FINAL

ENVIRONMENTAL ASSESSMENT FOR THE NEW FREER BORDER PATROL STATION AND BORDER PATROL CHECKPOINT U.S. BORDER PATROL, LAREDO SECTOR, TEXAS U.S. CUSTOMS AND BORDER PROTECTION DEPARTMENT OF HOMELAND SECURITY WASHINGTON, D.C.

MAY 2019

FINAL FINDING OF NO SIGNIFICANT IMPACT
FOR
THE NEW FREER BORDER PATROL STATION AND BORDER PATROL CHECKPOINT
U.S. BORDER PATROL, LAREDO SECTOR, TEXAS
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY
WASHINGTON, D.C.

INTRODUCTION: The Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP), has prepared an Environmental Assessment (EA) addressing the potential effects, beneficial and adverse, resulting from the proposed construction and operation of a new U.S. Border Patrol (USBP) Station and Border Patrol Checkpoint (BPC) in Freer, Texas.

The proposed new Border Patrol Station (BPS) would be constructed to accommodate 250 agents and would replace the current Freer BPS, which does not have the capacity to meet current and future needs for USBP operations in the area. The existing checkpoint is disjunct from the existing BPS and does not meet the need of the USBP in regards to the Border Patrol Strategic Plan. Therefore, the new BPS, BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States.

The proposed new station would include some or all of the following components:

- Main administration building
- Four-bay vehicle maintenance facility
- Security borders
- Support building area
- Special operations
- Sensor shop
- 2,400 square foot Command Center (C2)
- Squad room
- Training facility
- Field support and communications
- All-terrain vehicle (ATV) operations and storage shed
- Alien processing and detention space
- Physical plant support
- Treated water well and anaerobic septic system
- Four to six remote video surveillance system (RVSS) cameras per tower
- Border patrol checkpoint
- FIPS201/HSPD-12 compliant security systems
- Fifty-yard outdoor firing range with parking
- Two-bay carwash facility
- Security lighting
- 8-foot high chain link security fencing
- Storm water retention system
- Communication building
- Weapons cleaning station
- 100-foot high communications tower
- Kennels for canines
- Equestrian facilities for 10 horses
- Fully functional heliport facility
- Parking area and vehicle impound lot
- Facility maintenance and administrative spaces
- Fuel islands

PROJECT LOCATION: The proposed BPS and BPC would be constructed southwest of the city of Freer, Texas, approximately 63 miles north of the U.S.-Mexico border at Laredo, Texas. Freer is located in the southern portion of Texas, in Webb County, and is considered to be within the South Texas Plains ecoregion.

PURPOSE AND NEED: CBP and USBP propose the construction, operation, and maintenance of a new BPS and BPC in the Freer Station Area of Responsibility (AOR) for the purpose of facilitating the primary goals and objectives of USBP's strategy, which include the addition of as-needed new agents and personnel. The need for the new BPS and BPC is due to the increasing number of agents that have been required to operate in the Freer AOR to effectively support USBP's mission. The proposed installation of an upgraded permanent facility will address the occupational health, safety, security, and operational deficiencies that are found at the existing Freer BPS and will effectively anticipate and adapt to future law enforcement challenges following the development of I-69.

ALTERNATIVES: CBP analyzed two alternatives in the Environmental Assessment (EA). Alternative 1 is the Proposed Action. The Proposed Action would construct a new Freer BPS and BPC on an approximately 45-acre parcel of land west of Freer, Texas. Based upon potential site designs, it has been determined that a 45-acre project site is sufficient to construct the BPS main administrative building, the adjacent covered BPC, and associated infrastructure including a fueling station, communications tower, parking area, and maintenance facility. In addition to the construction of the new BPS and BPC, the Proposed Action also includes the demolition and removal of the existing BPC located adjacent to the northeast corner of the 45-acre project site. The current BPS is located on Highway 44 in Freer, Texas. The existing station is located on General Services Administration (GSA) leased property and is the responsibility of the GSA.

Alternative 2 is the No Action Alternative, which would preclude the construction, operation, and maintenance of a new BPS and BPC. The existing station would continue to be inadequate for the support of operations within the Freer AOR, and would have to accommodate the projected increase in USBP agents, but would not be able to do so while operating in an effective manner. Consequently, this alternative would hinder USBP's ability to respond to high-levels of illegal border-related activity. The No Action Alternative does not meet the purpose and need for the proposed project, but will be carried forward for analysis, as required by CEQ regulations. The No Action Alternative describes the existing conditions in the absence of the Proposed Action.

ENVIRONMENTAL CONSEQUENCES: The Proposed Action would have permanent, negligible impacts on land use. Approximately 45 acres would be permanently converted from undeveloped land to law enforcement facilities. Temporary, minor impacts would be expected on surface water quality as a result of erosion and sedimentation during construction activities. The withdrawal of water through ground water sources for construction purposes could have a temporary, minor impact. No jurisdictional wetlands would be impacted by construction of the BPS and BPC. Best management practices (BMPs) and standard construction procedures will be implemented to minimize the potential for erosion and sedimentation during construction.

Permanent, although minor impacts, would occur on soils and vegetative habitat as a result of disturbing 45 acres for the construction of the new BPS and BPC. The permanent loss of 45 acres to the new BPS and BPC would have a negligible impact on local wildlife. The Proposed Action is not likely to impact any of the Federally listed species. No designated critical habitat occurs within the construction footprint.

No historic properties would be impacted by implementation of the Proposed Action. Temporary and minor increases in air emissions would occur during construction of the BPS and BPC. Air emissions would be below the Federal *de minimis* thresholds for construction, operation, maintenance, and repair activities. The proposed project site is located in a remote area, far from residential homes or National Wildlife Refuges, and noise level increases associated with construction equipment would result in temporary, negligible impacts. Negligible demands on utilities would be required as a result of the Proposed Action.

Construction of the BPS and BPC would create long-term, minor impacts on roadways and traffic within the region. Vehicular traffic would increase near the proposed site to transport materials and work crews during construction activities. An increase in the number of USBP agents traveling to the new BPS and BPC would also occur after construction has completed.

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

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

_____ _____

Bartolome Mirabal Date
Director
Facilities Division
U.S. Border Patrol

_____ _____

Eric Eldridge Date
Director
Facilities Management and Engineering Division

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DEPARTMENT OF HOMELAND SECURITY
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U.S. Customs and Border Protection

Point of Contact:

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May 2019

EXECUTIVE SUMMARY

INTRODUCTION

U.S. Customs and Border Protection (CBP) is the law enforcement component of the Department of Homeland Security (DHS) responsible for securing the border and facilitating lawful international trade and travel. U.S. Border Patrol (USBP) is the uniformed law enforcement component within CBP responsible for securing the Nation's borders against the illegal entry of people and goods between ports of entry.

CBP is proposing to construct a new dual 250-Agent Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) for continuous operation. The new BPS and BPC and supporting infrastructure will support the Border Patrol Strategic Plan to gain and maintain control of the borders of the United States. Additional agents and other resources are required to enhance the operational capabilities of USBP within the Freer Station Area of Responsibility.

STUDY LOCATION

The Proposed Action would take place in the USBP Freer Station Area of Responsibility (AOR), Laredo Sector, Texas. More specifically, the proposed BPS and BPC site is located in Webb County, Texas.

PURPOSE AND NEED

CBP and USBP propose the construction, operation, and maintenance of a new BPS and BPC in the Freer Station AOR for the purpose of facilitating the primary goals and objectives of USBP's strategy, which include the addition of as-needed new agents and personnel. Based upon the increasing trends in illegal border activities, the current insufficient facilities at the Freer BPS, and the future expansion of Interstate 69 (I-69), additional USBP agents and other resources are required to enhance the operational capabilities of USBP within the Freer Station AOR. The need for a new Freer BPS and BPC is due to the increasing number of agents that have been required to operate in the Freer AOR since its establishment to effectively support USBP's mission. The proposed installation of an upgraded permanent facility will address the occupational health, safety, security, and operational deficiencies that are found at the existing Freer BPS and will effectively anticipate and adapt to future law enforcement challenges following the development of I-69.

PROPOSED ACTION AND ALTERNATIVES

CBP analyzed two alternatives in this Environmental Assessment (EA). Under the No Action Alternative (Alternative 1), the proposed BPS and BPC would not be constructed in USBP's Freer Station AOR. The No Action Alternative reflects conditions within the project site should the Proposed Action not be implemented. USBP's ability to detect and interdict cross-border violators would not be enhanced; thus, operational efficiency and effectiveness would not be improved within the area covered by the proposed BPS and BPC. USBP would continue to use

the existing BPS and work in over-crowded and inefficient conditions. The No Action Alternative does not meet the purpose of and need for this project.

The Preferred Alternative, which is the Proposed Action, includes the construction, operation, and maintenance of a 48,000 square-foot administration building and associated facilities that can accommodate 250 agents. Based upon potential site designs, it has been determined that a 45-acre project site is sufficient to construct the BPS main administrative building, the adjacent covered BPC, and associated infrastructure including a fueling station, communications tower, parking area, and maintenance facility.

Four other sites were considered as alternatives for this project. These alternatives are all located adjacent to Highway 59 west of Freer. These alternative sites were eliminated due to failure to meet selection criteria which included proper location, adequate size, ease of access, constructability, access to public utilities, appropriate zoning, and no obvious detrimental cultural or environmental influences.

AFFECTED ENVIRONMENT AND CONSEQUENCES

The Proposed Action would have permanent, negligible impacts on land use. Approximately 45 acres would be permanently converted from undeveloped land to law enforcement facilities. Temporary, minor impacts would be expected on surface water quality as a result of erosion and sedimentation during construction activities. The withdrawal of water through ground water sources for construction purposes could have a temporary, minor impact. No jurisdictional wetlands would be impacted by construction of the BPS and BPC. Best management practices (BMPs) and standard construction procedures will be implemented to minimize the potential for erosion and sedimentation during construction.

Permanent, although minor impacts, would occur on soils and vegetative habitat as a result of disturbing 45 acres for the construction of the new BPS and BPC. The permanent loss of 45 acres to the new BPS and BPC would have a negligible impact on local wildlife. The Proposed Action is not likely to impact any of the Federally listed species. No designated critical habitat occurs within the construction footprint.

No historic properties would be impacted by implementation of the Proposed Action. Temporary and minor increases in air emissions would occur during construction of the BPS and BPC. Air emissions would be below the Federal *de minimis* thresholds for construction, operation, maintenance, and repair activities. The proposed project site is located in a remote area, far from residential homes or National Wildlife Refuges, and noise level increases associated with construction equipment would result in temporary, negligible impacts. Negligible demands on utilities would be required as a result of the Proposed Action.

Construction of the BPS and BPC would create long-term, minor impacts on roadways and traffic within the region. Vehicular traffic would increase near the proposed site to transport materials and work crews during construction activities. An increase in the number of USBP agents traveling to the new BPS and BPC would also occur after construction has completed.

FINDINGS AND CONCLUSIONS

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

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1.0 PURPOSE OF AND NEED FOR THE PROPOSED ACTION

1.1 INTRODUCTION

United States (U.S.) Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) that will address the potential effects, beneficial and adverse, resulting from the proposed construction and operation of a new U.S. Border Patrol (USBP) Station and Border Patrol Checkpoint (BPC) in Freer, Texas. The proposed new Border Patrol Station (BPS) would be constructed to accommodate 250 agents and would replace the current Freer BPS, which does not have the capacity to meet current and future needs for USBP operations in the area. The existing checkpoint is disjunct from the existing BPS and does not meet the need of the USBP in regards to the Border Patrol Strategic Plan. Therefore, the new BPS, BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States (CBP 2012).

The Freer BPS is one of eight stations comprising the Laredo Sector, along with the Cotulla, Dallas, Hebbronville, Laredo North, Laredo South, Laredo West, San Antonio, and Zapata Stations in Texas (CBP 2018a). The Freer BPS's Area of Responsibility (AOR) encompasses 6,157 square miles within Duval, Jim Wells, Live Oak, McMullan, and Webb counties, Texas. The AOR assigned to the Freer BPS has four vital North American Free Trade Agreement corridors intersecting its boundaries. These are U.S. Highway 281, U.S. Highway 59, State Highway 16, and State Highway 44 (Figure 1-1). The Freer BPS and BPC play an integral part in the overall Border Patrol Strategic Plan as a secondary line of defense between the border with Mexico and the interior of the United States. Current operations at the Freer BPS ensure that resources, manpower, and technology are deployed to enforce a deterrent posture at the Freer BPC on U.S. Highway 59, which is the Freer BPS's primary responsibility.

1.2 PROJECT LOCATION

The proposed dual 250-agent BPS and BPC would be constructed southwest of the city of Freer, Texas, approximately 63 miles north of the U.S.-Mexico border at Laredo, Texas (see Figure 1-1). Freer is located in the southern portion of Texas, in Webb County, and is considered to be within the South Texas Plains ecoregion (Texas Parks and Wildlife Department [TPWD] 2018).

1.3 PURPOSE OF THE PROPOSED ACTION

CBP and USBP propose the construction, operation, and maintenance of a new BPS and BPC in the Freer Station AOR for the purpose of facilitating the primary goals and objectives of USBP's strategy, which include the addition of as-needed new agents and personnel. Based upon the increasing trends in illegal border activities, the current insufficient facilities at the Freer BPS, and the future expansion of Interstate 69 (I-69), additional USBP agents and other resources are required to enhance the operational capabilities of USBP within the Freer Station AOR. The proposed installation of an upgraded permanent facility will address the occupational health, safety, security, and operational deficiencies that are found at the existing Freer BPS and will

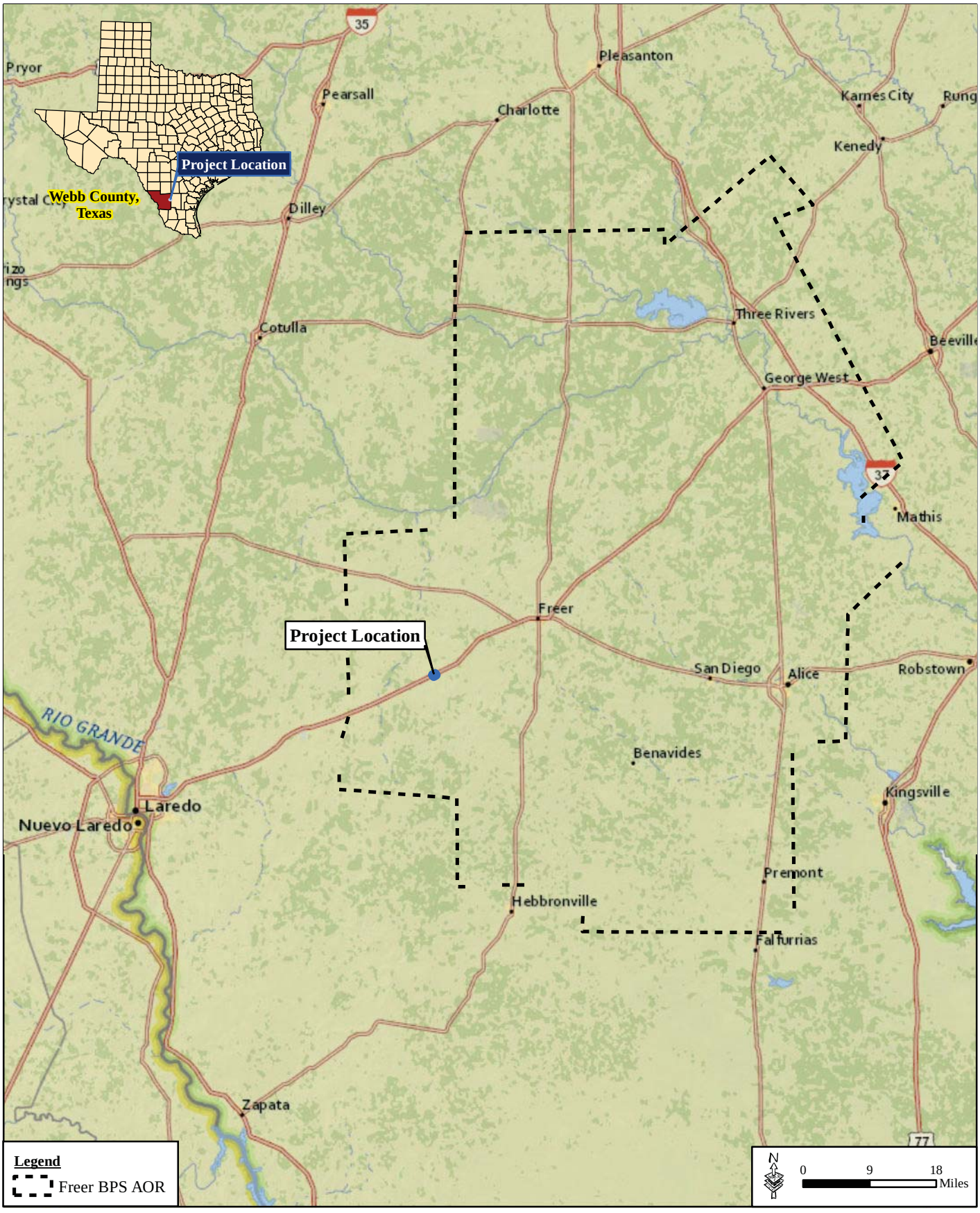

Figure 1-1. Vicinity Map

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effectively anticipate and adapt to future law enforcement challenges following the development of I-69. Continuing to utilize the Freer BPS location as a base of USBP operations is mission critical in USBP's commitment to maintain law and order on the Southern Border, stop potential terrorists, and prevent the illicit trafficking of people and contraband between the official ports of entry into the United States. The Proposed Action (Preferred Alternative) would enhance the overall safety and efficiency of current and future operations within USBP Freer Station's AOR, as well as the safety of communities in the area.

1.4 NEED FOR THE PROPOSED ACTION

The need for a new Freer BPS and BPC is due to the increasing number of agents that have been required to operate in the Freer AOR since its establishment to effectively support USBP's mission. The existing Freer BPS has 106 agents working in over-crowded and inefficient conditions. The original station was built in 1984 and intended for use by 25 USBP agents. Additionally, the Texas Department of Transportation (TxDOT) has started construction on expansions to I-69, which incorporates improvements to Highway 59 in the Freer AOR. The expansion of I-69 is expected to significantly increase the amount of overall traffic in the region. Increased traffic will result in a need for an even greater number of agents in the Freer AOR in the future. The new facilities shall replace existing deficient facilities currently located in various leased and temporary buildings and sites. The new facilities will be able to accommodate the growth in staffing due to existing and near-future operational demands placed upon the station. The need for the Proposed Action is to provide the following:

- adequate space and facilities (e.g., administrative, special operations, and patrol command offices, squad room, and staff showers and lockers) for the agents and staff currently operating out of the existing station;
- co-located checkpoint for more efficiency;
- additional space and facilities for expansion of the station to a 250 agent station plus support staff;
- facilities necessary for increased effectiveness of USBP agents in the performance of their duties (e.g., vehicle maintenance shop, fuel storage, vehicle parking, detention and processing space, secure vehicle seizure lot, dog kennels, stables and associated equestrian facilities, helicopter pad, and communication tower);
- opportunity for future expansion as necessary; and,
- a safer more effective and efficient work environment.

1.5 SCOPE OF ENVIRONMENTAL ANALYSIS AND DECISIONS TO BE MADE

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

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

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

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

3. Announce that the draft EA has been prepared. A Notice of Availability (NOA) was published in the *Laredo Morning Times* newspaper on May 23, 2109 (Appendix A) to announce the public comment period and the availability of the draft EA and Finding of No Significant Impact (FONSI).

4. Provide a public comment period. A public comment period allows for all interested parties to review the analysis presented in the draft EA and provide feedback. The draft EA was available to the public for a 30-day review beginning May 23, 2019 at the Freer Public Library, 608 Carolyn Street, Freer, Texas and at the Joe A. Guerra Laredo Public Library, 1120 Calton Road, Laredo, Texas. The draft EA was also be available for download from the CBP internet web page at the following URL address: http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review. During the public review period, no substantive comments were received. All comments received are included in Appendix A.

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

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

1.6 APPLICABLE ENVIRONMENTAL GUIDANCE, STATUTES, AND REGULATIONS

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

1.7 PUBLIC INVOLVEMENT

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

Federal Agencies:

- United States Fish and Wildlife Service (USFWS)
- United States Environmental Protection Agency (USEPA)
- United States Army Corps of Engineers (USACE)
- United States Department of the Interior (DOI)
- International Boundary and Water Commission, U.S. Section (USIBWC)
- Federal Highway Administration (FHWA)
- Federal Aviation Administration (FAA)
- National Telecommunications and Information Administration (NTIA)

State Agencies:

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

Other:

- Native American Tribes
  - Alabama-Coushatta Tribe of Texas
  - The Comanche Nation

  - The Osage Nation
  - Mescalero Apache Tribe of the Mescalero Reservation
  - Kiowa Tribe of Oklahoma
  - Tonkawa Tribe of Indians of Oklahoma
  - Fort Sill Apache Tribe of Oklahoma
  - White Mountain Apache Tribe of the Fort Apache Reservation
  - Alabama-Quassarte Tribal Town
  - Apache Tribe of Oklahoma
  - Cherokee Nation
  - Coushatta Tribe of Louisiana
  - Kialegee Tribal Town
  - Poarch Band of Creeks
  - The Quapaw Tribe of Indians
  - The Seminole Nation of Oklahoma
  - Thlopthlocco Tribal Town
  - Tunica-Biloxi Indian Tribe
  - Wichita and Affiliated Tribes
- Webb County
- City of Freer

2.0 PROPOSED ACTION AND ALTERNATIVES

The Proposed Action and one alternative (No Action Alternative) were identified and considered during the planning stages of the proposed project. The Proposed Action consists of the construction of a new Freer BPS, BPC, and associated infrastructure that meet the purpose of and need for the project. As required by NEPA and CEQ regulations, the No Action Alternative reflects conditions within the project area should the Proposed Action not be implemented. One potential BPS site was carried forward for evaluation in the EA; six total sites were initially compared and evaluated for suitability. These sites are discussed in the following sub-section.

2.1 CRITERIA FOR SITE SELECTION

The site selection process for the Proposed Action began with the identification of six potential construction sites based on suggestions from CBP and the USACE. Operationally preferred site locations were selected based on knowledge of the terrain, environment, land ownership, and operational requirements. The six sites were compared for suitability by CBP personnel. All six sites are located adjacent to Highway 59 west of Freer, Texas (Figure 2-1) and have been given the following site names: 1) Lundell Inc. Site, 2) Southard Site, 3) Whitworth Site, 4) Barker Site, 5) Lundell Ranch Site, and 6) Killam Ranch Site.

Evaluation criteria were developed for the selected sites in order to determine which sites would meet the needs of CBP for a new BPS and BPC. Evaluation considerations include, but were not limited to, the following:

- **Adequate size and site shape, Anti-terrorism Force Protection (ATFP) standards:** The station campus will be of adequate size and shape to provide for the initial and expected, future programmed functions, allow for future expansion of parking, and allow for necessary buffer zones for special initiatives and for future facility expansion.
- **Proper location:** The station should be located and situated in such a way as to not compromise the security and safety of the station and agents. Additionally, the station should be located as close as possible to the geographic center of the BPS's AOR and to the area where the heaviest workload is generated.
- **Ease of access:** The station should have ease of access which includes access from more than one entry point for emergency egress purposes, access for emergency response services, close access to highways, and location away from significant obstructions.
- **Constructability**
- **No obvious detrimental cultural or environmental influences**
- **Anticipated time and cost required to purchase**
- **Access to public utilities**
- **Appropriate zoning**
- **Meets Leadership in Energy and Environmental Design (LEED) and Occupational Safety and Health Administration (OSHA) Strategic Partnership Program (OSPP) goals**

Figure 2-1. Locations Considered for the Proposed Action (Preferred Alternative Site)
Freer Border Patrol Station, Laredo Sector

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Sites were visited in November 2017 by CBP personnel and USACE, Fort Worth District, Real Estate Division personnel. During site visits, each tract was assessed to determine if it met evaluation criteria. Table 2-1 below provides the results of evaluations conducted during the site visits.

