RECORD OF DECISION

ALTERNATIVE VEGETATION MANAGEMENT PRACTICES FOR THE LOWER RIO GRANDE FLOOD CONTROL PROJECT

1.0 SUMMARY

The United States Section, International Boundary and Water Commission (USIBWC) analyzed alternative vegetation maintenance activities between River Miles 28 and 186 within the United States portion of the Lower Rio Grande Flood Control Project (LRGFCP). This Record of Decision (ROD) documents the selection of the Preferred Alternative, Continued Maintenance (No-Action), as presented in the Final Environmental Impact Statement (FEIS).

2.0 INTRODUCTION

The USIBWC vegetation maintenance program was established to fulfill the United States Government's obligations under International Boundary and Water Commission (IBWC) Minutes No. 212 and No. 238 and to protect life and properties in the United States and Mexico from Rio Grande flooding events. Within this vegetation maintenance program, the USIBWC must fulfill commitments arising from a 1990 Consent Decree (CA No. 89-3005-RCL (1990 WL 116845 (D.D.C.)), Jul. 31, 1990), 1993 Biological Opinion (BO), and new 2003 BO dated May 23, 2003. The 2003 BO resulted from reinitated consultation due to the expiration of the 1993 BO. The FEIS addresses the impacts of alternative vegetation maintenance practices as required under the 1990 Consent Decree.

The project area addressed in the FEIS included approximately 43,210 acres along the United States portion of the Rio Grande. Although the LRGFCP includes an extensive off-river floodway system, no analysis of the impacts in the off-river floodways is included since no change in vegetation maintenance practices is proposed for these areas. All of the alternatives address maintenance activities between River Mile (RM) 28.00 and RM 186.00. The LRGFCP area is located within Hidalgo County, Cameron County, and Willacy County, Texas. The following sections describe the four vegetation maintenance alternatives considered by the USIBWC. Each alternative assumes a 20-year project life based on estimates of the required time to reach full climax vegetation.

3.0 DESCRIPTION OF THE PROPOSED ALTERNATIVES

Prior Maintenance Alternative

The Prior Maintenance Alternative would return vegetation maintenance practices to the previous activities specified in IBWC Minutes No. 212 and No. 238, dated December 22, 1961, and September 10, 1970, respectively. This alternative calls for the implementation of vegetation maintenance practices as conducted prior to the 1993 BO, and assumes an expansion in the area of the Lower Rio Grande Valley National Wildlife Refuge (LRGV NWR). Under the Prior Maintenance Alternative, vegetation within an average of approximately 164 feet (ft) of the river would be maintained between RM 28.00 and RM 169.14, covering approximately 1,022 acres.

Continued Maintenance Alternative (No-Action)

The Continued Maintenance Alternative is a continuation of the current vegetation maintenance practices, developed by the USIBWC in response to the 1993 Biological Assessment (BA) prepared for the United States Fish and Wildlife Service (USFWS) BO. This alternative also assumes an expansion in the area of the LRGV NWR. Under this alternative, vegetation would be maintained

within approximately 75 ft of the river, between RM 28.00 and RM 62.50, and maintenance activities would cover an estimated 291 acres. A 33-foot wide wildlife travel corridor would be established and maintained landward of the 75-foot maintenance strip. The Continued Maintenance Alternative has been chosen as the Preferred Alternative since it provides the best balance between flood control and the maintenance of habitat for threatened and endangered species.

Under the 2003 BO, USIBWC agreed to designate the Continued Maintenance Alternative as the Preferred Alternative. Additional terms of the 2003 BO include avoiding maintenance activities during migratory bird peak breeding season (March through August), when possible. If this is not possible, USIBWC will conduct surveys to locate active nests prior to mowing activities. The 2003 BO also contains stipulations to ensure the environmental commitments of USIBWC are met in a timely manner. This includes regular progress reports and the formation of a coordination workgroup with representatives from USIBWC, USFWS, Cameron County, Hidalgo County, and Willacy County, Texas Parks and Wildlife Department (TPWD), and LRGV Water Committee and Program. The group will work to obtain easements for the wildlife travel corridor and monitor the progress of implementing commitments under the BO.

Suspended Maintenance Alternative

The Suspended Maintenance Alternative involves the termination of all vegetation maintenance activities from RM 28.00 to RM 186.00. This alternative is the environmentally preferable alternative since it involves no further disturbance of the natural environment through vegetation maintenance activities. However, it provides no flood control to fulfill the United States Government's obligations under IBWC Minutes No. 212 and No. 238.

Expanded Maintenance Alternative

The Expanded Maintenance Alternative calls for an expansion of the current vegetation maintenance practices into additional areas upstream of the segment addressed by the USFWS BO, which ends at RM 62.50. Under this alternative, vegetation maintenance would occur within approximately 75 ft of the Rio Grande, covering 874 acres between RM 28.00 and RM 186.00. A 33-foot wide wildlife travel corridor would be established and maintained landward of the 75-foot maintenance strip. This alternative also assumes an expansion of the area of the LRGV NWR. The Expanded Maintenance Alternative would provide the most benefits for flood control purposes, but require that new areas with potential habitat along the Rio Grande be brought under the maintenance program. As a result of USIBWC and stakeholder concerns for project flood control capabilities, the USIBWC intends to perform additional studies and analyses relative to flood control.

