

FINDING OF NO SIGNIFICANT IMPACT
FOR THE PROPOSED CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE
U.S. BORDER PATROL FALFURRIAS STATION TRAFFIC CHECKPOINT
U.S. BORDER PATROL, RIO GRANDE VALLEY SECTOR, TEXAS

Project History: U.S. Border Patrol (USBP) is a law enforcement entity of U.S. Customs and Border Protection (CBP) within the Department of Homeland Security. USBP's priority mission is to prevent the entry of terrorists and their weapons of terrorism into the United States and to enforce the laws that protect the U.S. homeland. This is accomplished by the detection, interdiction, and apprehension of those who attempt to illegally enter or smuggle any person or contraband across the sovereign borders of the United States. The existing Falfurrias traffic checkpoint (TCP), constructed in 1994, is inadequate to handle the increase in traffic flow along U.S. Highway 281 (US 281). The proposed new TCP would be constructed to provide adequate space for operations and provide a safe, effective, and efficient working environment for USBP agents and support staff.

An Environmental Assessment (EA) was prepared in accordance with the National Environmental Policy Act and analyzes the project alternatives and potential impacts on the human and natural environments from the Preferred Alternative and a No Action Alternative.

Purpose and Need: The purpose of the Proposed Action is to expand the existing, undersized TCP with adequate facilities that allow personnel to operate in a safe and efficient manner while fulfilling USBP's primary mission of preventing terrorists and their weapons from entering the United States and preventing the illicit trafficking of people and contraband between the official ports of entry. The need for the Proposed Action is to provide adequate space and facilities for the agents and staff currently operating the TCP; increase the width and number of approach lanes to efficiently and safely handle the increase in vehicular traffic; and provide a more safe, effective, and efficient work environment.

Proposed Action: The Proposed Action includes the construction, operation, and maintenance of a new TCP located approximately 13 miles south of Falfurrias, Texas, on the northbound side of US 281. The new TCP would be constructed to qualify for Leadership in Energy and Environmental Design Silver certification by the U.S. Green Building Council. The Proposed Action would consist of widening the existing highway to eight lanes, including four catwalks, for primary inspection and eight lanes for secondary inspection. The operational improvements would include a two-bay vehicle lift inspection, secondary bus inspection, vehicle non-invasive inspection lane, and possible pre-enrolled access commercial traffic lanes. In addition, the main building and surrounding site would be improved to provide administrative and cell detention areas, sallyport, increase the six mobile K-9 kennels to a short-stay K-9 facility for 10 dogs, narcotics storage structure, general storage building(s), fuel island, vehicle impound lot, water storage tank for fire protection and potable water, new potable and fire water well designed with an in-line water treatment system, on-site sewage disposal areas, runoff detention ponds, a communication tower (less than 200-foot tall), a wind turbine less than 200 feet tall, perimeter security lighting, and an 8-foot-high chain-link security fence, as well as other minor improvements (e.g., cameras, National Infrastructure Coordination Center new technology

scanners, and license plate reader systems). New utilities would be installed and would include the construction of a wind turbine and solar panels for renewable energy at the TCP. Although the exact model for the wind turbine has not been determined, the total height of the proposed turbine would be less than 200 feet. The existing TCP will be completely demolished and replaced with the new TCP.

The Proposed Action would also include the continued maintenance of the new TCP. Such activities could include, but are not limited to, minor renovations and additions to buildings such as realigning interior spaces of an existing building, adding a small storage shed to an existing building, or installing the following: a small antenna on an already existing communications tower that does not cause the total height to exceed 200 feet, kennels, security systems, lighting, parking areas, and stormwater detention basins. Other maintenance activities could include routine upgrade, repair, and maintenance of the new TCP buildings, roofs, parking area, grounds, or other facilities that would not result in a change to their functional uses (e.g., replacing door locks or windows, painting interior or exterior walls, resurfacing a road or parking lot, culvert maintenance, grounds maintenance, or replacing essential station components such as an air conditioning unit).

Alternative Sites Considered: Five alternative sites were considered during the planning stages of the proposed project: the Rachal Foundation and King Ranch Site, the Encino Tract site, the Morales Tract site, the Ballenger Tract site, and the Cage Tract site. The Encino Tract, Morales Tract, Ballenger Tract, and Cage Tract sites did not fully support the purpose and need of the Proposed Action and were eliminated from further analysis due to unwilling sellers, increased costs, or lack of ingress and egress. The Preferred Alternative site, Rachal Foundation and King Ranch site, was determined to be a viable alternative site for the location of the new TCP. The Preferred Alternative site is an approximately 34-acre parcel that includes approximately 8 acres of Texas Department of Transportation (TxDOT) land that contains the existing TCP, approximately 7 acres owned by King Ranch, and approximately 19 acres owned by the Rachal Foundation.

Affected Environment and Consequences: The construction and operation of the new TCP would potentially result in minimal to moderate impacts, including temporary impacts on noise and transportation during construction activities. Following construction, approximately 32 acres would be developed and would consist of primarily impermeable surfaces with increased surface runoff during rain events. Approximately 2 acres are currently developed due to the existing TCP. With the implementation of best management practices, the impacts on water quality would be minimal. There would be a permanent loss of biological productivity of soils and vegetation with the implementation of the Proposed Action. The vegetation on the Preferred Alternative site is partially disturbed and regionally common. Impacts on aesthetic and visual resources due to the removal of the vegetation and the construction of the TCP facilities, including a communication tower and wind turbine, would be negligible. The northern aplomado falcon (*Falco femoralis spetentrionalis*) occurs in Brooks County, but the Preferred Alternative site contains marginal habitat and no nests or falcons were observed at the Preferred Alternative site. No adverse effects on historic properties are anticipated from the proposed construction, maintenance, and operation of the proposed new TCP. Due to the rural nature of

Brooks County and the limited development anticipated in the area, no cumulative impacts are anticipated.

Best Management Practices: Best management practices that will be implemented during construction, operation, and maintenance of the new TCP are described in Section 5 of the EA and are incorporated by reference into this Finding of No Significant Impact. Some of the more pertinent measures include, but are not limited to, the following:

1. Prepare and implement a Spill Prevention, Control, and Countermeasures Plan (SPCCP) to prevent and manage accidental spills that might occur during construction of the TCP. Operation of the TCP will also require an SPCCP due to the presence of hazardous materials associated with the vehicle maintenance shop and fueling station.
2. Prepare and implement a Stormwater Pollution Prevention Plan to control stormwater erosion and sedimentation during construction.
3. Conduct bird surveys, in accordance with the Migratory Bird Treaty Act, in the event that clearing and grubbing activities occur during the normal migratory bird breeding and nesting season.
4. Due to the observed presence of Texas horned lizard (*Phrynosoma cornutum*) in the immediate project area, an exclusion fence will be constructed and will consist of metal flashing or drift fencing buried at least 6 inches deep and 24 inches high.
5. Provide immediate notification to the State Historic Preservation Officer in the event that any subsurface cultural resources are uncovered during construction.

Findings and Conclusions: No significant adverse impacts are anticipated for any resource analyzed within this document. 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 adverse impacts on the human and biological environments.

Project Proponent: Efren V. M. Garcia 14 JULY 2014
Efren V. M. Garcia Date
Director
Facilities Branch
Office of Border Patrol

Approved: Karl H. Calvo 24 July 2014
Karl Calvo Date
Executive Director
Facilities Management and Engineering
U.S. Customs and Border Protection