

DRAFT

FINDING OF NO SIGNIFICANT IMPACT

**Addressing the Proposed Improvement, Maintenance, and Repair of 1418 Firebreak Road
in the Chula Vista Station Area of Responsibility of the U.S. Border Patrol, San Diego
Sector, California**

Introduction

Pursuant to the National Environmental Policy Act (NEPA), U.S. Customs and Border Protection (CBP) has prepared an Environmental Assessment (EA), which is attached hereto and incorporated herein by reference, to document its consideration of the potential environmental impacts of a proposal to improve, maintain, and repair 1418 Firebreak Road in the Chula Vista Station (CHU) Area of Responsibility (AOR) of the U.S. Border Patrol (USBP) San Diego Sector (SDC), California, to support USBP operations. The objective of this project is to improve 1418 Firebreak Road from a Functional Classification 4 (FC-4) two-track road to a FC-2 all-weather roadway.

The mission of the USBP is to detect and prevent cross-border violators, terrorists, and terrorist weapons from entering the United States, and prevent illegal trafficking of people and contraband. In many areas, tactical infrastructure, of which roads are considered an important component, is a critical element of border security, and contributes as a force multiplier for controlling and preventing illegal border intrusion. To achieve effective control of our nation's borders, CBP uses a multi-prong approach including a combination of personnel, technology, and infrastructure; the mobilization and rapid deployment of people and resources; and the fostering of partnerships with other law enforcement agencies.

Purpose and Need

The purpose of the Proposed Action is to ensure that the physical integrity of the existing road and associated supporting elements continue to perform as intended to assist the USBP in securing the U.S/Mexico international border in California. The improvement of the road will enhance agent safety and effectiveness by providing efficient, reliable, and safe routes to remote areas that require patrolling. The road is critical to SDC's ability to maintain easy access to otherwise inaccessible portions of the border region by linking Otay Lakes Road to Otay Mountain, an area with high rates of apprehension of cross border violators. The road also provides a high point for visibility for USBP agents.

The current FC-4 two-track road is composed of unimproved road, wagon trail, and 4-wheel drive road. As "two-track" implies, the road consists of two parallel tracks created by the loss of vegetation where the tires make contact with and compact the earth, between which lies a strip of low-growth vegetation. In many areas, the central vegetated strip has succumbed to erosion. The road has received very little maintenance, although there is evidence of infrequent surface blading activity. The road has no crown and does not have any improved drainage features or ditches. The proposed activities will ensure that the road is passable, providing faster response time to border incidents in strategically valuable areas.

The need for the Proposed Action is to ensure that the increased level of border security provided by access along 1418 Firebreak Road is not compromised by natural events or breaches in road integrity. CBP must ensure that tactical infrastructure functions as it is intended.

Description of the Proposed Action

Under the Proposed Action, 1418 Firebreak Road would be improved to a FC-2 level, all-weather roadway for 4,885 feet from Otay Lakes Road to a point where the road enters the Otay Mountain Wilderness on BLM property. FC-2 roads typically consist of two 3.6-meter (12 ft) travel lanes at a 4 percent cross-slope. A cross-slope is built into the road to provide a drainage gradient so that water will run off the surface to a drainage system such as a street gutter or ditch. Under the Proposed Action, 1418 Firebreak Road would be widened where necessary to ensure a minimum 24-ft width from Otay Lakes Road to the boundary of the Otay Mountain Wilderness. Parallel ditches with a 1-vertical to 3-horizontal (1V:3H) front slope and 1-vertical to 4-horizontal (1V:4H) backslope would be cut on the downslope side of the road to allow for proper drainage. Imported roadway material would be added to the road to achieve a minimum 150-millimeter (6-inch) deep, well-graded roadbed shaped with a defined crown section. All necessary materials such as gravel, topsoil, or fill would be from existing developed or previously used sources, not from undisturbed areas adjacent to the project area. To the maximum extent practicable, all material sources would be certified weed-free.

Wherever possible, CBP would limit disturbance to the proposed width of the proposed FC-2 road and ancillary structures. Where turnouts and passing lanes would be required for construction, CBP would use currently disturbed areas (e.g., locations where a secondary trail has been created due to impassable road conditions), to the maximum extent practicable, and restore all such areas upon completion of the Proposed Action.

Equipment and materials would be stored at a staging area at the entrance to the project area. The staging area would be an unimproved, previously disturbed area. The types and numbers of equipment used would be kept to a minimum. It is anticipated that backhoes, graders, and dump trucks would be necessary for road improvement activities. Water trucks would be employed to aid in dust suppression. All equipment would be cleaned prior to entering and departing the project corridor to minimize the spread and establishment of non-native invasive plant species.

