DRAFT

ENVIRONMENTAL ASSESSMENT
FOR THE NEW CORPUS CHRISTI MARINE UNIT FACILITY
U.S. BORDER PATROL, RIO GRANDE VALLEY SECTOR, TEXAS
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY
WASHINGTON, D.C.

AUGUST 2020

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WASHINGTON, D.C.

August 2020

Project Proponent: Department of Homeland Security
U.S. Customs and Border Protection
Border Patrol & Air and Marine
Program Management Office
1331 Pennsylvania Avenue, NW
Suite 1555, Mailstop 1102
Washington, D.C. 20229

Points of Contact: Ms. Lauri Regan
U.S. Customs and Border Protection
Border Patrol & Air and Marine
Program Management Office
1331 Pennsylvania Avenue, NW
Suite 1555, Mailstop 1102
Washington, D.C. 20229

FINDING OF NO SIGNIFICANT IMPACT
FOR
CONSTRUCTION OF THE NEW CORPUS CHRISTI MARINE UNIT FACILITY
PORT ARANSAS, U.S. BORDER PATROL RIO GRANDE VALLEY SECTOR, TEXAS
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY
WASHINGTON, D.C.

INTRODUCTION: United States (U.S.) Customs and Border Protection (CBP) prepared an Environmental Assessment (EA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction of a new CBP Air and Marine Operations (AMO) Marine Facility in Port Aransas, U.S. Border Patrol (USBP) Rio Grande Valley Sector, Texas.

The CBP AMO facility, once completed and operational, would allow for a more rapid response by the Corpus Christi Marine Unit (Marine Unit), Rio Grande Valley Sector due to its improved proximity to the water. The new Marine Unit facility will allow for improved efficiency in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States and would result in the Marine Unit facility meeting USBP facilities guidelines and security standards.

The Marine Unit facility will consist of a marine support administrative building, a boat maintenance/storage hangar, vehicular parking spaces, lighting, and an emergency generator. Currently, the Marine Unit is operating out of a leased facility two miles south of the proposed new facility. The Proposed Action would support CBP's AMO effort to serve and protect the American people in the air and marine environments at and beyond the border, and within the nation's interior.

PROJECT LOCATION: The proposed Marine Unit facility would be constructed on the northern portion of Mustang Island in Port Aransas, Texas; approximately 120 miles north of the U.S.-Mexico border at Brownsville, Texas. The project location is a 1-acre parcel on U.S. Coast Guard property.

PURPOSE AND NEED: CBP proposes the construction of a new Marine Unit facility (the Proposed Action) for the purpose of reducing CBP agent and personnel response time to potential threats by providing rapid access to AMO marine vessels. The need for the Proposed Action arose due to the inadequacy of existing AMO facilities to provide a sufficient response time to potential threats. Currently to access the water, agents are required to travel, on average, 16 miles to the nearest deployment centers.

ALTERNATIVES: The Proposed Action and one alternative (No Action Alternative) were identified and considered during the planning stages of the proposed project. The Proposed Action would have the capability to house CBP agents as well as the vehicles, equipment, and other materials necessary to meet the objectives of the Marine Unit facility. The proposed station design and construction would result in the Marine Unit facility meeting USBP facilities guidelines and security standards.

Potential site designs include the construction of an 8,653 square-foot administrative building, and 1,760 square-foot boat maintenance/storage hangar. Exterior vehicular parking spaces, outdoor lighting, an emergency generator, and physical security equipment and infrastructure, including but not limited to, closed circuit television (CCTV), intrusion detection systems, perimeter security fencing, and secure motorized entry would also be installed as part of the Proposed Action.

ENVIRONMENTAL CONSEQUENCES: The Proposed Action would have minimal impacts on ground water resources, vegetation, soils, and wildlife. No impacts are expected to threatened or endangered species as no habitat or individuals are present. No impacts are expected to surface waters as none are present; however, groundwater resources (i.e., water used for municipality purposes) will be impacted negligibly due to the increase in usage associated with construction activities. No jurisdictional wetlands or waters of the United States would be impacted by construction of the Marine Unit facility. Best management practices (BMPs) and standard construction procedures would be implemented as construction occurs.

Temporary, minor increases in air pollution and noise would occur during construction activities. Negligible increases in demands on utilities would be expected as a result of the new Marine Unit facility. Construction of the Marine Unit facility would create temporary, minor impacts on roadways and traffic within the region. Vehicular traffic would increase near the proposed site to transport materials and work crews during construction activities. The Proposed Action would have negligible to minor impacts on socioeconomics through increased taxes, salaries, and buying of supplies during construction and operation of the Marine Unit facility. Further, the Proposed Action would not result in disproportionately high and adverse human health or environmental effects on minority populations or low income populations.

BEST MANAGEMENT PRACTICES: Best Management Practices 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 to be implemented are found below and in Section 5.0 of the EA.

GENERAL PROJECT PLANNING CONSIDERATIONS

1. Avoid contamination of ground and surface waters by storing concrete wash water, and any water that has been contaminated with construction materials, oils, equipment residue, etc., in closed containers on-site until removed for disposal.

2. Avoid lighting impacts during the night by conducting construction and maintenance activities during daylight hours only.

3. CBP will avoid the spread of non-native plants by not using natural materials (e.g., straw) for on-site erosion control. If natural materials must be used, the natural material would be certified weed and weed-seed free.

4. CBP will ensure that all construction will follow DHS *Directive 025-01* for Sustainable Practices for Environmental, Energy, and Transportation Management.

5. CBP will place drip pans under parked equipment and establish containment zones when refueling vehicles or equipment.

SOILS

1. Clearly demarcate the perimeter of all new areas to be disturbed using flagging or temporary construction fencing. Do not allow any disturbance outside that perimeter.

2. The area of disturbance will be minimized by limiting deliveries of materials and equipment to only those needed for effective project implementation.

3. Within the designated disturbance area, grading or topsoil removal will be limited to areas where this activity is needed to provide the ground conditions necessary for construction or maintenance activities.

4. Rehabilitation will include revegetating or the distribution of organic and geological materials (i.e., boulders and rocks) over the disturbed area to reduce erosion while allowing the area to naturally vegetate.

BIOLOGICAL RESOURCES

1. Materials used for on-site erosion control will be free of non-native plant seeds and other plant parts to limit potential for infestation.

2. Identify by its source location any fill material, sandbags, hay bales, and mulch brought in from outside the project area. These materials will be free of non-native plant seeds and other plant parts to limit potential for infestation.

3. Native seeds or plants will be used to revegetate temporarily disturbed areas.

4. Obtain materials such as gravel, topsoil, or fill from existing developed or previously used sources that are compatible with the project area and are from legally permitted sites. Do not use materials from undisturbed areas adjacent to the project area.

5. To prevent entrapment of wildlife species, ensure that excavated, steep-walled holes or trenches are either completely covered by plywood or metal caps at the close of each workday or provided with one or more escape ramps (at no greater than 1,000-foot intervals and sloped less than 45 degrees) constructed of earthen fill or wooden planks.

6. Each morning before the start of construction or maintenance activities and before such holes or trenches are filled, ensure that they are thoroughly inspected for trapped animals. Ensure that any animals discovered are allowed to escape voluntarily (by escape ramps or temporary structures), without harassment, and before construction activities resume, or are removed from the trench or hole by a qualified person and allowed to escape unimpeded.

7. The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712, [1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989]) requires that Federal agencies coordinate with the USFWS if a construction activity would result in the take of a migratory bird. If construction or clearing activities are scheduled during nesting season (March 15 through September 15) within potential nesting habitats, surveys will be performed to identify active nests. If construction activities will result in the take of a migratory bird, then coordination with the USFWS and TPWD will be required and applicable permits would be obtained prior to construction or clearing activities. Other mitigation measures that would be considered are to install visual markers on any guy wires used and to schedule all construction activities outside the nesting season, thus negating the requirement for nesting bird surveys.

8. CBP will not, for any length of time, permit any pets inside the project area or adjacent native habitats. This BMP does not pertain to law enforcement animals.

CULTURAL RESOURCES

1. In the event that unanticipated archaeological resources are discovered during construction or any other project-related activities, or should known archaeological resources be inadvertently affected in a manner that was not anticipated, the project proponent or contractor shall immediately halt all activities in the immediate area of the discovery and take steps to stabilize and protect the discovered resource until it can be evaluated by a qualified archaeologist.

2. If any human remains are accidentally encountered during construction, work shall cease with the human remains left undisturbed, and the state police and CBP will be notified immediately.

AIR QUALITY

1. Soil watering will be utilized to minimize airborne particulate matter created during construction activities. Bare ground may be covered with hay or straw to lessen wind erosion during the time between construction and the revegetation of temporary impact areas with a mixture of native plant seeds or nursery plantings (or both). All construction equipment and vehicles will be kept in good operating condition to minimize exhaust emissions.

WATER RESOURCES

1. Wastewater is to be stored in closed containers on-site until removed for disposal. Wastewater is water used for project purposes that is contaminated with construction materials or from cleaning equipment and thus carries oils or other toxic materials or other contaminants as defined by Federal or state regulations.

2. Avoid contamination of ground and surface waters by collecting concrete wash water in open containers and disposing of it off-site.

3. Avoid contaminating natural aquatic and wetland systems with runoff by limiting all equipment maintenance, staging, and laydown and dispensing hazardous liquids, such as fuel and oil, to designated upland areas.

4. Cease work during heavy rains and do not resume work until conditions are suitable for the movement of equipment and materials.

5. Erosion control measures and appropriate BMPs, as required and promulgated through a site-specific SWPPP and engineering designs, will be implemented before, during, and after soil-disturbing activities.

6. Areas with highly erodible soils will be given special consideration when preparing the SWPPP to ensure incorporation of various erosion control techniques, such as straw bales, silt fencing, aggregate materials, wetting compounds, and rehabilitation, where possible, to decrease erosion.

7. All construction and maintenance contractors and personnel will review the CBP-approved spill protection plan and implement it during construction and maintenance activities.

8. Wastewater from pressure washing must be collected. A ground pit or sump can be used to collect the wastewater. Wastewater from pressure washing must not be discharged into any surface water.

9. If soaps or detergents are used, the wastewater and solids must be pumped or cleaned out and disposed of in an approved facility. If no soaps or detergents are used, the wastewater must first be filtered or screened to remove solids before being allowed to flow off-site. Detergents and cleaning solutions must not be sprayed over or discharged into surface waters.

NOISE

1. Avoid noise impacts during the night by conducting construction and maintenance activities during daylight hours only.

2. All Occupational Safety and Health Administration (OSHA) requirements will be followed. To lessen noise impacts on the local wildlife communities, construction will only occur during daylight hours. All motor vehicles will be properly maintained to reduce the potential for vehicle-related noise.

SOLID AND HAZARDOUS WASTES

1. BMPs will be implemented as standard operating procedures during all construction activities, and will include proper handling, storage, and/or disposal of hazardous and/or regulated materials. To minimize potential impacts from hazardous and regulated materials, all fuels, waste oils, and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery will be completed in accordance with accepted industry and regulatory guidelines, and all vehicles will have drip pans during storage to contain minor spills and drips. Although it is unlikely that a major spill would occur, any spill of reportable quantities will be contained immediately within an earthen dike, and the application of an absorbent (e.g., granular, pillow, sock) will be used to absorb and contain the spill.

2. CBP will contain non-hazardous waste materials and other discarded materials, such as construction waste, until removed from the construction and maintenance sites. This will assist in keeping the project area and surroundings free of litter and reduce the amount of disturbed area needed for waste storage.

3. CBP will minimize site disturbance and avoid attracting predators by promptly removing waste materials, wrappers, and debris from the site. Any waste that must remain more than 12 hours should be properly stored until disposal.

4. All waste oil and solvents will be recycled. All non-recyclable hazardous and regulated wastes will be collected, characterized, labeled, stored, transported, and disposed of in accordance with all applicable Federal, state, and local regulations, including proper waste manifesting procedures.

5. Solid waste receptacles will be maintained at the project site. Non-hazardous solid waste (trash and waste construction materials) will be collected and deposited in on-site receptacles. Solid waste will be collected and disposed of by a local waste disposal contractor.

6. Disposal of used batteries or other small quantities of hazardous waste will be handled, managed, maintained, stored, and disposed of in accordance with applicable Federal and state rules and regulations for the management, storage, and disposal of hazardous materials, hazardous waste and universal waste. Additionally, to the extent practicable, all batteries will be recycled locally.

7. All rainwater collected in secondary containment will be pumped out, and secondary containment will have netting to minimize exposure to wildlife.

8. A properly licensed and certified hazardous waste disposal contractor will be used for hazardous waste disposal, and manifests will be traced to final destinations to ensure proper disposal is accomplished.

ROADWAYS AND TRAFFIC

1. Construction vehicles will travel and equipment will be transported on established roads with proper flagging and safety precautions.

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 DHS Directive Number 023-01, Rev.01, and DHS Instruction Manual 023-01-001-01, Rev. 01, Implementation of the National Environmental Policy Act 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.

Zulfi Jamil Date
Director
Facilities Division
Air and Marine Operations (AMO)
U.S. Customs and Border Protection

Eric Eldridge Date
Director
Facilities Management and Engineering Division

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EXECUTIVE SUMMARY

INTRODUCTION

U.S. Customs and Border Protection (CBP) is the law enforcement component of the Department of Homeland Security (DHS) responsible for securing the border and facilitating lawful international trade and travel. U.S. Border Patrol (USBP) is the uniformed law enforcement component within CBP responsible for securing the Nation's borders against the illegal entry of people and goods between ports of entry. CBP proposes the construction, operation, and maintenance of a new Marine Unit facility for the purpose of accomplishing CBP's Air and Marine Operations (AMO) primary goals and objectives. The mission of the AMO is to serve and protect the American people in the air and marine environments at and beyond the border, and within the nation's interior.

CBP is proposing to construct a new AMO marine facility in Port Aransas, Texas. The proposed new facility would be constructed to allow for a more rapid response by the Corpus Christi Marine Unit (Marine Unit), Rio Grande Valley Sector due to its improved proximity to the water. The existing facilities are located approximately two miles south of the proposed new facility. The new Marine Unit facility will allow for improved efficiency in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States and would result in the Marine Unit facility meeting USBP facilities guidelines and security standards.

STUDY LOCATION

The proposed Marine Unit facility would be constructed on the northern portion of Mustang Island in Port Aransas, Texas; approximately 120 miles north of the U.S.-Mexico border at Brownsville, Texas. The project location is a 1-acre parcel on U.S. Coast Guard (USCG) property. CBP would use USCG's boat ramp and boat slips to access the water and store their vessels, which will allow for immediate on-water access.

PURPOSE AND NEED

CBP proposes the construction, operation, and maintenance of a new Marine Unit facility (the Proposed Action) for the purpose of accomplishing CBP's AMO primary goals and objectives. The need for the Proposed Action is to allow for agents and personnel to reduce response time to potential threats by improving proximity to CBP's marine vessels. The current facility, which is a leased facility, is located approximately two miles south of the proposed new facility and does not allow for immediate, on-water access.

PROPOSED ACTION AND ALTERNATIVES

The Proposed Action and one alternative (No Action Alternative) were identified and considered during the planning stages of the proposed project. The Proposed Action consists of the construction of a Marine Unit facility and associated infrastructure that meet the purpose of and need for the project. As required by National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations, the No Action Alternative reflects conditions within the project area should the Proposed Action not be implemented. One potential Marine Unit facility site was carried forward for evaluation in the EA.

AFFECTED ENVIRONMENT AND CONSEQUENCES

The Proposed Action would have minimal impacts on ground water resources. No impacts are expected on surface waters as none are present; however, groundwater resources (i.e., water used for municipality purposes) will temporarily be impacted negligibly due to an increase in usage associated with construction activities. No jurisdictional wetlands or waters of the United States would be impacted by construction of the Marine Unit facility.

Temporary and minor increases in air pollution and noise would occur during construction activities. Negligible increases in demands on utilities would be expected as a result of the new Marine Unit facility. Construction of the Marine Unit facility would create temporary, minor impacts on roadways and traffic within the region. Vehicular traffic would increase near the proposed site to transport materials and work crews during construction activities.

The Proposed Action would have minor to negligible impacts on socioeconomics through increased taxes, salaries, and buying of supplies during construction and operation of the Marine Unit facility. Further, the Proposed Action would not result in significant impacts on human health or environmental effects on minority populations or low income populations.

FINDINGS AND CONCLUSIONS

Based upon the analyses of the Environmental Assessment (EA) and the Best Management Practices (BMPs) to be implemented, the Proposed Action would not have a significant adverse effect on the environment. Therefore, no further analysis or documentation (i.e., Environmental Impact Statement) is warranted. CBP, in implementing this decision, would employ all practical means to minimize the potential for adverse impacts on the human and natural environments.

1.0 INTRODUCTION

1.1 BACKGROUND

United States (U.S.) Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) that will address the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of a new CBP Air and Marine Operations (AMO) marine facility in Port Aransas, Texas. The proposed new facility would be constructed to allow for a more rapid response by the Corpus Christi Marine Unit (Marine Unit), Rio Grande Valley Sector due to its improved proximity to the water. The existing facilities are located approximately two miles south of the proposed new facility. The new Marine Unit facility will allow for improved efficiency in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States.

