

FINAL ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT

Management of Federal Grazing Leases at the Falcon Dam and Reservoir, Starr and Zapata Counties, Texas

Lead Agency: United States Section, International Boundary and Water Commission (USIBWC)

Preferred Alternative: The USIBWC has selected to implement a combination of Alternatives 2 through 8 for the implementation of grazing lease management at the Falcon Project. A combination of these alternatives could be applied to the grazing lease program.

Report Designation: Final Environmental Assessment (EA)

Abstract: The USIBWC is updating or eliminating active and inactive grazing leases in use for commercial, residential, or recreational purposes on federal land in the Falcon Project (i.e., Falcon Dam and Reservoir). Rights-of-way (ROWs) for the Falcon Project totaled 63,192 acres on the U.S. side as of 2000. This EA will assist USIBWC in determining if grazing leases should be allowed or discontinued and/or whether land management alternatives should be established in lieu of grazing.

USIBWC developed and analyzed eight grazing lease management alternatives, including the No Action Alternative. The No Action Alternative is a requirement of the National Environmental Policy Act process and is included to provide a baseline against which the other alternatives can be evaluated. The alternatives include:

- Alternative 1 – No Action
- Alternative 2 – Terminate Leases
- Alternative 3 – Change Rental Rates on Active Leases and Implement Improved Program Management
- Alternative 4 – Allow Hunting on Existing Grazing Leases
- Alternative 5 – Terminate Leases Not Directly Accessible from Public ROWs
- Alternative 6 – Negotiate Access Easements on Private Property for Existing Leases
- Alternative 7 – Amend Leases to Allow Vegetation Management
- Alternative 8 – Form a Citizens' Committee to Provide Lease Management Support

Potential impacts on natural, cultural, and other resources were evaluated. A Finding of No Significant Impact has been prepared for all alternatives based on a review of the facts and analyses contained in the EA and from public involvement during the scoping period and the public and agency review of the Draft EA.

FINDING OF NO SIGNIFICANT IMPACT
Management of Federal Grazing Leases
at the Falcon Dam and Reservoir,
Starr and Zapata Counties, Texas

LEAD AGENCY

United States Section, International Boundary and Water Commission (USIBWC)

BACKGROUND

The USIBWC is updating or eliminating active and inactive grazing leases in use for commercial, residential, or recreational purposes on federal land in the Falcon Project (i.e., Falcon Dam and Reservoir). Rights-of-way (ROWs) for the Falcon Project totaled 63,192 acres on the U.S. side as of 2000. This project will assist USIBWC in determining if grazing leases should be allowed or discontinued and/or whether land management alternatives should be established in lieu of grazing.

The grazing lease program has continued for areas along the Falcon Reservoir that were originally ranches and farms before the land was acquired by the federal Government pursuant to the Water Treaty of 1944 between the U.S. and Mexico, with construction of the Falcon Project completed on 19 October 1953. The grazing lease program assured those areas not under water or flooded and owned by the federal Government would be economically used as they were in the past by the local community. Initially leases allowed for agricultural uses in addition to grazing, but agricultural activities and any clearing of leased lands were later restricted to reduce potential impacts on cultural resources in accordance with National Historic Preservation Act requirements. Active leases currently only allow grazing activities.

Grazing leases, licenses, and permits consist of any written permit or other legal document for an individual, corporation, etc., to use and improve land owned by the U.S. Government under the jurisdiction of the USIBWC at Falcon Reservoir. In the past, 22,270.57 acres of land were under 159 active grazing leases. As of 2020, there were 117 active grazing leases with many that are still held by the descendants of the original permittees and/or stakeholders.

The Study Area for this grazing lease assessment is at the water-land interface below the 307-foot traverse taking line of the reservoir, with some ingress up to the 314-foot taking line with easements into and adjacent to private land. The grazing lease program includes the 159 active and inactive grazing leases originally issued in 1956.

The purpose for the Proposed Action is to successfully manage federal land in the Falcon Project. Federal lands associated with the Falcon Project have been utilized by the public for various activities, including grazing leases, since the Falcon Project was established. However, the economic value of these leases and the challenges to successful land management require a reevaluation of the grazing lease program. The need is to implement land management

alternatives to grazing leases that address low grazing lease values, limited access by USIBWC to leased lands, and unauthorized activities on leased lands.

ALTERNATIVE ACTIONS

USIBWC developed and analyzed eight alternatives, including the No Action Alternative. The No Action Alternative is a requirement of the National Environmental Policy Act (NEPA) process and is included to provide a baseline against which the other alternatives can be evaluated. The alternatives include:

- Alternative 1 – No Action
- Alternative 2 – Terminate Leases
- Alternative 3 – Change Rental Rates on Active Leases and Implement Improved Program Management
- Alternative 4 – Allow Hunting on Existing Grazing Leases
- Alternative 5 – Terminate Leases Not Directly Accessible from Public ROWs
- Alternative 6 – Negotiate Access Easements on Private Property for Existing Leases
- Alternative 7 – Amend Leases to Allow Vegetation Management
- Alternative 8 – Form a Citizens' Committee to Provide Lease Management Support

SUMMARY OF FINDINGS

NO ACTION ALTERNATIVE

There would be no change to the Falcon Project grazing lease program under the No Action Alternative. USIBWC would continue to receive a potentially below market rate for the grazing leases and potentially not be able to adequately manage the lease program. Land use, biological resources, earth resources, water resources, cultural resources, recreational resources, and socioeconomics of the Falcon Project area and Zapata and Starr counties, Texas, would remain relatively unchanged. Some minor adverse impacts would continue to occur to soils and surface water quality from continued soil erosion along dirt roads and from areas denuded by grazing activities. Recreational opportunities on Falcon Project lands would continue to be limited by restricted access from fences and gates along leased lands. There would be no disproportionate impacts on minority or low-income populations.

ACTION ALTERNATIVES

Alternative 2 – Terminate Leases. Under Alternative 2, USIBWC would elect to terminate any active leases in accordance with the leases' termination clause and reduce or eliminate the grazing lease program at Falcon Reservoir. There would be minor beneficial impacts on land use, biological resources, earth resources, water resources, cultural resources, or recreational resources, as leased lands would likely become entirely dominated by thorny brush vegetation, soil disturbance from grazing activities would end, and access restrictions would cease. There

would be moderate adverse socioeconomic impacts in the region as lands used for livestock grazing would be removed from commerce, and local ranchers would reduce their livestock herds accordingly. There would be no disproportionate impacts on minority or low-income communities as those most impacted by the economic loss would be landowners located adjacent to the Falcon Project lands.

Alternative 3 – Change Rental Rates on Active Leases and Implement Improved Program Management. Under Alternative 3, USIBWC would change the rental rates on leases to be at fair market value and implement improved lease management measures. There would be no impacts on land use, biological resources, earth resources, water resources, cultural resources, or recreational resources, as grazing on leased lands would continue. There would be minor socioeconomic impacts in the region as the cost for livestock grazing on leased lands would increase. Increased revenue from leased lands would increase the market rate value of grazing leases and encourage improved management and use by lessees. There would be no disproportionate impacts on minority or low-income communities as those most impacted by any increased lease rates would be landowners located adjacent to the Falcon Project lands.

Alternative 4 – Allow Hunting on Existing Grazing Leases. Under Alternative 4, USIBWC would allow hunting on leased lands within the regulated limits provided by Texas Parks and Wildlife Department. There would be no impacts on land use, biological resources, earth resources, water resources, cultural resources, or socioeconomics as grazing on leased lands would continue, and only game animals would be hunted within seasonal state limits. There would be minor beneficial impacts on recreation as hunting opportunities would increase regionally. There would be no disproportionate impacts on minority or low-income communities from allowing hunting on leased lands.

Alternative 5 – Terminate Leases Not Directly Accessible from Public ROWs. Impacts from Alternative 5 would be very similar to those previously described for Alternative 2; however, USIBWC would elect to terminate only those leases not directly accessible from public ROWs in accordance with the leases' termination clause. There would be minor beneficial impacts on land use, biological resources, earth resources, water resources, cultural resources, and recreational resources, and moderate adverse socioeconomic impacts in the region. There would be no disproportionate impacts on minority or low-income communities.

Alternative 6 – Negotiate Access Easements on Private Property for Existing Leases. Under Alternative 6, USIBWC would negotiate access easements on private property for existing leases. The impacts from Alternative 6 would be similar to those described for Alternative 1, the No Action Alternative. Improved access by USIBWC personnel to grazing leases would not substantially impact land use, biological resources, earth resources, water resources, cultural resources, recreational resources, or socioeconomics. There would be no disproportionate impacts on minority or low-income communities.

Alternative 7 – Amend Leases to Allow Vegetation Management. Under Alternative 7, USIBWC would amend leases to allow herbicide application and/or mechanical vegetation removal. As a vegetation management technique, prescribed burning was considered under this

alternative, but determined to not be reasonable, as it would require lessees to manage all prescribed burns. Herbicide application would only be conducted by licensed applicators. Mechanical vegetation control would be limited to the use of hand tools, and no roots would be pulled or removed as part of the mechanical vegetation control activities. There would be minor short-term adverse impacts on biological resources, earth resources, water resources, cultural resources, and recreational resources from vegetation management activities. There would be no disproportionate impacts on minority or low-income communities.

Alternative 8 – Form a Citizens’ Committee to Provide Lease Management Support. Under Alternative 8, USIBWC would form citizen’s committee to provide lease management support. The citizen’s committee would support lessees and USIBWC’s management of the grazing lease program and be a conduit for communication and information exchange between USIBWC and lessees and local Government officials. Under Alternative 8, there would be no impacts on land use, biological resources, earth resources, water resources, cultural resources, recreational resources, or socioeconomics. There would be no disproportionate impacts on minority or low-income communities.

CUMULATIVE IMPACTS

Implementing all or a combination of Alternatives 2 through 8 would have no impacts on recreational resources, cultural resources, and environmental justice; minor adverse cumulative adverse impacts on biological resources, earth resources, and water resources; and minor beneficial cumulative impacts on land use and socioeconomics. Reasonably foreseeable ongoing or future projects, in combination with the Proposed Action, would not have cumulative significant impacts on the natural or human environment.

CONSULTATIONS

Under Section 7 of the Endangered Species Act, USIBWC made a *no effect* determination on the ferruginous pygmy owl (*Glaucidium brasilianum cactorum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), and Texas hornshell (*Popenaias popeii*); a *may affect but not likely to adversely affect* determination on the Gulf Coast jaguarundi (*Puma yagouaroundi cacomitli*), ocelot (*Leopardus pardalis*), ashy dogweed (*Thymophylla tephroleuca*), star cactus (*Astrophytum asterias*), Walker’s manioc (*Manihot walkerae*), and Zapata bladderpod (*Physaria thamnophila*); and a *not likely to jeopardize the continued existence* of the monarch butterfly (*Danaus plexippus*) and prostrate milkweed (*Asclepias prostrata*). USIBWC requested concurrence with the USFWS on these determinations. Concurrence from the USFWS was received on 24 January 2024.

Under Section 106 of the National Historic Preservation Act, USIBWC determined that the Area of Potential Effects for the Proposed Action and alternatives includes all federal lands where grazing leases could be issued and managed, which includes all lands between the 307-foot traverse taking line to the land-water interface in Falcon Reservoir. Because there would be no direct ground-disturbing activities and all potential impacts on known and unknown cultural resources would be associated with grazing activities and vegetation management to improve

leases for grazing, USIBWC made a no effect on historic properties determination for the proposed changes to the grazing lease program. USIBWC received concurrence from the Texas State Historic Preservation Office on these determinations on 26 September 2023.

DECISION

Based on my review of the facts and analyses contained in the EA, I conclude that the implementation of one or any combination of Alternatives 2 through 8 to manage the grazing lease program at the Falcon Project would not have a significant impact on the environment. Details of the implementation of alternatives to manage the grazing lease program would be determined by the USIBWC Realty Division. All active leases would not be terminated simultaneously. The entire lease program would not be terminated. Accordingly, requirements of NEPA and regulations promulgated by the Council on Environmental Quality are fulfilled and an environmental impact statement is not required. This decision has been made after considering all submitted information, including a review of all public and agency comments received during the 30-day public comment period, and considering a full range of reasonable alternatives that meet project requirements and are within the legal authority of the USIBWC.

MARIAELENA
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Dr. Maria-Elena Giner, P.E.,
Commissioner
International Boundary and Water Commission
United States Section

June 28, 2024

Date

FINAL
ENVIRONMENTAL ASSESSMENT
FOR THE MANAGEMENT OF FEDERAL GRAZING LEASES
AT THE FALCON DAM AND RESERVOIR,
STARR AND ZAPATA COUNTIES, TEXAS

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LIST OF ACRONYMS AND ABBREVIATIONS

AITSCM	American Indians of Texas at Spanish Colonial Missions
APE	Area of Potential Effect
APHIS	Animal and Plant Health Inspection Services
BGEPA	Bald and Golden Eagle Protection Act
BLM	Bureau of Land Management
BMP	best management practice
CBP	United States Customs and Border Protection
CFR	Code of Federal Regulations
CRMP	Cultural Resources Management Plan
EA	Environmental Assessment
EO	Executive Order
ESA	Endangered Species Act
FR	Final Rule
FRPA	Falcon Reservoir Programmatic Agreement
GSA	United States General Services Administration
IBWC	International Boundary and Water Commission
MBTA	Migratory Bird Treaty Act
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOA	Notice of Availability
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
PBPA	Permian Basin Programmatic Agreement
ROW	right-of-way
RVSS	remote video surveillance systems
SHPO	State Historic Preservation Office
U.S.	United States
USC	United States Code
USDA	United States Department of Agriculture

USEPA	United States Environmental Protection Agency
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
USIBWC	United States Section, International Boundary and Water Commission
Vernadero	Vernadero Group Inc.

1.0 INTRODUCTION

1.1 Background

The International Boundary and Water Commission (IBWC) includes the Mexican Section and the United States (U.S.) Section. The IBWC's mission is to provide binational solutions to issues that arise during the application of U.S. and Mexico treaties related to boundary demarcation, national ownership of waters, sanitation, water quality, and flood control in the border region.

The U.S. Section of the International Boundary and Water Commission (USIBWC) is updating or eliminating active and inactive grazing leases in use for commercial, residential, or recreational purposes on federal land in the Falcon Project (i.e., Falcon Dam and Reservoir). Rights-of-way (ROWs) for the Falcon Project totaled 63,192 acres on the U.S. side as of 2000. This Environmental Assessment (EA) will assist the USIBWC in determining if grazing leases should be allowed or discontinued and/or whether land management alternatives should be established in lieu of grazing.

The grazing lease program has continued for areas along the Falcon Reservoir that were originally ranches and farms before the land was acquired by the federal Government pursuant to the Water Treaty of 1944 between the U.S. and Mexico, with construction of the Falcon Project completed on 19 October 1953. The grazing lease program ensured that those areas not under water or flooded and owned by the federal Government would be economically used as they were in the past by the local community. Initially leases allowed for agricultural uses in addition to grazing, but agricultural activities and any clearing of leased lands were later restricted to reduce potential impacts on cultural resources in accordance with National Historic Preservation Act (NHPA) requirements. Active leases currently only allow grazing activities.

Grazing leases, licenses, and permits consist of any written permit or other legal document for an individual, corporation, etc., to use and improve land owned by the U.S. Government under the jurisdiction of the USIBWC at Falcon Reservoir. In the past, 22,270.57 acres of land were under 159 active grazing leases. As of 2020, there were 117 active grazing leases with many that are still held by the same permittees and/or stakeholders. However, some leases have been passed to family members, which violated the original lease terms. Stakeholders may also be nonpermittee individuals or entities with a vested interest in the Falcon Project. A total of 243 licenses, 1 general license, 3 oil and gas leases, and 3 permits pertain to other endeavors aside from the grazing leases. The additional 250 licenses, leases, and permits may also have associated grazing permits or be held by stakeholders.

1.2 Study Location

The International Falcon Dam and Reservoir are located along the Rio Grande approximately 75 miles southeast of Laredo, Texas, and 150 miles upstream of the mouth of the Rio Grande; they lie on both sides of the U.S./Mexico border (Figure 1-1). Falcon Dam and Reservoir provide flood control, conservation, and hydroelectric power and were constructed by the U.S. and Mexico under the 1944 Water Treaty. The U.S.' portion of the construction, operation, and maintenance was authorized by the American-Mexican Treaty Act of 13 September 1950.

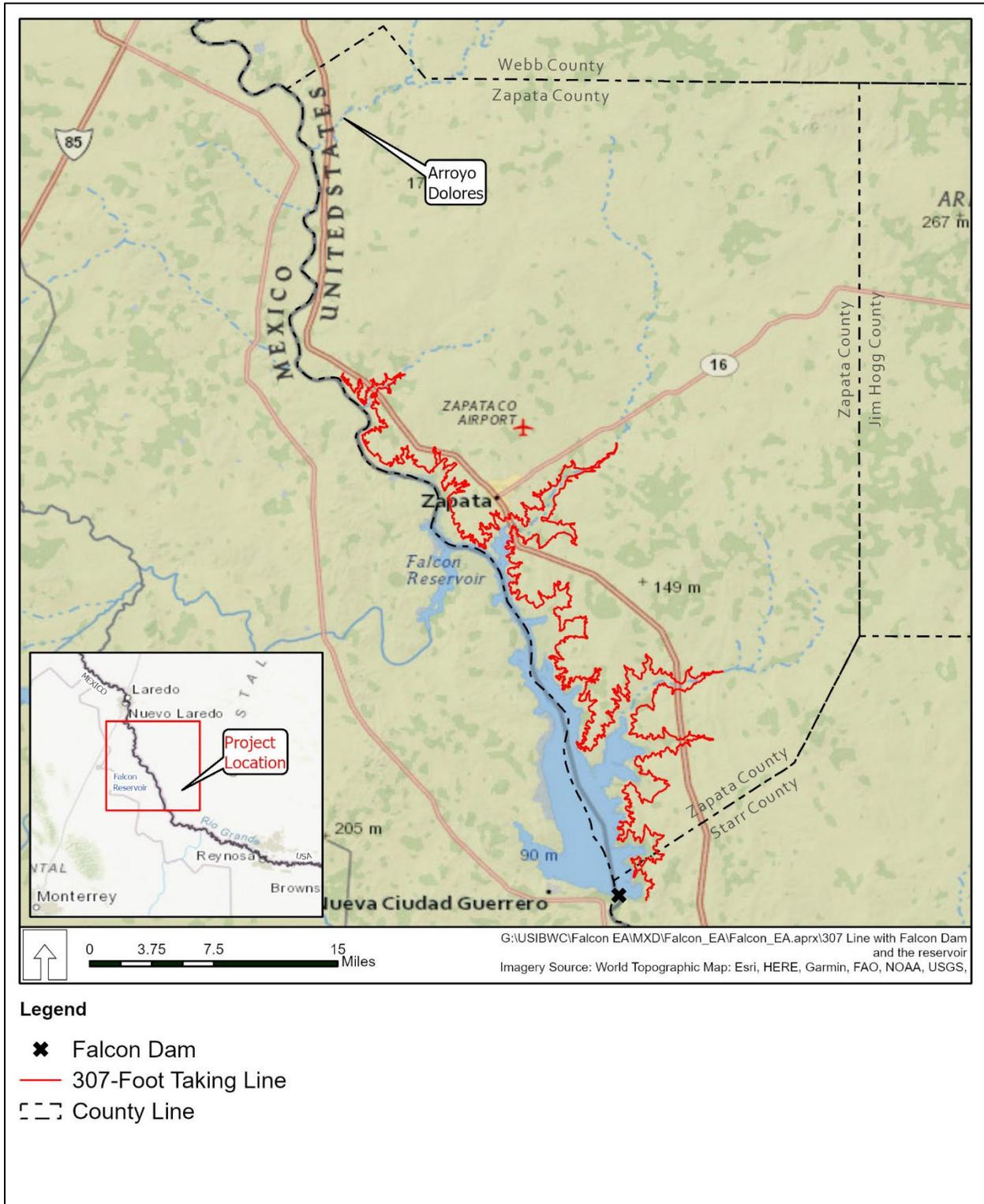


Figure 1-1. Location of the Falcon Project and 307-Foot Taking Line

Construction started in 1950 and was completed in 1954. Both the U.S. and Mexico control floodwaters and conserve and utilize an allotted share of the waters of the Rio Grande. Falcon Dam is a 5-mile-long rolled earth and rock embankment structure with a concrete spillway. Two miles of Falcon Dam are on the U.S. side, and 3 miles of Falcon Dam are on the Mexican side of the U.S./Mexico border. The reservoir extends on the west from the U.S.' jurisdictional boundary with Mexico in the reservoir to the "307-foot traverse" taking line on the eastern side, and from the Webb County and Zapata County line at Arroyo Dolores to the north, south to Falcon Dam (see Figure 1-1). The Study Area for this grazing lease assessment is at the water-land interface below the 307-foot traverse taking line of the reservoir, with some ingress up to the 314-foot taking line with easements into and adjacent to private land. The grazing lease program includes the 159 active and inactive grazing leases originally issued in 1956 (Figure 1-2).

1.3 Purpose and Need

The purpose for the Proposed Action is to successfully manage federal land in the Falcon Project. Federal lands associated with the Falcon Project have been utilized by the public for various activities, including grazing leases, since the Falcon Project was established. However, the economic value of these leases and the challenges to successful land management require a reevaluation of the grazing lease program.

The need is to implement land management alternatives to grazing leases that address low grazing lease values, limited access by USIBWC to leased lands, and unauthorized activities on leased lands. Grazing leases in the Falcon Project were established by USIBWC in 1956. The original 1956 grazing leases included annual rental charges of \$25.00, plus the sum of \$0.05 (five cents) per acre per year for the number of acres leased in excess of 500 acres. Subsequently, in 1966, the USIBWC revised its rental charges for leasing of Falcon Project lands to \$0.20 per acre per year, with a minimum annual rental charge of \$7.50. This adjustment was made to comply with Government directives that income to the Government from the lease of land must be sufficient to cover administrative costs and to correct certain inequalities in the old rate of charges. This 1966 change in rental charges led to a reduction in rental charges for small leases (i.e., leases less than 125 acres in size) and an increase in rental charges for all larger leases (i.e., leases greater than 125 acres in size). Rental charges have remained at this rate of \$0.20 per acre from 1966 to the present for the majority of leases, and the total value of all annual rental charges for grazing leases is \$17,025.68. This annual revenue from the grazing lease program does not support the Government's administrative costs of managing the program.

All lease management activities require a reasonable amount of access by USIBWC to Government-owned lands. Currently, the USIBWC lacks access to many of its grazing leases as private landowners have locked gates, preventing USIBWC from gaining access to its own lands. In many cases, access to USIBWC grazing leases requires crossing private lands between a public ROW and the grazing lease. Further, current leases allow grazing activities only. No other land use activities are permitted. This includes agricultural practices, clearing and grubbing of vegetation, and hunting. No development beyond the construction of fences and gates to manage livestock is permitted. Fences and gates can only be constructed as approved by the USIBWC Commissioner. Grazing is limited to one animal for every 5 acres of leased lands by the current grazing leases.

Limitations on activities beyond grazing in leased lands is in part to protect sensitive resources. Protection of potential sensitive cultural resources and, to a lesser extent, biological resources on grazing leases is a critical management issue. At the Falcon Project, there are 895 known archaeological sites, of which 68 have been determined eligible for listing on the National Register of Historic Place (NRHP); 85 have been recommended as potentially eligible for the NRHP but have not had formal determinations of eligibility made by a federal agency nor obtained concurrence from the Texas State Historic Preservation Office (SHPO). A total of 148 sites have been recommended as not eligible for inclusion in the NRHP. Federally and state listed species have the potential to occur in the Falcon Project area. In total, 34 state and federally listed threatened and endangered species, 7 federally listed as endangered, 2 federally listed as threatened, 1 proposed to be federally listed as endangered, 1 candidate for federal listing, 7 state listed as endangered, and 27 state listed as threatened have the potential to occur in Starr and Zapata counties. Although the habitat quality in much of the Falcon Project area is low relative to the habitat needs for listed species, some limited areas with potentially suitable habitat could support them.

1.4 Scope of This Environmental Assessment

Federal agencies are required to take into consideration the environmental consequences of proposed and alternative actions in the decision-making process under the National Environmental Policy Act (NEPA) of 1969, as amended. The USIBWC procedures for implementing NEPA are specified in USIBWC's *Operational Procedures for Implementing Section 102 of the National Environmental Policy Act, Other Laws Pertaining to Specifics Aspects of the Environment and Applicable Executive Orders* (46 Federal Register 44083, 2 September 1981). These procedures establish both the administrative process and substantive scope of the environmental impact evaluation process, designed to ensure that regulatory authorities and the public have a proper understanding of the potential environmental consequences of a contemplated course of action.

The scope of the EA includes the analysis of the effects that would likely result from updating or eliminating active and inactive grazing leases in use for commercial, residential, or recreational purposes on federal land in the Falcon Project. USIBWC has prepared this EA to identify and evaluate potential environmental consequences that may result from implementation of any or

all of eight alternatives: seven action alternatives and the No Action Alternative. The alternatives are discussed in Section 2.0.

The following resource areas were analyzed for potential environmental consequences:

- Land Use
- Biological Resources
- Earth Resources
- Water Resources
- Cultural Resources
- Recreational Resources
- Socioeconomics and Environmental Justice

USIBWC determined that environmental health issues (air quality, greenhouse gas emissions, and noise) would not require further analysis. No construction activities or activities that could cause fugitive dust emissions or pollutants would occur. Greenhouse gases occur from natural processes and human activities that potentially trap heat in the atmosphere. The accumulation of atmospheric greenhouse gasses regulates the earth's temperature and can contribute to global climate change. The U.S. Environmental Protection Agency regulates greenhouse gas emissions through various permitting and reporting requirements that are applicable mainly to large stationary sources of emissions. No activities associated with the grazing lease program, such as cattle grazing, management of vegetation, or fence maintenance, would substantially change the overall greenhouse gas emissions in the Falcon Project area. No activities are proposed that would increase noise, and no sensitive noise receptors are present in the Falcon Project area.

1.5 Public and Agency Involvement

1.5.1 Scoping

Early stakeholder coordination included correspondence with resource agencies, all grazing lease holders, and adjacent landowners who could be reasonably identified. All stakeholders were invited to public scoping meetings and to provide comments on the proposed alternatives for managing the grazing lease program at the Falcon Project.

Public scoping meetings were held on 31 January, 1 February, and 2 February 2023 in Laredo, Zapata, and Roma, Texas, respectively. Scoping meeting notifications were made via a letter to stakeholders that included a project fact sheet (Appendix A) and published in three local newspapers (Appendix B) in advance of the scoping meetings. Scoping meetings were held in an open-house format, and poster displays, maps, and a fact sheet were made available to the public for review (Appendix B). Comment cards were made available at each scoping meeting (Appendix B), and all comments received during the scoping period are in Appendix A.

A total of 37 separate items of correspondence were received during the scoping period. The correspondence received was tabulated and personal identifiable information (e.g., telephone numbers) removed. These are included in Appendix A. Substantive comments included in the scoping correspondence are categorized as the following:

- Support and/or opposition to the initial action alternatives presented during the scoping period.
- Concerns with the status of existing grazing leases.
- Requests to allow for issuance of new grazing leases.
- Recommendations for greater flexibility (e.g., vegetation removal, fence installation and maintenance) in land management actions on leased lands.
- Formation of a citizen's committee to assist and support USIBWC in the management of grazing leases.
- Importance of grazing leases and their management to controlling the spread of the cattle fever tick (*Rhipicephalus annulatus* and *R. microplus*).
- An understanding of the presence of sensitive resources in the USIBWC-managed lands below the 307-traverse taking line.
- Current and future grazing lease pricing.

The correspondence received during scoping led to a more thorough evaluation of proposed action alternatives. As such, several alternatives were refined, and one new action alternative, formation of a citizen's committee for lease management support, was developed.

1.5.2 Agency Consultations

Under Section 7 of the Endangered Species Act (ESA), USIBWC requested concurrence with the USFWS on effect determinations on 24 August 2023. Concurrence from the USFWS was received on 24 January 2024.

Under Section 106 of the National Historic Preservation Act (NHPA), USIBWC determined that the Area of Potential Effects for the Proposed Action and alternatives includes all federal lands where grazing leases could be issued and managed, which includes all lands between the 307-foot traverse taking line to the land-water interface in Falcon Reservoir. Because there would be no direct ground-disturbing activities and all potential impacts on known and unknown cultural resources would be associated with grazing activities and vegetation management to improve leases for grazing, USIBWC made a no effect on historic properties determination for the proposed changes to the grazing lease program. USIBWC received concurrence from the Texas SHPO on these determinations on 26 September 2023 (Appendix C). In accordance with Section 106 of the NHPA (54 U.S.C 306108) and its implementing regulations at 36 CFR Part 800, the USIBWC initiated government-to-government consultation regarding the proposed undertaking with Native American Tribes that have an affiliation with the project area. Responses to that consultation are in Appendix C.

1.5.3 Draft Environmental Assessment Review

A Notice of Availability (NOA) of the Draft EA and Draft FONSI announcing the Draft EA for review was published in three local newspapers (*Laredo Morning Times*, *Zapata County News*, and *Starr County Town Crier*) and in the Federal Register (Appendix D). The publication of the NOA invited the public to review and comment on the Draft EA and initiated public and agency review period, which extended from 22 November 2023 through 28 December 2023.

Copies of the Draft EA and Draft FONSI were made available online for review at the USIBWC web page: <https://www.ibwc.gov/reports-studies/eis-eapublic-comment>. Physical copies of the Draft EA were made available at the Joe A. Guerra Laredo Public Library, 1120 E. Calton Rd., Laredo, Texas 78041; the Olga V. Figueroa Zapata County Public Library, 901 Kennedy St., Zapata, Texas 78076; and the Roma Public Library, 1705 N. Athens St., Roma, Texas 78584. Letters notifying stakeholders of the availability of the Draft EA for review were distributed to all scoping meeting participants as well as state and federal agencies.

A total of five correspondences were received during the Draft EA public review period (Appendix E). Three of the correspondences received, from Oscar O. Martinez Jr., RPL; from Chrisanto Meza Sr. and Roberto E. Paredes; and from Guadalupe Saenz, III, reiterated scoping comments indicating preferences for continuing to allow grazing and fishing, and supporting alternatives that include allowing hunting, vegetation management, and the formation of a Citizen's Committee to provide lease management support (Appendix E).

One comment was received from Russell Hooten, Environmental Review Biologist, Texas Parks and Wildlife Department – Wildlife Division, noting that significant adverse impacts on rare, threatened, or endangered species, or other fish and wildlife resources from the implementation of any of the eight alternatives, are not anticipated (Appendix E).

One comment was received from Ramon Vasquez, Executive Director, American Indians of Texas at Spanish Colonial Missions (AITSCM), which reiterated concerns expressed during the Native American Tribal consultation process (Appendices D and E). The AITSCM provided comments on the Draft EA and Draft FONSI, and the comments and responses to those comments are in Appendix E.

2.0 DESCRIPTION OF PROPOSED ALTERNATIVES

USIBWC has developed and analyzed eight alternatives, including the No Action Alternative, to determine which best addresses the purpose and need described in Section 1.3. The No Action Alternative is a requirement of the NEPA process and is included to provide a baseline against which the other alternatives can be evaluated. The alternatives include:

1. Alternative 1 – No Action
2. Alternative 2 – Terminate Leases
3. Alternative 3 – Change Rental Rates on Active Leases and Implement Improved Program Management
4. Alternative 4 – Allow Hunting on Existing Grazing Leases
5. Alternative 5 – Terminate Leases Not Directly Accessible from Public ROWs
6. Alternative 6 – Negotiate Access Easements on Private Property for Existing Leases
7. Alternative 7 – Amend Leases to Allow Vegetation Management
8. Alternative 8 – Form a Citizens’ Committee to Provide Lease Management Support

These eight alternatives are summarized in Table 2-1 and discussed in Sections 2.1 through 2.8. USIBWC may choose to implement one, some, or all alternatives in the Falcon Project area potentially applying different alternatives to different grazing leases and/or multiple alternatives to the same grazing lease.

Table 2-1. Summary of Alternatives Evaluated

Alternative	Benefits	Constraints
Alternative 1. No Action	Leaseholders maintain the status quo.	Lease valuations would remain so low that their annual value would not cover the administrative costs of managing the grazing lease program. Access by USIBWC to many grazing leases would remain limited.
Alternative 2. Terminate Leases	No further grazing lease management would be required by the federal Government on terminated leases. All associated management costs would no longer be a Government liability.	Reduction or elimination of grazing leases would eliminate a program that provides some monetary funding for management activities on federal lands in the Falcon Project. It would also eliminate grazing as a method of vegetation management in the Falcon Project.
Alternative 3. Change Rental Rates on Active Leases and Implement Improved Program Management	The grazing lease program would be sustainable as the lease rates would be at least equivalent to the administrative costs to the Government of managing the grazing lease program.	Increased lease rental rates could discourage lessees from leasing the federal lands in the Falcon Project. The bidding process would require specialized real estate acquisitions staff and resources.

Alternative	Benefits	Constraints
Alternative 4. Allow Hunting on Existing Grazing Leases	Permission for legal hunting could increase the value of leased lands in the Falcon Project.	A greater level of management would be required to ensure that hunting activities on leased lands are conducted within the constraints of the limitations described in the lease language.
Alternative 5. Terminate Leases Not Directly Accessible from Public Rights-of-Way	USIBWC would be able to access active grazing leases and ensure activities by lessees are within the limits described by the leases.	Lands otherwise available for lease would be pulled out of the grazing lease program, reducing the overall value of leases to USIBWC.
Alternative 6. Negotiate Access Easements on Private Property for Existing Leases	USIBWC would have access to all active grazing leases.	Negotiating easements with private landowners would be time consuming and require further expenditure of funds to make grazing lease management viable.
Alternative 7. Amend Leases to Allow Vegetation Management	Vegetation management through herbicide application and/or mechanical vegetation removal with hand tools could improve leases for grazing activities and bring greater value to leased lands.	Herbicide could only be applied by licensed applicators. Mechanical removal of vegetation would be limited to aboveground plant material to avoid impacts on known and unknown sensitive resources.
Alternative 8. Form a Citizens' Committee to Provide Lease Management Support	USIBWC would have greater local support with lease management, lease access issues, and reporting of lease violations.	Additional USIBWC resources would be needed to participate in the Citizens' Committee, support periodic Committee meetings, and resolve conflicts and noted issues.

USIBWC – U.S. Section, International Boundary and Water Commission

2.1 Alternative 1 – No Action

Under Alternative 1, none of the proposed action alternatives would be implemented, and the USIBWC would maintain the status quo. In this case, all grazing leases would be reviewed, and a determination made for each lease as to whether (1) it is still valid, (2) the lease has been properly renewed annually, (3) the proper annual rent charges have been applied, and (4) if the lease is not held by the original lessee, that the lease transfer was completed properly. No new leases would be issued under the No Action Alternative. Therefore, USIBWC would not initiate new leases and would not renew any leases determined to be no longer valid. Access issues would remain, as private landowner gates would need to be traversed and private property crossed to reach many of the grazing leases. The rent payment for leases would remain unchanged, and the rental rates established in 1966 would continue for grazing leases in the future.

2.2 Alternative 2 – Terminate Leases

Under Alternative 2, any active grazing leases would be canceled in accordance with the termination paragraph, Paragraph 13I, in the grazing leases. Once an active grazing lease is

terminated, no lease renewals or issuance of new grazing lease for that parcel would occur, and those USIBWC-owned lands would not be used for any activities by private individuals or business entities. Lands would be managed by USIBWC to support sensitive species habitat, protect sensitive cultural resources, and ensure that adequate flood storage capacity is maintained without impediment or modification by lessees or limitations of language in the leases. However, many of the access issues for USIBWC would go unresolved.

2.3 Alternative 3 – Change Rental Rates on Active Leases and Implement Improved Program Management

The current rental rate for grazing leases has remained unchanged since 1966, and the value of the rental charges received by USIBWC does not cover the administrative costs of managing the leases. Many of the current leases are of low value for grazing activities as the amount of available forage is low and, without consistent periodic inundation of leased lands from Falcon Reservoir to reduce or eliminate the growth of woody vegetation, the effort to manage vegetation to support grazing is substantial. Therefore, under Alternative 3, the rental rates for all active leases would be changed to consider the administrative costs of managing leases and the actual value of leases to lessees for grazing activities.

Lessees would be charged a fair market value for grazing leases at the Falcon Project. Therefore, instead of setting a fixed annual value for leases based on a rental price per acre as in the past, leases would be made through an adequate advertisement for bids and awarded to the highest bidder. The fair market value for competitive grazing leases would be determined through the competitive bid process; however, awards would not be made for less than a predetermined minimum acceptable annual rent price, which would include USIBWC's determination of fair market value plus administrative costs. Competitive leases could be bid for a period of 5 or 10 years with the accepted proposed rent charge being paid annually. At the end of each lease period, leases would be opened again for competitive bids. Fence management and maintenance to support lessees grazing activities would be paid for entirely by the lessees, and removed or sold to a new lessee at the end of the grazing lease. By instituting solicitations for bids for leases in the Falcon Project, the USIBWC would allow the marketplace to determine the actual fair market value of leases. By setting a minimum bid amount for each lease, the USIBWC would ensure that any awarded leases cover the administrative costs of administering and managing the awarded leases.

Competitive bid leases could also include additional terms and conditions such as requiring lessees to submit actual use reports annually. Usage reports would detail the dates of use and number of livestock on the leases during the grazing seasons, along with a set number of available animal unit months of available forage that would allow the bidders to evaluate the value of leases during the competitive bidding process.

The overall goal of the increased lease rates would be to collect enough revenue to at least be equivalent to the Government's administrative costs for managing the grazing lease program. However, grazing lease fees are sent to the Department of Treasury and would not be directly reallocated to USIBWC for improvements to the grazing lease program.

2.4 Alternative 4 – Allow Hunting on Existing Grazing Leases

Hunting activities are occurring on numerous leases even though hunting activities are not permitted under the current grazing leases. This indicates that, for many lessees, the best and most valuable use of the leased lands is for hunting, not grazing. Under Alternative 4, active leases would be modified to allow hunting, along with an approved set of hunting restrictions. For example, subleasing of USIBWC-leased lands for hunting activities would be restricted, and the establishment of blinds and feeders on leased lands could also be restricted. Leases would stipulate that hunting would follow the Texas Parks and Wildlife Department's approved hunting laws and regulations. No land modifications would be allowed to support hunting, and no land management activities such as vegetation removal would be allowed to support hunting activities under this alternative.

2.5 Alternative 5 – Terminate Leases Not Directly Accessible from Public Rights-of-Way

USIBWC does not have access to many of its active grazing leases. This makes management of the leases and spot-checking of the activities of lessees on leased lands nearly impossible. Further, without easements across private lands for access, it is quite likely that there would be no guarantee that USIBWC would have access to grazing leases not abutting public ROWs. Therefore, under Alternative 5, grazing leases not accessible from public ROWs, either directly for leases abutting a public ROW or indirectly by crossing USIBWC-owned lands from a public ROW to the grazing lease, would be canceled. Further, every accessible active grazing lease would be modified to include language concerning maintaining locks on gates that can be opened using USIBWC keys and ingress and egress routes to leases at all times, without impediment.

2.6 Alternative 6 – Negotiate Access Easements on Private Property for Existing Leases

Under Alternative 6, for those grazing leases that are not accessible from public ROWs, private landowners would be contacted to ascertain their interest in negotiating an access easement across their property from a public ROW or from another parcel of USIBWC-owned land to the grazing lease. If such an easement could be negotiated at a reasonable cost to the Government, then access easements for private lands between public ROWs and leases would be negotiated and established. The cost of negotiating and establishing easements with private landowners for access to grazing leases may be too great to warrant the effort for all grazing leases, and it could be difficult to recoup these administrative costs through rental charges for leased lands. Therefore, easements to grazing leases would be evaluated for each lease independently, and easements would only be pursued for those with willing adjacent private landowners.

2.7 Alternative 7 – Amend Leases to Allow Vegetation Management

Low water levels in Falcon Reservoir over the past five years have changed the vegetation management strategies in many of the active grazing leases. Historically, higher periodic Falcon Reservoir levels would flood larger areas of the Falcon Project, inhibiting the growth of woody

vegetation such as honey mesquite (*Prosopis glandulosa*), acacia (*Acacia* spp.), and spiny hackberry (*Celtis ehrenbergiana*), which dominate the vegetation community in many of the leases. No other vegetation management activities are currently permitted. Vegetation management that would cause ground disturbance (e.g., clearing and grubbing) would not be permitted under Alternative 7, as these activities would have a high probability of disturbing known and unknown cultural resources as well as potentially impacting sensitive biological resources, if present. Therefore, the only vegetation management methods that could be used without directly damaging sensitive resources are herbicide application and mechanical vegetation control with hand tools. Under Alternative 7, grazing leases would be amended to allow herbicide use following herbicide label instructions and applied by licensed applicators to control woody vegetation. Additionally, grazing leases would be amended to allow mechanical removal of aboveground vegetation using hand tools. However, no mechanical vegetation control that would disturb soils and physically remove plant roots would be permitted.

2.8 Alternative 8 – Form a Citizens’ Committee to Provide Lease Management Support

Improved communication between interested parties such as lessees and local Government officials and USIBWC concerning leased lands would improve lease management and improve USIBWC’s accessibility to leased lands across private properties. Under Alternative 8, a Falcon Lease Citizens’ Committee would be formed comprising interested lessees and select local Government officials with interest in the management of Falcon Project lands. Local Government officials could include Texas Parks and Wildlife Department, U.S. Department of Agriculture (USDA), County Extension Agent, and the County Judge. The Committee would meet at least once quarterly and potentially monthly, and concerns and interests from lessees and local Government officials would be communicated and discussed with USIBWC personnel involved in Falcon Project land management.

2.9 Alternatives Removed from Further Consideration

Two alternatives were evaluated but removed from further consideration. Prescribed burning to manage vegetation on leases was considered but removed from further consideration. Prior to amending the leases to allow prescribed burning, USIBWC would have been required to develop a Wildland Fire Management Plan for the Falcon Project and would directly reference the requirements and limitations described by the Wildland Fire Management Plan in the grazing lease amendments. All implementation of the Wildland Fire Management Plan requirements would then be the responsibility of the lessee as outlined in the amended lease. However, USIBWC would be entirely reliant on the implementation of a Wildland Fire Management Plan by lessees for any prescribed burning in Falcon Project leases to prevent fires from becoming uncontrolled and damaging adjacent properties. The liability of allowing others to manage prescribed burns on USIBWC lands and reliance on lessees to ensure prescribed burns do not become out of control and damage nearby public and private property would be too great. Therefore, this alternative was determined to not be viable for further evaluation. Terminating all leases simultaneously was an alternative evaluated but removed from consideration. Terminating all leases at the same time and ending the grazing program at the Falcon Project would not be in the best interest of USIBWC, the federal government, or the

community in general. All other alternatives are considered viable and are carried forward for detailed evaluation in this EA.

3.0 AFFECTED ENVIRONMENT AND CONSEQUENCES

3.1 Land Use

The term “land use” refers to real property classifications that indicate either natural conditions or the types of human activities occurring on a defined parcel of land. In many cases, land use descriptions are codified in local zoning laws.

Land use planning ensures orderly growth and compatibility between nearby property parcels or land areas. Land use guidelines established by the U.S. Department of Housing and Urban Development and based on findings of the Federal Interagency Committee on Noise are used to recommend acceptable levels of noise exposure for land use.

3.1.1 Affected Environment

All lands potentially available for leasing in the Falcon Project are lands owned by the U.S. Government and managed by USIBWC. No portion of these lands are available for state, local, or private development without entering into a lease agreement or receiving a permit from USIBWC for that use. Activities that have been permitted by USIBWC through permits and leases include grazing, boat ramps and docks, and oil and gas exploration and production activities.

The major land uses of the existing grazing leases are wildlife habitat and livestock grazing. The windshield survey and site assessment of select leases conducted in August 2022 (Vernadero Group Inc. [Vernadero] 2022) noted likely hunting activities on multiple leases, including the construction of deer stands and the presence of deer feeders. Vegetation management appears to have occurred in some leases, although most vegetation management was in the form of burning and not clearing and grubbing. Clearing and grubbing activities are not permitted under the current leases but appear to occasionally occur along fence lines of leased lands. Some USIBWC leases adjacent to residences and public ROWs contained private property that had been placed in leased lands (e.g., lawn furniture, equipment), contained dumped garbage, and had been accessed with 4-wheel-drive vehicles, causing rutting of surface soils.

3.1.2 Environmental Consequences

Alternative 1 – No Action

Under the No Action Alternative, no changes in land use would occur. Existing grazing leases would be retained as long as lessees and USIBWC agreed to renew them annually. Grazing leases would continue to exclude any activities that would impact land use in the Falcon Project area.

Under the No Action Alternative, inadvertent or impermissible activities could potentially occur without the knowledge of USIBWC, and some of these activities could impact land use in the Falcon Project. This includes illegal dumping of garbage, construction of deer stands for hunting, and vegetation removal. Many of these activities were noted during surveys conducted in 2022 and would likely continue in the future, as lease management by USIBWC would

continue to be a challenge, and the lack of financial resources from increased lease revenues would continue to make adequate management staffing an issue.

Alternative 2 – Terminate Leases

There would be minor adverse impacts on land use under Alternative 2. The land use category would not change under Alternative 2, and lands would remain under federal management and control. However, lands within the Falcon Project would no longer be used for cattle grazing under leases to adjacent landowners. Some land management activities such as fence maintenance would no longer occur, and all land management requirements would be the responsibility of USIBWC. With limited resources available for land management activities, it is likely that existing fences and gates, and some vegetation control, would no longer occur under Alternative 2.

Alternative 3 – Change Rental Rates on Active Leases and Implement Improved Program Management

There would be minor beneficial impacts on land use under Alternative 3. The grazing lease program would receive market rate value for all grazing leases, which would be equivalent to or greater than the administrative costs of managing the grazing lease program. Lessees that invest greater resources into the grazing leases would be more likely to manage those lands to achieve the maximum carrying capacity of the land for animal grazing, or other allowable activities as described by each lease.

Alternative 4 – Allow Hunting on Existing Grazing Leases

There would be minor adverse impacts on land use under Alternative 4. Hunting activities would be compatible with the current existing open space and grazing land uses. However, deer hunting activities, which would be the most likely hunting activities on USIBWC lands at the Falcon Project, typically require the use of deer stands and deer feeders. USIBWC could require those stands and feeders to be portable, reducing any potential damage to lands from construction of semipermanent structures. However, even portable deer stands and feeders would be visually noticeable and part of the overall landscape on leases.

Alternative 5 – Terminate Leases Not Directly Accessible from Public ROWs

Impacts on land use from Alternative 5 would be similar to those described under Alternative 2. For those leases terminated by USIBWC, there would be reduced management of lands for grazing activities as lessees would not have an interest in maintaining fences and policing lands for litter and trash.

Alternative 6 – Negotiate Access Easements on Private Property for Existing Leases

There would be minor beneficial impacts on land use under Alternative 6 because USIBWC management personnel would have improved access to Falcon Project leased lands, allowing them to ensure that lease requirements are being followed by lessees. USIBWC management

personnel could better check on the status of fences, evaluate any unauthorized activities in leases, and find and remove litter and trash.

Alternative 7 – Amend Leases to Allow Vegetation Management

Alternative 7 would have a moderate beneficial impact on land use in the Falcon Project area. Currently, due to sustained low water levels in Falcon Reservoir, woody vegetation such as huisache (*Acacia farnesiana*) and mesquite dominate much of the grazing lease areas. With sensitive resource concerns, prescribed burns and mechanical removal of woody vegetation with heavy equipment in the Falcon Project area are not reasonably possible. Therefore, herbicide applications by lessees using approved herbicides, following labeling instructions, and applied by licensed applicators in combination with aboveground biomass removal with hand tools, would improve grassland habitat, allow for woody vegetation management, and increase the value of lands for grazing activities.

Alternative 8 – Form a Citizens’ Committee to Provide Lease Management Support

Alternative 8 would have a moderate beneficial impact on land use in the Falcon Project area, as increased interaction and a greater exchange of information would provide USIBWC greater guidance in ensuring the resources are managed appropriately. Lessees would better be able to provide USIBWC with information on disturbances to leased lands and adjacent unleased USIBWC-managed lands, which in turn would improve USIBWC’s ability to respond. These improved land management tools would help ensure activities in the Falcon Project area would be consistent with designated land uses.

3.2 Biological Resources

Biological resources include native or invasive plants and animals; sensitive and protected floral and faunal species; and the habitats, such as wetlands, forests, and grasslands, in which they exist. Habitat can be defined as the resources and conditions in an area that support a defined suite of organisms. The following are descriptions of the primary federal statutes that form the regulatory framework for the evaluation of biological resources.

Endangered Species Act (ESA). The ESA of 1973 (16 United States Code [USC] § 1531 et seq.) established protection over and conservation of threatened and endangered species and the ecosystems upon which they depend. Sensitive and protected biological resources include plant and animal species listed as threatened, endangered, or special status by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service. Under the ESA (16 USC § 1536), an “endangered species” is defined as any species in danger of extinction throughout all, or a large portion, of its range. A “threatened species” is defined as any species likely to become an endangered species in the foreseeable future. The USFWS maintains a list of species considered to be candidates for possible listing under the ESA. The ESA also allows the designation of geographic areas as critical habitat for threatened or endangered species. Although candidate species receive no statutory protection under the ESA, the USFWS has attempted to advise Government agencies, industry, and the public that these species are at risk and may warrant protection under the ESA.

Migratory Bird Treaty Act (MBTA). The MBTA of 1918 makes it unlawful for anyone to take migratory birds or their parts, nests, or eggs unless permitted to do so by regulations. Per the MBTA, “take” is defined as “pursue, hunt, shoot, wound, kill, trap, capture, or collect” (50 Code of Federal Regulations [CFR] 10.12). Migratory birds include nearly all species in the U.S., with the exception of some upland game birds and nonnative species.

Executive Order (EO) 13186, *Responsibilities of Federal Agencies to Protect Migratory Birds*, requires all federal agencies undertaking activities that may negatively impact migratory birds to follow a prescribed set of actions to further implement the MBTA. EO 13186 directs federal agencies to develop a Memorandum of Understanding with the USFWS that promotes the conservation of migratory birds.

In December 2017, the U.S. Department of the Interior issued M-Opinion 37050, which concluded that the take of migratory birds from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not the take of a migratory bird. The USFWS interprets the M-Opinion to mean that the MBTA's prohibition on take does not apply when the take of birds, eggs, or nests occurs as a result of an activity, the purpose of which is not to take birds, eggs, or nests.

On 7 January 2021, the USFWS issued 86 Final Rule [FR] 1134, effective 8 February 2021, determining that the MBTA's prohibitions on pursuing, hunting, taking, capturing, killing, or attempting to do the same, apply only to actions directed at migratory birds, their nests, or their eggs; however, the MBTA rule was published on 8 March 2021 in conformity with the Congressional Rule Act (86 FR 8715). On 7 May 2021, the USFWS published a proposal to revoke the 7 January 2021 final regulation that limited the scope of the MBTA. In addition, the USFWS opened a public comment period and solicited public comments on issues of fact, law, and policy raised by the MBTA rule published on 7 January 2021. The public comment period closed on 7 June 2021. On 20 July 2021, the USFWS published a public notice announcing the availability of two economic analysis documents for review and comment. These documents are associated with the proposed MBTA revocation rule, and the USFWS provided a 30-day public comment period on these documents. The public comment period closed on 19 August 2021. The USFWS finalized the revocation of the MBTA incidental take rule on 30 September 2021.

Bald and Golden Eagle Protection Act (BGEPA). The BGEPA of 1940 (16 USC § 668-668c) prohibits the “take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle (or any golden eagle), alive or dead, or any part, nest, or egg thereof.” “Take” is defined as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb,” and “disturb” is defined as “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, injury to an eagle, a decrease in productivity by substantially interfering with the eagle’s normal breeding, feeding or sheltering behavior, or nest abandonment by substantially interfering with the eagle’s normal breeding, feeding or sheltering behavior.” The BGEPA also prohibits activities around an active or inactive nest site that could result in an adverse impact on an eagle.

3.2.1 Affected Environment

Vegetation

The Falcon Project area is found within the Southern Texas Plains Level III, Rio Grande Floodplain and Terraces, and Texas-Tamaulipan Thornscrub Level IV Ecoregions (U.S. Environmental Protection Agency [USEPA] 2013). The Southern Texas Plains were once composed of grassland and savanna vegetation; however, following prolonged disturbance from grazing and fire suppression, vegetation communities have changed to thorny brush (Griffith et al. 2004). The thorny brush vegetation community consists of species such as mesquite, acacia, and prickly pear mixed with areas of grassland (Texas Parks and Wildlife Department 2023b). Average annual rainfall varies from 20 to 32 inches, with the eastern portion of the ecoregion receiving more rainfall (Texas Parks and Wildlife Department 2023b).

Based on windshield surveys conducted in 2022, most of the grazing lease area is dominated by a mesquite mixed shrubland plant community, with few leases managed for grassland habitat to be used for grazing. However, where grazing was observed, most of the woody vegetation was removed, grasslands or bare ground dominated, and some areas had been burned in attempts to reduce vegetation cover through prescribed burning (Vernadero 2022).

Figure 3-1 provides a vegetation community map derived from Texas Parks and Wildlife Department data, and Table 3-1 lists those vegetation communities. The most common vegetation type in the Falcon Project area is Clayey Mesquite Mixed Shrubland, followed by Sandy Mesquite Woodland and Shrubland, and Disturbance Grassland.

