

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

INTRODUCTION: United States (U.S.) Customs and Border Protection (CBP) prepared an Environmental Assessment (EA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction of a new U.S. Border Patrol Station (BPS) in Freer, Texas.

The new BPS would replace the current facility which does not have the capacity to meet current and future needs for USBP operations in the area. The new BPS would be constructed to accommodate 125 agents initially, with the capability to expand to 175 agents. The new BPS 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 Freer BPS is one of nine stations comprising the Laredo Sector, along with the Cotulla, Dallas, Hebronville, Laredo North, Laredo South, Laredo West, San Antonio, and Zapata Stations in Texas. 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 is bordered by U.S. Highway 281, U.S. Highway 59, State Highway 16, and State Highway 44.

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

- Main administration building
- Three-bay vehicle maintenance facility
- Security borders
- Command Center (C2)
- Squad room
- Training facility
- Field support and communications
- All-terrain vehicle (ATV) operations and storage shed
- Cross border violator (CBV) processing and detention space
- Treated water well and anaerobic septic system
- Fuel islands
- One-bay carwash facility
- Security lighting
- FIPS201/HSPD-12 compliant security systems
- 8-foot high chain link security fencing
- Storm water retention system
- Communication building
- Weapons cleaning station
- 100-foot high communications tower with remote video surveillance system (RVSS)
- Kennels for canines
- Equestrian facilities for 10 horses
- Fully functional heliport facility
- Parking area and vehicle impound lot
- Facility maintenance and administrative spaces
- Indoor small arms shooting range

PROJECT LOCATION: The new BPS would be constructed in the western portion of the city of Freer, Texas; approximately 63 miles northeast of the U.S.-Mexico border at Laredo, Texas. Freer is located in the southern portion of Texas, in Duval County. The project location is a 20-acre parcel of land west of Freer, Texas.

PURPOSE AND NEED: CBP proposes the construction, operation, and maintenance of a new BPS in the Freer Station AOR for the purpose of providing a facility that would support the operational capabilities of USBP in the Freer Station AOR, while 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 and the current insufficient facilities at the Freer BPS, additional USBP agents and other resources are required to enhance the operational capabilities of USBP within the Freer Station AOR. The site for the Proposed Action is approximately 4 miles west of the existing station. The proposed construction of an upgraded permanent facility would address the occupational health, safety, security, and operational deficiencies that are found at the existing Freer BPS.

The need for a new Freer BPS 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. Almost all categories of space requirements in the existing facilities have less than 1/3 of the space necessary for the agents to functionally perform their duties within the station. The severe space shortage forces compromises in space utilization and security practices relative to the security standards.

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 on an approximately 20-acre parcel of land west of Freer, Texas. Based upon potential site designs, it has been determined that a 20-acre project site is sufficient to construct BPS main administrative building and associated infrastructure including but not limited to a fueling station, communications tower, parking area, indoor shooting range, and maintenance facility.

Alternative 2 is the No Action Alternative, which would preclude the construction, operation, and maintenance of a new BPS. 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 was 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: No effects would occur to cultural resources as none were found within the boundaries of the Proposed Action. Effects to biological resources such as soils, vegetation, wildlife, and protected species would range from none to minor, temporary to long-term. No impacts are expected to surface waters as none are present; however, groundwater resources (i.e., water used for municipality purposes) will be impacted negligibly due to the increase in usage associated with construction activities. No jurisdictional

wetlands or waters of the United States would be impacted by construction of the new BPS. Best management practices (BMPs) and standard construction procedures would be implemented as construction occurs.

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

BEST MANAGEMENT PRACTICES: Best Management Practices were identified for each resource category that could be potentially affected. Many of these measures have been incorporated as standard operating procedures by CBP in similar past projects. The BMPs to be implemented are found below and in Section 4.0 of the EA.

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.

SOILS

1. Clearly demarcate the perimeter of all new areas to be disturbed using flagging or temporary construction fencing. Do not allow any disturbance outside that perimeter.
2. The area of disturbance will be minimized by limiting deliveries of materials and equipment to only those needed for effective project implementation.
3. Within the designated disturbance area, grading or topsoil removal will be limited to areas where this activity is needed to provide the ground conditions necessary for construction or maintenance activities.
4. Rehabilitation will include revegetating or the distribution of organic and geological materials (i.e., boulders and rocks) over the disturbed area to reduce erosion while allowing the area to naturally vegetate.

BIOLOGICAL RESOURCES

1. Materials used for on-site erosion control will be free of non-native plant seeds and other plant parts to limit potential for infestation.
2. Identify by its source location any fill material, sandbags, hay bales, and mulch brought in from outside the project area. These materials will be free of non-native plant seeds and other plant parts to limit potential for infestation.
3. Native weed free seeds or plants will be used to revegetate temporarily disturbed areas.
4. Obtain materials such as gravel, topsoil, or fill from existing developed or previously used sources that are compatible with the project area and are from legally permitted sites. Do not use materials from undisturbed areas adjacent to the project area.
5. To prevent entrapment of wildlife species, ensure that excavated, steep-walled holes or trenches are either completely covered by plywood or metal caps at the close of each workday or provided with one or more escape ramps (at no greater than 1,000-foot intervals and sloped less than 45 degrees) constructed of earthen fill or wooden planks.
6. Each morning, before the start of construction or maintenance activities and before such holes or trenches are filled, ensure that they are thoroughly inspected for trapped animals. Ensure that any animals discovered are allowed to escape voluntarily (by escape ramps or temporary structures), without harassment, and before construction activities resume, or

are removed from the trench or hole by a qualified person and allowed to escape unimpeded.

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

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

origin. CBP's established standard operating procedures for inadvertent discoveries would be adhered to in all cases.

AIR QUALITY

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

WATER RESOURCES

1. Wastewater is to be stored in closed containers on-site until removed for disposal. Wastewater is water used for project purposes that is contaminated with construction materials or from cleaning equipment and thus carries oils or other toxic materials or other contaminants as defined by Federal or state regulations.
2. Avoid contamination of ground and surface waters by collecting concrete wash water in open containers and disposing of it off-site.
3. Avoid contaminating natural aquatic and wetland systems with runoff by limiting all equipment maintenance, staging, and laydown and dispensing hazardous liquids, such as fuel and oil, to designated upland areas.
4. Cease work during heavy rains and do not resume work until conditions are suitable for the movement of equipment and materials.
5. Erosion control measures and appropriate BMPs, as required and promulgated through a site-specific SWPPP and engineering designs, will be implemented before, during, and after soil-disturbing activities.
6. Areas with highly erodible soils will be given special consideration when preparing the SWPPP to ensure incorporation of various erosion control techniques, such as straw bales, silt fencing, aggregate materials, wetting compounds, and rehabilitation, where possible, to decrease erosion.
7. All construction and maintenance contractors and personnel will review the CBP-approved spill protection plan and implement it during construction and maintenance activities.
8. Wastewater from pressure washing must be collected. A ground pit or sump can be used to collect the wastewater. Wastewater from pressure washing must not be discharged into any surface water.

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

NOISE

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

SOLID AND HAZARDOUS WASTES

1. BMPs will be implemented as standard operating procedures during all construction activities, and will include proper handling, storage, and/or disposal of hazardous and/or regulated materials. To minimize potential impacts from hazardous and regulated materials, all fuels, waste oils, and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery will be completed in accordance with accepted industry and regulatory guidelines, and all vehicles will have drip pans during storage to contain minor spills and drips. Although it is unlikely that a major spill would occur, any spill of reportable quantities will be contained immediately within an earthen dike, and the application of an absorbent (e.g., granular, pillow, sock) will be used to absorb and contain the spill.
2. CBP will contain non-hazardous waste materials and other discarded materials, such as construction waste, until removed from the construction and maintenance sites. This will assist in keeping the project area and surroundings free of litter and reduce the amount of disturbed area needed for waste storage.
3. CBP will minimize site disturbance and avoid attracting predators by promptly removing waste materials, wrappers, and debris from the site. Any waste that must remain more than 12 hours should be properly stored until disposal.
4. All waste oil and solvents will be recycled. All non-recyclable hazardous and regulated wastes will be collected, characterized, labeled, stored, transported, and disposed of in accordance with all applicable Federal, state, and local regulations, including proper waste manifesting procedures.

5. Solid waste receptacles will be maintained at the project site. Non-hazardous solid waste (trash and waste construction materials) will be collected and deposited in on-site receptacles. Solid waste will be collected and disposed of by a local waste disposal contractor.
6. Disposal of used batteries or other small quantities of hazardous waste will be handled, managed, maintained, stored, and disposed of in accordance with applicable Federal and state rules and regulations for the management, storage, and disposal of hazardous materials, hazardous waste and universal waste. Additionally, to the extent practicable, all batteries will be recycled locally.
7. All rainwater collected in secondary containment will be pumped out, and secondary containment will have netting to minimize exposure to wildlife.
8. A properly licensed and certified hazardous waste disposal contractor will be used for hazardous waste disposal, and manifests will be traced to final destinations to ensure proper disposal is accomplished.

ROADWAYS AND TRAFFIC

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

FINDING: On the basis of the findings of the EA, which is incorporated by reference, and which has been conducted in accordance with the National Environmental Policy Act, the Council on Environmental Quality regulations, and DHS Directive Number 023-01, Rev.01, and DHS Instruction Manual 023-01-001-01, Rev. 01, Implementation of the National Environmental Policy Act and after careful review of the potential environmental impacts of implementing the proposal, we find there would be no significant impact on the quality of the human or natural environments; 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
Director
Facilities Division
U.S. Border Patrol

Date

John Dickerson
Acting Director
Facilities Management and Engineering Division
U.S. Customs and Border Protection

Date