Table 2-1. Comparison of Alternative Sites Considered

Site	Owner	Limiting Conditions	Meets Selection Criteria
Lundell Inc. Tract	Lundell, Inc.	Location relative to City of Freer and lack of adjacent secondary road for BPS access.	No
Southard Tract (Preferred Alternative)	Tessa Paulette Barker Southard	None	Yes
Whitworth Tract	Alice B. Whitworth	Anticipated time and cost required to purchase.	No
Barker Tract	Regina Denise Barker	BPC could be bypassed by using FM 2050.	No
Lundell Ranch Tract	Rebecca House Lones	BPC could be bypassed by using FM 2050.	No
Killam Ranch Tract	Killam Ranch Properties, Ltd.	BPC could be bypassed by using FM 2050.	No

Selection of the Southard Site as the Proposed Action site occurred due to the site meeting all evaluation criteria that fulfill the needs of CBP and USBP in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The Southard Site is immediately southwest of FM 2050 and thus does not allow this primary road to be used as a means of bypassing the proposed new BPC. Additionally, the Southard Site can utilize FM 2050 as an access road for the proposed BPS.

2.2 PROPOSED ACTION

The Proposed Action would construct a new Freer BPS and BPC on an approximately 45-acre parcel of land west of Freer, Texas (Figure 2-2). Based upon potential site designs, it has been determined that a 45-acre project site is sufficient to construct the BPS main administrative building, the adjacent covered BPC, and associated infrastructure including a fueling station, communications tower, parking area, and maintenance facility. In addition to the construction of the new BPS and BPC, the Proposed Action also includes the demolition and removal of the existing BPC located adjacent to the northeast corner of the 45-acre project site. The current BPS is located on Highway 44 in Freer, Texas. The existing station is located on General Services Administration (GSA) leased property and is the responsibility of the GSA.

2.2.1 Proposed Station Design

It is anticipated that the total personnel assigned to the station would be 250 to meet current and future increased labor demands to meet the objectives of USBP in the Freer Station's AOR. Additionally, the site would have the capability to house the vehicles, animals, equipment, and other materials necessary to meet the objectives of the Freer BPS. The proposed station design and construction would result in the Freer BPS meeting USBP facilities guidelines and security standards. The new facilities are being designed in accordance with the *Guiding Principles for Sustainable Federal Buildings (Guiding Principles) for New Construction or Modernization* and

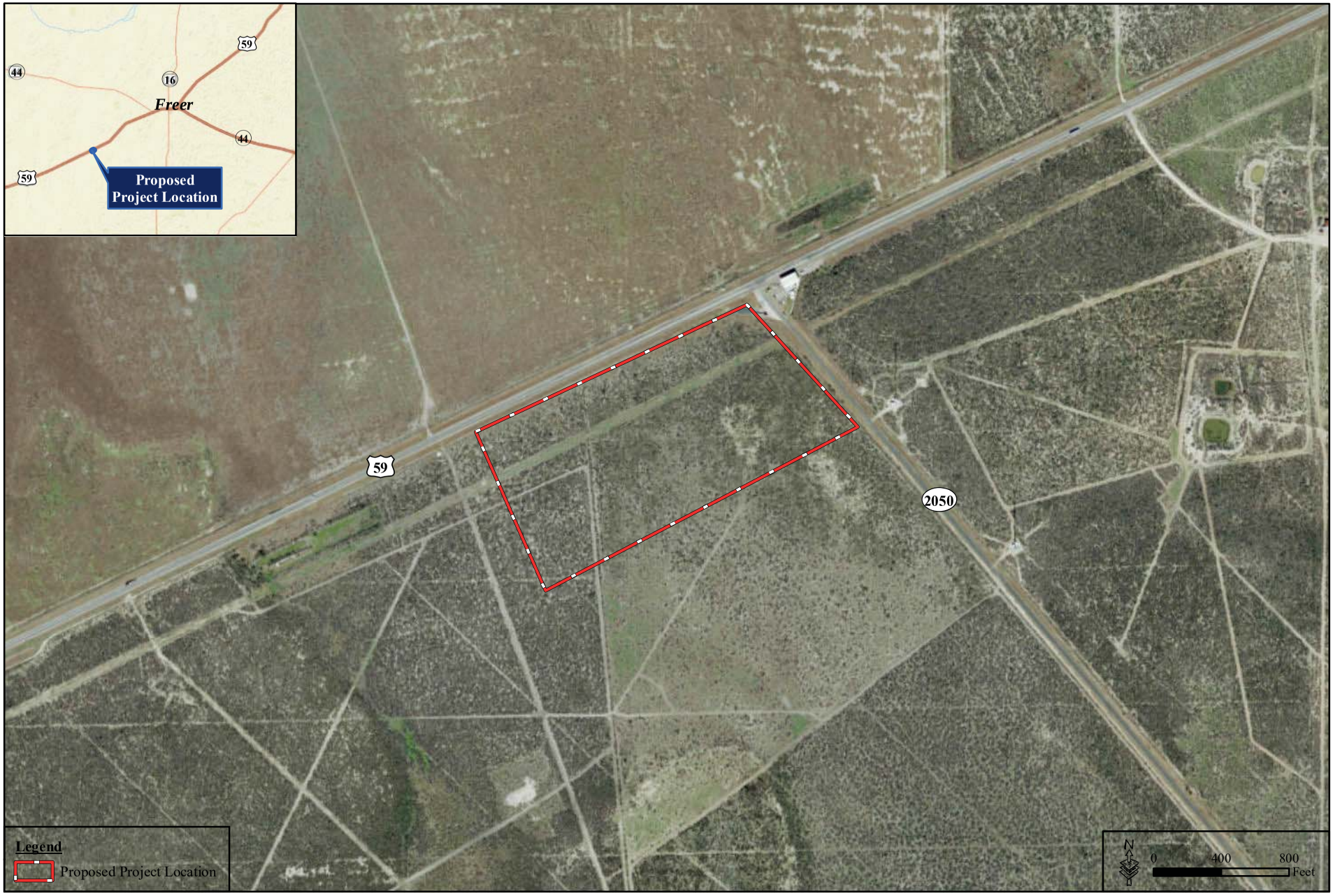

Figure 2-2. Location of the Proposed Action
Freer Border Patrol Station, Laredo Sector

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will meet Metrics 1 to 20 of this regulatory documentation (U.S. Department of Energy [DOE] 2016). Figure 2-3 presents the currently-favored conceptual plan for the station layout.

The proposed new station would include some or all of the following components:

- Main administration building
- Four-bay vehicle maintenance facility
- Security borders
- Support building area
- Special operations
- Sensor shop
- 2,400 square foot Command Center (C2)
- Squad room
- Training facility
- Field support and communications
- All-terrain vehicle (ATV) operations and storage shed
- Alien processing and detention space
- Physical plant support
- Treated water well and anaerobic septic system
- Four to six remote video surveillance system (RVSS) cameras per tower
- Border patrol checkpoint
- FIPS201/HSPD-12 compliant security systems
- Fifty-yard outdoor firing range with parking
- Two-bay carwash facility
- Security lighting
- 8-foot high chain link security fencing
- Storm water retention system
- Communication building
- Weapons cleaning station
- 100-foot high communications tower
- Kennels for canines
- Equestrian facilities for 10 horses
- Fully functional heliport facility
- Parking area and vehicle impound lot
- Facility maintenance and administrative spaces
- Fuel islands

The primary building constructed on-site would be an approximately 48,000 square-foot, main administrative building that includes a single-lane sally port and a comprehensive holding and processing area in accordance with USBP Facilities Guidelines Standards. The new facility would provide office space, storage space, weapons and ammunition storage, a muster area, locker rooms, an exercise facility, and a general training area. The BPC would be built with covered primary and secondary inspection areas in accordance with USBP Facilities Guidelines Standards. The BPC would include sufficient infrastructure to accommodate the TxDOT I-69 Projected Expansion project, which would greatly increase vehicular traffic through the BPC.

The vehicle service and maintenance facility would have space for parts storage, a grease and oil station, and tire changing station, including wheel balance and alignment. A fuel bay island with three above-ground storage tanks (ASTs), two 10,000 gallon tanks for unleaded gasoline and one 6,000 gallon tank for diesel fuel, would be included. The two-bay car wash would include an oil-water separator and mud trap; a sensor shop would be used for the repair of electronics; a vehicle impound lot for temporary storage of vehicles; and pre- and post-vehicle inspection booth would be part of the facility. There would also be an area for ATV operations and storage.

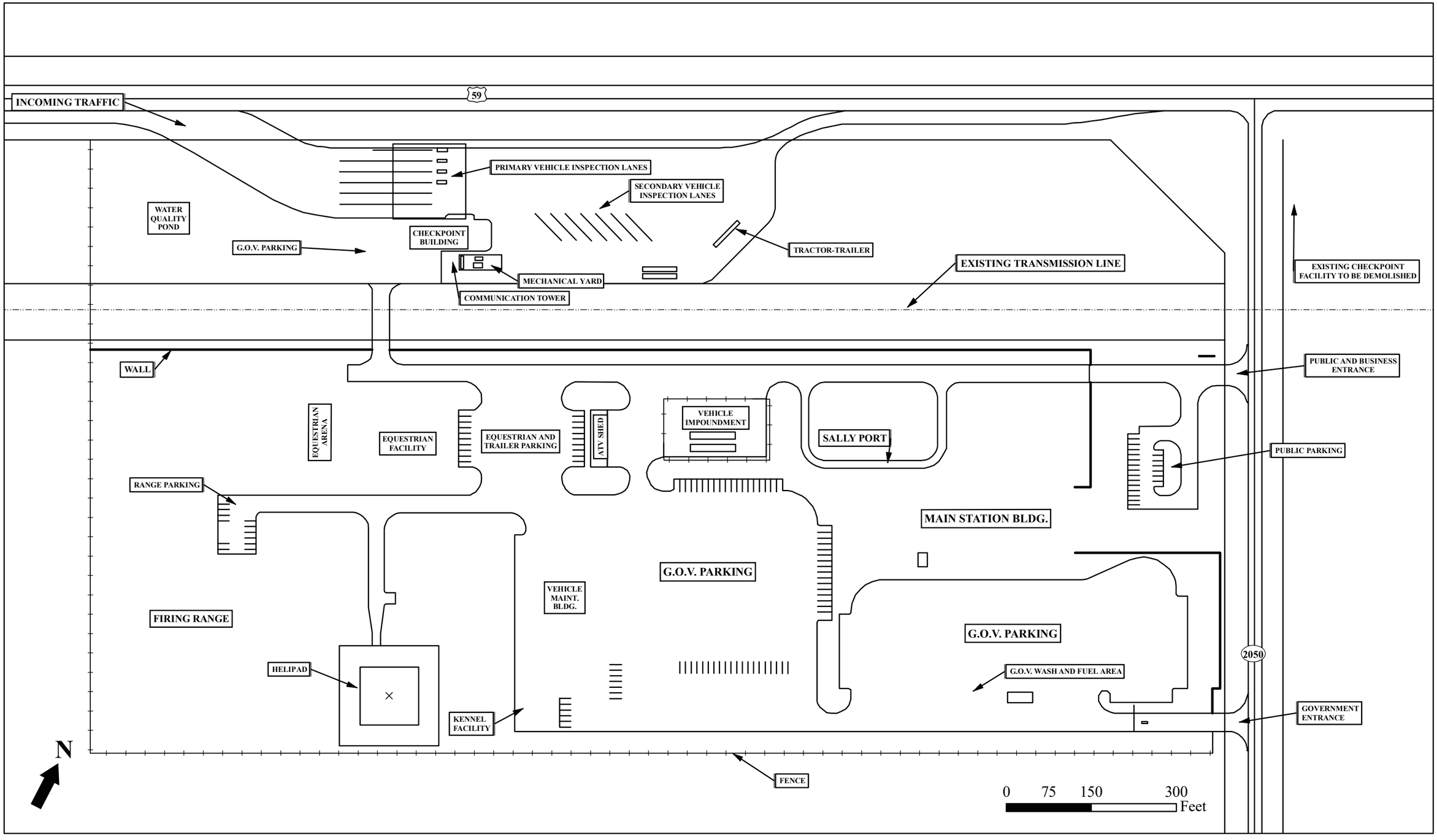

Figure 2-3. Proposed Conceptual Design
Freer Border Patrol Station, Laredo Sector

The station would accommodate parking for 200 personally owned vehicles, 20 visitors, and 220 Government owned vehicles (GOV). Approximately 50 percent of the parking spaces would be set-aside for the GOV and other specialized vehicles, including heavy equipment. Ten horses would be stabled at the station, and equestrian support facilities would include a hay barn, round pen, turn out, and a training pavilion. The station would have long-term canine kennels for eight canines.

Also included in the proposed new station is a helicopter pad and helicopter refueling station. An additional AST would contain aviation fuel and be located at the refueling station. It is anticipated that no more than one landing/take-off event would occur per day.

A 50-yard, fully baffled, outdoor firing range would be part of the new station design and would replace the use of the current firing range located on State Highway 16, 3 miles north of Freer. Operation of the firing range would remain the same as the existing range and would continue to be available for Department of Public Safety officers, officers from nearby local police departments, and USBP agents from the Freer BPS or other nearby stations.

Other site elements include a 100-foot tall self-supporting radio tower with a communications building or space in the main building and four to six RVSS cameras on the tower. The facilities would be able to support a three-shift operating schedule, training and public information officer functions, and bike patrol for 16 personnel. Public power, communication systems, and gas utilities would be utilized by the BPS; however, treated well water and a septic system would be installed as part of the Proposed Action. The entire facility would be provided with automatically controlled emergency back-up power, as well as an uninterruptible power system for critical loads.

The demolition and removal of the existing BPC would involve removing all concrete, metal buildings and structures, fencing, storage tanks, gravel pads, and any other structures or materials associated with the existing BPC. All materials removed would be hauled and properly discarded by a licensed contractor and all TCEQ regulations and guidelines would be followed. Once the BPC has been removed, the area would be allowed to naturally revegetate. The existing BPC encompasses approximately 1 acre.

No windmills or turbines would be included as part of the Proposed Action under the current design.

2.3 NO ACTION ALTERNATIVE

The No Action Alternative would preclude the construction, operation, and maintenance of a new BPS and BPC. The existing station would continue to be inadequate for the support of operations within the Freer AOR, and would have to accommodate the projected increase in USBP agents, but would not be able to do so while operating in an effective manner. Consequently, this alternative would hinder USBP's ability to respond to high-levels of illegal border-related activity. The No Action Alternative does not meet the purpose and need for the proposed project, but will be carried forward for analysis, as required by CEQ regulations. The No Action Alternative describes the existing conditions in the absence of the Proposed Action.

2.4 ALTERNATIVES SUMMARY

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

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

Purpose and Need	Proposed Action	No Action Alternative
Provide adequate space and facilities (e.g., administrative, special operations, and patrol command offices, squad room, and staff showers and lockers) for the agents and staff currently operating out of the existing station	Yes	No
Provide a co-located checkpoint for more efficiency	Yes	No
Provide additional space and facilities for expansion of the station to a 250 agent station plus support staff	Yes	No
Provide facilities necessary for an increased effectiveness of USBP agents in the performance of their duties (e.g., vehicle maintenance shop, fuel storage, vehicle parking, detention and processing space, secure vehicle seizure lot, dog kennels, stables and associated equestrian facilities, helicopter pad, and communication tower)	Yes	No
Provide an opportunity for future expansion as necessary	Yes	No
Provide a safer more effective and efficient work environment	Yes	No

3.0 AFFECTED ENVIRONMENT AND CONSEQUENCES

3.1 PRELIMINARY IMPACT SCOPING

This section describes the natural and human environments that exist within the region of influence (ROI) and the potential impacts of the No Action Alternative and the Proposed Action outlined in Section 2.0 of this document. The ROI for the new Freer BPS, BPC, and associated infrastructure is the City of Freer and Webb County, Texas. The Proposed Action would be located on private land. Only those issues that have the potential to be affected by any of the alternatives are described, per CEQ guidance (40 CFR § 1501.7 [3]).

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

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

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

Table 3-1, continued

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

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

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

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

The following discussions describe and, where possible, quantify the potential effects of each alternative on the resources within or near the project area. It is assumed that the entire tract of land where the Proposed Action is located would be used by CBP resulting in a permanent impact of 45 acres. All construction activities, staging areas, and final siting of the various BPS and BPC components would occur within the 45-acre tract of land.

3.2 LAND USE

The existing land use at the Preferred Alternative site is rangeland with minimal lands dedicated to overhead power lines. Nearby existing land uses includes the current Freer BPC, a cell phone tower, and rangeland.

Webb County encompasses approximately 2,160,000 acres, with the majority of the county being classified as rangeland. A total of 696 farms are located within Webb County, and these farms comprise nearly 2,100,000 acres. Eighty-three percent of the farms in Webb County are classified as rangeland for the production of cattle, sheep, hogs, and horses. The remaining 17 percent of farms are considered cropland and comprise just over one percent of the land classified as farms (United States Department of Agriculture [USDA] 2012). The major recreational area in this county occurs at Lake Casa Blanca in Laredo. Laredo is the major urban center and the county seat of Webb County (Texas Escapes 2019).

3.2.1 Alternative 1: Proposed Action

Implementation of the Proposed Action would result in a change from the current land use of rangeland to a developed area in the form of the new Freer BPS and BPC. The closest developed area is Freer, Texas, and it is approximately 12 miles east of the proposed site. Adjacent land uses include the current BPC and a cell/radio tower located immediately adjacent to the site. However, the existing BPC would be removed as part of the Proposed Action, allowing that area to naturally revegetate. The Proposed Action would have no significant impacts to land use within the immediate or surrounding areas.

3.2.2 Alternative 2: No Action Alternative

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

3.3 SOILS

There are two soil types associated with the new Freer BPS and BPC. Montell clay, 0 to 3 percent slopes (MnB), and Brundage fine sandy loam, 0 to 1 percent slopes, occasionally flooded (Bd) are the only soils located within the 45 acre site.

MnB soils are found in long and narrow areas ranging in size from 25 to 250 acres. It is a deep, saline soil that is moderately well drained. Surface runoff and permeability are slow in this soil type, and floods briefly less than once every two years. Montell clay soil is mostly used as rangeland and wildlife habitat, and is not suited for use as cropland, urban, or recreation (USDA 2019).

Bd are also areas of soil that are long and narrow and range in size from 20 to more than 1,000 acres. It is a deep, saline, and moderately well drained soil. Surface runoff and permeability are slow in this soil type, and flooding occurs after heavy rainfall less than once every two years.

This soil type is primarily used for rangeland or wildlife habitat, and is not suited for cropland, recreation use, or urban use (USDA 2019).

3.3.1 Alternative 1: Proposed Action

Under the Proposed Action, approximately 45 acres of soils (of which none are considered prime farmland soils) would be permanently disturbed or removed from biological production at the new BPS and BPC. The direct impact from the disturbance and removal from biological production of approximately 45 acres of soil would be negligible due to the small size of the project footprint relative to the amount of the same soils throughout the ROI. Upon completion of construction, all temporary disturbance areas would be revegetated with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally, if applicable. Additionally, the existing BPC site, once removed, would be allowed to naturally revegetate.

The Proposed Action could result in indirect and long-term beneficial impacts on soils within the ROI by reducing the adverse impacts of illegal cross-border violator activities in the project area. The proposed BPS and BPC would enhance CBP's detection and threat classification capabilities and increase the efficiency of operational activities within the Freer AOR. Over time the enhancement of detection capabilities and an increase in operational efficiency could increase the deterrence of illegal cross-border violator activity within the area.

3.3.2 Alternative 2: No Action Alternative

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

3.4 VEGETATIVE HABITAT

The project corridor is located in the South Texas Brush Country as characterized by the Texas Parks and Wildlife Department (TPWD 2015). This ecoregion exists from east of the Rio Grande and south of the Balcones Escarpment. The average temperature is 73 degrees Fahrenheit, with an average annual rainfall ranging from 16 inches in the west to 30 inches in the east. The South Texas Brush Country Ecoregion is a diverse ecoregion because it has elements of three converging vegetative communities: Chihuahuan Desert to the west, Tamaulipan thornscrub and subtropical woodlands along the Rio Grande, and coastal grasslands to the east. It is transected by numerous arroyos and streams and is generally covered in low-growing thorny vegetation (TPWD 2015).

Common tree species for the area includes pecan (*Carya illinoiensis*), sugarberry tree (*Celtis laevigata*), anacua tree (*Ehretia anacua*), Texas ebony tree (*Pithecellobium flexicaule*), sabal palm (*Sabal palmetto*), black willow (*Salix nigra*), Texas persimmon (*Diospyros texana*), honey mesquite (*Prosopis glandulosa var. glandulosa*), lotebush (*Ziziphus obtusifolia*), huisache (*Acacia farnesiana*), and Texas wild olive (*Cordia boissieri*). Shrubs that are most common in this ecoregion include fiddlewood (*Citharexylum berlandieri*), desert yaupon (*Schaefferia cuneifolia*), Rio Grande abutilon (*Abutilon hypoleucum*), bee bush (*Aloysia gratissima*), agarita (*Mahonia trifoliolata*), American beauty-berry (*Callicarpa americana*), lantana (*Lantana urticoides*), cenizo (*Leucophyllum frutescens*), Turk's cap (*Malvaviscus drummondii*), rose

pavonia (*Pavonia lasiopetala*), and autumn sage (*Salvia greggii*). Common vines, grasses, and wildflowers according to the TPWD are marsh's pipevine (*Aristolochic* sp.), old man's beard (*Clematis drummondii*), sideoats grama (*Bouteloua curtipendula*), slender grama (*Bouteloua repens*), buffalograss (*Buchloe dactyloides*), inland sea-oats (*Chasmanthium latifolium*), plains lovegrass (*Eragrostis intermedia*), little bluestem (*Schizachyrium scoparium*), heartleaf hibiscus (*Hibiscus matianus*), scarlet sage (*Salvia coccinea*), red prickly poppy (*Argemone sanguinea*), and purple phacelia (*Phacelia bipinnatifida*) (TPWD 2015). A complete list of floral species observed during biological surveys of the Freer BPS and BPC is included in Table 3-2.

Table 3-2. Observed Floral Species

Common name	Scientific name
Honey mesquite	*Prosopis glandulosa*
Huisache	*Vachellia farnesiana*
Blackbrush acacia	*Vachellia rigidula*
Texas baccharis	*Baccharis texana*
Common bee-brush	*Aloysia gratissima*
Prickly pear	*Opuntia engelmannii*
Christmas cholla	*Cylindopuntia leptocaulis*
Goat bush	*Castela erecta*
Buffel grass	*Cenchrus ciliaris*
Leatherstem	*Jatroph dioica*
Spiny hackberry	*Caeltis pallida*
Guayacan	*Guaiacum angustofolium*
Brasil	*Condalia hookeri*
Spanish bayonet	*Yucca aloifolia*
Mexican palo verde	*Parkinsonia texana*
Horse crippler	*Echinocactus texensis*
Indian mallow	*Abutilon* sp.
Prostrate ground cherry	*Physalis pruinosa*
Yellow flameflower	*Phermeranthus aurantiacus*
Silver leaved nightshade	*Solanum elaeagnifolium*
Desert goosefoot	*Chenopodium pratericola*
Tufted sea blite	*Suaeda conferta*
Devil's bouquet	*Nyctaginia capitata*
Evening rain lily	*Cooperia drummondii*
Balsam gourd	*Ibervillea lindheimeri*

3.4.1 Alternative 1: Proposed Action

The Proposed Action would have a permanent, minor impact on vegetation in the project area, approximately 45 acres of South Texas Brush Country vegetative community would be directly impacted as a result of the construction of the proposed BPS and BPC. The removal of the existing BPC would provide for a beneficial impact to vegetation in the region as it would be allowed to naturally revegetate once demolition activities are complete.

