

FINAL
Finding of No Significant Impact
Construction, Operation, and Maintenance of a Border Patrol Station
in the Buffalo Sector, Niagara Area of Responsibility

Pursuant to the Council on Environmental Quality regulations (Title 40 of the *Code of Federal Regulations* Parts 1500–1508) for implementing the procedural provisions of the National Environmental Policy Act (Title 42 of the *United States Code* 4321 *et seq.*), Department of Homeland Security Directive 023.1, and U.S. Customs and Border Protection (CBP) policies and procedures for land acquisition, the Department of Homeland Security, CBP, conducted an environmental assessment (EA) of the potential environmental and socioeconomic effects associated with constructing and operating a Border Patrol Station (BPS) in the U.S. Border Patrol's (USBP) Buffalo Sector, Niagara Area of Responsibility (AOR).

Proposed Action

The proposed Federal action is to construct, operate, and maintain a new BPS at a site in the Niagara AOR.

Purpose, Need, and Scope

The purpose of the proposed action is to adequately facilitate the primary goals and objectives of USBP's mission and strategy to increase border security in the Niagara AOR. The need for the proposed action is to provide a state-of-the-art facility for agents and staff to accomplish their mission. The existing Niagara BPS does not provide adequate facilities for performing today's USBP duties. The proposed action would provide adequate facility capacity and provide a working environment supportive of the USBP mission. The EA analyzes effects on the human and natural environment resulting from constructing a BPS to serve the Niagara AOR and operation and maintenance of the BPS after its construction. USBP operations conducted in the field away from the proposed new BPS are not analyzed in the EA. Although establishing the BPS would facilitate border patrol operations in the Niagara AOR, those operations would not be expected to change in the foreseeable future.

Alternatives Considered

The U.S. Army Corps of Engineers, Detroit District, Real Estate Division, conducted a survey of the designated area for the proposed Niagara AOR BPS and identified 13 parcels for evaluation as candidate sites. Of those 13, 10 were eliminated from consideration and 3 were selected for further evaluation as potential parcels for the proposed new Niagara AOR BPS. The EA provides detailed analysis of the three parcels—referred to as the Alternative 1, Alternative 2, and Alternative 3 parcels—and the No Action Alternative. CBP's Preferred Alternative is the construction, operation, and maintenance of a new Niagara AOR BPS on the Alternative 1 parcel as outlined in Alternative 1. Council on Environmental Quality regulations require the evaluation of the No Action Alternative, under which a new BPS would not be constructed and USBP would continue to operate from the existing Niagara AOR BPS at 1708 Lafayette Avenue in Niagara Falls, New York under constrained conditions.

Environmental Consequences

Implementing any of the alternatives would not be expected to result in significant effects on the quality of the human environment. The expected effects of each of the alternatives analyzed in the EA are summarized below.

No Action Alternative. The No Action Alternative would be expected to have long-term minor adverse effects on human health and safety (from the inadequacy of the existing Niagara BPS to meet the needs of current and future USBP agents or operational requirements from a facility that is not designed to accommodate the present number of USBP agents or all operations a BPS is required to perform). The No Action Alternative would not be expected to have an effect on other resource areas.

Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel (Niagara Falls ARS). Implementing Alternative 1 would be expected to have short-term minor adverse effects on geology and soils, wildlife and aquatic resources, surface waters and waters of the United States, aesthetics and visual resources, and the protection of children. The short-term effects would result mainly from

construction activities. Alternative 1 would be expected to have a combination of short- and long-term minor adverse effects on following resource areas:

- Hydrology and groundwater from an increase in impervious surface area and stormwater runoff;
- Air quality from pollutant emissions associated with construction, operation of the BPS, and vehicle trips;
- The noise environment associated with construction activities and BPS operations;
- Utilities and infrastructure from the increased demand on utilities from operating the new BPS; and
- Hazardous materials from the potential for spills of such materials during construction and BPS operations.

Alternative 1 would also be expected to have a combination of short-term minor adverse and long-term moderate adverse effects on land use, and negligible adverse effects on vegetation and floodplains. The 2010 effective Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) shows part of the parcel to be in a Zone AE flood zone, indicating that the area is subject to a one percent annual chance flood with no base flood elevations determined. However, a detailed floodplain map created by the USACE Buffalo District on behalf of the Niagara Falls ARS in 2005 found that the floodzone is significantly smaller than that indicated on the effective FEMA FIRM. USACE Buffalo District prepared a Letter of Map Revision (LOMR) and submitted the request to the Letter of Map Change Clearinghouse FEMA Region 2 on February 21, 2014. The LOMR was approved on April 16, 2015 and became effective on October 16, 2015. Portions of the parcel (approximately five percent) are in a 100-year floodplain, so development would be sited to avoid any floodplains to the maximum extent practicable. Implementing Alternative 1 would be expected to have short-term minor beneficial effects on socioeconomics in the regional economy from employment, wages, sales, and expenditures for services, materials, and supplies generated during construction of the BPS. Long-term minor beneficial effects on human health and safety would be expected from improved working conditions for the BPS personnel. Long-term minor adverse effects on sustainability and greening would be expected from the environmental footprint created by the new BPS. Implementing Alternative 1 would not be expected to have an effect on threatened and endangered species or cultural resources.

Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel (Williams Road).

Implementing Alternative 2 would be expected to have similar effects as discussed above for Alternative 1. Implementing Alternative 2 would have no effect on floodplains because the Alternative 2 parcel is not in a 100-year floodplain.

Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel (Tuscarora Road West).

Implementing Alternative 3 would be expected to have similar effects as discussed above for Alternative 1. Implementing Alternative 3 would have no effect on floodplains because the Alternative 3 parcel is not in a 100-year floodplain.

Factors Considered in Determining that No Environmental Impact Statement is Required

The EA, which is attached to and incorporated by reference into this Finding of No Significant Impact (FONSI), examines the potential effects of the alternatives—Alternative 1, Alternative 2, Alternative 3, and the No Action Alternative—on resource areas of environmental and socioeconomic concern: land use, geology and soils, vegetation, wildlife and aquatic resources, threatened and endangered species, hydrology and groundwater, surface waters and waters of the United States, floodplains, air quality, noise, cultural resources, utilities and infrastructure, roadways and traffic, aesthetic and visual resources, hazardous and toxic materials, socioeconomics, environmental justice and protection of children, human health and safety, and sustainability, greening and climate change.

None of the adverse effects would be expected to be significant. No significant adverse cumulative effects were identified in association with implementing any of the alternatives. Implementing any of the proposed alternatives would be expected to result in a combination of short- and long-term minor adverse, long-term moderate adverse and beneficial effects. Short-term minor adverse effects on land use, geology and soils, wildlife and aquatic resources, surface waters and waters of the United States, aesthetic and visual resources, and environmental justice and protection of children would be expected, primarily associated with construction activities. Short- and long-term minor adverse effects would be expected on hydrology and groundwater, air

quality, noise, utilities and infrastructure, and hazardous materials resulting from construction activities and operation of the BPS. These effects include potential soil compaction, increase in impervious surfaces, increase in stormwater runoff, a decrease in infiltration to groundwater, and increase in noise associated with operation of a dog kennel. Long-term moderate adverse effects on land use would be expected from the construction and operation of the Niagara BPS on any of the alternative parcels, which are presently open space. Long-term minor adverse effects on sustainability, greening, and climate change would be expected from the environmental footprint created by the BPS, although these would be minimized with energy-efficient and low-usage utility systems, appliances, and fixtures. Short-term minor beneficial effects on the local economy would be expected from expenditures and employment associated with construction of the proposed Niagara BPS. Long-term minor beneficial effects on human health and safety would be expected from improved working conditions for the BPS personnel.

Mitigation actions are used to reduce, avoid, or compensate for significant adverse effects. The EA does not identify any potentially significant adverse effects or the need for any mitigation measures. For those minor adverse effects that cannot be avoided, best management practices (BMPs) would be used to minimize the adverse effects to the maximum extent practicable. BMPs include features designed to protect, maintain, restore, or enhance environmental conditions. BMPs that would minimize or avoid adverse effects during construction and operation of the BPS are identified for resource areas on which adverse effects would be expected. CBP and its contractors would take the following precautions or use the following BMPs to minimize any adverse effects of the proposed action.

Surface Waters, Groundwater, and Aquatic Habitat

- Develop a site-specific Stormwater Pollution Prevention Plan (SWPPP) that includes BMPs such as silt fences, diversion ditches, mulching, straw bales, and reseeded and reestablishing vegetation on bare soil as soon as practicable. Stabilize and restore disturbed areas after construction and implement a long-term stormwater management system.
- Implement the construction-specific, state-approved BMPs in the SWPPP for controlling runoff, erosion, and sedimentation.
- Ensure that all construction activities comply with the requirements of the state permit for stormwater discharges.
- Ensure that all construction activities comply with the requirements of Section 438 of the Energy Independence and Security Act of 2007 to maintain, to the maximum extent practicable, the predevelopment hydrology of the property.
- Incorporate an effective stormwater management system, landscaping, and BMPs into the permanent site design and operation of the new BPS to offset any potential long-term minor adverse effects on groundwater resources.
- Site the new BPS to avoid disturbing the wetland areas to the maximum extent practicable so as to maintain the hydrologic connection between wetlands, surface, and groundwater systems (if it is determined that wetlands are on the selected parcel).

