

FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT
FOR

Supplemental Environmental Assessment
Webb County
CSJ 1111-03-004

U.S. Customs and Border Protection Checkpoint at IH 35 Mile Marker 29

The FHWA has determined that this project will not have any significant impact on the human environment. This finding of no significant impact is based on the attached supplemental environmental assessment which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. It provides sufficient evidence and analysis for determining that an environmental impact statement is not required.

5/03/04
DATE


FEDERAL HIGHWAY ADMINISTRATION

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FINDING OF NO SIGNIFICANT IMPACT**CONSTRUCTION OF U.S. BORDER PATROL CHECKPOINT
INTERSTATE HIGHWAY 35, MILE MARKER 29, LAREDO, WEBB COUNTY, TEXAS**

PURPOSE AND OBJECTIVES: The primary purpose of the Proposed Action is to assist in fulfilling the U. S. Border Patrol's (USBP's) mission to provide anti-terrorism support and to reduce drug trafficking by increasing its ability to detect, deter and apprehend undocumented aliens.

PROPOSED ACTION: The Proposed Action calls for the construction of a USBP checkpoint station located approximately two miles north of the IH-35/Camino Colombia exchange. Vehicles traveling north on IH-35 from the toll road will pass through the new checkpoint, situated east of the access road. The checkpoint will include a small office building, a canopy, and associated outbuildings used for equipment storage. Existing access roads would be used to transport supplies during construction.

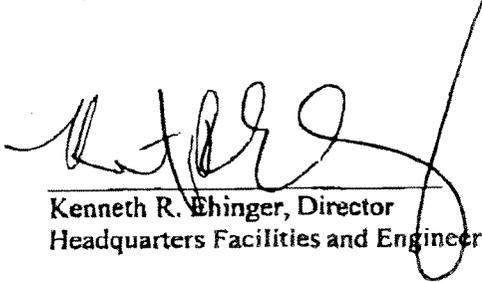
ALTERNATIVES: The Proposed Action and the No-Action Alternative were the primary focus of the analysis. Other alternative locations considered for the checkpoint failed to meet at least one of several operational criteria required for all USBP checkpoints and were rejected. The No-Action Alternative was carried throughout the analysis, and is reflected in the baseline environmental conditions of the area. Under the No-Action Alternative, there would be continued socioeconomic concerns relating to illegal drug trafficking and infiltration of U.S. borders by undocumented aliens.

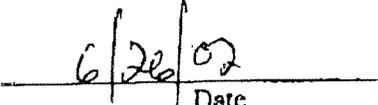
ENVIRONMENTAL CONSEQUENCES: Initial shovel testing and pedestrian surveying of the property found one previously unknown prehistoric site of possible cultural and historical interest. Subsequent archaeological testing determined that the site was not eligible for listing on the National Register of Historic Places. The Texas Historical Commission concurred with this determination. It was thus determined that the proposed project will not significantly affect cultural resources. No significant impacts on any other natural or socioeconomic resources are expected.

There are no significant environmental concerns or effects associated with the Proposed Action. Possible short-term insignificant environmental impacts are associated with the proposed project (i.e., air, water, land use, geological resources, biological resources, cultural resources, aesthetic issues, solid and hazardous waste, and noise); however, these impacts would be temporary in nature and impacts will be mitigated through sound engineering practices. Under the Proposed Action, there is a possible beneficial socioeconomic effect due to a reduction in drug trafficking and criminal activities associated with undocumented alien traffic.

DECISION:

Based on the environmental conditions outlined in this EA and the environmental design measures to be incorporated as part of the Proposed Action, the Proposed Action will not have any significant impact on the human environment. Therefore, an Environmental Impact Statement will not be required for the implementation of the Proposed Action.


Kenneth R. Ehinger, Director
Headquarters Facilities and Engineering Division


Date

**DRAFT
ENVIRONMENTAL ASSESSMENT**

**PROPOSED CONSTRUCTION OF
BORDER PATROL CHECKPOINT
AT I-35 MILE MARKER 29
LAREDO, WEBB COUNTY, TEXAS**



**Prepared for:
U.S. Border Patrol
Immigration and Naturalization Service**

**Prepared By:
U.S. Army Corps of Engineers
Fort Worth District**

March 28, 2002

EXECUTIVE SUMMARY

The U.S. Border Patrol (USBP) is the law enforcement arm of the Immigration and Naturalization Service (INS), and its field activities are administered under the Field Operations Division of the INS. The USBP's primary function is to detect and prevent the unlawful entry of aliens and smuggling along the nation's borders. With the increase in illegal drug trafficking and heightened security against terrorism, the USBP also has assumed a major Federal responsibility for illegal drug interdiction and apprehension of undocumented aliens. The USBP maintains a significant presence in Laredo, Texas, the location of the Proposed Action addressed by this Environmental Assessment.

Laredo is the busiest land POE in the U.S. As a result, IH-35 north of Laredo is a high-traffic corridor for vehicles entering the country from Mexico for drug smuggling and illegal immigrant activity. Currently, a checkpoint station is located approximately 20 miles north of the border on IH-35, south of the newly constructed Camino Colombia Toll Road. The Camino Colombia Toll Road connects IH-35 to the Columbia Solidarity Bridge approximately 22 miles west of the interstate. As a result, vehicles entering IH-35 and traveling north from the toll road avoid the checkpoint station south of this exchange. This severely limits the USBP's ability to closely monitor vehicular activity entering the U.S. from Mexico via the toll road.

The Proposed Action calls for the construction of a checkpoint station located approximately two miles north of the IH-35/Camino Colombia exchange. Vehicles traveling north on IH 35 from the toll road will be forced to pass through the new checkpoint, situated east of the access road. Implementation of the Proposed Action will thus enhance the USBP's ability to fulfill its mission. Approximately 15 acres of private property will be purchased, of which the new construction will occupy approximately half.

Potential impacts for this project were classified as one of three levels: significant, insignificant (or negligible), and no impact. Significant impacts (as defined in CEQ guidelines 40 CFR 1500-1508) are effects that are most substantial, and therefore should receive the greatest attention in the decision-making process. Insignificant impacts would be those impacts that result in changes to the existing environment that could not be easily detected. No-impact actions would not alter the existing environment.

The Proposed Action could result in potential impacts to a prehistoric site of possible cultural significance identified during the field investigation. Site 41WB612 is a lithic scatter with surface and subsurface material covering about 2.07 acres. No diagnostic artifacts or features were recovered, and the period of occupation is unclear. However, the site is contained within a flat eolian plain that appears to be stable below the top layer of loose soil, and the potential for additional subsurface cultural material is good. The layout of the proposed checkpoint is such avoidance of the site is not possible, so it appears that the Proposed Action will impact the site. For this reason, testing of the site for eligibility on the National Register of Historic Places (NRHP) has been undertaken. The results of the testing will be addressed in a separate document. If the site is determined to be ineligible for inclusion on the NRHP, the potential impact on this cultural resource would be considered insignificant.

There would be no other significant areas of environmental concern associated with the Proposed Action. Possible insignificant environmental impacts are associated with the proposed project (i.e.,

air, geological resources, biological resources, and noise); however, these would be only temporary in nature and easily mitigated through sound engineering practices. Under the Proposed Action, there is a possible beneficial socioeconomic impact to the region in the form of a reduction in drug trafficking and related criminal activities. There would be no impact to land use, water resources, aesthetics or solid/hazardous waste generation or management as part of the Proposed Action.

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1.0 INTRODUCTION

This Environmental Assessment (EA) addresses site-specific actual and potential cumulative effects, beneficial and adverse, of the Immigration and Naturalization Service (INS) and U.S. Border Patrol (USBP) proposed activity regarding the construction of a check point station located at IH-35 Mile Marker 29 (Mile Marker 29) in Webb County near Laredo, Texas. This checkpoint will serve as a prototype for ten other checkpoints forecasted to be constructed or redesigned in the Laredo/Del Rio area. Once additional funds become available and sites are better defined, either one single or two separate EAs will be completed for these checkpoints. The location of the proposed project is shown in Figure 1.0. For the purposes of the EA, the project area is defined as a 15-acre area of potential impact. A site map is provided in Figure 2.0.

This EA was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the President's Council on Environmental Quality (CEQ) Regulations for the Implementation of NEPA, and the INS' Procedures for Implementing NEPA (28 CFR Part 61).

1.1 INS ORGANIZATION

The INS has the responsibility to regulate and control immigration into the U.S. The INS has four major areas of responsibility: (1) facilitate entry of persons legally admissible to the U.S., (2) grant benefits under the Immigration and Nationality Act (INA) of 1952, including assistance to persons seeking permanent resident status or naturalization, (3) prevent unlawful entry, employment or receipt of benefits, and (4) apprehend or remove aliens who enter or remain illegally in the U.S.

To address the latter responsibility, the U.S. Congress in 1924 created the USBP to be the law enforcement arm of the INS. The USBP's primary function is to detect and deter the unlawful entry of aliens and smuggling along the nation's borders between each POE. With the increase in illegal drug trafficking, the USBP also has become the leader for drug interdiction.

Since 1980, an average of 150,000 immigrants have been naturalized every year. At the same time, however, illegal aliens have become a significant issue. INS apprehensions are currently averaging more than 1.5 million illegal aliens per year throughout the country. The INS estimates that there are currently from three to six million illegal aliens in the U.S. Other studies have indicated higher numbers, closer to 10 million (INS 2000).

The USBP field activities are administered under the Field Operations Division of the INS. As mentioned previously, the USBP's primary function is to detect and prevent the unlawful entry of aliens and smuggling along the nation's borders. With the increase in illegal drug trafficking, the USBP also has assumed a major Federal responsibility for illegal drug interdiction (INS 2000).

1.2 REGULATORY AUTHORITY

The primary source of authority granted to officers of the INS is the INA, found in Title 8 of the U.S. Code (8 USC), and other statutes relating to the immigration and naturalization of aliens. The secondary sources of authority are administrative regulations implementing those statutes, primarily those found in Title 8 of the Code of Federal Regulations (8 CFR Section 287), judicial decisions, and administrative decisions of the Board of Immigration Appeals. In addition, the Illegal

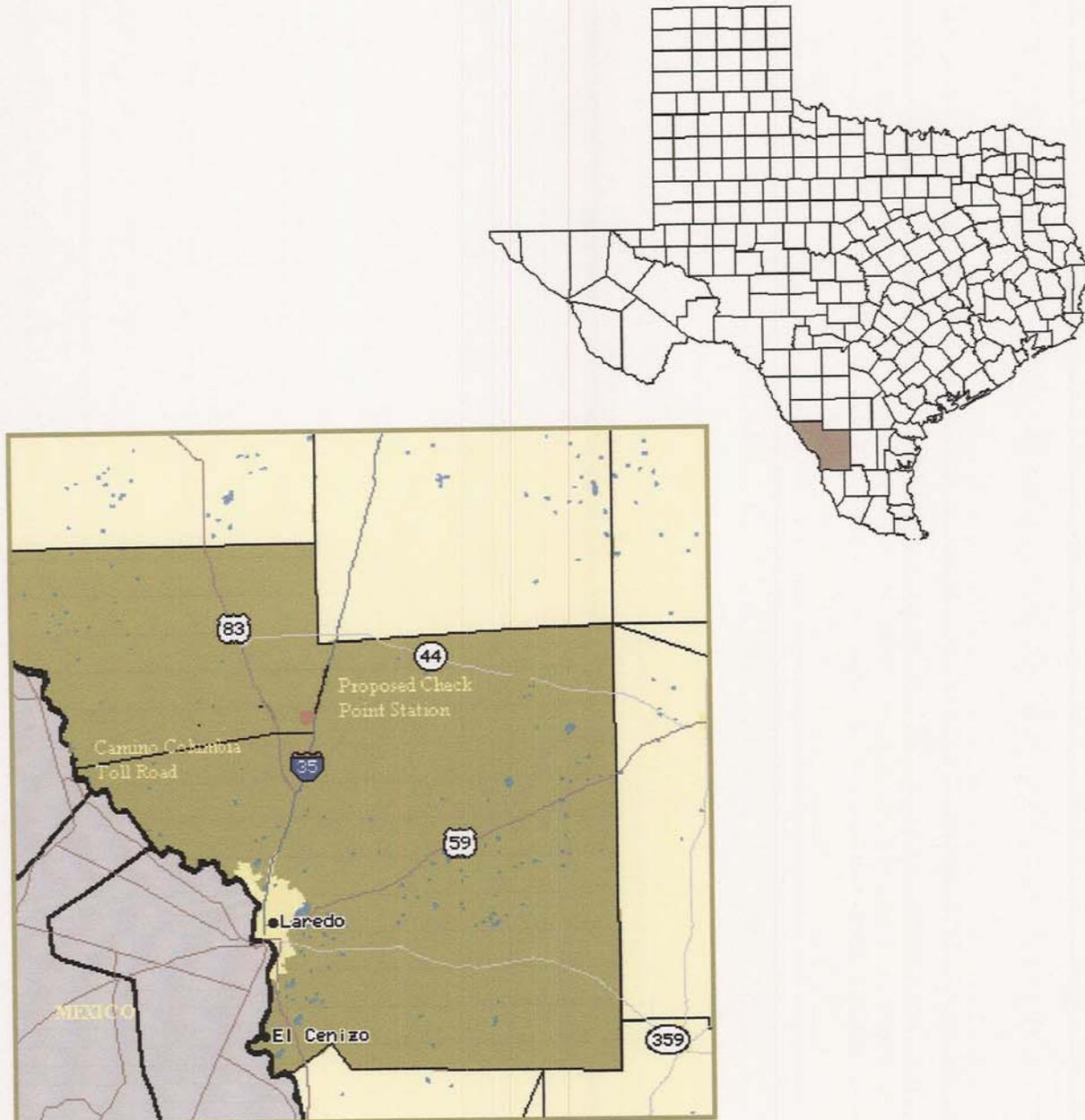


FIGURE 1.1 LOCATION OF PROPOSED PROJECT AREA AT MILE MARKER 29 IN WEBB COUNTY, TEXAS.

