ENVIRONMENTAL ASSESSMENT
PORT ISABEL/BROWNSVILLE BORDER PATROL STATION
BROWNSVILLE, TEXAS
RIO GRANDE VALLEY SECTOR

Prepared for:
US Customs and Border Protection
Department of Homeland Security
Washington, D.C.

June 2004

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FINDING OF NO SIGNIFICANT IMPACT

Construction of
Port Isabel/Brownsville Border Patrol Station
Brownsville, Texas
Rio Grande Valley Sector

PROJECT HISTORY: Customs and Border Protection (CBP) of the Department of Homeland Security (DHS) is the guardian of our Nation's borders and has the responsibility to regulate and control immigration into the Unites States (US). In 1924, Congress created the US Border Patrol (USBP) to be the law enforcement arm of the former Immigration and Naturalization Service (INS). Recently the USBP has been integrated into CBP. The USBP's primary task is to detect and prevent the unlawful entry of drug smugglers, terrorists, and illegal aliens through the US borders, between the ports of entry.

The CBP is proposing the construction of a new Border Patrol Station (BPS) to be located in Brownsville, Cameron County, Texas, on a 51.194-acre undeveloped tract of land located south of FM 511 between Old Alice Road and Paredes Line Road. An Environmental Assessment (EA) was completed in April 2004, submitted to regulatory agencies, and made available to the general public for review and comment.

PURPOSE AND NEED: The purpose for the new BPS is to provide a safe and efficient well-integrated working environment for the Port Isabel/Brownsville BPS personnel. The need for the proposed action is to be able to accommodate increased numbers of border patrol agents assigned to the Area of Operation (AO). The existing Brownsville station is a leased facility that lacks expansion capability.

The facility is needed to meet the current and future mission needs that will require more staff and support facilities. The USBP has increased the number of authorized agents for the Port Isabel/Brownsville AO under the Rio Grande Valley Sector of the USBP. Current facilities are inadequate to handle the increased numbers of agents. Congress has recognized the need for increased border security due to increased illegal immigration, drug smuggling and terrorist activities in the US. Therefore, as a matter of national security, the USBP has a mandate to secure our borders against these illegal activities.

PROPOSED ACTION: The proposed facility includes the construction of building space to support 350 Border Patrol agents, support staff, and detainee processing space on 51.194-acre undeveloped tract of land located south of FM 511 between Old Alice Road and Paredes Line Road in Brownsville, Cameron County, Texas. The proposed facility includes a Border Patrol Station, vehicle maintenance facility, kennel, a firing range, and a radio tower. The grounds will be landscaped and parking areas will be paved with asphalt. A detention pond will be constructed for storm water runoff. A perimeter security fence will surround the facility.

ALTERNATIVES: Alternatives discussed in the EA include the No Action Alternative, 11 initial properties which were screened down to the top 3 sites, including the Proposed Action alternative. The two sites that were not selected were eliminated during a second more extensive level of review. One site was eliminated due to lack of paved access roads and higher property costs that approved for the acquisition and the second site was

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eliminated due to lack of onsite utilities. Of the alternatives considered, the Proposed Action will most effectively allow the USBP to fulfill its mission.

ENVIRONMENTAL CONSEQUENCES: No significant adverse effects to the natural or human environment are expected from the implementation of the Proposed Action. The Proposed Action will not have any significant adverse effects on any federal or state threatened or endangered species, or cultural, historical and archaeological resources. Unavoidable insignificant impacts would result from the implementation of the Proposed Action. Noise from construction activities and the firing range would occur. However, the construction activities would take place during daytime hours and would be at levels that would not cause hearing impairment. The firing range would require hearing protection for those at the facility. Though the immediate noise is high the noise dissipates quickly such that areas a few hundred feet away are not significantly affected. Sleep interference is unlikely because the firing range would only be in use during the daytime. The emission of air pollutants associated with construction and normal USBP operations after construction would be an unavoidable condition, but are not considered significant. Site grading would remove minimal vegetation. The affected site does not provide native habitat for many species of animals. The use of nonrenewable energy resources is unavoidable, but the amount used would insignificant.

CUMULATIVE IMPACTS: Cumulative impacts resulting from the construction of the Proposed Action would have positive impact on the area economy and its developmental agenda. Jobs and businesses would be brought to the area, having a beneficial impact on the affected communities and county. The land use changes associated with the construction of the Proposed Action are not considered significant or adverse.

Based on information from the Texas Department of Transportation alignment of the future Interstate Highway 69 could be aligned along what is now FM 511. This was taken into consideration when designing the BPS to allow sufficient land along FM 511 for expansion of the roadway. Development is expected to occur near the site in the future based on past grown within the city of Brownsville and Cameron County regardless of the construction of the Proposed Action.

ENVIRONMENTAL DESIGN MEASURES: Environmental design measures will be implemented during the construction and operation of the Port Isabel/Brownsville BPS facility. These measures include:

- The implementation of a construction Storm Water Pollution Prevention Plan utilizing best management practices.
- Protective devices such as secondary containment on gasoline above-ground storage tanks.
- Construction of a detention basin to aid in local drainage and runoff control on site.

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- Collection and filtration of storm water runoff from the firing range will prevent any contamination of runoff water.
- Use of appropriate hearing protection devices during heavy equipment operation and firing range use.
- Establishing a Surface Danger Zone and other design measures including signs and a protective fence to ensure the safe operation of the firing range.

FINDINGS: Based on the analysis provided by the Environmental Assessment for the construction of a new BPS in Brownsville, Texas and the environmental design measures incorporated as part of the Proposed Action, it is concluded that the proposed action will not have a significant adverse effect on the quality of the human environment. Therefore, the preparation of an Environmental Impact Statement is not required.

Kevin T. Feeney
Environmental Program Manager
U. S. Customs and Border Protection

June 21, 2004
Date

EXECUTIVE SUMMARY

Background: The Bureau of Customs and Border Protection (CBP) prepared this Environmental Assessment for the construction of a new Border Patrol Station (BPS) in Brownsville, TX, Cameron County. This Environmental Assessment

Purpose and Need: The current Border Patrol Station in Brownsville, Texas is inadequate to handle additional Border Patrol agents. Therefore, the construction of a new facility is needed to be able to accommodate 350 border patrol agents, who will be assigned to the Port Isabel/Brownsville station.

Proposed Action and Alternatives: The proposed action consists of constructing a 350-agent BPS in Brownsville, Texas. This Environmental Assessment analyzes the potential for significant adverse or beneficial impacts of the proposed action.

The proposed site is an approximately 51-acre lot of land that is currently undeveloped property, which has been previously used for agriculture. This site was chosen due to its access to utilities, proximity to paved roadways and land costs. The other sites examined for the location of the proposed BPS were either eliminated for consideration due to higher property costs or lack of adequate access to utilities. The proposed plan, descriptions of the alternatives eliminated from consideration, and no action alternative are presented in this Environmental Assessment.

Environmental Impacts of the Proposed Action: Unavoidable impacts would result from the implementation of the proposed action. However, none of the impacts will be significant. Noise from construction activities would occur, however construction would take place during daytime hours and would be at levels that would not cause hearing impairment. The emission of air pollutants associated with construction and normal DHS operation after construction would be an unavoidable condition, but not considered significant. Site grading would remove minimal vegetation. The affected site is not considered to provide significant habitat for many species.
Noise and safety impacts from the proposed firing range are of concern but through design and safety features coupled with securing and owning the proper buffer zones the impacts to the surrounding environment will be minimal. Finally, the use of nonrenewable energy resources is unavoidable, but the amount used would be insignificant.

Conclusions: Based upon the results of the Environmental Assessment, it has been concluded that the proposed action would not have a significant adverse impact on the human environment.

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SECTION 1 PURPOSE AND NEED

1.0 INTRODUCTION

The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security (DHS) is the guardian of our Nation's borders and has the responsibility to regulate and control immigration into the Unites States (US). In 1924, Congress created the US Border Patrol (USBP) to be the law enforcement arm of the former Immigration and Naturalization Service (INS). Recently the USBP has been integrated as an office of the CBP. While the USBP has changed dramatically since its inception over 75 years ago, its primary task remains unchanged: to detect and prevent the unlawful entry of drug smugglers, terrorists, and illegal aliens through the US borders.

1.2 REGULATORY AUTHORITY

The primary sources of authority granted to the Office of Border Patrol (OBP) are the Immigration and Nationality Act (INA) found in Title 8 of the United States code (8 U.S.C.), the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 and other statutes relating to the immigration and naturalization of aliens. The IIRIRA mandates the OBP to acquire or improve equipment and technology along the border, hire and train new agents for the border region, and develop effective border enforcement strategies, including construction and installation of infrastructure.

Subject to constitutional limitations, OBP officers may exercise the authority granted to them in the INA. The statutory provisions related to enforcement authority are found in Sections 287(a), 287(b), 287(c), and 287(e) [8 U.S.C. § 1357 (a, b, c, e)]; Section 235(a) (8 U.S.C. § 1225); Section 274(b) and 274(c) [8 U.S.C. § 1324 (b, c)]; Section 274A (8 U.S.C. § 1324a); and Section 274C (8 U.S.C. § 1324c) of the Act.

Section 287(a)(3) provides further authority to OBP agents to enter any lands and facilities within 25 miles of the international borders, without prior approval of the property owner, in the pursuit of Illegal Entrants (IEs).

Other statutory sources of authority are Title 18 U.S.C., which has several provisions that specifically relate to enforcement of the immigration and nationality laws; Title 19 [19 U.S.C. 1401 § (i)], relating to Customs cross-designation of INS officers and Title 21 (21 U.S.C. § 878), relating to Drug Enforcement Agency cross-designation of OBP officers.

1.3 PURPOSE AND NEED FOR THE PROPOSED ACTION

The Department of Homeland Security, Bureau of Customs and Border Protection (CBP), US Border Patrol (USBP) proposes to build a new Border Patrol Station (BPS) in

Brownsville, Cameron County, Texas. The need for the proposed action is to be able to accommodate increased numbers of border patrol agents assigned to the Area of Operation (AO). The existing Brownsville station is a leased facility that lacks expansion capability.

The USBP has increased the number of authorized agents for the AO. Current facilities are inadequate to handle the increased numbers of agents. Congress has recognized the need for increased border security due to increased illegal immigration, drug smuggling and terrorist activities in the United States. Therefore, as a matter of national security, the USBP has a mandate to secure our borders against these illegal activities.

1.4 APPLICABLE ENVIRONMENTAL STATUTES AND REGULATIONS

This EA was prepared by the US Army Corps of Engineers (USACE), Galveston District, for the CBP and USBP pursuant to the National Environmental Policy Act (NEPA) of 1969 (Public Law [P.L.] 90-190, 42 United States Code [U.S.C.] 4321 et seq.), as amended in 1975 by P.L. 94-83 and the regulations established by the Council on Environmental Quality (CEQ) (40 Code of Federal Regulations [CFR] 1500-1508). In addition, numerous other federal and state laws regulate activities which may affect the environment. Table 1-1 lists pertinent environmental statutes applicable to the proposed action.

1.5 REPORT ORGANIZATION

This EA is divided into nine major sections, including this Section. Section 2 describes the alternatives that were considered that would satisfy the stated purpose and need. Current environmental conditions within the project area and vicinity are presented in Section 3. The potential impacts, beneficial and adverse, of all alternatives that are being considered are discussed in Section 4 including a discussion of the cumulative effects that have occurred and that are anticipated. Section 5 presents mitigation measures and plans to reduce, eliminate, or compensate for any adverse impacts to the human or natural environment. Section 6 discusses the public involvement measures that have been utilized throughout the preparation of this EA in soliciting, obtaining, and incorporating input from the general public and resource agencies. References that were used while preparing the EA, as cited in the text, are presented in Section 7. The list of persons responsible for preparing the EA is presented as Section 9, while a list of acronyms used throughout this EA are provided in Section 9. Appendix A contains agency correspondence and Appendix B contains preliminary site plans.

Table 1-1
Applicable Environmental Statutes

Federal Statutes

Clean Air Act

Clean Water Act

Comprehensive Environmental Response, Compensation, and Liability Act

Endangered Species Act

Farmland Protection Policy Act

Hazardous and Solid Waste Amendment

National Historic Preservation Act of 1965

National Environmental Policy Act

Noise Control Act

North American Grave Protection and Repatriation Act

Executive Orders and Memorandums

Flood Plain Management (Executive Order 11988)

Protection of Wetlands (Executive Order 11990)

Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Executive Order 12898)

Federal Compliance with Pollution Control Standards (Executive Order 12088)

Sacred Sites (Executive Order 13007)

SECTION 2 DESCRIPTION OF THE PROPOSED ACTION

2.1 PROPOSED ACTION

The proposed location for the new Port Isabel/Brownsville BPS is a 51.194-acre undeveloped tract of land located south of FM 511 between Old Alice Road and Paredes Line Road, Brownsville, Cameron County, Texas. The proposed location of the facility is on property that is next to a county jail facility completed in 2002. The surrounding area is rural agricultural land with the exception of the jail facilities. The location has access to electrical and telephone utilities. The site was selected for consideration based on its access to paved roads, access to utilities and its acceptable acquisition cost.

Figure 2-1 is a map showing the location of the proposed action. Figure 2-2 shows pictures of the site location and the adjacent county jail facility.

The USBP proposes to construct a BPS to accommodate an increase in border patrol agents stationed at the Brownsville facility under the Rio Grande Valley Sector of the USBP. The USBP is proposing the new BPS to insure adequate facilities to complete its current and future mission requirements. The border patrol facility would occupy 51.194-acres of land and contain the following:

Border Patrol Station: The main station would support 350 agents and other administrative office spaces and detainee processing space. There would be approximately 760 paved parking spaces including 23 visitor spaces and 240 covered spaces.

Maintenance Facility: This building would provide space for the performance of routine vehicle maintenance and maintenance of other field equipment. The facility will include a fueling facility with a 12,000-gallon unleaded gasoline Above-ground Storage Tank (AST) and a 6,000/6,000 gallon unleaded gasoline/diesel fuel dual-fuel AST with leak detection system and fuel management system.

Kennel: A covered dog kennel would be built to house the Border Patrol Canine Units. The building would be adjacent to an impound lot with ten paved parking spaces.

Grounds: The station grounds would be landscaped and include asphalt paved parking areas and be surrounded by a security fence.

Firing Range: The range would be a 20 point fully baffled outdoor firing range including overhead baffles, side containment, a covered lining, a containment trap, and smooth, clean floor surface. The containment trap would be used to collect shell casings and bullets from the site for proper disposal or recycling.

Radio Tower: A 350-foot tall, self-supporting radio tower that would provide for radio communications for USBP officers and to receive remote video surveillance (RVS) information from video cameras already in place at various locations.

