

September 16, 2026

John Petrilla

U.S. Customs and Border Protection

85 Enterprise, Suite 450

Aliso Viejo, CA 92656

BPAMNEPA@cbp.dhs.gov

Re: Three Points Border Patrol Station—Scoping Comments and Request for Renewed Public Notice and Participation

Dear Mr. Petrilla:

The Center for Biological Diversity submits these comments on U.S. Customs and Border Protection's August 21, 2026 proposal to construct, operate and maintain a new Border Patrol station on approximately 87 acres of Bureau of Land Management public land near Three Points, Arizona.

CBP and BLM should restart public scoping with broad notice, meaningful project information and a clear opportunity for affected communities and the public to participate. The materials presently available do not demonstrate an outreach effort adequate to this proposal or explain how BLM will fulfill its independent responsibilities for authorizing the use of public land.

The stakes extend well beyond the 87-acre parcel. CBP expressly proposes the station to accommodate additional agents and personnel and increase apprehensions across the Tucson Area of Responsibility. Its environmental review must therefore address the reasonably foreseeable effects of the operational expansion the facility would support, including associated vehicle traffic, off-road travel, nighttime activity and aircraft operations. CBP cannot count increased operational capacity as the project's benefit while excluding the environmental costs of using that capacity.

The proposal could permanently convert Sonoran Desert habitat, affect federally protected species, increase groundwater demand and bring additional disturbance to surrounding public lands and nearby communities. The Center requests an Environmental Impact Statement addressing the complete proposed action and reasonable alternatives. At a minimum, any Environmental Assessment must provide a sound basis for determining significance, rather than assume that effects end at the station's fence.

I. CBP must restart public scoping with effective notice and meaningful information

The Center obtained CBP's letter through a Pima County Supervisor. The Center has been unable to locate a CBP-hosted public scoping notice for this proposal, including through its review of CBP's Environmental Assessments document library. The letter supplies no

project webpage or fixed calendar deadline for public comments. Instead, it asks the recipient to respond within 30 days of receipt. People who never received the letter have no clear way to know when that period began or ends. Participation in a federal public-land decision should not depend on obtaining a letter from a county supervisor.

The letter also omits information essential to useful public input: the development footprint, staffing and vehicle capacity, water source and demand, lighting, wastewater arrangements, utility connections, aircraft activity and the operational changes the station would support. It does not explain whether processing or detention facilities are proposed or identify their capacity. A vicinity map and general statement of purpose do not allow residents to evaluate consequences for their wells, homes, roads or surrounding habitat.

CBP's September 11 acquisition forecast reveals a 500-agent station with an estimated contract value exceeding \$100 million.

A DHS acquisition forecast published September 11, 2026 reveals fundamental information about the proposed Three Points station that CBP omitted from its scoping letter. Forecast Record F2026074830 describes a "Design-Build 500 Agent Three Points BPS" and identifies an estimated contract value exceeding \$100 million. The forecast also lists an estimated solicitation release date of September 25, 2026, an anticipated award in the first quarter of fiscal year 2027, and a contract completion date of September 1, 2029. These details appear in DHS's Acquisition Planning Forecast System—a procurement resource, not a notice inviting environmental comments. See DHS Acquisition Planning Forecast System, Forecast Record F2026074830, published September 11, 2026.

A station designed for 500 agents, with a forecast contract value above \$100 million, demands far more public disclosure than CBP has provided. These figures are essential to understanding the scale of the proposed development and the operations it would support. Yet CBP's scoping letter asks recipients to comment without disclosing either figure. Why were these basic planning assumptions omitted? When did CBP establish the 500-agent capacity and the estimated contract value, and were those figures available when the August 21 scoping letter was issued? If the proposal subsequently expanded or became more specific, why has CBP not issued a supplemental notice explaining those developments? The public should not have to discover the scale of a proposed federal facility by searching a procurement database after obtaining a scoping letter through a county supervisor.