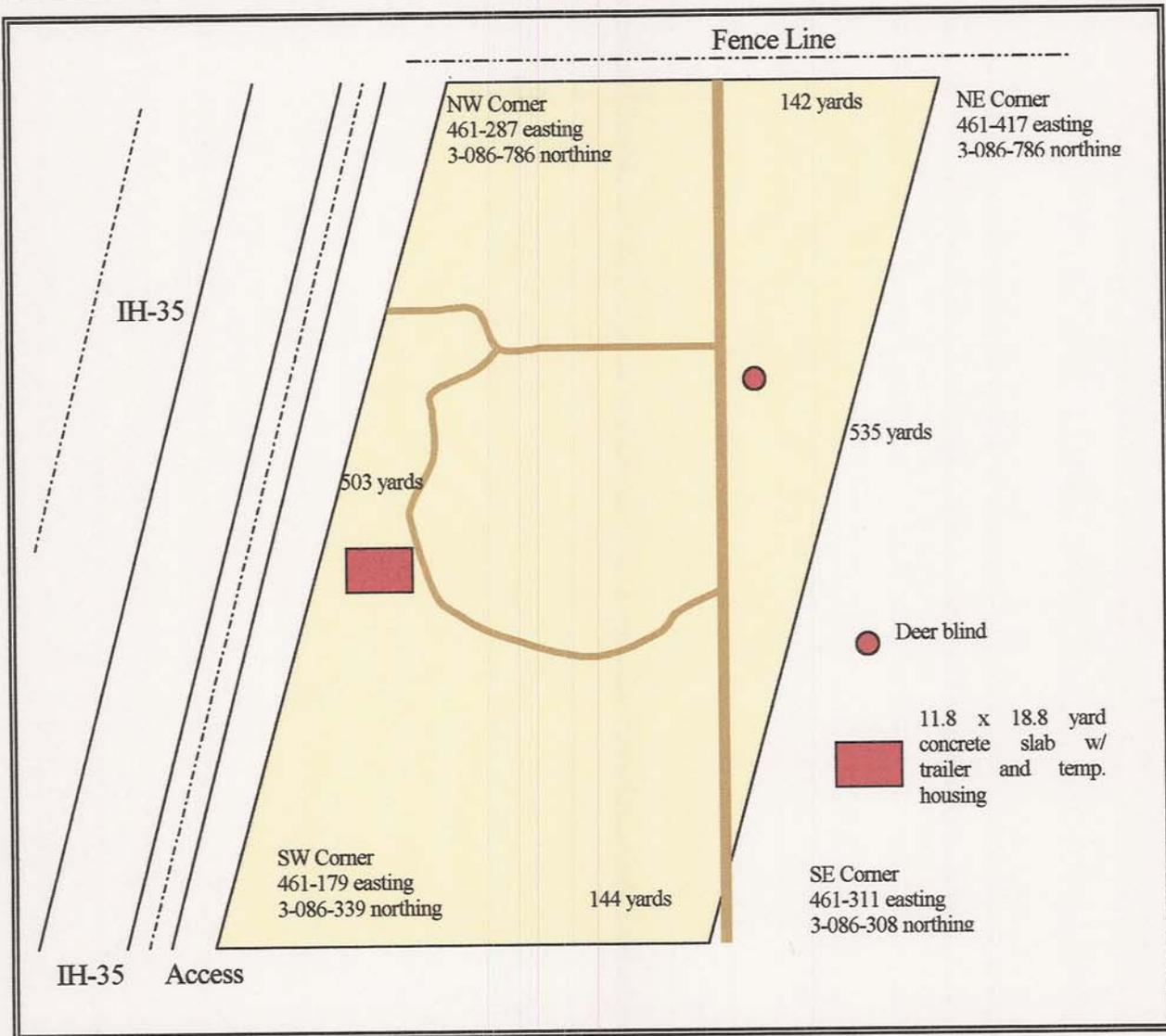


FIGURE 1.2 SITE MAP

Immigration Reform and Immigrant Responsibility Act (IIRIRA) mandates INS to acquire and/or improve equipment and technology along the international border, hire and train new agents for the border region, and develop effective border enforcement strategies.

Subject to constitutional limitations, INS 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 USC § 1357(a, b, c, e)]; Section 235(a) [8 USC §1225]; Sections 274(b) and 274(c) [8USC § 1324(b, c)]; Section 274(a) [8USC §1324(a)]; and Section 274(c) [8USC §1324(c)] of the INA. Other statutory sources of authority are Title 18 of the USC, which has several provisions that specifically relate to enforcement of the immigration and nationality laws; Title 19 [19 USC § 1402(i)], relating to U.S. Customs Service cross-designation of INS officers; and Title 21 [21 USC § 878], relating to Drug Enforcement Agency cross-designation of INS officers (INS 2000).

1.3 PURPOSE AND NEED

The U.S. experiences a substantial influx of illegal immigrants and drugs each year. Both of these illegal activities cost American citizens billions of dollars annually due directly to criminal activities, as well as the cost of apprehension, detention and incarceration of criminals, and indirectly in the loss of property, illegal participation in government programs and increased insurance costs. In addition, the potential for terrorists to infiltrate the country poses a threat to our national security and the safety of all American citizens.

The Laredo point of entry (POE) is the busiest cargo land POE in the U.S. High traffic levels resulting from the North American Free Trade Agreement (NAFTA) play a significant role in illicit drug trafficking (Office of Drug Control Policy 2001).

Table 1-1 Seizures and Apprehensions by the Laredo Station.

	FY 2000	FY 2001	FY 2002 (to date)
Undocumented aliens	857	1,376	336
Marijuana (lbs.)	62,557	102,716	41,315
Cocaine (lbs.)	1,700	1,974	1,690
Miscellaneous pills (total #)	352,000	382,000	12,000
Heroin (oz.)	218	317	0.01
Methamphetamine (lbs.)	16.3	110.5	0

(source: USBP 2002)

Although the number of USBP agents has dramatically increased, the apprehension and seizure data also indicate that the number of illegal entries into the U.S. is increasing every day. These increases have necessitated the construction and implementation of various infrastructure systems to enhance the USBP's ability to detect and apprehend undocumented aliens and drug traffickers. The heightened threat of terrorism within U.S. borders further emphasizes the need for border security.

This EA addresses site-specific environmental constraints associated with the proposed construction check point station, which would allow more intensive patrol of IH-35 near the U.S./Mexico border, as well as traffic entering IH-35 from the new Camino Colombia Toll Road. This document also addresses cumulative impacts of past, present, and foreseeable construction and operational actions in the proposed project area. One previous EA, which addressed the construction of the Camino Colombia Toll Road (Hicks and Company 1993), was consulted as part of this EA.

1.4 ORGANIZATION OF THE DOCUMENT

Chapter 1.0 of this EA contains the background and location of the Proposed Action, along with the purpose and need, and applicable statutes and regulations associated with the Proposed Action. Chapter 2.0 gives a detailed analysis of the Proposed Action and all reasonable alternatives, including the No Action Alternative and those that were considered but eliminated from detailed analysis. Chapter 3.0 describes the baseline environmental conditions against which the impacts of the Proposed Action and alternatives are evaluated. These environmental conditions include

information on soils, air quality, land use, hydrology, biological resources, noise, cultural resources, and the current socioeconomic conditions of the area. Chapter 4.0 describes the environmental consequences of the Proposed Action and alternatives. Chapter 5.0 presents environmental design measures. Chapter 6.0 describes public involvement for this project. Chapter 7.0 lists the preparers involved in the preparation of this document, Chapter 8.0 presents references cited and Chapter 9.0 includes a list of acronyms and abbreviations. Appendices are: (A) Site Photographs, (B) Federal Air Pollutant Standards, (C) Consultation Letters, and (D) Notice of Availability.

1.5 APPLICABLE ENVIRONMENTAL STATUTES AND REGULATIONS

This EA was prepared pursuant to Section 102 of the NEPA, as implemented by the regulations promulgated by CEQ [40 Code of Federal Regulations (CFR) Parts 1500-1508]. This EA should provide sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI) (40 CFR 1508.9). Additionally, this EA complies with INS NEPA Regulations specified in 28 CFR 61. Brief summaries of the Federal and State laws, regulations, executive orders (EO), and other entitlements that may be applicable to the proposed project are provided in the following sections.

1.5.1 National Environmental Policy Act

NEPA (42 United States Code [USC] 4321 et seq.), as implemented by the regulations promulgated by the President's CEQ (40 CFR Parts 1500-1508), establishes national policy, sets goals, and provides the means for carrying out that policy. Section 102(2) of NEPA contains "action-forcing" provisions to make sure that Federal agencies act according to the letter and spirit of the Act. The principal objectives of NEPA are to ensure the careful consideration of environmental aspects of Proposed Actions in Federal decision-making processes and to look at alternatives that may provide a more environmentally acceptable solution. Additionally, NEPA encourages public dialogue and participation in an agency's planning process and ensures that environmental information is made available to decision makers, and the public before decisions are made and actions are taken.

INS routinely complete individual, site-specific NEPA documents such as an Environmental Impact Statements (EIS), Environmental Assessments (EA), and Memorandum for Record (MFR). INS complies with NEPA in accordance with INS regulations as specified in 28 CFR 61, Appendix C. These procedures shall apply to new efforts associated with all INS actions, including (but not limited to) INS operations; acquisition of real property whether by lease, purchase, or construction; the design, alteration, operation, or maintenance of new and existing INS facilities; and new INS mission activities. These procedures apply to all INS Administrative Centers, Regions, Field Offices, INS staff, contractors, and others who operate under INS oversight.

1.5.2 Executive Order 11514, Protection and Enhancement of Environmental Quality

EO 11514, Protection and Enhancement of Environmental Quality, as amended by EO 11991, sets the policy for directing the Federal government in providing leadership in protecting and enhancing the quality of the nation's environment.

1.5.3 Executive Order 11988, Floodplain Management

EO 11988 directs all Federal agencies to avoid, if possible, development and other activities in the 100-year base floodplain. Where the base floodplain cannot be avoided, special considerations and studies for new facilities and structures are needed. Design and siting are to be based on scientific, engineering, and architectural studies; consideration of human life, natural processes, and cultural resources; and the planned lifespan of the project. Federal agencies are required to 1) reduce the risk of flood loss; 2) minimize the impact of floods on human safety, health, and welfare; and 3) restore and preserve the natural and beneficial values served by floodplains in carrying out agency responsibility.

1.5.4 Executive Order 12898, Environmental Justice

The purpose of EO 12898 is to prevent the disproportionate placement of adverse environmental, economic, social, or health impacts from proposed Federal actions and policies on minority and low-income populations.

1.5.5 Executive Order 13007, Sacred Sites

The purpose of EO 13007 is to ensure that each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, as appropriate, promptly implement procedures for the purposes of (1) accommodating access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoiding adverse effects on the physical integrity of such sacred sites. Where appropriate, agencies shall also maintain the confidentiality of sacred sites.

1.5.6 Clean Air Act

The Clean Air Act (CAA) amendments of 1990 established Federal air quality standards. According to air quality information received from the U.S. Environmental Protection Agency (USEPA) Region 6, Laredo, TX is in attainment with established national and state air quality standards for all criteria pollutants.

1.5.7 Clean Water Act

The Clean Water Act (CWA) (33 USC 1251 et seq., as amended) establishes Federal limits, through the National Pollutant Discharge Elimination System (NPDES), on the amounts of specific pollutants that may be discharged to surface waters in order to restore and maintain the chemical, physical, and biological integrity of the water. Section 404 of the CWA of 1977 authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits for the discharge of dredged or fill material into water of the U.S., including wetlands. Waters of the U.S. (Section 328.3[2] of the CWA) are those waters used in interstate or foreign commerce, subject to ebb and flow of tide, and all interstate waters including interstate wetlands.

1.5.8 Endangered Species Act

The Endangered Species Act (16 USC 1531-1543) requires Federal agencies to determine the

effects of their actions on endangered or threatened species of fish, wildlife, plants, and critical habitats, and to take steps to conserve and protect these species.

1.5.9 Cultural Resources Laws and Regulations

The National Historic Preservation Act (NHPA) of 1966 (16 USC 470 et seq., as amended) and its implementing regulation, 36 CFR Part 800, require Federal agencies to determine the effect of their actions on cultural resources, and to take certain steps to ensure these resources are located, identified, evaluated, and protected. The Archeological Resources Protection Act (16 USC 470a-11, as amended) protects archeological resources on Federal lands. If archeological resources that may be disturbed during site activities should be discovered, the NHPA would require permits for excavating and removing the resources. Additionally, the ARNG is required under EO 13175 "Consultation and Coordination with Indian Tribal Governments" to consult with recognized Federal Indian Tribal governments. When a project is requested, the state Environmental Programs Manager must ensure this EO is covered when executing the proper level of NEPA analysis for the project.

1.5.10 Other Laws and Regulations

Additional Federal and State regulations that may apply to the Proposed Action and alternatives are listed below:

- American Indian Religious Freedom Act of 1978
- Texas Air Quality Standards
- Bald Eagle Protection Act (Public Law 90-535)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (Public Law 96-510), as amended by the Superfund Amendments and Reauthorization Act (SARA) (Public Law 99-499), 1986
- Federal Compliance with Pollution Control Standards
- Federal Facilities Compliance Act
- Fish and Wildlife Coordination Act, as amended, USC 661, et seq.
- Hazardous Materials Transportation Act (HMTA), 1975
- Migratory Bird Treaty Act
- Resource Conservation and Recovery Act (RCRA) (Public Law 94-580), 1976
- Safe Drinking Water Act (SDWA), 1974
- Solid Waste Disposal Act, 1980
- Toxic Substances Control Act (TSCA) (Public Law 94-469)
- Watershed Protection and Flood Prevention Act, 16 USC 1101, et seq.
- Wetlands Conservation Act (Public Law 101-23)

2.0 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

This chapter describes the Proposed Action and alternatives, including the No-Action Alternative. The Proposed Action would involve construction of highway checkpoint station and detention facilities at Mile Marker 29 in Webb County near Laredo, TX. Under the No-Action Alternative, the area would remain as it currently exists and USBP efforts to curtail illegal entry of aliens and drug trafficking would remain unchanged. Other than the alternatives identified in this section, no other reasonable alternatives meeting INS or USBP requirements were identified.

2.1 PROPOSED ACTION

Laredo is the busiest land POE in the U.S. As a result, IH-35 north of Laredo is a high-traffic corridor for vehicles entering the country from Mexico for drug smuggling and illegal immigrant activity and could serve as point of entry for terrorists. The USBP has a strong presence in this area. A checkpoint station is currently located approximately 20 miles north of the border on IH-35, south of the newly constructed Camino Colombia Toll Road. The Camino Colombia Toll Road connects IH-35 to the Columbia Solidarity Bridge approximately 22 miles west of the interstate. Vehicles entering IH-35 and traveling north from the toll road avoid the checkpoint station south of this exchange. This severely limits the USBP's ability to closely monitor vehicular activity entering the U.S. from Mexico via the toll road.

The Proposed Action includes the construction of a checkpoint station located approximately two miles north of the IH-35/Camino Colombia exchange. Vehicles traveling north on IH 35 from the toll road will be forced to pass through the new checkpoint, situated east of the access road. Approximately 15 acres of private property will be purchased for the new construction. Photographs of the proposed project site are presented in Appendix A.

The checkpoint would be constructed on a 15-acre parcel of land at Mile Marker 29 on the east side of I-35. The proposed checkpoint would replace the checkpoint currently located approximately eight miles to the south. The checkpoint would include a small office building, a canopy, associated outbuildings used for equipment storage. The layout of the proposed checkpoint is depicted in Figure 2.1. Existing access roads would be used to transport supplies during construction.

Once operational, the checkpoint would be staffed by approximately 20 to 25 USBP agents and would operate 24 hours per day. The USBP would also operate a K-9 unit consisting of eight to twelve dogs. The checkpoint would include six lanes for inspection of vehicles. Although the current checkpoint inspects approximately 10 to 15,000 vehicles per day, the USBP estimates that with the additional inspections of vehicles entering I-35 from the Camino Colombia Toll Road and expected increases in truck traffic from Mexico, it will eventually inspect 20 to 25,000 vehicles per day at the proposed checkpoint.

If the Proposed Action is implemented on the basis of this EA, the proposed project may begin during the summer of 2002. The project would take approximately 12 to 14 months to complete.

Equipment to be used for the Proposed Action activities may include integrated tool carriers, backhoes with augers or an auger truck, backhoes with breakers, flat bed trucks, graders, water trucks, cranes, and forklifts. Equipment and construction materials would be stored on site.

