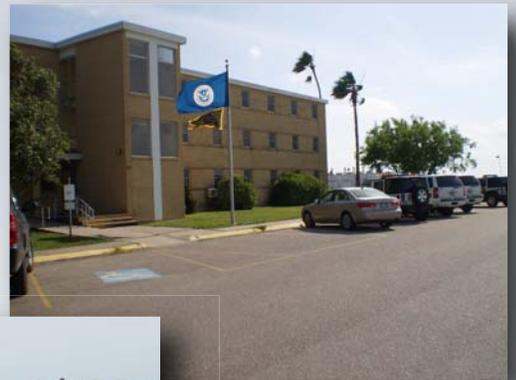




FINAL

**ENVIRONMENTAL ASSESSMENT
FOR THE PROPOSED NEW KINGSVILLE BORDER PATROL STATION,
VEHICLE MAINTENANCE FACILITY, AND
BUILDING MAINTENANCE REGIONAL FACILITY
U.S. BORDER PATROL, RIO GRANDE VALLEY SECTOR**

**Department of Homeland Security
U.S. Customs and Border Protection
U.S. Border Patrol**



MARCH 2011

FINDING OF NO SIGNIFICANT IMPACT
FOR THE PROPOSED NEW
KINGSVILLE BORDER PATROL STATION,
VEHICLE MAINTENANCE FACILITY, AND
BUILDING MAINTENANCE REGIONAL FACILITY
U.S. BORDER PATROL, RIO GRANDE VALLEY SECTOR, TEXAS

Project History: United States (U.S.) Border Patrol (USBP) is a law enforcement entity of U.S. Customs and Border Protection (CBP) within the Department of Homeland Security (DHS). USBP's priority mission is to prevent the entry of terrorists and their weapons of terrorism and to enforce the laws that protect the U.S. homeland. This is accomplished by the detection, interdiction, and apprehension of those who attempt to illegally enter or smuggle any person or contraband across the sovereign borders of the U.S. between the land ports of entry. The addition of new agents and personnel, as per Presidential mandates, will facilitate the primary goals and objectives of USBP's national strategy. Increasing trends in illegal border activity require additional USBP agents and other resources to enhance the operational capabilities of USBP.

A larger station is needed to accommodate the increasing USBP agent force and to provide a safe and efficient working environment for USBP agents and support staff. An Environmental Assessment (EA) was prepared in accordance with the National Environmental Policy Act (NEPA) and analyzes the project alternatives and potential impacts on the human and natural environment from three selected alternative sites.

Purpose and Need: The purpose of the proposed action is to accommodate the addition of new agents and personnel to increase border security within the USBP Kingsville area of responsibility, with an ultimate objective of increasing the probability of apprehension of those that have entered into the U.S. illegally. The need for the proposed action is to provide adequate space and facilities for the USBP agents and staff currently operating out of the existing station; additional space and facilities for expansion of up to approximately 350 personnel, including USBP agents and support staff assigned to the Kingsville Station and associated facilities; administrative and training facilities necessary for increased effectiveness of USBP agents in the performance of their duties; opportunity for future expansion as necessary; and a safer, more effective and efficient work environment for agents.

Proposed Action: The proposed action includes the construction, operation, and maintenance of a new station near Kingsville, Texas. The station would include a vehicle service and maintenance facility; a fuel bay island with the appropriate size and number of aboveground storage tanks (AST) for diesel, unleaded gasoline and E85 (ethanol) fuel; a car wash with an oil water separator component; a vehicle impound lot; a stormwater detention basin(s); a communication tower; and canine kennels for up to 35 dogs.

Additionally, the continued maintenance, as well as potential renovations of or minor additions to the new station, would be expected. Such activities could include, but are not limited to, minor renovations and additions to buildings such as realigning interior spaces of an existing

building, adding a small storage shed to an existing building, installing a small antenna on an already existing antenna tower that does not cause the total height to exceed 200 feet, kennels, security systems, lighting, parking areas, and stormwater detention basins. Other maintenance activities could include routine upgrade, repair, and maintenance of the new station buildings, roofs, parking area, grounds, or other facilities which would not result in a change of functional use (e.g., replacing door locks or windows, painting interior or exterior walls, resurfacing a road or parking lot, culvert maintenance, grounds maintenance, or replacing essential station components such as an air condition unit).

The staff from the existing Kingsville USBP Station, which is located on Naval Air Station (NAS) Kingsville, would relocate to the new station once construction is completed. In addition, the vehicle and maintenance staff would also relocate to the new station. Upon completion of the USBP station, the current lease for the existing station would be terminated and the building returned to the current owners. Any repairs or maintenance required by the lease would be completed prior to termination.

Alternatives Considered: Four alternatives were identified and considered during the planning stages of the proposed project: the No Action Alternative; Alternative 1—Site 1; Alternative 2—Site 2; and Alternative 3—Site 3 (Preferred Alternative). The No Action Alternative would preclude the construction, operation, and maintenance of a new station. The existing USBP Kingsville Station, located on NAS Kingsville, would continue to be inadequate for the support of USBPs operations and would not be able to accommodate the projected increase in USBP agents necessary to operate more efficiently.

Site 1 is located near the junction of Farm to Market (FM) Road 1356 and FM 3320 (also known as Golf Course Road). This site encompasses approximately 50 acres of agricultural land located approximately 0.75 mile west of NAS Kingsville. Of the 50 acres, only about 40 acres would be developed. This site was originally identified as the Preferred Alternative; however, during the public comment period of the EA, the ability for CBP to acquire this parcel of land became problematic; consequently, CBP has now identified Site 3 as its Preferred Alternative. Site 1 was carried forward for analysis in the Final EA, however, since it is still considered a viable alternative.

Site 3 encompasses approximately 77 acres of agricultural land located approximately 1.6 miles southeast of the downtown area, and 0.75 mile west of NAS Kingsville. This site is now considered to be the Preferred Alternative Site. Access to the Preferred Alternative site would be from Senator Carlos Truan Boulevard and FM Road 3320.

Site 2 is located on East Caesar Avenue, approximately 0.65 mile east of U.S. Highway 77. The site is in sorghum production. All three sites are located within 1 mile of each other and within 2 miles east of downtown Kingsville.

Nine other alternative sites were also considered but eliminated from further analysis. These sites were eliminated for a variety of reasons including cost, security or safety issues, or engineering and construction concerns.

Two other alternatives were also eliminated. Expansion of the existing USBP station was eliminated from further consideration. Expansion and renovation of the existing station is not possible because of U.S. Navy lease restrictions, a lack of adequate space for expansion, lack of public access to the station, and inability to have detention and processing facilities on NAS Kingsville.

The alternative of combining Site 1 and Site 8, which is located immediately south of Site 1, was considered in the early planning stages. The advantages of this alternative were that it would provide ingress and egress points on two public roads (i.e., FM 1356 and Golf Course Road), and the water and sewer lines could be more easily connected without having to traverse private property. However, this alternative was eliminated due to the additional expense of acquiring the 30+/- acres contained within Site 8.

Affected Environment and Consequences: The construction and operation of the new station would potentially result in minimal to moderate impacts, including temporary increased air pollution from soil disturbance, permanent loss of approximately 40 acres of prime farmlands, minor and temporary increase in ambient noise, and slight increases in local traffic volumes. Residences occur near Alternative Site 3; however, the station construction and operation would have no effect relative to environmental justice or protection of children issues.

The Preferred Alternative would develop approximately 40 acres (of the 77 acres at the site) of land that is currently in agricultural production (cotton) to construct the building, parking areas, stormwater detention basin, and other associated facilities. Alternatives 1 and 2 would require a similar amount of land. Construction would result in similar effects on other resources for each alternative. The potential effects on vegetation and wildlife would be negligible, since none of the sites support native vegetation communities.

However, a small isolated population of south Texas ambrosia (*Ambrosia cheiranthifolia*) was recorded along the drainage ditch that parallels FM 1356 at Site 1. CBP has initiated informal Section 7 consultation with the U.S. Fish and Wildlife Service and determined that this species may be affected, but not adversely affected, by the proposed action. Conservation measures that will be implemented to avoid or offset impacts on this small population include (should this site be ultimately selected), but are not limited to, restricting foot, vehicle, and equipment traffic in this area during construction; installation of stormwater control measures around the area to avoid potential sedimentation on the plants; restrict future herbicide applications near the area; restrict mowing activities to specified seasons; reduce illumination of the population; and preparation and implementation of a long-term management plan.

The potential impacts resulting from the proposed action, in combination with impacts resulting from other development in Kleberg County and the City of Kingsville, would result in permanent and minimal cumulative effects on air quality, transportation, and loss of prime farmland soils.

Best Management Practices: Best management practices (BMP) that will be implemented during construction and operation of the new station are described in Section 5 of the EA, as well as in the following paragraphs.

General Construction Activities

BMPs will be implemented as standard operating procedures during all construction activities, such as proper handling, storage, and/or disposal of hazardous and/or regulated materials. To minimize potential impacts from hazardous and regulated materials, all fuels, waste oils, and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery will be completed 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 a reportable quantity would be contained immediately within an earthen dike, and the application of an absorbent (e.g., granular, pillow, sock.) will be used to absorb and contain the spill. Any major reportable spill of a hazardous or regulated substance will be reported immediately to on-site environmental personnel, who would notify appropriate Federal and state agencies. In addition, a SPCCP would be in place prior to the start of construction, and all personnel will be briefed on implementation and responsibilities of this plan.

All waste oil and solvents will be recycled. All non-recyclable hazardous and regulated wastes will be collected, characterized, labeled, stored, transported, and disposed of in accordance with all Federal, state, and local regulations, including proper waste manifesting procedures. Non-hazardous solid waste (trash and waste construction materials) will be collected and deposited in the on-site receptacles. Solid waste receptacles will be maintained and solid waste will be collected and disposed of by a local waste disposal contractor.

Soils

Suitable fencing will be installed around the perimeter of the facility to contain vehicles and people and prevent accidental impacts on soils on adjacent properties. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared prior to construction activities, and BMPs described in the SWPPP, such as straw bales, aggregate materials, and wetting compounds, shall be implemented to reduce erosion. Furthermore, all areas not immediately developed will be landscaped with native plant species, where appropriate, in such a way as to minimize erosion.

Biological Resources

The Migratory Bird Treaty Act requires that Federal agencies coordinate with the U.S. Fish and Wildlife Service (USFWS) if a construction activity would result in any harm to a migratory bird, including breeding and nesting activities. If construction or clearing activities were scheduled during the nesting season (typically March 1-September 1) preconstruction surveys for migratory bird species would occur immediately prior to the start of any construction activity to identify active nests. If construction activities would result in the disturbance or harm of a migratory bird, then coordination with the USFWS and Texas Parks and Wildlife Department would occur, and applicable permits for relocation of nests, eggs or chicks would be obtained prior to construction or clearing activities. In addition, where possible, buffer zones would be established around active nests until nestlings have fledged and abandoned the nest. Another mitigation measure that would be considered is to schedule clearing and grubbing activities outside the nesting season, negating the requirement for nesting bird surveys. Shields would be installed on lights to prevent background lighting. Lights would also be installed such that the direction of illumination is downward toward the station facilities.

Should Site 1 be ultimately selected, conservation measures to protect or reduce the impact on south Texas ambrosia would be implemented. Preliminary discussions with USFWS have identified several measures including restrictions of foot, vehicle and equipment traffic near the area surrounding the plants during construction; prohibiting the use of herbicides at or near this site; installation of SWPPP measures to avoid erosion or sedimentation in the area supporting these specimens; and development and implementation of a long term management plan. Section 7 consultation and identification of these measures will be completed prior to initiation of the proposed action at Site 1. These measures will not be required under Alternative 3, which is now the Preferred Alternative.

Air Quality

Soil watering will be utilized to minimize airborne particulate matter created during construction activities. Bare ground will be covered with hay or straw to lessen wind erosion between facility construction and landscaping. After the construction is completed, landscaping will be designed and implemented to prevent or lessen wind fugitive dust creation. Additionally, all construction equipment and vehicles will be kept in good operating condition to minimize exhaust emissions.

Water Resources

Because the impact area is greater than 1 acre, as part of the National Pollutant Discharge Elimination System permit process, a SWPPP and Notice of Intent will be submitted to the U.S. Environmental Protection Agency and Texas Commission on Environmental Quality prior to the start of construction. Sedimentation and pollution of surface waters by fuels, oils, and lubricants will be minimized through implementation of the SWPPP and Spill Prevention, Control, and Countermeasures Plan. Construction of the new station would not alter natural drainage patterns; still, proper stormwater retention measures will be incorporated into the station design. All fuel tanks will be double-walled to prevent leaks from entering the soil or groundwater.

Noise

During the construction phase, short-term noise impacts are anticipated. All Occupational Safety and Health Administration requirements will be followed. To lessen noise impacts on the local residents, construction will only occur during daylight hours, whenever possible.

Cultural Resources

Although no significant cultural resources are known to be present within the project area, unanticipated subsurface deposits are possible with any undertaking that disturbs the ground surface. Evidence of subsurface deposits may be in the form of subsurface artifacts (lithics, ceramics, ground stone, bone, metal, and glass), charcoal, stained soil, or burned rocks. If previously unknown cultural resources are exposed by construction activities associated with the proposed development, work will stop in the immediate vicinity, the resources will be protected, and the Texas State Historic Preservation Office (SHPO) will be notified within 24 hours of discovery. If, in consultation with the SHPO, it is determined that the resource is significant and if a significant resource cannot be avoided by construction, then an archaeological data recovery plan will be prepared in consultation with the SHPO and will be implemented.

If unmarked human burials are discovered during construction, work will stop in the immediate vicinity, the remains will be protected, and the local law enforcement agency and the SHPO will

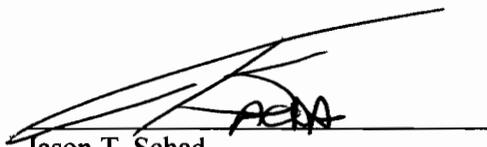
be notified as soon as possible. The location of the unmarked human burial will be documented and the provisions of the Native American Graves and Repatriation Act will be implemented, including consultation with Native American tribes.

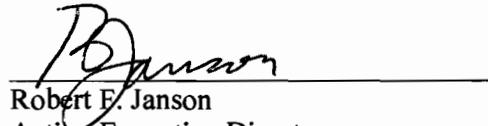
Although the Texas SHPO has reviewed the cultural resources report prepared for the three sites addressed in this EA, concurrence of CBP's determination that no adverse effect on historic properties has not been received for Site 3, the new preferred location. Consequently, CBP will complete the Section 106 evaluation/concurrence process for Site 3 prior to initiation of construction of the new USBP Station.

Transportation

During the design phase of the new station construction, measures to ensure that impacts on traffic flow are minimized will be considered. Additional vehicular entrances, speed zones, and traffic signals or signs would be reviewed as measures to ease the impacts of traffic. The CBP will coordinate with the City of Kingsville Public Safety Department to address any traffic or safety impacts associated with the proposed action.

Findings and Conclusions: No significant adverse impacts are anticipated for any resource analyzed within this document. Therefore, no further analysis or documentation (i.e., Environmental Impact Statement) is warranted. CBP, in implementing this decision, would employ all practical means to minimize the potential adverse impacts on the human and biological environment.

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Date
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U.S. Border Patrol

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U.S. Customs and Border Protection

FINAL

**ENVIRONMENTAL ASSESSMENT
FOR THE PROPOSED NEW
KINGSVILLE BORDER PATROL STATION,
VEHICLE MAINTENANCE FACILITY, AND
BUILDING MAINTENANCE REGIONAL FACILITY
U.S. BORDER PATROL, RIO GRANDE VALLEY SECTOR**

March 2011

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EXECUTIVE SUMMARY

INTRODUCTION: U.S. Border Patrol (USBP) is a law enforcement entity of U.S. Customs and Border Protection (CBP) within the Department of Homeland Security (DHS). USBP's priority mission is to prevent the entry of terrorists and their weapons of terrorism and to enforce the laws that protect the U.S. homeland. This is accomplished by the detection, interdiction, and apprehension of those who attempt to illegally enter or smuggle any person or contraband across the sovereign borders of the U.S. between the land ports of entry. The addition of new agents and personnel, as per Presidential mandates, will facilitate the primary goals and objectives of USBP's national strategy. Increasing trends in illegal border activity require additional USBP agents and other resources to enhance the operational capabilities of USBP.

A larger station is needed to accommodate the increasing USBP agent force and to provide a safe and efficient working environment for the agents and support staff. This Environmental Assessment (EA) was prepared in accordance with the National Environmental Policy Act (NEPA) and analyzes the project alternatives and potential impacts on the human and natural environment from three selected alternative sites.

PURPOSE AND NEED: The purpose of the proposed action is to accommodate the addition of new agents and personnel to increase border security within the Kingsville area of responsibility, with an ultimate objective of increasing the probability of apprehension of those that have entered into the U.S. illegally. The need for the proposed action is to provide adequate space and facilities for the USBP agents and staff currently operating out of the existing station and associated facilities; additional space and facilities for expansion of the agent force to approximately 350 personnel including agents and staff; facilities necessary for an increased effectiveness of USBP agents in the performance of their duties; opportunity for future expansion as necessary; and a safe, more effective and efficient work environment for agents.

DESCRIPTION OF
PROPOSED ACTION
AND ALTERNATIVES:

The proposed action is to construct, operate, and maintain a new USBP station on a site near Kingsville. Approximately 50 acres is needed for the construction of the station and appurtenant facilities including, but not limited to, a vehicle maintenance shop, vehicle fuel area, kennels, communication tower, parking areas, warehouse, and stormwater detention basin.

Three alternative sites for construction of the proposed station were analyzed during the preparation of this EA. At the Draft EA stage, CBP had proposed that Site 1 be selected. However, during the public comment period, issues arose regarding the potential to acquire Site 1; consequently, CBP has now selected construction of the station at Site 3 as the Preferred Alternative.

Site 3 encompasses approximately 77 acres of agricultural land located approximately 1.6 miles southeast of the downtown area, and 0.75 mile west of Naval Air Station (NAS) Kingsville. Access to the Preferred Alternative site would be from Senator Carlos Truan Boulevard and Farm to Market (FM) Road 3320. The staff from the existing USBP Station would relocate to the new station once construction is completed.

Three other alternatives were identified and considered during the planning stages of the proposed project: the No Action Alternative; Alternative 2—Site 2; and Alternative 1—Site 1. The No Action Alternative would preclude the construction, operation, and maintenance of a new station. The existing USBP station, located on NAS Kingsville, would continue to be inadequate for the support of USBPs operations and would not be able to accommodate the projected increase in USBP agents necessary to operate more efficiently.

The other two alternative sites (Sites 1 and 2) are located within 1 mile of each other and are both agricultural lands. The primary difference between the sites is their proximity to major transportation arteries, ability to provide different access points onto public roads, and the presence of utility easements.

AFFECTED
ENVIRONMENT AND
CONSEQUENCES:

The construction and operation of the new station would potentially result in minimal to moderate impacts including temporary increased air pollution from soil disturbance, permanent loss of 77 acres of prime farmlands, minor and temporary increase in ambient noise, and slight increases in local traffic volumes. Residences occur near the Site 3; however, the station construction and operation would have negligible adverse effects relative to environmental justice or protection of children issues.

Although Site 3 contains 77 acres, the proposed action would develop approximately 40 acres of land, which is currently in agricultural production (cotton), to construct the building, parking areas, stormwater detention basin, and other associated facilities. The remaining 37 acres would not be developed at this time and would be revegetated with native species, to the extent practicable. Alternatives 1 and 2 would require a similar amount of land and result in similar effects. There is a small population of an endangered plant, south Texas ambrosia (*Ambrosia cheiranthifolia*), that occurs along a drainage ditch, along the northern boundary of Site 1. CBP determined that if that site had been selected, the proposed action may affect, but would not adversely affect, that species. The potential effects on vegetation and wildlife at any of the sites would be negligible since none support a native vegetation community. No impacts on significant historic properties are anticipated at any of the sites.

The Preferred Alternative, in combination with impacts resulting from other development in the project region, would result in permanent and minimal cumulative effects on air quality, transportation, and loss of prime farmland soils.

BEST MANAGEMENT PRACTICES:

Best management practices that will be implemented during the construction and operation of the new station are described in Section 5 of the EA. Some of the more pertinent measures include, but are not limited to, the following:

1. Prepare and implement a Spill Prevention, Control and Countermeasures Plan to prevent and manage accidental spills that might occur during construction of the station.
2. Prepare and implement a Stormwater Pollution Prevention Plan to control stormwater erosion and sedimentation during construction.
3. Conduct bird surveys, in accordance with the Migratory Bird Treaty Act, in the event that clearing and grubbing activities occur during the normal migratory bird breeding and nesting season.
4. Provide immediate notification to the Texas State Historic Preservation Office in the event that any subsurface cultural resources are uncovered during the construction.

FINDINGS AND CONCLUSIONS:

No significant adverse impacts are anticipated for any resource analyzed within this document. Therefore, no further analysis or documentation (i.e., Environmental Impact Statement) is warranted. CBP, in implementing this decision, would employ all practical means to minimize the potential adverse impacts on the human and biological environment.

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SECTION 1.0
INTRODUCTION



1.0 INTRODUCTION

1.1 BACKGROUND

In 1924, Congress created the United States (U.S.) Border Patrol (USBP) to serve as the law enforcement entity of the Immigration and Naturalization Service (INS), and it did so until November 25, 2002, when Congress transferred all INS responsibilities to the newly created Department of Homeland Security (DHS) with the passage of the Homeland Security Act of 2002 (Public Law [PL] 107-296). USBP was officially transferred into the Office of Border Patrol, under DHS and U.S. Customs and Border Protection (CBP), on March 1, 2003.

CBP has prepared this Environmental Assessment (EA) that will address the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of a new USBP station in Kingsville, Texas. The proposed new station would be constructed to accommodate existing USBP agents and staff, including vehicle maintenance and building maintenance staff, who are currently in separate buildings at great distances from the USBP station. The new station is also being planned to accommodate the anticipated increase in agent force in support of the National Border Patrol Strategy to gain and maintain effective control of the U.S. borders (CBP 2005).

The current USBP Kingsville Station is located in a barracks building on Naval Air Station (NAS) Kingsville. The existing station does not provide adequate space for the 246 agents and support staff currently operating from the station. In addition, the building is old (late 1950s/early 1960s) and presents numerous health and safety issues, including consistent mold problems, potential for asbestos-containing material, and potential for lead-based paint. Since the station is located on NAS Kingsville, USBP is not permitted to bring detainees to the station for processing. Parking spaces for Government-owned vehicles (GOV) and privately owned vehicles (POV) are limited, requiring agents to walk approximately 0.25 mile from the parking lot to the station. Inadequate storage space, classrooms, and restrooms are also issues associated with the existing station.

The new station needs to accommodate these agents and approximately 30 other personnel from the USBP vehicle maintenance, building maintenance and administrative support staff. By providing additional space and facilities, the new station would substantially enhance the overall safety and efficiency of current and future operations within the USBP Kingsville Station's Area of Responsibility (AOR).

1.2 STUDY LOCATION

The proposed new USBP station would be constructed within or near the City of Kingsville (Figure 1-1). Kingsville is located in Kleberg County, Texas, which is on the coast of the Gulf of Mexico. Kleberg County is bordered by Nueces County to the north, Kennedy County to the south, and Jim Wells and Brooks Counties to the west.

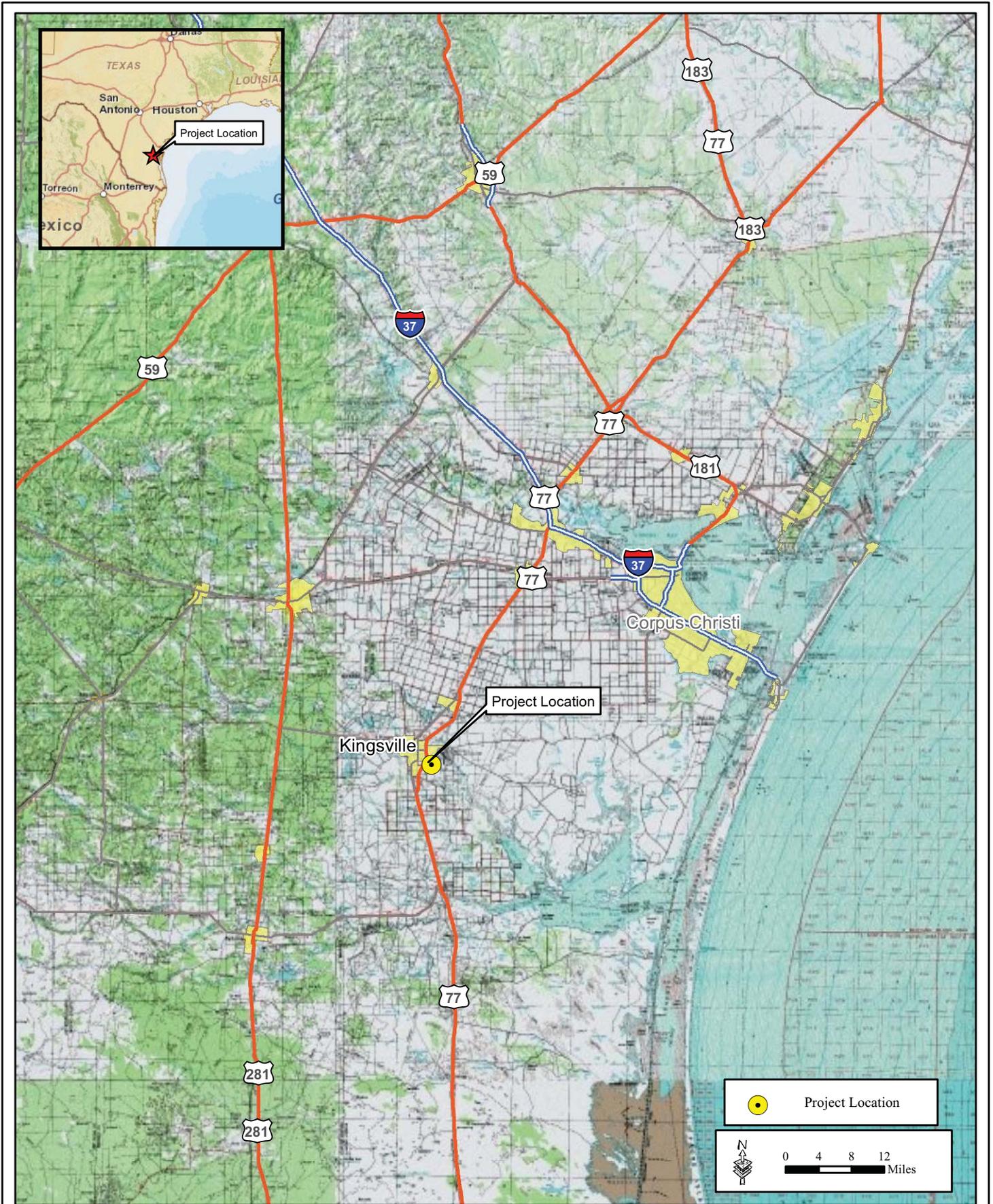


Figure 1-1: Vicinity Map

1.3 PURPOSE AND NEED

CBP and USBP propose the construction, operation, and maintenance of a new USBP station for the purpose of facilitating the primary goals and objectives of USBP's strategy, which includes the addition of new agents and personnel as per Presidential mandates. Increasing trends in illegal border activity require additional USBP agents and other resources to enhance the operational capabilities of USBP. The need for the proposed action is to provide the following:

- adequate space and facilities (e.g., administrative, special operations and patrol command offices, squad room, and staff showers and lockers) for the 246 existing agents and staff currently operating out of the existing station, including those assigned to the checkpoint in Sarita, and for the approximately 30 vehicle maintenance, building maintenance, and support staff who are operating out of separate remote facilities;
- additional space and facilities for expansion of the agent force up to approximately 350 personnel, including agents, non-agent support staff, mechanics, facility maintenance staff, and others;
- facilities necessary for an increased effectiveness of USBP agents in the performance of their duties (e.g., vehicle maintenance shop, detention facility, dog kennels, etc.);
- opportunity for future expansion as necessary;
- a safer, more effective and efficient work environment;
- adequate holding rooms for detainees; and
- adequate parking for POV and GOV.

1.4 REGULATORY AUTHORITY

The primary sources of authority granted to USBP agents are the Immigration and Nationality Act (INA) of 1952 (PL 82-414) contained in Title 8 of the U.S. Code (USC) "Aliens and Nationality" and other statutes relating to the immigration and naturalization of aliens. The secondary sources of authority are administrative regulations implementing those statutes, judicial decisions, and administrative decisions of the Board of Immigration Appeals. In addition, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (PL 104-208) and subsequent Homeland Security Act of 2002 (PL 107-296) mandate that DHS acquire and improve equipment and technology along the border, hire and train new agents for the border region, and develop effective border enforcement strategies.

Subject to constitutional limitations, USBP agents may exercise the authority granted to them in the INA. The statutory provisions related to enforcement authority are found in 8 USC 1357(a,b,c,e), 1225, 1324(b,c), 1324(a); 1324(c). Other statutory sources of authority are found in 18 USC "Crimes and Criminal Procedure," which has several provisions that specifically relate to enforcement of the immigration and nationality laws; 19 USC 1401(i) "Officer of the customs; customs officer" relating to U.S. Customs Service cross-designation of immigration officers; and 21 USC 878 "Powers of enforcement personnel" relating to Drug Enforcement Agency cross-designation of immigration officers.

1.5 PUBLIC INVOLVEMENT

Consultation and coordination with Federal and state agencies have occurred during preparation of this document. Included are contacts that were made during development of the action alternatives and writing of the EA. Copies of correspondence are provided in Appendix A. Formal and informal coordination were conducted with the following agencies:

- U.S. Fish and Wildlife Service (USFWS)
- U.S. Environmental Protection Agency (USEPA)
- Natural Resources Conservation Service (NRCS)
- NAS Kingsville
- Texas Parks and Wildlife Department (TPWD)
- Texas Commission on Environmental Quality (TCEQ)
- Texas State Historic Preservation Officer (SHPO)
- Texas Historical Commission (THC)
- Texas Department of Transportation (TxDOT)
- Native American Tribes
- City of Kingsville
- Kleberg County

The draft version of the EA was made available for public review for 30 days, and the Notice of Availability (NOA) was published in *The Kingsville Record*, *Bishop News*, and *Alice Echo News Journal* on 19 September 2010 (Exhibits 1 and 2). The EA was available electronically at <http://www.swg.usace.army.mil/pao/HotTopic.asp>. In addition, the draft EA was available for review at James G. Jernigan Library, located at 700 University Boulevard, Kingsville, Texas, from September 19 to October 19, 2010.

All correspondence sent or received during the preparation of this document is included as Appendix A of this Final EA. During the 30-day public comment period, two comment letters were received. The USFWS submitted a comment letter requesting additional information about the presence of a listed species at Site 1 and the need to consult under Section 7 of the Endangered Species Act. The USFWS also suggested revisions to some sections of the EA. The City of Kingsville submitted a letter stating that there were new ordinances that might affect the proposed construction and suggested that CBP coordinate with the appropriate city departments to ensure compliance. Copies of these letters, as well as CBP's responses to the letters, are presented in Appendix A.

1.6 SCOPE OF THE ANALYSIS

The scope of this EA will include the analysis of effects resulting from the construction, operation, and maintenance of a new station and collocated checkpoint. This analysis does not include an assessment of operations conducted in the field and away from the station. USBP operations would continue unchanged regardless of whether a new station is constructed. Construction of a new station would include development of lands within the Kingsville Station AOR in the vicinity of the City of Kingsville. The potentially affected biological and human environment would include resources associated with the City of Kingsville and Kleberg County;

**NOTICE OF AVAILABILITY
DRAFT ENVIRONMENTAL ASSESSMENT FOR
CONSTRUCTION OF THE
NEW U.S. BORDER PATROL (USBP) STATION,
KINGSVILLE, TEXAS**

The public is hereby notified of the availability of the draft Environmental Assessment (EA) and proposed Finding of No Significant Impact (FONSI) prepared by U.S. Customs and Border Protection (CBP) for the construction, operation, and maintenance of a new U.S. Border Patrol (USBP) station near Kingville, Texas. The proposed station is being considered to be located at one of three sites, all of which are in proximity to the Naval Air Station Kingsville. The draft EA and proposed FONSI will be available for review at the James G. Jernigan Library, located at 700 University Boulevard, Kingsville, Texas for 30 days from 19 September 2010 to 19 October 2010. It is also available for review and downloading from the U.S. Army Corps of Engineers, Galveston District's Internet web page at the following URL address: <http://www.swg.usace.army.mil/pao/HotTopic.asp>.

Correspondence regarding the EA and FONSI should be sent to: U.S. Army Corps of Engineers, Galveston District, ATTN: CESWG-PM-J/ Mr. Richard Bowles, P.O. Box 1229, Galveston, Texas 77553-1229, Fax: 409-766-6372 or via e-mail: Richard.L.Bowles@usace.army.mil.

Exhibit 2.

AFFIDAVIT OF PUBLISHER

STATE OF TEXAS }
COUNTY OF KLEBERG } ss

Before me, the undersigned authority, on this day personally appeared Bob Odom
known to me, who being duly sworn on his oath, deposes and says that he is the Publisher
of the Kingsville Record and Bishop News, a newspaper of general circulation published in said county and that said newspaper has been
continuously and regularly published in said county for a period of more than one year; and that a copy of the within and foregoing notice was
published in said newspaper on the following dates, to-wit:

Sept. 19, 2010

and a newspaper copy of said notice is hereto attached.

Sworn and subscribed to before me this 12 day of September, 2010.



Tina M. Salinas
Notary Public

My commission expires 9-13-2012

The Coastal Bend Rural Health Partnership reserves the right to reject any and all proposals.

(AD#43892)

NOTICE OF AVAILABILITY DRAFT ENVIRONMENTAL ASSESSMENT FOR CONSTRUCTION OF THE NEW U.S. BORDER PATROL (USBP) STATION, KINGSVILLE, TEXAS

The public is hereby notified of the availability of the draft Environmental Assessment (EA) and proposed Finding of No Significant Impact (FONSI) prepared by U.S. Customs and Border Protection (CBP) for the construction, operation, and maintenance of a new U.S. Border Patrol (USBP) station near Kingsville, Texas. The proposed station is being considered to be located at one of the three sites, all which are in proximity to the Naval Air Station Kingsville. The draft EA and proposed FONSI will be available for review at the James G. Jernigan Library, located at 700 University Boulevard, Kingsville, Texas for 30 days from 19 September 2010 to 19 October 2010. It is also available for review and downloading from the U.S. Army Corps of engineers, Galveston District's Internet web page at the following URL address: <http://www.swg.usace.army.mil/pao/HotTopic.asp>.

Correspondence regarding the EA and FONSI should be sent to: U.S. Army Corps of Engineers, Galveston District, ATTN: CESWG-PM-J/ Mr. Richard Bowles, P.O. Box 1229, Galveston, Texas 77553-1229, Fax: 409-766-8372 or via e-mail: Richard.L.Bowles@usace.army.mil

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however, most potential effects would be limited to the construction site and immediately adjacent resources.

1.7 APPLICABLE ENVIRONMENTAL GUIDANCE, STATUTES, AND REGULATIONS

This EA was prepared by CBP in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 USC 4321-4347) and the Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 Code of Federal Regulations [CFR] 1500-1508), as well as the DHS “Environmental Planning Directive” (Directive 023.1) and other pertinent environmental statutes, regulations, and compliance requirements, as summarized in Table 1-1. This list is not intended to be all-inclusive of the Federal regulations and laws that had to be considered during the preparation of this EA.

1.8 REPORT ORGANIZATION

This EA is organized into eight major sections, including this introduction. Section 2.0 describes all alternatives considered for the project. Section 3.0 discusses the environmental resources potentially affected by the project and the anticipated environmental consequences. Section 4.0 discusses cumulative impacts. Environmental design measures are discussed in Section 5.0; Sections 6.0, 7.0, and 8.0 present a list of the references cited in the document, a list of acronyms and abbreviations used in the document, and a list of the persons involved in the preparation of the EA, respectively. Pertinent correspondence generated during the preparation of this EA can be found in the Appendix A.

