

June 9, 2025

Sent via electronic mail to objections-southwestern-coronado@usda.gov

Kerwin Dewberry
Forest Supervisor – Coronado National Forest
300 West Congress Street
Tucson, AZ 85701

Re: OBJECTION: Holden Canyon Connector Road

Dear Reviewing Officer Dewberry and other Responsible Officials,

On behalf of the Center for Biological Diversity (the Center), this objection is submitted pursuant to 36 CFR Part 218 regarding the Draft Decision Notice and Finding of No Significant Impact (FONSI) and Final Environmental Assessment (FEA) for the Holden Canyon Connector Road Project in the Nogales Ranger District of the Coronado National Forest, Project #64326. The responsible official is Jorge Enriquez, District Ranger, Nogales Ranger District, Coronado National Forest.

This objection is timely filed. Notice of the Draft DN and FONSI was published in the Nogales International (newspaper of record for the Nogales Ranger District) on April 25, 2025 (See Legal Notice Affidavit, in Forest Service project file). The 45th day after the date of the April 25 notice is Monday, June 9.

The lead objector for the project is Laiken Jordahl; his contact information is at the end of this letter.

The Center for Biological Diversity is a non-profit environmental organization with more than 1.7 million members and online activists who value wilderness, biodiversity, and the threatened and endangered species which occur on America's spectacular public lands and waters. Center members and supporters use and enjoy the Coronado National Forest, and the lands within the Tumacácori Ecosystem Management Area (EMA) and Holden Canyon area for recreation, photography, nature study, and spiritual renewal.

The Center has previously submitted detailed substantive comments on the Draft Environmental Assessment (DEA) dated December 9, 2024, and for project scoping on October 20, 2023. While we do not address each issue raised in our comments in the body of this objection, we incorporate our comments by reference, and as a general matter assert that the U.S. Forest Service and Customs and Border Protection (referred to hereinafter as "*the agencies*") have failed to address our concerns and to comply with the law as detailed in our comments.

For the reasons outlined in this letter, the Center hereby protests and objects to all portions of the FEA and Draft Decision Notice and FONSI for the Holden Canyon Connector Road project. We respectfully request the agency withdraw the FEA, Draft Decision Notice and FONSI, prepare an

Environmental Impact Statement (EIS), or, at minimum, select the No Action Alternative based on the substantial concerns outlined in this letter.

I. The FEA fails to provide accurate scientific information, transparency and analysis in decision-making by mischaracterizing the conditions of decommissioned roads and failing to set accurate baseline conditions

The FEA and Draft Decision Notice and FONSI for the Holden Canyon Connector Road Project falsely claim that decommissioning 3.57 miles of old, largely unused road segments will offset the impacts of 3.75 miles of new road construction, implying that this will ensure that the project has no significant impacts. This calculation is deeply misleading and fails to align with the realities of the project on the ground, demonstrating a failure to set a proper baseline, and a failure to take a hard look at the project's mitigation measures and impacts, violating NEPA. Despite the Center raising these issues extensively in comments on the DEA, these comments were not addressed in a meaningful or legally sufficient way, and the FEA still contains the numerous deficiencies discussed below.

NEPA requires that agencies ensure the scientific integrity and use of reliable data in analyzing the impacts of agency actions. The statute itself states:

- “utilize a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man’s environment.” 42 U.S.C. § 4332(A);
- “ensure the professional integrity, including scientific integrity, of the discussion and analysis in an environmental document.” *Id.* § 4332(D);
- “make use of reliable data and resources in carrying out this Act.” *Id.* § 4332(E); and
- “initiate and utilize ecological information in the planning and development of resource-oriented projects.” *Id.* § 4332(K).¹

The EA the Forest Service relies on fails to meet these high standards.

A. Misrepresentation of decommissioned road segments is misleading, fails to set accurate baseline information and provide accurate information

Federal courts emphasize the importance of establishing the environmental baseline.

When conducting an environmental analysis of a proposed action under NEPA, an agency compares the action’s projected environmental effects to the existing condition of the environment. Through that comparison, the agency can ascertain the magnitude of the

¹ See also CEQ Feb. 2025 NEPA Guidance at 2-3 (describing provisions of NEPA following Congress’s 2023 amendments). (available at <https://ceq.doe.gov/docs/ceq-regulations-and-guidance/CEQ-Memo-Implementation-of-NEPA-02.19.2025.pdf>).

proposed action's environmental impacts. The agency's choice of the baseline for comparison matters a great deal. If the baseline is artificially high, the agency might erroneously conclude that even highly disruptive actions will have minimal incremental environmental effects.

