

FINDING OF NO SIGNIFICANT IMPACT

activity require increased visibility to enhance the operational capabilities of USBP and to protect personnel. The need for the proposed vegetation control is to provide the following:

- ◆ improved visibility to see bridge infrastructure
- ◆ improved ability to see unauthorized items under the bridges
- ◆ enhanced security and detection capabilities
- ◆ continued accessibility to and use of access roads and other supporting infrastructure
- ◆ a safer, more effective and efficient working environment

The planned action is needed within the project area in the Laredo Sector to enhance situational awareness and intelligence that will allow the coordination with other agencies to allocate resources to a particular level of risk/threat. This effort will strengthen border security between the Ports of Entry in the Laredo Sector.

ALTERNATIVES: Four alternatives were considered: Alternative 1: The No Action Alternative; Alternative 2: The Proposed Action Alternative; Alternative 3: Vegetation removal with extensive replanting with native species; and Alternative 4: Vegetation removal and mowing without any offsets or mitigation. After initial evaluation, Alternative 3 was rejected because replanting with native species and subsequent regrowth would not meet the project's purpose and need for improved visibility. Alternative 4, while meeting the project's purpose and need, was also rejected because conducting mowing activities without proper offsets or mitigation would result in adverse environmental impacts inconsistent with CBP's stewardship obligations. Therefore, only Alternatives 1 and 2 were carried forward for further analysis.

Alternative 1: No Action Alternative: The No Action Alternative would preclude any mowing of dense vegetation at the bridge locations. The No Action Alternative does not satisfy the purpose and need for the project, and would not meet USBP mission or operational requirements. However, inclusion of the No Action Alternative is required under CEQ regulations and will be carried forward for analysis in this EA. In addition, the No Action Alternative will serve as a baseline against which the impacts of the other action alternatives can be evaluated.

Alternative 2: Proposed Action Alternative (The Preferred Alternative): Alternative 2 (the Proposed Action) includes mowing of selected dense vegetation with limited offsets to help mitigate measurable impacts. This alternative would consist of mowing or cutting, with hand tools or hand-operated tools, selected vegetation in the areas delineated in Figures 1-1 thru 1-4 to a height of not less than 4 inches from the natural ground.

Mowing in these areas will be accomplished using a side boom mower followed by a standard shredder to reduce the cut vegetation to the desired height. Prior to mowing, all trees, other than the invasive species salt cedar with a mean Diameter at Breast Height (DBH) of greater than 4 inches, will be flagged and protected to prevent damage (some trimming of branches

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will be required). If needed, any trees that are removed will be replaced in accordance with City of Laredo green space ordinance (except for invasive species). Removed trees will be replaced in a mitigation plot on the Laredo Community College campus or elsewhere. All trimming and trash will be disposed of at an approved landfill.

Bird nesting surveys will be conducted by contracted personnel when activities occur between March 1 and September 1—the migratory bird nesting season. No surface soil disturbance is expected. Reseeding of areas, particularly the river banks will be accomplished with a mix of native grass varieties to forestall any erosion problems. Additional erosion and sedimentation control actions, such as placement of hay bale dikes or erosion control blankets, will be undertaken as needed to prevent potential erosion impacts. Completion of initial mowing will require 2-4 weeks. Mowing will be repeated periodically to ensure that vegetation regrowth does not again impair visibility of the river and bridge access points.

ENVIRONMENTAL CONSEQUENCES: In January 2005, in connection with a different project, CBP conducted a cultural resource survey within the project corridor. The survey also extended into the Riverbend Area near downtown Laredo and the Laredo Community College. Since there will be no ground disturbing activities associated with this mowing project, it is anticipated that no further cultural resources surveys would be required along the segments where the bridges are located. State Historic Preservation Office (SHPO) consultation is ongoing; mitigation measures will include avoidance and/or monitoring of any known cultural resources sites to prevent any adverse impact.

A reconnaissance-level survey of the project corridor was conducted in April 2008 in which biological resources were documented. The Proposed Action would have limited direct impacts on soils, water resources, vegetation, wildlife, aesthetic and visual resources, and human health and safety near and/or within the project corridor and the region of influence (ROI). However, all of these impacts would be minimized through avoidance or mitigated with offsets as appropriate. Furthermore, many of the adverse impacts would be offset by the beneficial effects of reduced cross border illegal activity within the ROI.