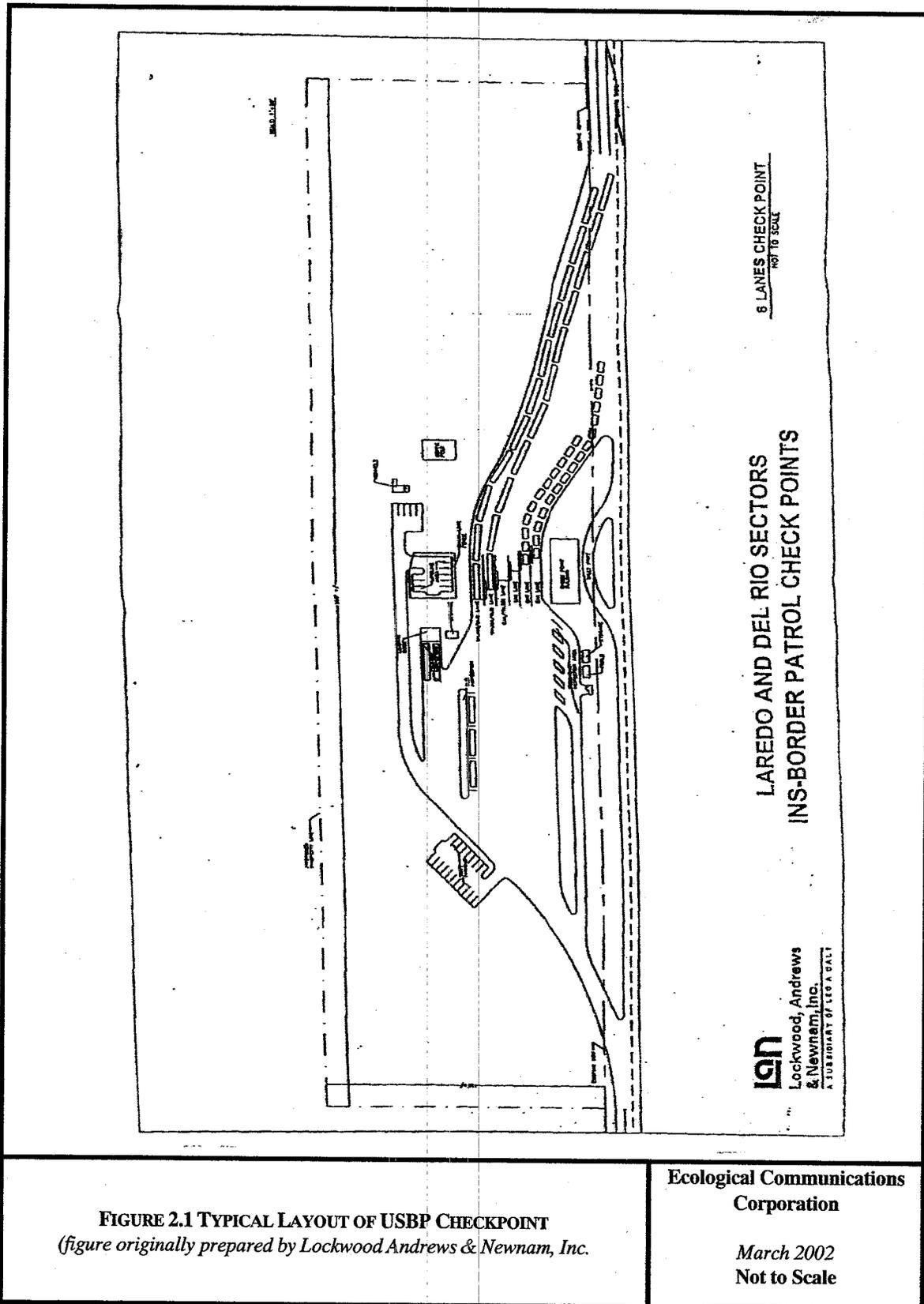


FIGURE 2.1 TYPICAL LAYOUT OF USBP CHECKPOINT
(figure originally prepared by Lockwood Andrews & Newnam, Inc.)

**Ecological Communications
Corporation**

March 2002
Not to Scale

Existing turnouts or previously disturbed areas would also be used by equipment during construction to minimize unnecessary impacts to resources outside of the Proposed Action area. Through an environmental briefing, all personnel would be informed about the limits of the construction area and actions permitted within and outside of that area. Additionally, construction limits would be flagged to ensure that the proposed activities stay within the construction area boundaries.

2.2 NO-ACTION ALTERNATIVE

Under the No-Action Alternative, no construction activities would be conducted. The area would remain as it currently exists and USBP efforts to curtail illegal drug trafficking would remain unchanged. Although it is unlikely that significant adverse impacts would occur, the No-Action Alternative would not support the USBP's efforts to effectively reduce drug smuggling and trafficking near Laredo, TX. The associated violent crime would continue along the project area. Therefore, the No-Action Alternative may reduce the USBP's ability to fulfill its mission as described in Chapter 1.0.

2.3 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS

Several factors limit the potential for other locations to serve as the project site for the proposed checkpoint station and detention area. There are two routes of travel that allow alien and narcotic smugglers to bypass the current IH-35 checkpoint. The first route is north from Laredo, Texas on State Highway 59 to the Callahan Road, which is located south of the Freer, Texas traffic checkpoint. Traveling west on the Callahan Road from State Highway 59 will allow smugglers access to IH-35, north of the current IH-35 checkpoint location. The second route is to travel north from Laredo, Texas on Mines Road to the Camino Colombia Toll Road. This road also allows access to IH-35, north of the current IH-35 checkpoint. Both of these roads intersect IH-35 near the 27-mile marker. From January 2001 to July 2001, the Laredo North Station apprehended 78 alien smuggling loads emanating from these two routes of travel. Frontage along the 28-mile marker has a long curve and insufficient space to safely operate a traffic checkpoint operation. The property owner has publicly stated his opposition to selling any land to the Border Patrol for the establishment of a checkpoint. Consequently, the area near the 29-mile marker is the closest location on IH-35 to safely and effectively operate a checkpoint.

In order to eliminate unmonitored activity near the checkpoint station, it is desirable for the checkpoint to be located in a remote area, away from residential and commercial areas. Close proximity to a truck stop in Encinal, TX, approximately 15 miles north of the Camino Colombia Toll Road/IH-35 exchange, would potentially decrease the ability of the USBP to monitor vehicular and pedestrian traffic in the immediate area. Therefore, a location as far south from the truck stop as possible would be preferred. For this reason, the most feasible site with the largest land buffer between it and the truck stop was selected.

3.0 AFFECTED ENVIRONMENT

The affected environment is the baseline against which potential impacts caused by the Proposed Action and alternatives are assessed. This chapter focuses on those resources specific to the proposed project area that have the potential to be affected by activities connected with construction of a checkpoint station at Mile Marker 29, and changes in USBP activities resulting from these activities. Field work to determine these effects was carried out on January 15-16, 2002.

3.1 AIR RESOURCES

Air resources describe the existing concentrations of various pollutants and the climatic and meteorological conditions that influence the quality of the air. Precipitation, wind direction, wind speed, and atmospheric stability are factors that determine the extent of pollutant dispersion.

Air quality in Texas is monitored by the Texas Natural Resource Conservation Commission (TNRCC) at stations in the 19 metropolitan areas of the state. The TNRCC uses the scale provided by the USEPA called the Air Quality Index (AQI) for rating air quality. The AQI scale is based on the National Ambient Air Quality Standards (NAAQS) as described in 58 CFR, Appendix G. Applicable air quality standards for the proposed project are presented in Appendix B.

The closest air quality monitoring station to Mile Marker 29 is located in Laredo, TX, approximately 29 miles south of the project area. Critical pollutants in this area are ozone, caused by precursors emitted primarily from automotive activity and oil and gas industrial processes, carbon monoxide, emitted by the incomplete combustion of carbon-containing fuels, and particulate matter, which includes dust, soot, and smoke (TNRCC 2001). Laredo has been designated as an attainment area by the USEPA, and air quality in the area may be described as good. Laredo typically has the lowest levels of ozone in the entire state. Ozone and particulate matter levels have each exceeded standard levels on only one occasion from 1996 to 2000 (USEPA 2002).

3.2 LAND USE

Land in the project area is currently part of an undeveloped private ranch. Some evidence of past cattle grazing is present, as well as some hunting activity, but the conditions of facilities on the property suggest that such activity has been abandoned or decreased in recent years. However, some activity of recent human migration through the area was noted, as blankets, shirts, coats, and other personal items were found scattered on the property. According to agents of the USBP, these items were likely left by illegal aliens moving north through the area.

3.3 GEOLOGICAL RESOURCES

Geological resources include physical surface and subsurface features of the earth such as topography, geology, soils, and the prime farmlands of the area. These features are discussed in the following sections.

3.3.1 Geology

The project area consists of marginal marine sediments from the middle Eocene Laredo Formation

of the Claiborne Group. Typical of the Laredo formation are thick, very fine to fine grained sandstone members in the upper and lower parts, and clay in the middle part. The sandstones are dominantly red and brown, while the clay part is typically weathers orange-yellow. Dark-grey limestone concretions are common in this formation, some of which are fossiliferous, and marine megafossils are abundant (Brewton, et al. 1976 (1993)).

3.3.2 Soils

According to the Soil Survey of Webb County, Texas, published by the U.S. Department of Agriculture's Soil Conservation Service (now known as the Natural Resource Conservation Service (NRCS)), soil in the project areas is most likely Duval fine sandy loam. This soil generally has a reddish-brown surface layer of fine sandy loam about 14 inches thick. The upper layer of the subsoil, from 14 to 22 inches, is usually reddish brown to red fine sandy loam. From about 22 to 46 inches, the layer is red, sandy clay loam. The lower part of the subsoil, from 46 to 56 inches, is yellowish red, sandy clay loam. The under parts of the subsoil extend to about 62 inches, and typically consist of yellowish red noncalcareous sandstone.

Duval soil is well-drained, has medium surface runoff, and moderate permeability. The available water capacity is medium, and the rooting zone is deep, allowing easy penetration by plant roots. Hazards of water erosion and soil blowing are moderate if this soil is not vegetated (NRCS 1985).

3.3.3 Prime Farmland

According to 16 USC 590a-f (7 CFR 2.62 Pub. L. 95-87; 42 USC 4321 et seq.), prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

There are no areas of prime farmland in Webb County in their native state. However, Duval soils, when irrigated, may be considered prime farmland. Irrigation for large-scale agricultural production is not feasible within the project area, as no large water sources exist within several miles.

3.4 WATER RESOURCES

The following sections describe surface water and groundwater sources, water quality and quantity, and surface and subsurface water movement. The hydrological cycle results in the transport of water into various media such as the air, the ground surface, and subsurface. Natural and human-induced factors determine the quality of water resources. Water issues will continue to be the subject of future planning in Webb County, as one of the fastest growing cities in the U.S., Laredo, continues to increase the demand for the scarce natural resource.

3.4.1 Groundwater

The major aquifer system that furnishes large quantities of water for agricultural, public, and industrial needs from Laredo to East Texas is the Coastal Uplands System, which includes the Claiborne and Wilcox Groups. Mile Marker 29 lies within the southern boundary of the downdip of the lower Claiborne-upper Wilcox aquifer. This aquifer is recharged by the infiltration of precipitation that falls on topographically high outcrop areas. Natural discharge occurs as evapotranspiration, loss to streams in outcrop areas, and as upward leakage as springs in downdip areas. In areas of little or no pumpage, recharge and discharge are generally less than one inch per year. However, counties immediately surrounding Webb County, known as part of the Winter Garden for its ability to produce garden vegetable crops, pump water from the lower Claiborne-upper Wilcox in large volumes generally for irrigation purposes. The intensive pumping has created a large area of depression on the potentiometric surface of the aquifer, as shown in Figure 3.1. Potential for development in this area is increasingly small, as overdevelopment of the areas dependent on the aquifer has already occurred. This conclusion has led to predictions by the Texas Water Development Board suggesting that pumpage will decline dramatically as water levels continue to drop (USGS 1996). Attention will continue to be turned towards ground water usage in the area, especially in Laredo, which historically has used the diminishing Rio Grande as its sole source of water (USGS 2001). No groundwater is currently used at the proposed checkpoint site.

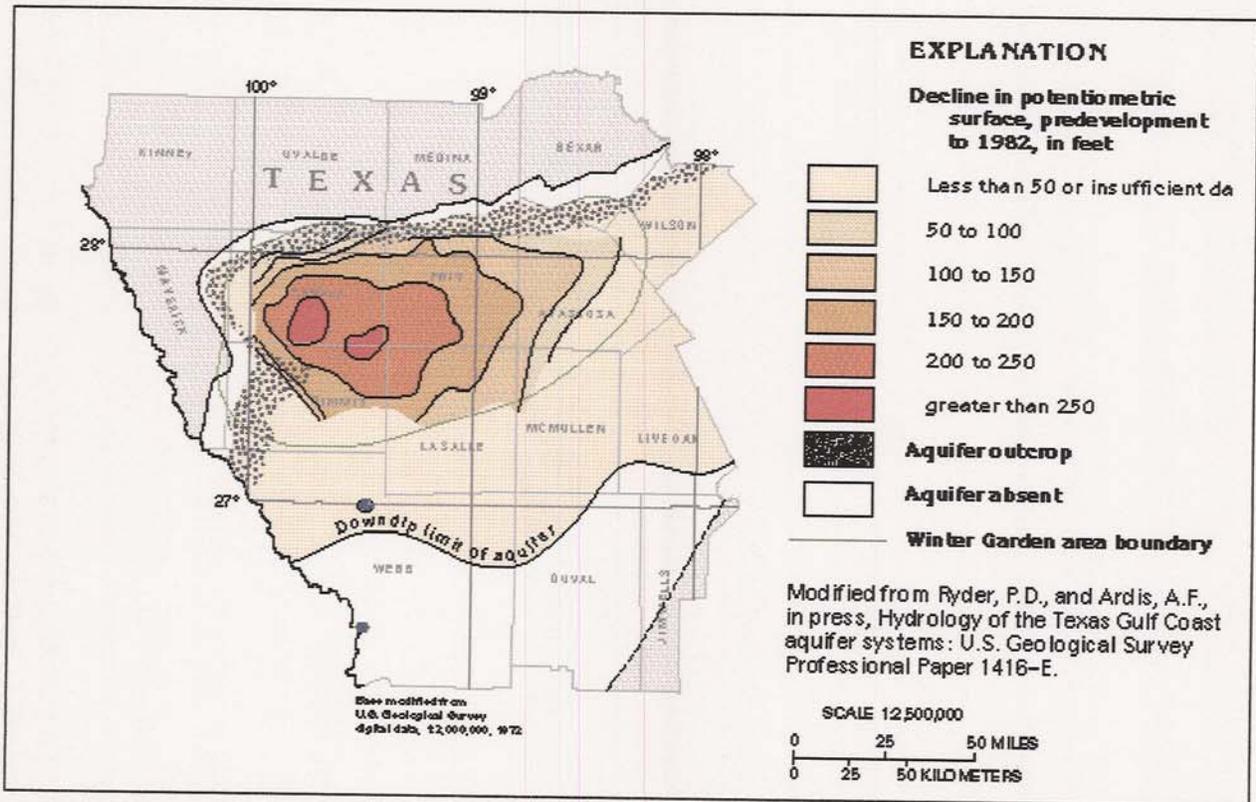


FIGURE 3.1 DECLINE IN POTENTIOMETRIC SURFACE OF THE LOWER CLAIBORNE-UPPER WILCOX AQUIFER (USGS)

3.4.2 Surface Water

The Rio Grande River is the most obvious source of surface water in the area, and serves as the principle water source for the City of Laredo. However, surface runoff from the project area flows into drainages of the Nueces River System, which ends at the Corpus Christi Bay, approximately 150 miles east of the Project Area. No permanent surface water exists on the site, and drainage swales are shallow and with indistinct boundaries. Because there is no running water at the proposed checkpoint site, no surface water resources are currently utilized on the property.

3.4.3 Water Quality

Groundwater of the lower Claiborne-upper Wilcox is variable. Most areas contain fresh water, where dissolved solid concentrations are less than 500 milligrams per liter (mg/L). However, in the down-dip areas of the western and central portion of the aquifer system, including waters in the project area, dissolved solid concentrations exceed 1,000 mg/L and water is no longer regarded as fresh (USGS 1996).

Water quality of the Upper Nueces is considered good by the USEPA. For each major watershed in the U.S., the USEPA measures vulnerability of the system using nine separate indicators. Only two indicators of the Upper Nueces showed a moderate vulnerability to potential problems. These two were agricultural runoff and hydrological modifications of dams. The latter is most likely caused by a relatively high volume of reservoir impoundment in the Upper Nueces needed to counter the arid conditions in the region and sustain agricultural production (USEPA 1999).

