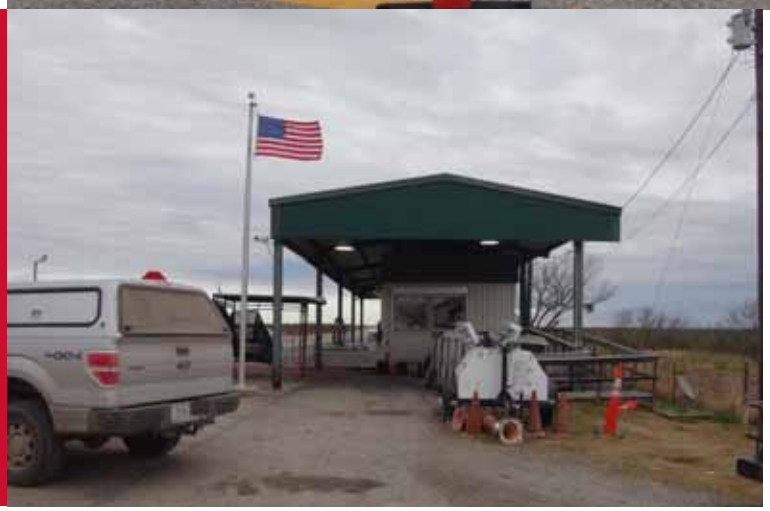

Final

Environmental Assessment

Supporting the Eagle Pass South Checkpoint Renovation and Expansion

Maverick County, Texas

June

2016

Abbreviations and Acronyms

µg/m^3	micrograms per cubic meter
ACM	asbestos-containing materials
AST	aboveground storage tank
BMP	best management practice
CBP	Customs and Border Protection
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CO	carbon monoxide
CO_2	carbon dioxide
CWA	Clean Water Act
dBA	A-weighted decibel(s)
DHS	Department of Homeland Security
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
ESCP	erosion-and-sediment control plan
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
FR	Federal Register
GHG	greenhouse gas
Hwy	Highway
LBP	lead-based paint
mg/m^3	Milligrams per cubic meter
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NO_x	nitrogen oxide
NO_2	nitrogen dioxide
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O_3	ozone
OSHA	Occupational Safety and Health Administration
P.L.	Public Law
Pb	lead
PCBs	polychlorinated biphenyls
$PM_{2.5}$	Aerodynamic size less than or equal to 2.5 microns
PM_{10}	Aerodynamic size less than or equal to 10 microns
PMO	Program Management Office
PPE	personal protective equipment
ppb	parts per billion
ppm	parts per million
RCRA	Resources Conservation and Recovery Act
SAL	State Antiquities Landmark
SO_2	sulfur dioxide
tpy	tons per year
TSCA	Toxic Substances Control Act
TXDOT	Texas Department of Transportation
U.S.C.	United States Code
USBP	U.S. Border Patrol
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
VOC	volatile organic compounds

FINAL

FINDING OF NO SIGNIFICANT IMPACT

Supporting the Eagle Pass South Checkpoint Renovation and Expansion

Introduction

Pursuant to the National Environmental Policy Act (NEPA), U.S. Customs and Border Protection (CBP), a component of the Department of Homeland Security (DHS), 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 supporting the proposed Eagle Pass South Traffic Checkpoint renovation and expansion along U.S. Highway (Hwy) 57 in Maverick County, Texas. The infrastructure proposed to be constructed and renovated will include one to three acceleration/deceleration lanes, new signage, booths, canopy, lighting, and structure updates. Renovation and expansion of the checkpoint will include acquiring 5 acres of land adjacent to the existing checkpoint in order to construct the proper acceleration and deceleration lanes. During construction and renovation activities, 2 acres of land will be temporarily acquired to provide construction staging and access areas.

CBP is charged with the dual mission of securing the United States' borders while facilitating legitimate trade and travel. In supporting CBP's mission the U.S. Border Patrol (USBP) has multiple missions; to apprehend terrorists and terrorist weapons illegally entering the United States, deter illegal entries through improved enforcement and to detect, apprehend and deter smugglers of humans, drugs, and other contraband.

Purpose and Need

The purpose of the Proposed Action is to renovate the Eagle Pass South Checkpoint to ensure that it is able to safety accommodate CBP agents, the public, and the increasing traffic so that the checkpoint can continue to function as intended. USBP checkpoints are a critical enforcement tool for securing the nation's borders against threats by restricting the ability of criminal organizations to exploit roadways traveling away from the border. USBP is committed to ensuring that these checkpoints stay as safe, efficient, and in accordance with existing design guide standards as possible.

The Proposed Action is needed in order to maintain the level of border security provided by the existing checkpoint that could become compromised if the increasing traffic demand is not accommodated. The renovation and construction activities will ensure USBP agent and public safety by securing the nation's borders while minimizing potential vehicular accidents and reducing wait times.

Description of the Proposed Action

CBP intends to renovate and expand the existing Eagle Pass South Checkpoint in Maverick County, Texas. The checkpoint is currently out-of-date and is not able to fully handle the volume of traffic using Hwy 57 related to the Eagle Ford Shale oil/natural gas boom as efficiently as possible.

Expansion activities will consist of acquiring 5 acres of private land southeast of Hwy 57 which will be used to construct proper acceleration and deceleration lanes. Along with the 5 acres of land being permanently acquired by CBP, an additional 2 acres of land will be temporarily acquired as construction staging areas and access. The Proposed Action area, including construction of a new checkpoint building and associated infrastructure, is approximately 1 acre within the land to be acquired by CBP. The new checkpoint building will be approximately 2,260 square feet and contain an expanded observation space, weapons storage, four holding rooms, an interview room, evidence and equipment storage, and a metal detection vestibule. Security cameras will be placed strategically on the interior and exterior of the structure. In order to renovate the existing checkpoint new signage, booths, canopy, lighting, and structure will also be required. In addition to new signage, booths, canopy, and lighting; supplemental, portable light stands may also be deployed at the checkpoint as necessary. Land site improvements will include approximately 1 acre of impervious surface.

Additionally, operation and ongoing maintenance and repair activities are included under the Proposed Action. Day-to-day operations of the updated checkpoint will be similar to current operations and include providing shelter for USBP personnel, surveillance monitoring, and checkpoint vehicle inspections. Maintenance and repair activities will occur as needed at the checkpoint and will include updates to any fencing, building infrastructure, electrical equipment, road repair, and vegetation clearing.

Alternatives

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

Alternative 1: Proposed Action. As described above.

Alternative 2: No Action Alternative. The No Action Alternative would maintain the status quo. Under the No Action Alternative, CBP would continue to operate the Eagle Pass South Checkpoint along Hwy 57. No expansion or renovation would occur under the No Action Alternative. The checkpoint would continue to be exposed to heavy volumes of traffic 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 (CEQ). No significant impacts on any environmental resources will be expected from the implementation of the Proposed Action. Any potential adverse impacts will be 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 environmental concerns they might have. As part of the NEPA process, CBP coordinated with the U.S. Environmental Protection Agency Region 6, U.S. Fish and Wildlife Service, Texas Commission on Environmental Quality, Texas Department of Transportation, Texas Historical Commission, Texas General Land Office, Texas Parks and Wildlife

Department, appropriate Native American Tribes and Nations, and local agencies. Agency responses were incorporated into the analysis of potential environmental impacts.

A Notice of Availability for the Draft EA and FONSI was published in *The News Gram* (in Eagle Pass) and the *San Antonio Express News*. This was done to solicit comments on the Proposed Action and alternatives and involve the local community in the decision making process. Comments that are received by tribal, state, and federal agencies were incorporated into the Final EA.

During the 30-day public review and comment period for the Draft EA, CBP accepted comment submissions by email, through the project-specific website, and by mail from the public; federal and state agencies; federal, state, and local elected officials; stakeholder organizations; and businesses.

Environmental Consequences

Impacts on the previously listed resources under the Proposed Action and No Action Alternative are listed below in **Table 1**.

Table 1. Summary of Anticipated Environmental Impacts by Alternative

Resource Area	Alternative 1: Proposed Action	Alternative 2: No Action Alternative
Land Use	No effects.	No effects.
Geology and Soils	Short- and long-term, negligible to minor, adverse effects.	No effects.
Vegetation	Short- and long-term, negligible to minor, adverse effects.	No effects.
Terrestrial and Aquatic Wildlife Resources	Short- and long-term, negligible to minor, direct and indirect, adverse effects.	No effects.
Threatened and Endangered Species	No effects.	No effects.
Hydrology and Groundwater	Long-term, negligible, adverse effects.	No effects.
Surface Waters and Waters of the United States	Short-term, negligible, adverse effects.	No effects.
Floodplains	No effects.	No effects.
Air Quality	Short-term, negligible, adverse effects and long-term, negligible, beneficial effects.	No effects.
Noise	Short-term, negligible, adverse effects.	No effects.

Resource Area	Alternative 1: Proposed Action	Alternative 2: No Action Alternative
Cultural Resources	No effects.	No effects.
Roadways and Traffic	Short-term, minor and adverse and long-term, minor, and beneficial effects.	Long-term, minor, and adverse.
Hazardous Materials and Waste Management	Short-term, negligible, adverse and long-term, minor, beneficial effects.	No effects.
Socioeconomic Resources	Short-term, negligible and beneficial effects.	No effects.
Environmental Justice and Protection of Children	No effects.	No effects.
Sustainability and Greening	No effects.	No effects.
Aesthetics and Visual Resources	No effects.	No effects.
Climate Change	No effects.	No effects.
Human Health and Safety	Short-term, negligible, adverse and long-term, minor, and beneficial effects.	Long-term, minor, adverse effects.
Utilities and Infrastructure	Short- and long-term, negligible to minor, and adverse and long-term, minor and beneficial effects.	No effects.

Finding

Based upon the results of the EA and the environmental design measures to be implemented, the Preferred Alternative is not expected to have a significant effect on the environment. Once any public comments have been addressed, and it is still the determination that the Proposed Action will have no significant impact, the FONSI will be signed and the action will be implemented. No additional environmental documentation under NEPA will be warranted, and the preparation of an Environmental Impact Statement will not require.

June 29, 2016
Date

Angela Noyes
Director
Facilities Branch,
Logistics Division
U.S. Border Patrol

July 13, 2016
Date

Francis Dutch
Executive Director
Facilities Management and Engineering
U.S. Customs and Border Protection

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Cover Sheet

Final Environmental Assessment
Supporting the Eagle Pass South Checkpoint Renovation and Expansion
Maverick County, Texas

Responsible Agencies: Department of Homeland Security, U.S. Customs and Border Protection.

Affected Location: Eagle Pass South Checkpoint, Maverick County, Texas.

Report Designation: Final Environmental Assessment (EA).

Abstract: The Department of Homeland Security and the Border Patrol Facilities & Tactical Infrastructure Program Management Office within U.S. Customs and Border Protection propose to renovate and expand the existing Eagle Pass South Checkpoint located in Maverick County, Texas. Infrastructure improvements would include the construction of one to three acceleration/deceleration lanes, new signage, booths, canopy, lighting, and structure updates. The existing checkpoint and inspection station currently occupy approximately 0.25 acre along U.S. Highway 57 in Texas, 10 miles northeast of the city of Eagle Pass at the southern end of the U.S. Border Patrol Del Rio Sector. Renovation and expansion of the checkpoint would include acquiring 5 acres of land adjacent to the existing checkpoint to construct proper acceleration and deceleration lanes. During construction and renovation, 2 additional acres of land would be temporarily acquired to provide construction staging and access areas.

The EA analyzes and documents potential environmental consequences associated with the Proposed Action. The analyses presented in the EA indicate that implementation of the Proposed Action would not result in significant environmental impacts, and a Finding of No Significant Impact is appropriate.

Information regarding the EA may be obtained via the CBP EA website at *http://www.cbp.gov/about/environmental-cultural-stewardship/cbp-environmental-documents* or by emailing joseph.zidron@cbp.dhs.gov.

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ENVIRONMENTAL ASSESSMENT
SUPPORTING THE EAGLE PASS SOUTH CHECKPOINT RENOVATION AND EXPANSION MAVERICK COUNTY, TEXAS

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
Border Patrol Facilities and Tactical Infrastructure
24000 Avila Road, Suite 5020
Laguna Niguel, CA 92677

JUNE 2016

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Appendices

Figures

Tables

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1. Introduction

The Department of Homeland Security (DHS) and the Border Patrol Facilities & Tactical Infrastructure Program Management Office (PMO) within U.S. Customs and Border Protection (CBP) propose to renovate and expand the existing Eagle Pass South Checkpoint located in Maverick County, Texas. The infrastructure proposed to be constructed and renovated would include one to three acceleration/deceleration lanes, new signage, booths, canopy, lighting, and structure updates. The existing checkpoint and inspection station currently occupy approximately 0.25 acre along U.S. Highway (Hwy) 57 in Texas, 10 miles northeast of the city of Eagle Pass at the southern end of the U.S. Border Patrol (USBP) Del Rio Sector (see **Figure 1-1**). Renovation and expansion of the checkpoint would include acquiring 5 acres of land adjacent to the existing checkpoint to construct proper acceleration and deceleration lanes. During construction and renovation, 2 additional acres of land would be temporarily acquired to provide construction staging and access areas. Hwy 57 is managed by the Texas Department of Transportation (TXDOT), and the land proposed for acquisition is privately owned. This Environmental Assessment (EA) analyzes the environmental impacts from the renovation and expansion of the Eagle Pass South Checkpoint station.

This EA is organized into six sections plus appendices. **Section 1** provides background information on the existing Eagle Pass South Checkpoint, identifies the purpose of and need for the Proposed Action, describes the area in which the Proposed Action would occur, and explains the public involvement process. **Section 2** provides a detailed description of the Proposed Action and alternatives including the No Action Alternative. **Section 3** describes existing environmental conditions in the area where the Proposed Action would occur, and identifies potential environmental impacts that could occur within each resource area. **Section 4** contains an analysis of the cumulative impacts that this project combined with other projects in the area may have on the environment. **Section 5** is a list of references used to develop the EA. **Section 6** is a list of preparers who helped develop the EA. Finally, the appendices include other information pertinent to the development of this EA. The appendices contain applicable laws related to the EA, public involvement and agency coordination, state-listed species that have the potential to occur in the Project Area and air quality calculations for the project.

1.1 Background

The Eagle Pass South Checkpoint is overseen by the Eagle Pass South Border Patrol Station located in southeast Eagle Pass. The Eagle Pass South Border Patrol Station is responsible for approximately 630 square miles of patrol area, which includes approximately 21 miles of U.S/Mexico international border (CBP 2016a).

The Eagle Pass South Checkpoint is located on Hwy 57, a two-lane paved road that runs from the U.S/Mexico international border through Eagle Pass to its northeastern terminus in Moore, Texas. The checkpoint is approximately 10 miles northeast of Eagle Pass, and approximately 32 miles southwest of the town of La Pryor, Texas. The checkpoint helps maintain effective control of the immediate border area, including a direct conduit from the U.S/Mexico international border via Hwy 57. The checkpoint is currently operated

and maintained by four to five USBP agents. **Figure 1-1** provides an aerial view of the existing footprint for the checkpoint. Infrastructure for the Eagle Pass South Checkpoint currently occupies approximately 0.25 acre adjacent to the northbound lane along the south side of Hwy 57. The current checkpoint building is a 19-year-old elevated modular metal structure with a pre-engineered metal canopy. The structure serves as an inspection station that houses USBP personnel and includes processing areas and holding cells. The building is listed in fair condition and exhibits various signs of interior and exterior deterioration. Deficiencies include required replacement or repair of interior finishes and replacing poor exterior metal wall panel connections, bent exterior stair treads, and deteriorated exterior door weather stripping.

Over the past 4 years, Hwy 57 and the Eagle Pass South Checkpoint have seen a considerable increase in the amount of traffic generated from the Eagle Ford Shale oil and natural gas boom. The Eagle Ford Shale is a geological formation located in southwestern Texas that contains a significant amount of oil and natural gas. The formation is approximately 50 miles wide, 400 miles long, and an average of 250 feet thick. As a result of advances in fracking technology, oil and natural gas leases related to the Eagle Ford Shale have grown 6,300 percent and 3,600 percent from 2009 to 2013, respectively (StateImpact 2015).

1.2 Purpose of and Need for the Proposed Action

The purpose of the Proposed Action is to renovate the Eagle Pass South Checkpoint to ensure that it is able to safety accommodate CBP agents, the public, and the increasing traffic so that the checkpoint can continue to function as intended. USBP checkpoints are a critical enforcement tool for securing the nation's borders against threats by restricting the ability of criminal organizations to exploit roadways traveling away from the border. USBP is committed to ensuring that these checkpoints stay as safe, efficient, and in accordance with existing design guide standards as possible.

The Proposed Action is needed in order to maintain the level of border security provided by the checkpoint, which has become compromised from the increased traffic demand related to the Eagle Ford Shale. Renovation and construction would ensure USBP agent and public safety by securing the nation's borders while minimizing potential vehicular accidents and reducing wait times.

1.3 Framework for Analysis

The National Environmental Policy Act of 1969 (NEPA) is a federal statute requiring the identification and analysis of potential environmental impacts of proposed federal actions before those actions are taken. The Council on Environmental Quality (CEQ) is the principal federal agency responsible for the administration of NEPA. CEQ regulations mandate that all federal agencies use a systematic, interdisciplinary approach to environmental planning and the evaluation of actions that might affect the environment. This process evaluates potential environmental consequences associated with a proposed action and considers alternative courses of action. The intent of NEPA is to protect, restore, or enhance the environment through well-informed federal decisions.