The mowing of approximately 14 acres of vegetation and wildlife habitat along one mile of riverbank would be insignificant to the ROI. Furthermore, the implementation of mitigation measures, including the replanting of any trees that are removed and seeding with native grasses would provide long-term beneficial impacts on biological resources and reduce these impacts. There will be no adverse impacts to Federally-listed species, and emergency consultations will not be required.

No known historic resources are within the Area of Potential Effect (APE). No underground resources are located in the area to be maintained. Ground disturbance is not anticipated and no known archeological sites are within the ROI. Mitigation measures will include avoidance and/or monitoring of any known cultural resource sites to prevent any adverse impact.

The Proposed Action would also have periodic, short-term impacts, but they will not result in an overall degradation of the affected resource categories. Minor increases in fugitive dust

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emissions would only occur during mowing efforts, and would not result in a permanent impact on air quality. Increases in vehicle-related noise levels could also occur during mowing efforts; however, any increase in noise would be minor, and would not result in substantial permanent increases in ambient noise levels. Aesthetic and visual resources would be temporarily altered by the mowing of vegetation; however, the beneficial effects of increased visibility and security would offset any adverse short-term impacts.

No significant adverse effects on the natural or human environment, as defined in 40 Code of Federal Regulations Section 1508.27 of the Council on Environmental Quality's Regulations for Implementing NEPA, are expected upon implementation of the Proposed Action Alternative.

MITIGATION: Mitigation measures are presented for each resource category that will be potentially affected. Many of these measures have been incorporated as standard operating procedures by USBP on past projects. It is USBP policy to mitigate adverse impacts through the sequence of avoidance, minimization, and compensation. These mitigation measures will be incorporated into the current Project Management Plan to be carried forward. It should be noted that if any of the alternatives for this project are implemented, the following measures will be employed:

General Maintenance Activities

Best Management Practices (BMPs) will be implemented as standard operating procedures during all mowing and equipment maintenance activities, and will include proper handling, storage, or disposal of hazardous and/or regulated materials. To minimize potential impacts from hazardous and/or regulated materials, all fuels, waste oils, and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery will be performed at central locations outside the project area following accepted industry guidelines, and all vehicles will have drip pans during storage to contain minor spills and drips. Although a major spill is unlikely to occur, any spill of 5 gallons or more will be contained immediately within an earthen dike, and an absorbent (e.g., granular, pillow, sock, etc.) will be applied to contain the spill. Furthermore, a spill of any petroleum liquids (e.g., fuel) or material listed in 40 CFR 302 Table 302.4 of a reportable quantity must be cleaned up and reported to the appropriate Federal and state agencies. Solid waste receptacles will be maintained at staging areas. Non-hazardous solid waste (trash and mowing waste materials) will be collected and deposited in on-site receptacles. Solid waste will be collected and disposed of properly in accordance with the Solid Waste Disposal Act, P.L. 89-272, 79 Stat. 997, as amended by the Resource Conservation and Recovery Act (RCRA).

Soils

Proper site-specific BMPs are designed and utilized to reduce the impact of non-point source pollution during mowing activities. Soil disturbance will be minimized and avoided; however, rehabilitation of any denuded soil will include revegetation of the disturbed area with native grasses to reduce erosion. In addition, erosion control measures such as hay bale dikes, silt

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screens, or similar erosion control techniques will be utilized where appropriate, and appropriate BMPs will be implemented before, during, and after mowing activities to ensure the integrity of the bank of the Rio Grande. Soil erosion BMPs can also beneficially impact air quality by reducing the amount of fugitive dust.

Vehicular traffic associated with mowing will remain on established roads to the maximum extent practicable. Existing parking areas and staging areas will be utilized for staging. In addition, erosion control measures and appropriate BMPs will be implemented before, during, and after mowing and related activities when required.

Native Vegetation

Erosion control tools, such as silt fencing, rice straw mulch, and photodegradable erosion control blankets, will be placed in areas assessed to be erosion risks (i.e., Rio Grande bank line). When needed, a mix of native grass seeds will be immediately hydro mulched onto soils in the project area to provide cover and reduce erosion. No hay or straw bales containing non-native invasive seeds will be used.