Marin Audubon Soc'y v. FAA, 121 F.4th 902, 915-16 (D.C. Cir. 2024). *See also Great Basin Res. Watch*, 844 F.3d 1095, 1101 (9th Cir. 2016) (“Without establishing the baseline conditions ... before a project begins, there is simply no way to determine what effect the project will have on the environment and, consequently, no way to comply with NEPA.”) (citations and quotations omitted).

Here, the EA fails to identify a proper baseline because it fails to disclose the current condition of the routes it claims it will “decommission” to offset the impacts of new road construction. Many of the road segments identified for “decommissioning” as a way of mitigating the impacts of the road construction are impassable and ecologically reestablished. In fact, many of these road segments do not even exist in a functional sense — and in some cases the “decommissioning” of certain segments could cause more environmental harm than benefit. This includes roads like “Segment 364” and “Segment 602,” which are already naturally revegetated, impassable and in some places already appear to be effectively decommissioned due to decades of non-use and reestablishment of vegetation. The Center detailed these concerns in our December 9, 2024 comments on the DEA by including numerous on-site photographs showing the clear difference between the stated condition of these roads in the DEA and the real-world conditions. See Figures 1 and 2, below, which were also provided in our December 9, 2024 comments. Yet the FEA did nothing to remedy these concerns and continues to ignore the fact that many of these roads are already effectively decommissioned, while continuing to falsely imply that decommissioning these roads will yield substantial environmental benefits. This is a clear violation of the National Environmental Policy Act (NEPA) requirement for accurate environmental information and scientific integrity.



Figure 1: almost nonexistent “road segment 602,” which the FEA falsely portrays as a road that is currently in use, and claims that the “decommissioning” of which would have environmental benefits.



Figure 2: almost nonexistent “road segment 364,” which the FEA falsely portrays as a road that is currently in use, and claims that the “decommissioning” of which would have environmental benefits.

In an apparent attempt to address the detailed concerns we raised in our December 9, 2024 comments, the agencies stated: “The presence of vegetation on roadways proposed to be decommissioned does not indicate lack of use or that they are unsuitable for use.” (Page 9, Holden Canyon Connector Road Draft Environmental Assessment Public Comment and Response). By this measure, virtually any largely undisturbed part of the landscape on the Coronado NF could be considered a “road” that could be “decommissioned.” However, as demonstrated first in our December 9, 2024 comments, and also in this document (see Figures 1 and 2, above), the Forest Service has provided zero evidence of any vehicle use on these segments – not even a single fading tire track. Any reasonable person would conclude from the photos above that these purported “roads” are unsuitable for use, clearly haven’t been used in recent history, and are largely impassable.

The agencies failed to include any such on-the-ground photos in the FEA, or any accurate description of the current baseline condition of the “routes” to be closed. They failed to provide any explanation of how “decommissioning” would occur or what benefits over current baseline conditions it would generate, or any estimate of the alleged frequency of use of these routes

despite our comments on the DEA demonstrating a clear need for additional accurate information. This failure to disclose scientific evidence and failure to address substantive issues raised during the public comment period contradicts NEPA's mandate for integrity and transparency in agency decision-making.

B. Failure to apply rigorous analysis

The FEA's reliance on aerial imagery and generalized descriptions rather than site-specific, on-the-ground documentation is deficient. Despite our comments highlighting this deficiency, the agency's response was to claim that sufficient on-site surveys were conducted as part of the Final Biological Resources Survey Report (RECON 2023). Yet this report does not include a single on-the-ground photo of the roads to be decommissioned, and failed to provide basic information to the public that would allow them to make informed comments on the project. Even if on-site surveys were conducted, no accurate information has been provided to the public regarding the existing condition of roads selected for decommissioning. Again, the agencies' conclusions in the FEA are contradicted by direct visual evidence that we submitted in our December 9, 2024 comments, which the agencies have entirely failed to address. The failure to incorporate accurate, on-the-ground data about the road segments undermines the FEA's analysis and does not satisfy NEPA's requirement for informed decision-making. It is also arbitrary and capricious in its own right.

C. Misrepresentation of environmental benefits

The FEA's assertion that decommissioning these "roads" would result in "long-term minor beneficial impacts due to reduced travel, reduced fossil fuel combustion, and reduced dust emissions" (FEA-30) is factually unsupportable for two reasons. First, as we have demonstrated, many of these road segments do not currently support vehicular travel, and therefore decommissioning them will have no impact on reducing travel. Second, most of the "roads" slated for decommissioning are shortcuts or redundancies, where a nearby route will be used instead of the decommissioned one and therefore there will be no meaningful reduction of vehicular travel and impacts as the FEA alleges. For example, road segments 253, 421, 509, 565 set to be decommissioned in the FEA are all along the existing border road and border wall, where decommissioning offers negligible opportunities for restoring habitat connectivity or reducing fragmentation, and little environmental benefit. Many of these road segments — especially those along the border road and wall — are in already-degraded areas where invasive species proliferate, and as such, the "benefit" of decommissioning roads within areas that are already choked with invasive species does not "offset" the destruction of undisturbed habitat where native species are still dominant. We raised these issues extensively in our December 9, 2024 comments and yet they remain unaddressed. This failure to respond to comments is itself a NEPA violation.