Table 3-1. Vegetation Communities in the Falcon Project Area

Vegetation Type	Area (acres)
Barren	211.03
Native Invasive: Deciduous Woodland	5.44
Native Invasive: Huisache Woodland or Shrubland	2.59
Native Invasive: Mesquite Shrubland	27.77
Row Crops	3,339.63
South Texas: Clayey Blackbrush Mixed Shrubland	7,054.90
South Texas: Clayey Mesquite Mixed Shrubland	55,636.16
South Texas: Disturbance Grassland	11,788.02
South Texas: Floodplain Deciduous Shrubland	606.51
South Texas: Floodplain Evergreen Forest and Woodland	1,570.93
South Texas: Floodplain Evergreen Shrubland	88.71
South Texas: Floodplain Hardwood Forest and Woodland	295.79
South Texas: Floodplain Mixed Deciduous – Evergreen Forest and Woodland	123.95

Vegetation Type	Area (acres)
South Texas: Ramadero Dense Shrubland	819.36
South Texas: Ramadero Evergreen Woodland	1,016.01
South Texas: Ramadero Shrubland	5,647.95
South Texas: Ramadero Woodland	2,131.47
South Texas: Salty Thornscrub	3,642.85
South Texas: Sandy Mesquite – Evergreen Woodland	148.13
South Texas: Sandy Mesquite Dense Shrubland	308.32
South Texas: Sandy Mesquite Savanna Grassland	5,587.62
South Texas: Sandy Mesquite Woodland and Shrubland	13,832.27
South Texas: Shallow Dense Shrubland	1,836.55
South Texas: Shallow Shrubland	6,840.94
South Texas: Shallow Sparse Shrubland	108.16
Urban High Intensity	947.99
Urban Low Intensity	3,031.27

Wildlife

Following prolonged disturbance from grazing and fire suppression, most habitat within the Falcon Project area can be considered low quality, with limited suitable habitat to support rare or sensitive wildlife species. Some common animal species that may be encountered in the region include white-tailed deer (*Odocoileus virginianus*), gray fox (*Urocyon cinereoargenteus*), and armadillo (*Dasypus novemcinctus*).

The Falcon Project area falls within the Central Flyway and lies adjacent to the Falcon Reservoir. Therefore, the project area has the potential to support a diversity of bird species, including neotropical migratory birds, resident species, shorebirds, and waterfowl. Common species that may occur within the Falcon Project area include northern bobwhite (*Colinus virginianus*), Inca dove (*Columbina inca*), greater roadrunner (*Geococcyx californianus*), turkey vulture (*Cathartes aura*), crested caracara (*Caracara plancus*), and northern mockingbird (*Mimus polyglottos*), among many others (eBird 2021). All native bird species within the Falcon Project area are protected under the MBTA.

Additionally, the Falcon Project area has the potential to support various reptile species, including brown anole (*Anolis sagrei*), Texas tortoise (*Gopherus berlandieri*), and rat snake (*Pantherophis obsoletus*).

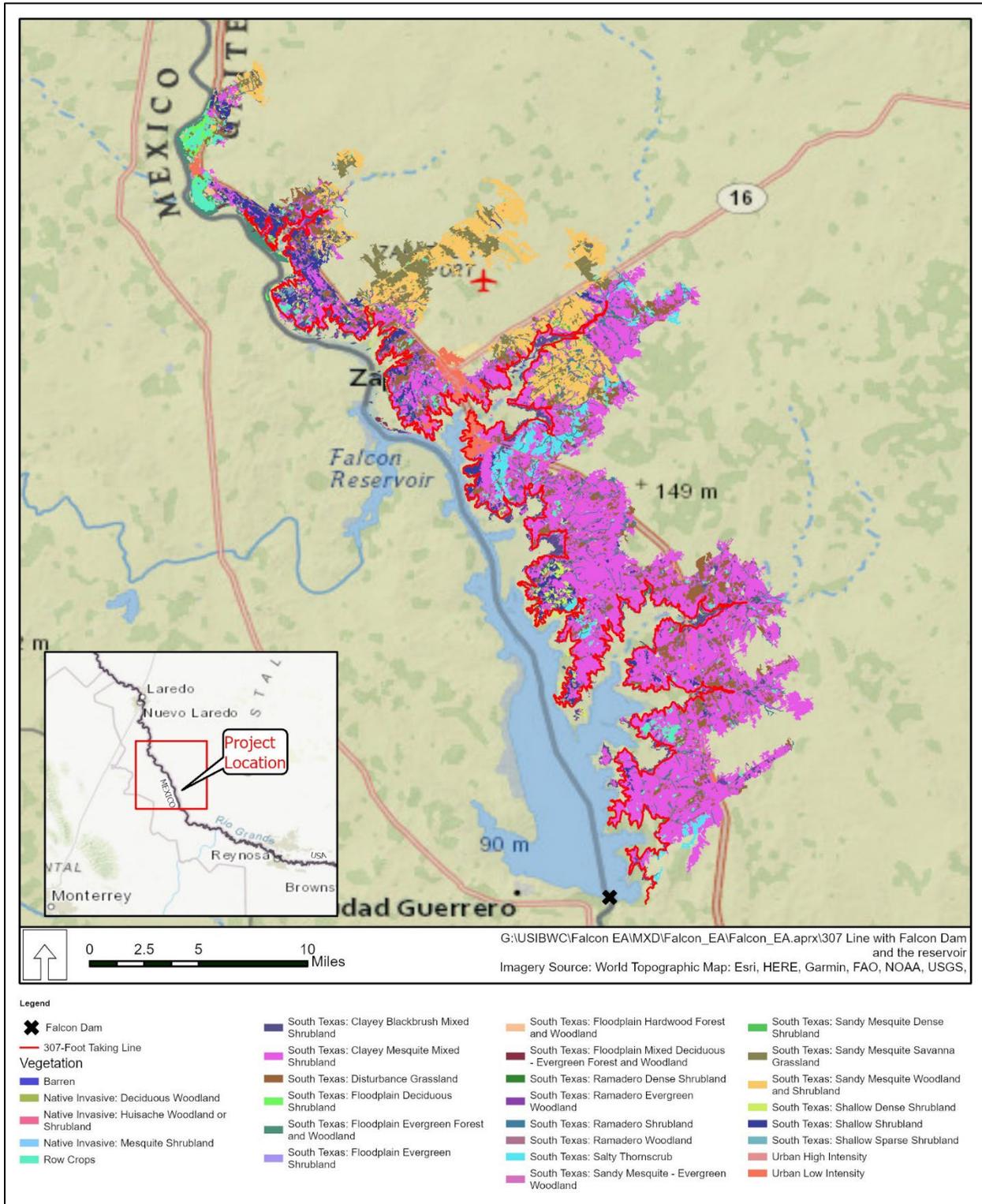


Figure 3-1. Vegetation Communities in the Falcon Project Area

Threatened and Endangered Species

Federally and state listed species that have the potential to occur in the Falcon Project area are listed in Table 3-2. In total, 34 state and federally listed threatened and endangered species, 7 federally listed as endangered, 3 federally listed as threatened, 1 proposed to be federally listed endangered, 1 candidate for federal listing, 7 state listed as endangered, and 27 state listed as threatened were identified as having the potential to occur in Starr and Zapata counties (Texas Parks and Wildlife Department 2023a; USFWS 2023). Although the habitat quality in much of the Falcon Project area is poor relative to the habitat needs for these listed species, some limited areas with potentially suitable habitat could support them. Further, the USFWS considers the Rio Grande, including areas along Falcon Reservoir, as a travel corridor for the Gulf Coast jaguarundi (*Puma yagouaroundi cacomitli*), meaning that although there may not be substantial breeding and foraging habitat for this species in the Falcon Project, this species could traverse the area as it moves from one suitable habitat location along the Rio Grande to another. There is no designated critical habitat in the Falcon Project area (USFWS 2023).

Table 3-2. Federally and State Listed Species with the Potential to Occur in the Falcon Project Area

Species	Federal Status	State Status	Potential to Be Present
Amphibians			
Black-Spotted Newt (<i>Notophthalmus meridionalis</i>)	--	Threatened	Limited potential
Mexican Burrowing Toad (<i>Rhinophrynus dorsalis</i>)	--	Threatened	Limited potential
Sheep Frog (<i>Hypopachus variolosus</i>)	--	Threatened	Unlikely to occur
White-Lipped Frog (<i>Leptodactylus fragilis</i>)	--	Threatened	Unlikely to occur
Birds			
Common Black-Hawk (<i>Buteogallus anthracinus</i>)	--	Threatened	Limited potential
Ferruginous Pygmy-Owl (<i>Glaucidium brasilianum cactorum</i>)	Threatened	Imperiled	Limited Potential
Gray Hawk (<i>Buteo plagiatus</i>)	--	Threatened	Limited potential
Northern Beardless-Tyrannulet (<i>Camptostoma imberbe</i>)	--	Threatened	Limited potential
Piping Plover (<i>Charadrius melodus</i>)	Threatened	Threatened	Unlikely to occur
Red-Crowned Parrot (<i>Amazona viridigenalis</i>)	--	Threatened	Unlikely to occur

Species	Federal Status	State Status	Potential to Be Present
Red Knot (<i>Calidris canutus rufa</i>)	Threatened	--	Unlikely to occur
Rose-Throated Becard (<i>Pachyramphus aglaiae</i>)	--	Threatened	Unlikely to occur
Tropical Parula (<i>Setophaga pitiayumi</i>)	--	Threatened	Unlikely to occur
White-Faced Ibis (<i>Plegadis chihi</i>)	--	Threatened	Unlikely to occur
White-Tailed Hawk (<i>Buteo albicaudatus</i>)	--	Threatened	Limited potential
Wood Stork (<i>Mycteria americana</i>)	--	Threatened	Unlikely to occur
Zone-Tailed Hawk (<i>Buteo albonotatus</i>)	--	Threatened	Limited potential
Fish			
Rio Grande Shiner (<i>Notropis jemezanus</i>)	--	Threatened	Unlikely to occur
Speckled Chub (<i>Macrhybopsis aestivalis</i>)	--	Threatened	Unlikely to occur
Tamaulipas Shiner (<i>Notropis braytoni</i>)	--	Threatened	Unlikely to occur
Mammals			
Black Bear (<i>Ursus americanus</i>)	--	Threatened	Unlikely to occur
Coues' Rice Rat (<i>Oryzomys couesi aquaticus</i>)	--	Threatened	Unlikely to occur
Gulf Coast Jaguarundi (<i>Puma yagouaroundi cacomitli</i>)	Endangered	Endangered	Limited potential
Ocelot (<i>Leopardus pardalis</i>)	Endangered	Endangered	Limited potential
Tricolored bat (<i>Perimyotis subflavus</i>)	Proposed Endangered	Species of Greatest Conservation Need	Limited potential
White-Nosed Coati (<i>Nasua narica</i>)	--	Threatened	Limited potential
Reptiles			
Black-Striped Snake (<i>Coniophanes imperialis</i>)	--	Threatened	Limited potential
Northern Cat-Eyed Snake	--	Threatened	Limited potential

Species	Federal Status	State Status	Potential to Be Present
<i>(Leptodeira septentrionalis septentrionalis)</i>			
Texas Horned Lizard <i>(Phrynosoma cornutum)</i>	--	Threatened	Limited potential
Texas Tortoise <i>(Gopherus berlandieri)</i>	--	Threatened	Limited potential
Mollusks			
Mexican Fawnsfoot <i>(Truncilla cognata)</i>	--	Threatened	Limited potential
Salina Mucket <i>(Potamilus metnecktayi)</i>	--	Threatened	Limited potential
Texas Hornshell <i>(Popenaias popeii)</i>	Endangered	Endangered	Limited potential
Invertebrates			
Monarch Butterfly <i>(Danaus plexippus)</i>	Candidate	--	Likely to occur
Plants			
Ashy Dogweed <i>(Thymophylla tephroleuca)</i>	Endangered	Endangered	Likely to occur
Prostrate Milkweed <i>(Asclepias prostrata)</i>	Endangered	–	Likely to occur
Star Cactus <i>(Astrophytum asterias)</i>	Endangered	Endangered	Limited potential
Walker's Manioc <i>(Manihot walkerae)</i>	Endangered	Endangered	Limited potential
Zapata Bladderpod <i>(Physaria thamnophila)</i>	Endangered	Endangered	Likely to occur

Source: Texas Parks and Wildlife Department 2023a; USFWS 2023

The following are brief descriptions of those federally listed species likely to occur in the Falcon Project area.

Ashy dogweed (*Thymophylla tephroleuca*). There have been possible sightings of ashy dogweed proximate to the Falcon Project area. There is suitable habitat in the Falcon Project area for ashy dogweed. It is assumed to be present in the Falcon Project area (USFWS 2011); however, species-specific surveys by a botanist would be required to determine presence or absence in areas where disturbance could occur.

Monarch butterfly (*Danaus plexippus*). The monarch butterfly is a species with a broad global distribution and extensive migratory pathways in North American populations. The eastern North American population of the monarch butterfly overwinters in Mexico. The monarch butterfly is

dependent on milkweed plant species as its larval host plant. The monarch butterfly is expected to occur in suitable habitats within the Falcon Project area.

Prostrate milkweed (*Asclepias prostrata*). All known populations of prostrate milkweed in the U.S. are located within 8 miles of the Rio Grande in northwest Zapata County, south to near Roma in Starr County. Critical habitat has been proposed for prostrate milkweed in Starr and Zapata counties (USFWS 2022). Within these areas, the physical or biological features essential for the conservation of prostrate milkweed consist of well-drained sandy soil overlying strata of sandstone or indurated caliche; high soil gypsum concentration; open savannas and grasslands of the Tamaulipan Shrubland Ecoregion; vegetation composition that includes abundant, diverse pollen and nectar plants and healthy populations of native bee and wasp species; and less than 20 percent cover of buffelgrass (*Pennisetum ciliare*). There is no proposed critical habitat within the Falcon Project area, but proposed critical habitat units are located proximate to the Falcon Project area.

Tricolored bat (*Perimyotis subflavus*). The tricolored bat occurs in forested habitats across the eastern U.S. and roosts in trees, primarily among leaves, during the summer. In winter, tricolored bats roost in caves and mines, or in human-made structures such as culverts. Tricolored bats are one of the smallest bats in North America, and populations have declined dramatically as a result of white-nose syndrome, a disease caused by a fungal pathogen. Tricolored bats occur in the eastern half of Texas, west to Armstrong County, and central Texas as far west as Val Verde County (Texas Parks and Wildlife Department 2024). Tricolored bats likely have very limited distribution in the Falcon Project area but could occur during the spring, summer, and fall, roosting in trees, and foraging over Falcon Lake.

Zapata bladderpod (*Lesquerella thamnophila*). Populations of Zapata bladderpod are known to occur proximate to the Falcon Project area, and occurrence within the Falcon Project area is probable. Zapata bladderpod can be difficult to detect during drought years, with populations responding quickly to rainfall events. In dry years, the species can often be nearly undetectable, and in wet years, large populations numbering hundreds of individuals can be observed. There is designated critical habitat for the Zapata bladderpod, but the Falcon Project area is not within it (USFWS 2004, 2015).

Invasive Species

The disturbed nature of the grazing leases makes the habitat more susceptible to recruitment and establishment by invasive species. Invasive species that are identified as occurring within the Texas Plain Ecoregion include giant reed (*Arundo donax*), salt cedar (*Tamarix ramosissima*), King ranch bluestem (*Bothriochloa ischaemum* var. *songarica*), Guineagrass (*Urochloa maxima*), water lettuce (*Pistia stratiotes*), Chinese tallow tree (*Triadica sebifera*), Brazilian peppertree (*Schinus terebinthifolius*), popinac (*Leucaena leucocephala*), common water hyacinth (*Eichhornia crassipes*), buffelgrass (*Cenchrus ciliaris*), hydrilla (*Hydrilla verticillate*), and chinaberry tree (*Melia azedarach*) (Texas Invasive Plant and Pest Council 2023).

Based on windshield surveys conducted in 2022, most of the grazing leases are dominated by a mesquite mixed shrubland plant community, with few leases managed for grassland habitat to be used for grazing. However, where grazing was observed, most of the woody vegetation was removed, grasslands or bare ground dominated, and some areas had been burned in attempts to reduce vegetation cover through unauthorized burning (Vernadero 2022). Buffelgrass was observed at many of the grazing leases.

3.2.2 *Environmental Consequences*

Alternative 1 – No Action

Vegetation management in the Falcon Project would primarily be through continued grazing on active grazing leases and from periodic high water levels in Falcon Reservoir inundating and reducing the growth of woody vegetation. There would be no direct impacts on vegetation in the grazing leases as no ground disturbance would be permitted. Under the No Action Alternative, wildlife habitat would remain a diverse mosaic of grasslands closest to Falcon Reservoir where floodwaters decrease the density of woody vegetation, and thorny brush vegetation dominated by mesquite and huisache throughout most areas where annual floodwaters do not inundate the lands. Common wildlife species would continue to be present as described in Section 3.2.1, and no hunting for game animals would be allowed on grazing leases.

There would be no effect on threatened and endangered species as there would be no ground-disturbing activities that could impact listed plants. Continued grazing activities would not impact the jaguarundi travel corridor habitat across the Falcon Project area.

Alternative 2 – Terminate Leases

There would be no direct impact on vegetation, wildlife, or threatened and endangered species with the termination of leases under Alternative 2. With the lack of fence maintenance and reduced off-road vehicular travel associated with managing leased lands by lessees, more of the Falcon Project area would revert to thorny brush and grassland habitats. No ground disturbance would occur, and there would be no effect on federally listed species.

Alternative 3 – Change Rental Rates on Active Leases and Implement Improved Program Management

Under Alternative 3, ground-disturbing activities would not be permitted, and management of grazing leases would continue similar to management described under the No Action Alternative. Potentially there would be improved lease oversight and land management by lessees under Alternative 3, as higher grazing lease costs would motivate lessees to invest greater resources into the grazing leases to achieve the maximum carrying capacity of the land for animal grazing. However, these management activities would primarily be focused on improving lands for grazing; USIBWC would continue to ensure that sensitive resources would not be damaged by lessees. There would be no effect on federally listed species under Alternative 3 as no new ground disturbance would occur.

Alternative 4 – Allow Hunting on Existing Grazing Leases

Besides allowing hunting, the impacts of Alternative 4 on vegetation, wildlife, and federally listed species would be the same as under the No Action Alternative. All hunting allowed by USIBWC on leased lands would be in accordance with Texas Parks and Wildlife Department hunting regulations, and Texas game wardens would ensure conservation regulations are followed. Deer hunting would require coordination with the USDA, as all of the Falcon Project area is within the cattle fever tick quarantine zone, and deer taken within this zone must be checked by a USDA agent before its removal. All deer stands and deer feeders could only be placed on existing disturbed lands. There would be no new ground disturbance or loss of vegetation under Alternative 4 and, therefore, no effect on federally listed species.

Alternative 5 – Terminate Leases Not Directly Accessible from Public ROWs

Impacts on biological resources from Alternative 5 would be similar to those described for Alternative 2. Leases that would be terminated under Alternative 5 would be dominated by the thorny brush vegetation community except in areas where Falcon Reservoir water levels periodically inundate lands. There would be no ground-disturbing activities or loss of vegetation under Alternative 5 and therefore, no effects on federally listed species.

Alternative 6 – Negotiate Access Easements on Private Property for Existing Leases

Negotiating access easements for USIBWC personnel to have improved access to leased lands would not impact biological resources. Grazing leases would continue to be used for a combination of livestock grazing or left relatively unmanaged when lands are not suitable to support livestock grazing. There would be no ground-disturbing activities or loss of vegetation and, therefore, no effect on federally listed species.

Alternative 7 – Amend Leases to Allow Vegetation Management

Under Alternative 7, herbicide applications and aboveground vegetation removal with hand tools would be used primarily for vegetation management. There would be direct adverse effects on the current vegetation communities, primarily dominated by mesquite and huisache shrubland and woodland communities. Lessees that implemented vegetation management would convert portions of woodland and shrubland habitats listed in Table 3-1 to grassland habitats, to improve lands for grazing activities. It is not known how much woodland and shrubland habitats would be converted to grassland by vegetation management activities, but would likely be in the hundreds of acres in the long term, as herbicide applications and hand removal of aboveground vegetation are labor intensive and relatively expensive management techniques relative to using mechanized equipment to remove shrubland vegetation. Some wildlife species that are more dependent on woodland and shrubland habitats for forage and protection from predators would experience a long-term decrease in these habitat types. In the long term, there would be moderate adverse impacts on vegetation and wildlife from implementation of vegetation management at grazing leases under Alternative 7.

Alternatively, in the long term, there would be more grassland habitat and a greater mosaic of habitat types in the Falcon Project area due to management of vegetation to support grazing in select leases. A greater diversity in habitat types benefits native wildlife species, increases forage for many mammal and avian species common to the Falcon Project area, and would have a long-term beneficial impact.

Herbicide use risks directly damaging or killing federally listed plant species that could occur in the Falcon Project area. However, many of these rare plant species, such as Zapata bladderpod and ashy dogweed, are outcompeted by invasive grasses or shaded by woody vegetation such as mesquite and huisache. If these federally listed plant species were to occur in areas where vegetation management would be implemented, there would be a long-term benefit as a reduction in plant competition with invasive grasses and woody species would occur. Woody vegetation removal with hand tools would risk killing state listed avian species if conducted during the bird breeding season and active nests were disturbed or destroyed. Federally and state listed mammal species would likely avoid herbicide application and aboveground vegetation removal activities, but state-listed reptiles and amphibians would be at risk for injury or death if present in vegetation being cut and removed.

However, all leases modified to allow vegetation management activities would include a list of sensitive nontarget plant species that must be avoided by licensed applicators, including ashy dogweed, prostrate milkweed, and Zapata bladderpod. Further, vegetation management through the use of hand tools to remove aboveground plant material would not be allowed during the bird breeding season (1 February through 31 August). Therefore, Alternative 7 may affect but is not likely to adversely affect the ashy dogweed, prostrate milkweed, star cactus, and Zapata bladderpod. Alternative 7 may affect but is not likely to adversely affect the ocelot and jaguarundi if potentially present during travel and movement through the Project Area during vegetation management activities. Alternative 7 would not jeopardize the continued existence of the monarch butterfly, a federal candidate species or the prostrate milkweed, a proposed to be listed as endangered species. No effects would occur to any other federally listed species. The USFWS concurred with these determinations on 24 January 2024 (Appendix C).

Alternative 8 – Form a Citizens’ Committee to Provide Lease Management Support

There would be no impact on biological resources from the formation of a Citizens’ Committee to support lessees and USIBWC management of grazing leases. There would be no new disturbance of vegetation, no change in wildlife habitat, and no effect on federally listed species under Alternative 8.

3.3 Earth Resources

Earth resources are defined as the physiography, topography, geology, and soils of a given area. Physiography and topography pertain to the general shape and arrangement of a land surface, including its height and the position of its natural and human-made features. Geology is the study of the Earth’s composition and provides information on the structure and configuration

of surface and subsurface features. Such information derives from field analysis based on observations of the surface and borings to identify subsurface composition. Soils are the unconsolidated materials overlying bedrock or other parent material. Soils typically are described in terms of their complex type, slope, and physical characteristics. Differences among soil types in terms of their structure, elasticity, strength, shrink-swell potential, and erosion potential affect their abilities to support certain applications or uses. In appropriate cases, soil properties must be examined for their compatibility with particular construction activities or types of land use.

3.3.1 *Affected Environment*

This ecoregion is considered to be a diverse ecoregion located where the eastern Chihuahuan Desert, Tamaulipan thornscrub, and subtropical woodlands along the Rio Grande intersect with the western edge of the coastal grasslands. This area is commonly referred to as the “brush country” due to 300 years of fire suppression, grazing, and drought, which have decreased the grass coverage and increased the brush coverage of the land (U.S. General Services Administration [GSA] 2014).

The major geologic units underlying the Falcon Project area, in decreasing order of prevalence, are the Jackson Group, undivided; Yegua Formation; sand sheet deposits; Laredo Formation; Catahoula Formation and Frio Clay, undivided; alluvium; terrace deposits; Goliad Formation; Quaternary deposit, undivided; and Uvalde gravel (U.S. Geological Survey 2023). The Wilcox Formation in Webb and Zapata counties, which is a series of geopressed, low-permeability sands at average depths of 5,000 to 12,000 feet, have been important for oil and gas development in the region and have been actively developed (Robinson et al. 1986).

Soils are varied: highly alkaline to slightly acidic, composed of sands, clays and/or clay loams. Caliche and gravel ridges are common. Rainfall peaks in both spring and fall and is erratic. Droughts are common. The soils on the floodplain of the Rio Grande and on alluvial fans along the larger arroyos generally consist of silt loams, silty clay loams, and sand (USIBWC 2020). The terraces and adjacent uplands include clays in some areas and sandy clay loams in others (USIBWC 2020). Soil types in the Falcon Project area are shown in Figure 3-2.

Six soil series are found in the Falcon Project area (USDA – Natural Resources Conservation Service [NRCS] 2011; USIBWC 2020). These are:

- **Zalla series:** Occurs on the active floodplain of the Rio Grande and is characterized as deep, somewhat excessively drained, gently sloping to hummocky, loamy fine sand to sand above silty clay loam or sand.
- **Rio Grande series:** Occurs on higher elevations of the floodplain, on lower terraces, and on alluvial fans along major tributaries; deep, well-drained, nearly level to gently sloping, infrequently flooded, silt loams or very fine sand loams over fine sand loams or silty clay.
- **Lagloria series:** Occurs on the upper terraces of the Rio Grande; deep, well-drained, nearly level soils that no longer receive sediments from flooding; primarily silt loams.

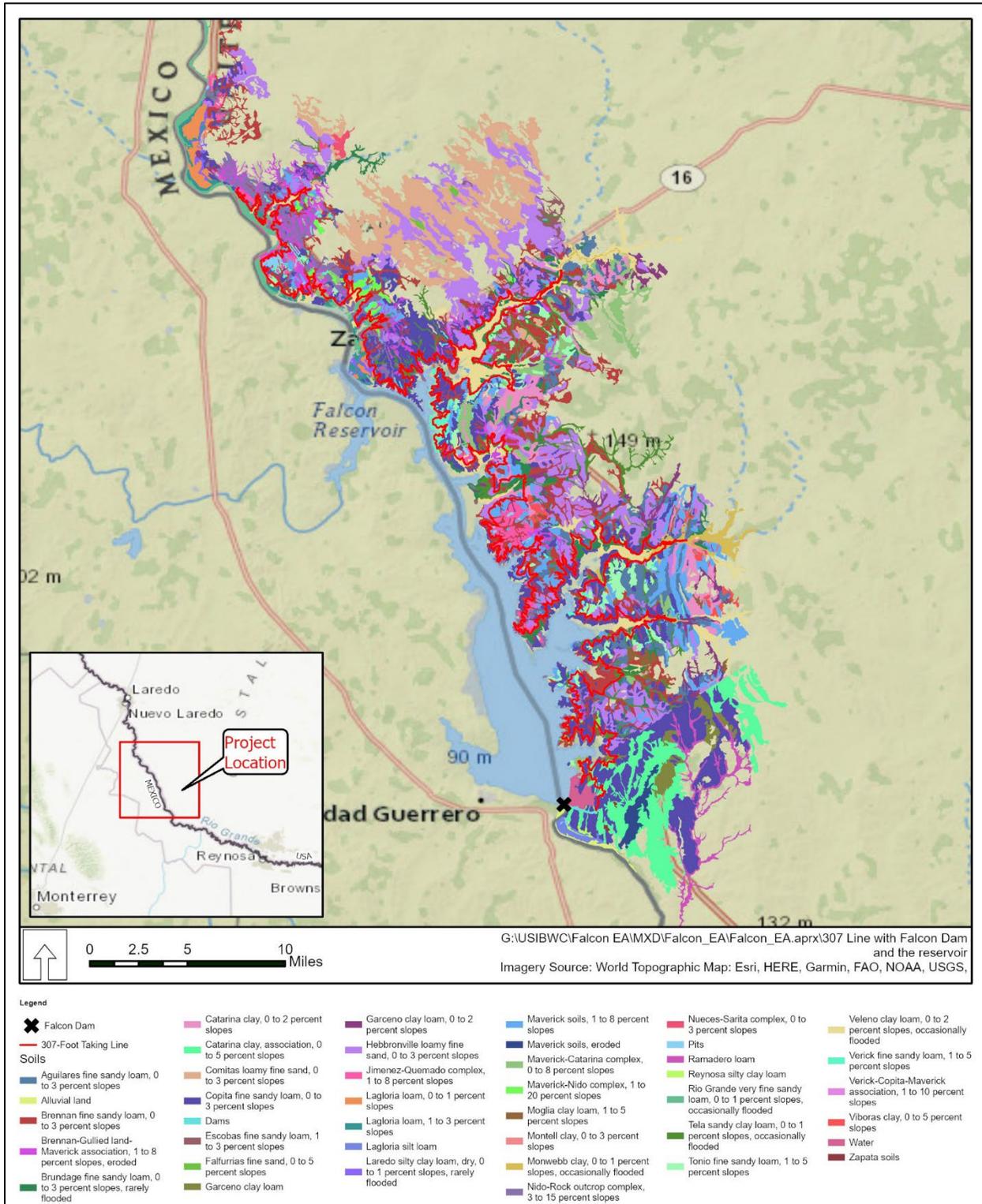


Figure 3-2. Soils of the Falcon Project Area

- **Ramadero series:** Occurs along the drainage ways in the uplands; deep, well-drained, nearly level soils; soil texture is primarily sandy clay loam.
- **Jiminez series:** Occurs on the high terraces; thin, excessively drained, undulating to hilly, very gravelly soils that are shallow over caliche; soil texture is primarily gravelly loam.
- **Copita series:** Occurs on high terraces; moderately deep, well-drained, nearly level to gently undulating soils with few or no gravels; soil texture is primarily fine sandy loam over sandy clay loam.

3.3.2 *Environmental Consequences*

Alternative 1 – No Action

Under the No Action Alternative, there would be no change to activities that could potentially cause ground disturbance and adversely impact soils. Cattle, horses, and other domesticated animals that would be kept on leased lands would continue to have minor impacts on surface soils and reduce the vegetative cover that helps bind soils and reduce soil loss during stormwater movement. Maintenance of fences would include installing new t-posts. Off-road driving of vehicles would also continue to disturb surface soils and have minor long-term adverse impacts. There would be no impacts on geologic resources or topographic features under the No Action Alternative.

Alternative 2 – Terminate Leases

There would be no impacts on soils under Alternative 2. All grazing activities would cease, no further off-road vehicle travel by lessees would be allowed, and no fence maintenance activities by lessees would occur. Vegetative cover would likely increase in leased lands, and soil erosion would decrease through time. There would be no impacts on geologic resources or topographic features under Alternative 2.

Alternative 3 – Change Rental Rates on Active Leases and Implement Improved Program Management

The impacts on soils, geology, and topography under Alternative 3 would be the same as described for Alternative 1. Therefore, there would be minor long-term adverse impacts on soils from the implementation of this alternative.

Alternative 4 – Allow Hunting on Existing Grazing Leases

Allowing hunting activities on grazing leases would likely increase disturbance of surface soils. Hunting activities would involve the use of off-road vehicles, which would disturb surface soils, as well as the placement and use of deer stands and feeders. However, the disturbance of soils from these activities would be very limited and would likely only occur on existing dirt roads and pull outs. Therefore, only minor impacts on soils would occur under Alternative 4. There would be no impacts on geology or topography under this alternative.

Alternative 5 – Terminate Leases Not Directly Accessible from Public ROWs

Alternative 5 would have impacts similar to those described for Alternative 2, but it would be limited to only those leases not directly accessible from public ROWs. For those terminated leases, there would be no further ground disturbance from grazing, management of fences, or off-road vehicular travel. Therefore, there would be no impacts on soils at those terminated leases under this alternative. There would be no impacts on geology or topography under this alternative.

Alternative 6 – Negotiate Access Easements on Private Property for Existing Leases

Impacts on soils from Alternative 6 would be the same as those described for Alternative 1. Grazing activities would continue on leased lands, and grazing management activities such as fence maintenance and off-road vehicular travel would continue. These activities would have a long-term minor adverse impact on soils. There would be no impact on geology or topography under this alternative.

Alternative 7 – Amend Leases to Allow Vegetation Management

Alternative 7 would have short-term moderate adverse impacts but long-term minor beneficial impacts. Vegetation management would reduce woody vegetation from portions of grazing leases. Immediately following initial herbicide treatments, dead and dying vegetation would leave some soils exposed to water erosion during storm events. However, over the long term, vegetation management would support the conversion of leases being dominated by woody plant species such as huisache and mesquite to being dominated by grasses. The prevalence of grass cover would greatly reduce soil erosion and benefit soil stability in the long term. There would be no impact on geology or topography under this alternative.

Alternative 8 – Form a Citizens' Committee to Provide Lease Management Support

There would be no impact on soils under Alternative 8. Improved communication between USIBWC and lessees would support improved management of grazing leases; however, this would likely have little effect on changing soil stability or soil erosion. There would be no impact on geology or topography under this alternative.

3.4 Water Resources

Water resources include surface waters, groundwater, and floodplains. Surface waters include all reservoirs, ponds, rivers, streams, impoundments, and wetlands within a defined area or watershed. Wetlands are transitional areas between terrestrial and aquatic systems with land covered by shallow surface water. Groundwater resources include water contained in soils, permeable and porous rock, and unconsolidated substrate. Floodplains are areas that are flooded periodically by the lateral overflow of surface water bodies.

Surface waters, as defined in 33 CFR 328.3, are regulated under Sections 401 and 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The Clean Water Act (33 USC § 1251 et seq.) regulates discharges of pollutants in surface waters of the U.S. Section 404 of

the Clean Water Act establishes a program to regulate the discharge of dredged and fill material into waters of the U.S., including wetlands. The U.S. Army Corps of Engineers defines wetlands as “those areas that are inundated or saturated with ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions” (Environmental Laboratory 1987). Wetlands generally include swamps, marshes, bogs, and similar areas (33 CFR 328). Federal protection of wetlands is also promulgated under EO 11990, *Protection of Wetlands*, the purpose of which is to reduce adverse impacts associated with the destruction or modification of wetlands. This order directs federal agencies to provide leadership in minimizing the destruction, loss, or degradation of wetlands.

The Clean Water Act provides the authority to establish water quality standards, control discharges into surface and subsurface waters (including groundwater), develop waste treatment management plans and practices, and issue permits for discharges. A National Pollutant Discharge Elimination System (NPDES) permit under Section 402 of the Clean Water Act is required for discharges into surface waters. The USEPA oversees the issuance of NPDES permits at federal facilities as well as water quality regulations (Section 401 of the Clean Water Act) for both surface and groundwater within states.

Groundwater is water that occurs in the saturated zone beneath the earth’s surface and includes underground streams and aquifers. It is an essential resource that functions to recharge surface water and can be used for drinking, irrigation, and industrial processes. Groundwater typically can be described in terms of depth from the surface, aquifer or well capacity, water quality, recharge rate, and surrounding geologic formations. The susceptibility of aquifers to groundwater contamination relates to geology, depth to groundwater, infiltration rates, and solubility of contaminants. Groundwater resources are regulated on the federal level by the USEPA under the Safe Drinking Water Act, 42 USC § 300f et seq. The USEPA’s Sole Source Aquifer Program, authorized by the Safe Drinking Water Act, further protects aquifers that are designated as critical to water supply and makes any proposed federal or federal financially assisted project that has the potential to contaminate the aquifer subject to USEPA review.

Floodplains are areas of low-level ground along rivers, stream channels, or coastal waters that provide a broad area to inundate and temporarily store floodwaters. In their natural vegetated state, floodplains slow the rate at which the incoming overland flow reaches the main water body. Floodplains are subject to periodic or infrequent inundation due to rain or melting snow. Risk of flooding typically hinges on local topography, the frequency of precipitation events, and the size of the watershed above the floodplain. Flood potential is evaluated and mapped by the Federal Emergency Management Agency, which defines the 100-year (regulatory) floodplain. The 100-year floodplain is the area that has a 1 percent chance of inundation by a flood event in a given year. Federal, state, and local regulations often limit floodplain development to passive uses, such as recreational and preservation activities, to reduce the risks to human health and safety.

EO 11988, *Floodplain Management*, provides guidelines that agencies should carry out as part of their decision making on projects that have potential impacts to or within the floodplain. This EO requires federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative.

3.4.1 *Affected Environment*

The total area of Zapata County is 678,489 acres, of which 39,232 acres is water. Elevation of the county ranges from 325 to 550 feet above sea level (USDA – NRCS 2011). The major drainage system of Zapata County is the Rio Grande and several major arroyos. An arroyo is a water-carved gully or channel watercourse in an arid region. The major arroyos in Zapata County (from north to south) are Dolores, Salado, San Francisco, Burro, Veleno, del Tigre Grande, and del Tigre Chiquita. The drainage flow of these arroyos is west and southwest; most drain into the Rio Grande. Management practices that increase the amount of vegetative cover on the ground surface also increase the rate of water infiltration, thus reducing runoff and soil erosion (USDA – NRCS 2011). These practices result in better use of rainfall, higher forage production, and reduced flooding in low-lying areas, and they help improve water quality.

The impoundment of Falcon Reservoir began in 1953. The top of the conservation pool is at 301.2 feet and comprises 87,000 acres. The maximum water surface elevation is at 314.2 feet and comprises 115,400 acres. The entire project area is therefore below the 307 taking line is within the 100-year floodplain.

Wetlands have not been mapped within the project area. There are likely wetland habitats, and some of these are likely potentially jurisdictional wetlands. However, there are no activities proposed under any alternatives that would have dredge or fill activities within wetlands.

There are no proposed activities that would affect or be affected by groundwater or groundwater availability. The grazing leases do not provide leaseholders the opportunity to drill wells or utilize groundwater beneath leased lands in any way.

All current grazing leases provide access to Falcon Reservoir waters for adjacent landowners. In some leases, the leaseholder and/or adjacent landowners have water lines and irrigation facilities extending from Falcon Reservoir through grazing leases and onto private property.

Existing cattle grazing does extend to the Falcon Reservoir water line on most active leases. Cattle grazing does have the potential to degrade water quality through microbial and nutrient pollution. However, current cattle grazing activities along Falcon Reservoir are limited in area to only active leases within the Falcon Project and the number of cattle on each grazing lease is severely restricted by the availability of forage. Falcon Reservoir is a very large water body and the likelihood of water quality degradation due to cattle grazing at active grazing leases is low. Further, studies have indicated that cattle on public lands do not significantly impact water quality, although fecal indicator bacteria concentrations can be significantly greater when receiving stream flow is low to stagnant and turbid, or when cattle are observed within the sampled water body (Roche et al. 2013).

3.4.2 *Environmental Consequences*

Alternative 1 – No Action

Under the No Action Alternative, there would be minor impacts on water resources from continued microbial and nutrient pollution that can degrade the water quality of Falcon Reservoir. Grazing leases would continue unchanged, and adjacent landowners would access surface waters of Falcon Reservoir within the limits of water rights for surface water use.

Alternative 2 – Terminate Leases

There would be a minor beneficial impact on surface water quality under Alternative 2. Cattle grazing and associated management activities, including off-road vehicle travel, disturb soils, which can run off into surface water bodies during storm events. With a reduction of cattle grazing activities on Falcon Project lands, there would be a reduction in suspended sediment in stormwater runoff as well as a reduction in microbial and nutrient pollution into Falcon Reservoir.

Alternative 3 – Change Rental Rates on Active Leases and Implement Improved Program Management

There would be no substantial change to water resources under Alternative 3. Surface water impacts would remain the same as grazing leases would continue, but likely at a higher annual rental rate. No impacts on water resources would be anticipated.

Alternative 4 – Allow Hunting on Existing Grazing Leases

Minor adverse impacts on water quality would occur under Alternative 4. It is likely that hunting activities would lead to more off-road vehicular travel on existing unpaved roads, leading to more soil disturbance. Sediments in stormwater runoff can reduce water quality, and sediments would likely be transported into Falcon Reservoir during storm events.

Alternative 5 – Terminate Leases Not Directly Accessible from Public ROWs

Impacts on water resources from Alternative 5 would be similar to those described in Alternative 2, but the beneficial impacts on water quality would only occur on select leases that would be terminated.

Alternative 6 – Negotiate Access Easements on Private Property for Existing Leases

There would be no impact on water resources under Alternative 6. Grazing leases would continue unchanged, but access by USIBWC personnel would be improved. The improved access would be unlikely to affect water quality in surface water at leases or from runoff into Falcon Reservoir.

Alternative 7 – Amend Leases to Allow Vegetation Management

Surface water quality would experience minor adverse impacts in the short term following vegetation management activities under Alternative 7. A reduction in living vegetation through herbicide treatments and aboveground vegetation removal can lead to a temporary increase in soil erosion and the transport of sediment in stormwater. However, in the long term, there would be beneficial impacts on surface water quality as the reduction in woody vegetation and increase in herbaceous vegetation as a result of vegetation management would increase plant cover and provide greater soil stability and reduce erosion and sediment transport in surface water runoff.

There would be no impact on water quality from the use of herbicides for vegetation management. Only approved herbicides would be used and would follow the labeling instructions. Application would only be conducted by applicators licensed in the state of Texas. By using the appropriate and approved herbicides for the specific work location, using herbicides only as prescribed by their labeling instructions, and by ensuring applications of herbicide are conducted by qualified applicators, water quality in surface water and groundwater would remain unchanged.

Alternative 8 – Form a Citizens’ Committee to Provide Lease Management Support

No impacts on water resources are anticipated under Alternative 8. It is likely that improved communication between stakeholders such as lessees and USIBWC would better support land management activities at Falcon Reservoir and on grazing leases. However, this communication would not substantially improve soil stability or reduce erosion from surface water runoff along dirt roads or areas disturbed and denuded by grazing activities.

3.5 Cultural Resources

Cultural resources are any prehistoric or historic district, site, building, structure, or object considered important to a culture or community for scientific, traditional, religious, or other purposes. These resources are protected and identified under several federal laws and EOs. Cultural resources include the following subcategories:

- Archaeological (i.e., prehistoric or historic sites where human activity has left physical evidence of that activity but no structures remain standing)
- Architectural (i.e., buildings or other structures or groups of structures, or designed landscapes that are of historic or aesthetic significance)
- Traditional cultural properties (resources of traditional, religious, or cultural significance to Native American tribes)

Significant cultural resources are those that have been listed on the NRHP or determined to be eligible for listing. To be eligible for the NRHP, properties must be 50 years old and have national, state, or local significance in American history, architecture, archaeology, engineering, or culture. They must possess sufficient integrity of location, design, setting, materials,

workmanship, feeling, and association to convey their historical significance and meet at least one of four criteria:

- Associated with events that have made a significant contribution to the broad patterns of our history (Criterion A)
- Associated with the lives of persons significant in our past (Criterion B)
- Embody distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction (Criterion C)
- Have yielded or be likely to yield information important in prehistory or history (Criterion D)

Properties that are less than 50 years old can be considered eligible for the NRHP under Criterion Consideration G (i.e., properties that have achieved significance within the past 50 years) if they possess exceptional historical importance. Those properties must also retain historic integrity and meet at least one of the four NRHP criteria (A, B, C, or D). The term “historic property” refers to national historic landmarks and to NRHP-listed and NRHP-eligible cultural resources.

Federal laws protecting cultural resources include the Archaeological and Historic Preservation Act of 1960 as amended, the American Indian Religious Freedom Act of 1978, the Archaeological Resources Protection Act of 1979, the Native American Graves Protection and Repatriation Act of 1990, and the NHPA, as amended through 2016, and associated regulations (36 CFR 800). The NHPA requires federal agencies to consider the effects of federal undertakings on historic properties prior to making a decision or taking an action and to integrate historic preservation values into their decision-making process. Federal agencies fulfill this requirement by completing the Section 106 consultation process, as set forth in 36 CFR 800. Section 106 of the NHPA also requires agencies to consult with federally recognized Indian tribes with a vested interest in the undertaking.

Section 106 of the NHPA requires all federal agencies to seek to avoid, minimize, or mitigate adverse effects on these properties (36 CFR 800.1[a]). For cultural resource analysis, the Area of Potential Effect (APE) is used as the Region of Influence. APE is defined as the “geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist” (36 CFR 800.16[d]), and thereby diminish their historic integrity. The APE for direct effects includes the footprint of the areas that could potentially be leased by USIBWC. For architectural resources, the APE for indirect effects is a 1,000-foot buffer around the Proposed Action areas.

3.5.1 *Affected Environment*

An estimated 116,825.76 acres of USIBWC-controlled land have been surveyed for cultural resources at the Falcon Project (Figure 3-3). As of 2020, about 895 archaeological sites have been recorded within USIBWC-controlled property at the Falcon Project. Of the 895 recorded archaeological sites, none are formally listed on the NRHP. A total of 65 sites are recommended

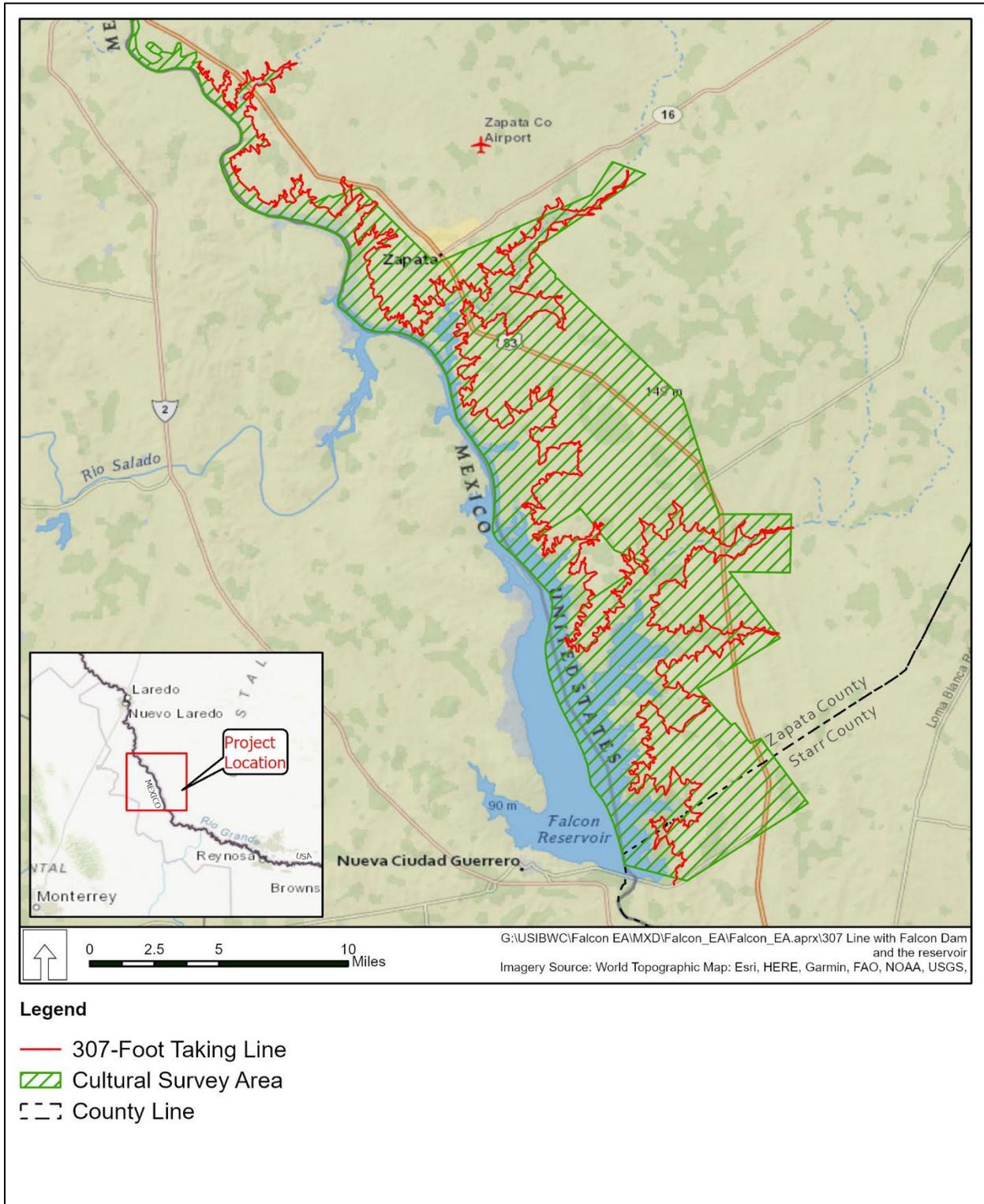


Figure 3-3. Cultural Resources Survey Area Map of Falcon Reservoir Area

as eligible, and 85 sites are potentially eligible, but concurrence from the Texas SHPO has not been completed. At least 594 sites retain an undetermined eligibility status. The remaining 148 sites lacked diagnostic artifacts, good potential for subsurface cultural deposits, and/or were severely impacted by natural and/or human-made events (USIBWC 2020). In 1952, the USIBWC made a survey of extant historic cemeteries that would need to be relocated because they fell within the boundaries of the future Falcon Project (USIBWC 2020). The report showed the locations of 21 historic cemeteries, many of which were located on individually owned ranch properties. The report also included a register of graves for the cemeteries. Of the 21 cemeteries located in 1952, 18 were within the boundaries of former ranch properties that now have been recorded as archaeological sites. Two ranches containing cemeteries that have not been given archaeological site numbers are Tortolas Ranch and Refugio Ranch. Archaeologists have only rerecorded the locations and conditions of four of the cemeteries documented in 1952. Since the construction of Falcon Project in the 1950s, a majority of the historic architectural resources within USIBWC-controlled lands have been recorded as archaeological sites based on their condition as ruins and/or submerged buildings and structures. Sections of irrigation systems, specifically pipe segments, have been identified during archaeological investigations. A number of archaeological sites located at the Falcon Project include Native American burials. There may also be unmarked Native American burial grounds that have yet to be identified (GSA 2014).

3.5.2 Environmental Consequences

Alternative 1 – No Action

Continued grazing activities would have no effect on historic properties as long as all the limitations described in the grazing leases are followed by lessees. These include no new ground-disturbing activities, no maintenance of fences along existing fence lines, and no vegetation management. Providing grazing leases to adjacent landowners would provide some protection from vandalism and looting of archaeological sites, which has been a problem at the Falcon Project. The continued maintenance of lease boundary fencing by lessees and the presence of lessees overseeing the lands would also help discourage vandalism and looting of sites.

Alternative 2 – Terminate Leases

Under Alternative 2, there would be no direct effect on historic properties, as grazing leases would be terminated and there would be no concerns that lessees might violate the limitations of leases for leased lands. However, without the continued maintenance of fencing by lessees as well as their assistance in managing lands and providing a presence in the Falcon Project, there would be a greater risk of increased vandalism and looting of archaeological sites under Alternative 2.

Alternative 3 – Change Rental Rates on Active Leases and Implement Improved Program Management

The effects on historic properties under Alternative 3 would be the same as those described for Alternative 1.

Alternative 4 – Allow Hunting on Existing Grazing Leases

Hunting activities are not anticipated to have an adverse effect on historic properties, as long as lessees would abide by the limitations on hunting that would be included in the leases. There would be no new off-road vehicular travel, no vegetation clearing, and no ground-disturbing activities allowed. However, allowing hunting on the grazing leases would likely further discourage looting and vandalism of archaeological sites because of the increased presence of lessees on the leased lands during hunting seasons.

Alternative 5 – Terminate Leases Not Directly Accessible from Public ROWs

Alternative 5 would be similar to Alternative 2, and no adverse effects on historic properties would be anticipated from this alternative.

Alternative 6 – Negotiate Access Easements on Private Property for Existing Leases

There would be no adverse effects on historic properties under Alternative 6. There would be no change in grazing activities or associated land management activities under Alternative 6. Improved access for USIBWC personnel would allow for an increased presence on grazing leases potentially reducing the likelihood of vandalism and looting of archaeological sites.

Alternative 7 – Amend Leases to Allow Vegetation Management

There would be no ground-disturbing activities associated with vegetation management. Application of herbicide and removal of aboveground vegetation with hand tools would not adversely affect archaeological sites or historic structures. Therefore, there would be no adverse effect on historic properties under Alternative 7.

Alternative 8 – Form a Citizens' Committee to Provide Lease Management Support

There would be no adverse effects on historic properties under Alternative 8. A Citizens' Committee could provide added protection to known and unknown archaeological resources at the grazing leases by better communicating issues associated with accessibility or the potential for vandalism of archaeological sites.

A request for concurrence with USIBWC's no effect to historic properties determination was made to the Texas SHPO (Appendix A).

3.6 Recreational Resources

Recreational resources include federal, state, and local parks, trails, scenic areas, beaches, indoor and outdoor community recreation centers, and playgrounds. Recreation areas are

primarily limited to running and bicycle trails, ballfields, swimming pools, bowling alleys, theatres, playgrounds for children, and gymnasium facilities.

3.6.1 Affected Environment

Falcon Reservoir is used for numerous recreational purposes, including fishing, various watercraft-based activities, and wildlife viewing. There are no specific limitations on public access to USIBWC-managed lands in the Falcon Project; however, most lands are not accessible to the public from public roadways. Hunting is not allowed on lands currently leased for grazing activities, but site surveys indicate that hunting activities are occurring. There are limited organized public recreation activities on USIBWC-managed lands. An annual youth hunt is implemented in the old Zapata area, providing opportunities for children to participate in deer hunting activities.

Permitted boat ramps and docks provide important community and recreational resources, allowing access to Falcon Reservoir for boating and fishing. However, low water levels in recent years have limited some access from these boat ramps.

3.6.2 Environmental Consequences

Alternative 1 – No Action

Under the No Action Alternative, there would be no impact on recreation at the Falcon Project. Access to Falcon Reservoir from public launch facilities would continue unchanged. Public access to USIBWC-managed lands in the Falcon Project area would also continue, with access to those lands from Falcon Reservoir and from some public ROWs. Lands leased for grazing would continue to be fenced by the lessees, which would make public access to recreation difficult to impossible; however, this would not be a change from existing conditions.

Alternative 2 – Terminate Leases

Under Alternative 2, there would be the opportunity for increased public access to USIBWC lands. Some lands currently with grazing leases and restricted by gates and fences from public ROWs could be accessed by the public if those leases were terminated. This would be a limited number of grazing leases, as most grazing leases do not have direct land access from public ROWs; therefore, access is limited to adjacent private landowners by land or from Falcon Reservoir by water. Under Alternative 2, there would be a minor beneficial impact on recreation in the Falcon Project area.