Hazardous and Toxic Substances

- Conduct all operations involving hazardous materials and petroleum products in compliance with applicable local, state, and Federal regulations.
- Employ reasonable containment and control of solid wastes generated from, and hazardous substances used in, renovation and construction activities.

Air Quality

- Use water to control dust during construction operations, road grading, or land clearing.
- Pave roadways and keep them clean.
- Cover open equipment used to convey or transport material if it would likely create objectionable odors.
- Promptly remove spilled or tracked dirt or other materials from paved streets.

Noise

- Conduct construction primarily in normal weekday business hours, especially adjacent to noise-sensitive land uses such as residential and recreational areas.
- Properly maintain construction equipment mufflers and keep them in good working order.

Roadways and Traffic

- Route and schedule construction vehicle traffic to minimize conflicts with other traffic.
- Strategically locate construction material staging areas to minimize traffic effects.
- Equip all construction vehicles with backing alarms, two-way radios, and *Slow Moving Vehicle* signs when appropriate.

Protection of Children

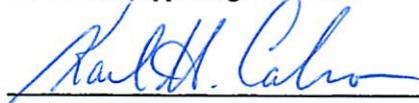
- Take appropriate Federal and state safety measures during construction, including perimeter barriers and posting *No Trespassing* signs around the construction site to deter entry to the area.
- Secure construction vehicles and equipment when not in use.
- Handle all spills or releases of petroleum products, hazardous materials, pollutants, or contaminants in accordance with measures outlined in a spill prevention and response plan.
- Prevent petroleum products, hazardous materials, pollutants, and contaminants from reaching stormwater, and ensure that spill kits are available on-site.

Public Review

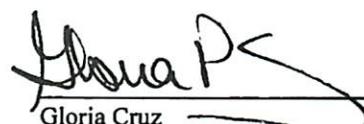
The Draft EA was made available for public review for 30 days after a Notice of Availability (NOA) was published in the *Buffalo News* and *Niagara Gazette* newspapers on May 1, 2014. A copy of the NOA and affidavit of publication are included in the EA. The Draft EA was made available for review at the Niagara Falls Public Library, 1425 Main Street, Niagara Falls, NY 14305, and at the Niagara Falls Public Library, LaSalle Branch, 8728 Buffalo Avenue, Niagara Falls, NY 14304 and online at <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review>. All correspondence sent or received during the preparation of the EA is included in the Final EA. The Final EA and signed Finding of No Significant Impact (FONSI) will be made available to the public after an additional NOA is published in the *Buffalo News* and *Niagara Gazette* newspapers. The Final EA and signed FONSI will also be made available for review at the Niagara Falls public libraries and online (see addresses above).

Conclusions

The referenced EA has been conducted in accordance with NEPA, the Council on Environmental Quality (CEQ) regulations, and U.S. Department of Homeland Security Management Directives 023-01 and 023-01, Revision 1. After careful review of the EA and the potential environmental impacts of implementing the Proposed Action, we find there would be no significant impact on the quality of the human or natural environment, either individually or cumulatively. As a result, there is no requirement to prepare an Environmental Impact Statement (EIS). We commit to implementing the BMPs, environmental design and/or mitigation measures identified in the EA and supporting documents.


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Executive Director, Facilities Management & Engineering
U.S. Customs and Border Protection

12/29/15
Date


Gloria Cruz
Acting Director, Facilities Branch
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11/27/15
Date

FINAL
Environmental Assessment

for the

U.S. Customs and Border Protection
Buffalo Sector
Niagara Area of Responsibility Border Patrol Station
Niagara County, New York



October 2015

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EXECUTIVE SUMMARY

PROPOSED ACTION

The U.S. Customs and Border Protection (CBP) proposes to construct, operate, and maintain a new Border Patrol Station (BPS) in the Buffalo Sector, Niagara Area of Responsibility (AOR). The new BPS would provide the U.S. Border Patrol (USBP) with a larger, more modern facility that would alleviate constrained working conditions and accommodate more equipment. The proposed action is also intended to meet the goals of *U.S. Customs and Border Protection Design Standard for U.S. Border Patrol*, March 2009 (DHS 2009), or more recent version if available.

PURPOSE, NEED, AND SCOPE

The purpose of the proposed action is to adequately facilitate the primary goals and objectives of USBP's mission and strategy to increase border security in the Niagara AOR. The need for the proposed action is to provide a state-of-the-art facility for agents and staff to accomplish their mission. The existing Niagara BPS does not provide adequate facilities for performing today's USBP duties. The proposed action would provide adequate facility capacity and provide a working environment supportive of the USBP mission. This environmental assessment (EA) analyzes effects on the human and natural environment resulting from constructing a BPS to serve the Niagara AOR and operating and maintaining the BPS after its construction. USBP operations conducted in the field away from the proposed new BPS are not analyzed in this EA. Although establishing the BPS would facilitate border patrol operations in the Niagara AOR, those operations would not be expected to change in the foreseeable future.