The South Texas Brush Country vegetative community that would be impacted by the construction of the proposed BPS and BPC are both locally and regionally common, and the permanent loss of the limited amount of acreage would not adversely affect the population viability of any plant species in the region. In order to ensure that the Proposed Action does not actively promote the establishment of non-native and invasive species in the area, best management practices (BMPs; described in Section 5.0) would be implemented to minimize the spread and reestablishment of nonnative vegetation. Upon completion of construction, all temporary disturbance areas would be revegetated with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally. These BMPs, as well as measures protecting vegetation in general, would reduce potential impacts from non-native invasive species to a negligible amount.

The Proposed Action could result in indirect and long-term beneficial impacts on vegetative habitat by reducing the adverse impacts of illegal cross-border violator activities in the Freer AOR. The proposed BPS and BPC would enhance CBP's detection and threat classification capabilities and increase the efficiency of operational activities. Over time, the enhancement of detection capabilities and an increase in operational efficiency could increase the deterrence of illegal cross-border violator activity.

3.4.2 Alternative 2: No Action Alternative

Under the No Action Alternative, no direct or indirect impacts on vegetative habitat would occur as no construction or demolition activities would be completed. Under the No Action Alternative, CBP's detection and threat classification capabilities would not be enhanced and operational efficiency would not be improved within the Freer BPS's AOR, so illegal cross-border violator activities would continue to impact vegetative habitat in the AOR.

3.5 WILDLIFE RESOURCES

The ROI is within the Southwest Plateau and Plains Dry Steppe and Shrub Province. Common mammals within this province include the coyote (*Canis latrans)*, ringtail (*Bassariscus astutus)*, American hog-nosed skunk (*Conepatus leuconotus*), white-tailed deer (*Odocoileus virginianus*), Mexican ground squirrel (*Spermophilus mexicanus*), Texas pocket gopher (*Geomys personatus*), southern plains woodrat *(Neotoma micropus*), raccoon *(Procyon lotor)*, gray fox (*Urocyon cinereoargenteus*), bobcat (*Lynx rufus*), collared peccary (*Pecari tajacu*), striped skunk (*Mephitis mephitis*), nine-banded armadillo (*Dasypus novemcinctus*), eastern cottontail (*Sylvilagus floridanus*), desert cottontail (*Sylvilagus audubonii*), fulvous harvest mouse (*Reithrodontomys fulvescens*), and hispid cotton rat (*Sigmodon hispidus*) (TPWD 2019a).

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

thrasher (*Toxostoma longirostre*), White-collared seedeater (*Sporophila torqueola)*, Groove-billed ani (*Crotophaga sulcirostris*), Great kiskadee (*Pitangus sulphuratus*), and Olive sparrow (*Arremonops rufivirgatus*) (TPWD 2016).

Common reptiles and amphibians include the blue spiny lizard (*Sceloporus serrifer*), Laredo striped whiptail (*Aspidoceles laredoensis*), prairie racerunner (*Aspidoceles sexlineata viridis*), Texas spiny softshell turtle (*Apalone spinifera emoryi*), Rio Grande cooter (*Pseudemys gorzugi*), Rio Grande leopard frog (*Lithobates berlandieri*), Rio Grande chirping frog (*Eleutherodactylus cystignathoides*), Gulf Coast toad (*Incilius valliceps*), and the giant (marine) toad (*Rhinella marina*) (TPWD 2019a).

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

Table 3-3. Observed Wildlife Species

Common Name	Scientific Name
Mammals	
Virginia opossum	*Didelphis virginiana*
Nine-banded armadillo	*Dasypus novemcinctus*
Eastern cottontail	*Sylvilagus floridanus*
Southern plains woodrat	*Neotoma micropus*
Hispid cotton rat	*Sigmodon hispidus*
Bobcat	*Lynx rufus*
Coyote	*Canis latrans*
Raccoon	*Procyon lotor*
Collared peccary	*Pecari tajacu*
White-tailed deer	*Odocoileus virginianus*
Reptiles	
Six-lined racerunner	*Aspidoscelis sexlineata*
Texas tortoise	*Gopherus berlandieri*
Birds	
Harris's hawk	*Parabuteo unicinctus*
Red-tailed hawk	*Buteo jamaicensis*
White-winged dove	*Zenaida asiatica*
Mourning dove	*Zenaida macroura*
Inca dove	*Columbina inca*
Common ground dove	*Columbina passerina*
Golden-fronted woodpecker	*Melanerpes aurifrons*
Eastern wood-pewee	*Contopus virens*
Eastern phoebe	*Sayornis phoebe*
Black phoebe	*Sayornis nigricans*
Tree swallow	*Tachycineta bicolor*
Black-crested titmouse	*Baeolophus atricristatus*
Carolina wren	*Thryothorus ludovicianus*
Cactus wren	*Campylorhynchus brunneicapillus*
Northern mockingbird	*Mimus polyglottos*

Table 3-3, continued

Common Name	Scientific Name
Northern cardinal	*Cardinalis cardinalis*
Olive sparrow	*Arremonops rifivirgatus*
Black-throated sparrow	*Amphispiza bilineata*
Great-tailed grackle	*Quiscalus mexicanus*
Butterflies	
Black swallowtail	*Papilio polyxenes*
Pipevine swallowtail	*Battus philenor*
Cloudless sulphur	*Phoebis sennae*
Gulf fritillary	*Argaulis vanillae*
American snout	*Libytheana carinenta*

3.5.1 Alternative 1: Proposed Action

The permanent loss of approximately 45 acres would have a long-term, negligible impact on wildlife. Soil disturbance and operation of heavy equipment could result in the direct loss of less mobile individuals such as lizards, snakes, and ground-dwelling species such as mice and rats. However, most wildlife would avoid any direct harm by escaping to surrounding habitat. The direct degradation and loss of habitat could also impact burrows and nests, as well as cover, forage, and other important wildlife resources. The loss of these resources would result in the displacement of individuals that would then be forced to compete with other wildlife for the remaining resources. Although this competition for resources could result in a reduction of total population size, such a reduction would be extremely minimal in relation to total population size and would not result in long-term effects on the sustainability of any wildlife species. The wildlife habitat present in the project area is both locally and regionally common, and the permanent loss of approximately 45 acres of wildlife habitat would not adversely affect the population viability or fecundity of any wildlife species in the region. Upon completion of construction, all temporary disturbance areas would be revegetated with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally. Similar impacts as those discussed for wildlife in regards to the demolition of the existing BPC would occur to wildlife, as well.

The Migratory Bird Treaty Act (MBTA) requires that Federal agencies coordinate with USFWS if a construction activity would result in the "take" of a migratory bird. In accordance with compliance measures of the MBTA, BMPs identified in Section 5.0 would be implemented if construction or clearing activities were scheduled during the nesting season (typically March 1 to September 1).

Lighting would attract or repel various wildlife species within the vicinity of the project area. The presence of lights within the project area could also produce some long term behavioral effects, although the magnitude of these effects is not presently known. Some species, such as insectivorous bats, may benefit from the concentration of insects that would be attracted to the lights. Continual exposure to light has been proven to slightly alter circadian rhythms in mammals and birds. Studies have demonstrated that under constant light, the time an animal is active, compared with the time it is at rest, increases in diurnal animals, but decreases in nocturnal animals (Carpenter and Grossberg 1984). Outdoor lighting can disturb flight, navigation, vision, migration, dispersal, oviposition, mating, feeding and crypsis in some moths.

In addition, it may disturb circadian rhythms and photoperiodism (Frank 1988). It has also been shown that, within several weeks under constant lighting, mammals and birds would quickly stabilize and reset their circadian rhythms back to their original schedules (Carpenter and Grossberg 1984). While the number of lights within the boundary of the proposed BPS and BPC site is not presently known, artificial lighting concentrated around a single 45-acre developed area would not significantly disrupt activities of wildlife populations across the region, since similar habitat is readily available to the north, east, west and south for wildlife relocation. Finally, construction activities would be limited primarily to daylight hours, whenever possible; therefore, construction impacts on wildlife would be insignificant, since the highest period of movement for most wildlife species occurs during night time or low daylight hours.

Periodic noise from construction activities and subsequent operational activities, such as helicopter takeoffs and landings, would have moderate and intermittent impacts on the wildlife communities located adjacent to the project area. However, because similar habitat is readily available, wildlife would easily relocate. Vehicle traffic on Highway 59 and FM 2050 currently influences the behavioral responses of wildlife in the area. Upon completion of the proposed BPS and BPC, the number of vehicles would increase slightly, yet would not result in a substantial increase in vehicle noise. A behavioral response to noise varies among species of animals and even among individuals of a particular species. Variations in response may be due to temperament, sex, age, or prior experience. Minor responses include head-raising and body-shifting, and usually, more disturbed mammals will travel short distances. Panic and escape behavior results from more severe disturbances, causing the animal to leave the area (Busnel and Fletcher 1978). Over the long term, wildlife populations that have not already habituated to noise generated by Highway 59 and the existing BPC would adapt to the normal operations conducted at the new BPS and BPC, and would typically avoid human interaction. BMPs as outlined in Section 5.0 would reduce noise associated with operation of the construction equipment and every day vehicle traffic associated with the new BPS.

USFWS *Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning* (USFWS 2018a) would be implemented to reduce nighttime atmospheric lighting and the potential adverse effects of nighttime lighting on migratory bird and nocturnal flying species.

There is a possibility that the proposed RVSS tower could pose hazards to migratory birds and even some bird mortality through bird strikes with the tower. The loss of a few individual birds from the tower operation would not adversely affect the population viability or fecundity of bird species in the region. The number and extent of bird strikes in relation to the size of migratory bird populations and the extent of the migratory flyway would be minor and would not affect sustainability of migratory bird populations in the region. The Proposed Action would, however, have a long-term, negligible adverse effect on migratory birds.

BMPs would be implemented to reduce disturbance and loss of wildlife such as surveys prior to construction activities scheduled during nesting season and covering or providing an escape ramp for all steep-walled holes or trenches left open at the end of the construction workday. The proposed RVSS tower could provide raptor perch and nesting sites, but BMPs would also be used to discourage this activity.

3.5.2 Alternative 2: No Action Alternative

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

3.6 THREATENED AND ENDANGERED SPECIES

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

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

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

Federally Listed Species

There are a total of five Federally-listed endangered species known to occur within Webb County (USFWS 2018b). A list of these species is presented in Table 3-4. Biological surveys of the proposed BPS and BPC site were conducted by Gulf South Research Corporation in June 2018. These investigations included surveys for all Federal and state-listed species potentially occurring at or near the proposed BPS and BPC site. During the investigations no Federally-listed species were observed; however, one state listed species, Texas tortoise (*Gopherus berlandieri*) was observed within a mile of the site near Highway 59. CBP has coordinated with USFWS regarding the potential impacts as they relate to the construction of the Proposed Action (see Appendix A).

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

Common Name	Status	Habitat	Potential to Occur at Site	Effect Determination
Mammals				
Gulf Coast jaguarondi *(Puma yagouaroundi cacomitli)*	E	Dense, thorny scrub, especially near water.	No	No effect.
Ocelot (*Leopardus pardalis*)	*E*	Dense, thorny shrub lands of the Lower Rio Grande Valley and Rio Grande Plains. Deep, fertile clay or loamy soils are generally needed to produce suitable habitat.	No	No effect.
Bivalves				
Golden orb clam (*Quadrula aurea*)	*C*	Historical distribution throughout the Guadalupe-San Antonio River basins and the Neuces-Frio river basins	No	No effect.
Texas hornshell mussel (*Popenaias popeii*)	*E*	It is native to the Rio Grande watershed in Texas. It occurs in medium to large rivers, usually in crevices, undercuts, and shelves that contain small-grained substrates such as clay, silt, or sand.	No	No effect.
Flowering Plants				
Ashy dogweed (*Astrophytum asterias*)	*E*	Restricted to unique soils found in south Texas. The known populations of ashy dogweed are located on the sandy pockets of Maverick-Catarina, Copita-Zapata, and Nueces-Comita soils of southern Webb and northern Zapata counties. Although ashy dogweed has been observed in areas where the ground has been disturbed, it is not known whether this species actually prefers disturbance or if it grows equally well on disturbed and undisturbed sites.	No	No effect.

Source: USFWS 2018b

Ocelot (*Leopardus pardalis*)

The ocelot (Photograph 1) was listed as endangered in 1982 under the authority of the Endangered Species Conservation Act of 1969 (USFWS 2010). The 1969 Endangered Species Conservation Act maintained separate lists for foreign and native wildlife. The ocelot appeared on the foreign list, but due to an oversight, the ocelot did not appear on the native list. Following passage of the ESA, the ocelot was included on the January 4, 1974, list of "Endangered Foreign Wildlife" that

Photograph 1. Ocelot (Source: USFWS)

"grandfathered" species from the lists under the 1969 Endangered Species Conservation Act into a new list under the ESA (USFWS 2010). The entry for the ocelot included "Central and South America" under the "Where found" column in the new ESA list. Endangered status was extended to the United States portion of the ocelot's range for the first time with a final rule published July 21, 1982 (USFWS 1982). The "Historic range" column for the ocelot's entry in the rule reads, "U.S.A. (TX, AZ) south through Central America to South America." The entry on the current list (USFWS 2010) is essentially the same, and reads "U.S.A. (TX, AZ) to Central and South America." The species has a recovery priority number of 5C, meaning that it has a low potential for recovery with a relatively high degree of conflict with development projects. The ocelot is a medium-sized spotted cat with nocturnal habits (USFWS 2010). The ocelot belongs to the genus *Leopardus*, which also includes the margay (*Leopardus wiedii*) and the oncilla (*Leopardus tigrinus*). The ocelot is further divided into as many as 11 subspecies that ranged from the southwestern United States to northern Argentina (USFWS 2010). Two subspecies occurred in the United States: the Texas/Tamaulipas ocelot *(L. p. albescens)* and the Arizona/Sonora ocelot *(L. p. sonoriensis)* (USFWS 2010).

The ocelot uses a wide range of habitats throughout its range in the Western Hemisphere (USFWS 2010). Despite this, the species does not appear to be a habitat generalist. Ocelot spatial patterns are strongly linked to dense cover or vegetation, suggesting that it uses a fairly narrow range of microhabitats (USFWS 2010). South Texas ocelots prefer shrub communities with greater than 95 percent canopy cover and avoids areas with intermediate (50 to 75 percent) to no canopy cover (USFWS 2010). Ocelots do not prefer or avoid communities with 75 to 95 percent canopy cover. Other microhabitat features important to ocelots appear to be canopy height (greater than 7.8 feet) and vertical cover (89 percent visual obscurity at 3 to 6 feet). Ground cover at locations used by ocelots was characterized by a high percentage of coarse woody debris (50 percent) and very little herbaceous ground cover (3 percent), both consequences of the dense woody canopy (USFWS 2010). Between 1980 and 2010 the ocelot was documented by photographs or specimen in Cameron, Willacy, Kenedy, Hidalgo, and Jim Wells counties (USFWS 2010). Currently, the Texas population of ocelots is believed to be fewer than 50 individuals, composing two separated populations in south Texas. The Laguna Atoscosa National Wildlife Refuge primarily supports one of these populations and the other occurs in Willacy and Kenedy counties on private ranches (USFWS 2010). Individuals occurring in Texas outside these areas are occasionally observed but are likely wandering or released and not part of a breeding population. A third population of the Texas subspecies of ocelot occurs in Tamaulipas, Mexico, but is geographically isolated from ocelots in Texas. Genetic evidence shows little or no recent genetic exchange between these populations (USFWS 2010). A separate subspecies of ocelot is occasionally found in southern Arizona but is disjunct from populations in Texas.

Gulf Coast Jaguarundi (*Puma yagouaroundi cacomitli*)

The Gulf Coast subspecies of jaguarundi (Photograph 2) was listed under the ESA as endangered in 1976 (41 FR 24062). The jaguarundi is a small cat, slightly larger than a house cat (*Felis catus*). With a slender build, long neck, short legs, small and flattened head, and long tail, it resembles a weasel (*Mustela* sp.) more than other felines (USFWS 2013).

The jaguarundi is a lowland, nocturnal species, inhabiting forest and bush (USFWS 2013). Within Mexico it occurs in the eastern lowlands and has not been recorded in the Central Highlands (USFWS 2013). In southern Texas, jaguarundis have used dense thorny shrublands.

Photograph 2. Gulf Coast Jaguarundi (Source: USFWS)

In Texas, jaguarundis historically were limited to the southern portion of the state, including Cameron, Hidalgo, Willacy, and Starr counties (USFWS 2013). In a boundary survey of the United States and Mexico, it was noted that evidence of jaguarundi existing along the Rio Grande was established by a skull in the collection of Dr. Berlandiere. According to Dr. Berlandiere, "the animal was common in Mexico before the conquest, but is now rare…a few have been killed on the Rio Grande near Matamoros (USFWS 2013)." Also, in this same survey, there was a description of a skull in Dr. Berlandiere's collection from *Felis eyra*, which is now classified as the Gulf Coast jaguarundi. However, there are no verified records of the subspecies beyond extreme southern Texas, and there is not enough information to determine how abundant the subspecies was historically (USFWS 2013). No historical records of jaguarundis have been documented north of the Rio Grande Valley of Texas (USFWS 2013). The last confirmed sighting of this subspecies within the United States was in April 1986, when a road-killed specimen was collected 2 miles east of Brownsville, Texas, and positively identified as a jaguarundi. Numerous unconfirmed sightings have been reported since then, including some sightings with unidentifiable photographs, but no United States reports since April 1986 have been confirmed as jaguarundi. Unconfirmed sightings of jaguarundi have been reported in the mid-1980s and in 1993 for Webb County (USFWS 2013). The closest known Gulf Coast jaguarundis to the United States border are found approximately 95 miles southwest in Nuevo Leon, Mexico. The USFWS released the first revision to the Gulf Coast Jaguarundi Recovery Plan in December 2013 (USFWS 2013). This new recovery plan only applies to the gulf coast subspecies of the jaguarundi.

Golden Orb Clam (*Quadrula aurea*)

The golden orb clam is endemic to Texas, and has a historical distribution throughout the Guadalupe-San Antonio River basins and the Neuces-Frio river basins (Hammontree et al. 2012). However, there are no rivers or streams within or near the Proposed Action site, so this species would not be expected to occur within the project footprint.

Texas Hornshell Mussel (*Popenaias popeii*)

The Texas hornshell is a medium sized freshwater mussel with a dark brown to green to brown, elongate, laterally compressed shell that reaches a length of approximately four inches. It is native to the Rio Grande watershed in Texas. It occurs in medium to large rivers, usually in crevices, undercuts, and shelves that contain small-grained substrates such as clay, silt, or sand. The Texas hornshell is currently restricted to approximately 15 percent of its historical range including a population in the Lower Rio Grande near Laredo, Texas (USFWS 2018c). There are

no rivers or streams within or near the Proposed Action site, so this species would not be expected to occur within the project footprint.

Ashy Dogweed (*Thymophylla tephroleuca*)
A perennial wildflower, ashy dogweed has ash-gray-green colored leaves and yellow flowers, which appear after rains. During dry periods the plant becomes brittle and dry, gray to almost white in color. Ashy dogweed is restricted to unique sandy pockets of soil in Webb County and northern Zapata County, Texas (USFWS 1987). No ashy dogweed was observed in the Proposed Action site, nor do the soils, which are considered habitat requirements for the Ashy dogweed, occur on site.

Critical Habitat
The ESA also calls for the conservation of what is termed critical habitat, the areas of land, water, and air space that an endangered species needs for survival. Critical habitat also includes such things as food and water, breeding sites, cover or shelter, and sufficient habitat area to provide for normal population growth and behavior. One of the primary threats to many species is the destruction or modification of essential habitat by uncontrolled land and water developments. No Critical Habitat is designated for any of the Federally listed species found within Webb County.

State-Listed Species
TPWD lists several state-listed species that may also occur within or near the project areas in Webb County. The only state-listed species observed during biological surveys was the Texas tortoise, which is listed as threatened (TPWD 2019b); however, this species was not observed on the site as it was observed approximately one mile from the site adjacent to Highway 59. Appendix B has a complete list of all state-listed species with the potential to occur in Webb County.

3.6.1 Alternative 1: Proposed Action
Under the Proposed Action, there would be no direct impacts on any threatened or endangered species or their habitat. No impacts to the golden orb or Texas hornshell mussel would occur as there are no water resources within or near the project site. No ashy dogweed was observed in the Proposed Action site, nor do the soils, which are considered habitat requirements for the Ashy dogweed, occur on site. Therefore, no impacts on the ashy dogweed would occur as a result of the Proposed Action. The ocelot and jaguarondi could potentially wander into the project site; however, South Texas Brush Country is not the prototypical habitat for either species and it is highly unlikely that either cat would occupy or use the site. As mentioned previously, both cats prefer to inhabit thick thornscrub habitats near water with restrictive canopy cover, ground cover, and vertical cover limitations that do not exist at the project site. Therefore, CBP has determined that no effects to the ocelot or jaguarondi would occur as a result of the Proposed Action.

TPWD lists several state-listed species that may occur within or near the project site. Under the Proposed Action, approximately 45 acres of South Texas Brush Country vegetative habitat would be permanently impacted. Mobile species such as the Texas horned lizard and Texas indigo snake (*Drymarchon melanurus*) may be temporarily displaced by BPS and BPC

construction activities; however, these highly mobile species typically utilize large expanses of suitable habitat and the effects of disturbance and alterations to small segments are likely to be minimal to negligible to populations of these species. Grubbing, digging, clearing, or ground-leveling activities at the BPS and BPC site may result in the incidental take of some individuals of more sedentary state-listed species such as the Texas tortoise (*Gopherus berlandieri*). The direct impacts on sedentary state-listed species would be negligible due to the BMPs to be implemented and because of the limited amount of disturbance to habitat relative to the amount of similar habitats within the ROI.

3.6.2 Alternative 2: No Action Alternative

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

3.7 GROUNDWATER

The project area is located within the Yegua-Jackson aquifer, a minor aquifer that crosses 34 counties in the southeastern part of Texas. The aquifer covers 10,904 square miles from the Texas-Louisiana border to Mexico. The Yegua-Jackson aquifer has a reported annual groundwater availability of 69,232 acre-feet and an annual groundwater supply of 8,354 acre-feet per year (Texas Water Development Board [TWDB] 2012).

This aquifer is composed of interbedded sand, silt, and clay layers. The water quality varies greatly due to sediment composition in the aquifer formations; the Yegua-Jackson aquifer becomes highly mineralized with increased depth. However, groundwater is produced from the sand units within the aquifer, which contains 50-1,000 milligrams per liter of dissolved solids. Shallow wells occur over most of the Yegua-Jackson aquifer for domestic and livestock purposes. In addition to livestock, water from this aquifer is also used in municipal, industrial, irrigation purposes (TWDB 2011).

Groundwater at the site would be provided by a new water well that CBP would install. The well would be properly permitted in accordance with TCEQ potable water requirements.

3.7.1 Alternative 1: Proposed Action

A new water well would be drilled as part of the new BPS and BPC construction. The drilling and operation of the new well will comply with the Texas Administrative Code Rules and Regulations for Public Water Systems (30 TAC 290), as well as TCEQ potable water requirements. Water usage for the new BPS and BPC is estimated to be approximately 5,000 gallons per day for a total of approximately 1.85 million gallons per year. As mentioned previously, the annual groundwater supply is approximately 8,354 acre-feet per year, which is a total of approximately 2.7 billion gallons per year. It should be noted that some of the water will be recycled and used for washing vehicles and other uses. Because the new BPC and BPS would only use approximately 0.067 percent of the annual groundwater available within the aquifer per year, it is anticipated that impacts to water availability would be long-term and negligible. No impacts on groundwater quality would occur.