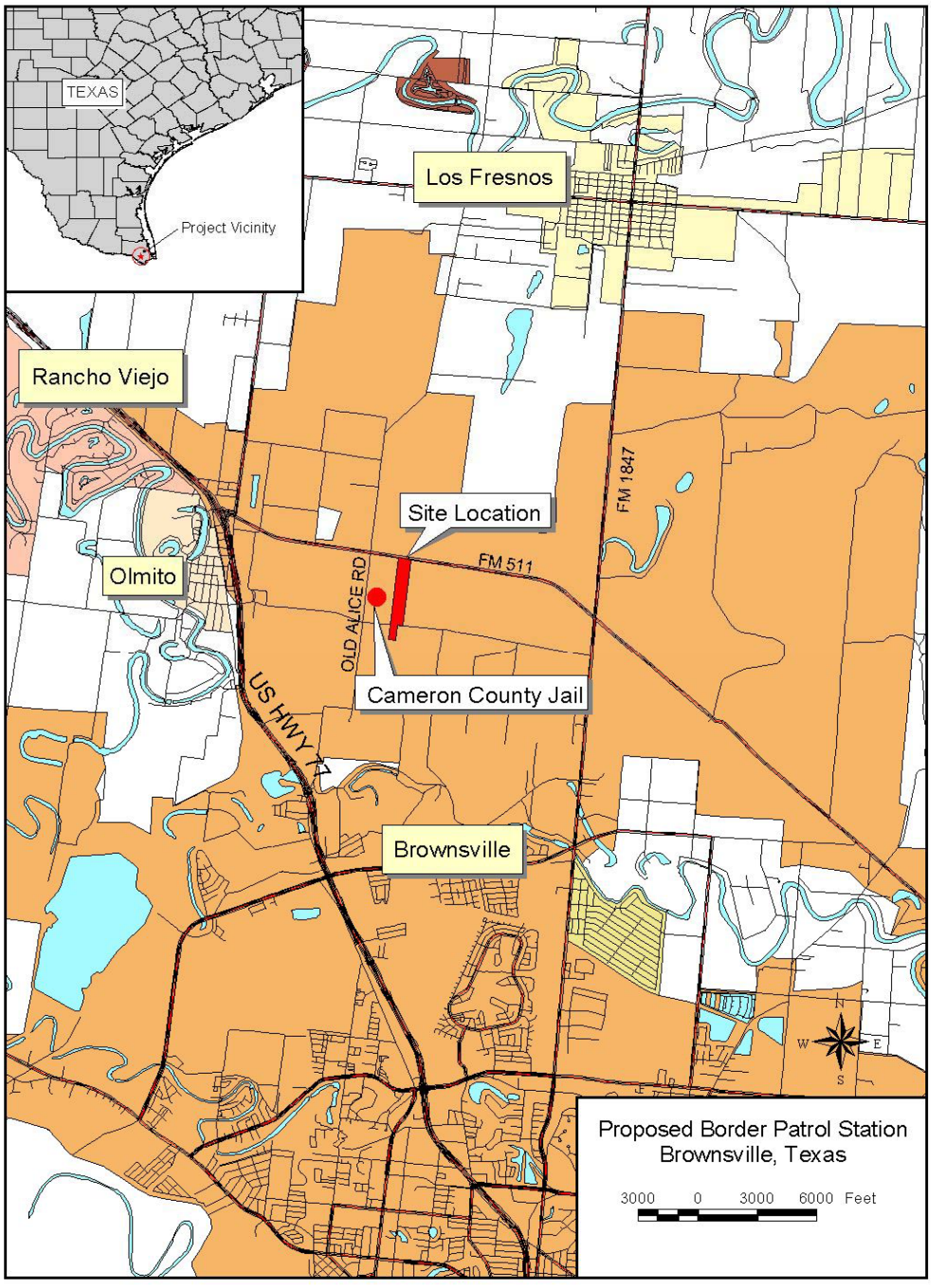

Figure 2-1. Map of Project Location

View across the site, looking northeast.

New county jail facility (taken while still under construction) west of and adjacent to the proposed BPS site.

Figure 2-2 Site Photographs

2.2 NO ACTION ALTERNATIVE

Under the no-action alternative, the border patrol facility would not be constructed. The USBP would continue to operate from the existing facility. However, required administrative and operation support which is necessary to the USBP mission would be hampered by the existing facility. The existing facility was not designed to accommodate the increased number of agents. The existing facility lacks ancillary facilities (dog kennels, ASTs, firing range, vehicle maintenance and washing facility, etc.). The current facility cannot be expanded to meet operational requirements.

2.3 OTHER ALTERNATIVES

In the selection of the proposed site, the USBP evaluated three locations in detail. The existing border patrol station in Brownsville lacks expansion capability and is too small to accommodate additional agents being assigned to the station. The alternative sites were evaluated and reviewed with regard to real estate issues.

Initially 11 properties were screened down to the top 3 sites based on site size, location, price and proximity to residential and commercial development. The top 3 sites went through a second more extensive level of review.

The 2 alternative sites that went through the second level of review for site selection before being eliminated were: a 24.24-acre site on Old Alice Road and a 20-acre site East of Hwy. 77/83. The Old Alice Road property was eliminated due to lack of paved access roads and higher property cost than approved for the acquisition. The site East of Hwy 77/83 site was eliminated due to lack of onsite utilities (USACE Galveston District Real Estate files, 2001).

2.4 SUMMARY

The DHS must decide among the following possible actions:

- Construct an USBP facility on 51.194 acres of vacant agricultural land comprising a Border Patrol Station, refueling/wash pad, maintenance facility, dog kennel, parking areas, radio tower, and a firing range (proposed action); or

- Take no action and continue USBP activities at the existing facility that is not capable of meeting mission standards (no-action alternative).

SECTION 3 AFFECTED ENVIRONMENT

3.0 INTRODUCTION

This section describes the existing environmental conditions including those that could be affected by, or could affect the proposed and the no-action alternative at Brownsville. Specific resource determined to have no impacts from the proposed action are discussed in this section without further discussion in subsequent sections of this EA. Within this context, only those specific components relevant to determining whether or not the potential for impacts exist are described in detail.

The proposed BPS would be located in Brownsville, Cameron County, Texas. Cameron County is the southernmost county in Texas. The county is bordered by to the south by the Rio Grande River/Mexican Border, to the east by the Gulf of Mexico, Hidalgo County to the west and Willacy County to the north. Cameron County's climate is generally mild, dry, and semi-tropical in nature. Average high temperatures (all in ^{o}F) are in the 70's and 80's for more than half of the year from late Fall through Spring with lows in the 50's and 60's. Summers are warmer with highs averaging in the 90's during the day and the 70's at night. The average rainfall in Cameron County is 26.6 inches per year. The rainfall average is generally higher on the eastern side of the county and lower to the west (National Oceanic and Atmospheric Administration (NOAA), 1998).

3.1 LAND USE

The proposed site is an undeveloped tract located on the south side of FM 511 between Old Alice Road and Paredes Line Road, Brownsville, Cameron County, Texas. The site is devoid of vegetation other than crops when they are planted. Surrounding lands are similar except for the recently constructed county jail facility west of the proposed BPS.

The activities and land uses associated with the proposed action would replace a portion of agricultural lands near a county jail facility. Therefore no impact on land use associated with the proposed action is expected and no further discussion of land use is necessary.

3.2 SOILS

The soils in the project area are described in the *Soil Survey of Cameron County, Texas* and include Benito clay and Chargo silty clay. Benito clay is found in broad, slightly depressional areas. The surface is clotty and crusty and characterized by poor drainage. The clay is saline and high in exchangeable sodium. Chargo silty clay is a nearly level soil found on old deltas and flood plains. The silty clay has slow permeability and

runoff. The surface is generally hard and crusty when dry (Natural Resource Conservation Service, 1977).

3.2.1 Prime and Unique Farmlands

Data obtained from the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) on the soil types present at the proposed BPS site showed that the proposed BPS is not subject to the provisions of the Farmland Policy Protection Act due to the absence of the specific soil types that classify areas of Cameron County as prime or statewide important farmlands. Thus no Farmland Conversion Impact Rating Form (Form AD-1006) was required to be submitted to the NRCS.

No adverse effects on soils and Prime and Unique Farmlands in the area would be anticipated under the proposed action therefore, no further discussion of soils and Prime and Unique Farmlands is necessary.

3.3 AIR QUALITY

The Clean Air Act (CAA), as amended in 1977 and 1990, provides the basis for regulating air pollution to the atmosphere. Different provisions of the CAA apply depending on where a source is located, which pollutants are being emitted, and in what amounts. The CAA required US Environmental Protection Agency (USEPA) to establish ambient ceilings for certain criteria pollutants. The ceilings were based on the latest scientific information regarding the effects a pollutant may have on public health or welfare. Subsequently, USEPA promulgated regulations that set national ambient air quality standards (NAAQS). Two classes of standards were established: primary and secondary. Primary standards define levels of air quality necessary, with an adequate margin of safety, to protect public health, including the health of "sensitive" populations such as asthmatics, children, and the elderly. Secondary standards define levels of air quality necessary to protect public welfare (e.g., decreased visibility; damage to animals, crops, vegetation, wildlife, and buildings) from any known or anticipated adverse effects of a pollutant.

Air quality standards are currently in place for six pollutants or "criteria" pollutants: carbon monoxide (CO), nitrogen dioxide (NO_2), ozone (O_3), sulfur oxides (SO_X, measured as sulfur dioxide [SO_2]), lead (Pb), and particulate matter (PM). Particulate matter standards incorporate two particulate classes: 1) particulate matter with an aerodynamic diameter less than or equal to 10 micrometers (PM_{10}) and 2) particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers ($PM_{2.5}$). There are many suspended particles in the atmosphere with aerodynamic diameters larger than 10 micrometers, and the collective of all particles sizes is commonly referred to as total suspended particulates (TSP). The NAAQS are the cornerstone of the CAA. Although not directly enforceable, they are the benchmark for the establishment of emission limitations by the states for the pollutants USEPA determines may endanger public health or welfare.

The fundamental method by which USEPA tracks compliance with the NAAQS is the designation of a particular region as an "attainment" or "nonattainment" region. Based on the NAAQS, each state is divided into three types of areas for each of the criteria pollutants:

1) those that are in compliance with the NAAQS (attainment),

2) those that do not meet the ambient air quality standards (nonattainment), and

3) those areas where a determination of attainment/nonattainment cannot be made due to a lack of monitoring data (unclassifiable – treated as attainment until proven otherwise).

The proposed BPS is located in Cameron County within the USEPA's Brownsville-Laredo Intrastate Air Quality Control Region (AQCR). This region is one of a nationwide system of AQCRs established by the USEPA for air quality planning purposes (40 CFR part 81) and is designated as AQCR No 213. The Brownsville-Laredo Intrastate AQCR includes the counties of Cameron, Hidalgo, Jim Hogg, Starr, Webb, Willacy, and Zapata. The entire AQCR 213 is designated by the USEPA as being in attainment for all criteria pollutants, meeting all NAAQS standards.

3.4 WATER RESOURCES

The surface soils are characterized by poor drainage, slow permeability and slow runoff in the project area. The area is relatively flat, with storm events leading to sheet drainage toward the west. A small pond is located just to the West of the project site on the adjacent property.

Impervious cover would cover approximately 60 percent of the proposed site. This would increase the amount of run-off. A detention pond would be built to the City of Brownsville's building code specifications to aid in localized flooding and to allow the water to percolate into the ground.

3.4.1 Groundwater

The major aquifer in the area is the Gulf Coast Aquifer System (GCAS). The GCAS is a complex network of interbedded sediments which have been segregated into four generally recognized water-producing formations. Aggregately, these formations form a large leaky artesian aquifer system, the GCAS, that provides groundwater for agricultural, industrial, and municipal uses (Texas Water Development Board (TWDB), 1979).

3.4.2 Wetlands and Surface Water

There are no wetlands or surface waters currently located on the proposed site. Therefore, no further discussion of wetlands and surface waters is necessary.

3.5 BIOLOGICAL RESOURCES

3.5.1 Vegetation

Visual inspection of the site determined the area to be disturbed by agriculture. The site is devoid of vegetation other than crops when they are planted. There are no wetlands located on the site or in the vicinity. Surrounding lands are similar except for the county jail facility west of the BPS. There is no habitat on the site for wildlife species.

Since the proposed site is currently used as an agricultural field to grow crops, the native vegetation and habitat have already been lost. Therefore, no significant impacts to native vegetation would occur under the proposed action and no further discussion of vegetation is necessary.

3.5.2 Wildlife

Cameron County is located in the Lower Rio Grande Basin. The basin is considered unique due to the predominance of neotropical species of vertebrate fauna. Since the site is farmland, there is little in the way of quality wildlife habitat in the area of proposed construction. Currently the site has a few resident rodents and occasional songbirds, which visit seasonally. There are signs of coyote in the area, which feed on the rodents. It is likely that there are also raptors, which also occasionally feed on the rodents (USACE, 1995).

Species common in the area include the Virginia opossum, Eastern cottontail rabbit, Mexican ground squirrel, Mexican spiney pocket mouse, white-footed mouse, northern pygmy mouse, coyote, raccoon, striped skunk, bobcat and white-tailed deer. Other species which are uncommon to rare in the area include: the least shrew, nine-banded armadillo, black-tailed jackrabbit, silky pocket mouse, hispid pocket mouse, marsh rice rat, Coues' rice rat, fulvous harvest mouse, Northern grasshopper mouse, Southern plains woodrat, Norway rat, house mouse, roof rat, gray fox, long-tailed weasel, badger, ocelot, jaguarundi, feral hog, collared peccary, and the Nilga antelope. Several bat species including the cave myotis, Eastern pipistrelle, evening bat, and brazilian freetail bat may also be found in the vicinity, but are uncommon (USACE, 1995).

Avian species in the area include migratory game birds such as the mourning dove and the white-winged dove. Common in the vicinity may be the bobwhite quail. Numerous species of migratory song birds and hummingbirds pass through this area while on migration. Avian species common to the area include: the common nighthawk, killdeer, house sparrow, jays, crows, mockingbirds, flycatchers, and grackles (USACE, 1995).

Reptiles and amphibians include several species of snakes, toads, frogs, turtles and lizards. Examples of reptiles and amphibians that may exist in the area are the ornate box turtle, the Texas spiny lizard, the ground skink, the Gulf Coast ribbon snake, the rough green snake, the western diamondback rattlesnake, the Gulf Coast toad, and the spotted chorus frog (USACE, 1995).

Since the proposed site is currently used as an agricultural field to plant crops the native habitat has already been lost. Seasonal croplands do provide limited habitat for some wildlife species, but the proposed loss of croplands is not expected to be significant. Therefore, no significant impacts to wildlife would occur under the proposed action and no further discussion of wildlife is necessary.

3.5.3 Protected Species

3.5.3.1 Federal

A total of 13 federally listed species occur or potentially occur within Cameron County. Twelve of the species are listed as endangered and are listed in Table 3-1. Though many marine and coastal species are listed for Cameron County the proposed site for the facility is inland and would not affect these species.

