

review. At that time, a Notice of Availability (NOA) will be published in the **Federal Register**, the *Brownsville Herald* (Brownsville, Texas), and *The Monitor* (McAllen, Texas). The NOA will announce the availability of the draft EIS, how to obtain a copy, and the dates, times, and places of any associated public informational meetings.

Dated: September 19, 2007.

**Eugene H. Schied,**

*Assistant Commissioner, Office of Finance.*

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## DEPARTMENT OF HOMELAND SECURITY

### Bureau of Customs and Border Protection

#### Notice of Intent To Prepare an Environmental Impact Statement (EIS) and Request for Public Comments Concerning Proposed Construction and Operation of Tactical Infrastructure for the U.S. Customs and Border Protection, Office of Border Patrol San Diego Sector

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Notice of Intent to Prepare an Environmental Impact Statement and Request for Public Comments.

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA), U.S. Customs and Border Protection (CBP) will prepare an Environmental Impact Statement (EIS) to identify and assess the potential impacts associated with a proposal to construct and operate approximately four miles of tactical infrastructure and supporting patrol roads along the U.S./Mexico international border south of and adjacent to Otay Mountain Wilderness area in San Diego County, California (the Proposed Action). The purpose of the Proposed Action is to further CBP's ability to gain effective control of the border by denying pedestrian and other access in this high priority section of the Office of Border Patrol's (OBP's) San Diego Sector. CBP is the decision-making agency for this Proposed Action.

Notice is hereby given that the public scoping process has been initiated to prepare an EIS that will address the impacts and alternatives of the Proposed Action. The purpose of the scoping process is to solicit public comment regarding the range of issues, including

potential impacts and alternatives that should be addressed in the EIS.

**FOR FURTHER INFORMATION CONTACT:** Visit <http://www.BorderFenceNEPA.com> or e-mail:

[information@BorderFenceNEPA.com](mailto:information@BorderFenceNEPA.com).

Written requests for information may be submitted to: Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St., Room 3A14, Fort Worth, Texas 76102; Phone: (817) 886-1585; and Fax: (817) 886-6404.

**Background:** An EIS is being prepared in support of a proposal by OBP's San Diego Sector for controlling and deterring the influx of illegal immigration and contraband into the United States. To assist Border Patrol officers, OBP is proposing to install and operate tactical infrastructure consisting of pedestrian fence, vehicle barriers, supporting patrol roads, lights, and other infrastructure along approximately four miles of the U.S./Mexico international border within OBP's San Diego Sector.

In order to secure the nation's borders, CBP is developing and deploying the most effective mix of proven technology, infrastructure, and increased personnel. In some locations, fencing is a critical element of border security. OBP has identified this area of the border as a location where fence would significantly contribute to CBP's priority mission homeland security. As a part of this Proposed Action, two segments of fence are proposed for construction.

One segment is approximately 3.4 miles long and would start at the Puebla Tree and end at boundary monument 250. The proposed segment would be adjacent to and south of the Otay Mountain Wilderness; would follow the Pack Truck Trail; and would not connect to any existing fence. The Otay Mountain Wilderness is on public lands administered by the Bureau of Land Management (BLM), U.S. Department of the Interior in San Diego County, California. The wilderness boundary is at least 100 feet from the U.S./Mexico border, and the proposed fence would occur in this corridor between the U.S./Mexico border and the wilderness boundary. However, due to steep topography, a portion of road or other tactical infrastructure might encroach into the wilderness area.

The second segment would be approximately 0.6 miles long and would connect with existing border fence west of Tecate. This fence segment is an extension of existing fence up Tecate Peak and would pass through a riparian area. This proposed fence segment would be on privately owned land.

Potential alternatives for environmental impacts analysis will consider location, construction, and operation of tactical infrastructure. Potential alternatives must meet the need to gain effective control of our nation's borders, as well as essential technical, engineering, and economic threshold requirements to ensure that the Proposed Action is environmentally sound, economically viable, and meets all applicable laws and regulations.