ALTERNATIVES

The U.S. Army Corps of Engineers (Corps), Detroit District, Real Estate Division, conducted a survey of the designated area for the proposed Niagara AOR BPS to identify parcels that would meet the general criteria established by CBP (USACE Detroit District 2011a). The survey examined 13 candidate parcels. From the survey results, three parcels were identified for further evaluation as potential parcels for the proposed new Niagara AOR BPS. The sections that follow identify alternatives considered by the Corps and CBP and evaluate whether they are feasible and, therefore, subject to detailed evaluation in this EA. Note that Sites 1, 2, and 3A from the market survey (USACE Detroit District 2011a) are evaluated as Alternatives 1, 2, and 3, respectively. Section 3 of this EA provides detailed analysis of Alternatives 1–3 and the No Action Alternative. CBP's Preferred Alternative is the construction, operation, and maintenance of a new Niagara AOR BPS on the Alternative 1 parcel as outlined in Alternative 1.

No Action Alternative

The No Action Alternative is included as required by the Council on Environmental Quality regulations to identify the baseline conditions against which the potential effects of implementing the alternatives are evaluated. Under the No Action Alternative, a new BPS for the Niagara AOR would not be constructed. Border Patrol operations would continue to be conducted out of the existing Niagara AOR BPS at 1708 Lafayette Avenue in Niagara Falls, New York under constrained conditions. The existing BPS does not meet the USBP *Border Patrol Facilities Design Guide* requirements. It does not provide adequate facilities for performing USBP agent duties or appropriate functional space for BPS operations.

Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

The Alternative 1 parcel is in the town of Niagara, Niagara County, New York, approximately 2 miles east of Interstate (I)-190, 7 miles from the border crossing at I-190, 8.4 miles from the border crossing at Whirlpool Rapids Bridge, and 6.6 miles from the border crossing at Niagara Falls State Park. The Alternative 1 parcel is rectangular and measures 12.3 acres. The main entrance to the Niagara Falls International Airport is 3 miles from the parcel. The parcel is in the northwest corner of the Niagara Falls Air Reserve Station (ARS) property and has 100 linear feet (LF) of frontage on Tuscarora Road to the west. To the north, residences along Lockport Road separate the parcel from that road, additional ARS property is east and south of the parcel, and farmland and residences are to the west. The parcel is vacant, flat, and grass covered. The light industrial zoning of the parcel is compatible with the proposed project development.

The Alternative 1 parcel meets the CBP selection criteria for establishing a new BPS for the Niagara AOR.

Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

The Alternative 2 parcel is in the town of Niagara, Niagara County, New York, approximately 3 miles east of I-190, 7.5 miles from the border crossing at I-190, 10.5 miles from the border crossing at Whirlpool Rapids Bridge, and 7 miles from the border crossing at Niagara Falls State Park. The main entrance to the Niagara Falls International Airport is one-quarter mile from the parcel. The parcel is south of the Niagara Falls International Airport. It has 400 LF of frontage on Williams Road to the east. The parcel is roughly rectangular and measures 12 acres. To the west and south of the parcel is a residential area, a commercial area is to the north, and open land is to the east. The parcel is vacant, flat, and sparsely covered with grasses and some trees. The general commercial zoning of the parcel is compatible with the proposed project development.

The Alternative 2 parcel meets the CBP selection criteria for establishing a new BPS for the Niagara AOR.

Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

The Alternative 3 parcel is in the town of Niagara, Niagara County, New York, approximately 2 miles from I-190, 7 miles from the border crossing at I-190, 8.4 miles from the border crossing at Whirlpool Rapids Bridge, and 6.6 miles from the border crossing at Niagara Falls State Park. The main entrance to the Niagara Falls International Airport is 3 miles from the parcel. The Niagara Falls ARS containing the Alternative 1 parcel is east of the Alternative 3 parcel. The parcel has 2,600 LF of frontage on Tuscarora Road to the east. Lockport Road is north of the parcel, with some residences and open land along Lockport Road separating the parcel from the road. The parcel is rectangular and measures 46.7 acres. It is vacant, flat, mostly grass covered, and used as farmland. The heavy industrial zoning of the parcel is compatible with the proposed project development.

The Alternative 3 parcel meets the CBP selection criteria for establishing a new BPS for the Niagara AOR.

Alternatives Considered but Eliminated from Further Consideration

Of the 13 parcels identified for evaluation as potential sites for the proposed BPS, 10 were eliminated from further consideration for the reasons summarized below.

- **Site 3B:** Site 3B is an 8.6-acre site in Niagara, New York. It is on the southwest corner of Tuscarora Road and Lockport Road, with access on both roads. Water, sewer, gas, electric power, cable television (CATV), and telephone are available on-

site or nearby, and the parcel is zoned general commercial. However, the site is improved with a residential structure. Individual releases of #2 fuel oil have been documented within one-quarter mile of the site.

