



FINAL

**SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT FOR
U.S. BORDER PATROL FALFURRIAS TRAFFIC CHECKPOINT
STAGING/LAYDOWN AREA, BROOKS COUNTY, RIO GRANDE
VALLEY SECTOR, TEXAS
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY**

**U.S. Customs and Border Protection
U.S. Border Patrol**



MAY 2015

FINAL
FINDING OF NO SIGNIFICANT IMPACT
U.S. CUSTOMS AND BORDER PROTECTION
U.S. BORDER PATROL FALFURRIAS STATION
TRAFFIC CHECKPOINT STAGING/LAYDOWN AREA
RIO GRANDE VALLEY SECTOR, TEXAS

Project History: U.S. Customs and Border Protection (CBP), under the Department of Homeland Security, proposed the construction, operation, and maintenance of a new U.S. Border Patrol (USBP) Traffic Checkpoint (TCP) within USBP Falfurrias Station's Area of Responsibility, Rio Grande Valley Sector, Texas. An Environmental Assessment (EA) was completed in June 2014 titled *Final Environmental Assessment for the Proposed Construction, Operation, and Maintenance of the U.S. Border Patrol Falfurrias Station Traffic Checkpoint*, with a Finding of No Significant Impact (FONSI) (CBP 2014a). In order to support the construction of the new TCP while ensuring uninterrupted operations at the existing TCP, CBP is proposing to establish a staging/laydown area for equipment and materials and temporary grading of an existing gas pipeline right-of-way (ROW) for safe access to the construction areas.

A Supplemental EA (SEA) was prepared in accordance with the National Environmental Policy Act and analyzes project alternatives and potential impacts on the human and natural environments from the Proposed Action and the No Action Alternatives.

Purpose and Need: The purpose of the Proposed Action is to provide adequate space for storage of construction equipment and materials and safe access to the construction corridor during construction of the new TCP. The existing TCP, which is located within the construction footprint of the new TCP, will need to remain operational during the construction of the new TCP. In order to ensure that there would be no interruption in operations at the TCP, a construction staging/laydown area and an alternate access route to the construction corridor are needed. The establishment of a construction staging/laydown area would provide the space necessary for the storage of construction equipment and materials, and the temporary grading of the existing gas pipeline ROW would allow for safe access to the construction corridor without disrupting operations at the TCP.

Proposed Action: CBP proposes to establish an approximately 6-acre staging/laydown area and temporarily grade approximately 8 acres for an access road in support of the new TCP construction. CBP would clear vegetation from the approximately 6-acre staging/laydown area to allow for placement of construction equipment and storage of construction materials; however, CBP would avoid removing any oak trees as requested by the landowner, King Ranch Inc. Temporary grading of approximately 8 acres for the access road would occur within an existing gas pipeline ROW and would be conducted in coordination with the associated gas company. Use of the construction staging/laydown area and existing gas pipeline ROW would be considered a temporary easement during construction activities and would revert back to the current ownership upon completion of the project.

Other Alternatives Considered: In addition to the Proposed Action and the No Action Alternatives, CBP considered an alternative including an alternate location for the staging/laydown area which was eliminated from further consideration at the request of the landowner, King Ranch Inc., due to the density of oak trees within the footprint.

Affected Environment and Consequences: Because most affected resources and impacts for this area were assessed in the 2014 EA, only those resources impacted by the Proposed Action and its effects are evaluated in this SEA. Those resources evaluated in the 2014 EA and not further impacted by the Proposed Action are not evaluated in this SEA. Resource descriptions and impacts discussed in the 2014 EA are incorporated by reference per CEQ Regulations 1502.21, as appropriate. Those resources that would be impacted by the Proposed Action and the effects are as follows:

Land Use – Land use for approximately 14 acres would temporarily change from ranching to a staging/laydown area and access road to support the construction of the proposed TCP. Upon completion of the construction activities, the land use would revert back to private ownership. Only temporary negligible impacts would occur.

Vegetation – The approximately 6-acre proposed staging/laydown area would be cleared of vegetation with the exception of the live oak trees, which would be avoided. Approximately 8 acres within the previously disturbed gas pipeline ROW would be cleared of vegetation during temporary grading activities. Both areas would be allowed to revegetate after construction activities are completed. The vegetation is common to the area, and only temporary negligible impacts would occur.

Wildlife – Wildlife habitat and species present within the project site are both locally and regionally common. No Federally listed species were observed within the project site. During construction activities, the majority of the species would be temporarily displaced to similar habitat adjacent to the project site; however, some species may be disturbed, injured, or killed during the clearing of the vegetation. Implementation of best management practices (BMPs) would reduce impacts on wildlife and impacts would be minor. The BMPs as described in the 2014 EA would be fully implemented with one exception. The nesting season for migratory birds was revised to March 15 through September 15.

Soils – Temporary impacts on approximately 14 acres of soils would occur from the removal of vegetation during grading activities and the establishment of the staging/laydown area. The soil type is common for the area, so impacts on soils would be negligible. The implementation of BMPs for erosion and dust control would also reduce soil erosion impacts during construction activities to less than significant levels.

Cultural Resources – No archaeological resources were identified during testing and no further archaeological work is recommended for the Proposed Action. No adverse impacts on cultural resources are anticipated. Coordination with the Texas State Historic Preservation Officer is ongoing.

Summary Table of Consequences

Resource	Consequence of Proposed Action	Discussion
Land Use	Ranch land would temporarily be utilized for construction activities	Temporary negligible impact from the land use change
Vegetation	Temporary removal of approximately 14 acres of native vegetation with the exception of live oak trees	Temporary impacts would be negligible
Wildlife	Temporary removal of approximately 14 acres of wildlife habitat	Minor impact due to availability of adjacent habitat

Resource	Consequence of Proposed Action	Discussion
Soils	Temporary removal of approximately 14 acres of soils from biological production during construction activities	Negligible impacts from temporary soil disturbances
Cultural Resources	No archaeological resources were identified during testing and no further archaeological work is recommended	No adverse impacts on cultural resources

BMPs: BMPs as described in the 2014 EA would be implemented with one exception and are incorporated herein by reference; the nesting season for migratory bird species was revised to March 15 through September 15.

Findings and Conclusions: No significant adverse impacts were identified for any human or natural resources 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 natural environments.

Project Proponent: Efren V. M. Garcia 25 MAR 2015
 Efren V. M. Garcia Date
 Director
 Facilities Division
 Office of Border Patrol

Approved: Karl Calvo 4/21/2015
 Karl Calvo Date
 Executive Director
 Facilities Management and Engineering
 U.S. Customs and Border Protection

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DEPARTMENT OF HOMELAND SECURITY**

May 2015

Lead Agency:

Department of Homeland Security
U.S. Customs and Border Protection
Facilities Management and Engineering
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EXECUTIVE SUMMARY

Description of Proposed Action

U.S. Customs and Border Protection (CBP) proposes to establish a 6-acre construction staging/laydown area adjacent to the proposed Traffic Checkpoint (TCP) for the U.S. Border Patrol (USBP) Falfurrias Station within Rio Grande Valley Sector, Texas. CBP also plans to temporarily conduct grading of approximately 8 acres within an existing gas pipeline right-of-way (ROW) adjacent to U.S. Highway 281 (US 281). Effects of the proposed TCP were previously assessed in the *Final Environmental Assessment for the Proposed Construction, Operation, and Maintenance of the U.S. Border Patrol Falfurrias Station Traffic Checkpoint*, hereinafter referred to as the 2014 EA (CBP 2014).

Purpose and Need

The purpose of the Proposed Action is to provide adequate space for the staging of equipment and materials required for construction of the new TCP and safe access to the construction corridor via the existing pipeline ROW.

Proposed Action and Alternatives

The Proposed Action includes the establishment of an approximately 6-acre staging/laydown area adjacent to the previously proposed TCP project corridor and the temporary grading of approximately 8 acres within the existing underground gas pipeline ROW. Beyond the Proposed Action and No Action Alternatives, CBP considered one alternative that included an alternate staging/laydown area, but this alternative was eliminated from further consideration due to the vegetation within the staging/laydown area footprint.

Affected Environment and Consequences

Because most affected resources and impacts for this Proposed Action were assessed in the 2014 EA, only those resources impacted by the Proposed Action and its effects are evaluated in this SEA. Those resources evaluated in the 2014 EA and not further impacted by the Proposed Action are not evaluated in this Supplemental Environmental Assessment (SEA). Those resources that were evaluated in the SEA are as follows:

Land Use – Land use for approximately 14 acres would temporarily change from ranching to a staging/laydown area and access road to support the construction of the proposed TCP. Upon completion of the construction activities the land use would revert back to ranching. Only temporary negligible impacts would occur.

Vegetation – The 6-acre proposed staging/laydown area would be cleared of vegetation with the exception of the live oak trees, which would be avoided. Approximately 8 acres within the previously disturbed gas pipeline ROW would be cleared of vegetation during temporary grading activities. Both areas would be allowed to revegetate after construction activities are completed. The vegetation is common to the area, and only temporary negligible impacts would occur.

Wildlife – Wildlife habitat present in the project site is both locally and regionally common. During construction activities, the majority of the species would be temporarily displaced to similar habitat adjacent to the project site. Some species may be disturbed, injured, or killed

during the clearing of the vegetation; however, the species observed within the project site are common for the region. No Federally listed species were observed within the project site. Implementation of best management practices described in the 2014 EA would reduce impacts on wildlife and impacts would be minor.

Soils – Temporary impacts on approximately 14 acres of soils would occur from the removal of vegetation during grading activities and the establishment of the staging/laydown area. The soil type is common for the area, so impacts on soils would be negligible. The implementation of BMPs for erosion and dust control would also reduce soil erosion impacts during construction activities to less than significant levels.

Cultural Resources – No archaeological resources were identified during testing and no further archaeological work is recommended for the Proposed Action. No adverse impacts on cultural resources are anticipated. Coordination is ongoing with the Texas SHPO.

Cumulative Impacts – Due to the minimal nature of the Proposed Action impacts, no cumulative impacts were identified for the project site.

Best Management Practices

Best management practices as described in the 2014 EA would be implemented and are incorporated herein by reference.

Public Involvement

The Draft SEA and Finding of No Significant Impact (FONSI) was made available for public review and the Notice of Availability was published in the *Falfurrias Facts* and the *Corpus Christi Caller-Times* newspapers. A copy of the Notice of Availability text is included in Section 7.3. The Draft SEA and FONSI were also available electronically at <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review> and for review at the Ed Rachal Memorial and City of Corpus Christi Central libraries. Information and concerns were solicited from local, state, and Federal regulatory agencies and the Draft SEA was distributed to those agencies for comments. The distribution list and an example of the correspondence are included in Section 7.0 and 7.1.

The formal public comment period was 30 days, from January 21, 2015, through February 19, 2015. The public was invited to submit comments on the Draft SEA to CBP via (1) e-mail (Falfurrias.Checkpoint.EA@cbp.dhs.gov), (2) fax (949-360-2985) and (3) the U.S. mail. CBP received one comment from the USFWS. This comment has been included in Section 7.2 of this Final SEA as part of the correspondence received regarding the proposed action. No other comments were received during the public comment period on the Draft SEA.

Conclusions

No significant adverse impacts were identified for any human or natural resources analyzed within the SEA. Therefore, no further analysis or documentation (i.e., Environmental Impact Statement) is warranted and issuance of a FONSI is warranted. CBP, in implementing this decision, would employ all practical means to minimize the potential adverse impacts on the human and natural environments.

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SECTION 1.0
INTRODUCTION

1.0 INTRODUCTION

U.S. Customs and Border Protection (CBP), under the Department of Homeland Security (DHS), has prepared this Supplemental Environmental Assessment (SEA) to address the potential effects, beneficial and adverse, resulting from the proposed establishment of a construction staging/laydown area that will be utilized during the construction of a new U.S. Border Patrol (USBP) Traffic Checkpoint (TCP) within USBP Falfurrias Station's Area of Responsibility (AOR), Rio Grande Valley Sector, Texas. CBP also plans to temporarily conduct grading along an existing underground gas pipeline right-of-way (ROW) adjacent to U.S. Highway 281 (US 281). The proposed Falfurrias Station TCP is located at the same site as the existing TCP, south of Falfurrias, Texas, and north of Encino, Texas, along the northbound lanes of US 281 in Brooks County (Figure 1-1). Effects of the proposed TCP were previously assessed in the June 2014 Environmental Assessment (EA) titled *Final Environmental Assessment for the Proposed Construction, Operation, and Maintenance of the U.S. Border Patrol Falfurrias Station Traffic Checkpoint*, hereinafter referred to as the 2014 EA (CBP 2014a).

This SEA has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S. Code [U.S.C.] 4321-4347) and the Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 Code of Federal Regulations [C.F.R.] 1500-1508), as well as the DHS "Environmental Planning Directive" Directive 023-01 and other pertinent environmental statutes, regulations, and compliance requirements, as summarized in Appendix A.

1.1 PURPOSE AND NEED

It has been determined that the construction footprint for the proposed TCP does not provide adequate space for storage of construction equipment and materials or adequate access to the construction corridor. The existing TCP, which is located within the construction footprint of the new TCP, will need to remain operational during the construction of the new TCP. In order to ensure that there will be no interruption in operations at the TCP, a construction staging/laydown area and an alternate access route to the construction corridor are needed. The establishment of a construction staging/laydown area will provide the space necessary for the storage of construction equipment and materials, and the temporary grading of the existing gas pipeline ROW will allow for safe access to the construction corridor without disrupting operations at the TCP.

1.2 SCOPE OF THE ANALYSIS

The scope of this SEA includes the analysis of potential impacts resulting from the establishment of the construction staging/laydown area and the temporary grading activities within the existing gas pipeline ROW for the proposed Falfurrias TCP. The analysis in this SEA does not include an assessment of operations conducted in the field and away from the USBP Falfurrias Station or actions previously evaluated in the 2014 EA. These operations would continue regardless. Use of the construction staging/laydown area and existing gas pipeline ROW would be considered a temporary easement during construction activities and would revert back to the current

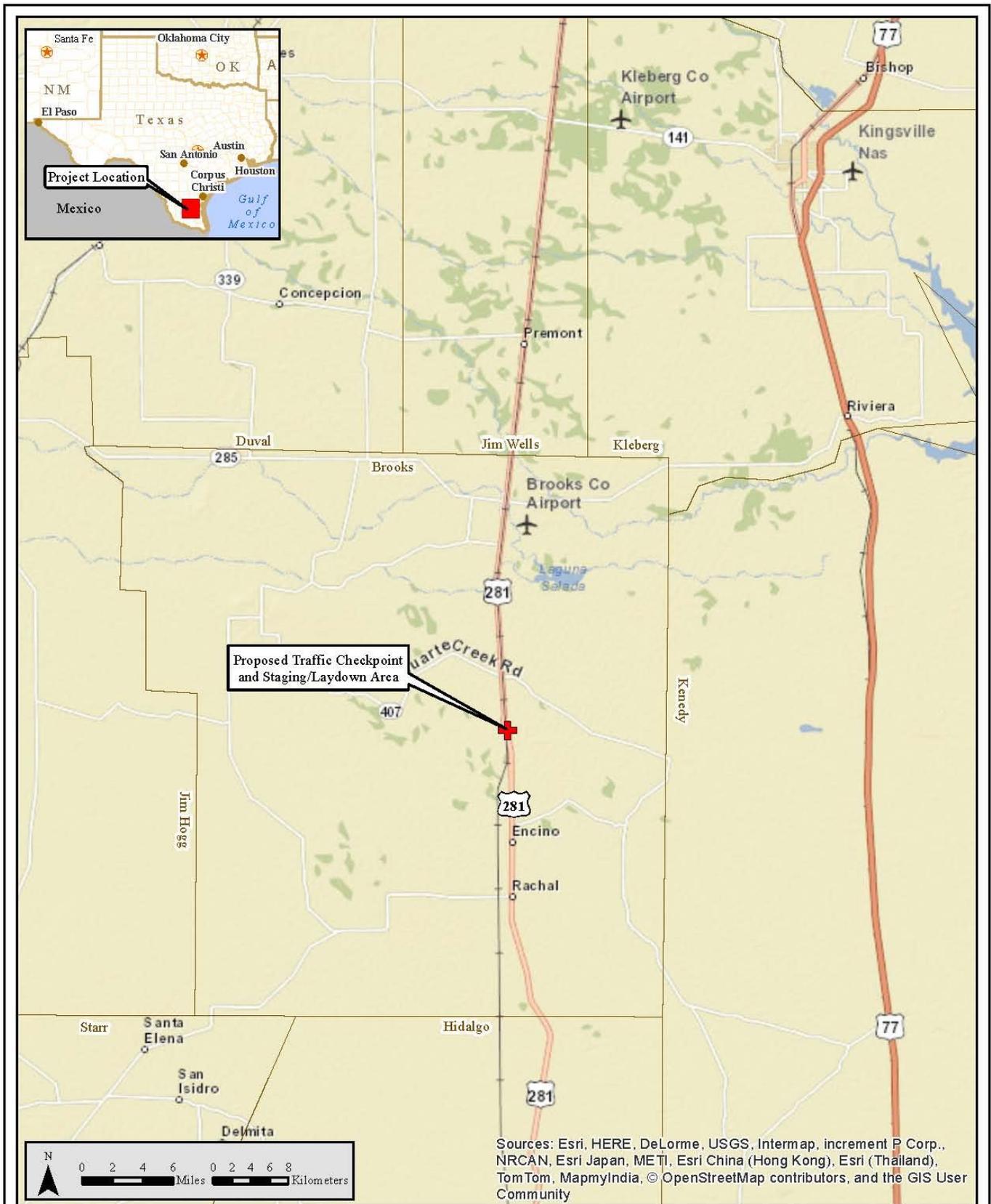


Figure 1-1. Vicinity Map



use upon completion of the project. The potentially affected natural and human environments would be limited to resources associated with the Town of Falfurrias and Brooks County, Texas; however, most potential effects would be limited to the project site and immediately adjacent resources. Resource descriptions and impacts discussed in the 2014 EA are incorporated by reference per CEQ Regulations 1502.21, as appropriate.

