no action, or some other alternative, is preferable.

The existing road that the proposed Sycamore Canyon road would replace is said to cross “an important habitat area to the endangered Sonoran Chub.” The impacts or current Border Patrol activities upon the Sonoran Chub should be described in detail to allow stakeholders to evaluate the difference between the existing and proposed roads. Has there been a section 7 consultation under the Endangered Species Act related to the existing activities? If so, any documents related to it should be immediately provided to stakeholders as well as cited.

The Scoping Notice states that “Select roads or portions of roads will also be closed and restored under the proposed action to ensure the protection of natural and cultural resources.” The attached maps do not indicate any roads that will be closed and restored, leaving the impression that this action will create a net increase in the number and mileage of roads that crisscross the Coronado National Forest. If roads are to be closed maps should be included that indicate which ones. There should also be much more detail regarding what form such closure will take. Will closure simply mean installing gates and using the roads less often, restricting use to horse and ATV patrols, or complete demolition and revegetation?

**Inadequate Consultation:**

Existing CBP roads that either access or follow the U.S. – Mexico border exemplify a number of serious issues that, if CBP adheres to past practices, may be present in the proposed Coronado National Forest Road Construction Project. Many of these problems arise from an apparent unwillingness to meaningfully consult with local, ‘on the ground’ stakeholders and land managers. CBP should consult with local experts during the early planning stages of this and other tactical infrastructure projects, rather than late in the process or not at all. This means discussion in which land managers have an effective veto on projects that cannot be executed in a manner that does not threaten to inflict serious harm on resources, rather than being informed of such projects but given no opportunity to shape them as they move forward.

In the Coronado National Forest, for example, a US Forest Service (USFS) email from February 2012 obtained by the Sierra Club via Freedom of Information Act request states, “The majority of the roads constructed under the Waiver were designed by a national consultant to CBP desires and constructed by Army construction troops—often with follow-up by contractors to address major design and/or construction issues. The Forest has objected to the nature of most of these Waivered roads—needlessly large and thoughtlessly laid across the landscape from the USFS perspective.” One of their chief concerns was public safety, as roads through steep mountains that were not up to safe standards were readily accessible by the general public. There were also instances of erosion that could have been avoided with greater prior consultation. Any new road project, in the Coronado National Forest or elsewhere, should involve extensive prior consultation and a commitment to adhere to the results of discussions with land managers. We expect this project, and all CBP projects, to fully adhere to NEPA and the public consultation requirements therein. For the Coronado National Forest Road Construction Project, we request a public comment period of at least 30 days.

**Poor Prior Performance: Contractor Oversight, Environmental Mitigation**

Problems with the practices of contractors hired for CBP’s tactical infrastructure projects have also been reported, for example, in the San Bernardino National Wildlife Refuge (SBNWR). On top of accepting little meaningful input from refuge staff, contractors failed even to adhere to prior agreements. In their 2008 annual report, the refuge recounted that:
Refuge staff were repeatedly told that DHS agreed not to clear or use any staging areas on the refuge. Additionally, the Service was told that DHS already had a plan in place to remove the woody materials from the Roosevelt Easement without burning them. Ultimately, on November 10, 2008 contractors bulldozed a 100-yard by 100-yard “staging area” outside of the Roosevelt Easement on SBNWR and destroyed archaeological sites immediately adjacent to the Slaughter Ranch National Historic Landmark. This refuge “staging area” was then used for building material storage, vehicle parking, and fabrication of Normandy-style barrier sections. Sub-contractors chipped all woody debris into small chunks which were piled within the Roosevelt Easement during the construction phase. Following completion of the road and vehicle barrier, all these wood chips were spread onto staging areas, including the refuge staging area, to a depth often exceeding two feet deep for “erosion control.”

We are concerned that, given CBP’s past history of allowing contractors to ignore pledges made to land managers (SBNWR is only one example of many) similar pledges made regarding the Coronado National Forest Road Construction project may also be forgotten once construction begins.

We are similarly concerned about a continuation of CBP’s poor track record regarding promised mitigation. In the Lower Rio Grande Valley National Wildlife Refuge (NWR), where CBP erected many miles of border wall and upgraded patrol roads, CBP prepared an Environmental Stewardship Plan in 2008. In that document CBP found that the most appropriate mitigation for destroyed or fragmented habitat would be the purchase of 4,600 acres of land to be added to the US Fish and Wildlife refuge system. To date none of that land has been purchased. We are concerned that similar pledges of mitigation measures that might be made in the NEPA documents for the Coronado National Forest Road Construction Project might also be ignored.

