

**National Park Service
U.S. Department of the Interior**



**Amistad National Recreation Area
Texas**

**JOINT LAW ENFORCEMENT OPERATIONS SPACE WITH BORDER
PATROL, PARK HEADQUARTERS, MAINTENANCE, AND VISITOR
CONTACT FACILITY
FINDING OF NO SIGNIFICANT IMPACT**

Amistad National Recreation Area (Amistad or park) proposes to construct a new joint operations facility at Diablo East, adjacent to Lake Amistad. The joint operations facility will include combined National Park Service (NPS) and Border Patrol Lake Task Force (Border Patrol) law enforcement facilities, park headquarters, maintenance facilities, and a visitor contact facility. The facility will include offices, restrooms, a communications room, a fitness room, an evidence room, weapons storage, conference rooms, a theater, space for concessions, a tactical training room, a visitor contact area, maintenance areas, storage for marine equipment, utilities, access roads, parking, and secure outside storage for vehicles and equipment. The new joint use facility will be located at the most popular visitor use area in the park on a site currently used to store extra equipment and vehicles.

This finding of no significant impact (FONSI) and the environmental assessment (EA) constitute the record of the environmental impact analysis and decision-making process for the joint operations facility. The NPS will implement the Preferred Alternative, which will allow consolidation of NPS operations at one location, resulting in substantial improvements in park operations, efficiency, safety, and visitor services. The Preferred Alternative includes measures for protection of park resources, reduced energy consumption and improvement in the sustainability of park operations, and providing the long-term conditions necessary to sustain natural and cultural resources. The Preferred Alternative was selected after careful review of resource and visitor impacts and public comment.

This document records 1) a FONSI as required by the National Environmental Policy Act of 1969 (NEPA), and 2) a determination of no impairment as required by the NPS Organic Act of 1916.

PREFERRED ALTERNATIVE

The Preferred Alternative is construction of a joint operations facility in the Diablo East area of Amistad. The facility will include about 28,000 square feet to house activities including law enforcement operations, park headquarters, maintenance operations, a visitor contact facility, and space for the Border Patrol. The facility will include administrative offices, a communications center, a fitness room, visitor services, multipurpose theater, and secure storage for vehicles and equipment. The Preferred Alternative includes a separate building for maintenance; a new parking lot at the visitor contact facility for cars, buses, and recreational vehicles (RVs); and new access roads to staff parking and the visitor contact facility parking lot. The joint operations facility will be a one-story structure designed to encourage interaction between departments and provide a convenient and comfortable structure for staff and visitors. The estimated construction cost of the project is \$15.5 million. The Department of

Homeland Security, Border Patrol will provide about \$2.5 million to fund its portion of the joint operations facility.

The new joint operations facility is being designed for energy efficiency and sustainability, and incorporates a number of measures to achieve those objectives, including a photovoltaic system and possibly wind turbines to generate electricity, natural and energy-efficient lighting, thick walls for thermal mass, a grey water harvest system, use of recycled materials, and other measures. The joint operations facility will strive to achieve the highest possible rating (at least the “silver” level) under the U.S. Green Building Council’s (USGBC) Leadership in Energy and Environmental Design (LEED) for New Construction, Version 2009.

The project area is currently used as a maintenance “boneyard” for parts, materials, equipment storage, and a gravel-surfaced public parking lot for boat trailer and vehicle parking. Construction of the joint operations facility will require removal of existing pavement, fences, utilities, and related site improvements within an existing disturbed area of about 5 acres. The project also will require removal of about 7.4 acres of native vegetation in previously undisturbed areas. Where vegetation is removed, topsoil will be stockpiled for use in reclamation of temporarily disturbed areas. The current Border Patrol offices within the park will be redeveloped as RV sites for occasional use by research scientists or visiting park staff.