Alternative 3 – Change Rental Rates on Active Leases and Implement Improved Program Management

There would be no change to public access or recreational opportunities under Alternative 3. Increased fees collected for grazing leases would not change land management of the USIBWC-managed lands that would not be leased. However, most of these lands would remain difficult for the public to access.

Alternative 4 – Allow Hunting on Existing Grazing Leases

Under Alternative 4, there would be a moderate beneficial impact on recreational opportunities by allowing hunting on grazing leases. Hunting is an important recreational activity in south Texas, and increased access to public lands for hunting would improve recreation for the public.

Alternative 5 – Terminate Leases Not Directly Accessible from Public ROWs

Impacts on recreation under Alternative 5 would be similar to those described for Alternative 2. The termination of leases could provide increased opportunities for public access; however, most of the leases that would be terminated under Alternative 5 are not easily accessible by the general public. Therefore, there would be limited benefits for recreation under Alternative 5.

Alternative 6 – Negotiate Access Easements on Private Property for Existing Leases

There would be no impact on recreation under Alternative 6. Improved access to leased lands by USIBWC would not alter recreational opportunities on Falcon Project lands.

Alternative 7 – Amend Leases to Allow Vegetation Management

Under Alternative 7, there would be no impacts on recreation. Vegetation management activities would be limited to applying herbicide to target plant species, and removal of aboveground woody vegetation using hand tools, neither of which would interfere with recreation on Falcon Reservoir or in lands adjacent to grazing leases.

Alternative 8 – Form a Citizens' Committee to Provide Lease Management Support

Under Alternative 8, a Citizens' Committee would have minor beneficial impacts on recreation in the Falcon Project area. Where recreational opportunities exist or could be improved, the Citizens' Committee could participate in making recommendations on how USIBWC could implement those improvements. Conflicts between grazing activities and recreational activities could be mediated by the Citizens' Committee.

3.7 Socioeconomics and Environmental Justice

Socioeconomics is the relationship between economics and social elements, such as population levels and economic activity. Several factors can be used as indicators of economic conditions for a geographic area, such as demographics, median household income, unemployment rates, percentage of families living below the poverty level, employment, and housing data. Data on employment identify gross numbers of employees, employment by industry or trade, and unemployment trends. Data on industrial, commercial, and other sectors of the economy provide baseline information about the economic health of a region.

EOs direct federal agencies to address disproportionate environmental and human health effects in minority and low-income communities and to identify and assess environmental health and safety risks to children. EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, pertains to environmental justice issues and

relates to various socioeconomic groups and disproportionate impacts that could be imposed on them. This EO requires that federal agencies' actions substantially affecting human health or the environment do not exclude persons, deny persons benefits, or subject persons to discrimination because of their race, color, or national origin. EO 12898 was enacted to ensure the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Consideration of environmental justice concerns includes race, ethnicity, and the poverty status of populations in the vicinity of a proposed action.

EO 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, states that each federal agency "(a) shall make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children; and (b) shall ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks."

EO 14096, *Revitalizing Our Nation's Commitment to Environmental Justice for All*, "advances environmental justice for all by implementing and enforcing the Nation's environmental and civil rights laws, preventing pollution, addressing climate change and its effects, and working to clean up legacy pollution that is harming human health and the environment." EO 14096 builds upon efforts to advance environmental justice and equity consistent with EO 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*; EO 13990, *Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis*; EO 14008, *Tackling the Climate Crisis at Home and Abroad*; EO 14052, *Implementation of the Infrastructure Investment and Jobs Act*; EO 14057, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*; EO 14082, *Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022*; and EO 14091, *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.

For the purposes of this EA, minority populations are defined as Alaska Natives and American Indians, Asians, Blacks or African-Americans, Native Hawaiians, and Pacific Islanders or persons of Hispanic origin (of any race); low-income populations include persons living below the poverty threshold as determined by the U.S. Census Bureau; youth populations are children under the age of 18 years; elderly populations are adults over the age of 65 years (U.S. Census Bureau 2023).

3.7.1 Affected Environment

The populations of Starr and Zapata counties, Texas, in 2021 (the most recent year for which U.S. Census Bureau data are available) was 66,049 and 13,908, respectively. Starr County grew by 7.7 percent between 2010 and 2021, while Zapata County lost a small amount of total population (-0.01 percent) between 2010 and 2021. The increase in population in Starr County was similar to the change in population in the United States, but the population growth in Starr County was substantially less than in the state of Texas (Table 3-3). The loss of population in

Zapata County was in stark contrast to the rapid growth in population in Texas and moderate population growth of the United States.

The percent of the population that was under 18 years of age in Starr and Zapata counties was substantially higher than the youth populations of both Texas and the U.S. The percent of persons in poverty in Starr and Zapata counties was also substantially higher than (more than double) the percentage of persons in poverty in Texas and the United States. (Table 3-3).

Nearly the entire populations of Starr and Zapata counties identifies as minorities, primarily Hispanic or Latino, while 59.7 percent of the population of Texas and 40.7 percent of the population of the United States identify as a minority (Table 3-3).

Table 3-3. Population Summary of Zapata and Starr Counties

Population	Zapata County	Starr County	Texas	United States
Population 2021	13,908	66,049	29,558,864	332,031,554
Percent Population Change 2010 to 2021	-0.01	7.7%	15.0%	7.1%
Percent Youth 2021	32.7%	32.5%	25.3%	22.2%
Percent Elderly 2021	13.1%	11.3%	13.1%	16.8%
Percent White, Not Hispanic or Latino 2021	4.2%	3.3%	40.3%	59.3%
Percent Minority 2021	95.8%	96.7%	59.7%	40.7%
Percent Hispanic or Latino 2021	95.1%	96.3%	40.2%	18.9%
Percent Persons in Poverty 2021	28.9%	31.6%	14.2%	11.6%

U.S. Census Bureau 2023

The per capita personal income in 2021 in Texas was \$59,865, which ranked 23rd in the U.S. The per capita personal income in 2021 in the U.S. was \$64,143. In 2021, the per capita personal income of Zapata County was \$33,288, and it was \$34,933 for Starr County (U.S. Bureau of Economic Analysis 2023). The per capita personal income of both Zapata and Starr counties was much lower than that of the state of Texas and the United States as whole.

3.7.2 Environmental Consequences

Alternative 1 – No Action

Under the No Action Alternative, there would be no impacts on socioeconomics in the region, nor any impacts on at-risk populations. Grazing would continue on leases at very low annual lease prices to lessees, and opportunities for members of the community to enter into new leases would be very limited.

Alternative 2 – Terminate Leases

Terminating leases under Alternative 2 would have a minor adverse impact on the socioeconomics of the region. Livestock grazing does produce income for local residents and the number of livestock that can be managed is in relation to the quantity and quality of grazing

lands available. A reduction in available lands for livestock grazing would reduce the number of livestock managed and brought to sale. This would reduce the income for some area residents that graze livestock on Falcon Project leased lands.

There would be no disproportionate impacts on at-risk communities under Alternative 2. Only landowners with lands adjacent to the Falcon Project area hold grazing leases. Although terminating grazing leases would potentially reduce some incomes due to a reduction in livestock sales, these impacts would not disproportionately impact low-income or minority populations.

Alternative 3 – Change Rental Rates on Active Leases and Implement Improved Program Management

There would be no impacts on socioeconomics in the region under Alternative 3. USIBWC would not raise rental rates on leases above what the market could bear. Further there would be improved land management by lessees under Alternative 3, as higher grazing lease costs would motivate lessees to invest greater resources into the grazing leases to achieve the maximum carrying capacity of the land for animal grazing. Better-managed lands with more available forage would provide more income for those holding grazing leases and using those leased lands for livestock grazing, even with increased rental rates.

There would be no disproportionate impacts on at-risk communities under Alternative 3. Existing landowners with lands adjacent to the Falcon Project area would be subject to the increased rental rates on leased lands. Increasing rental rates on grazing leases would decrease the income of landowners using leased lands for grazing if USIBWC did not use these increased revenues for improvements in land management. However, these impacts would not disproportionately impact low-income or minority populations.

Alternative 4 – Allow Hunting on Existing Grazing Leases

Because subletting leased lands for hunting would not be permitted by USIBWC, Alternative 4 would not provide any substantial change in revenue for lessees, and there would be no impacts on socioeconomics. Further, allowing hunting on grazing leases would not disproportionately impact minority or low-income populations in the region.

Alternative 5 – Terminate Leases Not Directly Accessible from Public ROWs

The impacts on socioeconomics and minority and low-income populations under Alternative 5 would be similar to those described for Alternative 2. Socioeconomics in the region would be adversely impacted by terminating those leases that are currently being used for livestock grazing.

Alternative 6 – Negotiate Access Easements on Private Property for Existing Leases

There would be minor beneficial impacts on socioeconomics from improved USIBWC management of Falcon Project area lands. Improved access to leased lands would allow USIBWC to better evaluate the conditions of leased lands and recommend and implement

management measures to increase forage and manage livestock movement. There would be no disproportionate impacts on minority or low-income populations from USIBWC potentially negotiating access easement on private property.

Alternative 7 – Amend Leases to Allow Vegetation Management

Vegetation management would have minor beneficial impacts on regional socioeconomics. Herbicide application and aboveground vegetation removal would improve forage for livestock on leased lands by reducing the density of woody vegetation such as huisache and mesquite and increasing the density of herbaceous vegetation such as grasses and forbs. Improved forage on leased lands would support more livestock, providing socioeconomic benefits for leaseholders.

There would be no disproportionate impacts on minority and low-income populations under Alternative 7, as vegetation management on grazing leases would improve the value of the leases. More valuable leases would allow for higher stocking rates, more economic return, and additional spending in the community, which would benefit the community as a whole.

Alternative 8 – Form a Citizens’ Committee to Provide Lease Management Support

There would be no substantial impact on socioeconomics from the formation of a Citizens’ Committee. The Committee would assist USIBWC in making land management decisions and would be supportive in resolving disputes over leased lands and their uses. However, it is unlikely that these activities would change the economic viability of grazing leases for livestock use and livestock productivity. Further, there would be no disproportionate impacts on minority or low-income populations from the Citizens’ Committee’s activities.

4.0 CUMULATIVE IMPACTS

USIBWC does not have any ongoing or future proposed projects within the portion of the Falcon Project where grazing leases could be issued. The USDA – Animal and Plant Health Inspection Services (USDA – APHIS) manages cattle fever ticks in a permanent quarantine zone between Texas and Mexico, where fever ticks are endemic. Fever ticks are capable of carrying and spreading microscopic parasites that cause bovine babesiosis, which is known as cattle fever and can lead to widespread death of infected cattle. The entire Falcon Project area, including all grazing leases, are located within the permanent quarantine zone. USDA – APHIS leads the tick eradication effort along the Texas – Mexico border by prescribed treatment and inspection of U.S. cattle within the zone. USDA – APHIS personnel ride along the river looking for stray livestock that may have crossed the Rio Grande, as they are likely infested with ticks. Wildlife moves freely across the border, and these animals are capable of carrying ticks into the quarantine zone. All deer killed during hunting season in the quarantine zone are checked by USDA – APHIS for fever ticks (Texas Animal Health Commission 2021).

In response to increasing numbers of cattle fever tick incursions into areas outside the quarantine zone, USDA – APHIS is proposing constructing an 8-foot-high game fence to extend and fill gaps in the existing game fencing in Zapata County. The fence segments will run parallel and along U.S. Highway 83.

U.S. Customs and Border Protection (CBP) is proposing to install 82 new remote video surveillance systems (RVSS) towers along the U.S. – Mexico border in Webb, Zapata, Duval, Jim Hogg, and LaSalle counties, Texas. Of the 82 towers, 15 would be located in Zapata County. Each 80-foot, relocatable tower would be equipped with a suite of day/night cameras and communications and support equipment. CBP will work with landowners to evaluate locations and lease property for the towers (CBP 2023).

CBP is conducting environmental planning to analyze the potential impact of construction, operation, and maintenance of approximately 18 miles of new border barrier system in Zapata County. The proposed border barrier would afford operational control of the border by providing persistent impedance of illegal cross-border activity. This impedance would allow CBP agents sufficient time to respond to and resolve threats. The design of the border barrier could include 30-foot-high, 6-inch-square steel bollards, approximately 4 inches apart and fitted with a 5-foot anti-climb plate (CBP 2023).

The following describes the potential cumulative impacts of implementing one or a combination of the grazing lease management alternatives in combination with the reasonably foreseeable ongoing and future projects.

4.1 Land Use

Implementing all or a combination of Action Alternatives 2 through 8 would have a minor beneficial cumulative impact on land use, as grazing leases would be better managed, better maintained, and would allow for higher stocking rates. As leases would be specifically to support

grazing as a land use activity, improvement in the quality of the leases would benefit that land use.

The proposed construction of barriers and fencing by both CBP and USDA – APHIS, along with fences that are maintained and upgraded on USIBWC grazing leases, do place restrictions on movement in open-space land uses, such as public lands managed by USIBWC in the Falcon Project. Therefore, these other proposed projects in the region, in combination with grazing lease management in the Falcon Project for those alternatives that would continue allowing active grazing leases, would have minor, cumulative, adverse impacts on land use in the Falcon Project area.

4.2 Biological Resources

Implementing all or a combination of Action Alternatives 2 through 8 would have a minor, adverse, cumulative impact on biological resources. The reduction in woody vegetation would decrease cover for some wildlife species and the use of herbicides to control woody vegetation would convert woodland and shrubland communities to grasslands, more suitable to support grazing activities. The decrease in plant diversity and improvement in grazing management would reduce the quality of some areas as wildlife habitat.

Continued grazing activities in the Falcon Project area—along with potential changes in management activities to include vegetation management and hunting in combination with proposed CBP tactical infrastructure such as RVSS towers and border barriers and USDA – APHIS proposed fencing—would have moderate, cumulative, adverse impacts on biological resources. Barriers reduce the ability for wildlife movement, adversely impacting breeding and foraging opportunities. Construction activities have the potential to directly impact listed plant species unless presence/absence surveys are conducted first. However, all of these are federally funded projects, and these federal agencies would be required to coordinate with the USFWS about federally listed species prior to implementing the projects. Therefore, with proper coordination and appropriate implementation of conservation measures, there would be no adverse cumulative impacts on threatened and endangered species.

4.3 Earth Resources

Implementing all or a combination of Action Alternatives 2 through 8 would have minor, adverse, cumulative impacts on earth resources. Vegetation management and improved grazing lease management would likely reduce vegetation cover and expose more soils to erosion. However, increased grassland habitat would likely improve soil stability and reduce soil erosion during stormwater runoff.

Proposed CBP and USDA – APHIS projects include soil disturbance during construction activities. The soil disturbance from these projects in combination with soil disturbance from grazing activities, fence maintenance by lessees, and improvements on grazing leases for those alternatives that would allow continued grazing leases in the Falcon Project area would have a minor cumulative adverse impact on soils. There would be no cumulative impacts on geology or topography from the implementation of any of the grazing lease alternatives.

4.4 Water Resources

Implementing all or a combination of Action Alternatives 2 through 8 would have minor, adverse, cumulative impacts on water resources. Vegetation management and increased cattle stocking rates as a result of improve lease management could expose more soils to erosion, which could increase water turbidity and transport nutrients into receiving waters. However, increased grassland habitat would likely improve soil stability and reduce soil erosion during stormwater runoff.

The proposed grazing lease management alternatives in combination with proposed CBP and USDA – APHIS projects could cause increased soil disturbance regionally, which could be transported as sediments in stormwater runoff to adjacent water bodies such as Falcon Reservoir and the Rio Grande. Best management practices (BMPs) would likely be utilized on construction projects, such as those proposed by CBP and USDA – APHIS. Therefore, there is the potential for minor, adverse, cumulative impacts on surface waters from sediment in stormwater runoff. There would be no cumulative impacts on groundwater resources.

Portions of these proposed CBP and USDA – APHIS projects could be in the 100-year floodplain of the Rio Grande, especially RVSS towers and the border barrier, both of which are proximate to the U.S./Mexico border and Rio Grande. Therefore, the construction of these proposed projects along with additional grazing lease activities in the Falcon Project, such as fence maintenance and upgrades for those alternatives where active grazing leases would continue to be permitted in the Falcon Project area, would have a minor, cumulative, adverse impact on the 100-year floodplain.

4.5 Cultural Resources

Implementing all or a combination of Action Alternatives 2 through 8 would no impacts on cultural resources as no ground-disturbing activities are proposed.

All proposed projects in this area are federally funded and would require consultation with the Texas SHPO under Section 106 of the NHPA. Therefore, any potentially adverse effects on historic properties from proposed projects would be avoided or mitigated. For this reason, there would be no cumulative impacts on cultural resources.

4.6 Recreational Resources

Implementing all or a combination of Action Alternatives 2 through 8 would have no cumulative impacts on recreational resources. Improved lease management including vegetation management activities would be limited to leased lands and would not alter recreation use at Falcon Reservoir or on adjacent lands.

With the proposed construction of an 8-foot-high game fence along portions of U.S. Highway 83 by USDA – APHIS in combination with the limited access because of existing gates and fences on leased lands in the Falcon Project area, there will be further restrictions on opportunities for the public to access USIBWC-managed lands in the Falcon Project area. Although the use of

these lands for recreational purposes is low and would likely remain low in the future, these further restrictions to access in combination with those alternatives that would continue to allow grazing leases in the Falcon Project area, would be a minor adverse cumulative impact on recreational resources.

4.7 Socioeconomics and Environmental Justice

Implementing all or a combination of Alternatives 2 through 8 would have minor, beneficial cumulative impacts on socioeconomics. Improved grazing lease management along with better vegetation management on grazing leases would allow for increased stocking rates and higher economic output from leased lands. Cumulatively, this would increase local and regional spending and income. Implementing all or a combination of Alternatives 1 through 8 would not have disproportionate impacts on minority or low-income populations.

USDA – APHIS’ control of the cattle fever tick and proposed game fence provides socioeconomic benefits to the U.S. as a whole by protecting the cattle industry nationwide. Further, their control and management efforts in the quarantine zone in south Texas, which includes the grazing leases in the Falcon Project, would continue to allow the cattle industry to remain viable in south Texas. This is a cumulative beneficial impact on socioeconomics. Further, CBP’s efforts to control cross-border violations, which have the potential to damage private property and interrupt the security of residents and businesses in the border region of Texas, provide a cumulative socioeconomic benefit in the region.

There are no proposed projects that would cumulatively disproportionately impact minority and low-income populations.

5.0 BEST MANAGEMENT PRACTICES AND ENVIRONMENTAL DESIGN MEASURES

Alternative 1 – No Action

No specific BMPs or environmental design measures would be implemented as part of Alternative 1.

Alternative 2 – Terminate Leases

No specific BMPs or environmental design measures would be implemented as part of Alternative 2.

Alternative 3 – Change Rental Rates on Active Leases to Implement Improved Management

If Alternative 3 were to be implemented, increased grazing lease fees would be distributed to the Department of the Treasury by USIBWC.

Alternative 4 – Allow Hunting on Existing Grazing Leases

If Alternative 4 were to be implemented, USIBWC would ensure that the grazing leases would restrict allowable hunting to leaseholders and their immediate family and friends. There would be no subleasing allowed for hunting activities on leased lands. Violations of these lease conditions would be cause for immediate lease termination.

Alternative 5 – Terminate Leases Not Directly Accessible from Public ROWs

No specific BMPs or environmental design measures would be implemented as part of Alternative 5.

Alternative 6 – Negotiate Access Easements on Private Property for Existing Leases

No specific BMPs or environmental design measures would be implemented as part of Alternative 6.

Alternative 7 – Amend Leases to Allow Vegetation Management

If Alternative 7 were to be implemented, USIBWC would require all herbicide applications on leased lands to use only approved herbicides and follow all labeling instructions. All herbicide applications would be required to follow Texas Pesticide Law, and herbicides could only be applied by Texas-licensed applicators. All aboveground vegetation removal activities would avoid the active bird breeding season (1 February through 31 August) to avoid impacts on nesting birds, including any listed bird species that have a limited potential or are likely to occur in the Falcon Project area.

Alternative 8 – Form a Citizens' Committee to Provide Lease Management Support

No specific BMPs or environmental design measures would be implemented as part of Alternative 8.

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7.0 LIST OF AGENCIES, ORGANIZATIONS, AND PERSONS ON DISTRIBUTION LIST

Grazing leaseholders (136 recipients)
Landowners adjacent to grazing leases (325 recipients)
U.S. Army Corps of Engineers, Corpus Christi Field Office
U.S. Environmental Protection Agency, Region 6
U.S. Fish and Wildlife Service, Corpus Christi Field Office
Texas A&M International University, Department of Social Sciences
Texas Commission on Environmental Quality, Rio Grande Watermaster
Texas Commission on Environmental Quality, Region 15
Texas Parks and Wildlife Department
Texas State Historic Preservation Officer
American Indians at the Spanish Colonial Missions
Comanche Nation
Fort Sill Apache Tribe of Oklahoma
Kickapoo Traditional Tribe of Texas
Kiowa Indian Tribe of Oklahoma
Lipan Apache Band of Texas
Lipan Apache Tribe
Mescalero Apache Tribe
Tap Pilam Coahuiltecan Nation
Tonkawa Tribe of Oklahoma
Ysleta del Sur Pueblo of Texas

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Appendix A. Scoping Correspondence

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OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

January 5, 2023

Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
1511 Colorado St.
Austin, Texas 78701

Dear Mark Wolfe,

The United States Section, International Boundary and Water Commission (USIBWC) is preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act to assess the potential environmental consequences associated with land management and grazing leases, licenses, and permits at the International Falcon Dam and Reservoir in Starr and Zapata Counties, Texas. The enclosed fact sheet describes the grazing lease program at the Falcon Project and the Proposed Action.

USIBWC invites you to attend a public scoping meeting from 5:30 p.m. to 7:30 p.m. at one of three locations listed below. The public scoping meeting will be held in an open-house format providing additional information about the Proposed Action and inviting comments on USIBWC's proposal.

January 31, 2023
Joe A. Guerra Laredo
Public Library
1120 E. Calton Road
Laredo, TX 78041

February 1, 2023
Zapata County Museum of
History
805 N. U.S. Highway 83
Zapata, TX 78076

February 2, 2023
Roma Community Center
601 6th Street
Roma, TX 78584

Please submit your written comments concerning the Proposed Action to Mr. Mark Howe, 4191 North Mesa Street, El Paso, Texas 79902-1423, at falconcomments@ibwc.gov, and/or attend a public scoping meeting. Although comments can be submitted to USIBWC any time during the EA process, scoping comments are requested by March 3, 2023, to ensure full consideration in the Draft EA.

4191 N. Mesa Street • El Paso, Texas 79902-1423
915.832.4100 • 1-800-262-8857 • <https://www.ibwc.gov>

If you have any questions or need additional information, please feel free to contact Mr. Mark Howe at falconcomments@ibwc.gov. Thank you in advance for your assistance.

Sincerely,



Gilbert G. Anaya
Division Chief
Environmental Management Division

Enclosure(s);
As Stated

International Falcon Dam and Reservoir



The International Falcon Dam and Reservoir are located approximately 75 miles southeast of Laredo, Texas, and 150 miles upstream of the mouth of the Rio Grande on both sides of the United States/Mexico border. Falcon Dam and Reservoir provide flood control, conservation, and hydroelectric power and were constructed by the United States and Mexico under the 1944 Water Treaty. The United States' portion of the construction, operation, and maintenance was authorized by the American-Mexican Treaty Act in September 1950. Construction started in 1950 and was completed in 1954. Both the United States and Mexico control floodwaters and conserve and utilize an allotted share of the waters of the Rio Grande.



Falcon Project and 307-Foot Taking Line States and Mexico under the 1944 Water Treaty. The United States' portion of the construction, operation, and maintenance was authorized by the American-Mexican Treaty Act in September 1950. Construction started in 1950 and was completed in 1954. Both the United States and Mexico control floodwaters and conserve and utilize an allotted share of the waters of the Rio Grande.

The Falcon Project includes 63,192 acres of Federal lands managed by the U.S. Section, International Boundary and Water Commission, of which 22,270.57 acres are in active grazing leases.

Falcon Dam is a 5-mile-long rolled earth and rock embankment structure with a concrete spillway; 2 miles of Falcon Dam are on the United States side and 3 miles of Falcon Dam are on the Mexican side of the United States/Mexico border. Falcon Reservoir has a total capacity of 3,978,416 acre-feet. 2,867,000 acre-feet of that capacity are for conservation of floodwaters, which is for release as required for beneficial uses downstream in the United States and Mexico. The remaining storage capacity of 1,110,828 acre-feet is for flood control. The spillway capacity is 456,000 cubic feet per second. The drainage area above Falcon Dam is 164,482 square miles, of which 87,760 square miles are in the United States. Since 2001, the water levels have ranged from a low of 247 feet to a high of 306.7 feet.

Federal lands available for lease are at the water-land interface below the 307-foot traverse taking line/contour line, with some ingress up to the 314-foot taking line/contour line. Land between the 307-foot taking line and the 314-foot taking line is private; however, this private land cannot be built upon as this is in the flood pool level for a 100-year flood. The Grazing Lease Program has continued for access along the lake that were originally ranches and farms before the land was acquired by the government. This grazing program was to assure that areas that were not underwater or flooded would be economically used as they were in the past by the local community. Initially leases allowed for agricultural uses in addition to grazing, but agricultural activities and any clearing of leased lands were later restricted to reduce potential impacts on cultural resources. Active leases only allow for grazing activities.

Federal Lands

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Current Grazing Leases

In the past, 22,270.57 acres of land were under 159 active grazing leases. As of 2020, there were 117 active grazing leases with many that are still held by the same permittees and/or stakeholders. Stakeholders may also be nonpermittee individuals or entities with a vested interest in this project. A total of 243 licenses, 1 general license, 3 oil and gas leases, and 3 permits pertain to other endeavors aside from the grazing leases. Lands covered by the additional

250 licenses, leases, and permits may also have grazing permits. In August 2022, the Falcon Project grazing lease boundaries were digitized. In total, 148 separate leases were identified, and the boundaries of those leases were entered into a geodatabase. Subsequently, a site assessment in August 2022 of select leases determined that locked gates limited USIBWC's ability to access grazing leases and many leases



Access Gate to a Grazing Lease

are not accessible directly from public highways and require crossing private property for access.

Grazing Lease Values

Grazing leases were established in 1956. The original 1956 grazing leases included annual rental charges of \$25.00, plus the sum of \$0.05 (five cents) per acre per year for the number of acres leased in excess of 500 acres. Subsequently, in 1966, rental charges

for leasing of Falcon Project lands were revised to \$0.20 (20 cents) per acre per year, with a minimum annual rental charge of \$7.50. This adjustment was made to comply with government directives that income to the government from the lease of land must be sufficient to

cover administrative costs and to correct certain inequities in the old rate of charges. Rental charges have remained at this rate of \$0.20 per acre from 1966 to the present. Annual rent charges for all leases totals \$17,025.68.



The primary problems with the land lease program to be addressed by USIBWC are low grazing lease values and grazing lease management.

Current Grazing Lease Management

Lease Access—Currently, USIBWC lacks access to many lands with grazing leases as private landowners have locked gates that prevent USIBWC from gaining access to its own lands.

Vegetation Management—Low water levels in Falcon Reservoir have allowed woody vegetation to become established in areas of grazing leases that were periodically inundated by changing reservoir levels.

Land Use Limitations—Leases only allow grazing activities.

Sensitive Resources—Potential for sensitive cultural resources and, to a lesser extent, biological

Compliance—Leased lands need to be monitored for compliance with lease conditions.

Lease Transfers—Transfer of grazing leases is currently not permitted.



Public Comment

Anyone that would like to provide comments or suggestions relevant to the project and the proposed alternatives may do so at the scoping meetings via a comment form, via email, or via mail.

Email: falconcomments@bwc.gov

Mail: U.S. Section, International Boundary and Water Commission Attn: Mark Howe 4191 North Mesa St El Paso, TX 79902-1423

To ensure your comments are considered in the Draft EA, please submit your comments by 3 March 2023.

Average Annual Percent Full of Falcon Reservoir



Falcon Reservoir has not been at 100 percent of capacity since February 2011. In 2022, Falcon Reservoir averaged 18 percent of overall capacity. Alternative vegetation management in grazing leases is needed if leases are going to be successful and productively used for grazing, until such time that Falcon Reservoir water levels increase, inundate woody vegetation, and return to seasonal cycles of flooding and drying of leased lands.

Management Alternatives

Seven alternatives were developed for future lease management. These seven action alternatives could be implemented independently or as a combination of alternatives.

Alternative 1. No Action—Maintain the status quo.

Alternative 2. Terminate All Leases—All active leases would be canceled in accordance with the termination paragraph, Paragraph 13(c), in the grazing leases.

Alternative 3. Change Rental Rates on Active Leases—Change a fair market value for grazing



Gate Access to Grazing Leases

Alternative 4. Allow Hunting—Modify lease conditions to allow hunting.

Alternative 5. Terminate Leases Not Accessible from Public Right-of-Way—Cancel all grazing leases not directly accessible from a public right-of-way.

Alternative 6. Negotiate Access Easements on Private Property for Existing Leases—Private landowners would be contacted in an attempt to negotiate an access easement across their property to the USIBWC-owned grazing lease.

Alternative 7. Amend Leases to Allow Prescribed Burning—Grazing leases would be amended to allow prescribed burning following the requirements of a Wildland Fire Management Plan.



Scoping Process

The scoping process outlines potential issues, points of contact, project schedules, and ways for the public to be involved. Public scoping meetings can be conducted to provide the public an opportunity to learn about the proposed action and provide input into the environmental impact analysis process. Comments received during the public scoping process are considered in the preparation of the draft EA.

Scoping Meetings

Scoping meetings will be held from 5:30 pm to 7:30 pm at the following dates and locations:

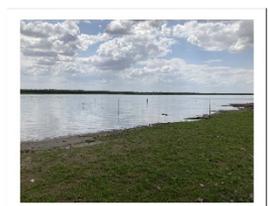
January 31, 2023
Joe A. Guerra Laredo Public Library 1120 E. Calton Rd. Laredo, TX 78041

February 1, 2023
Zapata County Museum of History 805 N US Hwy 83 Zapata, TX 78076

February 2, 2023
Roma Community Center 601 6th Street Roma, TX 78584

National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires Federal agencies to assess the environmental effects of their Proposed Actions prior to making decisions. Actions can be defined as projects, policies, permitting, regulations, and licensing. An Environmental Assessment (EA) is then prepared by an agency for any proposed action that is not likely to have significant effects or when the significance of the effects of the proposed action is unknown.



Falcon Reservoir, Zapata County, Texas

An EA will determine whether to prepare an environmental impact statement or a finding of no significant impact; discuss the purpose and need for the proposed action, alternatives, and the environmental impacts

of the proposed action and alternatives; and include a listing of agencies and persons consulted.

The U.S. Section, International Boundary and Water Commission (USIBWC) is preparing an EA to evaluate the impacts on the human and natural environment of land management and grazing leases at the Falcon Project in Starr and Zapata Counties, Texas.

Purpose and Need for the Proposed Action

The purpose is to manage Federal land in the Falcon Project. The United States jurisdictional boundary in the Falcon Reservoir is up to the 307-foot traverse taking line or contour line from the Webb County—Zapata County Line at

Arroyo Dolores south to Falcon Dam.

The need is to develop land management alternatives to the current grazing lease program on Federal lands in the Falcon Project. A total of 159 grazing

leases were originally provided to the public on Federal lands in the Falcon Project. There are currently 117 active grazing leases that total 22,270.57 acres.



Table A-1 contains a summary of correspondence received during the public scoping period.

Table A-1. Public Correspondence Received during the Public Scoping Period

Comment #	Commenter Name	Commenter Agency or Organization	Comment
	Humberto Vela	Owner El Clareño Ranch	<p>I am including on Distribution, the Office of U.S Representative Henry Cuellar, the Office of the Zapata County Judge, the Office of APHIS representative Mr. Teofilo Vela and three fellow landowners and grazing lease owners and/or representatives of same.</p> <p>My comments are strictly mine and are based on over 65 years of living, ranching and being caretaker of the land known as El Clareño Ranch. I will add that my family has been caretakers of this land since before Texas was Texas and that my family has received recognition from the Texas Family Land Heritage Program in 2008 during the tenures of Commissioner Todd Staples and my former Texas A&M classmate, Governor Rick Perry, for ranching on Texas land for over 150 years. I fully recognize that others involved in this matter including some on distribution for this Email may have different and possibly contradictory opinions to the points I am espousing herein. I believe that fully presenting all our ideas will best serve the land and all who care for it. I look forward to the Scoping Meetings and the entire Scoping Process. I wish you the patience and wisdom to listen to all points of view and to arrive at the conclusions that are best for the lands of the Falcon Reservoir and all involved in the very complex efforts to protect and conserve it.</p> <p>Has Vernadero Group or any other entity representing the IBWC or any other Governmental entity conducted any similar studies on any other international boundary areas including but not limited to the U.S. / Mexico border?</p> <p>Has Vernadero Group given consideration to the following concerns that are applicable to the Falcon Reservoir?</p> <ol style="list-style-type: none"> 1. Establishment/maintenance/repair of boundary fences between landowners/lessees in the area below the 314 and 307 water levels, including but not limited to <ol style="list-style-type: none"> A. New technology fencing that may survive the hazards faced by the fencing along the Falcon Reservoir B. Repair and Maintenance of fencing that can include damages from <ol style="list-style-type: none"> 1. Trespass by undocumented persons and/or those in close pursuit 2. Trespass by smugglers of illegal contraband and/or those in close pursuit 3. Weather phenomena 4. Cattle, horses and/or other domesticated and/or wildlife

Comment #	Commenter Name	Commenter Agency or Organization	Comment
			<p>5. Fishermen/women and/or other recreational water borne vehicles</p> <p>C. Brush/Vegetation control by Chemical/Mechanical means that will maintain access to all applicable surfaces during the ebb and flow of water levels while not disturbing cultural resources in the grazing areas.</p> <p>D. Consideration of public access being available to lessors via aquatic vehicles and all-terrain vehicles that do not necessitate access via all-weather roads and from public roadways.</p> <p>E. It is also possible to access many of the leases in question by using access means utilized by Federal Agencies such as USDA (Tick Force) and Border Patrol.</p> <p>F. Consideration on ways and means to control migration and/or spread of cattle and game borne Mexican Fever Ticks in the subject ebb and flow region of the Falcon Reservoir. And means of penalizing and enforcing repeated violations of quarantine parameters. I will note that livestock managers in the Falcon Reservoir area are the first line of defense against proliferation of Mexican Fever Tick outside of the Permanent Quarantine Zone</p> <p>G. Consideration of joint operations with other U.S. Government Agencies as well as Mexican Agencies to ameliorate and/or eliminate the Mexican Fever Tick illness not only in the United States but also in Mexico on the scale of the eradication of the Screwworm epidemic of the 1960s</p> <p>H. Investigation and analysis of how the Mexican counterpart of the IBWC (CILA) addresses the issues raised above and if any of their efforts have merits worth considering by the IBWC</p> <p>I will address the Seven Management Alternatives as outlined and/or discussed below.</p> <p>Alternative 1: No Action This is unacceptable. Stricter enforcement of boundary fencing and migrating cattle and wildlife is required.</p> <p>Alternative 2: Terminate ALL Leases This is unacceptable. Most of the current leaseholders have diligently adhered to best management practices and incurred significant expenses above and beyond lease payments to IBWC.</p> <p>Alternative 3. Change Rental Rates on Active Leases. This is acceptable but must include consideration of improvements that can be effected by research at State and Federal Engineering Universities to improve boundary fence</p>

Comment #	Commenter Name	Commenter Agency or Organization	Comment
			<p>installation, maintenance and repair. And also Federal Taxes and State Property Tax relief for original /adjacent landowners</p> <p>Alternative 4. Allow Hunting This is acceptable as long as hunting revenue is directly payable to Lessee, in particular those with adjacent agricultural acreage.</p> <p>Alternative 5. Terminate Leases Not Accessible From Public Rights of Way. This is not acceptable as cited above, most leases are available from Falcon Reservoir and via access from Tick Force access and Border Patrol Access points</p> <p>Alternative 6. Negotiate Access Easements. This is acceptable to me</p> <p>Alternative 7. Amend Leases to Allow Prescribed Burning This is unacceptable due to prevailing drought conditions and effects of generalized high winds of variable direction and intensity in this area of the State and the need for experienced operators which is not financially feasible for most Lessees. Furthermore, it is considered that chemical and mechanical brush control can be used in ways that will benefit Lessor and Lessees while not compromising cultural resources in the areas below the 307 level.</p>
	Humberto Vela	Owner El Clareño Ranch	<p>I greatly enjoyed and appreciated your efforts to extract comments from the attendees at both the Laredo and Zapata scoping meetings. I regret that I was unable to attend the meeting in Roma because I noted some vast improvements in how in the community interacted with your team from the Laredo meeting to the Zapata meeting. I am going to reiterate for all those on distribution the fact that we all need to disseminate the information that we consider significant to the present and future of the Falcon Reservoir and in particular to the lands and the grazing leases below the 307 line.</p> <p>We need to have everyone directly involved to give voice once and again to their legitimate concerns so that you may have a very clear picture of our concerns and our points of view. These concerns and points of view have to be sent to you directly by the interested parties so that you may have a realistic appreciation of the levels of concern that exist in the community.</p> <p>As a result of the meetings that I attended, I am listing below some additional comments that I consider relevant.</p> <p>1. Current lessees of the lands below the 307 level, in particular those who are original landowners, have mineral interests that lie below the 307 line. These mineral interests have in many cases been developed by oil and gas companies and my again be</p>

Comment #	Commenter Name	Commenter Agency or Organization	Comment
			<p>developed by other interested parties. This development has involved physical drilling locations on lands above the 307 line to bottom hole locations below the 307 line. These and other developments need to continue and access to these locations must be maintained by owners of the mineral rights. This will involve traversing not only the lands of the original landowners but also certain lands below the 307 level.</p> <p>2. In my case, I have constructed a dip vat for use in controlling the cattle fever tick by allowing the USDA to use and maintain this vat for said purposes not only during times of fever tick infestations but also as a preventative measure to control re-infestations. This facility has allowed us to reduce costs associated with transporting cattle to and from dip vats located at facilities many miles from our location. These costs include transportation, injury, stress and deaths associated with handling livestock in various stages of gestation as well as potential hazards to personnel involved in working with this livestock.</p> <p>3. The presence of feral pigs that damage watering areas and grazing lands in the areas below the 307 diminish the productivity of the land and also present hazards to personnel involved in taking care of the lands. They also cause damages to fences and other improvements. I consider that an extermination operation would be indicated in this case.</p> <p>4. I also note that the USDA has at least once engaged in trapping whitetail bucks and does of inferior quality or that may cause deterioration of the quality of wildlife in the area. These practices should be continued because they are beneficial to the quality of wildlife and are also a potential source of food to citizens in the surrounding communities benefitting food banks and other assistance programs. This is of particular importance if leasing the properties for hunting is a consideration.</p> <p>5. It is also of particular concern to me and some of my surrounding neighbors that cultural and historical sites and relics be preserved from further damage by regular patrols and information campaigns to preserve and protect locations along what the University of Texas Rio Grande Valley identifies as a Civil War Trail.</p>
	Norma Chapa and Luis Garza	N/A	<p>My brother and I, Luis O. Garza and Norma Chapa, inherited 98 acres plus 32 acres below the 307 marker. Those 32 acres are positioned at the center of the property from fence to fence. We want to continue with the grazing rights for our cattle. However, the grazing lease is currently under my uncle Rurico Gutierrez' name. He has passed away so we want to continue with a new lease under our names. The livelihood and success of our cattle depend on having access to those 32 acres. Without access, our property would be split in 2 with no water on one side. This land has been in our family for many generations. We would appreciate any help or advice you can provide.</p>

Comment #	Commenter Name	Commenter Agency or Organization	Comment
	Benjamin M. Alexander	N/A	<p>Unfortunately, we were not able to attend the public scoping meetings in person, but we are submitting our written comments herewith. Please note we are writing on behalf of the Alexander and Mandel families concerning the grazing leases referenced above.</p> <p>The families have held three ranches in Zapata County since the 1930's and 1950's. Likewise, when portions of our ranches were confiscated, we were granted grazing leases since the inception of the program in the 1950's (the "Lease Program"). We think it is appropriate as the USIBWC (the "Agency") considers any potential changes to the Lease Program that the Agency give substantial weight and consideration to the original reasoning behind the establishment of the Lease Program.</p> <p>We believe the basis for the inception of the Lease Program was the Agency's acknowledgement that they had seized substantial quantities of land and damaged the livelihood of many local families. Therefore, the Agency concluded that it was equitable to allow former owners to graze their cattle on the confiscated land when water levels were low.</p> <p>In our view, our ancestors made substantial sacrifices of land for the construction of the Falcon Lake which benefited the adjacent general population. Although nominal compensation was received, the usefulness of the remaining land, including the leased property, was severely damaged.</p> <p>Based on the foregoing, we believe that it is equitable for the Agency to maintain the Lease Program.</p> <p>Furthermore, it is also eminently practical to maintain continuity of the Lease Program. We have addressed your seven management alternatives below:</p> <ul style="list-style-type: none"> • Alternative 1 - maintain the status quo. We think this alternative is appropriate and equitable. In addition, the leases should be transferable and be granted to the current adjacent landowners. • Alternative 2 - terminate all leases. This alternative is highly objectionable for the reasons previously stated. • Alternative 3 - change rental rates on active leases. This alternative is unacceptable because the original owners were never made whole and therefore neither were their descendants. • Alternative 4 - allow hunting. This alternative is acceptable as long as the hunting privileges are restricted to the adjacent landowners or their lessees. We do not want to grant the Agency the right to permit 3rd party individuals access to the property covered by the grazing leases for hunting purposes.

Comment #	Commenter Name	Commenter Agency or Organization	Comment
			<ul style="list-style-type: none"> • Alternative 5 - terminate leases not accessible from public rights of way. We believe that this alternative is not necessary because the Agency may ask adjacent surface owners for permission to conduct periodic inspections or alternatively place their own locks on the gates. • Alternative 6 - negotiate access easements on private property for existing leases. This alternative appears reasonable. • Alternative 7 - amend leases to allow prescribed burning. We are concerned about potential fire hazards, so this alternative requires further study. <p>We hope you will consider and incorporate our input into your decisions concerning the Lease Program. We would also greatly appreciate your keeping us abreast of any developments.</p>
	Rene Ramirez	N/A	<p>To help update your land ownership records, I've attached a map from the USDA and a deed for the Ileana Ranch LLC property aka "El Milagro" in Zapata county bordering Lake Falcon. The registered agent and address have changed and those changes are in process with the Secretary of State. I, Rene Ramirez, am the registered agent. My address is <address redacted>. Ownership information is also updated with the Zapata Appraisal District. Please see property ID 250619 and 644.</p> <p>I am also interested in the IBWC to continue identifying the 307 boundary markers on our property. This began in 2021 but has since stopped and I was not informed as to why or shown any markers identified. In addition, there is a Government feeder on the north end of the property below the 307 that I don't believe has been used in several years and I would like to get an explanation on its use and/or its abandonment.</p> <p>Please let me know if there's any more information you may require. I can provide the Ileana Ranch LLC Operating Agreement if necessary.</p>
	Alberto Garcia, Jr.		<p>My name is Alberto Garcia, Jr., I am 75 years old. I live in Alice, Texas but my family has land in Zapata County. We own land near New Falcon and also adjoining Falcon Lake, the land adjoining the lake is still under my grandmother's name Rafaela R. Serna. I retired from work with the Natural Resource Conservation Service after working for 32 years in five different locations throughout Texas. My family used to have a grazing lease from the USIBWC, but to my understanding it was discontinued because after my uncle, who used to make the annual rental payments, passed away and no other family member picked up the payments for the family. We have no livestock at this lake property. In my opinion Alternative 2. Terminate All Leases would be the best. I think we should try to discourage all grazing along the shores of Falcon Lake and encourage the maximum amount of vegetative growth so as to slow soil erosion and provide cover for wildlife. This alternative</p>

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			would also lessen the administrative burden of having to administer these grazing leases.
	Larry Robinson	N/A	I am a disabled Viet Nam Veteran and have a suggestion about this land or a good portion of it. I will offer to lease a large portion for wildlife management for hunting and outdoor recreation for some Texas veterans. I would ask that this be provided at little or no cost to allow for improvements. Also allow me to sublease to generate funds for improvements. This is the best idea for this land and excellent opportunity to support Veterans., Good PR for Texas. I await your immediate await your response
	Louie Zapata		<p>We, members of the Garcia Family attended the resent meeting in Zapata, Tx. on Fe^b. 1st 2023 ... I will provide a brief summary of the ranch and current concerns regarding the same ... The Garcia family ranch has one of the grazing land leases that is the subject and relevant to this meeting... The ranch was established in the 1700s and is situated approximately 8 miles east of Zapata, Tx. which borders the river... The Garcia family has had a continuing grazing lease with the Government since it was established in the 1950s to the present day...</p> <p>The ranch, is a working cattle ranch which relies on the grazing lease in question for its endeavors... In the passed 20 to 25 years the lease land has been over grown with brush that in reality not native to the area, as a result has become impassible to traverse ... Due to rules and regulations of the USIBWS, land grazing holders are prohibited from clearing brush, maintaining fences, maintaining roads or control burning the land to access and work live stock.</p> <p>The result has created a dangerous environment that has attracted illegal activity by Mexican cartels ... The proximity of the ranch and lease to the river in conjunction to un-controlled wooded environment has become a safe haven for narcotics and human smuggling ... The US Border Patrol has been given access to the ranch 24 hours, however their short-handed personnel and current situation has become over-whelming... Furthermore, they have informed us that without roads to access the river or within the immediate area it is extremely difficult to achieve results ... Even when the USBP has state National Guard personnel assisting them, they are unable to enter and apprehend criminals because of the road-less and un-penetrable environment ... The over grown brush and road-less access continues to hamper their efforts to combat this criminal activity ... This activity continues on the border and ranch to this day...</p> <p>We understand that the "National Historic Preservation Act" prohibits certain areas from being disturbed, however when lives are threaten, cartels leave their mark on ranch property as their turf and national security is breached exceptions have to be made ... We are not asking for any special favors but to allow the ranch to maintain the lease that is so vital to cattle ranching</p>

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			<p>endeavors without fear ... The ranch has been passed down to three generations that know how to care for the land, wildlife and livestock ...</p> <p>Simple solutions as control burns, road access, brush clearing can and will eliminate these safe havens for criminal activities and create a safer environment and maintain national security...Should you or your staff require any additional information, please do not hesitate to contact us ...</p>
	Fidel Florez	Altamira 2F Ranch	<p>The property is being on 3rd generation of grazing. The use of this land is for grazing cattle the use of this to control the fever tick – in the wildlife and cattle to the use of USDA Tick Eradication Program. A good control of fencing this land have access to USDA personnel and Border Patrol. USIBWC should request land owner to put a USIBWC lock for easy access.</p>
	Jose Camarena	N/A	<p>I feel that its just fair that the grazing lease program should continue for areas along the lake that were originally ranches and farms before the land was acquired by the Government (the lease should only be offered or provided for the ranch owner!) Priority offered to only ranch owners (leasing).</p>
	L. Jack Moller	N/A	<p>Please place me on your public notice/information notification list.</p> <p>I do favor opening all public lands to state managed hunting and other acceptable recreational activities.</p> <p>Please include my thoughts in your records and for consideration.</p>
	Roberto E. Paredes	N/A	<p>As a new landowner of property adjacent to the condemned lands along the 307th parallel, my suggestion would be to allow current landowners first choice at the new leases. Many of these properties have changed ownership since the original leases were signed, and I believe that the leases, or opportunity to lease should go along with the change in ownership. In some cases, two property owners have adjacent property to lease lands. I believe first opportunity for leasing should be given to the landowner with a larger amount of land touching the 307th. Another suggestion, new leases should not have the opportunity to sub-lease these properties.</p>
	Oscar Ramirez, Jr.	N/A	<p>PROPOSED MANAGEMENT ACTIONS AT FALCON DAM AND RESERVIOR</p> <p>I am submitting the following comments on behalf of my family. The family holds Lease F-140.</p> <p>The stated objective of the Environmental Assessment is to assess the environmental consequences associated with the management and grazing leases, licenses, and permitting at Falcon Reservoir. The concern expressed is the overgrowth of the vegetation in the stated area. None of the stated management alternatives except for the prescribed burning of</p>

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			<p>vegetation addresses that issue. However, I will address this recommendation and the others further.</p> <p>There are no allowed management procedures that I am aware of to manage the overgrowth. For areas outside the lake ranchers control overgrowth that becomes a problem every ten to twenty years by root-plowing. While prescribed burning may help address the problem it is a very dangerous practice. Should the burn get out of control it could affect countless acres of grasslands outside the reservoir. Prescribed burning is not only dangerous but would require a large number of personnel and equipment to try to keep it under control.</p> <p>I would recommend that the IBWC work with the USDA to develop a program to control the overgrowth by designing a mulching technique and have an assistance program like the root-plow program to assist landowners.</p> <p>Regarding the issue of not having access to leases, I do not believe that should be a problem. For years the IBWC has used locks used by the US Border Patrol as well as the USDA Tick Inspectors to access these lands. If a land owner refuses access in this manner, the lease should be revoked.</p> <p>Regarding the alternative to allow hunting on these lands, I am neutral. However I recommend that hunting blinds or other structures not be allowed on these lands.</p> <p>Regarding the access easements as I stated above are not necessary. The land owners should allow access through gates as we allow the US Border Patrol and the USDA Tick Inspectors.</p> <p>We strongly oppose the termination of all leases.</p> <p>We recommend the status quo alternative with the development of a USDA sponsored mulching program as stated above.</p> <p>Thank you for the opportunity to provide our comments and hopefully they will be carefully considered. Should you want clarification on any points do not hesitate to contact me.</p>
	Eric Gonzales	General Manager, EPR holdings Ltd. / GONART Investments Ltd.	<p>Provided below is one question and a couple of comments.</p> <p>Will the IBWC allow grazing lease holder the option to remove cattle at no penalty if it's 307 acreage is placed under quarantined by the TAHC/USDA fever tick inspectors? Over the last several years many Zapata County ranchers whose properties have been quarantined due to fever ticks have chosen to remove their cattle due to the increased cost of gathering cattle for the required tick inspections. This substantial economic burden was recognized by the Zapata County Tax Appraiser as they have allowed these ranchers to keep their Property Ag Exemption during this destocking period without ongoing cattle operations. Several of the ranches with 307 acreage may still be under quarantine.</p>

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			<p>We support having Hunting as a lease contract option for Grazing Lease holders as TPWD has found that responsible culling of whitetail deer on the 307 has helped reduce fever tick counts on adjacent properties to quarantined ranches. The TPWD biologist responsible for Zapata County, stated that the 307 acreage is overpopulated with whitetail deer and these deer had high fever tick counts. As a test project, they help plan & coordinate a successful doe cull hunt near Falcon Lake after which TAHC/USDA tick inspectors found helped to reduced fever tick counts on livestock located in adjacent pastures. TPWD believes these whitetail deer are using the 307 as a wildlife travel corridor and are contributing to spreading the fever ticks to adjacent properties.</p>
	Eric Gonzales	General Manager, EPR holdings Ltd. / GONART Investments Ltd.	<p>As requested at the Scoping Meeting in Zapata, TX, I have provided below my questions/comments regarding the proposed EA study.</p> <p>Our Grazing Lease Info: Tract F134, IBM 6280, Parcel Z-263-B</p> <ol style="list-style-type: none"> 1. As the EA will take ~12+ months to complete, will our current lease be extended until then (I believe the current contract term ends Oct 2023)? If so, when should we expect to receive an invoice for the period of time until new leases are created? May I suggest we extend them for another full calendar year and start the revised leases then they expire. This will hopefully provide IBWC enough time to coordinate execution of revised leases. 2. Has my contract specific Grazing Lease acreage been digitized? If so, can I receive the GPS coordinates of the waypoints designating the 307 boundaries? 3. Why is our grazing lease rate \$2.50/acre when IBWC has stated lease rate is \$0.20/acre? I have been paying this rate since 2009. I provide documentation of this if it helps. 4. I would like to add my name to receive a copy of the final IBWC EA report. Send to EPR Holdings Ltd, <address redacted>. 5. Where can I get a copy of the rules/regulations regarding the use of the acreage between the 307 and 314 boundaries? 6. Can Wind Turbines, Solar Arrays, Drilling Pads or Oil & Gas Production equipment be placed on acreage between 307 and 314 boundaries (Flood Pool Level for 100-year flood)? 7. Does the contractor completing the EA for the IBWC have any experience performing EA's for cattle grazing or hunting resource impacts on unimproved pasture lands in South Texas? 8. Does the IBWC require an Access agreement to my Grazing Lease acreage? If so, we would be open to providing one to the IBWC in order to access Highway 16. Please note NRCS/USDA has access to this acreage as our ranch is in a Conservation Agreement with them.