Table 1-1. Relevant Policy Documents, Invoking Actions, Regulatory Requirements, and Status of Compliance *

Policy Document	Administrative Authority	Invoking Action	Requirements for Compliance	Status of Compliance
Archaeological Resources Protection Act of 1979 16 USC § 470 et seq.	Department of Interior	Excavation, removal, damage, or other alteration or defacing; or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands. 43 CFR 7.4	Because activities are exclusively for purposes other than the excavation and/or removal of archaeological resources, even though those activities might incidentally result in the disturbance of archaeological resources, no permit shall be required.	Surveys completed and Section 106 process has been completed.
Native American Graves & Repatriation Act (NAGPRA) as amended	National Park Service (NPS)	Excavation, removal, damage, or other alteration of Native American human remains.	Coordination directly with tribes claiming cultural affinity to project areas.	Will be invoked if remains are discovered.
American Indian Religious Freedom Act	NPS	Federal actions that affect current or historically used cultural properties.	Coordination directly with tribes claiming cultural affinity to project areas.	Full compliance.
Clean Air Act of 1963 16 USC § 470 et seq.	USEPA	Any CBP action where the total of direct and indirect emissions in a non-attainment area would equal or exceed the provided rates. 40 CFR 51	Project emission levels were determined to be less than <i>de minimis</i> thresholds; therefore, a determination of conformity with applicable implementation plan is not required.	Emissions are below <i>de minimis</i> ; no conformity analysis required.
Comprehensive Environmental Response, Compensation and Liability Act of 1980 42 USC § 9601 et seq.	USEPA	Release or threatened release of a hazardous substance. 40 CFR 302	Development of emergency response plans, notification, and cleanup.	To be completed by CBP during design and operation.
Energy Independence and Security Act of 2007 P.L. 110-140	U.S. Department of Energy	Federal projects with a footprint exceeding 5,000 square feet to use site planning, design, construction, and maintenance strategies to control storm water runoff.	Design and construct stormwater retention basin as required	Full compliance

Table 1-1, continued

Policy Document	Administrative Authority	Invoking Action	Requirements for Compliance	Status of Compliance
Endangered Species Act (ESA) of 1973 16 USC § 1531 et seq.	USFWS	All actions in which there is discretionary CBP involvement or control. 50 CFR 402.03	Determination of no jeopardy to listed species and no destruction or adverse modification of critical habitat through consultation with the USFWS.	There are no effects to protected species at Site 3, as no protected species were observed at this site.
Farmland Protection Policy Act of 1981 7 USC § 9601 et seq.	NRCS	Any CBP action. 7 CFR 658	Identify and take into account the adverse effects on the protection of farmland.	Acquisition of farmland for National defense purposes is exempted.
Federal Water Pollution Control Act of 1977 (also known as Clean Water Act or CWA) 33 USC § 1251 et seq.	USEPA	Storage, use, or consumption of oil and oil products, which could discharge oil in quantities that could affect water quality standards, into or upon the navigable waters of the U.S. (WUS). 40 CFR 112	Preparation of a Spill Prevention, Control, and Countermeasures Plan.	To be completed by CBP or contractor.
		Discharge of pollutants. 40 CFR 122	Obtain a general National Pollutant Discharge Elimination System Permit.	To be completed by CBP or contractor.
Migratory Bird Treaty Act of 1918 16 USC § 703	USFWS	Any CBP action resulting in the take of any migratory bird, or the parts, nests, or eggs of such bird. 50 CFR 21.11	Avoidance of take or application for permit.	Surveys prior to any construction beginning during nesting season.
National Historic Preservation Act (NHPA) of 1966 16 USC § 470 et seq.	Advisory Council on Historic Preservation (ACHP)	Any undertaking by CBP. 36 CFR 800.3	Assessment of effects through consultation with the ACHP.	Section 106 consultation has been completed.

Table 1-1, continued

Policy Document	Administrative Authority	Invoking Action	Requirements for Compliance	Status of Compliance
Occupational Health and Safety Act of 1970 29 USC § 651 et seq.	Occupational Safety and Health Administration, Department of Labor	Employees performing in a workplace. 29 CFR 1910.5 (a)	Adherence to occupational health and safety standards.	To be completed by CBP during design and operation.
Resource Conservation and Recovery Act (RCRA) of 1976 42 USC § 6901 et seq.	USEPA	Collection of residential, commercial, and institutional solid wastes and street wastes. 40 CFR 243	Adherence to guidelines for waste storage and safety and collection equipment, frequency, and management.	To be completed by CBP during design and operation.
		Procurement of more than \$10,000 annually of products containing recovered materials. 40 CFR 247	Procure designated items composed of the highest percentage of recovered materials practicable.	To be completed by CBP during design and operation.
		Recovery of resources from solid waste through source separation. 40 CFR 246	Recovery of high-grade paper, residential materials, and corrugated containers.	To be completed by CBP during design and operation.
		Treatment, storage, or disposal of hazardous waste on-site. 40 CFR 262.10(c)	Determination of hazardous or non-hazardous nature of solid waste, obtain an USEPA identification number if necessary, properly accumulate hazardous waste, and maintain a record.	To be completed by CBP during design and operation.
		Treatment, storage, or disposal of hazardous waste on-site. 40 CFR 262.10(c)	Determination of hazardous or non-hazardous nature of solid waste, obtain an USEPA identification number if necessary, properly accumulate hazardous waste, and maintain a record.	To be completed by CBP during design and operation.

Table 1-1, continued

Policy Document	Administrative Authority	Invoking Action	Requirements for Compliance	Status of Compliance
Coastal Zone Management Act of 1972 16 USC § 1451 et seq.	National Oceanic and Atmospheric Administration	Development and other actions occurring within designated coastal zones. 15 CFR 923	Submittal of Coastal Consistency Determination and concurrence from the affected state's coastal commission.	Consistency Determination has been submitted to Texas Coastal Commission.
Executive Order (EO) 11988: Floodplain Management 42 Federal Register (FR) 26,951 (May 24, 1997)	Water Resources Council, Federal Emergency Management Agency, Council on Environmental Quality	Acquisition and management of Federal lands; Federally undertaken, financed, or assisted construction; conducting Federal activities affecting land use.	Determine whether the proposed action will occur in a floodplain, then evaluate potential effects of any action in a floodplain.	Site is not within a floodplain.
EO 11990: Protection of Wetlands 42 FR 26,691 (May 24, 1977)	U.S. Army Corps of Engineers, USEPA	Acquisition and management of Federal lands; Federally undertaken, financed, or assisted construction; conducting Federal activities affecting land use.	Take action to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands.	No wetlands would be affected.
EO 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations 59 FR 7629 (February 11, 1994)	USEPA	All programs or activities receiving Federal financial assistance that affect human health or the environment.	Analyze the environmental effects, including human health, economic, and social effects of CBP actions, including effects on minority communities and low-income communities.	No disproportionate adverse effects on minority or low income families.
EO 13045: Protection of Children from Environmental Health Risks and Safety Risks 62 FR 19883 (April 23, 1997)	USEPA	Any CPB action.	Identify and assess environmental health risks and safety risks that may disproportionately affect children.	No adverse effects on children anticipated. Construction zones will be clearly demarcated and controlled.

Table 1-1, continued

Policy Document	Administrative Authority	Invoking Action	Requirements for Compliance	Status of Compliance
EO 13101: Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition 63 FR 49648	USEPA, Department of Energy (DOE)	Acquisition planning, development of procurement programs, operation of a Federal facility.	Incorporate waste prevention and recycling in the agency's daily operations and work to increase and expand markets for recovered materials through greater Federal Government preference and demand for such products.	To be completed by CBP during design and operation.
EO 13123: Greening the Government Through Efficient Energy Management 64 FR 30851	USEPA, DOE	Operation and maintenance of a Federal facility.	Reduce emissions of greenhouse gases, reduce energy consumption, strive to expand use of renewable energy, reduce use of petroleum, and reduce water consumption.	To be completed by CBP during design and operation.
EO 13148: Greening the Government Through Leadership in Environmental Management 65 FR 24593	USEPA, DOE	Operation and maintenance of a Federal facility.	Integrate environmental accountability into agency day-to-day decision making and long-term planning processes, across all agency missions, activities, and functions.	To be completed by CBP during design and operation.
EO 13514: Federal Leadership in Environmental, Energy, and Economic Performance 74 FR 52117 (October 8, 2009)	USEPA, DOE	Construction, operation, and maintenance of a Federal facility; aircraft operations and worker commutes.	Increase energy efficiency; measure, report, and reduce greenhouse gas emissions from direct and indirect activities; conserve and protect water resources through efficiency, reuse, and stormwater management; eliminate waste, recycle, and prevent pollution; design, construct, maintain, and operate high performance sustainable buildings in sustainable locations.	To be completed by CBP during design and operation. Anticipated that design will conform with LEED Silver Certification.
EO 13175 (Consultation and Coordination with Indian Tribal Governments)	Bureau of Indian Affairs	Federal actions that affect current or historically used cultural properties.	Coordinate directly with Tribes claiming cultural affinity to project areas.	Full compliance.

*Not All Inclusive

SECTION 2.0
PROPOSED ACTION AND ALTERNATIVES



2.0 PROPOSED ACTION AND ALTERNATIVES

2.1 PROPOSED STATION COMPONENTS

Based upon initial site designs, it has been determined that a 40- to 50-acre project site is sufficient in size to accommodate facilities supporting approximately 350 personnel, including USBP agents, administrative support staff, and vehicle and building maintenance staff (Table 2-1). The new station would be designed to qualify for Leadership in Energy and Environmental Design (LEED) Silver certification by the U.S. Green Building Council. The proposed new station would include some or all of the following components:

- Administration building
- Support building area
- Patrol command
- Squad room
- Communications tower
- Training facility
- Field support and communications
- Water storage tank
- Alien processing and detention space
- Physical plant support
- Fitness and locker room
- Vehicle service and maintenance shop
- Security lighting
- 8-foot chain-link security fencing
- Stormwater retention system
- Communication building
- Warehouse storage facility
- Vehicle washing stations
- Canine facility for up to 35 dogs
- Parking, including a sallyport and covered parking
- Fuel island
- Impounded vehicle area
- Room for unimproved helicopter landing pad

The vehicle service and maintenance facility would have space for parts storage, vehicle lifts, a grease and oil station, and a tire changing station, including wheel balance and alignment. A fuel bay island is currently planned and would consist of the appropriate number and size of aboveground storage tanks (ASTs) for diesel, unleaded gasoline, and E85 (ethanol) fuel. A vehicle rinse area with an oil water separator component, vehicle impound lot, and stormwater detention basin would be incorporated into the station design.

Other site elements include a self-supporting radio tower with communications building or space in the main building, and standby/backup power generator(s) as required. The tower height is currently unknown and would be dependent on communication needs, and would have to conform to NAS Kingsville airspace requirements; however, it is expected to be less than 200 feet tall. The proposed new station would also include short-stay and long-term canine kennels for up to 35 dogs. Utilities (electricity, gas, water, sewer service, and telephone) for the new station would be installed. Additionally, a water storage tank may be necessary to provide additional supply and pressure for fire suppression. A helipad has been identified as a potential long-term need; however, the frequency, flyway routes, and altitudes are not known at the present and, thus, are not included in this EA. If the helipad does come to fruition, it would be coordinated with the NAS Kingsville and the local Federal Aviation Administration to ensure that no conflicts occur; a supplemental NEPA document may also be required.

Table 2-1. Area Requirements for Currently Planned Elements of New USBP Station

Facility		Required Area*	
		Square Feet	Acres
Primary Space (including Detention, Administrative and Processing)	Primary Office Space	36,000	
	GOV and POV Parking	26,000	
<i>Station Building Subtotal</i>		<i>62,000</i>	<i>1.4</i>
Support Space	Vehicle Maintenance	12,000	
	Facility Maintenance	6,000	
	Short-term Canine Facility	9,000	
<i>Support Space Subtotal</i>		<i>27,000</i>	<i>0.6</i>
Other	Covered Storage, Impound Lot, ATV Storage	16,000	
	Fuel Island	17,000	
	Vehicle Wash Area	1,000	
	Warehouse	9,000	
	Helipad Open Space	7,000	
	Improved Area (including Stormwater Detention Basin, Additional Parking, and Landscape)	700,000	
<i>Other Subtotal</i>		<i>750,000</i>	<i>17.2</i>
<i>New Station Total</i>		<i>839,000</i>	<i>19.2</i>

* Required area is an estimate derived from past station designs.

The facilities would be able to support a 3-shift operating schedule, training, and public information officer functions, as well as parking spaces for POVs and GOVs. A limited number of GOV and specialized vehicle parking spaces would be covered.

A sallyport would be located at the station to provide safe and effective transfer of detainees from USBP vehicles or from the station to deportation buses. A security fence would be installed 10 feet from the property boundary, parking areas would be set back 20 feet from the security fence, and all other structures would be constructed no closer than 90 feet from the security fence.

Upon completion of the USBP station at any of the alternative sites, the current lease for the existing station would be terminated and the building returned to the Navy. The facilities occupied by the vehicle maintenance and building maintenance staff would also be returned to the present owners, or other CBP entities would assume the current lease. Any repairs or maintenance required by the lease would be completed prior to termination.

Additionally, the continued maintenance as well as potential renovations of or minor additions to the new station would be expected. Such activities could include, but are not limited to, minor renovations and additions to buildings such as realigning interior spaces of an existing building, adding a small storage shed to an existing building, installing a small antenna on an already existing antenna tower that does not cause the total height to exceed 200 feet, kennels, security systems, lighting, parking areas, and stormwater detention basins. Other maintenance activities could include routine upgrade, repair, and maintenance of the new station buildings, roofs, parking area, grounds, or other facilities which would not result in a change of functional use (e.g., replacing door locks or windows, painting interior or exterior walls, resurfacing a road or

parking lot, culvert maintenance, grounds maintenance, or replacing essential station components such as an air conditioning unit). These types of activities are typically authorized under CBP's list of Categorical Exclusions (CATEX) under NEPA; consequently, they will not be addressed further in this EA. CBP will evaluate each future repair, maintenance or improvement action to confirm that a CATEX would apply to the action; if not, supplemental NEPA documentation would be required.

Out of the 12 alternative sites considered, three alternative sites have been identified as viable sites based on a site selection survey prepared by the U.S. Army Corps of Engineers (USACE) Galveston District. The three action alternatives that will be carried forward for analysis are Alternative 1: Site 1; Alternative 2: Site 2; and Alternative 3: Site 3. The locations of these sites are depicted in Figure 2-1. Alternative 3 is the Preferred Alternative.

Selection of these sites, and the Preferred Alternative, was based on the following criteria:

- (1) site should be at a safe distance from neighborhoods;
- (2) site must be a minimum 30 to 40 acres;
- (3) site must have two public access entries;
- (4) site should have some or all public utilities at the site or in proximity;
- (5) site must be owned by a willing seller; and
- (6) site must not have any significant environmental liabilities.

Each of these alternative sites satisfies these criteria and construction of the proposed station at any of the sites would satisfy the purpose and need described above.

In addition to these alternatives, a No Action Alternative has been included in the evaluation as required by NEPA regulations. The No Action Alternative and the other three action alternatives are described in the following paragraphs.

2.2 NO ACTION ALTERNATIVE

The No Action Alternative would preclude the construction, operation, and maintenance of a new station. The existing station would continue to be inadequate for the support of operations within the Kingsville AOR, and would not adequately accommodate the projected increase in USBP agents necessary to operate more efficiently. Consequently, this alternative would hinder USBP's ability to respond to high levels of illegal cross-border activity. USBP agents and support staff would continue to be subjected to potential health and safety issues at the existing station. The No Action Alternative does not meet the purpose and need for the proposed project, but will be carried forward for analysis, as required by the CEQ regulations. The No Action Alternative describes the existing conditions in the absence of any other alternative.

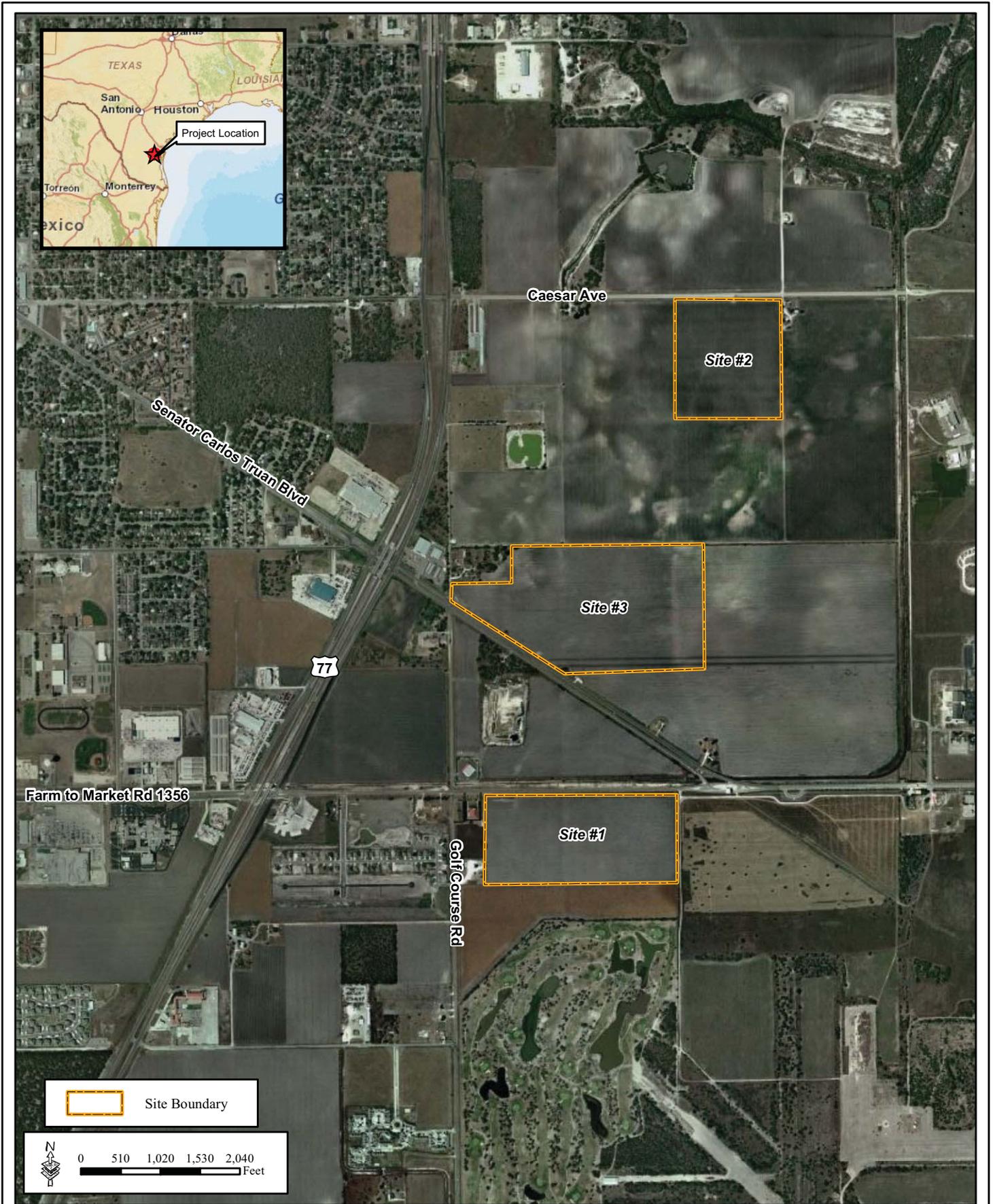


Figure 2-1: Kingsville Station Site Alternative Location Map

2.3 ALTERNATIVE 1: SITE 1

Site 1 is located along Farm to Market (FM) Road 1356, east of FM 3320 (also known as Golf Course Road), and approximately 0.75 mile west of the NAS Kingsville main gate (Figure 2-2). The site is currently in agricultural production (sorghum), as shown in Photograph 2-1. A church and sewer repair company are located at the corner of the FM 1356 and Golf Course Road, on the site's western boundary. All utilities are located at or adjacent to the site with the exception of the sewer mainline which would require an extension to access the site. The new sewer line would be located adjacent to FM 1356. Access to the site would be provided on FM 1356. Construction of the station at this site would require purchasing the entire site which is approximately 50 acres. It is anticipated that only 40 acres would be developed.



Photograph 2-1. Site 1 Looking Southeast

This alternative was originally proposed as the Preferred Alternative; however, during and shortly after the public comment period, the ability to acquire this site became problematic. Consequently, although CBP still considers Site 1 as a viable alternative, Site 3 is now considered the Preferred Alternative, as discussed below.

2.4 ALTERNATIVE 2: SITE 2

As shown in Figure 2-3, Site 2 is located on East Caesar Avenue, approximately 0.65 mile east of U.S. Highway 77 (US 77). The site is in sorghum production (Photograph 2-2). A natural gas line borders the western boundary of the site and a public water line is approximately 0.4 mile to the west. Sewer lines would have to be installed and would have to cross US 77, approximately 0.70 mile away. TxDOT has plans to construct an overpass at US 77 and Caesar Avenue, but there is currently no funding; therefore, there is no current schedule for construction. According to USBP agents, this is a very busy and dangerous intersection that experiences numerous fatal accidents each year. Construction of the station and associated facilities at this site would require approximately 37 acres.



Photograph 2-2. Site 2 looking South

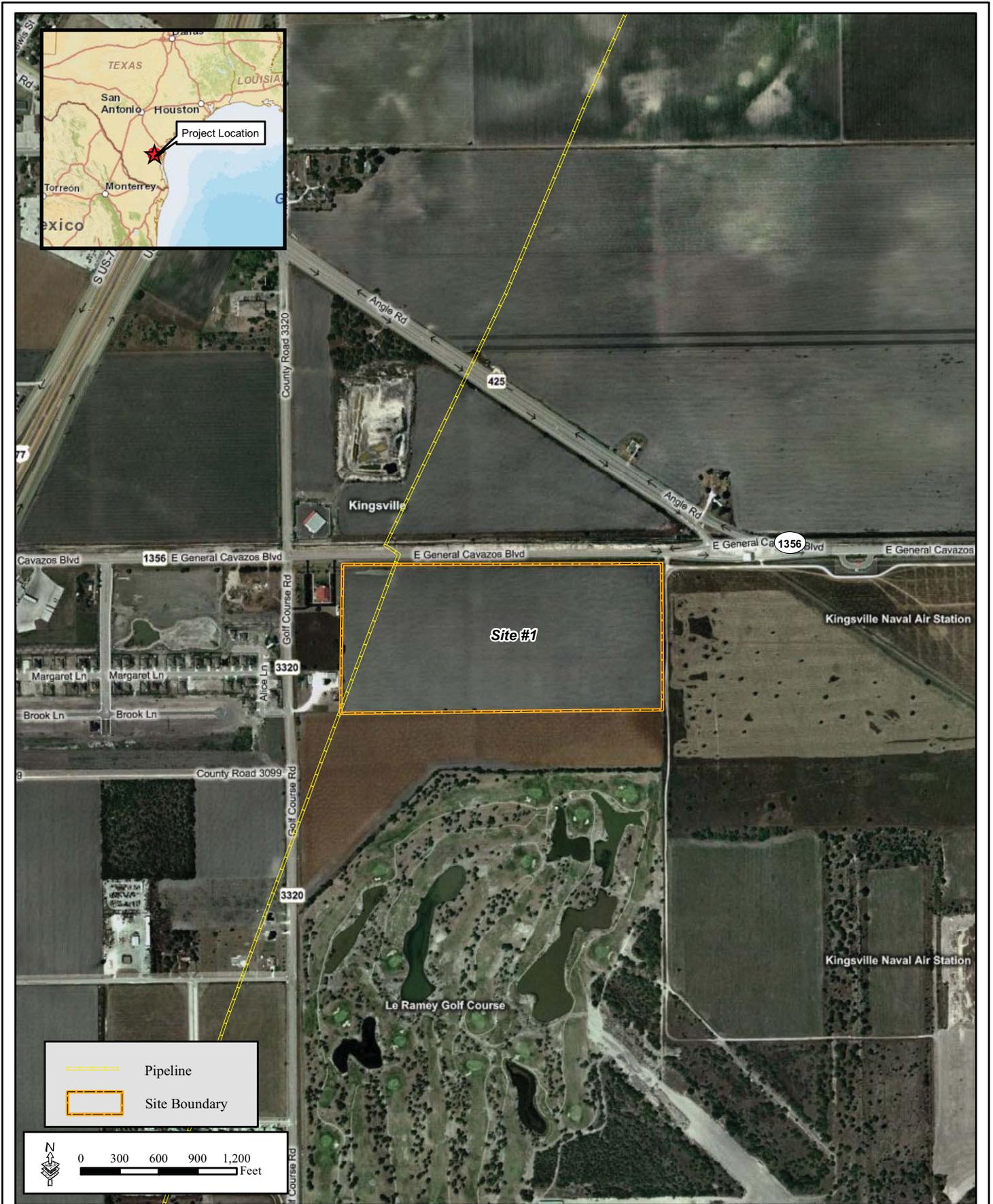


Figure 2-2: Alternative 1 - Site 1 Project Area

2.5 ALTERNATIVE 3: SITE 3 (PREFERRED ALTERNATIVE)

Site 3 is located in the northeast section of the junction of Senator Carlos Truan Boulevard and FM 3320 (Figure 2-4). Site 3 is currently in cotton production (Photograph 2-3). Access to the site would be provided from Senator Carlos Truan Boulevard. A natural gas line bisects the site from southwest to northeast. A public water line also transects the western portion of the site from south to north. These two easements would have to be incorporated in the layout/design of the station since no buildings (only driveway/parking) could be constructed over the pipeline easements. Construction at this site would require approximately 40 acres; it is anticipated that the remainder of the project site would be revegetated with native or landscaped vegetation.



Photograph 2-3. Site 3 Looking North

2.6 OTHER ACTION ALTERNATIVES CONSIDERED BUT ELIMINATED

2.6.1 Improvement to Existing Station

The renovation or expansion of the existing station to accommodate additional agents was considered as an action alternative. The existing station currently houses 246 agents and support staff. The existing station does not provide facilities needed to improve agent efficiency and effectiveness. Expansion of the existing station at the current site is prohibited by conditions of the current lease from NAS Kingsville. Therefore, this action alternative was excluded from further consideration because it does not meet the purpose and need.

2.6.2 Other Sites Considered

A total of 12 sites were identified and evaluated for the potential to construct the USBP station (Figure 2-5). The other nine sites were eliminated due to engineering, cost, security or safety, and environmental reasons. In addition, CBP considered combining Sites 1 and 8 for the construction, operation, and maintenance of the new station. Site 8, which is located directly south of Site 1 (Figure 2-6), would provide access points on two public roads (FM 1356 and Golf Course Road) and provide a more efficient access to public water and sewer lines west of the site. However, this alternative would require the acquisition of approximately 80 acres, which would have substantially increased the costs. Consequently, it was eliminated from further consideration. These sites and the reasons for their elimination are presented in Table 2-2.

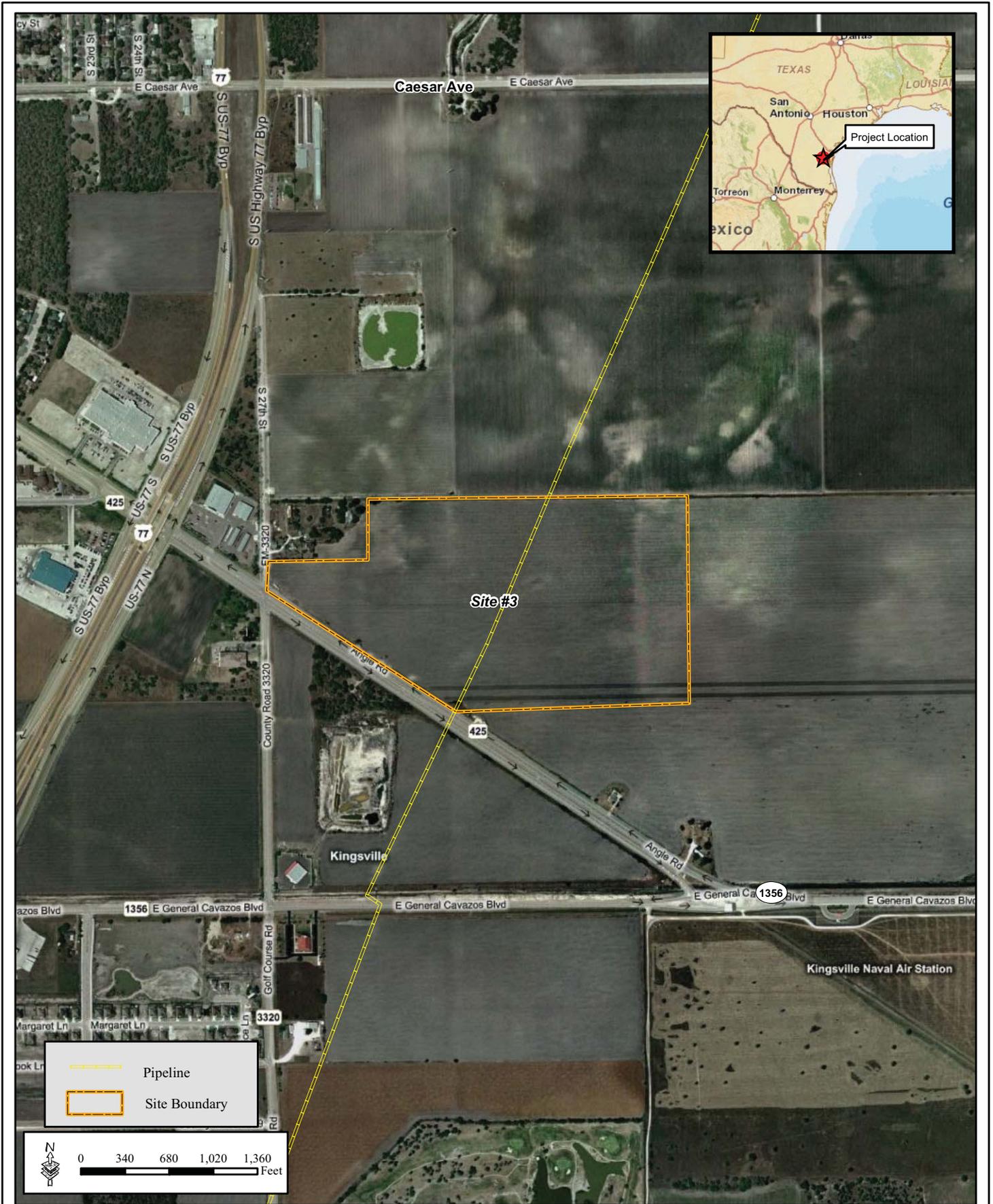


Figure 2-4: Alternative 3 - Site 3 Project Area

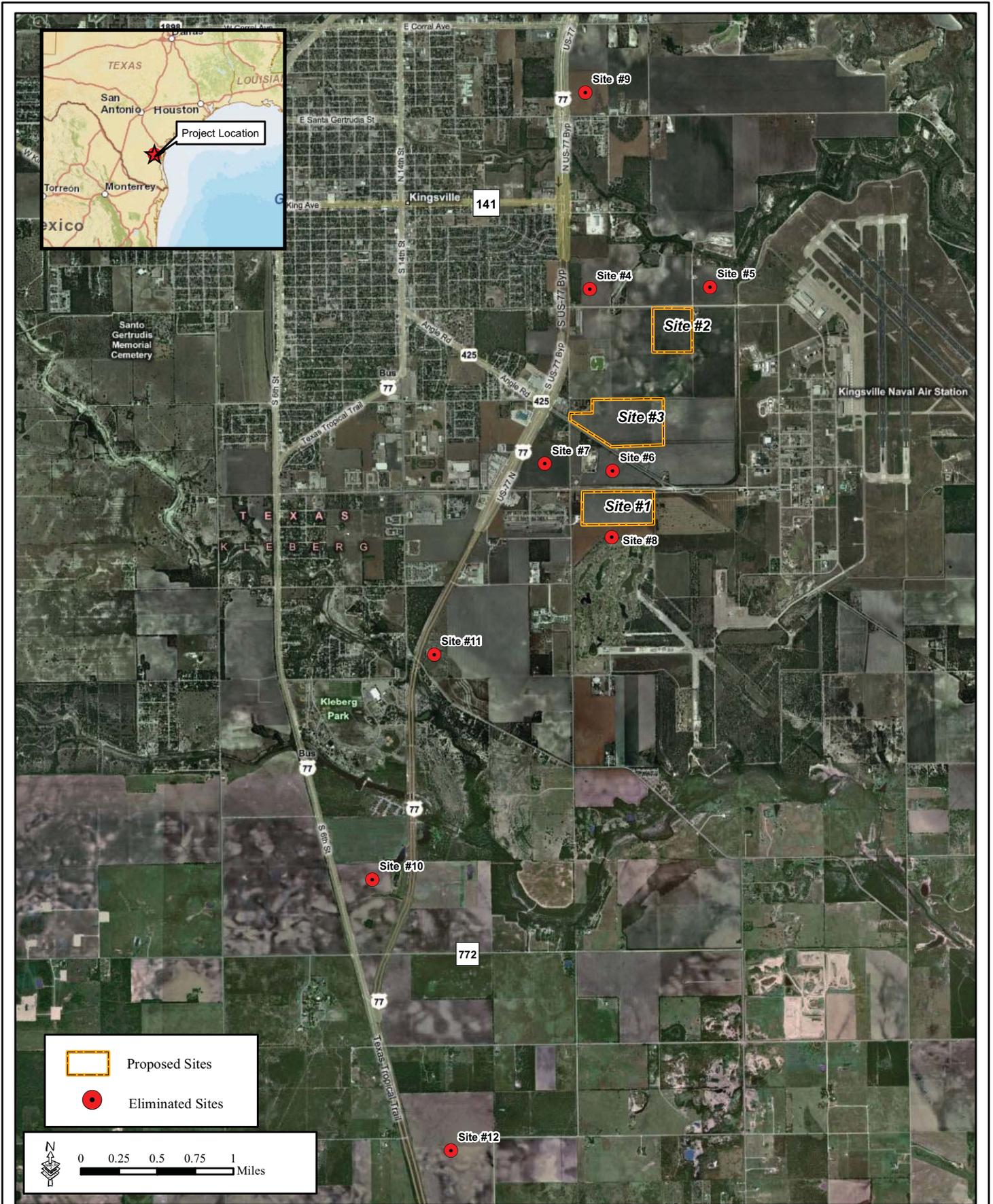


Figure 2-5: Location of 12 Alternative Sites Investigated

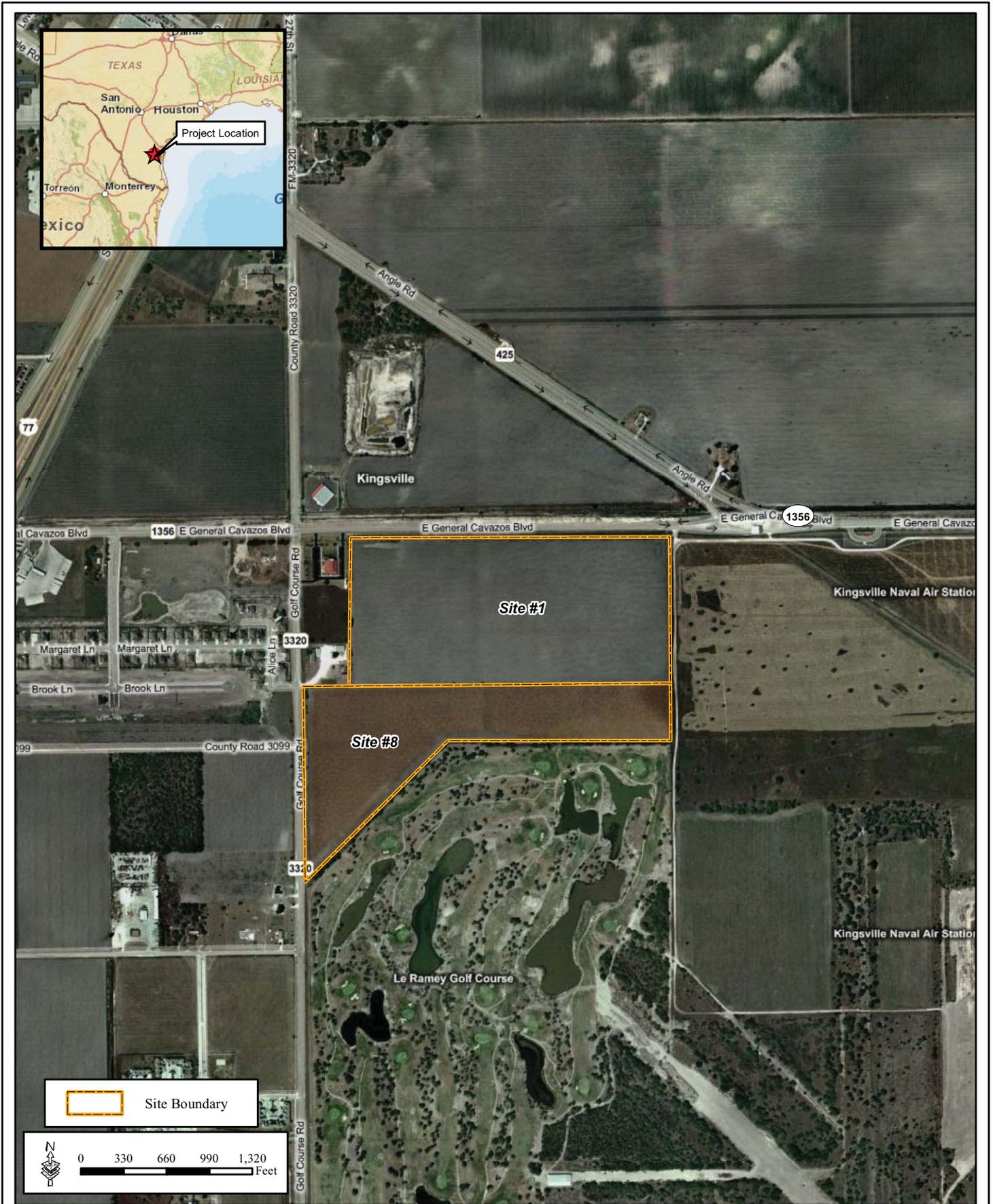


Figure 2-6: Combined Site 1 and Site 8 Project Area (Eliminated)

Table 2-2. Sites and Reason for Elimination

Site Number	Reason for Elimination	Comments
4	Cost and Security	Additional costs would be incurred to extend sewer lines; site is too close to US 77/Caesar Street intersection which presents safety/security issues.
5	Safety, Engineering, and Environmental	Additional costs would be incurred to extend water and sewer lines; site topography hinders design and construction; site is in a floodplain; site is close to US 77/Caesar Street intersection which presents safety/security issues.
6	Engineering	Site is only 30 acres and the shape (triangle) is not functional from a design and operational standpoint.
7	Cost	Seller's price far exceeds the budgeted amount.
8	Engineering	Site was deemed too small by itself and the shape of the site would have generated additional engineering design issues.
9	Cost and Security	Additional costs would be incurred to extend sewer lines; site is too close to two highway overpasses.
10	Safety, Engineering, and Environmental	Intersection at US 77 and 6 th Street is not controlled and presents safety issues; site topography hinders design and construction; site is in a floodplain.
11	Engineering	Site is only 27 acres and the shape (triangle) is not functional from a design and operational standpoint; proposed interchange upgrades would also limit construction activities.
12	Cost	Additional costs would be incurred to extend water and sewer lines which are 2.5 miles to the north.