3.5.3.1.1 Mammals

The ocelot inhabits dense, almost impenetrable thickets that offer seclusion. They are presently confined to native brushland of the lower Rio Grande Valley and also in other vegetated areas of south Texas, Mexico, Central and South America. Species decline is primarily due to habitat alteration through brush clearing, and through predator control activities. Because of the lack of suitable habitat this species is not expected to be in the project area.

The jaguarundi inhabits thick, dense, thorny brushlands in the lower Rio Grande Valley. The thickets need not be continuous; as interspersed clear areas are tolerated. Localities near streams are preferred, or wherever dense vegetation occurs in their range. The reason for species decline is loss of habitat and habitat alteration, primarily due to brush clearing and predator control activities. Its diet consists mainly of small mammals and birds. This species is not expected to be in the project area.

Due to the upland site location and the aquatic habitat of the West Indian manatee it is not is not relevant to this EA.

3.5.3.1.2 Birds

Typical northern aplomado falcon habitat is open savanna and open woodland and occasionally grassy plains and valleys (TPWD, 2002). This species was exterminated as a breeding bird in Texas and the U.S. The last breeding record was for Deming, New Mexico, in 1952 (Oberholser, 1974). Since 1985, captive-bred aplomado falcons have been reintroduced at the Laguna Atascosa National Wildlife Refuge and other areas in Texas. The first active nest since 1941 was observed near Brownsville. Known nesting pairs in the Brownsville area are all located east of the project area on the coastal prairie.

Table 3-1
State and Federal Listed Species Potentially Occurring in Cameron County, Texas

Common Name	Scientific Name	Federal Status	State Status
Amphibians			
Black Spotted Newt	Notophthalmus meridionalis		T
Mexican Treefrog	Smilisca baudinii		T
Sheep Frog	Hypopachus variolosus		T
South Texas Siren –large form	Siren sp. 1		T
White-lipped Frog	Leptodactylus labialis		T
Birds			
American Peregrine Falcon	Falco peregrinus anatum		E
Arctic Peregrin Falcon	Falco peregrinus tundrius		T
Brown Pelican	Pelecanus occidentalis	E	E
Cactus Ferruginous Pygmy-owl	Glaucidium brasilianum cactorum		T
Common Black Hawk	Buteogallus anthracinus		T
Northern Aplomado Falcon	Falco femoralis septenrionalis	E	E
Northern Beardless-tyrannulet	Camptostoma imberbe		T
Piping Plover	Charadrius melodus	T	T
Reddish Egret	Egretta rufescens		T
Rose-throated Becard	Pachyramphus aglaiae		T
Sooty Tern	Sterna fuscata		T
Texas Botteri's Sparrow	Aimophila botterii texana		T
Tropical Parula	Parula pitiayuma		T
White-faced Ibis	Plegadis chihi		T
White-tailed Hawk	Buteo albicaudatus		T
Wood Stork	Mycteria americana		T
Zone-tailed Hawk	Buteo albonotatus		T
Fishes			
River Goby	Awaous banana		T
Blackfin Goby	Gobionellus atripinnis		T
Opossum Pipefish	Microphis brachyurus		T
Mammals			
Coues' Rice Rat	Oryzomys couesi		T
Jaguar	Panthera onca		E
Jaguarundi	Herpailurus yaguarondi	E	E
Ocelot	Leopardus pardalis	E	E
Southern Yellow Bat	Lasiurus ega		T
West Indian Manatee	Trichechus manatus	E	E
White-nosed Coati	Nasua narica		T
Reptiles			
Atlantic Hawksbill Sea Turtle	Eretmochelys imbricata	E	E
Black-striped Snake	Coniophanes imperialis		T
Green Sea Turtle	Chelonia mydas	T	T
Indigo Snake	Drymarchon corais		T
Kemp's Ridley Sea Turtle	Lepidochelys kempii	E	E
Leatherback Sea Turtle	Dermochelys coriacea	E	E
Loggerhead Sea Turtle	Caretta caretta	T	T
Northern Cat-eyed Snake	Leptodeira septentrionalis		T
Speckled Racer	Drymobius margaritiferus		T
Texas Horned Lizard	Phrynosoma cornutum		T
Texas Tortise	Gopherus berlandieri		T
Vascular Plants			
South Texas ambrosia	Ambrosia cheiranthifolia	E	E
Star Cactus	Astrophytum asterias	E	E
Texas ayenia	Ayenia limitaris	E	E

T- Threatened E – Endangered

(Source: Compiled from correspondence with FWS and TPWD found in Appendix A)

3.5.3.1.3 Plants

Habitat for the Star Cactus is gravelly saline clays or loams over Catahoula and Frio formations, on gentle slopes and flats in grasslands or shrublands. Plants typically flower in May. The Star Cactus was not observed on site visits to the area and is not expected to be present.

Texas ayenia occurs in dense brush on alluvial soils in Cameron and Hildalgo Counties. This species is a 2-foot tall shrub with simple alternate pubescent leaves and small greenish to cream or pink flowers. The fruit is small and round with 5 parts and covered with short, curved prickles. Texas ayenia was not observed on site visits to the area and is not expected to be present.

The South Texas Ambrosia is a member of the Asteraceae family and occurs in open grassy, often disturbed areas on clayey soils. This species is an erect perennial herb with alternate grayish-green leaves and inconspicuous yellowish flowers borne in short terminal racemes. South Texas Ambrosia was not observed on site visits to the area and is not expected to be present.

3.5.3.1.4 Reptiles

All of the endangered reptiles are sea turtles associated with coastal waters and therefore do not occur on the upland project site.

3.5.3.2 Critical Habitat

No critical habitat is designated within or near the proposed project site.

3.5.3.3 Survey Results

A visual site inspection of the proposed project site was conducted in February 2002. Site survey methodology involved walking the perimeter of the project site and random pedestrian transects throughout the site. No federally listed or state-listed endangered, threatened, or candidate species were observed within the proposed project site. The site had been cleared of vegetation for agricultural purposes. No suitable habitat for any of the species listed by the USFWS as potentially occurring in Cameron County was observed during the site survey.

3.5.3.4 State

The Texas Parks and Wildlife Department (TPWD), Wildlife Diversity Section, maintains computerized records of state-listed threatened and endangered species by county. The State of Texas does not list threatened and endangered species using the same criteria as the federal government. When the USFWS lists a plant species, the State of Texas then lists that plant. Thus, the list of threatened and endangered plants in Texas is the same as the federal list.

The state has separate laws governing the listing of animal species as threatened or endangered. Threatened and endangered animal species in Texas are those species so designated according to Chapters 67 and 68 of the Texas Parks and Wildlife Code and

Section 65.171-65.184 of Title 31 of the Texas Administrative Code. Animals that are not currently listed by the federal government may be listed by the state as threatened and endangered. The state does not have the authority at this time to list invertebrates. The state lists 13 endangered species and 33 threatened species as occurring or potentially occurring in Cameron County (see Table 3-2).

3.5.3.5 Summary

Information gathered from the TPWD and USFWS has identified thirteen federally listed species that have the potential to occur in the county of the proposed project site. Based on the best data currently available, no federal or state listed species or protected natural plant communities exist at the proposed project site. Therefore, no significant adverse impacts to threatened and endangered species would occur under the proposed action so no further discussion of threatened and endangered species is necessary.

3.6 CULTURAL RESOURCES

A Galveston District Staff Archeologist conducted a cultural resource survey of the proposed project area in February 2002. At the time of survey the property had been recently cleared resulting in total ground visibility. No shovel tests were conducted because of the excellent ground visibility and recent disturbance. The terrain was generally level with sandy soils. The entire project area was walked. No historic sites, prehistoric sites, or artifacts were identified. It is considered unlikely that prehistoric sites are present because of the upland nature of the property. The project area appears to have been kept in use as an agricultural field, and no historic remains were found. No further cultural resource work is recommended.

There are no cultural resources in the project area and there would be no impacts to this resource resulting from the proposed action so no further discussion of cultural resources is necessary.

As required under Section 106 of the National Historic Preservation Act and pursuant to the Federal Regulation 36 CFR Part 800, the CE has completed consultation with the Texas State Historic Preservation Office and the appropriate Indian Tribes. Copies of SHPO and Tribal coordination letters are provided in Appendix A.

3.7 SOCIOECONOMIC RESOURCES

Cameron County is located in south Texas bordering Mexico and the Gulf of Mexico. The City of Brownsville is located along the southern edge of Cameron County and serves as the county seat.

3.7.1 Population

Estimates indicate that the population of Cameron County was 344,782 in 2001. The population of Brownsville was 147,701 in 1999. Approximately 80% of the population in Cameron County are White, 0.5% Black, 0.4% American Indian, 0.5% Asian and 16% other. Approximately 84% of the population is listed as Hispanic or Latino in origin.

These percentages are based on the Bureau of Census count of 2000. In some cases the percentages from the Bureau will total more than 100 for this reason: In the forms used by the Bureau, residents were asked to classify themselves according to race as "White"; "Black", "American Indian"; "Eskimo"; "Asian"; and "Other". Those people that the Bureau asked who were considered "Hispanic" were asked to respond to another question. Hispanic people can be of any race, thus their numbers are also included in the basic racial categories (United States Census Bureau, 2003).

The proposed action would result in an increase in the number of agents at the facility from 290 to 350. This increase represents less than one percent increase in the county population and is well within normal population changes for Cameron County.

Construction activities associated with the proposed action would have no direct, indirect, or induced impacts on population. The proposed construction is considered minor compared to overall construction activity in Cameron County. The area of the proposed construction is not located in a residential area. The direct and indirect impacts from construction are insufficient to affect population and would have no impact on in- or out- migration in the area. Therefore, no further discussion of population is necessary.

3.7.2 Employment, Poverty Levels, and Income

The economy in Cameron County has been changing in response to the North American Free Trade Agreement to become more of an international trade hub. Agriculture is also an important aspect of the area economy.

Direct expenditures for the proposed construction activity would have short-term direct, indirect, and induced impacts on employment, income, and sales within Cameron County. The construction activity as a result of the action would result in beneficial impacts.

The increase in the number of agents would result in beneficial long-term impacts on employment and income. The poverty level was estimated to be 33.2% and median household income was estimated to be $22,959 in 1998 according to the US Census Bureau. The proposed BPS will increase the number of jobs during construction and after completion so no further discussion of employment, poverty levels, and income is necessary.

3.7.3 Environmental Justice

Executive Order (EO) 12898 provides that each Federal agency identify address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States. The location of the proposed action is in an area that is typical of the general population for that region. Any negative impacts associated with the proposed action would not have disproportionate impacts on minority or low-income populations.

There are no other ongoing or concurrent government actions associated with this proposed action or the site in question. Therefore, no further discussion of environmental justice is necessary.

3.7.4 Protection of Children and Safety

If the proposed BPS alternative is chosen then the facility will implement methods to ensure that all regulations to protect health and human safety are followed. No health concerns are expected to be generated at the facility that could impact children or neighboring areas. The proposed location of the facility is in an area used for agricultural production neighbored only by the Cameron County Jail facility.

The firing range will utilize multiple design features for safety purposed discussed in Section 5 of this EA.

3.8 HAZARDOUS MATERIALS

A site assessment for the location of the proposed BPS was conducted in 2001 by the Galveston District Biologist to determine if hazardous materials have impacted the site including spillage, storage, or disposal of material. The assessment included a review of regulatory agency's databases, interviews, aerial photos and a site visit on 30 May 2001. The regulatory data and aerial photos were acquired from TellAll, a commercial database research company. The review identified no sites of concern within a one-mile radius of the proposed BPS site (TellAll, 2001).

Hazardous materials are those substances defined by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA), and the Toxic Substances Control Act (TSCA). The Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act (RCRA), which was further amended by the Hazardous and Solid Waste Amendments, defines hazardous wastes. In general, both hazardous materials and hazardous wastes include substances that, because of their quantity, concentration, physical, chemical, or infectious characteristics, may present substantial danger to public health or welfare or to the environment when released or otherwise improperly managed.

A Hazardous, Toxic, and Radioactive Waste (HTRW) assessment was conducted for the subject property in August 2002. The results of the HTRW assessment did not indicate existing hazardous materials on the site at the time of the assessment.

Unless otherwise exempted by CERCLA regulations, RCRA Subtitle C (40 CFR Parts 260 through 270) regulations are administered by the TCEQ and are applicable to the management of hazardous wastes. Hazardous waste must be handled, stored, transported, disposed, or recycled in accordance with these regulations.

The USBP currently does not generate hazardous waste as part of its operation in Brownsville. Some minor amounts of solvents and rags are used during routine

maintenance of firearms. The HTRW assessment did not indicate the presence of hazardous waste generators or disposal facilities on or adjacent to the property.

3.9 NOISE

3.9.1 Noise Descriptors

Noise is most often defined as unwanted sound. Sound levels are easily measured, but the variability is subjective and physical response to sound complicates the analysis of its impact on people. Sound intensity decreases with increasing distance from the source due to dissipation of sound energy over an increasing area. In addition, the atmosphere absorbs a portion of the sound energy and provides attenuation. These factors must be considered while estimating sound levels from the proposed action.

Sound pressure level can vary over a wide range of amplitude. The decibel (dB) is the standard unit for measuring the amplitude of sound because it accounts for the large variations in amplitude and reflects the way people perceive change in sound amplitude. The wide variations in amplitude and the variability in the human perseverance of sound complicate the impact analysis. Community noise levels usually change continuously during the day. However, community noise exhibits a daily, weekly and yearly pattern. Several descriptors have been developed to compare noise levels over different time periods.

3.9.2 Noise Criteria and Regulations

Although sound levels are subjective, federal and local governments have established noise guidelines and regulations for the purpose of protecting citizens from potential hearing damage and from various other adverse physiological, psychological, and social effects associated with noise.

The Federal Interagency Committee on Urban Noise developed land use compatibility guidelines for noise in terms of day-night average sound level (DNL) metered in decibels (dB) (USDOT, 1980). In general, residential units and other noise-sensitive land uses are "clearly unacceptable" in area where the noise exposure exceeds DNL 75 dB; "normally unacceptable" in regions exposed to noise between DNL 65 to 75 dB; and "normally acceptable" in areas exposed to noise where the DNL is 65 dB or less.

3.10 AESTHETIC AND VISUAL RESOURCES

The location of the proposed BPS is in an undeveloped area within the City of Brownsville that is mainly used for agricultural production. The only building neighboring the proposed location is a county jail facility that is directly west of the proposed BPS. Therefore, no further discussion of aesthetic and visual resources is necessary.

3.11 GEOLOGY AND TOPOGRAPHY

According to the *Soil Survey of Cameron County, Texas*, the geologic surface of the county is Beaumont Formation of Pleistocene age with Holocene (younger) sediments overlying it. The landscape of the county contains depressions, tidal flats, levees, point bars, backswamps, meander belts, barrier islands, and an old subdelta of the Rio Grande River. The younger deposits are all found in abandoned channels of the Rio Grande. The younger sediment areas are divided into deposits of beach sand, fluvial deposits, and modified fluvial deposits. Beach sand deposits occur on barrier islands and are deposited by wave and current action then altered by wind action into dune complexes. Fluvial deposits on levees, point bars and backswamps are from the youngest meandering belt of the Rio Grande where sedimentary bedding is preserved. While modified fluvial deposits are found in the old subdelta and tidal flats, Aeolian deposition has resulted in clay dune formation.