Additionally, the FEA's claim that "decommissioning" these isolated and largely unused road segments would "offset" the construction of 3.75 miles of a new through-road is false. The FEA claims "Road decommissioning has been included in the Proposed Action to offset the majority of road miles within the Nogales Ranger District. Decommissioning would also remove vehicle access to these areas and help reduce potential impacts" (FEA-47). However, the construction of

the new Holden Canyon Road advances new *linear* fragmentation through highly sensitive, biodiverse corridors where no vehicles currently operate – areas that are far less impaired than the areas where decommissioning would take place, around which many roads that will continue to see vehicle traffic will continue to be used. Location matters, but the EA ignores this basic fact. These issues not only mislead the public but also constitute a clear failure to comply with the NEPA’s requirement for transparent, science-based disclosure.

D. Failure to disclose impacts of decommissioning functionally nonexistent roads

The FEA fails to adequately disclose or analyze the impacts of decommissioning roads that do not even exist in a functional or accessible state. As established above, certain roads scheduled for decommissioning are either entirely absent, overgrown, or effectively non-existent due to natural reclamation. Yet, the FEA does not account for the environmental effects that could result from attempting to "decommission" these non-functional roads. This failure is especially critical in areas where steep slopes and sensitive terrain have been falsely identified as roads in need of decommissioning. The FEA fails to account for the environmental effects that could result from attempting to "decommission" these non-functional roads—such as the potential for increased erosion, habitat disturbance, or damage to critical habitats

The FEA overlooks the real-world conditions of the so-called "roads" and fails to assess the true environmental risks posed by attempting to decommission these non-existent or irrelevant road segments. This is a critical omission that undermines the integrity of the FEA and violates NEPA’s core requirements for transparency, scientific integrity, and meaningful public review.

Additionally, FEA and its supporting documents state that "No threatened, endangered nor sensitive species are likely to occur within the five road decommissioning areas within the Inventoried Roadless Area (IRA) based on habitat preferences and known locations" (Forest Plan Consistency Check document, Page 6). This assertion is unsupported and misleading, as the project directly impacts designated critical habitat for the jaguar, a species highly sensitive to habitat fragmentation. The failure to consider how the "decommissioning" of nonexistent roads in these areas may affect jaguar movement, survival, and designated critical habitat violates NEPA’s requirement for a detailed and accurate environmental review.

E. Misrepresentation of Consistency with 2018 Coronado National Forest Resource and Management Plan (Forest Plan)

The FEA asserts that the proposed decommissioning is consistent with the Forest Plan’s objective to "decommission, close, and restore 3 to 10 miles of unneeded nonsystem roads annually throughout the plan period, except for roads identified for potential public access routes." While this seems like a reasonable goal on the surface, the specific context and the condition of the roads in question are crucial to evaluating this claim.

Despite extensive documentation provided showing how many of the road segments scheduled for "decommissioning" are already functionally nonexistent, the FEA fails to demonstrate how these roads meet the Forest Plan’s objective. The road decommissioning outlined in the FEA appears to be designed more to check a box in compliance with the Forest Plan than to

implement meaningful environmental improvements. Thus, the claim that decommissioning them aligns with the Forest Plan's goal is misleading. Decommissioning non-existent or overgrown roads cannot contribute to the objective of restoring actual unneeded roads and does not have the environmental benefits the Forest Plan envisions. The FEA's assertion that the proposed decommissioning meets Forest Plan guidelines is factually unsupported and legally inadequate.

II. Inadequate Analysis of Impacts to Endangered Species

As noted, NEPA requires that agencies ensure the scientific integrity and use of reliable data in analyzing the impacts of agency actions. The FEA fails to adequately protect and analyze impacts on threatened and endangered species, as required under the Endangered Species Act (ESA) and NEPA. Specifically, the analysis in the FEA significantly downplays the potential adverse impacts on numerous species, misrepresents the scope of habitat degradation, and fails to provide adequate mitigation measures.