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			<p>9. If the IBWC has concerns regarding grazing practices, would IBWC be open to introducing grazing practice recommendations by the local Zapata County NRCS/USDA range resource specialist? I have been in Conservation Agreements with the NRCS/USDA for 10+ years which requires the use of conservative stocking rates (measured in Animal Units) and use of a rotational grazing practice. As your acreage is just a small portion of our entire ranch, IBWC has by default ben getting this use management benefit. These practices might alleviate concerns regarding overgrazing or other environmental concerns regarding use of IBWC lands.</p> <p>10. Would IBWC be open to having the NRCS/USDA be lead in confirming site use terms of leases as they are located locally in Zapata and well versed in understanding grazing practices? Obviously, IBWC would have to enter an agreement with them; but, please note that the NRCS has managed other conservation programs for the Zapata County Soil and Water Conservation District.</p> <p>11. Would the IBWC be open to allow prescribed burning, arial herbicide spraying, roller chopping or root-plowing for brush control? If it has concerns regarding a specific practice, would the IBWC be open to allow the NRCS/USDA to manage project to confirm they are done in an agreeable method?</p> <p>12. Would the IBWC be open to extending the duration of the grazing leases to a base term of 10+ years plus auto extension features to alleviate some of IBWC lease contract management burdens?</p> <p>13. IBWC has indicated that they might consider offering hunting rights to grazing lease holders. Would hunting leases allow grazing lease holders to sub-lease the 307 acreage to third party hunters who are already hunting on the balance of the owner's ranch acreage?</p> <p>14). Will revised grazing leases provide ability to sub lease the 307 acreage to a short term contract grazer who may hold a grazing lease to the balance of the owner's ranch property? The 307 acreage we have is less than 10% of our ranch acreage (all the land is contiguous). We are currently running cattle ourselves but things could change in future as we get older.</p> <p>15). We are supportive of providing a provision for transferring the lease to a new owner in the case of sale or heirship transfer. If you have any questions or comments regarding my questions, please feel to contact me at your convenience.</p>
	Javier Luis Ramirez	N/A	<p>My name is: Javier Luis Ramirez <address redacted> Son of Leonel Ramirez (brother of Oscar j. Ramirez, Randolph Ramirez and Amanda Ramirez Vela)</p>

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			<p>Contract No. IBM 6105, IBWC Tract No. F-49</p> <p>I would like to know if IBWC does renew lease could I receive my portion of lease bill under my name and address? If not I would like to receive yearly notification of intent to collect bill to avoid being late on payment.</p> <p># 2</p> <p>Adan Ramirez Gonzalez c/o Oscar Gonzalez <address redacted> Lease IBM 6096 Tracts Z-0033-A Zapata.</p> <p>Oscar Gonzalez bought 8.67 acres of land which were part of Lease IBM 6096 Tracts Z-0033-A. (about 70 years ago) From Adan Ramirez Gonzalez.</p> <p>September 8, 2022</p> <p>I, Javier Luis Ramirez purchased the same 8.67 acres of land from Oscar Gonzalez and wife. Tract is next to my property. Document Number 188680 Zapata County.</p> <p>I would like to continue to maintain and manage said Tract and use for grazing.</p> <p>COMMENT FORM</p> <p>Hopefully IBWC will continue to allow the use of land for grazing. And also permit lease to be used for hunting. Hogs and javalinas are damaging land.</p> <p>Thanks</p>
	Eli Ramirez	N/A	<p>Description 1BM6102 Tract F046 Parcel Z-20-A. Requesting ownership to Eli Ramirez, <address redacted> from deceased grandmother, Angelita Gonzalez de Ramirez in c/o deceased uncle Derly Ramirez, <address redacted>. Also requesting from management alternatives leases for the following; Alternative 3 – change rental rates on active lease for grazing. Alternative 4 – Allow hunting. Alternative 7 – Amend leases to allow prescribed burning. My deceased uncle and I had been leasing for cattle grazing since 1976.</p>
	Crisanto Meza	Ranher	<p>As a new landowner of property adjacent to the condemned lands along the 307th parallel, my suggestion would be to allow current landowners first choice at the new leases. Many of these properties have changed ownership since the original leases were signed and I believe that the leases, or opportunity to lease should go along with the change in ownership. In some cases, two property owners have adjacent property to lease lands. I believe first opportunity for leasing should be given to the landowner with larger amount of land touching the 307th. Another</p>

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			suggestion, new leases should not have the opportunity to sub-lease these properties.
	Cris Cantu	N/A	<ol style="list-style-type: none"> 1. IBWC should contact non-govt lease owners to allow easement to govt leases and offer to maintain the roads at least once per year. 2. Create a govt fund to assist ranchers fix fencing destroyed or damaged from high water levels. 3. Allow sub-grazing leases with neighbors only. 4. Allow ranchers to dig a water well or pond on leased govt property. 5. Allow for flexible transfer of lease govt land if land owner sells, to include all approved original contract rights. 6. Mandate a hunting insurance if hunting is allowed and property is sub-leased. 7. Game wardens should be involved in hunting compliance. 8. Allow leasee/rancher to built a removable cabin in govt leased property. 9. Mandate to report all game kills to a state game warden. 10. Within three days report to IBWC POC any/all lock change(s) to entrances of govt leased properties. 11. Rancher should allow IBWC to install their own lock or provide a set of keys to locks leading to govt lease properties>
	Melba G. Barrera	N/A	<p>DEAR MR. Howe,</p> <p>Here is the information I could find pertaining to this lease Tract F-69 Lease IBM 6125, in Zapata, Texas:</p> <p>Picture #1 shows that this lease was in my uncle's name, "Santiago Gonzalez" and also on picture #1 is the letter where he wanted the lease transferred to my dad, "Pedro Gonzalez Jr" which was Santiago's brother.</p> <p>Picture #2 shows a few of the cancelled checks that I could find that my dad paid, then my mom.</p> <p>Picture #3 shows where my mom requested to the IBWC that the lease be put in her name after my father's (Pedro Gonzalez Jr's) death. She started receiving the bills in her name "Socorro C Gonzalez".</p> <p>After my mom's passing in 2001, I requested that the lease be put into my name, Melba G. Barrera. It was transferred into my name. See Picture#4.</p> <p>Picture #5 shows a letter that IBCW [sic] sent in my uncle's name to my address.</p> <p>It states that I was delinquent for Bill of Collection in May 2018.</p> <p>Picture #6 shows a copy of my bank statement where I paid for 2018. I also called in 2019 to see why I had not received a bill & the receptionist told me not to worry about it, that they were late getting bills out. I never got another bill.</p>

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			<p>I called to find out what was going on? Why did not get another bill? Why were they saying I didn't pay, when i did pay? I spoke with Rebecca Rizzuti & I also spoke with a lady I believe named "Uma" (she had a very strong accent). She started telling me a that I had to clear off all the land & that I had to plant on it. She also told me that the lease was a 50 year lease & it had been more than 50 years. She also told me it should of never gotten transferred in the first place. I was told to send an email to Frank Pinon explaining everything.</p> <p>On Feb 19, 2020 I sent Mr. Frank Pinon an email explaining everything [sic]. I never heard anything else from noone. I figured that they had terminated the lease without letting me know.</p> <p>On January 5, 2023 I received the letter that is inviting me to one of the meetings. It's addressed to me. I am very confused about this.</p> <p>Please advise, as I do not know what is going on.</p> <p>THANK you,</p>
	Ernesto A. Garcia	N/A	<p>Good Afternoon Mr Howe</p> <p>Regarding the management of Federal land in Falcon Project via the Environmental Assessment which will</p> <p>Address: human and natural environment of land management and grazing leases at the Falcon project in Starr and Zapata Counties, Texas.</p> <p>I compliment the efforts taken to update and improve the quality of the property through this evaluative methodology.</p> <p>I read the 7-Alternatives that are described in the handout. I favor the following:</p> <p>Alternative #2 Terminate all lease as they are today and hit the reset button giving the original owners</p> <p>Priority to lease so their descendants can continue their legacy with their properties.</p> <p>Alternative #3 Change Rental Rates on Active Leases – when #2 is accomplished this alternative can</p> <p>Be implement to tweak the rates reasonably but not to be a burden</p> <p>Alternative #4 Allow Hunting-but only in large parcels of land due to safety concerns e.g.</p> <p>On those leases that are over 400 acres and with limitation e.g. to lessee and immediate family only</p> <p>Alternative #7- Amend Leases to Allow prescribed Burning- as prescribe statutorily. This will enhance</p> <p>The vegetation and other benefits that are contingent with this action.</p> <p>Thank you for your attention to this matter and comments</p>

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	John Silovsky Wildlife Division Director	Texas Parks and Wildlife Department	<p>Dear USIBWC:</p> <p>The Texas Parks and Wildlife Department (TPWD) appreciates the opportunity to comment on the proposed action and alternatives for the Falcon Project Area.</p> <p>We understand this decision is highly complex and would like to offer recommendations based on the needs of wildlife and the native habitat.</p> <p>TPWD recommends that livestock grazing be allowed to continue at appropriate levels, hunting be included in existing and future leases, and prescribed fire be allowed where appropriate. Compatible livestock grazing, hunting, and prescribed fire represent three of the five common tools available to a land manager that can promote healthy habitats for wildlife.</p> <p>Invasive exotic grasses pose a threat to native wildlife in South Texas because they can form monocultures (areas dominated by a single species) and out compete native plants. The diversity of native plant species is vital in maintaining healthy ecosystems. Livestock grazing at appropriate levels can reduce the biomass of invasive exotic grasses and allow native grass and forb species to propagate. Many of the exotic grasses that exist within the Falcon Project Area require management through grazing, herbicide application, prescribed fire, or mechanical treatment. Proper grazing can also help manage native grasses to promote a diversity of forbs for wildlife.</p> <p>Hunting is one of the most efficient, practical, and cost-effective techniques to maintain a wildlife population, in particular white-tailed deer, at levels appropriate for the available habitat (carrying capacity). Maintaining wildlife populations at or below carrying capacity leads to healthier wildlife and more resilient habitat. TPWD and other agencies have assisted with multiple Texas Youth Hunting Program hunts and university projects on USIBWC property over the years to reduce deer populations. Research has documented reduced cattle fever tick numbers on white-tailed deer after a population reduction exercise in February 2020. Continued and consistent deer population management through hunting would help to reduce the parasite load, improving wildlife health overall.</p> <p>Prescribed fire, when conducted under carefully-planned environmental parameters, can be beneficial to wildlife, livestock, and public safety. Prescribed fire can help maintain plant diversity and return minerals and nutrients back to the soil, reducing exotic grass monocultures and stimulating vegetative diversity.</p> <p>Prescribed fire can also consume standing dead woody vegetation and stimulate vegetative growth that would otherwise require the use of heavy equipment. Finally, prescribed fire is commonly used to reduce fuel loads in locations where ungrazed</p>

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			<p>vegetation can pose a wildfire threat to existing infrastructure and neighboring municipalities.</p> <p>Again, TPWD appreciates the opportunity to comment on your proposed action and alternatives for the Falcon Project Area. We hope you will incorporate cattle grazing, hunting, and the use of prescribed fire into your future management efforts.</p> <p>If you would like any additional information, please do not hesitate to contact your local TPWD Wildlife Biologist Eric Garza by email at <email address redacted> or by phone at <phone number redacted>. Thank you.</p>										
	Susan E Singer, Member	Singer Brothers Ranches LLC	<p>Dear Mr Howe:</p> <p>Singer Brothers Ranches LLC is a landowner in Zapata County with land bordering Falcon Lake and subject to the current grazing lease program on federal land in the Falcon Project. The Singer Family has owned the land for several generations. Indeed, the current owners are descendants of the family which was first impacted by the eminent domain action by the federal Government when Falcon Dam was constructed. The current land owned by the Singer Family is identified as follows by Zapata County Appraisal District:</p> <table border="0"> <thead> <tr> <th data-bbox="727 999 857 1024"><u>Property ID</u></th> <th data-bbox="1013 999 1110 1024"><u>Acreage</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="727 1033 786 1058">1569</td> <td data-bbox="1013 1033 1156 1058">710.33 acres</td> </tr> <tr> <td data-bbox="727 1071 786 1096">1570</td> <td data-bbox="1013 1071 1156 1096">710.34 acres</td> </tr> <tr> <td data-bbox="727 1108 786 1134">1711</td> <td data-bbox="1013 1108 1156 1134">710.33 acres</td> </tr> <tr> <td data-bbox="727 1180 786 1205">Total</td> <td data-bbox="1013 1180 1143 1205">2,131 acres</td> </tr> </tbody> </table> <p>The original eminent domain action brought by the federal Government carved out and took 750 acres.</p> <p>Since then, the Singer Family has maintained a grazing lease with the federal Government on the approximate 750 acres for a cattle operation. However, there are no cattle on the property at the current time due to a fever tick quarantine in effect for the entire area.</p> <p>We would like to submit the following comments for your consideration as part of the review of the grazing lease program on federal land in the Falcon Project:</p> <p>1) We would like to secure a long-term grazing and hunting lease which will include allowing third parties to graze and hunt in the event we want to lease the land to others. The leases need to be transferable to a buyer in the event of a future sale.</p> <p>- Our land is bisected by Veleno Creek and per the current topography, the ranch is cut in half by following the 307 feet above sea level line that defines the boundary of the land. The value of the ranch will be seriously reduced if the area within the 307 boundary is not available for grazing or hunting.</p>	<u>Property ID</u>	<u>Acreage</u>	1569	710.33 acres	1570	710.34 acres	1711	710.33 acres	Total	2,131 acres
<u>Property ID</u>	<u>Acreage</u>												
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			<p>- The land within the 307 foot boundary is covered in woody vegetation which we are not allowed to disturb per the current lease guidelines so the best use for it is hunting.</p> <p>- The grazing and hunting lease must allow us to lease our land for grazing and hunting to third parties and the leases must be transferable to a buyer. The value of the ranch will be seriously reduced if we are not able to lease or transfer the rights.</p> <p>- The fever tick infestation in the area is a very serious problem and the ranch is currently under quarantine. Not having the ability to raise cattle significantly limits the ranch's ability to make income. Importantly, the Texas Parks and Wildlife Department supports hunting in the 307 boundary. They have demonstrated that the hunting of over-populated white-tailed deer in this wildlife transit corridor has caused a significant drop in tick counts on the adjacent ranches.</p> <p>2) Current grazing lease rates versus market grazing lease rates:</p> <p>- The brochure sent out from IBWC states the rental charges are based on \$.20 per acre per year. Under that fee structure, our rental charges should equal \$150.00. We have been paying approximately \$291 per year for the 750 acres so either we have been overpaying for our grazing lease or there was a lot more than 750 acres originally taken.</p> <p>- The land within the 307 boundary is covered in woody vegetation which makes it difficult to effectively graze. This needs to be taken into consideration when looking at the Government's set value for grazing rights.</p> <p>3) IBWC needs access to land locked property:</p> <p>- We are happy to provide escorted tours of the property within the 307 boundary at any time. We will cooperate in any way to help the IBWC secure easements in order to access land locked property.</p> <p>Please note the contact information below for Erica Benites Giese with Jackson Walker. We have engaged Jackson Walker to represent Singer Brothers Ranches LLC in this matter.</p> <p>Thank you for your time in reviewing the above comments. Please feel free to reach out to myself or anyone else copied on this letter with any questions.</p>
	Jesus Franco Rodriguez	County Extension Agent - ANR Zapata County	<p>If leases are renewed, right of first refusal should be given to current owners of adjacent lands. Many properties have sold since the original leases were signed and the current owners in many cases have been grazing and/or paying the leases. Subleasing of these lands should not be allowed. Leases should be renewed periodically and should not be transferable upon sale or death. I would also suggest that the IBWC, or agents for the agency, be more active in managing leases and monitoring grazing/activity on leases.</p>

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			<p>Creating a committee comprised of lessees and other Government officials (County Judge, County Extension Agent, USDA-NRCS, ect.) that would help be the liaison between the IBWC and all lessees would probably be beneficial.</p>
	Joe Rathmell	Rathmell Land & Cattle Co., LTD	<p>Dear Mr. Howe,</p> <p>I am submitting my written comments concerning the the grazing leases referenced above.</p> <p>My family has ranched on these properties for generations. We have, therefore, held these grazing leases since 1956 when the Lease Program was initiated.</p> <p>Mr. Howe, I believe you will find, among the leaseholders, a near universal opinion that the grazing leases were a small compensation offered to the ranchers who had lost substantial property to the Falcon Reservoir and Dam Project. It is my view as well.</p> <p>For generations, ranchers have counted on the grass growing along the river bank to supplement their feed during drought conditions. And, the Lease Program has allowed this time-tested practice to continue.</p> <p>I will address the seven management alternatives your agency has presented:</p> <p>Alternative 1- No Action-Maintain the status quo. This alternative is acceptable.</p> <p>But, I believe that the leases should be transferable.</p> <p>Alternative 2-Terminate All Leases. This is unacceptable. Our area ranchers and farmers paid an enormous price in terms of lost lands, revenues, and family history in the 1950s. Their descendants should not have to pay again.</p> <p>Alternative 3-Change Rental Rates. The rates should stay the same. Our forebears have already paid dearly.</p> <p>Alternative 4-Allow Hunting. This alternative is acceptable as long as the leaseholders are the parties authorized to lease to the hunters.</p> <p>Alternative 5- Terminate Leases Not Accessible to Public Rights-of-Way. This alternative is not acceptable. Most leases are accessible from Falcon Reservoir or through existing arrangements with USDA Tick Inspections, and Border Patrol or, finally, by placing your own locks on the gates.</p> <p>Alternative 6-Negotiate access Easements on Private Property. This is acceptable.</p>

Comment #	Commenter Name	Commenter Agency or Organization	Comment
			<p>Alternative 7-Amend Leases to Allow Prescribed Burning. This is acceptable under the right conditions. I am open to the agency's proposals to control the growth of invasive species.</p> <p>Mr. Howe, I hope that you will consider the special circumstances concerning this Grazing Lease Program and will agree to work with the leaseholders to continue this program.</p>
	Clarence W. (Buddy) Earles	Wrecking Crew Ranch LP/ Cabeza De Vaca Ranch	<p>B. 1. Create a landowners' (stakeholders) advisory board. Dividing Zapata and Starr counties into sections. For example: From Webb/Zapata County line to Arroyo Dolores; Arroyo Dolores to San Ygnacio; San Ygnacio to Arroyo Burro; Arroyo Burro to Zapata(city); Zapata(city) to Lopeno; Lopeno to New Falcon; New Falcon to Falcon Dam passed the Starr County line.</p> <p>Two representatives from each area to advise and help IBWC in all areas of concern of the Falcon Reservoir to the 307-foot traverse line. To help resolve issues and have a better line of communication with all parties involved. Details of their duties and how chosen can be discussed and worked out with all involved.</p> <p>2. Redo all active leases with the proper landowners of the land adjacent/bordering the 307 to avoid confusion in the future.</p> <p>3. Using the landowners' advisory board to help negotiate easements to the 307 lands that are land locked</p> <p>4. Allow hunting by the holders of the grazing leases (307) to help manage wildlife and help in control the spread of the tick fever infestations that is prevailed in the 307 area. As per tick fever inspectors' comments to many cattle raisers.</p> <p>5. Amend lease to allow good land management techniques as recommend by and including NRCS guidelines, including but not limited to prescribed burning and removal of invasion plant species as recommended by NRCS.</p> <p>6. Keep grazing leases prices the same as now, as lands have not been managed at all due to the restrictions imposed by IBWC rules. All the lands are unimproved due to limitations set by the grazing leases. Also, when the lake fills and floods the 307, it is no longer accessible to the cattle, reducing its usefulness to cattle raiser and limited the potential of land use, with not return of the money paid to IBWC for the leases.</p>
	Unknown (no name provided)		<p>Hello,</p> <p>Here are a few comments to be considered for the EA draft.</p> <p>B- 1- We feel the status quo needs to change.</p> <p>2- We feel the current leases are beneficial to the IWBC [sic] in the following ways:</p> <p>a. Grazing livestock should continue since it helps reduce vegetation to insure less restricted water flow.</p>

Comment #	Commenter Name	Commenter Agency or Organization	Comment
			<p>b. Leaseholders share a vested interest in reducing trash and debris.</p> <p>We feel the current leases benefit the leaseholder the following way:</p> <p>B. a. Low cost lease agreements in rich soil areas for livestock.</p> <p>3- We feel the low cost lease is conducive to limited use and adds to the leaseholders/landowner's expense for fencing and maintenance.</p> <p>4- We feel that hunting should be allowed on the property below the 307. We suggest that landowners/ leases should have access to hunt IWBC [sic] property that is within their existing property line while following all other IWBC [sic] guidelines. There are many benefits to permitting hunting such as conserving our state's wildlife, habitat and natural resources.</p> <p>5 & 6- Complete access to IWBC [sic] property is available from the river or lake therefore, if additional access is needed, IWBC [sic] personnel should then contact the respective property owner to arrange other access which include access from a public right of way. Those landowner/ leases that deny access should be dealt with accordingly.</p> <p>7- We feel like allowing prescribed burns would be beneficial for all parties involved for the reason that these burns would help reduce the growth of invasive species and improve grazing vegetation. These burns should follow wildland fire management safety plans.</p> <p>Other suggestions: Improvement to the process in which a lease is transferred to reflect the new property owner. In some cases, original lease holder's no longer own property along the river.</p>
	David Wayne Garza, RA, Project Manager	Rogers-O'Brien Construction	<p>To Whom it May Concern:</p> <p>These comments are in regard specifically to lease F210. This section is currently maintained and used by Leo Trevino Jr. and David Wayne Garza for the Trevino Pasture Cattle Ranching Operation.</p> <p>1. Our cattle ranching operation is dependent and planned with the IBWC land lease as part of our grazing acreage. This land is prime grassland, with fertile soil and moisture for growth. The land helps us maintain a healthy herd, especially in the winter and during drought periods.</p> <p>2. We also depend on access to the river water to maintain our cattle.</p> <p>3. Since the beginning of our operation, we have always maintained and protected the IBWC lease per the requirements of the original contracts and covenants. This could be better controlled with specific contracts to the ranching operation.</p>

Comment #	Commenter Name	Commenter Agency or Organization	Comment
			<p>4. If the land is taken back from our lease operation, we do not have resources to fence across the 307 to secure our animals. We work with minimal budgets and have patched and repaired fences for years. New fences are not part of our budget.</p> <p>5. One of the mentions in the brochure is potential for access to these lands or making them public. We do not have easements on the property nor can we afford to take surveys or provide easements. Furthermore, we have always protected our land from trespassers and public access. We would never want to grant access to the public through our lands. The land has multiple owners and the topography and conditions of our roads would make public access a bad situation.</p> <p>6. A contract between us (ranching operation) and the IBWC would be greatly appreciated, with terms and conditions to better keep the IBWC operation in order.</p> <p>7. Hunting permission would be acceptable, but only to ranching operation, due to the controlled access through our property.</p> <p>8. Prescribed burning or root plowing of property would be acceptable and welcome to remove overgrowth of brush and trees that has occurred due to the lower lake levels.</p>
	Marcos Quintanilla	N/A	<p>Good morning,</p> <p>I own property adjacent to IWBC [sic] property (307) in the Falcon Lake Estates West subdivision. My question/suggestion would be to give property owners the option and first right of refusal to lease IWBC property that is adjacent to their property. If the property owner refuses to lease the option can be extended to the next door neighbor.</p> <p>Some of the reasons I am suggesting this is because of the wildlife in the area around Falcon Lake. There are plenty of whitetail deer and lately there have been incidents of poaching where firearms and bows have been used. This is a major public safety concern.</p> <p>Random people are also constantly trespassing/cutting thru property to get to certain parts along the lake.</p> <p>Allowing property owners to lease property, fence and maintain it will help eliminate unauthorized hunting and trespassing. It will also give people the opportunity if approved to use as graze land for school projects, etc.</p> <p>Your consideration in this suggestion/recommendation is greatly appreciated. Thank you!</p>
	Norma Chapa & Luis Garza	N/A	<p>In reference to LOCATION: Zapata County Porcion 24 (Tract 41 Parcel D)</p> <p>To Whom It May Concern:</p> <p>My brother and I, Luis O. Garza and Norma Chapa, inherited 98 acres plus 32 acres below the 307 marker. Those 32 acres are</p>

Comment #	Commenter Name	Commenter Agency or Organization	Comment
			<p>positioned at the center of the property from fence to fence. We want to continue with the grazing rights for our cattle. However, the grazing lease is currently under my uncle Rurico Gutierrez' name. He has passed away so we want to continue with a new lease under our names. The livelihood and success of our cattle depend on having access to those 32 acres. Without access, our property would be split in 2 with no water on one side. This land has been in our family for many generations. We would appreciate any help or advice you can provide.</p>
	Felipe Esparza, DDS	Pediatric Dentistry	<p>Dear Mr. Howe, I realize that these comments are late but hope that you would take them into consideration. I was just informed about the meetings and comments deadline by Judge Joe Rathmell (Fernando Cellar Estate) and Buddy Earls (Cabeza De Vaca Ranch), this week end. I am part owner of the river property of The Fernando Cuellar Estate in Zapata County that is adjacent to the 307 travers. If you have any questions or concerns my cell number is <phone number redacted> and e-mail is <email address redacted></p> <p>Sincerely, Dr. Felipe Esparza</p> <p>Comments regarding Falcon Dam and reservoir Land Management.</p> <p>1) If there is no existing or active lease on the land below the 307 traverse, the original land grant ownership, legal heirs, Estate, or presently titled ownership should be given a "right of first refusal" towards a future lease. "Site assessment in August 2022 of selected leases determined that locked gates limited USIBWC's ability to access grasping [sic] leases and many leases are not accessible directly from public highways and require crossing private property for access"</p> <p>2) Future leases would be based on potential use of the land due to its changing environment associated with Falcon Dam management. The major categories would consist of Wildlife management, grazing, hunting, or a combination of these uses as defined by IBWC rules and NRCS guidelines. The fees associated by these leases would be managed by the USIBWC and a Landowners advisory board with the primary objective to protect the integrity of the Falcon Dam Reservoir and not introduce unwarranted financial burdens on the landowners.</p> <p>3) The "landowners Advisory Board" would consist of selected representatives form seven geographic area. 1) Webb/Zapata County Line to Arroyo Dolores, 2) Arroyo Dolores to San Ygnacio, 3) San Ygnacio to Arroyo Burro, 4) Arroyo Burro to Zapata (city), 5) Zapata (city) to Lopeno, 6) Lopeno to New Falcon, and 7) New Falcon to Falcon Dam passed the Star County Line. The representative would advise and help IBWC with policies and procedures.</p>

Comment #	Commenter Name	Commenter Agency or Organization	Comment
	Arturo S. Perez, Managing Member	Felicidad Resources and Production Management LLC	<p>Dear Mr Howe,</p> <p>Palmyra Ranch located on Pardon 18 in Zapata County has three (3) IBWC Grazing Leases. IBWC Grazing Leases F02 IBM 6063, F189 IBM 6961 and F239 IBM 8524 have continuously been paid annually and renewed since their inception by the original land owner Felicidad Ramirez de Perez and currently by the Felicidad Resources and Production Management LLC. We respectfully ask you to consider and allow the transfer of the Grazing Leases from Felicidad Ramirez De Perez to the Felicidad Resources and Production Management LLC. Felicidad Resources and Production Management LLC was created by Felicidad's four heirs, Gilberto Perez Jr, Alfonso H Perez, Jorge D Perez and Arturo S Perez for the purpose of managing the Grazing Leases and continued practice of being responsible stewards of the land. Thank you for allowing us to comment concerning the Proposed Action and</p> <p>Management Alternatives.</p> <p>Alternative 1 No Action (AGREE)</p> <p>We support the No Action Alternative with suggested compliance solutions. Reemphasize the Grazing Lease Agreement through correspondence and / or lease holders meetings as often as needed. Verify Lease compliance by conducting field visits.</p> <p>Alternative 2 Terminate All Leases (DISAGREE)</p> <p>Alternative 3 Change Rental Rates on Active Leases (NEUTRAL)</p> <p>Alternative 4 Allow Hunting (DISAGREE)</p> <p>Alternative 5 Terminate Leases Not Accessible from Public Rights-of-Way (DISAGREE)</p> <p>Lease Access has always been granted via Old US Highway 83 and / or Palmyra Road. Please refer to Amendment No 2 Article 4 (f) dated July 1, 1984. "The right of officers, agents, employees, licensees and permittees of the United States, at all proper times and places to have free ingress to, passage over, and egress from all said lands, for the purpose of exercising, enforcing and protecting the rights described in this lease, and such rights as described in said licenses or permits issued by the United States."</p> <p>Alt 6 Negotiate Access Easements on Private Property for Existing Leases (NEUTRAL)</p>

Comment #	Commenter Name	Commenter Agency or Organization	Comment
			<p>Alternative 7 Amend Leases to Allow Prescribed Burning (DISAGREE)</p> <p>A letter received from the USIBWC dated May 4, 2021 states that the Falcon lease program, established in 1953, was intended to provide original landowners with opportunities to cultivate their farms at a nominal rent along the Falcon Reservoir up to designated flood areas. Later amendments to the leases added grazing within the leased areas, a benefit to the Government's land in aiding manage vegetation. The United States Department of Agriculture (USDA), the Natural Resources Conservation Service (NRCS) and its Conservation Stewardship Program (CSP) encourages rotating livestock allowing the grasslands to recover. The grassland recovers as well as unwanted dense vegetation. Grazing alone will not maintain and control the rapid growth of invasive and non-native species of vegetation. Therefore we ask that limited Prescribed Mulching be allowed to maintain barbwire livestock fences along both sides of the 307 foot traverse taking line and to maintain a direct pathway to water below the 307 foot traverse taking line. The benefits of Mulching goes beyond controlling vegetation. Mulching enriches the soil with nutrients while preventing the disturbance of valuable Archaeological sites and artifacts.</p>
	<p>Michael Joe Garcia (note provided two separate emails with the same set of comments)</p>	<p>N/A</p>	<p>We FSF/IDL/420</p> <p>Are good shepards of the land, have had everything the same since 11/5/1957. Never had problems with neighbors or families claiming anything.</p> <p>Are choosing alternative 3 and alternative 4. Modify alternative 4 by charging only those that want to hunt more. All in all divide the entire 22,270.57 acres by the \$ amount needed to keep project going. This way we do not have to rely on Henry Cuellar having to get anymore grants for us.</p> <p>We are constantly all year round having to clean our space. There is lots and lots of trash coming in from neighboring neighborhoods. Lots of tires that can only be from Zapata tire shops. Trash is coming from Falcon Lake Estates, Falcon Mesa, Four Seasons, Falcon Lake County Park and Boat Ramp.</p> <p>We peacefully keep trespassers out "peacefully because we dont want them retaliating against our livestock". Claudio and Mario Gomez have extended a hand by telling us to call them so they can go with the police to get trespassers out. We don't have that problem anymore because we're out thr 6 days a week.</p> <p>We correct the erosion on reoccurring spots, which is why we always have a wheel barrel and shavel. There is lots and lots of trash coming in from neighboring neighborhoods. Lots of tires that can only be from Zapata tire shops.</p>

Comment #	Commenter Name	Commenter Agency or Organization	Comment
			<p>The Border Patrols have mentioned us the "Romeo Garcia family" in recent meetings in "San Ygnasio Tx" stating we're one of the very few families that are welcoming to the Border Patrols. "We see it as free security and extra eyes for emergencies".</p> <p>We are hoping for alternative 3 and alternative 4. Modify alternative 4 by charging only those that want to hunt more \$. All in all divide the entire 22,270.57 by the \$ amount needed to keep project going. This way we do not have to rely on Henry Cuellar having to get anymore grants for us.</p>
	Oscar O. Martinez, Jr.	Realtor/ Associate/ Auctioneer	<p>See my comments</p> <p>B. 1. Create a landowners' (stakeholders) advisory board. Dividing Zapata and Starr counties into sections.</p> <p>For example: From Webb/Zapata County line to Arroyo Dolores; Arroyo Dolores to San Ygnacio; San Ygnacio to Arroyo Burro; Arroyo Burro to Zapata(city); Zapata(city) to Lopeno; Lopeno to New Falcon; New Falcon to Falcon Dam passed the Starr County line.</p> <p>Two representatives from each area to advise and help IBWC in all areas of concern of the Falcon Reservoir to the 307-foot traverse line. To help resolve issues and have a better line of communication with all parties involved. Details of their duties and how chosen can be discussed and worked out with all involved.</p> <p>2. Redo all active leases with the proper landowners of the land adjacent/bordering the 307 to avoid confusion in the future.</p> <p>3. Using the landowners' advisory board to help negotiate easements to the 307 lands that are land locked</p> <p>4. Allow hunting by the holders of the grazing leases (307) to help manage wildlife and help in control the spread of the tick fever infestations that is prevailed in the 307 area. As per tick fever nspector's comments to many cattle raisers.</p> <p>5. Amend lease to allow good land management techniques as recommend by and including NRCS guidelines, including but not limited to prescribed burning and removal of invasion plant species as recommended by NRCS.</p> <p>6. Keep grazing leases prices the same as now, as lands have not been managed at all due to the restrictions imposed by IBWC rules. All the lands are unimproved due to limitations set by the grazing leases. Also, when the lake fills and floods the</p>

Comment #	Commenter Name	Commenter Agency or Organization	Comment
			307, it is no longer accessible to the cattle, reducing its usefulness to cattle raiser and limited the potential of land use, with not return of the money paid to IBWC for the leases.
	Humberto Vela, Jr.		<p>Dear Sirs:</p> <p>Soon after the Scoping Meeting held in Zapata, Texas, a person who runs cattle along the lake edge and does not keep up the fences that border his property was warned by a Landowner and grazing lease holder about 2 miles or more farther South along the Lake to either gather his cattle onto property under his control or face "dire" consequences. The person who was in the wrong, contacted my ranch manager and asked for permission to use our road on El Clareno Ranch to access Old Highway 83 and gather his cattle so that they could be removed from the Lake edge.</p> <p>I granted permission for access and the cattle were removed. When the person removing the cattle stated that another person (who has a grazing lease along the Lake) had granted him permission to graze cattle on this second person's land. The person who was running cattle without regard to fencing between properties stated to my ranch manager that he was willing to graze his cattle on any property, including mine, along the Lake and that if the persons granting him such access would provide fencing materials, he would erect all boundary fencing.</p> <p>This example illustrates a couple of areas of concern with leased land below the 307 elevation.</p> <p>B. 1. In any such arrangement, there is plausible deniability for both the actual leaseholder and for the person who allegedly has permission to graze livestock on land that they do not hold a lease on or even a sub-lease in writing.</p> <p>2. On all lands above the 307 elevation in my area of the Lake there is an unwritten agreement that landowners are responsible for their Southern fenceline and that convention is widely used in maintaining fences as well as constructing new fences.</p> <p>3. In the lands below the 307, fence construction, maintenance and repair is the single highest expense and it is a recurring expense as Lake levels rise and fall</p> <p>4. Such repairs, of necessity require mechanical land clearing to erect the fencing and to maintain access along the fence lines. If this is not allowed to the degree necessary for good cattle operations it becomes impossible to conduct proper livestock operations.</p>

Comment #	Commenter Name	Commenter Agency or Organization	Comment
			<p>It is my considered opinion the lands below the 307 line must be properly administered so that leaseholders can perform all the duties required of them. In addition, failure to properly administer the lands below the 307 will lead to the detriment of Fever Tick Control and allow for less than the desired control over access to all contiguous lands along the Lake.</p> <p>I urge to give proper weight to these considerations in making your decisions on how the lands should be leased and how agreed upon practices should be conveyed to versos allowed to have access to these lands if the primary leaseholder does not actually conduct livestock operations but allow others to do so without properly making these others responsible for adherence to any and all covenants.</p> <p>Thank you again for all your efforts to allow original, contiguous landowners and/or the properly identified tenants to be responsible for these lands and to do so in a manner which is economically practical.</p>
	<p>Joseph Rathmell, County Judge; Paco Menoza, County Commissioner; Pedro Morales, County Commissioner; Jose A. Solis, County Commissioner; Roberto C. Garza, County</p>	<p>Zapata County Commissioners Court</p>	<p>RESOLUTION</p> <p>FALCON LAKE GRAZING LEASES</p> <p>WHEREAS, the grazing leases established in 1956 allowed landowners who had lost substantial ranching and farming acreage to the Falcon Dam and Reservoir Project continued to access to some small portions of their former lands;</p> <p>WHEREAS, the grazing lease holders have followed good management practices and have exercised good stewardship of their leased lands;</p> <p>WHEREAS, the grazing leaseholders have played an important role in controlling the spread of the "Mexican Fever Tick" helping protect the 10 billion dollar cattle industry in Texas;</p> <p>WHEREAS, the current leaseholders have maintained a constructive relationship with IBWC and other State and Federal agencies, such as USDA, APHIS, U.S. Border Patrol, and Texas Parks and Wildlife;</p> <p>THEREFORE, NOW BE IT RESOLVED: Zapata County Commissioners Court urges the International Boundary and Water Commission to continue the Falcon Reservoir Grazing Leases to Zapata County Ranchers</p>

Comment #	Commenter Name	Commenter Agency or Organization	Comment
	Jaime Garza	N/A	Allow grazing lease to continue. Contact private landowners to negotiate access easements for USIBWC-owned grazing leases. Charge fair market value for grazing leases. Provide information on where and how to renew grazing lease.

APHIS – Animal and Plant Health Inspection Service; **USDA** – U.S. Department of Agriculture; **N/A**– not applicable; **USIBWC** – U.S. International Boundary and Water Commission; **ID** – identification number; **IBWC** – International Boundary and Water Commission; **PR** – public relations; **USBP** – U.S. Border Patrol; **TAHC** – Texas Animal Health Commission; **TPWD** – Texas Parks and Wildlife Department; **EA** – Environmental Assessment; **GPS** – global positioning system; **NRCS** – Natural Resources Conservation Service; **POC** – point of contact; **govt** – Government; **CSP** – Conservation Stewardship Program

FORMAT PAGE

Appendix B. Scoping Meeting Materials

FORMAT PAGE



WELCOME AND INTRODUCTION

Welcome to the Public Scoping Open House Meeting for the International Falcon Dam and Reservoir Land Management and Grazing Leases

Please be sure to:

- Sign in
- Review the project boards
- Ask questions
- Provide input and comments

During public scoping, the public, government agencies, and interested parties are invited to participate.

What role do I have during public scoping?

- Identify issues and concerns and provide new information, data and suggestions
- Request information
- Attend public scoping meeting(s)
- Submit comments

**International Falcon Dam and Reservoir
Land Management and Grazing Leases**

Environmental Assessment



NATIONAL ENVIRONMENTAL POLICY ACT

The National Environmental Policy Act (NEPA) of 1969 was enacted to address concerns about federal actions and their effects on the environment.

The objectives of NEPA are to:

- Analyze proposed federal programs, projects, and actions before making decisions
- Inform the public of proposed federal activities that might affect environmental quality
- Encourage and facilitate public involvement in the decision-making process

What is an Environmental Assessment (EA)?

- A document prepared by a federal agency for any proposed action not likely to have significant impacts, or
- When the significance of the effects of the proposed action is unknown.
- An EA determines whether to prepare an environmental impact statement or a finding of no significant impact.

The EA will address the potential impacts of the Proposed Action and alternatives on the human and natural environment.

**International Falcon Dam and Reservoir
Land Management and Grazing Leases**

Environmental Assessment



SCOPING PROCESS

The scoping process outlines potential issues, points of contact, project schedules, and public involvement.

Feedback and comments:

- Comments are important to the NEPA process.
- USIBWC is collecting public and agency comments on the Proposed Action and alternatives.
- Please submit comments by 3 March 2023.

Comments can be submitted:

- On comment forms at this meeting
- By email to falconcomments@ibwc.com
- By mail to USIBWC, Attn: Mark Howe, 4191 North Mesa St., El Paso, TX 79902-1423

Anticipated EA Schedule:

- Scoping meetings—31 January, 1 February, and 2 February
- Submit scoping comments—3 March 2023
- Public Draft EA—late spring 2023
- Final EA (if appropriate)—summer 2023

**International Falcon Dam and Reservoir
Land Management and Grazing Leases
Environmental Assessment**



Falcon Project Grazing Leases

As much as 22,270.57 acres of land have been leased under 159 active grazing leases. As of 2020, there were 117 active grazing leases.

Grazing Lease Values

- Grazing leases were originally established in 1956.
- Rental charges were established at \$25 plus \$0.05/acre/year for leases in excess of 500 acres.
- In 1996, rental charges were revised to \$0.20/acre/year, with a minimum rental charge of \$7.50.
- Annual rent charges for all Falcon Project leases total \$17,025.68.

Allowable Activities

- Historically, leases allowed for both grazing and agricultural activities; all leases were amended in 1980 to allow only grazing.
- Due to sensitive resources, no ground-disturbing activities are permitted.

Lease Access

- USIBWC lacks access to many lands with grazing leases.
- Private landowners have locked gates, preventing USIBWC from accessing its own lands.

**International Falcon Dam and Reservoir
Land Management and Grazing Leases**

Environmental Assessment



PURPOSE AND NEED

Purpose:

To manage federal land in the Falcon Project, which extends from the United States' jurisdictional boundary up to the 307-foot traverse taking line, which runs from the Webb County—Zapata County line at Arroyo Dolores south to Falcon Dam.

Need:

To develop land management alternatives to the current grazing lease program on federal lands in the Falcon Project. A total of 159 grazing leases were originally provided on federal lands. There are currently 117 active grazing leases.



Falcon Lake



Previously Flooded Area

**International Falcon Dam and Reservoir
Land Management and Grazing Leases**

Environmental Assessment



Proposed Action and Alternatives

Proposed Action:

The Proposed Action is to manage the federal land at the Falcon Project to be protective of sensitive resources while generating enough revenue to support a lease management program.

Alternatives:

1. **No Action.** Maintain the status quo.
2. **Terminate All Leases.** All active leases would be canceled in accordance with termination Paragraph 13(c), in the grazing leases.
3. **Change Rental Rates.** Charge fair market value for grazing leases at the Falcon Project.
4. **Allow Hunting.** Modify lease conditions to allow hunting.
5. **Terminate Leases Not Accessible from Public Rights-of-Way.** Cancel all grazing leases not directly accessible from a public right-of-way.
6. **Negotiate Access Easements on Private Property.** Contact private landowners to negotiate access easements for USIBWC-owned grazing leases.
7. **Amend Leases to Allow Prescribed Burning.** Amend grazing leases to allow prescribed burning following the requirements of a Wildland Fire Management Plan.

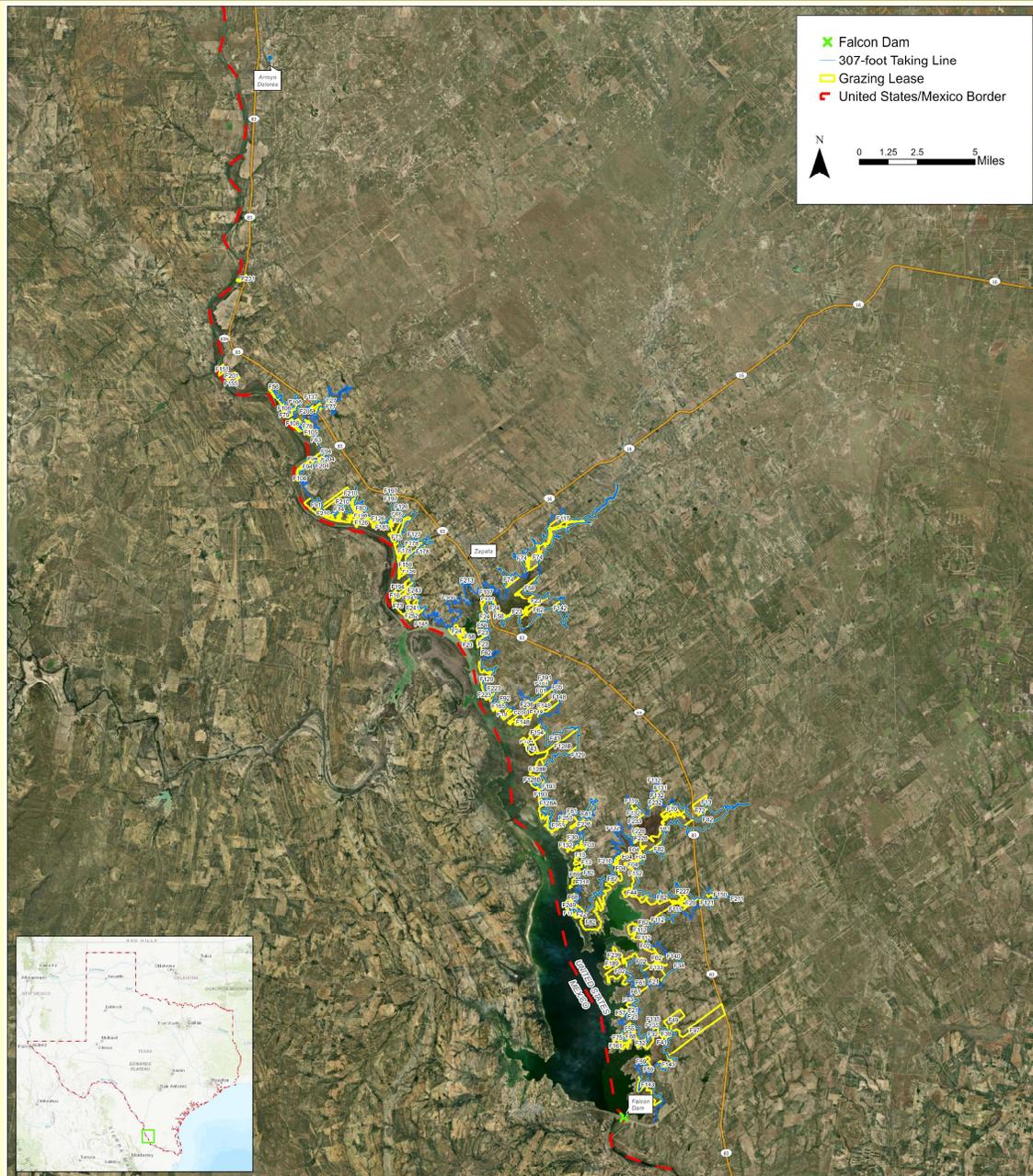
International Falcon Dam and Reservoir Land Management and Grazing Leases

Environmental Assessment



Falcon Project Grazing Leases

Locations of All Active and Inactive Grazing Leases



International Falcon Dam and Reservoir Land Management and Grazing Leases

Environmental Assessment



Please fold, fasten, and mail. No envelope necessary.

Place
Stamp
Here

**U.S. Section, International
Boundary and Water Commission
Attn: Mark Howe
4191 North Mesa St.
El Paso, TX
79902-1423**



**Public Scoping Meeting
Registration Card**

**U.S. Section, International Boundary and Water
Commission**

**Falcon Dam and Reservoir Land Management and
Grazing Leases**

Name: _____

Mailing Address: _____
(Street, City, State, Zip)

Email Address: _____

- I am an elected official.
- I represent a federal, state, or local agency: _____
(Name of Agency)
- I represent an organization: _____
(Name of Organization)
- I am a private citizen.

I would like to receive a copy of the EA. Hard Copy CD (electronic)

Privacy Act Statement: The information you furnish above will be used to provide you with a copy of the Draft EA, if so desired; to compile mailing lists for sending brochures and other data concerning this project as well as other projects in which you might have an interest; and to establish an official record for this EA that will be published in project reports and made available to the public. Your disclosure of the requested information is voluntary. Failure to provide the requested information will prevent the delivery of documents and notification of further developments.



**Public Scoping Meeting
Registration Card**

**U.S. Section, International Boundary and Water
Commission**

**Falcon Dam and Reservoir Land Management and
Grazing Leases**

Name: _____

Mailing Address: _____
(Street, City, State, Zip)

Email Address: _____

- I am an elected official.
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AFFIDAVIT OF PUBLICATION

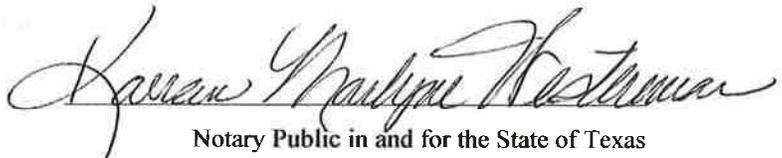
THE STATE OF TEXAS §
 §
COUNTY OF ZAPATA §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared before me, Khrystal Gaxiola, who, after being by me duly sworn, upon oaths says that she is the Salesperson of the Zapata County News, a newspaper of general circulation in Zapata County, Texas. An official publication in which legal notices may be published, and that there was publish in said newspaper a true and correct copy of the attached NOTICE/ADVERTISEMENT on the following date: January 19, 2023.

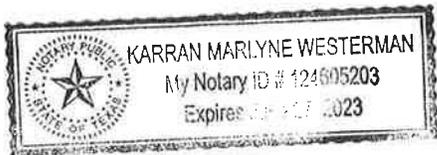


Salesperson

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on the 19th day of January, 2023, to verify which witness my hand and seal of office.


Notary Public in and for the State of Texas

(NOTARY SEAL)



My Commission Expires: June 27, 2023

NOTICE OF PUBLIC SCOPING MEETINGS, LAND MANAGEMENT AND GRAZING LEASES, INTERNATIONAL FALCON DAM AND RESERVOIR, STARR AND ZAPATA COUNTIES, TEXAS

The United States Section, International Boundary and Water Commission (USIBWC) is preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act to assess the potential environmental consequences associated with the land management and grazing leases, licenses, and permits at the International Falcon Dam and Reservoir in Starr and Zapata Counties, Texas. Falcon Dam and Reservoir provide flood control, conservation, and hydroelectric power and were constructed by the United States and Mexico under the 1944 Water Treaty. Federal lands available for lease are at the water-land interface below the 307-foot traverse taking line/contour line. In the past, 22,270.57 acres of land were under 159 active grazing leases. As of 2020, there were 117 active grazing leases with many that are still held by the same permittees and/or stakeholders. The primary problems with the land lease program to be addressed by USIBWC are low grazing lease values and grazing lease management.

USIBWC invites you to attend a public scoping meeting from **5:30 p.m. to 7:30 p.m.** at one of three locations listed below. The public scoping meetings will be held in an open-house format providing additional information about the Proposed Action and inviting comments on USIBWC's proposal.

January 31, 2023

Joe A. Guerra Laredo
Public Library
1120 East Calton Road
Laredo, Texas 78041

February 1, 2023

Zapata County
Museum of History
805 North U.S. Highway 83
Zapata, Texas 78076

February 2, 2023

Roma Community Center
601 6th Street
Roma, Texas 78584

Please submit your written comments concerning the Proposed Action to Mr. Mark Howe, 4191 North Mesa Street, El Paso, Texas 79902-1423, to falconcomments@ibwc.gov, and/or attend a public scoping meeting. Although comments can be submitted to USIBWC any time during the EA process, scoping comments are requested by **March 3, 2023**, to ensure full consideration in the Draft EA.

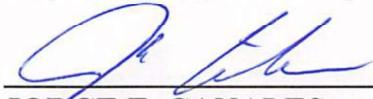
AFFIDAVIT OF PUBLICATION

STATE OF TEXAS X

COUNTY OF STARR X

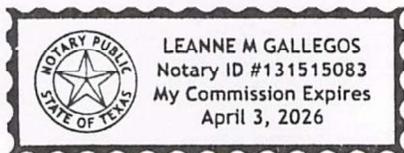
BEFORE ME, the undersigned Authority, on this day personally appeared JORGE E. CANALES, who being by me duly sworn, deposes and says that he is the PUBLISHER of the STARR COUNTY TOWN CRIER, that said newspaper is published weekly in STARR County, Texas, and generally circulated in STARR, County, Texas; and that the attached notice was published in said newspaper on the following date(s), to wit:

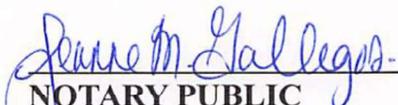
JANUARY 18, 2023 – NOTICE OF PUBLIC SCOPING MEETINGS, LAND MANAGEMENT AND GRAZING LEASES, INTERNATIONAL FALCON DAM AND RESERVOIR, STARR AND ZAPATA COUNTIES, TEXAS The United States Section, International Boundary and Water Commission (USIBWC) is preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act to assess the potential environmental consequences associated with the land management and grazing leases, licenses, and permits at the International Falcon Dam and Reservoir in Starr and Zapata Counties, Texas. Falcon Dam and Reservoir provide flood control, conservation, and hydroelectric power and were constructed by the United States and Mexico under the 1944 Water Treaty. Federal lands available for lease are at the water-land interface below the 307-foot traverse taking line/contour line. In the past, 22,270.57 acres of land were under 159 active grazing leases. As of 2020, there were 117 active grazing leases with many that are still held by the same permittees and/or stakeholders. The primary problems with the land lease program to be addressed by USIBWC are low grazing lease values and grazing lease management. USIBWC invites you to attend a public scoping meeting from 5:30 p.m. to 7:30 p.m. at one of three locations



JORGE E. CANALES
PUBLISHER

Subscribed and sworn to before me this the 18TH day of JANUARY, 2023, to certify which witness my hand and seal of office.





NOTARY PUBLIC
STATE OF TEXAS

My Commission Expires

Staying Healthy this Flu Season

While the number of reported cases of flu may be receding, Texas is still highlighted on the CDC's website (as of December 30th) for experiencing a very high rate of influenza-like illnesses. One simple action folks can take now to stay healthy in the New Year is to get a flu shot. This is important as the flu can last through the cold months and into late spring (even as late as May).

Here are a few CDC Recommendations for the Public:

- **Take time to get a flu vaccine.**

- **Take everyday preventive actions** to reduce the spread of respiratory illness like flu. These include staying home when sick, covering coughs and sneezes, and washing your hands often.
- You can also consider wearing

a high-quality, well-fitting mask which may help reduce the spread of respiratory viruses. This might be especially useful in certain circumstances, for example, in household settings when someone is sick or in crowded community settings for people at higher risk when respiratory disease activity is high.

- **Take flu antiviral drugs if your doctor prescribes them.**

- CDC recommends prompt treatment with a prescription flu antiviral drug for: People who are hospitalized with flu or suspected flu (empiric treatment as soon as possible).

Also worth noting, the CDC indicates that:

- People who have tested positive for flu are at **higher risk** of serious flu complications.

Higher risk, flu-positive patients should be treated quickly with flu antiviral drugs regardless of their vaccination status.

- CDC recommends that people at higher risk of developing serious flu complications get antiviral treatment as early as possible because benefit is greatest if treatment is started within 2 days after illness onset.

According to the **Texas Department of State Health Services**, getting a flu shot is particularly important for pregnant women, elderly adults (65 years of age and older), small children (6 months to 5 years), and people with chronic health conditions. Tip for this elderly: this season, seniors over **65 are encouraged to get an enhanced shot.**

7th Annual Starr County Youth Fair Academic Rodeo

The annual Starr County Fair Academic Rodeo will take place at the Starr County Fair Grounds on Friday, February 10, 2023. The Academic Rodeo will feature three events including an Essay Contest, Spelling Contest, and a Math Contest for children enrolled in Starr County Schools in grades 2nd – 5th. Rules and guidelines for this event can be found on the Starr County Fair web page (www.starrcountyfair.com) under **EVENTS-ACADEMIC RODEO**. Deadline Friday, January 27, 2023.