- **Site 3C:** Site 3C measures 7–10 acres (composed of two parcels measuring 7 acres and 3 acres, or one 10-acre parcel) in Wheatfield, New York. The parcel is on the west side of Wendt Drive, south of Lockport Road; the Niagara Falls ARS is to the south and west. Access is by Wendt Drive only. Water, sewer, gas, electric power, CATV, and telephone are available on-site. The parcel is zoned industrial. Contaminated groundwater and individual releases of jet fuel, hydraulic fuel, and #2 fuel oil have been documented within one-quarter mile of the site, and a state hazardous waste site is recorded within one-half mile of the site.
- **Site 4:** Site 4 is a 9.65-acre parcel in Niagara, New York, on the north side of Lockport Road and east of Military Road. Access to the site is via Lockport Road. The site is zoned single-family residential, which is inconsistent with the intended use. Furthermore, while gas, electric power, CATV, and telephone are available on-site or nearby, water and sewer would require extensions of 1,000 LF or more, with potentially difficult construction involved in doing so. Individual releases of #2 fuel oil have been documented less than one-quarter mile of the site.
- **Site 5:** Site 5 is an 11- to 58-acre parcel in Niagara, New York, on the south side of Porter Road and east of Tuscarora Road. Access is on Porter Road. The site is zoned general commercial. Water, sewer, electric power, CATV, and telephone are available. Although an estimated 15–16 acres of the entire site is considered developable, the rest is potentially listed as wetlands. Also, several property owners would be involved in acquisition of the site. A portion of the parcel is in a 100-year flood zone. Individual releases of transformer oil, diesel fuel, #2 fuel oil, and waste/used oil have been documented within zero to one-quarter mile of the site. Individual releases of gasoline and #2 fuel oil have been documented within one-quarter mile of the site.
- **Site 6:** Site 6 is a 31.7-acre parcel in Niagara, New York, at the end of Tuscarora Road and north of Porter Road. Access is by Tuscarora Road only. Water and sewer are available on-site; gas, electric power, CATV, and telephone are available but would require an extension. The site is zoned general commercial. The parcel is in a 100-year flood zone and is within the approach and departure zones for runways 10R/28L of Niagara Falls International Airport. Individual releases of waste/used oil have been documented within one-quarter mile of the site.
- **Site 7:** Site 7 is a 26-acre parcel in Niagara, New York, on the east side of Military Road and south of the CSX railroad line. Main access to the site is off Military Road, and secondary access to the site is through a residential area. The site's proximity to the railroad could affect access to the site from Military Road. The parcel is zoned multiple-family residential, which is inconsistent with the intended use. Water, sewer, gas, electric power, CATV, and telephone are available on-site or nearby. Nearly half of the parcel is potentially listed as wetlands, and the parcel is within one-eighth mile of a 100-year flood zone. Individual releases of gasoline have been documented less than one-quarter mile of the site; and jet fuel and motor oil within one-quarter mile of the site. The parcel is within one-quarter mile of a National Priority List (NPL) site.
- **Site 8:** Site 8 is a 15-acre parcel in Niagara, New York, south and west of Power Authority Access Road and west of Witmer Road. Access is by Witmer Road only, with a potential second access from Pennsylvania Road; access to the site from the

Power Authority Service Drive is unconfirmed. The site is zoned heavy industrial. Water, sewer, electric power, CATV, and telephone are available at the site. The parcel is vacant and has sparse vegetative and gravel cover. A site appearing to have monitoring wells (indicating contamination) is to the north, and the parcel is within one-quarter mile of a Niagara University building. Individual releases of #2 fuel oil and diesel fuel have been documented within one-eighth mile of the site; #2 fuel oil, diesel fuel, and waste/used oil within one-quarter mile of the site. The parcel is within one-quarter mile of six landfills and less than one-quarter of a mile of an NPL site.