1.2 PROJECT LOCATION

The proposed Marine Unit facility would be constructed on the northern portion of Mustang Island in Port Aransas, Texas; approximately 120 miles north of the U.S.-Mexico border at Brownsville, Texas (Figure 1-1). The project location is a 1-acre parcel on U.S. Coast Guard property (USCG). Port Aransas is located near the Gulf of Mexico, in the southeastern portion of Nueces County, Texas, and is considered to be within the Gulf Coast Prairies and Marshes ecoregion (Texas Parks and Wildlife Department [TPWD] 2020a).

1.3 PURPOSE OF THE PROPOSED ACTION

CBP proposes the construction, operation, and maintenance of a new Marine Unit facility for the purpose of accomplishing CBP's AMO primary goals and objectives. The mission of the AMO is to serve and protect the American people in the air and marine environments at and beyond the border, and within the nation's interior. The proposed facility would allow for agents and personnel to reduce response time to potential threats by improving proximity to CBP's marine vessels. CBP would use USCG's boat ramp and boat slips to access the water and store their vessels, which will allow for immediate on-water access. The Marine Unit currently has to travel to three different deployment centers which are, on average, 16 miles from the current location (Padre Island Yacht Club, 19 miles; Island Moorings, 1 mile; Bluff Landing, 27 miles).

Based upon the increasing trends in illegal activities, the current Marine Unit facilities are insufficient, and upgraded facilities are required to enhance the operational capabilities of the AMO within the Marine Unit's area of responsibility (AOR). The proposed new facility would allow the AMO to effectively complete their mission in a safe and timely manner. Continuing to utilize the Marine Unit location as a base of CBP operations is mission critical in CBP's commitment to maintain law and order, stop potential terrorists, and prevent the illicit trafficking of people and contraband into the United States. The Proposed Action (Preferred Alternative) would enhance the overall safety and efficiency of current and future operations for CBP's Marine Unit as well as the safety of communities in the area.

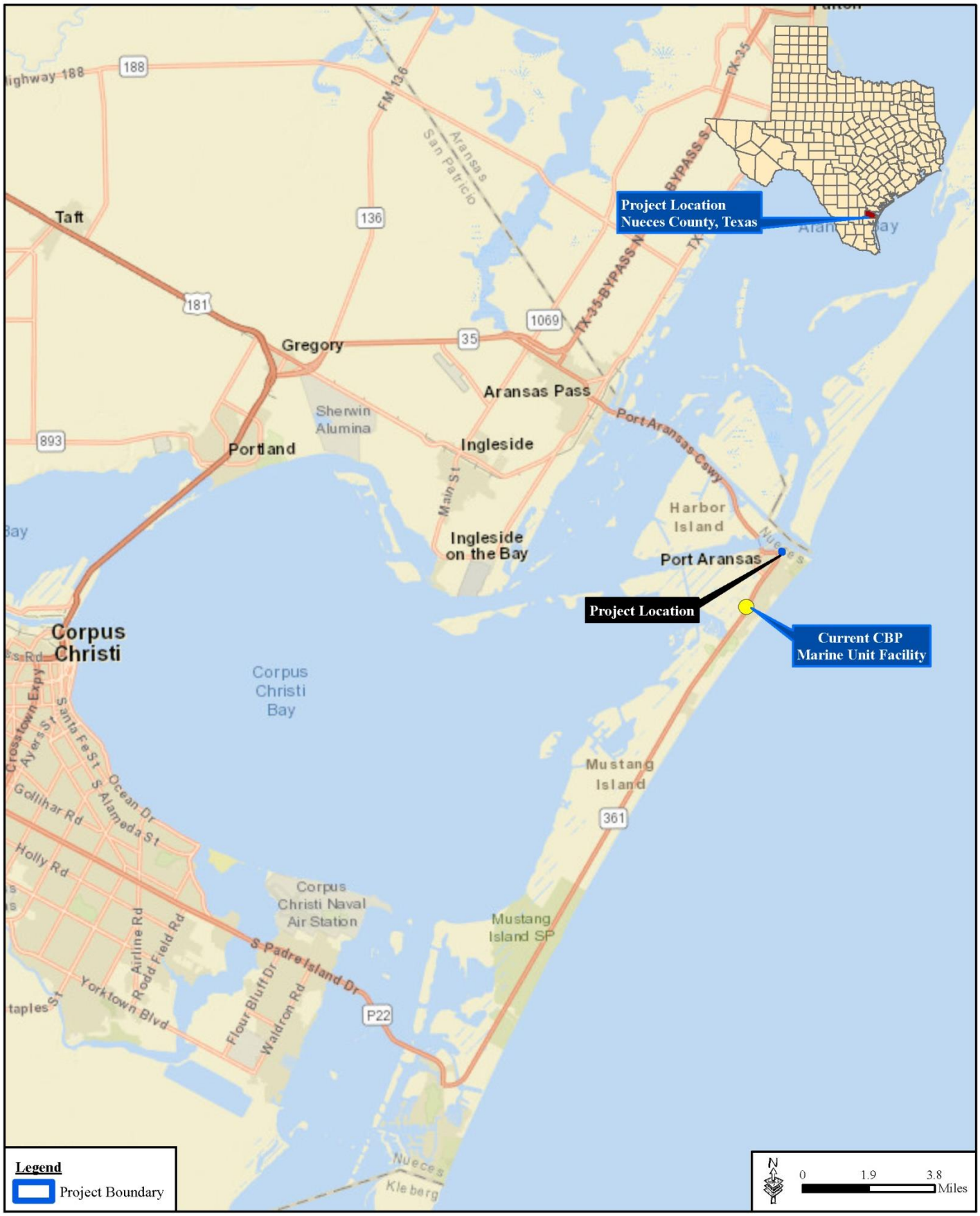

Figure 1-1. Vicinity Map

April 2020

1.4 NEED FOR THE PROPOSED ACTION

The need for a new Marine Unit facility is to improve the response time of agents by reducing the distance to AMO marine vessels. The new facility will allow for immediate on-water access as the AMO marine vessels would be launched from the existing USCG boat ramp and stored at existing USCG slips, which are adjacent to the location of the Proposed Action. The current facility, which is a leased facility, is located approximately two miles south of the proposed new facility.

1.5 SCOPE OF ENVIRONMENTAL ANALYSIS AND DECISIONS TO BE MADE

The scope of the EA will include an evaluation of the direct, indirect, and cumulative effects on the natural, cultural, social, economic, and physical environments resulting from the construction, installation, operation, and maintenance of a new Marine Unit facility in Port Aransas, Texas (see Figure 1-1). This analysis does not include an assessment of operations conducted in the field and away from the station. The potentially affected natural and human environment is limited to resources associated with the City of Port Aransas and Nueces County, Texas. Most potential effects will be limited to the construction site and immediately adjacent resources.

The EA will assess environmental impacts of the Proposed Action and alternatives. The EA will allow decision makers to determine if the Proposed Action would or would not have a significant impact on the natural, cultural, social, economic, and physical environments, as well as whether the action can proceed to the next phase of project development or if an Environmental Impact Statement (EIS) is required. The process for developing the EA also allows for input and comments on the Proposed Action from the concerned public, interested non-governmental groups, and interested government agencies to inform agency decision making. The EA will be prepared as follows:

1. Conduct interagency and intergovernmental coordination for environmental planning. The first step in the National Environmental Policy Act (NEPA) process is to solicit comments from Federal, state, and local agencies, as well as Federally recognized tribes, about the proposed project to ensure that their concerns are included in the analysis.

2. Prepare a draft EA. CBP will review and address relevant comments and concerns received from any Federal, state, and local agencies or Federally recognized tribes during preparation of the draft EA.

3. Announce that the draft EA has been prepared. A Notice of Availability (NOA) will be published in the *Corpus Christi Caller Times* newspaper to announce the public comment period and the availability of the draft EA and Finding of No Significant Impact (FONSI).

4. Provide a public comment period. A public comment period allows for all interested parties to review the analysis presented in the draft EA and provide feedback. The draft EA will be made available to the public for a 30-day review at the Ellis Memorial Library, 700 West Avenue A, Port Aransas, Texas, and at the La Retama Central Library, 805 Comanche Street, Corpus Christi, Texas. The draft EA will also be available for download from the CBP internet web page at the following URL address: http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review.

5. Prepare a final EA. The final EA will be prepared following the public comment period. The final EA will address relevant comments and concerns received from all interested parties during the public comment period.

6. Issue a Determination. The final step in the NEPA process is the signature of a FONSI, if the environmental analysis supports the conclusion that impacts on the quality of the human and natural environments from implementing the Proposed Action would not be significant. In this case, no EIS would be prepared.

1.6 APPLICABLE ENVIRONMENTAL GUIDANCE, STATUTES, AND REGULATIONS

CBP will follow applicable Federal laws and regulations. The EA will be developed in accordance with the requirements of NEPA, regulations issued by the Council on Environmental Quality (CEQ) published in 40 Code of Federal Regulations (CFR) Parts 1500-1508, and Department of Homeland Security (DHS) Instruction Manual 023-01-001-01, Rev. 01, Implementation of NEPA, Environmental Planning Program and other pertinent environmental statutes, regulations, and compliance requirements. The EA will be the vehicle for compliance with all applicable environmental statutes, including the Endangered Species Act (ESA) of 1973, 16 United States Code (U.S.C.) Part §1531 et seq., as amended, and the National Historic Preservation Act (NHPA) of 1966, 16 U.S.C. §470a et seq., as amended.

1.7 PUBLIC INVOLVEMENT

In accordance with 40 CFR §1501.7, 1503 and 1506.6, CBP initiated public involvement and agency scoping activities to identify significant issues related to the Proposed Action. CBP is consulting, and will continue to consult, with appropriate local, state, and Federal government agencies, as well as Federally recognized tribes, throughout the EA process (Appendix A). Formal and informal coordination will be conducted with the following agencies:

Federal Agencies:

- U.S. Fish and Wildlife Service (USFWS)
- U.S. Environmental Protection Agency (USEPA)
- U.S. Army Corps of Engineers (USACE)
- U.S. Department of the Interior (DOI)

State Agencies:

- Texas Parks and Wildlife Department (TPWD)
- Texas Historical Commission (THC)
- Texas Department of Transportation (TxDOT)
- Texas Commission on Environmental Quality (TCEQ)
- Texas General Land Office (GLO)

Other:

- Native American Tribes
- Nueces County
- City of Port Aransas

2.0 PROPOSED ACTION AND ALTERNATIVES

The Proposed Action and one alternative (No Action Alternative) were identified and considered during the planning stages of the proposed project. The Proposed Action consists of the construction of a Marine Unit facility and associated infrastructure that meet the purpose of and need for the project. As required by NEPA and CEQ regulations, the No Action Alternative reflects conditions within the project area should the Proposed Action not be implemented. One potential Marine Unit facility site was carried forward for evaluation in the EA. The site is discussed in the following subsection.

2.1 PROPOSED ACTION

The Proposed Action would construct a new Marine Unit facility on an approximately 1-acre parcel of land in north Port Aransas, Texas (Figure 2-1). Based upon potential site designs, it has been determined that a 1-acre project site is sufficient to construct the marine support administrative building (estimated construction area of 8,653 square feet), a boat maintenance/storage hangar (estimated 1,760 square feet) with hurricane tie downs, exterior vehicular parking spaces, outdoor lighting, and an emergency generator. Additionally, physical security equipment and infrastructure would also be installed, including but not limited to, closed circuit television (CCTV), intrusion detection systems, perimeter security fencing, and secure motorized entry.

2.1.1 Proposed Station Design

The proposed site would have the capability to house CBP agents as well as the vehicles, equipment, and other materials necessary to meet the objectives of the Marine Unit facility. The proposed station design and construction would result in the Marine Unit facility meeting USBP facilities guidelines and security standards. The new facilities are being designed in accordance with the *Guiding Principles for Sustainable Federal Buildings (Guiding Principles) for New Construction or Modernization* and will meet Metrics 1 to 20 of this regulatory documentation (U.S. Department of Energy 2016).

2.2 NO ACTION ALTERNATIVE

The No Action Alternative would preclude the construction, operation, and maintenance of a new Marine Unit facility. The existing station would continue to be inadequate for the support of operations, and would continue to cause agents to respond to potential threats in an untimely and ineffective manner. Consequently, this alternative would hinder USBP's ability to respond to high-levels of illegal border-related activity. The No Action Alternative does not meet the purpose and need for the proposed project, but will be carried forward for analysis, as required by CEQ regulations. The No Action Alternative describes the existing conditions in the absence of the Proposed Action.

Figure 2-1. Project Area

GSRC

August 2020

2.3 ALTERNATIVES SUMMARY

The two alternatives selected for further analysis are the Proposed Action (Preferred Alternative) and the No Action Alternative. The Proposed Action fully meets the purpose of and need for the project, and the preferred construction site offers the best combination of terrain, environment, land ownership, and operational requirements to serve as a command center for conducting CBP's marine operations. An evaluation of how the Proposed Action meets the project's purpose and need is provided in Table 2-1.

Table 2-1. Alternatives Matrix of Purpose of and Need for Alternatives

Purpose and Need	Proposed Action	No Action Alternative
Provide adequate space, facilities, and on-water access	Yes	No
Provide facilities necessary for an increased effectiveness of USBP agents in the performance of their duties (e.g., boat maintenance/storage hangar, fuel storage, vehicle parking, emergency generator)	Yes	No
Provide an opportunity for future expansion as necessary	Yes	No
Provide a safer, more effective and efficient work environment	Yes	No

3.0 AFFECTED ENVIRONMENT AND CONSEQUENCES

3.1 PRELIMINARY IMPACT SCOPING

This section describes the natural and human environments that exist within the region of influence (ROI) and the potential impacts of the No Action Alternative and the Proposed Action outlined in Section 2.0 of this document. The ROI for the new Marine Unit facility and its associated infrastructure is the City of Port Aransas and Nueces County, Texas. The Proposed Action would be located on U.S. Coast Guard Property. Only those issues that have the potential to be affected by any of the alternatives are described, per CEQ guidance (40 CFR § 1501.7 [3]).

Some topics are limited in scope due to the lack of direct effect from the Proposed Action on the resource or because that particular resource is not located within the project corridor (Table 3-1).

Table 3-1. Resources Analyzed in the Environmental Impact Analysis Process

Resource	Potential to Be Affected by Implementation of the Proposed Action	Analyzed in This EA	Rationale for Elimination
Wild and Scenic Rivers	No	No	No rivers designated as Wild and Scenic Rivers (16 U.S.C. § 551, 1278[c], 1281[d]) are located within or near the project corridor.
Land Use	Yes	Yes	Not Applicable
Geology	No	No	No geologic resources would be affected
Soils	Yes	Yes	Not Applicable
Prime Farmlands	No	No	No prime farmlands would be affected
Water Resources	Yes	Yes	Not Applicable
Floodplains	No	Yes	Not Applicable
Vegetative Habitat	Yes	Yes	Not Applicable
Wildlife Resources	Yes	Yes	Not Applicable
Threatened and Endangered Species	No	Yes	Not Applicable
Cultural, Archaeological, and Historical Resources	No	Yes	Not Applicable
Air Quality	Yes	Yes	Not Applicable
Noise	Yes	Yes	Not Applicable
Utilities and Infrastructure	Yes	Yes	Not Applicable
Radio Frequency Environment	No	No	No radio frequencies would be affected
Roadways and Traffic	No	Yes	Not Applicable
Aesthetic and Visual Resources	No	No	No aesthetic or visual resources would be affected

Resource	Potential to Be Affected by Implementation of the Proposed Action	Analyzed in This EA	Rationale for Elimination
Hazardous Materials	Yes	Yes	Not Applicable
Unique and Sensitive Areas	No	No	No unique or sensitive areas would be affected
Socioeconomics	No	Yes	Not Applicable
Environmental Justice and Protection of Children	No	Yes	Not Applicable

Impacts (consequence or effect) can be either beneficial or adverse and can be either directly related to the action or indirectly caused by the action. Direct effects are caused by the action and occur at the same time and place (40 CFR § 1508.8[a]). Indirect effects are caused by the action and are later in time or further removed in distance but that are still reasonably foreseeable (40 CFR § 1508.8[b]). As discussed in this section, the alternatives may create temporary (lasting the duration of the project), short-term (up to 3 years), long-term (3 to 10 years following construction), or permanent effects.

Whether an impact is significant depends on the context in which the impact occurs and the intensity of the impact (40 CFR § 1508.27). The context refers to the setting in which the impact occurs and may include society as a whole, the affected region, the affected interests, and the locality. Impacts on each resource can vary in degree or magnitude from a slightly noticeable change to a total change in the environment. For the purpose of this analysis, the intensity of impacts would be classified as negligible, minor, moderate, or major. The intensity thresholds are defined as follows:

- Negligible: A resource would not be affected or the effects would be at or below the level of detection, and changes would not be of any measurable or perceptible consequence.
- Minor: Effects on a resource would be detectable, although the effects would be localized, small, and of little consequence to the sustainability of the resource. Mitigation measures, if needed to offset adverse effects, would be simple and achievable.
- Moderate: Effects on a resource would be readily detectable, long-term, localized, and measurable. Mitigation measures, if needed to offset adverse effects, would be extensive and likely achievable.
- Major: Effects on a resource would be obvious and long-term, and would have substantial consequences on a regional scale. Mitigation measures to offset the adverse effects would be required and extensive, and success of the mitigation measures would not be guaranteed.