The City of Escobares plans to apply for the upcoming 2023-2024 Community Development Block Grant from the Texas Community Development Block Grant (TxCDBG) Program of the Texas Department of Agriculture (TDA). Accordingly, the City of Escobares is seeking to contract with a qualified Engineering/Architectural/Surveying Firm(s) (individual/firm) to prepare all preliminary and final design plans and specifications, and to conduct all necessary interim and final inspections. These services are being solicited to assist the City of Escobares in its application preparation and project implementation of a TxCDBG contract. If awarded to support eligible activities in the City of Escobares. Please electronically submit your SOQS in .pdf format via email at ialanis@cityofescobares.net. SOQS must be received by the City of Escobares no later than 3:00 pm on January 30, 2023. The City of Escobares reserves the right to negotiate with any and all individuals or firms that submit SOQS as per the Texas Professional Services Procurement Act and the Uniform Grant and Contract Management Standards. Section 3 Residents and Business Concerns, Minority Business Enterprises, Small Business Enterprises and Women Business Enterprises are encouraged to submit SOQS. The City of Escobares is an Affirmative Action/Equal Opportunity Employer. Servicios de traducción están disponibles por petición. Nếu cần thông tin chi tiết liên lạc chính phủ thành phố.

NOTICE OF PUBLIC SCOPING MEETINGS, LAND MANAGEMENT AND GRAZING LEASES, INTERNATIONAL FALCON DAM AND RESERVOIR, STARR AND ZAPATA COUNTIES, TEXAS

The United States Section, International Boundary and Water Commission (USIBWC) is preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act to assess the potential environmental consequences associated with the land management and grazing leases, licenses, and permits at the International Falcon Dam and Reservoir in Starr and Zapata Counties, Texas. Falcon Dam and Reservoir provide flood control, conservation, and hydroelectric power and were constructed by the United States and Mexico under the 1944 Water Treaty. Federal lands available for lease are at the water-land interface below the 307-foot traverse taking line/contour line. In the past, 22,270.57 acres of land were under 159 active grazing leases. As of 2020, there were 117 active grazing leases with many that are still held by the same permittees and/or stakeholders. The primary problems with the land lease program to be addressed by USIBWC are low grazing lease values and grazing lease management.

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January 31, 2023

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Please submit your written comments concerning the Proposed Action to Mr. Mark Howe, 4191 North Mesa Street, El Paso, Texas 79902-1423, to falconcomments@ibwc.gov, and/or attend a public scoping meeting. Although comments can be submitted to USIBWC any time during the EA process, scoping comments are requested by March 3, 2023, to ensure full consideration in the Draft EA.

REQUEST FOR PROPOSALS

South Texas College (STC) is accepting Competitive Sealed Proposals (CSP) for the following project:

PROJECT NAME: Regional Center for Public Safety Excellence
Two-Story Residential Fire Training Structure
Project No. 22-23-1048

PRE-PROPOSAL CONFERENCE TIME & LOCATION: January 26, 2023 @ 11:00 a.m.
STC Purchasing Department
3200 W Pecan Blvd Bldg N Ste 142
McAllen, Texas 78501

PROPOSAL DEADLINE & SUBMITTAL LOCATION: February 02, 2023 @ 3:00 p.m.
STC Purchasing Department
3200 W Pecan Blvd Bldg N Ste 145
McAllen, Texas

CSP documents will be available beginning on, January 18, 2023. The documents may be obtained from RGV Reprographics located at 519 South Broadway, McAllen, Texas (Phone: 956-686-1525) upon the deposit of a refundable check in the amount of \$100.00 payable to South Texas College. The deposit check will be returned if project plans are returned, in good condition, within ten (10) days after the proposal deadline.

Proposals shall be accompanied by a Certified or Cashier's Check or acceptable bidder's bond, payable to South Texas College, in an amount not less than five (5%) percent of the proposed project amount.

Proposals received after the specified time and date will not be considered and will be returned unopened. Facsimile responses will not be accepted. All proposals must be submitted in a sealed envelope. Responses need to be clearly marked on the envelope with the CSP number and name of the project.

South Texas College is an equal education and equal employment opportunity/affirmative action employer. As an equal opportunity employer, the College does not discriminate on the basis of race, color, national origin, religion, age, sex, sexual orientation, gender, gender identity, disability, genetic information, or veteran status.

Vendors are encouraged to visit South Texas College's Purchasing Department website at <https://southtexascollege.bonfirehub.com/login> to complete the Bonfire 2-part vendor registration for receiving solicitations.

BID NOTICE

The City of Rio Grande City would like to invite you to submit bid packets (separately sealed) for each of the following:

1.) Bid Description: Las Brisas Subdivision Water Line Improvements

Engineer's Bid No.: Project No. 2020 – 04_WL

Summary of work: The work consists of the installation of 965 linear feet of waterline and associated apparatuses in the Las Brisas Subdivision. Work will also consist of capping existing water line and installing a fire hydrant. Temporary traffic control measures will be needed to allow for local pedestrian and vehicular traffic access along the roadway.

Specifications: To view this solicitation, access the "Bids / Proposal Opportunity" Page at the following URL: https://www.cityofrgc.com/business/bids_proposal_opportunities/index.php, and to submit a bid response.

Please also be sure to continually check this website for updates such as addenda.

Project Engineer is HALFF & Associates.

2.) Bid Description: RGC Public Safety Development for Water and Sewer Line Design

Engineer's Bid No.: RFB#: ENG 22.004

Summary of work: Work for this project consists of the construction of public improvements to include water and sanitary sewer infrastructure necessary for the development of a commercial subdivision.

Specifications: A copy of drawing and technical specifications may be obtained at **SAMES, Inc., 200 S. 10th St., Suite 1500, McAllen, TX. 78501 at Ph. #: (956) 702 – 8880**. A non-refundable deposit of \$75.00 will be assessed for each set of paper documents or an electronic file can be requested via email at no cost to rpena@samengineering-surveying.com. Be advised that SAMES, Inc. is the primary source of all bid documents and bidders list. Obtaining bid information from a third-party planning room may lead to incomplete submissions. SAMES, Inc. will issue out any applicable addendums to those listed on the bidders list. Bidders are responsible for obtaining all the necessary information required for a complaint bid.

Please direct your questions regarding bid documents and specifications to SAMES, Inc. at 956-702-8880 or by email to rpena@samengineering-surveying.com

Project Engineer is SAMES, Inc.

Pre – Bid Date: City of Rio Grande City – City Hall Chambers, 5332 E. US Highway 83, Rio Grande City, TX. 78582 on **Tuesday, January 24, 2023 at 2:00 p.m.**

Bid Opening Date: City of Rio Grande City – City Hall Chambers, 5332 E. US Highway 83, Rio Grande City, TX. 78582 on **Friday, February 3, 2023 at 2:00 p.m.**

Requirements: Upon submitting sealed bid, bidders are required to properly identify (handwritten, typed, or printed) separate sealed envelopes and/or packets for each project as follows: Bidder's name and address on the upper left-hand corner of each sealed envelopes and/or packets 1.) Project No. 2020 – 04_WL "LAS BRISAS WATER LINE IMPROVEMENTS"; envelopes and/or packets 2.) RFB #: ENG 22.004 "RGC PUBLIC SAFETY DEVELOPMENT FOR WATER AND SEWER LINE DESIGN" on the lower left-hand corner of each sealed envelopes and/or packets. Overnight mail must also be properly labeled on the outside of express envelopes or packets.

Bidder understands that the City of Rio Grande City reserves the right to accept or reject bids submitted; waive formalities in bidding; accept bid deemed most advantageous to the City, and hold the bids for a period of (60) calendar days without taking action.

The sealed bids must be separately sealed for each project and contain (2) original complete bid required documents (including all bonds) and must be clearly identified and addressed for delivery to:

Angela Solis, City Secretary
City of Rio Grande City

Physical Location:
City Secretary Office
5332 E. US Highway 83
Rio Grande City, TX. 78582

Deadline: Sealed bids will be accepted until **Friday, February 3, 2023 at 2:00 p.m.**, at which time they will be opened in the City of Rio Grande City - City Hall Meeting Room at Physical Location: 5332 E. US Highway 83, Rio Grande City, TX. 78582. No facsimiles or late arrivals will be accepted. Any bid received after that time will not be opened and will be returned.

Bid Security: Bid Security in the amount of 5% of the largest possible total of bids submitted must accompany each bid in accordance with the Instruction to Bidders. The surety must be a guaranteed or surety company acceptable to the City of Rio Grande City.

Please note that bids can be for both projects or just one; all bids are to be submitted in separately sealed packets for each project.



January 31, 2023 | U.S. Section, International Boundary and Water Commission
 Public Scoping Meeting, Laredo, Texas

Name	Organization	Address	Email	Check Here to Be Added to Distribution List
DAVID W. GARZA	Rancher			✓
JAVIER RAYBIA	Rancher			
JUAN G. GARZA	Rancher			✓
Socorro Lopez-Earles	Rancher			✓
Clarence W. Ertel	Rancher			✓
Manuel Bravo	LAND OWNERS			✓
Lupe Stencel III	Rancher			✓
Ramiro Guerrero	Rancher			
HUMBERTO VELA	RANCHERO			✓
Arnold Zimmerman	Rancher			✓
Alison Hadley	Academic			✓
ROBERTO VEGA	RANCH OWNER			✓
Michael Joe Garcia	Rancher			com ✓



February 1, 2023 | U.S. Section, International Boundary and Water Commission
 Public Scoping Meeting, Zapata, Texas

Name	Organization	Address	Email	Check Here to Be Added to Distribution List
Abelardo A. Gutierrez	Rancher ^{Land Owner}			✓
SEBASTIÁN RAMÍREZ	Rancher			✓
DAHLIA SALINAS GÁMEZ	Zapata Co. Landowner			✓
GILBERTO GÁMEZ	Landowner			✓
Manuel Garcia Jr	Landowner			
Refugio Garcia	Landowner			
Manuel Garcia	Landowner			
Arturo GARDIA	Landowner			✓
Norberto Lopez	Landowner			net ✓
Rubén Álvarez	Landowner			✓
Frodo Lopez	Landowner			✓
María Lopez	Landowner			✓
Elma RAMÍREZ	Landowner			Com ✓

February 1, 2023 | U.S. Section, International Boundary and Water Commission
 Public Scoping Meeting, Zapata, Texas



Name	Organization	Address	Email	Check Here to Be Added to Distribution List
Federico Lopez				
Walter Lopez				
Guillermo Lopez				
Serge Leven				✓
Roberto Bazan	Congressman Henry Cuellar			✓
Eliseo Padilla Jr				
Eliseo Padilla Sr				
Serge Mendez				
Zachary Araya				
Victor Escalon				
Ricardo Guevara				
Suan M. Vega Jr				
Ramiro Saldivar				



February 1, 2023 | U.S. Section, International Boundary and Water Commission
Public Scoping Meeting, Zapata, Texas

Name	Organization	Address	Email	Check Here to Be Added to Distribution List
Julian T. Uck	USDA-NRCS			✓
Zachary Garcia	La Soledad Ranch			✓
Amador Gonzalez	Landowner			✓
FLAVIO GARRA JR	Landowner			✓
JOSE ALopez	Landowner			✓
Teofilo Velazquez	Landowner			✓
Eugenio Merdessa Jr	Landowner			✓
Elana Buck	-			✓
Jesse Robinson	Texas A&M Agrilife			✓
Cesar E. Rosal, Garcia	Landowner			✓
Noe A. Lopez	Landowner			✓
Alicia A. Gutierrez	Landowner			✓
Alfredo & Wanda Martinez	Landowner			✓



February 1, 2023 | U.S. Section, International Boundary and Water Commission
 Public Scoping Meeting, Zapata, Texas

Name	Organization	Address	Email	Check Here to Be Added to Distribution List
Joel Gutierrez				✓
Egna A. Villarreal	Land Owner			
Edith Meza	Landowner			✓
Chisai Ho Meza	Land Owner			✓
Derly Villarreal Sr. Owner	Land			
Fernando Muñoz	Land Owner			m
Roberto Paredes	Land owner			
Gerardo R. Garcia	LAND OWNER			✓
Reneo Ojeda	Landowner			✓
Roberto R. Trevino	Landowner			✓
José Trevino	Landowner			✓
Isela Dominguez	Landowner			m ✓
Mireya Guzmanilla	Landowner			✓

February 1, 2023 | U.S. Section, International Boundary and Water Commission
 Public Scoping Meeting, Zapata, Texas



Name	Organization	Address	Email	Check Here to Be Added to Distribution List
Jose Luis Morales				
Eric Gonzalez	EPH Holdings			
Eric Avary	self			
Lupe Gutierrez	self			✓
Emilio Hernandez	SELF			
Arturo S. Perez	Palmyna			
Gilbert Perez III	Palmyna			
CHRIS RINCON	RIVER PIERCE FDN			✓
Sebastian A. Hernandez	2			

February 2, 2023 | U.S. Section, International Boundary and Water Commission
 Public Scoping Meeting, Roma, Texas



Name	Organization	Address	Email	Check Here to Be Added to Distribution List
Douglas Anderson	USDA VS CTEP	[REDACTED]	[REDACTED]	✓
Marcela Ramirez	Landowner	[REDACTED]	[REDACTED]	
Eli Ramirez	" "	[REDACTED]	[REDACTED]	
Jaime Garza	LAJICO FISH	[REDACTED]	[REDACTED]	
Crescencio Cantu	Chemo Prieto	[REDACTED]	[REDACTED]	
XAVIER L. RAMIREZ	SAN JOSE SPACK	[REDACTED]	[REDACTED]	
Dina Arévalo	The Monitor	[REDACTED]	[REDACTED]	
Maricela Volpe	Varal Ranches Adam Volpe Prop.	[REDACTED]	[REDACTED]	
MARIO Guillen	Guillen Ranch	[REDACTED]	[REDACTED]	
		[REDACTED]	[REDACTED]	

Appendix C. Agency Consultations

FORMAT PAGE



OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

August 24, 2023

Mark Wolf
State Historical Preservation Officer
Texas Historical Commission
1511 Colorado St.
Austin, Texas 78701

Dear Mark Wolf,

The United States Section, International Boundary and Water Commission (USIBWC) is proposing to update the management of federal grazing leases at the Falcon Dam and Reservoir, Starr and Zapata Counties, Texas. In accordance with Section 106 of the National Historic Preservation Act (NHPA; 54 U.S.C 306108) and its implementing regulations at 36 CFR Part 800, the USIBWC is initiating consultation with you regarding an undertaking that has the potential to affect historic properties.

The International Falcon Dam and Reservoir are located along the Rio Grande approximately 75 miles southeast of Laredo, Texas, and 150 miles upstream of the mouth of the Rio Grande; they lie on both sides of the U.S./Mexico border (Figure 1). Falcon Dam and Reservoir provide flood control, conservation, and hydroelectric power and were constructed by the U.S. and Mexico under the 1944 Water Treaty. The grazing lease program has continued for areas along the Falcon Reservoir that were originally ranches and farms before the land was acquired by the federal Government pursuant to the Water Treaty of 1944 between the U.S. and Mexico, with construction of the Falcon Project completed on 19 October 1953. The grazing lease program ensured that those areas not under water or flooded and owned by the federal Government would be economically used as they were in the past by the local community. Initially leases allowed for agricultural uses in addition to grazing, but agricultural activities and any clearing of leased lands were later restricted to reduce potential impacts on cultural resources in accordance with NHPA requirements. Active leases currently only allow grazing activities.

The Study Area for this grazing lease assessment is at the water-land interface below the 307-foot traverse taking line of the reservoir, with some ingress up to the 314-foot taking line with easements into and adjacent to private land. The grazing lease program includes the 159 active and inactive grazing leases originally issued in 1956 (Figure 2). Many of the grazing leases are located adjacent to private property, and USIBWC has limited access across private property to reach the leases from land.

The purpose for the Proposed Action is to successfully manage federal land in the Falcon Project. Federal lands associated with the Falcon Project have been utilized by the public for various activities, including grazing leases, since the Falcon Project was established. However, the economic value of these leases and the challenges to successful land management require a reevaluation of the grazing lease program. The need is to implement land management

alternatives to grazing leases that address low grazing lease values, limited access by USIBWC to leased lands, and unauthorized activities on leased lands.

The USIBWC is preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act to assess the potential environmental consequences associated with land management and grazing leases, licenses, and permits at the International Falcon Dam and Reservoir (i.e., the Falcon Project). The USIBWC is updating or eliminating active and inactive grazing leases in use for commercial, residential, or recreational purposes on federal land in the Falcon Project. Rights-of-way (ROWs) for the Falcon Project totaled 63,192 acres on the U.S. side as of 2000. The EA will assist USIBWC in determining if grazing leases should be allowed or discontinued and/or whether land management alternatives should be established in lieu of grazing. The Area of Potential Effects (APE) for the Proposed Action and alternatives includes all federal lands where grazing leases could be issued and managed, which includes all lands between the 307-foot traverse taking line to the land-water interface in Falcon Reservoir (see Figure 1).

Alternatives Considered for Proposed Action Implementation

USIBWC has developed and analyzed eight grazing lease management alternatives, including the No Action Alternative. The No Action Alternative is a requirement of the National Environmental Policy Act process and is included to provide a baseline against which the other alternatives can be evaluated. The following provides a summary of the action alternatives being considered for grazing lease management at the Falcon Project. Best management practices and environmental design measures have been included to reduce or eliminate potential impacts on sensitive resources.

Alternative 1 – No Action. Leaseholders maintain the status quo with lease values remaining low, the annual value of leases would not cover the administrative costs of managing the grazing lease program, and access by USIBWC to many grazing leases would remain limited. No specific BMPs or environmental design measures would be implemented as part of Alternative 1.

Alternative 2 – Terminate Leases. Under Alternative 2, USIBWC would elect to terminate leases in accordance with the leases' termination clause and reduce or eliminate the grazing lease program at Falcon Reservoir. No specific BMPs or environmental design measures would be implemented as part of Alternative 2.

Alternative 3 – Change Rental Rates on Active Leases to Implement Improved Management. Under Alternative 3, USIBWC would change the rental rates on leases to be at fair market value and implement improved lease management measures with the additional fees generated. If Alternative 3 were to be implemented, USIBWC would dedicate the increased funding from higher rental rates on grazing leases to improved management of the grazing lease program. This could include additional personnel and equipment to spot-check lessees' compliance with lease conditions, check availability of access to leased lands, improve lands to increase the livestock stocking rates on leased lands, and implement an improved system of lease payment management.

Alternative 4 – Allow Hunting on Existing Grazing Leases. Under Alternative 5, USIBWC would allow hunting on leased lands within the regulated limits provided by the Texas Parks and

Wildlife Department. If Alternative 4 were to be implemented, USIBWC would ensure that the grazing leases would restrict allowable hunting to leaseholders and their immediate family and friends. There would be no subleasing allowed for hunting activities on leased lands. Violations of these lease conditions would be cause for immediate lease termination.

Alternative 5 – Terminate Leases Not Directly Accessible from Public ROWs. Alternative 5 would be similar to Alternative 2; however, USIBWC would elect to terminate only those leases not directly accessible from public ROWs in accordance with the leases' termination clause. No specific BMPs or environmental design measures would be implemented as part of Alternative 5.

Alternative 6 – Negotiate Access Easements on Private Property for Existing Leases. Under Alternative 6, USIBWC would negotiate access easements on private property for existing leases. No specific BMPs or environmental design measures would be implemented as part of Alternative 6.

Alternative 7 – Amend Leases to Allow Vegetation Management. Under Alternative 7, USIBWC would amend leases to allow herbicide application and/or mechanical vegetation removal. Herbicide application would only be conducted by licensed applicators. Mechanical vegetation control would be limited to the use of hand tools, and no roots would be pulled or removed as part of the mechanical vegetation control activities. If Alternative 7 were to be implemented, USIBWC would require all herbicide applications on leased lands to use only approved herbicides and follow all labeling instructions. All herbicide applications would be required to follow Texas Pesticide Law, and herbicides could only be applied by Texas-licensed applicators. All aboveground vegetation removal activities would avoid the active bird breeding season (1 February through 31 August) to avoid impacts on nesting birds, including any listed bird species that have a limited potential or are likely to occur in the Falcon Project area.

Alternative 8 – Form a Citizens' Committee to Provide Lease Management Support. Under Alternative 8, USIBWC would form a citizen's committee to provide lease management support. The citizen's committee would support lessees and USIBWC's management of the grazing lease program and be a conduit for communication and information exchange between USIBWC and lessees and local Government officials. No specific BMPs or environmental design measures would be implemented as part of Alternative 8.

Cultural Resources Surveys at the Falcon Project

An estimated 116,825.76 acres of USIBWC-controlled land have been surveyed for cultural resources at the Falcon Project (Figure 3). As of 2020, about 895 archaeological sites have been recorded within USIBWC-controlled property at the Falcon Project. Of the 895 recorded archaeological sites, none are formally listed on the National Register of Historic Places (NRHP). A total of 65 sites are recommended as eligible, and 85 sites are potentially eligible, but concurrence from the Texas State Historic Preservation Office has not been completed. At least 594 sites retain an undetermined eligibility status. The remaining 148 sites lacked diagnostic artifacts, good potential for subsurface cultural deposits, and/or were severely impacted by natural and/or human-made events (USIBWC 2020). In 1952, the USIBWC completed a survey of extant historic cemeteries that would need to be relocated because they fell within the boundaries of the

future Falcon Project (USIBWC 2020). The report prepared as a result of those surveys showed the locations of 21 historic cemeteries, many of which were located on individually owned ranch properties. The report also included a register of graves for the cemeteries. Of the 21 cemeteries located in 1952, 18 were within the boundaries of former ranch properties that now have been recorded as archaeological sites. Two ranches containing cemeteries that have not been given archaeological site numbers are Tortolas Ranch and Refugio Ranch. Archaeologists have only rerecorded the locations and conditions of four of the cemeteries documented in 1952. Since the construction of Falcon Project in the 1950s, a majority of the historic architectural resources within USIBWC-controlled lands have been recorded as archaeological sites based on their condition as ruins and/or submerged buildings and structures. Sections of irrigation systems, specifically pipe segments, have been identified during archaeological investigations. A number of archaeological sites located at the Falcon Project include Native American burials. There may also be unmarked Native American burial grounds that have yet to be identified (U.S. General Services Administration 2014).

Determination of Effects

Under the Proposed Action, there would be no direct ground-disturbing activities and all potential impacts on known and unknown cultural resources would be associated with grazing activities and vegetation management to improve leases for grazing. Relative to Alternative 1, the No Action Alternative, which would maintain the status quo for grazing leases and land management activities, Alternatives 2 through 8 would not adversely affect cultural resources. Alternatively, relative to the No Action, Alternatives 2 through 8 would improve USIBWC's involvement with grazing lease management on federal lands, improve access for USIBWC to observe and enforce grazing lease requirements and limitations, and better protect sensitive resources in the Falcon Project Area. Therefore, Pursuant to 36 CFR §800.4(d), the USIBWC has determined that no historic properties will be affected by Alternatives 2 through 8. USIBWC is consulting with the Lipan Apache Band of Texas, Lipan Apache Tribe, Tap Pilam Coahuiltecan Nation, Comanche Nation, Fort Sill Apache Tribe of Oklahoma, Kickapoo Traditional Tribe of Texas, Kiowa Indian Tribe of Oklahoma, Mescalero Apache Tribe, Tonkawa Tribe of Oklahoma, and Ysleta Del Sur Pueblo of Texas. If any previously unidentified historic properties are identified in the APE during this tribal consultation, USIBWC will notify your office and continue consultation at that time.

I am requesting your participation in the review and comment process and written concurrence with our APE determination and our *no effect* to historic properties from grazing lease management at the Falcon Project. Please provide concurrence or any comments or additional information concerning the Proposed Action and alternatives within 30 days of the date of this letter to Mr. Mark Howe, 4191 North Mesa Street, El Paso, Texas 79902-1423, at falconcomments@ibwc.gov. Thank you in advance for your assistance.

Sincerely,



Gilbert G. Anaya
Division Chief
Environmental Management Division

References:

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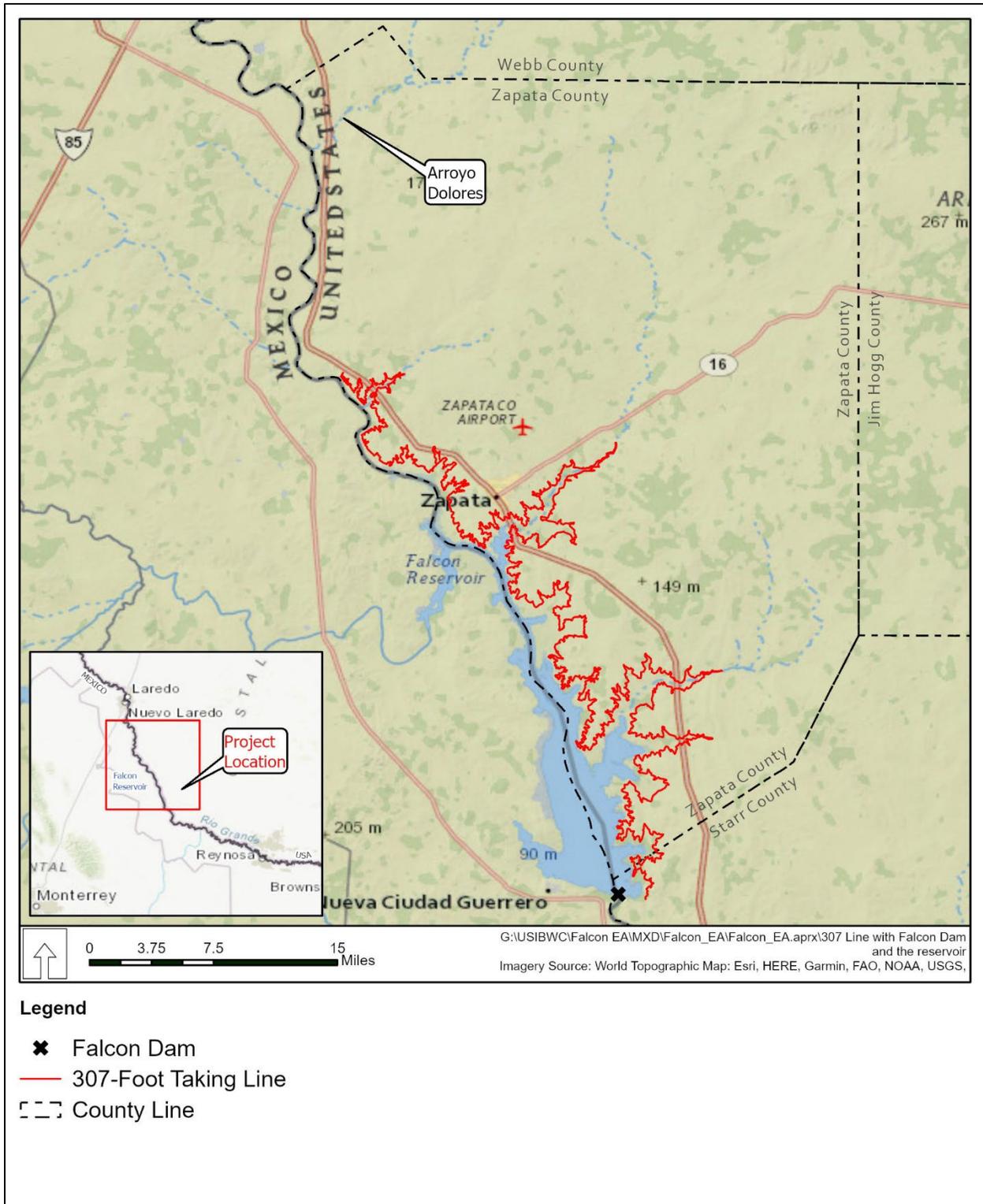


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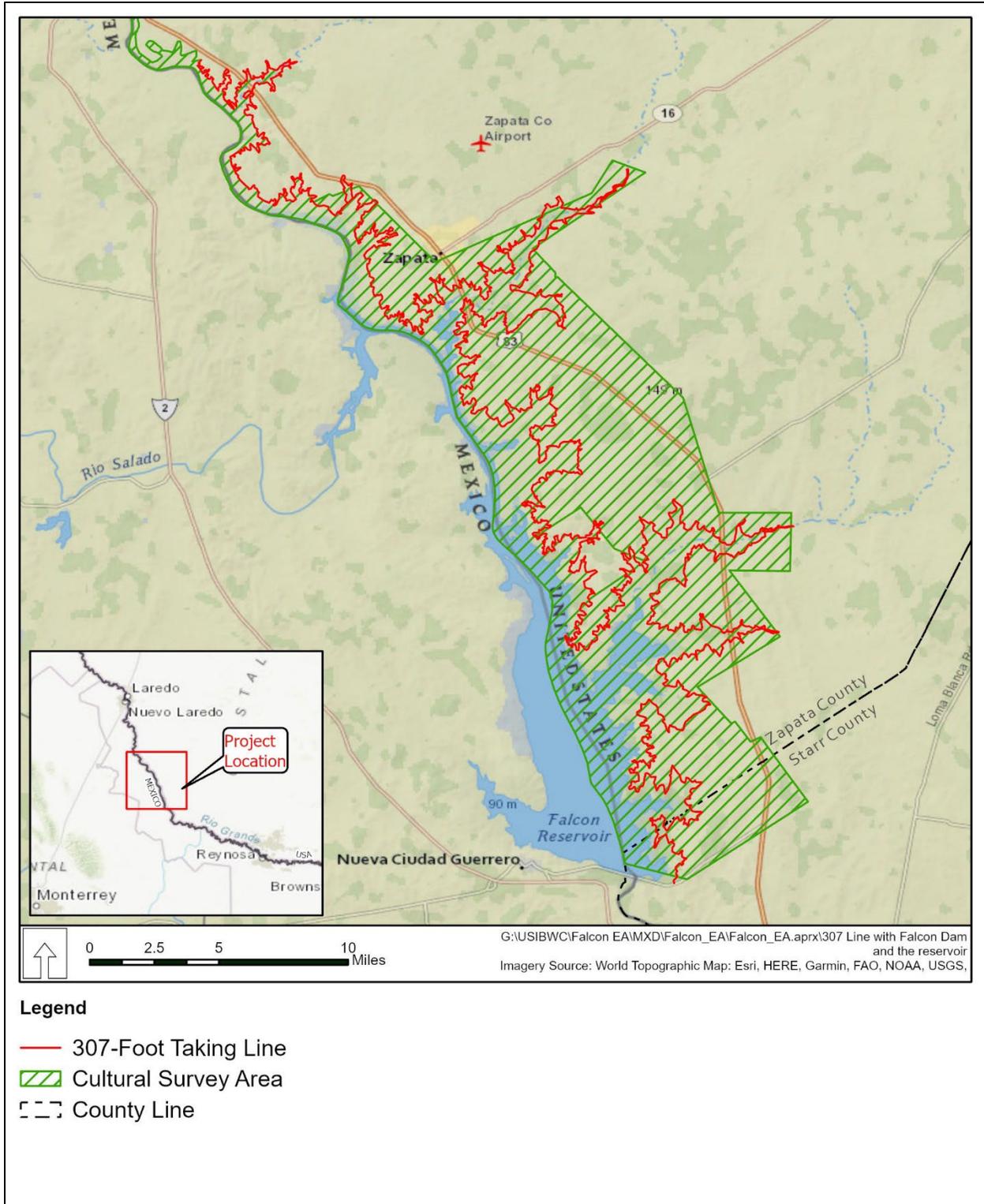


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From: [Falcon Comments](#)
To: [Eric Webb](#)
Subject: [External] - FW: Falcon Dam and Reservoir - Federal Grazing Lease
Date: Tuesday, September 26, 2023 10:41:07 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This message classified as **Official - Transitory**

Fyi.

From: noreply@thc.state.tx.us <noreply@thc.state.tx.us>
Sent: Tuesday, September 26, 2023 6:38 AM
To: Falcon Comments <falconcomments@ibwc.gov>; reviews@thc.state.tx.us; Mark Howe <mark.howe@ibwc.gov>
Subject: Falcon Dam and Reservoir - Federal Grazing Lease



Re: Project Review under Section 106 of the National Historic Preservation Act
THC Tracking #202400131
Date: 09/26/2023
Falcon Dam and Reservoir - Federal Grazing Lease
Roma, TX

Description: Proposal to update the management of federal grazing leases at the Falcon Dam and Reservoir

Dear Gilbert Anaya:

Thank you for your submittal regarding the above-referenced project. This response represents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), pursuant to review under Section 106 of the National Historic Preservation Act.

The review staff, led by Tiffany Osburn, Caitlin Brashear and Emily Dylla, has completed its review and has made the following determinations based on the information submitted for review:

Above-Ground Resources

- THC/SHPO concurs with information provided.

Archeology Comments

- THC/SHPO concurs with information provided.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this review process, and for your efforts to preserve the irreplaceable heritage of Texas. If the project changes, or if new historic properties are found, please contact the review staff. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: tiffany.osburn@thc.texas.gov, caitlin.brashear@thc.texas.gov, emily.dylla@thc.texas.gov.

This response has been sent through the electronic THC review and compliance system (eTRAC). Submitting your project via eTRAC eliminates mailing delays and allows you to check the status of the review, receive an electronic response, and generate reports on your submissions. For more information, visit <http://thc.texas.gov/etrac-system>.

Sincerely,



for Mark Wolfe, State Historic Preservation Officer
Executive Director, Texas Historical Commission

Please do not respond to this email.

cc: mark.howe@ibwc.gov

This message is classified as **Official - Transitory** by IBWC\mark.howe on **Tuesday, September 26, 2023 9:40:58 AM**



INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

August 24, 2023

Richard A Gonzales
General Council Chairman
Lipan Apache Band of Texas
515 Freiling Drive
San Antonio, TX 78213

Dear Chairman Gonzales,

The United States Section, International Boundary and Water Commission (USIBWC) is proposing to update the management of federal grazing leases at the Falcon Dam and Reservoir, Starr and Zapata Counties, Texas. In accordance with Section 106 of the National Historic Preservation Act (NHPA; 54 U.S.C 306108) and its implementing regulations at 36 CFR Part 800, the USIBWC is initiating government-to-government consultation with you regarding an undertaking that has the potential to affect historic properties.

The International Falcon Dam and Reservoir are located along the Rio Grande approximately 75 miles southeast of Laredo, Texas, and 150 miles upstream of the mouth of the Rio Grande; they lie on both sides of the U.S./Mexico border (Figure 1). Falcon Dam and Reservoir provide flood control, conservation, and hydroelectric power and were constructed by the U.S. and Mexico under the 1944 Water Treaty. The grazing lease program has continued for areas along the Falcon Reservoir that were originally ranches and farms before the land was acquired by the federal Government pursuant to the Water Treaty of 1944 between the U.S. and Mexico, with construction of the Falcon Project completed on 19 October 1953. The grazing lease program ensured that those areas not under water or flooded and owned by the federal Government would be economically used as they were in the past by the local community. Initially leases allowed for agricultural uses in addition to grazing, but agricultural activities and any clearing of leased lands were later restricted to reduce potential impacts on cultural resources in accordance with NHPA requirements. Active leases currently only allow grazing activities.

The Study Area for this grazing lease assessment is at the water-land interface below the 307-foot traverse taking line of the reservoir, with some ingress up to the 314-foot taking line with easements into and adjacent to private land. The grazing lease program includes the 159 active and inactive grazing leases originally issued in 1956 (Figure 2). Many of the grazing leases are located adjacent to private property, and USIBWC has limited access across private property to reach the leases from land.

The purpose for the Proposed Action is to successfully manage federal land in the Falcon Project. Federal lands associated with the Falcon Project have been utilized by the public for various activities, including grazing leases, since the Falcon Project was established. However, the economic value of these leases and the challenges to successful land management require a reevaluation of the grazing lease program. The need is to implement land management

alternatives to grazing leases that address low grazing lease values, limited access by USIBWC to leased lands, and unauthorized activities on leased lands.

The USIBWC is preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act to assess the potential environmental consequences associated with land management and grazing leases, licenses, and permits at the International Falcon Dam and Reservoir (i.e., the Falcon Project). The USIBWC is updating or eliminating active and inactive grazing leases in use for commercial, residential, or recreational purposes on federal land in the Falcon Project. Rights-of-way (ROWs) for the Falcon Project totaled 63,192 acres on the U.S. side as of 2000. The EA will assist USIBWC in determining if grazing leases should be allowed or discontinued and/or whether land management alternatives should be established in lieu of grazing.

A scoping letter was sent to you in January 2023 requesting your assistance in identifying any properties of religious and cultural significance to your tribe within the project Area of Potential Effects (APE). Upon further examination of the Proposed Action and alternatives that could be implemented, the APE for the Proposed Action and alternatives includes all federal lands where grazing leases could be issued and managed, which includes all lands between the 307-foot traverse taking line to the land-water interface in Falcon Reservoir (see Figure 1).

Alternatives Considered for Proposed Action Implementation

USIBWC has developed and analyzed eight grazing lease management alternatives, including the No Action Alternative. The No Action Alternative is a requirement of the National Environmental Policy Act process and is included to provide a baseline against which the other alternatives can be evaluated. The following provides a summary of the action alternatives being considered for grazing lease management at the Falcon Project. Best management practices and environmental design measures have been included to reduce or eliminate potential impacts on sensitive resources.

Alternative 1 – No Action. Leaseholders maintain the status quo with lease values remaining low, the annual value of leases would not cover the administrative costs of managing the grazing lease program, and access by USIBWC to many grazing leases would remain limited. No specific BMPs or environmental design measures would be implemented as part of Alternative 1.

Alternative 2 – Terminate Leases. Under Alternative 2, USIBWC would elect to terminate leases in accordance with the leases' termination clause and reduce or eliminate the grazing lease program at Falcon Reservoir. No specific BMPs or environmental design measures would be implemented as part of Alternative 2.

Alternative 3 – Change Rental Rates on Active Leases to Implement Improved Management. Under Alternative 3, USIBWC would change the rental rates on leases to be at fair market value and implement improved lease management measures with the additional fees generated. If Alternative 3 were to be implemented, USIBWC would dedicate the increased funding from higher rental rates on grazing leases to improved management of the grazing lease program. This could include additional personnel and equipment to spot-check lessees' compliance with lease conditions, check availability of access to leased lands, improve lands to

increase the livestock stocking rates on leased lands, and implement an improved system of lease payment management.

Alternative 4 – Allow Hunting on Existing Grazing Leases. Under Alternative 5, USIBWC would allow hunting on leased lands within the regulated limits provided by the Texas Parks and Wildlife Department. If Alternative 4 were to be implemented, USIBWC would ensure that the grazing leases would restrict allowable hunting to leaseholders and their immediate family and friends. There would be no subleasing allowed for hunting activities on leased lands. Violations of these lease conditions would be cause for immediate lease termination.

Alternative 5 – Terminate Leases Not Directly Accessible from Public ROWs. Alternative 5 would be similar to Alternative 2; however, USIBWC would elect to terminate only those leases not directly accessible from public ROWs in accordance with the leases' termination clause. No specific BMPs or environmental design measures would be implemented as part of Alternative 5.

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I am requesting your participation in the review and comment process and written concurrence with our APE determination and our finding of *no historic properties affected* from grazing lease management at the Falcon Project. Please provide any comments or additional information concerning the Proposed Action and alternatives and *no historic properties affected* determination within 30 days of the date of this letter to Mr. Mark Howe, 4191 North Mesa Street, El Paso, Texas 79902-1423, at falconcomments@ibwc.gov. Thank you in advance for your assistance.

Sincerely,



Gilbert G. Anaya
Division Chief
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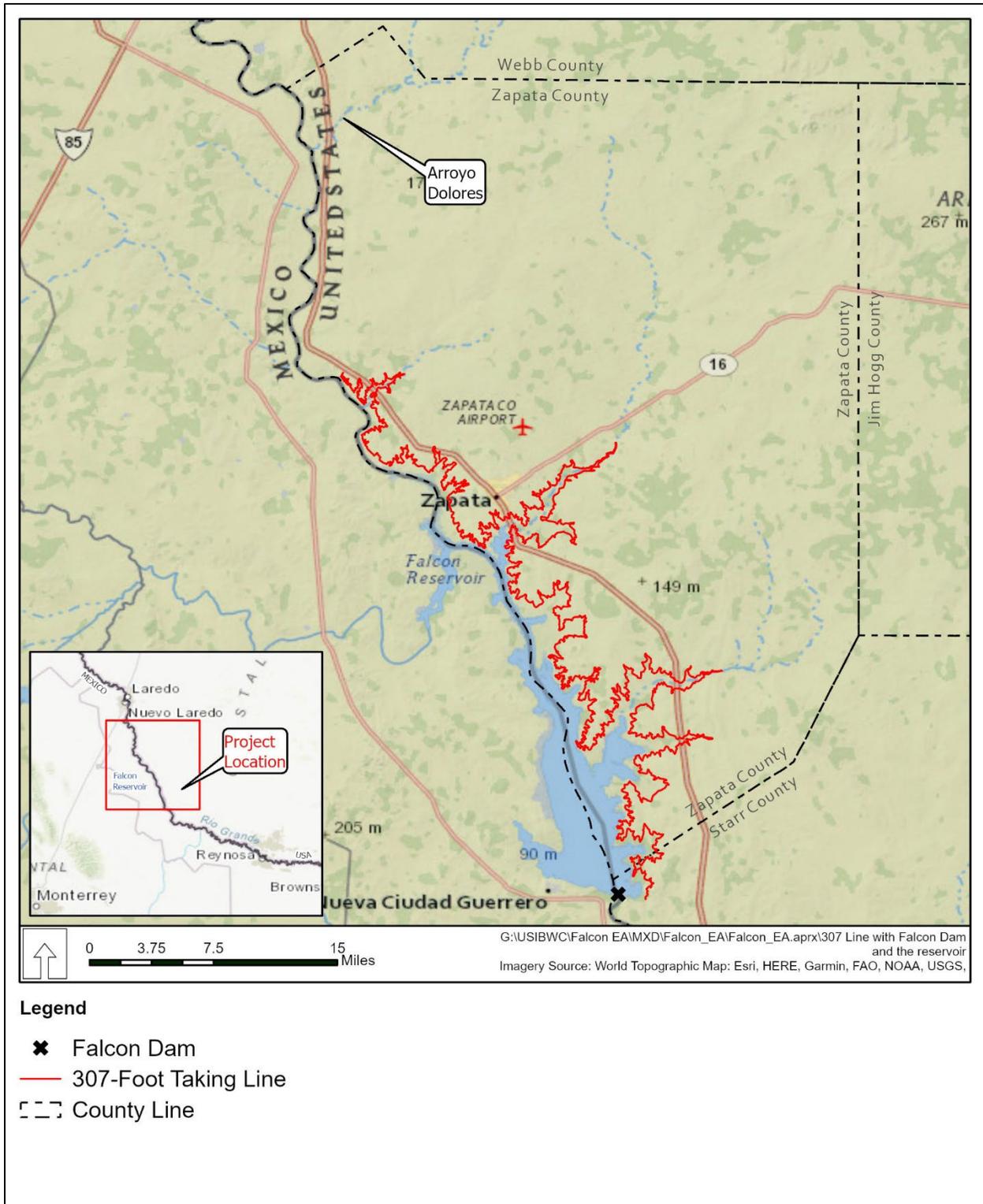


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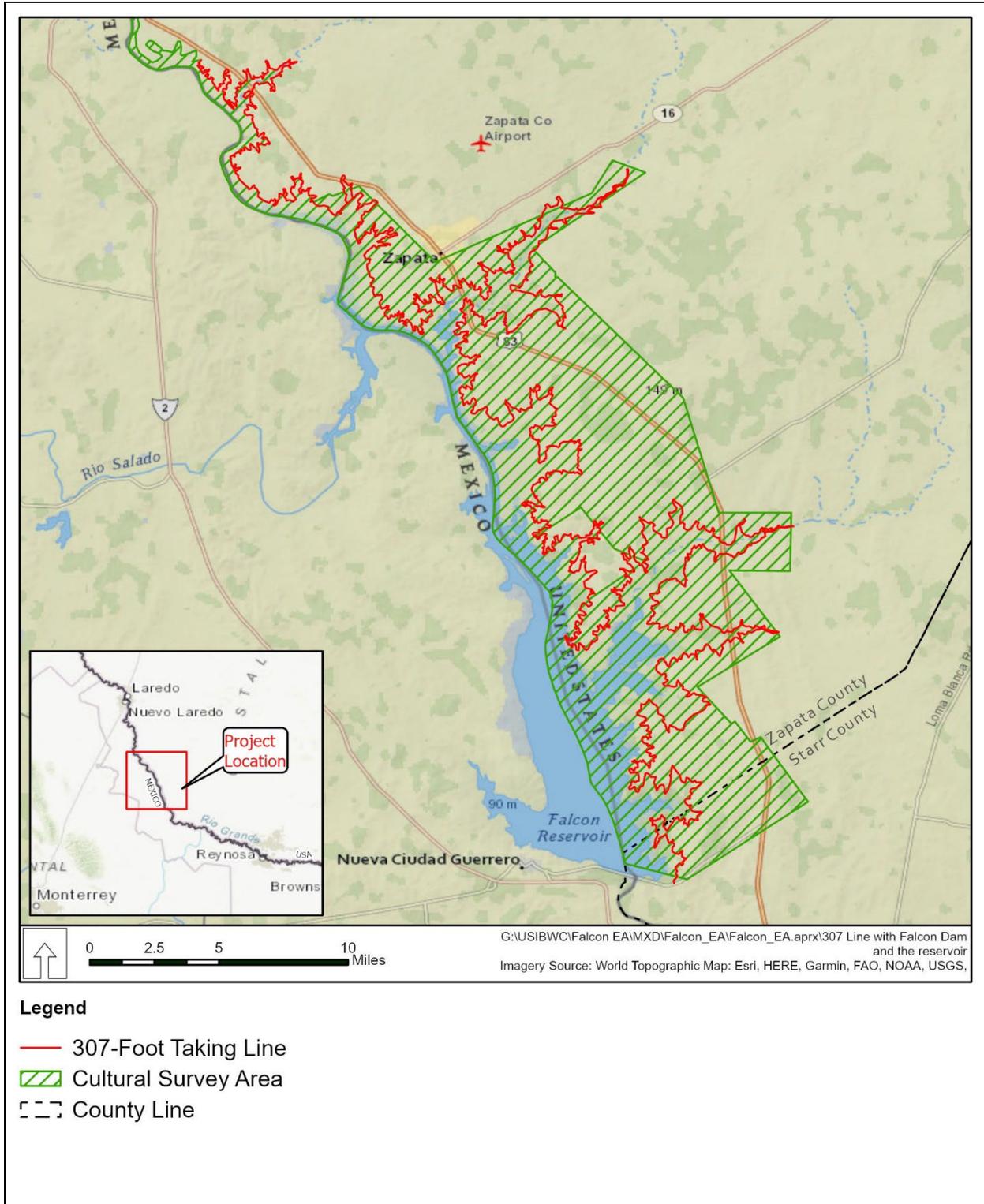


Figure 3. Cultural Survey Area within the Falcon Project



INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

August 24, 2023

Bernard Barcena, Jr.
Chairman
Liban Apache Tribe
PO Box 5218
McAllen, TX 78502

Dear Chairman Barcena, Jr.,

The United States Section, International Boundary and Water Commission (USIBWC) is proposing to update the management of federal grazing leases at the Falcon Dam and Reservoir, Starr and Zapata Counties, Texas. In accordance with Section 106 of the National Historic Preservation Act (NHPA; 54 U.S.C 306108) and its implementing regulations at 36 CFR Part 800, the USIBWC is initiating government-to-government consultation with you regarding an undertaking that has the potential to affect historic properties.

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Sincerely,



Gilbert G. Anaya
Division Chief
Environmental Management Division

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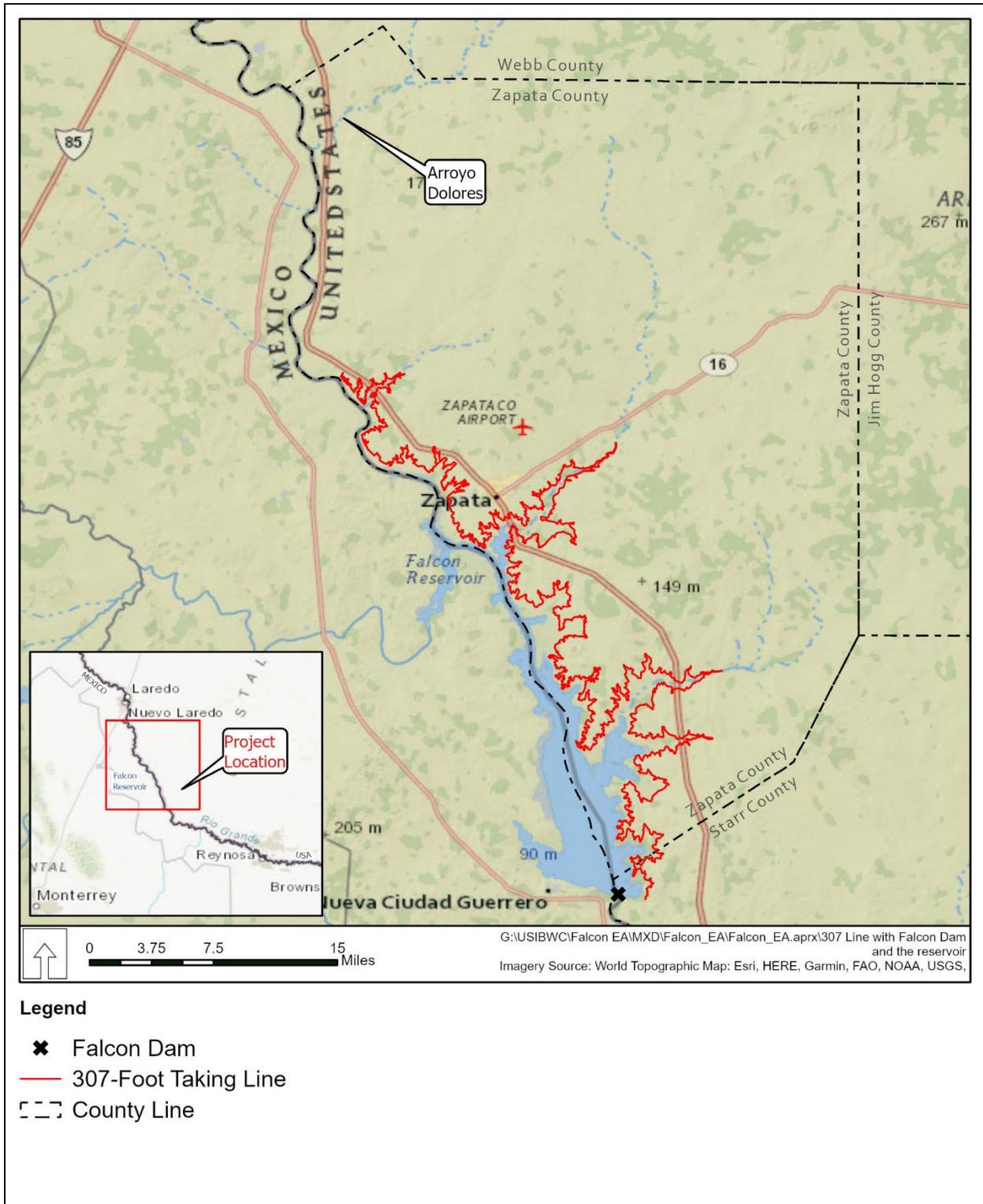


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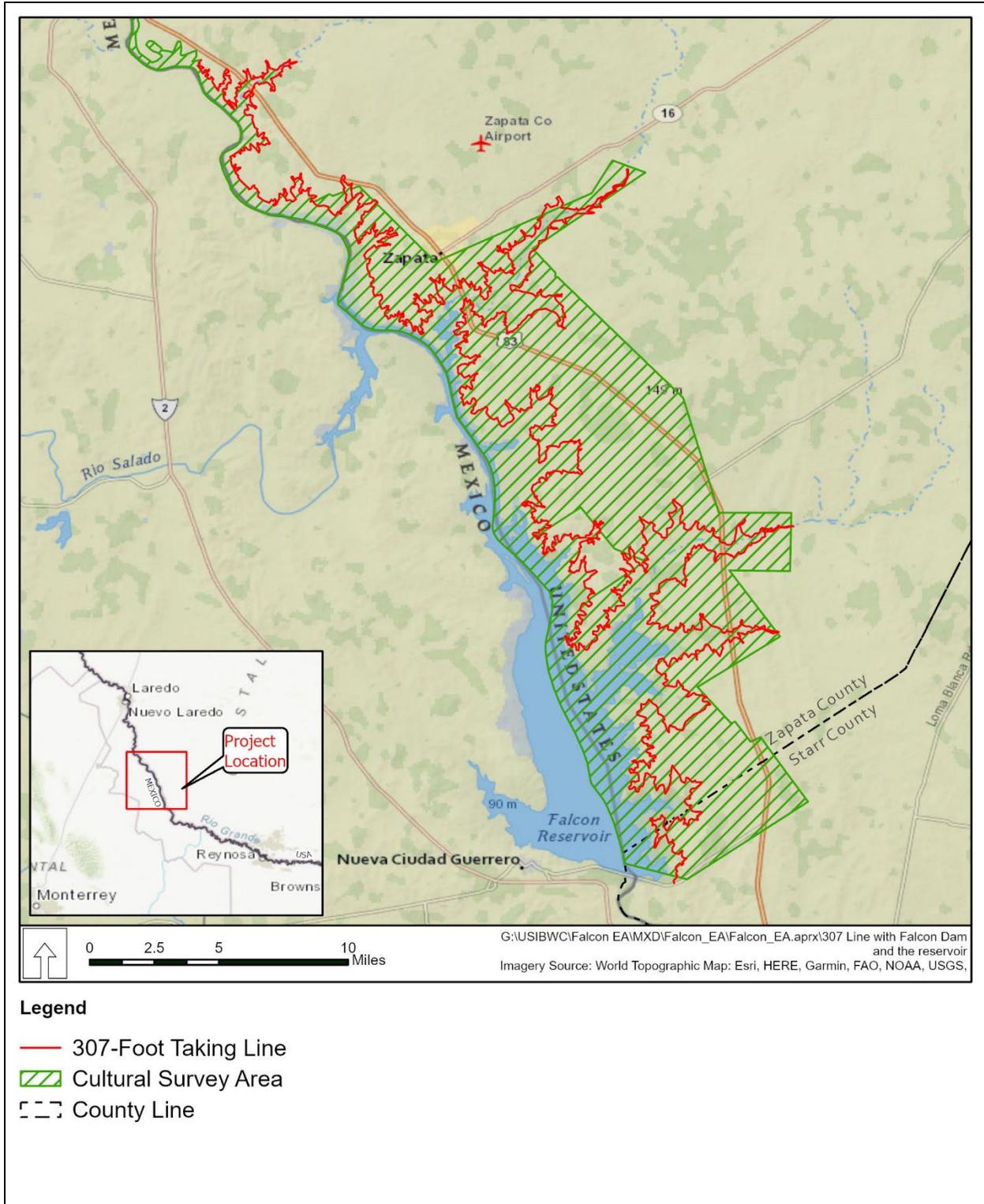


Figure 3. Cultural Survey Area within the Falcon Project



OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

August 24, 2023

Raymond Hernandez
Tribal Council
Tap Pilam Coahuiltecan Nation
1616 E Commerce St
San Antonio, TX 78205

Dear Councilman Hernandez,

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The International Falcon Dam and Reservoir are located along the Rio Grande approximately 75 miles southeast of Laredo, Texas, and 150 miles upstream of the mouth of the Rio Grande; they lie on both sides of the U.S./Mexico border (Figure 1). Falcon Dam and Reservoir provide flood control, conservation, and hydroelectric power and were constructed by the U.S. and Mexico under the 1944 Water Treaty. The grazing lease program has continued for areas along the Falcon Reservoir that were originally ranches and farms before the land was acquired by the federal Government pursuant to the Water Treaty of 1944 between the U.S. and Mexico, with construction of the Falcon Project completed on 19 October 1953. The grazing lease program ensured that those areas not under water or flooded and owned by the federal Government would be economically used as they were in the past by the local community. Initially leases allowed for agricultural uses in addition to grazing, but agricultural activities and any clearing of leased lands were later restricted to reduce potential impacts on cultural resources in accordance with NHPA requirements. Active leases currently only allow grazing activities.