The EIS will comply with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations in 40 CFR Parts 1500-1508, and Department of Homeland Security (DHS) Management Directive 5100.1 (*Environmental Planning Program*).

Consistent with 40 CFR 1508.28, the EIS will analyze the site-specific environmental impacts of the proposed action which were broadly described in two previous programmatic EISs prepared by the former U.S. Immigration and Naturalization Service (which now falls under the responsibility of CBP), Department of Defense, and Joint Task Force 6 (JTF-6). The *Programmatic EIS for JTF-6 Activities Along the U.S./Mexico Border*, August 1994, and its supplementing document, *Supplemental Programmatic EIS for INS and JTF-6 Activities*, June 2001, were prepared to address the cumulative effects of past and reasonably foreseeable projects undertaken by JTF-6 for numerous law enforcement agencies within the four southwestern states (California, Arizona, New Mexico, and Texas). These documents can be obtained from the U.S. Army Corps of Engineers, Fort Worth District, Engineering Construction and Support Office Web site, at <https://ecso.swf.usace.army.mil/>; by sending an e-mail to [charles.mcgregor@swf02.usace.army.mil](mailto:charles.mcgregor@swf02.usace.army.mil); or by mailing a request to: Charles McGregor, U.S. Army Corps of Engineers, Engineering Construction and Support Office, 819 Taylor St., Room 3A14, Fort Worth, Texas 76102.

**Public Participation:** Pursuant to the Council on Environmental Quality's regulations, CBP invites public participation in the NEPA process. This notice requests public participation in the scoping process, establishes a public comment period, and provides information on how to participate.

Public scoping is an open process for determining the scope of the EIS and identifying significant issues related to the proposed action. Anyone wishing to provide comments, suggestions, or relevant information on the Proposed Action may do so as follows:

You may submit comments to CBP by contacting the SBInet, Tactical Infrastructure Program Office. To avoid duplication, please use only one of the following methods:

(a) Electronically through the Web site at: <http://www.BorderFenceNEPA.com>;

(b) By e-mail to:

[SDcomments@BorderFenceNEPA.com](mailto:SDcomments@BorderFenceNEPA.com);

(c) By mail to: San Diego Tactical Infrastructure EIS, c/o e<sup>2</sup>M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031; or

(d) By fax to: (757) 257-7643.

Comments and related material must reach CBP by October 15, 2007. CBP will consider all comments and material received during the NOI comment period. If you submit a comment, please include your name and address, and identify your comments as for the San Diego Sector EIS. Comments received after October 15, 2007 will receive responses following the publication of the draft EIS.

This scoping period is not the only opportunity you will have to comment. A draft EIS will be prepared, and prior to the development of a final EIS, CBP will release the draft EIS for public review. At that time, a Notice of Availability (NOA) will be published in the **Federal Register**, the *San Diego Union Tribune*, and the *San Diego Daily Transcript*. The NOA will announce the availability of the draft EIS, how to obtain a copy, and the dates, times, and places of any associated public informational meetings.

Dated: September 19, 2007.

**Eugene H. Schied,**

*Assistant Commissioner, Office of Finance.*  
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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Coastal Barrier Improvement Act of 1990; Amendments to the John H. Chafee Coastal Barrier Resources System

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of distribution and availability of replacement maps of eight of the John H. Chafee Coastal Barrier Resources System.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), have replaced maps of eight John H. Chafee Coastal Barrier Resources System units in North Carolina, Georgia, Florida, and Texas, as directed by Congress. We are using this notice to inform the public

about the distribution and availability of the replacement maps.

**DATES:** The replacement map for Units T07/T07P became effective on December 1, 2003. The replacement maps for Unit NC-07P became effective on October 18, 2004. The replacement map for Units P25/P25P became effective on October 30, 2004. The replacement maps for Units FL-95P, FL-96, and GA-06P became effective on October 16, 2006.