2.7 SUMMARY

The No Action Alternative and Alternatives 1 through 3 (Preferred Alternative) have been carried forward for analysis. As shown in Table 2-3, each of the action alternatives fully support the purpose and need as described in Section 1.3. A summary of the anticipated impacts associated with each of the alternatives is provided in Table 2-4.

Table 2-3. Alternative Matrix

Purpose and Need	No Action Alternative	Alternative 1: Site 1	Alternative 2: Site 2	Alternative 3: Site 3 (Preferred Alternative)
Will the alternative provide adequate facilities for existing agents operating within the Kingsville Station AOR?	Partially	Yes	Yes	Yes
Will the alternative provide additional facilities for expansion of the Kingsville agent force up to approximately 350 staff?	No	Yes	Yes	Yes
Will the alternative provide facilities necessary to enhance USBP operations in the Kingsville Station AOR?	No	Yes	Yes	Yes
Will the alternative provide the opportunity for future expansion of facilities?	No	Yes	Yes	Yes
Will the alternative provide increased effectiveness for USBP agents in the performance of their duties?	No	Yes	Yes	Yes
Will the alternative provide a safe working environment for USBP agents?	No	Yes	Yes	Yes

Table 2-4. Summary Matrix of Potential Impacts

Affected Environment	No Action Alternative	Alternative 1: Site 1	Alternative 2: Site 2	Alternative 3: Site 3 (Preferred Alternative)
Land Use	No direct impacts would occur.	Approximately 50 acres would be permanently converted from agricultural land to USBP station facilities.	Approximately 37 acres would be permanently converted from agricultural land to USBP station facilities.	Approximately 77 acres would be permanently converted from agricultural land to USBP station facilities.
Soils	No direct impacts would occur.	Direct impacts on 50 acres of soil removed from biological production, all of which are considered prime farmland soils.	Direct impacts on 37 acres of soil removed from biological production, all of which are considered prime farmland soils.	Direct impacts on 77 acres of soil removed from agricultural production, all of which are considered prime farmland soils.
Water Resources	No direct impacts would occur.	No surface waters would be affected since none occur on the site. The 100-year floodplain would not be affected.	No surface waters would be affected since none occur on the site. The 100-year floodplain would not be affected.	No surface waters would be affected since none occur on the site. The site is not located within the 100-year floodplain.
Vegetative Habitat	No direct impacts would occur.	No impacts would occur as the site is in agricultural production. Narrow bands of ruderal communities are located on the edge of the agricultural lands.	Impacts would be the same as Alternative 1.	Impacts would be the same as Alternative 1.
Fish and Wildlife Resources	No direct impacts would occur.	No or negligible effects would occur since the site is under agricultural production.	Impacts would be the same as Alternative 1.	Impacts would be the same as Alternative 1.
Protected Species and Critical Habitat	No direct impacts would occur. Impacts on south Texas ambrosia could continue from mowing and herbicide applications.	A small population of south Texas ambrosia may be affected, but would not be adversely affected. Conservation measures would be implemented to avoid or offset potential impacts.	No impacts would occur. No critical habitat occurs in project area.	Impacts would be the same as Alternative 2.
Cultural Resources	No direct impacts would occur.	No impacts would occur. No significant cultural resources were found on the project site.	Impacts would be the same as Alternative 1.	Impacts would be the same as Alternative 1.

Table 2-4, continued

Affected Environment	No Action Alternative	Alternative 1: Site 1	Alternative 2: Site 2	Alternative 3: Site 3 (Preferred Alternative)
Air Quality	Indirect impacts from anticipated increase of POV and GOV in the Kleberg County airshed and additional fueling.	Short-term minor impacts to air quality would occur during construction. Indirect impacts from vehicle emissions due to anticipated increase in GOV and POV usage and fueling.	Impacts would be the same as Alternative 1.	Impacts would be the same as Alternative 1.
Noise	Permanent indirect impacts on ambient noise levels due to additional vehicles with the increase in agent force.	Minor temporary increases in noise would occur during construction. Minor increases in ambient noise levels due to the increased agent force and enforcement vehicles.	Impacts would be the same as Alternative 1.	Impacts would be the same as Alternative 1.
Utilities and Infrastructure	Minor increase in demand for utilities from the increase in agent force and their families.	Minor increase in demand for utilities from the increase in agent force and their families.	Impacts would be the same as Alternative 1.	Impacts would be the same as Alternative 1.
Transportation	No direct impact would occur. Increases along FM 1356 would occur, particularly at the NAS Kingsville Main Gate, due to increased USBP agents.	Temporary increases would occur during construction and create some minor congestion. Permanent minor increases in average daily traffic volumes would occur on FM 1356 and from the additional GOVs and POVs.	Impacts would be similar to Alternative 1 but increase would be along Caesar Avenue.	Impacts would be similar to Alternative 1, but the increase would be along Senator Carlos Truan Boulevard and Golf Course Road.
Aesthetics and Visual Resources	No direct impacts on aesthetic and visual resources in the vicinity of the alternative sites because no construction would be expected to occur.	No adverse impacts to aesthetics and visual resources would be expected. Local area already has experienced aesthetic impacts from agricultural production, highway construction, and commercial and residential developments.	Impacts would be the same as Alternative 1.	Impacts would be the same as Alternative 1.

Table 2-4, continued

Affected Environment	No Action Alternative	Alternative 1: Site 1	Alternative 2: Site 2	Alternative 3: Site 3 (Preferred Alternative)
Hazardous Material	No hazardous materials impacts would occur.	Potential for minor adverse impacts during construction would be minimized with BMPs. ASTs and maintenance facility have the potential for hazardous materials impacts.	Impacts would be the same as Alternative 1.	Impacts would be the same as Alternative 1.
Socioeconomics	Minor direct benefit to socioeconomic status is expected. Indirect beneficial impacts on socioeconomics of the area from the anticipated increase in agents would occur.	Minor beneficial changes to local employment rates, poverty levels, or local incomes would occur as a result of this program. Indirect impacts on socioeconomics of the area from the anticipated increase in agents would be the same as the No Action Alternative.	Impacts would be the same as Alternative 1.	Impacts would be the same as Alternative 1.
Environmental Justice and Protection of Children	No direct impacts would occur.	No direct impacts would occur.	No direct impacts would occur.	No direct impacts would occur.
Sustainability and Greening	No direct impacts would occur.	Beneficial effects to the environment from the implementation of LEED Silver certification would be anticipated.	Impacts would be the same as Alternative 1.	Impacts would be the same as Alternative 1.
Human Health and Safety	No direct impacts would occur.	With the implementation of BMPs and safety procedures, no significant impacts would be expected.	Impacts would be the same as Alternative 1.	Impacts would be the same as Alternative 1.

SECTION 3.0
AFFECTED ENVIRONMENT AND CONSEQUENCES



3.0 AFFECTED ENVIRONMENT AND CONSEQUENCES

3.1 PRELIMINARY IMPACT SCOPING

This section of the EA describes the natural and human environment that exists within the alternative sites and region of influence (ROI), and the potential impacts of the No Action and the three alternatives outlined in Section 2.0 of this document. The ROI for this project is Kleberg County. Only those parameters that have the potential to be affected by any of the alternatives are described, as per CEQ guidance (40 CFR 1501.7 [3]). Some topics are limited in scope due to the lack of direct effect from the proposed project on the resource, or because that particular resource is not located within the project area. Resources dismissed from further discussion are:

Climate

The proposed construction of the new station would neither affect nor be affected by the climate.

Wild and Scenic Rivers

The proposed construction of the new station would not affect any stretch of river designated as Wild and Scenic, as none are located in the project vicinity.

Unique and Sensitive Areas

The proposed construction of the new station would not affect any unique and sensitive areas, because no areas designated as such are located within or near the project area.

Hydrology and Hydraulics

The proposed construction of the new station would not affect the hydrology or hydraulics of any surface water body, since none are located at any of the alternative site locations. Groundwater hydrology would not be affected since CBP would acquire its water supply from the City of Kingsville, as it does now.

Aquatic Resources

The proposed construction of the new station would not affect any surface water body, since none are located at any of the alternative site locations. Consequently, no aquatic resources (e.g., fish or crustaceans) would be affected.

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

Impacts can vary in degree or magnitude from a slightly noticeable change to a total change in the environment. Significant impacts are those effects that would result in substantial changes to the environment (40 CFR 1508.27) and should receive the greatest attention in the decision-making process. Insignificant impacts are those that would result in minimal changes to the environment. The following discussions describe and, where possible, quantify the potential effects of each alternative on the resources within or near the project sites. All impacts described below are considered to be adverse unless stated otherwise.

3.2 LAND USE

3.2.1 Affected Environment

In general, land use near the three alternative project sites is categorized as developed or agricultural. Site 1 is the preferred site and is located near the main gate of NAS Kingsville. This site is currently being farmed for sorghum. A church and sewer maintenance shop are located along the western boundary of Site 1, and a county-owned golf course is located south of the project site. A natural gas line transects the northwestern corner of Site 1 (see Figure 2-2).

Site 2 is located on the south side of West Caesar Avenue, approximately 0.6 mile east of US 77. It is also used for sorghum production. A natural gas line borders the western boundary of the site, and a public water line is approximately 0.4 mile to the west (see Figure 2-3).

Site 3 is located just east of the junction of US 77 and Senator Carlos Truan Boulevard, and is currently planted with cotton. As shown previously in Figure 2-4, a natural gas line bisects the site from southwest to northeast. A public water line transects the western portion of the site from south to north.

3.2.2 Environmental Consequences

3.2.2.1 *No Action Alternative*

The No Action Alternative would preclude the construction, operation, and maintenance of a new station, and land use would remain unchanged.

3.2.2.2 *Alternative 1: Site 1*

Construction of the new station at Site 1 would convert approximately 50 acres of agricultural land to a developed USBP land use. Currently, land use in the vicinity of this site includes agricultural, residential, and commercial uses; conversion of 50 acres of previously disturbed agricultural land to a developed use would have an insignificant effect on the overall land use in the region.

3.2.2.3 *Alternative 2: Site 2*

Impacts on land use for Site 2 would be similar to those listed in Site 1.

3.2.2.4 *Alternative 3: Site 3 (Preferred Alternative)*

Impacts on land use for Site 3 would be similar to those listed in Site 1; however, this site is approximately 77 acres.

3.3 GEOLOGY AND SOILS

3.3.1 Affected Environment

3.3.1.1 Geology

The Kingsville area lies within the Gulf Coastal Plain province. The area of the proposed action is classified as part of the Coastal Prairies sub-province, which formed on young deltaic sands, silts, and clays that erode to nearly flat grasslands and form almost imperceptible slopes to the southeast (Bureau of Economic Geology 1996). The rich clays and loams in the Coastal Prairies are particularly suitable for agriculture, and most of the land has been converted to farming activities.

The underlying geology of the Kingsville area consists of the Pleistocene Beaumont Formation, comprised of poorly bedded, marly clay interbedded with lenses of sand. It was deposited primarily by rivers as natural levees and deltas that coalesced as the rivers shifted through time. Some of the clays were deposited in marine and lagoonal environments and interdistributary bays between delta lobes (Chowdhury and Turco, no date). The Beaumont Formation, when exposed at the surface, comprises the Beaumont soil series.

All of the sites being considered for the new USBP station are located on relatively flat terrain in undeveloped areas used for crop production.

3.3.1.2 Soils

Soils at each of the alternative sites consist of Victoria clay, a slightly silty clay with low permeability and a high water table. Site 2 also contains some Cranell sandy loam toward the northern portion of the site. Victoria clay and Cranell sandy loam are used primarily for row crop production, and would be considered prime farmland soils by the NRCS.

3.3.2 Environmental Consequences

3.3.2.1 No Action Alternative

Soils would not be impacted under this alternative, since no construction would occur.

3.3.2.2 Alternative 1: Site 1

Impacts at Alternative Site 1 from construction of a USBP station in the project area would consist of the removal of approximately 50 acres of prime farmland soil from crop production. Consultation has been completed with the NRCS (Appendix A) to determine the Farmland Conversion Rating for the proposed action, in accordance with the Farmland Protection Policy Act (FFPA). Due to the vast amount of similar soils used for crop production in the immediate area and in the vicinity, it is expected that the impacts would be less than significant. Further, acquisition of farmland by a Federal agency for national defense purposes is exempted from the compliance requirements of the Act. The implementation of BMPs for erosion and dust control would reduce soil erosion impacts during construction to insignificant levels.

3.3.2.3 Alternative 2: Site 2

The impacts under this alternative would be similar to those described for Alternative 1.

3.3.2.4 Alternative 3: Site 3 (Preferred Alternative)

The impacts under this alternative would be the same as those described for Alternative 1, but the amount of soils removed from agricultural production would be increased to 77 acres. The proposed acquisition and use of this site is exempt from the FFPA.

3.4 VEGETATION

3.4.1 Affected Environment

The proposed sites for a new USBP station are located within the Central Texas Coast Region. The Central Texas Coast Region starts near Matagorda Bay, and traverses the Victoria and Corpus Christi Areas and ends south of Kingsville. Texas is also divided into natural ecoregions; the project area is located within the Gulf Coast Prairies and Marshes Ecoregion of Texas (TPWD 2006). There are no natural vegetation communities on or within the footprint of the three proposed sites for the USBP station. The construction footprints and surrounding areas consist of agricultural fields, residential and urbanized areas, major roadways, or highly disturbed shrublands. Agricultural lands, especially agricultural margins, generally support non-native and invasive species adapted to frequent disturbance.

3.4.2 Environmental Consequences

3.4.2.1 No Action Alternative

The No Action Alternative would preclude the construction, operation, and maintenance of a new USBP station and no natural vegetation communities would be affected.

3.4.2.2 Alternative 1: Site 1

Site 1 does not support natural vegetation communities and none would be affected by construction and operation of the USBP station.

3.4.2.3 Alternative 2: Site 2

The impacts under Alternative 2 would be the same as those described for Alternative 1.

3.4.2.4 Alternative 3: Site 3 (Preferred Alternative)

The impacts under Alternative 3 would be the same as those described for Alternative 1.

3.5 WILDLIFE

3.5.1 Affected Environment

As mentioned previously, the proposed sites are located within the Gulf Coast Prairies and Marshes Ecoregion of Texas (TPWD 2006). This region typically supports an abundant and diverse wildlife population. However, none of the sites contain any native vegetation communities and, thus, are not expected to support any permanent wildlife populations. Some narrow bands of ruderal vegetation occur along the borders of Sites 1 and 3. Birds, small mammals and some herpetiles would be expected to use the sites for foraging, particularly in these field margins. Common birds and mammals expected to occasionally occur at this site include mourning (*Zenaida macroura*) and white-winged dove (*Zenaida asiatica*), bobwhite quail (*Colinus virginianus*), red-tailed hawk (*Buteo jamacaiensis*), American crow (*Corvus corax*), common grackle (*Quiscalus quiscula*), coyote (*Canis latrans*), raccoon (*Procyon lotor*),

striped skunk (*Mephitis mephitis*), rat (Genera *Rattus*, *Sigmodon*, *Orozomys*), and mouse (Genera *Mus* and *Peromyscus*).

Reptiles and amphibians expected to occur at or near the site would include Texas rat snake (*Elaphe obsoleta lindhiemeri*), western diamondback rattlesnake (*Crotalus atrox*), green anole (*Anolis carolinensis*), Texas horned lizard (*Phrynosoma cornutum*), Woodhouse's toad (*Bufo woodhouseii*), and Gulf Coast toad (*Rana valliceps*).

3.5.2 Environmental Consequences

3.5.2.1 No Action Alternative

The No Action Alternative would preclude the construction, operation, and maintenance of a new USBP station and wildlife habitat on the alternative sites would not be altered.

3.5.2.2 Alternative 1: Site 1

No adverse effects on wildlife populations would occur as a result of the construction, operation, and maintenance of the USBP station at Site 1, as there are no native habitats present at the site. Some individual specimens could be disturbed, injured, or killed during construction; this is particularly true of burrowing mammals, reptiles, and amphibians. However, any such individual would likely be of a common species and, thus, the loss of a few individuals would not adversely affect the population viability or fecundity of any wildlife species in the region.

The proposed action would require artificial lighting around the perimeter of the new station. Lighting would attract or repel various wildlife species within the project area. The number of lights along the boundary of the proposed USBP station is not presently known. However, the proposed lighting is expected to be less than 5 foot-candles, back shielded, and directed toward the station and away from adjacent properties. Therefore, the artificial lighting around the station would not disrupt wildlife activities.

The highest period of movement for most wildlife species occurs during nighttime or low daylight hours. Construction activities would be limited primarily to daylight hours whenever possible. Implementation of the environmental design measures outlined in Section 5.0 would assure that these impacts would be minimal.

Construction and operation of the stormwater detention basin at the station could benefit some wildlife species, in particular amphibians and reptiles. Wading birds would likely use the detention basin for foraging once amphibian, reptilian, fish, or crustacean populations become established. Passerine birds would also use the detention basin if vegetation communities are allowed to grow around the basin's edge.

3.5.2.3 Alternative 2: Site 2

The impacts on wildlife species under this alternative would be similar to those of Alternative 1.

3.5.2.4 Alternative 3: Site 3 (Preferred Alternative)

The impacts on wildlife species under this alternative would be similar to those of Alternative 1.

3.6 THREATENED AND ENDANGERED SPECIES

3.6.1 Affected Environment

Special status species refers to Federally or state-listed endangered, threatened, or candidate species. A list of special status species potentially occurring in Kleberg County was compiled from the USFWS Southwestern Ecological Services Office (2010) and the TPWD (2010) online databases. Coordination letters have been sent to both agencies (see Appendix A). The USFWS and TPWD responses are included in Appendix A and the listing status for each listed species potentially occurring in Kleberg County is provided in Appendix B. None of the proposed project sites occurs within an area of designated Critical Habitat. The USFWS reported that south Texas ambrosia (*Ambrosia cheiranthifolia*) has been reported from Kleberg County and could occur at or near the proposed sites. South Texas ambrosia grows at low elevations of 26 to 66 feet mean sea level, in open prairies and savannas. The soils present at the known locations consist of clay loams to sandy loams, derived primarily from the Beaumont clay series.

The agricultural fields present at the three proposed sites are extremely limited in suitability for threatened and endangered species. Each of the sites and the majority of the surrounding lands are active agricultural fields or have been impacted by development (e.g., NAS Kingsville). However, TPWD reported that five state-listed species, in addition to the South Texas ambrosia, have been reported within 1.5 miles of the project sites. The black-spotted newt (*Notophthalmus meridionalis*), sheep frog (*Hypopachus variolosus*), Texas indigo snake (*Drymarchon melanurus erebennus*), Texas tortoise (*Gopherus berlandieri*) and Chandler's craglilly (*Echeandia chandleri*) were considered by TPWD to have the potential to occur at or near the sites. The black-spotted newt, sheep frog and Texas indigo snake would favor the streams and riparian areas that are north of Site 2 and south of Site 1. However, it is unlikely that either of these species would occur at the project sites due to the distances from the streams. The craglilly grows in grasslands and openings in subtropical woodlands and brush on clay soils; this habitat type is not present at any of the sites. The Texas tortoise typically inhabits dry grasslands and scrub lands where it feeds on grasses and succulents. Although none of the sites support this type of habitat, it is possible that a Texas tortoise could migrate through any of the sites.

Additionally, the mountain plover (*Charadrius montanus*) is a migrant through the area, and non-breeding habitat includes shortgrass plains and bare (i.e., plowed), dirt fields. The western burrowing owl is a resident species in the area and occupies open grasslands and sometimes open areas, such as vacant lots near urban areas, and nests and roosts in abandoned burrows. Western burrowing owl (*Athene cunicularia hypugea*) burrows can be found along agricultural margins excavated into irrigation or drainage canals and berms.

3.6.2 Environmental Consequences

3.6.2.1 No Action Alternative

The No Action Alternative would preclude the construction, operation, and maintenance of a new station and no special status species or their potential habitats would be affected.

3.6.2.2 Alternative 1: Site 1

Although the entire site has been plowed, as can be seen in Figure 2-2, south Texas ambrosia was found along the ditch parallel to FM 1356. This small population has been disturbed by past

maintenance activities but still supports approximately 1,200 plants. The proposed construction activity would avoid this population and a management plan would be prepared and implemented by CBP to ensure the long-term viability and enhancement of the population. CBP and USFWS would enter into informal consultation regarding this species, if this site were ultimately selected. Conservation measures to be implemented to avoid or offset potential impacts are described later in Section 5.3. The proposed action at Site 1 would likely provide some benefits to the small population of south Texas ambrosia since it is currently subjected to periodic herbicide application and mowing by the current landowners.

The potential for state-listed special status or other Federally listed species to occur on Site 1 is limited by the low quality of wildlife habitats on and surrounding the site. While the mountain plover could use the site as a stopover during migration, these birds would likely avoid any construction-related activity. These species are not susceptible to harm related to disturbance, do not regularly encounter human activity during migration, and would likely relocate to a nearby area of similar suitability. Western burrowing owls could nest and forage in or near Site 1. As discussed in Section 5.0, a pre-construction survey would be required to avoid impacts on this species if construction occurs during the breeding season. If the species is observed within or near the site, the TPWD would be contacted and measures to avoid, and mitigate if necessary, any adverse impacts would be implemented.

Due to the presence of more suitable habitats nearby (i.e., golf course), the Texas tortoise could migrate through or forage in Site 1, but is not likely to be a resident. The large area of more suitable habitats occurring nearby also limits the potential adverse effects of reduced foraging and migration opportunities resulting from proposed development of Site 1. The potential adverse effects on state-listed species would be minimal, and would be avoided where possible through pre-construction surveys.

3.6.2.3 *Alternative 2: Site 2*

The effect of Alternative 2 on state-listed special status species would be minimal and similar to those occurring under Alternative 1. No Federally listed species would be affected.

3.6.2.4 *Alternative 3: Site 3 (Preferred Alternative)*

The effect of Alternative 3 on state-listed special status species would be minimal and similar to those occurring under Alternative 1. No Federally listed species would be affected. Surveys were conducted at the site and no protected species were observed.

3.7 SURFACE WATERS AND WATERS OF THE U.S.

3.7.1 Affected Environment

Major water bodies within or adjacent to the study area consist of Alice Lake, San Fernando Creek, Santa Gertrudis Creek, Juboncillos Creek, and Laguna Madre. In general, the open waters of Alice Lake and Laguna Madre have good to excellent water quality. The project area is located in TCEQ Service Region 14 (Corpus Christi).

Sections 305(b) and 303(d) of the Federal Clean Water Act (CWA) require states to list the status of surface waters, including concerns for public health, fitness for use by aquatic species and

other wildlife, and specific pollutants and their possible sources (TCEQ 2010). Designated uses of state waters are defined in three categories: (1) Total Body Contact Recreation, which includes swimming and water skiing; (2) Partial Body Contact Recreation, which includes boating and sailing; and (3) Fish Consumption which includes bio-accumulative chemicals of concern and fish tissue mercury concentrations.

As shown in Figure 3-1, the proposed sites (1, 2, and 3) are located within the San Fernando Creek sub-watershed (SEGID_2492A) of the Nueces Rio Grande Basin. This segment is listed by TCEQ on the 2010 Texas Water Quality Inventory Integrated Report (Section 305(b) and 303(d)) for violating bacteria criteria. This stream segment was listed beginning in 2006 due to Category 5a reports of impairment from high bacteria loading. The San Fernando Creek stream segment begins at the Del Grullo confluence in Kleberg County and ends at the Lake Alice Dam in Jim Wells County. This stream segment is located within the boundary of the Nueces-Rio Grande sub-watershed. Based on information from the Texas State Water Quality Standards, the segment and flow type of this stream segment is defined as a tidal stream with a high Aquatic Life Use designation. No surface water bodies or other waters of the U.S. (WUS) are located on any of the sites.

3.7.2 Environmental Consequences

3.7.2.1 *No Action Alternative*

Under the No Action Alternative, no adverse impacts on surface water would occur since no construction would be implemented.

3.7.2.2 *Alternative 1: Site 1*

Under Alternative 1, temporary short-term impacts on downstream surface waters may occur during the construction period due to soil erosion. The construction site is approximately 40 acres (of the 50 acres total) and would require a Storm Water Pollution Prevention Plan (SWPPP) as part of the National Pollutant Discharge Elimination System (NPDES) permit process. The station site would include a 5-acre retention pond to capture storm water runoff. During construction activities, water quality within ephemeral and perennial streams would be protected through the implementation of best management practices (BMPs), such as silt fences and minimal alteration of vegetative buffers, as specified in the SWPPP. A site-specific Spill Prevention, Control, and Countermeasures Plan (SPCCP) would also be in place prior to the start of construction. BMPs outlined in this plan would reduce potential migration of soils, oil and grease, and construction debris into local watersheds. Impacts on water resources would be less than significant.

3.7.2.3 *Alternative 2: Site 2*

Similar to those described in Alternative 1, the impacts on water resources would be less than significant.

3.7.2.4 *Alternative 3: Site 3 (Preferred Alternative)*

Similar to those described in Alternative 1, the impacts on water resources would be less than significant.

3.8 FLOODPLAINS

3.8.1 Affected Environment

A floodplain is the area adjacent to a river, creek, lake, stream, or other open waterway that is subject to flooding when there is a significant rain. If an area is in the 100-year floodplain, there is a 1-in-100 chance in any given year that the area will flood. Executive Order (EO) 11988 (Floodplain Management) (43 FR 6030) was enacted on May 24, 1977, to “avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative. EO 11988 directs all Federal agencies to reduce the risk of flood loss; minimize the impact of floods on human safety, health, and welfare; and restore and preserve the natural and beneficial values served by floodplains...”. Additionally, where the only practicable alternative is to site in a floodplain, a specific step-by-step process must be followed to comply with EO 11988 as outlined in the Federal Emergency Management Agency (FEMA) document *Further Advice on EO 11988 Floodplain Management*.

FEMA floodplain maps were reviewed to identify project locations that would occur within mapped floodplains (FEMA 1985). As depicted on Figure 3-2, Site 2 is located approximately 0.25 mile southwest of the Tranquitas Creek floodplain. Neither of the other two sites occurs on or near a 100-year floodplain.

3.8.2 Environmental Consequences

3.8.2.1 No Action Alternative

The No Action Alternative would preclude the construction, operation, and maintenance of a new station and, thus, no impacts on floodplains would occur.

3.8.2.2 Alternative 1: Site 1

Construction of the new station at Site 1 would not impact the 100-year flood zone, as the site is not within the 100-year floodplain. The proposed action would be in total compliance with EO 11988.

3.8.2.3 Alternative 2: Site 2

The impacts on floodplains under this alternative would be the same as those described for Alternative 1.

3.8.2.4 Alternative 3: Site 3 (Preferred Alternative)

The impacts on floodplains under this alternative would be the same as those described for Alternative 1.

3.9 AIR QUALITY

3.9.1 Affected Environment

The USEPA established National Ambient Air Quality Standards (NAAQS) for specific pollutants determined to be of concern with respect to the health and welfare of the general public. Ambient air quality standards are classified as either "primary" or "secondary." The major pollutants of concern, or criteria pollutants, are carbon monoxide (CO), sulfur dioxide



Figure 3-2 : 100-Year Floodplain

(SO₂), nitrogen dioxide (NO₂), ozone (O₃), particulate matter less than 10 microns (PM-10), particulate matter less than 2.5 microns (PM-2.5) and lead (Pb). NAAQS represent the maximum levels of background pollution that are considered safe, with an adequate margin of safety, to protect the public health and welfare. The NAAQS are included in Table 3-1.

Table 3-1. National Ambient Air Quality Standards

Pollutant	Primary Standards		Secondary Standards	
	Level	Averaging Time	Level	Averaging Times
CO	9 ppm (10 mg/m ³)	8-hour ⁽¹⁾	None	
	35 ppm (40 mg/m ³)	1-hour ⁽¹⁾		
Pb	0.15 µg/m ³ ⁽²⁾	Rolling 3-Month Average	Same as Primary	
	1.5 µg/m ³	Quarterly Average	Same as Primary	
NO ₂	53 ppb ⁽³⁾	Annual (Arithmetic Average)	Same as Primary	
	100 ppb	1-hour ⁽⁴⁾	None	
PM-10	150 µg/m ³	24-hour ⁽⁵⁾	Same as Primary	
PM-2.5	15.0 µg/m ³	Annual ⁽⁶⁾ (Arithmetic Average)	Same as Primary	
	35 µg/m ³	24-hour ⁽⁷⁾	Same as Primary	
O ₃	0.075 ppm (2008 standard)	8-hour ⁽⁸⁾	Same as Primary	
	0.08 ppm (1997 standard)	8-hour ⁽⁹⁾	Same as Primary	
	0.12 ppm	1-hour ⁽¹⁰⁾	Same as Primary	
SO ₂	0.03 ppm	Annual (Arithmetic Average)	0.5 ppm	3-hour ⁽¹⁾
	0.14 ppm	24-hour ⁽¹⁾		
	75 ppb ⁽¹¹⁾	1-hour	None	

Source: USEPA 2010 at <http://www.epa.gov/air/criteria.html>

Units of measure for the standards are parts per million (ppm) by volume, parts per billion (ppb) by volume, milligrams per cubic meter of air (mg/m³), and micrograms per cubic meter (µg/m³).

⁽¹⁾ Not to be exceeded more than once per year.

⁽²⁾ Final rule signed October 15, 2008.

⁽³⁾ The official level of the annual NO₂ standard is 0.053 ppm, equal to 53 ppb, which is shown here for the purpose of clearer comparison to the 1-hour standard

⁽⁴⁾ To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 100 ppb (effective January 22, 2010).

⁽⁵⁾ Not to be exceeded more than once per year on average over 3 years.

⁽⁶⁾ To attain this standard, the 3-year average of the weighted annual mean PM-2.5 concentrations from single or multiple community-oriented monitors must not exceed 15.0 µg/m³.

⁽⁷⁾ To attain this standard, the 3-year average of the 98th percentile of 24-hour concentrations at each population-oriented monitor within an area must not exceed 35 µg/m³ (effective December 17, 2006).

⁽⁸⁾ To attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.075 ppm. (effective May 27, 2008)

⁽⁹⁾ (a) To attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.08 ppm.

(b) The 1997 standard—and the implementation rules for that standard—will remain in place for implementation purposes as EPA undertakes rulemaking to address the transition from the 1997 ozone standard to the 2008 ozone standard.

(c) EPA is in the process of reconsidering these standards (set in March 2008).

⁽¹⁰⁾ (a) EPA revoked the 1-hour ozone standard in all areas, although some areas have continuing obligations under that standard ("anti-backsliding").

(b) The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm is ≤ 1.

⁽¹¹⁾ (a) Final rule signed June 2, 2010. To attain this standard, the 3-year average of the 99th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 75 ppb.

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

A conformity analysis is the process used to determine whether a Federal action meets the requirements of the General Conformity Rule. It requires the responsible Federal agency to evaluate the nature of a proposed action and associated air pollutant emissions, and calculate emissions that would result from the proposed action. If the emissions exceed established limits, known as *de minimis* thresholds, the proponent is required to implement appropriate mitigation measures.

The TCEQ has adopted USEPA's NAAQS as Texas' criteria pollutants. Areas that fail to meet Federal standards for ambient air quality are considered non-attainment. TCEQ has classified Kleberg County as in-attainment for all NAAQS. The USEPA also considers Kleberg County as in-attainment for all NAAQS (USEPA 2010b).

3.9.2 Environmental Consequences

3.9.2.1 No Action Alternative

Implementation of the No Action Alternative would not create additional air emissions in the Kleberg County airshed.

3.9.2.2 Alternative 1: Site 1

Temporary and minor increases in air pollution would occur from the use of construction equipment (combustible emissions) and the disturbance of soils (fugitive dust) during construction of the new USBP station. The following paragraphs describe the air calculation methodologies utilized to estimate air emissions during construction of the proposed station.

Fugitive dust emissions were calculated using the emission factor of 0.19 ton per acre-month (Midwest Research Institute 1996), which is a more current standard than the 1985 PM-10 emission factor of 1.2 tons per acre-month presented in AP-42 Section 13 Miscellaneous Sources 13.2.3.3 (USEPA 2001).

USEPA's NONROAD Model (USEPA 2005) was used, as recommended by USEPA's *Procedures Document for National Emission Inventory, Criteria Air Pollutants, 1985-1999* (USEPA 2001), to calculate emissions from construction equipment. Combustible emission calculations were made for standard construction equipment, such as front-end loaders, backhoes, bulldozers, and cement trucks. Assumptions were made regarding the total number of days each piece of equipment would be used and the number of hours per day each type of equipment would be used.

Construction workers would temporarily increase the combustible emissions in the airshed during their commute to and from the project area. Emissions from delivery trucks would also

contribute to the overall air emission budget. Emissions from delivery trucks and construction worker commuters traveling to the job site were calculated using the USEPA MOBILE6.2 Model (USEPA 2005a, 2005b and 2005c).

The total air quality emissions were calculated for the construction activities to compare to the General Conformity Rule. Summaries of the total emissions for the Preferred Alternative are presented in Table 3-2. Details of the analyses are presented in Appendix C.

Table 3-2. Total Air Emissions (tons/year) from the Proposed Construction versus the *de minimis* Threshold Levels

Pollutant	Total (tons/year)	<i>de minimis</i> Thresholds (tons/year) ¹
CO	17.23	100
Volatile Organic Compounds (VOC)	2.90	100
Nitrous Oxides (NOx)	18.70	100
PM-10	35.80	100
PM-2.5	4.97	100
SO ₂	2.28	100

Source: 40 CFR 51.853 and Gulf South Research Corporation (GSRC) model projections.

¹ Note that Kleberg County is in attainment for all NAAQS (USEPA 2010b).

Several sources of air pollutants would contribute to the overall air impacts of the construction project. The results in Table 3-2 included emissions from:

1. Combustible engines of construction equipment
2. Construction workers' commute to and from work
3. Supply trucks delivering materials to construction site
4. Fugitive dust from job site ground disturbances

As can be seen from the tables above, the proposed construction activities do not exceed federal *de minimis* thresholds; thus, they do not require a Conformity Determination. As there are no violations of air quality standards and no conflicts with the state implementation plans, the impacts on air quality from the implementation of Alternative 1 would be less than significant.

Ongoing Air Emissions

The proposed action would increase the number of USBP agents commuting to work in Kleberg County. The new commuters would most likely be from areas outside of Kleberg County and, therefore, the commuter air emissions from 104 new staff automobiles and lightweight trucks were calculated in this analysis. Table 3-3 presents estimated air emissions from the automobiles of new agents and maintenance staff.