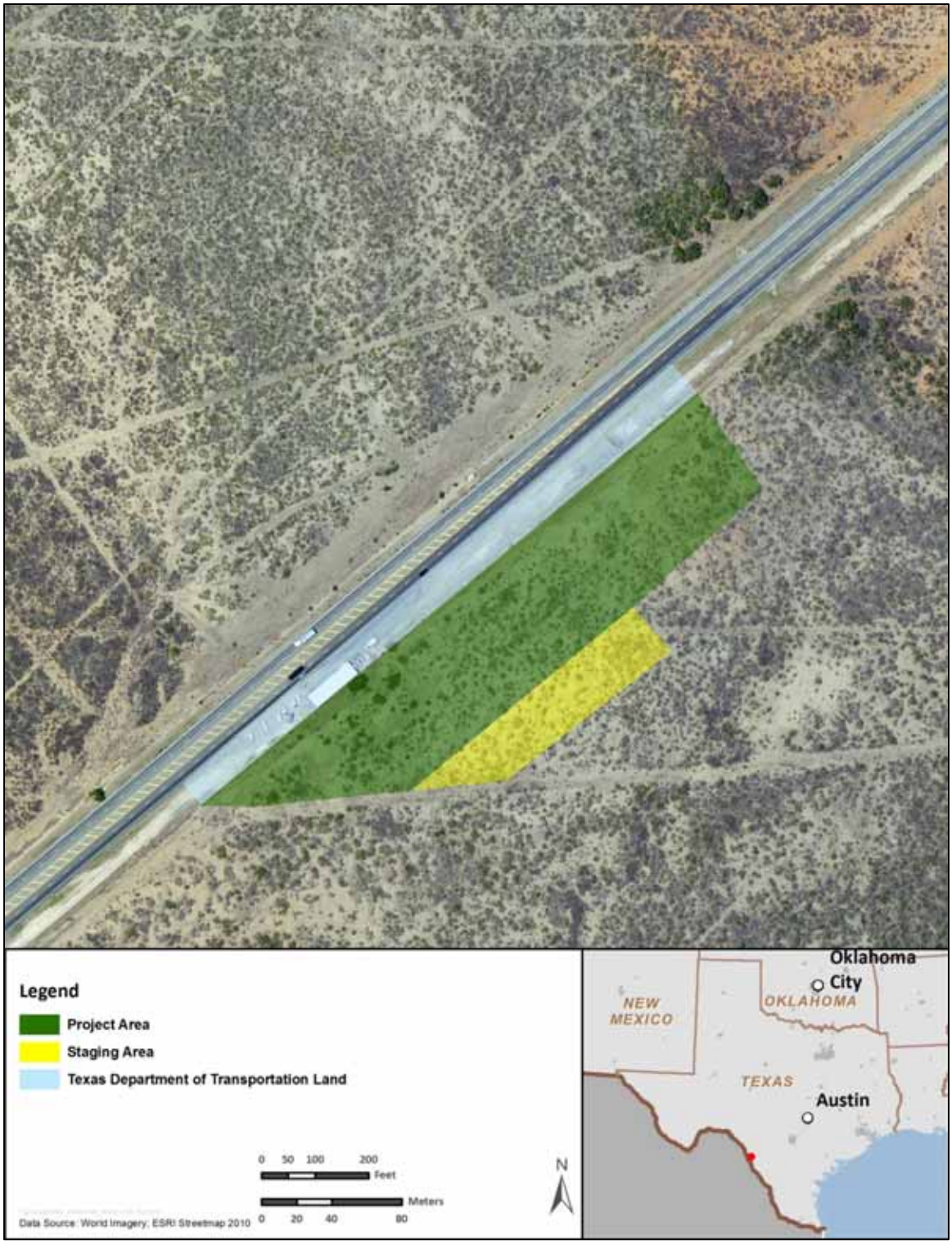

Figure 1-1. Location of Eagle Pass South CBP Checkpoint

The process for implementing NEPA is codified in 40 Code of Federal Regulations (CFR) §§ 1500–1508, *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act*. CEQ was established under NEPA to implement and oversee federal policy in this process. CEQ regulations specify that an EA may be prepared for the following reasons:

- Briefly provide evidence and analysis for determining whether to prepare a Finding of No Significant Impact (FONSI) or an Environmental Impact Statement (EIS).
- Aid in an agency's compliance with NEPA when an EIS is unnecessary.
- Facilitate preparation of an EIS when one is necessary.

Within DHS and CBP, NEPA is implemented using DHS Directive 023-01, *Environmental Planning Program*, and CBP policies and procedures.

To comply with NEPA, the planning and decision-making process for actions proposed by federal agencies involves a study of other relevant environmental statutes and regulations. The NEPA process does not, however, replace procedural or substantive requirements of other environmental statutes and regulations. It addresses them collectively in the form of an EA or EIS, which enables the decision maker to have a comprehensive view of major environmental issues and requirements associated with the Proposed Action. According to CEQ regulations, the requirements of NEPA must be integrated "with other planning and environmental review procedures required by law or by agency so that all such procedures run concurrently rather than consecutively."

Within the framework of environmental impact analysis under NEPA, additional authorities that might be applicable include the Clean Air Act, Clean Water Act (CWA) (including a National Pollutant Discharge Elimination System [NPDES] storm water discharge permit or Section 404 permit), Noise Control Act, Endangered Species Act (ESA), Migratory Bird Treaty Act, National Historic Preservation Act (NHPA), Archaeological Resources Protection Act, Resource Conservation and Recovery Act (RCRA), Toxic Substances Control Act (TSCA), and various Executive Orders (EOs). A summary of laws, regulations, and EOs that might be applicable to the Proposed Action is presented in **Appendix A.**

1.4 Public Involvement

Agency and public involvement in the NEPA process promotes open communication between the public and the government and enhances the decision-making process. All persons or organizations having a potential interest in the Proposed Action are encouraged to submit input into the decision-making process.

NEPA and implementing regulations from CEQ direct agencies to make their NEPA documents available to the public during the decision-making process and prior to actions being taken. The premise of NEPA is that the quality of federal decisions will be enhanced if proponents provide information to the public and involve the public in the planning process.

Through the public involvement process, CBP notified relevant federal, state, and local agencies of the Proposed Action and requested input on environmental concerns they might have regarding the Proposed Action. The public involvement process provides CBP with the opportunity to cooperate with and consider state and local views in its decision regarding implementing this federal proposal.

A Notice of Availability for the EA and Draft FONSI was published in *The News Gram* (in Eagle Pass) and the *San Antonio Express News*. This was done to solicit comments on the Proposed Action and alternatives and involve the local community in the decision-making process. Comments received from tribal, state, and federal agencies have been incorporated into the Final EA. Comment letters are included in **Appendix B**.

Hard copies of the Draft EA were made available at the following library: *Eagle Pass Public Library, 243 Bliss St., Eagle Pass, TX 78852*. Throughout the NEPA process, the public can obtain information concerning the status and progress of the EA via the project Web site at *http://www.cbp.gov/about/environmental-cultural-stewardship/cbp-environmental-documents*.

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2. Proposed Action and Alternatives

2.1 Introduction

This section describes the Proposed Action to renovate and expand the existing Eagle Pass South Checkpoint in Maverick County, Texas. As discussed in **Section 1.3**, the NEPA process evaluates potential environmental consequences associated with a proposed action and considers the No Action Alternative. Because there are no feasible alternatives for the Proposed Action, no other alternatives are evaluated in this EA. CEQ regulations specify the inclusion of a No Action Alternative against which potential effects can be compared. While the No Action Alternative would not satisfy the purpose of or need for the Proposed Action, it is analyzed in detail in accordance with CEQ regulations.

2.2 Alternative 1: Proposed Action

CBP intends to renovate and expand the existing Eagle Pass South Checkpoint in Maverick County, Texas. The checkpoint is currently outdated and unable to efficiently accommodate the volume of traffic using Hwy 57.

Expansion would consist of acquiring 5 acres of private land south of Hwy 57, which would be used to construct proper acceleration and deceleration lanes. Along with the 5 acres of land being permanently acquired by CBP, an additional 2 acres of land would be temporarily acquired to act as construction staging and access areas. The new checkpoint building and associated infrastructure would cover approximately 1 acre within the 5 acres of land to be acquired by CBP. The new checkpoint building would be approximately 2,260 square feet and would contain an expanded observation space, weapons storage, four holding rooms, an interview room, evidence and equipment storage, and a metal detection vestibule. Security cameras would be placed strategically on the interior and exterior of the structure. In order to renovate the existing checkpoint, new signage, booths, canopy, lighting, and structure would also be required. In addition to new signage, booths, canopy, and lighting; supplemental, portable light stands may also be deployed at the checkpoint as necessary. A new water well and septic system could be installed at the checkpoint if it is determined that either the new water well and septic system (or both) are necessary in order to accommodate the expanded facility. Land site improvements would include approximately 1 acre of impervious surface.

Additionally, operation and ongoing maintenance and repair are included under the Proposed Action. Daily operations of the updated checkpoint would be similar to current operations and would include providing shelter for USBP personnel, surveillance monitoring, and checkpoint vehicle inspections. Maintenance and repair would occur as needed at the checkpoint and would include updates to any fencing, building infrastructure, electrical equipment, road repair, and vegetation clearing.

2.3 Alternative 2: No Action Alternative

The No Action Alternative would maintain the status quo. Under the No Action Alternative, CBP would continue to operate the Eagle Pass South Checkpoint as

described in **Section 1**. No expansion or renovation would occur under the No Action Alternative. The checkpoint would continue to be exposed to heavy volumes of traffic that could leave CBP agents and the public vulnerable.

2.4 Alternatives Considered But Eliminated From Further Detailed Analysis

Current operational requirements preclude relocation of the existing checkpoint. Upgrades to the checkpoint must occur to meet CBP mission requirements. Therefore, no other alternative locations or site alterations are considered in this analysis.

3. Affected Environment and Environmental Consequences

This section provides a characterization of the affected environment and an analysis of the potential direct and indirect effects each alternative would have on the affected environment. Each alternative was evaluated for its potential to affect physical, biological, and socioeconomic resources. Cumulative and other effects are discussed in **Section 4**. All potentially relevant resource areas were considered in this EA. General descriptions of the eliminated resource areas and the basis for elimination are described in **Section 3.1**.

The following discussion elaborates on the characteristics that might relate to impacts on resources:

- *Short-term or long-term.* These characteristics are determined on a case-by-case basis and do not refer to any rigid time period. In general, short-term effects are those that would occur only with respect to a particular activity or for a finite period or only during the time required for construction. Long-term effects are those that are more likely to be persistent and chronic.
- *Direct or indirect.* A direct effect is caused by and occurs contemporaneously at or near the location of the action. An indirect effect is caused by a proposed action and might occur later in time or be farther removed in distance but still be a reasonably foreseeable outcome of the action. For example, a direct effect of erosion on a stream might include sediment-laden waters in the vicinity of the action, whereas an indirect effect of the same erosion might lead to lack of spawning and result in lowered reproduction rates of indigenous fish downstream.
- *Negligible, minor, moderate, or major.* These relative terms are used to characterize the magnitude or intensity of an impact. Negligible effects are generally those that might be perceptible but are at a lower level of detection. A minor effect is slight but detectable. A moderate effect is readily apparent. A major effect is one that is severely adverse or exceptionally beneficial.
- *Adverse or beneficial.* An adverse effect is one having unfavorable, or undesirable outcomes on the man-made or natural environment. A beneficial effect is one having positive outcomes on the man-made or natural environment. A single act might result in adverse effects on one environmental resource and beneficial effects on another resource.
- *Significance.* Significant effects are those that, in their context and due to their intensity (severity), meet the thresholds for significance set forth in CEQ regulations (40 CFR § 1508.27).
- *Context.* The context of an effect can be localized or more widespread (e.g., regional).
- *Intensity.* The intensity of an effect is determined through consideration of several factors, including whether an alternative might have an adverse impact on the

unique characteristics of an area (e.g., historical resources or ecologically critical areas), public health or safety, or endangered or threatened species or designated critical habitat. Intensity of effects are also considered in terms of their potential for violation of federal, state, or local environmental law; their controversial nature; the degree of uncertainty or unknown effects, or unique or unknown risks; if there are precedent-setting effects; and their cumulative effects (see **Section 4**).

3.1 Preliminary Impact Scoping

In accordance with NEPA, CEQ regulations, and DHS Directive 023-01, the following evaluation of environmental impacts focuses on those resources and conditions potentially subject to effects and potentially significant environmental issues deserving of study, and deemphasizes insignificant issues. Some environmental resources and issues that are often analyzed in an EA have been omitted from detailed analysis in this EA, specifically aesthetics and visual resources, land use, and environmental justice. The following provides the basis for such exclusions.

3.1.1 Aesthetics and Visual Resources

The Proposed Action would not have a significant impact on aesthetics or visual resources. While a small percentage of natural space would be lost to development of the new facility and associated infrastructure, the majority of natural space and aesthetics would remain undisturbed. Therefore, no impacts on aesthetic and visual resources would be anticipated.

3.1.2 Land Use

Maverick County, Texas, does not have specific land use classifications for the proposed project area. Eagle Pass South Checkpoint infrastructure includes buildings and a paved area used for vehicle parking. Additionally, portions of this part of the project area are covered by an abandoned road grade.

The remaining 5 acres east of the current infrastructure is private ranchland. There were no indications that the property has been used for agricultural purposes, including grazing, within the last 5 to 10 years. Upon acquisition of the property, some open areas would be converted to paved asphalt; however, the conversion of open space would be minimal and would not require changes in land use designations. As a result, no impacts on land use would be expected.

3.1.3 Environmental Justice

The Proposed Action would not have disproportionate impacts on low-income, minority, or child (under 18 years old) populations. The existing checkpoint would be renovated in an area that is approximately 10 miles from the nearest city and would only expand into a portion of ranchland that has no housing structures. No populations of individuals would be impacted. As a result, environmental justice and the protection of children are not discussed further.

3.2 Noise

3.2.1 Definition of the Resource

Noise is defined as any undesirable sound that interferes with communication, poses a threat to human health, or is irritating. Noise can be intermittent or continuous, steady or impulsive, and can involve any number of sources and frequencies. It can be readily identifiable or generally nondescript. Human response to increased sound levels varies according to the source type, characteristics of the sound source, distance between source and receptor, receptor sensitivity, and time of day. Affected receptors are specific (e.g., schools, churches, or hospitals) or broad (e.g., nature preserves or designated districts) areas in which occasional or persistent sensitivity to noise above ambient levels exists.

Noise Metrics and Federal Regulations. Although human response to noise varies, measurements can be calculated with instruments that record instantaneous sound levels in decibels. A-weighted decibel (dBA) is used to characterize sound levels that can be sensed by the human ear. "A-weighted" denotes the adjustment of the frequency range to what the average human ear can sense when experiencing an audible event. The threshold of audibility is generally within the range of 10 to 25 dBA for normal hearing. The threshold of pain occurs at the upper boundary of audibility, which is normally approximately 135 dBA. **Table 3-1** compares common sounds and shows how they rank in terms of the effects of hearing. As shown, a whisper is normally 30 dBA and considered to be very quiet, while an air conditioning unit 20 feet away is considered an intrusive noise at 60 dBA. Noise levels can become annoying at 80 dBA and very annoying at 90 dBA. To the human ear, each 10 dBA increase seems twice as loud (USEPA 1981).

Table 3-1. Sound Levels and Human Response

Noise Level (dBA)	Common Sounds	Effect
10	Just audible	Negligible*
30	Soft whisper (15 feet)	Very quiet
50	Light auto traffic (100 feet)	Quiet
60	Air conditioning unit (20 feet)	Intrusive
70	Noisy restaurant or freeway traffic	Telephone use difficult
80	Alarm clock (2 feet)	Annoying
90	Heavy truck (50 feet) or city traffic	Very annoying; hearing damage (8 hours)
100	Garbage truck	Very annoying*
110	Pile drivers	Strained vocal effort*
120	Jet takeoff (200 feet) or auto horn (3 feet)	Maximum vocal effort
140	Carrier deck jet operation	Painfully loud

Source: FICON 1992. Note: * HDR interpolation

Under the Noise Control Act of 1972, the Occupational Safety and Health Administration (OSHA) established workplace standards for noise. The minimum requirement states that constant noise exposure must not exceed 90 dBA over an 8-hour period. The highest allowable sound level to which workers can be constantly exposed is 115 dBA, and exposure to this level must not exceed 15 minutes within an 8-hour period. The standards limit instantaneous exposure, such as impact noise, to 140 dBA. If noise levels exceed these standards, employers are required to provide hearing protection equipment that will reduce sound levels to acceptable limits.

Construction Noise. The noise levels caused by construction have the potential to quickly surpass ambient sound levels. The type and intensity of the sound is dependent upon the type of construction or demolition activity taking place. **Table 3-2** lists noise levels associated with common types of construction equipment.

Table 3-2. Estimated Noise Levels for Construction Equipment

Construction Category and Equipment	Predicted Noise Level at 50 feet (dBA)
Clearing and Grading	
Bulldozer	80
Grader	80–93
Truck	83–94
Roller	73–75
Excavation	
Backhoe	72–93
Jackhammer	81–98
Building Construction	
Concrete mixer	74–88
Welding generator	71–82
Pile driver	91–105
Crane	75–87
Paver	86–88

Source: USEPA 1971

3.2.2 Affected Environment

The existing sound environment for the Eagle Pass South Checkpoint is typical of any rural area and is mainly affected by noise from vehicular traffic using Hwy 57. The Eagle Pass South Checkpoint is in a semi-arid area with sparse vegetation and no nearby residential properties. The nearest population center to the checkpoint is Eagle Pass, Texas, which is approximately 10 miles southwest of the checkpoint. There are no sensitive noise receptors within 0.5 mile of the checkpoint.

3.2.3 Environmental Consequences

Noise impact analyses typically evaluate potential changes to the existing noise environment that would result from implementation of a proposed action. Potential changes in the acoustical environment can be beneficial (i.e., if they reduce the number of sensitive receptors exposed to unacceptable noise levels or reduce the ambient sound level), negligible (i.e., if the total number of sensitive receptors exposed to unacceptable noise levels is essentially unchanged), or adverse (i.e., if they result in increased sound exposure to unacceptable noise levels or ultimately increase the ambient sound level).

3.2.3.1 Proposed Action

Impacts on the existing noise environment at the Eagle Pass Checkpoint would be short term, negligible, and adverse. Impacts would result from noise generated from demolition and construction of the renovated checkpoint. Typically, construction involves use of more than one piece of equipment simultaneously (e.g., paver, haul truck). Examples of expected additive demolition and construction noise levels that could be heard at specific distances during daytime hours are shown in **Table 3-3**.

Table 3-3. Predicted Additive Noise Levels from Construction

Distance from Noise Source	Predicted Noise Level
50 feet	92 dBA
300 feet	76 dBA
500 feet	72 dBA
1,000 feet	66 dBA
3,000 feet	56 dBA

The proposed demolition and construction would be expected to generate similar comparable noise levels to those found in **Table 3-3**. Noise generated from heavy equipment during demolition and construction would likely be higher than noise generated from vehicular traffic on Hwy 57; however, demolition and construction would be temporary.

No impacts on the existing noise environment would be expected from operation of the renovated checkpoint because the checkpoint would continue to operate at current levels and no new noise sources would be created.

3.2.3.2 No Action Alternative

Under the No Action Alternative, CBP would not renovate the checkpoint along Hwy 57, and the checkpoint in its current condition would continue to operate as is. No impacts from construction on the existing noise environment would be expected under the No Action Alternative.

3.3 Air Quality

3.3.1 Definition of the Resource

Air quality is measured by the concentration of criteria pollutants in the atmosphere. The air quality in a region is a result not only of the types and quantities of atmospheric pollutants and pollutant sources in an area, but also surface topography, the size of the topological "air basin," and the prevailing meteorological conditions in that region.

National Ambient Air Quality Standards (NAAQS). The Clean Air Act, as amended, requires the U.S. Environmental Protection Agency (USEPA) to set NAAQS for pollutants considered harmful to public health and the environment. USEPA characterizes ambient air quality in terms of compliance with the primary and secondary NAAQS. Primary NAAQS provide public health protection, including protecting the health of "sensitive" populations such as asthmatics, children, and the elderly. Secondary NAAQS provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings.

USEPA established NAAQS for six criteria pollutants:

- Carbon monoxide (CO)
- Lead (Pb)
- Nitrogen dioxide (NO_2)
- Ozone (O_3), which results from the presence of nitrogen oxides [NO_x] and volatile organic compounds [VOC] in the atmosphere
- Sulfur dioxide (SO_2)
- Particulate matter (with an aerodynamic size less than or equal to 10 microns [PM_{10}] and with an aerodynamic size less than or equal to 2.5 microns [$PM_{2.5}$]).