The Study Area for this grazing lease assessment is at the water-land interface below the 307-foot traverse taking line of the reservoir, with some ingress up to the 314-foot taking line with easements into and adjacent to private land. The grazing lease program includes the 159 active and inactive grazing leases originally issued in 1956 (Figure 2). Many of the grazing leases are located adjacent to private property, and USIBWC has limited access across private property to reach the leases from land.

The purpose for the Proposed Action is to successfully manage federal land in the Falcon Project. Federal lands associated with the Falcon Project have been utilized by the public for various activities, including grazing leases, since the Falcon Project was established. However, the economic value of these leases and the challenges to successful land management require a reevaluation of the grazing lease program. The need is to implement land management

alternatives to grazing leases that address low grazing lease values, limited access by USIBWC to leased lands, and unauthorized activities on leased lands.

The USIBWC is preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act to assess the potential environmental consequences associated with land management and grazing leases, licenses, and permits at the International Falcon Dam and Reservoir (i.e., the Falcon Project). The USIBWC is updating or eliminating active and inactive grazing leases in use for commercial, residential, or recreational purposes on federal land in the Falcon Project. Rights-of-way (ROWs) for the Falcon Project totaled 63,192 acres on the U.S. side as of 2000. The EA will assist USIBWC in determining if grazing leases should be allowed or discontinued and/or whether land management alternatives should be established in lieu of grazing.

A scoping letter was sent to you in January 2023 requesting your assistance in identifying any properties of religious and cultural significance to your tribe within the project Area of Potential Effects (APE). Upon further examination of the Proposed Action and alternatives that could be implemented, the APE for the Proposed Action and alternatives includes all federal lands where grazing leases could be issued and managed, which includes all lands between the 307-foot traverse taking line to the land-water interface in Falcon Reservoir (see Figure 1).

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USIBWC has developed and analyzed eight grazing lease management alternatives, including the No Action Alternative. The No Action Alternative is a requirement of the National Environmental Policy Act process and is included to provide a baseline against which the other alternatives can be evaluated. The following provides a summary of the action alternatives being considered for grazing lease management at the Falcon Project. Best management practices and environmental design measures have been included to reduce or eliminate potential impacts on sensitive resources.

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Alternative 2 – Terminate Leases. Under Alternative 2, USIBWC would elect to terminate leases in accordance with the leases' termination clause and reduce or eliminate the grazing lease program at Falcon Reservoir. No specific BMPs or environmental design measures would be implemented as part of Alternative 2.

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Alternative 5 – Terminate Leases Not Directly Accessible from Public ROWs. Alternative 5 would be similar to Alternative 2; however, USIBWC would elect to terminate only those leases not directly accessible from public ROWs in accordance with the leases' termination clause. No specific BMPs or environmental design measures would be implemented as part of Alternative 5.

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Cultural Resources Surveys at the Falcon Project

An estimated 116,825.76 acres of USIBWC-controlled land have been surveyed for cultural resources at the Falcon Project (Figure 3). As of 2020, about 895 archaeological sites have been recorded within USIBWC-controlled property at the Falcon Project. Of the 895 recorded archaeological sites, none are formally listed on the National Register of Historic Place (NRHP). A total of 65 sites are recommended as eligible, and 85 sites are potentially eligible, but

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Determination of Effects

Under the Proposed Action, there would be no direct ground-disturbing activities and all potential impacts on known and unknown cultural resources would be associated with grazing activities and vegetation management to improve leases for grazing. Relative to Alternative 1, the No Action Alternative, which would maintain the status quo for grazing leases and land management activities, Alternatives 2 through 8 would not adversely affect cultural resources. Alternatively, relative to the No Action, Alternatives 2 through 8 would improve USIBWC's involvement with grazing lease management on federal lands, improve access for USIBWC to observe and enforce grazing lease requirements and limitations, and better protect sensitive resources in the Falcon Project Area. Therefore, Pursuant to 36 CFR §800.4(d), the USIBWC has determined that no historic properties will be affected by Alternatives 2 through 8.

I am requesting your participation in the review and comment process and written concurrence with our APE determination and our finding of *no historic properties affected* from grazing lease management at the Falcon Project. Please provide any comments or additional information concerning the Proposed Action and alternatives and *no historic properties affected* determination within 30 days of the date of this letter to Mr. Mark Howe, 4191 North Mesa Street, El Paso, Texas 79902-1423, at falconcomments@ibwc.gov. Thank you in advance for your assistance.

Sincerely,



Gilbert G. Anaya
Division Chief
Environmental Management Division

References:

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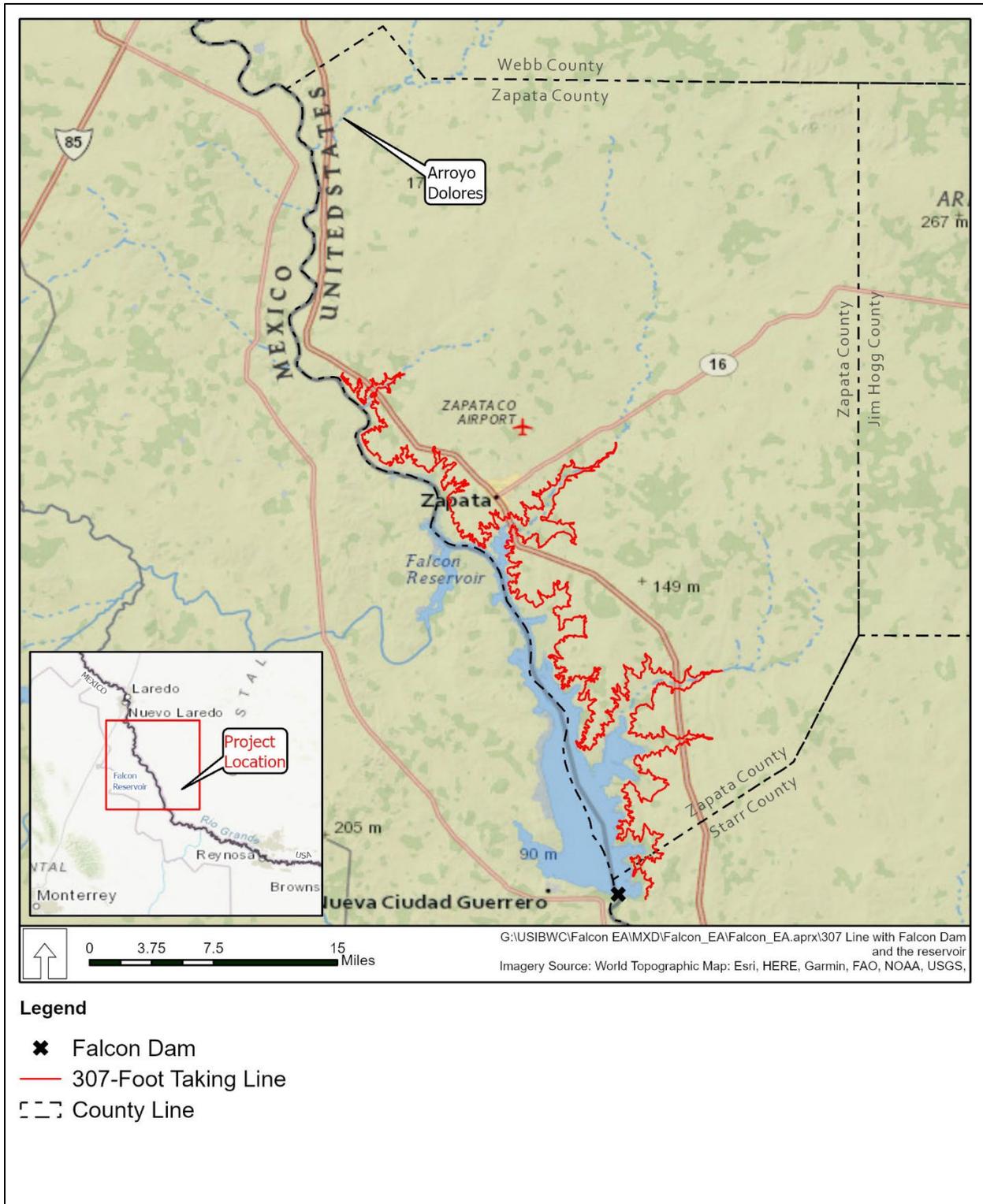


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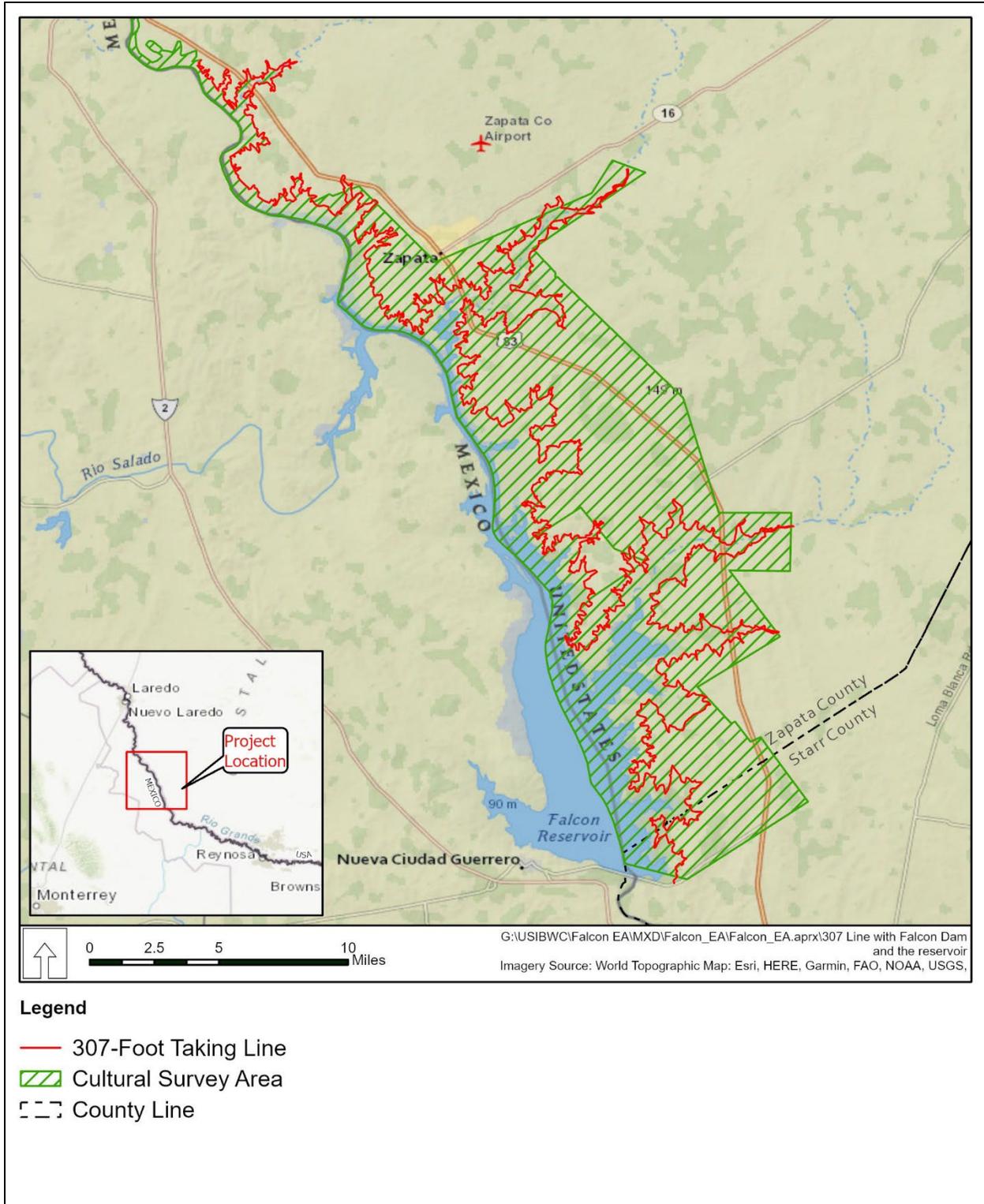


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OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

August 24, 2023

Martina Minthorn
Tribal Historic Preservation Office
Comanche Nation
P.O. Box 908
Lawton, OK 73502

Dear Martina Minthorn,

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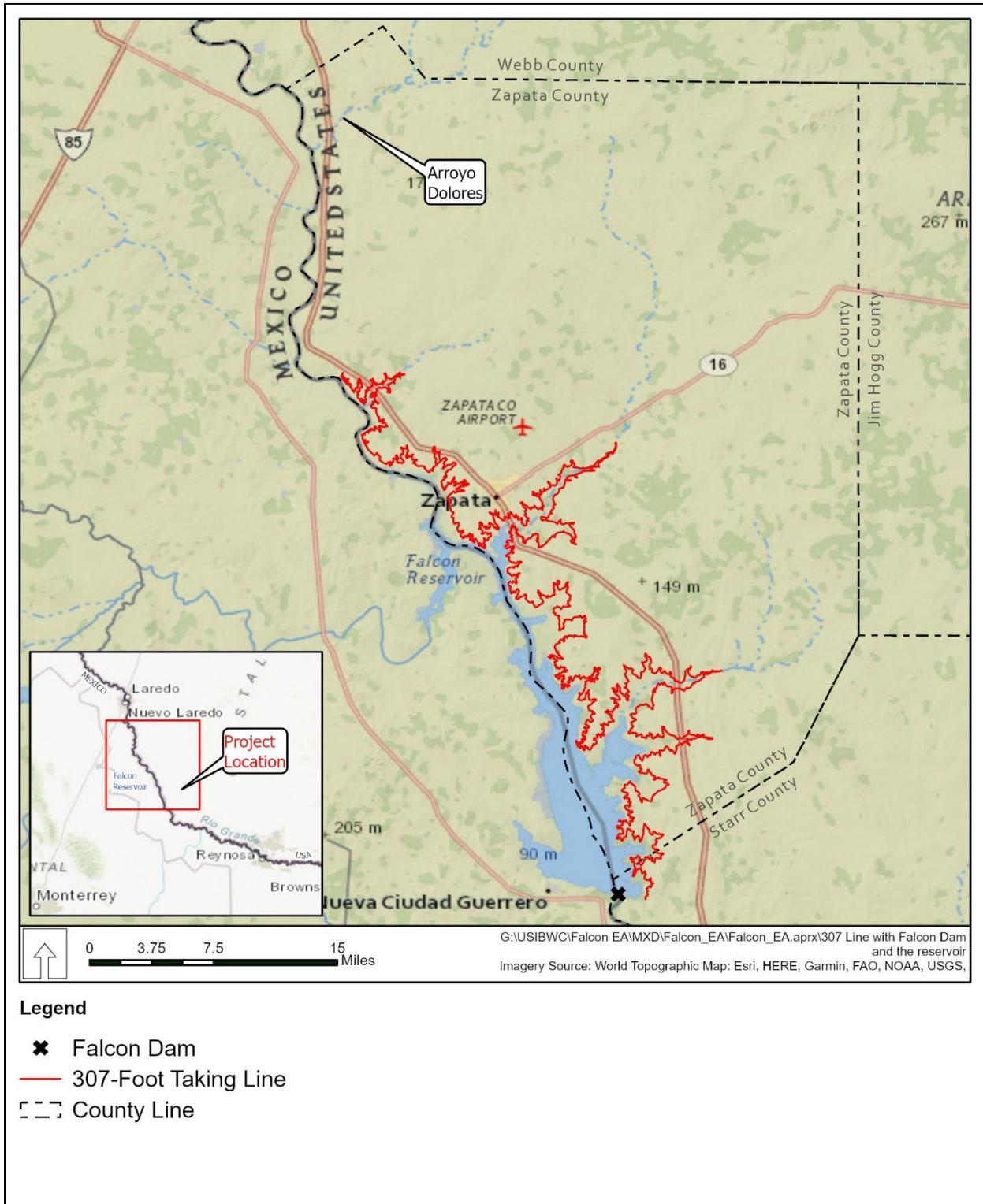


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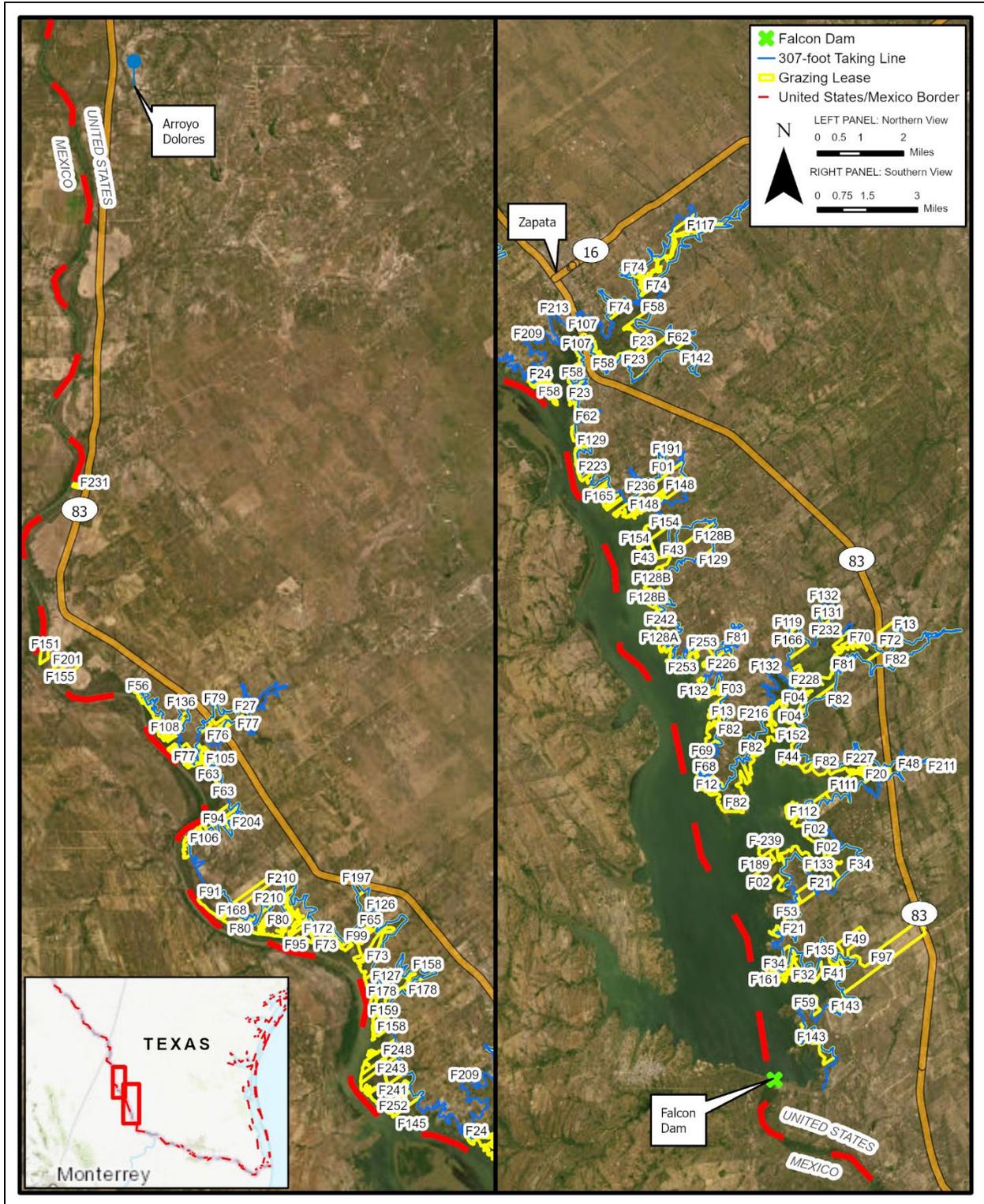


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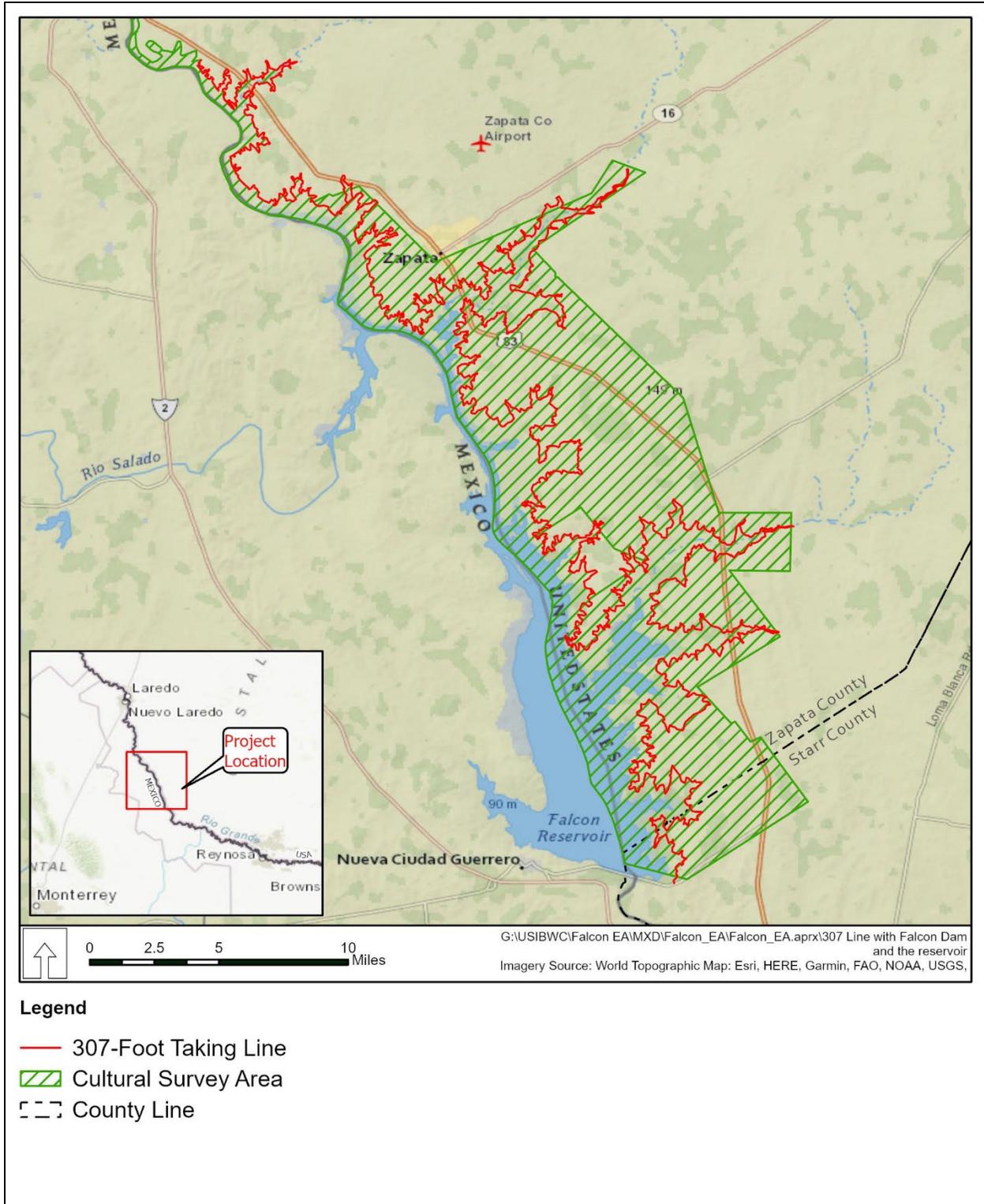


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INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

August 24, 2023

Lori Gooday Ware
Chairwoman
Fort Sill Apache Tribe of Oklahoma
43187 US Highway 281
Apache, OK 73006

Dear Chairwoman Ware,

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I am requesting your participation in the review and comment process and written concurrence with our APE determination and our finding of *no historic properties affected* from grazing lease management at the Falcon Project. Please provide any comments or additional information concerning the Proposed Action and alternatives and *no historic properties affected* determination within 30 days of the date of this letter to Mr. Mark Howe, 4191 North Mesa Street, El Paso, Texas 79902-1423, at falconcomments@ibwc.gov. Thank you in advance for your assistance.

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Division Chief
Environmental Management Division

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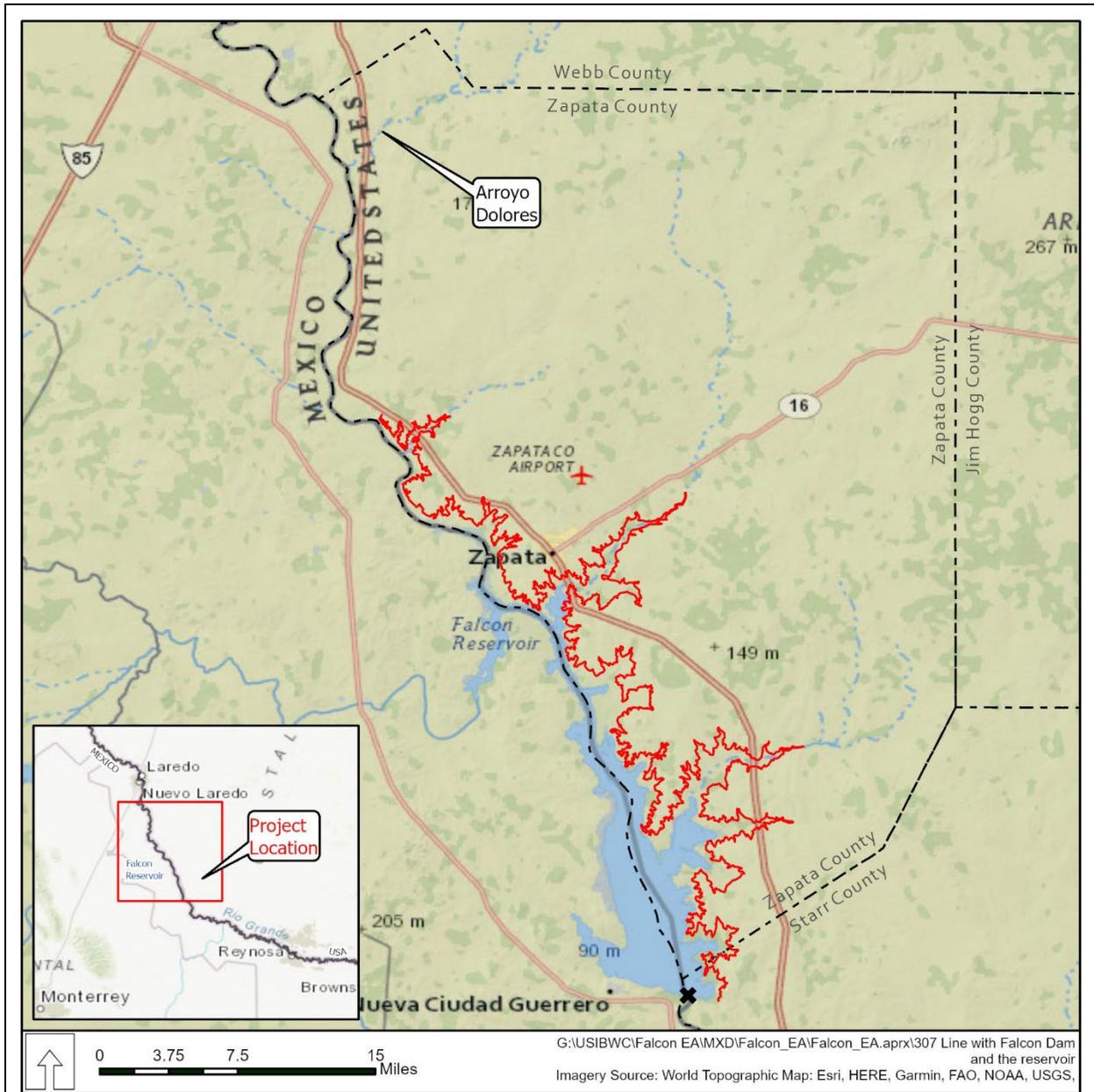
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Legend

- ✘ Falcon Dam
- 307-Foot Taking Line
- County Line

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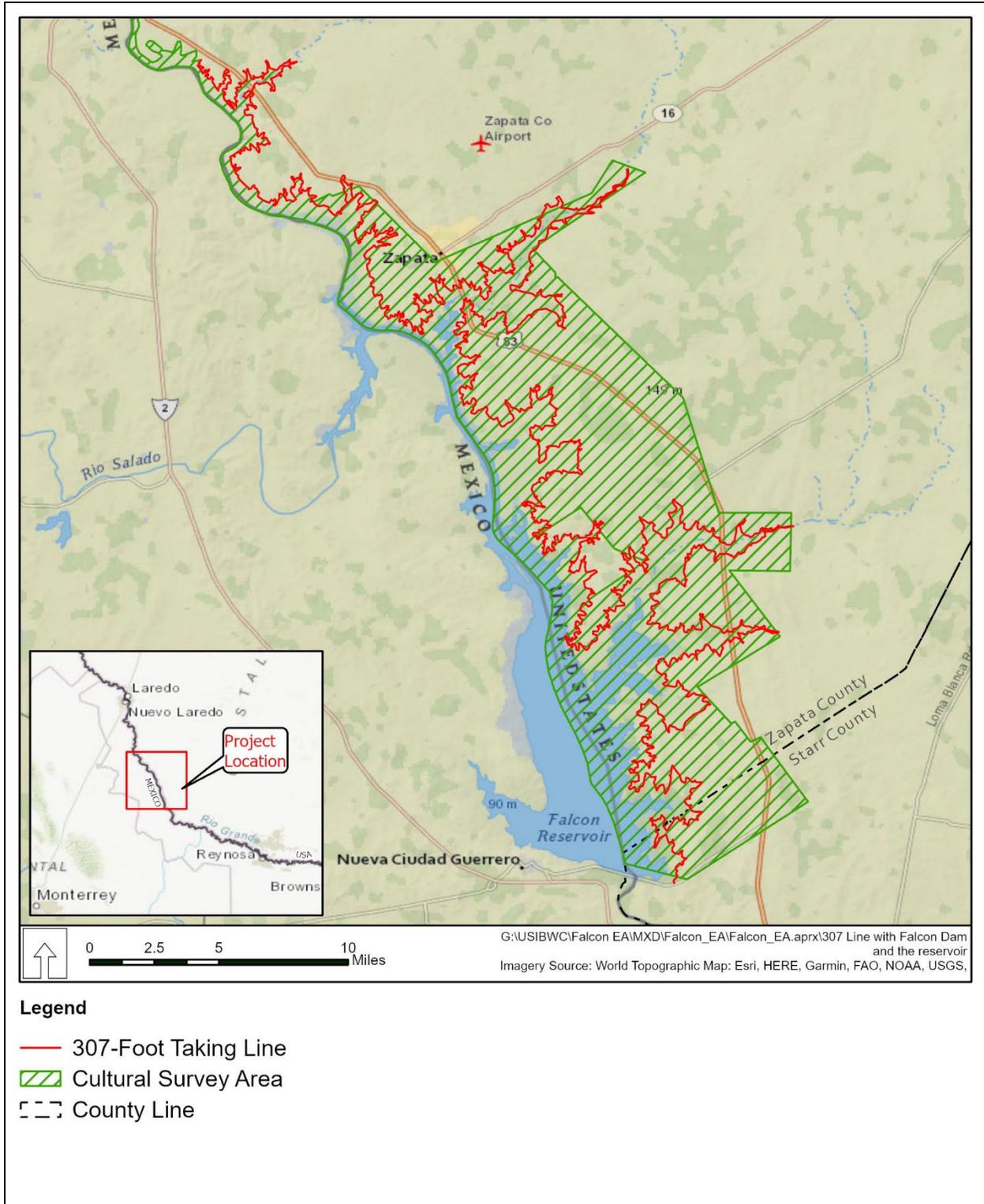


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OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

August 24, 2023

Juan Garza, Jr.
Chairman
Kickapoo Traditional Tribe of Texas
2212 Rosita Valley Road
Eagle Pass, TX 78852

Dear Chairman Garza, Jr.,

The United States Section, International Boundary and Water Commission (USIBWC) is proposing to update the management of federal grazing leases at the Falcon Dam and Reservoir, Starr and Zapata Counties, Texas. In accordance with Section 106 of the National Historic Preservation Act (NHPA; 54 U.S.C 306108) and its implementing regulations at 36 CFR Part 800, the USIBWC is initiating government-to-government consultation with you regarding an undertaking that has the potential to affect historic properties.

The International Falcon Dam and Reservoir are located along the Rio Grande approximately 75 miles southeast of Laredo, Texas, and 150 miles upstream of the mouth of the Rio Grande; they lie on both sides of the U.S./Mexico border (Figure 1). Falcon Dam and Reservoir provide flood control, conservation, and hydroelectric power and were constructed by the U.S. and Mexico under the 1944 Water Treaty. The grazing lease program has continued for areas along the Falcon Reservoir that were originally ranches and farms before the land was acquired by the federal Government pursuant to the Water Treaty of 1944 between the U.S. and Mexico, with construction of the Falcon Project completed on 19 October 1953. The grazing lease program ensured that those areas not under water or flooded and owned by the federal Government would be economically used as they were in the past by the local community. Initially leases allowed for agricultural uses in addition to grazing, but agricultural activities and any clearing of leased lands were later restricted to reduce potential impacts on cultural resources in accordance with NHPA requirements. Active leases currently only allow grazing activities.

The Study Area for this grazing lease assessment is at the water-land interface below the 307-foot traverse taking line of the reservoir, with some ingress up to the 314-foot taking line with easements into and adjacent to private land. The grazing lease program includes the 159 active and inactive grazing leases originally issued in 1956 (Figure 2). Many of the grazing leases are located adjacent to private property, and USIBWC has limited access across private property to reach the leases from land.

The purpose for the Proposed Action is to successfully manage federal land in the Falcon Project. Federal lands associated with the Falcon Project have been utilized by the public for various activities, including grazing leases, since the Falcon Project was established. However, the economic value of these leases and the challenges to successful land management require a reevaluation of the grazing lease program. The need is to implement land management

alternatives to grazing leases that address low grazing lease values, limited access by USIBWC to leased lands, and unauthorized activities on leased lands.

The USIBWC is preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act to assess the potential environmental consequences associated with land management and grazing leases, licenses, and permits at the International Falcon Dam and Reservoir (i.e., the Falcon Project). The USIBWC is updating or eliminating active and inactive grazing leases in use for commercial, residential, or recreational purposes on federal land in the Falcon Project. Rights-of-way (ROWs) for the Falcon Project totaled 63,192 acres on the U.S. side as of 2000. The EA will assist USIBWC in determining if grazing leases should be allowed or discontinued and/or whether land management alternatives should be established in lieu of grazing.

A scoping letter was sent to you in January 2023 requesting your assistance in identifying any properties of religious and cultural significance to your tribe within the project Area of Potential Effects (APE). Upon further examination of the Proposed Action and alternatives that could be implemented, the APE for the Proposed Action and alternatives includes all federal lands where grazing leases could be issued and managed, which includes all lands between the 307-foot traverse taking line to the land-water interface in Falcon Reservoir (see Figure 1).

Alternatives Considered for Proposed Action Implementation

USIBWC has developed and analyzed eight grazing lease management alternatives, including the No Action Alternative. The No Action Alternative is a requirement of the National Environmental Policy Act process and is included to provide a baseline against which the other alternatives can be evaluated. The following provides a summary of the action alternatives being considered for grazing lease management at the Falcon Project. Best management practices and environmental design measures have been included to reduce or eliminate potential impacts on sensitive resources.

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Alternative 2 – Terminate Leases. Under Alternative 2, USIBWC would elect to terminate leases in accordance with the leases' termination clause and reduce or eliminate the grazing lease program at Falcon Reservoir. No specific BMPs or environmental design measures would be implemented as part of Alternative 2.

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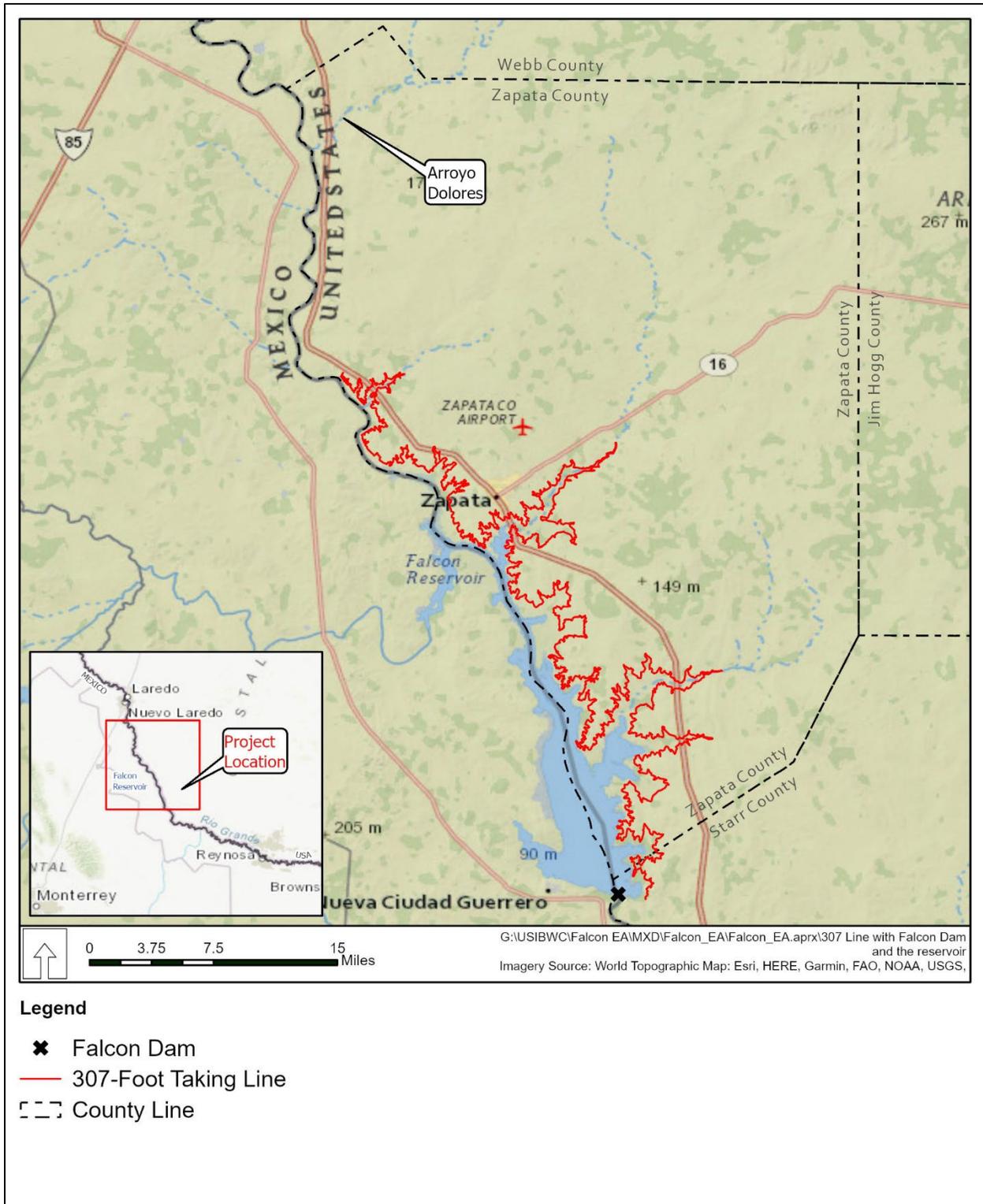


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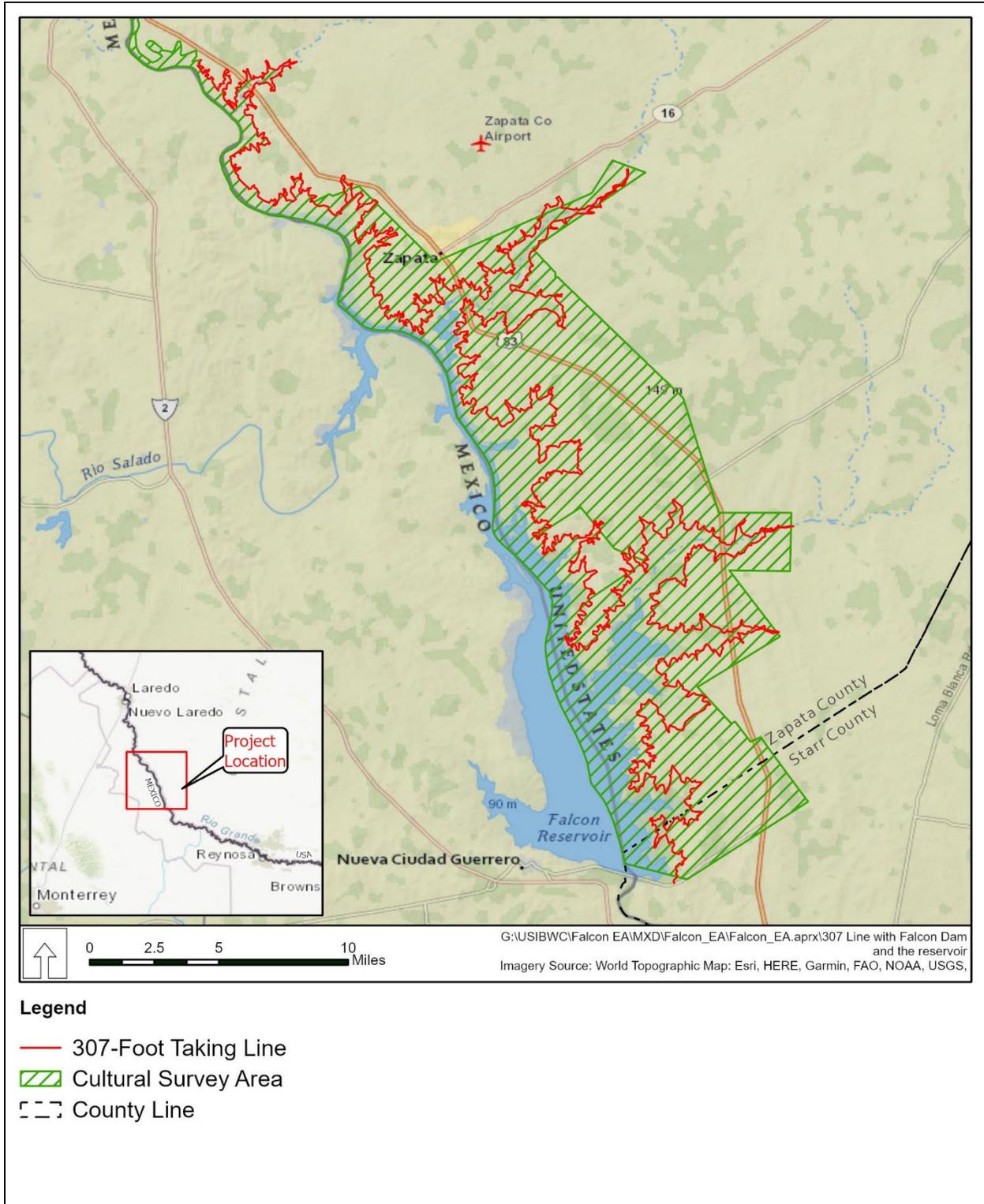


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INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

August 24, 2023

Lawrence SpottedBird
Chairman
Kiowa Indian Tribe of Oklahoma
100 Kiowa Way
Camegie, OK 73015

Dear Chairman SpottedBird,

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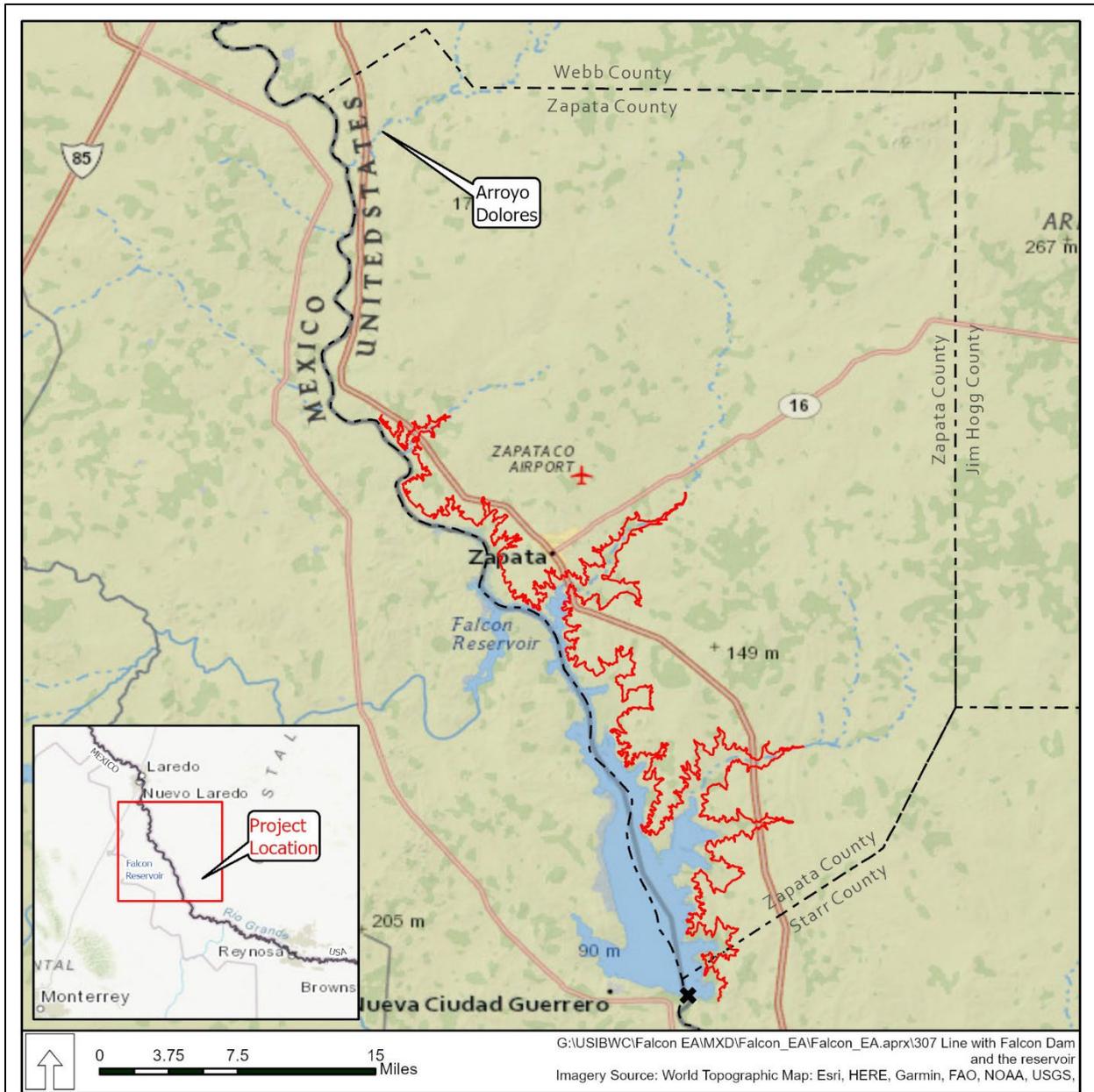
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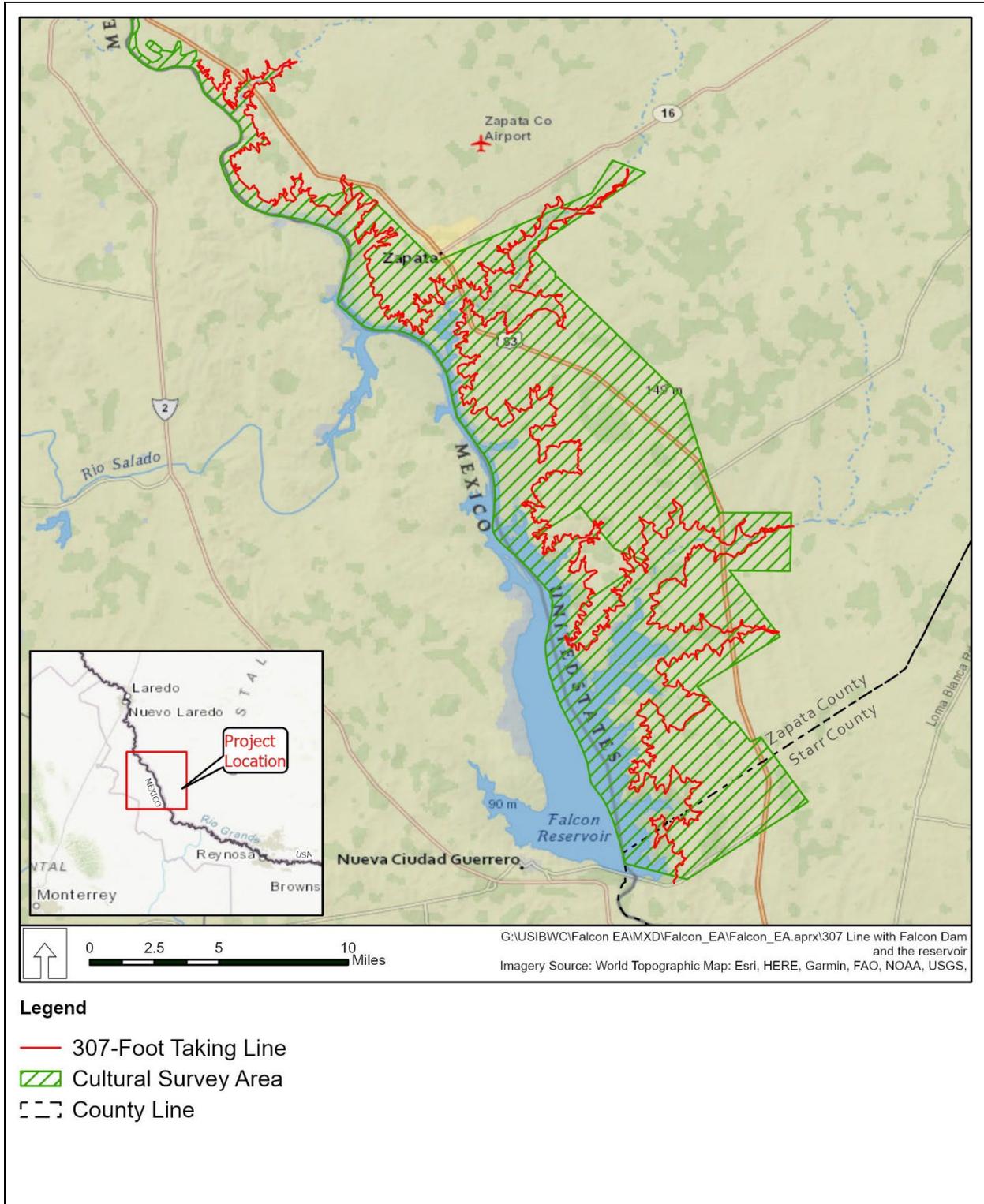


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INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

August 24, 2023

Eddie Martinez
President
Mescalero Apache Tribe
P.O. Box 227
Mescalero, NM 88340

Dear President Martinez,

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Determination of Effects

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Gilbert G. Anaya
Division Chief
Environmental Management Division