3.7.2 Alternative 2: No Action Alternative

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

3.8 SURFACE WATER AND WATERS OF THE UNITED STATES

The Clean Water Act (CWA) §303[d][1][A] requires that each state monitor surface waters and compile a "303[d] List" of impaired streams and lakes. The proposed border patrol station is located in southern Texas and is located in the Nueces River Basin. The Neuces River Basin travels 315 miles from Neuces Bay to the Gulf of Mexico near Corpus Christi; the total drainage area is 16,950 square miles (TCEQ 2016). The TCEQ 2014 303(d) reports lists that there are no stream reaches and no impaired streams near the project site.

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

3.8.1 Alternative 1: Proposed Action

The Proposed Action may potentially have temporary, negligible impacts on surface waters as a result of increases in erosion and sedimentation during periods of construction. Disturbed soils and hazardous substances (i.e., antifreeze, fuels, oils, and lubricants) could directly impact water quality during a rain event. However, due to the lack of surface waters present at the proposed BPS and BPC and through the use of BMPs these effects would be minimized. A Construction Stormwater General Permit would be obtained prior to construction, and this would require approval of a site-specific Storm Water Pollution Prevention Plan (SWPPP). A site-specific Spill Prevention, Control and Countermeasure Plan (SPCCP) would also be in place prior to the start of construction. BMPs outlined in these plans would reduce potential migration of soils, oil and grease, and construction debris into local surface waters. Once the construction project is complete, any temporary construction footprints would be revegetated with native vegetation, as outlined in the SWPPP, which would mitigate the potential of non-point source pollution to enter local surface waters. No waters of the United State nor wetlands exists within the project site; therefore, there would be no net loss of wetlands or waters of the United States and the Proposed Action would be in compliance with Executive Order (E.O.) 11990.

3.8.2 Alternative 2: No Action Alternative

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

3.9 FLOODPLAINS

A floodplain is the area adjacent to a river, creek, lake, stream, or other open waterway that is subject to flooding when there is a major rain event. Floodplains are further defined by the likelihood of a flood event. If an area is in the 100-year floodplain, there is a 1-in-100 chance in any given year that the area will flood. Federal Emergency Management Agency (FEMA) floodplain maps were reviewed to identify if the project area is located within mapped floodplains. None of the project area is located within the 100-year floodplain; there is minimal flood hazard within the entire project boundary (FEMA 2016).

3.9.1 Alternative 1: Proposed Action

The Proposed Action would not increase the risk or impact of floods on human safety, health, and welfare, or adversely impact the beneficial values that floodplains serve. Additionally, the Proposed Action would not increase duration, frequency, elevation, velocity or volume of flood events because the project site is not located within a floodplain. Therefore, the Proposed Action would have no direct or indirect impacts on floodplains and would be in compliance with E.O. 11988.

3.9.2 Alternative 2: No Action Alternative

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

3.10 AIR QUALITY

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

Areas that do not meet these NAAQS standards are called non-attainment areas; areas that meet both primary and secondary standards are known as attainment areas. The Federal Conformity Final Rule (40 CFR Parts 51 and 93) specifies criteria and requirements for conformity determinations of Federal projects. The Federal Conformity Rule was first promulgated in 1993 by the USEPA, following the passage of Amendments to the Clean Air Act in 1990. The rule mandates that a conformity analysis be performed when a Federal action generates air pollutants in a region that has been designated a non-attainment or maintenance area for one or more NAAQS.

A conformity analysis is the process used to determine whether a Federal action meets the requirements of the General Conformity Rule. It requires the responsible Federal agency to evaluate the nature of a Proposed Action and associated air pollutant emissions and calculate emissions that may result from the implementation of the Proposed Action. If the emissions

exceed established limits, known as *de minimis* thresholds, the proponent is required to perform a conformity determination and implement appropriate mitigation measures to reduce air emissions. The USEPA has designated Webb County as in attainment for all NAAQS (USEPA 2018a).

Table 3-5. National Ambient Air Quality Standards

Pollutant	Primary Standards		Secondary Standards	
	Level	Averaging Time	Level	Averaging Times
Carbon Monoxide	9 ppm (10 mg/m^3)	8-hour [1]	None	
	35 ppm (40 mg/m^3)	1-hour [1]		
Lead	0.15 µg/m^3 [2]	Rolling 3-Month Average	Same as Primary	
	1.5 µg/m^3	Quarterly Average	Same as Primary	
Nitrogen Dioxide	53 ppb [3]	Annual (Arithmetic Average)	Same as Primary	
	100 ppb	1-hour [4]	None	
Particulate Matter (PM-10)	150 µg/m^3	24-hour [5]	Same as Primary	
Particulate Matter (PM-2.5)	15.0 µg/m^3	Annual [6] (Arithmetic Average)	Same as Primary	
	35 µg/m^3	24-hour [7]	Same as Primary	
Ozone	0.075 ppm (2008 std)	8-hour [8]	Same as Primary	
	0.08 ppm (1997 std)	8-hour [9]	Same as Primary	
	0.12 ppm	1-hour [10]	Same as Primary	
Sulfur Dioxide	0.03 ppm	Annual (Arithmetic Average)	0.5 ppm	3-hour [1]
	0.14 ppm	24-hour [1]		
	75 ppb [11]	1-hour	None	

Source: USEPA 2018b.
Units of measure for the standards are parts per million (ppm) by volume, parts per billion (ppb - 1 part in 1,000,000,000) by volume, milligrams per cubic meter of air (mg/m^3), and micrograms per cubic meter of air (µg/m^3).
[1] Not to be exceeded more than once per year.
[2] Final rule signed October 15, 2008.
[3] The official level of the annual NO_2 standard is 0.053 ppm, equal to 53 ppb, which is shown here for the purpose of clearer comparison to the 1-hour standard.
[4] To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 100 ppb (effective January 22, 2010).
[5] Not to be exceeded more than once per year on average over 3 years.
[6] To attain this standard, the 3-year average of the weighted annual mean PM2.5 concentrations from single or multiple community-oriented monitors must not exceed 15.0 µg/m3.
[7] To attain this standard, the 3-year average of the 98th percentile of 24-hour concentrations at each population-oriented monitor within an area must not exceed 35 µg/m3 (effective December 17, 2006).
[8] To attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.075 ppm (effective May 27, 2008) .
[9] (a) To attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.08 ppm.
(b) The 1997 standard—and the implementation rules for that standard—will remain in place for implementation purposes as USEPA undertakes rulemaking to address the transition from the 1997 ozone standard to the 2008 ozone standard.
(c)USEPA is in the process of reconsidering these standards (set in March 2008).
[10] (a)USEPA revoked the 1-hour ozone standard in all areas, although some areas have continuing obligations under that standard ("anti-backsliding").
(b) The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm is ≤ 1.
[11] (a) Final rule signed June 2, 2010. To attain this standard, the 3-year average of the 99th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 75 ppb.

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

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

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

3.11 NOISE

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

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

metric recommended by the USEPA and has been adopted by most Federal agencies (USEPA 1974).

Noise within the project area in general is limited due to the remote nature of the project site; however, noise levels can vary dependent upon traffic volumes on Highway 59 and associated USBP operations at the nearby existing checkpoint. Further, no sensitive noise receptors are within a mile of the project site.

3.11.1 Alternative 1: Proposed Action

The construction of the proposed BPS and BPC would require the use of common construction equipment. Table 3-6 describes noise emission levels for construction equipment that range from 47 dBA to 85 dBA at a distance of 50 feet (FHWA 2007).

Assuming the worst case scenario of 85 dBA from general construction equipment, the noise model predicts that noise emissions would have to travel 1,138 feet before they would be attenuated to acceptable levels equal to or below 57 dBA, which is the criterion for National Monument and Wildlife Refuges (23 CFR § 722, Table 1), or 482 feet to attenuate to 65 dBA, which is the criterion for residential receptors.

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

Noise Source	50 feet	100 feet	200 feet	500 feet	1000 feet
Bulldozer	82	76	70	62	56
Concrete mixer truck	85	79	73	65	59
Crane	81	75	69	61	55
Drill rig	85	79	73	65	59
Dump truck	84	78	72	64	58
Excavator	81	75	69	61	55
Front-end loader	79	73	67	59	53
Generator	47	41	35	26	20

Source: FHWA 2007

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

The project site is located in a remote area far from sensitive noise receptors such as residential homes or National Wildlife Refuges. Therefore, impacts on noise would be short term, negligible, and insignificant.

3.11.2 Alternative 2: No Action Alternative

Under the No Action Alternative, no impacts on noise would occur as the construction of the proposed BPS and BPC would not occur, nor would the demolition of the existing BPC.

3.12 CULTURAL, HISTORICAL, AND ARCHAEOLOGICAL RESOURCES

Cultural resources include historic properties, archaeological resources, and sacred sites. Historic properties are defined by the NHPA as any prehistoric or historic district site, building,

structure, or object included on, or eligible for inclusion in the National Register of Historic Places (NRHP), including artifacts, records, and material remains relating to the district, site, building, structure, or object (National Park Service [NPS] 2006a). To be considered eligible for the NRHP, a property would need to possess integrity of location, design, setting, materials, workmanship, feeling, and association and must also meet at least one of the following four criteria (NPS 2002):

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

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

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

Existing Archaeological Site and Previously Conducted Archaeological Surveys

Two archaeological investigations have been previously conducted within a half mile of the Proposed Action site. The first investigation was a survey conducted by Northland Research, Inc. for CBP of RVSS tower locations. During this investigation no archaeological sites or aboveground historic resources were recorded (THC 2018). The second investigation consisted of the archaeological and aboveground resources survey of 43.3 acres which encompassed the

proposed action site (Lindemuth and Hunt 2019). The investigation included a pedestrian survey of the area which was supplemented by the excavation of 24 shovel test pits. This investigation resulted in the identification of two archaeological sites and seven isolated occurrences (IOs). Both archaeological sites consisted of lithic surface scatters, with no associated features or diagnostic artifacts, and represented single use, open campsites. Neither of the archaeological sites was recommended eligible for the NRHP under any criteria. The seven IOs were also not recommended eligible for the NRHP. Consultation was conducted with the Texas Historical Commission (THC) and the Federally recognized Native American tribes that claim a cultural affinity to the area regarding other known resources in the area, the results of the survey of the proposed action site, and CBP's effect determination for the sites that would be impacted from the development of the proposed action site. The THC concurred with CBP's NRHP and effects determinations in an email dated January 31, 2019. A copy of the consultation letters and responses are provided in Appendix A.

3.12.1 Alternative 1: Proposed Action

Archaeological and aboveground resources surveys were conducted for the Proposed Action site. None of the resources identified were determined to be eligible for the NRHP and as a result, no historic properties, as defined by the NHPA, would be impacted by the Proposed Action. As a result, no significant impacts to cultural resources would occur from the implementation of the proposed action.

3.12.2 Alternative 2: No Action Alternative

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

3.13 UTILITIES AND INFRASTRUCTURE

American Electric Power, Texas Central Company, distributes electrical energy on behalf of the various Retail Electric Providers operating within the project area. An overhead electrical transmission line crosses the northern portion of the project area. Commercial grid power is currently available and would be used to power the proposed BPS and BPC.

Infrastructure near the project area is Highway 59 and FM 2050. No new public infrastructure would be required for ingress or egress at the proposed BPS. The new BPC would require that ingress and egress connection to Highway 59 be constructed; however, if and when the BPC is not in operation, traffic would be unimpeded on Highway 59. Additionally, Highway 59 is scheduled to be expanded to meet interstate standards and be incorporated into the Interstate 69 (I-69) system. This system is intended to enhance transportation system operations and safety to accommodate growth and economic development, maintain mobility, address emergency evacuation needs, and facilitate the efficient movement of freight. The I-69 system within Texas would connect Laredo, Texas to Texarkana, Texas.

3.13.1 Alternative 1: Proposed Action

The Proposed Action would result in negligible effects on the availability of utilities throughout the ROI because the current amperage available through the existing grid power system can

withstand the anticipated electrical load of the proposed BPS and BPC. Additionally, the BPS and BPC would be tied into an existing and available service transmission lines.

Although USBP agents and CBP personnel would be exposed to electromagnetic (EM) fields from the existing overhead transmission lines, no scientific studies have found that working near these types of powerlines causes any human health and safety issues (Salzburg 2019). Therefore, no adverse impacts would occur as result of the existing transmission lines.

3.13.2 Alternative 2: No Action Alternative

Under the No Action Alternative, the proposed BPC and BPS would not be constructed nor would the existing BPC be demolished. The No Action Alternative would not affect the availability of utilities or require construction of additional facilities.

3.14 ROADWAYS AND TRAFFIC

Interstate 35 is the main north-south route in Webb County, Texas. Additional routes include U.S. Highways 83 and 59. Interstate 35 is one of the major north-south cross-country routes. It is the third-longest north-south route in the country, extending 1,568 miles from Laredo, Texas to Duluth, Minnesota (TxDOT 2016). U.S. Highway 83 is one of the longest north-south U.S. Highways in the United States. The highway starts in Brownsville, Texas at the Veterans International Bridge on the United States - Mexico border and terminates north of Westhope, North Dakota, at the Canada-United States border. U.S. Highway 59 runs the length of the country from Lancaster, Minnesota to Laredo, Texas, although Highway 59 runs north-south across the country it runs east-west in Webb County, Texas. The proposed BPS and BPC would be located at the intersection of U.S. Highway 59 and FM 2050. FM 2050 runs 24.65 miles from Bruni, Texas to U.S. Highway 59. According to TxDOT, the annual average daily traffic (AADT) for U.S. Highway 59 at the intersection of FM 2050 was 2,232 in 2017 and 3,102 in 2013 (TxDOT 2018a).

3.14.1 Alternative 1: Proposed Action

With the implementation of the Proposed Action, construction activities at the project site would have a temporary, minor impact on roadways and traffic adjacent to the project site. An increase of vehicular traffic along U.S. Highway 59 and FM 2050 would occur from supplying materials, hauling debris, and from work crews commuting to the project site during construction activities. Upon completion of construction activities, the increase in USBP agents traveling those roads to access the BPS and BPC would increase as well. This increase in volume of traffic associated with agents coming and going from the BPS and BPC would have negligible impacts on roadways and traffic as Highway 59 can withstand the projected volumes. Additionally, although the exact construction activities associated with Highway 59 to make it part of the I-69 system is unknown, it can be assumed that Highway 59 would be widened to accommodate more traffic and bring the highway up to interstate standards. Therefore, traffic impacts associated with construction and operation of the BPC and BPS would be long-term and negligible.

3.14.2 Alternative 2: No Action Alternative

Under the No Action Alternative, no impacts to roadways and traffic would occur.

3.15 HAZARDOUS MATERIALS

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

A Transaction Screen Site Assessment was conducted for the proposed project site in accordance with the American Society for Testing and Materials (ASTM) International Standard E1528-06. This assessment was performed to evaluate any potential environmental risk associated with the construction and operation of the proposed BPS and BPC. The assessment included a search of Federal and state records of known hazardous waste sites, potential hazardous waste sites, and remedial activities and included sites that are either on the National Priorities List or being considered for the list. According to information gathered from document searches, interviews, and the site reconnaissance, no recognized environmental conditions exist in the immediate vicinity of the subject property (CBP 2018b).

3.15.1 Alternative 1: Proposed Action

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

All hazardous and regulated wastes and substances generated by operation of the new BPC and BPS, as well as the demolition of the existing BPC would be collected, characterized, labeled, stored, transported, and disposed of in accordance with all Federal, state, and local regulations, including proper waste manifesting procedures. All other hazardous and regulated materials or substances would be handled according to materials safety data sheet instructions and would not affect water, soils, vegetation, wildlife, or the safety of USBP agents and staff. The fuel ASTs installed at the new BPS would be double walled and contained within all protective measures needed to prevent the release of any tank spills. The vehicle maintenance facility would be equipped with oil/water separators to collect any petroleum or other automotive fluids spilled, and waste automotive fluids would be collected and disposed of in accordance with state regulations. When necessary, the indoor shooting range would be cleaned and all collected materials would be properly handled and disposed of in accordance with Federal and state regulations. Therefore, hazardous and regulated materials and substances would not impact the public, groundwater, or general environment.

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

3.15.2 Alternative 2: No Action Alternative

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

3.16 RADIO FREQUENCY ENVIRONMENT

The radio frequency (RF) environment refers to the presence of EM radiation emitted by radio waves and microwaves on the human and biological environment. EM radiations are self-propagating waves of electric and magnetic energy that move through space via radio waves and microwaves emitted by transmitting antennas. RF is a frequency or rate of oscillation within the range of about 3 hertz and 300 gigahertz. This range corresponds to frequency of alternating current and electrical signals used to produce and detect radio waves. The EM radiation produced by radio waves and microwaves carry energy and momentum and can interact with matter.

The Federal Communications Commission (FCC) is responsible for licensing frequencies and ensuring that the approved uses would not interfere with television or radio broadcasts or substantially affect the natural or human environments. The FCC adopted recognized safety guidelines for evaluating RF exposure in the mid-1980s (Office of Engineering and Technology [OET] 1999). Specifically, in 1985, the FCC adopted the 1982 American National Standards Institute (ANSI) guidelines to evaluate exposure due to RF transmitters that are licensed and authorized by the FCC (OET 1999). In 1992, ANSI adopted the 1991 Institute of Electrical and Electronics Engineers (IEEE) standard as an American National Standard (a revision of its 1982 standard) and designated it as ANSI/IEEE C95.1-1992 (OET 1999). The FCC proposed to update its rules and adopt the new ANSI/IEEE guidelines in 1993, and in 1996 the FCC adopted a modified version of the original proposal.

The FCC's guidelines are also based on the National Council on Radiation Protection and Measurements (NCRP) exposure guidelines. The NCRP and ANSI/IEEE exposure criteria identify the same threshold levels at which harmful biological effects may occur. The whole-body human absorption of RF energy varies with the frequency of the RF signal. The most restrictive limits on exposure are in the frequency range of 30 to 300 megahertz, where the human body absorbs RF energy most efficiently when exposed in the air field of an RF transmitting source (ANSI/IEEE C95.1-1992).

There are two tiers or exposure limits: occupational or "controlled" and general or "uncontrolled." Controlled exposure is when people are exposed to RF fields as a part of their employment and they have been made fully aware of the potential exposure and can exercise control over their exposure. Uncontrolled exposure is when the general public is exposed or

when persons employed are not made fully aware of the potential for exposure or cannot exercise control over their exposure.

In order for a transmitting facility or operation to be out of compliance with the FCC's RF guidelines in an area where levels exceed Maximum Permissible Exposure (MPE) limits, it must first be accessible to the public. The MPE limits indicate levels above which people may not be safely exposed regardless of the location where those levels occur.

Adverse biological effects associated with RF energy are typically related to the heating of tissue by RF energy. This is typically referred to as a "thermal" effect, where the EM radiation emitted by an RF antenna passes through and rapidly heats biological tissue, similar to the way a microwave oven cooks food. The Health Physics Society indicates that numerous studies have shown that environmental levels of RF energy routinely encountered by the general public are typically far below levels necessary to produce significant heating and increased body temperature and are generally only associated with workplace environments near high-powered RF sources used for molding plastics or processing food products. In such cases, exposure of human beings to RF energy could be exceeded, thus requiring restrictive measures or actions to ensure their safety (Kelly 2007).

There is also some concern that signals from some RF devices could interfere with pacemakers or other implanted medical devices. However, it has never been demonstrated that signals from a microwave oven are strong enough to cause such interference (OET 1999). Furthermore, EM shielding was incorporated into the design of modern pacemakers to prevent RF signals from interfering with the electronic circuitry in the pacemaker (OET 1999).

Other non-thermal adverse effects such as disorientation of passing birds by RF waves are also of concern. Past studies on effects of communications towers were noted by Beason (1999) during the 1999 Workshop on Avian Mortality at Communication Towers (Evans and Manville 2000). During this workshop, Beason (1999) noted that most research on RF signals produced by communications towers generally have no disorientation effects on migratory birds. However, more research is needed to better understand the effects of RF energy on the avian brain.

Currently, CBP, USFWS, local law enforcement agencies, and the military use 2-way radios as part of their daily operations in the project area. Further, several of these agencies operate and maintain radio repeaters within the ROI.

3.16.1 Alternative 1: Proposed Action

The Proposed Action would install new communications equipment within the project site. As with any RF transmitter, all of these systems would emit RF energy and EM radiation; therefore, a potential for adverse effects could occur. However, any adverse effects on human safety and wildlife would likely be negligible due to the minimal exposure limits associated with both the type of equipment used and the tower site location. The risk of exposure is further minimized because the tower would be up to 100 feet tall. The distance between the antennas (on top of the tower) and human populations would be too great to present a significant exposure risk. Under normal operating conditions, maintenance personnel working near the tower site would not be

exposed to any RF energy that exceeds MPE limits set by the FCC. All CBP tower climbers will have RF monitors that would alarm to indicate an unsafe RF environment. Additionally, RF hazard warning signage will be in place on the site.

Though greater research is required to have a better understanding of the effects of RF energy on the avian brain, the potential effects on passing birds are expected to be negligible as well. Any disorientating effect, if experienced, would be temporary and would occur only at distances close to the antennas.

No RF energy levels emitted from the proposed equipment are outside Occupational, Safety, and Health Administration (OSHA) safety standards.

3.16.2 Alternative 2: No Action Alternative

Under the No Action Alternative, the new BPS and BPC would be constructed, nor would the existing BPC be demolished. Daily radio operations by CBP and USFWS, and local law enforcement would continue within the ROI. The existing RF emitted would continue to have adverse, negligible impacts on the human or natural environments.

3.17 SOCIOECONOMICS

This socioeconomics section outlines the basic attributes of population and economic activity in Duval and Webb Counties in Texas. The closest town to the proposed BPS is Freer, Texas, which is in Duval County; however, the location for the proposed BPS is in Webb County. With the much larger City of Laredo, located in Webb County, only 40 miles from the proposed BPS location, some of the new personnel would be expected to live in Laredo. As a result, both Duval and Webb are considered the ROI for socioeconomics.

The proposed Freer BPS would be designed for 250 agents, an increase of 144 agents over the 106 agents working at the existing Freer BPS. This increase would be designed to accommodate the growth anticipated in Freer's AOR due to the development of I-69 and shifting illegal immigration patterns from enforcement initiatives further east along the southern border.

Affected Environment

Demographic data, shown in Table 3-7, provide an overview of the socioeconomic environment in the ROI. In 2017, Duval County had an estimated population of 11,273 and Webb County had 274,794. From 2010 to 2017, the population of Duval County declined at an average annual rate of -0.6 percent, while Webb County grew at an average annual rate of 1.4 percent. The population of Texas grew at an average annual rate of 1.8 percent, and the United States at a slower rate of 0.8 percent.

Per capita income in the ROI is very low compared to Texas and the United States, with average per capita income in Duval County and Webb County approximately 67 and 53 percent of the United States, respectively. The unemployment rate in Duval County (7.7 percent) is well above Texas (4.3 percent) and the United States (4.4 percent); however, the unemployment rate in Webb County (4.2 percent) is slightly below Texas and the United States.