The following discussions describe and, where possible, quantify the potential effects of each alternative on the resources within or near the project area. It is assumed that the entire tract of land where the Proposed Action is located would be used by CBP resulting in a permanent impact of 0.8 acres. All construction activities, staging areas, and final siting of the new Marine Unit facility would occur within the 0.8-acre tract of land.

3.2 LAND USE

Nueces County encompasses approximately 746,240 acres, with 209,280 of those acres being water. The largest city within Nueces County, and the eighth-largest city in all of Texas, is Corpus Christi which comprises nearly half of Nueces County (Texas Escapes 2020). A total of 646 farms are located within Nueces County, and these farms comprise nearly 474,868 acres. Seventy percent of the farms in Nueces County are classified as cropland; twenty-six percent of farms are being used as pastureland; two percent of farms are woodland; and the remaining two percent of farms are classified as other (United States Department of Agriculture [USDA] 2017).

The existing land use at the proposed project site is already developed land with a combination of residential and commercial areas. Port Aransas Nature Preserve is located approximately two miles to the west of the proposed project site. The current proposed location for the new Marine Unit facility is currently being utilized by the United States Coast Guard.

3.2.1 Alternative 1: Proposed Action

Implementation of the Proposed Action would result in no change from the current land use of mixed residential and commercial land as the new Marine Unit facility would be utilizing space already occupied for similar purposes. The closest major developed area is Corpus Christi, Texas, and it is approximately 20 miles west of the proposed site. The Proposed Action would have no significant impacts to land use within the immediate or surrounding areas.

3.2.2 Alternative 2: No Action Alternative

The No Action Alternative would have no impacts, either beneficial or adverse, on the area's land use. The site could be potentially developed at some time in the future, regardless of whether the USBP uses the site, or the site could remain in its current state. No construction activities would occur as part of the No Action Alternative; therefore, no land use impacts would occur.

3.3 SOILS

There is one soil type located within the proposed project site, Galveston and Mustang fine sand, occasionally flooded (Gm). Gm soil is a nearly level soil located on planar to concave barrier island flats. It is a very deep, poorly drained, and very slowly permeable soil. This soil is subject to occasional flooding by high storm surge from strong tropical storms and ponds after periods of heavy rainfall. Gm soils are primarily used as wildlife habitat and for recreation with a few areas utilized for livestock grazing (USDA 2019). Gm soils are not considered prime farmland soils.

3.3.1 Alternative 1: Proposed Action

Under the Proposed Action, approximately 1 acre of soils (none of which are considered prime farmland soils) would be permanently disturbed or removed from biological production at the new Marine Unit facility. The direct impact from the disturbance and removal from biological production of approximately 1 acre of soil would be negligible due to the small size of the project footprint relative to the amount of the same soils throughout the ROI. Upon completion of construction, all temporary disturbance areas would be revegetated with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally, if applicable.

3.3.2 Alternative 2: No Action Alternative

No ground-disturbing activities would occur as a result of this alternative. Therefore, the No Action Alternative would have no direct or indirect impacts, either beneficial or adverse, on soils.

3.4 VEGETATIVE HABITAT

The proposed project site is located in the Gulf Coast Prairies and Marshes Ecoregion as characterized by the Texas Parks and Wildlife Department (TPWD 2020a). This ecoregion is a narrow band extending across the entire Texas boundary of the Gulf of Mexico. The average temperature is 72.5 degrees Fahrenheit (°F), with an average annual rainfall of 34.75 inches. The Gulf Coast Prairies and Marshes Ecoregion experiences frequent disruption due to a combination of annual weather related events. These events have resulted in the creation of shallow bays, estuaries, salt marshes, dunes, and tidal flats throughout the region. Due to the close proximity to the Gulf of Mexico, many of the plants that grow in this region are highly salt tolerant (TPWD 2020a).

Common tree species for the area includes sugarberry tree (*Celtis laevigata*), water oak (*Quercus nigra*), willow oak (*Quercus phellos*), Shumard red oak (*Quercus shumardii*), southern live oak (*Quercus virginiana*), American elm (*Ulmus americana*), yaupon (*Ilex vomitoria*), red mulberry (*Morus rubra*), wax myrtle (*Morella cerifera*), flame-leaf sumac (*Rhus copallinum*), red buckeye (*Aesculus pavia*), eastern red cedar (*Juniperus virginiana*), short-leaf pine (*Pinus echinata*), and loblolly pine (*Pinus taeda*). Shrubs that are most common in this ecoregion include American beautyberry (*Callicarpa americana*), buttonbush (*Cephalanthus occidentalis*), lantana (*Lantana urticoides*), and dwarf palmetto (*Sabal minor*). Common vines, grasses, and wildflowers according to the TPWD are cross-vine (*Bignonia capreolata*), trumpet creeper (*Campsis radicans*), Carolina jessamine (*Gelsemium sempervirens*), coral honeysuckle (*Lonicera sempervirens*), may-pop (*Passiflora incarnata*), muscadine (*Vitis rotundifolia*), marsh's pipevine (*Aristolochic* sp.), big blue stem (*Andropogon gerardii*), bushy bluestem (*Andropogon glomeratus*), inland sea-oats (*Chasmanthium latifolium*), sugarcane plumegrass (*Saccharum giganteum*), gulf cordgrass (*Spartina spartinae*), eastern gammagrass (*Tripsacum dactyloides*), lance-leaf coreopsis (*Coreopsis lanceolata*), coralbean (*Erythrina herbacea*), spider lily (*Lycoris radiata*), cardinal flower (*Lobelia cardinalis*), Turk's cap (*Malvaviscus arboreus*), gulf coast penstemon (*Penstemon tenuis*), scarlet sage (*Salvia splendens*), Indian paintbrush (*Castilleja sp.*), beach evening primrose (*Camissoniopsis cheiranthifolia*), showy evening primrose (*Oenothera speciosa*), and meadow pink (*Sabatia campestris*) (TPWD 2020a). A complete list of floral species observed during biological surveys of the proposed project site is included in Table 3-2.

Table 3-2. Observed Floral Species

Common Name	Scientific Name
St. Augustine grass	*Stenotaphrum secundatum*
Bermuda grass	*Cynodon dactylon*
Scarlet spiderling	*Boerhavia coccinea*
Evening rain lily	*Cooperia drummondii*
Gulf Indian breadroot	*Pediomelum rhombifolium*
Texas frogfruit	*Phyla nodiflora*
Bracted fanpetals	*Sida ciliaris*
Whitemouth dayflower	*Commelina erecta*
Scarlet pea	*Indigofera miniate*
Bur clover	*Medicago polymorpha*
Indian blanket	*Gaillardia pulchella*
Straggler daisy	*Calyptocarpus vialis*
Tropical Mexican clover	*Richardia brasiliensis*
Morning Glory	*Dichondra sp.*

3.4.1 Alternative 1: Proposed Action

The Proposed Action would have a permanent, minor impact on vegetation in the project area, approximately 1 acre of mowed and maintained lot would be directly impacted as a result of the construction of the proposed Marine Unit facility. The Gulf Coast Prairies and Marshes vegetative community that would be impacted by the construction of the proposed Marine Unit facility is both locally and regionally common, and the permanent loss of the limited amount of acreage would not adversely affect the population viability of any plant species in the region. In addition, the primary vegetation found during the biological surveys was Bermuda grass and St. Augustine, both of which are ornamental and extremely common. In order to ensure that the Proposed Action does not actively promote the establishment of non-native and invasive species in the area, best management practices (BMPs; described in Section 5.0) would be implemented to minimize the spread and reestablishment of non-native vegetation. Upon completion of construction, all temporary disturbance areas would be revegetated with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally. These BMPs, as well as measures protecting vegetation in general, would reduce potential impacts from non-native invasive species to a negligible amount.

3.4.2 Alternative 2: No Action Alternative

Under the No Action Alternative, no direct or indirect impacts on vegetative habitat would occur as no construction or demolition activities would be completed.

3.5 WILDLIFE RESOURCES

The ROI is within the Prairie Parkland (Subtropical) Province (United States Forest Service [USFS] 1995). Common mammals within this province include the coyote (*Canis latrans)*, ringtail (*Bassariscus astutus)*, American hog-nosed skunk (*Conepatus leuconotus*), white-tailed deer (*Odocoileus virginianus*), raccoon *(Procyon lotor)*, gray fox (*Urocyon cinereoargenteus*), bobcat (*Lynx rufus*), collared peccary (*Pecari tajacu*), striped skunk (*Mephitis mephitis*), nine-

banded armadillo (*Dasypus novemcinctus*), eastern cottontail (*Sylvilagus floridanus*), fulvous harvest mouse (*Reithrodontomys fulvescens*), and hispid cotton rat (*Sigmodon hispidus*) (TPWD 2020b).

Bird species are especially abundant in this region as the Central and Mississippi flyways converge in south Texas. Additionally, south Texas is the northernmost range for many of the neotropical species of Central America. Approximately 500 avian species, including Neotropical migrants, shorebirds, raptors, and waterfowl can occur in south Texas. Common birds that frequent south Texas include the Plain chachalaca (*Ortalis vetula)*, Green kingfisher (*Chloroceryle americana*), Common Pauraque (*Nyctidromus albicollis*), Elf owl (*Micrathene whitneyi*), White-winged dove (*Zenaida asiatica*), Tropical kingbird (*Tyrannus melancholicus*), Buff-bellied hummingbird (*Amazilia yucatanensis*), Green jay (*Cyanocorax yncas*), Long-billed thrasher (*Toxostoma longirostre*), Groove-billed ani (*Crotophaga sulcirostris*), Great kiskadee (*Pitangus sulphuratus*), and Olive sparrow (*Arremonops rufivirgatus*) (TPWD 2016).

Common reptiles and amphibians include the blue spiny lizard (*Sceloporus serrifer*), Laredo striped whiptail (*Aspidoceles laredoensis*), prairie racerunner (*Aspidoceles sexlineata viridis*), Texas spiny softshell turtle (*Apalone spinifera emoryi*), Rio Grande cooter (*Pseudemys gorzugi*), Rio Grande leopard frog (*Lithobates berlandieri*), Rio Grande chirping frog (*Eleutherodactylus cystignathoides*), Gulf Coast toad (*Incilius valliceps*), and the giant (marine) toad (*Rhinella marina*) (TPWD 2020b).

A list of wildlife observed during biological surveys is included in Table 3-3.

Table 3-3. Observed Wildlife Species

Birds	
Brown-headed Cowbird	*Molothrus ater*
European Starling	*Sturnus vulgaris*
Great-tailed Grackle	*Quiscalus mexicanus*
House Sparrow	*Passer domesticus*
Laughing Gull	*Leucophaeus atricilla*
Franklin's Gull	*Leucophaeus pipixcan*
Mourning Dove	*Zenaida macroura*
Savannah Sparrow	*Passerculus sandwichensis*
Barn Swallow	*Hirundo rustica*
Eurasian Collared-Dove	*Streptopelia decaocto*
Lark Sparrow	*Chondestes grammacus*
Butterflies	
Pipevine swallowtail	*Battus philenor*
Pearl crescent	*Phyciodes tharos*

3.5.1 Alternative 1: Proposed Action

The permanent loss of approximately 1 acre would have a long-term, negligible impact on wildlife. The predominant vegetative species at the proposed project site is Bermuda grass and St. Augustine grass; there are no trees or shrubs located on the site. Additionally, the site is routinely mowed eliminating nesting cover or potential cover for avian species. The wildlife

habitat present in the project area is both locally and regionally common, and the permanent loss of approximately 1 acre of mowed and maintained lot would not adversely affect the population viability or fecundity of any wildlife species in the region. Upon completion of construction, all temporary disturbance areas would be revegetated with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally. Therefore, any impacts would be considered negligible to minor.

3.5.2 Alternative 2: No Action Alternative

No wildlife or aquatic resources would be adversely affected by the No Action Alternative.

3.6 THREATENED AND ENDANGERED SPECIES

The Endangered Species Act (ESA) was enacted to protect and recover imperiled species and the ecosystems upon which these species (endangered and threatened) depend for their survival. All Federal agencies are required to implement protective measures for designated species and to use their authorities to further the purposes of the ESA. The Secretary of the Interior and the Secretary of Commerce (marine species) are responsible for the identification of threatened or endangered species and development of any potential recovery plan. USFWS is the primary agency responsible for implementing the ESA, and is responsible for birds and other terrestrial and freshwater species. USFWS responsibilities under the ESA include (1) the identification of threatened and endangered species; (2) the identification of critical habitats for listed species; (3) implementation of research on, and recovery efforts for, these species; and (4) consultation with other Federal agencies concerning measures to avoid harm to listed species.

An endangered species is a species officially recognized by USFWS as being in danger of extinction throughout all or a significant portion of its range. A threatened species is a species likely to become endangered within the foreseeable future throughout all or a significant portion of its range. Proposed species are those that have been formally submitted to Congress for official listing as threatened or endangered. Species may be considered eligible for listing as endangered or threatened when any of the five following criteria occur: (1) current/imminent destruction, modification, or curtailment of their habitat or range; (2) overuse of the species for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; and (5) other natural or human-induced factors affecting their continued existence.

In addition, USFWS has identified species that are candidates for listing as a result of identified threats to their continued existence. The candidate designation includes those species for which USFWS has sufficient information to support proposals to list as endangered or threatened under the ESA; however, proposed rules have not yet been issued because such actions are precluded at present by other listing activity. Although not afforded protection by the ESA, candidate species may be protected under other Federal or state laws.

Table 3-4. Federally Listed Species for Nueces County, Texas

Common Name	Status	Habitat	Potential to Occur at Site	Effect Determination
Mammals				
Gulf Coast jaguarondi (*Puma yagouaroundi cacomitli)*	*E*	Dense, thorny scrub, especially near freshwater.	No	No effect.
Ocelot (*Leopardus pardalis*)	*E*	Dense, thorny shrub lands of the Lower Rio Grande Valley and Rio Grande Plains. Deep, fertile clay or loamy soils are generally needed to produce suitable habitat.	No	No effect.
West Indian Manatee (*Trichecus manatus*)	*T*	Marine, estuarine, and freshwater environments.	No	No effect.
Birds				
Piping Plover (*Charadrius melodus*)	*E*	Wintering migrant along the Texas Gulf Coast on beaches and bayside mud, or salt flats.	No	No effect.
Red Knot (*Calidris canutus rufa*)	*T*	Wintering migrant along the Texas Gulf Coast on beaches and bayside mud, or salt flats.	No	No effect.
Least Tern (*Sterna antillarum*)	*E*	Exposed islands and sandbars along river banks.	No	No effect.
Northern Aplomado Falcon (*Falco femoralis septentrionalis*)	*E*	Grasslands and open terrain in arid landscapes with scattered trees or shrubs.	No	No effect.
Whooping Crane (*Grus americana*)	*E*	Shallow, grassy wetlands interspersed with grassland and scattered evergreens.	No	No effect.

Common Name	Status	Habitat	Potential to Occur at Site	Effect Determination
Reptiles				
Hawksbill Sea Turtle (*Eretmochelys imbricata*)	*E*	Primarily tropical coral reefs, but also open ocean, lagoons, and mangrove swamps near estuaries.	No	No effect.
Green Sea Turtle (*Chelonia mydas*)	*T*	Open ocean and the Gulf of Mexico.	No	No effect.
Loggerhead Sea Turtle	*T*	Open ocean and the Gulf of Mexico.	No	No effect.
Kemp's Ridley Sea Turtle (*Lepidochelys kempii*)	*E*	Nearshore coastal areas with sandy or muddy bottoms.	No	No effect.
Leatherback Sea Turtle (*Dermochelys coriacea*)	*E*	Primarily pelagic, but require sloping sandy beaches for nesting.	No	No effect.
Flowering Plants				
Slender Rush-pea (*Hoffmannseggia tenella*)	*E*	Openings amongst mesquite and other woody plants that have invaded short-grass coastal prairie remnants.	No	No effect.
South Texas Ambrosia (*Ambrosia cheiranthifolia*)	*E*	Grasslands and mesquite shrublands.	No	No effect.

Source: USFWS 2020

Federally Listed Species
There are a total of 15 federally-listed endangered species known to occur within Nueces County (USFWS 2020). A list of these species is presented in Table 3-4. Biological surveys of the proposed Marine Unit facility site were conducted by Gulf South Research Corporation in May 2020. These investigations included surveys for all Federal and state listed species potentially occurring at or near the proposed site. During the investigations, no federally-listed or state listed species were observed. The proposed project site is located in a residential and commercial area with existing infrastructure and consists of a mowed and maintained lot with little to no wildlife habitat value.

Critical Habitat
The ESA also calls for the conservation of what is termed critical habitat, the areas of land, water, and air space that an endangered species needs for survival. Critical habitat also includes such things as food and water, breeding sites, cover or shelter, and sufficient habitat area to provide for normal population growth and behavior. One of the primary threats to many species is the destruction or modification of essential habitat by uncontrolled land and water developments. Critical habitat has been designated for the federally threatened piping plover (*Charadrius melodus*) within Nueces County (USFWS 2020); however, no critical habitat exists near or within the proposed project site.

State-Listed Species
TPWD lists several state-listed species that may also occur within or near the project areas in Nueces County. No state-listed species were observed during biological surveys.

3.6.1 Alternative 1: Proposed Action
Under the Proposed Action, there would be no impacts on any threatened or endangered species or their habitat. The Proposed Action would have no effect on any federally or state listed species as no individuals or habitat exist on-site.

