National Park Service
U.S. Department of the Interior

Palo Alto Battlefield National Historical Park
Brownsville, Texas

FINDING OF NO SIGNIFICANT IMPACT
PROPOSED HIKE-AND-BIKE TRAIL

Recommended:

Mark E. Spier 9/5/2019

Mark Spier — Date
Superintendent, Palo Alto Battlefield National Historical Park

Approved:

9/19/19

Palmer L. Jenkins — Date
Acting Regional Director, National Park Service Regional Office
Serving Department of Interior Regions 5,6,7,8 & 9

INTRODUCTION

In compliance with the National Environmental Policy Act (NEPA), the National Park Service (NPS) prepared an Environmental Assessment (EA) to examine alternative actions and environmental impacts associated with the proposed construction of a multi-use recreational trail along the western boundary of Palo Alto Battlefield National Historical Park ("the park"). The project is needed to connect the community to the park and local history. The trail will offer an alternative means of transportation to the park while promoting a healthy lifestyle through hiking, running and cycling opportunities, and will increase awareness of the cultural and natural values of the park and the broader concepts and offerings of the National Park Service. Additionally, the trail is needed to provide the public with safe, non-motorized travel along Paredes Line Road (FM 1847), a State of Texas highway which connects the cities of Brownsville and Los Fresnos. Presently, non-motorized users are forced to use the highway shoulders (approximately 10 feet wide) as an extension of the City of Brownsville's Historic Battlefield Trail.

The statements and conclusions reached in this Finding of No Significant Impact (FONSI) are based on documentation and analysis provided in the EA and associated decision file. The EA is incorporated by reference in this FONSI.

SELECTED ALTERNATIVE AND RATIONALE FOR THE DECISION

Based on the analysis presented in the EA, NPS selected Alternative 2 – Paved Trail with Boardwalk and Highway Right-of-Way Access (the NPS preferred alternative).

The selected alternative will entail the construction of an approximately 8,000 linear foot (10 feet wide) trail composed primarily of concrete pavement along the park's western boundary. The trail will incorporate an approximately 300-foot boardwalk across a wetland area near the southern terminus of the project area. An additional 2,200 linear foot (paved) segment of the trail will utilize vegetated portions of a highway right-of-way (Paredes Line Road), thereby avoiding impacts to a second wetland area and well-developed habitat, and providing a safer alternative to the roadway for trail users. In addition, the project will implement a number of protective measures and design considerations to minimize the degree and duration of potential adverse impacts to resources including native soils, vegetation, wildlife, special status species, wetland functionality, archeological and historical assets, visitor use and experience, cultural landscapes, and natural soundscapes.

RATIONALE

Alternative 2 was selected because it best meets the project purpose to:

- provide a safe alternative route connecting trail users to the park;
- provide a lower risk of potential accidents involving trail users and highway vehicles than under Alternative 3;
- provide a link for future expansion of the Historical Battlefield Trail system towards the City of Los Fresnos to the north and the Bahia Grande to the east;

- increase visitor use and quality of experience at the park;
- promote a healthy lifestyle through hiking, running and cycling opportunities; and
- minimize trail construction costs and costs associated with future maintenance activities.

MITIGATION MEASURES

A complete list of all mitigation measures that will be implemented is presented in Appendix A.

PUBLIC INVOLVEMENT/AGENCY CONSULTATION

The EA was made available for public review and comment during a 30-day period, from July 20, 2019 through August 18, 2019. Four (4) public comments were received relating to the selected alternative. None of the comments were considered to be substantive; therefore, no responses to the received comments are included in this document.

FINDING OF NO SIGNIFICANT IMPACT

CEQ regulations at 40 CFR Section 1508.27 identify ten criteria for determining whether the selected alternative will have a significant effect on the human environment. The NPS reviewed each of these criteria given the environmental impacts described in the EA and determined there will be no significant direct, indirect, or cumulative impacts under any of the criteria.

The following impact topics were dismissed from full analysis in the EA and are not discussed in this FONSI: archeological resources; cultural landscapes; soundscape management; historic structures; Indian trust resources and sacred sites; wetlands and floodplains; soil; vegetation; wildlife; special status species; public health and safety; and environmental Justice.

Under the selected alternative, there will be no substantial adverse impacts on unique characteristics of the region. Also, as discussed in the EA, no highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the NPS selected alternative will not violate any federal, state, or local environmental protection law.

As described in the EA, the selected alternative has the potential for adverse and beneficial impacts to visitor use and experience at the park. Temporary adverse impacts associated with construction activities will include temporary traffic diversions or closures on the park entrance road, restricted parking availability, construction noise, and temporary closures of trail sections due to future maintenance activities. The trail will have beneficial impacts on visitor safety and experience.