1.3 PUBLIC INVOLVEMENT

CBP consulted and coordinated with Federal, state, and local agencies during the preparation of this SEA. Copies of this correspondence are provided in Section 6.0 and include formal and informal coordination 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)
- Federal Aviation Administration (FAA)

State Agencies:

- Texas Parks and Wildlife Department (TPWD)
- Texas State Historic Preservation Officer (SHPO)
- Texas Department of Transportation (TxDOT)
- Texas Commission on Environmental Quality (TCEQ)

Native American Tribes:

- Comanche Nation
- Mescalero Apache Reservation
- Kiowa Tribe of Oklahoma
- Pawnee Nation of Oklahoma
- Tonkawa Tribe of Oklahoma
- Fort Sill Apache Tribe of Oklahoma
- White Mountain Apache Tribe

Local:

- Brooks County
- City of Falfurrias

The Draft SEA and Finding of No Significant Impact (FONSI) was available for public review and the Notice of Availability was published in the *Falfurrias Facts* and the *Corpus Christi Caller-Times* newspapers. A copy of the Notice of Availability text is included in Section 7.3. The Draft SEA and FONSI were also available electronically at

<http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review> and for review at the Ed Rachal Memorial Library and the City of Corpus Christi Central Library. The Draft SEA was also distributed to Federal, state, and local agencies for comments. The distribution list and an example of the correspondence are included in Section 7.0 and 7.1.

The formal public comment period was 30 days, from January 21, 2015, through February 19, 2015. The public was invited to submit comments on the Draft SEA to CBP via (1) e-mail (Falfurrias.Checkpoint.EA@cbp.dhs.gov), (2) fax (949-360-2985) and (3) the U.S. mail. CBP received one comment from the USFWS. This comment has been included in Section 7.2 of this Final SEA as part of the correspondence received regarding the proposed action. No other comments were received during the public comment period on the Draft SEA.

1.4 ORGANIZATION OF THIS SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

This SEA contains Sections 1 through 8 and Appendices A through D, as described below.

- Section 1: “Introduction” provides background information on the purpose and need for the proposed action, describes the scope of this SEA, and summarizes the public involvement in developing this SEA.
- Section 2: “Description of the Proposed Action and Alternatives” describes the proposed action and the alternatives, and provides a summary of impacts of the alternatives.
- Section 3: “Affected Environment and Environmental Consequences” describes the potentially affected resources within the project site and describes the potential direct, indirect, and cumulative impacts on the environmental resources of the proposed alternatives.
- Section 4: References
- Section 5: List of Preparers
- Section 6: List of Agencies and Persons Consulted
- Section 7: Distribution List
- Section 8: Acronyms and Abbreviations

The appendices include descriptions of methods used to estimate environmental impacts of the alternatives and the detailed information to support the impact analyses. The appendices are as follows:

- Appendix A: Laws and Regulations
- Appendix B: Species Observed During October 1, 2014, Biological Survey

SECTION 2.0
DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

2.0 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

CBP proposes to establish a 6-acre staging/laydown area in support of the proposed new USBP Falfurrias Station TCP construction within Rio Grande Valley Sector, Texas. CBP also plans to temporarily grade approximately 8 acres within an existing gas pipeline ROW adjacent to US 281. The staging/laydown area and graded gas pipeline ROW would provide adequate space to stage equipment and materials during construction and provide safe access to the construction corridor while allowing USBP operations at the existing TCP to continue uninterrupted. Use of the construction staging/laydown area and existing gas pipeline ROW would be considered a temporary easement during construction activities and would revert back to the current use upon completion of the project.

2.1 NO ACTION ALTERNATIVE

CEQ regulations for implementing NEPA require that an agency “include the alternative of no action” as one of the alternatives it considers in an SEA. The No Action Alternative serves as a baseline against which the impacts of the Proposed Action are compared. Under the No Action Alternative, CBP would not establish a construction staging/laydown area or grade the existing gas pipeline ROW; however, construction activities for the new TCP would continue as described in detail in the 2014 EA. Those details are incorporated herein by reference.

2.2 ALTERNATIVE 1-PROPOSED ACTION

Alternative 1 is the Proposed Action. Under the Proposed Action, CBP would establish the staging/laydown area and grade the existing gas pipeline ROW as described in Section 2.0 (Figure 2-1). CBP would clear vegetation from the approximately 6-acre staging/laydown area to allow for placement of construction equipment and storage of construction materials; however, CBP would avoid removing any oak trees as requested by the landowner. Temporary grading within 8 acres of the existing gas pipeline ROW will be conducted in coordination with the associated gas company.

2.3 ALTERNATIVES CONSIDERED BUT DISMISSED

Beyond the alternatives discussed in Sections 2.1 and 2.2, CBP considered an additional alternative that was eliminated from further consideration. An alternate location for the construction staging/laydown area was considered but was eliminated at the request of the landowner, King Ranch Inc., due to the density of oak trees within the footprint.

2.4 COMPARISON OF ALTERNATIVES

This section presents a comparison of the No Action Alternative and Alternative 1 (Proposed Action). Table 2–1 presents a summary comparison of environmental consequences across alternatives for potentially affected resource areas. Although the No Action Alternative would not establish a construction staging/laydown area or grade the existing gas pipeline ROW, construction activities for the new TCP, which is within the same area, would continue as described in detail in the 2014 EA, so the environmental consequences associated with the No

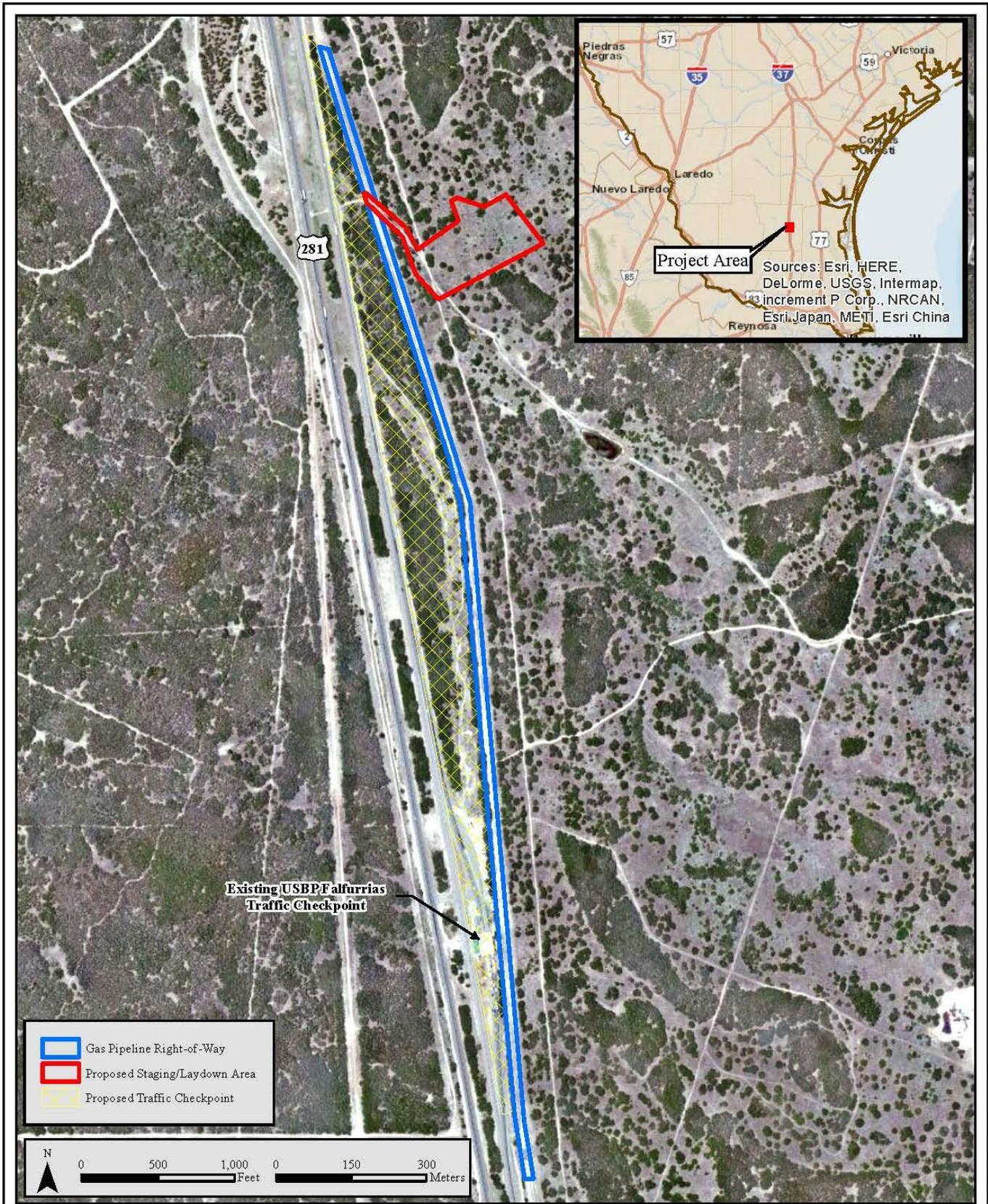


Figure 2-1. Proposed Staging/Laydown Area and Gas Pipeline Right-of-Way

Action Alternative reflect the impacts from construction activities for the new TCP. Those resource areas that are projected to incur negligible or very low environmental consequences, as well as those addressed in the 2014 EA, are incorporated by reference. Those resources excluded from the current analysis are as follows:

- Aesthetics and Visual Resources
- Air Quality
- Cultural Resources
- Environmental Justice and Protection of Children
- Floodplains
- Greenhouse Gas Emissions and Climate Change
- Hazardous Materials
- Human Health and Safety
- Noise
- Socioeconomics
- Sustainability and Greening
- Threatened and Endangered Species
- Transportation
- Utilities and Infrastructure
- Water Resources
- Waters of the U.S.
- Wild and Scenic Rivers

Table 2-1. Comparison of Alternatives and Resource Impacts

Resource	No Action Alternative	Alternative 1: Proposed Action
Land Use	No additional impacts beyond those evaluated in the 2014 EA would occur.	The impacts described in the 2014 EA would occur under the Proposed Action. Additionally, temporary negligible impacts due to the temporary use of ranch land for a staging/laydown area and access road.
Soils	No additional impacts beyond those evaluated in the 2014 EA would occur.	The impacts described in the 2014 EA would occur under the Proposed Action. Negligible impacts on soils are anticipated from both the expansion of the existing TCP and the Proposed Action. No prime farmlands would be impacted.
Vegetation	No additional impacts beyond those evaluated in the 2014 EA would occur.	In addition to the impacts described in the 2014 EA, temporary, negligible impacts on vegetation within the proposed staging/laydown area and gas pipeline ROW are anticipated.
Wildlife	No additional impacts beyond those evaluated in the 2014 EA would occur.	The impacts described in the 2014 EA would also occur under the Proposed Action. Additional impacts would include minor impacts on common local wildlife within the proposed staging/laydown area and gas pipeline ROW.
Cultural Resources	No additional impacts beyond those evaluated in the 2014 EA would occur.	As described in the 2014 EA, no adverse impacts on cultural resources are anticipated. Additionally, no adverse impacts on cultural resources are anticipated under the Proposed Action.

SECTION 3.0
AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This section describes the natural and human environments that exist within the project site and region of influence (ROI), and the potential impacts of Alternative 1 and the No Action Alternative outlined in Section 2.0 of this document. The ROI for this project comprises the City of Falfurrias and Brooks County, Texas. Only those resources with the potential to be affected by the Proposed Action are described, per CEQ regulation (40 C.F.R. 1501.7 [3]). The impact analysis presented in this SEA is based upon existing regulatory standards, scientific and environmental knowledge, and best professional opinions.

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 impacts are those effects that are caused by the action and occur at the same time and place (40 C.F.R. 1508.8[a]). Indirect impacts are those effects that are caused by the action and are later in time or further removed in distance, but are still reasonably foreseeable (40 C.F.R. 1508.8[b]). As discussed in this section, the alternatives evaluated may create temporary (lasting the duration of construction), short-term (up to 3 years), long-term (greater than 3 years and less than 20 years), or permanent impacts or effects.

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 will 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 result in any measurable or perceptible consequences.
- **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. Extensive mitigation measures to offset the adverse effects would be required, and success of the mitigation measures would not be guaranteed.

3.1 RESOURCES AND IMPACTS ELIMINATED FROM FURTHER DISCUSSION

Some resource discussions are limited in scope due to the lack of direct effect from the proposed project on the resource, or because that particular resource is not located within the project site. Impacts on resources evaluated in the 2014 EA are not evaluated in this SEA unless the impacts have changed. Resources eliminated from further discussion include the following:

Aesthetic and Visual Resources

As assessed in the 2014 EA, a negligible impact on aesthetic and visual resources would occur. No change from impacts addressed in the 2014 EA is anticipated.

Air Quality

Minor and temporary increases in air pollution would occur from the use of construction equipment. However, the project site is in attainment for all National Ambient Air Quality Standards, and any additional emissions due to use of the staging/laydown area and access road would be well below *de minimis* levels.

Environmental Justice

In accordance with Executive Orders (EO) 12898 and 13045, CBP would ensure that no residential developments or active commercial properties occur in proximity to the TCP site, and the Proposed Action would not impact minorities or children.

Floodplains

The Federal Emergency Management Agency (FEMA) indicates that the project site is not located within a 100-year floodplain.

Greenhouse Gas Emissions and Climate Change

As assessed in the 2014 EA, demolition and construction activities from the construction of the TCP would increase GHG emissions temporarily; however, these emissions would be below the thresholds established by CEQ for further evaluation of impacts on climate change. Use of the staging/laydown area and access road would have negligible contributions to GHG. No new impacts are anticipated.

Hazardous Materials

All materials created from existing TCP demolition and new TCP construction activities would be disposed of properly. The potential exists for leaks from new aboveground storage tanks, confiscated fuel, or confiscated hazardous materials. However, secondary containment systems would be installed to prevent releases. Impacts were addressed in the 2014 EA, and no new impacts are anticipated from the establishment and use of the staging/laydown area and access road. A transaction screen report was completed for the project site, and there were no hazardous or recognized environmental conditions identified.

Human Health and Safety

All Occupational, Safety, and Health Administration standards would be followed, and no impacts are anticipated from the establishment and use of the staging/laydown area and access road.

Noise

Impacts were addressed in the 2014 EA. Minor temporary increases in noise would occur during demolition of the existing TCP and construction of the new TCP; to minimize these impacts, construction activities would be limited to daylight hours. There are no sensitive noise receptors within 1 mile of the new TCP. No new impacts are anticipated from the establishment and use of the staging/laydown area and access road.

Protection of Children

EO 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, requires each Federal agency to identify and assess environmental health risks and safety risks that may disproportionately affect children and ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks. No children live in proximity to the project; therefore, the project would not adversely affect any children.

Socioeconomics

As assessed in the 2014 EA, the construction of the new TCP would have no effect on socioeconomic conditions in the region, as the project is located within an undeveloped area along US 281. An increase in agents assigned to the USBP Falfurrias Station as a result of the construction of a new TCP is not anticipated; therefore, the proposed construction of the new TCP would not impact local income levels or housing in the City of Falfurrias and Brooks County. No new impacts are anticipated from the establishment and use of the staging/laydown area and access road.

Sustainability and Greening

CBP would follow all Federal regulations for sustainable building and maintenance activities. No new impacts are anticipated from the establishment and use of the staging/laydown area and access road.

Threatened and Endangered Species

No listed species were found in the project site. The new project site contains marginal habitat for the aplomado falcon. No nests or aplomado falcons were observed. No effects on listed species are anticipated from the establishment and use of the staging/laydown area and access road. BMPs would be implemented to minimize risk to any state-protected species as addressed in the 2014.