3.6.2 Alternative 2: No Action Alternative
Under the No Action Alternative, there would be no direct impacts on threatened or endangered species or their habitats as no construction or demolition activities would occur.

3.7 GROUNDWATER

The project area is located within the Gulf Coast Aquifer, a major aquifer that crosses 56 counties in the southeastern part of Texas. The aquifer covers 41,970 square miles from the Texas-Louisiana border to Mexico (Texas Water Development Board [TWDB] 2020). The Gulf Coast Aquifer has a reported annual groundwater availability of 1,766,661 acre-feet and an annual groundwater supply of 1,234,093 acre-feet per year (TWDB 2017).

The Gulf Coast Aquifer consists of several aquifers, including the Jasper, Evangeline, and Chicot aquifers. The aquifer is composed of discontinuous sand, silt, clay, and gravel beds. The maximum total sand thickness of the Gulf Coast Aquifer ranges from 700 feet in the south to 1,300 feet in the north with freshwater saturated thickness averaging roughly 1,000 feet. The water quality varies greatly throughout the aquifer depending on depth and location. In the more

central and northeastern portions of the aquifer, water quality is good and total dissolved solids concentrations are less than 500 milligrams per liter; however, in the more southern portion, water is more saline and aquifer productivity is diminished due to total dissolved solids ranging from 1,000 to more than 10,000 milligrams per liter. Some percent of this increased salinity along the southern and eastern Gulf Coast Aquifer can be attributed to saltwater intrusion as a result of groundwater pumping or brine migration from oil field operations and natural flows from salt domes. Water from this aquifer is generally used for municipal, industrial, irrigation purposes (TWDB 2020).

3.7.1 Alternative 1: Proposed Action

As mentioned previously, the annual groundwater supply is approximately 1,234,093 acre-feet per year, which is a total of approximately 402.1 billion gallons per year. Because the new Marine Unit facility would only use approximately less than one percent of the annual groundwater available within the aquifer per year, it is anticipated that impacts to water availability would be long-term and negligible. No impacts on groundwater quality would occur.

3.7.2 Alternative 2: No Action Alternative

Under the No Action Alternative, no construction or demolition activities would occur; therefore, no impacts to groundwater would occur.

3.8 SURFACE WATER AND WATERS OF THE UNITED STATES

The Clean Water Act (CWA) §303[d][1][A] requires that each state monitor surface waters and compile a "303[d] List" of impaired streams and lakes. The proposed marine facility is located in southeastern Texas and is located in the San Antonio-Nueces Coastal Basin. The San Antonio-Nueces Coastal Basin lies in the coastal plain between the San Antonio and Nueces Rivers; the total drainage area is 2,652 square miles (TCEQ 2016). The TCEQ 2016 303(d) reports lists that there are no stream reaches and no impaired streams near the project site.

Waters of the United States are defined within the CWA, and jurisdiction is addressed by USACE and USEPA. There could be temporary impacts to waters of the United States if drainage structures within ditches need replacement. Wetlands are a subset of the waters of the United States that may be subject to regulation under Section 404 of the CWA (40 CFR 230.3). Wetlands are those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The proposed project site is not located within or adjacent to a jurisdictional wetland or waters of the United States.

3.8.1 Alternative 1: Proposed Action

The Proposed Action may potentially have temporary, negligible impacts on surface waters as a result of increases in erosion and sedimentation during periods of construction. Disturbed soils and hazardous substances (i.e., antifreeze, fuels, oils, and lubricants) could directly impact water quality during a rain event. However, due to the lack of surface waters present at the proposed Marine Unit facility and through the use of BMPs these effects would be minimized. A Construction Stormwater General Permit would be obtained prior to construction, and this would require approval of a site-specific Storm Water Pollution Prevention Plan (SWPPP). A site-

specific Spill Prevention, Control and Countermeasure Plan (SPCCP) would also be in place prior to the start of construction. BMPs outlined in these plans would reduce potential migration of soils, oil and grease, and construction debris into local surface waters. Once the construction project is complete, any temporary construction footprints would be revegetated with native vegetation, as outlined in the SWPPP, which would mitigate the potential of non-point source pollution to enter local surface waters. No waters of the United State nor wetlands exists within the project site; therefore, there would be no net loss of wetlands or waters of the United States and the Proposed Action would be in compliance with Executive Order (E.O.) 11990.

3.8.2 Alternative 2: No Action Alternative

Under the No Action Alternative, no construction or demolition would occur; therefore, no impacts to surface waters or waters of the United States would occur.

3.9 FLOODPLAINS

A floodplain is the area adjacent to a river, creek, lake, stream, or other open waterway that is subject to flooding when there is a major rain event. Floodplains are further defined by the likelihood of a flood event. If an area is in the 100-year floodplain, there is a 1-in-100 chance in any given year that the area will flood. Federal Emergency Management Agency (FEMA) floodplain maps were reviewed to identify if the project area is located within mapped floodplains. Current floodplain data for the location of the proposed Marine Unit facility does not exist; however, previous records indicate that it is located with the 100-year floodplain (FEMA 2016).

3.9.1 Alternative 1: Proposed Action

The Proposed Action would not increase the risk or impact of floods on human safety, health, and welfare, or adversely impact the beneficial values that floodplains serve. While the proposed site is located within the 100-year floodplain and would increase impervious surfaces within the floodplain, the Proposed Action would not increase duration, frequency, elevation, velocity or volume of flood events, and no floodplain resources would be lost. Further, building designs would take into account floodplain considerations. The location of the Marine Unit facility is driven by USBP operational requirements, and as such, locating the Marine Unit facility outside of the 100-year floodplain would not meet the purpose of and need for the Proposed Action. Therefore, the Proposed Action would have no direct or indirect impacts on floodplains and would be in compliance with E.O. 11988.

3.9.2 Alternative 2: No Action Alternative

Under the No Action Alternative, no construction or demolition activities would occur; therefore, there would be no direct impacts on floodplains.

3.10 COASTAL ZONE

The Coastal Zone Management Act (CZMA) (Public Law 92-583, as amended; 16 U.S.C. §§ 1451-1464) encourages the management of coastal zone areas and provides grants to be used in maintaining these areas. It requires that Federal agencies be consistent in enforcing the policies of state coastal zone management programs when conducting or supporting activities that affect

a coastal zone. This is intended to ensure that Federal activities are consistent with state programs for the protection and, where possible, enhancement of the Nation's coastal zones.

The CZMA's definition of a coastal zone includes coastal waters extending to the outer limit of state submerged land title and ownership, adjacent shorelines, and land extending inward to the extent necessary to control shorelines. A coastal zone includes islands, beaches, transitional and intertidal areas, and salt marshes. The Texas coastal zone encompasses the area within Texas that is seaward of the coastal designation line, which was established in response to the Oil Spill Act of 1990 and delineates areas in which offshore oil spills would affect coastal waters and/or resources. The Texas coastal zone includes all or portions of 19 counties including Nueces County and has an overall acreage of approximately 8.9 million acres of land and water.

The CZMA requires that coastal states develop a State Coastal Zone Management Plan or program and that any Federal agency conducting or supporting activities affecting the coastal zone conduct or support those activities in a manner consistent with the approved state plan or program. To comply with the CZMA, a Federal agency must identify activities that would affect the coastal zone, including development projects, and must review the State Coastal Zone Management Plan to determine whether a proposed activity would be consistent with the plan. The proposed Marine Unit facility falls within the boundaries of the Texas coastal zone.

3.10.1 Alternative 1: Proposed Action

Although the proposed Marine Unit facility is within the boundaries of the Texas coastal zone, the impacts associated with the facility would be consistent with the Texas coastal zone management plan. CBP has coordinated with the Texas General Land Office regarding impacts on the coastal zone and provided a coastal zone consistency determination for evaluation to ensure that the Proposed Action is in compliance with the CZMA (Appendix A). Through the coastal zone consistency determination, CBP has determined that all activities would be in compliance with the CZMA. Therefore, no significant impacts on the Texas coastal zone would occur upon implementation of the Proposed Action.

3.10.2 Alternative 2: No Action Alternative

Under the No Action Alternative, no construction activities would occur within the Texas coastal zone; therefore, there would be no direct impacts.

3.11 AIR QUALITY

The USEPA established National Ambient Air Quality Standards (NAAQS) for specific pollutants determined to be of concern with respect to the health and welfare of the general public. Ambient air quality standards are classified as either "primary" or "secondary." The major pollutants of concern, or criteria pollutants, are carbon monoxide (CO), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), ozone (O_3), particulate matter less than 10 microns (PM-10), particulate matter less than 2.5 microns (PM-2.5) and lead (Pb). NAAQS represent the maximum levels of background pollution that are considered safe, with an adequate margin of safety, to protect the public health and welfare. The NAAQS are included in Table 3-5. Nueces County is in attainment for all criteria pollutants (USEPA 2020a).

Table 3-5. National Ambient Air Quality Standards

Pollutant	Primary Standards		Secondary Standards	
	Level	**Averaging Time**	**Level**	**Averaging Times**
Carbon Monoxide	9 ppm (10 mg/m^3)	8-hour [1]	None	None
	35 ppm (40 mg/m^3)	1-hour [1]	None	None
Lead	0.15 µg/m^3 [2]	Rolling 3-Month Average	Same as Primary	Same as Primary
	1.5 µg/m^3 [3]	Quarterly Average	Same as Primary	Same as Primary
Nitrogen Dioxide	53 ppb [4]	Annual (Arithmetic Average)	Same as Primary	Same as Primary
	100 ppb	1-hour [5]	None	None
Particulate Matter (PM-10)	150 µg/m^3	24-hour [6]	Same as Primary	Same as Primary
Particulate Matter (PM-2.5)	12.0 µg/m^3	Annual [7] (Arithmetic Average)	15.0 µg/m^3	Annual [7] (Arithmetic Average)
	35 µg/m^3	24-hour [8]	Same as Primary	Same as Primary
Ozone	0.070 ppm (2015 std)	8-hour [9]	Same as Primary	Same as Primary
Sulfur Dioxide	75 ppb [10]	1-hour	0.5 ppm	3-hour [1]

Source: USEPA 2020b at https://www.epa.gov/criteria-air-pollutants/naaqs-table
Units of measure for the standards are parts per million (ppm) by volume, parts per billion (ppb - 1 part in 1,000,000,000) by volume, milligrams per cubic meter of air (mg/m^3), and micrograms per cubic meter of air (µg/m^3).
[1] Not to be exceeded more than once per year.
[2] Final rule signed October 15, 2008.
[3] In areas designated nonattainment for the Pb standards prior to the promulgation of the current (2008) standards, and for which implementation plans to attain or maintain the current (2008) standards have not been submitted and approved, the previous standards (1.5 µg/m3 as a calendar quarter average) also remain in effect.
[4] 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 clearer comparison to the 1-hour standard
[5] To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 100 ppb (effective January 22, 2010).
[6] Not to be exceeded more than once per year on average over 3 years.
[7] To attain this standard, the 3-year average of the weighted annual mean PM2.5 concentrations from single or multiple community-oriented monitors must not exceed 15.0 µg/m3.
[8] To attain this standard, the 3-year average of the 98th percentile of 24-hour concentrations at each population-oriented monitor within an area must not exceed 35 µg/m3 (effective December 17, 2006).
[9] (a) To attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.070 ppm. (effective December 28, 2015).
(b) The previous (2008) O3 standards (0.075 ppm) additionally remain in effect in some areas.
[10] The previous SO2 standards (0.14 ppm 24-hour and 0.03 ppm annual) will additionally remain in effect in certain areas: (1) any area for which it is not yet 1 year since the effective date of designation under the current (2010) standards, and (2)any area for which an implementation plan providing for attainment of the current (2010) standard has not been submitted and approved and which is designated nonattainment under the previous SO2 standards or is not meeting the requirements of a SIP call under the previous SO2 standards (40 CFR 50.4(3)). A SIP call is an EPA action requiring a state to resubmit all or part of its State Implementation Plan to demonstrate attainment of the required NAAQS.

Greenhouse Gases and Climate Change
Global climate change refers to a change in the average weather on the earth. Greenhouse Gases (GHG) are gases that trap heat in the atmosphere. They include carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), fluorinated gases including chlorofluorocarbons (CFC) and hydrochlorofluorocarbons (HFC), and halons, as well as ground-level O_3 (California Energy Commission 2007).

3.11.1 Alternative 1: Proposed Action
Temporary and minor increases in air pollution would occur from the use of construction equipment (combustion emissions) and the disturbance of soils (fugitive dust) during construction of the Marine Unit. Particulate emissions would occur as a result of construction activities such as vehicle trips, bulldozing, compacting, truck dumping, and grading operations. Construction activities would also generate minimal hydrocarbon, NO_2, CO_2, and SO_2 emissions from construction equipment and support vehicles. Fugitive dust and other emissions would minimally increase during construction; however, these emissions would be temporary and return to pre-project levels upon the completion of construction. Emissions as a result of the Proposed Action are expected to be below the *de minimis* threshold (i.e., 100 tons per year) and therefore would not be considered significant. BMPs, such as dust suppression and maintaining equipment in proper working condition, would reduce temporary construction impacts. Furthermore, due to the good wind dispersal conditions, and because Nueces County is in attainment for all NAAQS, impacts to air quality are expected to be minimal under the Proposed Action.

3.11.2 Alternative 2: No Action Alternative
The No Action Alternative would not result in any direct impacts on air quality because there would be no construction or demolition activities.

3.12 NOISE

Noise is generally described as unwanted sound, which can be based either on objective effects (i.e., hearing loss, damage to structures) or subjective judgments (e.g., community annoyance). Sound is usually represented on a logarithmic scale in a unit called the decibel (dB). Sound on the decibel scale is referred to as sound level. The perceived threshold of human hearing is 0 dB, and the threshold of discomfort or pain is around 120 dB (USEPA 1974). The A-weighted sound level (dBA) is a measurement of sound pressure adjusted to conform to the frequency response of the human ear.

Noise levels occurring at night generally produce a greater annoyance than do the same levels occurring during the day. It is generally agreed that people perceive intrusive noise at night as being 10 dBA louder than the same level of intrusive noise during the day, at least in terms of its potential for causing community annoyance. This perception is largely because background environmental sound levels at night in most areas are also about 10 dBA lower than those during the day. Long-term noise levels are computed over a 24-hour period and adjusted for nighttime annoyances to produce the day-night average sound level (DNL). DNL is the community noise metric recommended by the USEPA and has been adopted by most Federal agencies (USEPA 1974).

3.12.1 Alternative 1: Proposed Action

The construction of the proposed Marine Unit would require the use of common construction equipment. Table 3-6 describes noise emission levels for construction equipment that range from 47 dBA to 85 dBA at a distance of 50 feet (Federal Highway Administration [FHWA] 2007).

Table 3-6. A-Weighted (dBA) Sound Levels of Construction Equipment and Modeled Attenuation at Various Distances[1]

Noise Source	50 feet	100 feet	200 feet	500 feet	1000 feet
Bulldozer	82	76	70	62	56
Concrete mixer truck	85	79	73	65	59
Crane	81	75	69	61	55
Drill rig	85	79	73	65	59
Dump truck	84	78	72	64	58
Excavator	81	75	69	61	55
Front-end loader	79	73	67	59	53
Generator	47	41	35	27	21

Source: FHWA 2007

1. The dBA at 50 feet is a measured noise emission. The 100- to 1,000-foot results are GSRC modeled estimates.

Assuming the worst case scenario of 85 dBA from general construction equipment, the noise model predicts that noise emissions would have to travel 1,255 feet before they would be attenuated to acceptable levels equal to or below 57 dBA, which is the criterion for National Monument and Wildlife Refuges (23 CFR § 772, Table 1), or 500 feet to attenuate to 65 dBA, which is the criterion for residential receptors.

The project site is located within an area currently utilized for residential and commercial purposes and presents a risk of disrupting regular community activities. BMPs would be established, including the use of heavy equipment only in daylight hours, to reduce the level of noise impacts produced during construction. Therefore, impacts on noise would be short term and negligible.

3.12.2 Alternative 2: No Action Alternative

Under the No Action Alternative, no impacts on noise would occur as the construction of the proposed Marine Unit facility would not occur.

3.13 CULTURAL, HISTORICAL, AND ARCHAEOLOGICAL RESOURCES

Cultural resources include historic properties, archaeological resources, and sacred sites. Historic properties are defined by the National Historic Preservation Act (NHPA) as any prehistoric or historic district site, building, structure, or object included on, or eligible for inclusion in the National Register of Historic Places (NRHP), including artifacts, records, and material remains relating to the district, site, building, structure, or object (National Park Service [NPS] 2006a). To be considered eligible for the NRHP, a property would need to possess

integrity of location, design, setting, materials, workmanship, feeling, and association and must also meet at least one of the following four criteria (NPS 2002):

A. Be associated with events that made a significant contribution to the broad pattern of our history
B. Be associated with the lives of significant persons in our past
C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction
D. Have yielded, or be likely to yield, information important in history or prehistory

A Traditional Cultural Property (TCP) is a specific type of historic property that is eligible for inclusion in the NRHP because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining and continuing the cultural identity of the community (Parker and King 1998). Given the broad range in types of historic properties, historic properties can often include other types of cultural resources such as cultural items, archaeological resources, sacred sites, and archaeological collections.