Traffic diversions or closures on the park entrance road will be associated with connecting the proposed trail to the park entrance road, removing the existing park entrance/exit gate, and installing a new park entrance/exit gate. Traffic-related diversions associated with these activities are anticipated to last from several hours to a week, depending on the degree of construction required, and will be similar in scope to maintenance activities routinely performed at the park (e.g. mowing, equipment maintenance). The selected alternative will entail the preparation and implementation of traffic control plans by the contractor where necessary to minimize digressions from normal traffic flow and reduce safety risks to park visitors, park personnel, and construction workers. Visitors and park staff will be notified of any

temporary closures relating to construction activities during the trail's construction via the NPS website, social media, park signage, and/or email notifications to interested parties. Given the temporary nature of these scenarios, potential impacts related to the activities are not anticipated to detract from or degrade the overall visitor use and experience at the park.

Staging of construction materials at the park will be allowed on a case-by-case basis and will not exceed 3 consecutive days. The staging area will be confined to an approximately 400 square foot portion of the western parking lot that serves as a designated area for buses and recreational vehicles. The temporary storage of materials in this area will result in a reduction of available bus parking from 3 spaces to 2 spaces; however, the remaining 42 car parking spaces will remain unimpeded. Additionally, the park is capable of temporarily accommodating additional parking in other paved areas. Potential visitors to the park will be alerted to limited parking availabilities through the NPS website, social media, park signage, and/or email notifications. Therefore, any impacts relating to the temporary staging of construction materials in the park's western parking area will not degrade or detract substantially from overall visitor use and experience for park visitors.

Adverse impacts associated with construction-related noise will potentially be experienced by park visitors during the six-month construction period. Sources of construction noise will likely include field trucks, concrete trucks, a backhoe, a small dozer, a roller compactor, a pile driver, and hand-held power tools; however, the area is already subject to noise from an adjacent highway (Paredes Line Road) and routine park maintenance operations. Consequently, the effects of construction noise are not anticipated to substantially contribute to the aggregate of human-caused sounds in the area. Given the intended preservation of dense brush along the park's western boundary, noise generated by post-construction activities (e.g. trail maintenance, recreational trail use) will have a negligible impact on park visitors.

Periodic maintenance activities (e.g., repair of trail pavement) may cause temporary closures of certain sections of the trail, but since maintenance activities will be temporary; they will not substantially degrade the overall visitor experience. Closures could last from several hours to several days depending on the degree of maintenance required.

Implementation of the selected alternative will result in permanent beneficial impacts with an increase in recreational and exercise opportunities, and an increase in educational opportunities showcasing the park's historical significance. Under the selected alternative, the proposed design will also afford trail users safe passage to and from the park along inviting greenspaces that will increase the quality of user experience. The proposed trail will also offer users increased opportunities for hiking, running, or cycling to other Mexican-American War sites in Brownsville, including Resaca de la Palma Battlefield.

When the direct/indirect effects of Alternative 2 (described above) are combined with other past, present, and reasonably foreseeable future impacts, the total cumulative impact on visitor use and experience will continue to be beneficial. The incremental impacts of Alternative 2 will contribute to, but will not substantially change, the impacts that are already occurring.

CONCLUSION

As described above, the selected alternative does not constitute an action meeting the criteria that normally requires preparation of an environmental impact statement (EIS). The selected alternative will not have a significant effect on the human environment in accordance with Section 102(2)(c) of NEPA.

Based on the foregoing, it has been determined that an EIS is not required for this project and, thus, will not be prepared.

APPENDIX A

The following mitigation measures will minimize the degree and/or extent of adverse impacts and will be implemented during the project.

Archeological Resources

- Contractors and subcontractors will be appropriately informed of protocols in the event of archeological resource discoveries, as well as penalties for illegally collecting artifacts, or causing intentional damage to archaeological sites or historic properties.
- During excavation activities, park Archeologist will monitor the construction areas to confirm the presence or absence of archaeological resources.
- Should construction unearth archaeological materials, construction in the area will be stopped and the park Resource Manager and Texas Historical Commission will be immediately notified.

Cultural Landscapes

- Low-profile lighting with fixtures that direct light downward will be used along the trail to prevent impacts to cultural landscapes.

Soundscape

- Hours of operation of motorized equipment will be limited to 8:00 a.m. to 5:00 p.m. to protect dawn, dusk and nighttime quiet.
- Motorized equipment will not be allowed to idle longer than 2 minutes when not in use.
- All motor vehicles and equipment will have mufflers conforming to original manufacturers' specifications that are in good working order and are in constant operation to prevent excessive or unusual noise.