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

	2017 Population Estimate*	Average Annual Growth Rate 2010-2017 (Percent)	Per Capita Income (Dollars) (2016)	Per Capita Income As a Percent of the United States (Percent)	Unemployment Rate (2017) (Percent)
City of Freer	2,734	-0.8	20,390	68	NA
City of Laredo	260,564	1.5	15,956	53	NA
Duval County, Texas	11,273	-0.6	19,853	67	7.7
Webb County, Texas	274,794	1.4	15,691	53	4.2
Texas	28,304,596	1.8	27,828	93	4.3
United States	325,719,178	0.8	29,829	100	4.4

Source: U.S. Census Bureau 2018, BLS 2018a, BLS 2018b

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

3.17.1 Alternative 1: Proposed Action

The proposed Freer BPS would be located in a rural area west of the intersection of U.S. 59 and FM 2050, approximately 15 miles southwest of Freer and 40 miles northeast of Laredo. The proposed Freer BPS could add up to 144 agents and their families moving into the area, needing homes, schools, and public services. Those agents and their families would be expected to live in Laredo or Freer. With an estimated population of 260,564, Laredo is a much larger city than Freer (population 2,734) and would offer many more options for housing, schools, shopping, and other amenities, leading many agents to choose to live further away in Laredo, which would be better able to handle the increased demand for housing and public services than Freer. With many of the 144 additional agents and their families expected to choose to live in Laredo, increases in the demand for public services in excess of existing and projected capacities would not be expected.

Temporary, minor, beneficial impacts in the form of jobs and income for area residents, revenues to local businesses, and sales and use taxes to Webb and Duval Counties, Laredo, Freer, and the State of Texas from locally purchased building materials could be realized if construction materials are purchased locally and local construction workers are hired for road construction.

3.17.2 Alternative 2: No Action Alternative

Under the No Action Alternative, the proposed BPS and BPC would not be constructed in Webb County, nor would the existing BPC be demolished, so there would be no direct socioeconomics impacts. The USBP's ability to detect and interdict illicit cross-border activity would not be enhanced, so indirect impacts from illegal activity would continue.

3.18 ENVIRONMENTAL JUSTICE AND PROTECTION OF CHILDREN

EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, was issued by President Clinton on February 11, 1994. It was intended to

ensure that proposed Federal actions do not have disproportionately high and adverse human health and environmental effects on minority and low-income populations and to ensure greater public participation by minority and low-income populations. It required each agency to develop an agency-wide environmental justice strategy. A Presidential Transmittal Memorandum issued with the EO states that "Each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by the NEPA 42 U.S.C. section 4321, et seq." The Department of Defense (DoD) has directed that NEPA will be used to implement the provisions of the EO.

EO 12898 does not provide guidelines as to how to determine concentrations of minority or low-income populations. However, analysis of demographic data on race, ethnicity, and poverty provides information on minority and low-income populations that could be affected by the proposed actions. The 2010 Census reports numbers of minority individuals and the U.S. Census American Community Survey (ACS) provides the most recent poverty estimates available. Minority populations are those persons who identify themselves as Black, Hispanic, Asian American, American Indian/Alaskan Native, Pacific Islander, or Other. Poverty status is used to define low-income. Poverty is defined as the number of people with income below poverty level, which was $24,858 for a family of four in 2017, according to the U.S. Census Bureau (U.S. Census Bureau 2017). A potential disproportionate impact may occur when the percent minority in the study area exceeds 50 percent and/or the percent low-income exceeds 20 percent of the population. Additionally, a disproportionate impact may occur when the percent minority and/or low-income in the study area are meaningfully greater than those in the region. The potential for impacts on the health and safety of children is greater in areas where projects are located near residential areas.

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

Table 3-8. Minority and Poverty

	Minority Population (Percent)	All Ages in Poverty (Percent)
City of Freer	76.7	16.1
City of Laredo	96.5	31.3
Duval County	91.3	28.6
Webb County	96.5	31.8
Texas	58.0	14.7
United States	39.3	12.3

Source: U.S. Census Bureau 2018

3.18.1 Alternative 1: Proposed Action

Under the Preferred Alternative, the proposed Freer BPS would be located in a very rural area, with no residences located nearby. The additional 144 agents and their families would be expected to live in Laredo or Freer, which are located 40 and 15 miles, respectively, away from the proposed BPS. With no homes located in the area of the proposed BPS, the Proposed Action would not result in disproportionately high and adverse human health or environmental effects

on minority populations and low income populations. There would be no environmental health or safety risks that disproportionately affect children.

3.18.2 Alternative 2: No Action Alternative

Under the No Action Alternative, the proposed Freer BPS and BPC would not be constructed, nor would the existing BPC be demolished. There would be no impacts on people, so there would be no disproportionately high and adverse human health or environmental effects on minority populations and low income populations. There would be no environmental health or safety risks that could disproportionately affect children.

3.19 SUMMARY OF IMPACTS

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

Table 3-9. Summary Matrix of Potential Impacts

Affected Environment	No Action Alternative (Alternative 1)	Proposed Action (Alternative 2)
Land Use	No direct impacts would occur.	The Proposed Action would have a permanent, negligible impact on land use. Approximately 45 acres of undeveloped land would be converted to a developed land use.
Soils	No direct impacts would occur.	The Proposed Action would have a direct, minor impact on soils. Permanent impacts on approximately 45 acres of soil would occur through the conversion of undeveloped land to use as a BPS and BPC.
Groundwater	No direct impacts would occur.	The Proposed Action would have minimal impact on groundwater resources.
Surface Waters and Waters of the United States	No direct impacts would occur.	Surface water quality could be temporarily impacted during construction activities as a result of erosion and sedimentation. However, due to the lack of surface waters present at the proposed BPS and BPC and through the use of BMPs these effects would be minimized. No impacts to wetlands and waters of the United States as none exists on or near the project site.
Vegetative Habitat	No direct impacts would occur.	The Proposed Action would permanently alter approximately 45 acres of native vegetative habitat. The plant community associated with the project site is both locally and regionally common, and the permanent loss of approximately 45 acres of vegetation would not adversely affect the population viability of any plant or animal species in the region.
Wildlife Resources	No direct impacts would occur.	The Proposed Action would have a long term, negligible impact on wildlife resources due to the permanent removal of approximately 45 acres of habitat.
Protected Species and Critical Habitats	No direct impacts would occur.	The Proposed Action would have no effect to any Federally protected species. No designated critical habitat is present within the project footprint.
Cultural Resources	No direct impacts would occur.	The Proposed Action would have no effect on historic properties.
Air Quality	No direct impacts would occur.	Temporary and minor increases in air pollution would occur from the use of construction equipment (combustion emissions) and the disturbance of soils (fugitive dust) during construction.
Noise	No direct impacts would occur.	Temporary and negligible increases in noise would occur during construction.
Utilities and Infrastructure	No direct impacts would occur.	Negligible demands on power utilities would be required as a result of the Proposed Action.
Radio Frequency	No direct impacts would occur.	Negligible impacts from RF energy due to the minimal exposure limits associated with both the type of equipment used and the tower site location.
Roadways and Traffic	No direct impacts would occur.	Construction activities would have a temporary, minor impact on roadways and traffic within the region. The increase of vehicular traffic would occur to supply materials and work crews at the project site during construction.
Hazardous Material	No direct impacts would occur.	The Proposed Action would not result in the exposures of the environment or public to any hazardous materials. The potential exists for minor releases of petroleum, oil, and lubricant during construction activities. BMPs will be implemented to minimize any potential contamination during construction activities.
Socioeconomics	No direct impacts would occur.	The Proposed Action would have minor to negligible impacts.

4.0 CUMULATIVE IMPACTS

This section of the EA defines cumulative impacts, identifies past, present, and reasonably foreseeable projects relevant to cumulative impacts, and analyzes the potential cumulative impacts associated with the implementation of the Proposed Action and other projects/programs planned within the ROI, which comprises the USBP's Freer Station's AOR.

4.1 DEFINITION OF CUMULATIVE IMPACTS

The CEQ defines cumulative impacts as "the impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions" (40 CFR § 1508.7). Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time by various agencies (Federal, state, or local) or individuals. CEQ guidance on cumulative effects requires the definition of the scope of the other actions and their interrelationship with the Proposed Action (CEQ 1997). The scope must consider geographic and temporal overlaps with the Proposed Action and all other actions occurring within the ROI. Informed decision making is served by consideration of cumulative impacts resulting from activities that are proposed, under construction, recently completed, or anticipated to be implemented in the reasonably foreseeable future.
This cumulative impacts analysis summarizes expected environmental effects from the combined impacts of past, current, and reasonably foreseeable future activities affecting any part of the human or natural environment impacted by the Proposed Action. Activities were identified for this analysis by reviewing CBP and USBP documents, news/press releases, and published media reports, and through consultation with planning and engineering departments of local governments and state and Federal agencies.

4.2 PAST IMPACTS WITHIN THE REGION OF INFLUENCE

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

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

USBP has conducted law enforcement actions along the border since its inception in 1924 and has continuously transformed its methods as new missions, modes of operations of cross-border violators, agent needs, and National enforcement strategies have evolved. Development and maintenance of training ranges, station and sector facilities, detention facilities, roads, and fences

have impacted thousands of acres, with synergistic and cumulative impacts on soil, wildlife habitats, water quality, and noise. Beneficial effects, too, have resulted from the construction and use of these roads and fences, including, but not limited to: increased employment and income for border regions and its surrounding communities, protection and enhancement of sensitive resources north of the border, reduction in crime within urban areas near the border, increased land value in areas where border security has increased, and increased knowledge of the biological communities and prehistory of the region through numerous biological and cultural resources surveys and studies.

With continued funding and implementation of CBP's environmental conservation measures, including use of biological monitors, wildlife water systems, and restoration activities, adverse impacts due to future and ongoing projects would be avoided or minimized. Recent, ongoing, and reasonably foreseeable proposed actions will result in cumulative impacts; however, the cumulative impacts will not be significant. CBP is currently planning, conducting, or has completed several projects in the USBP's Freer Station's AOR and other nearby areas, including the following:

- Demolition of eight USBP owned housing units at Falcon Village, Texas, which included completely removing all housing and related infrastructure (fences, underground storage tanks, aboveground storage tanks, septic tanks, cisterns, walkways, and trees and vegetation). Falcon Village is located at the southeastern tip of Falcon Lake in Starr County, Texas.
- Construction, operation, and maintenance of USBP Falfurrias Station Traffic Checkpoint.
- Establishment of a 6-acre construction staging/laydown area adjacent to the proposed Falfurrias Station Traffic Checkpoint and temporarily grading approximately 8 acres within an existing gas pipeline ROW adjacent to the checkpoint.
- Maintenance and repair of tactical infrastructure along the U.S./Mexico international border in the El Paso, Big Bend, Del Rio, Laredo, and Rio Grande Valley sectors.
- Construction and maintenance of 32 RVSS towers and associated roads within the Falfurrias, Brownsville, Harlingen, Fort Brown, and Kingsville Station's AORs.
- Construction and maintenance of 40 RVSS and three relay towers and associated roads within the Rio Grande City, McAllen, and Weslaco Stations' AORs.
- Construction and maintenance of 70 RVSS and 14 relay towers and associated roads with the Laredo North, Laredo South, Laredo West, Zapata, Cotulla, Hebbronville, and Freer Stations' AORs.

In addition, TxDOT is currently planning or conducting several projects in the ROI. In 2008, the Texas Transportation Commission created the I-69 Advisory and five I-69 Segment Committees to increase citizen and community input in the planning of I-69 in Texas. Segment Five Committee encompasses portions of U.S. Highway 59, U.S. Highway 77, U.S. Highway 281 and State Highway 44 and includes the counties of Duval, Jim Wells, Live Oak, McMullen, Nueces, San Patricio, Webb, and Zapata. Within Duval County, approximately 32.8 miles of U.S. Highway 59 and approximately 20.6 miles of SH 44 will be improved to prepare for the implementation of I-69. Within Webb County approximately 52.1 miles of U.S. Highway 59 are being improved and approximately 1.4 miles have been designated as I-69W (TxDot 2018b).

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

4.4 ANALYSIS OF CUMULATIVE IMPACTS

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

4.4.1 Land Use

A major impact would occur if any action is inconsistent with adopted land use plans or if an action would substantially alter those resources required for, supporting, or benefiting the current use. About half of the project area is currently undeveloped scrub and brush rangeland located in rural areas. Under the No Action Alternative, land use would not change. However, cross-border violator activities would continue to impact land use in the project area. Although the Proposed Action would convert approximately 45 acres of undeveloped land to a developed use, the Proposed Action and other CBP actions would not initiate an increase of development in the immediate vicinity of the projects. Therefore, the Proposed Action, when combined with past and proposed actions in the region, would not be expected to result in a major cumulative adverse effect.

4.4.2 Soils

A major impact on soils would occur if the action exacerbates or promotes long-term erosion, if the soils are inappropriate for the proposed construction and would create a risk to life or property, or if there would be a substantial reduction in agricultural production or loss of prime farmland soils. Modification of soils would not occur under the No Action Alternative; however, soils would continue to be impacted due to cross-border violator activity. The Proposed Action and other CBP actions would not substantially reduce prime farmland soils or agricultural production regionally, as much of the land developed by CBP has not been previously used for agricultural production. Pre- and post-construction SWPPP measures would be implemented to control soil erosion. The permanent impact on 45 acres of soils from the Proposed Action, when combined with past and proposed actions in the region, would not be considered a major cumulative adverse effect.

4.4.3 Vegetative Habitat

A major impact on vegetation would occur if a substantial reduction in ecological processes, communities, or populations would threaten the long-term viability of a species or result in the substantial loss of a sensitive community that could not be offset or otherwise compensated. Vegetative habitat would not be disturbed or removed under the No Action Alternative since the proposed BPS and BPC construction would not occur. However, long-term direct and indirect impacts on vegetation communities would continue as a result of cross-border violator activities that create unauthorized roads and trails, damage vegetation, and promote the dispersal and establishment of nonnative invasive species. The South Texas Brush Country ecoregion

encompasses approximately 28,000 square miles in south Texas. Therefore, due to the permanent impact of only 45 acres on native vegetation, in conjunction with other past, ongoing and proposed regional projects, the Proposed Action would not create a major cumulative effect on vegetative habitat in the region.

4.4.4 Wildlife Resources

A major impact on wildlife and aquatic resources would occur if a substantial reduction in ecological processes, communities, or populations would threaten the long-term viability of a species or result in the substantial loss of a sensitive community that could not be offset or otherwise compensated. Under the No Action Alternative, no direct impacts on wildlife or wildlife habitats would occur. However, off-road cross-border violator activity and required interdiction actions would continue to degrade wildlife habitat through a loss of cover, forage, nesting, or other opportunities and potentially a loss of suitable habitat over large areas. The wildlife habitat present in the project area is both locally and regionally common. Therefore, due to the permanent impact of only 45 acres of native habitat, in conjunction with other past, ongoing, and proposed regional projects, the amount of habitat potentially removed would be minor on a regional scale. Thus, the Proposed Action would not create a major cumulative effect on wildlife populations in the region.

4.4.5 Threatened and Endangered Species

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

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

Under the No Action Alternative, no impacts on water resources would occur because the construction activities would not occur. Limited groundwater withdrawals are expected as a result of the Proposed Action; therefore, there would be minimal cumulative effects. Drainage patterns of surface waters would not be impacted by the Proposed Action as none exists within the or near the project site. Water quality would remain unchanged under the Proposed Action. No wetlands exist within the project site. Therefore, no cumulative impacts would occur on wetlands. As mentioned previously, specific erosion and sedimentation controls and other BMPs would be in place during construction as standard operating procedures. Therefore, the Proposed Action, in conjunction with other past, ongoing, and proposed regional projects, would not create a major cumulative effect on water resources in the region.

4.4.7 Air Quality

No direct impacts on air quality would occur due to construction activities under the No Action Alternative; however, fugitive dust emissions created by illegal cross-border violators and resulting law enforcement actions, as well as vehicle traffic on authorized roads, would continue. The emissions generated during the construction of the Proposed Action would not exceed Federal *de minimis* thresholds and would be short-term and minor. Therefore, the Proposed

Action, when combined with other past, ongoing, and proposed actions in the region, would not result in major adverse cumulative impacts on air quality.

4.4.8 Noise

A major impact would occur if ambient noise levels permanently increased to over 65 dBA. Under the No Action Alternative, no impacts on noise would occur as no construction activities would take place; however, noise emissions associated with cross-border violators and consequent law enforcement actions would be long-term and minor, and would continue under the No Action Alternative. The noise generated by the Proposed Action would occur during BPS and BPC construction. These activities would be temporary and would not contribute to cumulative impacts on ambient noise levels. Thus, the noise generated by the Proposed Action, when considered with the other existing and proposed actions in the region, would not result in a major cumulative adverse effect.

4.4.9 Cultural Resources

Although no impacts on cultural resources would occur from construction activities under the No Action Alternative, potential adverse impacts on cultural resources would continue to occur due to cross-border violators. The Proposed Action would not affect cultural resources or historic properties but is anticipated to provide increased protection from disturbance due to the deterrence of cross-border violators. Therefore, the Proposed Action, when combined with other existing and proposed actions in the region, would not result in major cumulative impacts on cultural resources or historic properties. Additionally, beneficial impacts in the form of increased knowledge of the past, including site density and distribution, are realized as a result of surveys conducted as part of the Proposed Action, and other past, ongoing, and proposed actions in the region.

4.4.10 Utilities and Infrastructure

Actions would be considered to cause major impacts if they require greater utilities or infrastructure use than can be provided. The proposed BPS and BPC would not be constructed under the No Action Alternative, so the availability of utilities would not be affected. The proposed BPS and BPC would connect to existing commercial grid power infrastructure. The use of commercial grid power would not require greater utilities or infrastructure than can be provided since the Proposed Action is located near existing commercial grid power infrastructure. Therefore, when combined with past, ongoing, or proposed actions in the region, no major cumulative adverse effect on utilities or infrastructure would occur as a result of the Proposed Action.

4.4.11 Roadways and Traffic

Impacts on traffic or roadways would be considered to cause major impacts if the increase of average daily traffic exceeded the ability of the surface streets to offer a suitable level of service for the area. Under the No Action Alternative, impacts on roadways and traffic would remain status quo. U.S. Highway 59, which is immediately adjacent to the north boundary of the project site had an AADT of 2,232 vehicles in 2017 proving that it has a lot more capacity. Construction activities for the Proposed Action would be limited in duration. Therefore, when combined with past, ongoing, or proposed actions in the region, no major cumulative adverse effect on roadways and traffic would occur as a result of the Proposed Action.

4.4.12 Hazardous Materials

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

4.4.13 Radio Frequency (RF) Environment

Under the No Action Alternative, daily radio operations by CBP and other law enforcement would continue; however, the RVSS tower would not be installed or operated. There would be no impacts on the existing RF environment or effects on the human or natural environment. The communications and sensor equipment proposed as part of the Proposed Action would emit EM and RF; however, the equipment proposed by CBP was certified to be safe for humans and wildlife at normal exposure levels. CBP will seek NTIA certification for communications equipment. No other known actions would affect the EM and RF environment within the project area; thus, the Proposed Action would have a negligible cumulative effect.

4.4.14 Socioeconomics and Environmental Justice

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

5.0 BEST MANAGEMENT PRACTICES

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

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

5.1 GENERAL PROJECT PLANNING CONSIDERATIONS

1. If required, night-vision-friendly strobe lights necessary for CBP operational needs will use the minimum wattage and number of flashes per minute necessary to ensure operational safety.

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

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

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

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

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

5.2 SOILS

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

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

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

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

5.3 BIOLOGICAL RESOURCES

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

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

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

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

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

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

7. The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712, [1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989]) requires that Federal agencies coordinate with the USFWS if a construction activity would result in the take of a migratory bird. If

construction or clearing activities are scheduled during nesting season (March 15 through September 15) within potential nesting habitats, surveys will be performed to identify active nests. If construction activities will result in the take of a migratory bird, then coordination with the USFWS and TPWD will be required and applicable permits would be obtained prior to construction or clearing activities. Other mitigation measure that would be considered is to install visual markers on any guy wires used, schedule all construction activities outside nesting season, negating the requirement for nesting bird surveys. The proposed RVSS and relay towers would also comply with USFWS guidelines for reducing fatal bird strikes on communications towers (Clark 2000), to the greatest extent practicable.

8. Anti-perching devices will be incorporated into the site design and installed on the tower.

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

5.4 CULTURAL RESOURCES

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

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

5.5 AIR QUALITY

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

5.6 WATER RESOURCES

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

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

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

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

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

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

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

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

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

5.7 NOISE

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

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

5.8 SOLID AND HAZARDOUS WASTES

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

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

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

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

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

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

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

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

5.9 ROADWAYS AND TRAFFIC

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

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7.0 ACRONYMS/ABBREVIATIONS

ACS	U.S. Census American Community Survey
AADT	Annual average daily traffic
ANSI	American National Standards Institute
AOR	Area of Responsibility
ARPA	Archaeological Resources Protection Act
AST	Aboveground Storage Tank
ASTM	American Society for Testing and Materials
ATFP	Anti-terrorism Force Protection
ATV	All-terrain vehicle
BMP	Best management practices
BPC	Border Patrol Checkpoint
BPS	Border Patrol Station
C2	Command Center
CBP	U.S. Customs and Border Protection
CEQ	Council on Environmental Quality
CFC	chlorofluorocarbons
CFR	Code of Federal Regulations
CH_4	methane
CO_2	Carbon dioxide
CWA	Clean Water Act
dBA	A-weighted decibel
DHS	Department of Homeland Security
DNL	Day-night average sound level
DOI	U.S. Department of the Interior
EA	Environmental Assessment
EIS	Environmental Impact Statement
EM	Electromagnetic
EO	Executive Order
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
GOV	Government Owned Vehicle
GHG	Greenhouse Gases
GSA	General Services Administration
HFC	hydrochlorofluorocarbons
IEEE	Institute of Electrical and Electronics Engineers
IO	Isolated occurence
LEED	Leadership in Energy and Environmental Design
MBTA	Migratory Bird Treaty Act
MPE	Maximum Permissible Exposure
N_2O	nitrous oxide

NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NCRP	National Council on Radiation Protection and Measurements
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOA	Notice of Availability
NRHP	National Register of Historic Places
NTIA	National Telecommunications and Information Administration
OET	Office of Engineering and Technology
OSHA	Occupational Safety and Health Administration
OSPP	Occupational Strategic Partnership Program
RF	radio frequency
ROI	region of influence
RVSS	Remote Video Surveillance Systems
SPCCP	Spill Prevention, Control and Countermeasure Plan
SWPPP	Stormwater Pollution Prevention Plan
TCEQ	Texas Commission on Environmental Quality
TCP	Traditional Cultural Property
THC	Texas Historical Commission
TPWD	Texas Parks and Wildlife Department
TWDB	Texas Water Development Board
TxDOT	Texas Department of Transportation
USACE	U.S. Army Corps of Engineers
USBP	U.S. Border Patrol
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USIBWC	International Boundary and Water Commission, U.S. Section

APPENDIX A
CORRESPONDENCE

U.S. Customs and Border Protection

January 10, 2019

Keith Hayden
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Fountain Place 12th Floor, Suite 1200
Dallas, TX 75202

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Mr. Hayden:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Your prompt attention to this request is appreciated. If you have any questions, please contact Ms. Lauri Regan at (202) 313-1872 or via email at lauri.r.regan@cbp.dhs.gov.