A. Incomplete and Inaccurate Species Impact Analysis

The FEA identifies 19 species that are federally listed as threatened, endangered, or candidate species potentially impacted by the project, including the Ocelot (*Leopardus pardalis*), Jaguar (*Panthera onca*), Chiricahua Leopard Frog (*Rana chiricahuensis*), Mexican Spotted Owl (*Strix occidentalis lucida*) and Yellow-billed Cuckoo (*Coccyzus americanus*). However, the analysis of these species is critically deficient in several ways:

1. Inadequate analysis and protection of Chiricahua Leopard Frog (*Rana chiricahuensis*) populations and critical habitat

Although the FEA acknowledges that the project area overlaps with critical habitat for species such as the Chiricahua Leopard Frog, it minimizes the significance of these overlaps by suggesting that the proposed action will not have adverse effects on these species. This is unsupported by the evidence and contradicts the purpose of critical habitat designation under the ESA.

Despite the presence of known Chiricahua leopard frog populations and critical habitat within the project area, the analysis and mitigation measures presented in the FEA and the USFWS Biological Opinion (BiOp) it relies on, are insufficient, and fail to ensure the species' survival and recovery in the region. The FEA and BiOp consistently downplay the importance of this habitat, labeling impacts as "insignificant" without providing sufficient evidence. Critical habitat is essential for species recovery, and impacts should be assessed with greater scrutiny.

The project area includes populations of Chiricahua leopard frogs that are known to disperse within the analysis area, especially during the monsoon season, when they could potentially colonize habitats near new road segments. The Final EA acknowledges that the species is vulnerable to "injury or death of individuals due to increased vehicular road usage" (FEA-81) but fails to ensure meaningful protection of these populations from such impacts.

The BiOp acknowledges that “injury or death of individual Chiricahua leopard frogs could result from the increased and indefinite use of the improved/connected road,” and that these impacts will persist due to increased recreational use and Border Patrol activities. However, it dismisses the severity of these impacts by claiming they will not affect the species’ recovery because of “expected low levels of traffic” (BiOp – page numbers not provided by agency). This conclusion is speculative and unsupported by robust evidence, especially considering the likelihood of increased public traffic on this road.

The BiOp also fails to recognize the importance of maintaining connectivity between frog populations for genetic diversity and resilience. The reliance on “low levels of traffic” to mitigate this impact is unsupported, especially when the road remains open to the public.

The FEA lists several Avoidance and Minimization Measures (AMMs), including restrictions on construction during the dispersal season and measures to reduce sedimentation and erosion. However, these measures are vague, lack enforceable performance standards, and are unlikely to be effective given the project’s potential to facilitate increased traffic, which directly threatens leopard frog populations. For instance, the BiOp admits that “mortality is expected to be low due to the expected low levels of average traffic and slow average speeds on the road” (page numbers not provided by agency). However, it also states that “individual dispersing Chiricahua leopard frogs could cross the Holden Canyon Connector Road, especially at night during the monsoons” (page numbers not provided by agency). This contradiction highlights the inadequacy of the mitigation measures, which fail to provide effective traffic management, or seasonal or hourly road restrictions to reduce roadkill risk.

This failure to adequately protect the Chiricahua leopard frog, a federally listed species with designated critical habitat in the project area, is emblematic of the broader deficiencies in the Holden Canyon Connector Road Project’s environmental review process. By minimizing the severity of road mortality, dismissing the importance of critical habitat, and relying on speculative assumptions about “low traffic levels” without enforceable measures, the FEA and BiOp violate NEPA’s core principles of scientific integrity and transparency (40 CFR §1502.24). This disregard for robust analysis and meaningful mitigation puts the Chiricahua leopard frog at increased risk, undermines its chances of recovery, and violates the agency’s legal obligation to ensure the species’ survival and recovery under the ESA. The agency must immediately reanalyze the project’s impact on this species and implement scientifically sound, enforceable protections.

2. Failure to adequately analyze and address impacts to Ocelot (*Leopardus pardalis*)

The FEA and BiOp fail to adequately analyze impacts to the endangered ocelot, a species that is highly vulnerable to habitat fragmentation and road mortality. Although the FEA acknowledges that ocelots have recently occurred within the project area, the analysis of impacts on this species is superficial, unsupported by site-specific data, and reliant on speculative assumptions that are contradicted by the best available science.

The FEA’s assertion that “the probability of ocelot presence during project implementation is unlikely” (FEA-76), is unsupported by site-specific evidence and ignores recent detections of

ocelots in the region. The USFWS BiOp acknowledges that “multiple ocelot detections have been documented in the Nogales Ranger District in recent years” (page numbers not provided by agency), yet the FEA brushes off this concern without meaningful analysis. The FEA’s conclusion that the project’s impacts on ocelots will be “insignificant” because the “potential effects of habitat alteration to ocelots would be negligible” (FEA-76) is contradicted by well-established scientific evidence. Ocelots are highly sensitive to habitat fragmentation and road mortality, and their populations are directly threatened by linear infrastructure like the Holden Canyon Connector Road. Studies have consistently shown that road networks are a leading cause of ocelot mortality, with vehicle collisions on low-volume roads being a primary threat to this species (Blackburn et al 2021).