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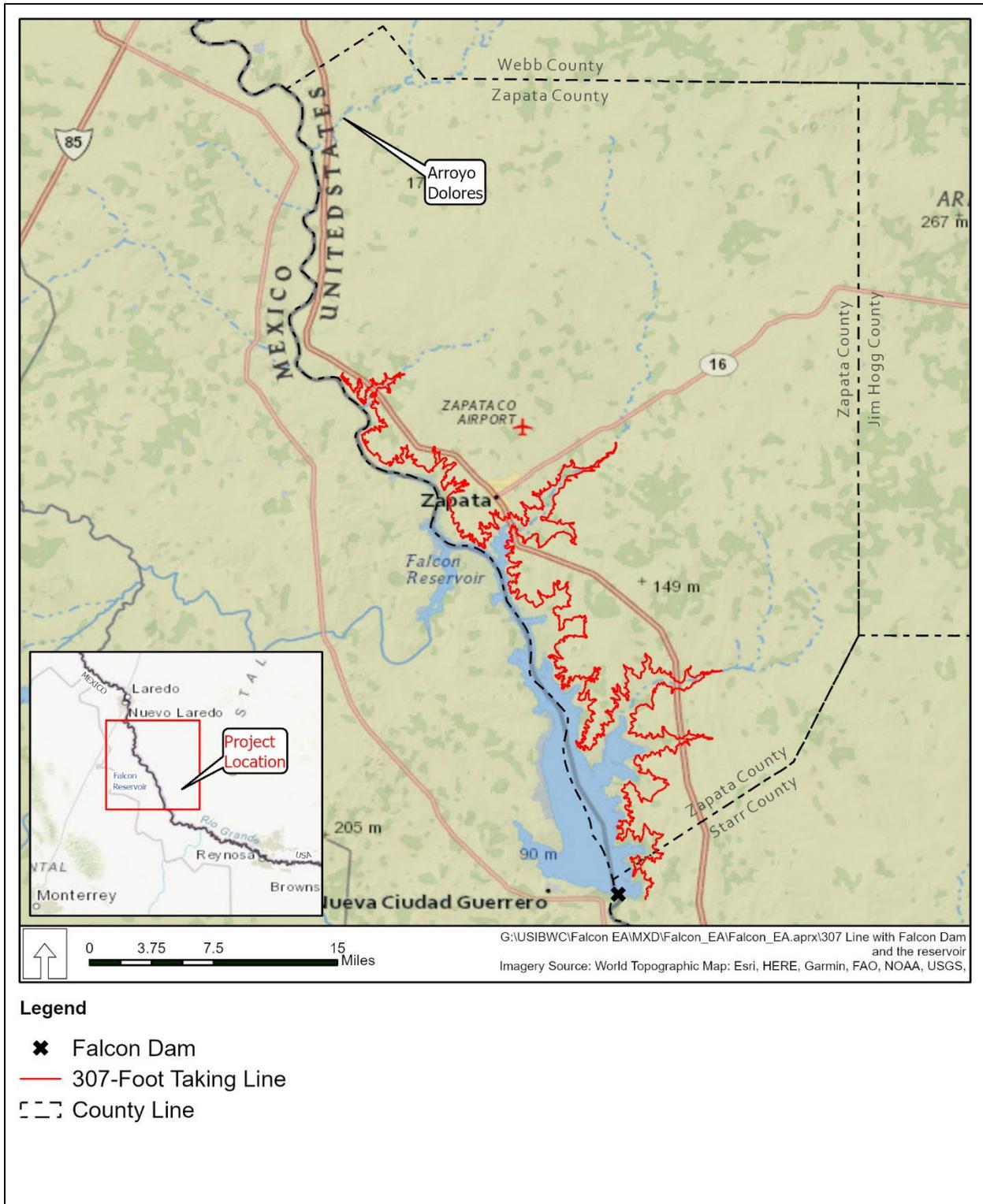


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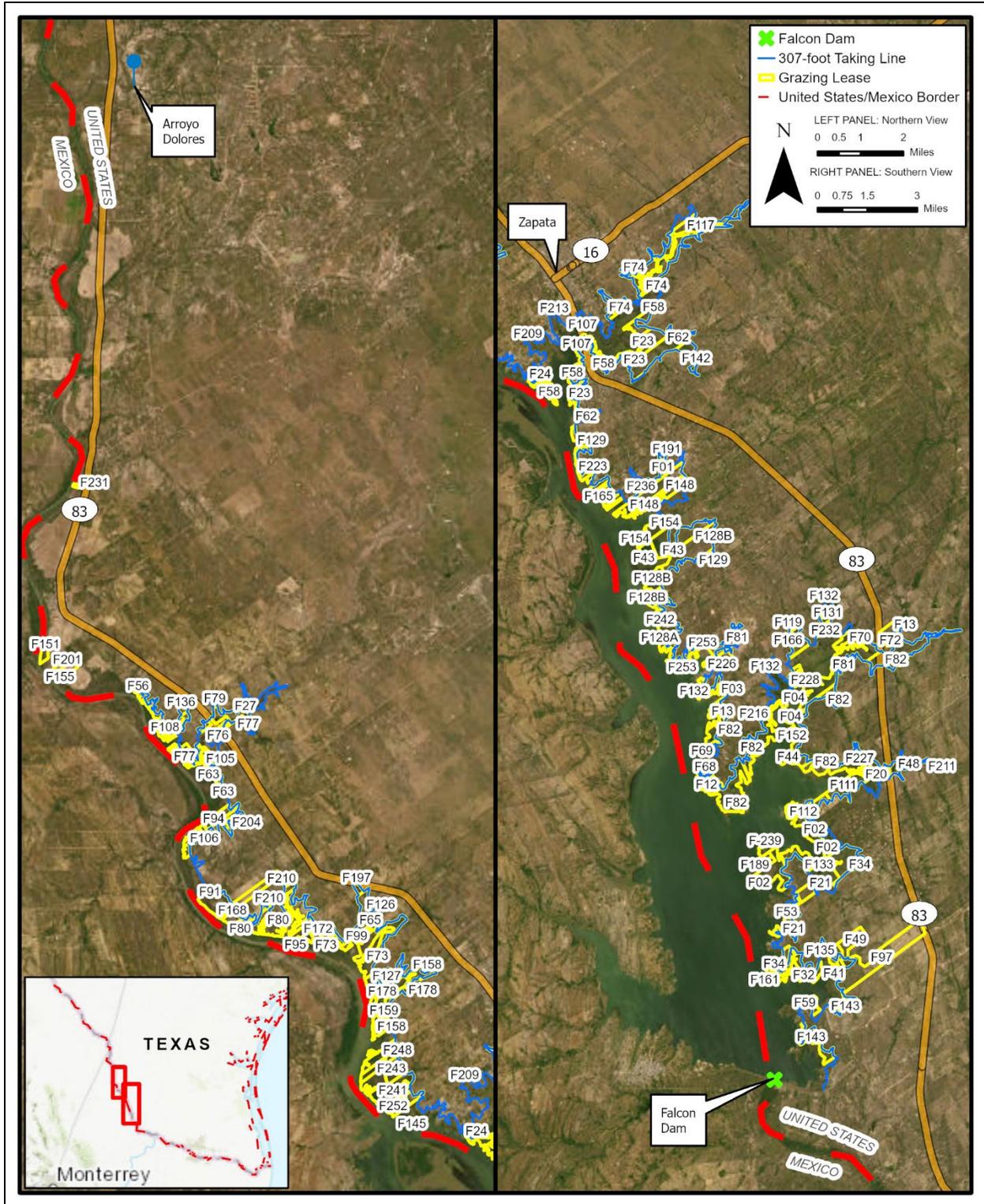


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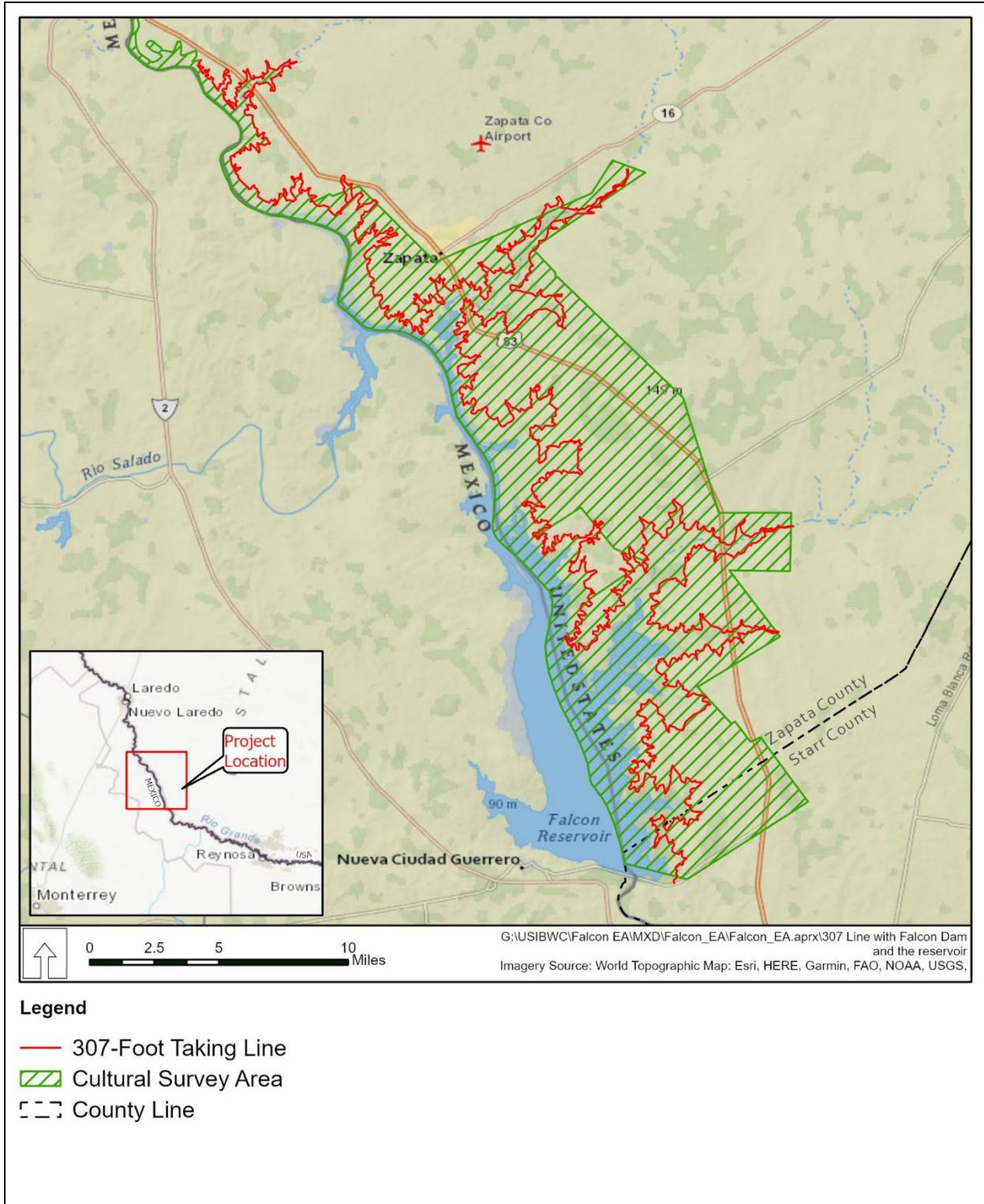


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INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

August 24, 2023

Russell Martin
President
Tonkawa Tribe of Oklahoma
1 Rush Buffalo Rd
Tonkawa, OK 74653-4449

Dear President Martin,

The United States Section, International Boundary and Water Commission (USIBWC) is proposing to update the management of federal grazing leases at the Falcon Dam and Reservoir, Starr and Zapata Counties, Texas. In accordance with Section 106 of the National Historic Preservation Act (NHPA; 54 U.S.C 306108) and its implementing regulations at 36 CFR Part 800, the USIBWC is initiating government-to-government consultation with you regarding an undertaking that has the potential to affect historic properties.

The International Falcon Dam and Reservoir are located along the Rio Grande approximately 75 miles southeast of Laredo, Texas, and 150 miles upstream of the mouth of the Rio Grande; they lie on both sides of the U.S./Mexico border (Figure 1). Falcon Dam and Reservoir provide flood control, conservation, and hydroelectric power and were constructed by the U.S. and Mexico under the 1944 Water Treaty. The grazing lease program has continued for areas along the Falcon Reservoir that were originally ranches and farms before the land was acquired by the federal Government pursuant to the Water Treaty of 1944 between the U.S. and Mexico, with construction of the Falcon Project completed on 19 October 1953. The grazing lease program ensured that those areas not under water or flooded and owned by the federal Government would be economically used as they were in the past by the local community. Initially leases allowed for agricultural uses in addition to grazing, but agricultural activities and any clearing of leased lands were later restricted to reduce potential impacts on cultural resources in accordance with NHPA requirements. Active leases currently only allow grazing activities.

The Study Area for this grazing lease assessment is at the water-land interface below the 307-foot traverse taking line of the reservoir, with some ingress up to the 314-foot taking line with easements into and adjacent to private land. The grazing lease program includes the 159 active and inactive grazing leases originally issued in 1956 (Figure 2). Many of the grazing leases are located adjacent to private property, and USIBWC has limited access across private property to reach the leases from land.

The purpose for the Proposed Action is to successfully manage federal land in the Falcon Project. Federal lands associated with the Falcon Project have been utilized by the public for various activities, including grazing leases, since the Falcon Project was established. However, the economic value of these leases and the challenges to successful land management require a reevaluation of the grazing lease program. The need is to implement land management

alternatives to grazing leases that address low grazing lease values, limited access by USIBWC to leased lands, and unauthorized activities on leased lands.

The USIBWC is preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act to assess the potential environmental consequences associated with land management and grazing leases, licenses, and permits at the International Falcon Dam and Reservoir (i.e., the Falcon Project). The USIBWC is updating or eliminating active and inactive grazing leases in use for commercial, residential, or recreational purposes on federal land in the Falcon Project. Rights-of-way (ROWs) for the Falcon Project totaled 63,192 acres on the U.S. side as of 2000. The EA will assist USIBWC in determining if grazing leases should be allowed or discontinued and/or whether land management alternatives should be established in lieu of grazing.

A scoping letter was sent to you in January 2023 requesting your assistance in identifying any properties of religious and cultural significance to your tribe within the project Area of Potential Effects (APE). Upon further examination of the Proposed Action and alternatives that could be implemented, the APE for the Proposed Action and alternatives includes all federal lands where grazing leases could be issued and managed, which includes all lands between the 307-foot traverse taking line to the land-water interface in Falcon Reservoir (see Figure 1).

Alternatives Considered for Proposed Action Implementation

USIBWC has developed and analyzed eight grazing lease management alternatives, including the No Action Alternative. The No Action Alternative is a requirement of the National Environmental Policy Act process and is included to provide a baseline against which the other alternatives can be evaluated. The following provides a summary of the action alternatives being considered for grazing lease management at the Falcon Project. Best management practices and environmental design measures have been included to reduce or eliminate potential impacts on sensitive resources.

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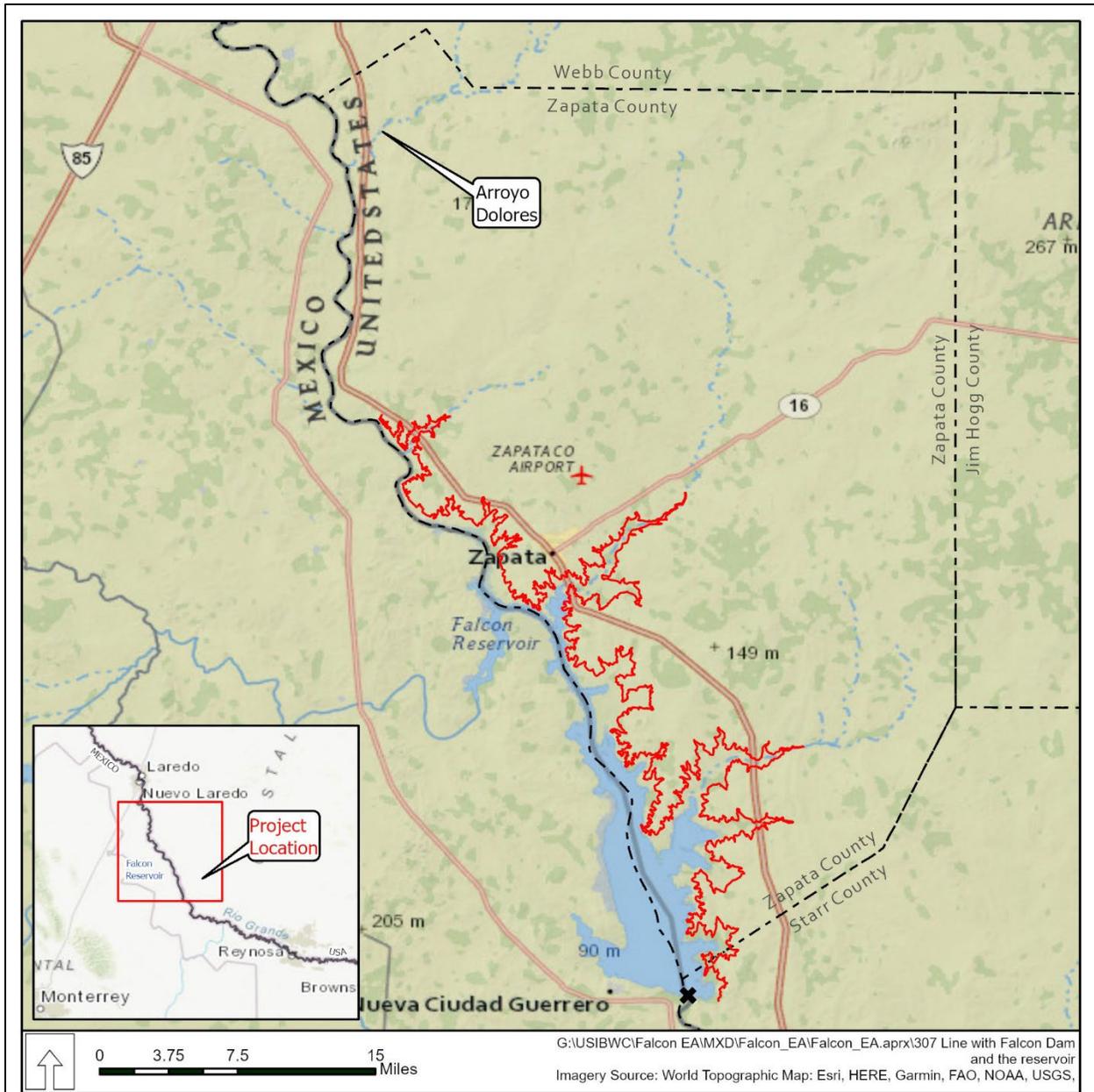
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Legend

- ✕ Falcon Dam
- 307-Foot Taking Line
- County Line

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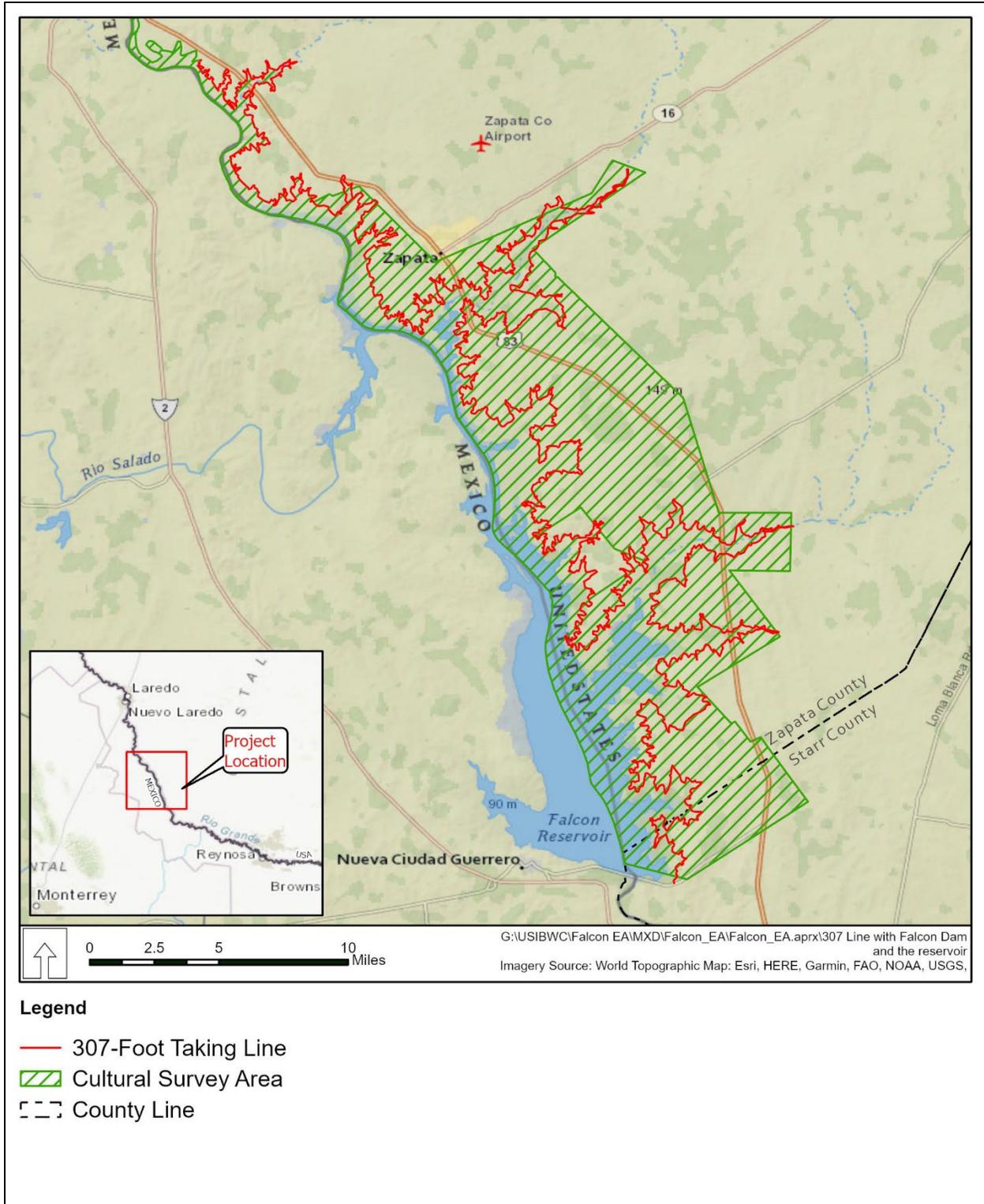


Figure 3. Cultural Survey Area within the Falcon Project



OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

August 24, 2023

E. Michael Silvas
Governor
Ysleta Del Sur Pueblo of Texas
119 S. Old Pueblo Dr.
El Paso, TX 79907

Dear Governor Silvas,

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Division Chief
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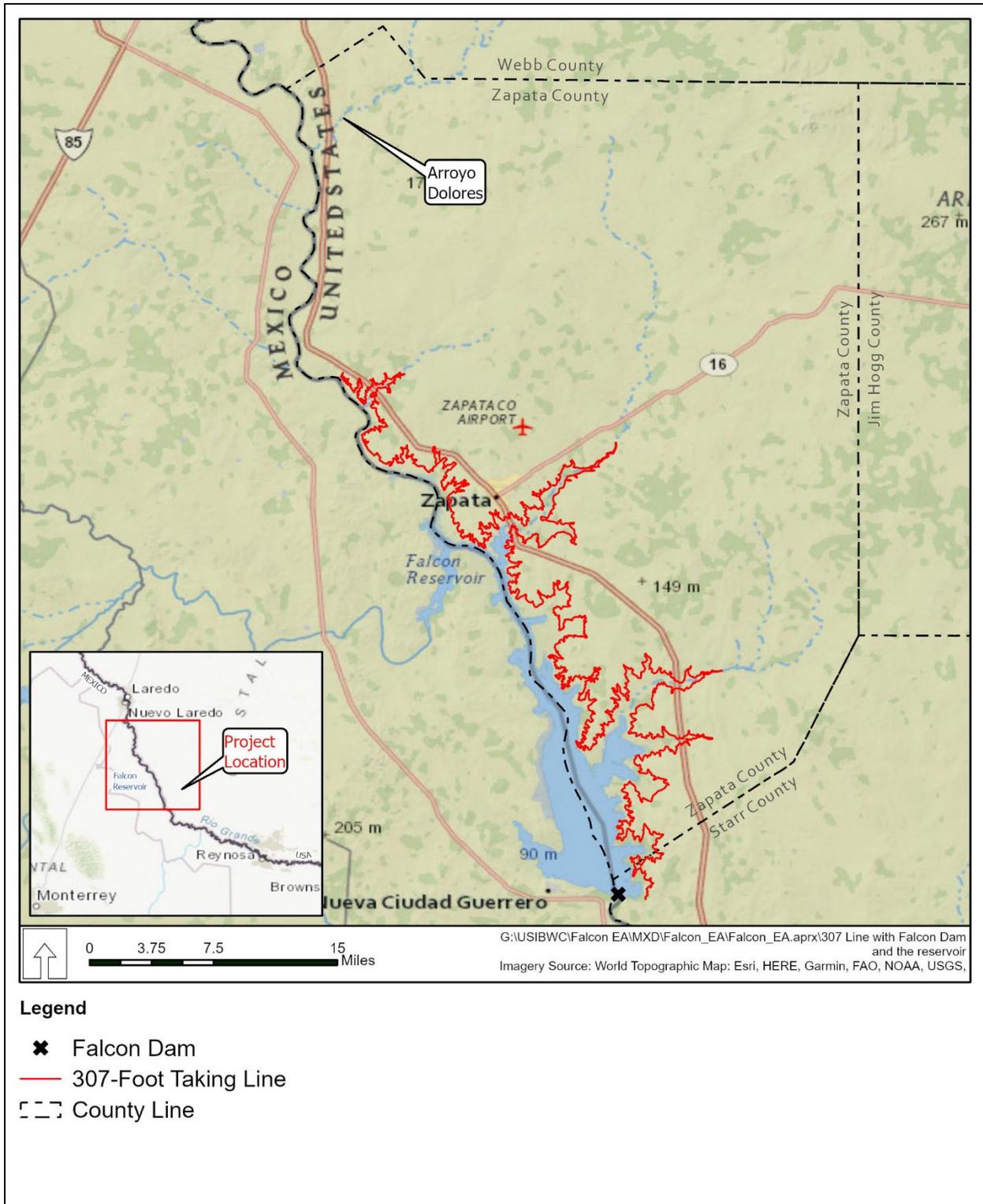


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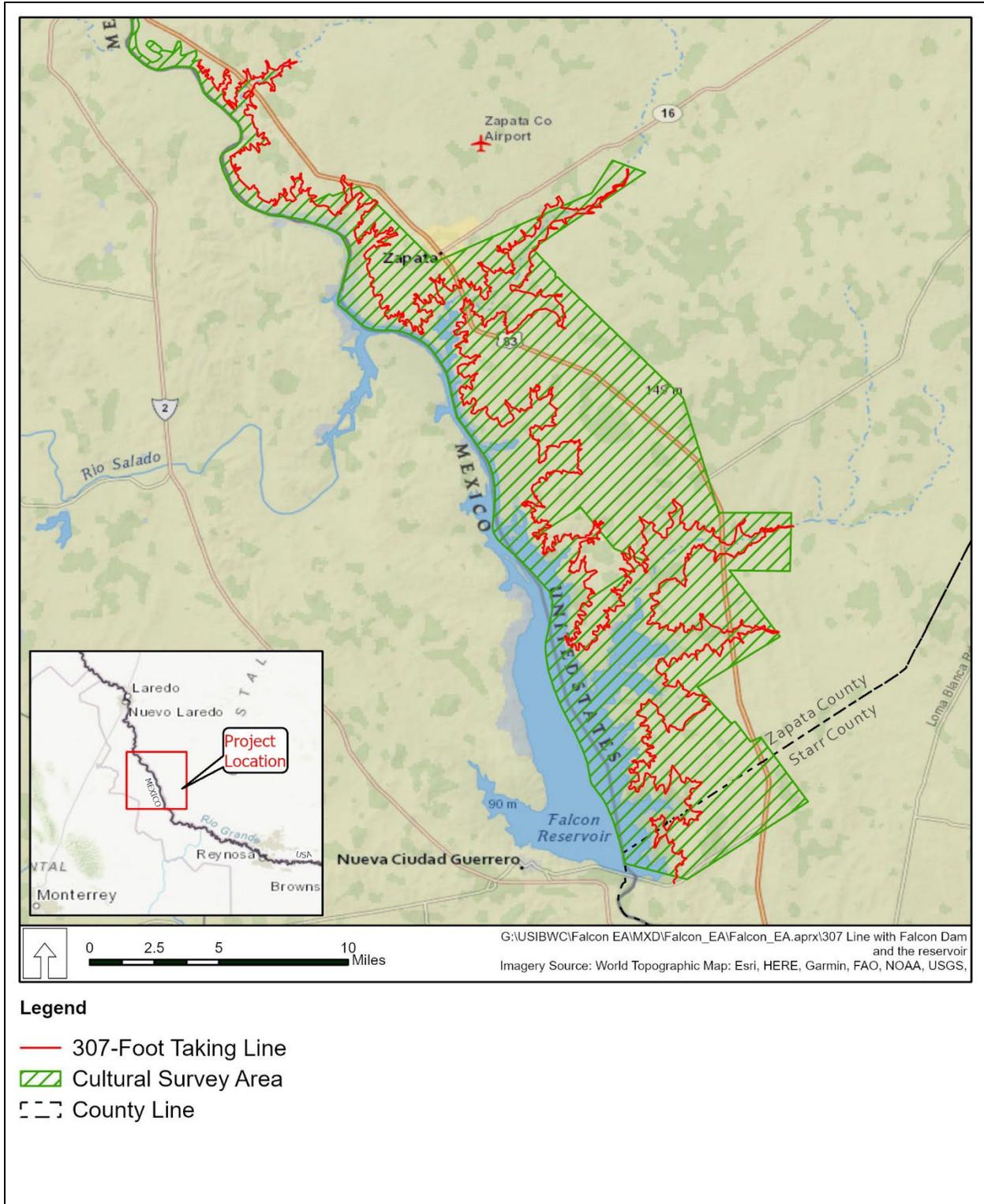


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COMANCHE NATION



International Boundary and Water Commission
United States and Mexico
Attn: Mr. Mark Howe
4191 N. Mesa Street
Texas 79902-1423

October 30, 2023

Re: The United States Section, International Boundary and Water Commission (USIBWC) is
Proposing to update the management of federal grazing leases at the Falcon Dam and
Reservoir, Starr and Zapata Counties , Texas

Dear Mr. Howe:

In response to your request, the above reference project has been reviewed by staff of this office to identify areas that may potentially contain prehistoric or historic archeological materials. The location of your project has been cross referenced with the Comanche Nation site files, where an indication of "**No Properties**" have been identified. (IAW 36 CFR 800.4(d)(1)).

Please contact this office at (580) 492-1153) if you require additional information on this project.

This review is performed in order to identify and preserve the Comanche Nation and State cultural heritage, in conjunction with the State Historic Preservation Office.

Regards

Comanche Nation Historic Preservation Office
Theodore E. Villicana , Technician
#6 SW "D" Avenue, Suite C
Lawton, OK. 73502



AMERICAN INDIANS AT THE SPANISH
COLONIAL MISSIONS

"Keeping the Culture Alive"

October 31, 2023

Gilbert G. Anaya
Division Chief, Environmental Management Division
International Boundary and Water Commission
4191 N. Mesa Street
El Paso, Texas 79902-1423

Re: Proposed Update Management of Federal Grazing Leases at Falcon Reservoir, Starr and Zapata Counties, Texas

Dear Mr. Anaya,

The American Indians of Texas at Spanish Colonial Missions (AITSCM) appreciates the opportunity to comment on behalf of the Tap Pilam Coahuiltecan Nation [36CFR800.2(c)(2)(ii)(D); 36CFR101(d)(6)(B)] regarding the above referenced federal Undertaking. After reviewing our proprietary archive records, our Tribe has the following comments based on your August 24, 2023 USIBWC government-to-government letter.

The AITSCM acknowledges USIBWC's need to implement land management alternatives to grazing leases that address low grazing lease values, limited access by USIBWC to leased lands, and unauthorized activities on leased lands. After receiving your agency letter in January 2023 requesting our assistance in identifying any properties of religious and cultural significance to our Tribe within the Project Area of Potential Effect (APE), we anticipated receiving copies of cultural resource reports for review and comment, particularly an in-depth archival research report, which we could correlate with our oral traditions and proprietary archives.

Our Tribe and AITSCM reserve the option to provide specific comments on the Proposed Action until we have an opportunity to review and comment on a Historic Resources Study, prepared in accordance with the Secretary of the Interior's Standards for Historic Documentation. Since previous archaeological surveys were primarily at the reconnaissance level of effort without the benefit of historic contexts, our Tribe recommends that USIBWC prepare a Historic Resources Study. The Historic Resources Study will enable our Tribe and AITSCM to assess the types of impacts the Proposed Action will have to cultural resources below the 314 contour water line.

Numerous undocumented historic properties are present above and below the 314 contour line, which we consider to have religious and cultural significance for our Tribe. Such a study can address the archival research requirements for the Proposed Action in relation to unrecorded archaeological sites and Traditional Cultural Properties associated with significant historic events, individuals, architecture, and archaeology. Many of these undocumented cultural resources may be eligible for listing in the National Register of Historic Places as contributing components of El Camino Real National Historic Trail Multiple Property Documentation Form.

In our Tribe's opinion, the current grazing leases may be adversely affecting undocumented historic properties and recorded archaeological sites. Our Tribe respectfully submits the Alternative 1—No Action and Alternative 2—Terminate Leases are not viable options, because non-compliance with the National Historic Preservation Act (NHPA) is not an option. With or without the grazing leases, the NHPA mandates USIBWC to inventory, preserve, and protect Historic Properties under the agency's jurisdiction, particularly since your agency is aware unauthorized activities are taking place currently, such as the "...human-made events that have adversely affected 148 archaeological sites." As your agency noted, the Texas State Historic Preservation Office (TX-SHPO) has yet to concur on the previous cultural resources surveys conducted as of 2020, perhaps due to the lack of required archival documentation that would facilitate the state agency review and concurrence of those documents. Regardless of whether the TX-SHPO concurs, our Tribe has not had an opportunity to comment on the USIBWC grazing lease management program based on thorough cultural resources documentation. In our Tribe's opinion, lacking diagnostic artifacts and good potential for subsurface cultural deposits are not the only factors in assessing the eligibility of historic properties for listing in the National Register of Historic Places. Historic contexts documented in a Historic Resources Study provide the basis of legally sufficient assessments of effects federal undertakings may have to historic properties at Falcon Reservoir.

For instance, the very limited archival research the TX-SHPO conducted in 1996 as part of the report, An Assessment of Threatened and Endangered Prehistoric and Historic Archaeological Resources at Falcon Reservoir, resulted in the identification of additional historic cemeteries and prehistoric burials not documented in the 1952 USIBWC surveys your agency's letter referenced. Based on Governor Alonzo de Leon's Spanish expedition reports from 1689–1690, the historic military and ecumenical documents establish Spanish direct contact with our extended family clans in the federal Undertaking's APE. The archaeological sites associated with these encounters are measurable, quantifiable, and demonstrable, based on our culturally affiliated perspective of historic archival documents, some of which are proprietary records in our archive.

Our Tribe does not concur with USIBWC's determination that the Proposed Action outlined in Alternative-2 through Alternative-8 will have No Effect under your agency's jurisdiction. Your agency's letter states that the Proposed Action would have "no direct ground-disturbing activities

and all potential impacts on known and unknown cultural resources associated with grazing activities and vegetation management to improve leases for grazing.” Cattle hooves disturb the ground surface and facilitate erosion of known and unknown archaeological site soil stratigraphy with the waxing and waning of the reservoir water levels. Moreover, cattle and herbicides alter the pH-levels in the soil that can have an Adverse Effect to the integrity of known and unknown material culture deposits associated with Historic Properties.

When USIBWC presents to our Tribe all the referenced documents in your agency letter and prepares the Historic Resources Study for our review, we will be able to provide comments and recommendations within a 30-day comment period.

Lastly, our Tribe appreciates your agency’s efforts to preserve and protect our Tribe’s significant religious and cultural sites and heritage.

Thank you,

A handwritten signature in black ink, appearing to read 'Ramon Vasquez', with a long horizontal line extending to the right.

Ramon Vasquez
Executive Director, AITSCM





INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

August 24, 2023

Dawn Gardiner
Assistant Field Supervisor
Texas Coastal Ecological Services Field Office – Corpus Christi
4444 Corona Drive, Suite 215
Corpus Christi, Texas 78411

Dear Dawn Gardiner,

The United States Section, International Boundary and Water Commission (USIBWC) requests informal Section 7 consultation under the Endangered Species Act for the management of federal grazing leases at the Falcon Dam and Reservoir, Starr and Zapata Counties, Texas.

The International Falcon Dam and Reservoir are located along the Rio Grande approximately 75 miles southeast of Laredo, Texas, and 150 miles upstream of the mouth of the Rio Grande; they lie on both sides of the U.S./Mexico border (Figure 1). Falcon Dam and Reservoir provide flood control, conservation, and hydroelectric power and were constructed by the U.S. and Mexico under the 1944 Water Treaty. The grazing lease program has continued for areas along the Falcon Reservoir that were originally ranches and farms before the land was acquired by the federal Government pursuant to the Water Treaty of 1944 between the U.S. and Mexico, with construction of the Falcon Project completed on 19 October 1953. The grazing lease program ensured that those areas not under water or flooded and owned by the federal Government would be economically used as they were in the past by the local community. Initially leases allowed for agricultural uses in addition to grazing, but agricultural activities and any clearing of leased lands were later restricted to reduce potential impacts on cultural resources in accordance with National Historic Preservation Act (NHPA) requirements. Active leases currently only allow grazing activities.

The Study Area for this grazing lease assessment is at the water-land interface below the 307-foot traverse taking line of the reservoir, with some ingress up to the 314-foot taking line with easements into and adjacent to private land. The grazing lease program includes the 159 active and inactive grazing leases originally issued in 1956 (Figure 2). Many of the grazing leases are located adjacent to private property, and USIBWC has limited access across private property to reach the leases from land.

The purpose for the Proposed Action is to successfully manage federal land in the Falcon Project. Federal lands associated with the Falcon Project have been utilized by the public for various activities, including grazing leases, since the Falcon Project was established. However, the economic value of these leases and the challenges to successful land management require a reevaluation of the grazing lease program. The need is to implement land management alternatives to grazing leases that address low grazing lease values, limited access by USIBWC to leased lands, and unauthorized activities on leased lands.

The USIBWC is preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act to assess the potential environmental consequences associated with land management and grazing leases, licenses, and permits at the International Falcon Dam and Reservoir (i.e., the Falcon Project). The USIBWC is updating or eliminating active and inactive grazing leases in use for commercial, residential, or recreational purposes on federal land in the Falcon Project. Rights-of-way (ROWs) for the Falcon Project totaled 63,192 acres on the U.S. side as of 2000. The EA will assist USIBWC in determining if grazing leases should be allowed or discontinued and/or whether land management alternatives should be established in lieu of grazing.

Alternatives Considered for Proposed Action Implementation

USIBWC has developed and analyzed eight grazing lease management alternatives, including the No Action Alternative. The No Action Alternative is a requirement of the National Environmental Policy Act process and is included to provide a baseline against which the other alternatives can be evaluated. The following provides a summary of the action alternatives being considered for grazing lease management at the Falcon Project. Best management practices and environmental design measures have been included to reduce or eliminate potential impacts on sensitive resources.

Alternative 1 – No Action. Leaseholders maintain the status quo with lease values remaining low, the annual value of leases would not cover the administrative costs of managing the grazing lease program, and access by USIBWC to many grazing leases would remain limited. No specific BMPs or environmental design measures would be implemented as part of Alternative 1.

Alternative 2 – Terminate Leases. Under Alternative 2, USIBWC would elect to terminate leases in accordance with the leases' termination clause and reduce or eliminate the grazing lease program at Falcon Reservoir. No specific BMPs or environmental design measures would be implemented as part of Alternative 2.

Alternative 3 – Change Rental Rates on Active Leases to Implement Improved Management. Under Alternative 3, USIBWC would change the rental rates on leases to be at fair market value and implement improved lease management measures with the additional fees generated. If Alternative 3 were to be implemented, USIBWC would dedicate the increased funding from higher rental rates on grazing leases to improved management of the grazing lease program. This could include additional personnel and equipment to spot-check lessees' compliance with lease conditions, check availability of access to leased lands, improve lands to increase the livestock stocking rates on leased lands, and implement an improved system of lease payment management.

Alternative 4 – Allow Hunting on Existing Grazing Leases. Under Alternative 5, USIBWC would allow hunting on leased lands within the regulated limits provided by the Texas Parks and Wildlife Department. If Alternative 4 were to be implemented, USIBWC would ensure that the grazing leases would restrict allowable hunting to leaseholders and their immediate family and friends. There would be no subleasing allowed for hunting activities on leased lands. Violations of these lease conditions would be cause for immediate lease termination.

Alternative 5 – Terminate Leases Not Directly Accessible from Public ROWs. Alternative 5 would be similar to Alternative 2; however, USIBWC would elect to terminate only those leases not directly accessible from public ROWs in accordance with the leases’ termination clause. No specific BMPs or environmental design measures would be implemented as part of Alternative 5.

Alternative 6 – Negotiate Access Easements on Private Property for Existing Leases. Under Alternative 6, USIBWC would negotiate access easements on private property for existing leases. No specific BMPs or environmental design measures would be implemented as part of Alternative 6.

Alternative 7 – Amend Leases to Allow Vegetation Management. Under Alternative 7, USIBWC would amend leases to allow herbicide application and/or mechanical vegetation removal. Herbicide application would only be conducted by licensed applicators. Mechanical vegetation control would be limited to the use of hand tools, and no roots would be pulled or removed as part of the mechanical vegetation control activities. If Alternative 7 were to be implemented, USIBWC would require all herbicide applications on leased lands to use only approved herbicides and follow all labeling instructions. All herbicide applications would be required to follow Texas Pesticide Law, and herbicides could only be applied by Texas-licensed applicators. All aboveground vegetation removal activities would avoid the active bird breeding season (1 February through 31 August) to avoid impacts on nesting birds, including any listed bird species that have a limited potential or are likely to occur in the Falcon Project area.

Alternative 8 – Form a Citizens’ Committee to Provide Lease Management Support. Under Alternative 8, USIBWC would form a citizen’s committee to provide lease management support. The citizen’s committee would support lessees and USIBWC’s management of the grazing lease program and be a conduit for communication and information exchange between USIBWC and lessees and local Government officials. No specific BMPs or environmental design measures would be implemented as part of Alternative 8.

Threatened, Endangered, and Candidate Species and Designated Critical Habitat

A review of the US Fish and Wildlife Service (USFWS) Information for Planning and Conservation System, Texas Parks and Wildlife Department County Lists of Protected Species and Species of Greatest Conservation Need for Starr and Zapata Counties, and field reconnaissance surveys conducted by biologists in support of the EA identified 10 federally listed species, 1 proposed endangered species, and one candidate species that could occur within the Falcon Project area (Table 1).

Table 1. Federally Listed Species with the Potential to Occur in the Falcon Project Area

Species	Federal Status	State Status	Potential to Be Present
Birds			
Ferruginous Pygmy-Owl (<i>Glaucidium brasilianum cactorum</i>)	Threatened	Imperiled	Limited potential to occur. Historic observations in Starr County, Texas, south of the Falcon Dam and Reservoir. Most of the grazing leases, which are the focus of the Proposed Action, are managed and

Species	Federal Status	State Status	Potential to Be Present
			dominated by either immature mesquite and huisache shrubland or grassland.
Piping Plover (<i>Charadrius melodus</i>)	Threatened	Threatened	Unlikely to occur. This species would not likely be present within the grazing leases, but could occur in sandbars and islands within Falcon Reservoir at low water levels.
Red Knot (<i>Calidris canutus rufa</i>)	Threatened	--	Unlikely to occur. This is a coastal migratory species that would not be present within the grazing leases.
Mammals			
Gulf Coast Jaguarundi (<i>Puma yagouarundi cacomitli</i>)	Endangered	Endangered	Limited potential; grazing leases could provide travel habitat for the Gulf Coast jaguarundi, but vegetation density in leases is likely too low to support a resident population.
Ocelot (<i>Leopardus pardalis</i>)	Endangered	Endangered	Limited potential; grazing leases typically do not have dense vegetation and are managed to maintain grasslands for grazing activities. Ocelots would likely only occur in grazing leases as transients moving between higher quality dense shrubland and woodland habitats.
Mollusks			
Texas Hornshell (<i>Popenaias popeii</i>)	Endangered	Endangered	Limited potential; could potentially be present in grazing leases when flooded during high water events. However, the Texas hornshell would not be present in upland areas of active grazing leases.
Invertebrates			
Monarch Butterfly (<i>Danaus plexippus</i>)	Candidate	--	Likely to occur; monarch butterflies could occur in grazing leases during nectaring activities as adults. However, vegetation management and grazing lease activities in the project area likely limit milkweed plant availability suitable to support breeding monarch butterflies.
Plants			
Ashy Dogweed (<i>Thymophylla tephroleuca</i>)	Endangered	Endangered	Likely to occur; there have been possible sightings of ashy dogweed proximate to the Falcon Project area. There is suitable habitat in the Falcon Project area for ashy dogweed. It is assumed to be present in the Falcon Project area
Prostrate Milkweed (<i>Asclepias prostrata</i>)	Proposed Endangered	—	Likely to occur; all known populations of prostrate milkweed in the U.S. are located within 8 miles of the Rio Grande in northwest Zapata County, south to near Roma in Starr County. There is no proposed critical habitat within the Falcon Project area, but proposed critical habitat units are located proximate to the Falcon Project area.

Species	Federal Status	State Status	Potential to Be Present
Star Cactus (<i>Astrophytum asterias</i>)	Endangered	Endangered	Limited potential; there is no known suitable habitat within the grazing leases for star cactus. However, it is known to occur proximate to the Falcon Project area.
Walker's Manioc (<i>Manihot walkerae</i>)	Endangered	Endangered	Limited potential; there is no known suitable habitat within the grazing leases for Walker's manioc. However, it is known to occur proximate to the Falcon Project area.
Zapata Bladderpod (<i>Physaria thamnophila</i>)	Endangered	Endangered	Likely to occur; populations of Zapata bladderpod are known to occur proximate to the Falcon Project area, and occurrence within the Falcon Project area is probable. There is designated critical habitat for the Zapata bladderpod, but the Falcon Project area is not within the critical habitat.

Under the Proposed Action, there would be no direct ground-disturbing activities and all potential impacts on biological resources would be associated with grazing activities and vegetation management to improve leases for grazing. Relative to Alternative 1, the No Action Alternative, which would maintain the status quo for grazing leases and land management activities, Alternatives 2, 3, 4, 5, 6, and 8 would not adversely impact vegetation communities or increase grazing pressure on leased lands within the Falcon Project. Alternatively, relative to the No Action, Alternatives 2, 3, 4, 5, 6, and 8 would improve USIBWC's involvement with grazing lease management on federal lands, improve access for USIBWC to observe and enforce grazing lease requirements and limitations, and better protect sensitive resources in the Falcon Project Area. Therefore, under Alternatives 2, 3, 4, 5, 6, and 8, there would be *no effect* on any federally listed species from the grazing lease management activities.

The implementation of Alternative 7 would allow for herbicide application and aboveground vegetation removal with hand tools in active grazing leases in the Falcon Project area, which would have the potential to impact listed species if present in grazing leases. There would be direct adverse effects on the current vegetation communities, primarily dominated by mesquite and huisache woodland and shrubland communities. Lessees that implemented vegetation management would convert portions of woodland and shrubland habitats to grassland habitats, to improve lands for grazing activities. It is not known how much woodland and shrubland habitats would be converted to grassland by vegetation management activities, but would likely be in the hundreds of acres in the long term, as herbicide applications and hand removal of aboveground vegetation are labor intensive and relatively expensive management techniques relative to using mechanized equipment to remove shrubland vegetation. Some wildlife species that are more dependent on woodland and shrubland habitats for forage and protection from predators would experience a long-term decrease in these habitat types. In the long term, there would be moderate adverse impacts on vegetation and wildlife from implementation of vegetation management at grazing leases under Alternative 7. Alternatively, in the long term, there would be more grassland habitat and a greater mosaic of habitat types in the Falcon Project area due to management of vegetation to support grazing in select leases. A greater diversity in habitat types benefits native wildlife species, increases forage for many mammal and avian species common to the Falcon Project area, and would have a long-term beneficial impact.

Woody vegetation removal with hand tools would risk killing avian species if conducted during the bird breeding season and active nests were disturbed or destroyed. However, vegetation management through the use of hand tools to remove aboveground plant material would not be allowed during the bird breeding season (1 February through 31 August). Therefore, there would be *no effect* on federally listed bird species with limited potential to occur in the Falcon Project area.

Federally listed Gulf Coast jaguarundi (*Puma yagouaroundi cacomitli*) and ocelot (*Leopardus pardalis*) with limited potential to be present in the Falcon Project area during travel activities between more suitable habitats would likely avoid herbicide application and aboveground vegetation removal activities. Therefore, the implementation of Alternative 7 may affect but is not likely to adversely affect listed jaguarundi and ocelot.

Herbicide use risks directly damaging or killing federally listed plant species that could occur in the Falcon Project area. However, many of these rare plant species, such as Zapata bladderpod (*Physaria thamnophila*) and ashy dogweed (*Thymophylla tephroleuca*), are outcompeted by invasive grasses or shaded by woody vegetation such as mesquite and huisache. If these federally listed plant species were to occur in areas where vegetation management would be implemented, there would be a long-term benefit as a reduction in plant competition with invasive grasses and woody species would occur. All leases that would be modified to allow vegetation management activities would include a list of sensitive nontarget plant species that must be avoided by licensed applicators, including ashy dogweed, star cactus (*Astrophytum asterias*), Walker's manioc (*Manihot walkerae*), and Zapata bladderpod. Therefore, Alternative 7 *may affect but is not likely to adversely affect* the ashy dogweed, star cactus, Walker's manioc, and Zapata bladderpod; and *would not jeopardize the continued existence* of prostrate milkweed (*Asclepias prostrata*).

Although vegetation management activities could create a greater mosaic of herbaceous plant species, including those used by adults for nectaring, there is the potential for direct loss of some plants that support monarch butterflies (*Danaus plexippus*) during herbicide applications. However, Alternative 7 would not jeopardize the continued existence of the monarch butterfly, a federal candidate species.

The potential for cumulative impacts of implementing Alternatives 2 through 8 combined with other foreseeable ongoing and future projects in the Falcon Project area were considered. Implementing all or a combination of Action Alternatives 2 through 8 would have a minor, adverse, cumulative impact on biological resources. The reduction in woody vegetation would decrease cover for some wildlife species and the use of herbicides to control woody vegetation would convert woodland and shrubland communities to grasslands, more suitable to support grazing activities. The decrease in plant diversity and improvement in grazing management would reduce the quality of some areas as wildlife habitat. Continued grazing activities in the Falcon Project area—along with potential changes in management activities to include vegetation management and hunting in combination with proposed U.S. Customs and Border Protection tactical infrastructure such as remote video surveillance towers and border barriers and USDA – APHIS proposed fencing—would have moderate, cumulative, adverse impacts on biological resources. Barriers reduce the ability for wildlife movement, adversely impacting breeding and foraging opportunities. Construction activities have the potential to directly impact

listed plant species unless presence/absence surveys are conducted first. However, all of these are federally funded projects, and these federal agencies would be required to coordinate with the USFWS about federally listed species prior to implementing the projects. Therefore, with proper coordination and appropriate implementation of conservation measures, there would be no adverse cumulative impacts on threatened and endangered species.

I am requesting your participation in the review and comment process and written concurrence with our *no effect* determination on the ferruginous pygmy owl (*Glaucidium brasilianum cactorum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), and Texas hornshell (*Popenaias popeii*); our *may affect but not likely to adversely affect* determination on the Gulf coast jaguarundi, ocelot, ashy dogweed, star cactus, Walker's manioc, and Zapata bladderpod; and our *not likely to jeopardize the continued existence* of the monarch butterfly and prostrate milkweed. Please provide concurrence or any comments or additional information concerning the Proposed Action and alternatives within 30 days of the date of this letter to Mr. Mark Howe, 4191 North Mesa Street, El Paso, Texas 79902-1423, at falconcomments@ibwc.gov. Thank you in advance for your assistance.

