DEPARTMENT OF STATE

[Public Notice No. 3061]

Office of Mexican Affairs; Issuance of a Finding of No Significant Impact for Farm to Market Road 3464 From Interstate Highway 35 to the Laredo Northwest International Bridge (Bridge IV), Laredo, TX

AGENCY: Department of State.

SUMMARY: Notice is hereby given that the Department of State has issued a finding of no significant impact on the environment for Farm to Market Road 3464 from Interstate Highway 35 to the Laredo Northwest International Bridge (Bridge IV), Laredo, Texas. On October 7, 1994, the Department of State issued a Presidential Permit (''Permit'') to the sponsor, the City of Laredo, Texas (''City''), for construction of the Laredo Northwest International Bridge (''Bridge'') between Laredo, Texas, and Nuevo Laredo, Tamaulipas, Mexico. Issuance of the Permit was predicated, in part, upon the Department's Finding of No Significant Impact (''FONSI''), which it made on October 3, 1994, concluding that the issuance of the Permit would not have a significant impact on the quality of the human environment within the United States.

The Permit specifies that it relates to construction, operation, and maintenance of the Bridge ''facilities,'' which include ''the bridge, its approaches, and any land, structure or installations appurtenant thereto.'' For purposes of the Permit, the approach road (''Approach Road'') consists of an extension of Farm to Market Road (''FM'') 3464, connecting the Bridge to the nearest crossroad, FM 1472 (''Mines Road''), as specified in the City's February 1994 permit application and in the environmental assessment upon which it was predicated.

Following issuance of the Permit, the City became interested in realigning FM 3464, including the portion to be constructed as the Approach Road, approximately 1,000 feet to the south of the location described in the February 1994 permit application and environmental assessment. (The realignment would cover not only the Approach Road, but also the portion of FM 3464 beyond Mines Road, extending to Interstate Highway (''IH'') 35.)

In 1997, the City initiated an environmental assessment (''Assessment'') of the FM 3464 realignment project proposal's potential environmental effects. Four alignment options were considered (the original alignment, the proposed realignment and two alternative routes) from IH 35 to the Bridge. The Assessment was prepared by Parsons, Brinkerhoff, Quade & Douglas, Inc., of Austin, Texas, and is dated December 1997. It was amended on February 16, 1998. The Federal Highway Administration (''FHWA'') acted as the lead federal agency supervising preparation of the Assessment. In March 1998, after review of the Assessment by a large number of federal, state and local agencies, the FHWA made a ''finding of no significant impact'' on the quality of the human environment within the United States with respect to each of the four alternatives. The Laredo City Council then passed a resolution accepting the alternative realigning FM 3464, from IH 35 to the Bridge, 1,000 feet to the south of the initial alignment.

In late 1998, the Department, acting in a manner consistent with its regulations for implementation of the National Environmental Policy Act in the context of its responsibilities with respect to Presidential Permits, conducted its own independent review of the Assessment. Thereupon, the Department proposed to adopt the Assessment and make its own ''finding of no significant impact'' with respect to each of the four alternative routes between IH 35 and the Bridge. For purposes of the Permit, the Approach Road consists only of the extension of FM 3464 to be constructed between Mines Road and the Bridge. Nevertheless, since each alternative alignment of the Approach Road has been presented as a component of an alignment that would extend all the way to IH 35, the Department's analysis has included review of each roadway alignment alternative in full.

The Assessment that the Department proposed to adopt was reviewed by numerous federal and sub-federal agencies (many of which had already reviewed it in the context of the FHWA process). Each Agency, with the exception of the Texas Parks and Wildlife Department, has expressed no objection to the Department's proposed action and has approved or accepted the Assessment, provided, in certain cases, that mitigation recommendations are followed (as described below). These cooperating agencies are: U.S. Department of the Interior, U.S. Department of Treasury, U.S. Customs Service, U.S. Environmental Protection Agency, U.S. Department of Defense, U.S. Department of Health and Human Services, U.S. Food and Drug Administration, International Boundary and Water Commission—U.S. Section, U.S. Department of Commerce, U.S. Department of Agriculture, U.S. Federal Highway Administration, U.S. General Services Administration, U.S Coast Guard, U.S. Immigration and Naturalization Service, Texas Water Development Board, Texas Department of Transportation, Texas Historical Commission, and Texas Natural Resource Conservation Commission. The Texas Parks and Wildlife Department, citing its preference for Alternative 1, which in its view ''impacts the least amount of critical habitat and reduces the potential for wildlife and vehicle collisions,'' indicated that it unable to support a FONSI with respect to Alternative 2. The U.S. Department of the Interior has advised the Department that there is no ''critical habitat in the area under examination as that term is defined in the Endangered Species Act.''