Sincerely,

Joseph Zidron
Real Estate and Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

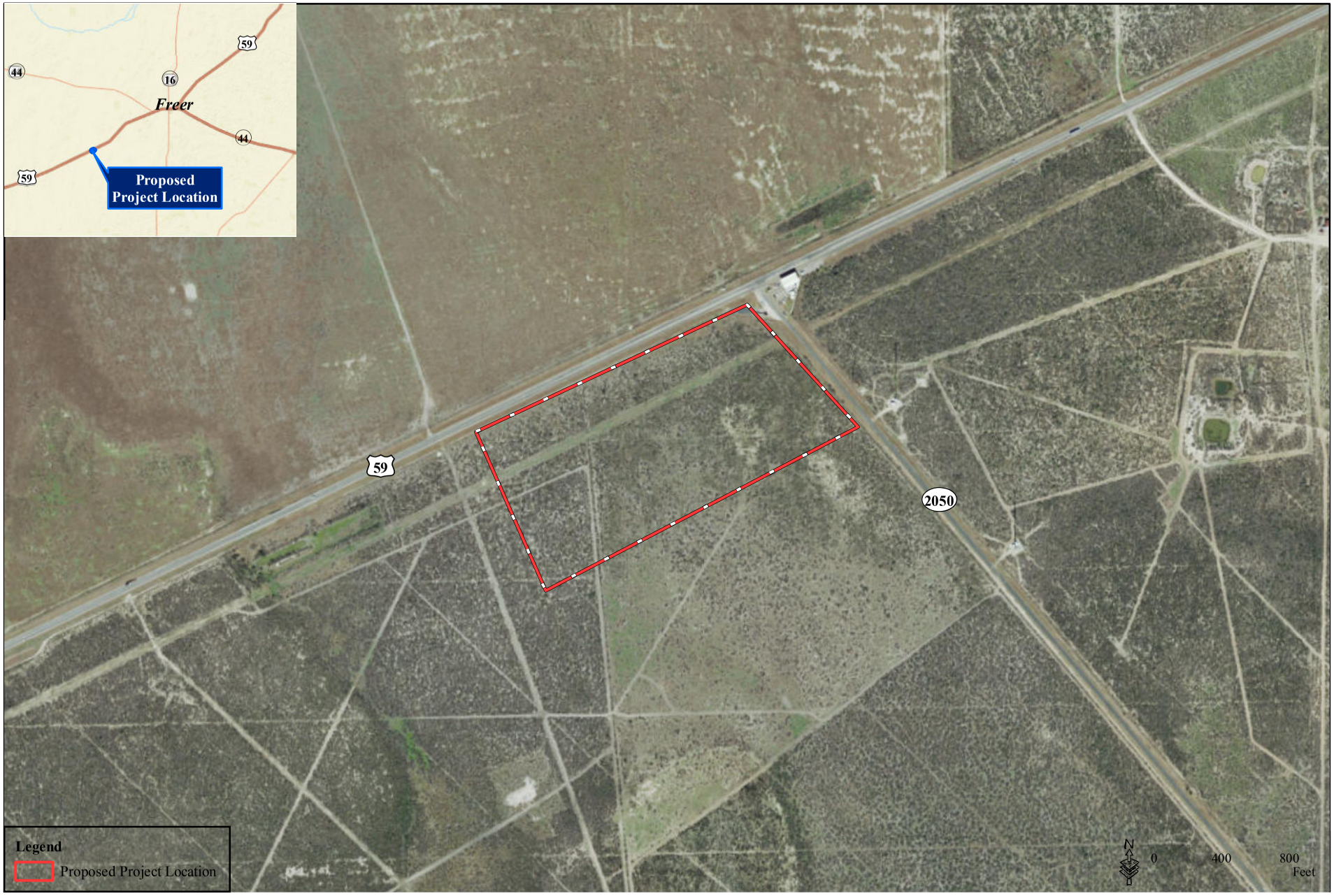

Figure 1. Location of Proposed Action
Freer Border Patrol Station, Laredo Sector

GSRC

January 2019

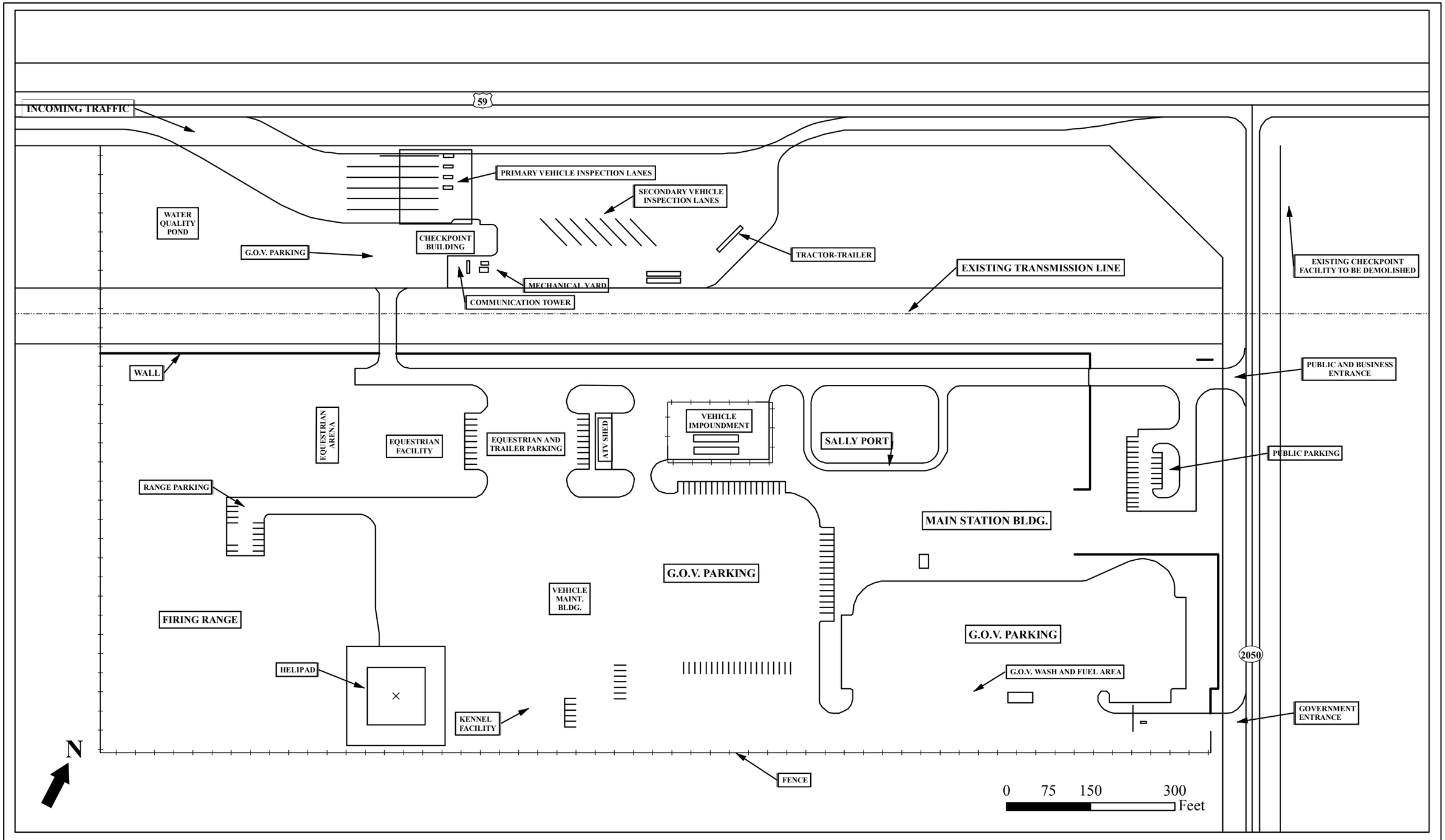

Figure 2. Proposed Conceptual Design
Freer Border Patrol Station, Laredo Sector

GSRC

January 2019

U.S. Customs and Border Protection

January 10, 2019

Ernesto Reyes
Texas DOI State Border Coordinator
United States Fish and Wildlife Service
Alamo Ecological Service Sub-Office
3325 Green Jay Road
Alamo, TX 78516

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Mr. Reyes:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Sincerely,

Joseph Zidron
Real Estate and Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Kim McLaughlin, Chief
U.S. Army Corps of Engineers
Galveston District Regulatory Branch
2000 Fort Point Road
Galveston, TX 77550

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Ms. McLaughlin:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Sincerely,

Joseph Zidron
Real Estate and Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Mr. Jose Nunez, Principal Engineer
International Boundary and Water Commission, United States Section
4171 North Mesa, Suite C-100
El Paso, Texas 79902

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Mr. Nunez:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Flavio A. Garza, Jr., Natural Resource Manager
Natural Resources Conservation Service, USDA
7209 E. Saunders Suite 7
Laredo, TX 78041-9001

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Mr. Garza:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Joseph Zidron
Real Estate and Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Eddie Gracia, Jr. PE
TxDOT Roma Office
2654 U.S. 83
Roma, TX 78584

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Mr. Garcia:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Joseph Zidron
Real Estate and Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Jaime A. Garza, Regional Director
Region 16 – Laredo (Webb County)
Texas Commission on Environmental Quality
707 E. Calton Rd, Suite 304
Laredo, TX 78041-3887

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Mr. Garza:

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Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Ms. Kathy Boydson
Texas Parks and Wildlife Department
Wildlife Diversity Program
4200 Smith School Road
Austin, Texas 78744

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Ms. Boydson:

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Real Estate and Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
1511 Colorado
Austin, TX 78701

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Mr. Wolfe:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Your prompt attention to this request is appreciated. If you have any questions, please contact Ms. Lauri Regan at (202) 313-1872 or via email at lauri.r.regan@cbp.dhs.gov.

Sincerely,

Joseph Zidron
Real Estate and Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Mark Havens
Deputy Commissioner
Texas General Land Office
P.O. Box 12873
Austin, TX 78711-2873

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Mr. Havens:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

The Proposed Action would include the following main components (Figure 2):

- Main administration building
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- Fuel islands
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- Communication building
- Windmill (100 feet tall with 15-foot blades)
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Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

The Honorable Tano E. Tijerina
Webb County Judge
1000 Houston St. 3rd floor
Laredo, TX 78040

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Honorable Tijerina:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Ronnie Thomas, Chairman
Alabama-Coushatta Tribe of Texas
571 State Park Road 56
Livingston, TX 77351

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Chairman Thomas:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

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

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Chairman Coffey:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Real Estate and Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Geoffrey Standing Bear, Principal Chief
The Osage Nation
627 Grandview Avenue
Pawhuska, OK 74056

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Chief Standing Bear:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Danny H. Breuninger, Jr., President
Mescalero Apache Tribe of the Mescalero Reservation
101 Central Avenue
Mescalero, NM 88340

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear President Breuninger:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Amber Toppah, Lady Chairman
Kiowa Tribe of Oklahoma
100 Kiowa Way
Carnegie, OK 73015

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Lady Chairman Toppah:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Donald Patterson, President
Tonkawa Tribe of Indians of Oklahoma
1 Rush Buffalo Road
Tonkawa, OK 74653-4449

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear President Patterson:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Border Patrol & Air and Marine PMO
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24000 Avila Road – Suite 5020
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Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Jeffrey Haozous, Chairman
Fort Sill Apache Tribe of Oklahoma
43187 US Highway 281
Apache, OK 73006

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Chairman Haozous:

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Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Ronnie Lupe, Chairman
White Mountain Apache Tribe of the Fort Apache Reservation
201 East Walnut Street
Whiteriver, AZ 85941

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Chairman Lupe:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Your prompt attention to this request is appreciated. If you have any questions, please contact Ms. Lauri Regan at (202) 313-1872 or via email at lauri.r.regan@cbp.dhs.gov.

Sincerely,

Joseph Zidron
Real Estate and Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Tarpie Yargee, Chief
Alabama-Quassarte Tribal Town
101 East Broadway
Wetumka, OK 74883

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Chief Yargee:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

The Proposed Action would include the following main components (Figure 2):

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Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Lyman Guy, Chairman
Apache Tribe of Oklahoma
511 E. Colorado
Anadarko, OK 73005

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Chairman Guy:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Bill John Baker, Principal Chief
Cherokee Nation
17675 South Muskogee Avenue
Tahlequah, OK 74464

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Chief Baker:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Lovelin Poncho, Chairman
Coushatta Tribe of Louisiana
1940 C.C. Bel Road
Elton, LA 70532

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Chairman Poncho:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Sincerely,

Joseph Zidron
Real Estate and Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Tiger Hobia, Town King
Kialegee Tribal Town
623 East Highway 9
Wetumka, OK 74883

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Mr. Hobia:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Buford L. Rolin, Chairman
Poarch Band of Creeks
5811 Jack Springs Road
Atmore, AL 36502

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Chairman Rolin:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

John Berrey, Chairman
The Quapaw Tribe of Indians
5681 South 630 Road
Quapaw, OK 74364

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Chairman Berrey:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

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Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Leonard M. Harjo, Principal Chief
The Seminole Nation of Oklahoma
PO Box 1498
Wewoka, OK 74884

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Chief Harjo:

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Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

George Scott, Town King
Thlopthlocco Tribal Town
PO Box 188
Okemah, OK 74859

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Mr. Scott:

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Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
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Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Joey P. Barbry, Chairman
Tunica-Biloxi Indian Tribe
151 Melacon Drive
Marksville, LA 71351

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Chairman Barbry:

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- 8-foot high chain link security fencing
- Storm water retention system
- Communication building
- Windmill (100 feet tall with 15-foot blades)
- 100-foot high communications tower
- Kennels for canines
- Equestrian facilities for 10 horses
- Fully functional heliport facility
- Parking area and vehicle impound lot

CBP is gathering data and input from state and local governmental agencies, departments, and bureaus that may be affected by, or otherwise have an interest in this undertaking. Since your agency or organization may have particular knowledge and expertise regarding potential environmental impacts from CBP's Proposed Action, your input is sought regarding the likely or anticipated environmental effects of this undertaking. Your response should include any state and local restrictions, permitting or other requirements with which CBP would have to comply during project siting, construction, and operation.

Per DHS Instruction Manual 023-01-001-01, *Implementation of the National Environmental Policy Act*, we will provide your agency with a copy of the Draft EA for the Proposed Freer BPS and BPC for your review and comment.

Your prompt attention to this request is appreciated. If you have any questions, please contact Ms. Lauri Regan at (202) 313-1872 or via email at lauri.r.regan@cbp.dhs.gov.

Sincerely,

Joseph Zidron
Real Estate and Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

U.S. Customs and Border Protection

January 10, 2019

Terri Parton, President
Wichita and Affiliated Tribes
PO Box 729
Anadarko, OK 73005

RE: Proposed Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear President Parton:

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) plans to construct a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Webb County, Texas. The Proposed Action would consist of the construction, operation, and maintenance of a new BPS and BPC in Freer, Texas. The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land (Figure 1).

The Proposed Action would include the following main components (Figure 2):

- Main administration building
- BPC with covered primary and secondary inspection areas
- Support building area
- 2,400 square foot Command Center (C2)
- Squad room
- Training facility
- All-terrain vehicle (ATV) operations and storage shed
- Processing and detention space
- Physical plant support
- Fuel islands
- Treated water well and anaerobic septic system
- Four-bay vehicle maintenance facility
- Fifty-yard outdoor firing range with parking
- Two-bay carwash facility
- Security lighting
- 8-foot high chain link security fencing
- Storm water retention system
- Communication building
- Windmill (100 feet tall with 15-foot blades)
- 100-foot high communications tower
- Kennels for canines
- Equestrian facilities for 10 horses
- Fully functional heliport facility
- Parking area and vehicle impound lot

CBP is gathering data and input from state and local governmental agencies, departments, and bureaus that may be affected by, or otherwise have an interest in this undertaking. Since your agency or organization may have particular knowledge and expertise regarding potential environmental impacts from CBP's Proposed Action, your input is sought regarding the likely or anticipated environmental effects of this undertaking. Your response should include any state and local restrictions, permitting or other requirements with which CBP would have to comply during project siting, construction, and operation.

Per DHS Instruction Manual 023-01-001-01, *Implementation of the National Environmental Policy Act*, we will provide your agency with a copy of the Draft EA for the Proposed Freer BPS and BPC for your review and comment.

Your prompt attention to this request is appreciated. If you have any questions, please contact Ms. Lauri Regan at (202) 313-1872 or via email at lauri.r.regan@cbp.dhs.gov.

Sincerely,

Joseph Zidron
Real Estate and Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Enclosure(s)

From: Elizabeth Toombs
To: REGAN, LAURI R
Subject: Proposed Freer Border Patrol Station and Border Patrol Checkpoint
Date: Friday, February 1, 2019 4:54:54 PM

Good Afternoon, Ms. Regan:

This Office recently received a review request for a proposed Freer Border Patrol Station and Border Patrol Checkpoint in Freer, Duval County, Texas. Duval County is outside the Cherokee Nation's Area of Interest. Thus, this Office respectfully defers to federally recognized Tribes that have an interest in this landbase.

Many thanks for the opportunity to comment upon this proposed undertaking. Please contact me if there are any questions or concerns.

Wado,

Elizabeth Toombs, Tribal Historic Preservation Officer
Cherokee Nation
Tribal Historic Preservation Office
PO Box 948
Tahlequah, OK 74465-0948
918.453.5389

COMANCHE NATION

U.S. Department of Homeland Security
Attn: Ms. Lauri Regan
255 & Mines Road (FM 1472)
Texas

February 11, 2019

Re: Negative Finding Cultural Resources Survey of 11.5 Acres for the Proposed Laredo Horse Unit, Laredo Sector, U. S. Customs and Border Protection, Webb County, Texas

Dear Ms. Regan:

In response to your request, the above reference project has been reviewed by staff of this office to identify areas that may potentially contain prehistoric or historic archeological materials. The location of your project has been cross referenced with the Comanche Nation site files, where an indication of ***"No Properties"*** have been identified. (IAW 36 CFR 800.4(d)(1)).

Please contact this office at (580) 595-9960/9618) if you require additional information on this project.

This review is performed in order to identify and preserve the Comanche Nation and State cultural heritage, in conjunction with the State Historic Preservation Office.

Regards

Comanche Nation Historic Preservation Office
Theodore E. Villicana , Technician
#6 SW "D" Avenue, Suite C
Lawton, OK. 73502

TEXAS HISTORICAL COMMISSION
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Re: Project Review under Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas
201903609
Freer Border Patrol Station and Checkpointintersection of FM Road 2050 and Hwy 59
Freer,TX

Dear Lauri Regan:
Thank you for your submittal regarding the above-referenced project. This response represents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), pursuant to review under Section 106 of the National Historic Preservation Act.

The review staff, led by Casey Hanson and Caitlin Brashear, has completed its review and has made the following determinations based on the information submitted for review:

Above-Ground Resources

- No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THCâ€™s History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties.

Archeology Comments

- No historic properties present or affected. However, if buried cultural materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue where no cultural materials are present. Please contact the THCâ€™s Archeology Division at 512-463-6096 to consult on further actions that may be necessary to protect the cultural remains.
- THC/SHPO concurs with information provided
- Property/properties are not eligible for listing in the National Register of Historic Places .
- Draft report acceptable. Please submit another copy as a final report along with shapefiles showing the area where the archeological work was conducted. Shapefiles should be submitted electronically to Archeological_projects@thc.texas.gov.

We have the following comments: The Archeology Division (AD) concurs that 41WB861 and 41WB862 are not eligible for listing on the National Register of Historic Places (NRHP).

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this review process, and for your efforts to preserve the irreplaceable heritage of Texas. If the project changes, or if new historic

properties are found, please contact the review staff. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: casey.hanson@thc.texas.gov, caitlin.brashear@thc.texas.gov.

Sincerely,

for Mark Wolfe, State Historic Preservation Officer
Executive Director, Texas Historical Commission

Please do not respond to this email.

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T. Dan Friedkin
Chairman-Emeritus
Houston

Carter P. Smith
Executive Director

February 11, 2019

Joseph Zidron
Real Estate and Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road, Suite 5020
Laguna Niguel, CA 92677

RE: Proposed Construction, Operation and Maintenance of the Freer Border Patrol Station and Border Patrol Checkpoint, Laredo Sector, Webb County, Texas.

Dear Mr. Zidron:

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

Project Description

The Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within the Department of Homeland Security's (DHS) CBP propose to construct, operate, and maintain a U.S. Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) on a 45 acre site in Webb County, Texas. The CBP has identified one alternative site, an undeveloped tract approximately 45 acres in size southwest of Freer, along U.S. Highway 59 at the intersection of Farm-to-Market Road (FM) 2050 adjacent to the existing BPC.

You have requested information regarding potential environmental impacts that may occur as a result of CBP's Proposed Action. As the state agency with primary responsibility for protecting the state's fish and wildlife resources and in accordance with the authority granted by Parks and Wildlife Code §12.0011, Texas Parks and Wildlife Department (TPWD) provides the following recommendations and informational comments to minimize potential adverse impacts to the state's fish and wildlife resources, including rare, threatened and endangered species in the construction and operation of the proposed project. TPWD's comments are intended to assist in your planning efforts and to minimize effects of this project on fish and wildlife resources.

General Construction Recommendations

TPWD provides the following general construction recommendations to assist in project planning.

Recommendation: TPWD recommends the judicious use and placement of sediment control fence to exclude wildlife from the construction area. In many cases, sediment control fence placement for the purposes of controlling erosion and protecting water quality can be modified minimally to also provide the benefit of excluding wildlife access to construction areas. The exclusion fence should be buried at least six inches and be at least 24 inches high. The exclusion fence should be maintained for the life of the project and only removed after the construction is completed and the disturbed site has been revegetated. Construction personnel should be encouraged to examine the inside of the exclusion area daily to determine if any wildlife species have been trapped inside the area of impact and provide safe egress opportunities prior to initiation of construction activities. TPWD recommends that any open trenches or excavation areas be covered overnight and/or inspected every morning to ensure no wildlife species have been trapped. For open trenches and excavated pits, install escape ramps at an angle of less than 45 degrees (1:1) in areas left uncovered. Also, inspect excavation areas for trapped wildlife prior to refilling.

Recommendation: For soil stabilization and/or revegetation of disturbed areas within the proposed project area, TPWD recommends erosion and seed/mulch stabilization materials that avoid entanglement hazards to snakes and other wildlife species. Because the mesh found in many erosion control blankets or mats pose an entanglement hazard to wildlife, TPWD recommends the use of no-till drilling, hydromulching and/or hydroseeding due to a reduced risk to wildlife. If erosion control blankets or mats will be used, the product should contain no netting or contain loosely woven, natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic mesh matting should be avoided.

Federal Regulations

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) prohibits direct and affirmative purposeful actions that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control, except when specifically authorized by the Department of the Interior. This protection applies to most native bird species, including ground nesting species.

As proposed, the BPS/BPC would include a 100-foot tall communications tower and a 100-foot tall windmill. Typically, structures less than 199-feet in height do not require Federal Aviation Administration (FAA) pilot warning and obstruction avoidance lighting.

Studies have shown that nocturnal migrating birds are attracted to solid red beacon lights. In 2012, the Federal Aviation Administration (FAA) published a report documenting that extinguishing nighttime steady-burning lights on communication towers would still maintain safety for aviators. A link to this report and other resources can be found on the American Bird Conservancy website. The 2014 Federal Communications Commission (FCC) publication on *Opportunities to Reduce Bird Collisions with Communications Towers While Reducing Tower Lighting Costs* outlines the FCC and FAA guidance for ensuring that tower lighting is bird-safe while also reducing construction and maintenance costs to tower owners. The publication is available on the USFWS Migratory Bird Program website. Additional information is available in the 2018 *U.S. Fish and Wildlife Service Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning*, available online.

Recommendation: If lighting is included on either the communication tower or windmill, TPWD recommends the proposed structures avoid the use of steady-burning obstruction lights whenever possible and use the minimum lighting requirements allowable by the FAA. A tower lighting system that consists of minimum intensity, maximum off-phased white strobe lights is recommended.

Security lighting is also proposed within the new facility.

Recommendation: Within the 45-acre fenced BPS/BPC compound, TPWD recommends all installed lighting, including security lighting, be down-shielded and directed to minimize horizontal and skyward illumination. Also, TPWD recommends using lights with motion or heat sensors to keep lights off when not required.

As proposed, both the communications tower and windmill would be 100-feet tall.