Vegetation and Soils

- A Construction Stormwater Pollution Prevention Plan (SWP3) will be developed, and erosion control and sediment runoff best management practices (BMPs) will be implemented prior to and during construction.
- Prior to clearing activities, the project corridor will be surveyed by a qualified botanist retained by the City of Brownsville. The survey will include an inspection of the proposed trail corridor for the presence of federally-listed plants following protocols established by the USFWS. If federally-listed plant species are observed, the USFWS and TPWD will be notified to determine the next appropriate step for relocating the plants.
- The clearing of vegetation, including native herbaceous communities, thornscrub and other woody vegetation, will be minimized to the extent possible and not go beyond the 14-foot width of the proposed trail.
- Trees and shrubs within the 10-ft trail tread would be removed using hand-held power tools.
- No-till drilling, hydromulching, and/hydroseeding techniques will be used to prevent undue risks to wildlife.
- Erosion and native seed/mulch stabilization materials will be used that will avoid entanglement hazards to snakes and other wildlife species.

- Any erosion control blankets or mats will contain no netting or contain loosely woven, natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic mesh matting will not be used.
- Construction equipment entering the park area will be cleaned to remove the presence of any foreign soils, vegetation, or material potentially containing non-native seeds or vegetation. Any non-native vegetation removed from TxDOT right-of-way during the construction activity will be disposed or relocated off-site.
- Following completion of the construction activity, a mixture of native grasses and forbs will be used to re-vegetate the disturbed areas.

Wetlands and Water Resources

- Boardwalk construction activities across the wetland area will be performed in accordance with Section 404 of the Clean Water Act. Compliance with Section 404 will be verified by the U.S. Army Corps of Engineers (USACE) prior to construction.
- The destruction of inert microhabitats in wetlands such as snags, brush piles, fallen logs, banks, and pools will be avoided to protect wildlife species and their food sources.
- Natural buffers contiguous to wetlands will remain undisturbed to the extent practicable to preserve wildlife cover, food sources and travel corridors.
- As stated above, a Construction SWP3 will be developed, and erosion control and sediment runoff BMPs will be implemented prior to and during construction to protect water resources.

Wildlife

General

- Construction activities will begin after sunrise and conclude before sunset.
- A temporary sediment control fence (i.e. silt fencing) will be used to control erosion and protect water quality during construction. In addition, the fence will be buried at least six inches and be at least 24 inches high to prevent wildlife from accessing the construction zone.
- Construction personnel will examine the construction area daily to determine if any wildlife species have been trapped and provide safe egress opportunities prior to initiation of construction activities. Any open trenches or excavation areas will be covered overnight and/or inspected every morning to ensure no wildlife species have been trapped. For open trenches and excavated areas, escape ramps made from soil or boards will be installed at an angle of less than 45 degrees (1:1) in excavated areas that will allow trapped wildlife to climb out on their own.
- Clearing of dense areas of brush will be minimized to the extent practicable to preserve habitat and travel corridors for endangered felids (e.g., ocelot, jaguarundi). Should any felid be observed during construction, work will be stopped immediately until the cat has left the area, and appropriate agencies will be notified (USFWS, TPWD).

Texas Tortoise BMPs

- Contractors will be advised of potential occurrence of tortoises within the project area, and to avoid harming the species if encountered. If encountered, the contractor will notify park staff to remove the tortoises from the area for relocation within the park to an appropriate tortoise habitat.
- During clearing activities, the project area will be monitored for occurrence of the tortoises by a qualified biologist and if any tortoise was found it will be translocated to a safe place inside the park.
- A permanent exclusion fence will be incorporated into the design of the new park fence to prevent tortoises from entering the trail corridor. The permanent exclusion fence will be constructed and maintained in accordance with Texas Parks and Wildlife Department (TPWD) specifications as follows:
    1. The exclusion fence will be constructed using a 2-4-inch mesh that will allow for other wildlife to enter and exit the park.
    2. Rolled erosion control mesh material will not be used.
    3. The exclusion fence will be buried at least 6 inches deep and be at least 24 inches high.

Birds BMPs

- Should construction occur during the migratory bird nesting period (March 15-September 15), areas to be impacted will be surveyed for active nests of special status and migratory species no more than 5 days prior to clearing, and daily during the construction period. If active nests are identified, a 150-foot buffer of vegetation will remain around the nests until the young have fledged or the nest is abandoned.
- Contractors will be made aware of potentially encountering special status and/or migratory birds, and informed upon how to avoid negatively impacting them.
- Avoid removal of unoccupied, inactive nests where practicable.

Amphibian and Aquatic Reptiles BMPs

- Contractors will be advised of potential occurrence of amphibian and aquatic reptile species within the project area, and instructing contractors how to avoid harming the species if encountered.
- Use of barrier fencing to direct animal movements away from the construction activities.
- Where possible, minimization or avoidance of disturbing basking sites or areas which may be refugia for terrestrial amphibians.

Terrestrial Reptiles BMPs

- Contractors will be advised on potential occurrence of reptiles in the area, and to avoid harming the species if encountered.
- Inform contractors that if reptiles are found on the site, allow species to leave the area on their own.
- Where possible, disturbing or removing downed trees, rotten stumps, or leaf litter will be avoided.