States may either adopt the NAAQS or establish their own more stringent standards. No additional ambient air quality standards have been adopted by the State of Texas. **Table 3-4** provides the primary and secondary NAAQS.

Attainment Versus Nonattainment. USEPA classifies the air quality in a region according to whether the concentrations of criteria pollutants in ambient air exceed the NAAQS. Areas are therefore designated as either "attainment," "nonattainment," "maintenance," or "unclassified" for each of the six criteria pollutants. Attainment means that the air quality is better than the NAAQS; nonattainment indicates that criteria pollutant levels exceed NAAQS; maintenance indicates that an area was previously designated nonattainment but is now attainment; and an unclassified air quality designation means that there is not enough information to appropriately classify an area, so the area is considered attainment.

Greenhouse Gas (GHG) Emissions. GHGs are gaseous emissions that trap heat in the atmosphere. These emissions occur from natural processes and human activities. Human-caused GHGs are primarily produced by the burning of fossil fuels and through industrial

Table 3-4. National Ambient Air Quality Standards

Pollutant	Averaging Time	Primary Standard	Secondary Standard
CO	8-hour (1)	9 ppm (10 mg/m^3)	None
	1-hour (1)	35 ppm (40 mg/m^3)	None
Pb	Rolling 3-Month Average (2)	0.15 µg/m^3 (3)	Same as Primary
NO_2	Annual (4)	53 ppb (5)	Same as Primary
	1-hour (6)	100 ppb	None
PM_{10}	24-hour (7)	150 µg/m^3	Same as Primary
$PM_{2.5}$	Annual (8)	12 µg/m^3	15 µg/m^3
	24-hour (6)	35 µg/m^3	Same as Primary
O_3	8-hour (9)	0.070 ppm (10)	Same as Primary
SO_2	1-hour (11)	75 ppb (12)	None
	3-hour (1)	None	0.5 ppm

Sources: USEPA 2016

Notes: Parenthetical values are approximate equivalent concentrations.

1. Not to be exceeded more than once per year.
2. Not to be exceeded.
3. Final rule signed October 15, 2008. The 1978 standard for Pb (1.5 µg/m3 as a quarterly average) remains in effect until 1 year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved. The USEPA designated areas for the new 2008 standard on November 8, 2011.
4. Annual mean.
5. The official level of the annual NO_2 standard is 0.053 ppm, equal to 53 ppb, which is shown here for the purpose of cleaner comparison to the 1-hour standard.
6. 98th percentile, averaged over 3 years.
7. Not to be exceeded more than once per year on average over 3 years.
8. Annual mean, averaged over 3 years.
9. Annual fourth-highest daily maximum 8-hour concentration, averaged over 3 years.
10. Final rule signed October 1, 2015, and effective December 28, 2015. The previous (2008) O_3 standards additionally remain in effect in some areas. Revocation of the previous (2008) O_3 standards and transitioning to the current (2015) standards will be addressed in the implementation rule for the current standards.
11. 99th percentile of 1-hour daily maximum concentrations, averaged over 3 years.
12. Final rule signed June 2, 2010. The 1971 annual (0.3 ppm) and 24-hour (0.14 ppm) SO_2 standards were revoked in that same rulemaking. However, these standards remain in effect until 1 year after an area is designated for the 2010 standard, except in areas designated nonattainment for the 1971 standards, where the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standard are approved.
13. Not to be above this level more than twice in a consecutive 7-day period.

Key: ppm = parts per million; ppb = parts per billion; mg/m^3 = milligrams per cubic meter; µg/m^3 = micrograms per cubic meter

and biological processes. The most common GHGs emitted from human activities include carbon dioxide (CO_2), methane, and nitrous oxide.

3.3.2 Affected Environment

The Eagle Pass South Checkpoint is located in Maverick County, Texas, which is designated by USEPA as attainment for all criteria pollutants (USEPA 2015).

There is only one stationary source of air emissions at the Eagle Pass South Checkpoint: a 36-kilowatt emergency generator, which is only operated when needed and was refurbished in October 2015 (CBP 2016b). Mobile sources of air emissions include traffic on Hwy 57, vehicles that are queued at the checkpoint, and CBP vehicles and equipment performing everyday functions.

3.3.3 Environmental Consequences

Impacts on local and regional air quality conditions from a proposed federal action are determined based upon the increases or decreases in regulated air pollutant emissions and upon existing conditions and ambient air quality. The evaluation criteria for impacts are dependent on whether the proposed action is located in an attainment, nonattainment, or maintenance area for criteria pollutants.

For attainment areas, a proposed action would be considered significant if the net increases in pollutant emissions would result in any one of the following scenarios:

- Cause or contribute to a violation of any national or state ambient air quality standard.
- Expose sensitive receptors to substantially increased pollutant concentrations.
- Exceed any evaluation criteria established by a state implementation plan.
- Cause an increase of 250 tons per year (tpy) of any attainment criteria pollutant from construction-related emissions.

Although the 250 tpy increase identified above is not a regulatory-driven threshold, it is being applied as a conservative measure of significance in attainment areas. The rationale for applying this conservative threshold is that it is consistent with the threshold for a Prevention of Significant Deterioration major source (i.e., stationary source) in attainment areas.

Because the General Conformity Rule applies only to significant federal actions in nonattainment or maintenance areas, it is not applicable to this air quality analysis. Therefore, neither an applicability analysis nor a conformity determination is required.

There are no regulatory thresholds of significance for GHG emissions; however, CEQ released the *Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions,* which suggests that 25,000 metric tpy of CO_2-equivalent is a meaningful reference point for when to consider GHG emissions in NEPA documentation. CO_2 emissions are provided in this EA for information and comparison purposes.

3.3.3.1 Proposed Action

Short-term, negligible, adverse effects on air quality would occur from the proposed renovation and expansion of the Eagle Pass South Checkpoint. The proposed demolition and construction would generate air pollutant emissions from site-disturbing and the operation of construction equipment. Demolition and construction would also generate particulate matter emissions as fugitive dust from ground-disturbing activities and from

the combustion of fuels in construction equipment. Construction workers commuting daily to and from the job site in their personal vehicles would also generate regulated pollutant air emissions. Emissions from demolition and construction would be produced only for the duration of demolition and construction which, for the purposes of this air quality analysis, is conservatively assumed to be 12 calendar months or 240 workdays.

Demolition and construction activities would incorporate best management practices (BMPs) to minimize fugitive particulate matter emissions. Work vehicles would be well maintained and could use diesel particulate filters to reduce particulate matter emissions.

Demolition and construction would directly contribute to emissions of GHGs from the combustion of fossil fuels. The estimated emission of CO_2 from demolition and construction is estimated to be 676.1 metric tpy, which is approximately 2.8 percent of the 25,000 metric tpy of CO_2-equivalent meaningful assessment reference point established by CEQ. Because CO_2 represents the overwhelming majority of GHGs from motor vehicle fuel combustion, an estimate of methane and nitrous oxide emissions converted to CO_2-equivalent is unnecessary.

An air emissions analysis containing detailed calculations and assumptions was conducted for the proposed demolition and construction, which is summarized in **Table 3-5** and shown in detail in **Appendix D**. In summary, the increase in air emissions from demolition and construction is below the applicable significance criteria.

Table 3-5. Summary of Renovation and Expansion Emissions

	NO_x (tpy)	**VOC (tpy)**	**CO (tpy)**	**SO_2 (tpy)**	**PM_{10} (tpy)**	**$PM_{2.5}$ (tpy)**	**CO_2 (metric tpy)**
Air Emissions							
Combustion	5.142	0.476	2.253	0.409	0.366	0.355	585.367
Fugitive Dust	N/A	N/A	N/A	N/A	11.547	1.155	N/A
Haul Truck On-Road	0.050	0.005	0.027	0.000	0.002	0.002	11.721
Construction Commuter	0.116	0.119	1.148	0.002	0.013	0.009	149.863
Total Renovation and Expansion Emissions	**5.308**	**0.600**	**3.427**	**0.410**	**11.928**	**1.520**	**692.512**
Significance Criteria Threshold for Construction Emissions							
Attainment Area Significance Criteria	250	250	250	250	250	250	25,000

Key: N/A = Not Applicable

The construction of the proposed acceleration and deceleration lanes on Hwy 57 would allow up to two vehicles to be processed simultaneously and consequently reduce wait times. Fast processing would reduce the number of vehicles queuing and, in turn, slightly reduce air emissions from idling vehicles. The number of CBP personnel assigned to the renovated checkpoint may increase slightly under the Proposed Action; however, no new vehicles or equipment to perform everyday functions would be added.

3.3.3.2 No Action Alternative

No impacts on air quality would occur under the No Action Alternative. Under this alternative, CBP would not renovate and expand the checkpoint and would continue to operate the existing checkpoint as is. The existing 36-kilowatt backup generator would remain in service.

3.4 Geological Resources

3.4.1 Definition of the Resource

Geological resources consist of the Earth's surface and subsurface materials. Within a given physiographic province, these resources are typically described in terms of topography and physiography, geology, soils, and, where applicable, geologic hazards and paleontology. Topography and physiography pertain to the general shape and arrangement of a land surface, including its height and the position of its natural and human-made features. Geology is the study of the Earth's composition and provides information on the structure and configuration of surface and subsurface features. Such information derives from field analysis based on observations of the surface and borings to identify subsurface composition.

Soils are the unconsolidated materials overlying bedrock or other parent material. Soils typically are described in terms of their complex type, slope, and physical characteristics. Differences among soil types in terms of their structure, elasticity, strength, shrink-swell potential, and erosion potential affect their abilities to support certain applications or uses. In appropriate cases, soil properties must be examined for their compatibility with particular construction or types of land use.

Prime farmland is protected under the Farmland Protection Policy Act (FPPA) of 1981. Prime farmland is defined as land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and that is also available for these uses. The implementing procedures of the FPPA require federal agencies to evaluate the adverse effects of their activities on prime and unique farmland, and farmland of statewide and local importance, and to consider alternative actions that could avoid adverse effects. The Natural Resources Conservation Service is responsible for overseeing compliance with the FPPA.

3.4.2 Affected Environment

Regional Geography. The Eagle Pass South Checkpoint lies within the Interior Coastal Plains subprovince of the Gulf Coastal Plains physiographic province of Texas. The Interior Coastal Plain of Texas is comprised of belts of uncemented sands among shales that erode into sandy ridges. In addition, silts, and clays erode to flat grasslands that form slopes to the southeast. Two fault systems within the subprovince trend parallel to the coastline (UT at Austin 1996).

Topography. The majority of the project area is relatively flat due to its proximity to Hwy 57 and the level terrain associated with the existing Eagle Pass South Checkpoint. The project area sits at approximately 850 feet above mean sea level (USGS 2014a).

Soils. Approximately 88 percent of the soils in the project area are made up of the Dant association, gently undulating, and 12 percent are covered by the Pryor association, undulating. Soils in the Dant association consist of loamy soils formed over calcareous clay with slopes from 0 to 3 percent. Dant association soils are well drained and are slowly permeable, with slow to moderate runoff and a moderate hazard of erosion. Pryor association soils are formed in calcareous, loamy and clayey material over shale. Slopes within this soil range from 0 to 5 percent, but are typically approximately 2 percent. Pryor association soils are well drained with slow permeability and medium runoff. Additionally, this soil type has a slight to moderate hazard of erosion (USDA 2011, NRCS 2016).

Prime Farmland. There are no prime farmland soils identified within the project area. Therefore, prime farmland is removed from further analysis.

Geologic Hazards. The 2014 Texas Seismic Hazard Map shows that the seismic hazard for the Proposed Action ranges from 2 to 4 percent of the force of gravity. This indicates that seismic events are uncommon and in the event of a seismic activity, little damage would be expected to occur (USGS 2014b).

3.4.3 Environmental Consequences

Protection of unique geological features, minimization of soil erosion, and the siting of facilities in relation to potential geologic hazards are considered when evaluating potential effects of a proposed action on geological resources. Generally, adverse effects can be avoided or minimized if proper construction techniques, erosion control measures, and structural engineering design are incorporated into project development.

Effects on geology and soils would be significant if they would alter the lithology (i.e., the character of a rock formation), stratigraphy (i.e., the layering of sedimentary rocks), and geological structures such that groundwater quality, distribution of aquifers and confining beds, and groundwater availability are substantially altered; or substantially change the soil composition, structure, or function within the environment.

3.4.3.1 Proposed Action

Regional Geography. No impacts on regional geography would be anticipated from implementation of the Proposed Action.

Topography. Long-term, negligible to minor, adverse impacts would be expected on topography from implementation of the Proposed Action. The existing Eagle Pass South Checkpoint area has already being previously developed and graded however, because the footprint for the new checkpoint building would be larger than the existing checkpoint, additional previously ungraded land would require appropriate grading. In addition, use of ground moving equipment and staging areas would result in alteration of existing topography, resulting in negligible to minor impacts.

Soils. Short-term, negligible, adverse impacts to soils would be expected from the implementation of the Proposed Action. Soils would become disturbed or compacted during demolition and construction activities which would leave soil susceptible to water and wind erosion. An erosion and sediment control plan would be developed and

implemented during demolition and construction activities to contain soil and runoff onsite through use of measures such as silt curtains, and reduce potential for adverse effects associated with erosion, sedimentation, and transport of sediments in runoff.

Geologic Hazards. Earthquakes within the project area are unlikely. A 3.5 magnitude earthquake was recorded in 2005, approximately 10 miles from the project area; however, it was the first earthquake recorded in the surrounding area. The seismic hazard rating for the Proposed Action area is very low (Frohlich 2012, USGS 2014b, USGS 2015). No impacts on geologic hazards would be expected from the Proposed Action.

3.4.3.2 No Action Alternative

Under the No Action Alternative, CBP would not renovate the checkpoint along Hwy 57, and the checkpoint in its current condition would continue to operate as is. No impacts on geological resources would be expected under the No Action Alternative.

3.5 Biological Resources

3.5.1 Definition of the Resource

Biological resources include native or naturalized plants and animals and the habitats (e.g., grasslands, forests, and wetlands) in which they exist. Protected and sensitive biological resources include listed (threatened or endangered) and proposed species under the ESA as designated by the U.S. Fish and Wildlife Service (USFWS), state-listed threatened or endangered species, and migratory birds.

Sensitive habitats include those areas designated by USFWS as critical habitat protected by the ESA and sensitive ecological areas as designated by state or federal rulings. Critical habitat is designated if USFWS determines that it is essential to a threatened or endangered species' conservation. Federal agencies are required to ensure that their activities do not adversely modify or destroy critical habitat to the point that it will no longer aid in the species' recovery. Sensitive habitats also include wetlands, plant communities that are unusual or of limited distribution, and important seasonal use areas for wildlife (e.g., migration routes, breeding areas, crucial summer and winter habitats).

3.5.2 Affected Environment

Vegetation. The project occurs in the South Texas Plains ecoregion, the northern extent of the Tamaulipan biotic province. This province includes south Texas and portions of the states of Coahuila, Nuevo Leon, and Tamaulipas in Mexico. The native vegetation covering much of northeastern Mexico and parts of south Texas is mesquite (*Prosopis glandulosa*) dominated thornscrub and grasslands. The Tamaulipan province extends south of the Texas/Mexico border for almost 200 miles between the Gulf Coast and the deciduous woodlands on the slopes of the Sierra Madre Oriental. The Tamaulipan thornscrub, a subtropical, semi-arid vegetation type, occurs on either side of the Rio Grande. Spiny shrubs and trees dominate this thornscrub, but grasses, forbs, and succulents are also prominent (GDET 2006).

A field vegetative species survey was conducted in January 2016 within the approximately 7-acre project area (see **Figure 1-1**). Survey results showed that the

majority of the perennial or woody plants in the project area are dominated by mesquite, twisted acacia (*Acacia schaffneri*), and desert hackberry (*Celtis pallida*), and the habitat can most accurately be classified as the Tamaulipan Mixed Deciduous Thornscrub Vegetation Alliance (NatureServe2016). Other commonly observed shrub and tree species include lotebush (*Ziziphus obtusifolia*), whitebrush (*Aloysia gratissima*), guayacan (*Guaiacum angustofolia*), Christmas cactus (*Opuntia leptocaulis*), brushland shrubverbena (*Lantana achyranthifolia*), and false broomweed (*Xylothamia palmeri*). Other shrub species observed infrequently include desert yaupon (*Schaefferia cuneifolia*), prickly pear (*Opuntia engelmannii*), blackbrush acacia (*Acacia rigidula*), Texas swamp-privet (*Forestiera angustifolia*), retama (*Parkinsonia obsolete*), and leather stem (*Jatropha dioica*). This tree and shrub species layer is absent in large areas and, combined, makes up approximately 25 percent of canopy cover throughout the project area. While certain areas consist of mesquite and shrub stands, the project area generally has an open canopy layer.

Herbaceous vegetation within the project area consists of a combination of perennial and annual forbs and grasses. In total, the herbaceous cover is approximately 90 percent with a low percentage of barren soil. Dominant herbaceous plant species include King Ranch bluestem (*Bothriocloa ischaemum* var. *songarica*), buffelgrass (*Pennisetum ciliare*), ragweed (*Ambrosia psilostachya*), and American wild carrot (*Daucus pusillus*). Representative photographs of vegetation in the project area can be seen in **Figures 3-1** and **3-2**.

In addition to the Tamaulipan Mixed Deciduous Thornscrub, approximately 0.15 acre of the project area is maintained grassland along the eastern boundary and the Hwy 57 roadside shoulder. This frequently mowed area consists of forbs and grass species. The remaining 0.25 acre consists of existing infrastructure, parking, and roadway for the Eagle Pass South Checkpoint and is not vegetated. Additionally, electrical distribution lines cut through the project area in an east to west direction. One electrical line occurs along the southern boundary of the project area, while the other line bisects the project area. Russian thistle (*Salsola kali*), an introduced plant species that can become invasive, was observed in relative abundance adjacent to these distribution lines. This plant species was likely introduced as a result of distribution line installation or maintenance.

Wildlife. Wildlife species were documented by visual observation, vocalization, or sign (e.g., tracks, nests/burrows, and scat). The most abundant wildlife species observations were avian species and inactive avian nests. Avian species observed include crested caracara (*Caracara cheriway*), turkey vulture (*Cathartes aura*), northern mockingbird (*Mimus polyglottos*), sparrow (*Amphispiza* sp.), Chihuahuan raven (*Corvus cryptoleucus*), golden-fronted woodpecker (*Melanerpes aurifrons*), meadowlark (*Sturnella* sp.), and mourning dove (*Zenaida macroura*). Additionally, numerous inactive nests were observed within the project area, most of which were constructed by great-tailed grackles (*Quiscalus mexicanus*) and doves (*Zenaida* sp. or *Columbina* sp.).