- **Site 9:** Site 9 is a 17-acre parcel in the city of Niagara Falls, New York, near the existing Niagara BPS. It has frontage on Highland Avenue and several side streets. The site is zoned general commercial. Water, sewer, gas, electric power, CATV, and telephone are available on-site. The parcel is reported to be in a high-crime area (gun fire has been reported in the area). Individual releases of #2 fuel oil and waste/used oil have been documented within one-eighth mile of the site; unknown petroleum, gasoline, diesel fuel, nontoxic dye, hydrogen chloride, titanium tetrachloride, and hydrochloric acid within one-eighth mile of the site. The parcel is within one-eighth mile of two U.S. Brownfield sites, a State Hazardous Waste Site (barium and radioactive waste), and is less than one-quarter mile from an NPL site.
- **Site 10:** Site 10 is a 6.2-acre parcel in Ransomville, town of Porter, New York. It has frontage on Lake and Dickersonville Roads. The site is 3 miles from the Robert Moses Parkway (which provides access to both border crossings at the Niagara Falls State Park and I-190) and is 20 miles from the main entrance to the Niagara Falls International Airport. It is zoned rural residential and agriculture, which is inconsistent with the intended use. Water, gas, electric power, CATV, and telephone are available on-site or nearby. The parcel is not connected to a public sewer utility and would require a septic system. The parcel does not meet the 10-acre minimum size. Other negative issues of distance to major roadways, the airport, and snow-removal delays could hinder Border Patrol operations. The parcel is within one-quarter mile of Lake Ontario, a 100-year flood zone.
- **Site 11:** Site 11 is a 95-acre parcel in Youngstown, New York, at the southwest corner of Balmer Road and Porter Center Road. The parcel is 5 miles from the Robert Moses Parkway and 12 miles from the main entrance to the Niagara Falls International Airport. The parcel is zoned general industrial. Water, gas, and electric power are available on-site or nearby. CATV and telephone are not present, and the parcel is not connected to a public sewer utility and would require a septic system. More than three-quarters of the parcel is potentially listed as wetlands. A former missile site occupies 12 acres of the site and would require removal of silos (if the owner would not subdivide the parcel). Individual releases of hydraulic oil have been documented within one-quarter mile of the site. The parcel is within one-quarter mile of an NPL site. Other negative issues of distance to major roadways, airport operations, and snow-removal delays could hinder Border Patrol operations.

CONSEQUENCES

This EA evaluates the potential effects on the existing environmental conditions from implementing the No Action Alternative and each of the other alternatives. Implementing any of the alternatives would not be expected to result in significant effects on the quality of the human environment. For each resource analyzed, the predicted effects of the alternatives are briefly

described below, and the expected consequences of the alternatives are summarized in Table ES-1.

No Action Alternative

The No Action Alternative would be expected to have long-term minor adverse effects on human health and safety. The existing Niagara BPS does not meet the USBP Border Patrol Facilities Design Guide requirements. The existing Niagara BPS is not designed to accommodate the present number of USBP agents or all operations a BPS is required to perform. Inadequacies of the existing building do not meet the needs of current and future USBP agents or operational requirements from a CBP facility and these issues cannot be addressed through remodeling or expansion at the current location because of site constraints. The No Action Alternative would not be expected to have an effect on other resource areas.

Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

Alternative 1 would be expected to have short-term minor adverse effects on land use, geology and soils, wildlife and aquatic resources, surface waters and waters of the United States, aesthetics and visual resources, and the protection of children. The short-term effects would result mainly from construction activities. Alternative 1 would be expected to have a combination of short- and long-term minor adverse effects on the following resource areas:

- Hydrology and groundwater from an increase in impervious surface area and stormwater runoff
- Air quality from pollutant emissions associated with constructing and operating the BPS, and vehicle trips
- The noise environment associated with construction activities and BPS operations
- Utilities and infrastructure from the increased demand on utilities from operating the new BPS
- Hazardous materials from the potential for spills of such materials during construction and BPS operations

Alternative 1 would also be expected to have negligible adverse effects on vegetation and floodplains. Although portions of the parcel are in a 100-year floodplain, development would be sited to avoid any floodplains to the maximum extent practicable. Implementing Alternative 1 would be expected to have short-term minor beneficial effects on socioeconomics in the regional economy from employment, wages, sales, and expenditures for services, materials, and supplies generated during construction of the BPS. Long-term minor beneficial effects on human health and safety would be expected from improved working conditions for the BPS personnel. Long-term minor adverse effects on sustainability and greening would be expected from the environmental footprint created by the new BPS. Implementing Alternative 1 would not be expected to have an effect on threatened and endangered species or cultural resources.

Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

Implementing Alternative 2 would be expected to have similar effects as discussed above for Alternative 1. Implementing Alternative 2 would have no effect on floodplains because the Alternative 2 parcel is not in a 100-year floodplain.

Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

Implementing Alternative 3 would be expected to have similar effects as discussed above for Alternative 1. Implementing Alternative 3 would have no effect on floodplains because the Alternative 3 parcel is not in a 100-year floodplain.

CUMULATIVE EFFECTS

No significant adverse cumulative effects would be expected from implementing any of the alternatives considered in this EA.

MITIGATION

Mitigation actions are used to reduce, avoid, or compensate for major adverse effects. This EA does not identify any major adverse effects that would require mitigation measures. For those minor adverse effects that cannot be avoided, Best Management Practices (BMPs) would be used to minimize the adverse effects to the maximum extent practicable.

BEST MANAGEMENT PRACTICES

BMPs that would minimize or avoid adverse effects during construction and operation of the BPS are identified for resource areas on which adverse effects would be expected. These BMPs are consistent with the measures outlined in CBP's Programmatic Environmental Impact Statement for Northern Border Activities, July 2012.

