

*Draft*

**FINDING OF NO SIGNIFICANT IMPACT**  
**Supporting the Mechanical Control of Carrizo Cane**  
**in the Rio Grande Basin in Texas**

Pursuant to the National Environmental Policy Act (NEPA), U.S. Customs and Border Protection (CBP), a component of the Department of Homeland Security, has prepared an Environmental Assessment (EA), which is attached hereto and incorporated herein by reference, to document its consideration of the potential environmental impacts of a proposal to conduct mechanical control of Carrizo cane (*Arundo donax*) (hereafter referred to as cane) in the Rio Grande basin in Texas (i.e., Proposed Action, also referred to as cane control). The Proposed Action consists of mechanical control of cane within the cane control area, which is along the Rio Grande, and extends from 200 to 2,640 feet (0.5 mile) inland of the river. The cane control area is entirely within Texas and encompasses five U.S. Border Patrol (USBP) sectors: El Paso, Big Bend, Del Rio, Laredo, and Rio Grande Valley. The Big Bend, Del Rio, Laredo, and Rio Grande Valley sectors are entirely within Texas, while the majority of the El Paso Sector is in New Mexico.

### **Purpose and Need**

The purpose of the Proposed Action is to implement the mechanical cane control method to rapidly decrease cane height to ensure sufficient visibility of critical areas in the Rio Grande basin and provide access to these areas by USBP agents, when necessary. Large, dense stands of cane currently occupy the banks and floodplains of the Rio Grande, hindering law enforcement efforts along the U.S./Mexico international border, impeding and concealing the detection of criminal activity and illegal border crossers, and restricting USBP agents' access to riverbanks.

Because control of cane is difficult and complete eradication may be unrealistic, primary objectives for managing cane are often focused on suppression of existing infestations and reducing the spread of cane through control of healthy plant communities. CBP anticipates that mechanical cane topping will quickly improve visibility through height reduction, while also providing sufficient cover for the ocelot (*Leopardus pardalis*) and Gulf Coast jaguarundi (*Puma yagouaroundi cacomitli*). Likewise, cane control will reduce the need for post-control revegetation and restoration that complete cane removal may require.

The Proposed Action is needed to maintain border security within the Rio Grande basin. Increased visibility resulting from cane control is needed to minimize hazards and gain effective control of the nation's border, which will ensure USBP agent and public safety.

### **Description of the Proposed Action**

The Department of Homeland Security and CBP propose to conduct mechanical control of cane. Cane will be mechanically topped (i.e., trimmed) to a height of approximately 3 feet (1 meter) using a mechanical cutter bar mounted on a four-wheel drive tractor. A small amount of cane control could also occur with hand-held trimmers.

CBP will develop a comprehensive protocol for coordinating the necessary cane control activities within the different classes of landownership. The CBP Facilities Management and Engineering Sector Tactical Infrastructure Coordinator will work closely with the sectors for all cane control activities. Proposed activities will be managed by the Program Management Office's Maintenance and Repair Supervisor. CBP proposes to conduct mechanical topping of cane using the following process.

Two 2-person crews (four total personnel) will conduct the cane control activities in Texas. Equipment used for cane control activities will include two John Deere model 6140 140-horsepower four-wheel drive tractors or similar equivalents that have been retrofitted with a 22-foot Gillison cutter bar to trim the cane. The tractors will be transported from the local USBP sector equipment yard to the work site via trailer for an average daily round trip of 50 miles.

Access to each cane stand will be provided via existing USBP access roads and public roadways to the extent possible, but some off-roading may be necessary. If off-roading is necessary to access cane stands or to travel between specific cane patches at a work site, tractors will use the shortest path and will be limited to 0.25 mile between existing roads and cane stands. When working in a cane patch, travel outside of the patch will be minimized to the extent possible to avoid spread of cane to unaffected areas. Tractor operators will use the same ingress and egress points to access cane stands that require off-roading. After completion of topping, cane trimmings will be left in place.

From time to time, CBP may determine that topping of cane on the shoreline of the Rio Grande is necessary and conditions dictate that the activity would be conducted from a barge on the river. In these situations, CBP would top cane by maneuvering a tractor and cutting bar while positioned on an anchored flat decked barge. Upon topping as much cane within reach, the barge would be repositioned and reanchored. No cane would be topped from a barge on the Rio Grande in Big Bend National Park. Other than topping cane from a barge on the Rio Grande, no cane control equipment would enter wetlands, streams, or other waterbodies.