While the FEA discusses mitigation measures (e.g., restricted vehicle speeds, daytime operation), it fails to provide evidence that these measures are effective at minimizing impacts to ocelots specifically. The FEA also fails to analyze foreseeable uses of these roads by the public, including members of the public driving at high speeds and day or night in ATVs, off-road motor bikes and other vehicles. The agency should provide data or case studies demonstrating the efficacy of these measures and data and the best available science on how secondary uses of the roads by the public could impact ocelots.

1. Failure to adequately analyze and address impacts to Jaguar (*Panthera onca*) and its designated critical habitat

The FEA and BiOp fail to adequately analyze impacts to the endangered jaguar, a species that is sensitive to habitat fragmentation and has federally designated critical habitat within the project area. USFWS has acknowledged that the project area is an important movement corridor for jaguar. However, the analysis fails to meet the rigorous standards required under NEPA, which demands that agencies use the best available science and provide a comprehensive, transparent, and scientifically grounded analysis of environmental impacts. The BiOp states:

Currently, openings in the border wall provide access to both mountain ranges from Sonora, Mexico, for traveling jaguars (Wildlands Network 2021 accessed 3/19/2025) and are known travel routes for jaguars moving between the Arizona and Sonora (McCain and Childs 2008). Therefore, given both the proximity to documented occurrences of jaguars and habitat connectivity with their travel routes of the proposed road location, there is potential for a jaguar to pass through the action area. (page numbers not provided by agency)

While this statement acknowledges jaguar movement in the region, it fails to meet the NEPA “hard look” standard for assessing direct, indirect, and cumulative impacts. As we have demonstrated in our Scoping comments and Draft EA comments, the project would have significant harm to jaguar and jaguar designated critical habitat. As the BiOp demonstrates in the quote above, the project area is a key movement corridor for connecting Sonora’s breeding jaguar populations to southern Arizona. Historically, the area has been a stronghold for jaguars, with dozens of reported jaguar occurrences recorded in the lands adjacent to this corridor since

1900.² ³ This includes two relatively recent sightings—Macho A, detected in the Pajarito Wilderness in the 1990s, and Macho B, trapped in the Atascosa highlands in the 2000s before being tragically killed in a botched Arizona Game and Fish capture attempt.

As border walls have sealed off most of Arizona’s wildlands from breeding jaguar habitat in Sonora, the importance of the remaining unwalled corridors, which includes a portion of the project area, increases significantly. Although both the FEA and BiOp acknowledge potential harm, they consistently downplay the severity of these impacts. This is not sufficient under NEPA’s “hard look” standard, which mandates a detailed and rigorous examination of all reasonably foreseeable impacts, including cumulative impacts from other ongoing and future actions.

III. Failure to Analyze Reasonably Foreseeable Cumulative Impacts

NEPA regulations and guidance that the Forest Service relies on expressly require the agency to consider whether agency actions are “related to other actions with individually insignificant but cumulatively significant impacts.” 40 C.F.R. § 1508.27(b)(7).⁴ A cumulative impact results from the incremental impact of the proposed action “when added to the effects of other past, present, and reasonably foreseeable future actions regardless of what agency . . . undertakes such other actions,” and “Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time” (40 C.F.R. § 1508.7). *See also* Forest Service Handbook 1909.15, Ch. 15.1 (defining cumulative effects similarly).⁵ Under NEPA, “effects” and “impacts” are synonymous terms that include “ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health.” Forest Service Handbook 1909.15, Ch. 15. The agency’s statements “shall be supported by evidence that the agency has made the necessary environmental analyses” (40 C.F.R. § 1502.1).

A cumulative impact analysis must provide a “useful analysis” that includes a detailed and quantified evaluation of cumulative impacts to allow for informed decision-making and public disclosure. *Kern v. U.S. Bureau of Land Management*, 284 F.3d 1062, 1066 (9th Cir. 2002); *Ocean Advocates v. U.S. Army Corps of Eng’rs*, 361 F.3d 1108, 1118 (9th Cir. 2004). The NEPA requirement to analyze reasonably foreseeable cumulative impacts prevents agencies from

² Babb, Randall & Brown, David & Culver, Melanie & Childs, Jack & Thompson, Ronald & Kohls, Raymond & Taylor, Tom. (2022). Updates of Historic and Contemporary Records of Jaguars (*Panthera onca*) from Arizona. *Journal of the Arizona-Nevada Academy of Science*. 49. 10.2181/036.049.0205.

³ Wildlife Conservation Society and U.S. Fish and Wildlife Service Jaguar Data Observation Base. Accessed 5/28/2025. Accessible: <https://jaguardata.info/#>.

