

**FINAL
FINDING OF NO SIGNIFICANT IMPACT
FOR
REMOTE VIDEO SURVEILLANCE SYSTEM TOWER UPGRADE
BROWNSVILLE, FORT BROWN, HARLINGEN,
FALFURRIAS, AND KINGSVILLE STATIONS'
AREAS OF RESPONSIBILITY
U.S. BORDER PATROL, RIO GRANDE VALLEY SECTOR, TEXAS
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY
WASHINGTON, D.C.**

INTRODUCTION: The Border Patrol & Air and Marine Program Management Office (BPAM PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP), has prepared an Environmental Assessment (EA) addressing the proposed upgrade of its Remote Video Surveillance System (RVSS) program within the U.S. Border Patrol's (USBP) Brownsville (BRP), Fort Brown (FTB), Harlingen (HRL), Falfurrias (FLF), and Kingsville (KIN) Stations' Areas of Responsibility (AORs), on behalf of USBP Headquarters.

USBP is the mobile uniformed law enforcement subcomponent of CBP responsible for patrolling and securing America's border between the Ports of Entry. As directed by DHS Analysis of Alternatives (AoA), CBP is investing in the USBP border security technology plan for the Rio Grande Valley (RGV) Sector. Accordingly, the new plan incorporates both the quantitative analysis of science and engineering experts and the real-world operational assessment of USBP on the ground. This plan includes the utilization of RVSS to provide long-range, persistent surveillance, enabling USBP personnel to detect, track, identify, and classify illegal entries through a series of integrated sensors and tower-based surveillance equipment.

The proposed RVSS Upgrade Program includes the construction of new RVSS towers for improved border surveillance coverage throughout the BRP, FTB, HRL, FLF, and KIN Station's AORs. The RVSS upgrade proposed for the BRP, FTB, HRL, FLF, and KIN Stations' AORs includes the following:

- Construction and maintenance of 32 new RVSS towers
- Construction and maintenance of utilities and utility corridors
- Construction, improvement, and maintenance of access roads and access drives

PROJECT LOCATION: The proposed new tactical infrastructure (TI) is located near the Rio Grande within Hidalgo, Cameron, Brooks, and Kenedy counties, Texas. The project would serve the USBP RGV Sector's BRP, FTB, HRL, FLF, and KIN Stations' AORs. There would be a total of 12 new RVSS towers and associated infrastructure in the HRL AOR, 5 new RVSS towers and associated infrastructure in the BRP AOR, 9 new RVSS towers and associated infrastructure in the FTB AOR, 2 new RVSS towers and associated infrastructure in the KIN AOR, and 4 new RVSS towers and associated infrastructure in the FLF AOR. These towers are located on Federal, private, and state lands.

PURPOSE AND NEED: The purpose of the Proposed Action is to provide improved surveillance and detection capabilities that facilitate rapid response to areas of greatest risk for illegal cross-border threats in the USBP BRP, FTB, HRL, FLF, and KIN Stations' AORs. Meeting this purpose would provide more efficient and effective interdiction while reducing the potential for adverse impacts from illegal cross-border activities on the natural and cultural environments in the BRP, FTB, HRL, FLF, and KIN Stations' AORs.

A lack of infrastructure, high volume of illicit activity, and difficult terrain (e.g., creeks, steep cliffs/slopes, riparian areas, and dense south Texas brush) within the RGV Sector affect response time and enforcement operations, thereby creating a need for a year-round, continuous, technology-based surveillance capability that can effectively collect, process, and distribute information among Border Patrol Agents (BPAs). With the RVSS upgrade, BPAs would be able to maintain surveillance over large areas, contributing to BPA safety and increasing operational effectiveness as they detect, identify, and classify incursions/illicit activity at the border and resolve the incursions with the appropriate law enforcement response.

ALTERNATIVES: CBP analyzed two alternatives in the EA. Alternative 1 is the No Action Alternative. Under the No Action Alternative, the proposed RVSS Upgrade Program would not be constructed in USBP's BRP, FTB, HRL, FLF, and KIN Stations' AORs. USBP's ability to detect and interdict cross-border violators would not be enhanced; thus, operational effectiveness would not be improved in the project area. The No Action Alternative does not meet the purpose of and need for this project.

Alternative 2 is the Proposed Action. The Proposed Action includes the construction, operation, and maintenance of 32 RVSS tower sites to provide long-term, permanent surveillance in the USBP's BRP, FTB, HRL, FLF, and KIN Stations' AORs. The RVSS system provides radar or video data feeds to the command and control (C2) modular facilities. The C2 facilities integrate and display data from all their respective RVSS towers deployed within the USBP's BRP, FTB, HRL, FLF, and KIN Stations' AORs. Each RVSS tower consists of a tower equipped with a suite of sensors and/or communications equipment.

The Proposed Action also includes the construction and maintenance of access drives, totaling 850 feet, and the maintenance and repair of access roads, totaling 19 miles. Access road maintenance and repairs include reconstruction, widening, or straightening of the existing road, and installation of drainage structures, and would require a 30- or 60-foot-wide temporary construction disturbance area. Drainage structures may include but are not limited to ditches, culverts, and low-water crossings.