The 500-agent description makes disclosure of the operational baseline particularly urgent. It does not establish that 500 additional agents would be deployed, that all 500 would be present simultaneously, or that staffing would immediately reach that capacity. CBP must explain precisely what the number represents: existing personnel to be relocated,

additional positions, maximum design capacity, anticipated staffing at opening, or some combination. It must identify existing staffing and operations, the proposed increase, and the associated support personnel, contractors, vehicles, shifts and daily trips. Without that comparison, the public cannot meaningfully evaluate the growth in water demand, wastewater, traffic, lighting, noise and other burdens associated with a facility of this size.

The environmental consequences of a station designed for 500 agents cannot be evaluated solely by counting the acres cleared within its fence. The station would support personnel and activities operating across a much larger landscape. CBP must identify the reasonably foreseeable operational changes attributable to this facility, including changes in patrol mileage, off-road vehicle use, nighttime activity, aircraft operations if contemplated, and supporting infrastructure. The analysis must address resulting effects on surrounding public lands, wildlife habitat, washes, rural residents and nearby Tohono O'odham communities. Potential effects on Pima pineapple cactus and cactus ferruginous pygmy-owl habitat must be evaluated wherever project-related disturbance is reasonably foreseeable, rather than limiting the inquiry to the construction parcel.

The estimated contract value of more than \$100 million also warrants a clear accounting of what CBP proposes to build. The forecast provides a cost category, not a precise project budget or evidence of an awarded contract. CBP should disclose the underlying scope and explain whether the estimate includes roads, utility extensions, water infrastructure, communications systems, vehicle facilities, aircraft facilities, processing or detention space, and other associated development. Neither cost nor staffing capacity alone determines whether an Environmental Impact Statement is required. Together, however, they underscore the inadequacy of requesting informed comments while withholding the proposal's basic dimensions.

Finally, the forecast's procurement schedule raises serious questions about whether environmental review and public participation will meaningfully influence the project. CBP should explain how the anticipated September solicitation and fiscal year 2027 first-quarter award relate to completion of environmental review, BLM's land-use authorization, consideration of alternative sites and designs, and public review of the Draft EA. The forecast does not itself establish that an unlawful commitment has occurred, but the agencies must disclose what decisions have already been made and what remains open to change. CBP and BLM should restart the scoping comment period with broad public notice, an accessible project webpage, and a complete description incorporating the 500-agent design capacity, the estimated contract value exceeding \$100 million, and the operations the station would enable. A procurement forecast cannot substitute for an environmental participation process that gives affected communities the information and opportunity needed to influence the decision.

DHS Instruction Manual 023-01-001-01, Revision 01, § IV.G, pp. IV-6–IV-8, directs components to begin public involvement early, allow sufficient time and make diligent efforts to identify and notify interested parties so that their input can influence decisions. Section IV.G(1) calls for outreach tailored to the action’s size, potential impacts, public interest and affected communities. Section IV.G(2) establishes the DHS NEPA webpage and links to component webpages as a mechanism for public access. DHS identified this Manual and Directive 023-01, Revision 01, as its NEPA procedures in its August 26, 2026 Federal Register notice. [DHS Instruction Manual](#); [FR Doc. 2026-17364](#).

CBP’s letter promises a later Draft EA public-comment period, but it does not explain how CBP is providing meaningful early participation while the site, alternatives and scope of analysis remain open. DHS’s EA procedures permit public involvement during scoping and/or through draft-document review and normally provide at least 30 days for Draft EA review, absent exigent circumstances, where early public involvement has been lacking or comments demonstrate the need for further review. Instruction Manual § V.C(7), pp. V-11–V-12.

The Center’s objection concerns the adequacy of the process as a whole. The available record raises serious questions about compliance with DHS’s public-involvement procedures. CBP should disclose where and when it advertised this opportunity, whom it notified and how it determined that its methods would reach affected communities. If additional notices exist, CBP should produce them. If they do not, CBP should correct the deficiency now. Silence from people who never received notice cannot establish an absence of public concern.

NEPA requires an EA to be a public document explaining the basis for a finding of no significant impact or the need for an EIS. It also requires scientific integrity, reliable information and consideration of feasible alternatives. 42 U.S.C. §§ 4336(b)(2), 4332(2)(D)–(F). The agencies must provide enough information for the public to understand and meaningfully evaluate their analysis. [42 U.S.C. § 4336](#); [42 U.S.C. § 4332](#).