3.4.4 Jurisdictional Waters of the United States

Section 404 of the CWA of 1977 authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits for the discharge of dredged or fill material into water of the U.S., including wetlands. Waters of the U.S. (Section 328.3[2] of the CWA) are those waters used in interstate or foreign commerce, subject to ebb and flow of tide, and all interstate waters including interstate wetlands. Waters of the U.S. are further defined as all other waters such as intrastate lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, or impoundments of waters, tributaries of waters, and territorial seas. Wetlands are those areas inundated or saturated by surface waters or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (USACE 1987). Jurisdictional boundaries for these water resources are defined in the field as the ordinary high water mark (OHWM), which is that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural lines impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

3.4.5 Floodplains

Under Federal regulations, all Federal agencies are directed to avoid, if possible, development and other activities in the 100-year base floodplain. Where the base floodplain cannot be avoided, special considerations and studies for new facilities and structures are needed. Federal agencies are

required to 1) reduce the risk of flood loss; 2) minimize the impact of floods on human safety, health, and welfare; and 3) restore and preserve the natural and beneficial values served by floodplains in carrying out agency responsibility. The project area does not fall within the floodplain, according to FEMA maps. The nearest floodplain zones are drainages associated with Dolores Creek, and occur just north and south of the site boundaries.

3.5 BIOLOGICAL RESOURCES

Biological resources include native plants and animals in the region around the proposed project site. The proposed project area supports a plant community dominated by thorny brush typical of the semiarid climate of the region. In this type of plant community, it is typical for a small number of plant species comprise much of the total vegetation.

3.5.1 Vegetation

The project area is located in the mesquite-blackbrush brush ecoregion of Texas (McMahan, Frye, and Brown, 1984). This region is distributed on shallow sandy loam soils of the South Texas Plains. Dominant plants observed during the January site visit include: blackbrush (*Acacia rigidula*), guajillo (*Acacia berlandieri*), and other *Acacia*, and large, thick stands of Texas prickly pear cacti (*Opuntia engelmanni*). For the most part, vegetation in the area is confined to sparse stands of thorny brush, impenetrable in some areas. Very little herbaceous vegetation was observed during the site visit.

3.5.2 Wildlife

Wildlife noted to occur on the property during the January site visit included: Harris' hawk, desert cottontail, red-tailed hawk, cedar waxwing, white-tailed deer, mockingbird, an unidentifiable wren, greater roadrunner, several dove, coyote, and an unidentifiable field mouse. Further, evidence of small burrowing mammals or lizards was noted as several burrows at the base of some cacti and other shrubs. Scat of other medium-sized mammals, most likely raccoon, skunk, and/or opossum, were also noted.

3.5.3 Aquatic Species

No aquatic habitat occurs within the Project Area; therefore, no aquatic species are present on the property.

3.5.4 Threatened and Endangered Species

The Endangered Species Act (ESA) [16 USC 1531 et. Seq.] of 1973, as amended, was enacted to provide a program for the preservation of endangered and threatened species and to provide protection for the ecosystems upon which these species depend for their survival. All Federal agencies are required to implement protection programs for designated species and to use their authorities to further the purposes of the Act. Responsibility for the identification of a threatened or endangered species and development of any potential recovery plan lies with the Secretary of the Interior and the Secretary of Commerce. The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) are the primary agencies responsible for implementing

the ESA. The USFWS is responsible for birds and terrestrial and freshwater species, while the NMFS is responsible for non-bird marine species.

An endangered species is a species in danger of extinction throughout all or a significant portion of its range. A threatened species is a species likely to become endangered within the foreseeable future throughout all or a significant portion of its range. Proposed species are those that have been formally submitted to Congress for official listing as threatened or endangered. In addition, the USFWS has identified species that are candidates for listing as a result of identified threats to their continued existence. The candidate (C) designation includes those species for which the USFWS has sufficient information on hand to support proposals to list as endangered or threatened under the ESA. However, proposed rules for this listing have not yet been issued because such actions are precluded at present by other listing activity.

The ESA also calls for the conservation of critical habitat, which is defined as the areas of land, water, and air space that an endangered species needs for survival. Critical habitat also includes such things as food and water, breeding sites, cover or shelter, and sufficient habitat area to provide for normal population growth and behavior. One of the primary threats to many species is the destruction or modification of essential habitat by uncontrolled land and water development.

Many Federally- and State-listed threatened and endangered species of plants, fish, and wildlife could occur in Webb County. A list of these species as provided by the TPWD and the USFWS can be found in Table 3-1. No evidence of the Federally- or State-listed species threatened or endangered species was observed during the January 2002 site visit.

3.5.4.1 Federally-listed Species

Three Federally-listed fauna species were reported as having the potential to occur in Webb County. The following information briefly describes the preferred habitat of these species.

The ocelot and jaguarundi both prefer a habitat of humid tropical and sub-tropical forests, savannahs, and semi-arid thornscrub. Unconfirmed reports of individuals in the southern part of the State of have been received.

The interior least tern prefers sandpits along rivers for nesting, and are sometimes found in other gravelly habitat, including rooftops of buildings and cleared areas.

There are two Federally-listed plant species that occur in Webb County. The Johnston's frankenia are usually clumped, and found within openings of blackbrush dominated brushlands on pockets of highly saline soils. The ashy dogweed is found in limited areas, including the sandy pockets of soil in southern Webb County. Neither was observed during the January 2002 site visit.

3.5.4.2 State-listed Species

There are 20 State-listed fauna species for Webb County. Five are discussed above, as they are also Federally-listed. Habitat for the 15 other species is briefly described below.

TABLE 3-1 LIST OF THREATENED, ENDANGERED, OR SPECIES OF CONCERN IN WEBB COUNTY			
COMMON NAME	SCIENTIFIC NAME	USFWS	TPWD
Davis pocket gopher	<i>Geomys personatus davisi</i>		SC
Ocelot	<i>Felis pardalis</i>	LE	E
Cave myotis bat	<i>Myotis velifer</i>		SC
Jaguarundi	<i>Felis yagouaroundi</i>	LE	E
White-nosed coati	<i>Nasua narica</i>		T
White-tailed hawk	<i>Buteo albicaudatus</i>		T
Gray hawk	<i>Buteo nitidus</i>		T
Common black-hawk	<i>Buteogallus anthracinus</i>		T
American peregrine falcon	<i>Falco peregrinus anatum</i>	DL	E
Arctic Peregrine falcon	<i>Falco peregrinus tundrius</i>	DL	T
Sennet's hooded oriole	<i>Icterus cucullatus senneti</i>		SC
Audubon's oriole	<i>Icterus graduacauda audubonii</i>		SC
Wood stork	<i>Mycteria americana</i>		T
Interior least tern	<i>Sterna anitllarum athalassos</i>	LE	E
Blue sucker	<i>Cycleptus elongatus</i>		T
Conchos pupfish	<i>Cyprinodon eximus</i>		T
Rio Grande darter	<i>Etheostoma grahami</i>		T
Rio Grande shiner	<i>Notropis jemezanus</i>		SC
Bluntnose shiner	<i>Notropis simus</i>		EXT
Texas hornshell	<i>Popenaias narica</i>	C1	
Reticulate collared lizard	<i>Crotaphytus reticulatus</i>		T
Indigo snake	<i>Drymarchon corais</i>		T
Texas tortoise	<i>Gopherus berlandieri</i>		T
Spot-tailed earless lizard	<i>Holbrookia lacerate</i>		SC
Keeled earless lizard	<i>Holbrookia propinqua</i>		SC
Texas horned lizard	<i>Phrynosoma cornutum</i>		T
Kleberg saltbush	<i>Atriplex klebergorum</i>		SC
Nickel's cory cactus	<i>Coryphantha sulcata</i> var <i>nicelsiae</i>		SC
Johnston's frankenia	<i>Frankenia johnstonii</i>	LE	E
Few-spine Engelmann's prickly pear	<i>Opuntia engelmannii</i> var <i>flexospina</i>		SC
McCart's whitlow-wart	<i>Paronychia maccartii</i>		SC
Ashy dogweek	<i>Thymophylla tephroleuca</i>	LE	E

Table Key:

- EXT Extirpated from area
- LE Listed Endangered by USFWS: imminent jeopardy of extinction
- LT Listed Threatened by USFWS
- R Considered Rare by TPWD. No official protection.
- USFWS U.S. Fish and Wildlife Service – Federally-listed species
- TPWD Texas Parks and Wildlife Department – State Listed Species

The white-tailed hawk prefers coastal prairies, grasslands, and semiarid scrub, and is often seen perched along highways on telephone poles, fence posts, or dead trees.

The gray hawk and common black-hawk prefer riverside woodlands, the former prefers especially those of cottonwoods, willows, and sycamores. Because of their affinity for habitat along water courses, neither species is expected to occur within the project area, as no such habitat exists.

The arctic and American peregrine falcons nest on cliffs in the Trans-Pecos region of West Texas. They otherwise may be seen as migrants along the Texas Coast.

Wood storks prefer swamps, marshes, and mangroves, and are not typically found in Texas. They may occur as rare migrants in coastal areas of Texas.

The white-nosed coati usually prefer wooded areas, but also are found in rocky canyons at the base of mountains. Therefore, the occurrence of this species in the project area is unlikely.

The reticulate collared lizard prefers a variety of habitats, including rock piles and escarpments, but usually burrow in brushy environments.

The indigo snake prefers the moist riparian breaks in the thorny brushlands of the coastal plains. However, they may wander outside their preferred habitat in search of food.

The Texas tortoise requires areas with abundant patches of prickly pear cacti, and usually occurs in the thorny brushlands of south Texas.

The Texas horned lizard may be found in arid and semiarid habitats in open areas with sparse plant cover. They usually dig shallow burrows for nesting and hibernation purposes, and typically inhabit sandy or other loose soils.

Four species on occur on the State list are fish, one of which has been extirpated from the region. Because no aquatic habitat exists in the project area, issues regarding these species will no longer be addressed.

3.6 NOISE

Noise is generally described as unwanted sound, which can be based either on objective effects (hearing loss, damage to structures etc.) or subjective judgments (community annoyance). Measurement and perception of sound involves two basic physical characteristics: amplitude and frequency. Amplitude is a measure of the strength of the sound and is directly measured in terms of the pressure of a sound wave. Because sound pressure varies in time, various types of pressure averages are usually used. Frequency, commonly perceived as pitch, is the number of times per second the sound causes air molecules to oscillate. Frequency is measured in units of cycles per second, or Hertz (Hz). Sound is usually represented on a logarithmic scale with a unit called the decibel (dB). Sound on the decibel scale is referred to as a sound level. The threshold of human hearing is approximately 0 dB, and the threshold of discomfort or pain is around 120 dB (INS 2000).

The proposed project area is located away from noise sensitive sites such as schools, churches, hospitals, etc. The ambient noise environment within the general area is typical of rural areas with projected noise levels ranging from about 35 to 55 average-weighted decibels (dBA) day/night noise level (Ldn). These levels may be substantially higher when the wind blows (USACE 1995). Further, noise levels may be higher in instances of heavy traffic along IH 35 within the immediate area.

3.7 CULTURAL RESOURCES

Historic and archaeological resources are nonrenewable resources whose values may be easily diminished by physical disturbances. These resources are those items, places, or events considered important to a culture or community for reasons of history, tradition, religion, or science. The cultural history of the project area is long and varied. The following chronology summarizes the human habitation of South Texas.

The cultural history of the project area is generally divided into four major time periods: Paleo-Indian (9200-6000 B.C.), Archaic (6000 B.C. to A.D. 700), Late Prehistoric (roughly A.D. 700-1600), and Historic (A.D. 1600 to present). The prehistoric periods are principally defined by the presence of diagnostic projectile points and other technologies, but are intended to delineate change in socio-cultural patterns. However, cultural change proceeded at somewhat different rates over the vast area of Texas; in some regions, hunting and gathering cultures persisted throughout prehistory; in others, cultures with farming and settled village life dominated. Prehistoric cultures in South Texas appeared to maintain a hunter-gatherer lifestyle throughout the Archaic and Late Prehistoric periods, with moderate changes in technology. Historic occupations include the introduction of Spanish colonists in the area as well as some Anglo-American settlers. Ranches, farms, and settlements continued to develop throughout the 18th, 19th, and 20th centuries (Austin *et al.* 1994).

In order to evaluate the presence or absence of cultural resources at the project site, a site visit was conducted in January 2002 by an Archaeologist from EComm, accompanied by a Laredo Station USBP Agent. Prior to the site reconnaissance, a cultural resources file search was conducted at the Texas Archeological Research Laboratory (TARL). No sites were previously recorded within the project area or within 3 miles of the APE.

The site visit consisted of a 100-percent pedestrian survey of the approximately 15-acre site in an effort to inventory cultural resources at the proposed project area and evaluate the potential effects of the Proposed Action on these resources. In addition, 15 shovel tests were placed at various points throughout the project area to test for subsurface material. The shovel tests were 30-40 cm in diameter, dug to a maximum depth of 60 cm, but most ranged from 40-50 cm. Undisturbed soils were typically medium brown sandy loam, grading in places to sandy clay loam. All excavated sediment was screened through ¼-inch mesh.

The results of the site survey included the discovery of a new archaeological site in the southwest section of the project area. Site 41WB612 is a lithic scatter with surface and subsurface material covering about 2.07 acres. No diagnostic artifacts or features were recovered, and the period of occupation is unclear. However, the site is contained within a flat eolian plain that appears to be stable below the top layer of loose soil, and the potential for additional subsurface cultural material is good. More detailed descriptions of the survey and its findings are presented in a report

submitted under separate cover (USACE 2002).

3.8 AESTHETIC RESOURCES

Aesthetic resources consist of the natural and manmade landscape features that appear indigenous to the area and give a particular environment its visual characteristics. The current visual characteristics of the general project area is open space and mostly flat semi-arid brushland with patches of ground cover and other native vegetation.

3.9 SOLID AND HAZARDOUS WASTE

There is no known or suspected toxic and/or hazardous material contamination within the proposed project area. However, litter is scattered throughout the project area, including rusted tin cans, decayed building materials, broken housewares, bottles, and other nonidentifiable containers. The past contents of most of these containers remains unknown, and the elusive nature of potentially occurring hazardous waste makes it difficult to accurately assess the property.

3.10 SOCIOECONOMIC DATA

3.10.1 Population

According to the 2000 U.S. Census, the population of Webb County is 193,117. 182,070 (94.2%) people in Webb County are of Hispanic origin. The influences of a close proximity to Mexico and the importance of Laredo as a major crossing point for NAFTA-related trade are apparent, as 145,669 (75.4%) of the population are Mexican-American (U.S. Census Bureau 2000). Population figures are presented in Table 3-2.

3.10.2 Employment and Income

The unemployment rate in Webb County for November, 2001 was 6.4%, compared to a statewide rate of 5.4%. Industry composition of the Laredo metropolitan area is diverse, as no sector can claim a majority of the work force. Twenty-five percent of the work force is in the trade sector, 21% are in services, 19% are in transportation, communication, and utilities, and 18% are in the local government sector of industry in the metropolitan area (U.S. Census Bureau 1996). Average wages for workers in the metropolitan area in 2000 that paid unemployment insurance taxes was approximately \$27,200, while the average statewide during the same time period was approximately \$34,700. The largest employers in the Laredo metropolitan area are: 1) American Staff Resources Corp., 2) APC Home Health Service Inc., 3) Edward D. Van Es, 4) H.E. Butt Grocery Co., and 5) International Bank of Commerce (Texas Workforce Commission 2001). Employment and income figures are summarized in Table 3-2.