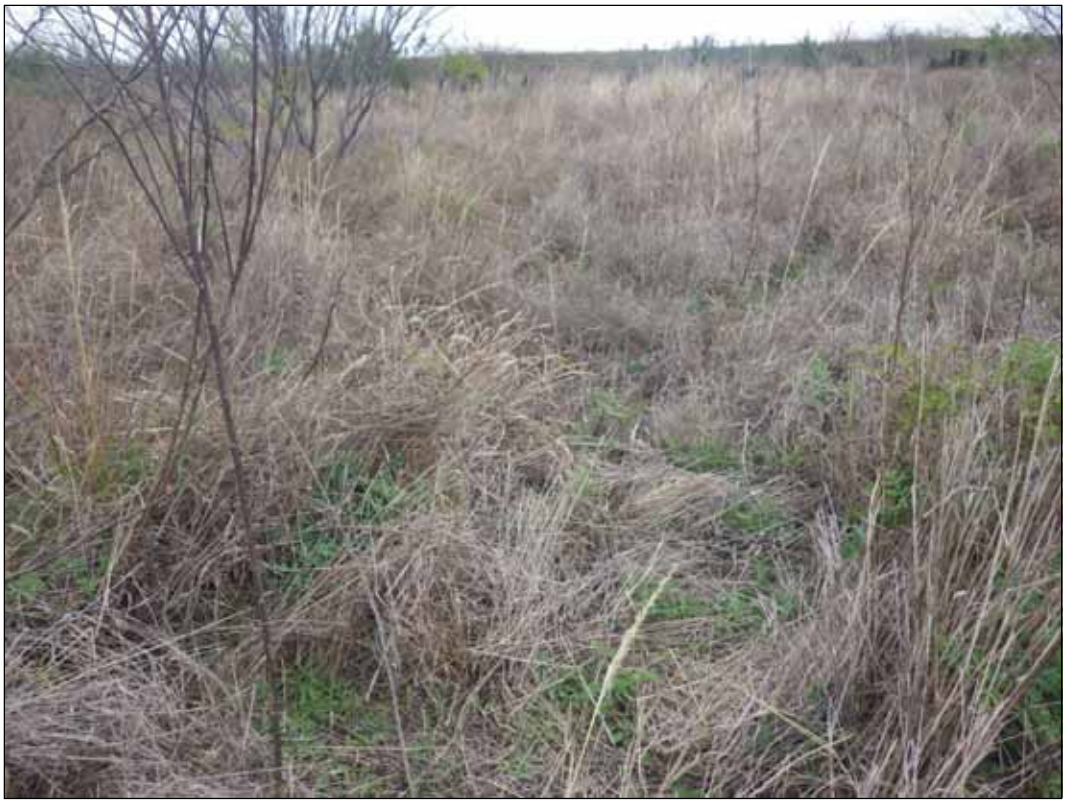

Figure 3-1. Buffelgrass Dominated Herbaceous Layer

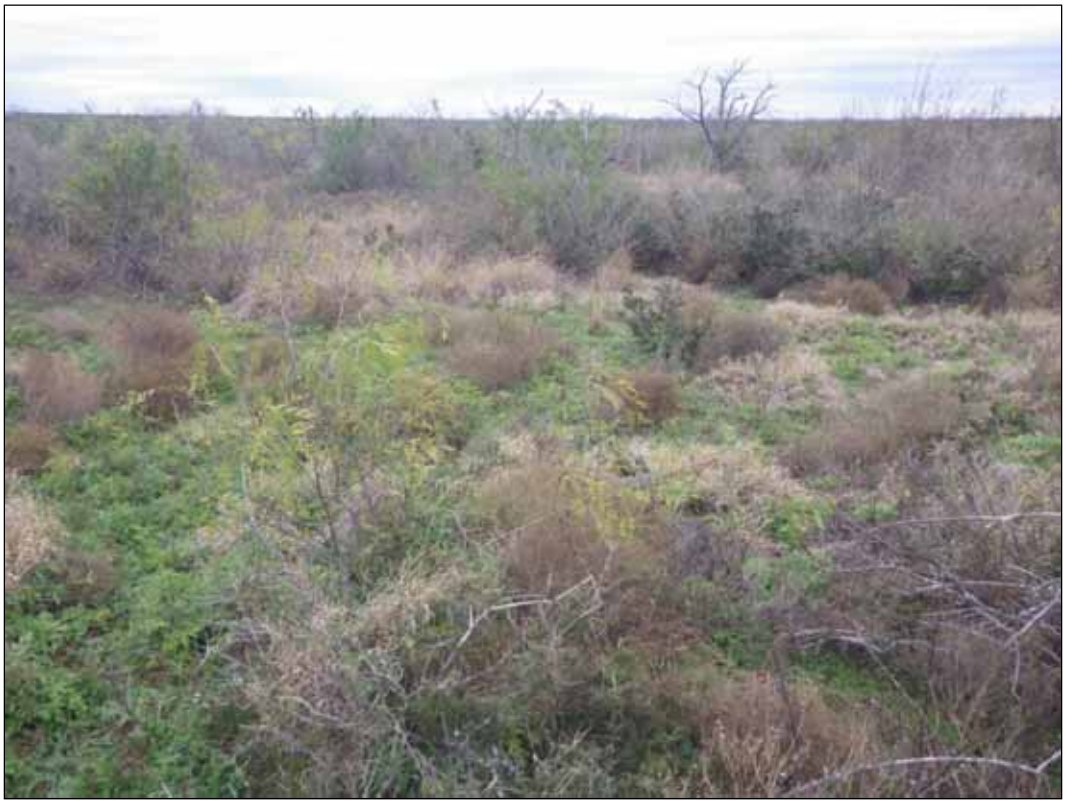

Figure 3-2. Forb Dominated Herbaceous Layer

Special Status Species. Six federally listed animal species occur or have the potential to occur in Maverick County. These species are the least tern (interior population) (*Sterna antillarum*), the piping plover (*Charadrius melodus*), rufa red knot (*Calidris canutus rufa*), Sprague's pipit (*Anthus spragueii*), Gulf Coast jaguarondi (*Herpailurus yagouaroundi*), and ocelot (*Leopardus pardalis*). Based on the habitat descriptions and survey results described previously, none of these species are likely to occur within the project area, and none of these species were observed during the qualitative assessment of the project area. **Appendix C** provides habitat and range descriptions for each of these species and provides justification for the conclusion that they are unlikely to occur.

Of the 36 state-listed species known to occur or have the potential to occur in Maverick County, Texas, 25 species do not occur or are unlikely to occur in the project area. This determination is based on these species ranges and habitat associations along with the project area settings and field and desktop analysis. These species and their associated habitats and distribution are listed in **Appendix C**.

The remaining 11 species (5 reptile, 3 mammal, 2 bird, and 1 insect) may occur within or near the project area. These species are summarized in **Table 3-6**. Five of those species are listed by Texas Parks and Wildlife Department as state threatened: the white-nosed coati (*Nasua narica*), reticulate collared lizard (*Crotaphytus reticulatus*), Texas horned lizard (*Phrynosoma cornutum*), Texas indigo snake (*Drymarchon melanurus erebennus*), and Texas tortoise (*Gopherus berlandieri*). The six remaining species are listed as rare species by the Texas Parks and Wildlife Department: Baird's sparrow (*Ammodramus bairdii*), subspecies of Audobon's oriole (*Icterus graduacauda audubonii*), neojuvenile tiger beetle (*Cicindela obsoleta neojuvenilis*), Carrizo Springs pocket gopher (*Geomys personatus streckeri*), cave myotis (*Myotis velifer*), and spot-tailed earless lizard (*Holbrookia obsoleta*).

Table 3-6. State-Listed Species Known to Occur or Have the Potential to Occur in the Project Area

Species		Listing Status	Habitat*	Likelihood of Occurrence/ Determination
Birds				
Baird's sparrow	*Ammodramus bairdii*	R	Short-grass prairie with scattered shrubs.	Short-to long-term, negligible to minor, adverse impacts may occur.
Audobon's oriole	*Icterus graduacauda audubonii*	R	Scrub, mesquite; nests in dense trees, or thickets, usually along water courses.	Short-to long-term, negligible to minor, adverse impacts may occur.
Insects				
Neojuvenile tiger beetle	*Cicindela obsoleta neojuvenilis*	R	Bare or sparsely vegetated, dry, hard-packed soil; typically in previously disturbed areas.	Short-to long-term, negligible to minor, adverse impacts may occur..

Species		Listing Status	Habitat*	Likelihood of Occurrence/ Determination
Mammals				
Carrizo Springs pocket gopher	*Geomys personatus streckeri*	R	Underground burrows of deep, sandy soils; feed mostly on vegetation.	Short-to long-term, negligible to minor, adverse impacts may occur. May occur. Long-term negligible direct and indirect adverse impacts. Short-term minor to no direct and indirect adverse impacts.
Cave Myotis	*Myotis velifer*	R	Roosts in caves and tunnels.	Short-to long-term, negligible to minor, adverse impacts may occur.
White-nosed coati	*Nasua narica*	T	Woodlands, riparian corridors and canyons.	Short-to long-term, negligible to minor, adverse impacts may occur.
Reptiles				
Reticulate collared lizard	*Crotaphytus reticulatus*	T	Open brush-grasslands; thorn-scrub vegetation, usually on well-drained rolling terrain of shallow gravel, caliche, or sandy soils; often on scattered flat rocks below escarpments or isolated rock outcrops among scattered clumps of prickly pear and mesquite.	Short-to long-term, negligible to minor, adverse impacts may occur.
Spot-tailed earless lizard	*Holbrookia lacerata*	R	Moderately open prairie-brushland; fairly flat areas free of vegetation or other obstructions, including disturbed areas.	Short-to long-term negligible to minor, adverse impacts may occur. May occur. Long-term negligible direct and indirect adverse impacts. Short-term minor to no direct and indirect adverse impacts.
Texas horned lizard	*Phrynosoma cornutum*	T	Arid and semi-arid regions with sparse vegetation, including shrubs, grasses, and cacti.	Short-to long-term, negligible to minor, adverse impacts may occur. May occur. Long-term negligible direct and indirect adverse impacts. Short-term minor to no direct and indirect adverse impacts.

Species		Listing Status	Habitat*	Likelihood of Occurrence/ Determination
Texas indigo snake	*Drymarchon melanurus erebennus*	T	Thornbush-chaparral woodlands of south Texas, in particular dense riparian corridors; requires moist microhabitats, such as rodent burrows, for shelter.	Short-to long-term, negligible to minor, adverse impacts may occur. May occur. Long-term negligible direct and indirect adverse impacts. Short-term minor to no direct and indirect adverse impacts.
Texas tortoise	*Gopherus berlandieri*	T	Scrub and brushlands with sandy, well-draining soils.	Short-to long-term, negligible to minor, adverse impacts may occur. May occur. Long-term negligible direct and indirect adverse impacts. Short-term minor to no direct and indirect adverse impacts.

Key: R = State Rare and Wildlife Rare; T = State Threatened
*Source: TPWD 2015
Note: Hooded orioles were observed within the project area; however, a subspecies was not determined.

Of the two state-listed bird species that could occur in the project area, the Audobon's oriole subspecies is a year-round resident of south Texas, while the Baird's sparrow is a rare to very rare winter resident in far west Texas (Lockwood and Freeman 2014). The Audobon's oriole nests in dense trees or thickets usually occurring along water courses. While ideal nesting habitat does not occur for the Audobon's oriole subspecies, nor is the project area within the currently known range, the potential of nesting within the project area cannot be discounted.

Baird's sparrows are rare migrants through the western High Plains of Texas south through Val Verde County. They are considered very rare farther east, including Maverick County, through the remainder of the panhandle and south through Edward's Plateau. Fall migrants have been recorded from late August to late October, whereas spring migrants have been found from late March through late May (Lockwood and Freeman 2014).

Of the three mammals that could occur in the project area, the cave myotis and white-nosed coati would likely only use the project area temporarily for food or en route to more suitable habitat. The habitat around the project area is not ideal for either of these species to become residents. The Carrizo Springs pocket gopher also could occur in the project area; however, no signs of gophers such as burrows were observed during the survey.

While habitat within the project area is suitable for all 5 reptiles that could occur in the project area, no reptiles were observed during the survey. However, the surveys were conducted during overcast conditions with temperatures around 55 degrees Fahrenheit, which are not ideal conditions for reptile activity. All three lizards occupy well-drained

and open to moderately open shrublands (TPWD 2015). During the surveys, harvester ants (*Pogonomyrmex* sp.) were documented within the project area. These insects are a primary food source for the Texas horned lizard, and their presence indicates a high probability of Texas horned lizards occupying the area (TPWD 2015). The Texas indigo snake prefers dense riparian areas (TPWD 2015); due to proximity to an unnamed arroyo (discussed further in **Section 3.7.2**), it is possible that this snake could occur occasionally in the project area. The project area conditions are suitable for tortoise burrowing, but signs indicating the presence of Texas tortoise were not observed during the survey.

The neojuvenile tiger beetle occurs in bare or sparsely vegetated dry, hard-packed soil, typically in disturbed sites (TPWD 2015). The tiger beetle was not identified during the field survey; however, project area conditions and previous disturbance make this area potentially suitable for this insect.

3.5.3 Environmental Consequences

Ground disturbance and noise associated with construction have the potential to cause direct or indirect adverse effects on biological resources. Effects can include disturbance, injury, or mortality of individual plants or animals, as well as habitat removal, damage, or degradation. The context and intensity of the effects to determine whether they were significant were evaluated based on the nature and location of activities relative to important biological resources, the magnitude of the effects, the number of species or individuals involved, amount of habitat affected relative to the total available habitat within the region and the type of stressors involved.

3.5.3.1 Proposed Action

Short- and long-term, negligible to minor, adverse impacts on vegetation would be expected from the temporary disturbances during construction and demolition (e.g., trampling, crushing, and removal) and from the permanent removal of vegetation due to the construction of a new checkpoint facility and supporting infrastructure. However, adverse impacts on vegetation would be minimized through the use of appropriate BMPs.

Nonnative vegetation occurs throughout the project area. Disturbances to the canopy or ground surface in the shrubland habitat could also allow opportunities for nonnative and invasive species to establish or spread within shrubland habitat. BMPs such as the following would be implemented during and following construction and demolition to prevent the establishment or spread of nonnative species:

- Inspect and clean construction equipment to remove soil, plants, and seeds.
- Stage equipment in areas free of nonnative plant species.
- Use certified weed-free materials (e.g., grass seed, mulch, gravel, sand).

In addition, disturbed sites could be promptly revegetated with native plant species.

Short- and long-term, negligible to minor, direct and indirect, adverse effects on wildlife would occur from the Proposed Action. Temporary impacts on wildlife would be expected due to noise disturbances from construction and demolition, which include

heavy equipment use. Loud noise events could cause wildlife to engage in escape or avoidance behaviors; however, these effects would be temporary. Short-term increases in noise levels from construction can reduce communication, inhibit predator detection, and increase energy expenditures in wildlife species. Noise can also distort or mask bird communications signals (e.g., songs, warning calls, fledgling begging calls) and their ability to find prey or detect predators. If noise persists in a particular area, animals could leave their habitat and avoid it permanently. Most wildlife species would be expected to recover quickly from noise disturbance once the construction activities have ceased for the day and after the construction and demolition period is complete. Noises associated with construction and demolition would only be expected to affect individual animals within close proximity to the noise sources. As a result, population-level impacts would not be expected to occur.

Habitat removed under the Proposed Action is classified as the Tamaulipan Mixed Deciduous Thornscrub Vegetation Alliance and dominated by mesquite. However, the vast majority of available habitat in the surrounding area would not be affected by the Proposed Action. Wildlife would be able to relocate to adjacent habitat. As a result, impacts on wildlife habitat would be negligible.

No federally threatened or endangered species have been identified in or adjacent to the project area; therefore, no effects on federally listed threatened or endangered species would be expected from the Proposed Action. Temporary impacts on special status state-listed species could occur from noise and ground disturbing activities associated with construction and demolition. The contribution of noise disturbances from construction and demolition activities under the Proposed Action to the ambient noise environment would be negligible and temporary. Habitat removal would be minor and would not preclude the use of habitat by any rare, threatened or endangered species. Although very unlikely, if a population of state-listed species were discovered within the project area, it would be protected from disturbance to the greatest extent practicable. Excavations created on site during construction should not be left open overnight in order to prevent wildlife from potentially being trapped. If excavated holes or trenches must be left unfilled at the end of the work day, they should either be covered, have escape ramps placed in them, or fenced off with an exclusion fence. Any holes or trenches left open overnight should be inspected the following morning for wildlife that may have been trapped. If any state-listed species are trapped in trenches, they should be removed by personnel permitted by the TPWD to handle state-listed species. If encountered, state-listed wildlife should be allowed to flee the construction site on their own.

Several migratory birds were documented during the project area survey and inactive great-tailed grackle nests were documented; all of the avian species observed are protected by the Migratory Bird Treaty Act. In order to avoid disturbing this species or any other migratory bird that could use the project area, it is recommended that any project land clearing take place outside of bird breeding season. While some species can breed year-round in south Texas, the bird breeding season is considered March 15 to September 15. If construction cannot be avoided during this window, a survey could be conducted to identify migratory bird nests to avoid any active nests and unintentional take of migratory birds during construction. In the event that clearing must occur during the nesting season and active nests are observed during surveys, a 150-foot buffer of

vegetation would remain around the nests until the young have fledged or the nest is abandoned.

3.5.3.2 No Action Alternative

Under the No Action Alternative, CBP would not renovate and expand the Eagle Pass South Checkpoint. Vegetation adjacent to the current station would not be removed and no impacts on biological resources would be expected.

3.6 Cultural Resources

3.6.1 Definition of the Resource

"Cultural resources" is an umbrella term for many heritage-related resources defined in several federal laws and EOs, including the NHPA, Archeological and Historic Preservation Act, American Indian Religious Freedom Act, Archaeological Resources Protection Act, and Native American Graves Protection and Repatriation Act. The NHPA focuses on cultural resources such as prehistoric and historic sites, buildings and structures, districts, or other physical evidence of human activity considered important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. Such resources might provide insight into the cultural practices of previous civilizations or retain cultural and religious significance to modern groups. Resources judged important under criteria established in the NHPA are considered eligible for listing in the National Register of Historic Places (NRHP). These resources are termed "historic properties" and are protected under the NHPA.

The Native American Graves Protection and Repatriation Act requires consultation with culturally affiliated Native American tribes for the disposition of Native American human remains, burial goods, and cultural items recovered from federally owned or controlled lands. Typically, cultural resources are subdivided into archaeological sites (prehistoric or historic sites containing physical evidence of human activity but no standing structures); architectural sites (buildings or other structures or groups of structures, or designed landscapes that are of historic or aesthetic significance); and sites of traditional, religious, or cultural significance to Native American tribes.

Archaeological resources comprise areas where human activity has measurably altered the earth or deposits of physical remains are found (i.e., artifacts). Architectural resources include standing buildings, bridges, dams, and other structures of historic or aesthetic significance. Generally, architectural resources must be more than 50 years old to warrant consideration for the NRHP. More recent structures, such as Cold War-era resources, might warrant protection if they are of exceptional importance or have the potential to gain significance in the future. Resources of traditional, religious, or cultural significance to Native American tribes can include archaeological resources, sacred sites, structures, neighborhoods, prominent topographic features, habitats, plants, animals, and minerals that Native Americans consider essential for the preservation of their traditional culture.

3.6.2 Affected Environment

Site Records. Numerous cultural resources investigations, including survey, testing, and data recovery, have been conducted within Maverick County and have shown that this

part of Texas has been inhabited by human populations since approximately 9,500 years before present.