Construction activity as a result of the proposed action would occur within an area where the topography and geology have been previously disturbed and modified. Therefore, impact to topography and geology would not occur and no further discussion of geology and topography is necessary.

3.12 FLOODPLAINS

According to the Cameron County National Flood Insurance Program map that covers the site (Federal Emergency Management Agency, 1983), the proposed project site is located in zone C. This designation is given to areas determined to be outside of the 100-year flood plain or inundated by less than 1-foot of water during a 100-year event.

The site is not located within the 100-year flood plain. Therefore no impacts to flood plains are anticipated under the proposed action so no further discussion of floodplains is necessary.

3.13 INFRASTRUCTURE AND UTILITIES

3.13.1 Water Supply

Brownsville's water is supplied by the Rio Grande River and stored in 2 reservoirs with a combined capacity of 216 million gallons of water. The Brownsville Public Utilities Board water treatment facilities are capable of treating 40 million gallons of water per day (mgd).

The proposed action would result in an estimated maximum water demand of 21,500 gallons per day (Huitt-Zollars, 2003).

This increase on water usage is well below one percent of the 40 mgd processing capacity of Brownsville daily capacity. Processing capacity of 40 mgd is well above the city's current peak demand according to the Brownsville Public Utilities Board. Therefore, no significant impact to water supply would occur as a result of the proposed action and on further discussion of water supply is necessary.

3.13.2 Wastewater Treatment

The Brownsville Public Utilities Board operates wastewater treatment facilities for the City of Brownsville. The increase in wastewater from the proposed action would result in less than one percent of the total daily wastewater processed in Brownsville. Therefore this action would result in a minimal impact on wastewater treatment and no further discussion of wastewater treatment is necessary.

3.13.3 Storm Water Management

There are storm water and drainage lines located on or adjacent to the property.

The total amount of impervious cover at the site would be less than 60%. This would result in increased storm water runoff. A water detention area is proposed at the site to aid in local drainage and runoff control at the site. The detention area would be built to comply with building codes for the City of Brownsville. Therefore, the amount of impervious cover would cause only a minor increase storm water runoff. Further discussion of storm water management in subsequent sections under the Water Resources heading.

3.13.4 Energy

City electric services are available at the project location. The proposed action would result in an increase in the number of agents at the facility by 60. The increase is not expected to cause any adverse impacts as a result of the action so no further discussion of energy is necessary.

3.13.5 Solid Waste Management

A contractor for the current USBP Brownsville facility manages solid waste. The current solid waste generated by the existing USBP facility can be calculated as about 870 pounds per day. This assumes approximately 3lbs per person per day for the existing 290 agents.

The proposed action would result in an increase in the number of agents at the facility by 60. The anticipated increase in the amount of solid waste generated by the proposed action is estimated to be about 180 pounds per day. This assumes approximately 3 pounds per person per day for the additional 60 agents. Solid waste from the maintenance of the kennel would be washed into floor drain connected to the site wastewater sewer system. The additional waste would be disposed of with the City of Brownsville wastes and is not anticipated to result in adverse impacts so on further discussion of solid waste management.

3.14 ROADWAYS/TRAFFIC

Brownsville is located at the terminus of US Highway 77 at the United States/Mexico Border. The majority of the roads in Brownsville are paved. Some smaller thoroughfares within Brownsville and outlying county roads are unimproved gravel. The

proposed site is accessible by a 2 lane pave road, FM 511, in the vicinity of US Highway 77.

Since the majority of the additional agents would be commuting to work from areas in and near Brownsville there would be a slight increase in traffic along the major corridors and thoroughfares. The site of is located on FM 511, which provides access to the site from US Highway 77. Both highways should be capable of handling the traffic associated with the facility. Therefore, no adverse impacts to transportation are anticipated so no further discussion of roadways and traffic is necessary.

SECTION 4 ENVIRONMENTAL CONSEQUENCES

4.1 INTRODUCTION

This section describes potential environmental consequences and cumulative impacts associated with the construction of the proposed BPS. Specific resource determined to have no impacts from the proposed action were discussed in Section 3, Affected Environment, without further discussion in this or subsequent sections of this EA.

4.2 SOILS

4.2.1 Proposed Action

Under the proposed action a new BPS would be constructed. The construction activity would occur within an area where the soils have previously been disturbed or modified.

4.2.2 No Action Alternative

No change from the existing condition would be expected.

4.3 AIR QUALITY

4.3.1 Proposed Action

Short-term degradation in local air quality may be experienced during construction of the proposed station. Emission sources would be limited primarily to construction equipment and vehicles used to transport construction workers and materials to the site. Construction emissions from motorized vehicles would contribute only a small amount of pollutants for a short period of time; therefore, impacts would be insignificant. Dust emissions from construction activities would be also localized and short-term. Paving operations using asphalt would cause detectable short-term odors on and near the proposed site but would present no threat to human health.

During the future operations at the new proposed border patrol station air pollutant emissions sources would include: vehicular traffic emissions generated by the commuting activities of the permanent personnel to and from station each workday; vehicular traffic emissions associated with the daily operations performed by the agents, and fugitive emissions associated with the gasoline storage and refueling activities, and motor oil storage at the site.

The gasoline storage and refueling activities at the future site would be an additional source of fugitive VOCs emissions. Two ASTs are proposed to be installed at the station

with all the protective devices (double walls, secondary containment etc.) as required by the EPA and TCEQ regulations. The fugitive emissions associated with the gasoline storage and refueling activities are expected to be minimal.

The future site operations would include some vehicle maintenance activities such as oil change, changing of oil filters, fuel filters, and batteries, and general maintenance such as washing the cars. The used fuel and oil filters would be stored in closed drums and recycled through a contractor. An interstate base contractor would recycle used batteries. The used motor oil would be stored in closed tanks or drums with secondary containment in enclosed building. The fugitive VOCs emissions associated with the above named vehicle maintenance activities at the site are expected to be minimal.

The emissions resulting from the proposed construction activities at the site would be very minor for the region, would occur only temporarily during the eighteen months of construction operations, and would not have an adverse impact on the region's air quality. The anticipated increased emissions of primary air pollutants associated with the construction activities are substantially less than 1% of the regions air pollutants and are expected to have a minimal impact on the air quality of the Brownsville-Laredo Intrastate AQCR No. 213.

The requirements of General Conformity under the Clean Air Act, 40 CFR Part 93 are not applicable to this project/action because total direct and indirect emissions from this project/action have been estimated at *de minimis* levels and are below the conformity threshold value established at 40 CFR part 93.153(b). Therefore, no further discussion of air quality is necessary.

4.3.2 No Action Alternative

Under the no action alternative construction of a new BPS would not occur and, therefore, there would be no new emissions generated by the no action alternative. Air pollution generated from the existing station activities would continue at present levels and the existing air quality conditions would remain.

4.4 WATER RESOURCES

4.4.1 Proposed Action

Impervious cover would cover approximately 60 percent of the proposed site. This would increase the amount of run-off. A detention pond would be built to the City of Brownsville's building code specifications to aid in localized flooding and to allow the water to percolate into the ground.

Storm water runoff from the firing range would be collected and filtered on site to prevent any contamination of water.

4.4.2 No Action Alternative

There would be no change from the existing condition.

4.5 HAZARDOUS MATERIALS

4.5.1 Proposed Action

Hazardous materials managed by the USBP during their current operations include fuel for the patrol vehicles and various materials confiscated from detainees. Currently these materials are managed at the checkpoint south of Brownsville. Excess fuel and oil obtained as a result of vehicle inspections is briefly stored at the checkpoint site and then transported offsite and out of the county for reuse by a contractor. Controlled substances collected by the USBP agents are transferred to the appropriate law enforcement agency.

The USBP currently does not generate hazardous waste as part of its operation in Brownsville. Some minor amounts of solvents and rags are used during routine maintenance of firearms. The HTRW assessment did not indicate the presence of hazardous waste generators or disposal facilities on or adjacent to the property.

The proposed action would result in the construction a vehicle fueling area and 2 ASTs. The fuel would be used by the USBP for the patrol vehicles. The installation of the above ground fuel storage tank would follow Texas Administrative Code §§334.121-334.132 Subchapter F for ASTs. Prior to installation, the contractor would notify the TCEQ of the construction and submit the proper application for registration. In addition, all maintenance, reporting, and record keeping would be performed in accordance with the rules in Subchapter F and future amendments and/or rule changes. Therefore the ASTs and fueling facility are not expected to impact the site.

4.5.2 No Action Alternative

There would be no change from the existing condition.

4.6 NOISE

4.6.1 Proposed Action

Noise levels would temporarily increased from the proposed action activities during construction. Migitative measures would not be needed during construction activities.

Although mitigation is not required, possible best management practices that would further reduce impacts for the project include:

- Occupational exposure to the noise from heavy equipment operations would be reduced by requiring workers to wear appropriate hearing protection.
- Hearing protective devices such as ear plugs or earmuffs would be worn at all locations where workers may be exposed to high noise levels.

4.6.1.1 Effects of Noise Exposure

Several social surveys have been conducted to determine people's reaction to their noise environment as a function of DNL occurring outside their homes. Guidelines have been developed for individual land uses based upon the information collected in these surveys

and from information concerning activity interference. For various land uses, the level of acceptability of the noise environment is dependent upon the activity conducted and the type of building construction (for indoor activities).

Hearing Loss. Hearing loss is measured in decibels and refers to a permanent auditory threshold shift of an individual's hearing. The USEPA (USEPA, 1974) has recommended a limiting daily equivalent energy value of approximately 75 dB or less (USEPA, 1974). The potential for hearing loss involves direct exposure, on a regular, continuing long-term basis, to DNL levels above 75 dB. The Federal Interagency Committee on Urban Noise states that hearing loss due to Noise: 1) may begin to occur in people exposed to long-term noise at or above a DNL level of 75 dB; 2) will not likely occur in people exposed to noise between a DNL of 70 to 75 dB; and 3) will not occur in people exposed to noise less than a DNL of 70 dB (USDOT, 1988).

Based on the land use, the proposed area and its surroundings are rural. The primary use of the land is agriculture. Agricultural operations, such as equipment use and vehicle used during operation, are the primary source of noise. In addition, traffic on FM 511 generates noise. Noise that would be generated due to the proposed action would result from construction activities and noise generated during routine operation of the facility after construction. Noise from construction activities would be limited during the duration of construction.

Major sources of routine noise for ambient sound levels due to the proposed action include increased traffic due to additional staff to be recruited by DHS, use of the firing range for agents and any sound generated due to operation of the DHS facility. Based on the planned additional personnel that would be recruited for this site, the estimated increase in noise level to the baseline noise is not expected to cause any adverse impact on the environment due to measures implemented to reduce sound levels, and the lack of human/wildlife use of the area surrounding the site. More detailed information relating to construction noise and firing range noise is presented below.

4.6.1.2 Construction Noise

The primary noise from construction activities would be generated by vehicles and equipment involved in site clearing and grading, foundation preparation, facility construction, and finish work. Noise from construction activities will be limited to daytime hours. This should limit any potential effects to the sites only neighbor, the county jail facility. There are no commercial establishments, schools, day care facilities, hospitals, nursing homes, churches, subdivisions, homes, or recreational activities located within a 1600 ft. radius of the proposed site.

The increased noise levels from construction at the site are not expected to cause any adverse impacts on the surrounding environment.

4.6.1.3 Routine Activities

Noise generated by routine activities include vehicle generated noise, vehicle maintenance and cleaning noise, and noise related to the kennel facilities. None of these

activities are expected to generate noise significant enough to cause any adverse impacts on the surrounding environment.

4.6.1.4 Firing Range Noise

Noise production associated with a firing range facility is typically over 120dB (Table 3-4) for the shooter. For this reason shooters are required to wear hearing protection while at the firing range. Though the immediate noise is high the noise dissipates quickly such that areas a few hundred feet away are not significantly affected. Sleep interference is unlikely because the firing range would only be in use during the daytime.

Table 3-4 Typical Noises and their Associated Decibel (dB) Levels

140 dB	Jet Engine at 75 feet away
120 dB	Rock Band
120 dB	Rifle
110 dB	Pistol
100 dB	Auto Horn at 10 feet away
80 dB	**Cafeteria (Assumed dB at property line. The sound level neighbors of the range will likely hear.)**
60 dB	Near Highway Traffic
50 dB	Office Activities
40 dB	Soft Stereo in residence
30 dB	Residence late at night
20 dB	Whisper

(Source: Firing Range Site Selection & Design Criteria Study by Clark Nexsen Architecture and Engineering, 2004)

The firing range will be build according to specifications described in the Firing Range Site Selection & Design Criteria Study by Clark Nexsen Architecture and Engineering for the Bureau of Immigration Customs Enforcement from February of 2004.

Noise production associated with a firing range facility is typically over 120dB for the shooter. For this reason shooters are required to wear hearing protection while at the firing range. Though the immediate noise is high the noise dissipates quickly such that areas a few hundred feet away are not significantly affected. Sleep interference is unlikely because the firing range would only be in use during the daytime.

4.6.2 No Action Alternative

Under the no action alternative, ambient noise levels would be unchanged.

4.7 PROTECTION OF CHILDREN AND SAFETY

4.7.1 Proposed Action

The firing range will be build according to specifications described in the Firing Range Site Selection & Design Criteria Study by Clark Nexsen Architecture and Engineering for the Bureau of Immigration Customs Enforcement dated February of 2004. These specifications call for a 5-meter (148 foot) Surface Danger Zone that will be maintained on the north, east, and west sides of the facility for safety reasons. The Surface Danger Zone is described as the area of potential danger around the range that must be owned and kept clear of people for safety reasons in the event that rounds or ricochets escape the baffles. In Addition, the entire area will be protected by at minimum an 8 foot high fence with Government "No Trespassing" signs.

4.7.2 No Action Alternative

Under the no action alternative, conditions would remain as they currently exist.

4.8 CUMULATIVE IMPACTS

This section of the EA addresses the potential cumulative impacts associated with the implementation of the proposed construction of a BPS and other projects/programs that are planned for the region. The following paragraphs present a general discussion regarding cumulative effects that would be expected, irrespective of the alternative selected.

The Council of Environmental Quality defines cumulative impacts as the incremental impact of multiple present and future actions with individually minor but collectively significant effects. Cumulative impact can be concisely defined as the total effect of multiple land uses and developments, including their interrelationships, on the environment.

Cumulative impacts by the construction of a new BPS would be a positive impact on the area and its developmental agenda. Jobs and businesses would be brought to the area, having a beneficial impact on the affected communities and county. The land use changes associated with the construction of a BPS are not considered significant or adverse. The USBP station does not convey any need or requirement for negative change in future land use for nearby populations or commercial enterprises.