Table 3-3. Total Air Emissions (tons/year) from Daily Auto Activities vs. the *de minimis* Levels

Pollutant	Total (tons/year)	<i>de minimis</i> Thresholds (tons/year) ⁽¹⁾
CO	22.30	100
VOC	2.36	100
NO _x	1.72	100
PM-10	0.01	100
PM-2.5	0.01	100
SO ₂	NA	100

Source: 40 CFR 51.853 and GSRC model projections.

(1) Note that Kleberg County is in attainment for all NAAQS (USEPA 2010b).

EO 13423 established greenhouse gas (GHG) emission reductions as an overarching, integrating performance metric for all Federal agencies and requires a deliberative planning process. Federal agencies must also enhance efforts toward sustainable buildings and communities. Specific requirements include implementing high performance sustainable Federal building design, construction, operation and management, maintenance, and deconstruction by ensuring that all new Federal buildings entering the design phase in 2020 or later are designed to achieve zero net energy consumption by 2030. Zero net energy consumption means that the amount of energy provided by on-site renewable sources is equal to the amount of energy used by the building. As discussed in Section 3.19, the proposed station would be designed and constructed to meet LEED Silver certification, which would be in compliance with EO 13423. As indicated in Table 3-3, above, the emissions generated by daily USBP operations within the Kingsville Station AOR would be less than *de minimis* thresholds, and thus are not expected to substantially contribute to GHG within the region's airshed.

As there are no violations of air quality standards and no conflicts with the state implementation plans, the impacts on air quality resulting from implementation of Alternative 1 would be less than significant.

3.9.2.3 *Alternative 2: Site 2*

Under Alternative 2, the impacts on air quality would be similar to those described in Alternative 1 and would be less than significant.

3.9.2.4 *Alternative 3: Site 3 (Preferred Alternative)*

Under Alternative 3, the impacts on air quality would be similar to those described in Alternative 1 and would be less than significant.

3.10 NOISE

3.10.1 Affected Environment

Noise is generally described as unwanted sound, which can be based either on objective effects (i.e., hearing loss, damage to structures, etc.) or subjective judgments (e.g., community annoyance). Sound is usually represented on a logarithmic scale with a unit called the decibel (dB). Sound on the decibel scale is referred to as sound level. The threshold of human hearing is approximately 0 dB and the threshold of discomfort or pain is around 120 dB.

Noise levels occurring at night generally produce a greater annoyance than do the same levels occurring during the day. A-weighted decibel (dBA) is a measure of noise at a given, maximum level or constant state level louder than the same level of intrusive noise during the day, at least in terms of its potential for causing community annoyance. It is generally agreed that people perceive intrusive noise at night as being 10.0 dBA above ambient background levels. This perception is largely because background environmental sound levels at night in most areas are also approximately 10.0 dBA lower than those during the day. Acceptable noise levels have been established by U.S. Department of Housing and Urban Development (HUD) for construction activities in residential areas (HUD 1984):

Acceptable (not exceeding 65 dBA) – The noise exposure may be of some concern but common building construction will make the indoor environment acceptable and the outdoor environment will be reasonably pleasant for recreation and play.

Normally Unacceptable (above 65 but not greater than 75 dBA) – The noise exposure is significantly more severe. Barriers may be necessary between the site and prominent noise sources to make the outdoor environment acceptable. Special building constructions may be necessary to ensure that people indoors are sufficiently protected from outdoor noise.

Unacceptable (greater than 75 dBA) – The noise exposure at the site is so severe that the construction costs to make the indoor noise environment acceptable may be prohibitive and the outdoor environment would still be unacceptable.

As a general rule of thumb, noise generated by a stationary noise source, or “point source,” will decrease by approximately 6.0 dBA over hard surfaces and 9.0 dBA over soft surfaces for each doubling of the distance. For example, if a noise source produces a noise level of 85 dBA at a reference distance of 50 feet over a hard surface, then the noise level would be 79 dBA at a distance of 100 feet from the noise source, 73 dBA at a distance of 200 feet, and so on. To estimate the attenuation of the noise over a given distance, the following relationship is utilized:

$$\text{Equation 1: } dBA_2 = dBA_1 - 20 \log (d_2/d_1)$$

Where:

dBA_2 = dBA at distance 2 from source (predicted)

dBA_1 = dBA at distance 1 from source (measured)

d_2 = Distance to location 2 from the source

d_1 = Distance to location 1 from the source

Source: California Department of Transportation 1998

Existing Conditions

Naval aircraft traffic creates the dominant noise signature in the area of the alternative sites. All three of the alternative sites are located within 1.5 miles of the NAS Kingsville aircraft runways and experience noise emissions that are normally unacceptable (greater than 65 dBA). Figure 3-3 presents the noise contours associated with aircraft traffic at NAS Kingsville.

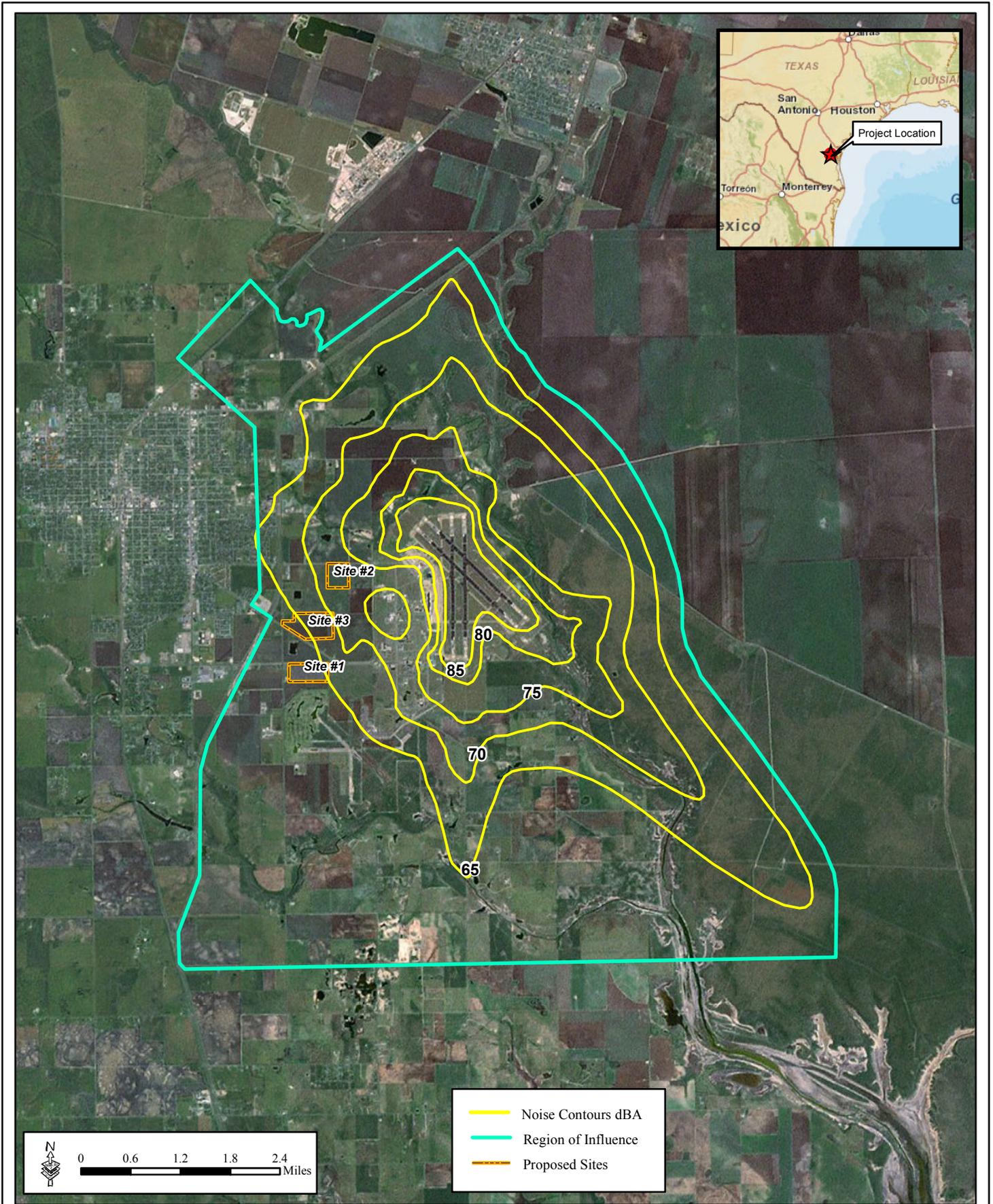


Figure 3-3 : Noise Contours (dBA) Day-Night Averages

Other activities that contribute to the noise environment surrounding the sites include vehicles and farm equipment.

3.10.2 Environmental Consequences

3.10.2.1 No Action Alternative

Implementation of the No Action Alternative would not impact ambient noise quality in the region; however, the neighborhoods adjacent to Sites 1, 2, and 3 would continue to experience traffic noise emissions produced by NAS Kingsville aircraft and cars and trucks traveling on US 77 and other local routes.

3.10.2.2 Alternative 1: Site 1

The construction of the new USBP station would require the use of common construction equipment. Table 3-4 describes noise emission levels for construction equipment which range from 76 dBA to 82 dBA at a distance of 50 feet (Federal Highway Administration 2007 [FHWA] 2007).

Table 3-4. A-Weighted (dBA) Sound Levels of Construction Equipment and Modeled Attenuation at Various Distances¹

Noise Source	50 feet	100 feet	200 feet	500 feet	1000 feet
Backhoe	78	72	66	58	52
Crane	81	75	69	61	55
Dump truck	76	70	64	56	50
Excavator	81	75	69	61	55
Front-end loader	79	73	67	59	53
Concrete mixer truck	79	73	67	59	53
Pneumatic tools	81	75	69	61	55
Bull dozer	82	76	70	62	56
Generator	81	75	69	61	55

Source: FHWA 2007 and GSRC

¹ The dBA at 50 feet is a measured noise emission (FHWA 2007). The 100 to 1,000 foot results are GSRC-modeled estimates.

Assuming the worst case scenario of 82 dBA, the noise model projected that noise levels of 82 dBA from a point source (i.e., bull dozer) would have to travel 370 feet before the noise would be attenuated to an acceptable level of 65 dBA. To achieve an attenuation of 82 dBA to a normally unacceptable level of 75 dBA, the distance from the noise source to the receptor is 110 feet.

Assuming the construction activities are contained within the delineated construction area, one church and one commercial property are within 110 feet from the northwest corner of the project site. These sensitive noise receptors may be exposed to unacceptable (75 dBA) and to normally unacceptable (65 dBA) noise emissions. To minimize the impact potential, construction activities should be limited to daylight hours during the workweek, between 8:00 am and 5:00 pm Monday through Friday. Noise impacts should be less than significant if these timing restrictions are implemented during construction activities. Noise generated by the construction activities would be intermittent and last for 2 years, after which noise levels would return to

ambient levels. Therefore, the noise impacts from construction activities would be considered less than significant.

This site is located just outside of the 65 dBA noise contour generated by NAS Kingsville aircraft. Thus, operation of the USBP station should not be affected by aircraft operations.

3.10.2.3 *Alternative 2: Site 2*

The Alternative 2 site is located in a rural area with one residential home immediately east of the northeast corner. This residential noise receptor may be exposed to unacceptable (75 dBA) and normally unacceptable (65 dBA) noise emissions. To minimize the impact potential, construction activities should be limited to daylight hours during the workweek, between 8:00 am and 5:00 pm Monday through Friday. Noise impacts should be less than significant if these timing restrictions are implemented during construction. Noise generated by the construction activities would be intermittent and last for 2 years, after which noise levels would return to ambient levels. Therefore, the noise impacts from construction activities would be considered less than significant.

This site is located within the 70-75 dBA noise contour of NAS Kingsville (see Figure 3-3). USBP agents and staff could be affected by these noise levels; mitigation measures would be incorporated in the design and construction of the USBP station to reduce noise levels within the facilities.

3.10.2.4 *Alternative 3: Site 3 (Preferred Alternative)*

The Alternative 3 site is located in a rural area with three residential homes immediately adjacent to the northwest corner. This residential noise receptor may be exposed to unacceptable (75 dBA) and normally unacceptable (65 dBA) noise emissions. To minimize the impact potential, construction activities should be limited to daylight hours during the workweek, between 8:00 am and 5:00 pm Monday through Friday. Noise impacts should be less than significant if the timing restrictions are implemented during construction. Noise generated by the construction activities would be intermittent and last for 2 years, after which noise levels would return to ambient levels. Therefore, the noise impacts from construction activities would be considered less than significant.

Similar operational impacts, as described under Alternative 2, would be experienced at this site. The buildings would need to be designed and constructed to reduce the noise from aircraft operations.

3.11 CULTURAL RESOURCES

The National Historic Preservation Act (NHPA) establishes the Federal government's policy to provide leadership in the preservation of historic properties and to administer Federally owned or controlled historic properties in a spirit of stewardship. NHPA established the Advisory Council on Historic Preservation (ACHP) to advocate full consideration of historic values in Federal decision-making; review Federal programs and policies to promote effectiveness, coordination, and consistency with National preservation policies; and recommend administrative and legislative improvements for protecting our Nation's heritage with due recognition of other

National needs and priorities. In addition, the NHPA also established the SHPO to administer National historic preservation programs on the state level and Tribal Historic Preservation Officers on tribal lands, where appropriate. The NHPA also establishes the National Register of Historic Places (NRHP). The NRHP is the Nation's official list of cultural resources worthy of preservation and protection. Properties listed in the NRHP include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture. The National Park Service administers the NRHP.

3.11.1 Affected Environment

3.11.1.1 Cultural History

The project area lies within the South Texas Plains, which includes the area from the Rio Grande in the west to the south Texas coast on the Gulf of Mexico (Black 1998a). Within the south Texas Plains the project area lies within the Coastal Bend biogeographical subarea. The Coastal Bend subarea covers the coastal area between the Colorado River and Baffin Bay. The Coastal Bend subarea is biologically diverse, having beach and river resources, as well as extensive coastal grasslands. The following summary of the prehistory of the Coastal Bend subarea is adapted primarily from Black (1998b).

The paleoenvironment of the area during the Wisconsin glacial period (22,500 to 14,000 years B.P.) was considerably cooler and more humid than today. A change to the current Holocene environmental conditions began around 10,000 B.P., though there is some debate over the timing and nature of the change, with some suggesting a gradual trend toward warmer and drier conditions over time, and others suggesting that the climate fluctuated throughout the Holocene between drier and wetter conditions (Black 1998a).

Initial human occupation of the South Texas Plains is thought to have occurred during the Paleo-Indian period dating from 9200 B.C. to 6000 B.C. It is generally thought that the Paleo-Indian were big game hunters with large herbivores, including extinct Pleistocene species such as the mammoth and bison, as the preferred prey. Paleo-Indian subsistence and settlement patterns suggest a very low population density in the area, with small highly mobile bands operating in larger territorial ranges (Black 1998b).

The subsequent Archaic Period (ca. 6000 B.C. to A.D. 800) is divided into the Early Archaic (ca. 6000 B.C. to 2500 B.C.), the Middle Archaic (ca. 2500 B.C. to 400 B.C.) and the Late Archaic (ca. 400 B.C. to A.D. 800), based on artifact types, particularly projectile points, as well as other cultural traits (Black 1998b). In terms of lifestyle, the transition to Archaic periods encompassed a shift from a focus on big game hunting to a more generalized hunting and gathering adaptation beginning during the later part of the Paleo-Indian period.

Subsistence data from the Early Archaic Period (ca. 6000 B.C. to 2500 B.C.) indicated a shift to the use of littoral resources such as freshwater mussels, land snails, turtle bones, and freshwater drum. Middle Archaic (ca. 2500 B.C. to 400 B.C.) sites are more common in South Texas as compared to sites from previous periods and, within the Coastal Bend area, there is a continued adaptation to the littoral resources, particularly those of the estuary bays. Evidence of increased plant utilization for subsistence is also seen during the Middle Archaic including the increase in the use of groundstones as well as an increase in roasting/baking hearths. Subsistence patterns in

the Coastal Bend subarea during the Late Archaic Period (ca. 400 B.C. to A.D. 800/1200) show an exploitation of a wide range of shellfish, fish, and small mammals with a focus on marine resources, particularly those of estuary bays.

Evidence from the Late Prehistoric Period (ca. A.D. 800/1200 to A.D. 1600) indicated an emphasis on faunal exploitation, including a diverse range of species such as bison, deer, and pronghorn.

By the early nineteenth century, the native peoples of the area were either culturally or biologically extinct or displaced. As a result, the information on the historic Native American populations of the area is derived predominantly from historic documents from Spanish expeditions, missionaries, and the earliest Anglo-European explorers and settlers. The Coastal Bend subarea was inhabited by several different groups of Native Americans during the Historic Period, including the Coahuiltecan, Karankawa, Lipan Apache, and Tonkawa. These groups were subdivided into numerous smaller bands including the Atakapa, Borado, Cavas, Capoque, Emet, Kohani, Kopani, Malaquite, Payata, Sana Tamique, and others (Long 2010; Hester 1998).

Initial exploration of the area was conducted by Alvarez de Piñeda along the Texas coast in 1519. No real attempts to settle the area were made until the late seventeenth century in response to a French settlement established by René Robert Cavelier, Sieur de La Salle on the Texas Coast in 1568. The Corpus Christi Bay remained largely unexplored until 1747, when Joaquín Prudencio de Orobio y Basterra led an expedition down the Nueces River to its mouth. After several failed attempts, the first settlement in the area was founded by Blas María de la Garza Falcón in 1766 (Long 2010; Fox 1998).

With Mexican independence in 1821, the region became part of Tamaulipas. Remaining land in the area was deeded to individuals by the Tamaulipan government. Though there were several unsuccessful attempts to establish settlements in the area, Fort Lipantitlán was established in 1831 where the road from Matamoros to Goliad crossed the river. Both Irish and German settlers also moved into the area during the 1820s and 1830s (Long 2010; Fox 1998).

In 1852, Richard King purchased several tracts of land fronting Santa Gertrudis Creek. The first grant obtained was the Ricon de Santa Gertrudis consisting of approximately 15,500 acres of land at the junction of the Santa Gertrudis and San Fernando Creeks near where they join Laguna Madre. This parcel included the area of present-day Kingsville. King also purchased Santa Gertrudis de la Garza consisting of approximately 54,000 acres of land. It was on this land that King would begin his cattle operation. In 1860 King founded R. King and Company, along with partners James Woolworth and Mifflin Kenedy, which joined all the land titles of James Woolworth, King and his wife Henrietta, as well as Mifflin Kenedy (Coalson 2010; Chessman 2010; THC 1966).

During the Civil War, King and his partners entered into several contracts with the Confederate government to supply European buyers with cotton while, in return, they supplied Confederate forces with beef, horses, imported munitions, medical supplies, clothing, and shoes. King, who also owned a steamship company, moved operations of the steamship to Matamoros under Mexican registry, which successfully avoided Union blockades for the most part. At the end of

the war, King fled to Mexico returning after securing his pardon from President Andrew Johnson in 1865 (Coalson 2010; Chessman 2010; THC 1966).

By 1903, the St. Louis, Brownsville, and Mexico Railway was being built through south Texas to Brownsville, and Henrietta King opened several tracts of her land for sale. The town of Kingsville was laid out in a pasture 3 miles east of the ranch headquarters. By 1912, the population of the town was approximately 4,000 people. With the introduction of the railroad and establishment of Ricardo, a trading center for farmers located on the railroad 6 miles south of Kingsville, the economic base of the area began to change from ranching to farming and dairying. The population continued to rapidly grow in the region during the early part of the twentieth century, and by 1913, the Texas Legislature, prompted by pressure from the regional population of the area, organized Kleberg County. Kingsville was designated as the county seat (Coalson 2010).

Several industries in the early to middle twentieth century prompted large population growth in the county. Oil exploration began early in the region with the first producing well being discovered in 1919. The first industry in the county was a Cotton Mill established in Kingsville in 1921. Additional population growth came from the establishment of the South Texas Teachers College (now Texas A&M University at Kingsville) in 1925. Another population boom in the county came in 1940 with the establishment of the Naval Auxiliary Air Station, 3 miles southeast of Kingsville. By 1990 the population of Kleberg County was 30,274, with the largest town being Kingsville at a population of 25,276 (Coalson 2010).

3.11.1.2 Previous Investigations

Archival research by personnel at the Texas Archaeological Research Laboratory was conducted on June 14, 2010 for a 1-mile area around the project sites (including Site 8) for all previously recorded archaeological sites, previously conducted archaeological surveys and excavations, and historic structures and districts on record. No previously recorded archaeological sites were on file for the 1-mile search area. Two archaeological surveys were conducted within 1 mile of the proposed project sites. Neither of the surveys crossed the project sites and neither survey found any cultural resources within 1 mile of the project site locations. One Historic District, King Ranch, is located within 1 mile of the project sites. None of the proposed sites intersect the boundary of the King Ranch.

3.11.1.3 Current Investigations

Archaeological surveys were conducted at each of the alternative sites from June 14, 2010 through June 23, 2010. The archaeological surveys consisted of pedestrian surveys at all sites. The cultural resources management report outlining the results of the survey has been submitted to THC for review and concurrence. Results of the surveys are summarized below.

Site 1

An intensive pedestrian archaeological survey was conducted at Site 1. Site 1 is currently in agricultural production for sorghum. Ground visibility was good and the entire site was covered by pedestrian transects spaced no more than 100 feet apart. One archaeological site was recorded in the northeast corner of Site 1. The site consists of a middle to late twentieth century historic scatter. Artifacts recorded included brick, metal, glass, asbestos tile, linoleum tile, and

other modern material. Given the location of the site and the nature of the material, the site may represent an outbuilding of the Kingsville NAS. The site has been heavily impacted by agriculture and, subsequently, has a low integrity with no evidence of intact deposits or features. As a result, the site is recommended not eligible for the NRHP and is not considered a significant cultural resource or historic property.

Site 2

An intensive pedestrian archaeological survey was conducted at Site 2. Site 2 is currently in agricultural production for sorghum. Ground visibility was good and the entire site was covered by pedestrian transects spaced no more than 100 feet apart. No cultural resources were recorded during the survey of Site 2.

Site 3

An intensive pedestrian archaeological survey was conducted at Site 3. Site 3 is currently in agricultural production for cotton. Ground visibility was good and the entire site was covered by pedestrian transects spaced no more than 100 feet apart. Three archaeological sites were recorded during the archaeological survey of Site 3 and are referred to as 41KL97, 41KL98, and 41KL99.

Site 41KL97 was recorded just outside the boundaries of Site 3, and consists of a late nineteenth to early twentieth century homestead. Artifacts recorded at Site 41KL97 included brick, mortar, limestone, historic ceramics, cut and wire nails, metal, glass including solarized manganese glass, and other household items such as an iron, a ceramic door-knob, and shell, bone, and plastic buttons. The site has been heavily impacted by past agricultural activities and is considered to have a low integrity. As a result, the site is not recommended eligible for listing on the NRHP and is not considered to be a historic property or significant cultural resource.

Site 41KL98 was recorded in the northwest corner of Site 3 and consists of an early to middle twentieth century homestead. Artifacts recorded at Site 41KL98 included brick, mortar, limestone, historic ceramics, cut and wire nails, metal, glass, including solarized manganese glass, as well as other domestic material. The landowners indicated that a small structure was present in the area during the beginning of the twentieth century for farm workers. Site 41KL98 has been heavily impacted by agricultural activities and there was no evidence of intact deposits or features located at the site. As a result, Site 41KL98 is not recommended eligible for listing on the NRHP and is not considered a historic property or a significant cultural resource.

Site 41KL99 was recorded in the northern portion of Site 3 and consists of a middle twentieth century historic scatter. Material recorded at Site 41KL99 included predominantly glass, as well as historic ceramics and metal. The artifact density of Site 41KL99 is relatively low and there is a lack of architectural artifacts associated with the site such as brick, mortar, or limestone. As a result, Site 41KL99 probably represents a temporary short-term historic occupation. The site has been heavily impacted by agricultural activity and no intact cultural deposits or features were noted during the recording of the site. Consequently, the site is considered to have a low integrity and is not recommended eligible for the NRHP. The site is not considered to be a historic property or significant cultural resource.

In addition to the archaeological surveys, a historic structure inventory and evaluation was conducted within the area of potential effect (APE) surrounding Site 3. Thirteen historic-age structures were identified; however, none were recommended as eligible for inclusion to the NRHP, since they are not excellent examples of their types, bear no exemplary design or engineering complexity, and have no known local historical associations.

3.11.2 Environmental Consequences

3.11.2.1 No Action Alternative

No impacts on cultural resources are anticipated under implementation of the No Action Alternative.

3.11.2.2 Alternative 1: Site 1

One archaeological site was recorded within the boundaries of Site 1. The archaeological site has a low integrity, is not considered eligible for listing on the NRHP, and is not considered a historic property or significant cultural resource. As a result, no adverse impacts on cultural resources are anticipated from implementation of Alternative 1.

3.11.2.3 Alternative 2: Site 2

No cultural resources were recorded during the archaeological survey of Site 2. As a result, no impacts on cultural resources are anticipated from implementation of Alternative 2.

3.11.2.4 Alternative 3: Site 3 (Preferred Alternative)

Three archaeological sites were recorded during the archaeological survey of Site 3. One of the archaeological sites, 41KL97, lies outside of the boundaries of Site 3 and will not be impacted by implementation of Alternative 3. The two other sites, 41KL98 and 41KL99, have a low integrity and are not considered eligible for listing on the NRHP and are not considered historic properties or significant cultural resources. As a result, no adverse impacts are anticipated on those two sites from implementation of Alternative 3. No adverse impacts on the 13 historic-age structures are expected since they are not considered eligible for inclusion to the NRHP.

3.12 UTILITIES AND INFRASTRUCTURE

3.12.1 Affected Environment

The City of Kingsville provides sewer, potable water, and solid wastes services for businesses in the project area. Electricity can be purchased from a number of vendors in the area including Nueces Electric Cooperative, Ambit Energy, and CPL; natural gas can be purchased from Centerpoint Energy and Trinity Gas Corporation. The southeast region of Texas experiences high sustained wind much of the year and is a suitable area for wind turbines. Electricity from renewable sources, such as wind, is economically feasible in the area.

3.12.2 No Action Alternative

The No Action Alternative would increase the use of potable water, electricity, and gas as well as use of the City of Kingsville sewer system due to the USBP Kingsville Station, increasing their staff by 100 agents. Under the No Action Alternative, impacts on utilities and infrastructure in the region would be less than significant.

3.12.2.1 Alternative 1: Site 1

Assuming that the sewer use and average daily consumptive use of potable water per person is 50 gallons per day while at work, the addition of 100 agents and support staff would increase daily demand of potable water and sewerage in the Kingsville area by 5,000 gallons per day and 1,825,000 gallons per year. The City of Kingsville water and sewer system has a 1 million gallon per day capacity and is currently using 500,000 gallons per day. The 5,000 gallons per day represents a small increase (1 percent) of water and sewer usage in the area and would not significantly impact the sewer systems or availability of potable water. Construction crews would bring water to the site for personal use and fugitive dust control; portable latrines would collect sanitary waste. Under Alternative 1, the impacts on the local sewer system and supply of potable water would be less than significant.

There are a number of oil and gas refineries in the region. Southeast Texas is an energy hub for offshore natural gas supplies which supplies fuels to the area and other parts of the Nation. The natural gas use resulting from the implementation of Alternative 1 would represent a small increase in the region, and impacts on the availability of natural gas would be less than significant. There are several providers of electrical power in the Kingsville area. These companies have enough capacity to service the needs of the new USBP station. Under Alternative 1, impacts on the electrical services in the region should be less than significant.

3.12.2.2 Alternative 2: Site 2

Under Alternative 2, impacts on utilities and infrastructure would be similar to those described in Alternative 1 and would be less than significant.

3.12.2.3 Alternative 3: Site 3 (Preferred Alternative)

Under Alternative 3, impacts on utilities and infrastructure would be similar to those described in Alternative 1 and would be less than significant.

3.13 ROADWAYS/TRAFFIC

3.13.1 Affected Environment

Numerous modes of transportation are available to serve the new USBP station, including air, rail, and highway access. Kingsville is a city in (and the county seat of) Kleberg County, Texas. It is the principal city of the Kingsville Micropolitan Statistical Area, which is part of the larger Corpus Christi-Kingsville Combined Statistical Area. The Corpus Christi International Airport, located approximately 40 miles northeast of Kingsville, is a public-use general aviation airport providing scheduled airline service to Houston and Dallas (Corpus Christi 2010). The Kleberg County Airport is also nearby and offers privately chartered airline services. NAS Kingsville, a key U.S. Navy jet training center, is also located in Kingsville and is near the project area. The Union Pacific Railroad runs through Kingsville. Amtrak provides passenger rail service at the San Antonio station on the *Sunset Limited* which travels eastbound to San Antonio, and continues to New Orleans, and westbound to El Paso, continuing to Los Angeles. There is currently very limited public transit available in or near Kingsville. The primary transportation routes associated with the proposed USBP station are US 77, FM 1356 (General Cavazos Blvd.), and FM 3320 (Golf Course Road).

3.13.1.1 Alternative 1: Site 1

Access to the new station for Alternative Site 1 would be provided by FM 1356. According to TxDOT, 2008 annual average daily traffic (AADT) volume on FM 1356 near the proposed site is approximately 5,500 vehicles per day (vpd) and 1,850 vpd on Golf Course Road. The 2008 AADT for US 77 is 23,000 vpd in the project area (TxDOT 2008).

3.13.1.2 Alternative 2: Site 2

Access to the new station for the Alternative Site 2 would be provided by East Caesar Avenue. According to TxDOT, 2008 AADT volumes for US 77 in the project area are 24,000 vpd (TxDOT 2008).

3.13.1.3 Alternative 3: Site 3 (Preferred Alternative)

Access to the new station for the Alternative Site 3 would be provided by Senator Carlos Truan Boulevard. According to TxDOT, 2008 AADT volumes on Senator Carlos Truan Boulevard near the proposed site are approximately 3,500 vpd. The 2008 AADT volumes for FM 3320 in the project area are 710 vpd (TxDOT 2008).

3.13.2 Environmental Consequences

3.13.2.1 No Action Alternative

Under the No Action Alternative, there would be no effect on vehicle traffic at or around the Preferred or Alternative sites. Regional air and rail service would also be maintained at status quo. Traffic near the existing USBP station at NAS Kingsville is already affected by the personnel that currently operate out of the facility; additional agents and staff would still be accommodated at the station under the No Action Alternative and, therefore, would result in increased traffic on FM 1356 and at the main gate to NAS Kingsville. These increases would further exacerbate congestion at the main gate during peak hours. However, the No Action Alternative would not significantly affect transportation on FM 1356 or any of the alternative sites.

3.13.2.2 Alternative 1: Site 1

Vehicle traffic at Site 1 would be increased by approximately 44 vpd during the construction period along FM 1356. This increase in daily traffic volume would consist of four heavy-duty delivery trucks and approximately 40 construction personnel passenger vehicles. During project construction, the delivery of materials and equipment could cause additional delays along the affected segment of US 77. Construction activities could cause a minimal increase in traffic along the existing US 77 and FM 1356 roads as a result of ingress and egress by equipment and the delivery of construction materials. Although additional construction traffic would further impair traffic flow on these segments, these impacts would be temporary and, therefore, not significant.

Operation of the proposed new station would also create occasional moderate increases on those same streets. Based on the maximum number of potential vpd, approximately 100 additional vehicles (as a result of the additional staff and agents commuting to and from the new station) would be expected with implementation of Alternative 1. It was assumed that the existing 246 agents would already be using these roadways to access the existing station and, therefore, only the additional 100 agents and staff would be analyzed for impacts on traffic. Peak hour volumes

would increase by up to 35 vehicles as a result of one muster (or one-third of the additional 100 agents) arriving at the station simultaneously. This relatively low number of additional vehicles represents a 0.2 percent addition to the traffic volume on US 77 in this area. There could be a possible 1 percent increase on FM 1356 near US 77. However, the addition of 35 vehicles per shift would still have less than significant impacts. Construction and operation of the proposed station would result in minimal impacts on the traffic around Alternative Site 1.

3.13.2.3 *Alternative 2: Site 2*

The construction and operation of the proposed new station at Alternative Site 2 would result in less than significant impacts. The existing 246 agents and staff would not likely use East Caesar Avenue to access the existing station; therefore, all existing and anticipated personnel would be used to analyze traffic impacts for the new station at Alternative Site 2. Peak hour volumes would increase by up to 120 vehicles as a result of one muster (or one-third of the approximate 350 agents) arriving at the station simultaneously. Daily full-time employee commutes of 35 vehicles per shift represent a 0.5 percent increase on US 77. The traffic along East Caesar Avenue would increase as 35 vehicles per shift would be accessing the proposed station at Alternative Site 2. The traffic impacts along East Caesar Avenue would be less than significant, as the area around this site does not have many residences or businesses. Construction and operation of the proposed station would result in minimal impacts on the traffic around Alternative Site 2.

3.13.2.4 *Alternative 3: Site 3 (Preferred Alternative)*

The construction and operation of the proposed new station at Alternative Site 3 would result in less than significant impacts. Daily full-time employee commutes of an additional 35 vehicles per shift represent a 1 percent increase on Senator Carlos Truan Boulevard and a possible 5 percent increase on Golf Course Road. Construction and operation of the proposed station would result in minimal impacts on the traffic around Alternative Site 3.

3.14 AESTHETIC AND VISUAL RESOURCES

3.14.1 Affected Environment

The landscape is dominated by agricultural fields and very little natural aesthetics or visual resources remain in the area. All three sites are located on agricultural fields that are presently planted with sorghum or cotton. The area in the vicinity is partially developed with residences and commercial businesses, which detracts from the overall aesthetic and visual resources.

3.14.2 Environmental Consequences

3.14.2.1 *No Action Alternative*

The No Action Alternative would preclude the construction, operation, and maintenance of a new station, and aesthetic and visual resources would remain unchanged.

3.14.2.2 *Alternative 1: Site 1*

Construction on Site 1 would convert approximately 40 acres (of the 50 acres) of agricultural land into developed buildings and associated facilities. In the vicinity of this site, there are few existing aesthetic and visual resources, as there are agricultural fields and residential properties. The conversion of the site from agricultural to USBP use would have a minimal impact on

aesthetic resources, but would not substantially degrade the existing visual character of the region; thus, the impacts are considered less than significant.

3.14.2.3 Alternative 2: Site 2

The impacts on aesthetics and visual resources for Site 2 would be similar to those for Site 1.

3.14.2.4 Alternative 3: Site 3 (Preferred Alternative)

The development of Site 3 would convert approximately 40 acres of agricultural land into developed buildings and associated facilities and remove another 37+/- acres from agricultural production. Because of past and present agricultural practices, few aesthetic or visual qualities currently exist on site. In addition, there are residences located near the site that further degrade the aesthetic qualities of the site. The impacts on visual resources would be less than significant at this site.

3.15 HAZARDOUS MATERIALS

3.15.1 Affected Environment

Hazardous materials and substances are regulated in Texas by a combination of mandated laws promulgated by the USEPA and the TCEQ. A Phase I Environmental Site Assessment was conducted for the alternative project sites in accordance with the American Society for Testing and Materials International standard E1527-05 (CBP 2010). This assessment included a search of Federal and state records of known hazardous waste sites, potential hazardous waste sites, and remedial activities, including sites that are on the National Priorities List or being considered for the list. No evidence of hazardous materials or recognized environmental conditions was detected at the project sites (CBP 2010). Due to the past and current use of the alternative sites for row crop cultivation, there may be soil residues of pesticides and herbicides applied as a normal agricultural practice. No excess herbicide or pesticide application or spills were reported for any of the alternative sites; residues in excess of standard, non-hazardous levels are not expected.

3.15.2 Environmental Consequences

3.15.2.1 No Action Alternative

Under the No Action Alternative, a minimal increase in the potential for impacts regarding hazardous waste could occur as the current station's staffing level increases. However, the same BMPs used presently would continue to be implemented and, therefore, no significant impacts would be expected.

3.15.2.2 Alternative 1: Site 1

All hazardous and regulated wastes and substances generated by operation of the new USBP station would be collected, characterized, labeled, stored, transported, and disposed of in accordance with all Federal, state, and local regulations, including proper waste manifesting procedures. All other hazardous and regulated materials or substances would be handled according to material safety data sheet (MSDS) instructions and would not affect water, soils, vegetation, wildlife, or the safety of USBP agents and staff. The ASTs installed at the new station would be installed within containment berms and double-walled to prevent the release of any tank spills into the environment. The vehicle maintenance facility would be equipped with

oil/water separators to collect any petroleum or other automotive fluids spilled, and waste automotive fluids would be collected and disposed of in accordance with state regulations. Therefore, hazardous and regulated materials and substances would not impact the public or the environment. The potential impacts of the handling and disposal of hazardous and regulated materials and substances during construction would be less than significant when mitigation measures and BMPs as described in Section 5.8 are implemented.