A review of the Texas Historical Commission's Archeological Sites Atlas indicates that, within a one-mile buffer zone of the project area, there have been two archaeological surveys conducted and one archaeological site (41MV118) recorded. The first survey (Object ID: 37760) was conducted by Northland Research, Inc., in 2012 for CBP, and the second survey (Object ID: 1539) was conducted in 1995 for the Federal Highway Administration. No further information on these surveys was available via the Atlas (THC 2015).

Site 41MV118, located along Hwy 57 approximately 0.88 mile southwest of the project area, consists of a lithic quarry and surface scatter site recorded in 1995. Archaeological materials found at the site included a primary flake, three tested cobbles, a biface, a core, and a bifacial, edge-modified flake all observed along the edge of the Hwy 57 right-of-way. The site has been almost completely destroyed by the original highway construction and associated maintenance. It was recommended not eligible for NRHP inclusion or for listing as a State Antiquities Landmark (SAL).

No Official Texas Historical Markers, Recorded Texas Historic Landmarks, SALs, cemeteries, or NRHP-eligible or listed resources or districts are within 1 mile of the project area and will not be discussed further (THC 2015).

Area History. Historic patterns of occupation and land use around the project area are very similar to those documented elsewhere in southwestern Texas. In general, early Maverick County was rural and served as the gateway into Texas along the Camino Real (Old San Antonio Road) as the early Spanish explorers began to venture across the Rio Grande River (Ochoa 2010). Trade was limited by the primitive modes and avenues of transportation; most early settlers strived for self-sufficiency and grew a variety of crops to meet the basic needs of their families.

A cultural resources survey was conducted in the project area in January 2016 to determine the presence/absence of archaeological resources (per 36 CFR § 800.4) and to evaluate identified resources for their eligibility for inclusion in the NRHP, as per Section 106 (36 CFR § 800) of the National Historic Preservation Act of 1966, as amended, or as a designated SAL under the Antiquities Code of Texas (13 Texas Administrative Code 26.12). Disturbances related to Hwy 57 were noted, and scattered limestone and chert pebbles and cobbles were found on the surface throughout the project area, but none exhibited evidence of cultural modification. No archaeological sites were identified during the investigation. In accordance with 36 CFR § 800 and 13 Texas Administration Code 26, no further archaeological investigations are recommended.

3.6.3 Environmental Consequences

Adverse effects on cultural resources can include physically altering, damaging, or destroying all or part of a resource; altering characteristics of the surrounding environment that contribute to the resource's significance; introducing visual or audible elements that are out of character with the property or that alter its setting; neglecting the resource to the extent that it deteriorates or is destroyed; or the sale, transfer, or lease of the property out of federal agency ownership (or control) without adequate legally

enforceable restrictions or conditions to ensure preservation of the property's historic significance.

3.6.3.1 Proposed Action

No impacts on cultural resources would be expected from implementation of the Proposed Action. Archaeological site 41MV118 is 0.88 mile from the project area and would not be expected to be impacted because of its distance from the project area. Additionally, no NRHP sites exist within a 1-mile radius of the project area. Therefore, it is unlikely that the proposed renovation of the Eagle Pass South Checkpoint within the approximately 7-acre project area would affect cultural resources in the project area. Therefore, no effect on cultural resources would be expected. CBP received concurrence from the Texas State Historic Preservation Office on February 24, 2016 that no historic properties are affected.

3.6.3.2 No Action Alternative

No impacts on cultural resources would be expected under the No Action Alternative. Under the No Action Alternative, CBP would not renovate and expand the checkpoint along Hwy 57 and would continue to operate the existing checkpoint.

3.7 Water Resources

3.7.1 Definition of the Resource

Groundwater is a subsurface hydrologic resource. It functions to recharge surface water and is used for drinking, irrigation, and industrial processes. Groundwater can typically be described in terms of its depth from the surface, aquifer or well capacity, water quality, recharge rate, and surrounding geologic formations. The project area is located within a Groundwater Management Area as designated by the Texas Water Development Board. Groundwater Management Areas provide for the "conservation, preservation, protection, recharging, and prevention of waste" of groundwater (TWDB 2016).

Surface water resources generally consist of wetlands, lakes, rivers, and streams. Surface water is important for its contributions to the economic, ecological, recreational, and human health of a community or locale. Waters of the United States are defined under Section 404 of the CWA, as amended, as (1) traditional navigable waters, (2) wetlands adjacent to navigable waters, (3) nonnavigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow perennially or have continuous flow at least seasonally (e.g., typically 3 months), and (4) wetlands that directly abut such tributaries. Waters of the United States are regulated by USEPA and the U.S. Army Corps of Engineers.

The CWA (33 United States Code [U.S.C.] Section 1251 et seq., as amended) establishes federal limits, through the NPDES program, on the amounts of specific pollutants that can be discharged into surface waters to restore and maintain the chemical, physical, and biological integrity of the water. The NPDES program regulates the discharge of point (i.e., end of pipe) and nonpoint sources (i.e., storm water) of water pollution. The State of Texas assumed the authority to administer the NPDES program in Texas on September 14, 1998. The Texas Commission on Environmental Quality Texas Pollutant Discharge

Elimination System program now has federal regulatory authority over most discharges of pollutants to Texas surface water.

No wetlands or floodplains exist within or directly adjacent to the project area and are not discussed further (FEMA 2011).

3.7.2 Affected Environment

Groundwater. The project area is located between the Rio Grande Alluvium and the Carrizo-Wilcox aquifers. Groundwater at the project area most likely drains to the east towards the Carrizo-Wilcox aquifer (TWDB 2011). The alluvial aquifer of the Rio Grande Alluvium consists of terrace, flood-plain and delta deposits of the Rio Grande. These deposits are made up of unconsolidated gravel, sand, silt and clay (USGS Undated). The Carrizo-Wilcox aquifer reaches 3,000 feet in thickness and primarily consists of sand locally interbedded with gravel, silt, clay, and lignite (TWDB 2011). The depth to the water table for the Dant and Pryor association soils (described in **Section 3.4.2.)** is more than 80 inches (NRCS 2016).

Surface Water. The project area generally drains in a southeastern direction and is in the Turkey Sub-basin of the Nueces River Basin. A substantial portion of the Nueces River and its tributaries enter fractured and cavernous limestone formations of the Edwards Aquifer Balcones Fault Zone, north (upstream on the Nueces River) of the project area. As a result, stream flows in the Nueces River Basin downstream from the recharge zone consists almost entirely of storm water (TCEQ 2016). At its closest distance, the project area is approximately 140 feet northwest of an unnamed arroyo that drains into Colorado Tank, an approximately 3-acre pond located on private property.

3.7.3 Environmental Consequences

A proposed action would be considered to cause a significant, adverse impact on water resources if it were to substantially affect water quality; substantially reduce water availability or supply to existing users; threaten or damage hydrologic characteristics; or violate established Federal, state, or local laws and regulations.

3.7.3.1 Proposed Action

Groundwater. Long-term, negligible, adverse impacts on groundwater could occur under the Proposed Action from increased sedimentation from runoff due to construction and creation of new impervious surfaces in groundwater recharge areas. Distribution of groundwater recharge across the project area could change (e.g., recharge would become slightly more concentrated in infiltration areas); however, these changes in drainage would be highly localized, site-specific, and negligible. All construction equipment would be maintained according to the manufacturer's specifications and all fuels and other potentially hazardous materials would be contained and stored appropriately to avoid spills. In the event of a spill, procedures outlined in CBP's spill protection plan would be followed to quickly contain and clean up a spill. BMPs outlined in the spill protection plan would be enacted and CBP would comply with the Spill Prevention, Control, and Countermeasures Rule (40 CFR § 112) and existing groundwater protection protocols as required under the Safe Drinking Water Act.

Surface Water. Short- and long-term, negligible, adverse impacts on surface water would be expected from vegetation removal, construction, and resulting increase in impervious surfaces. Construction and demolition could cause the deposition of fill materials or increased sedimentation into the unnamed arroyo that drains into Colorado Tank; however, erosion-control BMPs, such as placing fabric filters, sandbag enclosures, or other capture devices around the work area, would be implemented to maintain runoff on site and would minimize the potential for adverse effects on downstream water quality. Pertinent local, state, and federal permits would be obtained for any work. No impacts on water resources would be expected from operation of the updated checkpoint.

3.7.3.2 No Action Alternative

Under the No Action Alternative, renovations and expansion of the Eagle Pass South Checkpoint would not occur. Land would not be disturbed, and water resources would remain as described in **Section 3.7.2**. No impacts on water resource would occur.

3.8 Hazardous Materials and Wastes

3.8.1 Definition of the Resource

Hazardous materials are defined by 49 CFR § 171.8 as "hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (49 CFR § 172.101), and materials that meet the defining criteria for hazard classes and divisions" in 49 CFR § 173. Transportation of hazardous materials is regulated by the U.S. Department of Transportation regulations within 49 CFR § 105–180.

Hazardous waste is defined by the RCRA at 42 U.S.C. § 6903(5), as amended by the Hazardous and Solid Waste Amendments, as "a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may (A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed." Certain types of hazardous wastes are subject to special management provisions intended to ease the management burden and facilitate the recycling of such materials. These are called universal wastes and their associated regulatory requirements are specified in 40 CFR § 273.

Special hazards are those substances that might pose a risk to human health and are addressed separately from other hazardous substances. Special hazards include asbestos-containing materials (ACM), lead-based paint (LBP), and polychlorinated biphenyls (PCBs). USEPA is given authority to regulate these special hazard substances by the Toxic Substances Control Act, Title 15 U.S.C. Chapter 53. USEPA has established regulations regarding asbestos abatement and worker safety under 40 CFR § 763 with additional regulation concerning emissions (40 CFR § 61). Whether from lead abatement or other activities, depending on the quantity or concentration, the disposal of the LBP waste is potentially regulated by the RCRA at 40 CFR § 260. The disposal of PCBs is addressed in 40 CFR §§ 750 and 761.

Evaluation of hazardous materials and wastes focuses on underground storage tanks; aboveground storage tanks (ASTs); and the presence, storage, transport, handling, and use of pesticides, herbicides, fuels, solvents, oils, lubricants, ACMs, PCBs, and LBP. The evaluation also extends to the generation, storage, transportation, and disposal of hazardous wastes when such activity occurs at or near the site of a proposed action. In addition to being a threat to humans, the improper release of hazardous materials and wastes can threaten the health and well-being of wildlife species, botanical habitats, soil systems, and water resources. In the event of a release of hazardous materials or wastes, the extent of contamination varies based on the contaminant and the type of soil, topography, and water resources.

3.8.2 Affected Environment

Hazardous Materials, Hazardous Wastes, and Petroleum Products. No bulk quantities of hazardous materials, hazardous wastes, or petroleum products are associated with the checkpoint. Minimal quantities of hazardous materials (e.g., cleaning products) are used and minimal quantities of hazardous wastes are generated at the checkpoint from everyday functions. Petroleum products (i.e., diesel fuel) are limited to the checkpoint's backup electrical generator, an outdoor heater, a flood light, and four 5-gallon storage containers.

Asbestos-Containing Material. Asbestos is regulated by USEPA under the Clean Air Act, TSCA, and Comprehensive Environmental Response, Compensation, and Liability Act. USEPA has established that any material containing more than 1 percent asbestos by weight is considered an ACM. Common ACMs include siding, ceiling tiles, floor tiles, floor tile mastic, roofing materials, joint compound, wallboard, thermal system insulation, boiler gaskets, paint, and other materials. ACMs were used in construction materials until the early 1980s; use since then is uncommon.

Lead-Based Paint. Lead is a heavy, ductile metal commonly found simply as metallic lead or in association with organic compounds, oxides, and salts. It was commonly used in paint until the federal government banned the use of most LBP in 1978. Therefore, it is assumed that all structures constructed prior to 1978 contain LBP. The existing Eagle Pass South Checkpoint was constructed approximately 19 years ago; therefore, LBP is unlikely to be present.

Polychlorinated Biphenyls. Chemicals classified as PCBs were widely manufactured and used in electronic equipment in the United States throughout the 1950s and 1960s; however, production of PCBs was banned in the United States in 1979. The existing Eagle Pass South Checkpoint is approximately 19 years old; therefore, PCB-containing equipment is unlikely to be present.

Contamination. Concurrent with this EA, CBP has prepared a Phase I Environmental Site Assessment on the Eagle Pass South Checkpoint to identify potential areas of contamination. The Phase I ESA did not identify any known or suspected areas of contamination at or adjacent to the checkpoint with exception of scattered ground surface stains estimated to be covering an area of approximately 30 square feet on the paved surface to the northeast and southwest of the checkpoint trailer on existing checkpoint property. These stains appeared to be the result of drips from equipment and vehicles. Additional

staining was observed under the hydraulic lift control panel and under four 5-gallon diesel storage containers. Based on the limited size of the stains, they are considered to be *de minimis* and do not represent an environmental threat to the property.

3.8.3 Environmental Consequences

Impacts on hazardous materials management would be considered significant if a proposed action resulted in worker, resident, or visitor exposure to these materials above established exposure thresholds. Impacts on hazardous materials management would be considered significant if the federal action resulted in noncompliance with applicable federal and respective state regulations, or increased the amounts generated or procured beyond current CBP hazardous materials management procedures and capacities.

3.8.3.1 Proposed Action

Hazardous Materials, Hazardous Wastes, and Petroleum Products. Short-term, negligible, adverse impacts would occur from the use of hazardous materials and petroleum products and the generation of hazardous wastes during construction. Construction would require the delivery and use of minimal amounts of hazardous materials and petroleum products and would generate minimal amounts of hazardous wastes. Contractors would be responsible for the management of hazardous materials, hazardous wastes, and petroleum products during construction. These products would be handled in accordance with federal, state, and local regulations and would not be expected to increase the risks of exposure to workers and the public.

Long-term, minor, beneficial impacts on hazardous materials, hazardous wastes, and petroleum products would occur from the operation of the renovated and expanded checkpoint. Similar types and quantities of hazardous materials and petroleum products would be stored and used at the renovated checkpoint as current conditions; however, secondary containment would be used to store the four 5-gallon diesel storage containers, thus reducing the risk of spills. Similar types and quantities of hazardous wastes would also be generated at the renovated checkpoint as current conditions.

Asbestos-Containing Material, Lead-Based Paint, and Polychlorinated Biphenyls. No impacts from ACMs, LBP, and PCBs would be expected. These materials are unlikely to be present at the existing checkpoint and, therefore, would not be encountered during renovation and expansion. These materials would not be used in new construction.

Contamination. No impacts from environmental contamination would occur because no known or suspected areas of contamination have been identified at the checkpoint or adjacent properties. Any other areas of potential pavement staining would be further investigated and characterized prior to demolition and construction activities.

3.8.3.2 No Action Alternative

No impacts on hazardous materials and wastes would be expected under the No Action Alternative. Under the No Action Alternative, CBP would not renovate and expand the Eagle Pass South Checkpoint and would continue to operate the existing checkpoint.

3.9 Health and Safety

3.9.1 Definition of the Resource

A safe environment is one in which there is no, or an optimally reduced, potential for death, serious bodily injury or illness, or property damage. Human health and safety addresses workers' and the public's health and safety during construction activities and subsequent operation of the newly constructed facilities.

Construction site safety requires adherence to regulatory requirements imposed for the benefit of employees. It includes implementation of engineering and administrative practices that aim to reduce risks of illness, injury, death, and property damage. The health and safety of onsite workers and personnel are safeguarded by numerous regulations designed to comply with standards issued by OSHA, USEPA, and state occupational safety and health agencies. These standards specify health and safety requirements, the amount and type of training required for workers, the use of personal protective equipment (PPE), administrative controls, engineering controls, and permissible exposure limits for workplace stressors.

Health and safety hazards can often be identified and reduced or eliminated. Necessary elements for an accident-prone situation or environment include the presence of the hazard itself together with the exposed (and possibly susceptible) population. The degree of exposure depends primarily on the proximity of the hazard to the population. Hazards include transportation, maintenance, and repair, and the creation of noisy environments.

3.9.2 Affected Environment

Contractor Safety. All contractors performing demolition or construction activities are responsible for following ground safety and OSHA regulations, and are required to conduct construction activities in a manner than does not increase risk to workers or the public. The Texas Department of Insurance, Division of Workers' Compensation provides safety and health resources to employers, employees, and other organizations that support the Texas workforce. In addition, OSHA also provides safety and health resources to employees and employers working in Texas.

Occupational safety and health programs address health and safety of people at work. OSHA regulations cover potential exposure to a wide range of chemical, physical, biological, and ergonomic stressors. The regulations are designed to control these hazards by eliminating exposure to hazards via administrative or engineering controls, substitution, or use of PPE. Occupational safety and health is the responsibility of each employer, as applicable.

USBP Personnel Safety. USBP personnel are responsible for complying with the OSHA and DHS safety and health requirements. DHS Directive 066-01, *Safety and Health Programs*, establishes the DHS's policies, responsibilities, and requirements regarding safety and health programs. The purpose of DHS safety and health programs are to prevent or minimize the loss of DHS resources and to protect employees, contractors, and the visiting public from accidental death, injury, or illness by managing risks through implementation of the tenets of operational risk management and response plans.

Public Safety. Fire department and emergency medical services are provided to the Eagle Pass South Checkpoint from the City of Eagle Pass Fire Station #2. The fire station consists of approximately four full-time firefighters and one fire truck, one pumper truck, one ambulance, and one rescue unit. The department responds to approximately 1,400 calls per year (approximately four calls per day). Police department services are provided both by the Eagle Pass Police Department and the Maverick County Sheriff. The police department, sheriff's stations and fire department are located within the city of Eagle Pass, which is approximately 10 miles from the Eagle Pass South Checkpoint

3.9.3 Environmental Consequences

If implementation of the Proposed Action were to increase risks associated with the safety of construction personnel, contractors, USBP personnel, or the local community, or hinder the ability to respond to an emergency, it would represent an adverse effect. An effect would be significant if implementation of the Proposed Action were to substantially increase these risks or introduce a new health or safety risk for which the checkpoint is not prepared or does not have adequate management and response plans in place.

3.9.3.1 Proposed Action

Contractor Safety. Short-term, negligible, adverse impacts on contractor safety would be expected during construction of the Proposed Action. Construction would pose an increased risk of construction-related accidents; however, adherence to established federal and state safety regulations would reduce this risk. Workers would be required to wear PPE such as ear protection, steel-toed boots, hard hats, gloves, and other appropriate safety products. Employer responsibilities would include assessing potential hazardous workplace conditions; monitor employee exposure to workplace chemicals, physical, and biological agents, and ergonomic stressors; recommend and evaluate controls to ensure exposure to personnel is eliminated or adequately controlled; and ensure a health and safety program is in place to perform occupational health physicals for those workers subject to the use of respiratory protection, or engaged in hazardous waste, or other work requiring medical monitoring. Construction areas would be fenced and appropriately marked with signs to prevent trespassing. Construction equipment and associated trucks transporting material to and from the project sites would use Hwy 57. All equipment operators would be required to be fully trained and licensed for their assigned jobs.

USBP Personnel Safety. Impacts on USBP personnel safety would be long-term, minor, and beneficial. The Proposed Action would provide a new facility with modern and safe working conditions to accommodate the current and projected staff, vehicles, and equipment at the Eagle Pass South Checkpoint. Anti-terrorism/force protection would be incorporated into the facility design.