The Center requests a restarted scoping period of at least 60 days beginning after effective public notice and disclosure of a meaningful project description. Notice should appear on an accessible project webpage linked from CBP’s environmental-document library and through local newspapers, libraries, county and community channels. Provide clear English and Spanish information, a single calendar deadline, electronic and mail submission options, and an accessible public meeting in Three Points. Preserve previously submitted comments and allow supplementation.

The agencies should disclose existing studies, identify information still being developed and explain how public input will inform that work. They must preserve meaningful alternatives and complete applicable environmental review before final authorization.

II. BLM must fulfill its independent public participation and public-land management obligations

This proposal requires BLM to decide whether and under what conditions CBP may occupy and develop federal public land. CBP's letter expressly identifies a proposed right-of-way grant. FLPMA authorizes rights-of-way for federal agencies, and BLM's right-of-way regulations expressly apply to such grants. 43 U.S.C. § 1767(a); 43 C.F.R. § 2801.6(a)(2). CBP's federal status does not eliminate BLM's responsibility to evaluate the application and comply with the requirements governing its authorization. [43 U.S.C. § 1767](#); [43 C.F.R. § 2801.6](#).

BLM's role remains inadequately disclosed. The Center has been unable to locate a publicly accessible BLM project page or public-comment portal for this proposal. The available materials do not identify a BLM case number, responsible decision-maker, application status, public-participation schedule or explanation of how comments submitted to CBP will inform BLM's decision. BLM should identify any existing notice or comment opportunity and explain how the public was notified. It should also disclose whether it is considering a new grant, an amendment to an existing authorization or another action.

FLPMA § 309(e), 43 U.S.C. § 1739(e), directs the Secretary to establish procedures providing adequate notice and opportunities for public participation in public-land planning and management, including public hearings where appropriate. BLM must identify and implement the procedures applicable here. Circulation of CBP's letter to county officials does not, by itself, demonstrate adequate participation in BLM's proposed authorization. [43 U.S.C. § 1739\(e\)](#).

BLM's right-of-way rules provide a specific public-meeting requirement. Under 43 C.F.R. § 2804.25(e)(1), BLM must hold public meetings when sufficient public interest warrants their time and expense, with advance Federal Register notice. The Center expressly requests such a meeting. The proposed public-land conversion, possible effects on protected species, uncertain groundwater demands, Tribal concerns and expanded operations across surrounding lands provide compelling reasons. BLM should not infer a lack of interest from silence caused by inadequate notice. If it declines this request, it should explain its determination in writing. [43 C.F.R. § 2804.25](#).

BLM must complete appropriate NEPA compliance for the application, determine whether the proposed use complies with federal law and conduct necessary government-to-

government consultation. 43 C.F.R. § 2804.25(e)(4), (5), (7). A coordinated review may support both agencies' decisions, but BLM remains responsible for ensuring that the analysis supports its authorization. Section 2804.25(c) permits BLM to require a detailed construction, operation, rehabilitation and environmental-protection plan and needed cultural-resource surveys or species inventories. BLM should require that information here and disclose its non-sensitive portions.

BLM must also establish conformity with the governing resource management plan. FLPMA requires management in accordance with applicable land-use plans, and 43 C.F.R. § 1610.5-3(a) requires subsequent authorizations and actions to conform to the approved plan. Identify the parcel's exact allocations, right-of-way restrictions, wildlife prescriptions, travel-management requirements and other relevant decisions. If a plan amendment is needed, complete the applicable amendment and public-participation procedures before authorizing an inconsistent use. 43 U.S.C. §§ 1712(a), (f), 1732(a); 43 C.F.R. § 1610.5-5. [Plan conformity](#); [FLPMA planning requirements](#); [plan amendments](#).

FLPMA further requires BLM to prevent unnecessary or undue degradation of public lands. 43 U.S.C. § 1732(b). Applicable right-of-way conditions must protect environmental resources under 43 U.S.C. § 1765. BLM should explain how the location, scale, design and conditions of the proposed authorization would meet those obligations, addressing native vegetation, wildlife habitat, washes, invasive plants and disturbance associated with the authorized use. [43 U.S.C. § 1732](#); [43 U.S.C. § 1765](#).