ENVIRONMENTAL CONSEQUENCES: The Proposed Action would have permanent, negligible impacts on land use. Approximately 6.25 acres would be permanently converted from undeveloped land to law enforcement facilities, and 20.25 acres would be temporarily impacted. The new access drives would permanently impact less than 1 acre and temporarily impact 0.2 acre during construction. Four acres would be permanently impacted, while 51 acres would be temporarily impacted from repair and maintenance activities associated with the existing access roads. Temporary, minor impacts would be expected on surface water quality during construction. The withdrawal of water for construction purposes could have a temporary, minor

impact on surface water resources. Long-term, permanent impacts would occur on approximately 1 acre of potentially jurisdictional wetlands; however, these impacts would be addressed during the permitting process. Best management practices (BMPs) and standard construction procedures will be implemented to minimize the potential for erosion and sedimentation during construction.

Minor impacts on soils and vegetative habitat and negligible impacts on wildlife would occur as a result of disturbing 3.7 acres for the construction of RVSS towers and access road maintenance and repairs. Areas with highly erodible soils would be given special consideration when designing the Proposed Action to ensure incorporation of various BMPs, such as straw bales, aggregate materials, and wetting compounds to decrease erosion. A Stormwater Pollution Prevention Plan (SWPPP) would be prepared prior to construction activities and will include pre- and post-construction measures.

Five Federally listed species have the potential to occur within the project area: northern aplomado falcon (*Falco femoralis septentrionalis*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), ocelot (*Leopardus pardalis*), and Gulf Coast jaguarundi (*Puma yagouaroundi*). The Proposed Action may affect, but is not likely to adversely affect, any of these Federally listed species. No designated critical habitat occurs within the construction footprint. Endangered Species Act, Section 7, consultation with U.S. Fish and Wildlife Service (USFWS), is complete and the USFWS has concurred with CBP's determination.

No impacts on archaeological resources would occur as a result of the Proposed Action. Indirect visual impacts could occur on two National Register of Historic Places listed districts (King Ranch and Palmito Ranch Battlefield) as the result of the development of two of tower site locations (FTB Galinas Road and FLF Adairs Ranch). However, modern structures, including cell towers, oil and gas extraction equipment, and street lighting are currently present within the visual Area of Potential Effects of these districts. Additional consultation with the Texas Historical Commission and the Texas State Historic Preservation Office will occur to minimize the visual impacts and ensure no significant impacts occur. Indirect visual impacts on the remaining eight historic resources would occur, but given the large amount of already existing modern infrastructure (houses, towers, etc.) within the viewshed of the historic resources, the visual impacts are not considered adverse or significant.

Temporary and minor increases in air emissions would occur during construction of the RVSS towers, access drive construction, and access road maintenance and repairs. Air emissions would be below the Federal *de minimis* thresholds for construction, operation, maintenance, and repair activities. Noise level increases associated with tower and access drive construction and maintenance and repair of access roads would result in temporary, negligible impacts on wildlife and the Lower Rio Grande Valley National Wildlife Refuge and Boca Chica State Park. Noise levels associated with the operation and maintenance of the towers would have permanent, negligible impacts on nearby resources.

Negligible demands on utilities would be required as a result of the Proposed Action. Communications equipment on the proposed towers would emit electromagnetic radiation (i.e., radio waves and microwaves), and a potential for impacts could occur depending on the location; however, any adverse effects on human health or wildlife would be negligible due to the minimal exposure risk and the elevated locations in which the communications equipment would be

positioned. CBP will coordinate with the National Telecommunications and Information Administration (NTIA) regarding radio spectrum and frequency assignment.

Construction of the towers, access drives, and access roads would create a temporary, minor impact on roadways and traffic within the region. The increase of vehicular traffic near each RVSS tower site would occur to transport materials and work crews for a short period of time. Tower maintenance would also require vehicle travel to each site for fuel delivery and maintenance and operation of the proposed towers. The limited amount of anticipated vehicle trips for tower maintenance and refueling would have a long-term, negligible impact on roadways and traffic. Construction vehicles and equipment would use established roads with proper flagging and safety precautions.

The Proposed Action would have a long-term, moderate impact on aesthetic qualities within five miles or less of each tower. The Proposed Action would not result in exposure of the environment or public to any hazardous materials. Although several of the towers are located near residential areas, all construction activities would strictly adhere to Occupational Safety and Health Administration (OSHA) and NTIA guidelines. Access would be limited to the construction site to prevent children or others from entering the construction site. By implementing OSHA and NTIA guidelines and practicing safe construction habits, no adverse effects relative to environmental justice or protection of children issues would occur.

BEST MANAGEMENT PRACTICES: BMPs were identified for each resource category that could be potentially affected. Many of these measures have been incorporated as standard operating procedures by CBP in similar past projects. The BMPs were also identified in the EA in Section 5.

FINDING: On the basis of the findings of the EA, which is incorporated by reference and which has been conducted in accordance with the National Environmental Policy Act, the Council on Environmental Quality regulations, and Department of Homeland Security Management Directive, 023-001, Rev. 01, and Instruction Manual 023-01-001-01, Rev. 01; *Environmental Planning Program* and after careful review of the potential environmental impacts of implementing the proposal, we find there would be no significant impact on the quality of the human or natural environments, either individually or cumulatively; therefore, there is no requirement to develop an Environmental Impact Statement. Further, we commit to implement BMPs and environmental design measures identified in the EA and supporting documents.



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2/28/17

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