Public Safety. Construction would not pose a safety risk to the public as the work site would be fenced and appropriate signs would be posted to further reduce safety risks to the public. Therefore, renovation of the checkpoint would not be expected to have adverse impacts on public safety. Long-term, beneficial impacts could occur as a result of improving law enforcement efficiency with the U.S./Mexico international border area.

3.9.3.2 No Action Alternative

Under the No Action Alternative the existing Eagle Pass South Checkpoint would not be demolished and a new, more modern checkpoint facility would not be constructed. The No Action Alternative would be expected to have long-term, minor, adverse impacts on the safety of USBP personnel and the public because the checkpoint would continue to be exposed to increased traffic and would not have the adequate and necessary facilities to accommodate such an increase.

3.10 Roadways and Traffic

3.10.1 Definition of the Resource

The transportation resource is defined as the system of roadways and highways that are in the vicinity of a proposed action and could reasonably be affected by a proposed action. Traffic relates to changes in the number of vehicles on roadways and highways as a result of a proposed action.

3.10.2 Affected Environment

The Eagle Pass South Checkpoint occurs along Hwy 57, which extends southwest from the checkpoint toward Eagle Pass and the U.S./Mexico international border, and northeast toward Moore, Texas. Hwy 57 is a two-lane U.S. highway route with an average speed limit of 75 miles per hour. As a result of the booming oil/gas industry related to the Eagle Shale, Hwy 57 has seen an increase in the amount of daily traffic. The annual average daily traffic for Hwy 57 has increased by approximately 7 percent between 2013 and 2014. Approximately 31 percent of the traffic on Hwy 57 during a 24-hour period is comprised of trucks. There is a single-lane, unimproved farm road northeast of the checkpoint that runs northwest-southeast, which is outside the project area (TXDOT 2014, TXDOT 2016).

3.10.3 Environmental Consequences

Impacts on traffic and transportation are evaluated by how well existing roadways can accommodate changes in traffic. Significant adverse effects would occur if drivers experience high delays as a result of a proposed action altering traffic patterns beyond existing roadway capacity.

3.10.3.1 Proposed Action

Impacts on traffic and transportation from renovation of the Eagle Pass South Checkpoint would be short-term, minor, and adverse. Renovation of the checkpoint would temporarily increase the number of trucks and cars on Hwy 57 associated with construction. The added traffic would compose a small percentage of the total existing traffic on Hwy 57.

Long-term, minor, beneficial impacts on traffic and transportation would be expected from the operation of the renovated Eagle Pass South Checkpoint. With the addition of one to three new acceleration and deceleration lanes, traffic would be expected to flow more efficiently along Hwy 57 because CBP would be able to more efficiently conduct vehicle traffic inspections.

3.10.3.2 No Action Alternative

Under the No Action Alternative, the existing Eagle Pass South Checkpoint would not be demolished and a new, more modern checkpoint facility would not be constructed. Traffic conditions would continue to worsen, and CBP resources would continue to be exposed to increased traffic and would not have the adequate and necessary facilities to accommodate such an increase.

3.11 Infrastructure and Utilities

3.11.1 Definition of the Resource

Infrastructure consists of the systems and physical structures that enable a population in a specified area to function. Infrastructure is wholly human-made, with a high correlation between the type and extent of infrastructure and the degree to which an area is characterized as "urban" or developed. The availability of infrastructure and its capacity to support growth are generally regarded as essential to the economic growth of an area.

3.11.2 Affected Environment

Utilities potentially affected by the Proposed Action include electrical supply, water supply, wastewater service, and storm water management. Because natural gas service is not available to the checkpoint and the Proposed Action would not appreciably affect telecommunications and solid waste management, an analysis of these utilities is not necessary. This infrastructure analysis also considers the impacts of the Proposed Action on the nation's border security infrastructure.

Electrical Supply. Electricity is provided to the checkpoint by the Rio Grande Electric Cooperative. A 36-kilowatt generator provides a secondary source for electricity during power outages. The generator was refurbished in October 2015 and is maintained by USBP Facilities Management & Engineering mechanics.

Water Supply. The checkpoint is not supplied with municipal water and does not use a private groundwater well. Potable water is delivered to the checkpoint in 5-gallon containers from commercial suppliers. Non-potable water, which is used only in sinks and lavatories, is stored in two, 1,600-gallon, mobile ASTs located northeast of the building. These ASTs are taken to the USBP station in Eagle Pass and refilled every 2 to 3 days. Aboveground water piping connects the building to the water storage tanks.

Wastewater Service. Wastewater generated at the checkpoint is disposed of via a septic system. The drainage field for the septic system is immediately east of the checkpoint on the adjacent property, per an agreement with the landowner, which CBP would acquire under the Proposed Action. Wastewater is generated only in the sinks and lavatories of the checkpoint.

Storm Water Management. No man-made storm water infrastructure is associated with the checkpoint. Storm water generally drains via overland flow to the east away from the checkpoint.

Border Security Infrastructure. The Eagle Pass South Checkpoint itself is part of a network of infrastructure that CBP uses to secure the nation's borders against threats. The deficiencies of the checkpoint compromise the effectiveness of CBP to meet its objectives to secure the borders. The most prominent deficiency of the checkpoint is the limited processing abilities, which can result in long wait times during periods of heavy traffic and introduce safety concerns to agents and civilians.

3.11.3 Environmental Consequences

Effects on infrastructure are evaluated for their potential to disrupt or improve existing levels of service and create additional needs for utilities. For example, effects might arise from energy needs created by either direct or indirect workforce and population changes related to activities. An impact could be significant if the Proposed Action resulted in any of the following:

- Exceeded capacity of a utility
- Long-term interruption of the utility
- Violation of a permit condition
- Violation of an approved plan for that utility.

3.11.3.1 Proposed Action

Electrical Supply. Short-term, negligible, adverse effects on electrical supply would occur during the construction of the renovated checkpoint. Temporary electrical service interruptions might be experienced when service is disconnected from the existing checkpoint and connected to the renovated checkpoint. Any electrical service interruptions would be temporary and coordinated with users prior to the occurrence. Construction of the renovated checkpoint would result in a negligible, temporary increase in electrical demand because of the electricity needed to power the construction equipment.

Long-term, minor, beneficial effects on electrical supply would occur following the proposed renovation and expansion activities. No appreciable changes in electricity demand would occur following renovation because the number of staff assigned to the renovated checkpoint and the overall size of the facility would be similar to existing conditions. Additionally, portable light stands could be deployed in order to provide supplemental light to the checkpoint. Because the existing generator was recently refurbished, the reliability of the checkpoint's backup power supply would remain stable.

Water Supply. Short-term, negligible, adverse effects on water supply would occur during construction of the renovated checkpoint. Construction would require minimal amounts of water, primarily for dust suppression. Construction contractors would deliver water to the project site in trucks.

Long-term, minor, beneficial effects on water supply would occur following the proposed renovation and expansion activities. Demand for potable and non-potable water at the checkpoint would not change following renovation however, CBP could install a new water well if it is determined that a water well would be more efficient that trucking

water to the checkpoint. A new water well system would include construction of the associated infrastructure including piping. If a water well is not installed the non-potable water supply piping between the checkpoint and the two mobile ASTs would be upgraded by burying the pipes. This upgrade would reduce the potential for the pipes to break. Use of more efficient potable water infrastructure in the new checkpoint facility would also be beneficial.

Wastewater Service. No effects on wastewater service would occur. The renovated checkpoint would include plans to either renovate the existing septic system or to replace the system, as necessary, in order to accommodate expanded facilities. No changes to the amounts of wastewater generated are anticipated.

Storm Water Management. Short-term, minor, adverse effects on storm water drainage would occur during construction of the renovated checkpoint. Ground disturbance would temporarily increase the potential for soil erosion and sediment transport during rain events. Soil erosion and sediment production would be minimized during construction by developing and implementing an erosion and sediment control plan and a Storm Water Pollution Prevention Plan. In order to comply with Section 438 of the Energy Independence and Security Act, which requires use of low-impact development such as permeable pavement, a stormwater detention basin could be necessary depending on the final engineering design of the checkpoint. CBP would obtain any applicable storm water discharge permits. BMPs would also be implemented to minimize ground surface disturbance and provide adequate, temporary storm water-handling methods.

Long-term, negligible to minor, adverse effects on storm water drainage would occur following construction. The renovated and expanded checkpoint would increase the amount of impervious surface; therefore, the amount of area available for storm water to permeate into the ground would be reduced, thereby resulting in a slight increase in storm water runoff. Appropriate long-term storm water-control measures, including a storm water detention basin, may be incorporated into the final design of the renovated checkpoint to reduce, limit, and control storm water runoff to preconstruction rates.

Border Security Infrastructure. Long-term, minor, beneficial effects on border security infrastructure would occur following the proposed checkpoint renovation and expansion. CBP's ability to quickly, safely, and accurately process vehicles would improve with the renovated checkpoint. Construction of the additional checkpoint lanes on Hwy 57 would allow vehicles to be processed simultaneously and consequently reduce wait times.

3.11.3.2 No Action Alternative

No impacts on infrastructure and utilities would be expected under the No Action Alternative. Under the No Action Alternative, CBP would not renovate and expand the checkpoint along Hwy 57 and would continue to operate the existing checkpoint. The existing infrastructure and utilities at the checkpoint would remain in service.

3.12 Socioeconomics

3.12.1 Definition of the Resource

Socioeconomics is defined as the basic attributes and resources associated with the human environment, particularly characteristics of population and economic activity. Demographics, employment characteristics, and housing occupancy status data provide key insights into socioeconomic conditions that might be affected by a proposed action.

3.12.2 Affected Environment

For the purposes of this socioeconomic analysis, four different spatial levels were used: (1) Census Tract 9507 in which the Proposed Action occurs, (2) Maverick County, (3) the State of Texas and (4) the United States. The selected spatial levels illustrate the socioeconomic characteristics for the areas adjacent to the Eagle Pass South Checkpoint where the most impacts from the Proposed Action would be expected to occur. Census tract data represent the immediate area in which the Proposed Action would occur while Maverick County, Texas and the United States data is used as a baseline level for comparison.

Demographics. Population data for the analyzed spatial levels in 2000 and 2010 are presented in **Table 3-7**. Five-year estimates from 2010 to 2014 are provided to offer a more precise estimate of current conditions. In 2000, the Eagle Pass South Checkpoint was located within Census Tract 9501; however, between 2000 and 2010 the Census Tracts for Maverick County were redrawn, and the checkpoint is now located within Census Tract 9507. Therefore, the percent change in the population from 2000 to 2014 does not provide the analysis with accurate information on the population surrounding the checkpoint between those years. Maverick County saw an increase in population between 2000 and 2010 (14.7 percent change) as well as between 2000 and 2014 (18.0 percent change), less than Texas but greater than the United States as a whole (USCB 2000, USCB 2010, USCB 2014a).

Table 3-7. Population Counts and Estimates for Spatial Levels in 2000, 2010 and 2014

Location	2000	2010	2014[b]	Percent Change 2000 to 2010	Percent Change 2000 to 2014[b]
Census Tract 9507	N/A [a]	9,412	10,086	N/A	N/A
Maverick County	47,297	54,258	55,821	14.7	18.0
Texas	20,851,820	25,145,561	26,092,033	20.6	25.1
United States	281,421,906	308,745,538	314,107,084	9.7	11.6

Sources: USCB 2000. USCB 2010, USCB 2014a

[a] The Eagle Pass South Checkpoint was located in Census Tract 9501 in 2000

[b] 2014 data represent 5-year estimates from 2010 to 2014 and are meant to provide a more precise estimate of current conditions across all spatial levels.

Employment Characteristics. The total workforce within Maverick County is 20,043 people. As of 2014, approximately one quarter of the Census Tract 9507 workforce was employed within the education, health, and social services industry, which was the most common occupational industry in Maverick County, Texas, and the United States. The agriculture, forestry, fishing and hunting and mining industry in Census Tract 9507 represented approximately 19 percent of the workforce and was the highest of all the spatial levels for that specific industry. **Table 3-8** presents information regarding employment by industry from 2010 to 2014 for all the spatial levels (USCB 2014c).

Table 3-8. Employment Characteristics by Industry for 2010 to 2014

Industry	Census Tract 9507	Maverick County	Texas	United States
Percentage of civilian population 16 years old and over in the labor force	52.8	58.0	64.4	63.5
Percentage of employed persons in the Armed Forces	0.0	0.0	0.5	0.4
Agriculture, forestry, fishing and hunting and mining	19.1	9.5	3.3	2.0
Construction	3.3	6.4	7.8	6.2
Manufacturing	1.3	4.2	9.3	10.4
Wholesale trade	2.7	2.3	3.0	2.7
Retail trade	10.9	11.3	11.6	11.6
Transportation and warehousing, and utilities	7.7	6.3	5.4	4.9
Information	0.5	0.6	1.8	2.1
Finance, insurance, real estate, and rental and leasing	2.8	4.3	6.6	6.6
Professional, scientific, management, administrative, and waste management services	2.2	3.2	10.9	10.9
Education, health, and social services	25.3	29.2	21.8	23.2
Arts, entertainment, recreation, accommodation, and food services	7.6	9.1	8.8	9.5
Other services (except public administration)	3.2	3.1	5.4	5.0
Public administration	13.4	10.6	4.4	4.9

Sources: USCB 2014c
Note: 2014 data represent 5-year estimates from 2010 to 2014.

3.12.3 Environmental Consequences

The significance of socioeconomic effects is assessed in terms of direct and indirect effects on the local economy and related effects on other socioeconomic resources (e.g., income, housing, and employment). The magnitude of potential effects can vary greatly, depending on the location of a proposed action. For example, implementation of an action that creates 10 employment positions might be unnoticed in an urban area, but could have substantial effects in a rural community.

3.12.3.1 Proposed Action

Impacts on socioeconomics as a result of the Proposed Action would be short-term, negligible, and beneficial. Impacts from demolition and construction would stimulate the local economy through increases in payroll taxes, sales receipts, and the indirect purchase of goods and services. Construction workers could come from within Maverick County because the demolition and construction would not require specialized workers and, as of 2014, approximately 1,283 people (6.4 percent) work in the construction industry in Maverick County and would easily be able to meet demand. Negligible, beneficial impacts on employment could occur from a potential increase in USBP personnel at the checkpoint. However, any increase in personnel would likely represent only a small fraction of the available workforce within Maverick County.

3.12.3.2 No Action Alternative

No impacts on socioeconomics would be expected under the No Action Alternative. CBP would not renovate and expand the checkpoint along Hwy 57 and would continue to operate the existing checkpoint. The existing socioeconomic conditions would remain as they are described in **Section 3.12.2**.

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4. Cumulative and Other Adverse Effects

Cumulative impacts can result from individually minor but collectively significant past, present, and foreseeable future actions. For the purposes of the analysis in this section, consideration was given to cumulative impacts of all projects identified within a reasonable distance to the project area dependent on the resource. In this instance, the isolated area surrounding the project is unlikely to be subjected to the compounding activity of other entities, particularly because such activities take place on an infrequent basis. The geographic scope of the analysis varies by resource area. Cumulative impacts on air quality; noise; geological, biological, cultural, and water resources; hazardous materials and wastes; human health and safety; roadways and traffic; and infrastructure and utilities would occur within the construction footprint of the Proposed Action. Cumulative impacts on noise and geological, biological, and water resources could occur beyond the construction footprint but would be limited to the area immediately surrounding the area (approximately 1 mile). Cumulative impacts on utilities and air quality could occur beyond the project area; however, no long-term appreciable change in utilities would be expected, and impacts on air quality would not likely exceed attainment area significance criteria.

4.1 Past, Present and Future Actions near the Eagle Pass South Checkpoint

Past and present actions are those actions that occurred within the geographic scope of cumulative effects prior to the development of this EA or are concurrently being undertaken in the geographic area of the proposed project area. Past actions have shaped the current environmental conditions in close proximity (i.e., within several miles) to the existing Eagle Pass South Checkpoint. Therefore, the effects of past actions are now part of the existing environment and are generally included in the affected environment described in **Section 3**. Present actions consist of current maintenance of the checkpoint and continued use of ranchland, or updates to Hwy 57 and future actions would consist of maintenance of Hwy 57 or any changes to nearby ranchland. CBP is considering renovating other checkpoints in the state of Texas; however, they are outside the geographic scope of this project.

4.2 Cumulative Impacts Analysis of the Proposed Action

Implementation of the Proposed Action would result in the demolition of existing infrastructure and construction of new facilities and associated infrastructure. However, given the remote location of the proposed project area, implementation of the Proposed Action would not be expected to result in significant adverse cumulative effects. Any potential actions within the city of Eagle Pass would occur at least 10 miles from the project area. Conversion of ranchland for use for the checkpoint is addressed in **Section 3.1.2**. In 2017, TXDOT plans to resurface Hwy 57 with a seal coat starting at the Hwy 57 and U.S. Highway 277 intersection in Eagle Pass to 2.9 miles east of the Hwy 57 and County Road 481, which is approximately 6 miles northeast of the Eagle Pass South Checkpoint (TXDOT 2016). However, considering the distance from the project area and

the temporary nature of the work and that measures that would ensure the projects do not conflict with one another be put in place, no cumulative impacts on any resource area would be expected.

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A

Applicable Laws, Regulations, Policies, and Planning Criteria

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APPENDIX A: APPLICABLE LAWS AND EXECUTIVE ORDERS

Table A-1. Applicable Laws and Executive Orders[1]

Title, Citation	Summary
Archaeological and Historical Preservation Act, 16 United States Code (U.S.C.) 469	Protects and preserves historical and archaeological data. Requires federal agencies to identify and recover data from archaeological sites threatened by a proposed action(s).
Clean Air Act, 42 U.S.C. 7401–7671q, as amended	Establishes federal standards for air pollutants. Prevents significant deterioration in areas of the country where air quality fails to meet Federal standards.
Clean Water Act, 33 U.S.C. 1251–1387 (also known as the Federal Water Pollution Control Act)	Comprehensively restores and maintains the chemical, physical, and biological integrity of the nation's waters. Implemented and enforced by the U.S. Environmental Protection Agency (USEPA).
Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601–9675 (also known as "Superfund")	Provides for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment and cleanup of inactive hazardous substance disposal sites. Establishes a fund financed by hazardous waste generators to support cleanup and response actions.
Endangered Species Act of 1973, 16 U.S.C. 1531–1543, as amended	Protects threatened, endangered, and candidate species of fish, wildlife, and plants and their designated critical habitats. Prohibits Federal action that jeopardizes the continued existence of endangered or threatened species. Requires consultation with the U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration Fisheries and a biological assessment when such species are present in an area affected by federal government activities.
Fish and Wildlife Coordination Act, 16 U.S.C. 661–667e, as amended	Authorizes the Secretaries of the Interior and Commerce to provide assistance to and cooperate with federal and state agencies to protect, rear, stock, and increase the supply of game and fur-bearing animals, as well as to study the effects of domestic sewage, trade wastes, and other polluting substances on wildlife. The 1946 amendments require consultation with USFWS and the state fish and wildlife agencies involving any water bodies that are proposed or authorized, permitted, or licensed to be impounded, diverted, or otherwise controlled or modified by any agency under a federal permit or license.
Migratory Bird Treaty Act, 16 U.S.C. 703–712	Implements various treaties for protecting migratory birds; the taking, killing, or possession of migratory birds is unlawful.
National Environmental Policy Act of 1969, 42 U.S.C. 4321–4370e, as amended	Requires federal agencies to use a systematic approach when assessing environmental impacts of government activities. Proposes an interdisciplinary approach in a decision-making process designed to identify unacceptable or unnecessary impacts to the environment.

