Instructions: Section I is to be completed and signed by the Project Proponent for the Proposed Action. Sections II, III, IV, and V are to be completed and signed by agency environmental staff that are working on the Proposed Action, and finally signed by the CBP NEPA Document Signature Authority. Continue on separate sheets if necessary.

PROJECT NAME: RGV_MCA_Mcallen-Anzalduas Floodway Vegetation Control

SECTION I – Proponent Information

1. Project Proponent:
U.S. Customs and Border Protection
Office of Border Patrol

2. Project Manager (PM):
Program Manager, COR
Border Patrol Facilities and Tactical Infrastructure
Facilities Management and Engineering
Tactical Infrastructure Division
(Maintenance & Repair)

2a. PM Contact Info (phone/email):

3. Title of Proposed Action:
RGV_MCA_Mcallen-Anzalduas Floodway Vegetation Control

4. Description of Proposed Action and Alternatives:
Response: McAllen/Anzalduas Floodway is maintained as a floodway to relieve high water conditions at the Anzalduas dam. It is a highly disturbed, area predominantly devoted to agriculture (Figure 1). Often times after crops are harvested; rainy periods cause outbreaks of dense and tall weeds. Customs and Border Protection is planning to maintain the lines of site by mowings as needed up to three (3) times annually.

This project will provide for vegetation control and will consist of mowing and hand removal of vegetation along the access road shoulders and near the levee wall structures that bound the two sides of this floodway. Vegetation will be mowed to a height of not less than from the natural ground to ensure continued unimpaired visibility and enhanced security. Mowing in these areas will be accomplished using a side boom mower or bush hog followed by a standard shredder to reduce the cut vegetation cane to the desired height. There will be from 0-3 mowing events per year depending on weather conditions, height of vegetation, and Border Patrol requirements. Bird nesting surveys will be conducted by contracted personnel when activities occur from March 1 through September 1 – the migratory bird nesting season. No surface soil disturbance is expected. The areas to be mowed are within the aegis of the agreement that has already been issued by the IBWC or located on Federal property.

No Action Alternative: Not performing this work could result in impaired visibility of a high traffic area and provide access points and related security concerns, leave important infrastructure vulnerable to cross-border attacks, and provide a hazardous working environment for Agents and other personnel.

Alternative mowing procedures: Mowing at a higher height will still provide cover for illicit activities.

5. Purpose and Need for Proposed Action:
Response: As stated above, the work is needed to improve visibility, enhance security of important infrastructure, and safeguard Agents and other personnel.

6. Environmental Manager/Project Manager (Name and Title):
Environmental Branch Chief
Border Patrol Facilities and Tactical Infrastructure
Program Management Office

6a. Signature:

6b. Date: August 11, 2013

SECTION II—Environmental Staff: Proposed Action Clearly Fits a Category of Excludable Actions (DHS MD 023-01)

7. ☑ The entire Proposed Action clearly fits within the category of excludable actions set forth as Categorical Exclusion (CatEx) #D3 in DHS MD 023-01.

☐ The entire Proposed Action does not clearly fit within any of the categories of excludable actions set forth in DHS MD 023-01.

Remarks:
The entire Proposed Action clearly fits within the category of excludable actions set forth as Categorical Exclusion (CATEX) in DHS MD 023-01 which state:
D3: Repair and maintenance of Department-managed buildings, roads, airfields, grounds, equipment, and other facilities which do not result in a change in functional use or an impact on a historically significant element or setting (e.g. replacing a roof, painting a building.)
### Environmental Staff: Analysis as to Whether the Proposed Action is a Part of a Larger Action (DHS MD 023-01)

8. **☑** Proposed Action Is Not a Piece of a Larger Action OR
   **☐** Proposed Action Is a Piece of a Larger Action.

**Remarks:**
The proposed mowing control project is not part of a larger action, and will not result in any significant environmental impact (direct or indirect) when added to other past, present and reasonably foreseeable actions known at this time.

### Environmental Staff: Extraordinary Circumstances Analysis (DHS MD 023-01)

9. **☑** Based on my review of the information that has been provided to me and that I have in my possession, no extraordinary circumstances apply to the Proposed Action (see A through K below); OR
   **☐** Based on my review of the information that has been provided to me and that I have in my possession, at least one extraordinary circumstance does apply to the Proposed Action (see A through K below). Therefore, a CatEx does NOT apply.

**YES** | **NO**
--- | ---
**For A through K below, check the appropriate box (Yes or No) and provide description as appropriate.**

**A.** Will the Proposed Action have a potentially significant effect on public health or safety? **Remarks:** Any project-specific hazard(s) affecting project workers will be reduced based on strict adherence to Occupational Health and Safety Standards and other relevant safety laws, rules and regulations.

**B.** Will the Proposed Action significantly affect species or habitats protected by the Endangered Species Act, Marine Mammal Protection Act, the Migratory Bird Treaty Act, or the Magnuson-Stevens Fishery Conservation and Management Act?