Transportation

Minor and temporary increases in daily traffic volume would occur from the presence of construction-related equipment and vehicles as described in the 2014 EA. Additional increases in daily traffic volume are not anticipated from the establishment and use of the staging/laydown area and access road. The staging/laydown area and access road would reduce vehicle congestion within the TCP construction area.

Utilities and Infrastructure

The 2014 EA assessed the impacts on utilities and infrastructure. A new high-pressure water well would be installed and equipped with an in-line water treatment system. A sewage disposal area would be constructed in addition to a stormwater retention system. Electric power would be expanded from the current TCP and with the installation of a wind turbine and solar panels as alternate renewable energy sources, a decrease on the demand for electric utilities would be anticipated. Solid waste services would be extended from the City of Falfurrias. No additional utilities or infrastructure are required for the proposed staging/laydown area. CBP will coordinate with the appropriate utility companies to ensure that grading activities within the gas pipeline ROW would not impact the pipeline.

Water Resources

A Stormwater Pollution Prevention Plan (SWPPP) would be implemented for the TCP and the Proposed Action and would reduce temporary impacts on water quality from stormwater runoff. No new impacts on water resources are anticipated.

Waters of the U.S.

No waters of the U.S. are located within the project site; therefore, there would be no impacts.

Wild and Scenic Rivers

The proposed project would not affect any reach of river designated as Wild and Scenic, as none are located in the vicinity of the proposed project.

3.2 LAND USE

3.2.1 Affected Environment

The proposed staging/laydown area and gas pipeline ROW consist of lands privately owned by King Ranch, Inc. These lands were previously utilized for ranching and have been subsequently disturbed by the previous alignment of US 281, as well as the installation of underground high-pressure gas pipelines within the project site.

3.2.2 Consequences

3.2.2.1 No Action Alternative

The No Action Alternative would preclude the establishment of a staging/laydown area and grading of the existing gas pipeline ROW, and land use would remain unchanged from what was described in the 2014 EA.

3.2.2.2 Alternative 1-Proposed Action

The Proposed Action would temporarily change approximately 14 acres of ranch land into a staging/laydown area and access road to support the construction of the proposed TCP. No agricultural or commercial land use would be affected. Upon completion of the project, the land will revert back to the current land use. Only temporary, negligible adverse impacts on land use would occur.

3.3 VEGETATION

3.3.1 Affected Environment

Gulf South Research Corporation (GSRC) surveyed the project site on October 1, 2014, for biological resources (CBP 2014b). Vegetation observed and described in the 2014 EA is consistent with the vegetation observed within the proposed staging/laydown area and gas pipeline ROW. These species are common to the area and are abundant on surrounding areas. A list of species observed is provided in Appendix B.

3.3.2 Consequences

3.3.2.1 No Action Alternative

The No Action Alternative would preclude the establishment of a staging/laydown area and grading of the existing gas pipeline ROW, and no additional impacts on vegetation would occur.

3.3.2.2 *Alternative 1-Proposed Action*

The Proposed Action would involve the establishment of a 6-acre construction staging/laydown area. Vegetation within the 6 acres would be cleared with the exception of the Texas live oak (*Quercus fusiformis*) trees. Approximately 46 mature oak trees and numerous saplings were observed within the staging/laydown area. Figure 3-1 illustrates the survey area and the location of the oak tree clusters. The oak trees would be flagged for avoidance prior to the initiation of construction activities. Temporary grading activities would also occur within approximately 8 acres of the existing gas pipeline ROW. These 8 acres have been previously disturbed by the installation of the high-pressure underground gas pipelines. Both the staging/laydown area and the gas pipeline ROW would be allowed to naturally revegetate after construction activities are completed. The temporary removal of approximately 14 acres of native vegetation would not result in impacts on the diversity of plant communities in the area. Only temporary, negligible impacts would occur.

3.4 WILDLIFE

3.4.1 Affected Environment

Wildlife species observed and described in the 2014 EA are consistent with the wildlife observed within the proposed staging/laydown area and gas pipeline ROW and are incorporated herein by reference. A list of species observed during the October 2014 biological survey is provided in Appendix B.

3.4.2 Consequences

3.4.2.1 *No Action Alternative*

Under the No Action Alternative, the staging/laydown area would not be established and grading of the existing gas pipeline ROW would not occur. Therefore, no additional wildlife habitat would be altered.

3.4.2.2 *Alternative 1-Proposed Action*

As described in the 2014 EA, minimal adverse impacts on wildlife populations would occur as a result of the Proposed Action. The wildlife habitat present in the project site is both locally and regionally common. Additionally, portions of habitat within the underground gas pipeline ROW have previously been removed or disturbed. While the majority of the species would be displaced to similar habitat around the project site, some individual specimens could be disturbed, injured, or killed during the clearing of vegetation and construction activities. This is particularly true of burrowing mammals, reptiles, and amphibians. Implementation of best management practices (BMPs) would further reduce impacts on wildlife from the Proposed Action. The BMPs as described in the 2014 EA would be fully implemented with one exception; the nesting season for migratory bird species was revised to March 15 through September 15.

3.5 SOILS

3.5.1 Affected Environment

The soils are described in detail in the 2014 EA and are incorporated herein by reference.

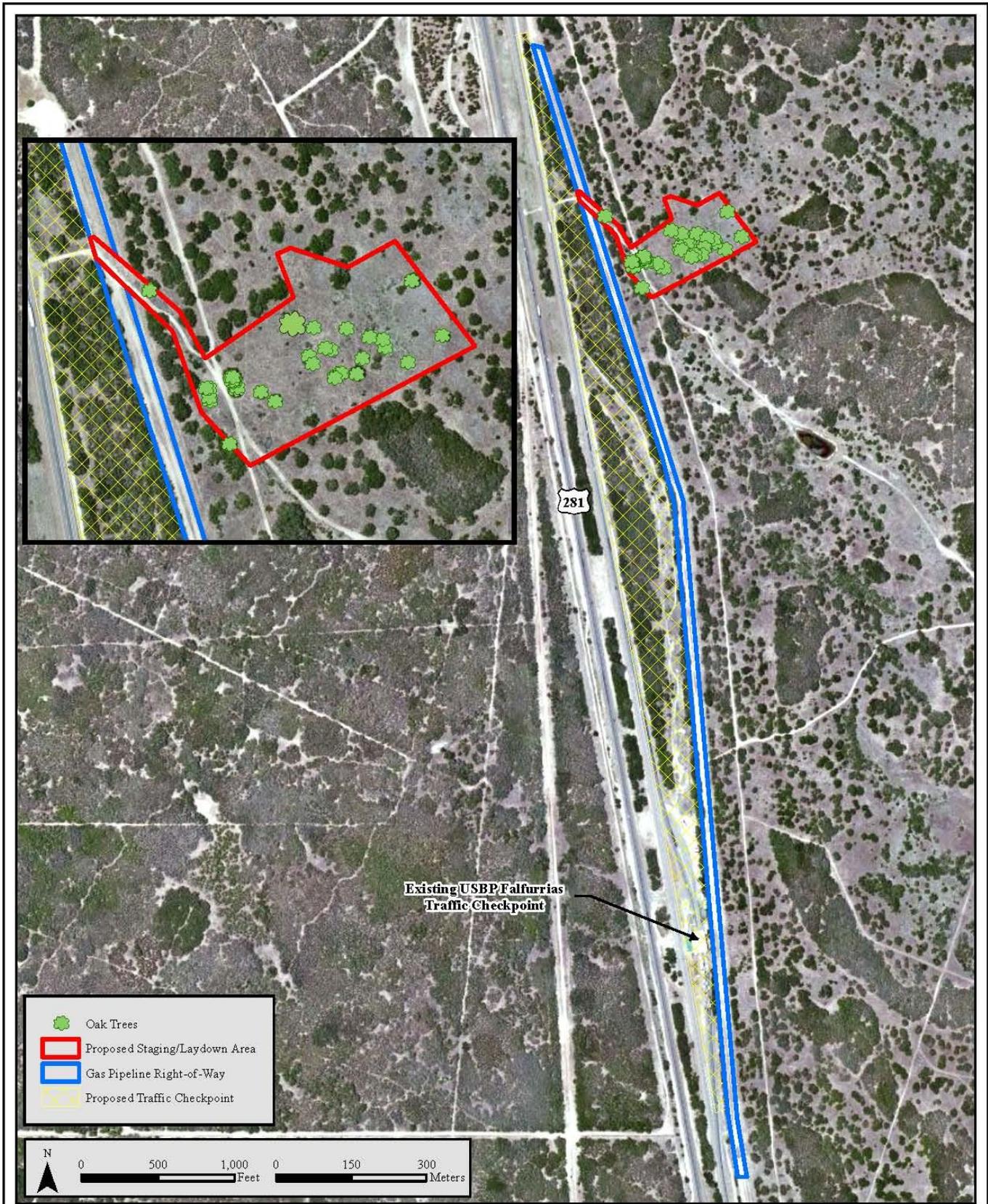


Figure 3-1. Oak Tree Locations within the Project Area

3.5.2 Consequences

3.5.2.1 No Action Alternative

The No Action Alternative would preclude the establishment of a staging/laydown area and grading of the existing gas pipeline ROW; therefore, no additional modifications of soils would occur.

3.5.2.2 Alternative 1-Proposed Action

Impacts at the project site would consist of the temporary removal of approximately 14 acres of soils from biological production during construction activities. Due to the single soil type found in the immediate area supporting the same vegetation communities, impacts on soils would be negligible. The implementation of BMPs for erosion and dust control would reduce soil erosion impacts during construction activities to less than significant levels.

3.6 CULTURAL RESOURCES

3.6.1 Affected Environment

Cultural resources are described in detail in the 2014 EA and are incorporated herein by reference. GSRC surveyed the project site on October 1, 2014 for cultural resources (CBP 2014c). The western portion of the staging/laydown area has been disturbed by two pipeline ROWs and two telecommunication lines. The access road footprint is located entirely within the Kinder-Morgan ROW which contains two buried high-pressure gas lines. A total of 13 shovel tests were excavated within the least disturbed portions of the project site. No archaeological resources were identified during testing.

3.6.2 Consequences

3.6.2.1 No Action Alternative

The No Action Alternative would preclude the establishment of a staging/laydown area and grading of the existing gas pipeline ROW; therefore, no additional impacts on cultural resources would occur.

3.6.2.2 Alternative 1-Proposed Action

No archaeological resources were identified during the cultural resources survey of the project site and no further archaeological work is recommended. No adverse impacts on cultural resources are anticipated. Coordination is ongoing with the Texas SHPO.

3.7 CUMULATIVE IMPACTS

Cumulative impacts result from the direct and indirect impacts of implementing the Proposed Action, in addition to past, present, and foreseeable future actions by CBP or other entities in the area. A discussion of cumulative impacts and the impact analysis area was presented in the 2014 EA. The area of impacts analysis remains the same for this document with the exception of the soil disturbances. The soil disturbance would increase from 32 acres to 46 acres. Because of the lack of any impacts for the Proposed Action other than minor or negligible impacts on land use, vegetation, wildlife, and soils, the additional cumulative impacts from the Proposed Action would constitute a negligible contribution to any cumulative impacts in the region.

SECTION 4.0
REFERENCES

4.0 REFERENCES

- U.S. Customs and Border Protection (CBP). 2014a. Final Environmental Assessment for the U.S. Customs and Border Protection, Rio Grande Valley Sector, Falfurrias Station Traffic Checkpoint, Brooks County, Texas. July 2014.
- CBP. 2014b. Draft Biological Field Survey Report for the U.S. Customs and Border Protection U.S. Border Patrol Falfurrias Station Traffic Checkpoint Staging/Laydown Area, Rio Grande Valley Sector, Texas. October 2014.
- CBP. 2014c. Draft Cultural Resources Investigation of 5.67 Hectares (Approximately 14 Acres) for a Proposed Staging Area and Access Road Associated with the Construction of the U.S. Customs and Border Protection Falfurrias Traffic Checkpoint, Brooks County, Texas. October 2014.

SECTION 5.0
LIST OF PREPARERS

5.0 LIST OF PREPARERS

Name	Agency/ Organization	Discipline/ Expertise	Experience	Role in Preparing EA
Audra Upchurch	CBP (LMI)	Environmental Program Management	14 years of NEPA and environmental planning	CBP Program Manager
Sherry Ethell	GSRC	Biology	24 years of NEPA and environmental services	GSRC Project Manager
Chris Ingram	GSRC	Biology/Ecology	34 years of EA/EIS studies	EA technical review

SECTION 6.0
AGENCIES AND PERSONS CONSULTED

6.0 AGENCIES AND PERSONS CONSULTED

CBP consulted and coordinated with Federal, state, and local agencies during the preparation of this SEA. Table 6-1 provides the list of the agencies and point of contacts contacted. Section 6.1.1 includes an example general coordination letter sent to multiple agencies, Section 6.1.2 includes the letter sent to the United States Fish and Wildlife Service; Section 6.1.3 includes the letter sent to the Texas State Historic Preservation Office; Section 6.1.4 provides an example letter sent to the Tribal Historic Preservation Officers as indicated in Table 6-1; and Section 6.1.5 includes the attachment that was sent with each of the coordination letters. Section 6.2 shows the responses received during the consultation and coordination processes.

Table 6-1. Agencies Consultation and Coordination List

Agency	Point of Contact	Example Letter Provided in Section
U.S. Environmental Protection Agency	Rhonda Smith, Chief EPA, Region VI	6.1.1
Federal Aviation Administration	Michael O'Hara, Action Regional Administrator	6.1.1
Texas Parks and Wildlife Department	Kathy Boydston	6.1.1
Texas Department of Transportation	Norma Y. Garza, P.E.	6.1.1
Texas Commission on Environmental Quality	Jaime A. Garza	6.1.1
Brooks County	Raul M. Ramirez	6.1.1
City of Falfurrias	Mayor Lamar D. Martinez, Sr.	6.1.1
U.S. Fish and Wildlife Service	Adam Zerrenner	6.1.2
Texas State Historic Preservation Officer	Mark Wolfe	6.1.3
Comanche Nation	Chairman Wallace Coffey	6.1.4
Mescalero Apache Reservation	President Danny H. Breuninger	6.1.4
Kiowa Tribe of Oklahoma	Chairman Amber Toppah	6.1.4
Pawnee Nation of Oklahoma	President Marshall Gover	6.1.4
Tonkawa Tribe of Oklahoma	President Donald Patterson	6.1.4
Fort Sill Apache Tribe of Oklahoma	Chairman Jeff Houser	6.1.4
White Mountain Apache Tribe	Chairman Ronnie Lupe	6.1.4

6.1 EXAMPLE LETTERS

6.1.1 General Coordination Letter Example

1300 Pennsylvania Avenue NW
Washington, DC 20229



**U.S. Customs and
Border Protection**

Ms. Kathy Boydston,
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744

OCT 10 2014

SUBJECT: U.S. Customs and Border Protection Supplemental Environmental Assessment for the U.S. Border Patrol Falfurrias Traffic Checkpoint, Rio Grande Valley Sector, Texas

Dear Ms. Boydston:

U.S. Customs and Border Protection (CBP) is preparing a Supplemental Environmental Assessment (SEA) that will address the potential effects, beneficial and adverse, resulting from the proposed establishment of a construction staging/laydown area adjacent to the site proposed for the construction and maintenance of a new U.S. Border Patrol (USBP) traffic checkpoint in Falfurrias, Brooks County, Texas (Figure 1). The staging/laydown area encompasses approximately 6 acres and would allow for the staging of equipment and materials required for construction of the new traffic checkpoint (Figure 2). CBP also plans to temporarily conduct grading along an existing pipeline right of way adjacent to U.S. Highway 281. The construction of the new USBP traffic checkpoint was evaluated in an Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI) in July 2014.

We are currently in the process of gathering the most current information available regarding Federally and state listed species potentially occurring within the project area. This letter is being sent as part of the agency scoping for the SEA. CBP respectfully requests that your agency provide any information or concerns you might have regarding this proposed project.

Your prompt attention to this request would be greatly appreciated. Please direct all correspondence to:

Ms. Audra Upchurch
U.S. Customs and Border Protection
Border Patrol Facilities and Tactical Infrastructure
Program Management Office
1331 Pennsylvania Avenue, NW, Suite 1220
Washington, DC 20229

Ms. Kathy Boydston
Page 2

If you require additional information or have any questions, please contact Ms. Upchurch at (202) 748-4435 or by email at audra.upchurch@cbp.dhs.gov. Thank you for your cooperation.