⁴ CEQ’s February 2025 NEPA Guidance states: “although CEQ is rescinding its NEPA implementing regulations at 40 C.F.R. parts 1500–1508, agencies should consider voluntarily relying on those regulations in completing ongoing NEPA reviews or defending against challenges to reviews completed while those regulations were in effect.” CEQ’s February 2025 NEPA Guidance at 1. The Coronado National Forest began the NEPA process with scoping in 2023, before the 40 C.F.R. Part 1500 regulations were rescinded, and the Final EA explicitly relies on those regulations. *See* Final EA at 1, 11, 23 (citing and relying on various 40 C.F.R. Part 1500 regulations).

⁵ The Forest Service states that the agency prepared the Final EA “in accordance with . . . the USFS NEPA Handbook (Forest Service Handbook 1909.15).” Final EA at 10.

undertaking a piecemeal review of environmental impacts. *Earth Island Institute v. U.S. Forest Serv.*, 351 F.3d 1291, 1306–07 (9th Cir. 2003).

The NEPA obligation to consider cumulative impacts extends to all “past,” “present,” and “reasonably foreseeable” future projects. *Blue Mountains*, 161 F.3d at 1214–15; *Kern*, 284 F.3d at 1076; *Hall v. Norton*, 266 F.3d 969, 978 (9th Cir. 2001) (finding cumulative analysis on land exchange for one development failed to consider impacts from other developments potentially subject to land exchanges); *Great Basin Mine Watch v. Hankins*, 456 F.3d 955, 971–74 (9th Cir. 2006) (requiring “mine-specific … cumulative data,” a “quantified assessment of their [other projects] combined environmental impacts,” and “objective quantification of the impacts” from other existing and proposed mining operations in the region). “If there is ‘essential’ information at the plan- or site-specific development and production stage, [the agency] will be required to perform the analysis” *Native Village of Point Hope v. Jewell*, 740 F.3d 489, 499 (9th Cir. 2014).

Courts have made clear that a mere listing of past, present, and foreseeable projects is not enough. “[I]n considering cumulative impact, an agency must provide some quantified or detailed information; … general statements about possible effects and some risk do not constitute a hard look absent a justification regarding why more definitive information could not be provided.” *Ocean Advocates v. U.S. Army Corps of Eng’rs*, 361 F.3d 1108, 1128 (9th Cir. 2004) (citation omitted). While naming these categories and activities is a necessary start to an adequate cumulative impacts analysis, “it is not a description of *actual* environmental effects.” *Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt.*, 387 F.3d 989, 995 (9th Cir. 2004). Instead of simply listing other activities and projects, the EA must explain “how those individual impacts might combine or synergistically interact with each other to affect the . . . environment.” *Id.* at 997.

As the Ninth Circuit has explained:

the addition of a small amount of [pollution] to a [waterway] may have only a limited impact on [fish] survival, or perhaps no impact at all. But the addition of a small amount here, a small amount there, and still more at another point could add up to something with a much greater impact, until there comes a point where even a marginal increase will mean that *no* [fish] survive.

Klamath-Siskiyou, 387 F.3d at 994; *see also Te-Moak Tribe*, 608 F.3d at 603–06 (rejecting EA’s cumulative impact analysis because it failed to analyze impacts in light of other projects that would impact the same resources).

In this case, CBP and USFS have failed to fully consider the cumulative impacts from all past, present, and reasonably foreseeable future projects in the region. It appears that CBP and USFS have misinterpreted their duties to address these impacts, and ignored the courts’ clear direction.

While the FEA includes a list of past, present and reasonably foreseeable future projects in the analysis area (Table 3.2, FEA), merely listing the existence of these projects does not constitute meaningful analysis. This violates NEPA’s “hard look” standard by ignoring how this project

compounds decades of degradation to public lands in the project area, including border infrastructure projects, border stabilization and remediation projects, the continued grazing allotments that routinely destroy endangered species habitat, mining and mining exploration projects, energy development, road construction and maintenance, utility infrastructure development, urbanization and residential expansion, habitat fragmentation and loss, binational conservation challenges, invasive species spread, increased human presence from hunting and recreational activities and climate change.

This deficiency is especially troubling given the well-documented ecological degradation of the Tumacácori EMA, which has experienced successive waves of border infrastructure expansion and overgrazing. The FEA fails to explain how the *cumulative* footprint of these activities, combined with the Holden Canyon Connector Road, will affect the region's biodiversity, water resources, and connectivity. For example, the FEA does not meaningfully assess how increased road access enabled by this project will exacerbate *cumulative* stressors such as off-road vehicle use, habitat fragmentation, invasive species spread, and impacts to air and water quality, despite each of these being common and escalating problems within the region due to other agency actions. The FEA also fails to assess cumulative noise, light pollution, or hydrologic impacts across areas that are nearby or directly overlap with areas already impacted by past border wall and road construction.

