



United States Department of the Interior
FISH AND WILDLIFE SERVICE

Ecological Services - LRGV SubOffice
Phone: (956) 784-7631 Fax: (956) 787-0547
Rt. 2 Box 202-A
Alamo, TX 78516
February 7, 2003

Ms. Natalie Rund
Environmental Specialist
US Army Corps of Engineers
Galveston District
PO Box 1229
Galveston, TX

Re: Consultation No. 2-11-03-I-0138

Dear Ms. Rund:

This responds to your letter received in this office on February 3, 2003, regarding the effects of the construction of an INS Headquarters office complex on 28 acres of land and the construction of an INS Border Patrol Station on 21 acres of land on species Federally-listed or proposed for listing as threatened or endangered occurring in Hidalgo County, Texas. In addition, your project was evaluated with respect to wetlands and other important fish and wildlife resources.

This office understands that the project consists of two parcels of land, Parcel A and Parcel B. Parcel A is proposed for construction of an INS Headquarters office complex on 28 acres of undeveloped rural agricultural land on the southeast corner of Hwy 281 and East Trenton Road. Parcel B, consisting of 21 acres of open field that was previously used for agricultural purposes, is proposed for the construction of an INS Border Patrol Station and is located west of Business Hwy 281 and south of West Trenton Road.

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

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

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

Based on the above recommendations and understandings, the Service concurs that there will be a No Effect on Federally-listed species by the proposed project. For continued compliance under the Endangered Species Act, the Service recommends further consultation on any project-related impacts not described herein. If project plans change, portions of the project were not evaluated, or differ from the described above, please notify us. And as requested, we have attached a species list of federal-listed threatened and endangered species for the County of Hidalgo.

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

Sincerely,



Brunilda Fuentes-Capozello
Fish & Wildlife Biologist

For
Allan M. Strand
Field Supervisor

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

Enclosures:
Species List

Federal-Listed Threatened and Endangered Species of Texas
November 13, 2002

This list represents species that may be found in counties throughout the state. It is recommended that the field station responsible for a project area be contacted if additional information is needed.

DISCLAIMER:

This County by County list is based on information available to the U.S. Fish and Wildlife 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.

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Statewide or area wide migrants are not included by county, except where they breed or occur in concentrations. The whooping crane is an exception; an attempt is made to include all confirmed sightings on this list.

- 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 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.
□ = With special rule
‡ = CH designated (or proposed) outside Texas

Migratory Species Common to Many or All Counties: Species listed specifically in a county have (a) **CONFIRMED** sighting(s). If a species is not listed they may occur as migrants in those counties.

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

Hidalgo County

Northern aplomado falcon	E	<i>Falco femoralis septentrionalis</i>
Jaguarundi	E	<i>Herpailurus yagouaroundi cacomitli</i>
Ocelot	E	<i>Leopardus pardalis</i>
Star cactus	E	<i>Astrophytum asterias</i>
Texas ayenia	E	<i>Ayenia limitaris</i>
Walker's manioc	E	<i>Manihot walkerae</i>
Mountain plover	P/T	<i>Charadrius montanus</i>
Audubon's oriole	SOC	<i>Icterus graduacauda audubonii</i>
Brownsville common yellowthroat	SOC	<i>Geothlypis trichas insperata</i>
Ferruginous hawk	SOC	<i>Buteo regalis</i>
Loggerhead shrike	SOC	<i>Lanius ludovicianus</i>
Northern gray hawk	SOC	<i>Buteo nitidus maximus</i>
Sennett's hooded oriole	SOC	<i>Icterus cucullatus sennetti</i>
Texas Botteri's sparrow	SOC	<i>Aimophila botterii texana</i>
Texas olive sparrow	SOC	<i>Arremonops rufivirgatus rufivirgatus</i>
Tropical parula	SOC	<i>Parula pitiayumi nigrilora</i>
White-faced ibis	SOC	<i>Plegadis chihi</i>
Coues' rice rat	SOC	<i>Oryzomys couesi aquaticus</i>
Reticulate collared lizard	SOC	<i>Crotaphytus reticulatus</i>
Texas horned lizard	SOC	<i>Phrynosoma cornutum</i>
Black-spotted newt	SOC	<i>Notophthalmus meridionalis</i>
Rio Grande lesser siren	SOC	<i>Siren intermedia texana</i>
Bailey's ballmoss	SOC	<i>Tillandsia baileyi</i>
Falfurrias milkvine (anglepod)	SOC	<i>Matalea radiata</i>
Runyon huaco	SOC	<i>Manfreda longiflora</i>
Runyon's water-willow	SOC	<i>Justicia runyonii</i>
Small papillosus	SOC	<i>Echinocereus papillosus var angusticeps</i>
Texas windmill grass	SOC	<i>Chloris texensis</i>
Subtropical blue-black tiger beetle	SOC	<i>Cicindela nigrocoerulea subtropica</i>
Maculated manfreda skipper	SOC	<i>Stallingsia maculosus</i>



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

101 South Main
Temple, Texas
76501-7602

August 8, 2003

U. S Army COE
P. O. Box 1229
Galveston, Texas 77553

Attention: Kristy L. Morten, Project Manager

Subject: LNU-Farmland Protection-
Edinburg Homeland Security Headquarters Building
Hidalgo County, Texas

We have reviewed the information provided concerning the proposed Edinburg Homeland Security Headquarters Building in Hidalgo County, Texas. This is part of a NEPA Environmental Evaluation for this project as required by the Department of Homeland Security. We have reviewed the project as required by the Farmland Protection Policy Act (FPPA) and completed the AD-1006 form.