National Historic Preservation Act, 54 U.S.C. § 300101 et seq	Requires federal agencies to consider the effect of any federally assisted undertaking or licensing on any district, site, building, structure, or object eligible for inclusion, or listed in the National Register of Historic Places (NRHP). Provides for the nomination, identification (through NRHP listing), and protection of significant historical and cultural properties.
Noise Control Act of 1972, 42 U.S.C. 4901–4918	Establishes a national policy to promote an environment free from noise that jeopardizes health and welfare. Authorizes the establishment of federal noise emissions standards and provides relevant information to the public.
Occupational Safety and Health Act of 1970, 29 U.S.C. 651–678	Establishes standards to protect workers, including standards on industrial safety, noise, and health standards.
Resource Conservation and Recovery Act, 42 U.S.C. 6901–6992k	Establishes requirements for safely managing and disposing of solid and hazardous waste and underground storage tanks.
Executive Order (EO) 12372, *Intergovernmental Review of Federal Programs,* July 14, 1982, 47 Federal Register (FR) 30959 (6/16/82), as supplemented	Requires federal agencies to consult with state and local governments when proposed federal financial assistance or direct federal development impacts interstate metropolitan urban centers or other interstate areas.
EO 12898, *Environmental Justice,* February 11, 1994, 59 FR 7629 (2/16/94), as amended	Requires certain federal agencies, to the greatest extent practicable permitted by law, to make environmental justice part of their missions by identifying and addressing disproportionately high and adverse health or environmental effects on minority and low-income populations.
EO 13693, *Planning for Federal Sustainability in the Next Decade*	Directs federal agencies to reduce direct greenhouse gas emissions by at least 40 percent over the next decade while at the same time fostering innovation, reducing spending, and strengthening the communities in which federal facilities operate. It is also designed to promote building energy conservation, efficiency, and management; ensure that percentages of building electrical energy and thermal energy will be clean (renewable and alternative) energy; ensure that the total building energy consumed by the agency incorporates renewable energy; and to incorporate renewable energy guidelines where feasible.
EO 13175, *Consultation and Coordination with Indian Tribal Governments,* November 6, 2000, 65 FR 67249 (11/09/00)	Requires federal agencies to establish an accountable process that ensures meaningful and timely input from tribal officials in developing policies that have tribal implications.

EO 13186, *Responsibilities of Federal Agencies to Protect Migratory Birds*, January 10, 2001, 66 FR 3853 (1/17/01)	Requires each agency to ensure that environmental analyses of federal actions (required by the National Environmental Policy Act or other established environmental review processes) evaluate the effects of actions and agency plans on migratory birds, emphasizing species of concern. Agencies must support the conservation intent of migratory bird conventions by integrating bird conservation principles, measures, and practices into agency activities, and by avoiding or minimizing, to the extent practicable, adverse impacts on migratory bird resources when conducting agency actions.
EO 11593, *Protection and Enhancement of the Cultural Environment*, May 13, 1971, 36 FR 8921 (5/15/71)	Requires all federal agencies to locate, identify, and record all cultural resources, including significant archeological, historical, or architectural sites.

Note:

1. This table only reflects those laws and EOs that might reasonably be expected to apply to the Proposed Action and alternatives addressed in this EA.

Other laws and EOs evaluated for this EA include, but are not limited to, the following:

- American Indian Religious Freedom Act, 42 U.S.C. 1996, et seq.
- Antiquities Act, 16 U.S.C. 433, et seq.; Archeological Resources Protection Act, 16 U.S.C. 470 aa-ll, et seq.
- Architectural Barriers Act, 42 U.S.C. 4151, et seq.
- Community Environmental Response Facilitation Act, 42 U.S.C. 9620, et seq.
- Department of Transportation Act, Public Law (P.L.) 89-670, 49 U.S.C. 303, Section 4(f), et seq.
- Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11001–11050, et seq.
- Environmental Quality Improvement Act, P.L. 98-581, 42 U.S.C. 4371, et seq.
- Farmlands Protection Policy Act, P.L. 97-98, 7 U.S.C. 4201, et seq.
- Federal Insecticide, Fungicide, and Rodenticide Act, P.L. 86-139, 7 U.S.C. 135, et seq.
- Federal Records Act, 44 U.S.C. 2101-3324, et seq.
- Fish and Wildlife Act of 1956, P.L. 85-888, 16 U.S.C. 742, et seq.
- Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001, et seq.
- Pollution Prevention Act of 1990, 42 U.S.C. 13101-13109, et seq.
- Safe Drinking Water Act, P.L. 93-523, 42, U.S.C. 201, et seq.
- Toxic Substances Control Act, 7 U.S.C. 136, et seq.
- Wild and Scenic Rivers Act, P.L. 90-542, 16 U.S.C. 1271, et seq.

- EO 12114, dated January 9, 1979, *Environmental Effects Abroad of Major Federal Actions*, 44 FR 1957
- EO 12088, dated October 13, 1978, *Federal Compliance with Pollution Control Standards*, 43 FR 47707, as amended by EO 12580, dated January 23, 1987, and revoked (in part) by EO 13148, dated April 21, 2000
- EO 13132, dated August 4, 1999, *Federalism*, 64 FR 43255
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- EO 13112, dated February 3, 1999, *Invasive Species*, 64 FR 6183, as amended by EO 13286, February 28, 2003, 68 FR 10619
- EO 11514, dated March 5, 1970, *Protection and Enhancement of Environmental Quality*, 35 FR 4247, as amended by EO 11541, July 1, 1970, 35 FR 10737 and EO 11991, May 24, 1977, 42 FR 26967
- EO 13045, dated April 21, 1997, *Protection of Children from Environmental Health and Safety Risks*, 62 FR 19885, as amended by EO 13229, October 9, 2001, 66 FR 52013 and EO 13296, April 18, 2003, 68 FR 19931
- EO 11990, dated May 24, 1977, *Protection of Wetlands*, 42 FR 26961, as amended by EO 12608, September 9, 1987, 52 FR 34617.

B

Public Involvement and Agency Coordination

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APPENDIX B: PUBLIC INVOLVEMENT AND AGENCY COORDINATION

Interested Party List

Copies of the Coordination Letter with instructions for accessing the Draft EA were sent to the following agencies and interested parties during the Draft EA public review period:

FEDERAL AGENCY CONTACTS

Mr. John Blevins
Division Director
U.S. Environmental Protection Agency, Region 6

Ms. Cathy Gilmore
Section Chief
U.S. Environmental Protection Agency

Mr. Jose A. Nunez
Principal Engineer
International Boundary and Water Commission

Mr. Mike Snyder
Regional Director
National Park Service

Ms. Mary Orms
U.S. Fish and Wildlife Service

Mr. Adam Zerrenner
Field Supervisor
U.S. Fish and Wildlife Service

STATE AGENCY CONTACTS

Mr. James M. Bass
Executive Director
Texas Dept. of Transportation

Mr. Archie Clouse
Regional Director
Texas Commission on Environmental Quality

Ms. Lorinda Gardner
Regional Director
Texas Commission on Environmental Quality

Mr. Jaime A. Garza
Regional Director
Texas Commission on Environmental Quality

Ms. Jody Henneke
Deputy Commissioner
Texas General Land Office

Mr. John Howard
Environmental Policy Director
Governor's Policy Office

Mr. David A. Ramirez
Area Director
Texas Commission on Environmental Quality

Mr. Carlos Rubinstein
Area Director
Texas Commission on Environmental Quality

Mr. Carter Smith
Executive Director
Texas Parks and Wildlife

Mr. Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission

Environmental Policy Director
Governor's Policy Office

LOCAL CONTACTS

The Honorable Ramsey English Cantu
Mayor
City of Eagle Pass

Mr. Hector Chavez
City Manager
City of Eagle Pass

The Honorable David Saucedo
County Judge
Maverick County

TRIBAL CONTACTS

The Honorable Wallace Coffey
Chairman
Comanche Nation

The Honorable Juan Garza Jr.
Chairman
Kickapoo Traditional Tribe of Texas

The Honorable Ron Twohatchet
Chairman
Kiowa Tribe of Oklahoma

COMANCHE NATION

U.S. Customs and Border Protection
Attn: Joseph Zidron
1300 Pennsylvania Ave. NW
District of Columbia 20229

March 1, 2016

Re: Section 106 Consultation for U.S. Customs and Border Protection ,U.S. Border Patrol , Del Rio Sector, Eagle Pass South Traffic Checkpoint Renovation and Expansion near Eagle Pass, Texas

Dear Mr. Zidron:

In response to your request, the above reference project has been reviewed by staff of this office to identify areas that may potentially contain prehistoric or historic archeological materials. The location of your project has been cross referenced with the Comanche Nation site files, an Comanche Nation ***"Concur"*** with your finding.

Please contact this office at (580) 595-9960/9618 if you require additional information on this project.

This review is performed in order to identify and preserve the Comanche Nation and State cultural heritage, in conjunction with the State Historic Preservation Office.

Regards

Comanche Nation Historic Preservation Office
Theodore E. Villicana ,Resource Technician
#6 SW "D" Avenue , Suite C
Lawton, OK. 73502

COMANCHE NATION P.O. BOX 908 / LAWTON, OK 73502
PHONE: 580-492-4988 TOLL FREE:1-877-492-4988

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1300 Pennsylvania Avenue NW
Washington, DC 20229

U.S. Customs and Border Protection

APR 25 2016

RECEIVED
APR 25 2016

Mr. F. Lawrence Oaks
State Historic Preservation Officer
Texas Historical Commission
1511 Colorado Street
Austin, TX 78701

Subject: Notice of Availability for the Draft Environmental Assessment (EA) Supporting the Eagle Pass South Checkpoint Renovation and Expansion in Maverick County, Texas

Dear Mr. Oaks:

U.S. Customs and Border Protection (CBP), a component within the Department of Homeland Security (DHS), proposes to renovate and expand the Eagle Pass South Border Patrol Checkpoint 10 miles outside of Eagle Pass, Texas. Pursuant to the National Environmental Policy Act (NEPA) of 1969, 42 United States Code (U.S.C.) 4321 et seq., CBP has prepared a Draft EA to identify and assess the potential impacts of the renovation and expansion of the checkpoint, which would include the demolition of existing infrastructure and construction of a new checkpoint building and associated infrastructure. New signage, booths, canopy, lighting, and structure would also be required. The analysis in the Draft EA considers two alternatives, the Proposed Action and the No Action Alternative.

The EA complies with NEPA, the Council on Environmental Quality regulations in 40 Code of Federal Regulations (CFR) Parts 1500–1508, and DHS Directive 023-01, *Environmental Planning Program*.

CBP invites public participation in the NEPA process through its solicitation of comments on the enclosed Draft EA and its associated Finding of No Significant Impact (FONSI). In order to be considered for inclusion in the Final EA, comments on the Draft EA and FONSI must be received by May 25th, 2016. Please provide comments using only one of the following methods:

(a) By email to joseph.zidron@cbp.dhs.gov

(b) By mail to Eagle Pass South Checkpoint EA, c/o Joseph Zidron, U.S. Customs and Border Protection, 24000 Avila Road, Suite 5020, Laguna Niguel, CA 92677

When submitting comments, please include your name and address, and identify your comments as for the Eagle Pass South Checkpoint EA. Your comments, along with your identifying information, will be made available to the public.

Electronic copies of the Draft EA and FONSI are also available on the internet at http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review. Hard copies of the Draft EA and FONSI can also be reviewed at the Eagle Pass Public Library.

If you have any technical questions, please contact Mr. Joseph Zidron by mail at Border Patrol Facilities and Tactical Infrastructure, 24000 Avila Road, Suite 5020, Laguna Niguel, CA 92677; or by telephone at (949) 643-6392.

Sincerely,

Paul Enriquez
Environmental Branch Chief
Border Patrol Facilities and Tactical Infrastructure
Program Management Office

Enclosure: Draft EA and FONSI

NO HISTORIC
PROPERTIES AFFECTED
PROJECT MAY PROCEED
by Justin Kockerts
for Mark Wolfe
State Historic Preservation Officer
Date 5/2/2016

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

May 6, 2016

Eagle Pass South Checkpoint EA
c/o Mr. Joseph Zidron
US Customs and Border Protection
24000 Avila Road, Suite 5020
Laguna Niguel, CA 92677

Subject: Notice of Availability of Draft Eagle Pass South Checkpoint and Renovation Expansion Environmental Assessment and Finding of No Significant Impact

Dear Mr. Zidron:

The United States Section of the International Boundary and Water Commission (USIBWC) has reviewed the Draft Eagle Pass South Checkpoint and Renovation Expansion Environmental Assessment (EA) and Finding of No Significant Impact dated April, 2016. This EA and FONSI are for the improvements to an existing highway checkpoint located on US Highway 57 approximately 11 miles northeast of the US Mexico Border at Eagle Pass Texas. USIBWC has no comment and concurs with the Finding of No Significant Impact.

If you have any questions or require additional information, please feel free to contact Kelly Blough at (915) 832-4734 or to kelly.blough@ibwc.gov.

Sincerely,

Gilbert G. Anaya
Division Chief
Environmental Management Division

The Commons, Building C, Suite 100 • 4171 N. Mesa Street • El Paso, Texas 79902-1441
(915) 832-4701 • Fax: (915) 832-4166 • http://www.ibwc.gov

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Texas Department of Transportation
1817 BOB BULLOCK LOOP | LAREDO, TEXAS 78043-9770 | (956) 712-7400 | WWW.TXDOT.GOV

May 6, 2016

Eagle Pass South Checkpoint EA
c/o Joseph Zidron
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, California 92677

Re: Eagle Pass South (US 57) Checkpoint Renovation and Expansion, Maverick County, Texas

Dear Mr. Zidron,

Thank you for providing information on the proposed renovation and upgrade of the U.S. Customs and Border Protection facility located on US 57 northeast of Eagle Pass, Maverick County, Texas. At this time we have no comments on the environmental impacts that would result from the proposed facility. However, we do request a copy of the layout of the proposed facility so that we can determine the potential impacts to the traffic situation on US 57. We also strongly request that this project's design team visit with the Laredo District staff as the plans are being developed so that we can provide our input on the facility's design as it relates to traffic safety. Please know that safety is our #1 priority in this matter.

If you have any questions, please contact me at (956) 712-7456, Antonio Perea, P.E. at (830) 703-1422, or Danny Magee, P.E. at (956) 764-1230. Mr. Perea is our Del Rio Area Engineer and has daily oversight of the highways in the project's area. Mr. Magee is responsible for the traffic operations in the Laredo District. As always, we will strive to continue with our strong cooperation with the CBP in the areas where our responsibilities overlap.

Sincerely,

Melisa D. Montemayor
Laredo District Administrator

cc: Antonio Perea, P.E. – Del Rio Area Engineer
Danny Magee, P.E. – District Director of Traffic Operations

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From: david_hurd@nps.gov [mailto:david_hurd@nps.gov] **On Behalf Of** IMRextrev, NPS
Sent: Monday, May 23, 2016 10:40 AM
To: ZIDRON, JOSEPH
Subject: Re: Notice of Availability for the Draft Environmental Assessment Supporting the Eagle Pass South Checkpoint Renovation and Expansion in Maverick County, Texas

Dear Mr. Zidron,

The National Park Service (NPS) would like to thank you for the opportunity to be involved in your project. The NPS has reviewed this project and has found no comments at this time.

Regards,

National Park Service
Intermountain Region External Review Team
Serving MT, UT, WY, CO, AZ, NM, OK, TX
imrextrev@nps.gov

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TEXAS PARKS & WILDLIFE

Life's better outside.

Commissioners

T. Dan Friedkin
Chairman
Houston

Ralph H. Duggins
Vice-Chairman
Fort Worth

Anna B. Galo
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Bill Jones
Austin

Jeanne W. Latimer
San Antonio

James H. Lee
Houston

S. Reed Morian
Houston

Dick Scott
Wimberley

Kelcy L. Warren
Dallas

Lee M. Bass
Chairman-Emeritus
Fort Worth

Carter P. Smith
Executive Director

May 23, 2016

Eagle Pass Checkpoint EA
c/o Joseph Zidron
U.S. Customs and Border Protection
2400 Avila Road, Suite 5020
Laguna Niguel, CA 92677

RE: Draft Environmental Assessment for Proposed Eagle Pass South Checkpoint Renovation and Expansion, Maverick County, Texas.

Dear Mr. Zidron:

This letter is in response to your request for review of the Draft Environmental Assessment (DEA) prepared by the U.S. Customs and Border Protection (CBP) for the proposed project referenced above.

Project Description

The CBP proposes to renovate and expand the existing U.S. Border Patrol (USBP) traffic checkpoint approximately 10 miles east of Eagle Pass, Texas. Two alternatives, the Proposed Action Alternative and the No Action Alternative, were considered. The Proposed Action would expand and renovate the checkpoint to include one to three acceleration/deceleration lanes, new signage, booths, canopy, lighting, and associated infrastructure. The current checkpoint occupies approximately 0.25 acres. Renovation and expansion would require the acquisition of five acres of adjacent land. Temporarily acquiring an additional two acres would be necessary for staging construction materials and to provide access.

As part of the Proposed Action Alternative, potential impacts to wildlife and wildlife habitat would be minimized by incorporating a number of best management practices (BMPs) including measures to prevent the establishment or spread of nonnative species of vegetation, revegetating disturbed areas with native species, and scheduling vegetation clearing to occur outside of the migratory bird nesting season.

Comment: TPWD appreciates the proposed proactive implementation of BMPs to minimize impacts to wildlife and wildlife habitat.

Texas Parks and Wildlife Department (TPWD) has reviewed the information provided and offers the following comments and recommendations.

4200 SMITH SCHOOL ROAD
AUSTIN, TEXAS 78744-3291
512.389.4800
www.tpwd.texas.gov

Federal Regulations

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) implicitly prohibits intentional and unintentional take of migratory birds, including their nests and eggs, except as permitted by the USFWS. This protection applies to most native bird species, including ground nesting species. Although not documented in the TXNDD, many bird species which are not listed as *threatened* or *endangered* are protected by the MBTA and are known to be year-round or seasonal residents or seasonal migrants through the proposed project area. Additional information regarding the MBTA is available from the USFWS-Southwest Regional Office (Region 2) at (505) 248-7882.

Vegetation clearing would be necessary to complete the project as proposed. The general project area consists of a diversity of native thornscrub vegetation and introduced grasses that provide a variety of nesting habitats for different bird species. In addition to nesting sites, stands of native brush and grass may provide suitable cover, loafing and feeding habitat for birds. Inactive nests were observed during a January 2016 survey of the site.