Additionally, the FEA does not analyze how this project interacts with the cumulative effects of climate change — including increasing aridity, fire frequency, and habitat shifts. This failure is an oversight, especially considering how listed species affected by the project are already facing increased pressure from altered climate regimes. The agencies must go beyond cursory checklists and engage in a robust, data-driven cumulative impact assessment that integrates foreseeable projects, known ecological pressures, and spatial analysis of overlapping impact zones. The current FEA violates NEPA's core requirement to provide a hard look at the full scope of environmental consequences.

IV. Failure to Analyze Reasonably Foreseeable Impacts from Newly Initiated Border Wall Construction

In addition to the deficiencies noted in cumulative impact analysis, the FEA has entirely failed to account for newly announced plans from the Department of Homeland Security (DHS) and CBP to extend border wall in the region, including plans to wall off the best remaining cross-border wildlife corridor for jaguars, ocelots, and other species in the nearby San Rafael Valley and Santa Cruz River. These plans were made public after the November 2024 deadline for comments on the draft EA.

On April 14, 2025, the Tucson Sentinel reported that CBP plans to construct approximately 24.7 miles of new border wall across lands along the Coronado National Forest. This barrier will extend across the San Rafael Valley and Santa Cruz River, both critical wildlife corridors that currently remain open for the passage for wildlife like endangered jaguar and ocelot. The article titled *Feds planning nearly 25 miles of new border wall near Coronado National Forest* states:

CBP officials are planning to construct approximately 24.7 miles of "new primary barrier" to close a gap just south of the Coronado National Forest in Cochise County. The new project would span across a valley of protected grasslands, which represents one of the few areas without a border barrier...

In [an] email, the Customs and Border Protection official confirmed the agency was seeking to build a new barrier near the Border Patrol's Sonoita station. 'The new barrier will close a gap in the existing barrier that starts near Border Monument 102 and extends east for approximately 25 miles' ... CBP officials said "east," however, the border wall will extend westward across the San Rafael Valley.⁶

On April 16, 2025, the Arizona Daily Star published the article: *Trump administration: Build 25 miles of new border wall across Arizona grassland*. This article states:

The Trump administration is seeking bidders for a contract to build about 25 miles of border wall through the San Rafael Valley — a hotly disputed area with one of the longest remaining stretches of Arizona borderlands without a wall.

A spokesman for Customs and Border Protection confirmed Tuesday an emailed report the Sierra Club said it received from CBP three days earlier — that it plans to build 24.7 miles of wall between the Nogales Border Patrol Station in Santa Cruz County and the town of Naco south of Bisbee in Cochise County. The area is a known biodiversity hotspot but is also populated by ranchers concerned about unauthorized immigration into the area.

Additional information will be released when we announce the successful bidder," John Mennell, a CBP spokesman, said Tuesday, adding he can't say at this time when the agency intends to start construction.⁷

On May 18, 2025, the Guardian published another article on this project entitled: *Trump's new border wall will threaten wildlife in an area where few people pass*. This article included a direct quote from an unnamed CBP spokesperson stating, "CBP is soliciting bids for construction of 24.7 miles of border barrier around International Boundary Monument 102 in the Sonoita Border Patrol Station area of responsibility."⁸

⁶ Tucson Sentinel. April 14, 2025. *Feds planning nearly 25 miles of new border wall near Coronado National Forest*. By Paul Ingram. Accessible:

https://www.tucsonsentinel.com/local/report/041125_border_wall/feds-planning-nearly-25-miles-new-border-wall-near-coronado-national-forest/#:~:text=CBP%20officials%20are%20planning%20to,areas%20without%20a%20border%20barrier.

⁷ Arizona Daily Star. April 18, 2025. *Trump administration: Build 25 miles of new border wall across Arizona grassland*. By Tony Davis. Accessible: https://tucson.com/news/local/border/article_ca14215a-9110-442b-8fd3-e8c34a14d946.html.

⁸ The Guardian. May 18, 2025. *Trump's new border wall will threaten wildlife in an area where few people pass*. By Samuel Gilbert. Accessible: <https://www.theguardian.com/us-news/2025/may/18/trump-border-wall-wildlife>.