BLM should participate in the renewed public process, establish an accessible project page and comment mechanism, and disclose the application, case number, development plan, governing land-use provisions and anticipated decision schedule. Both agencies should confirm that comments will reach the officials responsible for their respective decisions.

III. Environmental review must encompass the station and its operational expansion

The proposed federal facility on federal land presents substantial federal control and responsibility under NEPA's definition of a major federal action. 42 U.S.C. § 4336e(10)(A). Its review should encompass construction, operation and maintenance, including associated access roads, parking, fencing, lighting, communications equipment, fuel storage, wells, wastewater facilities, utility corridors, drainage infrastructure and temporary work areas. [42 U.S.C. § 4336e](#).

CBP's stated objective makes increased operational capacity central to the proposal. The agency should disclose existing and proposed staffing, fleet size and station capacity, identify the area personnel would patrol, and describe expected changes in patrol frequency, vehicle miles, off-road travel and nighttime activity. It should also disclose

anticipated helicopter and other aircraft activity associated with the station, as well as any proposed processing or detention functions, their capacity and associated transportation.

To define the full scope of the expansion, CBP should identify the roads, staging areas, checkpoints, surveillance facilities and utilities included in or necessary to it. The agency should explain the assumptions it uses to distinguish new activity enabled by the station from activity that would occur without it.

The expanded work beyond the station is indeed a component of the project. The agencies should therefore explain the scope of that proposal and account for the associated activities in their environmental review. Characterizing an activity as a separate project does not resolve whether it is, in substance, a component of the expansion being proposed.

The Center seeks analysis of the reasonably foreseeable effects attributable to this proposal, including damage from increased off-road travel, disturbance from vehicles and aircraft, invasive-plant spread, wildfire ignition and fragmentation of wildlife habitat. The agencies should map affected public lands and explain the operational limits and protective measures assumed in their analysis.

Provide authoritative parcel, right-of-way and disturbance boundaries in a native GIS format, with acreage calculations and a site plan distinguishing permanent and temporary disturbance. A thick outline on a vicinity map cannot establish a precise footprint. Overlay those boundaries and affected surroundings with Pima County's Conservation Lands System, while clearly distinguishing county conservation categories from BLM's land-use allocations.

IV. Habitat loss, fragmentation and protected species require site-specific evaluation

The parcel and surrounding landscape should be assessed for native vegetation, washes, wildlife habitat and movement corridors. Quantify vegetation removal and disturbance from the station, roads, utilities and temporary work areas. Evaluate effects on saguaros, desert ironwood, palo verde, mesquite, native cacti, biological soil crusts and mature desert vegetation. Revegetation cannot promptly replace the ecological functions of long-established desert habitat.

Buildings, pavement, fencing, lighting and continuous activity may create barriers or disturbance zones beyond the cleared area. Evaluate the site's contribution to habitat connectivity in the Three Points and northern Altar Valley landscape, including movement between surrounding valleys and mountain ranges.

According to GIS information provided to the Center, U.S. Fish and Wildlife Service range data overlap the project area for the endangered Pima pineapple cactus and threatened

cactus ferruginous pygmy-owl. Arizona's Heritage Data Management System also reports Pima pineapple cactus observations in the general vicinity from the 1990s. These records do not establish present occupancy of the footprint. They do warrant current habitat assessment and careful investigation; their age is not a basis for assuming the species is absent.

For Pima pineapple cactus, the Center requests surveys by qualified botanists using appropriate Fish and Wildlife Service methods across permanent and temporary disturbance areas, including associated roads, utilities and staging areas. Evaluate direct plant loss and habitat fragmentation, altered drainage, erosion, dust, invasive plants, wildfire and disturbance to pollinators. Identify survey dates, methods, conditions and limitations. The analysis should address station-supported activity that could affect plants outside the parcel. Avoidance of occupied habitat should be prioritized; transplantation should not be treated as equivalent to retaining intact habitat.

