

Final

Programmatic Environmental Impact Statement For Northern Border Activities

Section 10: Future NEPA



July 2012

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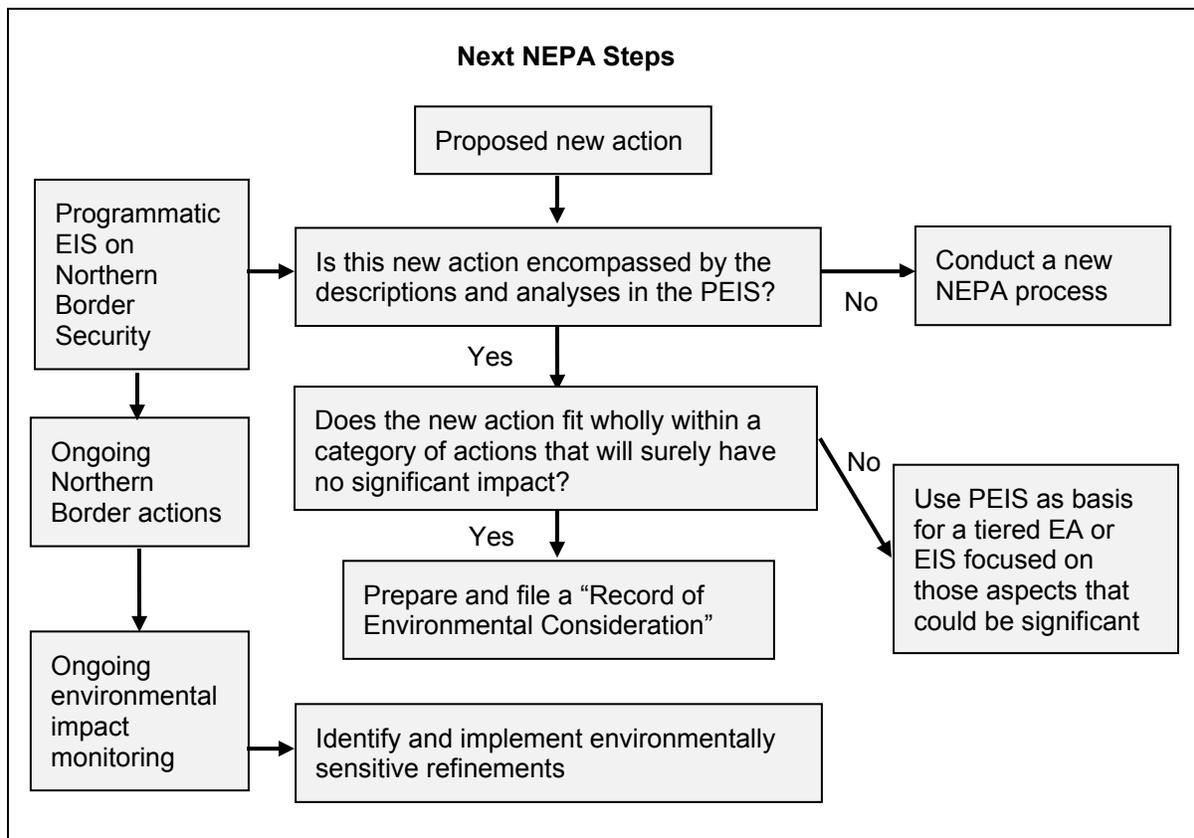
10 FUTURE PLANNING AND NEPA COMPLIANCE

The U.S. Customs and Border Protection (CBP) will use this document in several ways. In the near term, CBP’s decision makers will use this Programmatic Environmental Impact Statement (PEIS), along with other considerations in regard to security, effectiveness, and cost, in their selection of one of the alternative program strategies discussed in this document. CBP will publish its decision in a Record of Decision, which will present the agency’s rationale for the choice it has made. That decision will be made no less than 30 days after CBP publishes the Final PEIS. The decision will consider comments received on the Final PEIS.

10.1 NEPA Compliance

CBP will use this PEIS as a foundation environmental planning tool over the next five to seven years. When CBP offices or subcomponents develop specific proposals to build new structures, implement new technologies, or add new tactical security infrastructure along the northern border, planners will consult this PEIS to help determine what environmental considerations to focus upon in site-specific analysis and documentation. As shown in Figure 10-1, the planners’ next steps will depend on the extent to which the new action is encompassed within the “envelope” created by this PEIS.

Figure 10.1-1. The PEIS and Project National Environmental Policy Act Analysis



Proposals for new unique activities or programs of activities not otherwise covered within the PEIS would require unique and entirely independent National Environmental Policy Act (NEPA) analysis processes. These would require a new Environmental Assessment or Environmental

Impact Statement (EIS) depending on the potential for significant environmental impacts. In such a case, this PEIS provides only limited relevant input to the new effort in terms of background information about CBP goals and the baseline overview of potentially affected environmental resources.

Proposals for activities of the type and magnitude addressed in this EIS that only have potential for negligible effects and, no extraordinary circumstances elevating impact concerns, would be subject to minimal environmental review in accordance to existing DHS guidance for categorically excluded items found in DHS Directive 023-01. In such a case, CBP would prepare a brief statement affirming that the new action has no potential for significant impacts and otherwise fits within the envelope of this PEIS.

10.2 Future Planning

Most new actions will likely fit somewhere between these extremes. They will likely have some potential effects that are not fully addressed in the PEIS. For example, the new actions may have effects influenced by the particular location of the action. In these cases, additional NEPA analyses would be needed. As appropriate and applicable, the new NEPA analysis will draw from this PEIS to craft the more specific analyses for the new action. The new “tiered” document(s) will not need to repeat those aspects of the existing impact analysis that are still pertinent to the new action. Instead, the new document will focus on issues specific to the new action and its location. This will save CBP time and effort in future environmental planning by capitalizing on the investment made in this PEIS.

CBP will also use this PEIS to help refine its current, ongoing activities to, when appropriate, lessen environmental impacts without jeopardizing essential security considerations. A key component of this effort will be the creation and implementation of an impact-monitoring program for each of its projects with the potential to impact the environment adversely. Under this “adaptive management” effort, CBP will periodically measure the conditions of key environmental resources affected by its activities. Based on monitoring results, CBP will periodically determine if adaptations would be feasible that would further enhance beneficial effects or lessen adverse effects. CBP anticipates that the full development of this mitigation monitoring and impacts management effort will involve other Federal agencies in the border area. These agencies include, but are not limited to the U.S. Fish and Wildlife Service, the U.S. Forest Service and the National Park Service.

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