Sincerely,



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

Enclosures: Figures 1 and 2

6.1.2 United States Fish and Wildlife Service Coordination Letter

1300 Pennsylvania Avenue NW
Washington, DC 20229



**U.S. Customs and
Border Protection**

Mr. Adam Zerrenner,
U.S. Fish and Wildlife Service
Austin Ecological Services Field Office
Compass Bank Building
10711 Burnet Rd. Ste 200
Austin, TX 78758

OCT 10 2014

SUBJECT: U.S. Customs and Border Protection Supplemental Environmental Assessment for the U.S. Border Patrol Falfurrias Traffic Checkpoint, Rio Grande Valley Sector, Texas

Dear Mr. Zerrenner:

U.S. Customs and Border Protection (CBP) is preparing a Supplemental Environmental Assessment (SEA) that will address the potential effects, beneficial and adverse, resulting from the proposed establishment of a construction staging/laydown area adjacent to the site proposed for the construction and maintenance of a new U.S. Border Patrol (USBP) traffic checkpoint in Falfurrias, Brooks County, Texas (Figure 1). The staging/laydown area encompasses approximately 6 acres and would allow for the staging of equipment and materials required for construction of the new traffic checkpoint (Figure 2). CBP also plans to temporarily conduct grading along an existing pipeline right of way adjacent to U.S. Highway 281. The construction of the new USBP traffic checkpoint was evaluated in an Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI) in July 2014.

We are currently in the process of gathering the most current information available regarding Federally and state listed species potentially occurring within the project area. This letter is being sent as part of the agency scoping for the SEA, not as a request to the U.S. Fish and Wildlife Service for formal consultation under Section 7 of the Endangered Species Act. CBP respectfully requests that your agency provide any information or concerns you might have regarding this proposed project.

Mr. Adam Zerrenner
Page 2

Your prompt attention to this request would be greatly appreciated. Please direct all correspondence to:

Ms. Audra Upchurch
U.S. Customs and Border Protection
Border Patrol Facilities and Tactical Infrastructure
Program Management Office
1331 Pennsylvania Avenue, NW, Suite 1220
Washington, DC 20229

If you require additional information or have any questions, please contact Ms. Upchurch at (202) 748-4435 or by email at audra.upchurch@cbp.dhs.gov. Thank you for your cooperation.

Sincerely,



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

Enclosure: Figures 1 and 2

6.1.3 Texas State Historic Preservation Office Coordination Letter

1300 Pennsylvania Avenue NW
Washington, DC 20229



**U.S. Customs and
Border Protection**

Mr. Mark Wolf
State Historic Preservation Officer
Texas Historical Commission
108 W. 16th Street
Austin, TX 78701

OCT 10 2014

SUBJECT: U.S. Customs and Border Protection Supplemental Environmental Assessment for the U.S. Border Patrol Falfurrias Traffic Checkpoint, Rio Grande Valley Sector, Texas

Dear Mr. Wolf:

U.S. Customs and Border Protection (CBP) is preparing a Supplemental Environmental Assessment (SEA) that will address the potential effects, beneficial and adverse, resulting from the proposed establishment of a construction staging/laydown area adjacent to the site proposed for the construction and maintenance of a new U.S. Border Patrol (USBP) traffic checkpoint in Falfurrias, Brooks County, Texas (Figure 1). The staging/laydown area encompasses approximately 6 acres and would allow for the staging of equipment and materials required during construction of the new traffic checkpoint (Figure 2). CBP also plans to temporarily conduct grading along an existing pipeline right of way adjacent to U.S. Highway 281. The construction of the new USBP traffic checkpoint was evaluated in an Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI) in July 2014.

We are currently in the process of gathering the most current information available, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 Code of Federal Regulations (C.F.R.) Part 800. CBP respectfully requests that you provide information on any cultural resources that you believe may be affected by the proposed USBP activities in Brooks County, Texas. A cultural resources survey is being conducted for the proposed project area, and we will provide you with a copy of the cultural resources report for your comment once it is prepared.

Your prompt attention to this request would be greatly appreciated. Please direct all correspondence to:

Ms. Audra Upchurch
U.S. Customs and Border Protection
Border Patrol Facilities and Tactical Infrastructure
Program Management Office
1331 Pennsylvania Avenue, NW, Suite 1220
Washington, DC 20229

Mr. Mark Wolfe
Page 2

If you require additional information or have any questions, please contact Ms. Upchurch at (202) 748-4435 or by email at audra.upchurch@cbp.dhs.gov. Thank you for your cooperation.

Sincerely,



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

Enclosures: Figures 1 and 2

1300 Pennsylvania Avenue NW
Washington, DC 20229

NOV 06 2014



**U.S. Customs and
Border Protection**

Mr. Mark Wolf
State Historic Preservation Officer
Texas Historical Commission
108 W. 16th Street
Austin, TX 78701

Subject: U.S. Customs and Border Protection Supplemental Environmental Assessment for
the U.S. Border Patrol Falfurrias Traffic Checkpoint, Rio Grande Valley Sector,
Texas

Dear Mr. Wolf:

U.S. Customs and Border Protection (CBP) is preparing a Supplemental Environmental Assessment (SEA) that will address the potential effects, beneficial and adverse, resulting from the proposed establishment of a construction staging/laydown area adjacent to the site proposed for the construction and maintenance of a new U.S. Border Patrol (USBP) traffic checkpoint in Falfurrias, Brooks County, Texas (Figure 1). The staging/laydown area encompasses approximately 6 acres and would allow for the staging of equipment and materials required during construction of the new traffic checkpoint (Figure 2). CBP also plans to temporarily conduct grading along an existing pipeline right of way adjacent to U.S. Highway 281. The construction of the new USBP traffic checkpoint was evaluated in an Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI) in July 2014.

We are currently in the process of gathering the most current information available, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 Code of Federal Regulations (C.F.R.) Part 800. CBP respectfully requests that you provide information on any cultural resources that you believe may be affected by the proposed CBP activities in Brooks County, Texas. A cultural resources survey was conducted for the proposed project area, and the draft cultural resources report is included for your review and comment.

Your prompt attention to this request would be greatly appreciated. Please direct all correspondence to:

Ms. Audra Upchurch
U.S. Customs and Border Protection
Border Patrol Facilities and Tactical Infrastructure
Program Management Office
1331 Pennsylvania Avenue, NW, Suite 1220
Washington, DC 20004

Mr. Mark Wolfe
Page 2

If you require additional information or have any questions, please contact Ms. Upchurch at (202) 748-4435 or by email at audra.upchurch@cbp.dhs.gov. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Paul Enriquez". The signature is written in a cursive style with a large initial "P".

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

Enclosures: Figures 1 and 2
Draft Cultural Resources Report

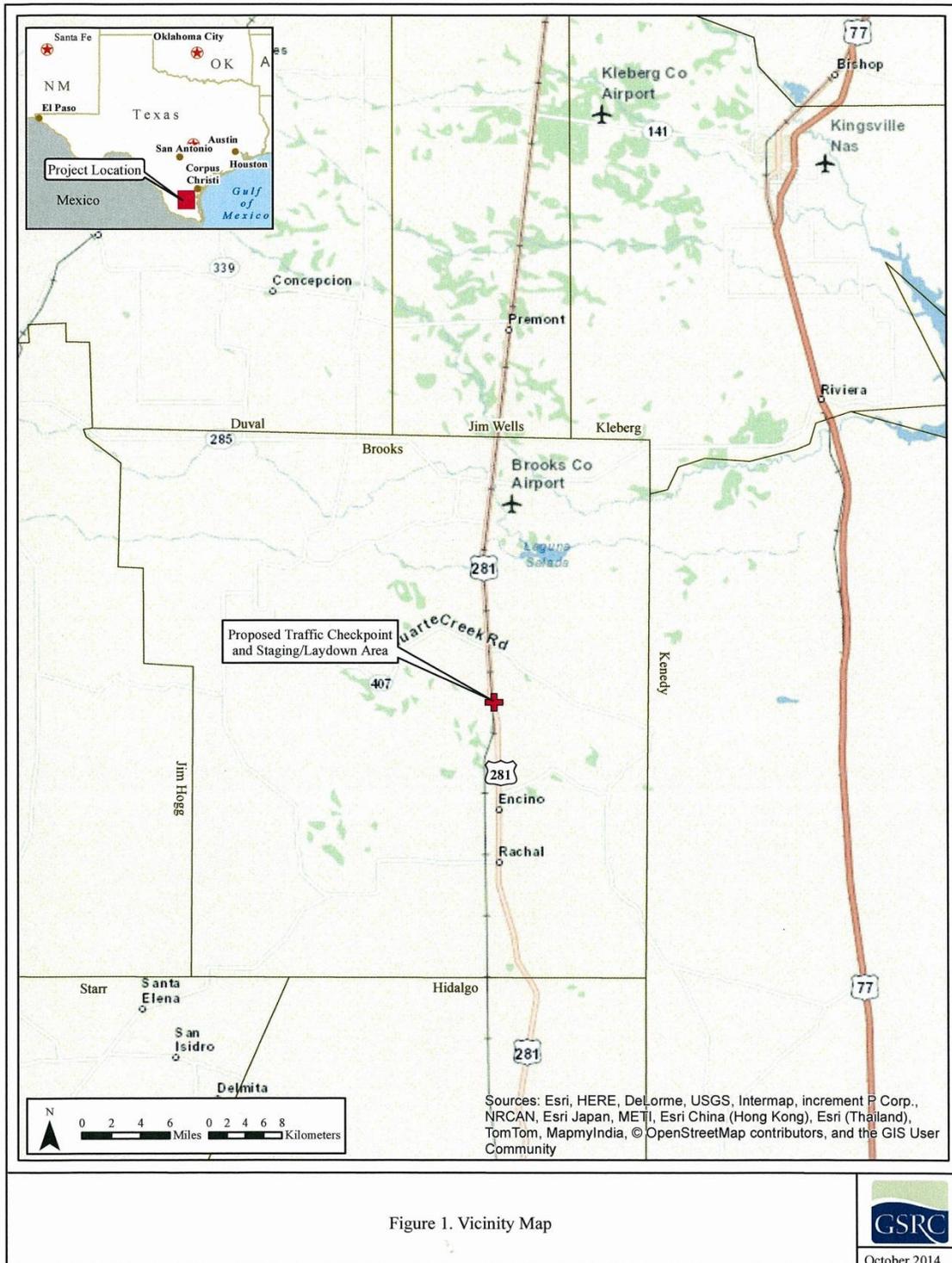


Figure 1. Vicinity Map



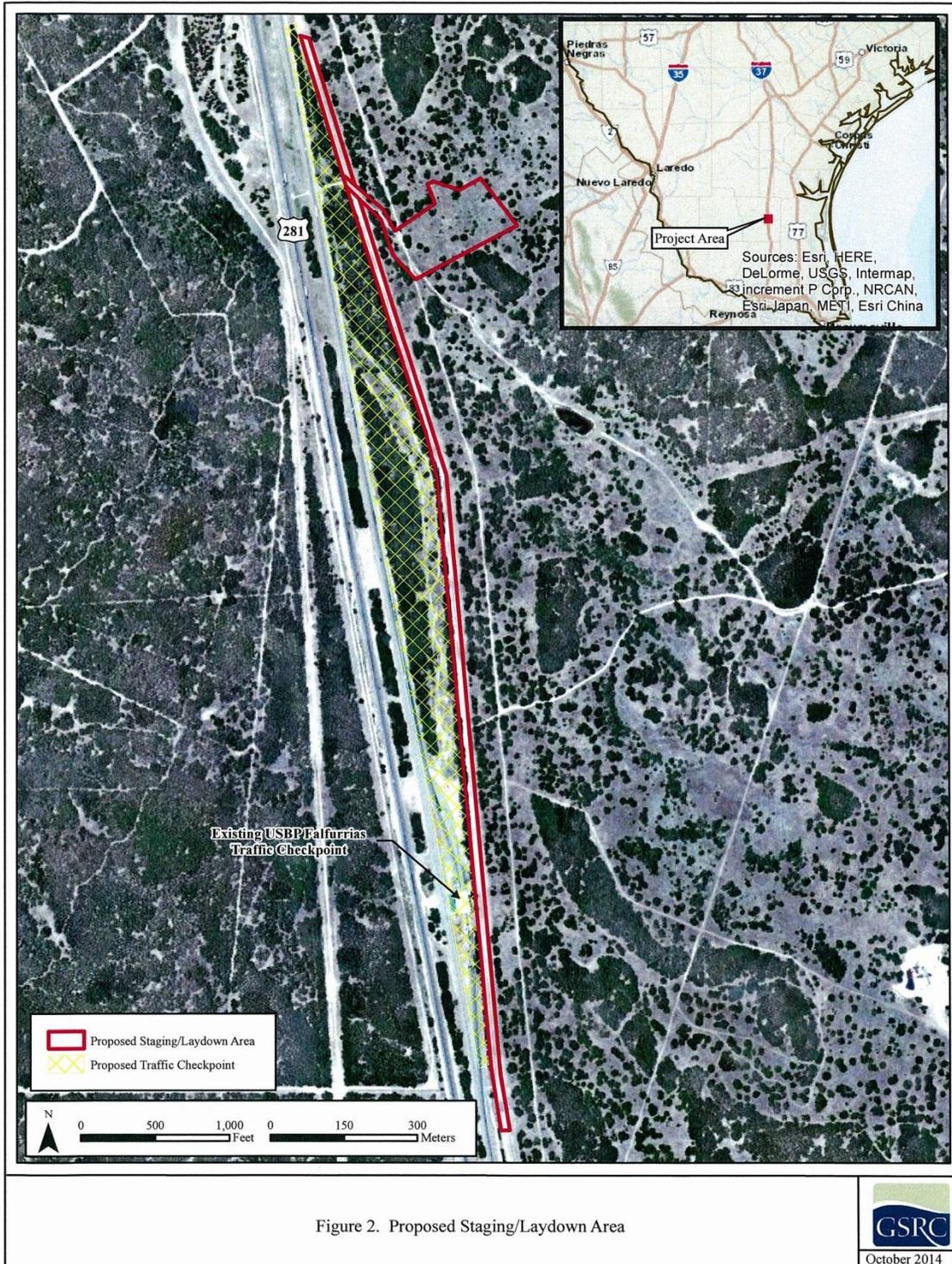


Figure 2. Proposed Staging/Laydown Area



TEXAS HISTORICAL COMMISSION

REQUEST FOR SHPO CONSULTATION:

Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas

Please see instructions for completing this form and additional information on Section 106 and Antiquities Code consultation on the Texas Historical Commission website at <http://www.thc.state.tx.us/crm/crmsend.shtml>.

- This is a new submission.
 This is additional information relating to THC tracking number(s): 201406952

Project Information		
PROJECT NAME Staging Area and Access Road in Support of the Proposed Falfurrias Traffic Checkpoint Expansion		
PROJECT ADDRESS U.S. Highway 281	PROJECT CITY South of Falfurrias	PROJECT ZIP CODE(S)
PROJECT COUNTY OR COUNTIES Brooks		
PROJECT TYPE (Check all that apply)		
<input type="checkbox"/> Road/Highway Construction or Improvement	<input type="checkbox"/> Repair, Rehabilitation, or Renovation of Structure(s)	
<input type="checkbox"/> Site Excavation	<input type="checkbox"/> Addition to Existing Structure(s)	
<input type="checkbox"/> Utilities and Infrastructure	<input type="checkbox"/> Demolition or Relocation of Existing Structure(s)	
<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> None of these	
BRIEF PROJECT DESCRIPTION: Please explain the project in one or two sentences. More details should be included as an attachment to this form. U.S. Customs and Border Protection proposes to utilize 14 acres of land for a staging area and access in support of the proposed new Falfurrias Traffic Checkpoint. Archaeological survey of the checkpoint itself were previously conducted in October 2013 along with SHPO consultation.		

Project Contact Information			
PROJECT CONTACT NAME Audra Upchurch	TITLE Environmental Specialist	ORGANIZATION LMI	
ADDRESS 1331 Pennsylvania Avenue, NW, Suite 1220	CITY Washington	STATE DC	ZIP CODE 20229
PHONE 202-748-4435	EMAIL audra.upchurch@cbp.dhs.gov		

Federal Involvement (Section 106 of the National Historic Preservation Act)	
Does this project involve approval, funding, permit, or license from a federal agency?	
<input checked="" type="checkbox"/> Yes (Please complete this section)	<input type="checkbox"/> No (Skip to next section)
FEDERAL AGENCY U.S. Customs and Border Protection	FEDERAL PROGRAM, FUNDING, OR PERMIT TYPE Facilities and Tactical Infrastructure
CONTACT PERSON Paul Enriquez	PHONE 949-643-6365
ADDRESS 24000 Avila Road, Suite 5020 Laguna Niguel, CA 92677	EMAIL paul.enriquez@cbp.dhs.gov

State Involvement (Antiquities Code of Texas)	
Does this project occur on land or property owned by the State of Texas or a political subdivision of the state?	
<input type="checkbox"/> Yes (Please complete this section)	<input checked="" type="checkbox"/> No (Skip to next section)
CURRENT OR FUTURE OWNER OF THE PUBLIC LAND	
CONTACT PERSON	PHONE
ADDRESS	EMAIL

VER 0811

REQUEST FOR SHPO CONSULTATION -- PROJECT NAME: **Staging Area and Access Road in Support of the Proposed Falfurri U.S. Highway 281** **South of Falfurrias** **Brooks**

Identification of Historic Properties: Archeology

Does this project involve ground-disturbing activity?
 Yes (Please complete this section) No (Skip to next section)

Describe the nature of the ground-disturbing activity, including but not limited to depth, width, and length. **Ground disturbing activities would include the preparation of the staging area to include clearing, grubbing, and grading and the grading of a temporary road to access the construction site.**

Describe the previous and current land use, conditions, and disturbances.
Previous and current land use of the staging area is open pasture. Previous and current land use of the access road is an existing, cleared ROW for buried high-pressure gas lines belonging to Kinder Morgan. An archaeological survey of the staging area and access road has been conducted. A technical report outlining the results of the survey will be submitted to THC.