For cactus ferruginous pygmy-owl, the Center requests seasonally appropriate surveys and assessment of nesting, roosting, foraging and dispersal habitat. Quantify potential habitat loss and the mature saguaros and trees that would be removed. Evaluate noise, lighting, vehicle collisions and fragmentation associated with the station and its operations. An absence of documented nests within building pads would not resolve effects on movement, foraging habitat or owls elsewhere in the affected area.

Section 7 of the Endangered Species Act requires federal agencies to ensure that their actions are not likely to jeopardize listed species or destroy or adversely modify designated critical habitat, using the best scientific and commercial data available. 16 U.S.C. § 1536(a)(2). Agencies must review their actions at the earliest possible time to determine whether they may affect listed species or critical habitat. A “may affect” determination triggers consultation, with formal consultation generally required unless an applicable exception—including written Service concurrence in a “not likely to adversely affect” determination—applies. 50 C.F.R. § 402.14(a)–(b). [16 U.S.C. § 1536](#); [50 C.F.R. § 402.14](#).

The agencies should obtain an official species list, complete any required biological assessment and consultation, and disclose their effects determinations and supporting information. Consultation must address the action area and effects required by the applicable standards, rather than defaulting to the parcel boundary. The agencies must also comply with Section 7(d)'s limitations on commitments of resources after consultation begins. Protect sensitive species locations while providing enough information for meaningful review.

Assessment should also address other species that may use the affected landscape, including migratory birds, bats, western burrowing owl, golden eagle, desert tortoise, Gila

monster, Sonoran Desert toad, pollinators and wide-ranging mammals. The survey and analytical effort should be appropriate to habitat conditions and the effects under consideration.

V. Water demand, drainage and pollution require a complete accounting

Disclose the water source and monthly and annual demand for construction, drinking water, sanitation, any processing or detention functions, vehicle washing, maintenance, landscaping, fire suppression and dust control. If a well is proposed, identify its location, depth, pumping capacity and anticipated withdrawals.

Evaluate the project's contribution to groundwater stress in the context of existing pumping and reasonably foreseeable aquifer conditions. Address potential effects on nearby domestic wells, pumping costs, well reliability and any groundwater-dependent resources. Compare water-conserving designs and alternative locations with access to existing, demonstrably adequate infrastructure.

Map ephemeral washes, floodplains and drainage features on and near the parcel, including any potentially jurisdictional waters. Evaluate how grading, pavement, culverts and perimeter barriers would alter flows, increase runoff, cause erosion or transport pollutants. Ecological and drainage effects warrant evaluation regardless of whether a particular wash qualifies for federal jurisdiction.

The Center requests designs that avoid washes and associated vegetation, preserve natural drainage and prevent fencing from obstructing storm flows. Explain wastewater treatment, vehicle-washing water management, fuel and hazardous-material storage, spill prevention and stormwater controls. Identify applicable water-quality, stormwater and floodplain requirements and how the proposal would satisfy them.

VI. The agencies must assess disturbance and burdens on nearby communities

The review should quantify construction and operational traffic, including employees, fleet vehicles, deliveries and any transportation associated with processing or detention. Evaluate road safety, wildlife collisions, congestion, dust, diesel exhaust, noise, greenhouse-gas emissions and demands on local infrastructure.

For a facility that may operate around the clock, provide a lighting analysis showing conditions on and beyond the parcel. Compare designs using fully shielded fixtures, the lowest practical intensity, limited operating times and controls that minimize light spill into homes, washes and habitat.

Assess wildfire ignition and invasive-plant risks associated with construction, vehicles, electrical infrastructure and increased access. Identify prevention, vehicle-cleaning, monitoring, response and long-term control measures.

These analyses should identify the people and communities likely to bear the effects, including domestic-well users and nearby Tribal communities. Explain how community concerns influence location, scale, operating conditions and mitigation. General assurances that the project will meet agency needs do not answer questions about consequences for residents.

VII. Tribal consultation and cultural-resource review must inform the decision

The proposed site lies in a landscape of profound cultural importance to the Tohono O’odham. The agencies should engage the Tohono O’odham Nation and other Tribes with relevant cultural connections early enough to influence alternatives and project design.