The proposed project does contain Important Farmland as defined by the FPPA and is subject to the Farmland Protection Policy Act (FPPA). Soil Map unit # 28 Hidalgo sandy clay loam, 0 -1 percent slope is classified as Prime Farmland. We have estimated the total acreage to be about 28 acres and you have stated that the site has been disturbed. The composite value for soils in this project is 93. This value is entered in part V of the AD-1006. The total in Part VII of the AD-1006 is 125. The FPPA states that sites with a score less than 160 will require no further consideration. We have completed the AD-1006 form you submitted.

I have attached a completed AD-1006 (Farmland Conversion Impact Rating) form for this project. Thanks for the quality resource materials you submitted to evaluate this project. If you have any questions please call James Greenwade at (254)-742-9960 or Sam Brown at (254)-742-9854, Fax (254)-742-9859.

Thanks,

James M. Greenwade
Soil Scientist
Soil Survey Section
USDA-NRCS, Temple, Texas

FARMLAND CONVERSION IMPACT RATING

PART I <i>(To be completed by Federal Agency)</i>		Date Of Land Evaluation Request 8-15-2003	
Name of Project DHS Lower Rio Grande Sector Headquarters		Federal Agency Involved Department Of Homeland Security	
Proposed Land Use Office Complex		County and State Hidalgo County, Texas	

PART II <i>(To be completed by NRCS)</i>		Date Request Received By NRCS 8-18-2003	Person Completing Form James Greenwade
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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 checked="" type="checkbox"/> NO <input type="checkbox"/>	Acres Irrigated 185,330	Average Farm Size 463
Major Crop(s) Grain Sorghum	Farmable Land In Govt. Jurisdiction Acres: 639,936 % 62	Amount of Farmland As Defined in FPPA Acres: 185,330 % 52		
Name of Land Evaluation System Used LESA	Name of State or Local Site Assessment System NONE	Date Land Evaluation Returned by NRCS 8-18-2003		

PART III <i>(To be completed by Federal Agency)</i>		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly		28			
B. Total Acres To Be Converted Indirectly		0			
C. Total Acres In Site		28			

PART IV <i>(To be completed by NRCS) Land Evaluation Information</i>					
A. Total Acres Prime And Unique Farmland		28			
B. Total Acres Statewide Important or Local Important Farmland		0			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted		0.00004			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value		15			

PART V <i>(To be completed by NRCS) Land Evaluation Criterion</i>		93			
Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					

PART VI <i>(To be completed by Federal Agency) Site Assessment Criteria</i> <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	Site D
1. Area In Non-urban Use		(15)	10			
2. Perimeter In Non-urban Use		(10)	7			
3. Percent Of Site Being Farmed		(20)	0			
4. Protection Provided By State and Local Government		(20)	0			
5. Distance From Urban Built-up Area		(15)	5			
6. Distance To Urban Support Services		(15)	0			
7. Size Of Present Farm Unit Compared To Average		(10)	0			
8. Creation Of Non-farmable Farmland		(10)	0			
9. Availability Of Farm Support Services		(5)	5			
10. On-Farm Investments		(20)	0			
11. Effects Of Conversion On Farm Support Services		(10)	0			
12. Compatibility With Existing Agricultural Use		(10)	5			
TOTAL SITE ASSESSMENT POINTS		160	32			
PART VII <i>(To be completed by Federal Agency)</i>						
Relative Value Of Farmland <i>(From Part V)</i>		100	93			
Total Site Assessment <i>(From Part VI above or local site assessment)</i>		160	32			
TOTAL POINTS <i>(Total of above 2 lines)</i>		260	125			

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
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Reason For Selection:

Name of Federal agency representative completing this form: <i>(See Instructions on reverse side)</i>	Date:
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Coastal Coordination Council

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

Chairman

Jerry Patterson
Texas Land Commissioner



Members

Victor Carrillo
Railroad Commission of Texas

Mayor Victor Pierson
Coastal Government
Representative

John Barrett
Agriculture Representative

Memo Benavides
Texas State Soil & Water
Conservation Board

Jack Gibson
Coastal Business Representative

Jack Hunt
Texas Water Development Board

John W. Johnson
Texas Transportation Commission

Robert Jones
Coastal Resident Representative

Larry R. Soward
Texas Commission on
Environmental Quality

Robert R. Stickney
Sea Grant College Program

Mark E. Watson, Jr.
Parks & Wildlife Commission
of Texas



Diane P. Garcia
Council Secretary

Kristan D. Clann
Permit Service Center
1-866-894-3578

November 19, 2003

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

Re: Rio Grande Valley US Border Patrol Sector Headquarters

Dear Ms. Murphy:

It has been determined that the project referenced above is outside the Texas Coastal Management Program (CMP) boundary. Therefore, it is not subject to consistency review under the Texas CMP.