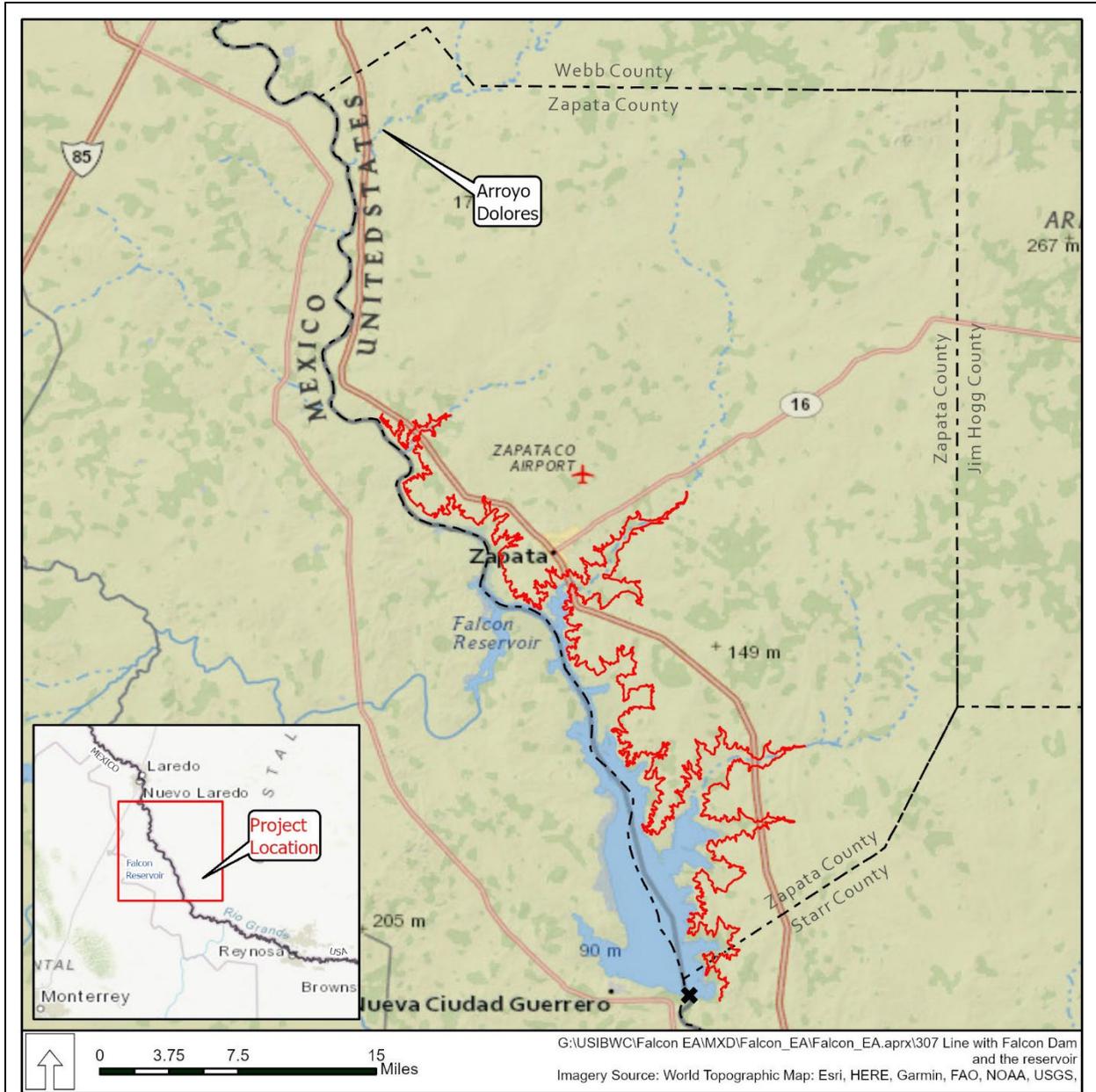
Sincerely,



Gilbert G. Anaya
Division Chief
Environmental Management Division

Attachments:

- Figure 1. Location of the Falcon Project Area and the 307-Foot Taking Line
- Figure 2. Location of Grazing Leases in the Falcon Project Area



Legend

- ✘ Falcon Dam
- 307-Foot Taking Line
- County Line

Figure 1. Location of the Falcon Project Area and the 307-Foot Taking Line



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Texas Coastal and Central Plains Ecological Services Office

Alamo Sub-Office
3325 Green Jay Road
Alamo, Texas 78516
PHONE: 956/784-7560
FAX: 956/787-8338



In Reply Refer To:
2024-I-0039992

January 24, 2024

Mr. Mark Howe
U.S. Section, International
Boundary and Water Commission
4191 North Mesa Street
El Paso, Texas 79902-1423

Dear Mr. Howe:

The U.S. Fish and Wildlife Service (Service) received a request for project review and concurrence with listed species determinations from the U.S. Section, International Boundary and Water Commission (USIBWC) regarding federal grazing lease management at the Falcon Dam and Reservoir Project (Falcon Project) 150 miles upstream of the mouth of the Rio Grande in Starr and Zapata counties, Texas. Our comments are provided in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) and the National Environmental Policy Act (42 U.S.C. 4321-4347).

The grazing lease program has 159 leases originally issued in 1956 pursuant to the Water Treaty of 1944 between the U.S. and Mexico to ensure that federal areas not flooded are used economically. The USIBWC seeks to address low lease values, limited access, and unauthorized activities on leased lands and has developed and analyzed eight grazing lease management alternatives. They have chosen to implement one, some, or all alternatives in the Falcon Project area.

The alternatives include:

- Alternative 1 - No Action: There would be no change to the Falcon Project grazing lease program.
- Alternative 2 - Terminate Leases: USIBWC would terminate leases and reduce or eliminate the grazing lease program at the Falcon Project.

- Alternative 3 - Change Rental Rates on Active Leases and Implement Improved Program Management: USIBWC would change the rental rates to be at fair market value and implement improved lease management measures.
- Alternative 4 - Allow Hunting on Existing Grazing Leases within the regulated limits provided by Texas Parks and Wildlife Department.
- Alternative 5 - Terminate Leases Not Directly Accessible from Public Right-of-Ways
- Alternative 6 - Negotiate Access Easements on Private Property for Existing Leases
- Alternative 7 - Amend Leases to Allow Vegetation Management: USIBWC would amend leases to allow herbicide application by licensed applicators and/or mechanical vegetation removal using hand tools and no roots removed.
- Alternative 8 - Form a Citizens' Committee to Provide Lease Management Support: USIBWC would form a citizen's committee to support lessees and USIBWC's management of the grazing lease program and be a conduit for communication and information exchange between USIBWC and lessees and local Government officials.

Endangered Species

Species which may occur in the lease areas are:

Ashy dogweed	(E)	<i>Thymophylla tephroleuca</i>
Gulf coast jaguarundi	(E)	<i>Puma yagouarundi cacomitli</i>
Monarch butterfly	(C)	<i>Danaus plexippus</i>
Ocelot	(E)	<i>Leopardus pardalis</i>
Prostrate milkweed	(E)	<i>Asclepias prostrata</i>
Star cactus	(E)	<i>Astrophytum asterias</i>
Tricolored bat	(PE)	<i>Perimyotis subflavus</i>
Walkers manioc	(E)	<i>Manihot walkerae</i>
Zapata bladderpod	(E)	<i>Physaria thamnophila</i>
Cactus ferruginous pygmy-owl	(T)	<i>Glaucidium brasilianum cactorum</i>
Piping plover	(T)	<i>Charadrius melodus</i>
Red knot	(T)	<i>Calidris canutus rufa</i>
Texas hornshell	(T)	<i>Popenaias popeii</i>

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- E = Species in danger of extinction throughout all or a significant portion of its range
 C = Species with substantial information to warrant listing as threatened or endangered
 P = Proposed for listing

The USIBWC made a determination that lease activities *may affect but are not likely to adversely affect* the Gulf coast jaguarundi (*Puma yagouarundi cacomitli*), ocelot (*Leopardus pardalis*), tricolored bat (*Perimyotis subflavus*), ashy dogweed (*Thymophylla tephroleuca*), prostrate milkweed (*Asclepias prostrata*), star cactus (*Astrophytum asterias*), Walker's manioc (*Manihot walkerae*), and Zapata bladderpod (*Physaria thamnophila*); and is not likely to jeopardize the continued existence of the monarch butterfly (*Danaus plexippus*). Based on the

project description, details of lease options, and our knowledge of the site the Service concurs with this determination.

The USIBWC made *no effect* determination on the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), and Texas hornshell (*Popenaias popeii*). The Service does not provide concurrence for “no effect” determinations, but by making a determination, we believe USIBWC has complied with Section 7(a)(2) of the Endangered Species Act of 1973, as amended.

The Service appreciates the opportunity to review the proposed project. If you have questions regarding these comments, please contact Ernesto Reyes at 956-784-7560, or by email at Ernesto_Reyes@fws.gov.

Sincerely,

**CHARLES
ARDIZZONE** Digitally signed by
CHARLES ARDIZZONE
Date: 2024.01.24
11:27:12 -06'00'

Charles Ardizzone
Field Supervisor

Appendix D. Draft EA Notice of Availability

FORMAT PAGE

as corrected by Pub. L. 104–200—Sept. 22, 1996).

Howard M. Cantor,

Director, Office of Natural Resources Revenue.

[FR Doc. 2023–25795 Filed 11–21–23; 8:45 am]

BILLING CODE 4335–30–P

INTERNATIONAL BOUNDARY AND WATER COMMISSION UNITED STATES AND MEXICO

Notice of Availability of a Draft Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Management of Federal Grazing Leases at the Falcon Dam and Reservoir, Starr and Zapata Counties, Texas

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico (USIBWC).

ACTION: Notice of availability; request for comments.

SUMMARY: The USIBWC hereby gives notice that the *Draft Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Management of Federal Grazing Leases at the Falcon Dam and Reservoir, Starr and Zapata Counties, Texas* is available. The EA evaluates land management alternatives to grazing leases that address low grazing lease values and limited access by USIBWC to leased lands. An Environmental Impact Statement will not be prepared unless additional information which may affect this decision is brought to our attention within 30 days from the date of this Notice.

DATES: Comments are due by December 28, 2023.

ADDRESSES: The electronic version of the amended Draft EA is available at the USIBWC web page: <https://www.ibwc.gov/reports-studies/eis-ea-public-comment/>. Physical copies of the Draft EA are available at the Joe A. Guerra Laredo Public Library, 1120 E. Calton Rd., Laredo, Texas 78041; the Olga V. Figueroa Zapata County Public Library, 901 Kennedy St., Zapata, Texas 78076; and the Roma Public Library, 1705 N Athens St., Roma, Texas 78584.

Comments should be sent to: Mark Howe, Cultural Resources Specialist, USIBWC, 4191 N Mesa; El Paso, Texas 79902. Email: falconcomments@ibwc.gov. All comments received may be made publicly available without change, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Mark Howe, Cultural Resources Specialist, Telephone: (915) 832–4767, email: falconcomments@ibwc.gov.

SUPPLEMENTARY INFORMATION: The USIBWC is updating or eliminating active and inactive grazing leases in use for commercial, residential, or recreational purposes on federal land in the Falcon Project (*i.e.*, Falcon Dam and Reservoir). Rights-of-way for the Falcon Project totaled 63,192 acres on the U.S. side of the Falcon Project as of 2000. This project will assist USIBWC in determining if grazing leases should be allowed or discontinued and/or whether land management alternatives should be established in lieu of grazing.

The grazing lease program has continued for areas along the Falcon Reservoir that were originally ranches and farms before the land was acquired by the federal Government pursuant to the Water Treaty of 1944 between the U.S. and Mexico, with construction of the Falcon Project completed on October 19, 1953. The grazing lease program assured those areas not under water or flooded and owned by the federal Government would be economically used as they were in the past by the local community. Initially leases allowed for agricultural uses in addition to grazing, but agricultural activities and any clearing of leased lands were later restricted to reduce potential impacts on cultural resources in accordance with National Historic Preservation Act requirements. Active leases currently only allow grazing activities.

Grazing leases, licenses, and permits consist of any written permit or other legal document for an individual, corporation, etc., to use and improve land owned by the U.S. Government under the jurisdiction of the USIBWC at Falcon Reservoir. In the past, 22,270.57 acres of land were under 159 active grazing leases originally issued in 1956. As of 2020, there were 117 active grazing leases with many that are still held by the descendants of the original permittees and/or stakeholders.

The purpose for the Proposed Action is to successfully manage federal land in the Falcon Project. Federal lands associated with the Falcon Project have been utilized by the public for various activities, including grazing leases, since the Falcon Project was established. However, the economic value of these leases and the challenges to successful land management require a reevaluation of the grazing lease program. The need is to implement land management alternatives to grazing leases that address low grazing lease

values, limited access by USIBWC to leased lands, and unauthorized activities on leased lands.

Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Final Regulations, and the USIBWC Operational Procedures for Implementing Section 102 of NEPA, published in the **Federal Register** September 2, 1981, USIBWC developed and analyzed eight alternatives for modifying the grazing lease program at the Falcon Project, including the No Action Alternative. Alternative 1, No Action Alternative, is a requirement of the NEPA process and is included to provide a baseline against which the other alternatives can be evaluated. The action alternatives include: Alternative 2—Terminate Leases, Alternative 3—Change Rental Rates on Active Leases and Implement Improved Program Management, Alternative 4—Allow Hunting on Existing Grazing Leases, Alternative 5—Terminate Leases Not Directly Accessible from Public Rights-of-Way, Alternative 6—Negotiate Access Easements on Private Property for Existing Leases, Alternative 7—Amend Leases to Allow Vegetation Management, and Alternative 8—Form a Citizens’ Committee to Provide Lease Management Support. The USIBWC has identified that one or any combination of the alternatives could be implemented to manage the grazing lease program at the Falcon Project.

Potential impacts on natural, cultural, and other resources were evaluated in the Draft EA. The USIBWC prepared a FONSI for the Action Alternatives, based on a review of the facts and analyses contained in the Draft EA.

Dated: November 15, 2023.

Rebecca A. Rizzuti,

Deputy Chief Legal Counsel, International Boundary and Water Commission, United States Section.

[FR Doc. 2023–25784 Filed 11–21–23; 8:45 am]

BILLING CODE 7010–01–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–23–055]

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: November 30, 2023 at 11 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS

§
§

COUNTY OF ZAPATA §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared before me, Rosa Icela Mejia, who, after being by me duly sworn, upon oaths says that she is the Office Assistant of the **Zapata County News**, a newspaper of general circulation in Zapata County, Texas. An official publication in which legal notices may be published, and that there was publish in said newspaper a true and correct copy of the attached NOTICE/ADVERTISEMENT on the following date: November 23, 2023.

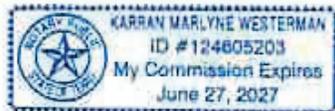
Rosa Icela Mejia

Office Assistant

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on the 7th day of December, 2023 to verify which witness my hand and seal of office.

Karran Marlyne Westerman
Notary Public in and for the State of Texas

(NOTARY SEAL)



My Commission Expires: June 27, 2027

Matches Made at El Cafecito's Monthly Market

by Rachel Amaya

Irresistible mini pancakes fresh off the griddle, laden with Nutella, strawberries, pecans, powdered sugar, and endless other combinations

selling her paintings, stickers, and accessories. To her left, *Marty's Creations* displayed extensive customizable wares including keychains and pens, alongside *Cute*

little woven 'worry worm' to project your anxieties onto. Next, *Gold N' Roses* had an exquisite display of flawless gold jewelry with its glowing proprietor, Sandra Garza, happy to oblige the quality of her products. *Top Treats* was front and center with a snack bar, gooey nacho cheese at the ready, a wide assortment of toppings to tempt anyone walking by, a certain good choice to cater to parties and Quinceañeras, offering fruit, candy, and chips as bases. Yet more alluring smells drew customers to *Bombonela*, which, apart from their made-to-order mini pancakes sold at the market, also boasted raspas drizzled with homemade syrup, a definite novelty, as well as ice cream rolls. *Bracelets Unlimited*, touting an illustrious decade of business, had rows and rows of bracelets adorned with precious stones and beads.



from *Bombonela*; samples of salsa casera, boldly orange, more than hinting at its spiciness, from *Chilanga*; fluffy cookies with a variety of flavors like red velvet and the classic chocolate chip from *Simply Sweet for You*; a snack bar with bases of nachos, candies, Hot Cheetos, all with so many choices for toppings; *El Cafecito* on Sunday, November 5th was stacked with every kind of indulgence. Disposable income met its end with all that was for purchase.

Making *El Cafecito* even more of a getaway from the usual vibes of Zapata, Esperanza García transformed and painted faces into tigers, foxes, butterflies, and even superheroes like Spider-Man and Batman, aside from

Creations and its variety of items like tumblers and hair clips, having designs true to the business's namesake. To the right, new businesses *Chilanga* and *The Rusty Typewriter*, mother and daughter side by side, brought novelty in spice and literature with homemade salsa and blind book dates, which are delicately wrapped books with only a vague description of its plot to entice the buyer. If books weren't sufficient, *The Rusty Typewriter* also sold candles and loose leaf teas, with rich flavors from apple to lavender, from *Night Rituals Occult*.

Further down the line, *Angie's Midnight Designs* flaunted delicately crafted crocheted accessories like purses, headbands, bandanas, and even a fun

On the other side of the market, *Angel's Boutique* soared with its selection of clothing, accessories, handbags, and makeup, as the new business steadily expands its catalogue. *M&D Creations* brought multiple generations of women to one stall with crocheted creatures like elephants and dinosaurs, and colorful and festive wreaths. *Liz's Creations* had homemade bows and headbands with the culinary indulgences from her cousin's *Simply Sweet for You* beside her.

El Cafecito hosted yet

Blasting Off to the Moon at Arturo L. Benavides Elementary School's Fall Fest



by Rachel Amaya

Zapata County fell into a vortex of fun and festivities at *Arturo L. Benavides Elementary School's* Fall Fest on Thursday, November 9. Kids took small steps toward the gym and more than one giant leap in the massive moon jump propped up in the corner, landing on new horizons paved by the dedicated staff at *ALB*, leading their students to boldly go where no child has gone before. The food rations were not meager, either, with choices of juicy sausage wraps from the *PTO*, tangy fruit roll ups, gooey pizza, chips loaded with nacho cheese, and hearty corn dogs. If bouncing around in the moon jump was too thrilling of a galactic adventure, the kids could take a trip Earthside on the impressive makeshift locomotive designed by instructional assistant Esther Garcia. They clamored to climb aboard the night train, more than ready to toot their own horns as they fought to be next in line to cruise around the field.

While there was a moon jump, the moonwalk did not make the cut to the dance numbers of the cheer teams from each elementary school campus. Instead, they lined up in file and threw their pom-poms in the air, making cartwheels and leaping high enough to put Neil Armstrong to shame, each girl shining brighter than every star in the galaxy, not without a little help from their glittery and sequined uniforms.

A way to celebrate the nearing end of the fall semester and revel in every student's admirable efforts in all that they do in school and beyond, the Fall Fest at *ALB* was packed with pride and cheer from the entire community.

Community Building with Knickknacks and Homemade Goods at Lakefront Lodge

by Rachel Amaya

Dedicated bird watchers from around the world may come to Zapata to observe rare species, but the livelier and less elusive migratory flock is surely the Winter Texans who roost in such spaces as the *Lakefront Lodge* every year to escape the intolerable frigid weather of their native lands. Saturday, November 11, the *Lakefront Lodge* hosted its first flea market of the winter season, challenging the wet weather of the morning with boxes of donuts, fresh coffee, and savory Sloppy Joes. At the entrance, tables were arranged with rows of eclectic items such as hats emblazoned with a bass of *Falcon Lake* fame, graphic t-shirts, collections of regional short stories, and thrift store finds.

Further down the line was a station for foot and hand massages in soothing essential oils, a real Saturday morning luxury. Knickknacks and accessories filled the field of vision while the see-food diet was tempted by piles of plates of homemade cookies—and to be loyal to Fido, dog treats were on the table, as well, with diamond paintings representing animals like kindly cows standing alongside them.

At the center of the room, colorful kitchen accessories like pot holders and kitchen towels were spread out to cover every inch of each table. Handmade crosses with materials as unique as buttons and artificial flowers lay adjacent. Ingredients like roasted almonds, baking chocolate bars, and hazelnuts were also

another eclectic market for local vendors, giving more reason for the first Sunday of every month a day to look forward to.



available at a much cheaper price to satisfy the baking urgency of the holiday season. mushroom-shaped trinket-holders, and keychains.

Glamor found its place in nail polish strips from *Color Street Nails* and discounted beauty products from *The Body Shop* like body butters and soaps. New to the artisan scene, Alyssa Escamilla had rows of handmade resin bookmarks, shimmering with gold filigree and holographic surfaces, in addition to bracelets adorned with Zodiac animals, funky

Taking place on the second Saturday of every month, the flea market at *Lakefront Lodge* is the perfect place to engage with the seasonal yet invaluable members of the community of Zapata, to learn a thing or two about crafts and baking, or just exchange anecdotes and interesting episodes in life, all while supporting the local economy.

AGENCY SEEKS PUBLIC COMMENT ON THE DRAFT ENVIRONMENTAL ASSESSMENT FOR MANAGEMENT OF FEDERAL GRAZING LEASES AT THE FALCON DAM AND RESERVOIR, TEXAS

The United States Section of the *International Boundary and Water Commission (USIBWC)* provides this Notice of Availability for and solicits public comment on a Draft Environmental Assessment (EA) and Finding of No Significant Impact for grazing lease management activities at the Falcon Dam and Reservoir (i.e., Falcon Project), Starr and Zapata Counties, Texas. Federal lands associated with the Falcon Project have been utilized by the public for various activities, including grazing leases, since the Falcon Project was established. However, the economic value of these leases and the challenges to successful land management require a reevaluation of the grazing lease program. The Draft EA presents eight land management alternatives to grazing leases that address low grazing lease values and limited access by *USIBWC* to leased lands. The *USIBWC* has identified that one or any combination of the alternatives could be implemented to manage the grazing lease program at the Falcon Project.

The Draft EA includes analysis of the impacts that the alternatives for implementing the Proposed Action would have on the environment, including land use, biological resources, earth resources, water resources, cultural resources, recreational resources, and socioeconomics and Environmental Justice. The Draft EA is available on the *USIBWC* website at <https://www.ibwc.gov/reports-studies/eis-ea-public-comment/>. Physical copies of the Draft EA are available at the *Joe A. Guerra Laredo Public Library*, 1120 East Calton Road, Laredo, Texas 78041; the *Olga V. Figueroa Zapata County Public Library*, 901 Kennedy Street, Zapata, Texas 78076; and the *Roma Public Library*, 1705 North Athens Street, Roma, Texas 78584. Public comments on this Draft EA are due by **December 28, 2023**, and can be submitted to Mr. Mark Howe, Cultural Resources Specialist, via email at falconcomments@ibwc.gov, or via mail at *International Boundary and Water Commission*, 4191 North Mesa Street, El Paso, Texas 79902. Implementation of the selected alternative(s) will not begin until the Final EA is completed, and Finding of No Significant Impact is signed (if appropriate).

Governor Abbott Signs Critical Energy Laws

AUSTIN – Governor Greg Abbott today ceremonially signed critical energy legislation passed during the 88th Regular Legislative Session following his keynote address at the Texas Independent Producers and Royalty Owners Association's (TIPRO) Summer Conference in San Antonio. The two bills, Senate Bill 1017 and House Bill 33, prohibit cities, counties, and political subdivisions in Texas from banning gasoline engines or fuel stations and strengthen an executive order protecting Texas' oil and gas industry from harmful federal actions.

"The hardworking men and women of the energy sector are the lifeblood of the booming Texas economy," said Governor Abbott. "We just finished another important legislative session for the Texas energy industry. We cut red tape so that needless local and county regulations don't stifle economic growth, ensured local governments couldn't ban the use of gasoline engines, secured our power grid for the Texas of tomorrow, and worked with community colleges to produce the skilled workforce to help this industry continue to thrive in Texas. Here in Texas, we embrace the energy industry. As long as I am Governor, I will fight for the energy sector to ensure

Texas remains America's energy leader."

During his keynote address to over 150 energy leaders, Governor Abbott promised to keep Texas the energy capital of the world and highlighted ways Texas continues to spur growth and job creation in this industry. The Governor also outlined the work Texas is doing to protect the oil and gas industry and Texans from harsh, job-killing restrictions and regulations. The Governor was joined at TIPRO's Summer Conference by Representative Brooks Landgraf, TIPRO Chairman Jud Walker, and other energy leaders.

Senate Bill 1017 (Birdwell/Landgraf) prevents any local government in Texas from adopting regulations that limit access to or use of an energy source or that results in the prohibition of infrastructure that is necessary to access fuel and energy, including both production and sale.

House Bill 33 (Landgraf/Springer) prohibits Texas state agencies and officials from assisting any federal agency or official with the enforcement of any federal act that purports to regulate oil and gas operations and imposes a regulation that does not exist under state law.

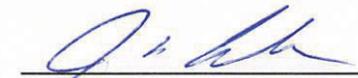
AFFIDAVIT OF PUBLICATION

STATE OF TEXAS X

COUNTY OF STARR X

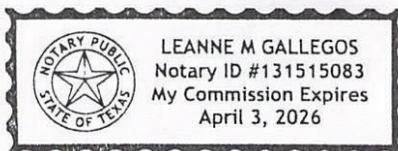
BEFORE ME, the undersigned Authority, on this day personally appeared JORGE E. CANALES, who being by me duly sworn, deposes and says that he is the PUBLISHER of the STARR COUNTY TOWN CRIER, that said newspaper is published weekly in STARR County, Texas, and generally circulated in STARR County, Texas; and that the attached notice was published in said newspaper on the following date(s), to wit:

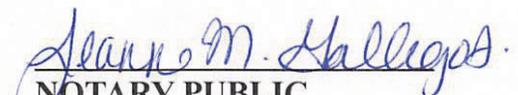
NOVEMBER 22, 2023 – AGENCY SEEKS PUBLIC COMMENT ON THE DRAFT ENVIRONMENTAL ASSESSMENT FOR MANAGEMENT OF FEDERAL GRAZING LEASES AT THE FALCON DAM AND RESERVOIR, TEXAS The United States Section of the International Boundary and Water Commission (USIBWC) provides this Notice of Availability for and solicits public comment on a Draft Environmental Assessment (EA) and Finding of No Significant Impact for grazing lease management activities at the Falcon Dam and Reservoir (i.e., Falcon Project), Starr and Zapata Counties, Texas. Federal lands associated with the Falcon Project have been utilized by the public for various activities, including grazing leases, since the Falcon Project was established. However, the economic value of these leases and the challenges to successful land management require a reevaluation of the grazing lease program. The Draft EA presents eight land management alternatives to grazing leases that address low grazing lease values and limited access by USIBWC to leased lands.



JORGE E. CANALES
PUBLISHER

Subscribed and sworn to before me this the 22ND day of NOVEMBER, 2023, to certify which witness my hand and seal of office.





NOTARY PUBLIC
STATE OF TEXAS

My Commission Expires

Roma ISD School Board Honors Wall of Fame Students

Congratulations to the Wall of Fame students for the second 6-weeks honored by the Roma ISD School Board at their Nov. 13, 2023 meeting! Roma ISD's Gladiator Wall of Fame Program shines the light on exemplary students, who are selected for the honor based on citizenship, leadership, academics, and extracurricular activities.

The honorees include:
 Natalia I. Lopez, Jesse J. Ramon, and Karyme G. Silva of Roma High School; Kelsey Garza, Mylet Rodriguez, and Liam Saenz of Ramiro Barrera Middle School; Gabriel Lopez, Saillet Maldonado, and Dariely Martinez of Roma Middle School; Diego E. Gutierrez, Eric Hernandez, and Ricardo Rodriguez of Delia G. Garcia



Elementary School; Max Christian A. Soriano of R. & C. Guillen, Emilio Hernandez, and Saenz Elementary School; Shaila Isabella Ramirez of Emma Vera A. Barrera, Eden Moreno, and Elementary School; Jade Barrera, Adrian Saenz of R. T. Barrera Jimena Hinojosa Vargas, and Izael Elementary School; and Eduardo Sotelo of F. J. Scott Elementary School; Valentina A. Lovette Garza, Katalina Sepulveda, and Elementary School.

AGENCY SEEKS PUBLIC COMMENT ON THE DRAFT ENVIRONMENTAL ASSESSMENT FOR MANAGEMENT OF FEDERAL GRAZING LEASES AT THE FALCON DAM AND RESERVOIR, TEXAS

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**LAREDO MORNING TIMES
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STATE OF TEXAS:
COUNTY OF WEBB

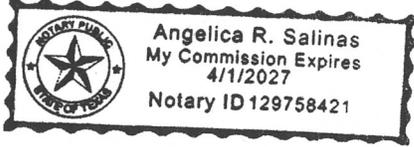
Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared: MariaElena Medellin, who after being duly sworn, says that she is the LMT Sales Representative of HEARST NEWSPAPERS II, LLC - dba: LAREDO MORNING TIMES, a newspaper published in Webb County, Texas and that the publication, of which the annexed is a true copy, was published to wit:

Customer ID	Customer	Order ID	Publication	Pub Date
20059528	DR. ERIC WEBB	34307218 L-05 AGENCY SEEKS PUBLIC COMMENT ON THE DRAFT ENVIRONMENTAL ASSESSMENT FOR MANAGEMENT OF FEDERAL GRAZING LEASES AT THE FALCON DAM AND RESERVOIR, TEXAS	LMT Mercadito	11/22/23


MariaElena Medellin
LMT Sales Representative

Sworn and subscribed to before me, this 27th day of November A.D. 2023

Notary public in and for the State of Texas



Miscellaneous



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2023PB5000084L1

THE STATE OF TEXAS

CITATION BY PUBLICATION ON APPLICATION TO DETERMINE HEIRSHIP, FOR INDEPENDENT ADMINISTRATION, AND FOR ISSUANCE OF LETTERS OF INDEPENDENT ADMINISTRATION

TO ALL UNKNOW OR MISSING HEIRS AND OTHER PERSONS INTERESTED IN THE ESTATE OF ANTONIO C VELA, Deceased, Cause Number 2023PB5000084L1, in the County Court at Law Number 1, of Webb County, Texas:

On September 8, 2023, Irene Vela Cadena, Applicant in the above numbered and entitled estate, filed in the County Court at Law Number 1 of Webb County, Texas, an Application To Determine Heirship, For Independent Administration, and for Issuance of Letters of Independent Administration, requesting that the Court determine who are the heirs and only heirs of Antonio C. Vela, deceased, and their respective shares and interests in said estate, and appoint Irene Vela Cadena to serve as the Independent Administrator of said estate and grant Letters of Independent Administration same.

The Court may act on said Application and any opposition at any call of the docket on or after 10 o'clock a.m. on the first Monday after ten(10) days from date of publication of this citation, at the Courtroom of the County Court at Law Number 1, Justice Center, 3rd Floor, in Laredo, Webb County, Texas. You are hereby cited to appear before said Honorable Court by filing a written answer or contest to said Application before the above stated time and date should you desire to do so. To ensure its consideration, you or your attorney must file any contest, objection, intervention, or response in writing with the County Clerk of Webb County, Texas, on or before the above noted date and time.

Give under my hand and the seal of the Court at my office in Laredo, Texas, this the 16th day of November, 2023.

L-09



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DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY

Proposed Flood Hazard Determinations for the City of Laredo, Webb County, Texas, Case No. 22-06-0300P. The Department of Homeland Security's Federal Emergency Management Agency (FEMA) solicits technical information or comments on proposed flood hazard determinations for the Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for your community. These flood hazard determinations may include the addition or modification of Base Flood Elevations, base flood depths, Special Flood Hazard Area boundaries or zone designations, or the regulatory floodway. The FIRM and, if applicable, the FIS report have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations. These determinations are the basis for the floodplain management measures that your community is required to adopt or show evidence of having in effect to qualify or remain qualified for participation in the National Flood Insurance Program. For more information on the proposed flood hazard determinations and information on the statutory 90-day period provided for appeals, please visit FEMA's website at https://www.floodmaps.fema.gov/fhm/BFE_Status/bfe_main.asp, or call the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-FEMA MAP (1-877-336-2627).

L-77

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LEGAL NOTICE

Region One Education Service Center is seeking procurement solicitations for the following:

- Internet Access Services RFP 23-0144
- Region One Purchasing Cooperative Equipment Repairs and Preventative Maintenance RFP 23-0137
- Region One Purchasing Cooperative School Safety and Security Equipment and Services CSP 23-0130

Submission Deadline: 3 PM, Wednesday, December 20, 2023
All responses must be submitted electronically via the eBuyOne portal at:
<https://esc1.bonfirehub.com/portal/?tab=openOpportunities>. If required by law, solicitations will be opened immediately after the deadline at 1900 West Schunior Street, Edinburg, Texas 78541-2233 via a Zoom meeting link. Check the eBuyOne portal at www.esc1.net/eBuyOne for all procurement solicitation documents and requirements, possible addenda, including extension of submission deadline, award process, method of payment, and a list of cooperative members (if applicable). Interested respondents may go to www.esc1.net/eBuyOne, email eBuyOne@esc1.net, or call 956-984-6123.

L-91

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AGENCY SEEKS PUBLIC COMMENT ON THE DRAFT ENVIRONMENTAL ASSESSMENT FOR MANAGEMENT OF FEDERAL GRAZING LEASES AT THE FALCON DAM AND RESERVOIR, TEXAS

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L-05

Laredo Morning Times

LMT YELLOW PAGES

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FORMAT PAGE

Appendix E. Public Comments Received and Responses

FORMAT PAGE

From: [Oscar Martinez](#)
To: [Falcon Comments](#)
Cc: [Eric Webb](#)
Subject: [External] - RE: (EXTERNAL) RE: Response to Mark Howe Referencing a November Letter
Date: Wednesday, December 6, 2023 1:59:44 PM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Very much appreciated Mark thanks. Have great day!

From: Falcon Comments <falconcomments@ibwc.gov>
Sent: Wednesday, December 6, 2023 1:48 PM
To: Oscar Martinez <falconcomments@ibwc.gov> **Cc:** v; Eric Webb
Subject: RE: (EXTERNAL) RE: Response to Mark Howe Referencing a November Letter

Mr. Martinez.

From your last email: We wish to continue using the river vega for grazing and hunting. We will use that as to your reply. Thank you.

Mark

From: Oscar Martinez
Sent: Wednesday, December 6, 2023 12:06 PM
To: Falcon Comments
Cc: Eric Webb
Subject: RE: (EXTERNAL) RE: Response to Mark Howe Referencing a November Letter

I am in receipt of your email. The information ((address, name, etc) is below. As far as my comments are concerned , I was under the impression I was to reply in an email as to what my family wishes to do with our river vega and that was stated in my last email. Please let me know if this will suffice or if I need to send you more information thanks.

Oscar

Property Information

Property ID: 11434

Legal Acreage: 15.00

GEO ID: E00001390006008

Legal Description: ABST 139 M.A. LASCANO, (IMPTS ONLY) BST 139 M.A. LASCANO, TRACT 1 CONT. 15.01 ACRES

Tract or Lot:

Abstract Subdivision Code: 0139

Block:

Neighborhood Code: NR

School District: SZ

City Limits:

Property Location

Situs Number: 3907

Situs Street Prefix: N

Situs Street Name: US HIGHWAY 83

Situs Street Suffix:

Situs City:

Situs State: TX

Situs Zip:

Owner Information

Owner Name: MARTINEZ OSCAR O

Mailing Address: 508 LINDENWOOD

Mailing Address City: LAREDO

Mailing Address State: TX

Mailing Address Zip: 78045

From: Falcon Comments <falconcomments@ibwc.gov>

Sent: Wednesday, December 6, 2023 11:48 AM

To: Oscar Martinez ; [Falcon Comments](#)

Cc: Eric Webb

Subject: (EXTERNAL) RE: Response to Mark Howe Referencing a November Letter

Mr. Martinez,

Could you please give me the correct information (address, name, etc) that I will need for the records update? Also, if you have comments, could you also send them in either by email or letter?

Thank you and email or call for questions.

Mark

Mark L. Howe, MA

Cultural Resources Specialist

International Boundary and Water Commission – U.S. Section

4191 N. Mesa

El Paso, Texas 79902-1423

(915) 832-4767

From: Oscar Martinez **Sent:** Tuesday, December 5, 2023 4:25 PM

To: Falcon Comments <falconcomments@ibwc.gov>

Cc:

Subject: Response to Mark Howe Referencing a November Letter

Mr. Howe,

My name is Oscar Martinez and I own the Sta. Teresa Ranch. I received a certified letter of which you are asking for my reply over my river vega rights. We wish to continue using the river vega for grazing and hunting. Please have your staff make sure the name of the ranch get corrected. My letter reads Sta. Maria Ranch. I thank you in advance for all your help. I am always available for comment anytime.

Best Regards,

Oscar O. Martinez Jr.,RPL

Crisanto Meza Sr.
1108 Glenn Street
Zapata, Texas 78076

Roberto E. Paredes
1505 Lincoln
Zapata, Texas 78076

December 26, 2023

John Claudio, IBWC
4191 North Mesa St.
El Paso, TX 79902-1423

Mr. John Claudio,

Below you will find our comments on the latest "DRAFT ENVIRONMENTAL ASSESSMENT FOR THE MANAGEMENT OF FEDERAL GRAZING LEASES AT THE FALCON DAM AND RESERVOIR, STARR AND ZAPATA COUNTIES, TEXAS"

Alternative 4 – Allow Hunting on Existing Grazing Leases

Wildlife management would be beneficial to grazing lessees because the population of whitetail deer has grown unchecked in this area. This leads to competition between livestock and wildlife for forage and water. Hunting on these leases would also allow for predator nuisance management. Coyotes and feral hogs pose a threat to resources and livestock and allowing for control would benefit producers. Allowing for hunting would also generate extra revenue for IBWC.

Alternative 7 – Amend Leases to Allow Vegetation Management

Allowing vegetation management would be of great benefit to lessees. Some areas within the grazing lands controlled by IBWC have not been under water for decades. This has allowed brush to overtake these pastures. Without the ability to control bush, these lands become un-grazable. Chemical and mechanical brush control has erosion and flood control benefits as well. Allowing for the use of only approved herbicides, by licensed individuals and mechanical brush control methods approved by USDA NRCS would ensure that it is done correctly, and environmental impacts are minimized.

Alternative 8 – Form a Citizens' Committee to Provide Lease Management Support

We support creating a committee made up of citizens, local government officials and relevant agency professionals to help steer and provide guidance to IBWC when negotiating with lessees. These individuals can provide insight into the issues affecting these leases and give suggestions for improvements. These same committee members would also act as liaisons to other lessees.

Please consider these suggestions. If you have any questions or need further comment, please do not hesitate to contact us.

Crisanto Meza, Sr.



Roberto E. Paredes



From:
To: ["Falcon Comments"; Eric Webb](#)
Subject: [External] - RE: USIBWC Notice of Availability for and solicits public comment on a Draft EA for lease management activities in Zapata County
Date: Thursday, December 21, 2023 10:16:30 AM

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Mr. Howe, Mr. Webb,

In response to the letter concerning the stakeholders on or with access to the Falcon Reservoir. We would like to use that designated area for grazing, hunting, and fishing. Please contact me by any means if you have further questions. I hope this helps and may you all have a wonderful Holiday Season.

Sincerely,
Guadalupe Saenz, III

From: Falcon Comments <falconcomments@ibwc.gov>
Sent: Monday, December 18, 2023 4:40 PM
To: 'Eric Webb'
Cc: Falcon Comments <falconcomments@ibwc.gov>
Subject: RE: USIBWC Notice of Availability for and solicits public comment on a Draft EA for lease management activities in Zapata County

Hello Mr. Saenz,
Email is good or the other. As a reminder, all comments will be in the Final EA for review. Please tell us what you would like to say on this, as we really want to hear from the community.
Thanks and call or email for other questions.
Mark

From:
Sent: Monday, December 18, 2023 11:12 AM
To: 'Eric Webb' [_____](#)
Cc: Falcon Comments <falconcomments@ibwc.gov>
Subject: RE: USIBWC Notice of Availability for and solicits public comment on a Draft EA for lease management activities in Zapata County

Mr. Howe, Mr. Webb,

I received the public comments letter address to stakeholders in the Ramireno, TX area. Do we have to respond by mail or can we respond via an email addressed to you?

Guadalupe Saenz, III

From: Eric Webb

Sent: Wednesday, December 6, 2023 12:51 PM

To:

Cc: Falcon Comments <falconcomments@ibwc.gov>

Subject: RE: USIBWC Notice of Availability for and solicits public comment on a Draft EA for lease management activities in Zapata County

Attached is the stakeholder letter describing the availability of the Draft EA for public review. We will also send a physical copy of this letter to the address you provided.

Eric Webb, Ph.D.

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From:

Sent: Tuesday, December 5, 2023 2:49 PM

To: Falcon Comments <falconcomments@ibwc.gov>

Subject: USIBWC Notice of Availability for and solicits public comment on a Draft EA for lease management activities in Zapata County

Mr. Mark Howe,

My name is Guadalupe Saenz, III, I represent my mother Teresa De Jesus Saenz. It was brought to my attention from Oscar Martinez, my mother's younger brother, that he had received a letter from USIBWC, dated November 20, 2023. The letter is requesting public comments from land owners residing in the vicinity of the Falcon Dam and/or Reservoir (i.e., Falcon Project). I am contacting your office to advise you that we have not received this letter. I am asking you to please send the letter, so we can submit our response/comments. Please mail all correspondence concerning this matter to:

Teresa De Jesus Saenz

<Address Redacted>

I can be contacted at XXX-XXX-XXXX, if you have any questions. I look forward your response.

Sincerely,

Guadalupe Saenz, III

<Address Redacted>

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From: [Falcon Comments](#)
To: [Eric Webb](#)
Subject: [External] - FW: USIBWC Falcon Project grazing leases Draft EA/FONSI, TPWD Review (#51686)
Date: Wednesday, December 27, 2023 4:31:03 PM

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From: Russell Hooten
Sent: Wednesday, December 27, 2023 10:22 AM
To: Falcon Comments <falconcomments@ibwc.gov>
Cc: Russell Hooten
Subject: USIBWC Falcon Project grazing leases Draft EA/FONSI, TPWD Review (#51686)

Mr. Mark Howe,

Thank you for submitting the Draft Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) prepared by the U.S. International Boundary and Water Commission (USIBWC) for lease activities at the Falcon Dam and Reservoir in Starr and Zapata Counties, Texas. Eight land management alternatives to grazing leases, including the No Action Alternative, were presented in the Draft EA.

Based on a review of the documentation and project description provided, Texas Parks and Wildlife Department (TPWD) – Ecological and Environmental Planning Program does not anticipate significant adverse impacts to rare, threatened, or endangered species, or other fish and wildlife resources from the implementation of any of the eight alternatives. However, please note it is the responsibility of the project proponent to comply with all federal, state, and local laws that protect fish and wildlife. Provided the current project plans do not change, TPWD considers coordination to be complete.

Sincerely,
Russell Hooten

Russell Hooten
Environmental Review Biologist
Ecological and Environmental Planning Program
TPWD-Wildlife Division
1409 Waldron Road
Corpus Christi, TX 78418
russell.hooten@tpwd.texas.gov
361-431-6003 Office



AMERICAN INDIANS AT THE SPANISH
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December 27, 2023

Gilbert G. Anaya
Division Chief, Environmental Management Division
International Boundary and Water Commission
4191 N. Mesa Street
El Paso, Texas 79902-1423

Re: Tap Pilam Coahuiltecan Nation response to USIBWC Draft EA-FONSI for Lease Management of Federal Grazing Leases at Falcon Reservoir, Starr and Zapata Counties, Texas

Dear Mr. Anaya,

The American Indians of Texas at Spanish Colonial Missions (AITSCM) appreciates the opportunity to comment on behalf of the Tap Pilam Coahuiltecan Nation [36CFR800.2(c)(2)(ii)(D); 36CFR101(d)(6)(B)] regarding the above referenced federal Undertaking. We provided previous comments on your agency's federal undertaking on October 31, 2023, which the authors do not reference in the draft Environmental Assessment Finding of No Significant Impact (EA-FONSI).

At this time, our Nation does not concur with the EA-FONSI, because the content is not legally sufficient and does not comply with the National Historic Preservation Act (NHPA) or Secretary of the Interior's Standards and Guidelines for Preservation Planning. Review and Revision in Managing the Planning Process states "...incorporation of [our Nation's information and Texas State Historic Preservation Office Cultural Resource Management Report 9] is essential to improve the content of the plan and to keep it up-to-date and useful. New information must be reviewed regularly and systematically, and the plan revised accordingly" (Federal Register 1983:444717). Moreover, the draft EA-FONSI is factually incorrect in stating, "Because there would be no direct ground-disturbing activities and all potential impacts on known and unknown cultural resources would be associated with gazing activities ..., USIBWC made a no effect to historic properties determination for the proposed changes to the grazing lease program" (draft EA 2023:4). Cattle grazing on federal property cause adverse effects to historic properties as other federal agencies have determined in accordance with the NHPA.



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Our Tribe acknowledges the USIBWC congressional mandate to manage waters of the United States while making the federal land available to the public. However, without the EA's reference and documentation of our Nation's concerns and those of the Texas State Historic Preservation Office report, An Assessment of the Threatened Prehistoric and Historic Archaeological Resources at Falcon Reservoir, Zapata and Starr Counties, Texas, Alternative 2—Terminate Leases would appear to be the only option to meet a Finding of No Significant Impact (FONSI). While Alternative 2 is the only option that determines "soil disturbance from grazing activities would end and access restrictions would cease" (draft EA 2023:2), this option has no requirement to comply with the NHPA. The NHPA defines "Neglect of a property which causes deterioration," such as unauthorized activities, as an Adverse Effect [36CFR800.5(a)(2)(vi)]. Other federal land management agencies have recognized the adverse effects grazing has to historic properties within federal lands.

For example, the southwestern region U.S. Forest Service's Cultural Resources Specialist Report stated, "Livestock grazing can negatively impact sites directly by trampling, artifact breakage, soil compaction, soil removal, toppling masonry walls and other types of damage to features as livestock walk through a site. Grazing can indirectly impact sites through loss of ground cover which in turn leads to erosion" (Forest Plan Revision DEIS:25,32). The loss of ground cover grazing creates at Falcon Reservoir has been leading to erosion, which is an ongoing cumulative adverse effect, is not covered in the draft EA-FONSI. To meet Section 106 responsibilities, the USFS entered into a Programmatic Agreement with the geographically based Native American Tribe.

Our Tribe seeks a partnership with the USIBWC, and our Tribe recommends a viable alternative Programmatic Agreement similar to the Bureau of Land Management (BLM) Carlsbad Office's Permian Basin Programmatic Agreement (BLM-PBPA). The benefit of the BLM-PBPA is its form of off-site mitigation, which allows industry to pay into a mitigation fund in lieu of paying for additional archaeological inventory for projects within specific USGS 7.5 minute topographic quadrangles. The PBPA is available to applicants whose projects do not traverse known or unknown cultural resources. The USFS uses the funds received from their programmatic agreement for its non-profit partner to conduct archaeological research of significant sites, predictive modeling, targeted research activities, and public presentations of the research results. The USIBWC could use it funds from the PBPA for similar purposes. In general, the PBPA is similar to the USACE's concept of wetland mitigation banks.

Accordingly, our Nation recommends USIBWC enter into a Falcon Reservoir Programmatic Agreement (FRPA) with our Tribe through our non-profit representative American Indians of Texas at Spanish Colonial Missions (AITSCM). The FRPA would fulfill a conditional EA-FONSI. All work produced by AITSCM will be by qualified professionals associated with our Tribe and meet the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.



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In our October 31, 2023 response letter, our Tribe recommended that USIBWC prepare a Historic Resources Study in accordance with the Secretary of the Interior's Standards for Historic Documentation. Through the FRPA, our Tribe could produce this type of in-depth archival document for USIBWC's demonstrated compliance with the NHPA. The Historic Resources Study would enable our Tribe and USIBWC to assess the types of impacts the Proposed Actions would have to cultural resources and our Traditional Cultural Properties below the 314 contour water line and perform alternative mitigation at that project specific location or a significant site elsewhere.

Our Tribe appreciates your agency's efforts to preserve and protect our Tribe's significant religious and cultural sites and heritage at Falcon Reservoir. We reiterates our offer to collaborate with your agency by entering into the proposed Falcon Reservoir Programmatic Agreement (FRPA) according to 36CFR800.2(c)(ii)(E) in preparing documents to assure the preservation and protection of Historic Properties under the USIBWC's jurisdiction and compliance with the NHPA. Lastly, through such an alternative FRPA, your agency would have access to our Nation's proprietary archive records.

Respectfully,

Ramon Vasquez, Executive Director

USIBWC Responses to the American Indians at the Spanish Colonial Missions (AITSCM) Comments

AITSCM Comment 1:

At this time, our Nation does not concur with the EA-FONSI, because the content is not legally sufficient and does not comply with the National Historic Preservation Act (NHPA) or Secretary of the Interior's Standards and Guidelines for Preservation Planning. Review and Revision in Managing the Planning Process states "...incorporation of [our Nation's information and Texas State Historic Preservation Office Cultural Resource Management Report 9] is essential to improve the content of the plan and to keep it up-to-date and useful. New information must be reviewed regularly and systematically, and the plan revised accordingly" (Federal Register 1983:444717). Moreover, the draft EA-FONSI is factually incorrect in stating, "Because there would be no direct ground- disturbing activities and all potential impacts on known and unknown cultural resources would be associated with gazing activities ..., USIBWC made a no effect to historic properties determination for the proposed changes to the grazing lease program" (draft EA 2023:4). Cattle grazing on federal property cause adverse effects to historic properties as other federal agencies have determined in accordance with the NHPA.

USIBWC Response to AITSCM Comment 1:

Cattle grazing has occurred in the Falcon Project federal grazing leases since the 1950s. Under the Proposed Action, USIBWC has presented a range of alternatives (see Sections 2.1 through 2.8) that includes continuing grazing lease activities with improved management (Alternative 3), terminating grazing leases (Alternatives 2 and 5), and altering land management activities (Alternatives 4, 6, and 7). All the alternatives for implementing the Proposed Action would provide improved protection and management of USIBWC-managed federal lands in the Falcon Project relative to the No Action Alternative, which would allow the continued grazing activities in leases unchanged. Therefore, compared to implementing the No Action Alternative, all alternatives evaluated for implementing the Proposed Action would improve the management and protection of historic properties on USIBWC-managed federal lands at the Falcon Project. Further, USIBWC received concurrence from the Texas SHPO on their no effect on historic properties determination on 26 September 2023.

AITSCM Comment 2:

Our Tribe acknowledges the USIBWC congressional mandate to manage waters of the United States while making the federal land available to the public. However, without the EA's reference and documentation of our Nation's concerns and those of the Texas State Historic Preservation Office report, An Assessment of the Threatened Prehistoric and Historic Archaeological Resources at Falcon Reservoir, Zapata and Starr Counties, Texas, Alternative 2—Terminate Leases would appear to be the only option to meet a Finding of No Significant Impact (FONSI). While Alternative 2 is the only option that determines "soil disturbance

from grazing activities would end and access restrictions would cease” (draft EA 2023:2), this option has no requirement to comply with the NHPA. The NHPA defines “Neglect of a property which causes deterioration,” such as unauthorized activities, as an Adverse Effect [36CFR800.5(a)(2)(vi)].

Other federal land management agencies have recognized the adverse effects grazing has to historic properties within federal lands. For example, the southwestern region U.S. Forest Service’s Cultural Resources Specialist Report stated, “Livestock grazing can negatively impact sites directly by trampling, artifact breakage, soil compaction, soil removal, toppling masonry walls and other types of damage to features as livestock walk through a site. Grazing can indirectly impact sites through loss of ground cover which in turn leads to erosion” (Forest Plan Revision DEIS:25,32). The loss of ground cover grazing creates at Falcon Reservoir has been leading to erosion, which is an ongoing cumulative adverse effect, is not covered in the draft EA-FONSI. To meet Section 106 responsibilities, the USFS entered into a Programmatic Agreement with the geographically based Native American Tribe.

USIBWC Response to AITSCM Comment 2:

USIBWC recognizes the potential for grazing to impact known and unknown historic resources. However, USIBWC has developed a Cultural Resources Management Plan (CRMP) to provide effective management of cultural resources at the Falcon Project. The CRMP summarizes the prehistory and history of the property, reviews past historical and archaeological survey efforts, outlines and assigns responsibilities for the management of cultural resources and discusses related concerns and standard operating procedures for Falcon Project. It discusses procedures to preserve the cultural resources of Falcon Project within the context of USIBWC’s mission. The current CRMP is a five-year plan, for fiscal years 2020 through 2025. This is a revised and updated CRMP from the expired CRMP from 2014 to 2019. The implementation and continual update of the CRMP provides for the management of historic properties within the Falcon Project under the No Action Alternative, as well as within the framework of Alternatives 2 through 8 for implementation of the Proposed Action. With the continued update and implementation of the CRMP, as described for the Proposed Action, there would be no adverse effects to known and unknown historic properties from ongoing and proposed future grazing in the Falcon Project.

AITSCM Comment 3:

Our Tribe seeks a partnership with the USIBWC, and our Tribe recommends a viable alternative Programmatic Agreement similar to the Bureau of Land Management (BLM) Carlsbad Office’s Permian Basin Programmatic Agreement (BLM-PBPA). The benefit of the BLM-PBPA is its form of off-site mitigation, which allows industry to pay into a mitigation fund in lieu of paying for additional archaeological inventory for projects within specific USGS [U.S. Geological Survey] 7.5 minute topographic quadrangles. The PBPA is available to applicants whose projects do not traverse known or unknown cultural resources. The USFS [U.S. Forest Service] uses the funds received from their programmatic agreement for its non-profit partner to conduct archaeological research of

significant sites, predictive modeling, targeted research activities, and public presentations of the research results. The USIBWC could use it funds from the PBPA for similar purposes. In general, the PBPA is similar to the USACE's concept of wetland mitigation banks.

Accordingly, our Nation recommends USIBWC enter into a Falcon Reservoir Programmatic Agreement (FRPA) with our Tribe through our non-profit representative American Indians of Texas at Spanish Colonial Missions (AITSCM). The FRPA would fulfill a conditional EA-FONSI. All work produced by AITSCM will be by qualified professionals associated with our Tribe and meet the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. In our October 31, 2023 response letter, our Tribe recommended that USIBWC prepare a Historic Resources Study in accordance with the Secretary of the Interior's Standards for Historic Documentation. Through the FRPA, our Tribe could produce this type of in-depth archival document for USIBWC's demonstrated compliance with the NHPA. The Historic Resources Study would enable our Tribe and USIBWC to assess the types of impacts the Proposed Actions would have to cultural resources and our Traditional Cultural Properties below the 314 contour water line and perform alternative mitigation at that project specific location or a significant site elsewhere.

USIBWC Response to AITSCM Comment 3:

As described in the response to AITSCM Comment 2, USIBWC has a CRMP that has been prepared in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. The USIBWC utilizes the CRMP to assess the types of impacts on historic resources describe by the Proposed Action, the alternative evaluated to implement the Proposed Action as described in this EA, and the No Action Alternative.

As part of the development of the CRMP, USIBWC entered into a *Programmatic Agreement Between the USIBWC, Texas State Historic Preservation Officer, and The Texas Parks and Wildlife Department for The Management of Historic Properties Relating to Falcon Dam and Reservoir and Associated Areas, Zapata and Starr Counties, Texas*. This Programmatic Agreement included the recognition of properties of religious or cultural significance to Tribes and the commitment of USIBWC to consult with Tribes for any such property. The Programmatic Agreement has recently expired and USIBWC is in the process of developing a new Programmatic Agreement. Until that Programmatic Agreement is completed, USIBWC consults with THC on projects. Although the Programmatic Agreement expired, USIBWC is committed to consulting with the AITSCM on any identified traditional cultural property under the requirements of the NHPA and with the commitments made under the former Programmatic Agreement.