It is assumed that the proposed cane control activities will require both tractors to operate up to 40 hours per week for 52 weeks per year. Activities will occur one to two times a year in any given location. Cane control activities will be limited to daytime hours (7 a.m. to 5 p.m.). Suitable best management practices (BMPs) will be implemented for all cane control activities.

## **Alternatives**

Two alternatives, including Alternative 1: Proposed Action and Alternative 2: No Action Alternative, were considered.

***Alternative 1: Proposed Action.*** Under this alternative, cane control will be conducted as described in the previous section. A comprehensive set of BMPs will be incorporated as part of the cane control activities to minimize potential impacts. All cane control activities will be implemented via a Work Plan based on anticipated conditions within each USBP sector and funding availability. Although centrally managed by CBP Facilities Management and Engineering, prioritization scheduling of cane control activities will be based on evolving need for such activities within each sector. Cane control program requirements could change over time

based on changes of density, location, and other conditions, but will not exceed the scope of the EA. If the scope is exceeded, new NEPA analysis will be required.

***Alternative 2: No Action Alternative.*** Under the No Action Alternative, CBP will not conduct broadscale mechanical cane trimming in the cane control area. CBP would continue to control cane in local areas as needed on an ad hoc basis. The U.S./Mexico international border along the Rio Grande will continue to be afflicted by dense stands of cane that could leave CBP agents and the public vulnerable.

The Proposed Action and No Action Alternative have been reviewed in accordance with NEPA as implemented by the regulations of the Council on Environmental Quality. No significant impacts on any environmental resources are expected from the implementation of the Proposed Action. Any potential adverse impacts are expected to be negligible to minor. Details of the environmental consequences can be found in the EA, which is hereby incorporated by reference.

## Public Involvement

CBP notified relevant Federal, state, and local agencies of the Proposed Action and requested input regarding any environmental concerns they might have. As part of the NEPA process, CBP coordinated with the U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; Texas Historical Commission; and other Federal, state, and local agencies. Input from agency responses has been incorporated into the analysis of potential environmental impacts.

A Notice of Availability for the EA and draft Finding of No Significant Impact was published in the following newspapers:

- *El Paso Times* (English and Spanish)
- *El Diario de El Paso* (Spanish)
- *Hudspeth County Herald* (English and Spanish)
- *Van Horn Advocate* (English and Spanish)
- *Alpine Avalanche* (English and Spanish)
- *Big Bend Sentinel* (English)
- *The International* (Spanish)
- *Del Rio News Herald* (English and Spanish)
- *The News Gram* (English and Spanish)
- *La Prensa* (Spanish)
- *San Antonio Express News* (English and Spanish)
- *Laredo Morning Times* (English and Spanish)
- *Starr County Town Crier* (English and Spanish)
- *The Monitor* (English)
- *Valley Morning Star* (English)
- *El Extra* (Spanish)
- *Brownsville Herald* (English)
- *El Nuevo Herald* (Spanish).

The Notice of Availability publications are intended to solicit comments on the Proposed Action and involve the local community in the decisionmaking process. Substantive comments from the public and other Federal, state, and local agencies will be incorporated into the Final EA.

During the 45-day public review and comment period for the Draft EA, CBP will consider comment submissions by email and mail from the public; Federal and state agencies; Federal, state, and local elected officials; stakeholder organizations; and businesses.

## Environmental Consequences

CBP obtained a list of federally listed species from the U.S. Fish and Wildlife Service's *Information for Planning and Conservation - List of Species by County* for the 14 Texas counties within the cane control area. CBP determined there are 22 species federally listed as threatened or endangered that are known to occur within or near the cane control area. Further, CBP has concluded that the Proposed Action will have no effect on an additional 29 federally-listed species or their habitat. CBP also determined that over 250 state species of concern listed by the Texas Parks and Wildlife Department have the potential to occur within the cane control area. BMPs will be implemented to avoid or minimize impacts on federally-listed species and will also apply to state species of concern.