TABLE 3-2 ECONOMIC AND POPULATION COMPARISON OF WEBB COUNTY/LAREDO METROPOLITAN AREA AND TEXAS

	Webb County/Laredo Metropolitan Area	Texas
Total Population	193,117	20,851,820
Percent Hispanic	94.2%	32.0%
Average Covered Wages	\$27,200	\$34,700
Workers in Trade	25%	24%
Workers in T,C,U	19%	9%
Workers in Services	21%	36%
Unemployment Rate	6.4%	5.4%

4.0 ENVIRONMENTAL CONSEQUENCES OF THE PROPOSED ACTION

Based on observations made during site visit, discussions with USBP personnel, Federal and State agencies, and local authorities, as well as comparisons with similar USBP activities, several environmental factors potentially associated with the Proposed Action have been identified. An environmental consequence or impact is defined as a modification in the existing environment brought about by mission and support activities. Impacts can be beneficial or adverse, a primary result of an action (direct) or a secondary result (indirect), and permanent or long-lasting (long-term) or of short duration (short-term). Impacts can vary in degree from a slightly noticeable change to a total change in the environment.

Both long- and short-term impacts would occur within the project area during and immediately after the construction of the proposed project. For this project, short-term impacts are defined as those tied to the first two years following project implementation, whereas long-term impacts are those lasting more than two years.

Significant impact criteria are presented for each affected resource. These criteria are based on existing regulatory standards, scientific and environmental knowledge, and/or best professional judgment. Potential impacts for this project were classified at one of three levels: significant, insignificant (or negligible), and no impact. Significant impacts (as defined in CEQ guidelines 40 CFR 1500-1508) are effects that are most substantial, and therefore should receive the greatest attention in the decision-making process. Insignificant impacts would be those impacts that result in changes to the existing environment that could not be easily detected. No-impact actions would not alter the existing environment. In the following discussions, impacts are considered adverse unless identified as beneficial.

Potential environmental consequences to each resource section include the following subcategories:

- **Impacts.** The level and duration of impacts that would occur as a result of the Proposed Action and the No-Action Alternative.
- **Mitigation.** Mitigation measures that could be applied to avoid or further reduce adverse impacts. Mitigation is discussed in Chapter 5.0.

Cumulative impacts and irreversible and irretrievable commitment of resources are discussed in separate sections following the discussions of each specific resource. Cumulative impacts are those which result from the incremental impacts of an action added to other past, present, and reasonably foreseeable actions, regardless of who is responsible for such actions. Irreversible and irretrievable impacts are permanent reductions or losses of resources that, once lost, cannot be regained.

This section of the EA will discuss only those environmental factors that would be impacted by the Proposed Action and Alternatives carried through for analysis, including the No-Action Alternative. Table 4-1 presents a comparison of the potential impacts by each area of concern.

TABLE 4-1 COMPARISON OF POTENTIAL IMPACTS			
Area of Impact		Proposed Action (checkpoint construction) (6-8 acres of disturbance)	No Action
Air Resources	ST: LT:	Insignificant No Impact	No Impact No Impact
Land Use	ST: LT:	Insignificant Beneficial	Insignificant Insignificant
Geological Resources	ST: LT:	Insignificant Insignificant	No Impact No Impact
Water Resources	ST: LT:	Insignificant No impact	No Impact No Impact
Cultural Resources	ST: LT:	Insignificant No Impact	No Impact No Impact
Biological Resources	ST: LT:	Insignificant Insignificant	Insignificant Insignificant
Noise	ST: LT:	Insignificant Insignificant	No Impact No Impact
Aesthetic Resources	ST: LT:	Insignificant Insignificant	No Impact No Impact
Solid/Hazardous Waste	ST: LT:	Insignificant No Impact	Insignificant Insignificant
Socioeconomic	ST: LT:	Beneficial Beneficial	Insignificant Insignificant

ST = Short-term Impact.

LT = Long-term Impact.

Beneficial = Impact would be favorable, producing an overall benefit.

Insignificant = Perceptible, but not significant impacts.

Significant = Potential impact which requires concern.

4.1 AIR RESOURCES

4.1.1 Preferred Alternative

Under the Proposed Action, exhaust pollutants would be created from on-site heavy equipment and vehicles bringing workers and building materials to the site. Additional equipment which could be used at the project site includes: a portable generator; a compressor for hand-operated tools; forklifts for moving materials, ready mix trucks for hauling and pouring concrete, and trucks to deliver construction materials. It is assumed that as many as four pieces of heavy equipment could be used simultaneously during the construction phase.

Such increases or impacts on ambient air quality during the construction/installation phase would be expected to be short-term and insignificant, and can be reduced further through the use of standard dust control techniques, including watering of the construction site. There would be no net increases in vehicular emissions associated with existence of the checkpoint, so no long-term impacts would be expected to occur.

4.1.2 No-Action Alternative

No change in baseline conditions would be expected from the No-Action Alternative. No checkpoint station would be constructed. Vehicles entering IH 35 from the Camino Colombia Toll Road would continue to travel along the interstate without passing through a checkpoint station, and security regarding drug trafficking and other illegal activity would continue to be breached by vehicles using this route from Mexico. No impacts to air resources would occur.

4.2 LAND USE

4.2.1 Preferred Alternative

Short-term impacts on land use will be insignificant and last the duration of the construction activities. Once construction has been completed, areas disturbed by construction activities would return to their original state over time. Therefore, no negative long-term impacts on land use are expected from implementation of the Preferred Alternative. A beneficial long-term impact could be realized from implementation of this project due to the increased surveillance by the USBP in this area. This increase would be recognized as a beneficial effect based on an expected decrease in illegal entry of people, drugs, and associated criminal activities in the Laredo area and the NAFTA corridor.

4.2.2 No-Action Alternative

Under the No-Action Alternative, baseline conditions would not change. No checkpoint station would be constructed. As noted above, vehicles entering IH 35 from the Camino Colombia Toll Road would continue to travel along the interstate without passing through a checkpoint station, and security regarding drug trafficking and other illegal activity would continue to be breached by vehicles using this route from Mexico.

4.3 GEOLOGICAL RESOURCES

4.3.1 Preferred Alternative

It is not likely that geologic hazards such as seismic events, landslides, subsidence, or increased flooding would result from implementation of the Preferred Alternative.

The probability of any soil contamination from on-site fuel systems could result from any spills as a result of construction activities would be reduced with the use of secondary containment. Additionally, no permanent sanitary facilities are planned for the project site, and any waste material generated during construction will be disposed of at an approved waste disposal site. Therefore, both short- and long-term impacts to geologic resources are expected to be insignificant.

4.3.2 No-Action Alternative

No impacts to topography or physiography would be expected from the No-Action Alternative. It is not likely that geologic hazards such as seismic events, landslides, subsidence, or increased flooding over current conditions would be impacted from this alternative.

4.4 WATER RESOURCES

4.4.1 Preferred Alternative

No permanent water sources exist within the project area. Therefore, no long-term impacts to surface water resources are expected from construction and implementation of the Preferred Alternative. Because the total area disturbed for this project appears to be greater than five acres, a Storm Water Pollution Prevention Plan is required for this project; this plan will be prepared prior to the start of construction.

Minimal water usage would be expected for the operation of the Preferred Alternative, and during the construction phase of the proposed project. The checkpoint station will at most require enough water for bathrooms and drinking water; no showers, laundry facilities, vehicle wash stations, or other features that use higher volumes of water will be installed. The checkpoint will use a septic system to dispose of its wastewater. As long as the septic system is properly designed and maintained, it should not impact groundwater. Overall, no long-term impacts on groundwater quality or quantity, surface water quality, or natural drainage patterns are expected.

The proposed project site does not fall within a 100-year floodplain and does not contain wetlands.

4.4.2 No-Action Alternative

No change in baseline conditions would be expected from the No-Action Alternative. No checkpoint station would be constructed. No impacts to water resources would be expected.

4.5 BIOLOGICAL RESOURCES

A site visit was conducted in January, 2002 to the proposed project site by a Biologist, Project

Manager, and Archaeologist from EComm, who were accompanied by a Laredo Station USBP Agent. A 100-percent survey was conducted for the approximately 15-acre site. This survey was conducted in an effort to inventory biological resources at the proposed project areas and evaluate the potential effects of the Proposed Action on these resources. Prior to the site reconnaissance, all available project-related literature was reviewed and information from TPWD and the USFWS was obtained regarding Federally and State-listed threatened and endangered species or special species of concern.

4.5.1 Preferred Alternative

4.5.1.1 Vegetation

Based on the typical layout of checkpoint stations used by the USBP's Laredo and Del Rio Sectors, it is estimated that vegetation would be cleared from approximately half of the property, or 7-8 acres. The vegetation that would be removed is common and widespread throughout the region. As such, the loss of vegetation due to the proposed construction is insignificant. In the unlikely event that specimens of a protected species were observed in the construction area, they would be flagged for avoidance prior to the start of construction. For those individuals that could not be avoided, coordination with TPWD would be conducted to facilitate salvage and relocation of the specimens. All TPWD requirements would be met prior to the inception of project activities.

4.5.1.2 Fish and Wildlife

No long-term impacts to either small mammal, reptile, and bird populations would be expected. Larger terrestrial wildlife movements should not be affected due to the presence of identical habitat surrounding the area of proposed construction and extending for many miles. Additionally, construction activities would be conducted only during daylight hours, and not during the early morning hours or night-time hours when wildlife species are most active. Therefore, short-term impacts on wildlife species are expected to be insignificant.

4.5.1.3 Threatened and Endangered Species

Under the Endangered Species Act, formal consultation with the USFWS is required for any action that may affect Federally-listed species. Additionally, Federal agencies are required to ensure that any action authorized, funded, or carried out by such agencies would not be likely to jeopardize the continued existence of any threatened or endangered species. A copy of the consultation letters with the USFWS and TPWD is presented in Appendix D.

No Federally- or State-listed threatened, endangered or proposed species were observed during January, 2002 pedestrian surveys of the proposed project area. It is not expected there would be any direct or indirect impacts to Federally- or State-listed threatened or endangered species. Specific habitat requirements for the majority of the listed species are not met in the immediate area of the proposed project site. No designated critical habitat for Federally- or State-listed species occurs within the area of the proposed project site.

Based on the information provided in Section 3.5.4 for both flora and fauna species, their preferred habitats, and lack of evidence that these species occur within the project area, it would be unlikely

that any Federally-listed threatened or endangered species would be found within the proposed project area, except on a transient basis. Additionally, impacts to all sensitive vegetation would be avoided or minimized. Therefore, the Preferred Alternative would have only an insignificant indirect short-term impact on Federally-listed threatened and endangered species.

4.5.2 No-Action Alternative

No change in baseline conditions would be expected from the No-Action Alternative. No checkpoint station would be constructed, and no impacts to biological resources would be expected.

4.6 NOISE

Noise naturally dissipates by atmospheric attenuation as it travels through the air. Some other factors that can affect the amount of attenuation are ground surface, foliage, topography, and humidity. For each doubling of distance from the source, the noise level can be expected to decrease by approximately 6 decibels (dB). This method is a very conservative estimate of noise levels. A significant impact would be an increase in the ambient noise levels to a level of physical discomfort, or 120 A-weighted decibels (dBA).

4.6.1 Preferred Alternative

Temporary construction noise impacts vary markedly because the noise intensity of construction equipment ranges widely as a function of the equipment and its level of activity. Short-term construction noise impacts tend to occur in discrete phases dominated initially by large earthmoving equipment and later by hand-operated tools. The noise produced by an assemblage of heavy equipment involved in urban, commercial, and industrial development typically ranges up to about 89 dBA at 50 feet from the source (USACE 1995).

Over the proposed project area, receptors are located well beyond these distances. Only insignificant noise impacts are expected from the construction phase of the proposed project and no noise impacts are expected during the operation phase of the project. Additionally, given the heavy traffic noise resulting from current traffic on the interstate, the noise expected from the proposed construction activities would not increase existing noise levels in the area.

4.6.2 No-Action Alternative

No change in baseline conditions would be expected under the No-Action Alternative. The No-Action alternative would have neither a short- nor long-term impact on the baseline noise condition within the proposed project area.

4.7 CULTURAL RESOURCES

4.7.1 Preferred Alternative

As noted in Section 3.7, the field survey identified a new archeological site, Site WB41612, within the boundaries of the proposed project area. Review of the proposed layout of the checkpoint and the constraints of the property boundaries determined that avoidance of the site is not possible. The

site is, therefore, undergoing testing for eligibility for the NRHP. The results of the testing are being documented under separate cover. The SHPO will make the final determination of the site's eligibility for inclusion on the NRHP and the level of mitigation required, if any. The project will not proceed until concurrence is obtained from the SHPO.

4.7.2 No-Action Alternative

No change in baseline conditions would be expected from the No-Action Alternative. No checkpoint station or detention area would be constructed, and no impacts to cultural resources would be expected.

4.8 AESTHETIC RESOURCES

4.8.1 Preferred Alternative

As noted in Section 3.7, the current visual characteristics of the general project area are open space and mostly flat, semi-arid brushland with patches of groundcover and other native vegetation. Under the Preferred Alternative, aesthetic resources would be insignificantly impacted by the construction activities. However, construction activities are short-term and would not have a permanent impact on the subject areas. Because there are existing power lines along the I-35 access road, paralleling the western property line, no additional power lines would be required for operation of the checkpoint. There would be no long-term impacts to aesthetic resources under this alternative.

4.8.2 No-Action Alternative

Under the No-Action Alternative, baseline conditions would not change. There would be no impacts to aesthetic resources.

4.9 SOLID AND HAZARDOUS WASTES

4.9.1 Preferred Alternative

Because of the random nature of illegal dumping along the border areas, it is difficult to determine the location and quantity of hazardous waste that may be present within the general project area. If hazardous materials or wastes are present, there would be a potential for exposure during construction activities. Construction personnel would be informed about the potential to encounter hazardous wastes that may be present on the site from dumping and the appropriate procedures to use if suspected hazardous contamination is encountered. Under the proposed project, it is assumed that worker-safety risks will be reduced through the implementation of standard safe practices, such as wearing hard hats, steel-toed boots, gloves, ear protection, face masks, safety vests, and other equipment, where appropriate and/or prescribed by State and/or Federal worker health and safety laws and regulations.

During construction and installation activities, fuels, oils, lubricants, and other hazardous materials will be used. An accidental release or spill of any of these substances could occur. A spill could result in potentially adverse impacts to on-site soils and threaten the health of the local population,

as well as wildlife and vegetation. However, the amounts of fuel and other lubricants and oils would be limited, and the equipment to quickly limit any contamination would be located on site. Additionally, a Spill Prevention, Control and Countermeasures Plan (SPCCP) will be in-place prior to construction, and all personnel will be briefed on the implementation and responsibilities of the plan. As a result, only short-term insignificant impacts would be expected from construction activities. No long-term impacts are expected from the implementation of the Preferred Alternative.

4.9.2 No-Action Alternative

Under the No-Action Alternative, baseline conditions would not change. Vehicles entering IH 35 from the Camino Colombia Toll Road would continue to travel along the interstate without passing through a checkpoint station, and security regarding drug trafficking and other illegal activity would continue to be breached by vehicles using this route from Mexico. Impacts on due to uncontrolled vehicle traffic would be insignificant.

4.10 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

4.10.1 Socioeconomics of Preferred Alternative

This alternative would provide direct and indirect economic benefits to area companies and employees as a result of construction activities, and through economic multiplier effects. The impacts on the socioeconomic resources in the region of influence (ROI) such as population, employment, income, and business sales would be beneficial. As a result, the overall area population would not be significantly impacted.

Direct expenditures associated with the proposed project would have a minimal impact on employment, income, and sales within the ROI. Although most labor and some materials would be brought into the local area, some expenditures are expected to occur within the ROI. Short-term increases in local revenues for commercial establishments, trade centers, and retail sales will result from the purchase of supplies and equipment rental. Any potential impacts from the construction activities would easily be absorbed into the broader economy of the ROI.

The socioeconomic impacts of this alternative are expected to be beneficial due to the expected increase in alien apprehensions, decrease in drug trafficking and smuggling, and improved security against potential terrorist infiltration. Additionally, the increased patrols would contribute to the reduction of socioeconomic impacts and burdens that currently exist on local law enforcement and the medical communities in the surrounding areas.