Seven water bars would be installed in locations where washouts occur to allow the agents to drive on the designated road rather than seek an alternate route during flood events. There are several areas along 1418 Firebreak Road with extensive damage due to agents driving outside of the road footprint to avoid severely washed out sections of the road.

Water bars are frequently spaced, constructed drainage devices that use road material mounded in the road surface to interrupt the flow of water and divert it off the road surface. The frequency of water bar placement is determined by the road gradient within the impacted area. In road areas with an approximate 5 percent slope, the interval would typically be 125 ft. Should slopes of 5 – 10 percent be encountered, the interval would be reduced to 100 ft. Under the Proposed Action, the water bars would be designed to be drivable by high clearance vehicles.

The finished road would be a reinforced roadbed with a soil stabilizer applied during the late summer/early fall months. Proper use of a non-toxic road stabilizer helps to avoid impacts on

federally listed species habitat by minimizing road run-off and is neither toxic nor harmful to sensitive species.

Road maintenance and repair would include reactive maintenance and repair activities (e.g., resolving damage from use or severe weather events) and preventive/scheduled maintenance and repair activities designed to ensure ongoing operability and environmental sustainability (e.g., soil erosion preventive measures). All maintenance and repair would occur via a periodic work plan based on anticipated situations within each sector and funding availability. Maintenance and repair requirements could change over time based on changes in usage or priority but would likely occur at least annually and would not exceed the scope of the Proposed Action.

Maintenance and repair would consist of grading and resurfacing existing areas of the roads that have been eroded by surface water flows, filling potholes, and removing protruding boulders. Trees and other vegetation within, or overhanging, the existing roadway would be trimmed, grubbed, or cut back to facilitate safe vehicle passage. Any vegetation that has established within the existing road would be removed, cleared, or trampled.

Some activities may need to be conducted in areas immediately adjacent to the existing road footprint (road edges). For example, equipment might need to be operated off existing roads to remove debris from ditches, and to access and maintain roads. Temporary impacts on vegetation and soil resulting from these activities would be minimized through appropriate heavy equipment operation techniques, such as installing temporary construction mats, reducing operating speeds, using the initial ingress and egress points, and selecting appropriately sized equipment for the area and project.

For water-control features (such as ditches), activities would include cleaning, maintaining, repairing, or replacing features, as needed. Implementing improved water drainage measures includes ensuring road crowns shed water and runoff flows to established drainage ditches or other water-control features as needed to control runoff and prevent deterioration of existing infrastructure or surrounding land. The stabilization of roads with the use of Soiltac™, a soil binder, would function as a means to reduce erosion and improve road strength. The application of Soiltac™ would be completed on an annual basis or less frequently, depending on need.

Heavy equipment would be needed for activities such as grading, filling, and compacting. Equipment staging would occur on the existing road footprint or at existing CBP laydown yards. All equipment would be hauled into sites as needed. Required equipment would likely include dump trucks, road graders, backhoes, bulldozers, drum roller/compactors, and water trucks.

Alternatives

Three alternatives to the Proposed Action were considered: Alternative 2: Complete Road Improvement, Alternative 3: Improve Drainage Features Without Widening Road, and Alternative 4: No Action Alternative.

Alternative 2: Complete Road Improvement. Under Alternative 2, 1418 Firebreak Road would be improved to a FC-2 level, all-weather roadway for the entire 12,983 ft from Otay Lakes Road to a point where the road terminates on the City of Chula Vista property that is surrounded by the Otay Mountain Wilderness area.

There would be nine water bars installed in locations where washouts occur to allow the agents to drive on the designated road rather than seek alternate routes during flood events.

Where turnouts and passing lanes would be required, CBP would use currently disturbed areas (e.g., locations where a secondary trail has been created due to impassable road conditions), to the maximum extent practicable, and restore all such areas upon completion.

Alternative 3: Improve Drainage Features Without Widening Road. Under Alternative 3, 1418 Firebreak Road would be improved to a FC-2 level, all-weather roadway for 4,885 ft from Otay Lakes Road to a point where the road enters the Otay Mountain Wilderness on BLM property. However, under this alternative, 1418 Firebreak Road would not be widened as it would be under Alternative 1.

There would be seven water bars installed in locations where washouts occur to allow the agents to drive on the designated road rather than seek an alternate route during flood events.

Where turnouts and passing lanes would be required, CBP would use currently disturbed areas (e.g., locations where a secondary trail has been created due to impassable road conditions), to the maximum extent practicable, and restore all such areas upon completion.

Alternative 4: No Action Alternative. Under the No Action Alternative, CBP would not be maintaining, repairing, and improving the road. CBP enforcement actions would be maintained at current levels or diminish over time due to the inaccessibility of the area to CBP agents.