Cultural items as defined by the Native American Graves Protection and Repatriation Act (NAGPRA) are defined as human remains, as well as both associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony or objects that have an ongoing historical, traditional, or cultural importance to a Native American group or culture (NPS 2006b). Archaeological resources, as defined by the Archaeological Resources Protection Act (ARPA), consist of any material remains of past human life or activities that are of archaeological interest and are at least 100 years of age. Such items include, but are not limited to, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal remains, or any portion or piece of those items (NPS 2006c). Sacred sites are defined by E.O. 13007, Indian Sacred Sites, as any specific, discrete, narrowly delineated location on Federal land that is identified by a Native American tribe or Native American individual determined to be an appropriately authoritative representative of a Native American religion as sacred by virtue of its established religious significance, or ceremonial use by, a Native American religion, provided that the tribe or appropriately authoritative representative of a Native American religion has informed the Federal land-owning agency of the existence of such a site (NPS 1996).

Existing Archaeological Site and Previously Conducted Archaeological Surveys

Given the location of the Proposed Action, previously conducted cultural resources investigations within 0.5 mile of the project area consist of both terrestrial and marine investigations. Six archaeological investigations have been previously conducted within a half mile of the Proposed Action site, including three terrestrial investigations and three marine investigations. The first of the three marine investigations was a 1991 channel survey that was conductedby Coastal Environments Inc. for the USACE. The second marine project was also conducted by Coastal Environments in 1995 for the USACE and included an assessment of the *SS* Mary and seven anomalies. The final marine investigation was conducted by PBS&J and consisted of a channel survey conducted in 2003 also for the USACE. The previously conducted

marine investigations and other research have identified eight marine cultural resources within 0.5 mile of the Proposed Action project area. All of the previously recorded marine resources represent shipwrecks and include the *Umpire* (THC# 512), which was lost in 1852, the *Reindeer* (THC# 1449), which was lost in 1870, the *Tex Mex* (THC# 1412), which was lost in 1882, the *Two Marys* (THC# 1411), which was lost in 1882, the *Guyton No. 1* (THC# 286), which was lost in 1916, the *Ring Dove* (THC# 2187), which was lost in 1919, an unknown wreck (THC# 1535), which was lost before 1950, and another unknown wreck (THC# 1536) which was lost before 1971. None of the previously recorded marine resources are within or adjacent to the Proposed Action project area (Philips et al. 2020).

Three terrestrial cultural resources investigations were also previously conducted within 0.5-mile of the Proposed Action project area. The earliest investigation on record with the Texas Archeological Sites Atlas was conducted in 1981 by C. Jurgens and H. Whitsett for the Nueces County Water Control and Improvement District #4, which was conducted at Port Aransas on Mustang Island. That investigation identified site 41NU187, which is located within 0.5 mile of the Proposed Action project area. The second survey was conducted by Coastal Environments, Inc. in 2018 for Nueces County Coastal Parks for planned improvements to the I. B. Magee Park. No cultural resources were identified during the 2018 Survey. The third investigation was an archaeological and architectural survey conducted in April and May of 2020 of the Proposed Action project area. Given the size of the proposed building, a visual Area of Potential Effect (APE) for the architectural survey was a one block area around the 1-acre parcel. The architectural survey identified a total of 19 structures that were constructed in or prior to 1975. One of the structures, The Tarpon Inn, is listed on the NRHP. The remaining 18 structures were recommended not eligible for the NRHP. The areas around the Tarpon Inn have undergone numerous changes including the demolition of the 1925 U.S. Coast Guard Station, which used to stand adjacent to the Inn. As a result, the proposed construction of the Marine Unit Facility is not anticipated to have an adverse visual effect on the resource (Philips et al. 2020).

A review of the historic land use of the 1-acre parcel for the proposed Marine Unit Facility showed that the property has been the site for the construction and demolition of several U.S. Coast Guard facilities. The first was a U.S. Life Saving service building, which was constructed near the southeast corner of the parcel in 1878. This service building was damaged by a hurricane in 1919 and was subsequently demolished. The station was rebuilt in 1925 as a wooden structure built on cement piers which probably had a shell driveway before being paved in the 1950s and 1960s. By 1976, a new station was constructed on another parcel north of the proposed project area, and the 1925 station on the proposed project parcel was demolished (Philips et al. 2020).

Archaeologists from Coastal Environments, Inc. conducted an intensive archaeological survey on the 1-acre parcel for the proposed Marine Unit Facility on April 30, 2020 and again on May 18, 2020. The archaeological survey included pedestrian inspection of the parcel along with subsurface investigation using shovel test pits. The archaeological investigations encountered building materials, including concrete, asphalt, fragments of linoleum, tile and metal as well as curved glass that was shallowly buried across the parcel ranging from 5 to 80 centimeters below the surface. Other material noted in the tests included gravel and shell fragments that were encountered in extremely compact soils, which were interpreted as the result of the driveways

and foundation for the various U.S. Coast Guard structures that were on the property between 1878 and 1976. One cement feature was also recorded during the survey which is interpreted as being related to a structure noted on a 1950s aerial photograph of the area. The historical artifacts recorded during the survey had broad production ranges extending into the modern times. Observations of the soil profiles noted in the shovel tests compared to the mapped soil units and the broad distribution of material across the entire parcel suggested that the area was highly disturbed and that the underlying shallowly buried deposits were not intact. As a result, there is no potential to encounter intact archaeological deposits within the parcel for the proposed Marine Unit Facility.

3.13.1 Alternative 1: Proposed Action

Archaeological and aboveground resources surveys were conducted for the Proposed Action project area in April and May 2020. The architectural survey identified one structure that is listed on the NRHP, the Tarpon Inn, which is adjacent but outside of the Proposed Action project area. None of the resources identified within the Proposed Action project area were determined to be eligible for the NRHP and as a result, no historic properties, as defined by the NHPA, would be impacted by the Proposed Action. The area around the Tarpon Inn has changed significantly since it was built and it is anticipated that the new Marine Unit Facility would not have an adverse visual effect on the Tarpon Inn. An archaeological survey of the parcel for the construction of the Maine Unit Facility determined that the area was highly disturbed and that the underlying shallowly buried deposits were not intact. As a result, there is no potential to encounter intact archaeological deposits within the parcel for the proposed Marine Unit Facility. CBP is currently consulting with the State Historic Preservation Officer on the Proposed Action. Given the results of both the archaeological and architectural surveys, no significant impacts to cultural resources would occur from the implementation of the proposed action.

3.13.2 Alternative 2: No Action Alternative

Under the No Action Alternative, no construction or demolition would occur; therefore, no impacts to cultural resources would be anticipated.

3.14 UTILITIES AND INFRASTRUCTURE

Gexa, Frontier Utilities, Cirro Energy, Trieagle, and 4Change Energy distribute electrical energy within the project area. No new public infrastructure would be required for ingress or egress at the proposed Marine Unit facility.

3.14.1 Alternative 1: Proposed Action

The Proposed Action would result in negligible effects on the availability of utilities throughout the ROI because the current amperage available through the existing grid power system can withstand the anticipated electrical load of the proposed Marine Unit facility. Additionally, the Marine Unit Facility would be tied into an existing and available service transmission lines.

3.14.2 Alternative 2: No Action Alternative

Under the No Action Alternative, the proposed Marine Unit facility would not be constructed. The No Action Alternative would not affect the availability of utilities or require construction of additional facilities.

3.15 HAZARDOUS MATERIALS

Hazardous materials are substances that cause physical or health hazards (29 CFR 1910.1200). Materials that are physically hazardous include combustible and flammable substances, compressed gases, and oxidizers. Health hazards are associated with materials that cause acute or chronic reactions, including toxic agents, carcinogens, and irritants. Hazardous materials are regulated in Texas by a combination of mandated laws promulgated by the USEPA and the TCEQ.

A Transaction Screen Site Assessment was conducted for the proposed project site in accordance with the American Society for Testing and Materials (ASTM) International Standard E1528-06. This assessment was performed to evaluate any potential environmental risk associated with the proposed project site. The assessment included a search of Federal and state records of known hazardous waste sites, potential hazardous waste sites, and remedial activities and included sites that are either on the National Priorities List or being considered for the list. According to information gathered from document searches, interviews, and the site reconnaissance, no recognized environmental conditions exist at the subject property (Braun 2020).

3.15.1 Alternative 1: Proposed Action

Construction of the proposed Marine Unit facility as described in the Proposed Action would involve the use of heavy construction equipment. There is a potential for the release of hazardous materials such as fuels, lubricants, hydraulic fluids, and other chemicals during the construction activities. The impacts from spills of hazardous materials during construction would be minimized by utilizing BMPs during construction such as fueling only in controlled and protected areas away from surface waters, maintaining emergency spill cleanup kits at all sites during fueling operations, and maintaining all equipment in good operating condition to prevent fuel and hydraulic fluid leaks.

The potential impacts of the handling and disposal of hazardous and regulated materials and substances during construction activities would be negligible when BMPs, as described in Section 5, are implemented.

3.15.2 Alternative 2: No Action Alternative

Under the No Action Alternative, no construction activities would occur; therefore, no existing hazardous materials risks would be encountered and no potential for hazardous materials spills during Marine Unit facility construction would be realized. No impacts from hazardous materials would result from the No Action Alternative.

3.16 SOCIOECONOMICS

This socioeconomics section outlines the basic attributes of population and economic activity of Nueces, Aransas, and San Patricio Counties in Texas. The proposed Marine Unit facility would be located in Port Aransas, Texas, which is in Nueces County. The much larger city of Corpus Christi is also located in Nueces County, approximately 20 miles west of the proposed Marine Unit facility across Corpus Christi Bay. It is assumed all of the agents currently working out of the existing Marine Unit facility all live in either Nueces or the neighboring Aransas and San

Patricio Counties. As a result, Nueces, Aransas, and San Patricio Counties are considered the ROI for socioeconomics.

The proposed Marine Unit facility would be designed to accommodate the existing staff of 18, 16 agents, and 2 support staff. At this time, there are no plans to increase personnel.

Affected Environment

Demographic data shown in Table 3-7 provides an overview of the socioeconomic environment in the ROI. In 2018, Nueces County had an estimated population of 362,265, Aransas County had an estimated population of 23,792, and San Patricio County had an estimated population of 66,893. From 2010 to 2018, the population of Nueces County increased at an average annual rate of 0.81 percent, the population of Aransas County increased at an average annual rate of 0.34 percent, and the population of San Patricio County increased at an average annual rate of 0.4 percent. Within the same timeframe, the population of Texas grew at an average annual rate of 1.76 percent, and the United States at 0.75 percent.

Table 3-7. Population, Income, Labor Force, and Unemployment

	2018 Population Estimate*	Average Annual Growth Rate 2010-2018 (Percent)	Per Capita Income (Dollars) (2018)	Per Capita Income As a Percent of the United States (Percent)	Unemployment Rate (2018) (Percent)
Nueces County	362,265	0.81	27,649	84.7	4.7
Aransas County	23,792	0.34	30,939	94.8	5.7
San Patricio County	66,893	0.4	25,281	77.5	6.3
Texas	28,701,845	1.76	30,143	92.4	4.3
United States	327,167,434	0.75	32,621	100	3.9

Source: U.S. Census Bureau 2019, BLS 2020a, BLS 2020b, BLS 2020c

Per capita income in the ROI is comparable to Texas and slightly below the United States, with average per capita income in Nueces, Aransas, and San Patricio Counties approximately 84.7, 94.8, and 77.5 percent of the United States, respectively. The unemployment rates in Nueces (4.7 percent), Aransas (5.7 percent), and San Patricio County (6.3 percent) are all well above Texas (4.3 percent) and the United States (3.9 percent).

Impacts on socioeconomic conditions would be considered significant if they included displacement or relocation of residences or commercial buildings or increases in long-term demands for public services in excess of existing and projected capacities.

3.16.1 Alternative 1: Proposed Action

The proposed Marine Unit facility would be located in the northern portion of Port Aransas on Mustang Island, approximately 20 miles east of Corpus Christi. The proposed Marine Unit facility would not add staff; therefore, there would be no additional socioeconomic resources needed to accommodate the new Marine Unit facility. The Proposed Action would have temporary, minor, beneficial impacts in the form of jobs and income for area residents, revenues to local businesses, and sales and use taxes to Nueces, Aransas, and San Patricio Counties and

the State of Texas from locally purchased building materials if construction materials are purchased locally and local construction workers are hired for the proposed construction activities.

3.16.2 Alternative 2: No Action Alternative

Under the No Action Alternative, the proposed Marine Unit facility would not be constructed in Nueces County so there would be no direct socioeconomics impacts. The USBP's ability to detect and interdict illicit cross-border activity would not be enhanced, so indirect impacts from illegal activity would continue.

3.17 ENVIRONMENTAL JUSTICE AND PROTECTION OF CHILDREN

E.O. 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, was issued by President Clinton on February 11, 1994. It was intended to ensure that proposed Federal actions do not have disproportionately high and adverse human health and environmental effects on minority and low-income populations and to ensure greater public participation by minority and low-income populations. It required each agency to develop an agency-wide environmental justice strategy. A Presidential Transmittal Memorandum issued with the E.O. states that "Each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by the NEPA 42 U.S.C. section 4321, et seq." The Department of Defense (DoD) has directed that NEPA will be used to implement the provisions of the E.O.

E.O. 12898 does not provide guidelines as to how to determine concentrations of minority or low-income populations. However, analysis of demographic data on race, ethnicity, and poverty provides information on minority and low-income populations that could be affected by the proposed actions. The 2010 Census reports numbers of minority individuals and the U.S. Census American Community Survey (ACS) provides the most recent poverty estimates available. Minority populations are those persons who identify themselves as Black, Hispanic, Asian American, American Indian/Alaskan Native, Pacific Islander, or Other. Poverty status is used to define low-income status. Poverty is defined as the number of people with income below poverty level, which was $26,200 for a family of four in 2020 (U.S. Department of Health and Human Services 2020). A potential disproportionate impact may occur when the percent minority in the study area exceeds 50 percent and/or the percent low-income exceeds 20 percent of the population. Additionally, a disproportionate impact may occur when the percent minority and/or low-income in the study area are meaningfully greater than those in the region. The potential for impacts on the health and safety of children is greater in areas where projects are located near residential areas.

Table 3-8 presents U.S. Census data for minority population and poverty rates for the ROI.

Table 3-8. Minority and Poverty

	Minority Population (Percent)	All Ages in Poverty (Percent)
Nueces County	71.0	16.2
Aransas County	32.5	19.9
San Patricio County	62.2	17.3
Texas	58.5	14.9
United States	39.6	11.8

Source: U.S. Census Bureau 2019

3.17.1 Alternative 1: Proposed Action

Under the Proposed Action, the Marine Unit facility would be located on a small barrier island, with limited residential space in the immediate area. With limited homes located adjacent to the proposed Marine Unit facility, the Proposed Action would not result in disproportionately high and adverse human health or environmental effects on minority populations and low income populations. Additionally, BMPs would be implemented such as fencing off the construction site to prevent residents or non-crew members from entering the site. Also, all Occupational Health and Safety Administration (OSHA) guidelines would be followed. Therefore, there would be no environmental health or safety risks that disproportionately affect children or minorities.

3.17.2 Alternative 2: No Action Alternative

Under the No Action Alternative, the proposed Marine Unit facility would not be constructed. There would be no impacts on people, so there would be no disproportionately high and adverse human health or environmental effects on minority populations and low income populations. There would be no environmental health or safety risks that could disproportionately affect children.

3.18 SUMMARY OF IMPACTS

Table 3-9 is provided to summarize the impacts of the No Action Alternative and Proposed Action on each of the elements discussed in this section (Affected Environment and Consequences).

Table 3-9. Summary Matrix of Potential Impacts

Affected Environment	Proposed Action (Alternative 1)	No Action Alternative (Alternative 2)
Land Use	The Proposed Action would have a permanent, negligible impact on land use. Approximately 1 acre of undeveloped land would be converted to a developed land use.	No direct impacts would occur.
Soils	The Proposed Action would have a direct, minor impact on soils. Permanent impacts on approximately 1 acre of soil would occur through the conversion of undeveloped land to use as a new Marine Unit facility.	No direct impacts would occur.
Groundwater	The Proposed Action would have minimal impact on groundwater resources.	No direct impacts would occur.
Surface Waters and Waters of the United States	Surface water quality could be temporarily impacted during construction activities as a result of erosion and sedimentation. However, due to the lack of surface waters present at the proposed Marine Unit facility, and through the use of BMPs, these effects would be minimized. The Proposed Action would have no impacts on wetlands and waters of the United States as none exist on or near the project site.	No direct impacts would occur.
Floodplains	The Proposed Action would not increase the risk or impact of floods on human safety, health, and welfare, or adversely impact the beneficial values that floodplains serve. The Proposed Action would have no direct or indirect impacts on floodplains and would be in compliance with E.O. 11988.	No direct impacts would occur.
Vegetative Habitat	The Proposed Action would permanently alter approximately 1 acre of mowed and maintained lot. The plant community associated with the project site is both locally and regionally common, and the permanent loss of approximately 1 acre of vegetation would not adversely affect the population viability of any plant or animal species in the region.	No direct impacts would occur.
Wildlife Resources	The Proposed Action would have a long term, negligible impact on wildlife resources due to the permanent removal of approximately 1 acre of degraded habitat.	No direct impacts would occur.
Protected Species and Critical Habitats	The Proposed Action would have no effect to any Federally protected species. No Critical Habitat is present within the project footprint for any species.	No direct impacts would occur.
Cultural Resources	The Proposed Action would have no effect on historic or archaeological resources.	No direct impacts would occur.
Air Quality	Temporary and minor increases in air pollution would occur from the use of construction equipment (combustion emissions) and the disturbance of soils (fugitive dust) during construction.	No direct impacts would occur.
Noise	Temporary and negligible increases in noise would occur during construction.	No direct impacts would occur.
Utilities and Infrastructure	Negligible demands on power utilities would be required as a result of the Proposed Action.	No direct impacts would occur.
Hazardous Material	The Proposed Action would not result in the exposures of the environment or public to any hazardous materials. The potential exists for minor releases of petroleum, oil, and lubricant during construction activities. BMPs will be implemented to minimize any potential contamination during construction activities.	No direct impacts would occur.
Socioeconomics	The Proposed Action would have no adverse impacts to socioeconomics. Temporary, minor beneficial impacts would result from an increase in sales, revenue, and taxes if building materials are purchased from local businesses and local workers are hired for construction.	No direct impacts would occur.
Environmental Justice	The Proposed Action would have no environmental health or safety risks that disproportionately affect children or minority populations.	No direct impacts would occur.