Stormwater detention facilities will be used to capture runoff from developed areas. Site grading will direct runoff to the stormwater quality facilities and provide drainage away from the new buildings. A new 8-inch polyvinyl chloride (PVC) sewer main will be required for the project, with 6-inch PVC service lines to each building. The new sewer line will connect either to an existing manhole northeast of the buoy maintenance shed or to an existing sewer main. Water service to the joint operations facility will be provided by connections to the existing water lines in the project area. A new water storage tank may be needed to meet fire safety standards and four to five new fire hydrants will be installed.

Following construction, temporarily disturbed areas of about 1.2 acres adjacent to the joint operations facility and parking lots will be revegetated with grasses, cacti, succulents, and shrubs native to the project area. Establishment of vegetation will require temporary irrigation. Native plant material with shallow roots may be salvaged and containerized from the project area prior to grading. Additional plant material will be required from sources outside the park. A portion of the joint operations facility roof will be a green roof using 12 inches of soil and plant species native to the site. The green roof will require supplemental irrigation for establishment, although cisterns will store roof drainage for irrigation.

MITIGATING MEASURES

A number of mitigation measures and best management practices (BMPs) will be incorporated into the project design under the Preferred Alternative to reduce environmental impacts (Table 1).

TABLE 1. MITIGATION MEASURES

Resource Area	Mitigation
General Considerations	Construction zones will be identified with construction fence, silt fence, or similar material prior to construction activity. The fencing will define the construction zone and confine activity to the minimum area required for construction. All protection measures will be clearly stated in the construction specifications and workers will be instructed to avoid conducting activities beyond the construction zone. Disturbances will be limited to roadsides, culvert areas, and other areas inside the designated construction limits. No machinery or equipment will access areas outside the construction limits.

Resource Area	Mitigation
	<p>Construction equipment staging will occur within existing disturbed areas such as parking lots. Off-site equipment and vehicle parking will be limited to designated staging areas.</p> <p>Contractors will be required to properly maintain construction equipment (i.e., mufflers and brakes) to minimize noise. Construction vehicle engines will not be allowed to idle for extended periods of time.</p> <p>Material and equipment hauling will comply with all legal load restrictions. Load restrictions on park roads are identical to state load restrictions with such additional regulations as may be imposed by the park superintendent.</p> <p>Water sprinkling will be used as needed to reduce fugitive dust in work zones.</p> <p>All tools, equipment, barricades, signs, surplus materials, and rubbish will be removed from the project work limits upon project completion.</p>
Water Quality and Soils	<p>Erosion-control BMPs for drainage and sediment control, as identified and used by the NPS, will be implemented to prevent or reduce nonpoint source pollution and minimize soil loss and sedimentation in drainage areas. These practices may include, but are not limited to, silt fencing, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and/or immediate mulching of exposed areas to minimize sedimentation and turbidity impacts from construction activities. Silt fencing fabric will be inspected daily during project work and weekly after project completion, until removed. Accumulated sediments will be removed when the fabric is estimated to be approximately 75 percent full. Silt removal will be accomplished in such a way as to avoid introduction into any flowing water bodies.</p> <p>Regular site inspections will be conducted to ensure that erosion-control measures are properly installed and functioning effectively.</p> <p>The operation of ground-disturbing equipment will be temporarily suspended during large precipitation events to reduce the production of sediment.</p> <p>A storm water pollution prevention plan (SWPPP) will be developed and approved by the park and submitted to the Texas Commission on Environmental Quality prior to commencing construction.</p> <p>All equipment will be maintained in a clean and well-functioning state to avoid or minimize contamination from fluids and fuels. Prior to starting work each day, all machinery will be inspected for leaks (e.g., fuel, oil, and hydraulic fluid) and all necessary repairs will be made before the commencement of work.</p> <p>Prior to the start of construction, a hazardous spill plan will be required from the contractor stating what actions will be taken in the case of a spill and preventive measures to be implemented. Hazardous spill clean-up materials will be on-site at all times. This measure is designed to avoid/minimize the introduction of chemical contaminants associated with machinery (e.g., fuel, oil, and hydraulic fluid) used in project implementation.</p>