**Table ES-1.
Summary of potential environmental and socioeconomic consequences**

Resource	No Action Alternative		Alternative 1 (Preferred Alternative)		Alternative 2		Alternative 3	
	<i>Direct Impacts</i>	<i>Indirect Impacts</i>	<i>Direct Impacts</i>	<i>Indirect Impacts</i>	<i>Direct Impacts</i>	<i>Indirect Impacts</i>	<i>Direct Impacts</i>	<i>Indirect Impacts</i>
Land use	None	None	Short-term minor adverse	None	Short-term minor adverse	None	Short-term minor adverse	None
Geology and soils	None	None	Short-term minor adverse	None	Short- and long-term minor adverse	None	Short- and long-term minor adverse	None
Vegetation	None	None	Negligible long-term adverse	None	Negligible long-term adverse	Short-term minor adverse	Negligible long-term adverse	Short-term minor adverse
Wildlife and aquatic resources	None	None	Short-term minor adverse	None	Short-term minor adverse	None	Short-term minor adverse	None
Threatened and endangered species	None	None	None	None	None	None	None	None
Hydrology and groundwater	None	None	Short- and long-term minor adverse	Long-term minor adverse	Short- and long-term minor adverse	Long-term minor adverse	Short- and long-term minor adverse	Long-term minor adverse
Surface waters and waters of the United States	None	None	Short-term minor adverse	None	Short-term minor adverse	None	Short-term minor adverse	None
Floodplains	None	None	Negligible adverse	None	None	None	None	None
Air quality	None	None	Short- and long-term minor adverse	Short- and long-term minor adverse	Short- and long-term minor adverse	Short- and long-term minor adverse	Short- and long-term minor adverse	Short- and long-term minor adverse

Table ES-1. (continued)

Resource	No Action Alternative		Alternative 1 (Preferred Alternative)		Alternative 2		Alternative 3	
	Direct Impacts	Indirect Impacts	Direct Impacts	Indirect Impacts	Direct Impacts	Indirect Impacts	Direct Impacts	Indirect Impacts
Noise	None	None	Short- and long-term minor adverse	Short- and long-term minor adverse	Short- and long-term minor adverse	Short- and long-term minor adverse	Short- and long-term minor adverse	Short- and long-term minor adverse
Cultural resources	None	None	None	None	None	None	None	None
Utilities and infrastructure	None	None	Short- and long-term minor adverse	Negligible long-term adverse	Short- and long-term minor adverse	Negligible long-term adverse	Short- and long-term minor adverse	Negligible long-term adverse
Aesthetic and visual resources	None	None	Short-term minor adverse	None	Short- and long-term minor adverse	None	Short- and long-term minor adverse	None
Hazardous materials	None	None	Short- and long-term minor adverse	None	Short- and long-term minor adverse	None	Short- and long-term minor adverse	None
Socioeconomics	None	None	Short-term minor beneficial	None	Short-term minor beneficial	None	Short-term minor beneficial	None
Environmental justice and protection of children	None	None	Short-term minor adverse	None	Short-term minor adverse	None	Short-term minor adverse	None
Human health and safety	Long-term minor adverse	None	Long-term minor beneficial	None	Long-term minor beneficial	None	Long-term minor beneficial	None
Sustainability and greening	None	None	Long-term minor adverse	None	Long-term minor adverse	None	Long-term minor adverse	None

SECTION 1.0

INTRODUCTION

The U.S. Border Patrol (USBP), within U.S. Customs and Border Protection (CBP), is a component of the Department of Homeland Security (DHS). The USBP's mission is to protect the nation's borders, safeguard the American homeland at and beyond its borders, protect the American public against terrorists and the instruments of terror, and enforce U.S. laws. This environmental assessment (EA) evaluates the environmental and socioeconomic effects of a CBP proposal to construct, operate, and maintain a new Border Patrol Station (BPS) in the USBP's Buffalo Sector, Niagara Area of Responsibility (AOR). The new BPS would replace the existing Niagara AOR BPS, which is outdated and inadequate.

1.1 Background

In support of the National Border Patrol Strategy to gain and maintain effective control of the U.S. borders, many USBP locations require new BPSs, relocation and expansion of existing operations, and improvements to provide necessary support to the USBP agents and staff assigned to those locations.