4.0 CUMULATIVE IMPACTS

This section of the EA defines cumulative impacts, identifies past, present, and reasonably foreseeable projects relevant to cumulative impacts, and analyzes the potential cumulative impacts associated with the implementation of the Proposed Action and other projects/programs planned within the ROI, which comprises the USBP's Marine Unit AOR. For cumulative impacts analysis, the ROI is generally comprised of the city of Port Aransas, but varies depending on the resource being assessed.

4.1 DEFINITION OF CUMULATIVE IMPACTS

The CEQ defines cumulative impacts as "the impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions" (40 CFR § 1508.7). Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time by various agencies (Federal, state, or local) or individuals. CEQ guidance on cumulative effects requires the definition of the scope of the other actions and their interrelationship with the Proposed Action (CEQ 1997). The scope must consider geographic and temporal overlaps with the Proposed Action and all other actions occurring within the ROI. Informed decision making is served by consideration of cumulative impacts resulting from activities that are proposed, under construction, recently completed, or anticipated to be implemented in the reasonably foreseeable future.

This cumulative impacts analysis summarizes expected environmental effects from the combined impacts of past, current, and reasonably foreseeable future activities affecting any part of the human or natural environment impacted by the Proposed Action. Activities were identified for this analysis by reviewing CBP and USBP documents, news/press releases, and published media reports, and through consultation with planning and engineering departments of local governments and state and Federal agencies.

4.2 PAST IMPACTS WITHIN THE REGION OF INFLUENCE

The ecosystems within the ROI have been significantly impacted by historical and ongoing activities such as commercial and residential development, severe weather events, and climate change. All of these actions have, to a greater or lesser extent, contributed to several ongoing threats to the ecosystem, including loss and degradation of habitat for both common and rare wildlife and plants and the proliferation of roads and structures. Although activities that occurred on Federal lands (DOI) were regulated by NEPA, the most substantial impacts of these activities within the ROI, such as commercial and residential development, were not or are not regulated by NEPA and did not include efforts to minimize impacts.

4.3 CURRENT AND REASONABLY FORESEEABLE CBP PROJECTS WITHIN AND NEAR THE REGION OF INFLUENCE

USBP has conducted law enforcement actions along the border since its inception in 1924 and has continuously transformed its methods as new missions, modes of operations of cross-border

violators, agent needs, and National enforcement strategies have evolved. Development and maintenance of training ranges, station and sector facilities, detention facilities, roads, and fences have impacted thousands of acres, with synergistic and cumulative impacts on soil, wildlife habitats, water quality, and noise. Beneficial effects, too, have resulted from the construction and use of these various infrastructure projects, including, but not limited to: increased employment and income for border regions and its surrounding communities, protection and enhancement of sensitive resources, reduction in crime within urban areas, increased land value in areas where CBP presense has increased, and increased knowledge of the biological communities and prehistory of the region through numerous biological and cultural resources surveys and studies.

With continued funding and implementation of CBP's environmental conservation measures, including use of biological monitors, wildlife water systems, and restoration activities, adverse impacts due to future and ongoing projects would be avoided or minimized. Recent, ongoing, and reasonably foreseeable proposed actions will result in cumulative impacts; however, the cumulative impacts will not be significant. CBP does not have any additional projects within Nueces County currently underway (USCBP 2020). CBP is currently planning, conducting, or has completed several projects within and near the ROI and other nearby areas, including the following:

- Construction of a levee wall border system throughout the USBP Rio Grande Valley AOR
- Maintenance and repair of tactical infrastructure along the U.S./Mexico international border in the El Paso, Big Bend, Del Rio, Laredo, and Rio Grande Valley sectors.
- Construction and maintenance of 32 Remote Video Surveillance System (RVSS) towers and associated roads within the Falfurrias, Brownsville, Harlingen, Fort Brown, and Kingsville Station's AORs.
- Construction and maintenance of 40 RVSS and three relay towers and associated roads within the Rio Grande City, McAllen, and Weslaco Stations' AORs.

A summary of the anticipated cumulative impacts relative to the Proposed Action is presented below. The discussion is presented for each of the resources described previously.

4.4 ANALYSIS OF CUMULATIVE IMPACTS

Impacts on each resource were analyzed according to how other actions and projects within the ROI might be affected by the No Action Alternative and Proposed Action. Impacts can vary in degree or magnitude from a slightly noticeable change to a total change in the environment. For the purpose of this analysis the intensity of impacts will be classified as negligible, minor, moderate, or major. These intensity thresholds were previously defined in Section 3.1. A summary of the anticipated cumulative impacts on each resource is presented below.

4.4.1 Land Use

A major impact would occur if any action is inconsistent with adopted land use plans or if an action would substantially alter those resources required for, supporting, or benefiting the current use. The project area is currently a vacant lot possessed by the United States Coast Guard. The

Proposed Action would not involve any land use conversion as the approximately 0.8 acres used in the proposed area are already developed land. Therefore, the Proposed Action, when combined with past and proposed actions in the region, would not be expected to result in a major cumulative adverse effect.

4.4.2 Soils

A major impact on soils would occur if the action exacerbates or promotes long-term erosion, if the soils are inappropriate for the proposed construction and would create a risk to life or property, or if there would be a substantial reduction in agricultural production or loss of prime farmland soils. Modification of soils would not occur under the No Action Alternative since the proposed Marine Unit facility construction would not occur. The Proposed Action would not substantially reduce quality of soils, as much of the habitat present has been previously disturbed. Pre- and post-construction SWPPP measures would be implemented to control soil erosion. The permanent impact on 0.8 acres of soils from the Proposed Action, when combined with past and proposed actions in the region, would not be considered a major cumulative adverse effect.

4.4.3 Vegetative Habitat

A major impact on vegetation would occur if a substantial reduction in ecological processes, communities, or populations would threaten the long-term viability of a species or result in the substantial loss of a sensitive community that could not be offset or otherwise compensated. Vegetative habitat would not be disturbed or removed under the No Action Alternative since the proposed Marine Unit facility construction would not occur. The Gulf Coast Prairies and Marshes ecoregion encompasses approximately 21,000 square miles in southeastern Texas. Therefore, due to the permanent impact of only 0.8 acres of native vegetation, in conjunction with other past, ongoing and proposed regional projects, the Proposed Action would not create a major cumulative effect on vegetative habitat in the region.

4.4.4 Wildlife Resources

A major impact on wildlife and aquatic resources would occur if a substantial reduction in ecological processes, communities, or populations would threaten the long-term viability of a species or result in the substantial loss of a sensitive community that could not be offset or otherwise compensated. Under the No Action Alternative, no direct impacts on wildlife or wildlife habitats would occur. The wildlife habitat present in the project area is both locally and regionally common. Therefore, due to the permanent impact of only 0.8 acres of native habitat, in conjunction with other past, ongoing, and proposed regional projects, the amount of habitat potentially removed would be minor on a regional scale. Thus, the Proposed Action would not create a major cumulative effect on wildlife populations in the region.

4.4.5 Threatened and Endangered Species

A major impact on protected species would occur if any action resulted in a jeopardy opinion for any endangered, threatened, or rare species. Under the No Action Alternative, there would be no direct impacts on threatened or endangered species or their habitats as no construction activities would occur. No impacts to any federally threatened or endangered species would occur as a result of the Proposed Action; therefore, no adverse cumulative impacts on protected species would occur.

4.4.6 Groundwater, Surface Water, Waters of the United States, Floodplains, and Coastal Zone

Under the No Action Alternative, no impacts on water resources would occur because the construction activities would not occur. Limited groundwater withdrawals are expected as a result of the Proposed Action; therefore, there would be minimal cumulative effects. Drainage patterns of surface waters would not be impacted by the Proposed Action as none exist within the or near the project site. Water quality would remain unchanged under the Proposed Action. No wetlands exist within the project site. Therefore, no cumulative impacts would occur on wetlands. The Proposed Action would not increase duration, frequency, elevation, velocity or volume of flood events. CBP has determined that all activities associated with the Proposed Action would be in compliance with the CZMA.

As mentioned previously, specific erosion and sedimentation controls and other BMPs would be in place during construction as standard operating procedures. Therefore, the Proposed Action, in conjunction with other past, ongoing, and proposed regional projects, would not create a major cumulative effect on water resources in the region.

4.4.7 Air Quality

No direct impacts on air quality would occur due to construction activities under the No Action Alternative. The emissions generated during the construction of the Proposed Action would not exceed Federal *de minimis* thresholds and would be short-term and minor. Therefore, the Proposed Action, when combined with other past, ongoing, and proposed actions in the region, would not result in major adverse cumulative impacts on air quality.

4.4.8 Noise

A major impact would occur if ambient noise levels permanently increased to over 65 dBA. Under the No Action Alternative, no impacts on noise would occur as no construction activities would take place. The noise generated by the Proposed Action would occur during Marine Unit facility construction. These activities would be temporary and would not contribute to cumulative impacts on ambient noise levels. Thus, the noise generated by the Proposed Action, when considered with the other existing and proposed actions in the region, would not result in a major cumulative adverse effect.

4.4.9 Cultural Resources

No impacts on cultural resources would occur from construction activities under the No Action Alternative. No impacts to any cultural or historic properties would occur as a result of the Proposed Action; therefore, no adverse cumulative impacts on cultural resources would occur. Additionally, beneficial impacts in the form of increased knowledge of the past, including site density and distribution, are realized as a result of surveys conducted as part of the Proposed Action, and other past, ongoing, and proposed actions in the region.

4.4.10 Utilities and Infrastructure

Actions would be considered to cause major impacts if they require greater utilities or infrastructure use than can be provided. The proposed Marine Unit facility would not be constructed under the No Action Alternative, so the availability of utilities would not be affected. The proposed Marine Unit facility would connect to existing commercial grid power

infrastructure. The use of commercial grid power would not require greater utilities or infrastructure than can be provided since the Proposed Action is located near existing commercial grid power infrastructure. Therefore, when combined with past, ongoing, or proposed actions in the region, no major cumulative adverse effect on utilities or infrastructure would occur as a result of the Proposed Action.

4.4.11 Hazardous Materials

Major impacts would occur if an action creates a public hazard, if the project area is considered a hazardous waste site that poses health risks, or if the action would impair the implementation of an adopted emergency response or evacuation plan. Under the No Action Alternative, no impacts associated with the use of hazardous materials would be expected. Only minor increases in the use of hazardous substances would occur as a result of the Proposed Action. BMPs would be implemented to minimize the risk from hazardous materials during construction activities. Through the use of BMPs, no health or safety risks would be created by the Proposed Action. The effects of the Proposed Action, when combined with other past, ongoing, and proposed actions in the region, would not be considered a major cumulative effect.

4.4.12 Socioeconomics and Environmental Justice

No impacts on socioeconomics or environmental justice would occur from construction activities under the No Action Alternative. No adverse direct impacts would occur on socioeconomics or environmental justice issues as a result of the Proposed Action; therefore, no adverse cumulative impacts would occur. However, construction of the proposed Marine Unit facility would have temporary cumulative beneficial impacts on the region's economy due to temporary employment and sales taxes generated through the purchase of construction-related items such as fuel and food. When combined with the other currently proposed or ongoing projects within the region, the Proposed Action is considered to have minor beneficial cumulative impacts.

5.0 BEST MANAGEMENT PRACTICES

This chapter describes those measures that will be implemented to reduce or eliminate potential adverse impacts on the human and natural environments. Many of these measures have been incorporated as standard operating procedures by CBP on past projects. BMPs will be presented for each resource category that would be potentially affected. It should be emphasized that these are general BMPs and the development of specific BMPs will be required for certain activities implemented under the action alternatives. The proposed BMPs will be coordinated through the appropriate agencies and land managers/administrators, as required.

It is Federal policy to reduce adverse impacts through the sequence of avoidance, minimization, and, finally, compensation. Compensation varies and includes activities such as restoration of habitat in other areas, acquisition of lands, etc., and is typically coordinated with the appropriate Federal and state resource agencies.

5.1 GENERAL PROJECT PLANNING CONSIDERATIONS

1. Avoid contamination of ground and surface waters by storing concrete wash water, and any water that has been contaminated with construction materials, oils, equipment residue, etc., in closed containers on-site until removed for disposal. This wash water is toxic to wildlife. Storage tanks must have proper air space (to avoid rainfall-induced overtopping), be on-ground containers, and be located in upland areas instead of washes.

2. Avoid lighting impacts during the night by conducting construction and maintenance activities during daylight hours only. If night lighting is unavoidable, 1) use bulbs designed to ensure no increase in ambient light conditions, 2) minimize the number of lights used, 3) place lights on poles pointed down toward the ground, with shields on lights to prevent light from going up into sky, or out laterally into landscape, and 4) selectively place lights so they are directed away from all native vegetative communities.

3. CBP will avoid the spread of non-native plants by not using natural materials (e.g., straw) for on-site erosion control. If natural materials must be used, the natural material would be certified weed and weed-seed free. Herbicides not toxic to listed species that may be in the area can be used for non-native vegetation control. Application of herbicides will follow Federal guidelines and can be used according to in accordance with label directions.

4. CBP will ensure that all construction will follow DHS *Directive 025-01* for Sustainable Practices for Environmental, Energy, and Transportation Management.

5. CBP will place drip pans under parked equipment and establish containment zones when refueling vehicles or equipment.

5.2 SOILS

1. Clearly demarcate the perimeter of all new areas to be disturbed using flagging or temporary construction fencing. Do not allow any disturbance outside that perimeter.

2. The area of disturbance will be minimized by limiting deliveries of materials and equipment to only those needed for effective project implementation.

3. Within the designated disturbance area, grading or topsoil removal will be limited to areas where this activity is needed to provide the ground conditions necessary for construction or maintenance activities.

4. Rehabilitation will include revegetating or the distribution of organic and geological materials (i.e., boulders and rocks) over the disturbed area to reduce erosion while allowing the area to naturally vegetate.

5.3 BIOLOGICAL RESOURCES

1. Materials used for on-site erosion control will be free of non-native plant seeds and other plant parts to limit potential for infestation.

2. Identify by its source location any fill material, sandbags, hay bales, and mulch brought in from outside the project area. These materials will be free of non-native plant seeds and other plant parts to limit potential for infestation.

3. Native seeds or plants will be used to revegetate temporarily disturbed areas.

4. Obtain materials such as gravel, topsoil, or fill from existing developed or previously used sources that are compatible with the project area and are from legally permitted sites. Do not use materials from undisturbed areas adjacent to the project area.

5. To prevent entrapment of wildlife species, ensure that excavated, steep-walled holes or trenches are either completely covered by plywood or metal caps at the close of each workday or provided with one or more escape ramps (at no greater than 1,000-foot intervals and sloped less than 45 degrees) constructed of earthen fill or wooden planks.

6. Each morning before the start of construction or maintenance activities and before such holes or trenches are filled, ensure that they are thoroughly inspected for trapped animals. Ensure that any animals discovered are allowed to escape voluntarily (by escape ramps or temporary structures), without harassment, and before construction activities resume, or are removed from the trench or hole by a qualified person and allowed to escape unimpeded.

7. The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712, [1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989]) requires that Federal agencies coordinate with the USFWS if a construction activity would result in the take of a migratory bird. If construction or clearing activities are scheduled during nesting season (March 15 through September 15) within potential nesting habitats, surveys will be performed to identify active nests. If construction activities will result in the take of a migratory bird, then coordination with the USFWS and TPWD will be required and applicable permits would be obtained prior to construction or clearing activities. Other mitigation measures that would be considered are to install visual markers on any guy wires used and to schedule all construction activities outside the nesting season, thus negating the requirement for nesting bird surveys.

8. CBP will not, for any length of time, permit any pets inside the project area or adjacent native habitats. This BMP does not pertain to law enforcement animals.

5.4 CULTURAL RESOURCES

3. In the event that human remains are inadvertently discovered all ground-disturbing activity would cease immediately. The Project Manager would immediately notify CBP. CBP would notify state police within 24 hours of the discovery and follow their directions for securing the site pending examination of a medical examiner/coroner. Law enforcement and the coroner would determine whether or not the discovery constitutes a crime scene. CBP would coordinate with the state police and the coroner regarding where construction activities can resume. No work may proceed without the written authorization of CBP. CBP would notify the Advisory Council on Historic Preservation, the appropriate SHPO or Tribal Historic Preservation Officer, any impacted Indian Tribe, and any impacted federal agency of the discovery in writing within two business days. NAGPRA would be followed if the discovery is determined to be of Native American origin. CBP's established standard operating procedures for inadvertent discoveries would be adhered to in all cases.