4.10.2 Environmental Justice of the Preferred Alternative

EO 12898 of 11 February 1994, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," required that each U.S. Federal agency identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its program, policies, and activities on minority and low income populations in the U.S.

The proposed construction would not restrict the flow of legal visitation, trade, or immigration. Therefore, there would be no expected disproportionately high or adverse impacts on minority or

low-income populations. Under the definition of EO 12898, there would be no adverse short or long-term environmental justice impacts.

4.10.3 No-Action Alternative

Under the No-Action Alternative, the region would continue to experience immeasurable impacts to law enforcement agencies, medical institutions, and other socioeconomic organizations in the community as a result of continued alien entry, drug trafficking, smuggling, and associated crime. This impact on environmental justice or the socioeconomic resources in the ROI would continue under the No-Action Alternative.

4.11 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Irreversible and irretrievable commitments of resources would include a minimal amount of soil lost through wind and water erosion, a minor loss of small animal habitat due to construction activities, loss of cultural resources mitigated through a treatment plan, and loss of materials, energy and manpower expended during construction of the project.

4.12 CUMULATIVE IMPACTS

The assessment of cumulative impacts is addressed in NEPA by its reference to interrelations of all components of the natural environment. The CEQ defined cumulative impact as the incremental impact of multiple past, present, and future actions with individually minor but collectively significant effects. Cumulative impacts can be concisely defined as the total effect of multiple land uses and developments, including their interrelationships, on the environment (Bain *et al.* 1986).

4.12.1 Past Projects

Only one EA was made available for review as part of this project. This EA addressed the construction of the Camino Colombia Toll Road (Hicks and Company 1993) and was prepared for the Texas Department of Transportation. This EA concluded that construction of the toll road, combined with appropriate mitigation measures, would not result in any significant adverse environmental impacts. It did not address cumulative impacts, however. INS also prepared an EA for a proposed detention facility in the I-35 corridor between San Antonio and Laredo. The cumulative impacts of the proposed checkpoint construction combined with construction of the Toll Road and the detention center, however, are insignificant due to the availability of large areas of similar undisturbed vegetation and habitat throughout south Texas.

Positive cumulative benefits have resulted from past INS activities. Additional knowledge regarding cultural resources, threatened or endangered species' locations, distribution, and life requisites has been obtained through surveys and monitoring efforts associated with INS construction projects. Erosion has been alleviated along some roads, and fences have precluded illegal foot and vehicular traffic through environmentally sensitive areas. Additionally, the increase in infrastructure has allowed the USBP to enhance its ability to enforce security in border areas. Without the past infrastructure improvements, illegal entrants would quickly identify areas that were either limited or void of adequate infrastructure and relocate their operations to these areas. The USBP would either have to increase their enforcement footprint farther to the north, thereby

decreasing the chance for apprehension, or increase the risk to the agents' health and safety by requiring that they enter high traffic areas without sufficient roads, barriers, or other infrastructure components.

4.12.2 Current and Future Projects

The USBP indicated that no other USBP or INS projects were planned for the I-35 corridor north of Laredo. The Laredo metropolitan area, however, is growing rapidly, and it is likely that this growth will include a variety of public works and infrastructure projects. Such growth may warrant a greater USBP presence in the future and may result in the need for future construction projects.

A key factor to consider in assessing potential cumulative impacts of future USBP projects in the area is the lack of a cause-and-effect relationship between such projects and the overall development of the area. While public works and infrastructure projects may facilitate further growth, the Proposed Action and any other such future USBP projects do not. The cause-and-effect relationship with development is effectively reversed for projects such as those typically undertaken by the USBP- it is development of an area that attracts smugglers of drugs and illegal aliens and thus necessitates an increased USBP presence. The Proposed Action addressed by this EA, for example, is very unlikely to lead directly to increased growth of the area, and its impacts on the natural environment are negligible compared to those resulting from the development that will likely occur whether or not it is implemented. It is likely that the same would be true of future USBP construction activities. As such, it is unlikely that future USBP projects would result in significant adverse indirect effects.

A positive cumulative impact will be realized by the additional cultural resource baseline data that has been gathered during the production of the various environmental documents and the data recovery and testing activities, such as those noted in this environmental assessment. The USBP will continue to coordinate fully with the Texas State Historic Preservation Officer, as required by Section 106 of the National Historic Preservation Act, for all of its future construction projects on undeveloped property. Future USBP actions would follow the same strategy of avoidance (if possible) of cultural resources.

Direct cumulative impacts on economics from future USBP projects would be expected to be beneficial but insignificant, depending upon the amount of local expenditures and economic multipliers in the region (USACE 2000). However, the cumulative impact to the quality of life in Laredo, and in all communities for which intercepted drugs and illegal aliens were destined, could be significant and beneficial if the USBP is successful at curbing illegal entry and drug trafficking. In addition, the entire country will benefit from any and all improvements in the USBP's ability to intercept potential terrorists attempting to infiltrate our borders.

When combined with past, present, and known future projects in the Laredo area, it is difficult to determine the exact indirect impacts. However, USBP construction activities would have been (and will continue to be) subject to analysis under the existing laws protecting the environment. The greatest cumulative impacts (both direct and indirect) resulting from the growth of the population in Laredo would be to soils, water supply, air quality, land use, and socioeconomics. Responsible growth by the city would have insignificant cumulative impacts on biological and cultural resources.

4.12.3 No Action Alternative

The No Action Alternative would result in no additional direct effects on the area's resources. Vehicles entering IH 35 from the Camino Colombia Toll Road would continue to travel along the interstate without passing through a checkpoint station, and security against drug trafficking, possible terrorist infiltration, and other illegal activity would continue to be breached by vehicles using this route from Mexico. Additionally, the current rate of growth for the area would most likely continue, thereby causing a possible increase in illegal alien entries and drug activities.

5.0 MITIGATION MEASURES

This chapter describes environmental design measures that would be implemented as part of the proposed project to reduce or eliminate impacts from construction activities. Due to the short-term nature of the proposed construction activities, impacts are expected to be insignificant; therefore, mitigation measures are only described for those resources with potential for impacts.

5.1 WATER RESOURCES

Standard erosion control measures such as silt fences, water bars, hay bales, and revegetation would be implemented to minimize the potential for erosion and sedimentation during construction activities. As previously noted, a SWPPP will be prepared prior to construction and will specify the exact measures to be employed. All work would cease during heavy rains and would not resume until conditions are suitable for the movement of equipment and material. Storage or staging sites would be located at least 0.50 miles from wildlife or livestock tanks or other permanent surface water bodies to reduce potential effects of accidental spills. Conservation measures would be implemented to preclude unnecessary waste of water supplies. Discharges of gray water and other wastes to drainages or other water courses/bodies will be prohibited. Portable latrines, provided and maintained by licensed contractors, would be used to the extent practicable during construction and operational support activities.

5.2 AIR QUALITY

Mitigation measures would include dust suppression methods to minimize airborne particulate matter that would be created during construction activities. Additionally, all construction equipment and vehicles will be required to be kept in good operating condition to minimize exhaust emissions. Standard construction practices would be used to control fugitive dust during the construction phases of the proposed project. Coordination with USEPA Region 6 will be performed to provide specific notification of Proposed Actions and obtain necessary permits for operators of equipment and vehicles in accordance with air quality regulations.

5.3 BIOLOGICAL RESOURCES

Impacts to existing vegetation during construction activities will be minimized through avoidance. Disturbed sites would be utilized to the maximum extent practicable for construction and operational support activities. Additionally, attempts to minimize loss of vegetation may include: (1) trimming vegetation along roadsides rather than removing the entire plant; (2) requiring heavy equipment to utilize road pullouts or other such disturbed areas; and (3) considering the possibility of revegetative efforts. Native seeds or plants which are compatible with the enhancement of protected species will be used to the extent feasible, as required under Section 7(a)(1) of the Endangered Species Act.

Additional mitigation measures will include best management practices during construction to minimize or prevent erosion and soil loss. Vehicular traffic associated with engineering and operational support activities will remain on established roads to the maximum extent practicable. Areas with highly erodible soils will be given special consideration when designing the proposed project activities to ensure incorporation of various compaction techniques, aggregate materials,

wetting compounds, and revegetation to ameliorate the subsequent soil erosion. Borrow materials, if required, will be obtained from established borrow pits or from approved on-site sources.

5.4 NOISE

During the construction phase, noise impacts are anticipated at local human receptors. As required by Occupational Safety and Health Administration (OSHA), earplugs will be worn by employees working in environments with continuous noise levels of 8 hours per day above 90 dBA. Because of the increased noise sensitivity during quiet hours, time limits on on-site construction activities are warranted for grading and the use of heavy equipment. On-site activities will be restricted to daylight hours on Monday through Saturday, except in emergency situations, and only maintenance of equipment permitted on Sundays. Additionally, all construction equipment will possess properly working mufflers and be kept in a proper state of tune to reduce backfires. Implementation of these measures will reduce noise impacts to an insignificant level.

5.5 CULTURAL RESOURCES

To mitigate these potential adverse impacts on site 41WB612, the site is undergoing testing for eligibility for inclusion on the NRHP. The findings of the testing will be submitted to the SHPO in a separate report. The SHPO will make the final determination of the site's eligibility for the NRHP and the need for further mitigation, if any. Construction will not proceed until concurrence from the SHPO has been obtained. If evidence of additional archeological deposits is encountered during construction, work in the immediate area will cease and USACE archeological staff will be contacted to initiate accidental discovery procedures under the measures contained in 36 CFR Part 800.

5.6 SOLID AND HAZARDOUS WASTES

With proper handling, storage, and/or disposal of hazardous and/or regulated materials there would be no significant adverse impacts to onsite workers and neighboring flora and fauna. To minimize potential impacts from hazardous and regulated materials, all fuels, waste oils, and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein.

The refueling of machinery will be completed following accepted guidelines, and all vehicles will have drip pans during storage to contain minor spills and drips. Although it would be unlikely for a major spill to occur, any spill of five gallons or more will be contained immediately within an earthen dike, and the application an absorbent (e.g., granular, pillow, sock, etc) will be used to absorb and contain the spill. Any major spill of a hazardous or regulated substance will be reported to on-site environmental personnel who would notify appropriate Federal and State agencies.

Additionally, all personnel will be briefed on the correct procedures for prevention of and response to a spill. A Spill Prevention Plan will be in place prior to the start of construction, and all personnel will be briefed on the implementation and responsibilities of this plan. Adoption and full implementation of the construction measures described above will reduce adverse hazardous/regulated substances impacts to insignificant levels.

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

6.0 PUBLIC INVOLVEMENT

This chapter discusses consultation and coordination that occurred in the preparation of this document. This includes contacts made during development of the Proposed Action, elimination of alternatives, and writing of the EA. Formal and informal coordination has been conducted with the following agencies:

- Immigration and Naturalization Service (INS);
- U.S. Border Patrol (USBP);
- U. S. Army Corps of Engineers (Fort Worth District);
- Texas Parks and Wildlife Department
- State Historic Preservation Office (SHPO);
- U.S. Fish and Wildlife Service (USFWS);

The Draft EA was made available for public review and letters of coordination can be found in Appendix C. Appendix D contains a copy of the Public Notice of Availability.

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9.0 LIST OF ACRONYMS AND ABBREVIATIONS

AR	Army Regulation
ARNG	Army National Guard
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
C	Candidate
CA	California
CAA	Clean Air Act
CERL	Construction Engineering Research Laboratory
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CMP	Corrugated Metal Pipe
CO	Carbon Monoxide
CWA	Clean Water Act
dB	Decibel
dBA	A-weighted decibels
DoD	Department of Defense
DOJ	Department of Justice
EA	Environmental Assessment
e.g.	for example
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
FCAA	Federal Clean Air Act
FIFRA	Federal Insecticides, Fungicide and Rodenticide Act
FONSI	Finding of No Significant Impact
FY	Fiscal Year
GAO	General Accounting Office
GPS	Global Positioning System
HC	Exhaust Hydrocarbons
HCHO	Aldehydes
HMTA	Hazardous Materials Transportation Act
Hz	Hertz
IBWC	International Boundary and Water Commission
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act
INA	Immigration and Nationality Act
INS	Immigration and Naturalization Service
IRT	Innovative Readiness Training
Ldn	Day/Night Noise Level
LE	Listed Endangered
LEA	Law Enforcement Agencies
LT	Long-term
MET	Meteorological
MFR	Memorandum for Record

LIST OF ACRONYMS AND ABBREVIATIONS (CONT.)

MOU	Memorandum of Understanding
NAAQS	National Ambient Air Quality Standards
NDCS	National Drug Control Strategy
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOA	Notice of Availability
NO _x	Nitrogen Oxides
NPDES	National Pollutant Discharge Elimination System
NPL	Native Plant Law
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NWP	Nationwide Permit
OHWM	Ordinary High Water Mark
OSHA	Occupational Safety and Health Administration
PEIS	Programmatic Environmental Impact Statement
PL	Public Law
PM ₁₀	Particulates
POE	Port of Entry
PSD	Prevention of Significant Deterioration
RCRA	Resource Conservation and Recovery Act
ROI	Region of Influence
ROW	Right of Way
RVS	Remote Video Surveillance
S	Sensitive
SARA	Superfund Amendments and Reauthorization Act
SC	Species of Concern
SDWA	Safe Drinking Water Act
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SO _x	Sulfur Oxides
SPCCP	Spill Prevention, Control, and Countermeasures Plan
ST	Short-term
TSCA	Toxic Substances Control Act
TX	Texas
UDA	Undocumented Alien
U.S.	United States of America
USACE	United States Army Corps of Engineers
USBP	United States Border Patrol
USC	United States Code
USEPA	Environmental Protection Agency
USFWS	United States Fish and Wildlife Service



Photo 1. Typical vegetation of project area.



Photo 2. View of project area from IH-35 access road.

National Ambient Air Quality Standards*

Air Pollutant	Type Average	National Standards*	
		of Primary ⁽¹⁾ ($\mu\text{g}/\text{m}^3$)	Secondary ⁽²⁾ ($\mu\text{g}/\text{m}^3$)
Carbon Monoxide (CO)	1-hr	40,000	---
	8-hr	10,000	---
Inhalable Particulate Matter (PM ₁₀)	24-hr	150	---
	AAM ⁽³⁾	50	---
Lead (Pb)	Calendar		
	Quarter	1.5	---
	3-months		
Nitrogen Dioxide (NO ₂)	AAM ⁽³⁾	100	100
Ozone (O ₃)	1-hr	235	235
Sulfur Dioxide (SO ₂)	30-min	---	---
	3-hr	---	1,300
	24-hr	365	---
	AAM ⁽³⁾	80	---
Total Suspended Particulate Matter (TSP)	1-hr	---	---
	3-hr	---	---
Hydrogen Sulfide (H ₂ S)	30-min	---	---
Sulfuric Acid (H ₂ SO ₄)	1-hr	---	---
	24-hr	---	---
Inorganic Fluoride Compounds (as HF)	3-hr	---	---
	12-hr	---	---
	24-hr	---	---
	7-day	---	---
	30-day	---	---
Beryllium	24-hr	---	---
Other Hazardous and Odorous Pollutants	30-min	---	---
	AAM ⁽³⁾	---	---

¹ National Primary Standards establish the level of air quality necessary to protect the public health from any known or anticipated adverse effects of a pollutant, allowing a margin of safety to protect sensitive members of the population.

² National Secondary Standards establish the level of air quality necessary to protect the public welfare by preventing injury to agricultural crops and livestock, deterioration of materials and property, and adverse impact on the environment.

³ Annual Arithmetic Mean.

⁴ If it affects a residential area, business, or commercial property.

⁵ If it affects only a property used for other than residential, recreational, business, or commercial purpose.

* Adapted from 40 CFR 50.