For the reasons set forth in the summary, above, and based on the foregoing analysis, a finding of no significant impact is adopted and an environmental impact statement will not be prepared.

The environmental assessment and finding of no significant impact are available for inspection in the Office of Mexican Affairs during normal business hours, from 8:15 AM to 5:00 PM. Please contact David E. Randolph, Coordinator for U.S.-Mexico Border Affairs, U.S. Department of State, 2201 C. Street NW Room 4258, Washington, DC 20520, telephone (202) 647–8529.

SUPPLEMENTARY INFORMATION:

Factors Considered

The Department considered thoroughly four alternative alignment options in this case, described in detail in the Assessment and in summary fashion as follows.

Alternative 1

Utilize the alignment of existing FM 3464 between IH 35 and Mines Road and extend that alignment to the Bridge as approved in the October 1994 Permit.

Alternative 2

Build a new roadway approximately 1,000 feet south of that described in Alternative 1.

Alternative 3

Initially re-stripe existing FM 3464 as a one-way roadway with traffic traveling southwest toward the Bridge; in addition, construct a two-lane, one-way roadway 290 feet south of existing FM 3464 from Mines Road to Auburn Road and expand the separation to a maximum of 1,500 feet beyond Auburn Road, with traffic traveling Northeast toward IH 35. Ultimately, the roadway would consist of a reconstruction of the one-way facility from Mines Road northeast to IH 35 as a four-lane

controlled access facility with frontage roads.

Alternative 4

Build a new roadway approximately 500 feet south of that described in Alternative 1.

Three other options are addressed in the Assessment: (a) a no build/do nothing option; (b) a transportation system management option; and (c) a mass transit option. The Department has determined that these options, each of which is an alternative to construction of the Bridge itself, are not feasible.

In considering option (a), the no build/do nothing option, and option (c), the option of the City providing expanded public transportation services between Laredo, Texas and Nuevo Laredo, Tamaulipas, the Department notes the continuing increase in commercial truck traffic on the existing Laredo bridges. (Trucks use IH 35 as a staging area and line up on IH 35 for several miles during peak travel periods, waiting to cross the existing downtown bridges.)

The Department also notes the significant need for effective transportation of people, goods, and services between the United States and Mexico. (The value of imports and exports between the U.S. and Mexico increased 71% to $129.7 billion between 1992 and 1996.) Trade with Mexico is likely to continue to increase as a result of the increase in twin plants or maquiladoras located in Laredo and Nuevo Laredo. The most significant travel demand relates to commercial freight. The provision of mass transit services for the existing international bridges would not meet projected commercial, non-passenger demands. Moreover, fiscal constraints face the City's passenger transit system. In sum, increasing population, urbanization, and commerce in the Laredo area mean that existing problems of air pollution and traffic congestion caused by heavy truck traffic will continue to cause the quality of the environment of the Laredo/Nuevo Laredo downtown areas to deteriorate if no acceptable alternative route for such traffic is provided. These options were considered thoroughly in connection with the Department's review of the City's 1994 permit application (see October 3, 1994, FONSI, 59 FR 59268 *et seq.*). They were not chosen at that time and a decision was made then to issue the Permit. For the reasons described above, the Department's 1994 analysis applies with at least equal force in 1999.

Option (b), the transportation system management option, would involve re-routing heavy, commercial vehicle traffic from two existing international bridges in Laredo (both of which connect to the Mexican State of Tamaulipas) to the Laredo Colombia Solidarity Bridge, which provides access to the Mexican State of Nuevo Leon. Such an alternative approach would effectively deny heavy commercial vehicles direct access to Tamaulipas. In so doing, it would also damage or destroy the livelihood of long-standing and vibrant business interests in Tamaulipas. Such economic dislocation could, in turn, have negative effects on relations between the United States and Mexico. Accordingly, the Department finds option (b) not to be viable.

Analysis of the Environmental Assessment Submitted by the City

The Assessment submitted by the City provides information on the environmental effects of the four alternatives outlined above regarding the alignment of FM 3464. On the basis of the Assessment and information developed by the Department and the other federal and state agencies in the process of reviewing the Assessment, the Department makes the following determinations regarding the impact of these alignment alternatives.