We suggest that CBP might see the rehabilitation of its poor reputation as an important precursor to this and other infrastructure projects. We suggest that CBP analyze cumulative impacts at similar, nearby project areas, such as the Zone 20 Road Project west of Nogales, AZ, prior to initiating the Coronado National Forest Road Construction Project. Also, providing promised mitigation to the Lower Rio Grande Valley NWR, and reaching out to the San Bernardino NWR and the Coronado National Forest, as well as other federally protected lands that have been impacted by CBP’s past projects, to ensure that past harm has been fully addressed, would reduce the lack of faith that we and other stakeholders currently have in CBP’s promises. Mitigation cannot be relied on for a Finding of No Significant Impact for this project, since other CBP projects have shown inadequate mitigation or a complete lack of mitigation. An Environmental Impact Statement is meaningless without confidence that the mitigation that it identifies will be carried out.

There are concerns about opening and maintaining new roads after the summer monsoon seasons. Opening these roads could cause erosion and habitat destruction in at least one sensitive area; further maintenance of roads will increase the impacted area, erosion and costs. Most of the Coronado National Forest Road Construction Project area is within or very near the revised critical habitat of the jaguar proposed by the U.S. Fish and Wildlife Service (attachment A) and jaguar presence has been documented near proposed road construction sites. All analysis of the Coronado National Forest Road Construction Project must take this into account, and all analysis of threatened and endangered species for this project should be done in consultation with the U.S. Fish and Wildlife Service.

Open Roads Increase Environmental Impacts and Illicit Traffic

Even if road maintenance, improvement and reconstruction activities in the Coronado National Forest Road Construction Project are done with minimal direct impact to the surrounding resources, once finished, the renovated road could invite increased usage of off-road vehicles and associated cross-country
travel. Roads and motorized uses can have serious detrimental effects on habitats and wildlife.\textsuperscript{1,2,3} These effects include direct, indirect, and cumulative impacts, ranging from mortality from vehicles, modification of animal behaviors, altered use of habitats, facilitation of the spread of exotic, invasive, and parasitic species, adverse genetic effects, and fragmentation of connected habitats. The Coronado National Forest Road Construction Project could have such an effect. This aspect and the cumulative impacts to the lands must be thoroughly analyzed in any subsequent NEPA documents.

There are already concerns in these areas about invasive plant species such as Lehmann lovegrass (\textit{Eragrostis lehmanniana}) and buffelgrass (\textit{Pennisetum ciliare}), both of which compete with native plant species and create unnatural fire conditions. Because Lehmann lovegrass produces many seeds and is well-adapted to fire and grazing, it easily out-competes other native plant species. Likewise, buffelgrass is fire-adapted and also crowds out native plant species. All of these impacts must be thoroughly evaluated and analyzed in the Draft Environmental Impact Statement.

There is also the likelihood that the new and upgraded roads will actually increase, rather than decrease, illicit traffic in the Coronado National Forest. The case of the San Bernardino NWR, where CBP installed vehicle barriers and created an all weather road through what had previously been impassible terrain, is instructive. In the refuge’s 2008 annual report they recount, “Within three days of the completion of the project in the San Bernardino Valley, drug smugglers began cutting portions of the Normandy barrier, which a group of men could then physically lift and move to allow vehicles loaded with marijuana to drive into the United States using the new system of all-weather roads constructed by DHS. Drive-through drug loads have subsequently increased in the San Bernardino Valley.” In comparing the No Action Alternative with multiple other alternatives, the potential for improved roads to increase, rather than decrease, illicit traffic should be examined in light of this and other examples of road construction making it easier for smugglers to move through our borderlands.

\section*{Inadequate Information on CBP.gov}

There is no additional information about this project posted at \url{http://www.cbp.gov/xp/cgov/border_security/ti/ti_projects/}. This is not a viable source for information about this CBP project. CBP should make all of its environmental documents available to the public on this website, and should provide another 30 or 60 day comment period so the public and other agencies have an opportunity to review relevant information and provide input.

Again, we expect this project, and all CBP projects, to fully adhere to the National Environmental Policy Act and the public consultation requirements therein. For the Coronado National Forest Road Construction Project, we request a public comment period of at least 30 days.

Thank you for considering our comments.

Sincerely,

\begin{flushright}
Kern Lawton
\end{flushright}


Kenneth P. Langton  
Chair  
Sierra Club – Grand Canyon (Arizona) Chapter  
202 E. McDowell Rd, Suite 277  
Phoenix, AZ  85004

Randy Serraglio  
Southwest Conservation Advocate  
Center for Biological Diversity

Acasia Berry  
Interim Executive Director  
Sky Island Alliance

Senior Southwest Representative  
Defenders of Wildlife

cc.  Senator Jeff Flake  
    Senator John McCain  
    Representative Raúl Grijalva  
    Representative Ron Barber