It is recommended in the DEA that land clearing activities should occur outside of the bird breeding season. If clearing cannot be completed during this timeframe (March 15 through September 15), the DEA states that nest surveys *could* be conducted and active nests would be avoided by preserving a 150-foot buffer of vegetation around the nests until the young have fledged or the nest is abandoned

> **Recommendation:** TPWD appreciates the measures that have been recommended to be taken to comply with the MBTA and to avoid and/or minimize potential negative impacts to migratory birds. TPWD recommends that these measures should be implemented.

State Regulations

Parks and Wildlife Code

State law prohibits the capture, trap, take or kill (incidental or otherwise) of state-listed species. Laws and regulations pertaining to state-listed endangered or threatened animals are contained in Chapters 67 and 68 of the Texas Parks and Wildlife (TPW) Code; laws pertaining to endangered or threatened plants are contained in Chapter 88 of the TPW Code. There are penalties, which may include fines and/or jail time in addition to payment of restitution values, associated with take of state-listed species. Please see "Laws and Regulations Applicable to TPWD Review" at:

http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/habitat_assessment/laws.phtml.
For purposes of relocation, surveys, monitoring, and research, terrestrial state-listed species may only be handled by persons permitted through the TPWD Wildlife Permits Program. For more information regarding Wildlife Permits, please visit TPWD's wildlife permit website at: **http://www.tpwd.state.tx.us/business/permits/land/wildlife/**. For the above-listed activities that involve aquatic species please contact the TPWD Kills and Spills Team (KAST) for the appropriate authorization. For more information on KAST please visit **http://www.tpwd.state.tx.us/landwater/water/environconcerns/kills_and_spills/regions**.

TPWD agrees with the determination stated in the DEA that suitable habitat for several state-listed reptiles (Texas tortoises, Texas horned lizard, Texas indigo snake, and reticulate collared lizard, and the species of concern (SOC) spot-tailed earless lizard) occurs in the project area. Proposed BMPs to avoid and/or minimize potential negative impacts to reptiles and other small wildlife includes closing excavations overnight or providing escape ramps in excavations, using exclusion fencing, and inspecting excavations each morning prior to the start of construction activities.

Comment: TPWD appreciates all of the best management practices proposed to help avoid or minimize potential impacts to state-listed species and habitat.

Surveys of the project area occurred in January 2016. TPWD agrees with the assessment stated in the DEA that it would have been unlikely to detect the presence of reptiles under the conditions present at the site on the day of the survey.

Reptiles, including the state-listed reticulate collared lizard, Texas horned lizard, Texas indigo snake, Texas Tortoise, and rare spot-tailed earless lizard, become more active during the spring and may be more susceptible to being negatively impacted by construction activities during this season. Also, species such as the Texas tortoise utilize burrows of other animals or are found under prickly pear cactus and are therefore susceptible to being directly impacted during ground disturbing construction activities; all species are susceptible to collisions with vehicles.

Recommendation: TPWD recommends, if possible, surveying the project area during warmer months when reptile activity would be more likely to be detected. TPWD also recommends scheduling construction activities involving grading or bulldozing to occur outside of the spring to avoid and or minimize potential impacts to these species. In order to further minimize potential negative impacts to burrowing animals, TPWD recommends completing major

ground disturbing activities before late October when reptiles become inactive and could be utilizing burrows in areas subject to disturbance.

If any reptiles are observed in the active construction area, TPWD agrees with the recommendation in the DEA that that they should be permitted to flee the area on their own.

Recommendation: If reptiles, particularly tortoises and horned lizards, will not flee from a work area and must be physically removed, they should only be moved as far from the proposed construction activity as necessary to be protected from being negatively impacted. The farther tortoises and lizards are relocated from their capture site, the less likely they are to survive the relocation.

If tortoises are removed from an area, an exclusion fence should be constructed with metal flashing or drift fence material to prevent them from returning to the area. Regular silt fence material may be used to construct the fence. The exclusion fence should be buried at least six-inches deep and be 24-inches high. The use of an exclusion fence is also effective in preventing other reptiles from entering an area in which they may be negatively impacted. Additional information regarding Texas tortoise best management practices is available on the TPWD website at: **http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/habitat_assessment/tools.phtml**.

General Comments

Page 3-13. The genus for desert hackberry should be changed from *Celtic* to *Celtis*.

TPWD appreciates the opportunity to review the Draft EA for this project. Please contact me at (361) 825-3240 or **russell.hooten@tpwd.texas.gov** if you have any questions regarding our comments.

Sincerely,

Russell Hooten
Wildlife Habitat Assessment Program
Wildlife Division

/rh 36529

COMANCHE NATION

U.S. Custom and Border Protection
Attn: Mr. Joseph Zidron
1300 Pennsylvania Avenue NW
District of Columbia 20229

June 1, 2016

Re: Notice of Availability for the Draft Environmental Assessment (EA)
Supporting the Eagle Pass South Checkpoint Renovation and Expansion
in Maverick, County, Texas

Dear Mr. Zidron :

In response to your request, the above reference project has been reviewed by staff of this office to identify areas that may potentially contain prehistoric or historic archeological materials. The location of your project has been cross referenced with the Comanche Nation site files, where an indication of ***"No Properties"*** have been identified. (IAW 36 CFR 800.4(d)(1)).

Please contact this office at (580) 595-9960/9618 if you require additional information on this project.

This review is performed in order to identify and preserve the Comanche Nation and State cultural heritage, in conjunction with the State Historic Preservation Office.

Regards

Comanche Nation Historic Preservation Office
Theodore E. Villicana ,Technician
#6 SW "D" Avenue , Suite C
Lawton, OK. 73502

COMANCHE NATION P.O. BOX 908 / LAWTON, OK 73502
PHONE: 580-492-4988 TOLL FREE:1-877-492-4988

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C

State-Listed Species Unlikely to Occur in the Project Area

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APPENDIX C: STATE-LISTED SPECIES UNLIKELY TO OCCUR IN THE PROJECT AREA

Table C-1. Federally Listed Species that Occur in Maverick County

Species		Status		Habitat Associations*/Likelihood of Occurrence in Project Area
Common Name	Scientific Name	Federal	State	
Birds				
Least tern (Interior Population)	*Sterna antillarum*	E	E	Nest on barren to sparsely vegetated sandbars along rivers, sand and gravel pits, lake and reservoir shorelines, and occasionally gravel rooftops. Habitat not present. Unlikely to occur. No effect.
Piping plover	*Charadrius melodus*	T	T	Winter populations associated with sparsely vegetated tidal sand flats, or algal flats. Habitat not present. Unlikely to occur. No effect.
Rufa red knot	*Calidris canutus rufa*	T	-	Migratory stopover habitat is generally coastal marine and estuarine with large areas of exposed intertidal sediments. In North America, this includes sandy, gravel, or cobble beaches, tidal mudflats, salt marshes, shallow coastal impoundments and lagoons, and peat banks. Habitat not present. Unlikely to occur. No effect.
Sprague's pipit	*Anthus spragueii*	C	-	Winter habitats consist of large grassland areas that may or may not primarily consist of native grass. Habitat not present. Unlikely to occur. No effect.
Mammals				
Gulf Coast jaguarundi	*Herpailurus yagouaroundi*	E	E	Tamaulipan Biotic Province, where it uses dense, natural, and undisturbed thorny shrublands or woodlands and tall dense bunchgrass pastures adjacent to dense brush or woody cover. Habitat not present. Unlikely to occur. No effect.
Ocelot	*Leopardus (=felis) pardalis*	E	E	Tamaulipan Biotic Province which includes several variations of subtropical thornscrub brush. Ocelots prefer dense thornscrub habitats with greater than 95 percent canopy cover. Habitat not present. Unlikely to occur. No effect.

*Sources: USFWS 2010a, USFWS 2010b, USFWS 2013a, USFWS 2013b, USFWS 2015a, USFWS 2015b

Key: E = Endangered, T = Threatened, C = Candidate

Table C-2. State-Listed Species Unlikely to Occur in the Project Area

Species		Listing Status	Habitat*	Likelihood of Occurrence/ Determination
Birds				
Baird's sparrow	*Ammodramus bairdii*	R	Short-grass prairie with scattered shrubs.	Short-to long-term, negligible to minor, adverse impacts would be unlikely to occur.
Mountain plover	*Charadrius montanus*	R	Short-grass prairie, but occasionally in cropland or barren ground.	Short-to long-term, negligible to minor, adverse impacts would be unlikely to occur.
Western burrowing owl	*Athene cunicularia hypugaea*	R	Open grasslands, especially prairie, plains, and savanna, sometimes in open areas such as vacant lots near human habitation or airports; nests and roosts in abandoned burrows.	Short-to long-term, negligible to minor, adverse impacts would be unlikely to occur.
Mammals				
Black bear	*Ursus americanus*	T	Large tracts of bottomland hardwood forests.	Short-to long-term, negligible to minor, adverse impacts would be unlikely to occur.
Plants				
Mexican mud-plantain	*Heteranthera mexicana*	R	Wet clayey soils of resacas and ephemeral wetlands; flowering June-December.	Short-to long-term, negligible to minor, adverse impacts would be unlikely to occur.
Shinner's sunflower	*Helianthus occidentalis* sp *plantagineus*	R	Mostly in prairies on the Coastal Plain, with several slightly disjunct populations in the Pineywoods and South Texas Brush Country.	Short-to long-term, negligible to minor, adverse impacts would be unlikely to occur.

*Source: TPWD 2015

D

Air Quality Calculations

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APPENDIX D: AIR QUALITY CALCULATIONS

Combustion Emissions

Combustion Emissions of VOC, NO_x, SO_2, CO, $PM_{2.5}$, PM_{10}, and CO_2 due to Construction and Demolition

	General Construction Activities	Area Disturbed	Source and Assumptions
1.)	Demolish Existing Checkpoint	2,500 ft²	Google Earth Estimate
2.)	Construct New Checkpoint Building	2,500 ft²	Estimate from conceptual drawings
3.)	Constuct Kennel	375 ft²	Estimate from conceptual drawings
4.)	Construct Canopy (includes booths and median under canopy)	5,000 ft²	Estimate from conceptual drawings
6.)	Construct Vehicle Lift Area	375 ft²	Estimate from conceptual drawings
8.)	Construct new pavement area for checkpoint. All buildings are modular and assumed to be on top of pavement	87,647 ft²	GIS Data
9.)	Total Ground Disturbance (checkpoint footprint and construction staging areas)	335,130 ft²	GIS Data

Total Building Construction Area:	8,250 ft²	
	0.189 acres	
Total Building Demolition Area:	2,500 ft²	
	0.057 acres	
New Roadway Construction Area	87,647 ft²	
	2.012 acres	
Total Disturbed Area:	335,130 ft²	
	7.694 acres	
Construction Duration:	12 months	
Annual Construction Activity:	240 days	Assumes 4 weeks per month, 5 days per week of work.

Project Combustion
Estimated Emissions from Renovation and Expansion of the Eagle Pass South Checkpoint

Emission Factors Used for Construction Equipment

References: Guide to Air Quality Assessment, SMAQMD, 2004; and U.S. EPA NONROAD Emissions Model, Version 2005.0.0
Emission factors are taken from the NONROAD model and were provided to HDR by Larry Landman of the Air Quality and Modeling Center (Landman.Larry@epamail.epa.gov) on 12/14/07. Factors provided are for the weighted average US fleet for CY2007.
Assumptions regarding the type and number of equipment are from SMAQMD Table 3-1 unless otherwise noted.

Grading

Equipment	No. Reqd.[a] per 10 acres	NO_x (lb/day)	VOC[b] (lb/day)	CO (lb/day)	SO_2[c] (lb/day)	PM_{10} (lb/day)	$PM_{2.5}$ (lb/day)	CO_2 (lb/day)
Bulldozer	1	13.597	0.957	5.502	1.017	0.895	0.868	1456.904
Motor Grader	1	9.689	0.726	3.203	0.797	0.655	0.635	1141.647
Water Truck	1	18.356	0.894	7.004	1.635	0.996	0.966	2342.975
Total per 10 acres of activity	3	41.641	2.577	15.710	3.449	2.546	2.469	4941.526

Paving

Equipment	No. Reqd.[a] per 10 acres	NO_x (lb/day)	VOC[b] (lb/day)	CO (lb/day)	SO_2[c] (lb/day)	PM_{10} (lb/day)	$PM_{2.5}$ (lb/day)	CO_2 (lb/day)
Paver	1	3.831	0.374	2.055	0.281	0.350	0.340	401.932
Roller	1	4.825	0.443	2.514	0.374	0.434	0.421	536.074
Truck	2	36.712	1.788	14.009	3.271	1.992	1.932	4685.951
Total per 10 acres of activity	4	45.367	2.606	18.578	3.926	2.776	2.693	5623.957

Demolition

Equipment	No. Reqd.[a] per 10 acres	NO_x (lb/day)	VOC[b] (lb/day)	CO (lb/day)	SO_2[c] (lb/day)	PM_{10} (lb/day)	$PM_{2.5}$ (lb/day)	CO_2 (lb/day)
Loader	1	13.452	0.992	5.579	0.949	0.927	0.899	1360.098
Haul Truck	1	18.356	0.894	7.004	1.635	0.996	0.966	2342.975
Total per 10 acres of activity	2	31.808	1.886	12.584	2.585	1.923	1.865	3703.074

Building Construction

Equipment[d]	No. Reqd.[a] per 10 acres	NO_x (lb/day)	VOC[b] (lb/day)	CO (lb/day)	SO_2[c] (lb/day)	PM_{10} (lb/day)	$PM_{2.5}$ (lb/day)	CO_2 (lb/day)
Stationary								
Generator Set	1	2.381	0.317	1.183	0.149	0.227	0.220	213.059
Industrial Saw	1	2.618	0.316	1.966	0.204	0.325	0.315	291.920
Welder	1	1.124	0.378	1.504	0.078	0.227	0.220	112.393
Mobile (non-road)								
Truck	1	18.356	0.894	7.004	1.635	0.996	0.966	2342.975
Forklift	1	5.342	0.560	3.332	0.399	0.554	0.537	572.235
Crane	1	9.575	0.665	2.393	0.651	0.500	0.485	931.929
Total per 10 acres of activity	6	39.396	3.130	17.382	3.116	2.829	2.744	4464.512

Note: Footnotes for tables are on following page

Architectural Coatings

Equipment	No. Reqd.[a] per 10 acres	NO_x (lb/day)	VOC[b] (lb/day)	CO (lb/day)	SO_2[c]	PM_{10} (lb/day)	$PM_{2.5}$ (lb/day)	CO_2 (lb/day)
Air Compressor	1	3.574	0.373	1.565	0.251	0.309	0.300	359.773
Total per 10 acres of activity	1	3.574	0.373	1.565	0.251	0.309	0.300	359.773

a) The SMAQMD 2004 guidance suggests a default equipment fleet for each activity, assuming 10 acres of that activity, (e.g., 10 acres of grading, 10 acres of paving, etc.). The default equipment fleet is increased for each 10 acre increment in the size of the construction project. That is, a 26 acre project would round to 30 acres and the fleet size would be three times the default fleet for a 10 acre project.

b) The SMAQMD 2004 reference lists emission factors for reactive organic gas (ROG). For the purposes of this worksheet ROG = VOC. The NONROAD model contains emissions factors for total HC and for VOC. The factors used here are the VOC factors.

c) The NONROAD emission factors assume that the average fuel burned in nonroad trucks is 1100 ppm sulfur. Trucks that would be used for the Proposed Action would be fueled by diesel fuel which cannot exceed 15 ppm sulfur. These estimates therefore over-estimate SO2 emissions by more than a factor of 73.

d) Typical equipment fleet for building construction was not itemized in SMAQMD 2004 guidance. The equipment list above was assumed based on SMAQMD 1994 guidance.

PROJECT-SPECIFIC EMISSION FACTOR SUMMARY

Source	Equipment Multiplier*	Project-Specific Emission Factors (lb/day)						
		NO_x	VOC	CO	SO_2**	PM_{10}	$PM_{2.5}$	CO_2
Grading Equipment	1	41.641	2.577	15.710	3.449	2.546	2.469	4941.526
Paving Equipment	1	45.367	2.606	18.578	3.926	2.776	2.693	5623.957
Demolition Equipment	1	31.808	1.886	12.584	2.585	1.923	1.865	3703.074
Building Construction	1	39.396	3.130	17.382	3.116	2.829	2.744	4464.512
Air Compressor for Architectural Coating	1	3.574	0.373	1.565	0.251	0.309	0.300	359.773
Architectural Coating**			7.403					

*The equipment multiplier is an integer that represents units of 10 acres for purposes of estimating the number of equipment required for the project.

**Emission factor is from the evaporation of solvents during painting, per "Air Quality Thresholds of Significance", SMAQMD, 1994

Example: SMAQMD Emission Factor for Grading Equipment NOx = (Total Grading NOx per 10 acre)*(Equipment Multiplier)

Summary of Input Parameters

	Total Area (ft^2)	Total Area (acres)	Total Days	
Grading:	335,130	7.694	5	(from "Grading" worksheet)
Paving:	87,647	2.012	10	
Demolition:	2,500	0.057	3	
Building Construction:	8,250	0.189	240	
Architectural Coating	8,250	0.189	20	(per SMAQMD "Air Quality of Thresholds of Significance", 1994)

NOTE: The 'Total Days' estimate for paving is calculated by dividing the total number of acres by 0.21 acres/day, which is a factor derived from the 2005 MEANS Heavy Construction Cost Data, 19th Edition, for 'Asphaltic Concrete Pavement, Lots and Driveways - 6" stone base', which provides an estimate of square feet paved per day. There is also an estimate for 'Plain Cement Concrete Pavement', however the estimate for asphalt is used because it is more conservative. The 'Total 'Days' estimate for demolition is calculated by dividing the total number of acres by 0.02 acres/day, which is a factor also derived from the 2005 MEANS reference. This is calculated by averaging the demolition estimates from 'Building Demolition - Small Buildings, Concrete', assuming a height of 30 feet for a two-story building; from 'Building Footings and Foundations Demolition - 6" Thick, Plain Concrete'; and from 'Demolish, Remove Pavement and Curb - Concrete to 6" thick, rod reinforced'. The 'Total Days' estimate for building construction is assumed to be 240 days.

Total Project Emissions by Activity (lbs)

	NO_x	VOC	CO	SO_2	PM_{10}	$PM_{2.5}$	CO_2
Grading Equipment	208.206	12.885	78.549	17.247	12.728	12.346	24,707.632
Paving	453.673	26.057	185.784	39.257	27.761	26.928	56,239.569
Demolition	95.423	5.657	37.751	7.755	5.770	5.596	11,109.221
Building Construction	9,455.116	751.154	4,171.754	747.924	678.970	658.601	1,071,482.802
Architectural Coatings	71.481	155.516	31.308	5.023	6.186	6.001	7,195.467
Total Emissions (lbs):	**10,283.899**	**951.269**	**4,505.148**	**817.205**	**731.415**	**709.472**	**1,170,734.690**

Results: Total Project Annual Emission Rates

	NO_x	VOC	CO	SO_2	PM_{10}	$PM_{2.5}$	CO_2
Total Project Emissions (lbs)	10,283.899	951.269	4,505.148	817.205	731.415	709.472	1,170,734.690
Total Project Emissions (tons)	5.142	0.476	2.253	0.409	0.366	0.355	585.367