**ADDRESSES:** For information about how to get copies of the maps or where to go to view them, see **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Ms. Katie Niemi, Department of the Interior, U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation, (703) 358-2161.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

In 1982, Congress passed the Coastal Barrier Resources Act (Pub. L. 97-348) to restrict Federal spending that has the effect of encouraging development on undeveloped coastal barriers along the Atlantic and Gulf of Mexico coasts. In the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591), Congress amended the 1982 Act to broaden the definition of a coastal barrier, and approved a series of maps entitled "John H. Chafee Coastal Barrier Resources System" dated October 24, 1990. These maps identify and depict those coastal barriers located on the coasts of the Atlantic Ocean, Gulf of Mexico, Great Lakes, Virgin Islands, and Puerto Rico that are subject to the Federal funding limitations outlined in the Act.

The Act also defines Service responsibilities regarding the John H. Chafee Coastal Barrier Resources System maps. We have official custody of these maps and prepare and distribute copies. In the **Federal Register** on June 6, 1991 (56 FR 26304), we published a notice of the filing, distribution, and availability of the maps entitled "John H. Chafee Coastal Barrier Resources System" and dated October 24, 1990. We have announced all subsequent map revisions in the **Federal Register**.

##### **Revisions to the John H. Chafee Coastal Barrier Resources System in Texas**

Public Law 108-138, enacted on December 1, 2003, replaced one of the six maps relating to Matagorda Peninsula Units T07/T0P in Matagorda County, Texas, with a revised map entitled "John H. Chafee Coastal Barrier Resources System, Matagorda Peninsula Unit T07/T07P" for that area. The changes to the map ensure that the

boundary of Unit T07 does not include property within the Matagorda Dunes Homesites Subdivision. A full complement of infrastructure was available to each lot within the subdivision prior to 1982, therefore meeting the Coastal Barrier Resources Act definition of "developed" at the time the subdivision was included within Unit T07 in 1982. Under the new map, 76 acres (23 fastland acres and 53 associated aquatic habitat acres) were removed from Unit T07, and 3 acres of associated aquatic habitat were added to Unit T07. Additionally, 80 acres were reclassified from Unit T07 to Unit T07P.

##### **Revisions to the John H. Chafee Coastal Barrier Resources System in North Carolina**

Public Law 108-339, enacted on October 18, 2004, replaced the two maps relating to Cape Fear Unit NC-07P in New Hanover and Brunswick Counties, North Carolina, with two revised maps entitled "John H. Chafee Coastal Barrier Resources System, Cape Fear Unit NC-07P." The changes to the maps ensure that the boundary of Unit NC-07P follows the exterior boundaries of lands held for conservation or recreation. Under the new maps, 273 acres (13 acres of fastland and 261 acres of associated aquatic habitat) were removed from Unit NC-07P, and 8,117 acres (2,714 acres of fastland and 5,403 acres of associated aquatic habitat) were added to Unit NC-07P.

##### **Revisions to the John H. Chafee Coastal Barrier Resources System in Florida**

Public Law 108-380, enacted on October 30, 2004, replaced one of the two maps relating to Cedar Keys Units P25/P25P in Levy County, Florida, with a revised map entitled "John H. Chafee Coastal Barrier Resources System, Cedar Keys Unit P25/P25P." The changes to the map clarify the boundaries of an excluded area on Cedar Key so that the Unit P25 boundary more precisely follows geomorphic features. Under the new map, 41 acres (32 fastland acres and 9 associated aquatic habitat acres) were removed from Unit P25, and 56 acres (1 acre of fastland and 55 acres of associated aquatic habitat) were added to Unit P25.

Public Law 109-355, enacted on October 16, 2006, replaced the map relating to Grayton Beach Unit FL-95P and Draper Lake Unit FL-96 in Walton County, Florida, with a revised map entitled "John H. Chafee Coastal Barrier Resources System, Grayton Beach Unit FL-95P Draper Lake Unit FL-96." The changes to the map ensure that the boundary of Unit FL-95P follows the exterior boundaries of Grayton Beach