FEB. -07 02 (THU) 09:49

USACE-CESWF-EV

TEL: 8178866499

P. 003

February 4, 2002

Planning, Environmental, and Regulatory Division

U.S. Fish and Wildlife Service
Ecological Services
ATTN: Field Supervisor
c/o Corpus Christi State University
Campus Box 338
6300 Ocean Drive
Corpus Christi, TX 78412

Dear Field Supervisor:

The U.S. Army Corps of Engineers, Fort Worth District, is preparing a Draft Environmental Assessment (EA) addressing the proposed construction of a vehicle checkpoint by the U.S. Border Patrol (USBP) north of the City of Laredo, Webb County, Texas. The proposed construction would be located on the east side of Interstate Highway 35 at Mile Marker 29. The enclosed map indicates the proposed location of this facility. This proposed project has been requested by the USBP to support its mission of curtailing the smuggling of drugs and illegal aliens into the U.S. and protects National security.

The proposed project would entail construction of a small office building, a canopy, associated outbuildings and paving of entrance and exit lanes, six inspection lanes, and small parking areas for USBP personnel on a portion of a 15-acre property. It is estimated that approximately half of the property would be disturbed by the proposed construction. This area is currently used for ranching and deer hunting. The action is proposed to begin in the summer of 2002.

We are contacting your office to solicit your assistance in determining if any federally listed threatened, endangered, or other species of concern near the proposed project site could be impacted by the Proposed Action. Since the USFWS web site is unavailable, a listing of threatened and endangered species has been retrieved from the Texas Parks and Wildlife Department, and is enclosed (Attachment 2). Please notify us, at your earliest convenience, if there have been any changes to this list since its publication.

A copy of the draft EA will be forwarded to your office upon completion. If you require any additional information at this time please contact Mr. Charles McGregor of my staff at 817/886-1708.

Sincerely,

William Fickel, Jr.
Planning, Environmental and
Regulatory Division

Attachments

McGregor, 6-1708
Paxton, PER-EE
Hathorn, PER-EE
Fickel, PER-EE

FEB. -07 02 (THU) 09:49

USACE-CESWF-EV

TEL: 8178866499

P. 002

February 4, 2002

Planning, Environmental, and Regulatory Division

Ms. Dorinda Sullivan
Natural Heritage Program
Texas Parks and Wildlife Department
3000 IH-35 South, Suite 100
Austin, Texas 78704

Dear Ms. Sullivan:

The U.S. Army Corps of Engineers, Fort Worth District, is preparing a Draft Environmental Assessment (EA) addressing the proposed construction of a vehicle checkpoint by the U.S. Border Patrol (USBP) north of the City of Laredo, Webb County, Texas. The proposed construction would be located on the east side of Interstate Highway 35 at Mile Marker 29. The enclosed map indicates the proposed location of this facility. This proposed project has been requested by the USBP to support its mission of curtailing the smuggling of drugs and illegal aliens into the U.S. and protects National security.

The proposed project would entail construction of a small office building, a canopy, associated outbuildings and paving of entrance and exit lanes, six inspection lanes, and small parking areas for USBP personnel on a portion of a 15-acre property. It is estimated that approximately half of the property would be disturbed by the proposed construction. This area is currently used for ranching and deer hunting. The action is proposed to begin in the summer of 2002.

We are contacting your office to solicit your assistance in determining if any state-listed threatened, endangered, or other species of concern near the proposed project site could be impacted by the Proposed Action. A listing of threatened and endangered species has been retrieved from your office, and is enclosed (Attachment 2). Please notify us, at your earliest convenience, if there have been any changes to this list since its publication.

A copy of the draft EA will be forwarded to your office upon completion. If you require any additional information at this time please contact Mr. Charles McGregor of my staff at 817-886-1708.

Sincerely,

William Fickel, Jr.
Planning, Environmental and
Regulatory Division

Attachments

McGregor, 6-1708
Paxton, PER-EE
Hathorn, PER-EE
Fickel, PER-EE



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

REPLY TO
ATTENTION OF:

February 5, 2002

Planning, Environmental and Regulatory Division

**SUBJECT: Environmental Assessment for Construction of U.S. Border Patrol
Checkpoint near Laredo, Texas**

Texas Historical Commission
Archaeology Division
ATTN: Ms. Debra Beene
Capitol Station
P.O. Box 12276
Austin, TX 78711-2276

Dear Ms. Beene:

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, the Fort Worth District of the US Army Corps of Engineers, acting on behalf of the INS and the USBP, is initiating the Section 106 process for the above-mentioned proposed project and we wish to consult with you regarding this proposed action. Also, the Fort Worth District is preparing a Draft Environmental Assessment (EA) addressing the proposed construction of a vehicle checkpoint by the U.S. Border Patrol (USBP) north of the City of Laredo, Webb County, Texas. The proposed construction would be located on the east side of Interstate Highway 35 at Mile Marker 29. The enclosed map indicates the proposed location of this facility (Attachment 1; map is from the Callaghan Ranch North 7.5-minute USGS quadrangle). This proposed project has been requested by the USBP to support its mission of curtailing the smuggling of drugs and illegal aliens into the U.S. and to protect National security.

The proposed project would entail construction of a small office building, a canopy, associated outbuildings and paving of entrance and exit lanes, six inspection lanes, and small parking areas for USBP personnel on a portion of a 15-acre property. It is estimated that approximately half of the property would be disturbed by the proposed construction. This area is currently used for ranching and deer hunting. The action is proposed to begin in the summer of 2002.

A cultural resources pedestrian survey was undertaken within the Area of Potential Effect (APE). A total of 15.386 acres were surveyed at the proposed checkpoint and one

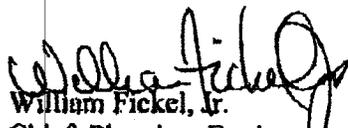
-2-

archaeological site was found and recorded. A trinomial number has been requested for the site. It is a low-density scatter of prehistoric lithic material. No diagnostic material or features were located. The site is situated at the southwestern corner of the proposed site area and will be avoided throughout the construction of the checkpoint. The site will be thoroughly flagged and roped off so that no encroachment on the site area occurs. The enclosed Proposed Construction Plan illustrates the configuration of the checkpoint station. The archaeological site is located in the southwest portion of that area (see Figure 1 in archaeological survey report). Enclosed is a plan map of the proposed geotechnical borings that will take place within three (3) weeks. As noted on that map one of the proposed drilling sites has been deleted and the other has been moved north well out of the range of the existing site. With these accommodations within the proposed checkpoint station area no impacts will occur to the archaeological site.

The site will be avoided and therefore, in accordance with 36 CFR Part 800.4(d), we wish to request your concurrence in a determination of no historic properties affected. If we have not heard from you within 30 days of receipt of this request, we will assume your concurrence with our determination of no historic properties affected.

If you have any questions regarding this proposed project, please contact Ms. Patience Patterson at (817) 886-1723.

Sincerely,


William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures



REPLY TO
ATTENTION OF

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

February 5, 2002

RECEIVED

FEB 08 2002

Planning, Environmental and Regulatory Division

TEXAS HISTORICAL COMMISSION

SUBJECT: Environmental Assessment for Construction of U.S. Border Patrol
Checkpoint near Laredo, Texas

Texas Historical Commission
Archaeology Division
ATTN: Ms. Debra Beene
Capitol Station
P.O. Box 12276
Austin, TX 78711-2276

Dear Ms. Beene:

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*ckpoint
near
Laredo
some
project?*

The proposed project would entail construction of a small office building, a canopy, associated outbuildings and paving of entrance and exit lanes, six inspection lanes, and small parking areas for USBP personnel on a portion of a 15-acre property. It is estimated that approximately half of the property would be disturbed by the proposed construction. This area is currently used for ranching and deer hunting. The action is proposed to begin in the summer of 2002.

A cultural resources pedestrian survey was undertaken within the Area of Potential Effect (APE). A total of 15.386 acres were surveyed at the proposed checkpoint and one

archaeological site was found and recorded. A trinomial number has been requested for the site. It is a low-density scatter of prehistoric lithic material. No diagnostic material or features were located. The site is situated at the southwestern corner of the proposed site area and will be avoided throughout the construction of the checkpoint. The site will be thoroughly flagged and roped off so that no encroachment on the site area occurs. The enclosed Proposed Construction Plan illustrates the configuration of the checkpoint station. The archaeological site is located in the southwest portion of that area (see Figure 1 in archaeological survey report). Enclosed is a plan map of the proposed geotechnical borings that will take place within three (3) weeks. As noted on that map one of the proposed drilling sites has been deleted and the other has been moved north well out of the range of the existing site. With these accommodations within the proposed checkpoint station area no impacts will occur to the archaeological site.

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Sincerely,

William Fickel, Jr.
 William Fickel, Jr.
 Chief, Planning, Environmental
 and Regulatory Division

Enclosures

DRAFT REPORT
 ACCEPTABLE
 Please submit 3 report copies
 by *William A. Pratt*
 for F. Lawrence Oaks
 State Historic Preservation Officer
 Date *2/12/02*

NO HISTORIC
 PROPERTIES AFFECTED *
 PROJECT MAY PROCEED

By *William A. Pratt*
 for F. Lawrence Oaks
 State Historic Preservation Officer
 Date *2/12/02*
** w/ avoidance as recommended*



February 21, 2002

Mr. William Fickel
Planning, Environmental, and Regulatory Division
US Army Corps of Engineers
Fort Worth District
PO Box 17300
Fort Worth, Texas 76102-0300

COMMISSIONERS
KATHARINE ARMSTRONG IDSAL
CHAIRMAN, SAN ANTONIO

ERNEST ANGELO, JR.
VICE-CHAIRMAN, MIDLAND

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DONATO D. RAMOS
LAREDO

MARK E. WATSON, JR.
SAN ANTONIO

LEE M. BASS
CHAIRMAN-EMERITUS
FORT WORTH

ANDREW SANSOM
EXECUTIVE DIRECTOR

Dear Mr. Fickel:

This letter is in response to your review request, dated February 4, 2002, for rare and threatened and endangered (T&E) species within or near the proposed US Border Patrol construction of a vehicle checkpoint along IH 35 at Mile Marker 29 north of Laredo, Webb County.

Given the small proportion of public versus private land in Texas, the TPWD Biological and Conservation Data System (BCD) does not include a representative inventory of rare resources in the state. Although it is based on the best data available to TPWD regarding rare species, the data from the BCD do not provide a definitive statement as to the presence, absence, or condition of special species, natural communities, or other significant features in the project area. These data cannot substitute for an on-site evaluation by qualified biologists. The BCD information is intended to assist the applicant in avoiding harm to species that may occur on the project site.

Based on the project as presented, the TPWD Webb County list, and presently known BCD records for the general project area, the following rare and T&E species could be impacted by proposed project activities, if suitable habitat is present:

Federal and State Listed Endangered

Johnston's frankenia (*Frankenia johnstonii*)
Ashy dogweed (*Thymophylla tephroleuca*)

State Listed Threatened

Reticulate Collared Lizard (*Crotaphytus reticulatus*)
Indigo Snake (*Drymarchon corais*)
Texas Tortoise (*Gopherus berlandieri*)
Texas Horned Lizard (*Phrynosoma cornutum*)

Enclosed is a copy of the TPWD list of rare and T&E species for Webb County. TPWD recommends the county list be reviewed entirely as species could be present depending upon habitat availability. If rare or T&E plant or animal species are found

Give Thanks for
the Memories...



Lone Star Legacy.

Give to the
Lone Star Legacy
Endowment Fund

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

To manage and conserve the natural and cultural resources of Texas for the
use and enjoyment of present and future generations.

webb_checkpoint.doc

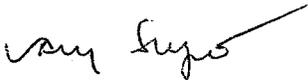
within or near the project area, TPWD recommends precautions be taken to avoid adverse impacts to them. TPWD also recommends the US Fish and Wildlife Service (FWS) Corpus Christi Ecological Services office be contacted at (361) 994-9005 for more information on Endangered Species Act compliance.

Please use the enclosed "Threatened and Endangered Species Review" form with all future review request letters. Providing more information with your review requests is valuable when reviewing projects, allows for a more focused review, and often expedites the review process. If you would like this form sent to you electronically, please contact me.

This letter does not constitute a general review of fish and wildlife impacts that might result from the activity for which this information is provided. Should you need such a review, contact Kathy Boydston, TPWD Wildlife Habitat Assessment Program, Wildlife Division (512) 389-4571.

Thank you for the opportunity to comment on this project. If you have any questions or need additional assistance, please do not hesitate to contact me at (512) 912-7054.

Sincerely,



Amy Sugeno, Habitat Review Assistant
Wildlife Habitat Assessment Program, Wildlife Division
Threatened and Endangered Species

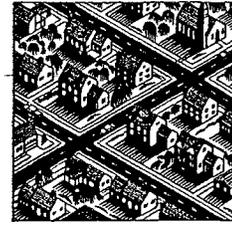
Enclosure

TEXAS PARKS AND WILDLIFE



Wildlife Habitat Assessment Program Threatened and Endangered Species Review 3000 S. IH-35, Suite 100

Austin, Texas 78704
512/912-7011 phone
512/912-7058 fax
www.tpwd.state.tx.us



Threatened and Endangered Species Review

This service includes an analysis of your site-specific assessment of environmental information and impacts on threatened, endangered, and other rare species, natural communities, and special features presently known and/or potentially occurring in the vicinity of a project. Please complete this form, attach a write-up for Numbers 1 through 8 listed below, and send this information to us at the above address. We will provide you an analysis and/or recommendations based on the most current information available to Texas Parks and Wildlife regarding these sensitive natural resources. Please allow up to 8 weeks for review, depending on the size of your request. Note that the more information you provide, the more customized our review, and the faster our turnaround. If you need only **state or county level information** for preliminary project planning, in lieu of this form please contact our administrative staff at (512) 912-7011.

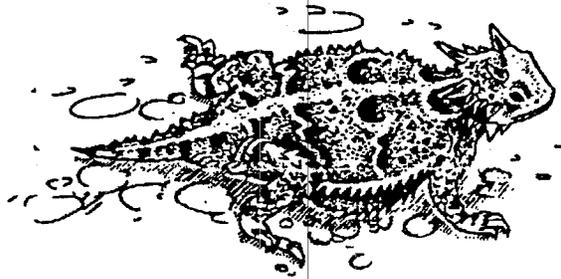
NAME
COMPANY
ADDRESS
Project Title:

DATE
PHONE
FAX
County(ies):

- 1) Scope of Project – Why is the review being requested?
 - a) What regulations will this review help you to comply with?
 - b) What activities will be conducted at the site?
- 2) Vegetation - structure and composition, vegetation layers, height of layers, dominant species
- 3) Other Natural Resources/Physical features - watercourses, soils, geology, animals, etc.
- 4) Improvements - extent of pavement, gravel, shell, or other cover; buildings, landscaped, xeriscaped, drainage system, etc).

- Threatened and Endangered Species Review, contd. -

- 5) Historic Use of Site - Describe in detail.
- 6) Has a T & E survey already been performed? If Yes, provide surveyor name, qualifications, survey method; acreage surveyed; level of effort; weather conditions, time of day, and dates the survey was performed.
- 7) Description of potential negative impacts from project activities and avoidance, minimization, and mitigation measures planned. Describe briefly.
- 8) Description of planned beneficial enhancements or restoration efforts. Describe briefly.
- 9) Original(s) or photocopy(ies) of relevant portion(s) of USGS 7.5' topographic quadrangle(s) or best map(s) available.
- 10) Original(s) or color-copied photograph(s), or aerial photograph(s).



TPWD would like to inform you that due to the increase in requests for **threatened and endangered species review** of proposed projects, charges have been instituted for this service. Since TPWD is largely a self-funded agency, this revenue will allow for additional staffing to provide more timely responses to review requests. The charges are based on a flat fee (minimum charge of \$50/project site), except when the project is unusually large (\$25/additional hour). The response letter for these projects will be provided within 8 weeks, longer for large projects, and accompanied by an invoice, which will be due upon receipt. Government agencies are exempted from these charges. Private consultants performing work under contract for government entities will be charged.