3.15.2.3 *Alternative 2: Site 2*

The same impacts as discussed for Alternative 1 would occur on this site if this alternative were chosen. No significant impacts are expected.

3.16.2.4 *Alternative 3: Site 3 (Preferred Alternative)*

The same impacts as discussed for Alternative 1 would occur on this site if this alternative were chosen. No significant impacts are expected.

3.16 SOCIOECONOMICS

3.16.1 Affected Environment

3.16.1.1 *Population and Demographics*

According to the 2008 American Community Survey 3-year estimates, a total of 30,624 people live in Kleberg County, which represents a 3 percent decrease from the 2000 population (U.S. Census Bureau 2000 and 2008b). The City of Kingsville is the county seat and the largest city in the county, with a 2008 estimated population of 24,640 (U.S. Census Bureau 2008c). The racial mix of Kleberg County consists predominantly of Caucasians (Table 3-5). The remainder is divided among African Americans, Native Americans, Asians, and people claiming to be some other race or two or more races (U.S. Census Bureau 2008b). Kleberg County has a significant portion of the population (68.3 percent) that claims Hispanic or Latino origins (U.S. Census Bureau 2008b).

Table 3-5. Population and Race

Geographic Region	Total Population (est. 2008)	Race						
		White (%)	African American (%)	Native American (%)	Asian (%)	Native Hawaiian or Other Pacific Islander (%)	Two or More Races (%)	Hispanic or Latino Origin of Any Race (%)
Texas	23,845,989	71.4	11.5	0.5	3.4	0.1	1.9	35.9
Kleberg County	30,624	81.1	3.6	0.9	2.0	0	1.1	68.3

Source: U.S. Census Bureau 2008a and 2008b

3.16.1.2 *Employment, Income, and Poverty Levels*

The total number of jobs in Kleberg County in 2008 was 16,845, an increase of 19 percent over the 1998 number of 14,173 (Bureau of Economic Analysis 1998 and 2008a). The private sector provided the most jobs (67 percent), followed by government (30 percent), and farms (3 percent). Within the private sector, retail trade was the leading employer, followed by accommodation and food services.

In 2008, Kleberg County had a per capita personal income (PCPI) of \$30,714 (U.S. Bureau of Economic Analysis 2008b). The Kleberg County PCPI ranked 134th of 254 counties in the State of Texas, and was 81 percent of the state average of \$37,809 and 76 percent of the National average of \$40,166. The average annual growth rate of Kleberg County's PCPI from 1998 to 2008 was 6.0 percent. This average annual growth rate was higher than the growth rate for the state (4.1 percent) and the Nation (4.0 percent). In 2008, Kleberg County had a total personal income (TPI) of \$943 million. The Kleberg County TPI ranked 90th in the state and accounted for 0.1 percent of the state total. The 2008 Kleberg County TPI reflected an increase of 6.9 percent from 2007, which was higher than the 2007-2008 State of Texas change of 4.6 percent and higher than the National change of 2.9 percent.

The estimated number of people of all ages living in poverty for Kleberg County was 7,062 in 2008 (Table 3-6). This represented 24.2 percent of the county, which is both higher than the estimated 15.8 percent of the state population and 13.2 percent of the Nation's population that lived in poverty (U.S. Census Bureau 2008d). In Kleberg County in 2008, 2,325 individuals, or 30.3 percent of the children under the age of 18 in the county, were living in poverty (U.S. Census Bureau 2008d). The percentage of children under 18 years old and living in poverty in the State of Texas was 22.5 percent.

Table 3-6. Poverty Data (2008)

Region	Number in Poverty of All Ages	Percentage in Poverty
Nation	39,108,422	13.2
Texas	3,755,944	15.8
Kleberg County	7,062	24.2

Source: U.S. Census Bureau 2008d

3.16.2 Environmental Consequences

3.16.2.1 No Action Alternative

The No Action Alternative would preclude the construction, operation, and maintenance of the new station; however, the increase in agents assigned to the USBP Kingsville Station would still occur, which would result in an increase in the local PCPI and TPI in Kleberg County. The total goal of approximately 350 agents and support staff might not be achievable since the existing facilities are not adequate to accommodate these staffing levels. Under this scenario, the potential for construction jobs and income associated with the construction would be lost.

3.16.2.2 Alternative 1: Site 1

The new station would increase to 350 people, including agents and support staff. Currently, USBP agents predominantly live in the Kingsville area. The increase in staff would only be a minimal beneficial effect on the socioeconomic structure of Kleberg County, including PCPI and TPI, and would not be substantially different from the No Action Alternative.

When possible, materials and other project expenditures would predominantly be obtained from merchants in the local community, resulting in minor, temporary, direct economic benefits. No displacement of residential or commercial properties would result from this action and, therefore, there would be no direct impacts on housing or employment in the area during construction.

Minor beneficial changes to local employment rates, poverty levels, or local incomes would occur as a result of this project as the agents and family members enter the work force, children of agents attend local schools, and agents and their families spend their income locally.

3.16.2.3 Alternative 2: Site 2

The same impacts as those discussed for Alternative 1 would occur if this alternative were implemented.

3.16.2.4 Alternative 3: Site 3 (Preferred Alternative)

The same impacts as those discussed for Alternative 1 would occur if this alternative were implemented.

3.17 ENVIRONMENTAL JUSTICE AND PROTECTION OF CHILDREN

3.17.1 Executive Order 12898, Environmental Justice

The fair treatment of all races has been assuming an increasingly prominent role in environmental legislation and implementation of environmental statutes. In February 1994, President Clinton signed EO 12898 titled, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. This action requires all Federal agencies to identify and address disproportionately high and adverse effects of programs, policies, and activities on minority and low-income populations. Kleberg County has a large proportion of their population (68 percent) claiming to be of Hispanic or Latino origin (U.S. Census Bureau 2010). Furthermore, Kleberg County is below both the National and state median household income and has a greater percentage of their population in poverty relative to the state. As a result, there is a potential for CBP projects in Kleberg County to encounter both minority and low-income populations and, thus, a potential for environmental justice issues.

3.17.2 Executive Order 13045, Protection of Children

EO 13045 requires each Federal agency “to identify and assess environmental health risks and safety risks that may disproportionately affect children;” and “ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.” This EO was prompted by the recognition that children, still undergoing physiological growth and development, are more sensitive to adverse environmental health and safety risks than adults. In Kleberg County, 24.5 percent of the population is children under the age of 18 (U.S. Census Bureau 2010). The percentage of children under 18 in the State of Texas is 27.6 percent. The potential for impacts on the health and safety of children is greater where projects are located near residential or recreational areas.

3.17.3 Affected Environment

The general area surrounding the project sites consists of mixed commercial, agricultural, and residential developed property. Residential properties are located immediately west of Site 1 on Margaret Lane and there is a small cluster of residential homes adjacent to Site 3.

3.17.4 Environmental Consequences

3.17.4.1 No Action Alternative

Under the No Action Alternative, USBP agents would continue to work out of their current offices. No adverse effects on low-income or minority populations or children would be expected under this alternative.

3.17.4.2 Alternative 1: Site 1

Construction and operation of the proposed station at the Alternative 1 project site would not affect minority populations or children, as the construction zone would be fenced to ensure that persons residing in the adjacent residences do not enter the sites. Historically, the land use at Site 1 was agriculture row crops and was not used as a recreational area. The proposed construction would temporarily disturb the occupants of the homes immediately adjacent to the project site. The operation of the new facility would increase traffic on FM 1356 and, thus, increase the potential to affect children who might live in those homes. The impacts on children and their environment would be less than significant.

3.17.4.3 Alternative 2: Site 2

Construction and operation of the proposed station at the Alternative 2 site would result in effects similar to those described for Alternative 1.

3.17.4.4 Alternative 3: Site 3 (Preferred Alternative)

Construction and operation of the proposed station at the Alternative 3 site would result in effects similar to those described for Alternative 1.

3.18 HUMAN HEALTH AND SAFETY

3.18.1 Affected Environment

Human health effects occur in a variety of forms, such as exposure to chemicals, extreme temperatures, weather, and physical security and safety. Generally, human health factors are driven by factors that differ substantially by geographic area. In the Kingsville area, factors that could impact human health range from automobile accidents, extreme weather such as thunderstorms with lightning, hurricanes, high temperatures, and physical security on the site, as well as minimizing the chance that non-site workers could venture on the project site and be harmed.

The general area surrounding the project sites consists of mixed commercial, agricultural, and residential developed property. Each of the sites is also in proximity to NAS Kingsville. Each of the sites contains a water or natural gas line easement through or adjacent to the site. All of the sites are accessed by improved public roads. A municipal golf course is located to the south of Site 1.

3.18.2 Environmental Consequences

3.18.2.1 No Action Alternative

Under the No Action Alternative, no construction would occur; therefore, there would be no impacts either beneficial or adverse on human health and safety issues.

3.18.2.2 *Alternative 1: Site 1*

The construction of the proposed station has the potential to create human health hazards. All construction activities, regardless of the area, would be limited to daylight hours only. Safety buffer zones would be designated around all construction sites to ensure public health and safety. Through BMPs developed for general construction practices (see Section 5.1), and because of the rural nature of the project area with no residences located within the project footprint, no significant, long-term, adverse impacts are expected.

In compliance with Occupational, Safety and Health Administration (OSHA) regulations, there would be a Right-to-Know station located in a high-visibility area, where chemical data are accessible by construction and CBP personnel. MSDS information would be readily accessible at this station. As mentioned previously, a SPCCP would also be implemented that describes planning, prevention, and control measures to minimize impacts resulting from a spill of any hazardous materials or petroleum, oils, and lubricants (POLs). Furthermore, an on-site emergency plan would be prepared to protect the public health, safety, and environment on and off the proposed site in the case of a dangerous natural phenomenon or industrial accident relating to or affecting the project.

CBP would prepare the plan and be responsible for implementing the plan with its operations team in coordination with the local emergency response support functions. The plans would describe the emergency response procedures to be implemented during various situations that might affect the surrounding community or environment. The emergency plan would cover a number of events that may occur at or near the project site by natural causes, equipment failure, or by human mistake, including the following:

- Personnel injury;
- Construction emergencies;
- Project evacuation;
- Fire or explosion; and
- Extreme weather.

The project contractors and operations personnel would receive regular emergency response and safety training to assure that effective and safe action would be taken to reduce and limit the impact of an emergency at the project site. The following actions would be taken for personnel injuries:

- The Site Construction Manager(s), Supervisor(s), or designee, would be notified of the injury(s);
- A qualified first aid attendant would administer first aid until medical assistance arrives;
- The Site Construction Manager(s), Supervisor(s), or designee, would notify CBP and the county-wide emergency response (911) system;
- All key supervisors would be paged or called and advised of the injury.

The increase of automobile traffic associated with construction and operation of the USBP station at Site 1 has the potential to increase the risks of automobile accidents. According to TxDOT, 2008 AADT volume on FM 1356 near US 77 is approximately 5,500 vpd. The 2008

AADT for US 77 is 23,000 vpd in the project area (TxDOT 2008). The potential increase (1 percent) of traffic associated with Alternative 1 is well below the capacity of local roads. Therefore, the impacts on human health and safety would be less than significant.

3.18.2.3 Alternative 2: Site 2

Under Alternative 2, impacts on human health and safety would be similar to those described in Alternative 1. The potential increase of traffic on Caesar Avenue, which would be the access to the new station, is well below the capacity of local roads. Therefore, the impacts on human health and safety would be less than significant.

3.18.2.4 Alternative 3: Site 3 (Preferred Alternative)

Under Alternative 3, impacts on human health and safety would be similar to those described in Alternative 1. The potential increase of traffic on Senator Carlos Truan Boulevard, which would be the access to the new station, is well below the capacity of local roads. Therefore, the impacts on human health and safety would be less than significant.

3.19 SUSTAINABILITY AND GREENING

3.19.1 Affected Environment

In accordance with EO 13423, Strengthening Federal Environmental, Energy, and Transportation Management (72 FR 3919), CBP would incorporate practices in an environmentally, economically, and fiscally sound, integrated, continuously improving, efficient, and sustainable manner in support of their mission. CBP implements practices throughout the agency to: 1) improve energy efficiency and reduce greenhouse emissions, 2) implement renewable energy projects, 3) reduce water consumption, 4) incorporate sustainable environmental practices such as recycling and the purchase of recycled-content products, and 5) reduce the quantity of toxic and hazardous materials used and disposed of by the agency. DHS will also reduce total consumption of petroleum products as set forth in the EO and use environmentally sound practices with respect to the purchase and disposition of electronic equipment.

3.19.2 Environmental Consequences

3.19.2.1 No Action Alternative

Under the No Action Alternative, the new station would not be built and the USBP agents would continue to use the existing building to run operations. The current building is over 30 years old without many of the modern energy saving technologies developed over the last three decades. The effects on sustainability and greening would not improve and would be less than significant.

3.19.2.2 Alternative 1: Site 1

The new station would be designed to qualify for LEED Silver certification by the U.S. Green Building Council. These design criteria require pollution prevention of construction activities, use of low emission and fuel-efficient vehicles or use of alternative fuels, reduction of light pollution and the heat island effect (thermal gradient differences between developed and undeveloped areas), use of water efficient landscaping, reduced generation of waste water and reduction of demand on drinking water, optimization of energy use, management of refrigerants, storage and collection of recyclables, construction waste management, and other measures to ensure sustainable growth.

USBP would incorporate sustainability and greening practices in daily operations through cost-effective waste reduction, recycling of reusable materials, and purchase of items produced using recovered materials. CBP intends to obtain the goal of reducing petroleum-based product use with a Fleet Management Plan facilitated through CBP's Asset Management Division. The operation of the Kingsville Station would adhere to this management plan. Under Alternative 1, CBP would improve sustainability and greening and impacts on these resources would be less than significant.

3.19.2.3 Alternative 2: Site 2

Under Alternative 2, the impacts on sustainability and greening would be similar to those described in Alternative 1 and would be less than significant.

3.19.2.4 Alternative 3: Site 3 (Preferred Alternative)

Under Alternative 3, the impacts on sustainability and greening would be similar to those described in Alternative 1 and would be less than significant.

SECTION 4.0
CUMULATIVE IMPACTS



4.0 CUMULATIVE IMPACTS

This section of the EA addresses the potential cumulative impacts associated with implementation of the alternatives and other projects/programs that are planned for the region. The CEQ defines cumulative impacts as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions” (40 CFR 1508.7). This section continues, “Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.”

USBP has been conducting law enforcement actions along the border since its inception in 1924, and has continuously transformed its methods as new missions, modes of operation for cross-border violators, agent needs, and National enforcement strategies have evolved. Development and maintenance of training ranges, station and sector facilities, detention facilities, and roads and fences have impacted thousands of acres with synergistic and cumulative impacts on soil, wildlife habitats, water quality, and noise. Beneficial effects, too, have resulted from the construction and use of these roads and fences including, but not limited to, increased employment and income for border regions and the surrounding communities, protection and enhancement of sensitive resources north of the border, reduction in crime within urban areas near the border, increased land value in areas where border security has increased, and increased knowledge of the biological communities and pre-history of the region through numerous biological and cultural resources surveys and studies.

With continued funding and implementation of CBP’s environmental conservation measures, including use of biological and archaeological monitors, wildlife water systems, and restoration activities, adverse impacts due to future and ongoing projects would be avoided or minimized. However, there are currently no CBP projects in the vicinity of the proposed new station. A new station is also being planned in the Corpus Christi area, approximately 40 to 50 miles to the northeast of Kingsville. This station is proposed to be constructed on a 20- to 25-acre tract of disturbed land.

Kleberg County is renovating and expanding the 184-acre, county-owned Dick Kleberg Park, which is located approximately 1 mile west of the project area between US-77 and South 6th Street. Construction elements include upgrading recreational facilities at the park and are not expected to impact any activities at the alternative sites.

TxDOT is planning a 0.5-mile roadway repair project located on FM 1717 from FM 1356; this project could temporarily impact the project sites during construction (TxDOT 2010) and exacerbate local traffic conditions. TxDOT has also authorized improvements to the interchange of US 77 and Caesar Avenue. This project design consists of overpasses to alleviate risks of traffic accidents at the interchange. Most, if not all, of the construction would be contained within the developed or disturbed TxDOT right of way; traffic would be impacted during the construction.

The U.S. Army has proposed to close the U.S. Army Reserve Center (USARC), Alice, Texas, and USARC, NAS Kingsville, Texas, and relocate units to a new Armed Forces Reserve Center

(AFRC) on NAS Kingsville, Texas. These actions are mandated under the Base Closure and Realignment Act of 2005. To comply, the Army proposes to construct an AFRC having approximately 50,000 square feet of space on approximately 10 acres at NAS Kingsville. The facilities would be adequate to accommodate up to a total of 170 personnel from three Army Reserve units and three ARNG units. Construction is currently scheduled to be completed by March 2011.

A summary of the anticipated cumulative impacts relative to the Preferred Alternative is presented below. These discussions are presented for each of the resources described previously.

4.1 LAND USE

A significant impact would occur if any action is inconsistent with adopted land use plans or an action would substantially alter those resources required for, supporting, or benefiting the current use. All three alternative sites are currently undeveloped sites located on agricultural land. Kingsville is experiencing population and metropolitan growth. However, most of this growth is occurring near the downtown area and not in the vicinity of the alternative sites. Other parcels in the vicinity of the alternative sites have the potential for future public or private development. The construction and operation of a new USBP station would not initiate an increase in development in the immediate vicinity, but would be part of the growth in the Kingsville area. Therefore, construction of the new station would not be expected to result in a significant cumulative adverse effect.

4.2 SOILS

A significant impact would occur if the action exacerbates or promotes long-term erosion, if the soils are inappropriate for the proposed construction and would create a risk to life or property, or if there would be a substantial reduction in agricultural production or loss of prime farmland soils. Although the proposed action would remove approximately 50 acres of prime farmland soils from production, this and other CBP actions would not be considered as a substantial reduction in regional agricultural production. CBP's plan to construct a station in the Corpus Christi AOR could remove another 37 acres of prime farmland soils from agricultural production. As urban growth and development expands around Kingsville, additional agricultural areas would likely be converted to uses other than agriculture. These losses could ultimately result in moderate to major cumulative impacts on prime farmland. Construction plans would include SWPPPs which implement soil erosion measures. The impact from construction of the new station, when combined with past and proposed projects in the region, would not be considered a significant cumulative adverse effect relative to soil erosion and sedimentation.

4.3 VEGETATION

The significance threshold for vegetation would include a substantial reduction in ecological processes, communities, or populations that would threaten the long-term viability of a species or result in the substantial loss of a sensitive community that could not be offset or otherwise compensated. Much of the land use in the region is composed of agriculture where natural

vegetation has already been removed or disturbed. Most of the land use in the region would continue to be used to grow row crops, even with the new USBP station and other development projects. Therefore, this proposed project in conjunction with other regionally proposed projects would not create a substantial cumulative effect on vegetative habitat in the region.

4.4 WILDLIFE RESOURCES

The significance threshold for wildlife and aquatic resources would include a substantial reduction in ecological processes, communities, or populations that would threaten the long-term viability of a species or result in the substantial loss of a sensitive community that could not be offset or otherwise compensated. As discussed for vegetative habitat, many of the projects under consideration in the Kingsville area are planned in developed urban areas or agricultural areas where wildlife habitat has already been removed or disturbed. Most of the land use in the region is agriculture and would continue that way, even with the new USBP station and other development projects. Therefore, this proposed project in conjunction with other regionally proposed projects would not create a substantial cumulative effect on regional wildlife populations.

4.5 THREATENED AND ENDANGERED SPECIES

A significant impact on threatened and endangered species would occur if any action resulted in a jeopardy opinion for any endangered, threatened, or rare species. The proposed action at Site 3 would not have an adverse effect on protected species, nor would any of the other planned projects in the region; therefore, no cumulative impacts would occur. If Site 1 were to be ultimately selected, cumulative benefits to the south Texas ambrosia would be expected, as the extant population at Site 1 would be protected and enhanced.

4.6 SURFACE WATERS AND WATERS OF THE U.S.

The significance threshold for surface water and WUS includes any action that substantially depletes surface water supplies, substantially alters drainage patterns, or results in the loss of WUS that cannot be compensated. No significant impact on surface water resources or WUS would occur as a result of the construction and operation of the proposed USBP station, as no surface waters or WUS exist within the site boundaries. Further, the required SWPPP and BMPs would reduce erosion and sedimentation during construction to negligible levels and eliminate potential post-construction erosion and sedimentation from the site. By implementing these measures, no off-site WUS would be adversely impacted. The same measures would be implemented for other construction projects; therefore, cumulative impacts would not be significant.

4.7 FLOODPLAINS

Federal and local laws governing floodplains limit development within the 100-year floodplain. The proposed action is not located within the 100-year floodplain and other developments are not expected to result in substantial impacts on the 100-year floodplain. Therefore, there is no

potential for the proposed action, when combined with other similar developments, to cumulatively affect floodplains.

4.8 AIR QUALITY

Impacts on air quality would be considered significant if the action results in a violation of air quality standards, obstructs implementation of an air quality plan, or exposes sensitive receptors to substantial pollutant concentrations. The emissions generated during construction of the new USBP station would be short-term and minor. An increase in vehicular traffic to the new station locale would result in cumulative impacts on the region's airshed; these impacts would not be considered significant, even when combined with the other proposed developments in the Kingsville area, because the semi-rural location of the new station and wind patterns would allow for vehicle emissions to dissipate.

4.9 NOISE

Actions would be considered to cause significant impacts if they permanently increase ambient noise levels over 65 dBA. Most of the noise generated by the proposed action would occur during construction and, thus, would not contribute to cumulative impacts on ambient noise levels. Operation activities at the new station would create a minor increase in ambient noise levels; however, potential sources of noise from daily operations are not enough (temporal or spatial) to increase ambient noise levels above the 65 dBA range at the proposed sites. Thus, the noise generated by the construction and operation of the new station, when considered with the other existing and proposed projects in the region, would not be considered a significant cumulative adverse effect.

4.10 CULTURAL RESOURCES

The proposed action would have no effect on cultural resources or significant historic structures. As discussed above, many of the projects under consideration in the Kingsville area are planned in developed and agricultural areas or areas where cultural resources have already been avoided or disturbed and mitigated. Therefore, this action, when combined with other existing and proposed projects in the region, would not result in significant cumulative impacts on historical properties.

4.11 UTILITIES AND INFRASTRUCTURE

Actions would be considered to cause significant impacts if they require greater utilities or infrastructure use than can be provided. The parcels in the vicinity of the alternative sites have the potential for future public or private development, but have been zoned for this development and are within the service area of the public utilities. The Kingsville area is prepared for an increased demand in utilities anticipated with urban growth. Operation of the new station, in conjunction with current public use and proposed urban growth, would require utilities and infrastructure anticipated for the City of Kingsville; therefore, this action would not be considered a significant cumulative adverse effect.

4.12 ROADWAYS AND TRAFFIC

Impacts on traffic or roadways would be considered to cause significant impacts if the increase of traffic exceeded the ability for the surface streets to offer a suitable level of service for the area. The construction of the new station, and other construction projects proposed for the Kingsville area, would require a temporary increase in large construction equipment transportation in the vicinity of alternative sites. An increase of vehicles from the daily operations of the new station would occur; however, the new station would have the USBP agents on a 3-shift rotation. USBP agents currently use Senator Carlos Truan Boulevard or FM 1356 and the NAS Kingsville main gate to access the USBP station located on NAS Kingsville. The proposed action would reduce the traffic at the main gate; however, traffic would increase on Senator Carlos Truan Boulevard under Alternative 3 due to the presence of USBP agents and additional Army troops associated with the new AFRC. Since the majority of the troops using the AFRC would likely be present on weekends, these cumulative effects would not be anticipated to be substantial.

4.13 AESTHETICS AND VISUAL RESOURCES

Actions that cause the permanent loss of the characteristics that make an area visually unique or sensitive would be considered to cause a significant impact. No major impacts on visual resources would occur from constructing a new station, due in part to the existing Naval buildings in the vicinity of the project sites and the agricultural developments surrounding the sites.

4.14 HAZARDOUS MATERIALS

Significant impacts would occur if an action creates a public hazard, the site is considered a hazardous waste site that poses health risks, or the action would impair the implementation of an adopted emergency response or evacuation plan. Only minor increases in the use of hazardous substances (e.g., POL) would occur as a result of the construction and maintenance of the USBP station. BMPs would be implemented to minimize the risk from hazardous materials during construction and daily operations at the new station. No health or safety risks would be created by the proposed action. The effects of this proposed action, when combined with other ongoing and proposed projects in the region, would not be considered a significant cumulative effect.

4.15 SOCIOECONOMICS

The significance threshold for socioeconomic conditions includes displacement or relocation of residences or commercial buildings and increases in long-term demands for public services in excess of existing and projected capacities. Construction of the new station would result in temporary cumulative beneficial impacts on the region's economy from an increase in the hiring of local workers for construction projects and other related activities. The addition of USBP agents would also be a cumulative beneficial effect on the overall economic stability of the Kingsville area, as agents and their families would purchase houses and other goods and services locally. The anticipated urban growth of the City of Kingsville would also be a beneficial effect for the community with an increase in jobs and services to the area. No adverse impacts on the

socioeconomics of the region would occur. These effects, when combined with the other currently proposed or ongoing projects within the region, would not be considered as significant cumulative impacts.

4.16 ENVIRONMENTAL JUSTICE AND PROTECTION OF CHILDREN

Most of the CBP's proposed projects occur in areas that are not residential. The cumulative effect on minority populations and children from USBP activities would be beneficial. The increasing agent force in the Rio Grande Valley Sector will reduce illegal activities, such as smuggling of drugs and contraband, and increase the security of the local communities. These effects, when combined with the other currently proposed or ongoing projects within the region, would not be considered as significant cumulative impacts.

4.17 HUMAN HEALTH AND SAFETY

Most of the CBP's proposed projects occur in areas that are not residential, often in rugged and rough terrain. Typically, CBP construction activities are completed by National Guard Units, USBP agents, or private contractors, who are all well-trained and cognizant of all required safety measures. The proposed construction of the new station would be provided by private contractors, who would be required to comply with all appropriate OSHA and other safety laws and regulations. The land at each site is generally flat, and no physical features are present that would make the sites more prone to health and safety issues. The overall increase in vehicular traffic to the area from the operation of the new USBP station, in conjunction with normal traffic, would not create a significant cumulative effect on health and human safety.

4.18 SUSTAINABILITY AND GREENING

CBP would implement the Federal sustainability and greening practices to the greatest extent practicable as part of the proposed action. Cost-effective waste reduction and recycling of reusable materials would be implemented as part of the project. Consideration will also be given to incorporating wind-energy technology to the station design, due to the sustained winds that are characteristic of the region. Implementation of the Federal sustainability and greening practices would have a cumulative beneficial impact on the environment.

SECTION 5.0
BEST MANAGEMENT PRACTICES



5.0 BEST MANAGEMENT PRACTICES

This chapter describes those BMPs that will be implemented to reduce or eliminate potential adverse impacts on the human and natural environment. Many of these measures have been incorporated as standard operating procedures by CBP on past projects. BMPs will be presented for each resource category that would be potentially affected.

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

5.1 GENERAL CONSTRUCTION ACTIVITIES

BMPs will be implemented as standard operating procedures during all construction activities, such as proper handling, storage, and/or disposal of hazardous and/or regulated materials. To minimize potential impacts from hazardous and regulated materials, all fuels, waste oils, and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery will be completed 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 a reportable quantity would be contained immediately within an earthen dike, and the application of an absorbent (e.g., granular, pillow, sock.) will be used to absorb and contain the spill. Any major reportable spill of a hazardous or regulated substance will be reported immediately to on-site environmental personnel, who would notify appropriate Federal and state agencies. In addition, a SPCCP would be in place prior to the start of construction, and all personnel will be briefed on implementation and responsibilities of this plan.

All waste oil and solvents will be recycled. All non-recyclable hazardous and regulated wastes will be collected, characterized, labeled, stored, transported, and disposed of in accordance with all Federal, state, and local regulations, including proper waste manifesting procedures. Non-hazardous solid waste (trash and waste construction materials) will be collected and deposited in the on-site receptacles. Solid waste receptacles will be maintained and solid waste will be collected and disposed of by a local waste disposal contractor.

5.2 SOILS

Suitable fencing will be installed around the perimeter of the facility to contain vehicles and people and prevent accidental impacts on soils on adjacent properties. A SWPPP will be prepared prior to construction activities, and BMPs described in the SWPPP, such as straw bales, aggregate materials, and wetting compounds, shall be implemented to reduce erosion. Furthermore, all areas not immediately developed will be landscaped with native plant species, where appropriate, in such a way as to minimize erosion.

5.3 BIOLOGICAL RESOURCES

The Migratory Bird Treaty Act requires that Federal agencies coordinate with the USFWS if a construction activity would result in any harm to a migratory bird, including breeding and nesting activities. If construction or clearing activities were scheduled during the nesting season (typically March 1-September 1) preconstruction surveys for migratory bird species would occur immediately prior to the start of any construction activity to identify active nests. If construction activities would result in the disturbance or harm of a migratory bird, then coordination with the USFWS and TPWD would occur, and applicable permits for relocation of nests, eggs or chicks would be obtained prior to construction or clearing activities. In addition, where possible, buffer zones would be established around active nests until nestlings have fledged and abandoned the nest. Another mitigation measure that would be considered is to schedule clearing and grubbing activities outside the nesting season, negating the requirement for nesting bird surveys.

Shields would be installed on lights to prevent background lighting. Lights would also be installed such that the direction of illumination is downward toward the station facilities.

Should Site 1 be ultimately selected, conservation measures to protect or reduce the impact on south Texas ambrosia would be implemented. Preliminary discussions with USFWS have identified several measures including restrictions of foot, vehicle and equipment traffic near the area surrounding the plants during construction; prohibiting the use of herbicides at or near this site; installation of SWPPP measures to avoid erosion or sedimentation in the area supporting these specimens; and development and implementation of a long term management plan. Section 7 consultation and identification of these measures will be completed prior to initiation of the proposed action at Site 1. These measures will not be required under Alternative 3, which is now the Preferred Alternative.

5.4 AIR QUALITY

Soil watering will be utilized to minimize airborne particulate matter created during construction activities. Bare ground will be covered with hay or straw to lessen wind erosion between facility construction and landscaping. After the construction is completed, landscaping will be designed and implemented to prevent or lessen wind fugitive dust creation. Additionally, all construction equipment and vehicles will be kept in good operating condition to minimize exhaust emissions.

5.5 WATER RESOURCES

Because the impact area is greater than 1 acre, as part of the NPDES permit process, a SWPPP and Notice of Intent will be submitted to the USEPA/TCEQ prior to the start of construction. Sedimentation and pollution of surface waters by fuels, oils, and lubricants will be minimized through implementation of the SWPPP and SPCCP. Construction of the new station would not alter natural drainage patterns; still, proper stormwater retention measures will be incorporated into the station design. All fuel tanks will be double-walled to prevent leaks from entering the soil or groundwater.

5.6 NOISE

During the construction phase, short-term noise impacts are anticipated. All OSHA requirements will be followed. To lessen noise impacts on the local residents, construction will only occur during daylight hours, whenever possible.

5.7 CULTURAL RESOURCES

Although no significant cultural resources are known to be present within the project area, unanticipated subsurface deposits are possible with any undertaking that disturbs the ground surface. Evidence of subsurface deposits may be in the form of subsurface artifacts (lithics, ceramics, ground stone, bone, metal, and glass), charcoal, stained soil, or burned rocks. If previously unknown cultural resources are exposed by construction activities associated with the proposed development, work will stop in the immediate vicinity, the resources will be protected, and the SHPO will be notified within 24 hours of discovery. If, in consultation with the SHPO, it is determined that the resource is significant and if a significant resource cannot be avoided by construction, then an archaeological data recovery plan will be prepared in consultation with the SHPO and will be implemented.

If unmarked human burials are discovered during construction, work will stop in the immediate vicinity, the remains will be protected, and the local law enforcement agency and the SHPO will be notified as soon as possible. The location of the unmarked human burial will be documented and the provisions of the Native American Graves & Repatriation Act (NAGPRA) will be implemented, including consultation with Native American tribes.

5.8 SOLID AND HAZARDOUS WASTES

Care will be taken to avoid impacting the project area with hazardous substances (i.e., anti-freeze, fuels, oils, lubricants) used during construction. Although catch pans will be used when refueling, accidental spills could occur as a result of maintenance procedures on construction equipment. A spill could result in potentially adverse impacts on on-site soils and waters, as well as threaten the health of wildlife and vegetation. However, the amount of fuel, lubricants, and oil is limited and equipment necessary to quickly contain any spills will be present when refueling.

All waste oil and solvents associated with the vehicle maintenance facility will be recycled. 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.

5.9 TRANSPORTATION

During the design phase of the new station construction, measures to ensure that impacts on traffic flow are minimized will be considered. Additional vehicular entrances, speed zones, and traffic signals or signs would be reviewed as measures to ease the impacts of traffic. The CBP will coordinate with the City of Kingsville Public Safety Department to address any traffic or safety impacts associated with the proposed action.

SECTION 6.0
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6.0 REFERENCES

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SECTION 7.0
ACRONYMS AND ABBREVIATIONS



7.0 ACRONYMS AND ABBREVIATIONS

AADT	Annual Average Daily Traffic
ACHP	Advisory Council on Historic Preservation
AFRC	Armed Forces Reserve Center
AOR	Area of Responsibility
AST	Aboveground Storage Tanks
BMP	Best Management Practice
CBP	Customs and Border Protection
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CO	Carbon Monoxide
CWA	Clean Water Act
dB	Decibel
dBA	A-weighted Decibel
DHS	Department of Homeland Security
DOE	Department of Energy
EA	Environmental Assessment
EO	Executive Order
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FM	Farm to Market
FR	Federal Register
GHG	Greenhouse Gas
GOV	Government-owned Vehicles
GSRC	Gulf South Research Corporation
HUD	U.S. Department of Housing and Urban Development
INA	Immigration and Nationality Act
INS	Immigration and Naturalization Service
LEED	Leadership in Energy and Environmental Design
mg/m ³	Milligrams per Cubic Meter of Air
MSDS	Material Safety Data Sheet
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves & Repatriation Act
NAS	Naval Air Station
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOA	Notice of Availability
NOx	Nitrous Oxides
NO ₂	Nitrogen Dioxide
NRHP	National Register of Historic Places
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRCS	Natural Resources Conservation Service
O ₃	Ozone

OSHA	Occupational, Safety and Health Administration
PCPI	Per Capita Personal Income
PL	Public Law
PM-2.5	Particulate Matter Less than 2.5 Microns
PM-10	Particulate Matter Less than 10 Microns
POL	Petroleum, Oils and Lubricants
POV	Privately owned Vehicles
ppb	Parts Per Billion
ppm	Parts Per Million
RCRA	Resource Conservation and Recovery Act
ROI	Region of Influence
SHPO	State Historic Preservation Officer
SO ₂	Sulfur Dioxide
SPCCP	Spill Prevention, Control, and Countermeasures Plan
SWPPP	Storm Water Pollution Prevention Plan
TCEQ	Texas Commission on Environmental Quality
THC	Texas Historical Commission
TPI	Total Personal Income
TPWD	Texas Parks and Wildlife Department
TxDOT	Texas Department of Transportation
U.S.	United States
USACE	U.S. Army Corps of Engineers
USARC	U.S. Army Reserve Center
USBP	U.S. Border Patrol
USC	U.S. Code
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
US 77	U.S. Highway 77
VOC	Volatile Organic Compounds
vpd	Vehicles per Day
WUS	Waters of the U.S.
µg/m ³	Micrograms per Cubic Meter of Air

SECTION 8.0
LIST OF PREPARERS



8.0 LIST OF PREPARERS

The following people were primarily responsible for preparing this EA.