Resource Area	Mitigation
Vegetation	<p>Site reclamation and revegetation will use appropriate BMPs that include planting native plants. Until the soil is stable and vegetation is established, erosion-control measures will be implemented to minimize erosion and prevent sediment from reaching streams.</p> <p>Temporary barriers will be provided to protect existing vegetation. Trees or other plants will not be removed, injured, or destroyed without prior approval.</p> <p>To prevent the introduction of, and minimize the spread of, nonnative vegetation and noxious weeds, the following measures will be implemented during construction:</p> <ul style="list-style-type: none"> • Soil disturbance will be minimized; • All construction equipment will be pressure washed and/or steam cleaned before entering the park to ensure that all equipment, machinery, rocks, gravel, and other materials are clean and weed free; • All haul trucks bringing fill materials from outside the park will be covered to prevent seed transport; • Vehicle and equipment parking will be limited to within construction limits or approved staging areas; • Staging areas outside the park will be surveyed for noxious weeds and treated appropriately prior to use; • All fill, rock, and additional topsoil will be obtained from stockpiles from previous projects or excess material from this project, if possible; and if not possible, then weed-free fill, rock, or additional topsoil will be obtained from sources outside the park. NPS personnel will certify that the source is weed free; and • Monitoring and follow-up treatment of exotic vegetation will occur after project activities are completed.
Wildlife	<p>The construction contractor will be required to keep all garbage and food waste contained and removed daily from the work site to avoid attracting wildlife into the construction zone. Construction workers will be instructed to remove food scraps and not feed or approach wildlife.</p>
Special Status Species	<p>Surveys for Texas horned lizard, Texas indigo snake, and Texas tortoise will be conducted prior to disturbance of suitable habitat. If any of these species are found, the area will be avoided (if practicable), mitigation measures will be implemented to minimize impacts, or affected animals will be relocated.</p> <p>Sensitive plant surveys will be conducted prior to disturbance of any suitable habitat. If sensitive species are found, the area will be avoided (if practicable), mitigation measures will be implemented to minimize impacts, or affected plants will be transplanted.</p>
Visual Resources	<p>The joint operations facility will be designed to blend in with the landscape with minimal visual intrusion.</p>

Resource Area	Mitigation
Visitor Experience, Public Health and Safety, and Park Operations	<p>Visitors will be informed in advance of construction activities via a number of outlets including the park website, newspaper, and visitor contact facility.</p> <p>The joint operations facility will achieve the highest possible rating (at least the “silver” level) under the USGBC’s LEED for New Construction, Version 2009. Applying LEED standards will reduce electricity consumption and related costs by about 40 to 50 percent.</p>

ALTERNATIVES CONSIDERED

Under the No Action Alternative, the joint operations facility would not be constructed. Amistad staff would continue to use the existing leased facilities located outside of the park. The No Action Alternative would not address safety and efficiency issues associated with current park facilities. The NPS would continue to lease the current buildings for the short term. The lease for the building housing the maintenance facility and visitor contact facility will expire in less than 3 years and the NPS would need to lease another building that would likely be located more than 10 miles from the park. The lease on the headquarters building also expires in 3 years, but the lease could possibly be renewed. This facility would remain inadequate to meet administrative needs, and safety concerns would not be addressed. The Border Patrol would continue to use trailers located on NPS land. No funds would be expended for construction of a joint operations facility; however, excessive costs to heat and cool the leased buildings, and for travel to the park, would continue.

The NPS determined that the Preferred Alternative to construct the joint operations facility is the environmentally preferred alternative. The Preferred Alternative surpasses the No Action Alternative in realizing the full range of national environmental policy goals as stated in Section 101 of NEPA to:

- (1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- (3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment, which supports diversity and variety of individual choice;
- (5) Achieve a balance between population and resource use, which will permit high standards of living and a wide sharing of life’s amenities; and
- (6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The Preferred Alternative will provide the widest range of beneficial uses without degradation, and will fulfill the park’s stewardship responsibility to protect resources (goal 1). The Preferred Alternative will improve public health and safety (goals 2 and 3), and will improve the efficiency of park operations and implement renewable energy sources and sustainability concepts (goals 5 and 6).