Public Involvement

CBP notified relevant Federal, state, and local agencies of the Proposed Action and requested input regarding environmental concerns they might have. As part of the NEPA process, CBP coordinated with the USFWS; BLM; U.S. Army Corps of Engineers (USACE); CDFW; the State Historic Preservation Officer (SHPO), which is a component of the California Office of Historic Preservation; San Diego Regional Water Quality Control Board (RWQCB); San Diego County Air Pollution Control District; other local agencies; Native American tribes, and the public. Agency responses will be incorporated into the analysis of potential environmental impacts.

A Notice of Availability (NOA) for the EA and draft FONSI will be published in the *San Diego Union Tribune*. This is done to solicit comments on the Proposed Action and alternatives and involve the local community in the decision making process. Substantive comments from the public and other Federal, state, and local agencies will be incorporated into the Final EA.

During the 30-day public review and comment period for the Draft EA, CBP will accept comment submissions by email from the public; Federal and state agencies; Federal, state, and local elected officials; stakeholder organizations; and businesses.

Environmental Consequences

Impacts on environmental resources under each alternative are listed below in **Table 1**.

Table 1. Summary of Anticipated Environmental Impacts by Alternative

Resource Area	Alternative 1: Proposed Action	Alternative 2: Complete Road Improvement	Alternative 3: Maintain Current FC-4 Road	Alternative 4: No Action Alternative
Land Use	No effects.	No effects.	No effects.	No effects.
Geology and Soils	Short- and long-term, negligible to minor, adverse effects.	Short- and long-term, negligible to minor, adverse effects.	Short- and long-term, negligible to minor, adverse effects.	Short- and long-term, minor to moderate, adverse effects.
Vegetation	Short- and long-term, negligible to minor, direct and indirect, adverse effects.	Short- and long-term, negligible to minor, direct and indirect, adverse effects.	Short- and long-term, negligible, direct and indirect, adverse effects.	No effects.
Terrestrial and Aquatic Wildlife Resources	Short- and long-term, negligible to minor, direct and indirect, adverse effects.	Short- and long-term, negligible to minor, direct and indirect, adverse effects.	Short- and long-term, negligible to minor, direct and indirect, adverse effects.	No effects.
Threatened and Endangered Species	Short- and long-term, negligible to major, direct and indirect, adverse effects.	Short- and long-term, negligible to major, direct and indirect, adverse effects.	Short- and long-term, negligible to moderate, direct and indirect, adverse effects.	No effects.
Hydrology and Groundwater	Short-term, negligible, indirect, adverse effects.	Short-term, negligible, indirect, adverse effects.	Short-term, negligible to minor, indirect, adverse effects.	Short- and long-term, minor, direct and indirect, adverse effects.
Surface Waters and Waters of the United States	Short-term, negligible, indirect, adverse effects.	Short-term, negligible to moderate, indirect, adverse effects.	Short-term, negligible, indirect, adverse effects.	Short- and long-term, minor, direct and indirect, adverse effects.
Floodplains	Short-term, negligible, indirect, adverse effects.	Short-term, negligible, indirect, adverse effects.	Short-term, negligible, indirect, adverse effects.	Short- and long-term, minor, direct and indirect, adverse effects.
Air Quality	Short-term, negligible, adverse effects and long-term, negligible, beneficial effects.	Short-term, minor, adverse effects and long-term, negligible, beneficial effects.	Short-term, negligible, adverse effects and long- term, negligible, beneficial effects.	No effects.
Noise	Short-term, minor, adverse effects.	Short-term, minor, adverse effects.	Short-term, minor, adverse effects.	No effects.

Resource Area	Alternative 1: Proposed Action	Alternative 2: Complete Road Improvement	Alternative 3: Maintain Current FC-4 Road	Alternative 4: No Action Alternative
Cultural Resources	Short- and long-term, negligible to minor, direct, adverse effects.	Short- and long-term, negligible to minor, direct, adverse effects.	Short- and long-term, negligible to minor, direct, adverse effects.	No effects.
Recreation and Access	Short-term, direct, minor to moderate, adverse effects.	Short-term, direct, moderate, adverse effects.	Short-term, direct, minor to moderate, adverse effects.	No effects.

Finding

Based upon the results of the EA and the environmental design measures to be implemented, the Preferred Alternative is not expected to have a significant effect on the environment. No additional environmental documentation under NEPA will be warranted, and the preparation of an Environmental Impact Statement will not be required.

Date

Paul Enriquez
Acquisition, Real Estate and Environmental Director
Infrastructure Program
Program Management Office Directorate
U.S. Border Patrol