NAME	AGENCY/ORGANIZATION	DISCIPLINE/EXPERTISE	EXPERIENCE	ROLE IN PREPARING EA
Mark Gable	Customs and Border Protection	NEPA/DHS PM and Regional Environmental Officer	25 years Environmental Management and Review	EA Review
Marc Wiese	Customs and Border Protection	PM, Dallas Facility Center		CBP Project Manager
Rhonda Brown	USACE, Galveston District			USACE Project Manager
Terry Roberts, Ph.D.	USACE, Galveston District	Environmental Resources		Environmental Resources Manager and EA Review
Mark Garza	USACE, Galveston District	Environmental Resources		EA Review
Eric Webb, Ph.D.	GSRC	Ecology/Wetlands	17 years Natural Resources and NEPA studies	EA Technical Review
Chris Ingram	GSRC	Biology/Ecology	33 years EA/EIS studies	GSRC Project Manager; DOPAA; Technical Review
Steve Oivanki	GSRC	Geology	20 years EA and Remediation	Phase I ESA; Soils; Hazardous Materials
Steve Kolian	GSRC	Environmental Science	12 years Natural Resources	Utilities, Noise, Air Quality; Human Health and Safety
Nicole Forsyth	GSRC	Environmental Engineering	6 years Environmental and NEPA studies	Transportation
Greg Lacy	GSRC	Natural Resources	12 years Natural Resources and Environmental Studies	Wildlife and Floodplains
Michael Hodson	GSRC	Ecology/Wetlands	5 years Natural Resources	T&E Species, Vegetation
John Lindemuth	GSRC	Archaeology	18 years Professional Archaeologist/Cultural Resources	Cultural Resources and Socioeconomics
Sharon Newman	GSRC	GIS/Graphics	15 years GIS/Graphics	GIS/Graphics

APPENDIX A
CORRESPONDENCE



**U.S. Customs and
Border Protection**

JUL 12 2010

Mr. Michael Burgess, Chairman
Comanche Nation
584 NW Bingo Road
PO Box 908
Lawton, OK 73502-0908

Dear Chairman Burgess:

U.S. Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of a new U.S. Border Patrol (USBP) station near Kingsville, Kleberg County, Texas. The proposed new station would be constructed to accommodate existing staff, as well as an anticipated increase in agent force in support of the National Border Patrol Strategy to gain and maintain effective control of the U.S. borders. The existing station does not provide adequate space for the planned increase in staff. USBP anticipates an increase to approximately 350 personnel, including USBP agents and support staff. By providing additional space and facilities, the proposed new station would substantially enhance the overall safety and efficiency of current and future operations within the USBP Kingsville Area of Responsibility. CBP has identified the Area of Potential Effect (APE) as four alternative sites, each approximately 40 acres, near the City of Kingsville, Texas, as shown on Attachment A.

We are currently in the process of gathering the most current information available, in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800. CBP respectfully requests that you provide information on any cultural resources that you believe may be affected by the proposed USBP activities in Nueces County, Texas. A cultural resources survey is being conducted for the proposed project areas, and we will provide you with a copy of the cultural resources report for your comment once it is prepared, if requested.

We intend to provide your agency with a copy of the Draft EA once the document is completed. Please inform us if additional copies are needed and/or if someone else within your agency other than you should receive the Draft EA.

Your prompt attention to this request would be greatly appreciated. For additional information, please contact:

Customs and Border Protection
Mr. Marc Wiese, Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, TX 75247-4232

Chairman Michael Burgess

Page 2

If you require additional information or have any questions, please contact Mr. Wiese at (214) 905-5363 or by email at marc.wiese@dhs.gov.

Sincerely,


for Loren Flossman, Director
Border Patrol Facilities and Tactical Infrastructure
Program Management Office

Enclosure



**U.S. Customs and
Border Protection**

JUL 12 2010

Donald Tofpi, Chairman
Kiowa Tribe of Oklahoma
Business Committee
West Highway 9 / P O Box 369
Carnegie, OK 73015

Dear Chairman Tofpi:

U.S. Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of a new U.S. Border Patrol (USBP) station near Kingsville, Kleberg County, Texas. The proposed new station would be constructed to accommodate existing staff, as well as an anticipated increase in agent force in support of the National Border Patrol Strategy to gain and maintain effective control of the U.S. borders. The existing station does not provide adequate space for the planned increase in staff. USBP anticipates an increase to approximately 350 personnel, including USBP agents and support staff. By providing additional space and facilities, the proposed new station would substantially enhance the overall safety and efficiency of current and future operations within the USBP Kingsville Area of Responsibility. CBP has identified the Area of Potential Effect (APE) as four alternative sites, each approximately 40 acres, near the City of Kingsville, Texas, as shown on Attachment A.

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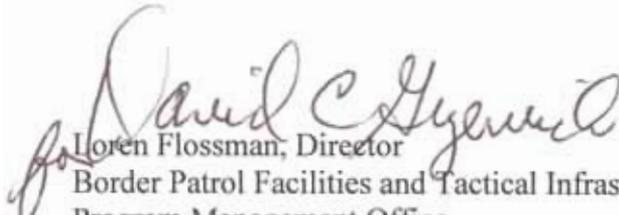
Customs and Border Protection
Mr. Marc Wiese, Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, TX 75247-4232

Chairman Topfi

Page 2

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Sincerely,


Loren Flossman, Director
Border Patrol Facilities and Tactical Infrastructure
Program Management Office

Enclosure



**U.S. Customs and
Border Protection**

JUL 12 2010

Mr. Bernard F. Barcena Jr., Chairman
Lipan Apache Tribe of Texas
Attn: Tom Castillo
4553 Dandridge
Corpus Christi, TX 78413

Dear Chairman Barcena:

U.S. Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of a new U.S. Border Patrol (USBP) station near Kingsville, Kleberg County, Texas. The proposed new station would be constructed to accommodate existing staff, as well as an anticipated increase in agent force in support of the National Border Patrol Strategy to gain and maintain effective control of the U.S. borders. The existing station does not provide adequate space for the planned increase in staff. USBP anticipates an increase to approximately 350 personnel, including USBP agents and support staff. By providing additional space and facilities, the proposed new station would substantially enhance the overall safety and efficiency of current and future operations within the USBP Kingsville Area of Responsibility. CBP has identified the Area of Potential Effect (APE) as four alternative sites, each approximately 40 acres, near the City of Kingsville, Texas, as shown on Attachment A.

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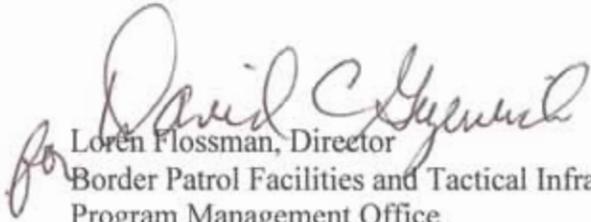
Customs and Border Protection
Mr. Marc Wiese, Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, TX 75247-4232

Chairman Bernard F. Barcena Jr.

Page 2

If you require additional information or have any questions, please contact Mr. Wiese at (214) 905-5363 or by email at marc.wiese@dhs.gov.

Sincerely,


Loren Flossman, Director
Border Patrol Facilities and Tactical Infrastructure
Program Management Office

Enclosure



**U.S. Customs and
Border Protection**

JUL 12 2010

Mescalero Apache Reservation
Mescalero Apache Tribal Council
Honorable Mark Chino, President
101 Central Avenue
Mescalero, NM 88340

Dear President Chino:

U.S. Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of a new U.S. Border Patrol (USBP) station near Kingsville, Kleberg County, Texas. The proposed new station would be constructed to accommodate existing staff, as well as an anticipated increase in agent force in support of the National Border Patrol Strategy to gain and maintain effective control of the U.S. borders. The existing station does not provide adequate space for the planned increase in staff. USBP anticipates an increase to approximately 350 personnel, including USBP agents and support staff. By providing additional space and facilities, the proposed new station would substantially enhance the overall safety and efficiency of current and future operations within the USBP Kingsville Area of Responsibility. CBP has identified the Area of Potential Effect (APE) as four alternative sites, each approximately 40 acres, near the City of Kingsville, Texas, as shown on Attachment A.

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Your prompt attention to this request would be greatly appreciated. For additional information, please contact:

Customs and Border Protection
Mr. Marc Wiese, Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, TX 75247-4232

President Mark Chino

Page 2

If you require additional information or have any questions, please contact Mr. Wiese at (214) 905-5363 or by email at marc.wiese@dhs.gov.

Sincerely,


Loren Flossman, Director
Border Patrol Facilities and Tactical Infrastructure
Program Management Office

Enclosure



**U.S. Customs and
Border Protection**

JUL 12 2010

Mr. F. Lawrence Oaks
State Historic Preservation Officer
ATTN: Ms. Debra Beene
Texas Historical Commission
1511 Colorado Street
Austin, Texas 78701

Dear Mr. Oaks:

U.S. Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of a new U.S. Border Patrol (USBP) station near Kingsville, Kleberg County, Texas. The proposed new station would be constructed to accommodate existing staff, as well as an anticipated increase in agent force in support of the National Border Patrol Strategy to gain and maintain effective control of the U.S. borders.

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Mr. F. Lawrence Oaks

Page 2

Your prompt attention to this request would be greatly appreciated. For additional information, please contact:

Customs and Border Protection
Mr. Marc Wiese, Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, TX 75247-4232

If you require additional information or have any questions, please contact Mr. Wiese at (214) 905-5363 or by email at marc.wiese@dhs.gov.

Sincerely,


for Loren Flossman, Director
Border Patrol Facilities and Tactical Infrastructure
Program Management Office

Enclosure



**U.S. Customs and
Border Protection**

JUL 12 2010

Ms. Susan Clewis, Regional Director
Texas Commission on Environmental Quality
Region 14
NRC Bldg., Ste. 1200
6300 Ocean Dr., Unit 5839
Corpus Christi TX 78412-5839

Dear Ms. Clewis:

U.S. Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of a new U.S. Border Patrol (USBP) station near Kingsville, Kleberg County, Texas. The proposed new station would be constructed to accommodate existing staff, as well as an anticipated increase in agent force in support of the National Border Patrol Strategy to gain and maintain effective control of the U.S. borders.

The existing station does not provide adequate space for the planned increase in staff. USBP anticipates an increase to approximately 350 personnel, including USBP agents and support staff. By providing additional space and facilities, the proposed new station would substantially enhance the overall safety and efficiency of current and future operations within the USBP Kingsville Area of Responsibility.

CBP has identified the Area of Potential Effect (APE) as four alternative sites, each approximately 40 acres, near the City of Kingsville, Texas, as shown on Attachment A. Access to the sites would be provided by public roads. Storm water detention basins of the appropriate size would be incorporated to the design and construction of the USBP station.

We intend to provide your agency with a copy of the Draft EA once the document is completed. Please inform us if additional copies are needed and/or if someone else within your agency other than you should receive the Draft EA. Your prompt attention to this request would be greatly appreciated. For additional information, please contact:

Customs and Border Protection
Mr. Marc Wiese, Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, TX 75247-4232

Ms. Susan Clewis

Page 2

If you require additional information or have any questions, please contact Mr. Wiese at (214) 905-5363 or by email at marc.wiese@dhs.gov.

Sincerely,


for Loren Flossman, Director
Border Patrol Facilities and Tactical Infrastructure
Program Management Office

Enclosure



**U.S. Customs and
Border Protection**

JUL 12 2010

Texas Parks and Wildlife Department
ATTN: Mr. Russell Hooten
NRC Building, Ste 2501
6300 Ocean Dr., Unit 5846
Corpus Christi, TX 78412

Dear Mr. Hooten:

U.S. Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of a new U.S. Border Patrol (USBP) station near Kingsville, Kleberg County, Texas. The proposed new station would be constructed to accommodate existing staff, as well as an anticipated increase in agent force in support of the National Border Patrol Strategy to gain and maintain effective control of the U.S. borders.

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CBP has identified the Area of Potential Effect (APE) as four alternative sites, each approximately 40 acres, near the City of Kingsville, Texas, as shown on Attachment A. Each of these sites is currently in agricultural production (i.e., cotton and corn).

We are currently in the process of gathering the most current information available regarding Federal and state listed species potentially occurring within the project area. CBP respectfully requests that your agency provide a list of the protected species that occur within this county, along with a description of the sensitive resources (e.g., rare or unique plant communities, threatened, endangered, and candidate species, etc.), and a species location map for those species that you believe may be affected by the proposed CBP activities.

We intend to provide your agency with a copy of the Draft EA once the document is completed. Please inform us if additional copies are needed and/or if someone else within your agency other than you should receive the Draft EA.

Mr. Russell Hooten

Page 2

Your prompt attention to this request would be greatly appreciated. For additional information, please contact:

Customs and Border Protection
Mr. Marc Wiese, Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, TX 75247-4232

If you require additional information or have any questions, please contact Mr. Wiese at (214) 905-5363 or by email at marc.wiese@dhs.gov.

Sincerely,


Loren Flossman, Director
Border Patrol Facilities and Tactical Infrastructure
Program Management Office

Enclosure



**U.S. Customs and
Border Protection**

JUL 12 2010

Texas Department of Transportation
ATTN: Julie Brown, P.E.
1701 S Padre Island Drive
Corpus Christi, Texas 78416

Dear Ms. Brown:

U.S. Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of a new U.S. Border Patrol (USBP) station near Kingsville, Kleberg County, Texas. The proposed new station would be constructed to accommodate existing staff, as well as an anticipated increase in agent force in support of the National Border Patrol Strategy to gain and maintain effective control of the U.S. borders.

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CBP respectfully requests that you provide us with any concerns or issues that you feel should be addressed in this EA. We intend to provide your agency with a copy of the Draft EA once the document is completed. Please inform us if additional copies are needed and/or if someone else within your agency other than you should receive the Draft EA.

Your prompt attention to this request would be greatly appreciated. For additional information, please contact:

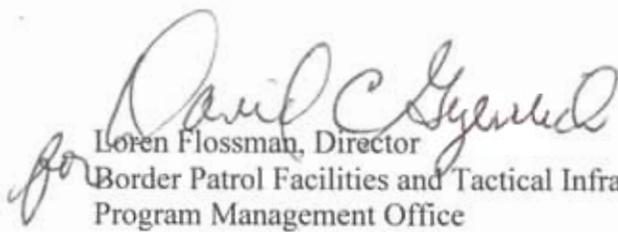
Customs and Border Protection
Mr. Marc Wiese, Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, TX 75247-4232

Ms. Julie Brown

Page 2

If you require additional information or have any questions, please contact Mr. Wiese at (214) 905-5363 or by email at marc.wiese@dhs.gov.

Sincerely,


Loren Flossman, Director
Border Patrol Facilities and Tactical Infrastructure
Program Management Office

Enclosure



**U.S. Customs and
Border Protection**

JUL 12 2010

U.S. Fish and Wildlife Service
Austin, Texas Ecological Services Field Office
ATTN: Adam Zerrenner, Field Supervisor
Compass Bank Building
10711 Burnet Rd, Ste 200
Austin, TX 78758

Dear Mr. Zerrenner:

U.S. Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction, operation, and maintenance of a new U.S. Border Patrol (USBP) station near Kingsville, Kleberg County, Texas. The proposed new station would be constructed to accommodate existing staff, as well as an anticipated increase in agent force in support of the National Border Patrol Strategy to gain and maintain effective control of the U.S. borders.

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Customs and Border Protection
Mr. Marc Wiese, Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, TX 75247-4232

Mr. Adam Zerrenner

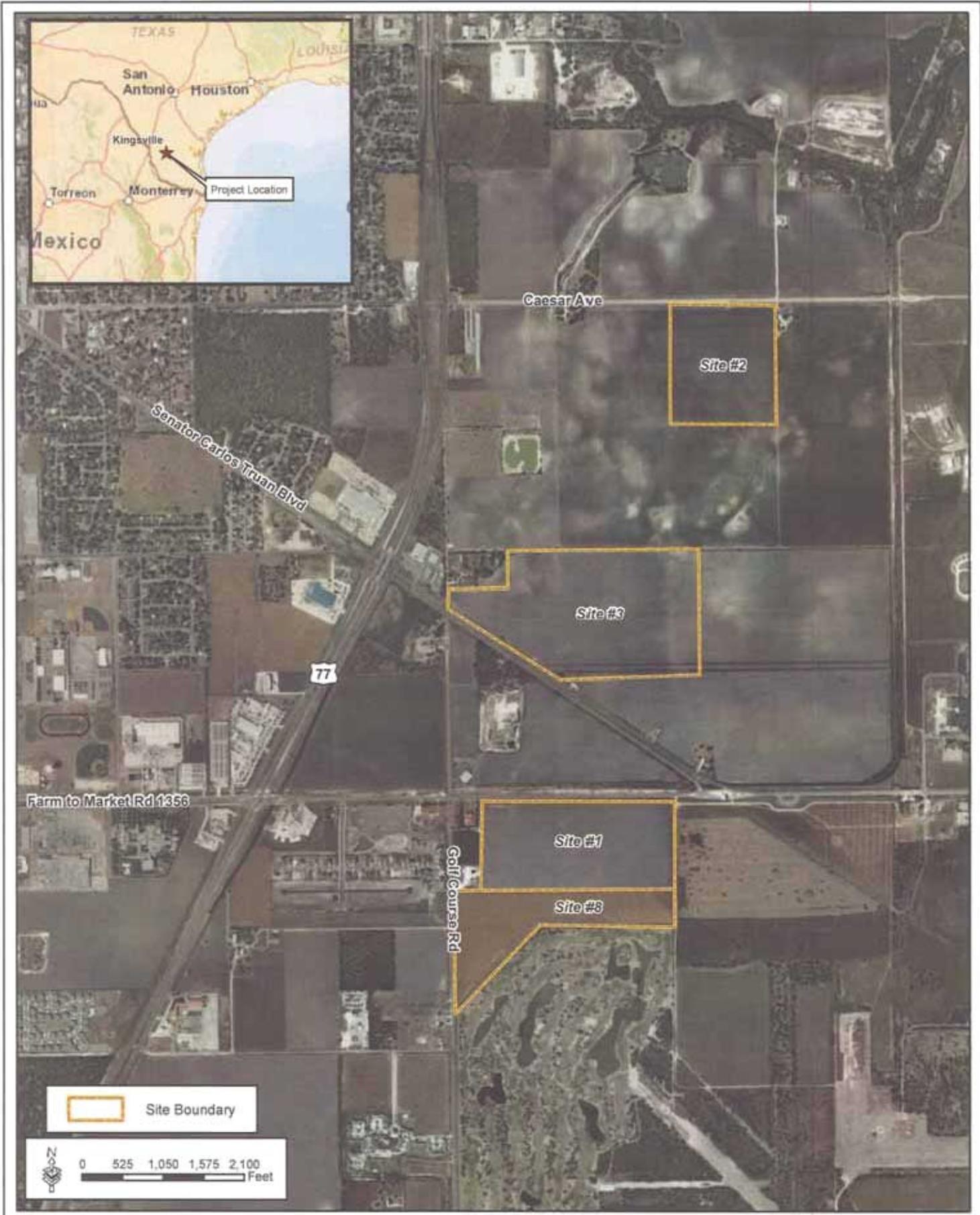
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If you require additional information or have any questions, please contact Mr. Wiese at (214) 905-5363 or by email at marc.wiese@dhs.gov.

Sincerely,


for David C. General
Loren Flossman, Director
Border Patrol Facilities and Tactical Infrastructure
Program Management Office

Enclosure





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
c/o TAMU-CC, Campus Box 338
6300 Ocean Drive
Corpus Christi, Texas 78412

July 27, 2010

Loren Flossman
Director
Border Patrol Facilities and Tactical Infrastructure
Program Management Office
U.S. Customs and Border Protection
1300 Pennsylvania Avenue NW
Washington DC 20229

Consultation Number: 21410-2010-I-0435

Dear Director Flossman:

Thank you for your inquiry received July 22, 2010, with regard to the proposed Border Patrol station construction in Kleberg County, Texas. The new station would provide space for 350 personnel.

Federally Listed Species

We have enclosed lists of federally listed or proposed threatened and endangered species that have been documented or are known to occur in the Kleberg County. Species information may be obtained at <http://ifw2es.fws.gov/endangeredspecies/lists/>. The species information should help you determine if suitable habitat for these listed species exists in any of the proposed project areas or if project activities may affect species on-site, off-site, and/or result in a "take" of a federally listed species.

"Take" is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. In addition to the direct take of an individual animal, habitat destruction or modification can be considered take, regardless of whether it has been formally designated as critical habitat, if it would result in the death or injury of wildlife by removing essential habitat components or impairing essential behavior patterns, including breeding, feeding or sheltering.

We have reviewed the information provided in your letter, and we are aware of several populations of the endangered plant, South Texas Ambrosia (*Ambrosia cheiranthifolia*) in area east and south of your proposed locations. We recommend that any areas that are not in active agricultural production, including potential staging areas or access routes, be surveyed for the presence of South Texas Ambrosia. Please provide us with a copy of any survey results and include this information in your Draft Environmental Assessment (EA).

Section 7

Section 7 of the Endangered Species Act (ESA) requires that all Federal agencies consult with the Service to ensure that actions authorized, funded or carried out by such agencies do not jeopardize the continued existence of any listed threatened or endangered species or adversely modify or destroy critical habitat of such species. *It is the responsibility of the Federal action agency to determine if the proposed project may affect threatened or endangered species.* If a “may affect” determination is made, the Federal agency shall initiate the formal section 7 consultation process by writing to: Field Supervisor; U.S. Fish and Wildlife Service; c/o TAMU-CC, Unit 5837; 6300 Ocean Drive; Corpus Christi, Texas 78412-5837. If no effect is evident, no further consultation is needed; however, we would appreciate the opportunity to review the criteria used to arrive at that determination.

Non-federal representatives (i.e. consultants, state agencies, county or local officials) may request and receive species lists, prepare environmental documents, biological assessments, and provide information for formal consultations. However, the Service requires the action agency to designate the non-federal representative in writing. If not designated, we recommend non-federal representatives provide a complete record of their evaluation to the federal action agency so that they may make a determination of effect and, if necessary, consult with this office on the proposed action.

The Service recommends the action agency and/or non-federal representative maintain a complete record that identifies steps leading to the determination of effect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related articles. The Service’s Consultation Handbook is available at <http://endangered.fws.gov/consultations/s7hndbk/s7hndbk.htm> for further information on definitions and process.

State Listed Species

The State of Texas protects certain species. Please contact the Texas Parks and Wildlife Department (Endangered Resources Branch), 4200 Smith School Road, Austin, Texas 78744 (telephone 512/389-8111) for information concerning fish, wildlife, and plants of State concern or visit their website at <http://www.tpwd.state.tx.us/nature/endang/animals/mammals/>.

Migratory Birds

The Migratory Bird Treaty Act implements various treaties and conventions for the protection of migratory birds. Under the Act, taking, killing or possessing migratory birds is unlawful. Many may nest in trees, brush areas or other suitable habitat. The Service recommends activities requiring vegetation removal or disturbance avoid the peak nesting period of March through August to avoid destruction of individuals, nests or eggs. If project activities must be conducted during this time, we recommend surveying for nests prior to commencing work. If a nest is found, and if possible, the Service recommends a buffer of vegetation ($\geq 50\text{m}$ for songbirds, $\geq 100\text{m}$ for wading birds, and $\geq 180\text{m}$ for terns, skimmers and birds of prey) remain around the

nest until young have fledged or the nest is abandoned. A list of migratory birds may be viewed at <http://migratorybirds.fws.gov/intrnltr/mbta/proposedbirdlist.pdf>.

Wetlands

Wetlands and riparian zones provide valuable fish and wildlife habitat as well as contribute to flood control, water quality enhancement, and groundwater recharge. Wetland and riparian vegetation provide food and cover for wildlife, stabilize banks and decrease soil erosion. These areas are inherently dynamic and very sensitive to changes caused by such activities as overgrazing, logging, major construction, or earth disturbance. Executive Order 11990 asserts that each agency shall provide leadership and take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial value of wetlands in carrying out the agency's responsibilities. Construction activities near riparian zones should be carefully designed to minimize impacts. If vegetation clearing is needed in these riparian areas, they should be re-vegetated with native wetland and riparian vegetation to prevent erosion or loss of habitat. We recommend minimizing the area of soil scarification and initiating incremental re-establishment of herbaceous vegetation at the proposed work sites. Denuded and/or disturbed areas should be re-vegetated with a mixture of native legumes and grasses. Species commonly used for soil stabilization are listed in the Texas Department of Agriculture's (TDA) Native Tree and Plant Directory, available from TDA at P.O. Box 12847, Austin, Texas 78711. The Service also urges taking precautions to ensure sediment loading does not occur to any receiving streams in the proposed project area. To prevent and/or minimize soil erosion and compaction associated with construction activities, avoid any unnecessary clearing of vegetation, and follow established rights-of-way whenever possible. All machinery and petroleum products should be stored outside the floodplain and/or wetland area during construction to prevent possible contamination of water and soils. No permanent structures should be placed in the 100-year floodplain.

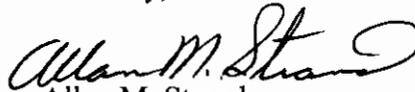
If your project will involve filling, dredging, or trenching of a wetland or riparian area it may require a Section 404 permit from the U.S. Army Corps of Engineers (COE). For permitting requirements please contact the U.S. Corps of Engineers, District Engineer, P.O. Box 1229, Galveston, TX 77553-1229, (409) 766-3002.

Beneficial Landscaping

In accordance with Executive Order 13112 on Invasive Species and the Executive Memorandum on Beneficial Landscaping, where possible, any landscaping associated with project plans should be limited to seeding and replanting with native species. A mixture of grasses and forbs appropriate to address potential erosion problems and long-term cover should be planted when seed is reasonably available. Although Bermuda grass is listed in seed mixtures, this species and other introduced species should be avoided as much as possible. The Service also recommends the use of native trees, shrubs and herbaceous species that are adaptable, drought tolerant and conserve water.

Thank you for your concern for endangered and threatened species and other resources, and we appreciate the opportunity to comment on the proposed project. If we can be of further assistance, or if you have any questions about these comments, please contact Dr. Larisa Ford at 361/994-9005, extension 226. Please refer to the Service Consultation number listed above in any future correspondence regarding this project. We look forward to reviewing your Draft EA when it becomes available.

Sincerely,

A handwritten signature in black ink that reads "Allan M. Strand". The signature is written in a cursive style with a large, looping "S" at the end.

Allan M. Strand
Field Supervisor

enclosures

CC: Marc Wiese, Dallas Facilities Center, Dallas, TX

**Federally Listed as Threatened and Endangered Species of
Corpus Christi Ecological Services Field Office
Area of Responsibility
April 7, 2004**

DISCLAIMER

County-by-County lists containing species information is available at the U.S. Fish and Wildlife Service's (Service), Southwest Region, web site <http://ifw2es.fws.gov/endangeredspecies/lists/>. This list is based on information available to the Service at the time of preparation. This list is subject to change, without notice, as new biological information is gathered and should not be used as the sole source for identifying species that may be impacted by a project.

Candidate Species and Species of Concern currently have no legal protection under the Endangered Species Act. However, they may be protected under other Federal and/or State laws. If you find you have potential project impacts to these species the Service would like to provide technical assistance to help avoid or minimize adverse effects. Addressing these species at this stage could better provide for overall ecosystem health in the local area and may avert potential future listing.

Migratory Species Common to many or all Counties: Statewide or area-wide migrants are not included by county, except where they breed or occur in concentrations. Species listed specifically in a county have confirmed sightings. If a species is not listed they may occur as migrants in those counties.

Least tern	(E ~)	<i>Sterna antillarum</i>
Whooping crane	(E w/CH)	<i>Grus americana</i>
Bald eagle	(T)	<i>Haliaeetus leucocephalus</i>
Piping plover	(T w/CH)	<i>Charadrius melodus</i>
Loggerhead shrike	(SOC)	<i>Lanius ludovicianus</i>
White-faced ibis	(SOC)	<i>Plegadis chihi</i>

Kleberg County

Black lace cactus	(E)	<i>Echinocereus reichenbachii</i> var. <i>albertii</i>
Brown pelican	(DM)	<i>Pelecanus occidentalis</i>
Green sea turtle	(T)	<i>Chelonia mydas</i>
Gulf Coast jaguarundi	(E)	<i>Herpailurus yagouaroundi cacomitli</i>
Hawksbill sea turtle	(E w/CHI)	<i>Eretmochelys imbricata</i>
Kemp's Ridley sea turtle	(E)	<i>Lepidochelys kempii</i>
Leatherback sea turtle	(E w/CHI)	<i>Dermochelys coriacea</i>
Loggerhead sea turtle	(T)	<i>Caretta caretta</i>
Northern aplomado falcon	(E)	<i>Falco femoralis septentrionalis</i>
Ocelot	(E)	<i>Leopardus pardalis</i>
Piping plover	(T w/CH)	<i>Charadrius melodus</i>
Slender rush-pea	(E)	<i>Hoffmannseggia tenella</i>
South Texas ambrosia	(E)	<i>Ambrosia cheiranthifolia</i>

West Indian manatee	(E)	<i>Trichechus manatus</i>
Whooping crane	(E w/CH)	<i>Grus americana</i>

INDEX

E = Species in danger of extinction throughout all or a significant portion of its range.
 T = Species which is likely to become endangered within the foreseeable future throughout all or a significant portion of its range.
 C = Species for which the Service has on file enough substantial information to warrant listing as threatened or endangered.
 CH = Critical Habitat (in Texas unless annotated ‡)
 P/ = Proposed ...
 P/E = Species proposed to be listed as endangered.
 P/T = Species proposed to be listed as threatened.
 TSA = Threatened due to similarity of appearance.
 SOC = Species for which there is some information showing evidence of vulnerability, but not enough data to support listing at this time.
 G = with special rule
 ‡ = CH designated (or proposed) outside Texas
 ~ = Protection restricted to populations found in the “interior” of the United States. In Texas, the least tern receives full protection, except within 50 miles (80 km) of the Gulf Coast.



Life's better outside.®

August 18, 2010

Loren Flossman
U.S. Customs and Border Protection
1300 Pennsylvania Avenue NW
Washington, DC 20229

RE: Proposed construction of U.S. Border Patrol Station near Kingsville,
Kleberg County, Texas.

Commissioners

Peter M. Holt
Chairman
San Antonio

T. Dan Friedkin
Vice-Chairman
Houston

Mark E. Bivins
Amarillo

Ralph H. Duggins
Fort Worth

Antonio Falcon, M.D.
Rio Grande City

Karen J. Hixon
San Antonio

Dan Allen Hughes, Jr.
Beeville

Margaret Martin
Boerne

S. Reed Morian
Houston

Lee M. Bass
Chairman-Emeritus
Fort Worth

Dear Mr. Flossman:

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

Project description

The CBP proposed to construct, operate and maintain a U.S. Border Patrol (USBP) station near Kingsville, Kleberg County, Texas. CBP has identified four alternative sites (identified as Sites#1, 2, 3, and 8) that are all situated east of U.S. Highway 77 and west of Navel Air Station Kingsville (NAS-Kingsville) on agricultural fields. Sites #1, 2, and 3 are all bordered by other cleared agricultural fields; the southern boundary of Site #8 borders the L.E. Ramey Park and Golf Course.

You have requested information regarding the presence of threatened and endangered species that could potentially occur on the proposed construction sites. Texas Parks and Wildlife Department (TPWD) has reviewed the information provided and offers the following comments.

RARE SPECIES REVIEW

Based on the project as presented, the TPWD annotated county list of rare species for Kleberg County, and presently known Texas Natural Diversity Database (TXNDD) records for the general project areas, the following listed species could be impacted by proposed project activities if suitable habitat is present:

Federal and State Listed Endangered

* South Texas ambrosia (*Ambrosia cheiranthifolia*)

State Listed Threatened

* Black-spotted newt (*Notophthalmus meridionalis*)

* Sheep frog (*Hypopachus variolosus*)

Texas Botteri's Sparrow (*Aimophila botterii texana*)

- Texas horned lizard (*Phrynosoma cornutum*)
- * Texas indigo snake (*Drymarchon melanurus erebennus*)
- * Texas tortoise (*Gopherus berlandieri*)

Federal Proposed Threatened

Mountain Plover (*Charadrius montanus*)

Species of Concern

- Western Burrowing Owl (*Athene cunicularia hypugaea*)
- Plains spotted skunk (*Spilogale putorius interrupta*)
- Spot-tailed earless lizard (*Holbrookia lacerata*)
- * Lila de los llanos (*Echeandia chandleri*)
- Welder machaeranthera (*Psilactis heterocarpa*)

Terrestrial communities

- * Glasswort-Saltwort Series (*Salicornia bigelovii/S. virginica-Batis maritima*)
- * Blackbrush series (*Acacia rigidula* series)
- * Mesquite-Granjeno Series (*Prosopis glandulosa-Celtis pallida* series)

Occurrences of the species shown above, preceded by an asterisk, have been documented on and/or possibly within 1.5 miles of the project sites. A printout for these occurrences and a map are included for your planning reference.

Please be aware that the TXNDD is intended to assist users in avoiding harm to rare species or significant ecological features. Absence of information in an area does not imply that a species is absent from that area. Given the small proportion of public versus private land in Texas, the TXNDD 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 TXNDD do not provide a definitive statement as to the presences, absence or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive and **cannot be used as presence/absence data**. They represent species that could potentially be in your project area. This information cannot be substituted for on-the-ground surveys.

Please review the most current TPWD county list for Kleberg County, as other rare species could be present depending upon habitat availability. These lists are available online at http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered_species/index.phtml.

For the USFWS rare species lists please visit: http://eco.fws.gov/tess_public/serviet/gov.doi.tess_public.serviets.EntryPage.

Federal and State Regulations

Endangered Species Act

Federally-listed animal species and their habitat are protected from “take” on any property by the ESA. Take of a federally-listed species can be allowed if it is “incidental” to an otherwise lawful activity and must be permitted in accordance with Section 7 or 10 of the ESA. Federally-listed plants are not protected from take except on lands under federal/state jurisdiction or for which a federal/state nexus (i.e., permits or funding) exists. Any take of a federally listed species or its habitat without the required take permit (or allowance) from U.S. Fish and Wildlife Service (USFWS) is a violation of the ESA.

Recommendation: Mountain Plovers winter in south Texas and utilize overgrazed pastures and dirt agricultural fields. Any of the four proposed sites could provide suitable habitat for Mountain Plovers. If construction occurs during winter months, contractors should be made aware of the potential to encounter this species and be instructed to avoid negatively impacting it.

South Texas ambrosia is known to occur within the right-of-way (ROW) along General Cavazos Boulevard at the NAS-Kingsville main gate and is monitored within the NAS-Kingsville property during annual surveys. TPWD recommends that the new USBP station site (particularly Site #1) should be surveyed for the presence of South Texas Ambrosia prior to ground disturbing activities.

Migratory Bird Treaty Act (MBTA)

The Migratory Bird Treaty Act (MBTA) implicitly prohibits intentional *and unintentional* take of migratory birds, including their nests and eggs, except as permitted by the U.S. Fish and Wildlife Service. Although not documented in the TXNDD, many bird species that are protected by the MBTA are known to reside in or migrate through the potential project areas. Approximately 30 species of migratory grassland birds have been documented wintering in the vicinity of NAS-Kingsville in a July 2010 U.S. Geological Survey open-file report.

Recommendation: Regardless of which site is selected, when preparing it for construction TPWD recommends scheduling any vegetation clearing or trampling outside of the April 1-July 15 migratory bird nesting season in order to fully comply with the MBTA. Contractors should be made aware of the potential of encountering wintering migratory birds on the proposed project sites and be instructed to avoid negatively impacting them. Please contact the U.S. Fish and Wildlife Service Southwest

Regional Office (Region 2) at (505) 248-6879 for further information regarding the MBTA.

State regulations

Parks and Wildlife Code

State law prohibits any take (incidental or otherwise) of state-listed species. Laws and regulations pertaining to state-listed endangered or threatened animals are contained in Chapters 67 and 68 of the Texas Parks and Wildlife (TPW) Code; laws pertaining to endangered or threatened plants are contained in Chapters 88 of the TPW Code.

Habitat that is most suitable for wildlife, including state listed species, is most available north of Site #2 within the Tranquitas Creek riparian corridor and floodplain and to the south of Site #8 within the golf course and Navy property. The availability of water, vegetated cover, and food sources could support state listed amphibians (*e.g.*, Sheep frog, black-spotted newt) and reptiles (*e.g.*, Texas indigo snake, Texas tortoise) as well as prey species (*e.g.*, lizards, mice) for raptors common in the area.

Recommendation: TPWD recommends that if encountered, wildlife including state listed species, should be avoided and permitted to leave the project area on their own.

Because snakes are generally perceived as a threat and killed when encountered during clearing or construction, TPWD recommends that contractors should be informed of the potential for the snakes, including the protected Texas indigo snake, to occur on the project site. Contractors should be advised to avoid impacts to this snake.

TPWD recommends that if encountered, Texas tortoises should be avoided and permitted to leave the project area on their own. Attempting to relocate them by picking them up can cause them to evacuate their bladders. Evacuation of their bladder, along with the stress of being moved, could cause the tortoises to become dehydrated and die.

Please note that relocating any species of wildlife (including listed species) requires a scientific collection permit, as referenced above. This can be obtained from TPWD Wildlife Permits Program. For more information regarding this permit, please visit TPWD's wildlife permit website at: <http://www.tpwd.state.tx.us/business/permits/land/wildlife/>

Mr. Flossman
August 18, 2010
Page 5 of 5

If during construction the project area is found to contain rare species, natural plant communities or special features, TPWD recommends that precautions be taken to avoid, minimize, and compensate for impacts to them.

ALTERNATIVES

The CBP is evaluating four sites to construct a new USBP station in Kleberg County, Texas. All four sites are currently disturbed agricultural fields that periodically provide low to medium quality wildlife habitat. Site #1 is nearest a known population of a federally listed plant species and Site #8 is immediately adjacent with a golf course and undeveloped Navy property that provides medium to high quality wildlife habitat.