4.0 SUMMARY OF ENVIRONMENTAL EFFECTS

Nine resource areas were identified and potential environmental consequences were analyzed. The specified resource areas identified in the FEIS include biological resources (with a focus on species of concern including the ocelot, jaguarundi, Walker's manioc, Texas ayenia, and the South Texas ambrosia), socioeconomic resources and environmental justice, land use, water resources, cultural resources, soil and geology, hazardous materials, air quality, and noise. The environmental consequences for each alternative are presented in the text below. A summary of these consequences is listed in Table 2-3 of the FEIS.

The Prior Maintenance Alternative could potentially cause shifts in wildlife guilds as a result of changes in habitat. Approximately 27 acres of potential threatened and endangered ocelot and jaguarundi (cat) habitat could be lost under this alternative and a wildlife corridor would not be established. If cat habitat could not be avoided, additional consultation with USFWS would be required. Socioeconomic resources and land use would be unaffected under this alternative. The

magnitude of flooding events would be reduced. Erosion events are not anticipated since vegetation would be maintained at an aboveground level; therefore, water resources and soils and geology would not be impacted. Soils would not be disturbed by the vegetation maintenance and therefore cultural resources would not be affected. Applicable standards pertaining to hazardous materials would be followed. Criteria pollutants emitted as a result of this alternative would be <0.002 percent of the Cameron and Hidalgo counties emission inventory. Noise from vegetation maintenance equipment would be consistent with current agricultural practices.

The Continued Maintenance Alternative (No-Action) would not present any changes or additional actions from the current vegetation maintenance practices. All nine resource areas would be unaffected from the current baseline. A wildlife corridor, covering approximately 57 acres would be established under this alternative. USIBWC has chosen the Continued Maintenance Alternative as the Preferred Alternative.

Termination of vegetation maintenance under the Suspended Maintenance Alternative could potentially increase wildlife habitat and improve near-shore aquatic ecosystems. Approximately 12 acres of potential threatened and endangered cat habitat would be re-established if vegetation maintenance were terminated. The magnitude of flooding events would be marginally greater than the current conditions. Re-growth of vegetation could have positive impacts on water quality. The local economy would be unaffected by this alternative. Land use, cultural resources, soils and geology, hazardous materials, air quality and noise would not be affected if vegetation maintenance were suspended.

The Expanded Maintenance Alternative could potentially cause shifts in wildlife guilds as a result of changes in habitat. Approximately 42 acres of potential threatened and endangered cat habitat could be lost under this alternative; however, a wildlife travel corridor, covering approximately 314 acres would be established. If cat habitat could not be avoided, additional consultation with USFWS would be required. The local economy and employment would be unaffected. Land use and cultural resources would not be affected. Erosion events are not anticipated; therefore water resources and soils and geology would not be impacted. Applicable standards pertaining to hazardous materials would be followed. Criteria pollutants emitted as a result of this alternative would be <0.002 percent of Cameron and Hidalgo counties emission inventory. The noise resulting from vegetation maintenance would be consistent with current agricultural practices.

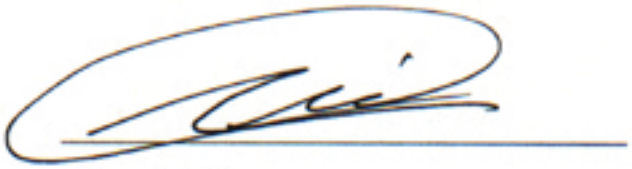
The environmental consequences resulting from the alternatives do not require mitigation. Since the lower portion of the project area impinges on the Texas Coastal Zone, a Texas Coastal Zone Consistency Determination is included as Chapter 5 of the FEIS. The Coastal Coordination Council has concurred with the determination that the project is consistent with the Texas Coastal Management Program.

5.0 PUBLIC REVIEW

The USIBWC's Draft Environmental Impact Statement (DEIS) for vegetation maintenance activities within the LRGFCP was made available for public review and comment from July 11, 2003, to October 9, 2003, and a public meeting was held on July 30, 2003. The FEIS incorporated agency and public comments that were received during the DEIS public review period, as well as comments received from agencies during the comment period for the Preliminary Draft Environmental Impact Statement (PDEIS), and public scoping meetings held in January 1991 and September 1998. All comments were responded to in the FEIS. As a result of USIBWC and stakeholder concerns for project flood control capabilities, the USIBWC intends to enter into consultation with the USFWS as required under the Endangered Species Act to address portions of the LRGFCP outside the Preferred Alternative area of maintenance.

6.0 DECISION

I have reviewed the FEIS and other documents concerning the proposed action; views of other interested agencies; and the various practicable means to avoid or minimize environmental harm from continued vegetation maintenance. Based on these considerations, I conclude that all practical means to avoid or minimize adverse environmental effects have been incorporated into the recommended action. The Continued Maintenance Alternative has been chosen as the Preferred Alternative since it provides the best balance between flood control and the maintenance of habitat for threatened and endangered species. I approve the plan for continued vegetation maintenance in the LRGFCP.



02/09/04

Arturo Q. Duran
Commissioner
United States Section
International Boundary and Water Commission
United States and Mexico

Date