Section 106 of the National Historic Preservation Act requires consideration of effects on historic properties and an opportunity for Advisory Council on Historic Preservation comment. Its regulations require consultation with Tribes attaching religious and cultural significance to historic properties that may be affected, including properties outside Tribal lands. 54 U.S.C. § 306108; 36 C.F.R. § 800.2(c)(2)(ii). [Section 106; consultation requirements](#).

The review should identify and evaluate potentially affected archaeological resources, traditional cultural properties and cultural landscapes, including effects associated with access, noise, lighting and other components of the undertaking. Tribal concerns should not be reduced to archaeological clearance of the construction footprint.

Section 106 regulations also require public information and opportunities for input, subject to appropriate confidentiality protections. 36 C.F.R. § 800.2(d). The agencies should explain how they will provide those opportunities and coordinate them with NEPA review. Public outreach does not substitute for government-to-government consultation.

VIII. The review must establish a sound baseline and compare reasonable alternatives

Existing development, enforcement infrastructure, groundwater pumping and habitat fragmentation matter where they shape the condition of resources this station would affect. The agencies should establish that baseline and evaluate the additional pressures attributable to the proposal. Components of the station expansion should be considered together, with a reasoned explanation of any activities excluded as separate projects.

NEPA requires consideration of technically and economically feasible alternatives and appropriate alternatives to proposals involving unresolved conflicts over resource use. 42 U.S.C. § 4332(2)(F), (H). The Center requests a comparison of the proposed station with no action and alternatives that would use existing facilities or reduce new disturbance.

The agencies should evaluate expansion or redevelopment of existing facilities, leasing or adapting existing buildings, use of previously disturbed or developed sites, and shared

facilities. They should also consider a smaller station or reduced operational expansion, designs that avoid sensitive habitat, washes, cultural resources and wildlife movement areas, and operating approaches that reduce off-road disturbance and the need for additional infrastructure.

The agencies should explain why alternatives are retained or eliminated and compare their environmental consequences on a consistent basis. The purpose and need should not assume the selection of this parcel or a predetermined facility size. Avoiding unnecessary conversion of intact public land should be an express consideration.

IX. The agencies must resolve significance and public-participation deficiencies before approval

NEPA requires an EIS when a proposed action requiring environmental documentation has a reasonably foreseeable significant effect on the human environment. 42 U.S.C. § 4336(b)(1). The Center requests an EIS because the combination of permanent habitat conversion, possible effects on protected species, water demands and expanded operations presents a substantial case for significant effects. If the agencies proceed with an EA, it must evaluate those issues for the complete action and substantiate any conclusion that an EIS is unnecessary.

Any mitigation relied upon to support a finding of no significant impact should be specific, supported and capable of implementation. Identify responsible agencies, enforceable conditions, funding, performance measures, monitoring and corrective actions. A promise to develop protective measures after approval cannot substitute for the analysis needed to support the decision.

The Center requests at least 60 days to review the Draft EA and any proposed FONSI, with the supporting maps and technical materials available at the start of the period. The final analysis should explain how substantive comments were considered and how they affected the agencies' conclusions.

Approvals based on material omissions or failure to follow applicable procedures would be vulnerable to challenge under NEPA, FLPMA where applicable, and the Administrative Procedure Act. 5 U.S.C. § 706(2)(A), (D). The agencies should correct the present deficiencies before committing public land to development. [5 U.S.C. § 706](#).

CBP and BLM must provide a process in which the public can find the proposal, understand its consequences and influence the decisions before them. Restart public scoping, disclose the development and operating plans, identify BLM's authorization and governing land-use requirements, and evaluate the effects extending beyond the parcel. A

forwarded letter and an uncertain deadline are inadequate foundations for public participation in a project of this magnitude.

Please acknowledge receipt, transmit these comments to the responsible BLM office, respond in writing to the requests for renewed scoping and a public meeting, and include the Center on future project notices. Preserve these comments in both agencies' records and allow supplementation when the missing information becomes available.

Sincerely,

Russ McSpadden

Southwest Conservation Advocate

Center for Biological Diversity

rmcspadden@biologicaldiversity.org