Recommendation: TPWD recommends that the preferred alternative for the new USBP station be Site #3 in order to avoid and minimize potential impacts to wildlife, including rare, threatened and endangered species.

Please contact me at (361) 825-3240 if you have any questions regarding our comments.

Sincerely,



Russell Hooten
Wildlife Habitat Assessment Program
Wildlife Division

/rh 15290

Attachments

Element Occurrence Record

Full Citation:

Specimen:

FIELD MUSEUM OF NATURAL HISTORY, CHICAGO. NO DATE. UNKNOWN COLLECTOR, CATALOG # 93536 FMNH.

Associated Species:

<u>Species Name</u>	<u>Type</u>	<u>Comments</u>

Element Occurrence Record

Specimen:

TEXAS A & M UNIVERSITY-KINGSVILLE--VERTEBRATE COLLECTION. 1972. UNKNOWN COLLECTOR, SPECIMEN # 2975 AI. 29 FEBRUARY 1972.

Associated Species:

<u>Species Name</u>	<u>Type</u>	<u>Comments</u>
---------------------	-------------	-----------------

Element Occurrence Record

Scientific Name:	<i>Ambrosia cheiranthifolia</i>	Occurrence #:	7	Eo Id:	6590
Common Name:	South Texas ambrosia	TX Protection Status:	E	ID Confirmed:	Y
Global Rank:	G2	State Rank:	S2	Federal Status:	LE

Location Information:

Latitude:

Longitude:

Watershed Code:

Watershed Description:

12110204

San Fernando

County Code:

County Name:

Mapsheet Code:

Mapsheet Name:

State:

TXKLEB

Kleberg

27097-D7

Ricardo

TX

27097-E7

Kingsville East

TX

Directions:

The Naval Air Station on the SE side of Kingsville. The directions are generalized as this record consists of multiple populations. The directions were created by database staff.

Survey Information:

First Observation: 1991-02-13

Survey Date: 2004-10-04

Last Observation: 2004-10-04

Eo Type:

EO Rank: E - Verified extant (viability not assessed)

EO Rank Date: 2004-10-04

Observed Area (acres):

Estimated Representation Accuracy: High

Comments:

General

Description:

Naval Air Station Kingsville occupies 2892 acres in north central Kleberg County, Texas, on a level portion of the Gulf Coastal Plain. Creeks lie at or near the perimeter on the north, northeast and southwest, and slopes along these creeks provide some topographic relief. Elevation on the level upland ranges from about 40 to 51 feet, and on slopes drops quickly to below 5 feet above mean sea level. GEOLOGY/SOILS: The entire installation is underlain by the Pleistocene age Beaumont Formation, which consists mostly of clay and mud of low permeability, high water holding capacity, high to very high shrink swell potential and poor drainage. Areas along creeks are mantled with recent outwash materials. Soils on the level upland are mostly deep, dark, calcareous, heavy clays of the Victoria series (Vertisols?), and deep calcareous clay loams of the Clareville complex. On slopes along the various creeks, soils tend to be sandier and more gravelly. Deep, calcareous, fine sandy loams of the Hidalgo series and shallow, well drained, gravelly loams of the Olmas series are important in such positions. PLANT COMMUNITIES: Heavy clay soils of this portion of the coastal plain once supported a midgrass grassland which has in most areas been altered beyond recognition. These fertile soils have been extensively plowed and are now utilized for production of cotton, sorghum and other crops. The history of use of the clay soils at NAS Kingsville prior to base construction is not known to this investigator, but it is likely that these soils too were cultivated and/or the grasslands heavily grazed. At any rate, no high quality native grasslands are present on the installation today. Extant grasslands, mostly in the North Field area, are composed mostly of non-native perennial grasses which are wither regularly mown or outleased for hay production; other areas are outleased for row crop production. Former grasslands or cultivated fields mostly in the abandoned South Field area now support brushy deciduous woodlands. Stonier soils on caliche slopes at the north end of the installations support a mixed evergreen/deciduous shrubland of some interest. Heavy, poorly drained and seasonally inundated soils along creek bottoms support wetland plant communities, often bordered by a deciduous riparian woodland strip. Representatives of all these types are described in detail along with plants lists in the reference U92CAR01TXUS. Many of the areas where the plants are found are used as lawns and are mown every 7 days.

Comments:

W.R. Carr searched several hundred acres in September-October 1991 and could not locate the original Eo 7 population; note that Clayton's map indicates population lies outside of perimeter fence (which doesn't follow base boundary). Carol Bush changed the site number of ten study plots from 9B (1-10) to 11(31-40). They were labeled as 9B in her 94 report, and site 11 in her 96 report. This change in label was not explained, but may have been a matter of convenience. It was assumed that study plots 11 (31-40) were from site 9, and are assigned as such.

Element Occurrence Record

Protection

According to Garvon (2005) the major threats on the Air Station are agriculture, construction invasive exotic grasses.

Comments:

Management

Comments:

Bill Carr, 1992: Areas supporting South Texas ragweed should not be cultivated, bladed, or otherwise subjected to severe soil disturbance. Areas supporting South Texas ragweed should not be treated with herbicides. Areas supporting South Texas ragweed should be mown at least once annually to prevent woody plant proliferation. This will not apply to areas 2 through 5 above (EO 9, or the populations in the southern part of the NAS). Mowing during the months of December through February rather than during the summer or fall might assure dispersal of any fruit produced. Representatives of the Navy and US Fish and Wildlife Service should meet to discuss the creation of a monitoring program at one or more South Texas ragweed sites on NAS Kingsville. Carol Brush et. Al., 1994: My qualitative observations thus far indicate that the areas mowed monthly appear to be the hardiest. Areas that are mowed weekly may benefit from less frequent mowing, especially in the hot, dry months of June-September. Areas that are known to contain Ambrosia cheiranthifolia that are never mowed may benefit from yearly mowing.

Data:

EO Data:

13 Feb 1991: Plants were discovered at two sites on the base. The plants at site 1 were approx. 1 foot tall. 16 Sep 1991 and 7 Oct 1991: Hundreds of plants were flowering at both site 1 and site 2. 22 Apr 1992: Sites 1 and two were visited and sites 3 through 5 were discovered. Sites 1-5 are scattered small populations in the S part of the naval air station. 15 June 1992: Plants at site 2 were flowering profusely. 16 June 1992: Sites 6 through 11 were discovered through the main part of the base. Three of these sites had thousands of stems each. Some of these are the most extensive populations on the base. 12 Feb 1993: Hundreds of stems at site 12, none flowering. 26 Apr 1993: Thousands of stems were found on what would later be called sites 14 and 15. 22 Sep 1993: site 16 was discovered. Dec 1993 - Apr 1996: A study was conducted to evaluate the impact of 4 different mowing regimes on Ambrosia cheiranthifolia. 80 different study plots were set up across sites 7, 12, 14, 9, 11 and 16. These plots were surveyed monthly from the summer of 1994 until Apr of 1996. Oct 1994: The average stem count from all 80 plots was 40 stems per square meter. Apr 1995: The average stem count for all plots was 37 stems per square meter. Oct 1995: The average stem count was 23 stems per square meter, but this count may have been biased because the stems in the hay field had just been mowed. Apr 1996: The average stem count was 29 stems per square meter. Jan 1996 - Feb 1997: In site 11, twenty study plots were surveyed for a fire study, each plot was one square meter. The controlled burn was never carried out. 10 of the plots were set up where there was Ambrosia, and 10 were set up as control plots where there was no Ambrosia. These plots were surveyed 6 times: 5 Jan 1996: The 10 plots with plants had an average stem density of 7 stems per square meter. 15 Jan 1996: The 10 plots with plants had an average stem density of 10 stems per square meter. 6 May 1996: The 10 plots with plants had an average stem density of 15 stems per square meter. In addition, a total of 12 new plants were found in two control plots. 27 Aug 1996: The 10 plots with plants had an average stem density of 14 stems per square meter. The two plots with new plants had a total of 16 plants. 1 Oct 1996: The 10 plots with plants had an average stem density of 14 stems per square meter. The two plots with new plants had a total of 12 plants. 27 Feb 1997: The 10 plots with plants had an average stem density of 4 stems per square meter. The two plots with new plants had a total of 3 plants. 24 Sep 2002: Sites 6, 7, 8, and 9 were visited: a total of 1,500 to 2,000 stems were found. 23 July 2003: Sites 1 through 7 and sites 12 through 15 were visited and described but numbers were not recorded. 2004: All 25 sites were surveyed, this includes 9 new sited that had not previously been documented. Site 5 only had 14 stems and the data for site 9 was lost. All of the other sites had at least 5 plots surveyed, each plot was one square meter. The mean stem density for all of the sites surveyed was 56 stems per square meter. The mean minimum number of stems counted per site was 19. The mean maximum number of stems counted per site was 124. 4 Oct 2004: Sites 18 and 19 were GPSd. Plants were in early bud at site 16 and only a few stems at site 24.

Managed Area:

Managed Area Name:

NAS KINGSVILLE

Managed Area Type:

FDNDD

Reference:

Element Occurrence Record

Full Citation:

- Bush, Carol, N. L. Elliott, and R. O'Brien. 1994. Final report. Management study of South Texas ambrosia, NAS, Kingsville, TX. For Kingsville Naval Air Station by Corpus Christi Botanical Gardens. 15 August 1994. 15 pp.
- Bush, Carol. 1996. Management study of South Texas ambrosia, NAS, Kingsville, TX. Final report. For Kingsville Naval Air Station. May 1996. 13 pp.
- Bush, Carol. 1997. Management study of South Texas ambrosia, NAS, Kingsville, TX. Final report. For Kingsville Naval Air Station. April 1997. 17 pp.
- CARR, W.R. 1991. FIELD SURVEY OF NAS KINGSVILLE, 16-17 SEPTEMBER 1991.
- Price, Dana. 2005. Field notebook with raw data on wild plant populations observed throughout Texas from 15 June 2005 until 06 November 2006.
- Price, Dana. 2006. Point shapefile for *Shinnersia (Trichocoronis) rivularis* on the South Llano River in Kimble County, TX.
- Price, Dana. 2002. Field notebook with raw data on wild plant populations observed throughout Texas from 17 September 2002 to 29 October 2003.
- Price, Dana. 2003. Field notebook with raw data on wild plant populations observed throughout Texas from 03 November 2003 until 9 Apr 2004.
- Price, Dana. 2001. Field notebook with raw data on wild plant populations observed throughout Texas from 02 April 2001 until 28 August 2002.
- Price, Dana. 2004. Field notebook with raw data on wild plant populations observed throughout Texas from 27 January 2004 until 13 May 2005.
- Garvon, Shannon. 2005. Draft Management Plan for South Texas Ambrosia (*Ambrosia cheiranthifolia*) on the Naval Air Station in Kingsville.
- Carr, W.R. 1992. Survey of Rare, Threatened, and Endangered Plants of U.S. Navy Property in South Texas. Final Report. 1 September 1992.
- CARR, W.R. 1992. FIELD SURVEY OF NAVAL AIR STATION, KINGSVILLE, 15-16 JUNE 1992.
- Clayton, Phil. 1991. Field Survey to Kingsville Naval Air Station of 7 February 1991, with cover route slip with additional information of 13 February 1991.
- CARR, W.R. 1993. FIELD SURVEY OF AMBROSIA SITES IN NUECES AND KLEBERG COUNTIES, 12 FEBRUARY 1993.
- Carr, W.R. 1993. Field Survey of Naval Air Station Kingsville, 26 April 1993.
-

Specimen:

Associated Species:

Element Occurrence Record

<u>Species Name</u>	<u>Type</u>	<u>Comments</u>
Nothoscordum bivalve		14420
Prosopis reptans		14420
Rhynchosia sp.		14420
Ruellia sp.		14420
Siphonoglossa pilosella		14420
Sisyrinchium sp.		14420
Pennisetum ciliaris		9270, 14410, 14447, 14415, 14417, 14
Parkinsonia aculeata		9270
Hilaria mutica		9270, 14419, 14448, 14439, 14451, 14
Dicanthium annulatum		9270, 14410, 14411, 14412, 14447, 14
Acacia smallii		9270, 14439, 14440
Bothriochloa saccharoides		14410
Aristida purpurea		14411, 14416, 14419, 14432, 14451, 1
Eysenhardtia texana		14412
Stipa leucotricha		14417, 14419, 14448, 14439
Tradescantia subacaulis		14417
Commelina erecta		14417
Monarda punctata		14419
Tamarix ramosissima		14419, 14439
Buchloe dactyloides		14414, 14415, 14416, 14419, 14437, 1
Cynodon dactylon		14414, 14410, 14447, 14415, 14416, 1
Bouteloua rigidiseta		14414, 14410, 14447, 14415, 14420, 1
Grindelia microcephala		14414
Desmanthus sp.		14414
Ruellia nudiflora		14414
Indigofera miniata		14414
Verbena bipinnatifida		14414
Bouquetia erecta		14414
Malvastrum coromadelianum		14414
Parthenium hysterophorus		14414
Calyptracarpus vialis		14414
Prosopis glandulosa		14414, 14420, 9270, 14418, 14417, 14
Aphanostephus ramosissimus		14420
Buchloe dactylon		14420
Dyssodia tenuiloba		14420
Evolvulus sericeus		14420
Gaillardia suavis		14420
Indigofera miniata var. leptosepala		14420
Medicago minima		14420
Menodora heterophylla		14420

Element Occurrence Record

Scientific Name: *Salicornia bigelovii/salicornia virginiana-batis maritima series* **Occurrence #:** 4 **Eo Id:** 6067
Common Name: Glasswort-saltwort Series **TX Protection Status:** **ID Confirmed:** Y
Global Rank: G4 **State Rank:** S4 **Federal Status:**

Location Information:

Latitude: **Longitude:**

Watershed Code: 12110204 **Watershed Description:** San Fernando

County Code: TXKLEB **County Name:** Kleberg **Mapsheet Code:** 27097-E7 **Mapsheet Name:** Kingsville East **State:** TX

Directions:

NAVAL AIR STATION KINGSVILLE; TERRACES ALONG TRANQUITAS CREEK, NORTH EDGE OF BASE (NORTH OF PERIMETER FENCE)

Survey Information:

First Observation: 1991 **Survey Date:** 1991-10-07 **Last Observation:** 1991-10-07
Eo Type: **EO Rank:** CD - Fair or poor estimated viability **EO Rank Date:** 1991-10-07
Observed Area (acres): **Estimated Representation Accuracy:**

Comments:

General Description: FAIRLY DENSE COVER OF A FEW HALOPHYTIC SPECIES, DOMINATED PERHAPS BY SUAEDA LINEARIS

Comments:

Protection

Comments:

Management

Comments:

Data:

EO Data: DESCRIPTION AND PLANT LIST IN REPORT TO NAVY

Managed Area:

Managed Area Name: NAS KINGSVILLE **Managed Area Type:** FDNDD

Reference:

Full Citation:

CARR, W.R. 1991. SURVEY OF RARE, THREATENED, AND ENDANGERED PLANTS ON U.S. NAVY PROPERTY IN SOUTH TEXAS; INTERIM REPORT.

Element Occurrence Record

Specimen:

Associated Species:

<u>Species Name</u>	<u>Type</u>	<u>Comments</u>
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Element Occurrence Record

Specimen:

TEXAS A & M UNIVERSITY-KINGSVILLE--VERTEBRATE COLLECTION. 1971. UNKNOWN COLLECTOR, SPECIMEN # 2584 AI. 19 OCTOBER 1971.

Associated Species:

<u>Species Name</u>	<u>Type</u>	<u>Comments</u>
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Element Occurrence Record

Scientific Name: <i>Acacia rigidula series</i>	Occurrence #: 13	Eo Id: 3929
Common Name: Blackbrush Series	TX Protection Status:	ID Confirmed: Y
Global Rank: G5	State Rank: S5	Federal Status:

Location Information: **Latitude:** **Longitude:**

Watershed Code: **Watershed Description:**
12110204 San Fernando

<u>County Code:</u>	<u>County Name:</u>	<u>Mapsheet Code:</u>	<u>Mapsheet Name:</u>	<u>State:</u>
TXKLEB	Kleberg	27097-E7	Kingsville East	TX

Directions:

NAVAL AIR STATION KINGSVILLE; SLOPES ON SOUTH SIDE OF TRANQUITAS CREEK, NORTH END OF BASE (IN FACT, NORTH OF PERIMETER FENCE, BUT INSIDE BOUNDARY); EXTENDING EAST TO WEST BANK OF SAN FERNANDO CREEK

Survey Information:

<u>First Observation:</u> 1991	<u>Survey Date:</u> 1991-10-07	<u>Last Observation:</u> 1991-10-07
<u>Eo Type:</u>	<u>EO Rank:</u> C - Fair estimated viability	<u>EO Rank Date:</u> 1991-10-07
<u>Observed Area (acres):</u>	<u>Estimated Representation Accuracy:</u>	

Comments:

General Description: FAIRLY DIVERSE THORN SHRUBLAND ON GRAVELLY TO SANDY SOILS; HEAVILY BROWSED; SOME CALICHE PITS PRESENT

Comments:

Protection Comments:

Management Comments:

Data:

EO Data: DESCRIPTION AND PLANT LIST IN REPORT TO NAVY

Managed Area:

<u>Managed Area Name:</u>	<u>Managed Area Type:</u>
NAS KINGSVILLE	FDNDD

Reference:

Full Citation:

CARR, W.R. 1991. SURVEY OF RARE, THREATENED, AND ENDANGERED PLANTS ON U.S. NAVY PROPERTY IN SOUTH TEXAS; INTERIM REPORT.

Element Occurrence Record

Specimen:

Associated Species:

<u>Species Name</u>	<u>Type</u>	<u>Comments</u>
---------------------	-------------	-----------------

Element Occurrence Record

Specimen:

TEXAS A & M UNIVERSITY-KINGSVILLE--VERTEBRATE COLLECTION. 1962. UNKNOWN COLLECTOR, SPECIMEN # 1848 AI. 27 MAY 1962.

Texas A & M University, Kingsville, Vertebrate Collection. 1976. Unknown Collector, Specimen # 3974 AI. 15 June 1976.

Texas A & M University, Kingsville, Vertebrate Collection. 1983. Unknown Collector, Specimen # 5244 AI. 8 February 1983.

Texas A & M University, Kingsville, Vertebrate Collection. 1969. Unknown Collector, Specimen # 1304 AI. 25 September 1969.

Texas A & M University, Kingsville, Vertebrate Collection. 1978. Unknown Collector, Specimen # 4317 AI. 17 May 1978.

Associated Species:

<u>Species Name</u>	<u>Type</u>	<u>Comments</u>

Element Occurrence Record

Full Citation:

ELLIOTT, LEE. 1994. MEMORANDUM TO DORINDA SULLIVAN DATED DECEMBER 2, 1994 CONCERNING TEXAS A& M-KINGSVILLE VERTEBRATE SPECIMENS CATALOGUE.

Specimen:

TEXAS A & M UNIVERSITY-KINGSVILLE--VERTEBRATE COLLECTION. 1968. UNKNOWN COLLECTOR, SPECIMEN # 1433 AI. 7 MAY 1968.

Associated Species:

<u>Species Name</u>	<u>Type</u>	<u>Comments</u>
---------------------	-------------	-----------------

Element Occurrence Record

Full Citation:

ELLIOTT, LEE. 1994. MEMORANDUM TO DORINDA SULLIVAN DATED DECEMBER 2, 1994 CONCERNING TEXAS A& M-KINGSVILLE VERTEBRATE SPECIMENS CATALOGUE.

Specimen:

TEXAS A & M UNIVERSITY-KINGSVILLE--VERTEBRATE COLLECTION. 1981. UNKNOWN COLLECTOR, SPECIMEN # 5815 AI. 6 MAY 1981.

Texas A & M University, Kingsville, Vertebrate Collection. 1966. Unknown Collector, Specimen # 310 AI. 4 April 1966.

Texas A & M University, Kingsville, Vertebrate Collection. 1967. Unknown Collector, Specimen # 784 AI. May 1967.

Associated Species:

<u>Species Name</u>	<u>Type</u>	<u>Comments</u>
---------------------	-------------	-----------------

Element Occurrence Record

Full Citation:

Specimen:

TEXAS A & M UNIVERSITY, TRACY HERBARIUM. 1940. V.L. CORY #35605, SPECIMEN # 41605 AM. 20 SEPTEMBER 1940.

Texas A & M University, Tracy Herbarium. 1940. H.B. Parks #1830, Specimen # 32088 AM. 20 September 1940.

Texas A & M University, Tracy Herbarium. 1940. Miss Effie McClane #1609, 1610, Specimen # 33496, 33214 AM. October 1940.

Texas A & M University, Tracy Herbarium. 1940. Miss Effie McClane #2596, Specimen # 33160 AM. September 1940.

Associated Species:

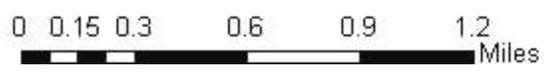
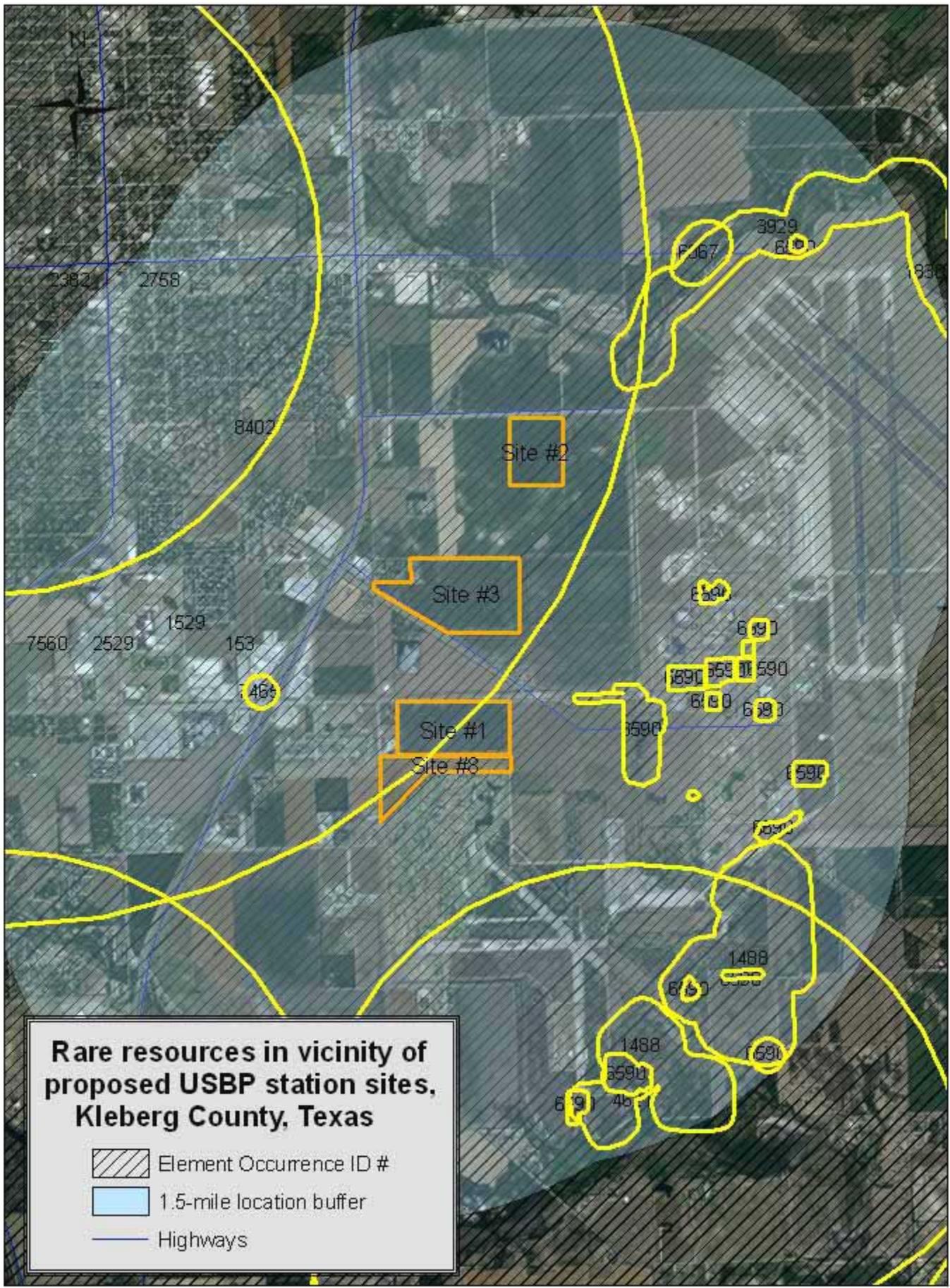
<u>Species Name</u>	<u>Type</u>	<u>Comments</u>
---------------------	-------------	-----------------

Element Occurrence Record

Specimen:

Associated Species:

<u>Species Name</u>	<u>Type</u>	<u>Comments</u>
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U.S. DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
c/o TAMU-CC
6300 OCEAN DRIVE, #5837
CORPUS CHRISTI, TEXAS 78412-5837

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

FIRST CLASS

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2010 OCT -8 PM 1:46

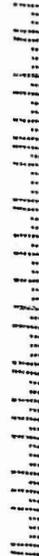
DHS
CRO/CIS

Mr. Mark Gable
Dallas Facilities Center
U.S. Customs and Border Protection
7701 North Stemmons Freeway
Dallas, Texas 75247-4232

neopost
C45J762106
\$0.440
10/06/2010
Mailed From 78412
US OFFICIAL MAIL
\$300 Penalty
For Private Use
US POSTAGE



752474232





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
c/o TAMU-CC, Campus Box 338
6300 Ocean Drive
Corpus Christi, Texas 78412

October 6, 2010

Mr. Mark Gable
Dallas Facilities Center
U.S. Customs and Border Protection
7701 North Stemmons Freeway
Dallas, TX 75247-4232

Consultation Number : 21410-2010-I-0435

Dear Mr. Gable:

This responds to your letter received September 27, 2010, requesting U.S. Fish and Wildlife Service (Service) review of the Draft Environmental Assessment (EA) for the construction, operation and maintenance of a Border Patrol station near Kingsville, Kleberg County, Texas. The proposed facilities will accommodate approximately 350 personnel including a station, operations building, vehicle maintenance facility, parking areas, kennels, stormwater detention basin and landscaped areas. That project will encompass 50 acres of which only 40 acres would be developed.

On page FONSI-3, the Service recommends that you rewrite paragraph 3 (starting on line 15) to indicate that U.S. Customs and Border Protection (CBP) is in informal consultation with the Service and is preparing a Biological Assessment (BA) that will indicate that CBP has determined the proposed action may effect, but is not likely to adversely affect the endangered, South Texas ambrosia (*Ambrosia cheiranthifolia*). The Service will review the BA before a decision will be made to concur with CBP's determination or recommend formal consultation.

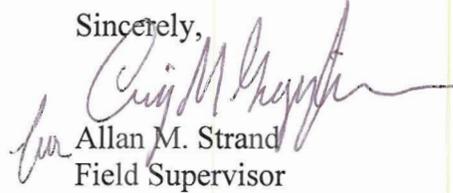
In Section 3.0 Affected Environment and Consequences, the Service also recommends similarly rewriting of paragraph 1 on page 3-7 as mentioned above for page FONSI-3. Please correct the spelling of Laguna Madre of line 41, page 3-7. The Service requests a copy of the draft Storm Water Pollution Prevention Plan so that the Service may provide comments to avoid impacts to South Texas ambrosia.

The Service recommends that you rewrite section 5.3 Biological Resources. "Take" is not permitted under the Migratory Bird Treaty Act. Permits are only available for relocation of nests that cannot be avoided, and the nests or injured birds must be relocated to approved, rehabilitation facilities. These permits should be obtained prior to the start of any activity on site, and are obtained from the Service's Region 2 Office in Albuquerque, New Mexico (505-248-7784).

Thank you for your concern for threatened and endangered species, migratory birds, and other wildlife resources. We appreciate the opportunity to comment on the proposed facility in Kleberg County.

If we can be of further assistance or you have questions about these comments, please contact Dr. Larisa Ford at 361-994-9005 or via email at larisa_ford@fws.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Allan M. Strand", written in dark ink. The signature is positioned above the printed name and title.

Allan M. Strand
Field Supervisor



DEPARTMENT OF HOMELAND SECURITY
CUSTOMS & BORDER PROTECTION
RIO GRANDE VALLEY SECTOR – US BORDER PATROL

USBP KINGSVILLE STATION ENVIRONMENTAL ASSESSMENT
Responses to U.S. Fish and Wildlife Service Comments
6 October 2010

1. The FONSI has been changed to note the status of the Section 7 consultation. Since Site 1 is no longer the preferred alternative, consultation is not necessary.
2. Section 3.6.6.2 of the Final EA has been revised to reflect the current status of the Section 7 consultation.
3. The spelling of Laguna Madre has been corrected.
4. The SWPPP will be prepared as part of the design/build contract that can only be awarded after a NEPA decision document is signed. CBP will commit to the USFWS that a copy of the SWPPP will be provided for review prior to initiation of the construction so that USFWS can ensure the appropriate measures are installed.
5. Section 5.3 has been revised to include the establishment of buffers or relocation of nests/eggs/chicks, rather than “take.”

FAX

PAGE 1 OF 2



City of Kingsville Planning /Engineering

Ph: 361-595-8007 Fax:361-595-8035 Email: plan@cityofkingsville.com

Date: 10/18/2010

To: Mr. Richard Bowles

From: Ken Clark

Co. U.S. Army Corp of Engineers

Re:

Fax # 409-766-6372

**Environmental Assessment for
New Border Patrol Station in
Kingsville, Texas**

Ph # _____

NOTES:

CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

October 18, 2010

Customs and Border Protection
Mr. Mark Gable, Dallas Facilities Center
7701 North Stemmons Freeway
Dallas, Texas 75247-4232

RE: Environmental Assessment for the Proposed New Kingsville Border Patrol Station

Dear Mr. Gable,

Thank you for the opportunity to review and comment on the Draft Environmental Assessment for the new Border Patrol Station in Kingsville, Texas.

We have had a number of meetings with representatives from the U.S. Army Corps of Engineers and the engineers and architect for the proposed project. We are having a meeting with Mr. Al Hajka from Walter Moore & Associates tomorrow afternoon.

We have invited the NAS Kingsville Community Planning and Liaison Officer to attend the meeting so he can take back information about the proposed project to the base commander for review and comment.

Once you have made a determination which site the proposed project will be constructed on, we will provide any site specific information that you will need from the City of Kingsville to move forward with the project.

The implementation phase of our adopted Joint Land Use Study completed in April 2008 was just completed on July 28, 2010. We also created a new Joint Airport Zoning Board and there are new ordinances that will regulate lighting, noise attenuation, etc. that may need to be taken in to consideration in the design phase of your proposed project.

The City would like to meet to make sure all pertinent City ordinances are complied with and to review and discuss potential traffic, storm drainage and other infrastructure related issues once you make a final determination on the site and the preliminary design & site layout has been developed.

We look forward to working with you on this project.

Sincerely,

Ken Clark, Director of Development Services
City of Kingsville, Texas 78363
(361) 595-8019



**DEPARTMENT OF HOMELAND SECURITY
CUSTOMS & BORDER PROTECTION
RIO GRANDE VALLEY SECTOR – US BORDER PATROL**

**USBP KINGSVILLE STATION ENVIRONMENTAL ASSESSMENT
Responses to the City of Kingsville Comments
18 October 2010**

1. CBP has selected Site 1 as the Preferred Site.
2. CBP will continue to meet with City officials and commit to comply with local ordinances, as appropriate.

United States Department of Agriculture



Natural Resources Conservation Service

101 S. Main Street
Temple, TX 76501-6624
Phone: 254-742-9861
FAX: 254-742-9859

November 8, 2010

Gulf South Research Corporation
8081 GSRI Avenue
Baton Rouge, Louisiana 70820

Attention: Chris J. Ingram, Vice President

Subject: LNU-Farmland Protection

Proposed New Kingsville Border Patrol Station, U.S. Border Patrol, Rio Grande
Valley Sector
Kleberg County, Texas

We have reviewed the information provided concerning the Proposed New Kingsville Border Patrol Station, U.S. Border Patrol, Rio Grande Valley Sector in Kleberg County, Texas, as outlined in your letter of September 15, 2010. This review is part of the National Environmental Policy Act (NEPA) evaluation for the Customs and Border Protection. We have evaluated the proposed project as required by the Farmland Protection Policy Act (FPPA).

The proposed project does contain soils classified as Important Farmland. We have completed the Farmland Conversion Impact Rating (form AD-1006) you provided us. The combined rating of the site is 148. The FPPA law states that sites with a rating less than 160 will need no further consideration.

Thank you for the resource materials you submitted to evaluate this project. If you have any questions please call Micki Yoder (254)-742-9826, Fax (254)-742-9859.

Sincerely,

A handwritten signature in blue ink that reads "Micki Yoder".

Micki Yoder/NRCS
State Resources Inventory Coordinator
Enclosure

United States Department of Agriculture



101 S. Main Street
Temple, TX 76501-6624
Phone: 254-742-9826
FAX: 254-742-9859

December 16, 2010

Gulf South Research Corporation
8081 GSRI Avenue
Baton Rouge, Louisiana 70820

Attention: Chris J. Ingram, Vice President

Subject: LNU-Farmland Protection
Proposed New Kingsville Border Patrol Station, U.S. Border Patrol
Kleberg County, Texas

We have reviewed the information provided concerning the Proposed New Kingsville Border Patrol Station, U.S. Border Patrol, Rio Grande Valley Sector in Kleberg County, Texas, as outlined in your letter dated October 1, 2010. This review is part of the National Environmental Policy Act (NEPA) evaluation for U.S. Customs and Border Protection (CBP). We have evaluated the proposed site as required by the Farmland Protection Policy Act (FPPA).

The proposed project may contain soils classified as Important Farmland; however, any construction for national defense purposes is exempted from the FPPA. Refer to FPPA Rule:

<http://www.nrcs.usda.gov/programs/fppa/> FPPA Rule, 7 CFR 658.3 page 475 where it states:

b) Acquisition or use of farmland by a Federal agency for national defense purposes is exempted by section 1547(b) of the Act, 7 U.S.C. 4208(b)

We have completed a Farmland Conversion Impact Rating (form AD-1006) indicating the exemption. We urge you to use accepted wind and water erosion control methods during construction and to place topsoil back as the surface layer.

Thank you for the resource materials you provided. If you have any questions, please contact me at (254) 742-9826; email: micki.yoder@tx.usda.gov; Fax (254) 742-9859.

Sincerely,

Micki Yoder/NRCS

State Resources Inventory Coordinator

Temple, Texas

Enclosure

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency) Exempted-National Security		Date Of Land Evaluation Request 10/1/2010			
Name of Project New USBP Kingsville Station		Federal Agency Involved Customs and Border Protection			
Proposed Land Use USBP Station		County and State Kleberg County, Texas			
PART II (To be completed by NRCS)		Date Request Received By NRCS 10/4/2010			
Does the site contain prime, unique, statewide or local important farmland? <i>(If no, the FPPA does not apply - do not complete additional parts of this form)</i>		YES <input type="checkbox"/>	NO <input type="checkbox"/>	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %	Amount of Farmland As Defined in FPPA Acres: %			
Name of Land Evaluation System Used	Name of State or Local Site Assessment System	Date Land Evaluation Returned by NRCS 12/16/2010			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site					
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide Important or Local Important Farmland					
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value					
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					
PART VI (To be completed by Federal Agency) Site Assessment Criteria <i>(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)</i>		Maximum Points	Site A	Site B	Site C
1. Area In Non-urban Use		(15)			
2. Perimeter In Non-urban Use		(10)			
3. Percent Of Site Being Farmed		(20)			
4. Protection Provided By State and Local Government		(20)			
5. Distance From Urban Built-up Area		(15)			
6. Distance To Urban Support Services		(15)			
7. Size Of Present Farm Unit Compared To Average		(10)			
8. Creation Of Non-farmable Farmland		(10)			
9. Availability Of Farm Support Services		(5)			
10. On-Farm Investments		(20)			
11. Effects Of Conversion On Farm Support Services		(10)			
12. Compatibility With Existing Agricultural Use		(10)			
TOTAL SITE ASSESSMENT POINTS		160			
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100			
Total Site Assessment (From Part VI above or local site assessment)		160			
TOTAL POINTS (Total of above 2 lines)		260			
Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>			
Reason For Selection:					
Name of Federal agency representative completing this form:					Date:



**U.S. Customs and
Border Protection**

DEC 2 2010

RECEIVED

DEC 03 2010

TEXAS HISTORICAL COMMISSION

Mr. Mark Wolfe
State Historic Preservation Officer
ATTN: Ms. Debra Beene
Texas Historical Commission
1511 Colorado Street
Austin, TX 78701

Dear Mr. Wolfe:

U.S. Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) that addresses the potential effects, both beneficial and adverse, resulting from the proposed construction, operation, and maintenance of a new U.S. Border Patrol (USBP) station and regional building maintenance facility near Kingsville, in Kleberg County, Texas. The proposed new station would be constructed to accommodate existing staff, as well as an anticipated increase in agent force, in support of the National Border Patrol Strategy to gain and maintain effective control of the U.S. border.