Identification of Historic Properties: Structures

Does the project area or area of potential effects include buildings, structures, or designed landscape features (such as parks or cemeteries) that are 45 years of age or older?
 Yes (Please complete this section) No (Skip to next section)

Is the project area or area of potential effects within or adjacent to a property or district that is listed in or eligible for listing in the National Register of Historic Places?
 Yes, name of property or district: **King Ranch Historic District** No Unknown

In the space below or as an attachment, describe each building, structure, or landscape feature within the project area or area of potential effect that is 45 years of age or older.

ADDRESS	DATE OF CONSTRUCTION	SOURCE FOR CONSTRUCTION DATE
Open pasture	NA	NA
ADDRESS	DATE OF CONSTRUCTION	SOURCE FOR CONSTRUCTION DATE
ADDRESS	DATE OF CONSTRUCTION	SOURCE FOR CONSTRUCTION DATE

Attachments

[Please see detailed instructions regarding attachments.](#)

Include the following with each submission:

- Project Work Description
- Maps
- Identification of Historic Properties
- Photographs

For Section 106 reviews only, also include:

- Consulting Parties/Public Notification
- Area of Potential Effects
- Determination of Eligibility
- Determination of Effect

Submit completed form and attachments to the address below. Faxes and email are not acceptable.

Mark Wolfe
 State Historic Preservation Officer
 Texas Historical Commission
 P.O. Box 12276, Austin, TX 78711-2276 (mail service)
 108 W. 16th Street, Austin, TX 78701 (courier service)

For SHPO Use Only

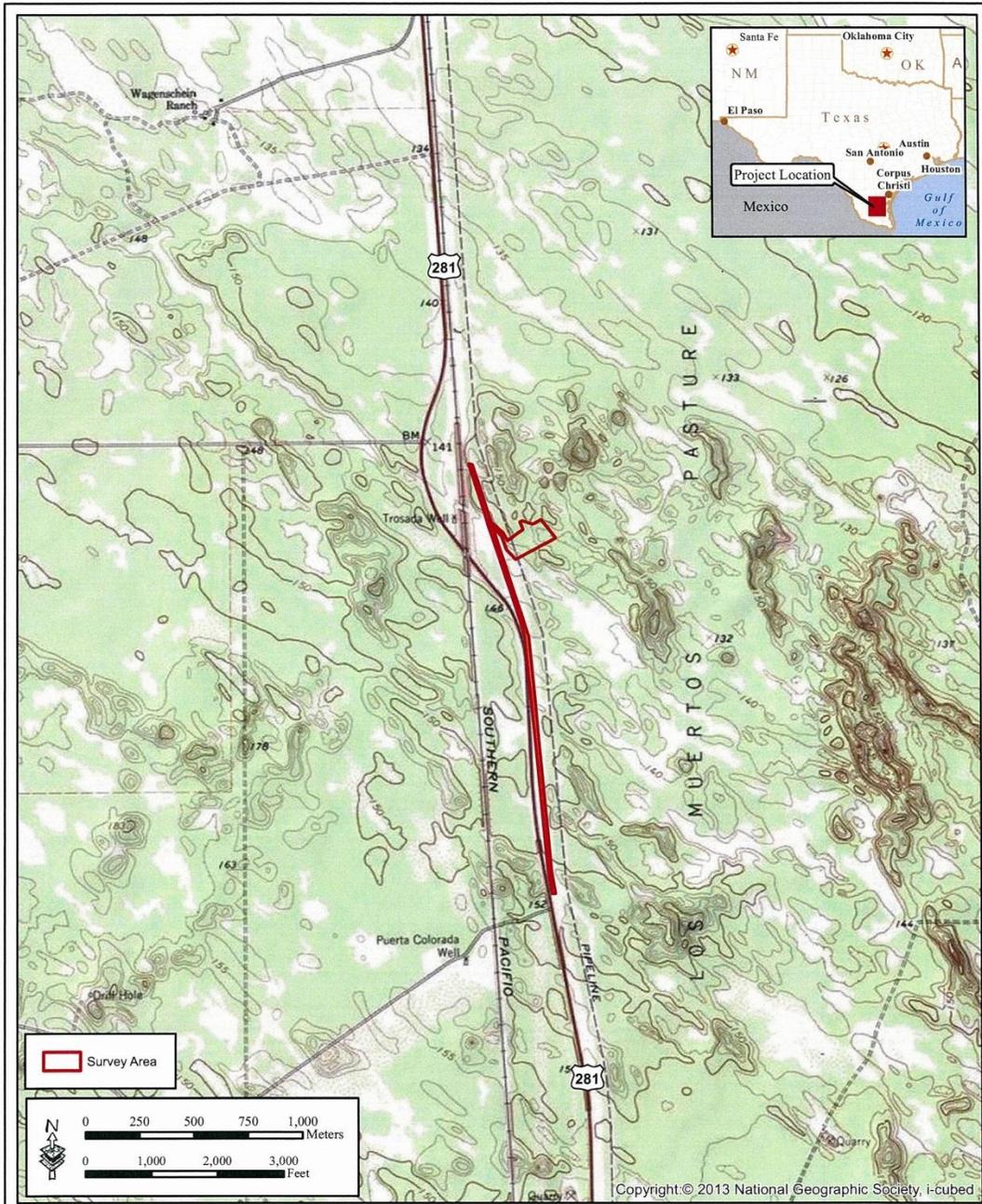


Figure 1. Portion of the 1963 Cage Ranch, TX 7.5-minute topographic quadrangle showing the survey area.





Photograph 1. Overview from the center of the staging area (Tract 107E), facing east.



Photograph 2. Overview from the center of the staging area (Tract 107E), facing west.



Photograph 3. Overview of the access road (Tract 106E) running along the Kinder Morgan pipeline corridor, facing northwest.



Photograph 4. Overview of the access road (Tract 106E) running along the Kinder Morgan pipeline corridor, facing southeast.

6.1.4 Tribal Historic Preservation Office Example Letter

1300 Pennsylvania Avenue NW
Washington, DC 20229



**U.S. Customs and
Border Protection**

The Honorable Wallace Coffey, Chairman
Comanche Nation
584 NW Bingo Road
Lawton, OK 73507

OCT 10 2014

SUBJECT: U.S. Customs and Border Protection Supplemental Environmental Assessment for the U.S. Border Patrol Falfurrias Traffic Checkpoint, Rio Grande Valley Sector, Texas

Dear: Chairman Coffey:

U.S. Customs and Border Protection (CBP) is preparing a Supplemental Environmental Assessment (SEA) that will address the potential effects, beneficial and adverse, resulting from the proposed establishment of a construction staging/laydown area adjacent to the site proposed for the construction and maintenance of a new U.S. Border Patrol (USBP) traffic checkpoint in Falfurrias, Brooks County, Texas (Figure 1). The staging/laydown area encompasses approximately 6 acres and would allow for the staging of equipment and materials required for construction of the new traffic checkpoint (Figure 2). CBP also plans to temporarily conduct grading along an existing pipeline right of way adjacent to U.S. Highway 281. The construction of the new USBP traffic checkpoint was evaluated in an Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI) in July 2014.

We are currently in the process of gathering the most current information available, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 Code of Federal Regulations (C.F.R.) Part 800. CBP respectfully requests that you provide information on any cultural resources that you believe may be affected by the proposed USBP activities in Brooks County, Texas. A cultural resources survey is being conducted for the proposed project area, and we will provide you with a copy of the cultural resources report for your comment once it is prepared, if requested.

Your prompt attention to this request would be greatly appreciated. Please direct all correspondence to:

Ms. Audra Upchurch
U.S. Customs and Border Protection
Border Patrol Facilities and Tactical Infrastructure
Program Management Office
1331 Pennsylvania Avenue, NW, Suite 1220
Washington, DC 20229

The Honorable Wallace Coffey
Page 2

If you require additional information or have any questions, please contact Ms. Upchurch at (202) 748-4435 or by email at audra.upchurch@cbp.dhs.gov. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Paul Enriquez". The signature is fluid and cursive.

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

Enclosures: Figures 1 and 2

6.1.5 Attachment included with all Coordination Letters

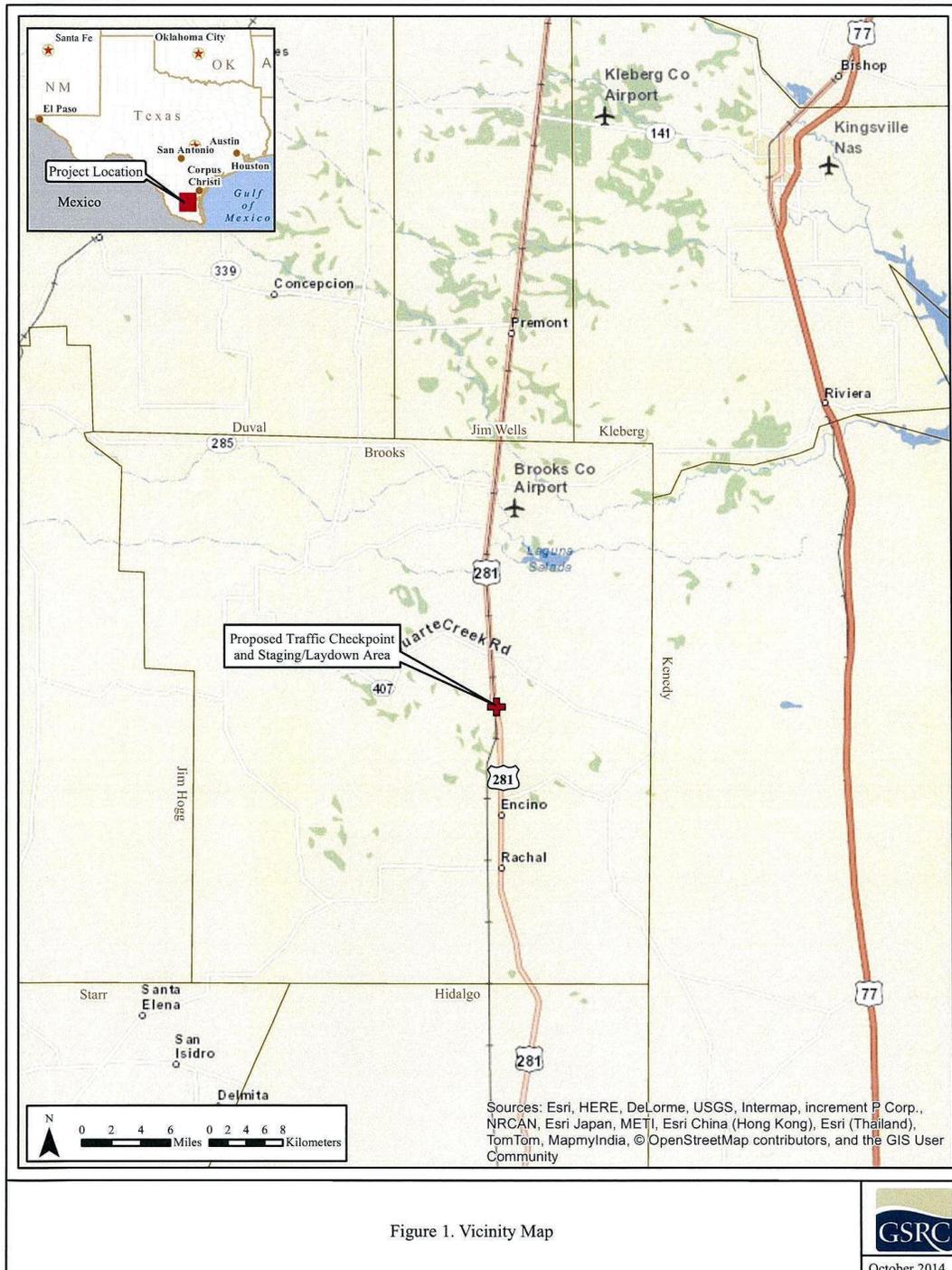


Figure 1. Vicinity Map



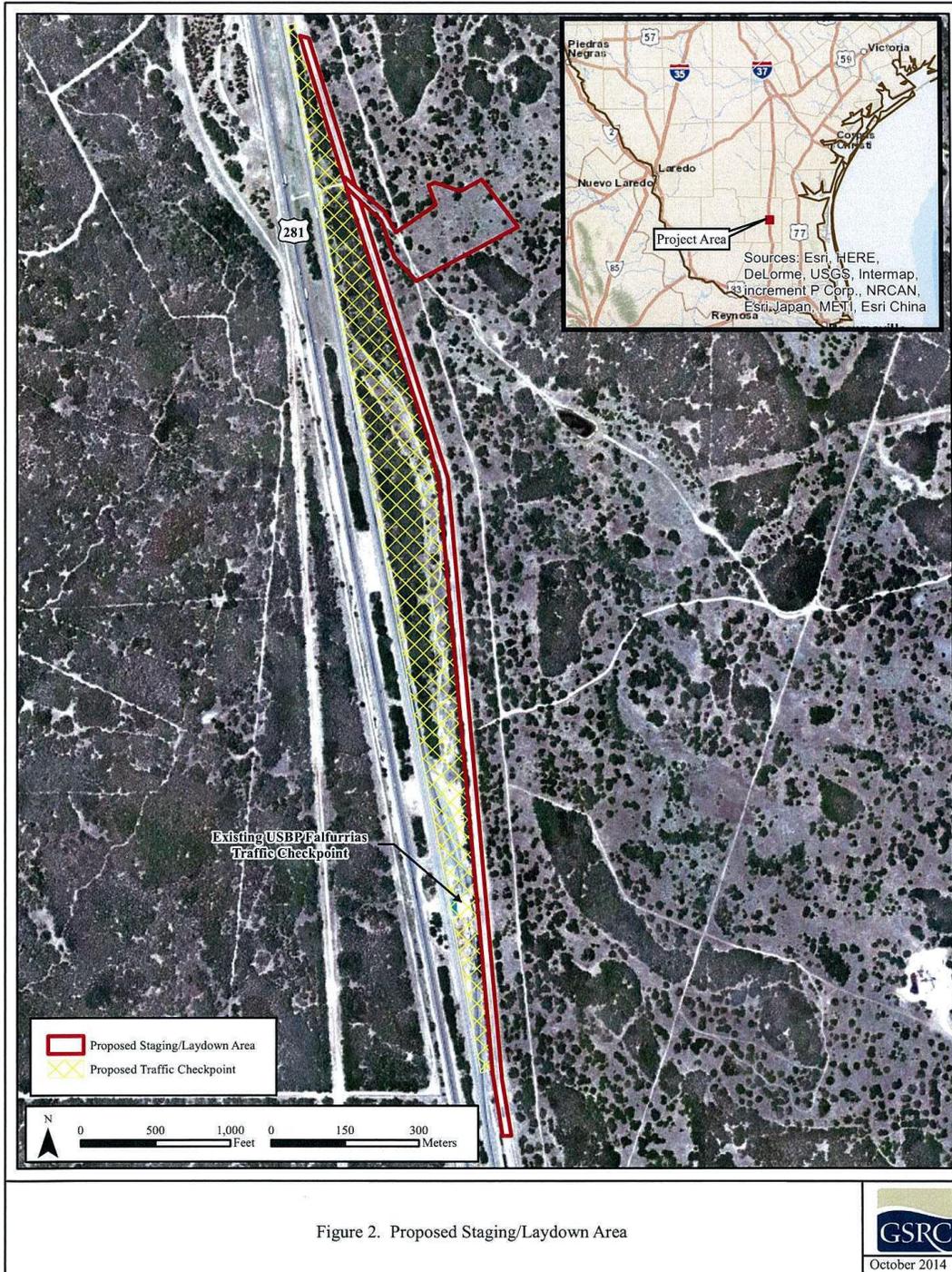


Figure 2. Proposed Staging/Laydown Area



6.2 RESPONSES

6.2.1 Texas State Historic Preservation Office Response

1300 Pennsylvania Avenue NW
 Washington, DC 20229



**U.S. Customs and
Border Protection**

NOV 06 2014

**DRAFT REPORT
ACCEPTABLE**

NOV 07 2014

Mr. Mark Wolf
 State Historic Preservation Officer
 Texas Historical Commission
 108 W. 16th Street
 Austin, TX 78701

Subject: U.S. Customs and Border Protection Supplemental Environmental Assessment for the U.S. Border Patrol Falfurrias Traffic Checkpoint, Rio Grande Valley Sector, Texas

Dear Mr. Wolf:

U.S. Customs and Border Protection (CBP) is preparing a Supplemental Environmental Assessment (SEA) that will address the potential effects, beneficial and adverse, resulting from the proposed establishment of a construction staging/laydown area adjacent to the site proposed for the construction and maintenance of a new U.S. Border Patrol (USBP) traffic checkpoint in Falfurrias, Brooks County, Texas (Figure 1). The staging/laydown area encompasses approximately 6 acres and would allow for the staging of equipment and materials required during construction of the new traffic checkpoint (Figure 2). CBP also plans to temporarily conduct grading along an existing pipeline right of way adjacent to U.S. Highway 281. The construction of the new USBP traffic checkpoint was evaluated in an Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI) in July 2014.