**Remarks:** This work will not have any negative impacts on any of the ESA species known to be present in the area or their habitat. The proposed actions will take place on previously disturbed area. According to the U.S. Fish & Wildlife Service threatened and endangered species database for Hidalgo County, the only listed species are the ashy dogwood, Gulf Coast jaguarondi, Johnston's frankenia, least tern, and ocelot. This site does not have habitat suitable for any of these species. Based on the lack of suitable habitat for listed species in the project area and the completely previously disturbed nature of the site, the proposed actions will have no affect on protected species or habitats. Project activities might temporarily disrupt local wildlife but no measurable negative effect is likely. The proposed actions and alternatives will not conflict with any local policies or ordinances protecting biological resources. All work undertaken between March 1 and September 1 will be preceded by an MBTA survey. If any migratory birds or active nests are identified appropriate action will be taken to avoid take and to mitigate adverse impacts. BPFTI Environmental Branch will coordinate with USFWS to determine if maintaining the areas with multiple mowings would require formal consultation. This CATEX activity should be re-assessed in 5 years.

**Review and concurrence from:**

(b) (6)

**C.** Will the Proposed Action significantly affect a district, site, highway, structure, or object that is listed or eligible for listing in the National Register of Historic Places, or will it significantly affect historic or cultural resources, traditional or sacred sites, or result in the destruction of a significant scientific, cultural, or historic resource?

**Remarks:** The Proposed Action consists of only routine mowing, does not require any ground disturbing activities, and will not result in a change in the functional use of the parcel. The Texas Historical Atlas and the National Register of Historic Places (NRHP) database were searched for historic properties. There are no NRHP-listed historic properties within the area of potential effect; therefore CBP has determined that there will be no adverse effects to historic properties. Regarding archaeological resources, minimal ground disturbance will occur during mowing; therefore CBP has determined that there will be no adverse effects to archaeological resources.

**Action review:** Completion of database search by Northland Research (Appendix B).

**D.** Will the Proposed Action significantly affect an environmentally sensitive area? **Remarks:** No designated critical habitat or habitat suitable for any Federal or state listed species will be impacted. No waters of the United States or wetland areas will be impacted. Only minor impacts are expected.

**E.** Will the Proposed Action result in a potential or threatened violation of a federal, state, or local law or administrative determination imposed for protection of the environment? **Remarks:** The proposed action will fully comply with all applicable laws and regulations. U.S. Border Patrol personnel will consult with BPFTI Environmental Branch personnel regarding mowing and oversee contractor actions.
## F. Will the Proposed Action result in an effect on the quality of the human environment that is likely to be highly controversial, highly uncertain, or involve unique or unknown environmental risks?

**Remarks:** The proposed action will not have an adverse effect on the human environment and should not be controversial relative to scientific validity or involve unique or unknown environmental risks.

## G. Will the Proposed Action employ new or unproven technology that is likely to involve unique or unknown environmental risks?

**Remarks:** The proposed action does not involve the use of any unproven technologies. No unknown environmental risks are associated with the proposed action.

## H. Will the Proposed Action set a precedent for future actions that have significant effects?

**Remarks:** The proposed action will not set a precedent for future actions that have significant effects.

## I. Is the Proposed Action significantly greater in scope or size than is normally experienced for this particular category of action?

**Remarks:** The proposed action fits clearly within CATEX D3 which specifically allows for grounds maintenance. By acquiring the IBWC’s permission and consent prior to executing the project, this project has satisfied the “department-managed” aspect of the CATEX—this CATEX has routinely been used for similar undertakings in the past.

## J. Will the Proposed Action significantly degrade an already poor environmental condition at or near the project area?

**Remarks:** The proposed action will not cause any loss to the characteristics that make the area visually unique or sensitive, nor will it substantially degrade the existing visual character or quality of the site and its surroundings.

## K. Is the Proposed Action related to other actions with individually insignificant, but cumulatively significant impacts?

**Remarks:** The proposed action(s) is/are individually insignificant and collectively with other reasonably foreseeable actions taking place over time will not result in any significant cumulative impacts.