Based on information from the Texas Department of Transportation alignment of the future Interstate Highway 69 could be aligned along what is now FM 511. This was taken into consideration when designing the BPS to allow sufficient land along FM 511 for expansion of the roadway. Development is expected to occur near the site in the future based on past grown within the city of Brownsville and Cameron County whether the proposed BPS is constructed or not.

4.8.1 Unavoidable Adverse Environmental Impacts

Unavoidable impacts would result from the implementation of the proposed action; however none of the impacts are significant. Noise from construction activities and the firing range would occur. However, the construction activities would take place during daytime hours and would be at levels that would not cause hearing impairment. The firing range would require hearing protection for those at the facility but the levels outside the immediate facility would not be high enough to cause hearing impairment. The emission of air pollutants associated with construction and normal DHS operations after construction would be an unavoidable condition, but not considered significant. Site grading would remove minimal vegetation. The affected site does not provide native habitat for many species of animals. The use of nonrenewable energy resources is unavoidable, but the amount used would insignificant.

4.8.2 Irreversible and Irretrievable Commitment of Resources

NEPA also requires that environmental analysis include identification of "… any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented." Irreversible and irretrievable resource commitments are related to the use of nonrenewable resources and the effects the use of these resources would have on consumption or destruction of a resource that could not be replaced in a reasonable period of time.

The irreversible environmental changes that could result from implementation of the proposed action include the consumption of material resources, energy resources, and human resources.

Material resources used for the proposed action include building materials (for construction), concrete for building foundations, driveways, and sidewalks asphalt for streets and parking lots, and other various materials. The materials that would be consumed are not in short supply and are readily available from suppliers in the region. Use of these materials would not limit other unrelated construction activities, and therefore, are not considered significant.

Energy resources would be irretrievably lost. These include petroleum-based products such as gasoline and diesel fuel, natural gas, and electricity. During construction, gasoline and diesel fuel would be used for operation of the construction equipment and other vehicles. Natural gas, electricity, and gasoline would be used after the DHS station was completed. Consumption of these energy resources would not place a significant demand on their availability in the region. Therefore, no significant impacts are expected.

The use of human resources for construction is considered an irretrievable loss, only in that it would preclude such personnel from engaging in other work activities. However, the use of human resources for the proposed action represents employment opportunities, and is considered beneficial.

4.9 FINDINGS AND CONCLUSIONS

Based on the foregoing Environmental Assessment, it is concluded that the proposed action of constructing a new 350 agent BPS in the City of Brownsville, Cameron County, Texas will not have a significant adverse effect on the quality of the human environment. Factors considered included the effects to threatened and endangered species, water quality, air quality, noise, socioeconomic resources, land use, cultural resources, and infrastructure and utilities. After consideration of the proposed action and the alternatives the proposed action was determined to be environmentally acceptable and in the public interest.

SECTION 5 ENVIRONMENTAL DESIGN MEASURES

5.1 INTRODUCTION

This section describes measure taken to ensure the construction and operation of the proposed BPS does not have a significant adverse impact on the quality of the human environment.

5.2 SOILS

Construction activity under the proposed action would occur within an area where the soils have previously been disturbed or modified. Earthwork would be planned and conducted in such a manner as to minimize the duration of exposure of unprotected soils. Earthwork brought to final grade would be finished immediately as indicated and specified in the construction contract. Side slopes and back slopes would be protected immediately upon completion of grading. Protection would be provided by accelerated growth of permanent vegetation, temporary vegetation, mulching, or netting. Slopes too steep for stabilization by other means would be stabilized by hydroseeding, mulch anchored in place, covering by anchored netting, sodding, or such combination of these and other methods as may be necessary for effective erosion control. Palm trees and natural vegetation would also be planted on the grounds of the facility. Therefore, adverse effects to soils would be minimal. Implementation of a construction Storm Water Pollution Prevention Plan utilizing installation of best management practices such as rock berms, silt fences, and single point construction entries would minimize erosion during construction. Grass and other landscaping would be established in the disturbed areas immediately after construction is completed, thereby reducing the potential for erosion.

5.3 AIR

The gasoline storage and refueling activities at the future site would be an additional source of fugitive VOCs emissions. Two ASTs are proposed to be installed at the station with all the protective devices (double walls, secondary containment etc.) as required by the EPA and TCEQ regulations. The fugitive emissions associated with the gasoline storage and refueling activities are expected to be minimal.

5.4 WATER RESOURCES

A water detention pond would be constructed on site to aid in local drainage and runoff control at the site. The detention area would be built to comply with building codes for the City of Brownsville.

Erosion control techniques would be used by the contractors to minimize erosion during construction. The construction site would have silt fences, hay bales, and other erosion control features down gradient. The rate of runoff from the construction site would be retarded and controlled mechanically. Diversion ditches would be constructed to retard and divert runoff to protected drainage courses. The contractor would ensure a storm water pollution prevention plan is completed before initiating activities. Therefore, project site runoff is not expected to impact storm water management.

Storm water runoff from the firing range would be collected and filtered on site to prevent any contamination of water.

5.5 HAZARDOUS MATERIALS

The installation of the above ground fuel storage tank would follow Texas Administrative Code §§334.121-334.132 Subchapter F for Above Ground Storage Tanks. Prior to installation, the contractor would notify the TCEQ of the construction and submit the proper application for registration. In addition, all maintenance, reporting, and record keeping would be performed in accordance with the rules in Subchapter F and future amendments and/or rule changes.

The waste oil and filters generated from the vehicle maintenance operation would be containerized with proper spill protection and sent off site for recycling or reuse by an outside contractor. Therefore, the wastes from the maintenance operation are not expected to impact the site.

Hazardous controlled substances seized as a result of the USBP operations would be given to the appropriate law enforcement agency for storage and or disposal and not accumulated on site.

5.6 NOISE

Noise levels would temporarily increased from the proposed action activities during construction. Migitative measures would not be needed during construction activities.

Although mitigation is not required, possible best management practices that would further reduce impacts for the project include:

- Occupational exposure to the noise from heavy equipment operations would be reduced by requiring workers to wear appropriate hearing protection.
- Hearing protective devices such as ear plugs or ear muffs would be worn at all locations where workers may be exposed to high noise levels.

Noise levels from the firing range facility would be minimized by utilizing a full baffled range with a full wall on the south end of the range to aid in sound absorption. Shooters would be required to wear hearing protection to mitigate the impacts of the noise.

Noise production associated with a firing range facility is typically over 120dB for the shooter. For this reason shooters are required to wear hearing protection while at the firing range. Though the immediate noise is high the noise dissipates quickly such that areas a few hundred feet away are not significantly affected. Sleep interference is unlikely because the firing range would only be in use during the daytime.

Figure 5-1 illustrates the area of noise impacts for the area that will be at or above approximately the 80 dB range. The 80 dB reading is a level which is approximate to the nuisance level of acceptable by local laws and sound ordinances. Then entire area where the sound levels would be above 80 dB will be owned by the USBP. When people are in this area as needed they should be wearing required hearing protection.

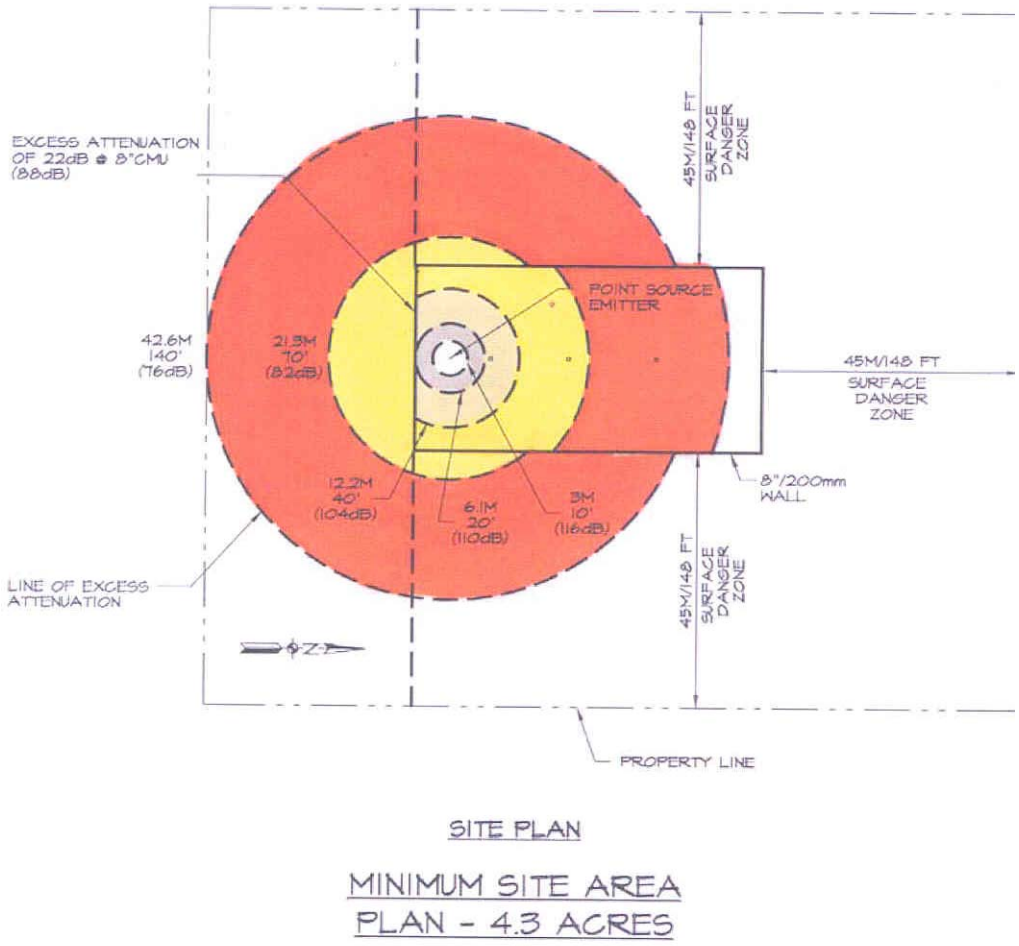

Figure 5-1. Basic Site Plan for Proposed Firing Range Illustrating Noise Impact and the Surface Danger Zone. (Source: Firing Range Site Selection & Design Criteria Study by Clark Nexsen Architecture and Engineering, 2004)

5.7 PROTECTION OF CHILDREN AND SAFETY

For the protection of not only children but employees and adults alike the firing range will be build according to specifications described in the Firing Range Site Selection & Design Criteria Study by Clark Nexsen Architecture and Engineering for the Bureau of Immigration Customs Enforcement from February of 2004.

The firing range will be build with 45-meter (148 foot) Surface Danger Zone that will be maintained on the north, east, and west sides of the facility for safety reasons. The Surface Danger Zone area is shown on Figure 5-1. In Addition, the entire area will be protected by at minimum an 8 foot high fence with Government "No Trespassing" signs.

5.8 SUSTAINABILITY AND GREENING

If the proposed BPS alternative is chosen then the facility will implement methods to reduce solid waste, recycle, conserve energy, and reduce and prevent pollution.

SECTION 6 PUBLIC INVOLVEMENT

6.1 AGENCY COORDINATION

The draft EA was sent out to federal and state resource agencies including Texas Parks and Wildlife, US Fish and Wildlife Service, Texas Commission on Environmental Quality, State Historic Preservation Officer, Natural Resource Conservation Service. Correspondence received from agencies can be found in Appendix A.

6.2 PUBLIC INVOLVEMENT

The draft EA was made available for public review at local libraries and on the internet, and the Notice of Availability (NOA) will be published in local newspapers. The draft EA was also sent out to interested parties to solicit comments. No comments were received from the public on the draft EA.

6.3 NOTICE OF AVAILABILITY

Public Notice/ Notice of Availability of Draft EA

Interested parties are hereby notified that the US Army Corps of Engineers has prepared a draft Environmental Assessment (EA) in accordance with the National Environmental Protection Act (NEPA), Public Law 91-190, and regulations for implementing the Procedural Provisions of the NEPA, 40 Code of Federal Regulations 1500-1508.

ENVIRONMENTAL ASSESSMENT

PORT ISABEL/BROWNSVILLE BORDER PATROL STATION

BROWNSVILLE, TEXAS

RIO GRANDE VALLEY SECTOR

The Galveston District of the US Army Corps of Engineers (USACE), on behalf of the US Customs and Border Protection (CBP) and the US Border Patrol (USBP), has prepared this Environmental Assessment (EA) for the construction of a new Border Patrol Station (BPS) in Brownsville, Cameron County, Texas. This EA was prepared to assess potential project impacts to the human and natural environment.

The proposed project consists of construction of a new office complex to replace the existing Port Isabel/Brownsville BPS. Current and future missions of the CBP and the USBP require an increase in personnel and a facility complex that will support their mission. The proposed facility would include buildings for administrative services, management, enforcement, detainee processing, vehicle maintenance, a dog kennel, firing range, radio tower and an exercise facility.

A copy of the draft EA is available for review at the Brownsville Public Library (2600 Central Boulevard, Brownsville, TX 78520), or can be downloaded from the US Army Corps of Engineers, Galveston District website at <http://www.swg.usace.army.mil/> and the AE Resources Center at <http://aerc.swf.usace.army.mil>. Copies are also available from, and comments should be submitted in writing to, Ms. Carolyn Murphy, Chief, Environmental Section (PE-PR), US Army Corps of Engineers, 2000 Fort Point Road, Galveston, Texas 77553. Comments should be submitted by **May 3, 2004**.

SECTION 7
REFERENCES

Clark Nexsen Architecture and Engineering. 2004. *Firing Range Site Selection & Design Criteria Study*. February 2004.

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United States Environmental Protection Agency (USEPA). 1974. *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety,* Publication No. 550/9-74-004, Washington, DC, March 1974.