Air Quality

This project is in an area that is in attainment of the National Ambient Air Quality Standards (NAAQS). Concentrations of carbon monoxide under the worst case meteorological conditions are not expected to exceed the NAAQS at any time. While there is potential during the construction phase for any of the alternatives involving new construction to adversely affect air quality in the short term, even these effects may be mitigated by requiring contractors to minimize exhaust emissions through emissions control devices and to limit unnecessary idling of construction vehicles.

River Channel and Floodplains

Each of the four roadway alternatives would cross three stream channels: Las Manadas Creek and two unnamed drainage areas. Channel realignments are currently not anticipated. Roadway construction may involve some channelization and excavation within the right-of-way for the placement of culverts. The U.S. Department of the Interior has stated that Alternative 2 would be acceptable to it provided certain mitigation recommendations made by its Fish and Wildlife Service are followed. The Fish and Wildlife Service has requested and the City has agreed to work with the Texas Department of Transportation to accomplish appropriate culvert designs for incorporation into the roadway planning to provide safe and viable travel corridors for endangered cats. The proposed project will not alter the existing hydrological characteristics and will not increase backwater elevation in the Rio Grande River, Las Manadas Creek, or the two other large drainage areas by more than one foot. Encroachment on floodplains was analyzed to determine any effects caused by the roadway in the event of the 100-year flood. The Bridge and roadway will permit the conveyance of the hundred-year flood, inundation of the roadway being acceptable without causing it or the Bridge significant damage.

Historical and Archeological Resources

In October 1996, an intensive cultural resource survey was conducted for the corridor containing the roadway alternatives. In addition, a single corridor from 0.5 miles north of the current alignment of FM 3464 to 0.5 miles south of the proposed FM 3464 realignment's southern-most right of way, which includes each of the four alternatives, was investigated for historic standing structures through a ''windshield survey'' and archival map review. Each alternative was found to affect a number of prehistoric sites that had been disturbed previously. No historic properties were listed in the National Register of Historic Places (NRHP) and no pre-1950 standing structures were observed 0.5 miles north of the existing alignment of FM 3464 nor 0.5 miles south of the southern-most realignment proposal's southern right-of-way. One archeological site would be impacted by each of the four alternative routes: state trinomial number 41WB429. The Texas Department of Transportation (TXDOT) completed a program of archeological testing at this site and based upon the results of that study the Texas Historical Commission concurred with TXDOT's recommendation that the site lacks significant research potential and therefore is ineligible for inclusion in the NRHP. In reviewing the project according to the procedures set forth in 36 C.F.R. 800, the Advisory Council on Historic Preservation's guidelines for the implementation of Section 106 of the National Historic Preservation Act of 1966, as amended, and in light of the absence of properties eligible for inclusion in the NRHP, the Texas Historical Commission concluded that the proposed project including each of the four access road alternatives will have no effect on historic properties.

Land Use and Local Development Impacts

The current area land use along the existing FM 3464 corridor is predominately warehousing, light industrial and commercial. Short-term development impacts are considered insignificant because of the site's rural nature and consist of increased traffic resulting from roadway construction. Alternative 1 (expanding FM 3464 while maintaining its existing alignment and extending this roadway from Mines Road to the Bridge) may result in minimal traffic delays as a result of construction activities. Alternatives 2, 3, and 4 each involve building a new roadway within 1000 feet of existing FM 3464 and traffic would use the existing facility during construction activities. Long-term impacts will be determined by the rate and intensity of development associated with the Bridge and roadway construction between it and IH 35. Under Alternative 1, development would likely continue to be centered around the improved roadway and traffic patterns would not likely change significantly. If Alternative 2, 3, or 4 were chosen, development would probably be centered around the relocated roadway facility. Though traffic patterns would change, the existing roadway would remain open to traffic and would be maintained as a city street.