Additionally, on June 5, 2025, Department of Homeland Security secretary Kristi Noem issued a waiver of dozens of environmental laws including NEPA and the ESA to rush the construction of 27 miles of new border walls in Santa Cruz and Cochise counties. The waiver was published in the Federal Register (90 FR 23946, June 5 2025). CBP further outlined its plans for this project in a June 5, 2025 letter *“Border Barrier Construction in Cochise and Santa Cruz Counties, Arizona Request for Input.”*

These media reports, legal waivers and CBP request for input make it unmistakably clear that this project is moving forward and therefore must be considered in cumulative impact analysis. As it currently stands, the FEA’s analysis of cumulative impacts is incomplete and inadequate as it fails to account for this clearly foreseeable future project. Once the San Rafael Valley is walled off, the wildlife movement corridor in the Atascosa highlands—right where the Holden Canyon Connector Road will be built—will become one of the last remaining large corridors for transboundary wildlife between Arizona and Sonora. This corridor is critical for the survival of endangered species, including the jaguar and ocelot, which rely on unimpeded movement to access necessary habitats for breeding, feeding, and genetic diversity. By failing to account for the imminent border wall construction and blockages of nearby wildlife corridors, the FEA disregards the synergistic and cumulative effects of habitat fragmentation, increased mortality risk for wildlife, and the further disruption of essential wildlife corridors.

This omission is a significant oversight and a violation of NEPA, which mandates that the agency consider the cumulative effects of reasonably foreseeable actions. The construction of this new border wall is not a hypothetical scenario, it is an actively planned and publicly announced project, making its omission from the FEA glaring and unlawful.

As such, the FEA must be revised to include a detailed and scientifically grounded analysis of the cumulative impacts of the new border wall construction in the San Rafael Valley and Santa Cruz River, particularly analyzing its synergistic effects on wildlife migration, habitat connectivity, and species survival in the region.

V. Conclusion and Requested Remedies

The Holden Canyon Connector Road Project's FEA and Draft Decision Notice fail to meet the legal and scientific standards required under NEPA and the ESA. By mischaracterizing the ecological conditions of decommissioned roads, failing to provide accurate baseline information, downplaying the impacts to endangered species like the Chiricahua leopard frog and other listed species, and inadequately analyzing cumulative impacts, the agencies have violated the principles of transparency, scientific integrity, and informed decision-making required by law.

The FEA’s reliance on generalized descriptions, aerial imagery, and speculative assumptions — instead of accurate, on-the-ground evidence — has produced a flawed analysis that misleads the public, fails to disclose significant impacts, and understates the risks to species and ecosystems in the project area. Despite the Center’s extensive December 9, 2024 comments on the Draft EA, which included direct photographic evidence and site-specific data, the agencies dismissed these concerns with superficial responses and unsupported assertions.

These deficiencies have resulted in a fundamentally inadequate environmental analysis that does not comply with NEPA’s “hard look” standard, fails to protect endangered species as required under the ESA, and undermines the public’s ability to provide informed feedback on the project.⁹ The agencies have failed to ensure the scientific integrity of their environmental review and have provided the public with misleading information that conceals the true environmental impacts of the project.

Requested Remedies:

To resolve these legal and scientific deficiencies, the Center respectfully requests that the agency take the following corrective actions:

- 1. Withdraw the FEA, Draft Decision Notice and FONSI** and prepare an Environmental Impact Statement (EIS) that accurately assesses the environmental impacts of the Holden Canyon Connector Road Project, including a full analysis of the following:
 - Accurate baseline conditions of decommissioned road segments, using on-the-ground site verification, and estimates of past, current, and future usage absent “decommissioning.”
 - Comprehensive analysis of direct, indirect, and cumulative impacts on endangered species, including the Chiricahua leopard frog, jaguar and ocelot.
 - Specific, enforceable mitigation measures for species protection, including seasonal closures, physical barriers, and vehicle restrictions.
 - A robust cumulative impact assessment that integrates foreseeable projects, known ecological pressures, and spatially explicit analysis of overlapping impact zones.
 - A full cumulative impacts analysis that includes the effects of newly announced border wall construction across the San Rafael Valley and Santa Cruz River
- 2. Revise the analysis of road decommissioning impacts** to accurately reflect the ecological conditions of the decommissioned roads, which currently rely on speculative or misleading descriptions.
- 3. Conduct a Site-Specific Biological Survey** of all road segments proposed for decommissioning, documenting their current ecological conditions with photographic evidence and scientific descriptions. This survey must be disclosed to the public in the environmental review documents.

⁹ See *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989) (“the sweeping policy goals announced in § 101 of NEPA are thus realized through a set of ‘action-forcing’ procedures that require that agencies take a ‘hard look’ at environmental consequences.”) (citations & quotations omitted).

4. **Provide a New Public Comment Period** on any revised analysis to ensure that the public has a meaningful opportunity to review and respond to accurate information. This comment period must include public access to all updated documents, including the revised species impact analysis and mitigation measures.

The Center strongly urges the agencies to take immediate corrective action to ensure compliance with NEPA, the ESA, and other applicable environmental laws.

Thank you for your consideration of this objection. We look forward to your response.

Sincerely,



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