SECTION 8
LIST OF PREPARERS

Name	Degree	Professional Discipline	Years of Experience
Morten, Kristy USACE, Galveston	B.S., Biology	Environmental Specialist	24
Rund, Natalie USACE, Galveston	B.A., Maritime Study	Environmental Protection Specialist	2
Hunt, Shane USACE, Galveston	B.S., Marine Biology Masters, Marine Resources Management	Environmental Specialist	2
Briggs, Bruce USACE, Galveston	Masters, Architecture	Architect	29
Adekanbi, Joshua USACE, Galveston	B.S., Engineering	Civil Engineer	18
DeMarcay, Gary USACE, Galveston	M.A., Anthropology	Archeologist	30
Gable, Mark CBP, Regional		Environmental Officer	20
Feeney, Kevin CBP, HQ		Environmental Planning	30
Minnichbach, Nicole USACE, Galveston	B.A. Anthropology M.S. Anthropology	Archeologist	17
Thomas, Randy	B.S. Wildlife Biology	Environmental Specialist	15

SECTION 9 ACRONYMS AND ABBREVIATIONS

AO	Area of Operation
AQCR	Air Quality Control Region
AST	Above-ground Storage Tank
BPS	Border Patrol Station
CAA	Clean Air Act
CBP	Customs and Border Protection
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CO	carbon monoxide
CWA	Clean Water Act
dB	Decibel
DHS	Department of Homeland Security
DNL	daynight average sound level
EA	environmental assessment
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
GCAS	Gulf Coast Aquifer System
HTRW	Hazardous, Toxic, and Radioactive Waste
IEs	Illegal Entrants
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act
INA	Immigration and Nationality Act
INS	Immigration and Naturalization Service
Mgd	Million gallons per day
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NO_2	Nitrogen dioxide
NO_x	Nitrogen oxides
NRCS	Natural Resources Conservation Service
O_3	Ozone
OBP	Office of Border Patrol
Pb	Lead
PM_{10}	particulate matter equal to or less than 10 microns in aerodynamic diameter
RCRA	Resource Conservation and Recovery Act
RVS	Remote Video Surveillance
SARA	Superfund Amendments and Reauthorization Act
SCS	Soil Conservation Service
SO_2	Sulfur dioxide
SO_x	Sulfur oxides
TCEQ	Texas Commission on Environmental Quality
TPWD	Texas Parks and Wildlife Department
TWDB	Texas Water Development Board
Tpy	Tons per year
TSCA	Toxic Substances Control Act
USACE	United States Army Corps of Engineers

USBP	United States Border Patrol
USDOT	United States Department of Transportation
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
VOC	Volatile Organic Compounds

APPENDIX A

INTERAGENCY AND INTERGOVERNMENTAL COORDINATION FOR ENVIRONMENTAL PLANNING CORRESPONDENCE

United States Department of the Interior
FISH AND WILDLIFE SERVICE
Ecological Services - LRGV SubOffice
Phone: (956) 784-7631 Fax: (956) 787-0547
Rt. 2 Box 202-A
Alamo, TX 78516
February 10, 2003

Mr. Shane Hunt
Environmental Branch
US Army Corps of Engineers
Galveston District
PO Box 1229
Galveston, TX

Re: Consultation No. 2-11-03-I-0139

Dear Mr. Hunt:

This responds to your letter received in this office on February 3, 2003, regarding the effects of the construction of an INS Border Patrol Station on 51 acres of land on species Federally-listed or proposed for listing as threatened or endangered occurring in Cameron County, Texas. In addition, your project was evaluated with respect to wetlands and other important fish and wildlife resources.

This office understands that the project consists of 51 acres of cultivated land on FM 511 near Old Alice Road in the City of Brownsville which is planned for the construction of an INS Border Patrol Station.

Please be advised that all Federal agencies are required to comply with Executive Order 11988, regarding national policy on floodplain management. This mandate requires each Federal agency to avoid long and short term impacts to the floodplain and to avoid direct or indirect support of floodplain development whenever there is a practicable alternative.

Regarding important fish and wildlife resources, please keep in mind that many bird species protected under the Migratory Bird Treaty Act may nest in an area containing trees or other suitable habitat. As the Federal agency responsible for the protection of migratory birds, the Service recommends vegetation disturbances potentially associated with these activities avoid the general nesting period of March through August or that areas proposed for disturbance be surveyed first for nesting birds, in order to avoid the inadvertent destruction of nests, eggs, etc.

In accordance with Executive Order 13112 on Invasive Species and the Executive Memorandum on Beneficial Landscaping, any landscaping should be limited to seeding and replanting with native species, where possible. A mixture of grasses and forbs appropriate to address potential erosion problems and long-term cover should be planted when seed is reasonably available. Although bermudagrass is listed in seed mixtures, this species and other introduced species should be avoided as much as possible. Also, the Service recommends native trees, shrubs, and herbaceous species used for landscaping in the project areas which are more drought-tolerant, adaptable, and use less water. Tree species already located in the area should remain undisturbed as much as possible.

Based on the above recommendations and understandings, the Service concurs that there will be a No Effect on Federally-listed species by the proposed project. For continued compliance under the Endangered Species Act, the Service recommends further consultation on any project-related impacts not described herein. If project plans

change, portions of the project were not evaluated, or differ from the described above, please notify us. And as requested, we have attached a species list of federal-listed threatened and endangered species for the County of Cameron.

If we can be of further assistance, please contact Brunilda Fuentes-Capozello on this letterhead.

Sincerely,

Brunilda Fuentes Capozello

Brunilda Fuentes-Capozello
Fish & Wildlife Biologist

For
Allan M. Strand
Field Supervisor

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

Enclosures:
Species List

Cameron County

Jaguarundi	**E**	*Herpailurus yagouaroundi cacomitli*
Ocelot	**E**	*Leopardus pardalis*
West Indian manatee (=Florida)	**E**	*Trichechus manatus*
Brown pelican	**E**	*Pelecanus occidentalis*
Northern aplomado falcon	**E**	*Falco femoralis septentrionalis*
Hawksbill sea turtle	**E w/CH‡**	*Eretmochelys imbricata*
Kemp's Ridley sea turtle	**E**	*Lepidochelys kempii*
Leatherback sea turtle	**E w/CH‡**	*Dermochelys coriacea*
South Texas ambrosia	**E**	*Ambrosia cheiranthifolia*
Star cactus	**E**	*Astrophytum asterias*
Texas ayenia	**E**	*Ayenia limitaris*
Bald eagle	**T**	*Haliaeetus leucocephalus*
Piping plover	**T**	*Charadrius melodus*
Green sea turtle	**T**	*Chelonia mydas*
Loggerhead sea turtle	**T**	*Caretta caretta*
American alligator	**TSA**	*Alligator mississipiensis*
Mountain plover	**P/T**	*Charadrius montanus*
Audubon's oriole	**SOC**	*Icterus graduacauda audubonii*
Black tern	**SOC**	*Chlidonias niger*
Brownsville common yellowthroat	**SOC**	*Geothlypis trichas insperata*
Cerulean warbler	**SOC**	*Dendroica cerulea*
Ferruginous hawk	**SOC**	*Buteo regalis*
Loggerhead shrike	**SOC**	*Lanius ludovicianus*
Northern gray hawk	**SOC**	*Buteo nitidus maximus*
Reddish egret	**SOC**	*Egretta rufescens*
Sennett's hooded oriole	**SOC**	*Icterus cucullatus sennetti*
Texas Botteri's sparrow	**SOC**	*Aimophila botterii texana*
Texas olive sparrow	**SOC**	*Arremonops rufivirgatus rufivirgatus*
Tropical parula	**SOC**	*Parula pitiayumi nigrilora*
White-faced ibis	**SOC**	*Plegadis chihi*
Coues' rice rat	**SOC**	*Oryzomys couesi aquaticus*
Texas horned lizard	**SOC**	*Phrynosoma cornutum*
Black-spotted newt	**SOC**	*Notophthalmus meridionalis*
Rio Grande lesser siren	**SOC**	*Siren intermedia texana*
Bailey's ballmoss	**SOC**	*Tillandsia baileyi*
Lilia de los llanos	**SOC**	*Echeandia chandleri*
Marshelder (slender) dodder	**SOC**	*Cuscuta attenuata*
Runyon huaco	**SOC**	*Manfreda longiflora*
Runyon's water-willow	**SOC**	*Justicia runyonii*
Short-fruited spikerush	**SOC**	*Eleocharis brachycarpa*

CAMERON COUNTY

	Federal Status	State Status
***** AMPHIBIANS *****		
Black Spotted Newt (*Notophthalmus meridionalis*) - can be found in wet or sometimes wet areas, such as arroyos, canals, ditches, or even shallow depressions; aestivates in the ground during dry periods; Gulf Coastal Plain south of the San Antonio River		T
Mexican Treefrog (*Smilisca baudinii*) – subtropical region of extreme southern Texas; breeds May-October coinciding with rainfall, eggs laid in temporary rain pools		T
Sheep Frog (*Hypopachus variolosus*) – predominantly grassland and savanna; moist sites in arid areas		T
South Texas Siren - large form (*Siren* sp. 1) - wet or sometimes wet areas, such as arroyos, canals, ditches, or even shallow depressions; aestivates in the ground during dry periods, but does require some moisture to remain; southern Texas south of Balcones Escarpment; breeds February-June		T
White-lipped Frog (*Leptodactylus labialis*) - grasslands, cultivated fields, roadside ditches, and a wide variety of other habitats; often hides under rocks or in burrows under clumps of grass; species requirements incompatible with widespread habitat alteration and pesticide use in south Texas		T
***** BIRDS *****		
American Peregrine Falcon (*Falco peregrinus anatum*) - potential migrant; nests in west Texas	DL	E
Arctic Peregrine Falcon (*Falco peregrinus tundrius*) - potential migrant	DL	T
Audubon's Oriole (*Icterus graduacauda audubonii*) - scrub, mesquite; nests in dense trees, or thickets, usually along water courses		
Brown Pelican (*Pelecanus occidentalis*) - largely coastal and near shore areas, where it roosts on islands and spoil banks	LE	E
Brownsville Common Yellowthroat (*Geothlypis trichas insperata*) - tall grasses and bushes near ponds, marshes, and swamps; breeding April to July		
Cactus Ferruginous Pygmy-owl (*Glaucidium brasilianum cactorum*) - riparian trees, brush, palm, and mesquite thickets; during day also roosts in small caves and recesses on slopes of low hills; breeding April to June		T
Common Black Hawk (*Buteogallus anthracinus*) - cottonwood-lined rivers and streams; willow tree groves on the lower Rio Grande floodplain; formerly bred in south Texas		T
Northern Aplomado Falcon (*Falco femoralis septentrionalis*) - open country, especially savanna and open woodland, and sometimes in very barren areas; grassy plains and valleys with scattered mesquite, yucca, and cactus; nests in old stick nests of other bird species	LE	E
Northern Beardless-tyrannulet (*Camptostoma imberbe*) - mesquite woodlands; near Rio Grande frequents cottonwood, willow, elm, and great leadtree; breeding April to July		T
Piping Plover (*Charadrius melodus*) – wintering migrant along the Texas Gulf Coast; beaches and bayside mud or salt flats	LT	T
Reddish Egret (*Egretta rufescens*) – resident of the Texas Gulf Coast; brackish marshes and shallow salt ponds and tidal flats; nests on ground or in trees or bushes, on dry coastal islands in brushy thickets of yucca and prickly pear		T

	Federal Status	State Status
Rose-throated Becard (*Pachyramphus aglaiae*) - riparian trees, woodlands, open forest, scrub, and mangroves; breeding April to July		T
Sennett's Hooded Oriole (*Icterus cucullatus sennetti*) - often builds nests in and of Spanish moss (*Tillandsia unioides*); feeds on invertebrates, fruit, and nectar; breeding March to August		
Snowy Plover (*Charadrius alexandrinus*) - wintering migrant along the Texas Gulf Coast beaches and bayside mud or salt flats		
Sooty Tern (*Sterna fuscata*) – predominately "on the wing"; does not dive, but snatches small fish and squid with bill as it flies or hovers over water; breeding April-July		T
Texas Botteri's Sparrow (*Aimophila botterii texana*) - grassland and short-grass plains with scattered bushes or shrubs, sagebrush, mesquite, or yucca; nests on ground of low clump of grasses		T
Tropical Parula (*Parula pitiayuma*) – dense or open woods, undergrowth, brush, and trees along edges of rivers and resacas; breeding April to July		T
White-faced Ibis (*Plegadis chihi*) – prefers freshwater marshes, sloughs, and irrigated rice fields, but will attend brackish and saltwater habitats; nests in marshes, in low trees, on the ground in bulrushes or reeds, or on floating mats		T
White-tailed Hawk (*Buteo albicaudatus*) - near coast it is found on prairies, cordgrass flats, and scrub-live oak; further inland on prairies, mesquite and oak savannas, and mixed savanna-chaparral; breeding March to May		T
Wood Stork (*Mycteria americana*) – forages in prairie ponds, flooded pastures or fields, ditches, and other shallow standing water, including salt-water; usually roosts communally in tall snags, sometimes in association with other wading birds (i.e. active heronries); breeds in Mexico and birds move into Gulf States in search of mud flats and other wetlands, even those associated with forested areas; formerly nested in Texas, but no breeding records since 1960		T
Zone-tailed Hawk (*Buteo albonotatus*) - rough, deep, rocky canyons and streamsides in semiarid mesa, hill, and mountain terrain; breeding March to July		T
***** BIRDS-RELATED *****		
Colonial waterbird nesting areas - many rookeries active annually		
Migratory songbird fallout areas - oak mottes and other woods/thickets provide foraging/roosting sites for neotropical migratory songbirds		
***** FISHES *****		
River Goby (*Awaous banana*) - clear water with slow to moderate current, sandy or hard bottom, and little or no vegetation; also enters brackish and ocean waters		T
Blackfin Goby (*Gobionellus atripinnis*) - brackish and freshwater coastal streams		T
Opossum Pipefish (*Microphis brachyurus*) - brooding adults found in fresh or low salinity waters and young move or are carried into more saline waters after birth		T
***** INSECTS*****		
Smyth's Tiger Beetle (*Cicindela chlorocephala smythi*) - most tiger beetles are active, usually brightly colored, and found in open, sunny areas; adult tiger beetles are predaceous and feed on a variety of small insects; larvae of tiger beetles are also predaceous and live in vertical burrows in soil of dry paths, fields, or sandy beaches		

	Federal Status	State Status
***** MAMMALS *****		
Coues' Rice Rat (*Oryzomys couesi*) – cattail-bulrush marsh with shallower zone of aquatic grasses near the shoreline; shade trees around the shoreline are important features; prefers salt and freshwater, as well as grassy areas near water; breeds April-August		T
Jaguar (*Panthera onca*) (extirpated) – dense chaparral; no reliable TX sightings since 1952	LE	E
Jaguarundi (*Herpailurus yaguarondi*) - thick brushlands, near water favored; six month gestation, young born twice per year in March and August	LE	E
Ocelot (*Leopardus pardalis*) - dense chaparral thickets; mesquite-thorn scrub and live oak mottes; avoids open areas; breeds and raises young June-November	LE	E
Plains Spotted Skunk (*Spilogale putorius interrupta*) – catholic in habitat; open fields, prairies, croplands, fence rows, farmyards, forest edges, and woodlands; prefers wooded, brushy areas and tallgrass prairie		
Southern Yellow Bat (*Lasiurus ega*) – associated with trees, such as palm trees (*Sabal mexicana*) in Brownsville, which provide them with daytime roosts; insectivorous; breeding in late winter		T
West Indian Manatee (*Trichechus manatus*) - Gulf and bay system; opportunistic, aquatic herbivore	LE	E
White-nosed Coati (*Nasua narica*) – woodlands, riparian corridors and canyons; most individuals in Texas probably transients from Mexico; diurnal and crepuscular; very sociable; forages on ground & in trees; omnivorous; may be susceptible to hunting, trapping, & pet trade		T
Yuma Myotis Bat (*Myotis yumanensis*) – desert regions; most commonly found in lowland habitats near open water, where forages; roosts in caves, abandoned mine tunnels, and buildings; season of partus is May to early July; usually only one young born to each female		
***** MOLLUSKS *****		
Texas Hornshell (*Popenaias popeii*) – Rio Grande drainage from the Pecos River to the Falcon Breaks	C1	
***** REPTILES *****		
Atlantic Hawksbill Sea Turtle *(Eretmochelys imbricata)* - Gulf and bay system	LE	E
Black-striped Snake (*Coniophanes imperialis*) - extreme south Texas; semi-arid coastal plain, warm, moist micro-habitats and sandy soils; proficient burrower; eggs laid April-June		T
Green Sea Turtle *(Chelonia mydas)* – Gulf and bay system	LT	T
Indigo Snake (*Drymarchon corais*) – thornbush-chaparral woodlands of south Texas, in particular dense riparian corridors; can do well in suburban and irrigated croplands if not molested or indirectly poisoned; requires moist microhabitats, such as rodent burrows, for shelter		T
Keeled Earless Lizard (*Holbrookia propinqua*) - coastal dunes, barrier islands, and other sandy areas; eats insects and likely other small invertebrates; lays clutches of 2-7 eggs March-September (most May-August) in soil/underground		
Kemp's Ridley Sea Turtle *(Lepidochelys kempii)* - Gulf and bay system	LE	E
Leatherback Sea Turtle *(Dermochelys coriacea)* - Gulf and bay system	LE	E
Loggerhead Sea Turtle *(Caretta caretta)* - Gulf and bay system	LT	T