### SECTION V – Environmental Analysis Determination

10. **Proposed Action Qualifies for Categorical Exclusion (CATEX) # D3 (See Table 1); OR**

11. **Proposed Action does NOT qualify for a CATEX and further environmental analysis is required.**

<table>
<thead>
<tr>
<th>No.</th>
<th>Name and Title</th>
<th>Signature Authority Name and Title</th>
</tr>
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<tbody>
<tr>
<td>12</td>
<td>Director-Border Patrol TI SPPA-ORMB</td>
<td>Environmental Branch Chief Border Patrol Facilities and Tactical Infrastructure Program Management Office</td>
</tr>
<tr>
<td>12a</td>
<td>OBP Proponent Signature:</td>
<td>Program Management Signature Authority Signature:</td>
</tr>
<tr>
<td>12b</td>
<td>Date:</td>
<td>August 11, 2013</td>
</tr>
</tbody>
</table>

**Remarks:** Based on a review of the information provided for the proposed action, there are no extraordinary circumstances associated with the action and therefore the action qualifies as a CATEX #D3 under DHS Directive 023-01.
Attachment 1 – Aerial Photos

Figure 1 – Aerial Photograph

Figure 2 – Photograph, Site Conditions at McAllen/Anzalduas Floodway
Figure 3 – Photograph, Ground Conditions showing growing salt cedars slated for mowing.

Appendix A. Biological Concurrence
I visited the site June 25, 2013. It is a highly disturbed site mainly devoted to agriculture. This work will not have any
negative impacts on any of the ESA species known to be present in the area or their habitat. The proposed actions will
take place on previously disturbed area. According to the U.S. Fish & Wildlife Service threatened and endangered
species database for Hidalgo County, the only listed species are the ashby dogweed, Gulf Coast jaguar and Johnstone's
framedia, least tern, and ocelot. This site does not have habitat suitable for any of these species. Based on the lack of
suitable habitat for listed species in the project area and the completely previously disturbed nature of the site, the
proposed actions will have no affect on protected species or habitats. Project activities might temporarily disrupt local
wildlife but no measurable negative effect is likely.

Senior Consultant

LMI
2000 Corporate Ridge
McLean, VA 22102

www.lmi.org
Appendix B - Cultural Resources Review

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**MEMORANDUM – IDENTIFICATION OF HISTORIC PROPERTIES**

<table>
<thead>
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<th>(b) (6), (b) (7)(C)</th>
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<tr>
<td>FROM:</td>
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<tr>
<td>PROJECT:</td>
<td>DESK SURVEY, WO 07, MCALLEN/ANZALDUAS FLOODWAY</td>
</tr>
<tr>
<td>DATE:</td>
<td>26 AUGUST 2013</td>
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</tbody>
</table>

**Proposed Project:** Ground clearing of four properties in the Rio Grande Valley Sector near McAllen and Brownsville, Texas. Three properties have a previous land use of agriculture. These recently abandoned properties are presenting a visibility hazard for US Border Patrol Agents, and Border Patrol has requested mowing to maintain these fallow agricultural fields at a low vegetation height. The remaining property is IBWC flood control Levee. This area is routinely mowed by IBWC, but the US Border Patrol intends to increase the frequency of mowing along these levees. Mowing in all cases will be accomplished by large bush hogs, or side deck mowers. None of these areas have trees large enough to require removal other than by mowing. No ground disturbance is anticipated.

**Project Location:**

**Reports/Databases Reviewed:**

<table>
<thead>
<tr>
<th>Name of Report/Database</th>
<th>Date of Report/ Date of Last Database Update</th>
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</thead>
<tbody>
<tr>
<td>Texas Historical Commission Data Base</td>
<td>2008</td>
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</table>

**Data Identified:**

McAllen/Anzalduas Floodway- The project area has not been previously surveyed for archaeological resources. A single survey for a flood control project (Report 2008-05-20) was conducted along the entire southern extent of the project area in 2008. One historical site-41HG230, the Old Military Road-crosses through the center of the project area. The site was recommended as eligible for inclusion in the National Register under criterion A and criterion D in 2009 by the recorders; however this linear site intersects US Highway 83 and is paved over in locations. Texas SHPO has determined that the portions of this site within the ROW of Highway 83 are not eligible for inclusion. There are no extraordinary conditions that would require a pedestrian cultural resources survey.
Results:

Based on a review of available data for the area of potential effect (APE) associated with the proposed project identified in this document, the following is concluded: **[Select the most appropriate statement]**

- No prior documented studies were completed within the APE of the proposed undertaking. Therefore, it is not possible to determine, without further investigation, whether there are historic properties within the APE.

- Prior documented studies were completed within the APE of the proposed project/undertaking and **No** historic properties were identified within the APE of the proposed project/undertaking.

- Prior documented studies were completed within the APE of the proposed project/undertaking and historic properties were identified within the APE of the proposed project/undertaking.

Based on a review of the proposed project/undertaking and available information/data for the APE, it is the reviewer’s professional opinion: **[Select the most appropriate statement]**

- The action is not an undertaking per the Section 106 process (36 CFR, Section 800.3)

- Sufficient data is not currently available for the agency to make a determination of affect from the proposed undertaking.

- The identified historic properties **will not** be affected from the proposed undertaking. **[Provide brief explanation for the determination]**

- The identified historic properties **may be** affected from the proposed undertaking. **[Provide brief explanation for the determination]**

- The identified historic properties **will be** affected from the proposed undertaking. **[Provide brief explanation for the determination]**