Based on the description of the Proposed Action, the descriptions of the 22 species and their habitat, the evaluation of potential effects of the Proposed Action, and BMPs developed to avoid or minimize impacts, CBP concluded that implementation of the Proposed Action may affect, but is not likely to adversely affect the 22 species, or any designated critical habitat of those species. These determinations were primarily based on the following factors:

- The Proposed Action involves the trimming of cane to approximately 3 feet in height. Cane stands will be accessed by existing roads but off-road access might be necessary between stands and existing roads.
- CBP will use a cane control planning process to ensure that program activities are appropriately planned and implemented. CBP will coordinate with the environmental subject matter expert to determine which threatened and endangered species could occur in the vicinity of cane control activities. In areas where there are no threatened and endangered or other species of concern, the personnel performing the cane control activities are responsible for monitoring implementation of general BMPs to avoid impacts on the environment. CBP will also develop and implement a training program to inform cane control personnel of the listed species that occur within the work site, penalties for violation of state or Federal laws, implementation of included BMPs, and reporting.
- CBP will implement BMPs to avoid harming or harassing protected species and to minimize other direct and indirect effects.
- When appropriate, species-specific surveys will be conducted prior to implementing cane control activities within critical habitat, occupied habitat, or other suitable habitat.
- If surveys determine the presence of protected species, CBP will seek approval or additional consultation from the U.S. Fish and Wildlife Service for these activities that have the potential to harm protected species or adversely modify their critical habitat.

BMPs were developed for the following resource areas: Non-Threatened and Endangered Migratory Birds, Threatened and Endangered Species, Wildlife, Vegetation, Land Use, Water Resources, Noise, Cultural Resources, Roadways and Traffic, and Hazardous Materials and Waste Management.

CBP has complied with Section 106 of the National Historic Preservation Act by coordination with the Texas Historical Commission and receiving concurrence on the Proposed Action.

A complete detailed description of BMPs can be found in **Appendix D** of the EA and are incorporated here by reference. **Table 1** provides an overview of potential impacts anticipated under each alternative considered, broken down by resource area.

**Table 1. Summary of Anticipated Environmental Impacts by Alternative**

<b>Resource Area</b>	<b>Alternative 1: Proposed Action</b>	<b>Alternative 2: No Action Alternative</b>
<b>Geology and Soils</b>	Short-term, negligible, adverse effects.	Short-term, negligible to minor, adverse effects.
<b>Vegetation</b>	Short- and long-term, direct and indirect, negligible to minor, adverse effects.	Short- and long-term, direct and indirect, minor, adverse effects.
<b>Terrestrial and Aquatic Wildlife Resources</b>	Short- and long-term, direct and indirect, negligible to minor, adverse effects.	Short- and long-term, direct and indirect, minor, adverse effects.
<b>Threatened and Endangered Species</b>	Short- and long-term, direct and indirect, negligible to minor, adverse effects.	Short- and long-term, direct and indirect, minor, adverse effects.
<b>Surface Waters and Waters of the United States</b>	Short-term, direct and indirect, minor, adverse effects.	Short-term, direct and indirect, minor, adverse effects.
<b>Floodplains</b>	Short-term, indirect, negligible, adverse effects.	Short-term, indirect, negligible, adverse effects.
<b>Air Quality</b>	Long-term, negligible, adverse effects.	Long-term, negligible, adverse effects.
<b>Noise</b>	Long-term, negligible, adverse effects.	Long-term, negligible, adverse effects.
<b>Cultural Resources</b>	Long-term adverse effects.	Long-term, adverse effects.
<b>Hazardous Materials and Waste Management</b>	Long-term, negligible, adverse effects.	Long-term, negligible, adverse effects.
<b>Land Use</b>	No effects.	No effects.
<b>Hydrology and Groundwater</b>	No effects.	No effects.
<b>Roadways and Traffic</b>	No effects.	No effects.
<b>Socioeconomic Resources, Environmental Justice, and Protection of Children</b>	No effects.	No effects.
<b>Sustainability and Greening</b>	No effects.	No effects.
<b>Aesthetics and Visual Resources</b>	No effects.	No effects.
<b>Climate Change</b>	No effects.	No effects.
<b>Human Health and Safety</b>	No effects.	No effects.
<b>Utilities and Infrastructure</b>	No effects.	No effects.

## Finding

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

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Date

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