Other alternatives were considered but were rejected from additional analysis in the EA. Leasing off-site facilities to house NPS operations was eliminated from further consideration because no existing

structures or planned new developments were identified that would meet the requirements. In addition, an off-site facility or use of multiple buildings at different locations would not meet the goal of consolidating park operations at a single location within the park. The NPS considered construction of a new joint operations facility at a location other than the Diablo East area; however, other building sites would require development of undisturbed land and greater disturbance to park resources than the Preferred Alternative, and would require development of new water and sewer facilities. Alternative sites within the park were eliminated from further consideration because of the environmental disturbance, infrastructure requirements, and cost. The NPS considered several alternative designs for the joint operations facility at Diablo East that included different building layouts, features, orientation, and parking configurations. The design selected as the Preferred Alternative was determined in a collaborative process involving park staff, DSC specialists, contract architects, and engineers as the best combination of features.

WHY THE PREFERRED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As defined in 40 CFR § 1508.27, significance is determined by examining the following criteria.

Impacts that may be both beneficial and adverse; a significant effect may exist even if the agency believes that on balance the effect will be beneficial

The Preferred Alternative will result in both beneficial and adverse impacts. The project provides long-term beneficial effects to public health and safety, the quality of the visitor experience, and park operations. Replacement of the current visitor contact facility located in a leased facility located outside of the park with a modern convenient visitor contact facility within the boundary of the park will have a long-term beneficial effect to the quality of the visitor experience. The new joint operations facility will improve public health and safety within the park by constructing buildings that meet current building codes and safety standards and by improving the law enforcement presence in the park needed to reduce illegal drug smuggling. Consolidating, park headquarters, maintenance, visitor contact, and law enforcement operations (NPS and Border Patrol) at a joint facility located within the park will substantially improve efficiency and effectiveness of park operations.

Adverse impacts to soils, vegetation, wildlife, special status species, and visual resources range from negligible to moderate, and include short-term impacts from construction-related disturbances and long-term impacts. Temporary construction disturbance on 1.2 acres will be revegetated following construction. A long-term loss of soil productivity, vegetation cover, and wildlife and special status species habitat will occur from facility construction on about 6.2-acres of previously undisturbed shrubland. The joint operations facility will result in a long-term moderate adverse impact to scenic resources from the addition of a new structure to the landscape, but the visitor contact facility also will provide a beneficial effect by providing visitors with an opportunity for scenic views of Amistad Reservoir and surrounding lands. Mitigation measures, as listed in Table 1, will minimize adverse effects. A summary of resource effects is found in Table 4 of the EA.

Degree of effect on public health or safety

The joint operations facility will improve public health and safety by meeting current fire and electrical safety and building codes, and complying with workplace safety standards under Occupational Health and Safety Administration (OSHA). The new facility will be built to American Disability Act standards for universal accessibility. The facility also will provide an improved work environment for park staff, and is expected to have a positive effect on employee morale. Incorporating Border Patrol operations and NPS law enforcement in the proposed facility will improve public safety by helping to reduce illegal drug smuggling activities within the park.

Degree to which effects on the quality of the human environment are likely to be highly controversial

Amistad conducted public scoping prior to preparation of the EA, and the public was given an opportunity to comment on the completed EA. Based on the input received during public scoping; there was no evidence that the effects will be highly controversial. At the conclusion of the 30-day public review and comment period (which ended on February 18, 2010), the park had received 6 comments from the public and responses from the Texas Historical Commission and U.S. Fish and Wildlife Service (FWS). Given the substance of these comments, there is no evidence that the effect to the quality of the human environment will be highly controversial.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks

Constructing the joint operations facility at Diablo East meets project objectives by improving the efficiency and safety of park operations; by consolidating operations in the park at one location; providing a visitor contact facility within the park to improve visitor services and the quality of the visitor experience; and implementing a facility design that conserves resources, while protecting Amistad's natural and cultural values. The anticipated effects on the human environment, as analyzed in the EA, are not highly uncertain or unique, nor were any unknown risks identified.

Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration

Construction of the joint operations facility will not result in significant adverse effects to the natural environment, cultural resources, or visitor experience, and will not set a precedent for future actions that could have significant effects.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts

The EA concluded that past, present, and future activities, when coupled with the joint operations facility, will have long-term minor to moderate adverse cumulative effects on soils, vegetation, wildlife, special status species, and visual resources. Cumulative effects to visitor experience and recreation, public health and safety, and park operations will be long-term and beneficial. No significant adverse cumulative effects were identified.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on the National Register of Historic Places; or may cause loss or destruction of significant scientific, cultural, or historical resources

After applying Advisory Council on Historic Preservation criteria of adverse effects (36 CFR Part 800.5, Assessment of Adverse Effects), the NPS concludes that implementation of the Preferred Alternative will have no adverse effect on historic structures, archeological sites, cultural landscapes, ethnographic resources, or museum collections. The Preferred Alternative will not adversely affect any cultural or historical resources listed or potentially eligible for listing on the National Register of Historic Places based on surveys of the area of potential effect and concurrence received from the Texas Historical Preservation Officer on February 24, 2010.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat

Based on park resource data, staff knowledge, and FWS concurrence on March 17, 2010, no federally listed or special status species within the project area will be affected by the project.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas

As described in the EA, no adverse effects to historic or cultural resources, park lands, prime farmland, wetlands, wild and scenic rivers, or ecologically critical areas were identified for the Preferred Alternative.

Whether the action threatens a violation of federal, state, or local environmental protection law

The Preferred Alternative violates no federal, state, or local environmental protection laws.

APPROPRIATE USE, UNACCEPTABLE IMPACTS, AND IMPAIRMENT

Sections 1.5 and 8.12 of *NPS Management Policies 2006* underscore the fact that not all uses are allowable or appropriate in national park units. The proposed use was screened to determine consistency with applicable laws, executive orders, regulations, and policies; consistency with existing plans for public use and resource management; actual and potential effects to park resources; total costs to the NPS; and whether the public interest will be served.

Construction of the joint operations facility at Diablo East is consistent with the Amistad Draft General Management Plan/EA (2006), which calls for constructing improvements, including a new park headquarters, maintenance facility, and visitor contact facility. The NPS determined that construction of the proposed facility is an acceptable use because it will be consistent with applicable laws, policies, and existing plans for public use and resource management. The new facility will serve the public interest, and design considerations and mitigation measures will ensure that no major adverse impacts will occur to Amistad resources. Implementation of the Preferred Alternative will not result in any unacceptable impacts.

In analyzing impairments in the NEPA analysis for this project, the NPS takes into account the fact that if an impairment were likely to occur, such impacts would be considered major or significant under Council on Environmental Quality regulations. This is because the context and intensity of the impact would be sufficient to render what would normally be a minor or moderate impact to be major or significant. Taking this into consideration, NPS guidance documents note that “Not all major or significant impacts under a NEPA analysis are impairments.” However, all impairments to NPS resources and values would constitute a major or significant impact under NEPA. If an impact results in impairment, the action should be modified to lessen the impact level. If the impairment cannot be avoided by modifying the proposed action, that action cannot be selected for implementation.

In addition to reviewing the definition of “significantly” under NEPA regulations, the NPS has determined that implementation of the Preferred Alternative will not constitute an impairment to the integrity of Amistad’s resources or values, as described by *NPS Management Policies 2006* (§ 1.4). This conclusion is based on the NPS’s analysis of the environmental impacts of the Preferred Alternative as described in the EA, the public comments received, relevant scientific studies, and the professional judgment of the decision maker guided by *NPS Management Policies 2006*. The EA identified less than major adverse impacts on soils, vegetation, wildlife, special status species, visitor experience and recreation, visual resources, public health and safety, and park operations. This conclusion is further based on the Amistad Superintendent’s professional judgment, as guided and informed by the Amistad GMP. Overall, the project results in benefits to park resources and values, opportunities for their enjoyment, and does not result in their impairment.