	Federal Status	State Status
Northern Cat-eyed Snake (*Leptodeira septentrionalis*) - Gulf Coastal Plain south of the Nueces River; thorn brush woodland; dense thickets bordering ponds and streams; semi-arboreal; nocturnal		T
Speckled Racer (*Drymobius margaritiferus*) - extreme south Texas; dense thickets near water, Texas palm groves, riparian woodlands; often in areas with much vegetation litter on ground; breeds April-August		T
Texas Horned Lizard (*Phrynosoma cornutum*) - open arid or semi-arid regions with sparse vegetation; grass, cactus, scattered brush or scrubby trees; burrows into soil, uses rodent burrows, or hides under surface cover		T
Texas Tortoise (*Gopherus berlandieri*) - open scrub woods, arid brush, lomas, grass-cactus association; open brush with grass understory preferred; uses shallow depressions at base of bush or cactus or underground burrow or hides under surface cover		T
***** VASCULAR PLANTS *****		
Bailey's ballmoss (*Tillandsia baileyi*) – epiphytic on various trees and shrubs; flowering February-May		
Green Island echeandia (*Echeandia texensis*) - associated with shrubs or in grassy openings in subtropical thornscrub plant communities on somewhat saline clay on lomas along the Gulf Coast near the mouth of the Rio Grande; known to flower in April, June, and November, and may also flower in other months		
Lila de los llanos (*Echeandia chandleri*) - grasslands and openings in subtropical woodlands and brush on clay soils; common in windblown saline clay on lomas near mouth of Rio Grande; flowering (May?) September-December; fruiting October-December		
Mexican mud-plantain (*Heteranthera mexicana*) - aquatic; ditches and ponds; flowering June-August		
Plains gumweed (*Grindelia oolepis*) – endemic; prairies and grasslands on black clay soils of the Gulf Coastal Bend; may occur along railroad rights-of-way and in urban areas; flowering May-December		
Runyon's cory cactus (*Coryphantha macromeris* var. *runyonii*) - endemic; low hills and flats on gravelly soils in Tamaulipan shrub communities along the Rio Grande		
Runyon's water willow (*Justicia runyonii*) - calcareous silt loam, silty clay, or clay in openings in subtropical woodlands on active or former floodplains; flowering (July-) September-November		
Shinner's rocket (*Thelypodiopsis shinnersii*) - mostly found along margins of Tamaulipan thornscrub on clay soils of the Rio Grande Delta, including lomas near the mouths of rivers; flowers mostly March and April		
South Texas ambrosia (*Ambrosia cheiranthifolia*) - open prairies and various shrublands on deep clay soils; flowering July-November	LE	E
St. Joseph's staff (*Manfreda longiflora*) - endemic; various soils (clays and loams with various concentrations of salt, caliche, sand, and gravel) in openings or amongst shrubs in thorny shrublands; on Catahoula and Frio formations, and also on Rio Grande floodplain alluvial deposits; flowering in September		
Star cactus (*Astrophytum asterias*) – gravelly saline clays or loams over the Catahoula and Frio formations, on gentle slopes and flats in grasslands or shrublands; flowering in May	LE	E

	Federal Status	State Status
Texas ayenia (*Ayenia limitaris*) – woodlands on alluvial deposits on floodplains and terraces along the Rio Grande; flowering throughout the year with sufficient rainfall	LE	E
Vasey's adelia (*Adelia vaseyi*) – subtropical woodlands in Lower Rio Grande Valley; flowering January-June		

LE,LT - Federally Listed Endangered/Threatened
PE,PT - Federally Proposed Endangered/Threatened
E/SA,T/SA - Federally Endangered/Threatened by Similarity of Appearance
C1 - Federal Candidate, Category 1; information supports proposing to list as endangered/threatened
DL,PDL - Federally Delisted/Proposed Delisted
E,T - State Endangered/Threatened
"blank" - Rare, but with no regulatory listing status

Species appearing on these lists do not all share the same probability of occurrence. Some species are migrants or wintering residents only, or may be historic or considered extirpated.

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

REPLY TO ATTENTION OF

March 4, 2004

Environmental Section

Ms. Donna Stern-McFadden
Tribal Historic Preservation Officer
Mescalero Apache Tribe
P.O. Box 227
Mescalero, New Mexico 88340

Dear Ms. Stern-McFadden:

The U.S. Army Corps of Engineers, Galveston District, is preparing an Environmental Assessment for the Bureau of Customs and Border Protection of the Department of Homeland Security in preparation for construction of a new border patrol station for the Office of Border Patrol on 51.194 acres in Brownsville, Cameron County, Texas. The plans include the construction of a new Border Patrol station and ancillary facilities to accommodate an increase in border patrol agents in the Rio Grande Valley Sector.

As required under Section 106 of the National Historic Preservation Act and Federal regulation 36CFR Part 800, we are contacting you to determine if your tribe has concerns about the project's potential to affect historic properties or areas of religious and cultural interest to your tribe. A brief historic properties assessment is enclosed for your review concludes that no historic properties are present within the project area.

Thank you for your cooperation in this matter. If you have any questions regarding this project, please contact Ms. Janelle Stokes, Galveston District Tribal Coordinator, at (409) 766-3039.

Sincerely,

Carolyn Murphy,
Chief, Environmental Section

Enclosures

March 4, 2004

Environmental Section

Mr. Anthony Street, Tribal Vice President
Tonkawa Tribe of Indians of Oklahoma
P.O. Box 70
Tonkawa, Oklahoma 74653

Dear Mr. Street:

The U.S. Army Corps of Engineers, Galveston District, is preparing an Environmental Assessment for the Bureau of Customs and Border Protection of the Department of Homeland Security in preparation for construction of a new border patrol station for the Office of Border Patrol on 51.194 acres in Brownsville, Cameron County, Texas. The plans include the construction of a new Border Patrol station and ancillary facilities to accommodate an increase in border patrol agents in the Rio Grande Valley Sector.

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Thank you for your cooperation in this matter. If you have any questions regarding this project, please contact Ms. Janelle Stokes, Galveston District Tribal Coordinator, at (409) 766-3039.

Sincerely,

Carolyn Murphy
Chief, Environmental Section

Enclosure

CF w/o encl:

PE-PR, Mr. S. Hunt
PE-PR, Ms. N.C. Minnichbach

February 25, 2004

Environmental Section

James E. Bruseth, Ph.D.
Deputy State Historic Preservation Officer
Division of Archaeology
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276

Dear Dr. Bruseth:

The U.S. Army Corps of Engineers is preparing an Environmental Assessment for the Bureau of Customs and Border Protection of the Department of Homeland Security in preparation for construction of a new border patrol station on 51.194 acres in Brownsville, Cameron County, Texas to accommodate an increase in border patrol agents in the Rio Grande Valley Sector. A brief assessment enclosed for your review concludes that no historic properties are present within the project area, and further archaeological investigation is not justified. Therefore, we request your review and concurrence with this finding in compliance with 36 CFR 800.4(d).

Thank you for your cooperation in this matter. If you have any questions or require additional information, please contact Ms. Nicole Cooper Minnichbach at (409)766-3878.

Sincerely,

Carolyn Murphy
Chief, Environmental Section

Enclosures

CF w/Encls:

PE-PR, Mr. S. Hunt
PE-PR, Ms. N.C.Minnichbach

March 4, 2004

Environmental Section

Mr. Juan Garza Jr.
Chairman
Kickapoo Traditional Tribe of Texas
HC 1 Box 9700
Eagle Pass, Texas 78852

Dear Mr. Garza:

The U.S. Army Corps of Engineers, Galveston District, is preparing an Environmental Assessment for the Bureau of Customs and Border Protection of the Department of Homeland Security in preparation for construction of a new border patrol station for the Office of Border Patrol on 51.194 acres in Brownsville, Cameron County, Texas. The plans include the construction of a new Border Patrol station and ancillary facilities to accommodate an increase in border patrol agents in the Rio Grande Valley Sector.

As required under Section 106 of the National Historic Preservation Act and Federal regulation 36CFR Part 800, we are contacting you to determine if your tribe has concerns about the project's potential to affect historic properties or areas of religious and cultural interest to your tribe. A brief historic properties assessment enclosed for your review concludes that no Historic properties are present within the project area.

Thank you for your cooperation in this matter. If you have any questions regarding this project, please contact Ms. Janelle Stokes, Galveston District Tribal Coordinator, at (409) 766-3039.

Sincerely,

Carolyn Murphy
Chief, Environmental Section

Enclosure

CF w/o encl:

PE-PR, Mr. S. Hunt
PE-PR, Ms. N.C. Minnichbach

The following 5 pages contain the enclosure mailed out with the previous 4 letters.

Letter Report: Cultural Resource Assessment for the Border Patrol Station Construction on 51.194 acres, Brownsville, Cameron County, Texas

Nicole Cooper Minnichbach MS
Staff Archaeologist
USACE, Galveston District

The Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security (DHS) is the guardian of our Nation's borders and has the responsibility to regulate and control immigration into the Unites States (US). In 1924, Congress created the US Border Patrol (USBP) to be the law enforcement arm of the former Immigration and Naturalization Service (INS). Recently the USBP has been integrated as an office of the CBP. While the USBP has changed dramatically since its inception over 75 years ago, its primary task remains unchanged: to detect and prevent the unlawful entry of drug smugglers, terrorists, and illegal aliens through the US borders.

The U.S. Army Corps of Engineers is preparing an Environmental Assessment (EA) in preparation for construction of a new border patrol station on 51.194 acres in Brownsville, Cameron County, Texas to accommodate an increase in border patrol agents under the Rio Grande Valley Sector of the Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security (DHS) (Figure 1). The CBP is proposing the new border patrol station to insure adequate facilities to complete its current and future mission requirements. The border patrol facility would contain the following:

Border Patrol Station: The main station would support 350 agents and other administrative office spaces and detainee processing space. There would be approximately 760 paved parking spaces including 23 visitor spaces and 240 covered spaces.

Maintenance Facility: This building would provide space for the performance of routine vehicle maintenance and maintenance of other field equipment. The facility will include a fueling facility with a 12,000-gallon unleaded gasoline Above-ground Storage Tank (AST) and a 6,000/6,000 gallon unleaded gasoline/diesel fuel dual-fuel AST with leak detection system and fuel management system.

Kennel: A covered dog kennel would be built to house the Border Patrol Canine Units. The building would be adjacent to an impound lot with ten paved parking spaces.

Grounds: The station grounds would be landscaped and include asphalt paved parking areas and be surrounded by a security fence.

Firing Range: The range would be a 20 point fully baffled outdoor firing range including overhead baffles, side containment, a covered lining, a containment

trap, and smooth, clean floor surface. The containment trap would be used to collect shell casings and bullets from the site for proper disposal or recycling.

Radio Tower: This 350-foot tall, self-supporting radio tower would provide for radio communications for USBP officers and to receive remote video surveillance (RVS) information from video cameras already in place at various locations.

USACE staff archaeologist, Nicole Cooper Minnichbach, conducted the cultural resources review for this action. The following is a report of the findings.

Project Location

The proposed site is an undeveloped tract located on the south side of FM 511 between Old Alice Road and Paredes Line Road, Brownsville, Cameron County, Texas (Figure 2). The site is devoid of vegetation other than crops when they are planted. Surrounding lands are similar except for the newly constructed county jail facility west of the proposed BPS (Figures 3 and 4).

Archaeological Investigation

The Texas Historic Sites Atlas indicates that no previously recorded cultural resources are found in the 51.194-acre parcel. A Galveston District Staff Archeologist conducted a cultural resource survey of the proposed project area in February 2002. At the time of survey the property had been recently cleared resulting in total ground visibility. No shovel tests were conducted because of the excellent ground visibility and recent disturbance. The terrain was generally level with sandy soils. The soils in the project area are described in the *Soil Survey of Cameron County, Texas* and include Benito clay and Chargo silty clay. Benito clay is found in broad, slightly depressional areas. The surface is clotty and crusty and characterized by poor drainage. The clay is saline and high in exchangeable sodium. Chargo silty clay is a nearly level soil found on old deltas and flood plains. The silty clay has slow permeability and runoff. The surface is generally hard and crusty when dry (Natural Resource Conservation Service, 1977).

The entire project area was walked. No historic sites, prehistoric sites, or artifacts were identified. It is considered unlikely that prehistoric sites are present because of the upland nature of the property. The project area appears to have been kept in use as an agricultural field, and no historic remains were found.

Recommendations

No historic properties are present within the project area. Consequently, no further archaeological work is recommended.

