

DRAFT
FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED CONSTRUCTION,
REPAIR, AND MAINTENANCE OF THE LAREDO SOUTH ALL-WEATHER ROAD,
U.S. BORDER PATROL, LAREDO SECTOR, LAREDO, TEXAS

Introduction

Pursuant to the National Environmental Policy Act (NEPA), U.S. Customs and Border Protection (CBP), a component of the Department of Homeland Security (DHS), has prepared an Environmental Assessment (EA), which is attached hereto and incorporated herein by reference, to document its consideration of the potential environmental impacts of a proposal for the proposed repair, minor additional construction and ongoing maintenance of approximately 1 mile of road. The Laredo South All-Weather Road lies within the U.S. Border Patrol (USBP) Laredo South Station's Area of Responsibility, located within the Laredo Sector (LRT), in Laredo, TX. This project would be performed using a combination of commercial contracting and military training construction conducted under the auspices of the Joint Task Force–North (JTF-N) Program.

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

Proposed Action

The Laredo South All-Weather Road is an existing USBP road located in Laredo, Texas. The road is approximately 2 miles long and is located adjacent to the Rio Grande River. The existing road is approximately 5,500 feet in length. It is deteriorating and is in need of repair and maintenance. In some instances, the existing road along the riverside has totally eroded, thus it is proposed that certain new segments of road approximately 4,500 feet in length be installed. All of the road segments would be 20 feet wide with 2 feet on each side to create usable shoulders. No segments of existing road are proposed for closure, reclamation or abandonment as a result of the new road segments and Maintenance and Repair of existing Segments. The project would also repair multiple sections of the roadway with poor drainage conditions by incorporating a combination of culverts, low water crossings, and drainage ditches into the road design. A total of 4 culverts and/or low water crossings are proposed.

Purpose and Need

The mission of CBP is to secure the borders of the United States and to prevent terrorists and terrorist weapons from entering the United States. As an important component of CBP, USBP's mission is to detect and prevent terrorists and terrorist weapons from entering the country between official Ports of Entry. USBP will continue to advance its legacy mission to detect, interdict, and apprehend those who attempt to illegally enter or smuggle any person or contraband across identify, classify, respond, and resolve emerging threats along the sovereign

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borders of the United States. The primary sources of authority granted to USBP agents are the Immigration and Nationality Act of 1952 (Public Law 82-414) contained in Title 8 of the United States Code (USC) “Aliens and Nationality” and other statutes relating to the immigration and naturalization of aliens. The USBP implemented the 2012–2016 Border Patrol National Strategy, which now puts these capabilities to the most effective use to meet all threats. The new strategy is a risk-based approach to border security which uses information, integration, and rapid response to achieve two overall goals: secure America’s Borders and strengthen the Border Patrol.

The Border Patrol Facilities and Tactical Infrastructure Program Management Office is charged with ensuring that all USBP facilities and tactical infrastructure (including fencing, patrol roads, and lighting) are properly constructed, maintained, and repaired to support USBP operations and agent and personnel safety. The purpose of the Proposed Action is to facilitate the primary goals and objectives of USBP’s strategy: to enhance enforcement activities while providing safe working conditions for USBP agents. Current increasing trends in illegal border activity require increased access and shortened response times to enhance the operational capabilities of USBP and to protect personnel. The need for the Proposed Action is to provide the following:

- ◆ More efficient and effective means of assessing cross-border activities.
- ◆ Rapid detection and accurate characterization of potential threats.
- ◆ Coordinated deployment of resources in the apprehension of illegal aliens.
- ◆ Increased surveillance and interdiction efficiency.
- ◆ Enhanced deterrence of illegal cross-border activity.
- ◆ Long-term viability of critical infrastructure.
- ◆ Enhanced safety and security of USBP agents and border communities.

Alternatives

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

Alternative 1: No Action Alternative. Under the No Action Alternative, CBP would continue to maintain and repair the existing road segments through CBP’s Comprehensive Tactical Infrastructure Maintenance and Repair Program evaluated in the Environmental Assessment Addressing Proposed Tactical Infrastructure Maintenance and Repair Along the U.S./Mexico International Border in Texas or the Categorical Exclusions available to the Department of Homeland Security. However no drainage improvements, alternative accesses, minor road construction, or major road improvements would be conducted. Existing roads that could continue being repaired under the No Action Alternative are approximately 4,500 feet in length. The No Action Alternative would serve as a baseline against which the impacts of the Proposed Action can be evaluated. The No Action Alternative does not satisfy the purpose and need for the project.