4. If any human remains are accidentally encountered during construction, work shall cease with the human remains left undisturbed, and the state police and CBP will be notified immediately.

5.5 AIR QUALITY

1. Soil watering will be utilized to minimize airborne particulate matter created during construction activities. Bare ground may be covered with hay or straw to lessen wind erosion during the time between construction and the revegetation of temporary impact areas with a mixture of native plant seeds or nursery plantings (or both). All construction equipment and vehicles will be kept in good operating condition to minimize exhaust emissions.

5.6 WATER RESOURCES

1. Wastewater is to be stored in closed containers on-site until removed for disposal. Wastewater is water used for project purposes that is contaminated with construction materials or from cleaning equipment and thus carries oils or other toxic materials or other contaminants as defined by Federal or state regulations.

2. Avoid contamination of ground and surface waters by collecting concrete wash water in open containers and disposing of it off-site.

3. Avoid contaminating natural aquatic and wetland systems with runoff by limiting all equipment maintenance, staging, and laydown and dispensing hazardous liquids, such as fuel and oil, to designated upland areas.

4. Cease work during heavy rains and do not resume work until conditions are suitable for the movement of equipment and materials.

5. Erosion control measures and appropriate BMPs, as required and promulgated through a site-specific SWPPP and engineering designs, will be implemented before, during, and after soil-disturbing activities.

6. Areas with highly erodible soils will be given special consideration when preparing the SWPPP to ensure incorporation of various erosion control techniques, such as straw bales, silt fencing, aggregate materials, wetting compounds, and rehabilitation, where possible, to decrease erosion.

7. All construction and maintenance contractors and personnel will review the CBP-approved spill protection plan and implement it during construction and maintenance activities.

8. Wastewater from pressure washing must be collected. A ground pit or sump can be used to collect the wastewater. Wastewater from pressure washing must not be discharged into any surface water.

9. If soaps or detergents are used, the wastewater and solids must be pumped or cleaned out and disposed of in an approved facility. If no soaps or detergents are used, the wastewater must first be filtered or screened to remove solids before being allowed to flow off-site. Detergents and cleaning solutions must not be sprayed over or discharged into surface waters.

5.7 NOISE

1. Avoid noise impacts during the night by conducting construction and maintenance activities during daylight hours only.

2. All OSHA requirements will be followed. To lessen noise impacts on the local wildlife communities, construction will only occur during daylight hours. All motor vehicles will be properly maintained to reduce the potential for vehicle-related noise.

5.8 SOLID AND HAZARDOUS WASTES

1. BMPs will be implemented as standard operating procedures during all construction activities, and will include proper handling, storage, and/or disposal of hazardous and/or regulated materials. To minimize potential impacts from hazardous and regulated materials, all fuels, waste oils, and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery will be completed in accordance with accepted industry and regulatory guidelines, and all vehicles will have drip pans during storage to contain minor spills and drips. Although it is unlikely that a major spill would occur, any spill of reportable quantities will be contained immediately within an earthen dike, and the application of an absorbent (e.g., granular, pillow, sock) will be used to absorb and contain the spill.

2. CBP will contain non-hazardous waste materials and other discarded materials, such as construction waste, until removed from the construction and maintenance sites. This will assist in keeping the project area and surroundings free of litter and reduce the amount of disturbed area needed for waste storage.

3. CBP will minimize site disturbance and avoid attracting predators by promptly removing waste materials, wrappers, and debris from the site. Any waste that must remain more than 12 hours should be properly stored until disposal.

4. All waste oil and solvents will be recycled. All non-recyclable hazardous and regulated wastes will be collected, characterized, labeled, stored, transported, and disposed of in accordance with all applicable Federal, state, and local regulations, including proper waste manifesting procedures.

5. Solid waste receptacles will be maintained at the project site. Non-hazardous solid waste (trash and waste construction materials) will be collected and deposited in on-site receptacles. Solid waste will be collected and disposed of by a local waste disposal contractor.

6. Disposal of used batteries or other small quantities of hazardous waste will be handled, managed, maintained, stored, and disposed of in accordance with applicable Federal and state rules and regulations for the management, storage, and disposal of hazardous materials, hazardous waste and universal waste. Additionally, to the extent practicable, all batteries will be recycled locally.

7. All rainwater collected in secondary containment will be pumped out, and secondary containment will have netting to minimize exposure to wildlife.

8. A properly licensed and certified hazardous waste disposal contractor will be used for hazardous waste disposal, and manifests will be traced to final destinations to ensure proper disposal is accomplished.

5.9 ROADWAYS AND TRAFFIC

1. Construction vehicles will travel and equipment will be transported on established roads with proper flagging and safety precautions.

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7.0 ACRONYMS/ABBREVIATIONS

ACS	U.S. Census American Community Survey
AADT	Annual average daily traffic
AMO	Air and Marine Operations
ANSI	American National Standards Institute
AOR	Area of Responsibility
ARPA	Archaeological Resources Protection Act
AST	Aboveground Storage Tank
ASTM	American Society for Testing and Materials
ATFP	Anti-terrorism Force Protection
ATV	All-terrain vehicle
BMP	Best management practices
C2	Command Center
CBP	U.S. Customs and Border Protection
CEQ	Council on Environmental Quality
CFC	chlorofluorocarbons
CFR	Code of Federal Regulations
CH_4	methane
CO	carbon monoxide
CO_2	Carbon dioxide
CWA	Clean Water Act
dB	Decibel
BA	A-weighted decibel
DHS	Department of Homeland Security
DNL	Day-night average sound level
DOI	U.S. Department of the Interior
EA	Environmental Assessment
EIS	Environmental Impact Statement
EM	Electromagnetic
E.O.	Executive Order
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
GLO	General Land Office
Gm	Galveston and Mustang soils
GOV	Government Owned Vehicle
GHG	Greenhouse Gases
GSA	General Services Administration
HFC	hydrochlorofluorocarbons
IEEE	Institute of Electrical and Electronics Engineers
IO	Isolated occurence
LEED	Leadership in Energy and Environmental Design

Marine Unit	Corpus Christi Marine Unit
MBTA	Migratory Bird Treaty Act
MPE	Maximum Permissible Exposure
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NCRP	National Council on Radiation Protection and Measurements
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOA	Notice of Availability
NO_2	nitrogen dioxide
NPS	National Park Service
NRHP	National Register of Historic Places
NTIA	National Telecommunications and Information Administration
O_3	ozone
OET	Office of Engineering and Technology
OSHA	Occupational Safety and Health Administration
OSPP	Occupational Strategic Partnership Program
Pb	lead
PM-10	particulate matter less than 10 microns
PM-2.5	particulate matter less than 2.5 microns
RF	radio frequency
ROI	region of influence
RVSS	Remote Video Surveillance Systems
SO_2	sulfur dioxide
SPCCP	Spill Prevention, Control and Countermeasure Plan
SWPPP	Stormwater Pollution Prevention Plan
TCEQ	Texas Commission on Environmental Quality
TCP	Traditional Cultural Property
THC	Texas Historical Commission
TPWD	Texas Parks and Wildlife Department
TWDB	Texas Water Development Board
TxDOT	Texas Department of Transportation
U.S.	United States
USACE	U.S. Army Corps of Engineers
USBP	U.S. Border Patrol
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USFS	U.S. Forest Service

APPENDIX A
CORRESPONDENCE

U.S. Customs and Border Protection

August 26, 2020

La Retama Central Library
Attn: Librarian
805 Comanche Street
Corpus Christi, TX 78401

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Librarian:

I request that your library make available to the public the enclosed Draft Environmental Assessment (EA) and Finding of No Signification Impact (FONSI) for a 30-day public review period, beginning on August 28, 2020, following publication of the Notice of Availability in the *Corpus Christi Caller Times.* The EA and draft FONSI are also available for review and download from the following web address: http://www.cbp.gov/about/environmental-management-sustainability/documents/docs-review.

Comments on the draft EA and draft FONSI can be submitted to John Petrilla at: U.S. Customs and Border Protection, 24000 Avila Road, Suite 5020, Laguna Niguel, CA 92677 or by email at john.p.petrilla@cbp.dhs.gov.

Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosures

U.S. Customs and Border Protection

August 26, 2020

Ernesto Reyes
Texas DOI State Border Coordinator
United States Fish and Wildlife Service
Alamo Ecological Service Sub-Office
3325 Green Jay Road
Sent via email to: ernesto_reyes@fws.gov

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Mr. Reyes:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

The Draft EA was prepared in compliance with the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S. Code 4321, et seq.), the Council on Environmental Quality's NEPA implementing regulations (40 Code of Federal Regulations Part 1500 et seq.), DHS Directive Number 023-01, Rev.01, and DHS Instruction Manual 023-01, *Implementation of the National Environmental Policy Act*.

The proposed new facility would be constructed to allow for a more rapid response by the Corpus Christi Marine Unit, Rio Grande Valley Sector due to its improved proximity to the water. The existing facilities are located approximately two miles south of the proposed new facility. The new Marine Unit facility will allow for improved efficiency in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States and would result in the Marine Unit facility meeting USBP facilities guidelines and security standards.

CBP invites your participation in the public review process for the enclosed Draft EA and FONSI. The 30-day public comment period begins on August 21, 2020 and comments must be received by September 21, 2020 to be considered for incorporation into the final EA. Comments on the Draft EA and Draft FONSI can be submitted by:

- E-mail to: Mr. John Petrilla, john.p.petrilla@cbp.dhs.gov

- Mail to: Mr. John Petrilla
  U.S. Customs and Border Protection
  24000 Avila Road, Suite 5020
  Laguna Niguel, CA 92677

Your prompt attention to this request is greatly appreciated. If you require additional information or have any questions, please contact me by telephone at (949) 278-0353 or by e-mail at john.p.petrilla @cbp.dhs.gov.

Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosures

U.S. Customs and Border Protection

August 26, 2020

Keith Hayden
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Fountain Place 12th Floor, Suite 1200
Dallas, TX 75202
Sent via email to: hayden.keith@epa.gov

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Mr. Hayden:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

The Draft EA was prepared in compliance with the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S. Code 4321, et seq.), the Council on Environmental Quality's NEPA implementing regulations (40 Code of Federal Regulations Part 1500 et seq.), DHS Directive Number 023-01, Rev.01, and DHS Instruction Manual 023-01, *Implementation of the National Environmental Policy Act*.

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- E-mail to: Mr. John Petrilla, john.p.petrilla@cbp.dhs.gov

- Mail to: Mr. John Petrilla
  U.S. Customs and Border Protection
  24000 Avila Road, Suite 5020
  Laguna Niguel, CA 92677

Your prompt attention to this request is greatly appreciated. If you require additional information or have any questions, please contact me by telephone at (949) 278-0353 or by e-mail at john.p.petrilla @cbp.dhs.gov.

Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosures

U.S. Customs and Border Protection

August 26, 2020

Kim McLaughlin, Chief
U.S. Army Corps of Engineers
Galveston District Regulatory Branch
2000 Fort Point Road
Galveston, TX 77550
Sent via email to: Kimberly.S.McLaughlin@usace.army.mil

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Chief McLaughlin:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

The Draft EA was prepared in compliance with the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S. Code 4321, et seq.), the Council on Environmental Quality's NEPA implementing regulations (40 Code of Federal Regulations Part 1500 et seq.), DHS Directive Number 023-01, Rev.01, and DHS Instruction Manual 023-01, *Implementation of the National Environmental Policy Act*.

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  U.S. Customs and Border Protection
  24000 Avila Road, Suite 5020
  Laguna Niguel, CA 92677

Your prompt attention to this request is greatly appreciated. If you require additional information or have any questions, please contact me by telephone at (949) 278-0353 or by e-mail at john.p.petrilla @cbp.dhs.gov.

Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosures

U.S. Customs and Border Protection

August 26, 2020

Mr. Jose Nunez, Principal Engineer
International Boundary and Water Commission, United States Section
4171 North Mesa, Suite C-100
El Paso, Texas 79902
Sent via email to: Jose.Nunez@ibwc.gov

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Mr. Nunez:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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The proposed new facility would be constructed to allow for a more rapid response by the Corpus Christi Marine Unit, Rio Grande Valley Sector due to its improved proximity to the water. The existing facilities are located approximately two miles south of the proposed new facility. The new Marine Unit facility will allow for improved efficiency in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States and would result in the Marine Unit facility meeting USBP facilities guidelines and security standards.

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  U.S. Customs and Border Protection
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  Laguna Niguel, CA 92677

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Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosures

U.S. Customs and Border Protection

August 26, 2020

Flavio A. Garza, Jr.
Natural Resource Manager
Natural Resources Conservation Service, USDA
7209 E. Saunders, Suite 7
Laredo, TX 78041-9001
956.723.3222, Ext. 3
Sent via email to: flavio.garza@usda.gov

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Mr. Garza:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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- Mail to: Mr. John Petrilla
  U.S. Customs and Border Protection
  24000 Avila Road, Suite 5020
  Laguna Niguel, CA 92677

Your prompt attention to this request is greatly appreciated. If you require additional information or have any questions, please contact me by telephone at (949) 278-0353 or by e-mail at john.p.petrilla @cbp.dhs.gov.

Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosures

U.S. Customs and Border Protection

August 26, 2020

Carlos G. Rodriguez, P.E.
Texas Department of Transportation
Laredo Area Engineer
1817 Bob Bullock Loop
Laredo, TX 78043
Sent via email to: Carlos.G.Rodriguez@txdot.gov

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Mr. Rodriguez:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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  U.S. Customs and Border Protection
  24000 Avila Road, Suite 5020
  Laguna Niguel, CA 92677

Your prompt attention to this request is greatly appreciated. If you require additional information or have any questions, please contact me by telephone at (949) 278-0353 or by e-mail at john.p.petrilla @cbp.dhs.gov.

Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosures

U.S. Customs and Border Protection

August 26, 2020

Jaime A. Garza, Regional Director
Region 16 – Laredo (Webb County)
Texas Commission on Environmental Quality
707 E. Calton Road, Suite 304
Laredo, TX 78041-3887
956.791.6716
Sent via email to: Jaime.Garza@tceq.texas.gov

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Mr. Garza:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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- Mail to: Mr. John Petrilla
  U.S. Customs and Border Protection
  24000 Avila Road, Suite 5020
  Laguna Niguel, CA 92677

Your prompt attention to this request is greatly appreciated. If you require additional information or have any questions, please contact me by telephone at (949) 278-0353 or by e-mail at john.p.petrilla @cbp.dhs.gov.

Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosures

U.S. Customs and Border Protection

August 26, 2020

Ms. Kathy Boydston
Texas Parks and Wildlife Department
Wildlife Diversity Program
4200 Smith School Road
Austin, Texas78744
Sent via email to: kathy.boydston@tpwd.state.tx.us

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Ms. Boydston:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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- Mail to: Mr. John Petrilla
  U.S. Customs and Border Protection
  24000 Avila Road, Suite 5020
  Laguna Niguel, CA 92677

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Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosures

U.S. Customs and Border Protection

August 26, 2020

Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
Austin, TX 78701
Sent via email to: Mark.wolfe@thc.texas.gov

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Mr. Wolfe:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosures

U.S. Customs and Border Protection

August 26, 2020

Mark Havens
Deputy Commissioner
Texas General Land Office
P.O. Box 12873
Austin, TX 78711-2873
Sent via email to: mark.havens@glo.texas.gov

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Mr. Havens:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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  24000 Avila Road, Suite 5020
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Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosures

U.S. Customs and Border Protection

August 26, 2020

Charles R. Bujan
City Mayor
Port Aransas City Hall
701 W. Avenue A
Port Aransas, TX 78373
Sent via email to: mayor@cityofportaransas.org

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Mayor Bujan:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

The Draft EA was prepared in compliance with the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S. Code 4321, et seq.), the Council on Environmental Quality's NEPA implementing regulations (40 Code of Federal Regulations Part 1500 et seq.), DHS Directive Number 023-01, Rev.01, and DHS Instruction Manual 023-01, *Implementation of the National Environmental Policy Act*.

The proposed new facility would be constructed to allow for a more rapid response by the Corpus Christi Marine Unit, Rio Grande Valley Sector due to its improved proximity to the water. The existing facilities are located approximately two miles south of the proposed new facility. The new Marine Unit facility will allow for improved efficiency in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States and would result in the Marine Unit facility meeting USBP facilities guidelines and security standards.

CBP invites your participation in the public review process for the enclosed Draft EA and FONSI. The 30-day public comment period begins on August 21, 2020 and comments must be received by September 21, 2020 to be considered for incorporation into the final EA. Comments on the Draft EA and Draft FONSI can be submitted by:

- E-mail to: Mr. John Petrilla, john.p.petrilla@cbp.dhs.gov

- Mail to: Mr. John Petrilla
  U.S. Customs and Border Protection
  24000 Avila Road, Suite 5020
  Laguna Niguel, CA 92677

Your prompt attention to this request is greatly appreciated. If you require additional information or have any questions, please contact me by telephone at (949) 278-0353 or by e-mail at john.p.petrilla @cbp.dhs.gov.

Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosures

U.S. Customs and Border Protection

August 26, 2020

Honorable Barbara Canales
Nueces County Judge
901 Leopard Street
Corpus Christi, TX 78401
Sent via email to: monica.perez1@nuecesco.com (Executive Secretary to County Judge

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Honorable Canales:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosures

U.S. Customs and Border Protection

August 26, 2020

Cecilia Flores, Chairperson
Alabama-Coushatta Tribe of Texas
571 State Park Road 56
Livingston, TX 77351
Sent via email to: tccflores@actribe.org

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Chairperson Flores:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure

U.S. Customs and Border Protection

August 26, 2020

William Nelson, Sr., Chairman
The Comanche Nation
584 NW Bingo Road
Lawton, OK 73502
Sent via email to: william.nelson@comanchenation.com

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Chairman Nelson:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure

U.S. Customs and Border Protection

August 26, 2020

Gabe Aguilar, President
Mescalero Apache Tribe of the Mescalero Reservation
108 Central Avenue
Mescalero, NM 88340
Sent via email to: gaguilar@mescaleroapachetribe.com

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear President Aguilar:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure

U.S. Customs and Border Protection

August 26, 2020

Mathew Komalty, Chairman
Kiowa Tribe of Oklahoma
100 Kiowa Way
Carnegie, OK 73015
Sent via email to: kbo@kiowatribe.org

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Chairman Komalty:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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Your prompt attention to this request is greatly appreciated. If you require additional information or have any questions, please contact Ms. John Petrilla by telephone at (949) 278-0353 or by e-mail at john.p.petrilla@cbp.dhs.gov.

Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure

U.S. Customs and Border Protection

August 26, 2020

Russell Martin, President
Tonkawa Tribe of Indians of Oklahoma
1 Rush Buffalo Road
Tonkawa, OK 74653-4449
Sent via email to: rmartin@tonkawatribe.org

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear President Martin:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure

U.S. Customs and Border Protection

August 26, 2020

Nelson Harjo, Chief
Alabama-Quassarte Tribal Town
101 East Broadway
Wetumka, OK 74883
Sent via email to: chief@alabama-quassarte.org

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Chief Harjo:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure

U.S. Customs and Border Protection

August 26, 2020

Durell Cooper III, Chairman
Apache Tribe of Oklahoma
511 E. Colorado
Anadarko, OK 73005
Sent via email to: durellcooper05@gmail.com

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Chairman Cooper:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure

U.S. Customs and Border Protection

August 26, 2020

David Sickey, Chairman
Coushatta Tribe of Louisiana
1940 C.C. Bel Road
Elton, LA 70532
Sent via email to: DSickey@CoushattaTribeLA.org

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Chairman Sickey:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure

U.S. Customs and Border Protection

August 26, 2020

Brian Givens, Town King
Kialegee Tribal Town
623 East Highway 9
Wetumka, OK 74883
Sent via email to: brian.givens@kialegeetribe.net

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Chief Givens:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure

U.S. Customs and Border Protection

August 26, 2020

Stephanie Bryan, Chairwoman
Poarch Band of Creeks
5811 Jack Springs Road
Atmore, AL 36502
Sent via email to: sbryan@pci-nsn.gov

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Chairwoman Bryan:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure

U.S. Customs and Border Protection

August 26, 2020

John Berrey, Chairman
The Quapaw Nation
5681 South 630 Road
Quapaw, OK 74364
Sent via email to: jberrey@ogahpah.com

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Chairman Berrey:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

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Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

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U.S. Customs and Border Protection

August 26, 2020

Gregory Chilcoat, Principal Chief
The Seminole Nation of Oklahoma
P.O. Box 1498
Wewoka, OK 74884
Sent via email to: chief.prin@sno-nsn.gov

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Principal Chief Chilcoat:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

The Draft EA was prepared in compliance with the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S. Code 4321, et seq.), the Council on Environmental Quality's NEPA implementing regulations (40 Code of Federal Regulations Part 1500 et seq.), DHS Directive Number 023-01, Rev.01, and DHS Instruction Manual 023-01, *Implementation of the National Environmental Policy Act*.

The proposed new facility would be constructed to allow for a more rapid response by the Corpus Christi Marine Unit, Rio Grande Valley Sector due to its improved proximity to the water. The existing facilities are located approximately two miles south of the proposed new facility. The new Marine Unit facility will allow for improved efficiency in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States and would result in the Marine Unit facility meeting USBP facilities guidelines and security standards.

CBP invites your participation in the public review process for the enclosed Draft EA and FONSI. The 30-day public comment period begins on August 28, 2020 and comments must be received by September 28, 2020 to be considered for incorporation into the final EA. Comments on the Draft EA and Draft FONSI can be submitted by:

- E-mail to: Mr. John Petrilla, john.p.petrilla@cbp.dhs.gov

- Mail to:
  Mr. John Petrilla
  U.S. Customs and Border Protection
  24000 Avila Road, Suite 5020
  Laguna Niguel, CA 92677

Your prompt attention to this request is greatly appreciated. If you require additional information or have any questions, please contact Ms. John Petrilla by telephone at (949) 278-0353 or by e-mail at john.p.petrilla@cbp.dhs.gov.

Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure

U.S. Customs and Border Protection

August 26, 2020

Ryan Morrow, Interim Town King
Thlopthlocco Tribal Town
P.O. Box 188
Okemah, OK 74859
Sent via email to: rmorrow@tttown.org

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Interim Town King Morrow:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

The Draft EA was prepared in compliance with the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S. Code 4321, et seq.), the Council on Environmental Quality's NEPA implementing regulations (40 Code of Federal Regulations Part 1500 et seq.), DHS Directive Number 023-01, Rev.01, and DHS Instruction Manual 023-01, *Implementation of the National Environmental Policy Act*.

The proposed new facility would be constructed to allow for a more rapid response by the Corpus Christi Marine Unit, Rio Grande Valley Sector due to its improved proximity to the water. The existing facilities are located approximately two miles south of the proposed new facility. The new Marine Unit facility will allow for improved efficiency in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States and would result in the Marine Unit facility meeting USBP facilities guidelines and security standards.

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Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

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August 26, 2020

Marshall Pierite, Chairman
Tunica-Biloxi Indian Tribe
150 Melacon Drive
Marksville, LA 71351
Sent via email to: msampson@paragoncasinoresort.com (Marshall Sampson, Co-administrator)

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Chairman Pierite:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

The Draft EA was prepared in compliance with the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S. Code 4321, et seq.), the Council on Environmental Quality's NEPA implementing regulations (40 Code of Federal Regulations Part 1500 et seq.), DHS Directive Number 023-01, Rev.01, and DHS Instruction Manual 023-01, *Implementation of the National Environmental Policy Act*.

The proposed new facility would be constructed to allow for a more rapid response by the Corpus Christi Marine Unit, Rio Grande Valley Sector due to its improved proximity to the water. The existing facilities are located approximately two miles south of the proposed new facility. The new Marine Unit facility will allow for improved efficiency in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States and would result in the Marine Unit facility meeting USBP facilities guidelines and security standards.

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  Mr. John Petrilla
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  Laguna Niguel, CA 92677

Your prompt attention to this request is greatly appreciated. If you require additional information or have any questions, please contact Ms. John Petrilla by telephone at (949) 278-0353 or by e-mail at john.p.petrilla@cbp.dhs.gov.

Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure

U.S. Customs and Border Protection

August 26, 2020

Terri Parton, President
Wichita and Affiliated Tribes
P.O. Box 729
Anadarko, OK 73005
Sent via email to: Terri.Parton@wichitatribe.com

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear President Parton:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Air and Marine Operations (AMO) marine facility in Port Aransas, Texas.

The Draft EA was prepared in compliance with the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S. Code 4321, et seq.), the Council on Environmental Quality's NEPA implementing regulations (40 Code of Federal Regulations Part 1500 et seq.), DHS Directive Number 023-01, Rev.01, and DHS Instruction Manual 023-01, *Implementation of the National Environmental Policy Act*.

The proposed new facility would be constructed to allow for a more rapid response by the Corpus Christi Marine Unit, Rio Grande Valley Sector due to its improved proximity to the water. The existing facilities are located approximately two miles south of the proposed new facility. The new Marine Unit facility will allow for improved efficiency in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States and would result in the Marine Unit facility meeting USBP facilities guidelines and security standards.

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- E-mail to: Mr. John Petrilla, john.p.petrilla@cbp.dhs.gov

- Mail to:
  Mr. John Petrilla
  U.S. Customs and Border Protection
  24000 Avila Road, Suite 5020
  Laguna Niguel, CA 92677

Your prompt attention to this request is greatly appreciated. If you require additional information or have any questions, please contact Ms. John Petrilla by telephone at (949) 278-0353 or by e-mail at john.p.petrilla@cbp.dhs.gov.

Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure

U.S. Customs and Border Protection

August 26, 2020

Ellis Memorial Library
Attn: Librarian
700 W Ave A
Port Aransas, TX 78373

RE: ***Draft Environmental Assessment for the Corpus Christi Marine Unit, Port Aransas, Texas, U.S. Customs and Border Protection, Rio Grande Valley Sector, Texas***

Dear Librarian:

I request that your library make available to the public the enclosed Draft Environmental Assessment (EA) and Finding of No Signification Impact (FONSI) for a 30-day public review period, beginning on August 28, 2020, following publication of the Notice of Availability in the *Corpus Christi Caller Times.* The EA and draft FONSI are also available for review and download from the following web address: http://www.cbp.gov/about/environmental-management-sustainability/documents/docs-review.

Comments on the draft EA and draft FONSI can be submitted to John Petrilla at:
U.S. Customs and Border Protection, 24000 Avila Road, Suite 5020, Laguna Niguel, CA 92677
or by email at john.p.petrilla@cbp.dhs.gov.

Sincerely,

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosures

U.S. Customs and Border Protection

August 24, 2020

Ms. Kate Zultner
Coastal Coordination Council Secretary
Consistency Review Coordinator
Coastal Resources
Texas General Land Office
1700 Congress Avenue
Austin, TX 78701
Sent via email to: kate.zultner@glo.texas.gov

Subject: Coastal Zone Management Act Consultation for U.S. Customs and Border Protection (CBP) Port Aransas Marine Unit

Dear Ms. Zultner:

Pursuant to Section 307 of the Coastal Zone Management Act of 1972, as amended, U.S. Customs and Border Protection (CBP) has prepared this Federal Consistency Determination for construction of a new CBP Air and Marine Operations (AMO) Marine Unit facility in the Texas coastal zone.

The mission of the CBP AMO is to serve and protect the American people in the air and marine environments at and beyond the border, and within the nation's interior. Currently, CBP is leasing a facility two miles south of the location of the proposed new facility in Port Aransas, Texas. The Marine Unit has to travel to three different deployment centers which are on average 16 miles from the current location (Padre Island Yacht Club, 19 miles; Island Moorings, 1 mile; and Bluff Landing, 27 miles). This results in CBP officers not responding to potential threats in a timely and efficient manner.

Description of the Proposed Action

To address these problems, CBP proposes the construction, operation, and maintenance of a new Marine Unit facility for the purpose of accomplishing CBP's AMO primary goals and objectives. The proposed facility would allow for agents and personnel to reduce response time to potential threats by improving proximity to CBP's marine vessels. CBP is planning to construct a new Marine Unit facility on an approximately 1-acre parcel of land located at 800 N Station St., Port Aransas, TX. CBP would use USCG's boat ramp and boat slips to access the water and store their vessels, which will allow for immediate on-water access. Based upon potential site designs, it has been determined that a 1-acre project site is sufficient to construct a marine support administrative building (estimated construction area 8,653 sq. ft.), a boat maintenance/storage hangar (estimated 1,760 sq. ft.) with hurricane tie downs, exterior vehicular parking spaces, outdoor lighting, and an emergency generator. Additionally, physical security equipment and

infrastructure would also be installed, including but not limited to, closed circuit television (CCTV), intrusion detection systems, perimeter security fencing, and secure motorized entry.

The proposed site would have the capability to house CBP agents as well as the vehicles, equipment, and other materials necessary to meet the objectives of the Marine Unit facility. The proposed station design and construction would result in the Marine Unit facility meeting U.S. Border Patrol facilities guidelines and security standards.

In response to the Federal Coastal Zone Management Act of 1972, the Texas legislature passed the Coastal Public Lands Management Act of 1973, which more broadly defined the state's coastal zone as "the geographic area comprising all the counties of Texas having any tidewater shoreline, including that portion of the bed and waters of the Gulf within the jurisdiction of the State of Texas." That jurisdiction extends to the Gulfward boundary of the state, 10.35 miles out into the Gulf of Mexico. The Texas coast and adjoining waters are utilized for a variety of activities including, but not limited to, maritime transportation, oil and gas drilling, commercial fisheries, the development of offshore and renewable energy, and recreational boating, bird watching and fishing. While it is located within the Texas coastal zone, the proposed site is not located on the waterfront or within coastal, tidal, or navigable waters. None of the planned work is water dependent. CBP intends to obtain all applicable permits required for implementation of the Proposed Action. A review of the permits and/or approvals required under the enforceable policies is being conducted. CBP has evaluated the planned work ("Proposed Action") at the project site for its foreseeable effects on the following Texas Coastal Management Plan (CMP) enforceable policies:

§501.15 Policies for Major Actions

CBP has determined that the Proposed Action will be addressed under an Environmental Assessment (EA). Because no Environmental Impact Statement (EIS) for the Proposed Action is anticipated, the Proposed Action will conform to this policy. If an EIS becomes necessary for any of the Proposed Action, CBP would notify your office.

§501.16 Policies for Construction of Electric Generating and Transmission Facilities

The Proposed Action does not include the construction of electric generating or transmission facilities.

§501.17 Policies for Construction, Operation, and Maintenance of Oil and Gas Exploration and Production Facilities

The Proposed Action does not include the construction, operation, or maintenance of oil or gas exploration or production facilities.

§501.18 Policies for Discharges of Wastewater and Disposal of Waste from Oil and Gas Exploration and Production Facilities

The Proposed Action does not involve oil or gas exploration or production facilities.

§501.19 Policies for Construction and Operation of Solid Waste Treatment, Storage, and Disposal Facilities

The Proposed Action does not include the construction or operation of solid waste treatment, storage, and disposal facilities.

§501.20 Policies for Prevention, Response and Remediation of Oil Spills

The Proposed Action would not require the transportation, treatment, storage, use, or disposal of bulk quantities of oil. Storage tanks, where required, would contain propane.

§501.21 Policies for Discharge of Municipal and Industrial Wastewater to Coastal Waters

The Proposed Action does not require the discharge of wastewater to coastal waters.

§501.22 Policies for Non-point Source (NPS) Water Pollution

The Proposed Action would not result in non-point sources or water pollution (such as agricultural or silvicultural lands).

§501.23 Policies for Development in Critical Areas

The Proposed Action does not include construction on any areas that could be considered as critical areas, including potential U.S. Army Corps of Engineers (USACE) jurisdictional wetlands. If the USACE determines that jurisdictional wetlands would be impacted, CBP would comply with all portions of the Clean Water Act, including obtaining a Section 404 and 401 Clean Water Act permit, providing mitigations, or other steps.

§501.24 Policies for Construction of Waterfront Facilities and Other Structures on Submerged Lands

The Proposed Action does not involve the construction of waterfront facilities or other structures on submerged lands.

§501.25 Policies for Dredging and Dredged Material Disposal and Placement

The Proposed Action does not include dredging, or disposing or placing dredged materials.

§501.26 Policies for Construction in the Beach/Dune System

The Proposed Action does not involve construction on beaches or dunes.

§501.27 Policies for Development in Coastal High Hazard Areas

The Proposed Action would not have an effect on coastal high hazard areas.

§501.28 Policies for Development Within Coastal Barrier Resource System Units and Otherwise Protected Areas on Coastal Barriers

The Proposed Action would not have an effect on coastal barrier resource system units.

§501.29 Policies for Development in State Parks, Wildlife Management Areas or Preserves

The Proposed Action is not located in any Parks, Wildlife Management Areas, or Preserves.

§501.30 Policies for Alteration of Coastal Historic Areas

The Proposed Action would not require the alteration of any coastal historic areas.

§501.31 Policies for Transportation Projects

The Proposed Action would not require any construction or expansion of roads within coastal areas.

§501.32 Policies for Emission of Air Pollutants

The Proposed Action would comply with all portions of the Clean Air Act.

§501.33 Policies for Appropriations of Water

The Proposed Action would not involve the impoundments and/or diversion of state water.

§501.34 Policies for Levee and Flood Control Projects

The Proposed Action does not include any levees or flood control projects.

Summary of Findings

Based on the above analysis, CBP finds that the planned work at the proposed site would be consistent to the maximum extent practicable with the federally approved enforceable provisions of the Texas CMP, pursuant to the Coastal Zone Management Act of 1972, as amended and in accordance with 15 CFR 930.30. We request your concurrence with our determination.

The State's concurrence, objection, or notification of review status should be submitted to me via email at john.p.petrilla@cbp.dhs.gov and by mail to the address below:

Mr. John Petrilla
Environmental Branch Chief, Acting
U.S. Customs and Border Protection
Border Patrol & Air and Marine
Program Management Office
24000 Avila Road, Suite 5020
Laguna Niguel, CA 92677

We appreciate the time and effort it may take for you to evaluate these materials. If you have any questions or concerns, please feel free to contact me at (949) 278-0353 or by email at john.p.petrilla@cbp.dhs.gov.

Sincerely,

Mr. John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection