

**DRAFT**  
**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**  
**FOR THE**  
**ENVIRONMENTAL ASSESSMENT OF**  
**NORTHERN BORDER**  
**REMOTE VIDEO SURVEILLANCE SYSTEM PROJECT**  
**SWANTON SECTOR**  
**(New York and Vermont)**  
**PHASE I**

**NAME OF THE PROPOSED ACTION:** Environmental Assessment of Northern Border Remote Video Surveillance System (RVSS) Project Swanton Sector Area of Responsibility (AOR) Phase I.

**DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES:**

This finding, and the analysis upon which it is based, was prepared pursuant to the President's Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA) and its implementing regulations as promulgated at 40 Code of Federal Regulations (CFR) Part 1500 (40 CFR 1500-1508).

U.S. Customs and Border Protection (CBP) proposes to construct, operate, and maintain a U.S. Customs and Border Protection (CBP) proposes to construct, operate, and maintain relocatable and permanent RVSS towers, and the colocation of equipment on a commercial cell tower to provide long-term, permanent surveillance in the USBP Swanton Sector. With the RVSS, CBP can maintain surveillance over large areas, contributing to agent safety, and increasing operational effectiveness as they detect, identify, and classify incursions/illegal entry and resolve the incursions with the appropriate level of response. CBP analyzed the following two alternatives in the *Environmental Assessment (EA) of Northern Border Remote Video Surveillance System Project Swanton Sector I*. This Finding of No Significant Impact (FONSI) incorporates the descriptions, evaluations, and analyses in the EA.

**Alternative 1: No Action Alternative.** Construction of the proposed RVSS sites and the co-location sites would not occur and there would be the continuation of current practices and procedures. Surveillance, visual detection, and situational awareness would not be enhanced within the area covered by the proposed RVSS sites. The operational efficiency (interdiction of cross - border violators) and effectiveness of the USBP would not be increased in the area covered by the proposed surveillance sites. Without the 24/7 surveillance capability, there is the probability that cross-border violations will increase.

**Alternative 2: Preferred Alternative.** CBP would construct, operate, and maintain relocatable and permanent RVSS towers, and the co-locate equipment on a commercial cell tower to provide long-term, permanent surveillance at strategic locations along the US/Canadian border in New York and Vermont with the USBP Swanton Sector. Each RVSS tower would be equipped with a suite of sensors and/or communications equipment. RVSS technology provides USBP officers with the capabilities to perform their border security mission, improve mission effectiveness, operational awareness, and USBP officer safety. The goal is to provide USBP with enhanced surveillance and detection capabilities to secure the U.S./Canada border within the

area of responsibility of the USBP Swanton Sector. A total of eight sites (one primary and one alternate site at two locations, as well as one co-located site were included as part of the Preferred Alternative). Some sites have been chosen to have a relocatable tower installed in advance of the fixed tower installation.

**PUBLIC INVOLVEMENT:** Consultation with federal, state, and local agencies and federally recognized Tribes began in December 2018. A Draft EA was available at local public libraries and by public agencies and stakeholders. Notices of availability were published in relevant local newspapers in the AOR. The Final EA will be available on the CBP website at <https://www.cbp.gov/about/environmental-management-sustainability/nepa> for 30 days. Notices of Availability of the Final EA will be published in relevant local newspapers in the AOR.

**ENVIRONMENTAL CONSEQUENCES:**

CBP has identified Alternative 2 as its Preferred Alternative as it meets CBPs' mission, purpose, and need. No mitigation beyond Best Management Practices (BMPs) are needed to prevent impacts on the identified resources from implementation of the Proposed Action.

**Land Use:** Six sites would be permanently converted in their 100 ft. x 100 ft. plots (10,000 sq. ft. or 0.23 acres each) from the current land use to the fixed RVSS facilities. In the long-term, the presence of either a fixed and/or relocatable tower would have a minor impact on the land use within the site parcels as well as adjacent parcels due to the small size.

**Surface Waters and Waters of the US:** Surface waters and Waters of the US (WOTUS) are present at two proposed sites, however, the towers have not been proposed in or near the wetlands or streams and would have a greater than 100 ft. buffer. BMPs to control erosion during construction would be in place. The culvert/drainage crossing required at SWB-CNB-001a has been proposed in a location removed from the stream as well (over 100 ft. north). Because the sites would not be located in or near surface waters or WOTUS, and because the sites will have a sufficient buffer for any adjacent areas, and because BMPs would be in place during construction, impacts on surface waters and WOTUS from the proposed action would be considered negligible and short-term.

**Vegetation:** The proposed action would permanently remove grass at six (6) sites in their 100 ft. x 100 ft. plots and would temporarily impact surrounding vegetation during the 30-45 days in the surrounding 200 ft. x 200 ft. plot during construction. Because grass can be easily restored, impacts would be considered negligible at these sites. One site (SWB-CNB-002a), is wooded and would require tree removal in the 100 ft. x 100 ft. plot which would have permanent impacts on this vegetation. Permanent loss of the small amount of acreage would not adversely affect the population viability of any plant species in the region. No impacts on vegetation are anticipated at the SWB-NVB-001 site. RVSS technology is expected to reduce CBV pedestrian traffic which may lead to unauthorized roads and trails, damaged vegetation, and promote the dispersal and establishment of non-native invasive species. None of the vegetation communities are rare and the amounts are small. Because BMPs would be in place, the localized nature of the construction activities, and the recoverability after disturbance due to revegetation efforts to surrounding areas, long-term consequences to regional vegetation are not expected. Therefore,

impacts on vegetation from construction associated with Alternative 2 would be considered minor.

**Wildlife Resources:** Grass habitat present at six (6) sites would be permanently removed in their 100 ft. x 100 ft. plots (10,000 sq. ft. or 0.23 acres each) and would temporarily impact surrounding grass wildlife habitat during the 30-45 days in the surrounding 200 ft. x 200 ft. plot during construction. Because grass can be easily restored, and because of the small area, impacts on wildlife and habitat would be considered negligible at these sites. One site (SWB-CNB-002a), is wooded and would require tree removal in the 100 ft. x 100 ft. plot which would have permanent impacts on this habitat. Permanent loss of the small amount of acreage would not adversely affect the population viability of any wildlife species in the region and readily equivalent habitat is available nearby for displaced wildlife. No impacts on wildlife habitat are anticipated at the SWB-NVB-001 site from the relocatable or fixed tower.

**Threatened and Endangered Species:** Two mammal species were identified with potential for presence at the sites: Canada lynx and Northern long-eared bat. No critical habitat occurs within the project area. The Canada lynx was identified as having a potential distribution at one site, SWB-NVB-001, but the open agricultural space and lack of the primary prey source makes the presence of this species unlikely. Because there is no suitable habitat or prey availability, there would be no co-occurrence of the Canada lynx with the proposed action, and the CBP made a “no effect” determination pursuant to the Endangered Species Act. For the northern long-eared bat, potential roost trees noted at three sites could be avoided during construction as they are beyond the border of the construction footprint and would not be removed. Potential bat habitat is present adjacent to the remaining tower sites but is beyond 1000 ft. Impacts on individual bats would be limited to construction noise disturbances (only if present at the time of construction) and potential collisions with the towers. Collisions with the towers would be addressed by following the USFWS Guidance. Because of the minimal amount of impact on any bat habitat present in the area of the towers, short construction window, and reduced lighting impacts, impacts on the north long-eared bat from construction, operation, maintenance would be considered long-term and minor, if present in the area of a tower. CBP consulted with USFWS through the IPAC system during the scoping period. Because several tower locations are near wooded areas, the CBP has determined the installation of towers under the proposed action “may affect” the Northern long-eared bat. Through online consultation, the CBP will rely on the Service’s January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions to fulfill its Section 7(a)(2) consultation obligation.