Alternative 2: Proposed Action. The Proposed Action Alternative, CBP’s Preferred Alternative, includes the construction of new road segments and the continued maintenance and repair of

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existing and new road segments. In addition CBP would add drainage improvements to allow for better all-weather use of road and prevent accelerated road deterioration due to water damage from heavy rain or flooding.

This alternative includes upgrading the road to CBP standard Road Specifications. The Proposed Action includes entrances to the Laredo South All-Weather Road from the southern terminus of Marcella Avenue, south of Guatamozin Street, and from Market Street via the existing access road to the City Wastewater Treatment Plant (a/k/a Springfield Avenue) to its intersection with Jameson Street on the eastern end. In addition, temporary construction access is planned across the adjacent railroad yard via Market Street and other existing public streets. This alternative would include installing culverts as a bridge across an unnamed arroyo that empties into Zacata Creek and three other culverts and/or low water crossings. The alternative would involve clearing and grubbing as required to expand the width of the existing roadway to a full 20 feet plus 2 feet on each side to create usable shoulders. Clearing and grubbing would be completed with side boom mowers, rotary tillers, and/or bladed excavation equipment (e.g., bulldozer, bucket loader). Culverts, low water crossings, and drainage structures would then be installed in accordance with approved highway engineering practices. The roadway would then be surfaced by hauling, placing, and compacting soil and gravel bases to the required bearing capacity needed to support expected traffic loads.

Public Involvement

CBP consulted and coordinated with Federal, state, and local agencies during the preparation of the EA. Copies of this correspondence are provided in Chapter 6 of the EA and include formal and informal coordination conducted with the following agencies:

Federal Agencies:

- U.S. Fish and Wildlife Service

State Agencies:

- Texas Historical Commission

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Native American Tribes:

- Alabama-Quassarte Tribal Town
- Apache Tribe of Oklahoma
- Comanche Nation of Oklahoma
- Coushatta Tribe of Louisiana
- Quawpaw Tribe of Oklahoma
- Thlopthloco Tribal Town
- Tonkawa Tribe of Oklahoma
- Wichita and Affiliated Tribes

A Notice of Availability (NOA) for the draft EA and FONSI, in both English and Spanish, was published in representative newspapers of local and regional distribution. This was done to solicit comments on the Proposed Action and No Action Alternative and involve the local community in the decision-making process. Substantive comments from the public and other Federal, state, and local agencies were considered and incorporated into the Final EA.

During the 45-day public review and comment period for the Draft EA and draft FONSI, CBP accepted comment submissions by email, through the project-specific Web site, and by mail from the public; Federal and state agencies; Federal, state, and local elected officials; stakeholder organizations; and businesses.

Environmental Consequences

CBP prepared a Biological Assessment (BA) in accordance with the legal requirements set forth under regulations implementing Section 7 of the Endangered Species Act (50 Code of Federal Regulations [CFR] 402; 16 United States Code [U.S.C.] 1536[c]). The purpose of this BA was to review the Proposed Action in sufficient detail to determine if it could affect any federally threatened or endangered species or their critical habitat.

CBP obtained a list of federally listed species from the USFWS online database of threatened, endangered, and proposed species that occur within Webb County. CBP determined that 5 federally-listed species and one candidate species are known to occur within or near the action area.

Best Management Practices (BMPs) would be implemented to avoid or minimize impacts on federally-listed species and will also apply to state species of concern.

Based on the description of the Proposed Action, the descriptions of the 6 species and their habitat, the environmental baseline, the evaluation of potential effects of the Proposed Action, and BMPs developed to avoid or minimize impacts, CBP concluded that implementation of the Proposed Action is not likely to adversely affect the 6 species considered in the BA, or any designated critical habitat of those species.

BMPs were also developed for the following resource areas:

- Migratory Birds
- Wildlife
- Vegetation
- Land Use
- Water Resources
- Air Quality
- Geology and Soil Resources
- Noise
- Cultural Resources
- Roadways and Traffic
- Hazardous Materials and Waste Management.

A complete detailed description of BMPs can be found in Appendix B of the EA and are incorporated here by reference.