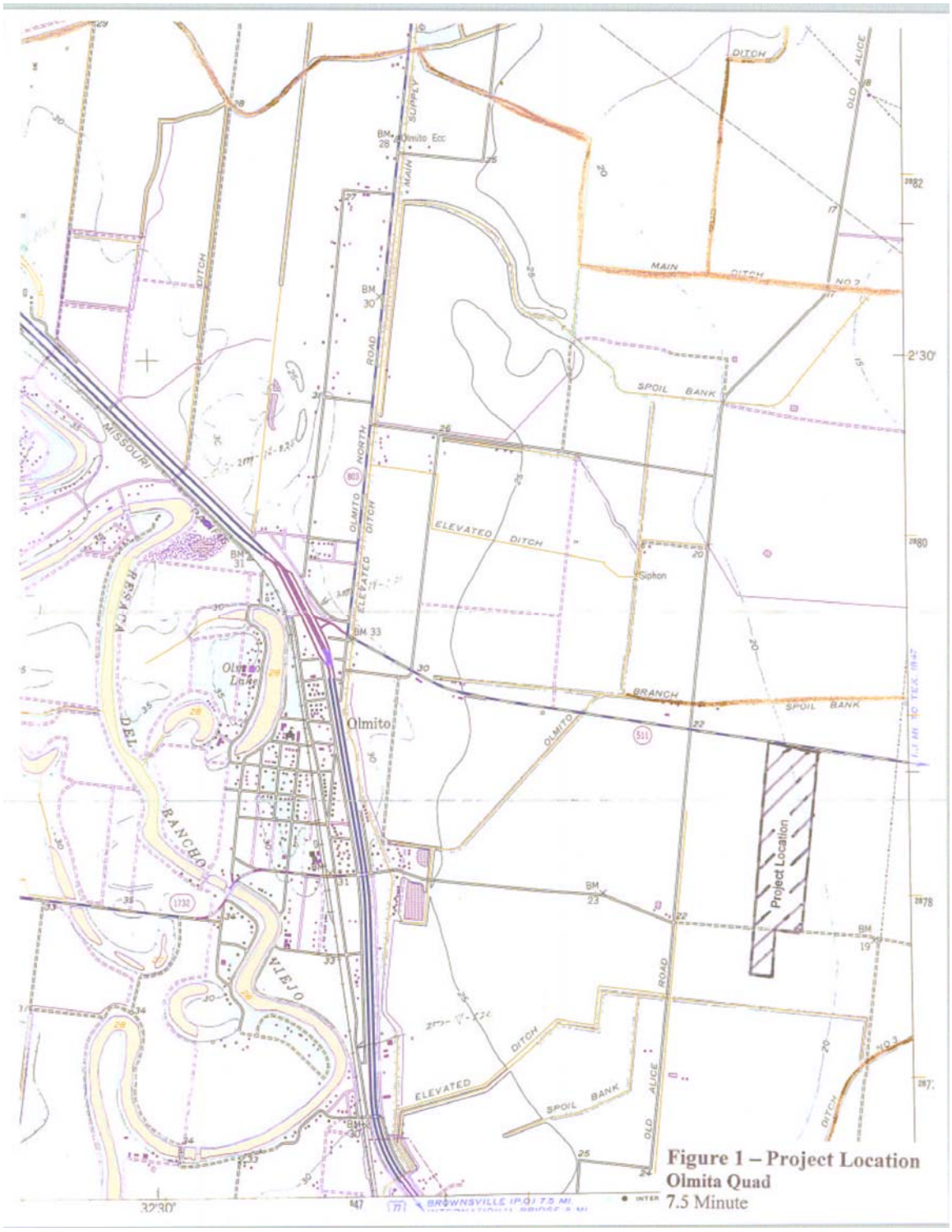


Figure 1 – Project Location
Olmita Quad
7.5 Minute

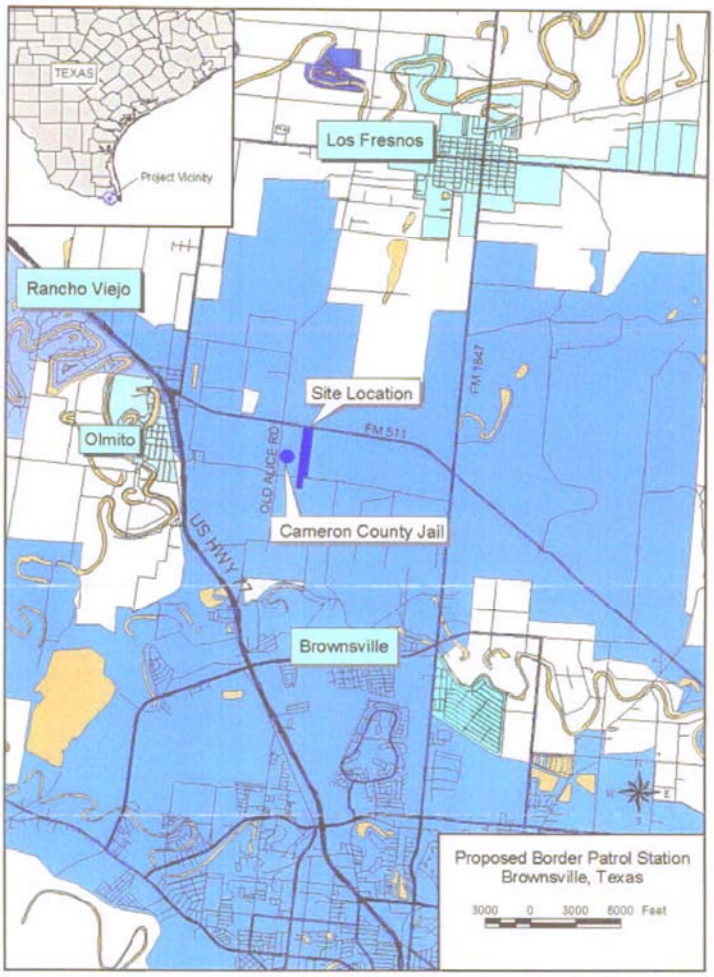


Figure 2 Map of Project Location

View across the site, looking northeast.

New county jail under construction, west of and adjacent to the site.

Figures 3 and 4 – Site Photographs

Coastal Coordination Council

P.O. Box 12873 ♦ Austin, Texas 78711-2873 ♦ (512) 463-5385 ♦ FAX (512) 475-0680

April 5, 2004

Ms. Carolyn Murphy
Chief, Environmental Section (PE-PR)
US Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

Re: Environmental Assessment Port Isabel/Brownsville Border Patrol, Station, Brownsville, Texas, Rio Grande Valley Sector

Dear ~~Ms. Murphy~~ Carolyn:

Based on the information in the document cited above, the project site for the construction of a new Border Patrol Station in Brownsville, Cameron County, Texas, is not in the Texas Coastal Management Program (CMP) boundary, and is, therefore, not subject to the CMP.

Thanks for the opportunity to comment. If I can be of additional assistance, please contact me at (512) 463-5100 or at tcalnan@glo.state.tx.us.

Sincerely,

Thomas R. Calnan
Coastal Biologist

TRC/tc

MAY 0 6 2004

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
9721 Executive Center Drive N.
St. Petersburg, Florida 33702

May 3, 2004

Colonel Leonard D. Waterworth
District Engineer, Galveston District
Department of the Army, Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

Dear Colonel Waterworth:

The National Marine Fisheries Service (NOAA Fisheries) has reviewed the Environmental Assessment for the Port Isabel/Brownsville Border Patrol Station, Brownsville, Texas, Rio Grande Valley Sector, dated March 2004. The proposed project consists of the construction of a new office complex to replace the existing Border Patrol Station.

The proposed project will not adversely impact essential fish habitat or other living marine resources habitat. Therefore, NOAA Fisheries has no comments to provide concerning the proposed project or the Environmental Assessment for the project. If we may be of further assistance, please contact Mr. Rusty Swafford of our Galveston Facility at (409) 766-3699.

Sincerely,

Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

6536

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

REPLY TO ATTENTION OF

RECEIVED
APR 13 2004
TEXAS HISTORICAL COMMISSION

February 25, 2004

Environmental Section

James E. Bruseth, Ph.D.
Deputy State Historic Preservation Officer
Division of Archaeology
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276

Dear Dr. Bruseth:

The U.S. Army Corps of Engineers is preparing an Environmental Assessment for the Bureau of Customs and Border Protection of the Department of Homeland Security in preparation for construction of a new border patrol station on 51.194 acres in Brownsville, Cameron County, Texas to accommodate an increase in border patrol agents in the Rio Grande Valley Sector. A brief assessment enclosed for your review concludes that no historic properties are present within the project area, and further archaeological investigation is not justified. Therefore, we request your review and concurrence with this finding in compliance with 36 CFR 800.4(d).

Thank you for your cooperation in this matter. If you have any questions or require additional information, please contact Ms. Nicole Cooper Minnichbach at (409)766-3878.

Sincerely,

Carolyn Murphy

Carolyn Murphy
Chief, Environmental Section

Enclosures

DRAFT REPORT ACCEPTABLE
Please submit 2 final report copies
by
for F. Lawerence Oaks
State Historic Preservation Officer
Date 4/28/04

NO HISTORIC PROPERTIES AFFECTED
PROJECT MAY PROCEED
By
for F. Lawerence Oaks
State Historic Preservation Officer
Date 4/28/04

TEXAS PARKS & WILDLIFE

May 6, 2004

Carolyn Murphy
Chief, Environmental Section (PE-PR)
U.S. Army Corps of Engineers
2000 Fort Point Road
Galveston, TX 77553

RE: Port Isabel/Brownsville Border Patrol Station, Brownsville, Texas

Dear Ms. Murphy:

Thank you for coordinating with Texas Parks and Wildlife Department (TPWD) in your planning activities regarding the construction of a U.S. Border Patrol Station (BPS) in Brownsville, Texas. The project has been reviewed by Department staff and the following comments are provided.

The project involves the construction of a Border Patrol Station, which will include the construction of a refueling/wash pad, a maintenance facility, a dog kennel, a radio tower, a parking lot, and a firing range. The project location is a cleared agricultural field recently used for cultivated crops. Department biologists conclude that there should be little adverse impact on fish and wildlife habitats.

In general, construction activities occurring in previously disturbed areas minimize adverse impacts to fish and wildlife resources. Project plans should, however, include measures to prevent erosion and sediment runoff into nearby water bodies during and following construction. The use of hay bales, silt screens, or similar erosion prevention techniques should be used to minimize erosion and runoff. If hay bales are used, they should be from a local source to avoid or minimize the introduction and spread of non-native (invasive) species.

The Department agrees with the use of a self-supporting radio tower rather than one that requires numerous guy wires for support. The Department does, however, recommend measures be incorporated to further reduce the potential for bird strikes caused by a tower with a proposed height of 350 feet. Such measures include using the minimum amount of pilot warning and obstruction avoidance lighting required by the Federal Aviation Administration (FAA). If possible, only white or red strobes should be used at night. Also, tower lighting should use the fewest number of light fixtures, with the minimum intensity and number of flashes per minute allowable by the FAA. Additionally, security lighting for the on-ground tower facilities and equipment should be down-shielded.

The Department does recommend incorporating the use of native trees, shrubs and grasses in landscaping plans. By using native plants that are best adapted to an

4200 SMITH SCHOOL ROAD
AUSTIN, TEXAS 78744-3291
512-389-4800
www.tpwd.state.tx.us

area, the amount of water and fertilizers required for maintenance will be minimized. Attached is a list of drought tolerant trees, shrubs and grasses that may assist you in your landscaping plans.

I appreciate the opportunity to review and provide comments on this project. Please contact me at (361) 825-3240 if you have any questions or I may be of further assistance.

Sincerely,

Russell Hooten

Russell Hooten
Wildlife Habitat Assessment Program
Wildlife Division

/rh

Attachment

Drought and erosion tolerant, turf forming grasses recommended for the South Texas Plains.

Common Name *	Scientific Name	Erosion Index	Wildlife Index
Buffalograss	Buchloe dactyloides	Excellent	Good
Common Curly Mesquite	Hilaria berlangeri	Excellent	Good

Drought and erosion tolerant trees and shrubs recommended for the South Texas Plains.

Common Name *	Scientific Name *	Erosion Index	Wildlife Index
Anacua	*Ehretia anacua*	Excellent	Excellent
Huisache	*Acacia smallii*	Excellent	Fair
Texas Persimmon	*Diospyros texana*	Excellent	Good
Honey Mesquite	*Prosopis glandulosa*	Excellent	Good
Texas Ebony	*Pithecellobium ebano*	Excellent	Fair
Cedar Elm	*Ulmus crassifolia*	Good	Fair
Mescalbean (Texas Mountain Laurel	*Sophora secundiflora*	Low	Low
Evergreen Sumac	*Rhus virens*	Fair	Fair

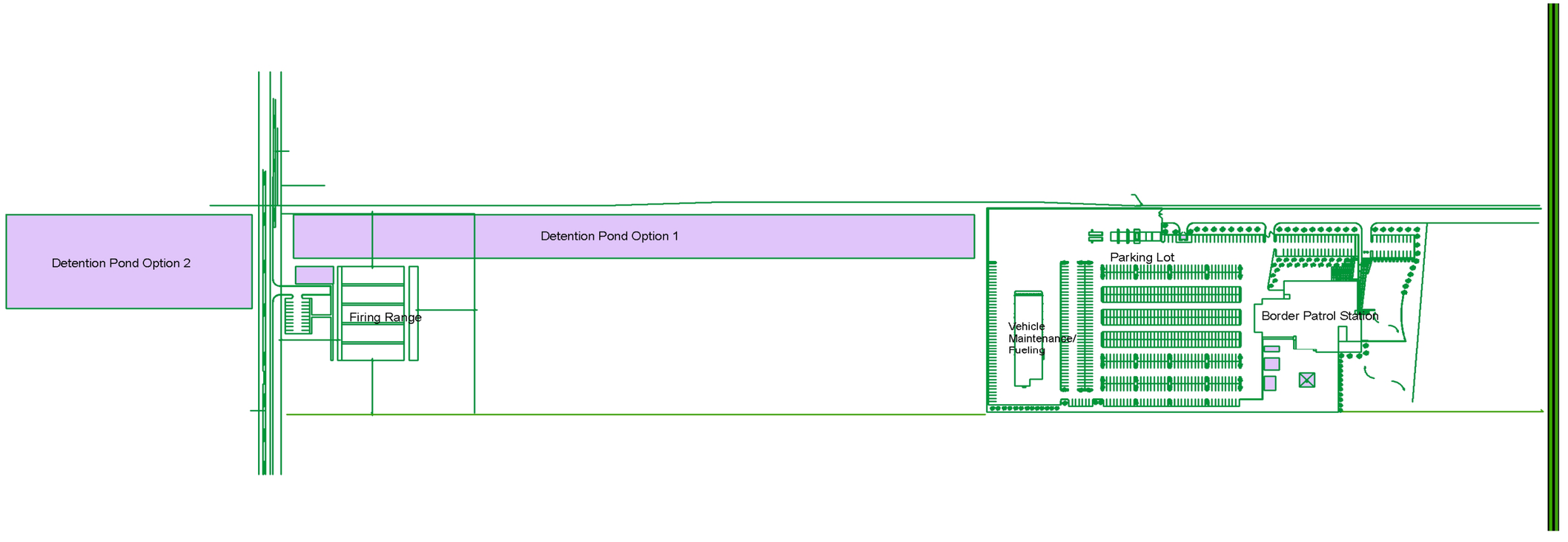
* Refer to http://tpid.tpwd.state.tx.us/ for detailed information on each species listed.

Comment response to Texas Parks and Wildlife Department Letter:

Thank you for your comments. They will be taken into consideration during the construction of the BPS.

APPENDIX B PRELIMINARY SITE PLANS

Draft Site Plan - Port Isabel/Brownsville Border Patrol Station



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