The existing station no longer provides adequate space for the planned increase in staff. The proposed CBP station would substantially enhance the overall safety and efficiency of current and future operations within the USBP Kingsville's Area of Responsibility. CBP has identified the Area of Potential Effect (APE) which includes three alternative sites, each ranging in size from 37 to 83 acres and located near Kingsville, Texas.

Please find enclosed two copies of the Cultural Resources Management (CRM) report for the aforementioned project. The CRM report outlines the results of the background study and the archaeological pedestrian survey for the three alternative sites. Gulf South Research Corporation (GSRC) personnel conducted an intensive cultural resources survey of the three alternative site locations (Sites 1, 2, and 3) for the proposed new USBP station in Kingsville.

The three alternative site locations totaled approximately 79.7 ha (197[✓] acres). The project areas were evaluated utilizing pedestrian surveys at 30 meter (100 foot) intervals, and examining the surface for any cultural material. Three archaeological sites (41KL97, 41KL98, and 41KL99) were identified during the cultural resources survey for the alternative site locations. All three archaeological sites were recorded at Alternative Site 3. A total of 2,972 artifacts were recorded during the survey of the three parcels with 1,554 artifacts recorded at 41KL97, 1,121 artifacts recorded at 41KL98, and 297 artifacts recorded at 41KL99. Site 41KL97 represents a late nineteenth to early twentieth century farmstead. Site 41KL98 represents the remains of a probable middle nineteenth to early twentieth century farm worker building. Finally, site 41KL99 likely represents a middle to late twentieth century trash pile or temporary military camp.

Mr. Mark Wolfe
Page 2

Given the low integrity of all three sites and the nature of the deposits, the sites have limited information potential and are not recommended eligible for the National Register of Historic Places (NHRP) under any criteria. No further work is recommended for any of the archaeological sites recorded.

No above ground resources were recorded within the boundaries of Alternative Sites 1, 2, or 3. Structures and buildings estimated to be 50 years old or older are located adjacent to Alternative Sites 2 and 3. Should Alternative Site 2 or 3 be chosen for the proposed station then a formal evaluation of those structures would be needed to determine if they are eligible for the NRHP. If the buildings and/or structures are determined eligible, an effect determination would be needed to address potential visual effects to those structures. In addition, the King Ranch Historic District is located within the 0.8 km (0.5 mi) visual Area of Potential Effect (APE) of Alternative Site 2. The portion of the historic district within the visual APE consists of undeveloped pasture/range land. No above ground resources associated with the King Ranch historic district are located within the visual APE.

Should proposed construction activities impact cultural resources not previously identified, we will immediately inform you of the discovery and invite you to assist in the development of procedures for minimizing adverse impacts to the newly discovered cultural resources.

We request your concurrence on our determination that there are "no historic properties affected" by building the proposed border patrol station at Alternative Site 1, the preferred alternative. Should you have questions or concerns about this project, please contact Mr. Mark Gable at (214) 905-5509 or by email at mark.gable@dhs.gov at your earliest convenience.

Sincerely,

for 
Loren Flossman
Director
Border Patrol Facilities and Tactical Infrastructure
Program Management Office

CONCUR	
by	<i>William A. Hart</i>
for Mark Wolfe State Historic Preservation Officer	
Date	01/05/2011
Track#	201105098

Enclosure

**DRAFT REPORT
ACCEPTABLE**

APPENDIX B
THREATENED AND ENDANGERED SPECIES



KLEBERG COUNTY

AMPHIBIANS

	Federal Status	State Status
Black-spotted newt <i>Notophthalmus meridionalis</i> can be found in wet or sometimes wet areas, such as arroyos, canals, ditches, or even shallow depressions; aestivates in the ground during dry periods; Gulf Coastal Plain south of the San Antonio River		T
Sheep frog <i>Hypopachus variolosus</i> predominantly grassland and savanna; moist sites in arid areas		T
South Texas siren (large form) <i>Siren sp 1</i> wet or sometimes wet areas, such as arroyos, canals, ditches, or even shallow depressions; aestivates in the ground during dry periods, but does require some moisture to remain; southern Texas south of Balcones Escarpment; breeds February-June		T

BIRDS

	Federal Status	State Status
American Peregrine Falcon <i>Falco peregrinus anatum</i> year-round resident and local breeder in west Texas, nests in tall cliff eyries; also, migrant across state from more northern breeding areas in US and Canada, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; low-altitude migrant, stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands.	DL	T
Arctic Peregrine Falcon <i>Falco peregrinus tundrius</i> migrant throughout state from subspecies' far northern breeding range, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; low-altitude migrant, stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands.	DL	
Audubon's Oriole <i>Icterus graduacauda audubonii</i> scrub, mesquite; nests in dense trees, or thickets, usually along water courses		
Brown Pelican <i>Pelecanus occidentalis</i> largely coastal and near shore areas, where it roosts and nests on islands and spoil banks	DL	E
Eskimo Curlew <i>Numenius borealis</i> historic; nonbreeding: grasslands, pastures, plowed fields, and less frequently, marshes and mudflats	LE	E
Mountain Plover <i>Charadrius montanus</i> breeding: nests on high plains or shortgrass prairie, on ground in shallow depression; nonbreeding: shortgrass plains and bare, dirt (plowed) fields; primarily insectivorous		
Northern Aplomado Falcon <i>Falco femoralis septentrionalis</i> open country, especially savanna and open woodland, and sometimes in very barren areas; grassy plains and valleys with scattered mesquite, yucca, and cactus; nests in old stick nests of other bird species	LE	E
Northern Beardless-Tyrannulet <i>Camptostoma imberbe</i>		T

KLEBERG COUNTY

BIRDS

	Federal Status	State Status
mesquite woodlands; near Rio Grande frequents cottonwood, willow, elm, and great leadtree; breeding April to July		
Peregrine Falcon <i>Falco peregrinus</i>	DL	T
both subspecies migrate across the state from more northern breeding areas in US and Canada to winter along coast and farther south; subspecies (F. p. anatum) is also a resident breeder in west Texas; the two subspecies' listing statuses differ, F.p. tundrius is no longer listed in Texas; but because the subspecies are not easily distinguishable at a distance, reference is generally made only to the species level; see subspecies for habitat.		
Piping Plover <i>Charadrius melodus</i>	LT	T
wintering migrant along the Texas Gulf Coast; beaches and bayside mud or salt flats		
Reddish Egret <i>Egretta rufescens</i>		T
resident of the Texas Gulf Coast; brackish marshes and shallow salt ponds and tidal flats; nests on ground or in trees or bushes, on dry coastal islands in brushy thickets of yucca and prickly pear		
Sennett's Hooded Oriole <i>Icterus cucullatus sennetti</i>		
often builds nests in and of Spanish moss (<i>Tillandsia unioides</i>); feeds on invertebrates, fruit, and nectar; breeding March to August		
Snowy Plover <i>Charadrius alexandrinus</i>		
formerly an uncommon breeder in the Panhandle; potential migrant; winter along coast		
Sooty Tern <i>Sterna fuscata</i>		T
predominately 'on the wing'; does not dive, but snatches small fish and squid with bill as it flies or hovers over water; breeding April-July		
Southeastern Snowy Plover <i>Charadrius alexandrinus tenuirostris</i>		
wintering migrant along the Texas Gulf Coast beaches and bayside mud or salt flats		
Texas Botteri's Sparrow <i>Aimophila botterii texana</i>		T
grassland and short-grass plains with scattered bushes or shrubs, sagebrush, mesquite, or yucca; nests on ground of low clump of grasses		
Western Burrowing Owl <i>Athene cunicularia hypugaea</i>		
open grasslands, especially prairie, plains, and savanna, sometimes in open areas such as vacant lots near human habitation or airports; nests and roosts in abandoned burrows		
Western Snowy Plover <i>Charadrius alexandrinus nivosus</i>		
uncommon breeder in the Panhandle; potential migrant; winter along coast		
White-faced Ibis <i>Plegadis chihi</i>		T
prefers freshwater marshes, sloughs, and irrigated rice fields, but will attend brackish and saltwater habitats; nests in marshes, in low trees, on the ground in bulrushes or reeds, or on floating mats		
White-tailed Hawk <i>Buteo albicaudatus</i>		T

KLEBERG COUNTY

BIRDS

	Federal Status	State Status
<p>near coast on prairies, cordgrass flats, and scrub-live oak; further inland on prairies, mesquite and oak savannas, and mixed savanna-chaparral; breeding March-May</p> <p>Whooping Crane <i>Grus americana</i></p> <p>potential migrant via plains throughout most of state to coast; winters in coastal marshes of Aransas, Calhoun, and Refugio counties</p>	LE	E
<p>Wood Stork <i>Mycteria americana</i></p> <p>forages in prairie ponds, flooded pastures or fields, ditches, and other shallow standing water, including salt-water; usually roosts communally in tall snags, sometimes in association with other wading birds (i.e. active heronries); breeds in Mexico and birds move into Gulf States in search of mud flats and other wetlands, even those associated with forested areas; formerly nested in Texas, but no breeding records since 1960</p>		T

FISHES

	Federal Status	State Status
<p>American eel <i>Anguilla rostrata</i></p> <p>coastal waterways below reservoirs to gulf; spawns January to February in ocean, larva move to coastal waters, metamorphose, then females move into freshwater; most aquatic habitats with access to ocean, muddy bottoms, still waters, large streams, lakes; can travel overland in wet areas; males in brackish estuaries; diet varies widely, geographically, and seasonally</p>		
<p>Opossum pipefish <i>Microphis brachyurus</i></p> <p>brooding adults found in fresh or low salinity waters and young move or are carried into more saline waters after birth; southern coastal areas</p>		T
<p>Smalltooth sawfish <i>Pristis pectinata</i></p> <p>different life history stages have different patterns of habitat use; young found very close to shore in muddy and sandy bottoms, seldom descending to depths greater than 32 ft (10 m); in sheltered bays, on shallow banks, and in estuaries or river mouths; adult sawfish are encountered in various habitat types (mangrove, reef, seagrass, and coral), in varying salinity regimes and temperatures, and at various water depths, feed on a variety of fish species and crustaceans</p>	LE	E

INSECTS

	Federal Status	State Status
<p>Rawson's metalmark <i>Calephelis rawsoni</i></p> <p>moist areas in shaded limestone outcrops in central Texas, desert scrub or oak woodland in foothills, or along rivers elsewhere; larval hosts are Eupatorium havanense, E. greggii.</p>		
<p>Tibial scarab <i>Anomala tibialis</i></p> <p>sandy soils</p>		

MAMMALS

	Federal Status	State Status
<p>Jaguar <i>Panthera onca</i></p> <p>extirpated; dense chaparral; no reliable TX sightings since 1952</p>	LE	E

KLEBERG COUNTY

MAMMALS

		Federal Status	State Status
Jaguarundi	<i>Herpailurus yaguarondi</i>	LE	E
thick brushlands, near water favored; 60 to 75 day gestation, young born sometimes twice per year in March and August, elsewhere the beginning of the rainy season and end of the dry season			
Maritime pocket gopher	<i>Geomys personatus maritimus</i>		
fossorial, in deep sandy soils; feeds mostly from within burrow on roots and other plant parts, especially grasses; ecologically important as prey species and in influencing soils, microtopography, habitat heterogeneity, and plant diversity			
Ocelot	<i>Leopardus pardalis</i>	LE	E
dense chaparral thickets; mesquite-thorn scrub and live oak mottes; avoids open areas; breeds and raises young June-November			
Plains spotted skunk	<i>Spilogale putorius interrupta</i>		
catholic; open fields, prairies, croplands, fence rows, farmyards, forest edges, and woodlands; prefers wooded, brushy areas and tallgrass prairie			
Red wolf	<i>Canis rufus</i>	LE	E
extirpated; formerly known throughout eastern half of Texas in brushy and forested areas, as well as coastal prairies			
Southern yellow bat	<i>Lasiurus ega</i>		T
associated with trees, such as palm trees (<i>Sabal mexicana</i>) in Brownsville, which provide them with daytime roosts; insectivorous; breeding in late winter			
West Indian manatee	<i>Trichechus manatus</i>	LE	E
Gulf and bay system; opportunistic, aquatic herbivore			
White-nosed coati	<i>Nasua narica</i>		T
woodlands, riparian corridors and canyons; most individuals in Texas probably transients from Mexico; diurnal and crepuscular; very sociable; forages on ground and in trees; omnivorous; may be susceptible to hunting, trapping, and pet trade			

REPTILES

		Federal Status	State Status
Atlantic hawksbill sea turtle	<i>Eretmochelys imbricata</i>	LE	E
Gulf and bay system, warm shallow waters especially in rocky marine environments, such as coral reefs and jetties, juveniles found in floating mats of sea plants; feed on sponges, jellyfish, sea urchins, molluscs, and crustaceans, nests April through November			
Green sea turtle	<i>Chelonia mydas</i>	LT	T
Gulf and bay system; shallow water seagrass beds, open water between feeding and nesting areas, barrier island beaches; adults are herbivorous feeding on sea grass and seaweed; juveniles are omnivorous feeding initially on marine invertebrates, then increasingly on sea grasses and seaweeds; nesting behavior extends from March to October, with peak activity in May and June			
Keeled earless lizard	<i>Holbrookia propinqua</i>		

KLEBERG COUNTY

REPTILES

Federal Status

State Status

coastal dunes, barrier islands, and other sandy areas; eats insects and likely other small invertebrates; eggs laid underground March-September (most May-August)

Kemp's Ridley sea turtle *Lepidochelys kempii* LE E

Gulf and bay system, adults stay within the shallow waters of the Gulf of Mexico; feed primarily on crabs, but also snails, clams, other crustaceans and plants, juveniles feed on sargassum and its associated fauna; nests April through August

Leatherback sea turtle *Dermochelys coriacea* LE E

Gulf and bay systems, and widest ranging open water reptile; omnivorous, shows a preference for jellyfish; in the US portion of their western Atlantic nesting territories, nesting season ranges from March to August

Loggerhead sea turtle *Caretta caretta* LT T

Gulf and bay system primarily for juveniles, adults are most pelagic of the sea turtles; omnivorous, shows a preference for mollusks, crustaceans, and coral; nests from April through November

Mexican blackhead snake *Tantilla atriceps*

southern Texas and northeastern Mexico; shrubland savanna; nocturnal; lays clutch of probably 1-3 eggs

Northern cat-eyed snake *Leptodeira septentrionalis* T
septentrionalis

Gulf Coastal Plain south of the Nueces River; thorn brush woodland; dense thickets bordering ponds and streams; semi-arboreal; nocturnal

Spot-tailed earless lizard *Holbrookia lacerata*

central and southern Texas and adjacent Mexico; moderately open prairie-brushland; fairly flat areas free of vegetation or other obstructions, including disturbed areas; eats small invertebrates; eggs laid underground

Texas horned lizard *Phrynosoma cornutum* T

open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil, enters rodent burrows, or hides under rock when inactive; breeds March-September

Texas indigo snake *Drymarchon melanurus erebennus* T

Texas south of the Guadalupe River and Balcones Escarpment; thornbush-chaparral woodlands of south Texas, in particular dense riparian corridors; can do well in suburban and irrigated croplands if not molested or indirectly poisoned; requires moist microhabitats, such as rodent burrows, for shelter

Texas scarlet snake *Cemophora coccinea lineri* T

mixed hardwood scrub on sandy soils; feeds on reptile eggs; semi-fossorial; active April-September

Texas tortoise *Gopherus berlandieri* T

open brush with a grass understory is preferred; open grass and bare ground are avoided; when inactive occupies shallow depressions at base of bush or cactus, sometimes in underground burrows or under objects; longevity greater than 50 years; active March-November; breeds April-November

KLEBERG COUNTY

PLANTS

Federal Status

State Status

Bailey's ballmoss

Tillandsia baileyi

epiphytic on various trees and tall shrubs, perhaps most common in mottes of Live oak on vegetated dunes and flats in coastal portions of the South Texas Sand Sheet, but also on evergreen sub-tropical woodlands along resacas in the Lower Rio Grande Valley; flowering (February-)April-May, but conspicuous throughout the year

Black lace cactus

Echinocereus reichenbachii var *albertii*

LE

E

Texas endemic; grasslands, thorn shrublands, mesquite woodlands on sandy, somewhat saline soils on coastal prairie, most frequently in naturally open areas sparsely covered with brush of a low stature not resulting from disturbance or along creeks in ecotonal areas between this upland type and lower areas dominated by halophytic grasses and forbs; flowering April-June

Kleberg saltbush

Atriplex klebergorum

Texas endemic; usually occurs in sparsely vegetated saline areas, including flats and draws; in light sandy or clayey loam soils with other halophytes; occasionally observed on scraped oil pad sites; observed flowering in late August-early September, but may vary with rainfall, fruits are usually present in fall; because of its annual nature, populations fluctuate widely from year to year

Lila de los llanos

Echeandia chandleri

most commonly encountered among shrubs or in grassy openings in subtropical thorn shrublands on somewhat saline clays of lomas along Gulf Coast near mouth of Rio Grande; also observed in a few upland coastal prairie remnants on clay soils over the Beaumont Formation at inland sites well to the north and along railroad right-of-ways and cemeteries; flowering (May-) September-December, fruiting October-December

Lundell's whitlow-wort

Paronychia lundellorum

Texas endemic; the Sand Sheet of eastern South Texas, in tight sandy soils over saline clay on microhighs within salty prairie grasslands, and in upper portions of saline flats surrounding short drainages and brackish basins typical of the South Texas Sand Sheet; flowering April through at least October, probably intermittently throughout the year depending on rainfall

Slender rushpea

Hoffmannseggia tenella

LE

E

Texas endemic; coastal prairie grasslands on level uplands and on gentle slopes along drainages, usually in areas of shorter or sparse vegetation; soils often described as Blackland clay, but at some of these sites soils are coarser textured and lighter in color than the typical heavy clay of the coastal prairies; flowering April-November

South Texas ambrosia

Ambrosia cheiranthifolia

LE

E

grasslands and mesquite-dominated shrublands on various soils ranging from heavy clays to lighter textured sandy loams, mostly over the Beaumont Formation on the Coastal Plain; in modified unplowed sites such as railroad and highway right-of-ways, cemeteries, mowed fields, erosional areas along small creeks; flowering July-November

Welder machaeranthera

Psilactis heterocarpa

KLEBERG COUNTY

PLANTS

Federal Status

State Status

Texas endemic; grasslands , varying from midgrass coastal prairies, and open mesquite-huisache woodlands on nearly level, gray to dark gray clayey to silty soils; known locations mapped on Victoria clay, Edroy clay, Dacosta sandy clay loam over Beaumont and Lissie formations; flowering September-November



U.S. Fish & Wildlife Service

Endangered Species List

[Back to Start](#)

List of species by county for Texas:

Counties Selected: **Kleberg**

Select one or more counties from the following list to view a county list:

Anderson
 Andrews
 Angelina
 Aransas
 Archer

View County List

Kleberg County

<u>Common Name</u>	<u>Scientific Name</u>	<u>Species Group</u>	<u>Listing Status</u>	<u>Species Image</u>	<u>Species Distribution Map</u>	<u>Critical Habitat</u>	<u>More Info</u>
black lace cactus	<i>Echinocereus reichenbachii</i> var. <i>albertii</i>	Flowering Plants	E				P
brown pelican	<i>Pelecanus occidentalis</i>	Birds	DM				P
green sea turtle	<i>Chelonia mydas</i>	Reptiles	E, T				P
Gulf Coast jaguarundi	<i>Herpailurus (=Felis) yagouaroundi cacomitli</i>	Mammals	E				P
hawksbill sea turtle	<i>Eretmochelys imbricata</i>	Reptiles	E				P
Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>	Reptiles	E				P
leatherback sea turtle	<i>Dermochelys coriacea</i>	Reptiles	E				P
loggerhead sea turtle	<i>Caretta caretta</i>	Reptiles	T				P
northern aplomado falcon	<i>Falco femoralis septentrionalis</i>	Birds	E				P
ocelot	<i>Leopardus (=Felis) pardalis</i>	Mammals	E				P
piping Plover	<i>Charadrius melodus</i>	Birds	E, T			Final	P
slender rush-pea	<i>Hoffmannseggia tenella</i>	Flowering Plants	E				P
south Texas ambrosia	<i>Ambrosia cheiranthifolia</i>	Flowering Plants	E				P
West Indian Manatee	<i>Trichechus manatus</i>	Mammals	E				P
whooping crane	<i>Grus americana</i>	Birds	E, EXPN				P

APPENDIX C
AIR QUALITY CALCULATIONS



CALCULATION SHEET-COMBUSTIBLE EMISSIONS-CONSTRUCTION

Assumptions for Combustible Emissions					
Type of Construction Equipment	Num. of Units	HP Rated	Hrs/day	Days/yr	Total hp-hrs
Water Truck	1	300	8	240	576000
Diesel Road Compactors	1	100	8	60	48000
Diesel Dump Truck	2	300	8	240	1152000
Diesel Excavator	1	300	8	20	48000
Diesel Hole Trenchers	1	175	8	20	28000
Diesel Bore/Drill Rigs	1	300	8	20	48000
Diesel Cement & Mortar Mixers	1	300	8	60	144000
Diesel Cranes	1	175	8	60	84000
Diesel Graders	1	300	8	28	67200
Diesel Tractors/Loaders/Backhoes	1	100	8	180	144000
Diesel Bull Dozers	1	300	8	10	24000
Diesel Front End Loaders	1	300	8	20	48000
Diesel Fork Lifts	2	100	8	90	144000
Diesel Generator Set	2	40	8	240	153600

Emission Factors							
Type of Construction Equipment	VOC g/hp-hr	CO g/hp-hr	NOx g/hp-hr	PM-10 g/hp-hr	PM-2.5 g/hp-hr	SO2 g/hp-hr	CO2 g/hp-hr
Water Truck	0.440	2.070	5.490	0.410	0.400	0.740	536.000
Diesel Road Compactors	0.370	1.480	4.900	0.340	0.330	0.740	536.200
Diesel Dump Truck	0.440	2.070	5.490	0.410	0.400	0.740	536.000
Diesel Excavator	0.340	1.300	4.600	0.320	0.310	0.740	536.300
Diesel Trenchers	0.510	2.440	5.810	0.460	0.440	0.740	535.800
Diesel Bore/Drill Rigs	0.600	2.290	7.150	0.500	0.490	0.730	529.700
Diesel Cement & Mortar Mixers	0.610	2.320	7.280	0.480	0.470	0.730	529.700
Diesel Cranes	0.440	1.300	5.720	0.340	0.330	0.730	530.200
Diesel Graders	0.350	1.360	4.730	0.330	0.320	0.740	536.300
Diesel Tractors/Loaders/Backhoes	1.850	8.210	7.220	1.370	1.330	0.950	691.100
Diesel Bull Dozers	0.360	1.380	4.760	0.330	0.320	0.740	536.300
Diesel Front End Loaders	0.380	1.550	5.000	0.350	0.340	0.740	536.200
Diesel Fork Lifts	1.980	7.760	8.560	1.390	1.350	0.950	690.800
Diesel Generator Set	1.210	3.760	5.970	0.730	0.710	0.810	587.300

CALCULATION SHEET-COMBUSTIBLE EMISSIONS-CONSTRUCTION

Emission factors (EF) were generated from the NONROAD2005 model for the 2006 calendar year. The VOC EFs includes exhaust and evaporative emissions. The VOC evaporative components included in the NONROAD2005 model are diurnal, hotsoak, running loss, tank permeation, hose permeation, displacement, and spillage. The construction equipment age distribution in the NONROAD2005 model is based on the population in U.S. for the 2006 calendar year.

Emission Calculations							
Type of Construction Equipment	VOC tons/yr	CO tons/yr	NOx tons/yr	PM-10 tons/yr	PM-2.5 tons/yr	SO2 tons/yr	CO2 tons/yr
Water Truck	0.279	1.314	3.485	0.260	0.254	0.470	340.227
Diesel Road Paver	0.020	0.078	0.259	0.018	0.017	0.039	28.363
Diesel Dump Truck	0.559	2.628	6.970	0.520	0.508	0.939	680.454
Diesel Excavator	0.018	0.069	0.243	0.017	0.016	0.039	28.368
Diesel Hole Cleaners\Trenchers	0.016	0.075	0.179	0.014	0.014	0.023	16.533
Diesel Bore/Drill Rigs	0.032	0.121	0.378	0.026	0.026	0.039	28.019
Diesel Cement & Mortar Mixers	0.097	0.368	1.155	0.076	0.075	0.116	84.057
Diesel Cranes	0.041	0.120	0.529	0.031	0.031	0.068	49.080
Diesel Graders	0.026	0.101	0.350	0.024	0.024	0.055	39.715
Diesel Tractors/Loaders/Backhoes	0.294	1.303	1.146	0.217	0.211	0.151	109.669
Diesel Bull Dozers	0.010	0.036	0.126	0.009	0.008	0.020	14.184
Diesel Front End Loaders	0.020	0.082	0.264	0.019	0.018	0.039	28.363
Diesel Aerial Lifts	0.314	1.231	1.358	0.221	0.214	0.151	109.622
Diesel Generator Set	0.205	0.636	1.011	0.124	0.120	0.137	99.411
Total Emissions	1.929	8.164	17.454	1.577	1.536	2.284	1656.064

Conversion factors	
Grams to tons	1.102E-06

CALCULATION SHEET-TRANSPORTATION COMBUSTIBLE EMISSIONS-CONSTRUCTION

Construction Worker Personal Vehicle Commuting to Construction Site-Passenger and Light Duty Trucks									
Pollutants	Emission Factors		Assumptions				Results by Pollutant		
	Passenger Cars g/mile	Pick-up Trucks, SUVs g/mile	Mile/day	Day/yr	Number of cars	Number of trucks	Total Emissions Cars tns/yr	Total Emissions Trucks tns/yr	Total tns/yr
VOCs	1.36	1.61	60	240	20	20	0.43	0.51	0.94
CO	12.4	15.7	60	240	20	20	3.94	4.98	8.92
NOx	0.95	1.22	60	240	20	20	0.30	0.39	0.69
PM-10	0.0052	0.0065	60	240	20	20	0.00	0.00	0.00
PM 2.5	0.0049	0.006	60	240	20	20	0.00	0.00	0.00
CO2	369	511	60	240	20	20	117.11	162.18	279.29

Heavy Duty Trucks Delivery Supply Trucks to Construction Site									
Pollutants	Emission Factors		Assumptions				Results by Pollutant		
	10,000-19,500 lb Delivery Truck	33,000-60,000 lb semi trailer rig	Mile/day	Day/yr	Number of trucks	Number of trucks	Total Emissions Cars tns/yr	Total Emissions Trucks tns/yr	Total tns/yr
VOCs	0.29	0.55	60	240	2	2	0.01	0.02	0.03
CO	1.32	3.21	60	240	2	2	0.04	0.10	0.14
NOx	4.97	12.6	60	240	2	2	0.16	0.40	0.56
PM-10	0.12	0.33	60	240	2	2	0.00	0.01	0.01
PM 2.5	0.13	0.36	60	240	2	2	0.00	0.01	0.02
CO2	536	536	60	240	2	2	17.01	17.01	34.02

Daily Commute New Staff Associated with Proposed Action									
Pollutants	Emission Factors		Assumptions				Results by Pollutant		
	Passenger Cars g/mile	Pick-up Trucks, SUVs g/mile	Mile/day	Day/yr	Number of Cars	Number of trucks	Total Emissions cars tns/yr	Total Emissions Trucks tns/yr	Total tns/yr
VOCs	1.36	1.61	20	240	150	150	1.08	1.28	2.36
CO	12.4	15.7	20	240	150	150	9.84	12.46	22.30
NOx	0.95	1.22	20	240	150	150	0.75	0.97	1.72
PM-10	0.0052	0.0065	20	240	150	150	0.00	0.01	0.01
PM 2.5	0.0049	0.006	20	240	150	150	0.00	0.00	0.01
CO2	369	511	20	240	150	150	292.78	405.45	698.23

Truck Emission Factor Source: MOBILE6.2 USEPA 2005 Emission Facts: Average annual emissions and fuel consumption for gasoline-fueled passenger cars and light trucks. EPA 420-F-05-022 August 2005. Emission rates were generated using MOBILE.6 highway.

CALCULATION SHEET-TRANSPORTATION COMBUSTIBLE EMISSIONS-CONSTRUCTION

Conversion factor:	gms to tons
	0.000001102

Carbon Equivalents	Conversion Factor
N2O or NOx	311
Methane or VOCs	25

Source: EPA 2010 Reference, Tables and Conversions, Inventory of U.S. Greenhouse Gas Emissions and Sinks;
<http://www.epa.gov/climatechange/emissions/usinventoryreport.html>

CARBON EQUIVALENTS

Construction Commuters	Conversion	Emissions CO2 tons/yr	Total CO2
VOCs	25	23.57	
NOx	311	0.69	
Total		24.25	303.54

Delivery Trucks	Conversion	Emissions CO2 tons/yr	Total CO2
VOCs	25	0.67	
NOx	311	173.42	
Total		174.09	208.11

Kirtland AFB staff and Students	Conversion	Emissions CO2 tons/yr	Total CO2
VOCs	25	58.91	
NOx	311	535.47	
Total		594.38	1,292.61

CALCULATION SHEET-FUGITIVE DUST-CONSTRUCTION

Construction Fugitive Dust Emissions

Construction Fugitive Dust Emission Factors

	Emission Factor	Units	Source
General Construction Activities	0.19	ton PM10/acre-month	MRI 1996; EPA 2001; EPA 2006
New Road Construction	0.42	ton PM10/acre-month	MRI 1996; EPA 2001; EPA 2006

PM2.5 Emissions

PM2.5 Multiplier	0.10	(10% of PM10 emissions assumed to be PM2.5)	EPA 2001; EPA 2006
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Control Efficiency

	0.50	(assume 50% control efficiency for PM10 and PM2.5 emissions)	EPA 2001; EPA 2006
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Project Assumptions

Construction Area (0.19 ton PM10/acre-month)

Duration of Construction Project	12	months
Length	0	miles
Length (converted)	0	feet
Width	0	feet
Area	30.00	acres

Conversion Factors

	0.000022957	acres per feet
	5280	feet per mile

Staging Areas

Duration of Construction Project		months
Length		miles
Length (converted)		feet
Width		feet
Area	0.00	acres

	Project Emissions (tons/year)			
	PM10 uncontrolled	PM10 controlled	PM2.5 uncontrolled	PM2.5 controlled
Construction Area (0.19 ton PM10/ac)	68.40	34.20	6.84	3.42
Staging Areas	0.00	0.00	0.00	0.00
Total	68.40	34.20	6.84	3.42

References:

EPA 2001. *Procedures Document for National Emissions Inventory, Criteria Air Pollutants, 1985-1999*. EPA-454/R-01-006. Office of Air Quality Planning and Standards, United States Environmental Protection Agency. March 2001.

EPA 2006. *Documentation for the Final 2002 Nonpoint Sector (Feb 06 version) National Emission Inventory for Criteria and Hazardous Air Pollutants*. Prepared for: Emissions Inventory and Analysis Group (C339-02) Air Quality Assessment Division Office of Air Quality Planning and Standards, United States Environmental Protection Agency. July 2006.

MRI 1996. *Improvement of Specific Emission Factors (BACM Project No. 1)*. Midwest Research Institute (MRI). Prepared for the California South Coast Air Quality Management District, March 29, 1996.

Construction Fugitive Dust Emission Factors

General Construction Activities Emission Factor

0.19 ton PM10/acre-month Source: MRI 1996; EPA 2001; EPA 2006

The area-based emission factor for construction activities is based on a study completed by the Midwest Research Institute (MRI) Improvement of Specific Emission Factors (BACM Project No. 1), March 29, 1996. The MRI study evaluated seven construction projects in Nevada and California (Las Vegas, Coachella Valley, South Coast Air Basin, and the San Joaquin Valley). The study determined an average emission factor of 0.11 ton PM10/acre-month for sites without large-scale cut/fill operations. A worst-case emission factor of 0.42 ton PM10/acre-month was calculated for sites with active large-scale earth moving operations. The monthly emission factors are based on 168 work-hours per month (MRI 1996). A subsequent MRI Report in 1999, Estimating Particulate Matter Emissions from Construction Operations, calculated the 0.19 ton PM10/acre-month emission factor by applying 25% of the large-scale earthmoving emission factor (0.42 ton PM10/acre-month) and 75% of the average emission factor (0.11 ton PM10/acre-month).

The 0.19 ton PM10/acre-month emission factor is referenced by the EPA for non-residential construction activities in recent procedures documents for the National Emission Inventory (EPA 2001; EPA 2006). The 0.19 ton PM10/acre-month emission factor represents a refinement of EPA's original AP-42 area-based total suspended particle (TSP) emission factor in Section 13.2.3 Heavy Construction Operations. In addition to the EPA, this methodology is also supported by the South Coast Air Quality Management District and the Western Regional Air Partnership (WRAP) which is funded by the EPA and is administered jointly by the Western Governor's Association and the National Tribal Environmental Council. The emission factor is assumed to encompass a variety of non-residential construction activities including building construction (commercial, industrial, institutional, governmental), public works, and travel on unpaved roads. The EPA National Emission Inventory documentation assumes that the emission factors are uncontrolled and recommends a control efficiency of 50% for PM10 and PM2.5 in PM nonattainment areas.

New Road Construction Emission Factor

0.42 ton PM10/acre-month Source: MRI 1996; EPA 2001; EPA 2006

The emission factor for new road construction is based on the worst-case conditions emission factor from the MRI 1996 study described above (0.42 tons PM10/acre-month). It is assumed that road construction involves extensive earthmoving and heavy construction vehicle travel resulting in emissions that are higher than other general construction projects. The 0.42 ton PM10/acre-month emission factor for road construction is referenced in recent procedures documents for the EPA National Emission Inventory (EPA 2001; EPA 2006).

PM2.5 Multiplier

0.10

PM2.5 emissions are estimated by applying a particle size multiplier of 0.10 to PM10 emissions. This methodology is consistent with the procedures documents for the National Emission Inventory (EPA 2006).

Control Efficiency for PM10 and PM2.5

0.50

The EPA National Emission Inventory documentation recommends a control efficiency of 50% for PM10 and PM2.5 in PM nonattainment areas. Wetting controls will be applied during project construction (EPA 2006).

References:

EPA 2001. *Procedures Document for National Emissions Inventory, Criteria Air Pollutants, 1985-1999*. EPA-454/R-01-006. Office of Air Quality Planning and Standards, United States Environmental Protection Agency. March 2001.

EPA 2006. *Documentation for the Final 2002 Nonpoint Sector (Feb 06 version) National Emission Inventory for Criteria and Hazardous Air Pollutants*. Prepared for: Emissions Inventory and Analysis Group (C339-02) Air Quality Assessment Division Office of Air Quality Planning and Standards, United States Environmental Protection Agency. July 2006.

MRI 1996. *Improvement of Specific Emission Factors (BACM Project No. 1)*. Midwest Research Institute (MRI). Prepared for the California South Coast Air Quality Management District, March 29, 1996.

CALCULATION SHEET-SUMMARY OF EMISSIONS

Alternative 1 Construction Emissions for Criteria Pollutants (tons per year)									
Emission Source	VOC	CO	NOx	PM-10	PM-2.5	SO2	CO2	CO2 Equivalents	Total CO2
Combustible Emissions	1.93	8.16	17.45	1.58	1.54	2.28	1656.06	5476.52	7132.59
Construction Site-Fugitive PM-10	NA	NA	NA	34.20	3.42	NA	NA	NA	NA
Construction Workers Commuter & Trucking	0.97	9.06	1.25	0.02	0.02	NA	279.29	411.84	691.13
Total emissions-CONSTRUCTION	2.90	17.23	18.70	35.80	4.97	2.28	1935.36	5888.36	7823.72
Ongoing emissions from commuters	2.36	22.30	1.72	0.01	0.01	NA	698.23	607.91	1306.14
De minimis Threshold (1)	100	100	100	100	100	100	NA	NA	25,000
1. Kleberg County is in attainment for all NAQQS									

Carbon Equivalents	Conversion Factor
N2O or NOx	311
Methane or VOCs	25

Source: EPA 2010 Reference, Tables and Conversions, Inventory of U.S. Greenhouse Gas Emissions and Sinks; <http://www.epa.gov/climatechange/emissions/usinventoryreport.html>