Recommendation: TPWD recommends using structures that would be self-supporting; *i.e.*, not requiring guy wires. Many birds hunt and forage along cleared roadway right-of-way (ROW), over pastures/cropland, and near clearings in woodlands, often using man-made structures as perches and/or roosting sites. Additionally, many hawks migrate and/or reside in the general area, therefore, towers could pose a potential risk to species such white-tailed hawks, Harris's hawk, Cooper's hawk and crested caracara that may collide with tall structures. While navigating or hunting, these species may not detect the presence of the towers or windmills and collide with them. Eliminating guy wires reduces potential negative impacts to birds.

State Regulations

Parks and Wildlife Code

Nongame Birds
State law prohibits any take or possession of nongame birds, including their eggs and nests. Laws and regulations pertaining to state-protection of nongame birds are contained in Chapter 64 of the Texas Parks and Wildlife (TPW) Code; specifically, Section 64.002 provides that no person may catch, kill, injure, pursue, or possess a bird that is not a game bird. TPW Code Section 64.003, regarding destroying nests or eggs, provides that, no person may destroy or take the nests, eggs, or young and any wild game bird, wild bird, or wild fowl. TPW Code Chapter 64 does not allow for incidental take and therefore is more restrictive than the MBTA.

Although not documented in the Texas Natural Diversity Database (TXNDD), many bird species which are not listed as *threatened* or *endangered* are protected by Chapter 64 of the TPW Code and are known to be year-round or seasonal residents or seasonal migrants through the proposed project area.

Biologically, the South Texas Plains, in which the project is located, is a highly productive area in south Texas and provides a range of habitats including large tracts of undeveloped land, grasslands, pastures, brush, riparian woodlands, freshwater habitats, and managed lands. The diversity of habitats in the general area is suitable to support a diversity of wildlife species. In particular, the range of habitats provides areas of cover, feeding, nesting and loafing for many species of birds including grassland birds, Neo-tropical migrants, and raptors. Additionally, the project area is in the middle of the Central Migratory Flyway through which millions of birds pass during spring and fall migration.

As proposed, the entire 45-acre tract would be cleared and developed into the BPS/BPC.

Recommendation: TPWD recommends that all vegetation clearing or soil excavation within the project site be scheduled to occur outside of the March 15 through September 15 migratory bird nesting season. 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.

If vegetation clearing must be scheduled to occur during the nesting season, TPWD recommends the vegetation to be impacted should be surveyed for active nests by a qualified biologist. Nest surveys should be conducted no more than five days prior to scheduled clearing to ensure recently constructed nests are identified. 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-listed species

State law prohibits the capture, trap, take or kill (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. A copy of *TPWD Guidelines for Protection of State-Listed Species*, which includes a list of penalties for take of species, can be found on the TPWD website.

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 contact the Wildlife Permits Office at (512) 389-4647.

The potential occurrence of state-listed species in the project area is primarily dependent upon the availability of suitable habitat. Direct impacts to high quality or suitable habitat therefore are directly proportional to the magnitude and potential to directly impact state-listed species. State-listed reptiles that are typically slow moving or unable to move due to cool temperatures are especially susceptible to being directly impacted during clearing of pole locations, easements, or machinery access corridors.

Please be aware that determining the actual presence of a species in a given area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency and population density (both wildlife and human). The absence of a species can be demonstrated only with great difficulty and then only with repeated negative observations, taking into account all the variable factors contributing to the lack of detectable presence.

Based on the location of the project location, suitable habitat for some state-listed species, particularly reptiles, may be provided in the project area. Small wildlife such as lizards, tortoises, and snakes are susceptible to falling into open pits, trenches, bore holes, etc. left open and/or uncovered in a project area. They are also subject to direct impacts (i.e., crushing by heavy equipment) during site preparation activities.

Recommendation: Regarding potential wildlife entrapment in trenches, please see recommendations under the *General Construction Recommendations* above.

The following state-listed species have the potential to occur within the study area if suitable habitat is available. Potential impacts may be avoided and/or minimized by incorporating the recommended best management practices (BMPs).

Reticulate collared lizard (*Crotaphytus reticulatus*)
Texas horned lizard (*Phrynosoma cornutum*)
Texas indigo snake (*Drymarchon melanurus erebennus*)
Texas tortoise (*Gopherus berlandieri*)

Reticulate collared lizard

Reticulate collared lizards are large lizards known to bask on elevated dirt mounds such as those along the edges of unimproved roads throughout south Texas. They generally occur in areas void of vegetation (i.e., bare rock, gravel) and in typical shrubland/chaparral habitat. Also, both reticulate collard lizards and Texas horned lizards are especially active during the spring (April-May) mating season and are more likely to be negatively impacted by construction activities during this period.

Recommendation: When approached, reticulate collared lizards will typically flee to the base of a shrub and remain motionless. Contractors should be made aware of the potential to encounter reticulate collared lizards in the project area. If encountered, contractors should allow the lizards to escape; contractors should also be instructed to avoid negatively impacting any lizards encountered.

Texas horned lizard

The Texas horned lizard can be found in open, arid, and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees. If present in the general project area, the Texas horned lizard could be impacted by ground disturbing activities, including site clearing. A useful indication that the Texas horned lizard may occupy the area is the presence of Harvester ant (*Pogonomyrmex* sp.) nests as they are the primary food source of horned lizards. Texas horned lizards may hibernate on-site in loose soils a few inches below ground during the cooler months from September/October to March /April. Construction in these areas could harm hibernating lizards. Horned lizards are active above ground when temperatures exceed 75 degrees Fahrenheit. If horned lizards (nesting, gravid females, newborn young, lethargic from cool temperatures or hibernation) cannot move away from noise and approaching construction equipment, they could be negatively affected by construction activities.

Recommendation: If Texas horned lizards are found within the project area during construction, TPWD recommends the use of the BMPs described in the *Texas Horned Lizard Watch-Management and Monitoring Packet*, available on the TPWD website.

TPWD recommends avoiding disturbance of the Texas horned lizard and colonies of the Harvester ant during clearing and construction. TPWD recommends a permitted biological monitor be present during construction to attempt to capture and relocate Texas horned lizards if found. If the presence of a biological monitor is not feasible, state-listed species observed during construction should be allowed to safely leave the site on their own.

Texas indigo snake

The Texas indigo snake is the largest nonvenomous snake in North America and is typically associated with aquatic habitats including drainage ditches, ponds and wetlands, and manmade ponds such as those in the general vicinity of the project. Due to its high metabolism, this species has a large home range in which it searches for prey and may be encountered away from aquatic habitats, its preferred habitat.

Recommendation: Because all snakes are generally perceived as a threat and killed when encountered during vegetation clearing, TPWD recommends project plans include comments to inform contractors of the potential for a state-listed snake species to occur in the project area. The Texas indigo snake is non-venomous and contractors should be advised to avoid impacts to this species and other 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 non-venomous or venomous snakes is discouraged by TPWD. If encountered, snakes should be permitted to safely leave project areas on their own. TPWD encourages construction sites to have a "no kill" policy in regard to wildlife encounters.

Texas tortoise

The Texas tortoise has a home range of approximately five to ten acres. Based on TPWD staff's familiarity of the project area, suitable habitat for the Texas tortoise may be present within and adjacent to the proposed BPS/BPC location. They are often found near or at the base of prickly pear cactus and occasionally seek shade by crawling under parked vehicles at construction sites.

Recommendation: TPWD recommends that contractors be made aware of the potential for the state-listed Texas tortoise to occur in the area or wander into the area and avoid contacting them if encountered. Additionally, TPWD recommends that before driving vehicles that have been parked at the project site, contractors should check underneath the vehicles to ensure no tortoises are present.

If a tortoise is located at the project site, it should be relocated only if it is found in an area in which imminent danger is present. Individuals that must be

relocated should be transported to the closest suitable habitat outside of the proposed disturbance area but preferably within its 5 to 10 acre range. After tortoises are removed from the immediate project area, TPWD recommends constructing an exclusion fence around the lease area with metal flashing or drift fence material; regular silt fence material may be used. The exclusion fence should be buried at least six-inches deep and be 24-inches high. In addition to tortoises, exclusion fences are effective in preventing other reptile species from entering a construction area. Additional information regarding Texas tortoise BMPs are described in the *Texas Tortoise Best Management Practices* available on TPWD's Wildlife Habitat Assessment Program website.

If possible, TPWD recommends completing major ground disturbing activities before October when reptiles become inactive and could be utilizing burrows in areas subject to disturbance. Reduced speed limits should also be established and enforced in areas in which state-listed reptiles could occur.

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 we may be of further assistance.

Sincerely,

Russell Hooten
Wildlife Habitat Assessment Program
Wildlife Division

/rh 41391

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Texas Coastal Ecological Services Field Office
3325 Green Jay Road
Alamo, Texas 78516
Main: (956) 784-7560 Fax: (956) 787-8338

In Reply Refer To:
FWS/R2/ES/02ETCC00-2019-TA-0610

January 30, 2019

Joseph Zidron
Real Estate and Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Dear Mr. Zidron:

Thank you for your letter received January 28, 2019, regarding your proposal to construct a new Border Patrol Station and Checkpoint Station, and its effects on federally listed species in Webb County, Texas. Your project was also evaluated with respect to wetlands and other federal trust fish and wildlife resources.

We understand that Border Patrol & Air and Marine (BPAM) Program Management Office (PMO), within Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) addressing the proposed construction, operation, and maintenance of a new Border Patrol Station (BPS) and Border Patrol Checkpoint in Freer, Texas.

The proposed BPS would be constructed to accommodate 250 U.S. Border Patrol (USBP) agents and would replace the current Freer BPS that houses 106 agents. The BPS, covered BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The proposed dual 250-agent BPS and BPC would be constructed west of the city of Freer, Texas, on an approximately 45-acre parcel of land.

To comply with the Migratory Bird Treaty Act and to avoid impacts to listed avian species, CBP, would need to conduct advance surveys for nesting migratory birds and nests if trees or brush are cleared with mechanical devices, and activities occurred during the nesting season (March 15 through September 15). If project activities must be conducted between March and August, we

recommend surveying for nests prior to commencing work and if a nest is found, and if possible, the Service recommends a buffer of vegetation (≥50 ft) remain around the nest until young have fledged or the nest is abandoned.

The Service recommends using qualified biologists/botanists familiar with local plant communities including federally-listed threatened and endangered plants within the Proposed Action. A list of qualified botanists can be provided upon request. Habitat type and acreage should be analyzed for impacts from improvements to construction of the new facilities, any new roads to access the facilities been constructed, any communication towers, as well as supporting utilities. Conservation measures and offsetting habitat impacts should be identified in your EA analysis. The Service also recommends bird diverter's (markers) on the guyed wires if used on communication towers to minimize birds striking the guyed wires.

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

Sincerely,

for Charles Ardizzone
Field Supervisor

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

Attachment:

Federally Listed as Threatened and Endangered Species of Texas

March 31, 2017

County-by-County lists containing species information is available at the U.S. Fish and Wildlife Service's (Service), Southwest Region, web site http://www.fws.gov/southwest/es/EndangeredSpecies_Main.html.

This list represents species that may be found in counties throughout the state. It is recommended that the field station responsible for a project area be contacted if additional information is needed.

DISCLAIMER

This County by County list is based on information available to the U.S. Fish and Wildlife Service at the time of preparation, date on page 1. This list is subject to change, without notice, as new biological information is gathered and should not be used as the sole source for identifying species that may be impacted by a project.

Webb County

Ashy dogweed	(E)	*Thymophylla (=Dyssodia) tephroleuca*
Gulf Coast jaguarundi	(E)	*Herpailurus yagouaroundi cacomitli*
Johnston's frankenia	(E)	*Frankenia johnstonii*
Least tern	(E ~)	*Sternula antillarum*
Ocelot	(E)	*Leopardus pardalis*
Texas hornshell (mussel)	(P/E)	*Popenaias popei*

COMANCHE NATION

U.S. Customs and Border Protection
Attn: Ms. Lauri Regan
24000 Avila Road, Suite 5020
California 92677

March 19,2019

Re: Proposed Freer Border Patrol Station and border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Ms. Regan:

In response to your request, the above reference project has been reviewed by staff of this office to identify areas that may potentially contain prehistoric or historic archeological materials. The location of your project has been cross referenced with the Comanche Nation site files, where an indication of ***"No Properties"*** have been identified. (IAW 36 CFR 800.4(d)(1)).

Please contact this office at (580) 595-9960/9618) if you require additional information on this project.

This review is performed in order to identify and preserve the Comanche Nation and State cultural heritage, in conjunction with the State Historic Preservation Office.

Regards

Comanche Nation Historic Preservation Office
Theodore E. Villicana , Technician
#6 SW "D" Avenue, Suite C
Lawton, OK. 73502

Page	:	1 of 1 04/18/2019 14:12:29	**Ad Number**	:	83308414
			Ad Key	:	
Order Number	:	83229476	**Salesperson**	:	63 - Stephanie Lara
PO Number	:		**Publication**	:	Laredo Morning Times
Customer	:	20261900 GULF SOUTH RESEARCH COR.	**Section**	:	Legal Ads
Contact	:	JANET CABOCHE	**Sub Section**	:	Legal Ads
Address1	:	8081 GSRI AVENUE	**Category**	:	Legals
Address2	:		**Dates Run**	:	04/23/2019-04/23/2019
City St Zip	:	BATON ROUGE LA 70820	**Days**	:	1
Phone	:	(225) 757-8088	**Size**	:	3 x 4.00, 48 lines
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L-78
NOTICE OF AVAILABILITY

DRAFT ENVIRONMENTAL ASSESSMENT
FOR
THE NEW FREER BORDER PATROL STATION AND BORDER PATROL CHECKPOINT
U.S. BORDER PATROL, LAREDO SECTOR, TEXAS
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY
WASHINGTON, D.C.

The public is hereby notified of the availability of the draft Environmental Assessment (EA) and draft Finding of No Significant Impact (FONSI) prepared by U.S. Customs and Border Protection (CBP) to address the potential effects, beneficial and adverse, resulting from the proposed construction and operation of a new U.S. Border Patrol (USBP) Station (BPS) and Border Patrol Checkpoint (BPC) in Freer, Texas. The proposed new BPS would be constructed to accommodate 250 agents and would replace the current Freer BPS, which does not have the capacity to meet current and future needs for USBP operations in the area. The existing checkpoint is disjunct from the existing BPS and does not meet the need of the USBP in regards to the Border Patrol Strategic Plan. Therefore, the new BPS, BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States. The draft EA and FONSI will be available to the public at the Freer Public Library, 608 Carolyn Street, Freer, Texas and at the Joe A. Guerra Laredo Public Library, 1120 Calton Road, Laredo, Texas. The draft EA will also be available for download from the CBP web page at the following URL address: http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review.

The 30-day public comment period begins with publication of this Notice of Availability. In order for comments to be considered, comments on the Draft EA must be received by May 23, 2019. Comments should be sent to Mr. Joseph Zidron via email to joseph.zidron@cbp.dhs.gov or by mail to:

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

LAREDO MORNING TIMES
P.O. BOX 2129
LAREDO, TEXAS 78041

STATE OF TEXAS
COUNTY OF WEBB

Before me, the undersigned authority, on this day personally appeared Lynette Nelson who on his/her oath states.

I am the BOOKKEEPING CLERK of the LAREDO MORNING TIMES, a newspaper published in Webb County, Texas, and knows the facts stated in this affidavit.

Advertisement for:
Acct #: 052300006 GULF SOUTH RESEARCH COR.
Inv #: 293026001 L-78

Appeared in the LAREDO MORNING TIMES on the following date/s:
04/23/2019

NOTICE OF AVAILABILITY
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Mr. Joseph Zidron
U.S. Customs and Border Protection
24000 Avila Road, Suite 5020
Laguna Niguel, CA 92677

L-78

The charge for such publication being $ 252.60

Lynette Nelson

Lynette Nelson

Subscribed and sworn to before me on April 30, 2019

Notary public in and for the State of Texas
Notary: Monique Egan

MONIQUE EGAN
Notary Public, State of Texas
Comm. Expires 06-03-2020
Notary ID 3183735

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Texas Coastal Ecological Services Field Office
3325 Green Jay Road
Alamo, Texas 78516
Main: (956) 784-7560 Fax: (956) 787-8338

In Reply Refer To:
FWS/R2/ES/02ETCC00-2019-I-0610

May 3, 2019

Joseph Zidron
Real Estate and Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Road – Suite 5020
Laguna Niguel, CA 92677

Dear Mr. Zidron:

Thank you for your letter received April 23, 2019, regarding your proposal to construct a new Border Patrol station and checkpoint, and its effects on federally listed species in Webb County, Texas. Your project was also evaluated with respect to wetlands and other federal trust fish and wildlife resources.

We understand that Border Patrol and Air and Marine (BPAM) Program Management Office, within Department of Homeland Security's U.S. Customs and Border Protection is preparing an Environmental Assessment addressing the proposed construction, operation, and maintenance of a new station and checkpoint in Freer, Duval County, Texas.

The proposed station would accommodate 250 U.S. Border Patrol agents and replace the current facility at Freer for 106 agents. The proposed project would be constructed west of Freer on an approximately 45-acre parcel of land.

To avoid impacts to listed avian species and migratory birds, we recommend Customs and Border Protection conduct advance surveys for nesting migratory birds and nests if trees or brush are cleared with mechanical devices during the nesting season (March 15 through September 15). If project activities must be conducted during nesting season, we recommend surveying for nests prior to commencing work and if a nest is found, and if possible, the Service recommends a buffer of vegetation (≥50 feet) remain around the nest until young have fledged or the nest is abandoned.

Mr. Zidron

For landscaping and revegetating disturbed areas, the Service recommends planting native pollinator plants/seed mix. Pollinator insects are essential to the wildlife and human communities we serve. Native vegetation along right-of-ways and around facilities is aesthetically pleasing, protects against erosion, shelters wildlife, and provides pollination sources. Wild pollinators can provide important pollination services for many food crops and are even more effective pollinators than their honey bee cousins. Native pollinators need a diversity of flowering plants and nesting sites. The Caesar Kleberg Wildlife Research Institute (361-593-4037) can provide the appropriate native seed mix for the ecotype in the project area based on soil texture. Careful revegetation can further minimize impacts to native wildlife, pollinators and habitat.

Based on the project information you submitted, your agency made a "no effect" determination for species listed pursuant to the Endnagered Species Act of 1973, as amended. The Service does not provide concurrence for "no effect" determinations, but by making a determination we believe your agency complied with Section 7(a)(2) of the Endangered Species Act.

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

Sincerely,

for Charles Ardizzone
Field Supervisor

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

Federally Listed as Threatened and Endangered Species of Texas

March 31, 2017

County-by-County lists containing species information is available at the U.S. Fish and Wildlife Service's (Service), Southwest Region, web site http://www.fws.gov/southwest/es/EndangeredSpecies_Main.html.

This list represents species that may be found in counties throughout the state. It is recommended that the field station responsible for a project area be contacted if additional information is needed.

DISCLAIMER

This County by County list is based on information available to the U.S. Fish and Wildlife Service at the time of preparation, date on page 1. This list is subject to change, without notice, as new biological information is gathered and should not be used as the sole source for identifying species that may be impacted by a project.

Webb County

Ashy dogweed	(E)	*Thymophylla (=Dyssodia) tephroleuca*
Gulf Coast jaguarundi	(E)	*Herpailurus yagouaroundi cacomitli*
Johnston's frankenia	(E)	*Frankenia johnstonii*
Least tern	(E ~)	*Sternula antillarum*
Ocelot	(E)	*Leopardus pardalis*
Texas hornshell (mussel)	(P/E)	*Popenaias popei*

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

May 14, 2019

Regulatory Division

SUBJECT: Project Number SWF-2019-00177, New Freer Border Patrol Station and Checkpoint

Mr. Joseph Zidron
U.S. Customs and Border Protection
24000 Avila Road, Suite 5020
Laguna Niguel, California 92677

Dear Mr. Zidron:

This letter is in regard to information received May 10, 2019, concerning a proposal by U.S. Customs and Border Protection to construct and operate a new Border Patrol Station and Border Patrol Checkpoint located at the Southard Site, on the southwest corner of FM 2050 and US 59, in Webb County, Texas. This project has been assigned Project Number SWF-2019-00177. Please include this number in all future correspondence concerning this project.

Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged and fill material into waters of the United States, including wetlands. USACE responsibility under Section 10 of the Rivers and Harbors Act of 1899 is to regulate any work in, or affecting, navigable waters of the United States. On line 17 of page 3-16 of the Draft Environmental Assessment provided, there is a reference to Nationwide Permit 13. Nationwide Permit 13 is for Bank Stabilization and would not apply to this project. Nationwide Permit 14 is for Linear Transportation Projects and may apply to roadway projects with no more than minimal adverse environmental impacts to the aquatic environment. However, based on your description of the proposed work, and other information available to us, we have determined this project, at the Southard Site, would not involve activities subject to the requirements of Section 404 or Section 10. Therefore, it will not require Department of the Army authorization pursuant to Section 404 or Section 10. If you should change the preferred alternative, please recoordinate the proposal with us.

Thank you for your interest in our nation's water resources. If you have any questions concerning our regulatory program, please refer to our website at http://www.swf.usace.army.mil/Missions/Regulatory or contact Mr. Frederick Land at the address above or telephone (817) 886-1729 and refer to your assigned project number.

Please help the regulatory program improve its service by completing the survey on the following website: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Sincerely,

ORIGINAL SIGNED

Stephen L Brooks
Chief, Regulatory Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202 – 2733

May 17, 2019

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

Dear Mr. Zidron:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Assessment (EA) for the Freer Border Patrol Station and Checkpoint. Our review is provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 – 1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The proposed action would construct a new 48,000 square foot administration building that can accommodate 250 agents to maintain control of the borders of the United States. Based upon our review of the environmental analysis provided, EPA has the following comments on the proposed action.

Page 3-18; Table 3-5, National Ambient Air Quality Standards (NAAQS)

The 2008 NAAQS for ozone cited in this table is incorrect. The 2008 standard was promulgated March 27, 2008, at a level of 0.075 parts per million (ppm). The 2015 standard was promulgated October 26, 2015, at a level of 0.070 ppm. EPA recommends correcting the ozone standards listed in the table.

We appreciate the opportunity to review the Draft EA. If you have any questions, please contact Keith Hayden, the lead contact for this project, at (214) 665-2133 or hayden.keith@epa.gov.

Sincerely,

Arturo J. Blanco
Director
Office of Communities, Tribes and
Environmental assessment

U.S. Customs and Border Protection

April 18, 2019

RECEIVED
APR 22 2019

Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
1511 Colorado
Austin, TX 78701

RE: Draft Environmental Assessment for the New Freer Border Patrol Station and Border Patrol Checkpoint, U.S. Border Patrol, Laredo Sector, Texas, U.S. Customs and Border Protection, Department of Homeland Security

Dear Mr. Wolfe:

U.S. Customs and Border Protection (CBP) is pleased to forward the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) addressing the proposed construction and operation of a new Border Patrol Station (BPS) and Border Patrol Checkpoint (BPC) in Freer, Texas.

The Draft EA was prepared in compliance with provision of the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S. Code 4321, et seq.), the Council on Environmental Quality's NEPA implementing regulations (40 Code of Federal Regulations Part 1500 et seq.), DHS Directive Number 023-01, Rev.01, and DHS Instruction Manual 023-01-001-01, Rev. 01, *Implementation of the National Environmental Policy Act*.

The proposed dual BPS and BPC would be constructed approximately 20 miles west of the city of Freer, Texas, on an approximately 45-acre parcel of land. The proposed BPS would be constructed to accommodate 250 agents and would replace the current Freer BPS that houses 106 agents. The BPS, BPC, and associated supporting infrastructure are designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of the borders of the United States.