Wildlife and Aquatic Resources

In compliance with the Migratory Bird Treaty Act (MBTA), migratory bird nesting surveys will be conducted prior to mowing or related activities if mowing activities take place during the breeding/nesting season (typically March through September). If occupied nests are found in or within 300 feet of mowing areas, these nests will be avoided during any mowing or revegetation activities or nests will be relocated prior to work efforts. This will ensure that mowing and revegetation activities do not result in the take of nesting migratory birds. Mitigation measures described in Sections 4.3, 4.4, and 4.7 will further minimize impacts on water resources, terrestrial habitats, and aquatic habitats.

Protected Species

The United States Fish and Wildlife Service (USFWS) has identified 5 listed species that could potentially occur in Webb County, TX (ocelot, Gulf Coast jaguarundi, interior least tern, Ashy dogweed, and Johnston's frankenia). There is no suitable habitat for Ashy dogweed and Johnston's frankenia within the project site; therefore CBP has determined that the proposed action has no potential to adversely affect those species. Since there is only suitable transient habitat for the ocelot and Gulf Coast jaguarundi and no record of occurrence within the action area, CBP has determined the proposed action is not likely to adversely affect those species. The least tern, which nests on gravel bars along the Rio Grande River, could be found in the project area. To the extent possible, mowing and any needed re-vegetation activities would be scheduled outside the breeding season for the least tern (March to September). When mowing is scheduled to occur during the breeding season (March to September), surveys will be conducted to identify least tern nesting or loafing sites prior to mowing. If nests are found in or within 300 feet of project areas, these nests will be avoided during any mowing activities. Based on these

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avoidance measures, CBP has determined the proposed action may affect, but is not likely to adversely affect the least tern.

Cultural Resources

Cultural resources surveys of the project corridor were previously conducted (EA 2005, EA 2008). In January 2005, a cultural resources survey was conducted by CBP within the project corridor, in the Riverbend Area near downtown Laredo and the Laredo Community College. Consultation with the Texas Historical Commission is ongoing, but it is anticipated that no further cultural resources surveys would be required along the segments where the bridges are located.

If human remains are discovered during the mowing efforts, law enforcement authorities will be notified immediately. If any other cultural material is discovered during the mowing efforts, the Texas Historic Commission will be notified, and all activities halted until a qualified archaeologist assesses the cultural resource and any required actions.

Water Resources

Verification of the location of potential jurisdictional Waters of the U.S. (WUS) has previously been completed, and no waters of the USA reside within the proposed vegetation control areas. The proposed activities will not require a Storm Water Pollution Prevention Plan (SWPPP) as part of the National Pollutant Discharge Elimination System permit process. However, BMPs will be implemented before, during, and after mowing as needed to ensure that erosion and sedimentation in the waterways are minimized.

Floodplains

In order to ensure compliance with Executive Order 11988 and local floodplain regulations, coordination with the City of Laredo and U.S. Section of the International Boundary and Water Commission will be required to validate that mowing activities do not adversely impact floodplains. In addition to local permit requirements, the National Environmental Policy Act process will be used as a tool to ensure compliance with the floodplain management planning process.

Air Quality

Standard BMPs, such as routine watering of the access roads, will be used to control fugitive dust during the mowing phases of the proposed project. Additionally, all mowing equipment and vehicles will be required to be kept in good operating condition to minimize exhaust emissions.

Noise

Standard noise attenuation equipment, such as mufflers, shall be used on all mowing equipment and vehicles and will be maintained in good operating condition, free from leaks. Because of the increased noise sensitivity along transport routes, transport operations will be limited to daylight hours for transportation of equipment.

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Hazardous Materials

Prior to acquisition (easement or fee title) of the project corridor, a site survey or Phase I Environmental Site Assessment of the project corridor will be conducted to determine the presence of existing hazardous material. As appropriate, any recognized environmental conditions will be avoided or removed and the site cleaned.

FINDING: Based upon the results of the EA and the mitigation measures to be incorporated as part of the Proposed Action Alternative, it has been concluded that the Proposed Action Alternative will not have a significant effect on the environment. Therefore, no further environmental impact analysis is warranted.

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