Threatened and Endangered Species

None of the four roadway alternatives would result in a significant reduction in range and brush land available for habitat. In October 1996 a biological survey was completed regarding the Bridge facilities and alternative road alignments (an area of almost 441 acres). The survey area has two riparian woodlands/wetlands areas comprising 55.4 acres. No endangered plant species were found and impacts to threatened or endangered plants are not anticipated under the four alternatives. Impacts to endangered ocelots and other wildlife may be direct in the form of death through vehicular collision. Such direct impacts appear to be lowest for Alternative 1 and similar as between Alternatives 2 and 4 as each of these alternatives would involve construction of a new roadway across linear habitat features (wetlands and riparian corridors) used by wildlife. Alternative 3 includes an additional two-lane, one-way roadway, which would increase the potential occurrence of mortality from road kill. In addition to the mitigation measures referred to above (see discussion of floodplains), the U.S. Department of the Interior has indicated that Alternative 2 would be acceptable to it provided that recommendations of the Fish and Wildlife Service were followed. In accordance with the recommendations of the Fish and Wildlife Service, the City has agreed to work with the Texas Department of Transportation so that permanent street lighting is directed only on the roadway and not on surrounding vegetation near crossings and activities resulting in vegetation disturbance are avoided during the general migratory bird nesting period of March through August.

Traffic Noise

Construction noise is difficult to predict. Provisions should be included in the plans and specifications that require the contractor to make every reasonable effort to minimize construction noise through abatement measures such as work-hour controls and proper maintenance of equipment muffler systems. Post-construction traffic noise analysis of the four roadway alternatives indicates no impact will result.

Wetlands

Two potential Palustrine wetland areas were identified occupying 15.23 acres of the survey area. These lie at the Las Manadas Creek headwaters. Alternative 1 would widen the existing FM 3464 crossing at the headwaters of Las Manadas Creek wetland and would impact 1.85 acres of potential wetlands. Similar direct impacts would be anticipated with respect to Alternatives 2 and 3, which would involve constructing a new road across the wetland area and could involve 3.72 acres of wetlands. Alternative 4 would involve constructing a new roadway across the narrowest portion of the wetland along Las Manadas Creek. This alternative could produce direct impacts to 1.98 acres of wetlands. Cumulative impacts are similar for each of the four roadway alternatives. These may include for each, additional non-point source pollutant discharge into Las Manadas Creek, increased surface runoff, and erosion and degradation of wetland function. Additional consultations with the U.S. Army Corps of Engineers are required in order to obtain a permit under Section 404 of the Clean Water Act and 40 CFR 230, which authorizes the discharge of dredge and fill materials into waters of the United States. The City and the Texas Department of Transportation have assured the Department that they will comply with Section 404.

Environmental Justice

The Bridge, ancillary facilities and the roadway connection to IH 35 are located in census tract 001075, which the 1990 census indicated had a population of 3,320. The 1996 population is estimated to be 7,167 and over 96 percent are estimated to be Hispanic. No residential population is located within 4,000 feet of the proposed project. Median household income was $30,149. Therefore, minority and low-income populations will not be impacted disproportionately in an adverse manner by any of the proposed roadway alignment alternatives, nor will there be any negative impacts to community cohesion or neighborhood stability.

Dated: June 9, 1999.

David E. Randolph,

Coordinator, U.S.-Mexico Border Affairs, Office of Mexican Affairs.

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DEPARTMENT OF STATE

[Public Notice No. 3060]

Office of Mexican Affairs; Notice of Issuance of an Amended Presidential Permit for the Laredo Northwest International Bridge (Bridge IV), Laredo, TX

AGENCY: Department of State.

ACTION: Notice of Issuance of an Amended Presidential Permit for the Laredo Nortwhest International Bridge (Bridge IV), Laredo, Texas.

SUMMARY: Notice is hereby given that the Department of State has issued an Amended Presidential Permit for the Laredo Northwest International Bridge (Bridge IV) project sponsored by the City of Laredo, Texas. The amended permit was issued April 12, 1999 pursuant to the International Bridge Act of 1972 (33 U.S.C. 535 *et seq.*) and Executive Order 11423 of 1968, as amended by Executive Order 12847 of 1993.

ADDRESSES: Copies of the Presidential Permit may be obtained from Mr. David E. Randolph, Coordinator, U.S.-Mexico Border Affairs, Office of Mexican Affairs, Room 4258, Department of State, Washington, DC 20520, telephone (202) 647–8529.

SUPPLEMENTARY INFORMATION: Notice of the application by the City of Laredo, Texas for a permit to build a new bridge, with access road, to be constructed across the Rio Grande River between Laredo, Texas and Nuevo Laredo, Tamaulipas, Mexico was published in the **Federal Register** on October 3, 1991