CBP invites your participation in the public review process for the enclosed Draft EA and FONSI. The 30-day public comment period begins on April 23, 2019, and comments must be received by May 23, 2019 to be considered for incorporation into the final EA. Comments on the Draft EA and Draft FONSI can be submitted by:

- E-mail to: Mr. Joseph Zidron, joseph.zidron@cbp.dhs.gov
- Mail to:
  Mr. Joseph Zidron

CONCUR
by Caitlin Beaghan
for Mark Wolfe
State Historic Preservation Officer
Date May 21 2019
Track# 201907479

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

Your prompt attention to this request is greatly appreciated. If you require additional information or have any questions, please contact Ms. Joseph Zidron by telephone at (949) 643-6392 or by e-mail at joseph.zidron@cbp.dhs.gov.

Sincerely,

Joseph Zidron
Real Estate and Environmental Branch Chief
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection

Enclosure

APPENDIX B
STATE LISTED SPECIES

Federally Listed, State Listed, and Candidate Species in Texas: Nongame and Rare Species Program, Texas Parks and Wildlife Department (February 15, 2018)

Common Name	Scientific Name	Group	State Status	Federal Status	Global Rank	State Rank
Austin Blind Salamander	*Eurycea waterlooensis*	Amphibian	Endangered	Endangered	G1	S1
Barton Springs Salamander	*Eurycea sosorum*	Amphibian	Endangered	Endangered	G1	S1
Black-spotted Newt	*Notophthalmus meridionalis*	Amphibian	Threatened		G1	S2
Blanco Blind Salamander	*Eurycea robusta*	Amphibian	Threatened		G1Q	S1
Cascade Caverns Salamander	*Eurycea latitans*	Amphibian	Threatened		G3	S1
Comal Blind Salamander	*Eurycea tridentifera*	Amphibian	Threatened		G1	S1
Georgetown Salamander	*Eurycea naufragia*	Amphibian		Threatened	G1	S1
Houston Toad	*Anaxyrus houstonensis*	Amphibian	Endangered	Endangered	G1	S1
Jollyville Salamander	*Eurycea tonkawae*	Amphibian		Threatened	G1	S2S3
Mexican Burrowing Toad	*Rhinophrynus dorsalis*	Amphibian	Threatened		G5	S2
Mexican Treefrog	*Smilisca baudinii*	Amphibian	Threatened		G5	S3
Salado Salamander	*Eurycea chisholmensis*	Amphibian		Threatened	G1	S1
San Marcos Salamander	*Eurycea nana*	Amphibian	Threatened	Threatened	G1	S1
Sheep Frog	*Hypopachus variolosus*	Amphibian	Threatened		G5	S2
South Texas Siren (large form)	*Siren* sp. 1	Amphibian	Threatened		GNRQ	S2
Texas Blind Salamander	*Eurycea rathbuni*	Amphibian	Endangered	Endangered	G1	S1
White-lipped Frog	*Leptodactylus fragilis*	Amphibian	Threatened		G5	S1
Arizona Botteri's Sparrow	*Peucaea botterii arizonae*	Bird	Threatened		G4T4	S1B
Attwater's Greater Prairie Chicken	*Tympanuchus cupido attwateri*	Bird	Endangered	Endangered	G4T1	S1B
Bachman's Sparrow	*Aimophila aestivalis*	Bird	Threatened		G3	S3B
Bald Eagle	*Haliaeetus leucocephalus*	Bird	Threatened		G5	S3B,S3N
Black-capped Vireo	*Vireo atricapilla*	Bird	Endangered	Endangered, Proposed for Delisting	G3	S2B
Cactus Ferruginous Pygmy-owl	*Glaucidium brasilianum cactorum*	Bird	Threatened		G5T3	S3B
Common Black Hawk	*Buteogallus anthracinus*	Bird	Threatened		G4G5	S2B
Eskimo Curlew	*Numenius borealis*	Bird	Endangered	Endangered	GH	SH
Golden-cheeked Warbler	*Dendroica chrysoparia*	Bird	Endangered	Endangered	G2	S2B
Gray Hawk	*Buteo plagiatus*	Bird	Threatened		GNR	S2B
Interior Least Tern	*Sterna antillarum athalassos*	Bird	Endangered	Endangered	G4T2Q	S1B
Mexican Spotted Owl	*Strix occidentalis lucida*	Bird	Threatened	Threatened	G3G4T3T4	S1B
Northern Aplomado Falcon	*Falco femoralis septentrionalis*	Bird	Endangered	Endangered	G4T2	S1
Northern Beardless-tyrannulet	*Camptostoma imberbe*	Bird	Threatened		G5	S3B
Peregrine Falcon	*Falco peregrinus anatum*	Bird	Threatened		G4T4	S2B
Piping Plover	*Charadrius melodus*	Bird	Threatened	Threatened	G3	S2
Red-cockaded Woodpecker	*Picoides borealis*	Bird	Endangered	Endangered	G3	S2B
Red-crowned Parrot	*Amazona viridigenalis*	Bird		Candidate	G2	S2
Reddish Egret	*Egretta rufescens*	Bird	Threatened		G4	S3B
Rose-throated Becard	*Pachyramphus aglaiae*	Bird	Threatened		G4G5	SNA
Rufa Red Knot	*Calidris canutus rufa*	Bird		Threatened	G4	S3N
Sooty Tern	*Sterna fuscata*	Bird	Threatened		G5	S2B
Southwestern Willow Flycatcher	*Empidonax traillii extimus*	Bird	Endangered	Endangered	G5T2	S1B
Swallow-tailed Kite	*Elanoides forficatus*	Bird	Threatened		G5	S2B
Texas Botteri's Sparrow	*Aimophila botterii texana*	Bird	Threatened		G4T4	S3B
Tropical Parula	*Parula pitiayumi*	Bird	Threatened		G5	S3B
Western Yellow-billed Cuckoo	*Coccyzus americanus occidentails*	Bird		Threatened	G5T2T3	S4S5B

Common Name	Scientific Name	Group	State Status	Federal Status	Global Rank	State Rank
White-faced Ibis	*Plegadis chihi*	Bird	Threatened		G5	S4B
White-tailed Hawk	*Buteo albicaudatus*	Bird	Threatened		G4G5	S4B
Whooping Crane	*Grus americana*	Bird	Endangered	Endangered	G1	S1
Wood Stork	*Mycteria americana*	Bird	Threatened		G4	SHB,S2N
Zone-tailed Hawk	*Buteo albonotatus*	Bird	Threatened		G4	S3B
Arkansas River Shiner	*Notropis girardi*	Fish	Threatened	Threatened	G2	S2
Big Bend Gambusia	*Gambusia gaigei*	Fish	Endangered	Endangered	G1	S1
Blackside Darter	*Percina maculata*	Fish	Threatened		G5	S1
Blotched Gambusia	*Gambusia senilis*	Fish	Threatened		G3G4	SX
Blue Sucker	*Cycleptus elongatus*	Fish	Threatened		G3G4	S3
Bluehead Shiner	*Pteronotropis hubbsi*	Fish	Threatened		G3	S1
Bluntnose Shiner	*Notropis simus*	Fish	Threatened		G2	SX
Chihuahua Shiner	*Notropis chihuahua*	Fish	Threatened		G3	S2
Clear Creek Gambusia	*Gambusia heterochir*	Fish	Endangered	Endangered	G1	S1
Comanche Springs Pupfish	*Cyprinodon elegans*	Fish	Endangered	Endangered	G1	S1
Conchos Pupfish	*Cyprinodon eximius*	Fish	Threatened		G3G4	S1
Creek Chubsucker	*Erimyzon oblongus*	Fish	Threatened		G5	S2S3
Devils River Minnow	*Dionda diaboli*	Fish	Threatened	Threatened	G1	S1
Fountain Darter	*Etheostoma fonticola*	Fish	Endangered	Endangered	G1	S1
Leon Springs Pupfish	*Cyprinodon bovinus*	Fish	Endangered	Endangered	G1	S1
Mexican blind catfish	*Prietella phreatophila*	Fish	Endangered	Endangered	G1	S1
Mexican Goby	*Ctenogobius claytonii*	Fish	Threatened		GNR	S1
Mexican Stoneroller	*Campostoma ornatum*	Fish	Threatened		G3G4	S1
Opossum Pipefish	*Microphis brachyurus*	Fish	Threatened		G4G5	S1N
Paddlefish	*Polyodon spathula*	Fish	Threatened		G4	S3
Pecos Gambusia	*Gambusia nobilis*	Fish	Endangered	Endangered	G2	S2
Pecos Pupfish	*Cyprinodon pecosensis*	Fish	Threatened		G2	S1
Proserpine Shiner	*Cyprinella proserpina*	Fish	Threatened		G3	S2
Rio Grande Chub	*Gila pandora*	Fish	Threatened		G3	S1
Rio Grande Darter	*Etheostoma grahami*	Fish	Threatened		G2G3	S2
Rio Grande Silvery Minnow	*Hybognathus amarus*	Fish	Endangered	Endangered	G1	SX
River Goby	*Awaous banana*	Fish	Threatened		G5	S1
San Felipe Gambusia	*Gambusia clarkhubbsi*	Fish	Threatened		G1	S1
San Marcos Gambusia	*Gambusia georgei*	Fish	Endangered	Endangered	GX	SX
Sharpnose Shiner	*Notropis oxyrhynchus*	Fish		Endangered	G3	S3
Shovelnose Sturgeon	*Scaphirhynchus platorynchus*	Fish	Threatened		G4	S2
Smalleye Shiner	*Notropis buccula*	Fish		Endangered	G2	S2
Smalltooth Sawfish	*Pristis pectinata*	Fish	Endangered	Endangered	G1G3	SNR
Toothless Blindcat	*Trogloglanis pattersoni*	Fish	Threatened		G1G2	S1
Widemouth Blindcat	*Satan eurystomus*	Fish	Threatened		G1G2	S1
A Ground Beetle	*Rhadine exilis*	Invertebrate		Endangered	G3	S1
A Ground Beetle	*Rhadine infernalis*	Invertebrate		Endangered	G2G3	S1
American Burying Beetle	*Nicrophorus americanus*	Invertebrate		Endangered	G2G3	S1
Bone Cave Harvestman	*Texella reyesi*	Invertebrate		Endangered	G2G3	S2
Bracken Bat Cave Meshweaver	Cicurina venii	Invertebrate		Endangered	G1	S1

Common Name	Scientific Name	Group	State Status	Federal Status	Global Rank	State Rank
Coffin Cave Mold Beetle	*Batrisodes texanus*	Invertebrate		Endangered	G1G2	S1
Cokendolpher Cave Harvestman	*Texella cokendolpheri*	Invertebrate		Endangered	G1	S1
Comal Springs Dryopid Beetle	*Stygoparnus comalensis*	Invertebrate	Endangered	Endangered	G1G2	S1
Comal Springs Riffle Beetle	*Heterelmis comalensis*	Invertebrate	Endangered	Endangered	G1	S1
Diamond Y Spring Snail	*Pseudotryonia adamantina*	Invertebrate	Endangered	Endangered	G1	S1
Diminuitie Amphipod	*Gammarus hyalleloides*	Invertebrate	Endangered	Endangered	G1	S1
False Spike	*Quadrula mitchelli*	Invertebrate	Threatened		GH	SH
Golden Orb	*Quadrula aurea*	Invertebrate	Threatened	Candidate	G1	S2
Gonzales Springsnail	*Tryonia circumstriata*	Invertebrate	Endangered	Endangered	G1	S1
Government Canyon Bat Cave Meshweaver	*Cicurina vespera*	Invertebrate		Endangered	G1	S1
Government Canyon Bat Cave Spider	*Tayshaneta microps*	Invertebrate		Endangered	G1	S1
Helotes Mold Beetle	*Batrisodes venyivi*	Invertebrate		Endangered	G1	S1
Kretschmarr Cave Mold Beetle	*Texamaurops reddelli*	Invertebrate		Endangered	G1G2	S1
Louisiana Pigtoe	*Pleurobema riddellii*	Invertebrate	Threatened		G1G2	S1
Madla Cave Meshweaver	*Cicurina madla*	Invertebrate		Endangered	G1	S1
Mexican Fawnsfoot	*Truncilla cognata*	Invertebrate	Threatened		G1Q	S1
Peck's Cave Amphipod	*Stygobromus pecki*	Invertebrate	Endangered	Endangered	G1G2	S1
Pecos Amphipod	*Gammarus pecos*	Invertebrate	Endangered	Endangered	G1	S1
Pecos Assiminea	*Assiminea pecos*	Invertebrate	Endangered	Endangered	G1	S1
Phantom Cave Snail	*Pyrgulopsis texana*	Invertebrate	Endangered	Endangered	G1	S1
Phantom Spring Snail	*Tryonia cheatumi*	Invertebrate	Endangered	Endangered	G1	S1
Reddell Harvestman	*Texella reddelli*	Invertebrate		Endangered	G2G3	S2
Robber Baron Cave Meshweaver	*Cicurina baronia*	Invertebrate		Endangered	G1	S1
Salina Mucket	*Potamilus metnecktayi*	Invertebrate	Threatened		G1	S1
Sandbank Pocketbook	*Lampsilis satura*	Invertebrate	Threatened		G2	S1
Smooth Pimpleback	*Quadrula houstonensis*	Invertebrate	Threatened	Candidate	G2	S1S2
Southern Hickorynut	*Obovaria jacksoniana*	Invertebrate	Threatened		G2	S1
Texas Fatmucket	*Lampsilis bracteata*	Invertebrate	Threatened	Candidate	G1	S1
Texas Fawnsfoot	*Truncilla macrodon*	Invertebrate	Threatened	Candidate	G2Q	S1
Texas Heelsplitter	*Potamilus amphichaenus*	Invertebrate	Threatened		G1G2	S1
Texas Hornshell	*Popenaias popeii*	Invertebrate	Threatened	Endangered	G1	S1
Texas Pigtoe	*Fusconaia askewi*	Invertebrate	Threatened		G2G3	S2S3
Texas Pimpleback	*Quadrula petrina*	Invertebrate	Threatened	Candidate	G2	S1
Tooth Cave Ground Beetle	*Rhadine persephone*	Invertebrate		Endangered	G1G2	S1
Tooth Cave Pseudoscorpion	*Tartarocreagris texana*	Invertebrate		Endangered	G1G2	S1
Tooth Cave Spider	*Tayshaneta myopica*	Invertebrate		Endangered	G1G2	S1
Triangle Pigtoe	*Fusconaia lananensis*	Invertebrate	Threatened		G1Q	S1
Warton Cave Meshweaver	*Cicurina wartoni*	Invertebrate		Candidate	G1	S1
Atlantic Spotted Dolphin	*Stenella frontalis*	Mammal	Threatened		G5	S1
Black Bear	*Ursus americanus*	Mammal	Threatened		G5	S3
Coues' Rice Rat	*Oryzomys couesi*	Mammal	Threatened		G5T2T4	S2
Dwarf Sperm Whale	*Kogia simus*	Mammal	Threatened		G4	S1
False Killer Whale	*Pseudorca crassidens*	Mammal	Threatened		G4	S1
Finback Whale	*Balaenoptera physalus*	Mammal	Endangered	Endangered	G3G4	S1
Gervais' Beaked Whale	*Mesoplodon europaeus*	Mammal	Threatened		G3	S1

Common Name	Scientific Name	Group	State Status	Federal Status	Global Rank	State Rank
Goose-beaked Whale	*Ziphius cavirostris*	Mammal	Threatened		G4	S1
Gray Wolf	*Canis lupus*	Mammal	Endangered	Endangered	G4G5	SX
Humpback Whale	*Megaptera novaeangliae*	Mammal	Endangered	Endangered	G4	SNR
Jaguar	*Panthera onca*	Mammal	Endangered	Endangered	G3	SH
Jaguarundi	*Herpailurus yaguarondi*	Mammal	Endangered	Endangered	G4	S1
Killer Whale	*Orcinus orca*	Mammal	Threatened		G4G5	S1
Louisiana Black Bear	*Ursus americanus luteolus*	Mammal	Threatened		G5T2	SNA
Mexican Long-nosed Bat	*Leptonycteris nivalis*	Mammal	Endangered	Endangered	G2G3	S1
Ocelot	*Leopardus pardalis*	Mammal	Endangered	Endangered	G4	S1
Palo Duro Mouse	*Peromyscus truei comanche*	Mammal	Threatened		G5T2	S2
Pygmy Killer Whale	*Feresa attenuata*	Mammal	Threatened		G4	S1
Pygmy Sperm Whale	*Kogia breviceps*	Mammal	Threatened		G4	SNR
Rafinesque's Big-eared Bat	*Corynorhinus rafinesquii*	Mammal	Threatened		G3G4	S3
Red Wolf	*Canis rufus*	Mammal	Endangered	Endangered	G1Q	SX
Rough-toothed Dolphin	*Steno bredanensis*	Mammal	Threatened		G4	S1
Short-finned Pilot Whale	*Globicephala macrorhynchus*	Mammal	Threatened		G5	S1
Southern Yellow Bat	*Lasiurus ega*	Mammal	Threatened		G5	S1
Spotted Bat	*Euderma maculatum*	Mammal	Threatened		G4	S2
Texas Kangaroo Rat	*Dipodomys elator*	Mammal	Threatened		G2	S1
West Indian Manatee	*Trichechus manatus*	Mammal	Endangered	Threatened	G2	S1
White-nosed Coati	*Nasua narica*	Mammal	Threatened		G5	S2?
Ashy Dogweed	*Thymophylla tephroleuca*	Plant	Endangered	Endangered	G2	S2
Black Lace Cactus	*Echinocereus reichenbachii* var. *albertii*	Plant	Endangered	Endangered	G5T1Q	S1
Bracted Twistflower	*Streptanthus bracteatus*	Plant		Candidate	G1G2	S1S2
Bunched Cory Cactus	*Coryphantha ramillosa ssp. ramillosa*	Plant	Threatened	Threatened	G2G3T2T3	S2S3
Chisos Mountains Hedgehog Cactus	*Echinocereus chisoensis* var. *chisoensis*	Plant	Threatened	Threatened	G2T1	S1
Davis' Green Pitaya	*Echinocereus davisii*	Plant	Endangered	Endangered	G1	S1
Earth Fruit	*Geocarpon minimum*	Plant	Threatened	Threatened	G2	S1
Guadalupe Fescue	*Festuca ligulata*	Plant		Endangered	G1	S1
Johnston's Frankenia	*Frankenia johnstonii*	Plant	Delisted	Delisted	G3	S3
Hinckley's Oak	*Quercus hinckleyi*	Plant	Threatened	Threatened	G2	S2
Large-fruited Sand-verbena	*Abronia macrocarpa*	Plant	Endangered	Endangered	G2	S2
Little Aguja Pondweed	*Potamogeton clystocarpus*	Plant	Endangered	Endangered	G1	S1
Lloyd's Mariposa Cactus	*Sclerocactus mariposensis*	Plant	Threatened	Threatened	G2	S2
Navasota Ladies'-tresses	*Spiranthes parksii*	Plant	Endangered	Endangered	G3	S3
Neches River Rose-mallow	*Hibiscus dasycalyx*	Plant	Threatened	Threatened	G1	S1
Nellie's Cory Cactus	*Escobaria minima*	Plant	Endangered	Endangered	G1	S1
Pecos Sunflower	*Helianthus paradoxus*	Plant	Threatened	Threatened	G2	S1
Slender Rushpea	*Hoffmannseggia tenella*	Plant	Endangered	Endangered	G1S1	S1
Sneed's Pincushion Cactus	*Escobaria sneedii* var. *sneedii*	Plant	Endangered	Endangered	G2T2	S2
South Texas Ambrosia	*Ambrosia cheiranthifolia*	Plant	Endangered	Endangered	G2	S2
Star Cactus	*Astrophytum asterias*	Plant	Endangered	Endangered	G1	S1
Terlingua Creek Cat's-eye	*Cryptantha crassipes*	Plant	Endangered	Endangered	G1	S1
Texas Ayenia	*Ayenia limitaris*	Plant	Endangered	Endangered	G2	S1
Texas Golden Gladecress	*Leavenworthia texana*	Plant	Endangered	Endangered	G1	S1

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Texas Poppy-mallow	*Callirhoe scabriuscula*	Plant	Endangered	Endangered	G2	S2
Texas Prairie Dawn	*Hymenoxys texana*	Plant	Endangered	Endangered	G2	S2
Texas Snowbells	*Styrax platanifolius* spp. *texanus*	Plant	Endangered	Endangered	G3T1	S1
Texas Trailing Phlox	*Phlox nivalis ssp. texensis*	Plant	Endangered	Endangered	G4T2	S2
Texas Wild Rice	*Zizania texana*	Plant	Endangered	Endangered	G1	S1
Tobusch Fishhook Cactus	*Sclerocactus brevihamatus* ssp. *tobuschii*	Plant	Endangered	Endangered	G4T3	S3
Walker's Manioc	*Manihot walkerae*	Plant	Endangered	Endangered	G2	S1
White Bladderpod	*Physaria pallida*	Plant	Endangered	Endangered	G1	S1
Zapata Bladderpod	*Physaria thamnophila*	Plant	Endangered	Endangered	G1	S1
Alligator Snapping Turtle	*Macrochelys temminckii*	Reptile	Threatened		G3G4	S3
Black-striped Snake	*Coniophanes imperialis*	Reptile	Threatened		G4G5	S2
Brazos Water Snake	*Nerodia harteri*	Reptile	Threatened		G2	S1
Cagle's Map Turtle	*Graptemys caglei*	Reptile	Threatened		G3	S1
Chihuahuan Desert Lyre Snake	*Trimorphodon vilkinsonii*	Reptile	Threatened		G4	S3
Chihuahuan Mud Turtle	*Kinosternon hirtipes murrayi*	Reptile	Threatened		G5T5	S1
Green Sea Turtle	*Chelonia mydas*	Reptile	Threatened	Threatened	G3	S3
Hawksbill Sea Turtle	*Eretmochelys imbricata*	Reptile	Endangered	Endangered	G3	S2
Kemp's Ridley Sea Turtle	*Lepidochelys kempii*	Reptile	Endangered	Endangered	G1	S3
Leatherback Sea Turtle	*Dermochelys coriacea*	Reptile	Endangered	Endangered	G2	S1S2
Loggerhead Sea Turtle	*Caretta caretta*	Reptile	Threatened	Threatened	G3	S4
Louisiana Pine Snake	*Pituophis ruthveni*	Reptile	Threatened	Proposed Threatened	G2	S1
Mountain Short-horned Lizard	*Phrynosoma hernandesi*	Reptile	Threatened		G5	S3
Northern Cat-eyed Snake	*Leptodeira septentrionalis*	Reptile	Threatened		G5	S2
Northern Scarlet Snake	*Cemophora coccinea copei*	Reptile	Threatened		G5T5	S3
Reticulate Collared Lizard	*Crotaphytus reticulatus*	Reptile	Threatened		G3	S2
Reticulated Gecko	*Coleonyx reticulatus*	Reptile	Threatened		G3	S3
Smooth Green Snake	*Liochlorophis vernalis*	Reptile	Threatened		G5	SX
Speckled Racer	*Drymobius margaritiferus*	Reptile	Threatened		G5	S1
Texas Horned Lizard	*Phrynosoma cornutum*	Reptile	Threatened		G4G5	S4
Texas Indigo Snake	*Drymarchon melanurus erebennus*	Reptile	Threatened		G5T4	S3
Texas Scarlet Snake	*Cemophora coccinea lineri*	Reptile	Threatened		G5T2	S1S2
Texas Tortoise	*Gopherus berlandieri*	Reptile	Threatened		G4	S2
Timber Rattlesnake	*Crotalus horridus*	Reptile	Threatened		G4	S4
Trans-Pecos Black-headed Snake	*Tantilla cucullata*	Reptile	Threatened		G3	S2