We are currently in the process of gathering the most current information available, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 Code of Federal Regulations (C.F.R.) Part 800. CBP respectfully requests that you provide information on any cultural resources that you believe may be affected by the proposed CBP activities in Brooks County, Texas. A cultural resources survey was conducted for the proposed project area, and the draft cultural resources report is included for your review and comment.

Your prompt attention to this request would be greatly appreciated. Please direct all correspondence to:

Ms. Audra Upchurch
 U.S. Customs and Border Protection
 Border Patrol Facilities and Tactical Infrastructure
 Program Management Office
 1331 Pennsylvania Avenue, NW, Suite 1220
 Washington, DC 20004

CONCUR

by William A. Wolfe
 for Mark Wolfe
 State Historic Preservation Officer
 Date 11/10/14
 Track# 201502617

Mr. Mark Wolfe
Page 2

If you require additional information or have any questions, please contact Ms. Upchurch at (202) 748-4435 or by email at audra.upchurch@cbp.dhs.gov. Thank you for your cooperation.

Sincerely,



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

Enclosures: Figures 1 and 2
Draft Cultural Resources Report

6.2.2 Texas Parks and Wildlife Department Response



Life's better outside.®

Commissioners

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Houston

Dick Scott
Wimberley

Lee M. Bass
Chairman-Emeritus
Fort Worth

Carter P. Smith
Executive Director

November 25, 2014

Audra Upchurch
U.S. Customs and Border Protection
Border Patrol Facilities and Tactical Infrastructure
Program Management Office
1331 Pennsylvania Avenue NW, Suite 1220
Washington, DC 20229

RE: Supplemental Environmental Assessment for Proposed Construction, Operation and Maintenance of the U.S. Border Patrol Falfurrias Traffic Checkpoint, Rio Grande Valley Sector, Brooks County, Texas.

Dear Ms. Upchurch:

This letter is in response to your request for information to assist the U.S. Customs and Border Protection (CBP) prepare a Supplemental Environmental Assessment (SEA) for the proposed project referenced above.

Texas Parks and Wildlife Department (TPWD) provided scoping comments on January 31, 2014, during the preparation of the Environmental Assessment. A Finding of No Significant Impact (FONSI) was issued in July 2014.

Project Description

The SEA would evaluate impacts associated with the establishment of a construction staging/laydown area adjacent to the site proposed for the construction and maintenance of a new U.S. Border Patrol (USBP) traffic checkpoint on a 34 acre site near Falfurrias, Brooks County, Texas.

The staging/laydown area encompasses approximately six acres and would allow for the staging of equipment and materials required for construction of the new traffic checkpoint. CBP also plans to temporarily conduct grading along an existing pipeline right-of-way (ROW) adjacent to U.S. Highway 281.

You have requested information regarding state listed species, the presence of threatened and endangered species or other sensitive resources that could potentially occur on the proposed staging/laydown area site. TPWD has reviewed the information provided and offers the following comments and recommendations.

TPWD Review Methods

As part of the review, TPWD searched the most recent version of the Texas Natural Diversity Database (TXNDD) of known records for species and rare resources within five miles of the general project area. TXNDD Element Occurrence (EOID) records found within the project location and extending five miles outside of that site provide a best estimate of the species and other rare resources that could potentially occur in

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

To manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations.

Ms. Audra Upchurch
 November 25, 2014
 Page 2 of 6

the project's study area. **A lack of site-specific records should not be interpreted as presence/absence data, but instead that little information is available to date.**

Based on the project as presented, the TPWD annotated county list of rare species for Brooks County, and presently known TXNDD records for the general project area, the following listed species could be impacted by proposed project activities *if suitable habitat* is present:

Federal and State Listed Endangered

Jaguarundi (*Herpailurus yaguarondi*)
 Ocelot (*Leopardus pardalis*)

State Listed Threatened

Sheep frog (*Hypopachus vaiolosus*)
 Texas Botteri's Sparrow (*Aimophila botterii texana*)
 White-tailed hawk (*Buteo albicaudatus*)
 Southern yellow bat (*Lasiurus ega*)
 Texas horned lizard (*Phrynosoma cornutum*)
 * Texas indigo snake (*Drymarchon melanurus erebennus*)
 Texas scarlet snake (*Cemophora coccinea lineri*)
 Texas tortoise (*Gopherus berlandieri*)

Species of Concern

* Sennett's Hooded Oriole (*Icterus cucullatus sennetti*)
 Western Burrowing Owl (*Athene cunicularia hypugaea*)
 Keeled earless lizard (*Holbrookia propinqua*)
 * Amelia's Sandverbena (*Abronia ameliae*)
 * Bailey's ballmoss (*Tillandsia baileyi*)

Special Features

* Seacoast bluestem-Gulfdune paspalum Series

Review of the TXNDD indicates that occurrences of the species or special features shown above that are preceded by an asterisk (*) have been documented in and/or possibly within five miles of the project study area. Element Occurrence Records and a map of the project area are included to assist in project planning.

Please be aware that the TXNDD is intended to assist users in avoiding harm to rare species or significant ecological features. Absence of information in an area does not imply that a species is absent from that area. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presences, absence or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive and **cannot be used as presence/absence data**. They represent species

Ms. Audra Upchurch
November 25, 2014
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that could potentially be in your project area. This information cannot be substituted for on-the-ground surveys.

Please review the most current TPWD county list for Brooks County, as other rare species could be present depending upon habitat availability. These lists are available online at http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered_species/index.html.

For the U.S. Fish and Wildlife Service (USFWS) rare species lists please visit: http://eco.fws.gov/tess_public/serviet/gov.doi.tess_public.serviets.EntryPage.

Federal Regulations

Migratory Bird Treaty Act

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

It is anticipated that vegetation clearing would be necessary to establish the six acre staging/laydown area and grade along the pipeline ROW. The proposed general project area consists of a high diversity of unique vegetation types that provide a variety of nesting habitats for different bird species. In addition to nesting sites, oak mottes, stands of native brush and grass may provide suitable cover, loafing and feeding habitat for birds.

The project area is also in the middle of the Central Migratory Flyway through which millions of birds pass during spring and fall migration. Numerous species may occur in the project area due to the range of habitats in the area that provides cover, feeding, nesting and loafing sites for many species of birds including grassland birds, Neotropical migrants, raptors and waterfowl.

Recommendation: To the greatest extent practical, TPWD recommends designing the project to avoid and/or minimize fragmenting habitat, widening existing fragments, or otherwise unnecessarily clearing mature woody vegetation. Also, TPWD recommends scheduling any necessary vegetation clearing or trampling (including grasses) to occur outside of the April 1-July 15 migratory bird nesting season in order to fully comply with the MBTA. Contractors should be made aware of the potential of encountering migratory birds (either nesting or wintering) in the proposed project site and be instructed to avoid negatively impacting them.

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If construction activities must be scheduled to occur during the nesting season, TPWD recommends that the vegetation to be impacted should be surveyed for active nests by a qualified biologist prior to clearing. If active nests are observed during surveys, TPWD recommends a 150-foot buffer of vegetation remain around the nests until the young have fledged or the nest is abandoned.

State Regulations

Parks and Wildlife Code

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

In addition to state- and federally-protected species, TPWD tracks special features, natural communities, species of concern (SOC), and species of greatest conservation need (SGCN) in the TXNDD and actively promotes their conservation. TPWD considers it important to evaluate and, if necessary, minimize impacts to rare species and their habitat to reduce the likelihood of endangerment

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

In addition to federally-listed species and the many non-listed bird species that are protected by the MBTA, the Coastal Sand Sheet, in which the proposed project is located, provides high quality wildlife habitat that is suitable for supporting a number of wildlife species including state-listed species and species of concern. Specifically, the Texas tortoise, Texas indigo snake and Texas horned lizard (state-listed threatened), and keeled earless lizard (species of concern; SOC) may occur in or near the proposed project areas.

Habitats adjacent to the location of the proposed project along US 281 in Brooks County include oak woodlands, shrublands, prairies and isolated wetlands all of

Ms. Audra Upchurch
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which represent high quality habitat that provides food, browse, and cover for many species of wildlife, including state-listed species. The availability of vegetated cover composed of leguminous or other mast producing species could support many bird species as well as state-listed reptiles adapted to arid environments (*e.g.*, Texas horned lizard) and prey species (*e.g.*, lizards, mice) for raptors common in the area.

Recommendation: TPWD recommends that if encountered, wildlife including state-listed species, should be avoided and permitted to leave the project area on their own.

Texas tortoises could be encountered in the proposed project area. TPWD recommends that if encountered, Texas tortoises should be avoided and permitted to leave the project area on their own. Attempting to relocate them by picking them up can cause them to evacuate their bladders. Evacuation of their bladder, along with the stress of being moved, could cause the tortoises to become dehydrated and die. If tortoises must be relocated, it should be relocated as far from the proposed activity as possible, but within its 5 to 10 acre home range. After tortoises are removed from the project area, the immediate project area should be fenced off to exclude tortoises and other reptiles.

If tortoises or horn lizards are observed in the immediate project area, an exclusion fence should be constructed with metal flashing or drift fence material. The exclusion fence should be buried at least six-inches deep and be 24-inches high. Additional information regarding Texas tortoise best management practices is available on the TPWD website at: http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/habitat_assessment/tools.phtml

More information regarding Texas horned lizards is available online at http://www.tpwd.state.tx.us/publications/pwdpubs/media/pwd_bk_w7000_0038.pdf

For purposes of relocation, surveys, monitoring, and research, terrestrial state-listed species may only be handled by persons permitted through the TPWD Wildlife Permits Office. For more information on Wildlife Permits please visit <http://www.tpwd.state.tx.us/business/permits/land/wildlife/research/>.

If during construction the project area is found to contain rare species, natural plant communities or special features, TPWD recommends that precautions be taken to avoid, minimize, and compensate for impacts to them.

Additional project planning tools and best management practices (BMPs) are available online at the TPWD website: http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/habitat_assessment/tools.phtml

Ms. Audra Upchurch
November 25, 2014
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Texas indigo snakes and Texas scarlet snakes are known to occur in Brooks County. Texas indigo snakes have a large home range for hunting due to their high metabolism. This range can also expand outside of their optimal habitat (i.e., riparian areas) particularly during drought as they search for prey. The Texas scarlet snake may occur in woodlands in loose, sandy soils.

Recommendation: Because snakes are generally perceived as a threat and killed when encountered during vegetation clearing or construction, TPWD recommends project plans include comments to inform contractors of the potential for the state-listed snakes to occur in the project area. Contractors should be advised to avoid impacts to snakes as long as the safety of the workers is not compromised. For the safety of workers and preservation of a natural resource, attempting to catch, relocate and/or kill snakes (both venomous and non-venomous) is also discouraged by TPWD. If encountered, snakes should be permitted to safely leave project areas on their own.

Regarding all wildlife encounters on the project site, TPWD encourages a *no kill* policy be implemented unless human safety is compromised.

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

Sincerely,



Russell Hooten
Wildlife Habitat Assessment Program
Wildlife Division

/rh 9988

Attachment

**Code Key for Printouts from
Texas Parks and Wildlife Department
Texas Natural Diversity Database (TXNDD)**

This information is for your assistance only; due to continuing data updates, vulnerability of private land to trespass and of species to disturbance or collection, **please refer all requesters to our office to obtain the most current information available.** Also, please note, identification of a species in a given area does not necessarily mean the species currently exists at the point or area indicated.

LEGAL STATUS AND CONSERVATION RANKS

FEDERAL STATUS (as determined by the US Fish and Wildlife Service)

LE	Listed Endangered
LT	Listed Threatened
PE	Proposed to be listed Endangered
PT	Proposed to be listed Threatened
PDL	Proposed to be Delisted (Note: Listing status retained while proposed)
SAE, SAT	Listed Endangered on basis of Similarity of Appearance, Listed Threatened on basis of Similarity of Appearance
DL	Delisted Endangered/Threatened
C	Candidate. USFWS has substantial information on biological vulnerability and threats to support proposing to list as threatened or endangered. Data are being gathered on habitat needs and/or critical habitat designations.
C*	C, but lacking known occurrences
C**	C, but lacking known occurrences, except in captivity/cultivation
XE	Essential Experimental Population
XN	Non-essential Experimental Population
Blank	Species is not federally listed

TX PROTECTION (as determined by the Texas Parks and Wildlife Department)

E	Listed Endangered
T	Listed Threatened
Blank	Species not state-listed

GLOBAL RANK (as determined by NatureServe)

G1	Critically imperiled globally, extremely rare, typically 5 or fewer viable occurrences
G2	Imperiled globally, very rare, typically 6 to 20 viable occurrences
G3	Very rare and local throughout range or found locally in restricted range, typically 21 to 100 viable occurrences
G4	Apparently secure globally
G5	Demonstrably secure globally
GH	Of historical occurrence through its range
GU	Possibly in peril range-wide, but status uncertain
G#G#	Ranked within a range as status uncertain
GX	Apparently extinct throughout range
Q	Rank qualifier denoting taxonomic assignment is questionable
#?	Rank qualifier denoting uncertain rank
C	In captivity or cultivation only
G#T#	"G" refers to species rank; "T" refers to variety or subspecies rank

STATE (SUBNATIONAL) RANK (as determined by the Texas Parks and Wildlife Department)

S1	Critically imperiled in state, extremely rare, vulnerable to extirpation, typically 5 or fewer viable occurrences
S2	Imperiled in state, very rare, vulnerable to extirpation, typically 6 to 20 viable occurrences
S3	Rare or uncommon in state, typically 21 to 100 viable occurrences
S4	Apparently secure in State
S5	Demonstrably secure in State
S#S#	Ranked within a range as status uncertain
SH	Of historical occurrence in state and may be rediscovered
SU	Unrankable – due to lack of information or substantially conflicting information
SX	Apparently extirpated from State
SNR	Unranked – State status not yet assessed
SNA	Not applicable – species id not a suitable target for conservation activities
?	Rank qualifier denoting uncertain rank in State

Revised 1 Apr 2008

ELEMENT OCCURRENCE RECORD

Element Occurrence Record (EOR) Spatial and tabular record of an area of land and/or water in which a species, natural community, or other significant feature of natural diversity is, or was, present and associated information; may be a single contiguous area or may be comprised of discrete patches or subpopulations

Occurrence # Unique number assigned to each occurrence of each element when added to the NDD

LOCATION INFORMATION

Watershed Code Eight digit numerical code determined by US Geological Survey (USGS)

Watershed Name of watershed as determined by USGS

Quadrangle Name of USGS topographical map

Directions Directions to geographic location where occurrence was observed, as described by observer or in source

SURVEY INFORMATION

First/Last Observation Date a particular occurrence was first/last observed; refers only to species occurrence as noted in source and does not imply the first/last date the species was present

Survey Date If conducted, date of survey

EO Type State rank qualifiers:

M Migrant – species occurring regularly on migration at staging areas, or concentration along particular corridors; status refers to the transient population in the State

B Qualifier indicating basic rank refers to the breeding population in State

N Qualifier indicating basic rank refers to the non-breeding population in State

EO Rank

A Excellent	AI Excellent, Introduced
B Good	BI Good, Introduced
C Marginal	CI Marginal, Introduced
D Poor	DI Poor, Introduced
E Extant/Present	EI Extant, Introduced
H Historical/No Field Information	HI Historical, Introduced
X Destroyed/Extirpated	XI Destroyed, Introduced
O Obscure	OI Obscure, Introduced

EO Rank Date Latest date EO rank was determined or revised

Observed Area Acres, unless indicated otherwise

COMMENTS

Description General physical description of area and habitat where occurrence is located, including associated species, soils, geology, and surrounding land use

Comments Comments concerning the quality or condition of the element occurrence at time of survey

Protection Comments Observer comments concerning legal protection of the occurrence

Management Comments Observer comments concerning management recommendations appropriate for occurrence conservation

DATA

EO Data Biological data; may include number of individuals, vigor, flowering/fruitlet data, nest success, behaviors observed, or unusual characteristic, etc.

SITE

Site Name Title given to site by surveyor

MANAGED AREA INFORMATION

Managed Area Name Place name or (on EOR printout) name of area when the EO is located within or partially within an area identified for conservation, such as State or Federal lands, nature preserves, parks, etc.