PUBLIC INVOLVEMENT AND AGENCY CONSULTATION

The EA was made available for public review and comment during a 30-day period ending February 18, 2010. In accordance with Section 106 of the National Historic Preservation Act, the NPS consulted with the Texas Historical Commission. The NPS consulted with four Native American tribes and solicited their input or concerns with the project. In accordance with the Endangered Species Act, the NPS consulted with the FWS on potential impacts to federally listed threatened or endangered species.

The park received eight comments during the public review period of the EA, including six from the public and responses from the Texas Historical Commission and FWS. Each comment was considered and reviewed by park staff. Public comments were generally in support of the proposed action. Responses to the specific questions raised by the comments are attached at the end of this document. The commentors did not provide any additional, new, or substantive information that will change the determination of effects in the EA or that required changes to the text of the EA. The FONSI and Response to Comments will be sent to all commentors and will be available on the National Park Service Planning, Environment and Public Comment (PEPC) website at <http://parkplanning.nps.gov>.

CONCLUSION

As described above, the Preferred Alternative does not constitute an action meeting the criteria that normally requires preparation of an environmental impact statement (EIS). The Preferred Alternative will not have a significant effect on the human environment. Environmental impacts that could occur are limited in context and intensity, with generally adverse impacts that are localized and range from short- to long-term, and negligible to moderate. There are no unmitigated adverse effects on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the Preferred Alternative will not violate any federal, state, or local environmental protection law.

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

Approved:

 
Regional Director, Intermountain Region


Date

Response to Comments

JOINT LAW ENFORCEMENT OPERATIONS SPACE WITH BORDER PATROL, PARK HEADQUARTERS, MAINTENANCE, AND VISITOR CONTACT FACILITY ENVIRONMENTAL ASSESSMENT

AMISTAD NATIONAL RECREATION AREA

The following contains responses to substantive comments received on the EA. No changes in the text of the EA were made as a result of these comments.

Comment: Why couldn't the NPS property at Rough Canyon be used and why is the existing house at Rough Canyon is being torn down? Also, the comment requested a fishing dock, presumably in the Rough Canyon area.

Response: The Diablo East area was selected for the joint operations facility because it is one of the busiest portions of the park with proximity to existing facilities, infrastructure, and close access from Del Rio. Rough Canyon is not centrally located in the park and is about 15 miles farther from Del Rio than Diablo East. A joint operations facility at Rough Canyon would require substantially more driving time for park staff and visitors and the associated travel expense than the Diablo East location. The existing duplex house at Rough Canyon is being removed because it was not built to code and is too expensive to upgrade and maintain. Construction of a fishing dock at Rough Canyon is beyond the scope of the current project.

Comment: Where is the money coming from to fund this project?

Response: The project is funded through Congressional appropriation to the NPS line item construction program.

Comment: How will this project affect boat ramp parking and will more handicap parking be put in?

Response: The project will formalize existing parking areas near the boat ramp, but there will not be a substantial change in existing parking for boat trailers. Parking for staff and visitors will be added at the joint operations facility, but this would not include additional space for boat trailers. No new handicap parking would be added near the boat ramp. The steep slopes in this area make it very difficult to add additional parking without significant earthwork and environmental impacts. Handicap parking will be provided at the visitor contact facility.

Comment: A new boat ramp and parking on the other side of the Highway 90 bridge is needed to provide additional parking and boat launch opportunities.

Response: A new boat ramp and parking on the north side of the reservoir across the Highway 90 bridge is beyond the scope of the joint operations project. A new boat ramp at this location may be considered in the future as a separate project.