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- 1 Impacts on the previously listed resources under the Proposed Action and No Action Alternative
2 are listed below in **Table 1**.
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| Resource Area | | Alternative 1: No Action | Alternative 2: Proposed Action |
|-----------------------------------|------------------|--|---|
| Geology/ soils | Soil | Short-term: Minor, direct and indirect, adverse impacts on soils. | Short-term: Minor, direct and indirect adverse effects on soils. |
| | | Long-term: Minor, direct and indirect, adverse impacts on soils. | Long-term: Minor, direct and indirect adverse effects on soils. |
| | Prime farmland | Short-term: no impact. | Short-term: no impact. |
| | | Long-term: no impact. | Long-term: no impact. |
| | Seismic activity | Short-term: no impact. | Short-term: no impact. |
| | | Long-term: Minor adverse impact | Long-term: Minor beneficial direct impact. |
| | Geology | Short-term: no impact. | Short-term: Localized, minor, adverse effects that are localized to the areas where ground disturbance has occurred. |
| | | Long-term: no impact. | Long-term: Localized minor beneficial effects from stabilization of roadways and drainage structures. |
| Vegetation | | Short-term: Minor to moderate, direct and indirect, adverse effects. | Short-term: Minor direct adverse impacts would be minimized through the use of appropriate best management practices. |
| | | Long-term: Minor to moderate, direct and indirect, adverse effects. | Long-term: Minor beneficial direct impact. |
| Threatened and endangered species | All species | Short-term: No impact. | Short-term: CBP concludes this project is unlikely to adversely affect the six species considered in this EA. |
| | | Long-term: No impact. | Long-term: CBP concludes this project is unlikely to adversely affect the six species considered in this EA. |
| | Plant species | Short-term: No impact. | Short-term: Potentially negligible direct adverse impacts. |
| | | Long-term: No impact. | Long-term: Potentially negligible direct adverse impacts. |
| | Bird species | Short-term: No impact. | Short-term: Insignificant direct impact. |
| | | Long-term: No impact. | Long-term: Insignificant direct impact. |
| | Mollusk species | Short-term: No impact. | Short-term: Unlikely to adversely effect. |
| | | Long-term: No impact. | Long-term: Negligible, insignificant direct impacts. |
| | Cat species | Short-term: No impact. | Short-term: Insignificant to negligible adverse direct effects |
| | | Long-term: No impact. | Long-term: Insignificant to negligible adverse direct effects |

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| Resource Area | | Alternative 1: No Action | Alternative 2: Proposed Action |
|--|---------------------------|--|--|
| Water resources | Hydrology and groundwater | Short-term: No impact. | Short-term: Minor direct adverse impacts would be minimized through the use of appropriate best management practices (BMPs). |
| | | Long-term: No impact. | Long-term: Negligible, unlikely to adversely effect. |
| | Floodplains | Short-term: No impact. | Short-term: Minor direct adverse impacts would be minimized through the use of appropriate BMPs. |
| | | Long-term: No impact. | Long-term: Negligible, unlikely to adversely effect. |
| Air quality | | Short-term: No impact. | Short-term: Negligible adverse localized short-term impacts. |
| | | Long-term: Negligible adverse localized impacts. | Long-term: Moderate beneficial impact. |
| Noise | | Short-term: Negligible to minor adverse impacts. | Short-term: Negligible to minor adverse impacts. |
| | | Long-term: Negligible to minor adverse impacts. | Long-term: Long-term, periodic, and negligible to minor, adverse effects on the ambient noise environment. |
| Cultural resources | | Short-term: No impact. | Short-term: No impact. |
| | | Long-term: No impact. | Long-term: No impact. |
| Roadways and traffic | | Short-term: No impact. | Short-term: Short-term, negligible to minor, adverse effects on transportation. |
| | | Long-term: Minor to moderate adverse impacts. | Long-term: Long-term, minor to moderate, beneficial effects on transportation. |
| Hazardous materials and waste management | | Short-term: No impact. | Short-term: Negligible to minor adverse impacts. |
| | | Long-term: No impact. | Long-term: Negligible to minor, adverse impacts. |

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Finding

Based on the results of the EA and the environmental design measures to be implemented the Proposed Action, CBP's Preferred Alternative, is not expected to have a significant effect on the environment. There, no additional environmental documentation under NEPA is warranted, and the preparation of an Environmental Impact Statement is not required.

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