The Texas Biological
and Conservation Data System



The Texas Biological and Conservation Data System (TXBCD), established in 1983, is the Department's most comprehensive source of information on rare, threatened, and endangered plants and animals, exemplary natural communities, and other significant features. Though it is not all-inclusive, the TXBCD is constantly updated, providing current or additional information on statewide status and locations of these unique elements of natural diversity.

The TXBCD gathers biological information from museum and herbarium collection records, publications, experts in the scientific community, organizations, individuals, and on-site field surveys conducted by TPWD staff on public lands or private lands with written permission. TPWD staff botanists, zoologists, and ecologists perform field surveys to locate and verify specific occurrences of high-priority biological elements and collect accurate information on their condition, quality, and management needs.

The TXBCD can be used to help evaluate the environmental impacts of routing and siting options for development projects. It also assists in impact assessment, environmental review, and permit review.

Given the small proportion of public versus private land in Texas, the TXBCD does not include a representative inventory of rare resources in the state. Although it is based on the best data available to TPWD regarding rare species, these data cannot provide a definitive statement as to the presence, absence, or condition of special species, natural communities, or other significant features in any area. Nor can these data substitute for on-site evaluation by qualified biologists. The TXBCD information is intended to assist the user in avoiding harm to species that may occur.

Please use the following citation to credit the TXBCD as the source for this county level information:

Texas Biological and Conservation Data System. Texas Parks and Wildlife, Wildlife Diversity Branch. County Lists of Texas' Special Species. [county name(s) and revised date(s)].

For information on obtaining a project review form or a site-specific review of a project area for rare species, please call (512) 912-7011.



Notes for
County Lists of
Texas' Special Species



The Texas Parks and Wildlife (TPWD) county lists **include**:

Vertebrates, Invertebrates, and Vascular Plants on the special species lists of the Texas Biological and Conservation Data System. These special species lists are comprised of all species, subspecies, and varieties that are federally listed; proposed to be federally listed; have federal candidate status; are state listed; or carry a global conservation status indicating a species is imperiled, very rare, or vulnerable to extirpation.

Colonial Waterbird Nesting Areas and Migratory Songbird Fallout Areas are contained on the county lists for coastal counties only.

The TPWD county lists **exclude**:

Natural Plant Communities such as Little Bluestem-Indiangrass Series (native prairie remnant), Water Oak-Willow Oak Series (bottomland hardwood community), Saltgrass-Cordgrass Series (salt or brackish marsh), Sphagnum-Beakrush Series (seepage bog).

Other Significant Features such as non-coastal bird rookeries, migratory bird information, bat roosts, bat caves, invertebrate caves, and prairie dog towns.

The **revised date** on each county list reflects the last date any changes or revisions were made for that county and reflects current listing statuses and taxonomy.

Species that appear on county lists do not all share the same probability of occurrence within a county. Some species are migrants or wintering residents only. Additionally, a few species may be historic or considered extirpated within a county. Species considered extirpated within the state are so flagged on each list.

TEXAS PARKS AND WILDLIFE DEPARTMENT
 ENDANGERED RESOURCES BRANCH
 SPECIAL SPECIES LIST
 WEBB COUNTY

Revised:
 98-03-31

Scientific Name	Common Name	Federal Status	State Status
*** BIRDS			
BUTEO ALBICAUDATUS	WHITE-TAILED HAWK		T
BUTEO NITIDUS	GRAY HAWK		T
BUTEOGALLUS ANTHRACINUS	COMMON BLACK-HAWK		T
FALCO PEREGRINUS ANATUM	AMERICAN PEREGRINE FALCON	LE DL	E
FALCO PEREGRINUS TUNDRIUS	ARCTIC PEREGRINE FALCON	E/SA DL	T
ICTERUS CUCULLATUS SENNETTI	SENNETT'S HOODED ORIOLE		
ICTERUS GRADUACAUDA AUDUBONII	AUDUBON'S ORIOLE		
MYCTERIA AMERICANA	WOOD STORK		T
STERNA ANTILLARUM ATHALASSOS	INTERIOR LEAST TERN	LE	E
*** FISHES			
CYCLEPTUS ELONGATUS	BLUE SUCKER		T
CYPRINODON EXIMIUS	CONCHOS PUFFISH		T
ETHEOSTOMA GRAHAMI	RIO GRANDE DARTER		T
NOTROPIS JEMEZANUS	RIO GRANDE SHINER		
NOTROPIS SIMUS (EXTIRPATED)	BLUNTNOSE SHINER		T
*** MAMMALS			
FELIS PARDALIS	OCELOT	LE	E
FELIS YAGUARONDI	JAGUARUNDI	LE	E
GEOMYS PERSONATUS DAVISI	DAVIS POCKET GOPHER		
MYOTIS VELIFER	CAVE MYOTIS BAT		
NASUA NARICA	WHITE-NOSED COATI		T
*** MOLLUSKS			
POPENAIAS POPEI	TEXAS HORNSHELL	C	
*** REPTILES			
CROTAPHYTUS RETICULATUS	RETICULATE COLLARED LIZARD		T
DRYMARCHON CORAIS	INDIGO SNAKE		T
GOPHERUS BERLANDIERI	TEXAS TORTOISE		T
HOLBROOKIA LACERATA	SPOT-TAILED EARLESS LIZARD		
HOLBROOKIA PROPINQUA	KEELED EARLESS LIZARD		
PHRYNOSOMA CORNUTUM	TEXAS HORNED LIZARD		T
*** VASCULAR PLANTS			
ATRIplex KLEBERGORUM	KLEBERG SALTBUSH		
CORYPHANTHA SULCATA VAR NICKELSIAE	NICKEL'S CORY CACTUS		
FRANKENIA JOHNSTONII	JOHNSTON'S FRANKENIA	LE	E
OPUNTIA ENGELMANNII VAR FLEXOSPINA	FEW-SPINE ENGELMANN'S PRICKLY-PEAR		
PARONYCHIA MACCARTII	MCCART'S WHITLOW-WORT		
THYMOPHYLLA TEPHROLEUCA	ASHY DOGWEEED	LE	E

-continued next page-

Revised: 98-03-31

Codes:

- 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

Species appearing on these lists do not all share the same probability of occurrence within a county. Some species are migrants or wintering residents only. Additionally, a few species may be historic or considered extirpated within a county. Species considered extirpated within the state are so flagged on each list. Each county's revised date reflects the last date any changes or revisions were made for that county, to reflect current listing statuses and taxonomy.



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

REPLY TO
ATTENTION OF:

March 14, 2002

Planning, Environmental and Regulatory Division

SUBJECT: Environmental Assessment for Construction of U.S. Border Patrol
Checkpoint near Laredo, Texas and subsequent testing of Site 41WB612

Texas Historical Commission
Archaeology Division
ATTN: Ms. Debra Beene
Capitol Station
P.O. Box 12276
Austin, TX 78711-2276

Dear Ms. Beene:

On February 5, 2002, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, the Fort Worth District of the US Army Corps of Engineers, acting on behalf of the INS and the USBP, initiated the Section 106 process for the above-mentioned proposed project. We noted that a cultural resources pedestrian survey was undertaken within the Area of Potential Effect (APE). A total of 15.386 acres were surveyed at the proposed checkpoint and one archaeological site was found and recorded, 41WB612. At that time, it was understood that the proposed checkpoint station area would cause no impacts to occur to the archaeological site. We asked, and received your concurrence with our determination of no historic properties affected.

It has now come to our attention that Site 41WB612 cannot be avoided given the criteria for traffic flow and lane configurations set forth by the Texas Department of Transportation. No other alternatives for land acquisition are possible at this time. Given these circumstances and in accordance with 36 CFR Part 800.4(c), we propose to test and evaluate the site for eligibility for the National Register of Historic Places. Once this testing phase has been completed we will ask for your review and comment on the draft report and for the necessary concurrence with our determination of eligibility of site 41WB612, in accordance with 36 CFR Part 800.4(d)(1) or (2).

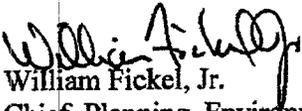
The level of effort for testing will consist of hand excavation of up to 12 1x1 meter units and a complete pedestrian survey recording surface artifacts with a GPS unit. The depth of the soil deposits (about 1.5 m according to the soil survey) and the stable flat

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land indicates the site is probably close to the surface, and a backhoe trench was not deemed necessary. We are allowing for at least 2 scientific assays, one AMS date and another that might be lipid analysis or obsidian hydration, should we encounter any possible lipid samples or obsidian. The materials and data generated by this field effort will be processed in accordance with 36 CFR Part 79 and will be accessioned at TARL.

We propose to begin this field effort as soon as possible. If you have any questions regarding this proposed testing effort, please contact Ms. Patience Patterson at (817) 886-1723.

Sincerely,

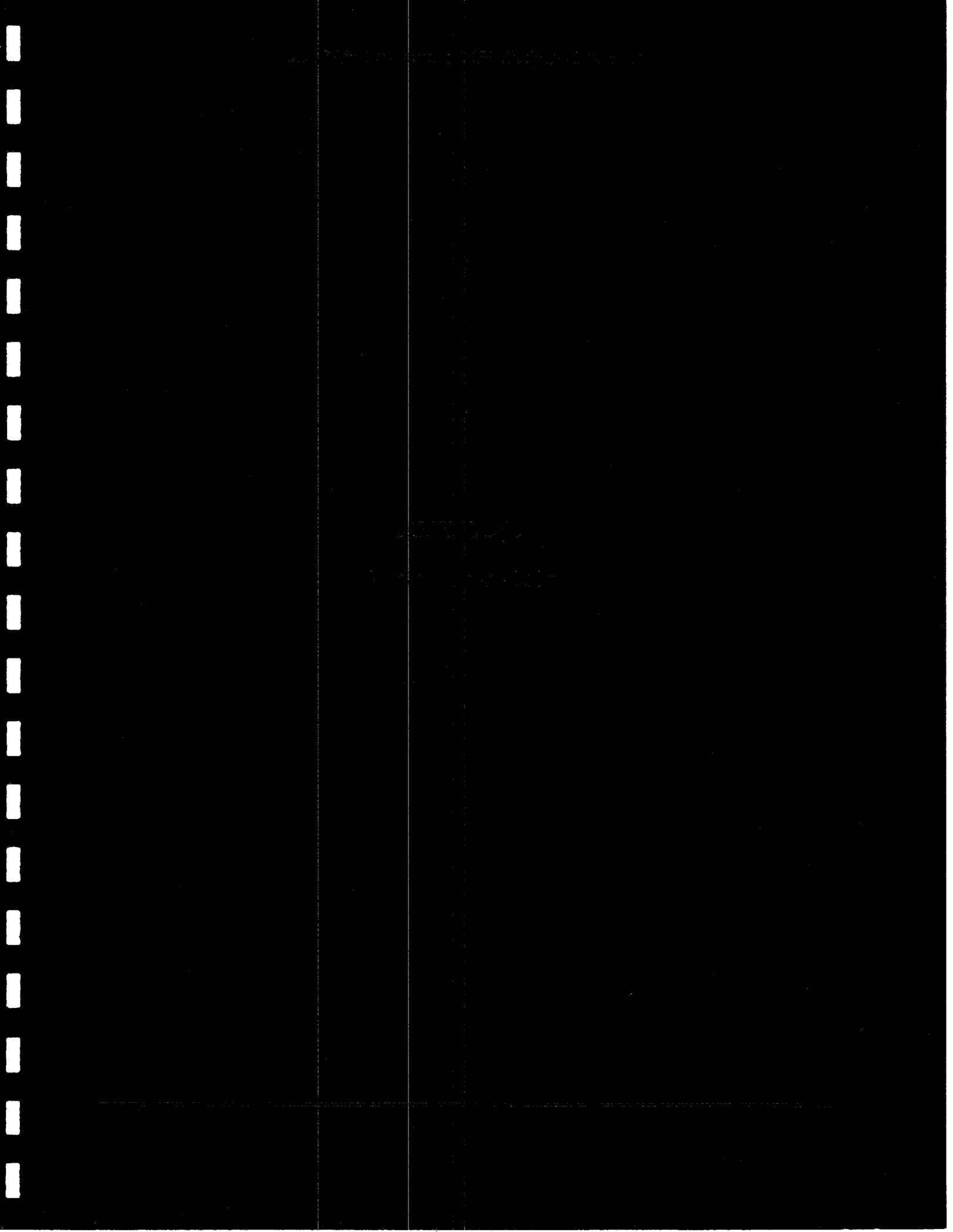

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

Copy Furnished:

Ms. Norma Edwards
CESWF-EC-AM

Mr. Alain Bernier
CESWF-PM-C



Public Notice/Notice of Availability

Interested parties are hereby notified that the Immigration and Naturalization Service has prepared an Environmental Assessment for the construction of a new vehicle checkpoint at approximately Mile Marker 29 on the northbound side of Interstate 35 north of Laredo, Webb County, Texas. This notice is being issued to interested parties in accordance with the National Environmental Policy Act (NEPA), Public Law 91-190, and regulations for implementing the Procedural Provisions of the NEPA, 40 Code of Federal Regulations 1500-1508. The purpose of the Proposed Action is to construct a new vehicle inspection checkpoint Laredo Sector of the USBP.

The Environmental Assessment is available for public inspection beginning April 1, 2002 and ending May 1, 2002. Comments will be accepted for the same 30-day period. The document is available for public viewing at the U.S. Border Patrol Office, 201 W. Del Mar Blvd., Laredo, TX 78041.

All questions and comments regarding the Environmental Assessment should be directed, in writing, to the following:

Mr. Charles McGregor
U.S. Army Corps of Engineers
Fort Worth District
Attn: CESWF-EV-EE
Room 3A14
819 Taylor Street
Fort Worth, Texas 76102-0300

For further information, contact the Fort Worth District, Corps of Engineers, Technical Manager, Mr. Charles McGregor, at (817) 886-1708.

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For further information, contact the Fort Worth District, Corps of Engineers, Technical Manager, Mr. Charles McGregor, at (817)886-1708.

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Noticia Publica/Noticia de disponibilidad

Las partes interesadas son notificadas por este medio que el Servicio de Inmigración y Naturalización ha preparado un Environmental Assessment para la construcción de un nuevo punto de revisión de vehículos aproximadamente a la altura de la Milla 29 en el carril del lado norte de la Interestatal 35 al norte de Laredo, Condado de Webb, Texas. Este aviso ha sido emitido para el interés de las partes en acuerdo con el National Environmental Policy Act (NEPA), Public Law 91-190, y regulaciones para implementar el Procedural Provisions of the NEPA, 40 Code Federal Regulations 1500-1508. El propósito de las Acciones Propuestas es para construir un nuevo punto de revisión vehicular del Sector Laredo de USBP. El Environmental Assessment está disponible para inspección pública a partir del 1 de abril del 2002 y terminando el 1 de mayo del 2002.

Se aceptarán comentarios para el mismo período de 30 días. El documento está disponible al público en la Oficina de la Patrulla Fronteriza, 201 W. Del Mar Blvd., Laredo, TX 78041.

Todas las preguntas y comentarios en cuanto al Environmental Assessment deberán ser dirigidas, por escrito, a la siguiente dirección:

Mr. Charles McGregor
U.S. Army Corps of Engineers
Fort Worth District
Attn: CESWF-EV-EE
Room 3A14
819 Taylor Street
Fort Worth, Texas 76102-0300

Para más información, pongase en contacto con Fort Worth District, Corps of Engineers, Technical Manager, Mr. Charles McGregor, al (817) 886-1708

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Notice of Availability as it appeared in English and Spanish in the Laredo Morning Times March 29-31, 2002