**Cultural Resources:** In accordance with Section 106, determinations of effect were identified for each location based on the type and extent of ground disturbance (archaeological sites) and viewshed analysis (architectural resources). As needed, proposed RVSS tower locations were shifted to avoid adverse impacts to NRHP-eligible or listed cultural resources. Determinations of effect submitted to the respective SHPOS (New York State Office of Parks, Recreation, and Historic Preservation [NYSOPRHP] and Vermont Division of Historic Preservation [VT DHP]) included four findings of “No Historic Properties Affected” and three findings of “No Adverse Effect”. The respective SHPOs concurred with these determinations. Because remote surveillance would be implemented and serve as a deterrent to CBVs, CBP ground operations

and CBV pedestrian traffic would be minimized. As a result, unauthorized roads and trails in undisturbed areas would not be created and destruction of vegetation leading to exposure of and damage to previously unidentified archaeological sites would not occur.

**Utilities and Infrastructure:** Commercial grid power is either currently available or would be acquired for all proposed towers. A portable engine generator outlet and grid power will be connected to provide both normal and backup power to the tower loads. The proposed action would result in minor, long term effects on the availability of utilities throughout the ROI because of the limited amperage needed by each tower to operate all equipment and because all towers would be tied into an existing and available service transmission line.

**Aesthetic and Visual Resources:** Visual resources consist of natural and manmade features that give a particular environment its aesthetic qualities. The existing aesthetics and visual quality surrounding each proposed RVSS tower location are rural landscape, residential development, or commercial/ industrial/ government areas. Negligible impacts to aesthetics and visual resources were identified at five RVSS tower locations based on the presence of existing manmade or vegetative screening of views toward the tower locations and the incorporation of the RVSS tower within the commercial/industrial /government sector with similar existing vertical technological elements. Minor impacts were identified at four locations based on the visibility of the RVSS tower within the rural landscape sector in close proximity to farmsteads; however, the primary views from the farmsteads occurred in directions away from the RVSS tower location. The linear nature of the RVSS tower would represent only a narrow intrusion in the overall rural view. The presence of the RVSS towers would not introduce obvious visual intrusions into, nor substantially alter the open vistas associated within the Rural Landscape sector. Overall, the proposed project would have negligible to minor impacts on aesthetics and visual resources.

**FINDING:**

On the basis of the analysis in the EA, which is incorporated by reference, and which has been conducted in accordance with the National Environmental Policy Act, the Council on Environmental Quality regulations, and Department of Homeland Security Directive 023-01 (October 2014) and Instruction 023-01-001-01 Rev. 01 (Nov. 2014) "*Implementation of the Environmental Policy Act*", and after careful review of the potential environmental impacts, we find the Preferred Alternative would not have a significant impact on the quality of the human or natural environment and an Environmental Impact Statement is not required.

In accordance with 40 C.F.R. 1500.3(b)(4) and 1501.6(a), the signatories below acknowledge that the information and analyses submitted by the public, Federal and state agencies, local government, and Tribes have been considered in this Finding.

CBP has selected the following tower locations based on strategic mission needs and the analysis that appears in the EA. CBP is committed to implementing BMPs and environmental design measures identified in the EA and supporting documents.

<b>Preferred Location</b>	<b>Site Name</b>	<b>Local Name</b>	<b>Tower Height</b>	<b>Tower Type</b>	<b>City/Twp.</b>	<b>County</b>
x	SWB-CNB-001a	Duty Free (a)	180'	FT (lattice)	Champlain, NY	Clinton
x	SWB-CNB-002a	Glass Road (a)	120'	FT (monopole)	Champlain, NY	Clinton
	SWB-SWS-001	Rainville Rd	120'	RT to FT (monopole)	Highgate, VT	Franklin
x	SWB-RIB-001	Morses Line	120'	RT to FT (monopole)	Franklin, VT	Franklin
	SWB-RIB-002a	Pinnacle Hill (a)	120'	RT to FT (monopole)	Richford, VT	Franklin
x	SWB-RIB-002b	Pinnacle Hill (b)	120'	RT to FT (monopole)	Richford, VT	Franklin
x	SWB-NVB-001	Letourneau Field	120'	RT to FT (monopole)	Derby, VT	Orleans
x	SWB-NVB-003	North Troy	120'	RT to FT (monopole)	Troy, VT	Orleans

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Date