Sincerely,

Tammy S. Brooks
Program Specialist
Coastal Coordination
Texas General Land Office



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
9721 Executive Center Drive N.
St. Petersburg, Florida 33702

November 25, 2003

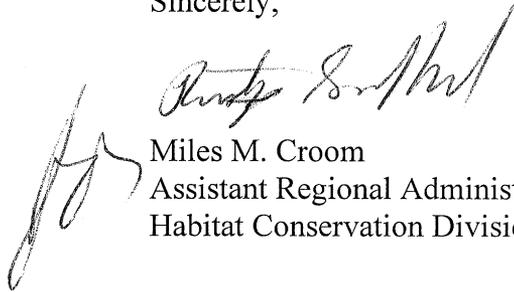
Ms. Carolyn Murphy, Chief
Environmental Section, Galveston District
Department of the Army, Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

Dear Ms. Murphy:

The National Marine Fisheries Service (NOAA Fisheries) has reviewed the Draft Environmental Assessment for the proposed Rio Grande Valley U.S. Border Patrol Sector Headquarters, Edinburg, Texas, received on November 18, 2003. The Customs and Border Protection Agency proposes to construct a new office complex to replace the McAllen Sector Headquarters. The proposed project will not affect living marine resources or their habitats. Therefore, NOAA Fisheries has no comments to provide regarding the construction of the proposed facility.

Thank you for your consideration of our recommendations. If we may be of further assistance, please contact Mr. Rusty Swafford of our Galveston Facility at (409) 766-3699.

Sincerely,



Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division



Notice of Availability of an Draft EA

The U.S. Border Patrol has prepared a draft Environmental Assessment (EA) in accordance with the National Environmental Protection Act. The EA, noted immediately below, is being made available to governmental agencies and other interested parties.

Rio Grande Valley US Border Patrol Sector Headquarters, Edinburg, Texas Environmental Assessment

The Customs and Border Protection (CBP) agency is preparing an environmental analysis to construct a U.S. Border Patrol (USBP) sector headquarters facility in the Rio Grande Valley. This Environmental Assessment was prepared to analyze alternatives and address their potential project impacts to the environment. The project consists of construction of a new office complex to replace the McAllen Sector Headquarters. Current and future missions of the CBP and the USBP require an increase in personnel and a facility complex that will support buildings for Administrative Services, Management, Enforcement, a dog kennel and an exercise facility.

A Copy of the draft EA is available for review at the Edinburg Public Library (401 East Cano, Edinburg, Tx), or can be downloaded from the US Army Corps of Engineers, Galveston District website at <http://www.swg.usace.army.mil/pe-p/Edinburg/>. Copies are also available from, and comments should be submitted to, Ms. Carolyn Murphy, Chief, Environmental Section (PE-PR), U.S. Army Corps of Engineers, 2000 Fort Point Road, Galveston, Texas 77553 (Carolyn.e.murphy@swg02.usace.army.mil). Comments should be submitted by **December 19, 2003**.

No Effect Finding Based on our review of your project activity as proposed, it is not likely that federally listed species, or other important fish and wildlife resources will be impacted.
Date <u>12-5-03</u>
Consultation # <u>7-11-04-I-0052</u>
Approved by <u>Ernesto Reyes</u>

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CORPUS CHRISTI, TX

4.8.2 Hazardous Waste

4.8.2.1 Proposed Action

No hazardous wastes will be generated at the office complex.

4.8.2.2 No-Action Alternative

There would be no change from the baseline condition.

4.8.2.3 Mitigative Measures

No mitigative actions are required.

4.9 CULTURAL RESOURCES

4.9.1 Proposed Action

The project site and area are disturbed ground and survey verified there are no cultural resources in the project area. As such, there are no impacts to this resource resulting from the proposed action.

4.9.2 No-Action Alternative

There would be no change from the baseline condition.

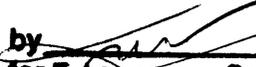
4.9.3 Mitigative Measures

No mitigative measures are required.

4.10 NOISE

4.10.1 Proposed Action

The noise that is generated by the proposed action will result from approximately 24 months of construction activities, and noise generated during routine operation of the facility after construction. The primary noise from construction activities will be generated by vehicles and equipment involved in site clearing and grading, foundation preparation, facility construction, and finish work. Noise from construction activities will be limited to daytime hours and will not affect nearby subdivisions during prime time hours. Major sources of routine noise for ambient sound levels due to the proposed action include increased vehicle traffic at staff shift changes, and any sound generated due to operation of the Headquarters facility. There are no commercial establishments, day care facility, hospitals, nursing homes, church, or recreational activities located within a radius of 1600 ft. from the proposed site. One elementary school is located east

CONCUR	
by	
for F. Lawrence Oaks State Historic Preservation Officer	
Date	12/28/03