Alias Additional names the property is known by

Acres Total acreage of property, including non-contiguous tracts

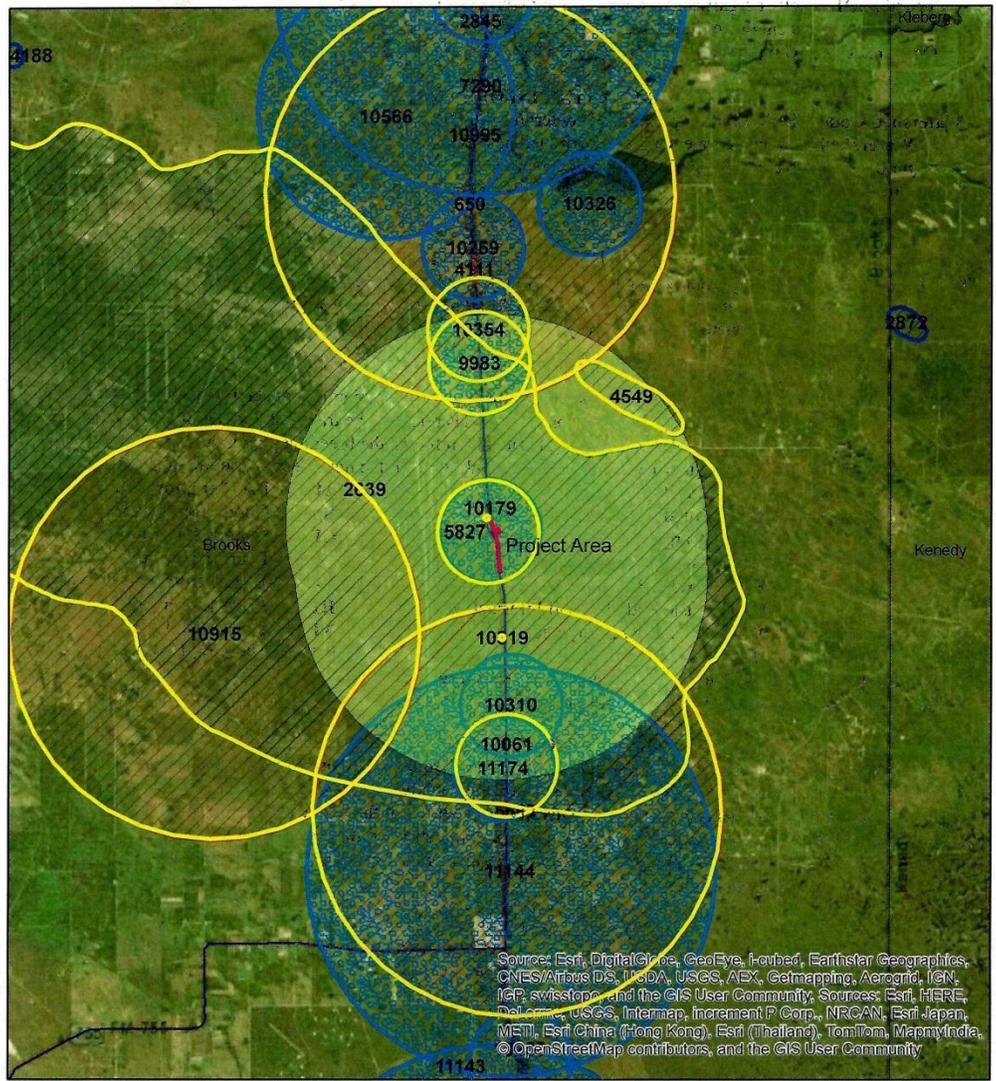
Manager Contact name, address, and telephone number for area or nearest area land steward

Please use one of the following citations to credit the source for the printout information:

Texas Natural Diversity Database. [year of printouts]. Wildlife Diversity Program of Texas Parks & Wildlife Department. [day month year of printouts].

Texas Natural Diversity Database. [year of printouts]. Element occurrence printouts for [scientific name] *records # [occurrence number(s)]. Wildlife Diversity Program of Texas Parks & Wildlife Department. [day month year of printouts]. *Use of record #'s is optional.

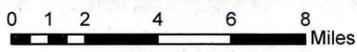
Revised 1 Apr 2008



Sources: Esri, DigitalGlobe, GeoEye, iSat, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community. Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Legend

- 5-mile buffer of Project Area
- Element Occurrence ID#**
- EO Type**
- Animal Assemblage
- Internatl. Vegetation Classification
- Invertebrate Animal
- Nonvascular Plant
- Terrestrial Community
- Vascular Plant
- Vertebrate Animal



This map was generated by TPWD-WHAP. No claims are made to the accuracy of completeness of the data or to its suitability for a particular use.



TXNDD Tracked Species in Project Area

Element Occurrence ID (EOID)	9983				
Scientific Name	Abronia ameliae				
Common Name	Amelia's Sandverbena				
Global Rarity Rank	G3	State Rarity Rank	S3	Federal Status	
First Observation Date	<null>	Survey Date		Last Observation Date	3/20/1952
EO Data	<null>				
General Description	None provided on label, presumably sparsely vegetated areas in live oak savanna on deep aeolian sand.				
Protection Comments	<null>				
Management Comments	<null>				
General Comments	Complete label citation: 9 mi S of Falfurrias, 20 Mar 1952, F. B. Jones 696 (BRIT/SMU).				

Element Occurrence ID (EOID) 10061

Scientific Name *Abronia amelliae*

Common Name Amelia's Sandverbena

Global Rarity Rank G3 State Rarity Rank S3 Federal Status State Status

First Observation Date <null> Survey Date Last Observation Date 5/11/1941

EO Data <null>

General Description Sandy open ground.

Protection Comments <null>

Management Comments <null>

General Comments Complete label citation: Sandy open ground at Encino, 11 May 1941. R. Runyon 3169 (TEX-LL).

Element Occurrence ID (EOID) 10210

Scientific Name *Abronia amelliae*

Common Name Amelia's Sandverbena

Global Rarity Rank G3 State Rarity Rank S3 Federal Status State Status

First Observation Date 3/17/1988 Survey Date Last Observation Date 2001-03

EO Data

1988: Locally frequent.

General Description

Deep light beige sandy soil, xeric roadside. Associated species [include] skullcap, phlox, globemallow, bladderpod and Eragrostis.

Protection Comments

<null>

Management Comments

<null>

General Comments

Complete label citation: 9.7 mi N of jct. FM 755 and Hwy 281 on Hwy 281, deep light beige sandy soil, xeric roadside, associated species skullcap, phlox, globemallow, bladderpod and Eragrostis, locally frequent, 17 Mar 1988, S. Jones & G. Jones 839 (TAES,

Element Occurrence ID (EOID) 10319

Scientific Name *Abronia amelliae*

Common Name Amelia's Sandverbena

Global Rarity Rank G3 State Rarity Rank S3 Federal Status State Status

First Observation Date 2/14/1960 Survey Date Last Observation Date 2001+03

EO Data

1960: Common.

General Description Deep sandy soil.

Protection Comments

Management Comments

General Comments

Complete label citation: 15 mi S of Falfurrias, common annual in deep sandy soil, 14 Feb 1960. B. L. Turner 4627 (TEX-LL).

Element Occurrence ID (EOID) 10354

Scientific Name *Abrotona amelliae*

Common Name Amelia's Sandverbena

Global Rarity Rank G3 State Rarity Rank S3 Federal Status State Status

First Observation Date <null> Survey Date Last Observation Date 4/16/1954

EO Data

<null>

General Description

Loose sand prairie.

Protection Comments

<null>

Management Comments

<null>

General Comments

Complete label citation: Loose sand prairie 10 mi N of Encino, near United Carbon Black Plant, 16 Apr. 1954, M. C. Johnston 54492 (TEX-LL).

Element Occurrence ID (EOID) 650
Scientific Name *Drymarchon melanurus erebennus*
Common Name Texas Indigo Snake
Global Rarity Rank G5 State Rarity Rank S3 Federal Status I State Status I
First Observation Date <null> Survey Date <null> Last Observation Date 8/13/1967
EO Data <null>
General Description <null>
Protection Comments <null>
Management Comments <null>
General Comments <null>

Element Occurrence ID (EOID) 5667
Scientific Name Drymarchon melanurus eribennus
Common Name Texas Indigo Snake
Global Rarity Rank G5 State Rarity Rank S3 Federal Status T State Status T
First Observation Date 8/16/1983 Survey Date <null> Last Observation Date 8/16/1990
EO Data
<null>
General Description
<null>
Protection Comments
<null>
Management Comments
<null>
General Comments
<null>

Element Occurrence ID (EOID) 10915

Scientific Name *Icterus cucullatus sennetti*

Common Name Sennett's Hooded Oriole

Global Rarity Rank G5TU State Rarity Rank S3B Federal Status State Status

First Observation Date 1987-SU Survey Date 1987-SU Last Observation Date 1987-SU

EO Data

1987: 5+ detected, successful nesting in county, breeding verified.

General Description

<null>

Protection Comments

<null>

Management Comments

<null>

General Comments

Reported by Andy O'Neil in Rappole and Klicka, 1991.

Element Occurrence ID (EOID) 2639

Scientific Name Schizachyrium scoparium var. littoralis-paspalum monostachyum series

Common Name Seacoast Bluestem-gulfdune Paspalum Series

Global Rarity Rank G3? State Rarity Rank S3 Federal Status State Status

First Observation Date 1986 Survey Date 1986-05 Last Observation Date 1986-05

EO Data <null>

General Description DIVERSE AREA WITH DENSE LIVE OAK MOTTES ALONG WITH SEACOAST BLUESTEM-TANGLEHEAD-CRINKLEAWN GRASSLAND AND SOME WETLAND INCLUSIONS

Protection Comments <null>

Management Comments <null>

General Comments DESPITE GRAZING AND ROOT-PLOWING OF SOME PARTS, THIS IS A VALUABLE NATURAL AREA

Element Occurrence ID (EOID) 4549

Scientific Name *Schizachyrium scoparium* var. *littoralis-paspalum monostachyum* series

Common Name Seacoast Bluestem-gulfdune Paspalum Series

Global Rarity Rank G3? State Rarity Rank S3 Federal Status State Status

First Observation Date 1987 Survey Date 5/30/1987 Last Observation Date 1987-05

EO Data

4 STANDS WERE SAMPLED WITH 20, 25X50 CM PLOTS FOR SPECIES FREQUENCY AND FOLIAGE COVER.

General Description

EXCELLENT QUALITY, AESTHETIC DUNE AND SWALE VEGETATION COVERS PART OF THIS RANCH; SEACOAST BLUESTEM ON RIDGES, GULFDUNE PASPALLUM IN SWALES, SPARTINA SPARTINAE IN DRAINAGES

Protection Comments

<null>

Management Comments

PROTECT FROM OVERGRAZING

General Comments

<null>

Element Occurrence ID (EOID) 5827
Scientific Name Tillandsia baileyi
Common Name Bailey's ballmoss
Global Rarity Rank G2G3 State Rarity Rank S2 Federal Status State Status
First Observation Date <null> Survey Date Last Observation Date 6/7/1995
EO Data
<null>
General Description
<null>
Protection Comments
<null>
Management Comments
<null>
General Comments
<null>

SECTION 7.0
DISTRIBUTION LIST

7.0 DISTRIBUTION LIST

The Draft SEA and Finding of No Significant Impact (FONSI) were distributed for a 30-day public review period. The Draft SEA and FONSI were distributed to Federal, state, and local agencies for comments as indicated in Table 7-1 and made available for review at the Ed Rachal Memorial Library and the City of Corpus Christi Central Library. An example distribution letter is provided in Section 7.1. CBP received one response from the USFWS during the comment period. This response is proved in Section 7.2. The Notice of Availability was published in the *Falfurrias Facts* and the *Corpus Christi Caller-Times* newspapers. A copy of the Notice of Availability text is included in Section 7.3.

Table 7-1. Distribution List

Adam Zerrenner U.S. Fish and Wildlife Service Austin Ecological Services Field Office Compass Bank Building 10711 Burnet Rd. Ste 200 Austin, TX 78758	Mescalero Apache Reservation ATTN: President Danny H. Breuninger P.O. Box 227 Mescalero, NM 88340 (575) 464-4494 ext 233
Rhonda Smith, Chief EPA, Region VI Office of Planning and Coordination Mail Code 6EN-XP 1445 Ross Avenue Dallas, TX 75202-2733 (214) 665-2760	Pawnee Nation of Oklahoma ATTN: President Marshall Gover 881 Little Dee Drive Pawnee, OK 74058 (918) 762-3621
Michael O'Hara, Action Regional Administrator Federal Aviation Administration 2601 Meacham Blvd Fort Worth, TX 76137	Fort Sill Apache Tribe of Oklahoma ATTN: Chairman Jeff Houser 43187 US Hwy 281 Apache, OK 73006 (580) 588-2298
Kathy Boydston Texas Parks and Wildlife Department 4200 Smith School Road Austin, TX 78744 (512) 389-4828	Ed Rachal Memorial Library Calixto Mora Avenue Falfurrias, Texas 78355
Mayor Lamar D. Martinez, Sr. City of Falfurrias 205 East Allen Street Falfurrias, TX 78355 (361) 325-2420	Mr. Mark Wolfe State Historic Preservation Officer Texas Historical Commission 108 W. 16 th Street Austin, TX 78701
	City of Corpus Christi Central Library 805 Comanche Street Corpus Christi, TX 78401

Ms. Norma Y. Garza, P.E.
Texas Department of Transportation
Advance Planning and Project Management
Supervisor
District Engineer – Pharr District
600 W US Expressway 83
Pharr, Texas 78577-1231

Mr. Jaime A. Garza
Texas Commission on Environmental
Quality
Regional Director
Region 15
1804 W. Jefferson Ave.
Harlingen, TX 78550-5247

Raul M. Ramirez
County Judge, Brooks County
P.O. Box 515
Falfurrias, TX 78355
(361) 325-5604

Comanche Nation
ATTN: Chairman Wallace Coffey
584 NW Bingo Road
Lawton, OK 73507
(580) 492 3240

Kiowa Tribe of Oklahoma
ATTN: Chairman Amber Toppah
100 Kiowa Way
Carnegie, OK 73015
(580) 654-2300

Tonkawa Tribe of Oklahoma
ATTN: President Donald Patterson
1 Rush Buffalo Road
Tonkawa, OK. 74653
(580) 628 – 2561

White Mountain Apache Tribe
ATTN: Chairman Ronnie Lupe
201 E Walnut St
Whiteriver AZ, 85941
(928) 338-2500

7.1 EXAMPLE DISTRIBUTION LETTER

1300 Pennsylvania Avenue NW
Washington, DC 20229



**U.S. Customs and
Border Protection**

JAN 14 2015

The Honorable Wallace Coffey
Chairman
Comanche Nation
584 NW Bingo Road
Lawton, OK 73507

Subject: U.S. Customs and Border Protection Supplemental Environmental Assessment for the U.S. Border Patrol Falfurrias Traffic Checkpoint Staging/Laydown Area, Brooks County, Rio Grande Valley Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Chairman Coffey:

U.S. Customs and Border Protection (CBP) is pleased to forward the draft Supplemental Environmental Assessment (SEA) and proposed Finding of No Significant Impact (FONSI) for the establishment of a 6-acre construction staging/laydown area and grading of approximately 8 acres along an existing gas pipeline right-of-way (ROW) adjacent to the proposed Traffic Checkpoint (TCP) for the U.S. Border Patrol (USBP) Falfurrias Station within Rio Grande Valley Sector, Texas. The purpose of the Proposed Action is to provide adequate space for the staging of equipment and materials required for construction of the new TCP and safe access to the construction corridor via the existing pipeline ROW.

CBP invites your participation in this public process and requests your review of the enclosed draft SEA. The 30-day public comment period begins on January 21, 2015, and comments must be received by February 19, 2015, to be considered for incorporation into the final SEA. When submitting your comments, please include your name and address and identify comments as intended for the USBP Falfurrias Traffic Checkpoint Staging/Laydown Area Draft SEA. Please submit your comments on the draft SEA and draft FONSI by email to Falfurrias.Checkpoint.EA@cbp.dhs.gov or by mail to:

Ms. Audra Upchurch
U.S. Customs and Border Protection
Border Patrol Facilities and Tactical Infrastructure
Program Management Office
1331 Pennsylvania Avenue NW, Suite 1220
Washington, DC 20229

The Honorable Wallace Coffey
Page 2

If you have any questions or concerns please feel free to contact Ms. Upchurch by phone at (202) 748-4435, or via email at audra.upchurch@cbp.dhs.gov. Thank you for your cooperation and assistance.

Sincerely,



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

Enclosure

7.2 RESPONSE

United States Department of the Interior
FISH AND WILDLIFE SERVICE
 Texas Coastal Ecological Services Field Office
 3325 Green Jay Rd
 Alamo, TX 78516

February 3, 2015

Ms. Audra Upchurch
 U.S. Custom and Border Protection
 Border Patrol Facilities and Tactical Infrastructure
 Program Management Office
 1331 Pennsylvania Avenue NW, Suite 1220
 Washington, D.C. 20229

Consultation No. 02ETCC00-2015-I-0157

Dear Ms. Upchurch:

Thank you for your letter received January 14, 2015, regarding the effects of the proposed staging area and grading along an existing right-of-way (ROW) on federally listed species in Brooks County, Texas. U.S. Customs and Border Protection has a Draft Supplemental Environmental Assessment and proposed Finding of No Significant Impact for the establishment of a 6-acre construction staging/lay down area and grading of approximately 8 acres along an existing gas pipeline ROW adjacent to the proposed Traffic Checkpoint for the U.S. Border Patrol (USBP) Falfurrias Station within Rio Grande Valley Sector, Texas. In addition, your project was evaluated with respect to wetlands and other important fish and wildlife resources.

Alternative 1 is the Proposed Action. Under the Proposed Action, CBP would establish the staging/laydown area and grade the existing gas pipeline ROW. The approximately 6-acre proposed staging area would be cleared of vegetation with the exception of the live oak trees, which would be avoided. Approximately 8 acres within the previously disturbed gas pipeline ROW would be cleared of vegetation during temporary grading activities. Land use for approximately 14 acres would temporarily change from ranching grassland to these temporarily developed areas. Both areas would be allowed to revegetate after construction activities are completed.

We have the following recommendations to further avoid and minimize effects on endangered ocelots or jaguarundis. The project should avoid vegetation clearing beyond the design parameters needed for construction and maintenance. Also, the perimeter of all construction or maintenance areas needs to be clearly marked with flagging or temporary construction fence, with no disturbance outside that perimeter. We recommend that tree and brush removal should be minimized and permanent losses restored with native vegetation. Construction and maintenance activities should occur during daylight hours to avoid noise and lighting issues to ocelots and jaguarundis that are usually active at night or dawn and dusk. We recommend that site noise levels be minimized with generators placed in baffle boxes (a sound-resistant box), have a muffler, or use other noise-abatement methods in accordance with industry standards. Please downshield lighting to illuminate facility or parking areas and do not shine on surrounding vegetated areas where the ocelot and jaguarundi may be active.

Regarding other important fish and wildlife resources, please keep in mind that many bird species protected under the Migratory Bird Treaty Act nest in these areas. As the Federal agency responsible for the protection of migratory birds, the Service recommends that vegetation disturbance associated with this project avoid the general nesting period of March through August and have a biologist trained with

bird identification survey the areas to be disturbed for nesting birds, in order to avoid the inadvertent destruction of nests, eggs, or young and violation of the Migratory Bird Treaty Act.

We appreciate the opportunity to provide pre-planning information and look forward to providing any further assistance. If we can be of further assistance, please contact Ernesto Reyes at (956) 784-7560.

Sincerely,



David Hoth
Acting Field Supervisor

cc:
Field Supervisor, U.S. Fish and Wildlife Service, Corpus Christi, TX

7.3 NOTICE OF AVAILABILITY

NOTICE OF AVAILABILITY

**DRAFT SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT
U.S. BORDER PATROL FALFURRIAS TRAFFIC CHECKPOINT
STAGING/LAYDOWN AREA, BROOKS COUNTY,
RIO GRANDE VALLEY SECTOR, TEXAS
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY**

The public is hereby notified of the availability of the draft Supplemental Environmental Assessment (SEA) and Finding of No Significant Impact (FONSI) prepared by U.S. Customs and Border Protection (CBP) for the proposed establishment of a 6-acre construction staging/laydown area adjacent to the proposed Traffic Checkpoint (TCP) for the U.S. Border Patrol (USBP) Falfurrias Station within Rio Grande Valley Sector, Texas. CBP also plans to temporarily conduct grading of approximately 8 acres within an existing gas pipeline right-of-way (ROW) adjacent to the proposed TCP. Construction of the proposed TCP was previously assessed in the June 2014 Environmental Assessment (EA) titled *Final Environmental Assessment for the Proposed Construction, Operation, and Maintenance of the U.S. Border Patrol Falfurrias Station Traffic Checkpoint*.

The draft SEA and FONSI are available for review at the Ed Rachal Memorial Library, located at 203 South Calixto Mora Avenue in Falfurrias, Texas, and the Corpus Christi Central Library at 805 Comanche Street in Corpus Christi, Texas, on January 21, 2015. It is also available for review and downloading at the following URL address: <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review>. Comments concerning the draft SEA and FONSI will be accepted for a period of 30 days (January 21 through February 19, 2015) and should be sent to Ms. Audra Upchurch, U.S. Customs and Border Protection, Border Patrol Facilities and Tactical Infrastructure, 1331 Pennsylvania Avenue NW, Suite 1220, Washington, DC 20229 or by email to Falfurrias.Checkpoint.EA@cbp.dhs.gov.

SECTION 8.0
ACRONYMS AND ABBREVIATIONS

8.0 ACRONYMS AND ABBREVIATIONS

AOR	Area of Responsibility
BMP	Best Management Practice
CBP	U.S. Customs and Border Protection
CEQ	Council on Environmental Quality
C.F.R.	Code of Federal Regulations
DHS	Department of Homeland Security
EA	Environmental Assessment
EO	Executive Order
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
GSRC	Gulf South Research Corporation
NEPA	National Environmental Policy Act
ROI	Region of influence
ROW	Right-of-Way
SEA	Supplemental Environmental Assessment
SHPO	State Historic Preservation Officer
TCEQ	Texas Commission on Environmental Quality
TCP	Traffic Checkpoint
TPWD	Texas Parks and Wildlife Department
TxDOT	Texas Department of Transportation
USACE	U.S. Army Corps of Engineers
USBP	U.S. Border Patrol
U.S.C.	U.S. Code
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
US 281	U.S. Highway 281

APPENDIX A
LAWS AND REGULATIONS

Relevant Policy Documents, Invoking Action, Regulatory Requirements, and Status of Compliance *

Policy Document	Administrative Authority	Invoking Action	Requirements for Compliance	Status of Compliance
Archaeological Resources Protection Act of 1979 16 U.S.C. § 470 et seq.	National Park Service (NPS)	Excavation, removal, damage, or other alteration or defacing; or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource 43 CFR 7.4	Because activities are exclusively for purposes other than the excavation and/or removal of archaeological resources, even though those activities might incidentally result in the disturbance of archaeological resources, no permit shall be required.	Cultural resources surveys conducted and Section 106 consultation ongoing
Native American Graves & Repatriation Act as amended	Department of the Interior	Excavation, removal, damage, or other alteration of Native American human remains	Coordination directly with tribes claiming cultural affinity to project areas	Will be invoked if remains are discovered
Native American Religious Freedom Act	NPS	Federal actions that affect current or historically used cultural properties	Coordination directly with tribes claiming cultural affinity to project areas.	Full compliance
Clean Air Act (CAA) of 1963 16 U.S.C. § 470 et seq.	U.S. Environmental Protection Agency (USEPA)	Any action where the total of direct and indirect emissions in a non-attainment area would equal or exceed the provided rates 40 CFR 51	Project emission levels were determined to be less than <i>de minimis</i> thresholds; therefore, a conformity analysis with applicable implementation plan is not required.	Air emissions from the Proposed Aciton would not exceed <i>de minimis</i> thresholds.
Comprehensive, Environmental Response, Compensation, Liability Act of 1980 42 U.S.C. § 9601 et seq.	USEPA	Release or threatened release of a hazardous substance 40 CFR 302	Development of emergency response plans, notification, and cleanup	Phase I Environmental Site Assessment Transaction Screen completed, no risks found
Energy Independence and Security Act of 2007 PL 110-140	U.S. Department of Energy (DOE)	Federal projects with a footprint exceeding 5,000 square feet to use site planning, design, construction, and maintenance strategies to control stormwater runoff	Design and construct stormwater retention basin as required	Full compliance
Endangered Species Act (ESA) of 1973 16 U.S.C. § 1531 et seq.	USFWS	All actions that could impact protected species 50 CFR 402.03	Determination of effect on listed species and critical habitat through consultation with the USFWS	No effects on any listed species, none present

Policy Document	Administrative Authority	Invoking Action	Requirements for Compliance	Status of Compliance
Farmland Protection Policy Act of 1981 7 U.S.C. § 9601 et seq.	Natural Resources Conservation Service (NRCS)	Any action that could impact prime farmlands 7 CFR 658	Consultation with NRCS and submittal of NRCS Form AD 1001	No prime farmland soils are present.
Federal Water Pollution Control Act of 1977 (also known as Clean Water Act or CWA) 33 U.S.C. § 1251 et seq.	USEPA	Storage, use, or consumption of oil and oil products, which could discharge oil in quantities that could affect water quality standards, into or upon navigable waters of the U.S. 40 CFR 112	Preparation of a Spill Prevention, Control, and Countermeasures Plan (SPCCP)	To be completed by CBP or contractor during design and construction, and a second plan prepared for operation and maintenance of the TCP
CWA (Sections 404/401)	USEPA	Discharge of pollutants 40 CFR 122	Obtain a general National Pollutant Discharge Elimination System (NPDES) permit	Permit already in place for the TCP
Migratory Bird Treaty Act of 1918 16 U.S.C. § 703	USFWS	Any action resulting in the take of any migratory bird, or the parts, nests, or eggs of such bird 50 CFR 21.11	Avoidance of take or application for relocation permit	Surveys will be conducted prior to construction activities if they occur during the migratory bird nesting season
National Historic Preservation Act of 1966 (NHPA) 16 U.S.C. § 470 et seq.	Advisory Council on Historic Preservation, State Historic Preservation Officer (SHPO)	Any action that could impact cultural resources 36 CFR 800.3	Assessment of effects through consultation with the Advisory Council on Historic Preservation and SHPO	Section 106 consultation ongoing
Occupational Health and Safety Act of 1970 29 U.S.C. § 651 et seq.	Occupational Safety and Health Administration (OSHA), Department of Labor	Job duties performed as a result of an action 29 CFR 1910.5 (a)	Adherence to occupational health and safety standards	To be completed by CBP during design and operation of the TCP
Resource Conservation Recovery Act of 1976 42 U.S.C. § 6901 et seq.	USEPA	Collection of residential, commercial, and institutional solid wastes and street wastes 40 CFR 243	Adherence to guidelines for waste storage and safety and collection equipment, frequency, and management	To be completed by CBP during design and operation of the TCP

Policy Document	Administrative Authority	Invoking Action	Requirements for Compliance	Status of Compliance
Resource Conservation Recovery Act of 1976 42 U.S.C. § 6901 et seq.	USEPA	Procurement of more than \$10,000 annually of products containing recovered materials 40 CFR 247	Procure designated items composed of the highest percentage of recovered materials practicable	To be completed by CBP during design and operation of the TCP
Resource Conservation Recovery Act of 1976 42 U.S.C. § 6901 et seq.	USEPA	Recovery of resources from solid waste through source separation 40 CFR 246	Recovery of high-grade paper, residential materials, and corrugated containers	To be completed by CBP during design and operation of the TCP
Resource Conservation Recovery Act of 1976 42 U.S.C. § 6901 et seq.	USEPA	Treatment, storage, or disposal of hazardous waste on-site 40 CFR 262.10(c)	Determination of hazardous or non-hazardous nature of solid waste, obtain a USEPA identification number if necessary, properly accumulate hazardous waste, and maintain a record	To be completed by CBP during design and operation of the TCP
Executive Order (EO) 11988: Floodplain Management 42 Federal Register (FR) 26,951 (May 24, 1997)	Water Resources Council, Federal Emergency Management Agency, CEQ	Any action that impacts floodplains	Prepare a finding of no practicable alternative for actions within a floodplain	The Proposed Action Site is not located in the 100-year floodplain
EO 11990: Protection of Wetlands 42 FR 26,691 (May 24, 1977)	U.S. Army Corps of Engineers (USACE), USFWS	Any action that impacts wetlands	Take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands	No wetlands are present on the Proposed Action Site
EO 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations 59 FR 7629 (February 11, 1994)	USEPA	All programs or activities receiving Federal financial assistance that affect human health or the environment	Analyze the environmental effects, including human health, economic and social effects, of CBP actions, including effects on minority communities and low-income communities	No adverse effects on minority or low-income communities would occur

Policy Document	Administrative Authority	Invoking Action	Requirements for Compliance	Status of Compliance
EO 13045: Protection of Children From Environmental Health Risks and Safety Risks 62 FR 19883 (April 23, 1997)	USEPA	Any action that affects the welfare of children	Identify and assess environmental health risks and safety risks that may disproportionately affect children	No adverse effects on children would occur
EO 13423: Strengthening Federal Environmental, Energy, and Transportation Management 63 FR 49648	Heads of Federal Agencies; CEQ	Any action involving environmental, transportation, and energy-related activities	Improve energy efficiency and reduce greenhouse gas (GHG) emissions, use renewable energy sources, reduce water consumption, use of sustainable environmental practices; reduce the quantity of toxic and hazardous chemicals and materials acquired, used, or disposed of, and reduce petroleum products use	To be completed by CBP during design and operation of the TCP
EO 13514: Federal Leadership in Environmental, Energy, and Economic Performance 74 FR 52117 (October 8, 2009)	USEPA, DOE	Construction, operation, and maintenance of a Federal facility; helicopter operations and worker commutes	Increase energy efficiency; measure, report, and reduce GHG emissions from direct and indirect activities; conserve and protect water resources through efficiency, reuse, and stormwater management; eliminate waste, recycle, and prevent pollution; design, construct, maintain, and operate high-performance sustainable buildings in sustainable locations.	To be completed by CBP during design and operation of the TCP
EO 13175 (Consultation and Coordination with Indian Tribal Governments)	Bureau of Indian Affairs	Federal actions that affect current or historically used cultural properties.	Coordinate directly with Tribes claiming cultural affinity to project areas	Coordination is ongoing

*Not All-Inclusive

APPENDIX B
SPECIES OBSERVED DURING OCTOBER 1, 2014, BIOLOGICAL SURVEY

**Species Observed During the Falfurrias TCP Construction Staging/Laydown Area
Biological Survey**

Vegetation

Alamo vine	<i>Merremia dissecta</i>
Ball moss	<i>Tillandsia recurvata</i>
Bermuda grass	<i>Cynodon dactylon</i>
Brasil	<i>Condalia hookeri</i>
Buffel grass	<i>Pennisetum ciliare</i>
Christmas cholla	<i>Opuntia leptocaulis</i>
Cory's croton*	<i>Croton coryi</i>
Cowpen daisy	<i>Verbesina encelioides</i>
Finger grass	<i>Chloris spp.</i>
Fringed twinevine	<i>Sarcostemma cynanchoides</i>
Hairy wedelia	<i>Wedelia texana</i>
Hoary milkpea	<i>Galactia canescens</i>
Honey mesquite	<i>Prosopis glandulosa</i>
Indian blanket	<i>Gaillardia pulchella</i>
Lime prickly ash	<i>Zanthoxylum fagarum</i>
Lindheimer's hoary pea	<i>Tephrosia lindheimeri</i>
Little bluestem	<i>Schizachyrium scoparium</i>
Mala mujer	<i>Cnidioscolus texanus</i>
Mexican paloverde	<i>Parkinsonia aculeata</i>
Milkpea	<i>Galactia sp.</i>
Natal grass	<i>Melinis repens</i>
One-flower flat sedge	<i>Cyperus retroflexus</i>
Partridge pea	<i>Chamaecrista fasciculata</i>
Purple threeawn	<i>Aristida purpurea</i>
Sandbur	<i>Cenchrus spinifex</i>
Sharp-pod morning glory	<i>Ipomoea cordatotriloba</i>
Silver-leaf sunflower	<i>Helianthus argophyllus</i>
Slender dayflower	<i>Commelina erecta</i>
Slender panic grass	<i>Panicum capillarioides</i>
Texas lantana	<i>Lantana urticoides</i>
Texas live oak	<i>Quercus fusiformis</i>
Texas sunflower	<i>Helianthus praecox</i>
White-thorn acacia	<i>Acacia constricta</i>

Mammals

Bobcat	<i>Lynx rufus</i>
White-tailed deer	<i>Odocoileus virginianus</i>

Birds

Crested caracara	<i>Caracara cheriway</i>
Eurasian collared-dove	<i>Streptopelia decaocto</i>
Mourning dove	<i>Zenaida macroura</i>
Turkey vulture	<i>Cathartes aura</i>

Reptiles

Keeled earless lizard*	<i>Holbrookia porpinqua</i>
Six-lined race runner	<i>Aspidoscelis sexlineatus</i>

Lepidopterans

Cloudless sulphur	<i>Phoebis sennae</i>
Common mestra	<i>Mestra amymone</i>
Goatweed leafwing	<i>Anaea andria</i>
Long-tailed skipper	<i>Urbanus proteus</i>
Queen	<i>Danaus gilippus</i>