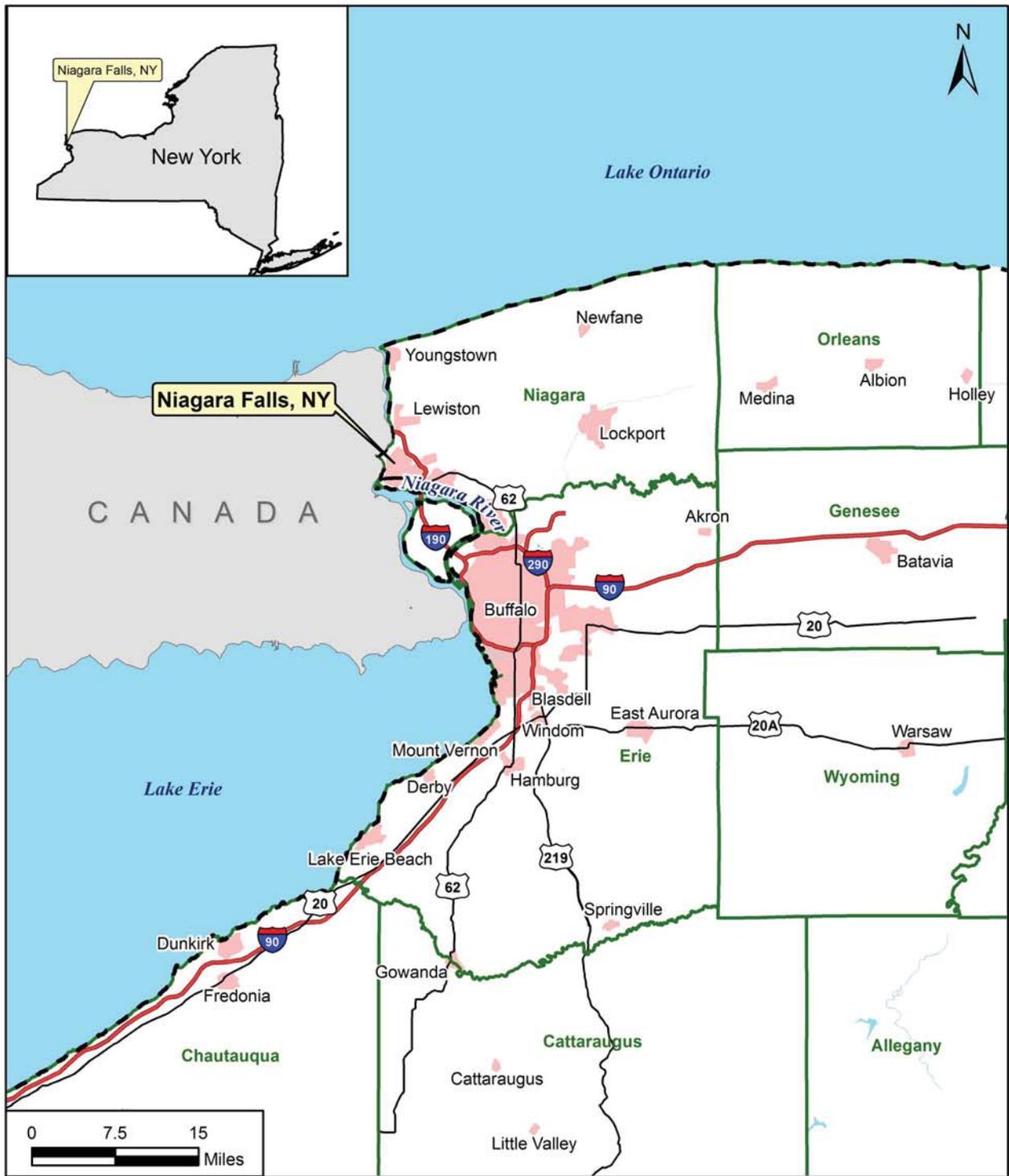
The Niagara AOR USBP agents and staff perform a wide variety of enforcement activities, including transportation checks and anti-smuggling duties. They maintain a variety of vehicles, such as trucks, sedans, all-terrain vehicles, snowmobiles, sport utility vehicles, vans, and a canine (K-9) unit. The existing facilities are no longer adequate to support these activities.

1.2 Project Location

The new Niagara AOR BPS would be in or near the town of Niagara, Niagara County, New York (Figure 1-1). Three border crossings are in the Niagara area (Figure 1-2).

1.3 Purpose, Need, and Scope

The purpose of the proposed action is to adequately facilitate the primary goals and objectives of USBP's mission and strategy to increase border security in the Niagara AOR. The need for the proposed action is to provide a state-of-the-art facility for agents and staff to accomplish their mission. The existing Niagara BPS does not provide adequate facilities for performing today's USBP duties. The proposed action would provide adequate facility capacity and provide a working environment supportive of the USBP mission. This EA analyzes effects on the human and natural environment resulting from constructing a BPS to serve the Niagara AOR and operation and maintenance of the BPS after its construction. USBP operations conducted in the field away from the proposed new BPS are not analyzed in this EA. Although establishing the BPS would facilitate border patrol operations in the Niagara AOR, those operations would not be expected to change in the foreseeable future.

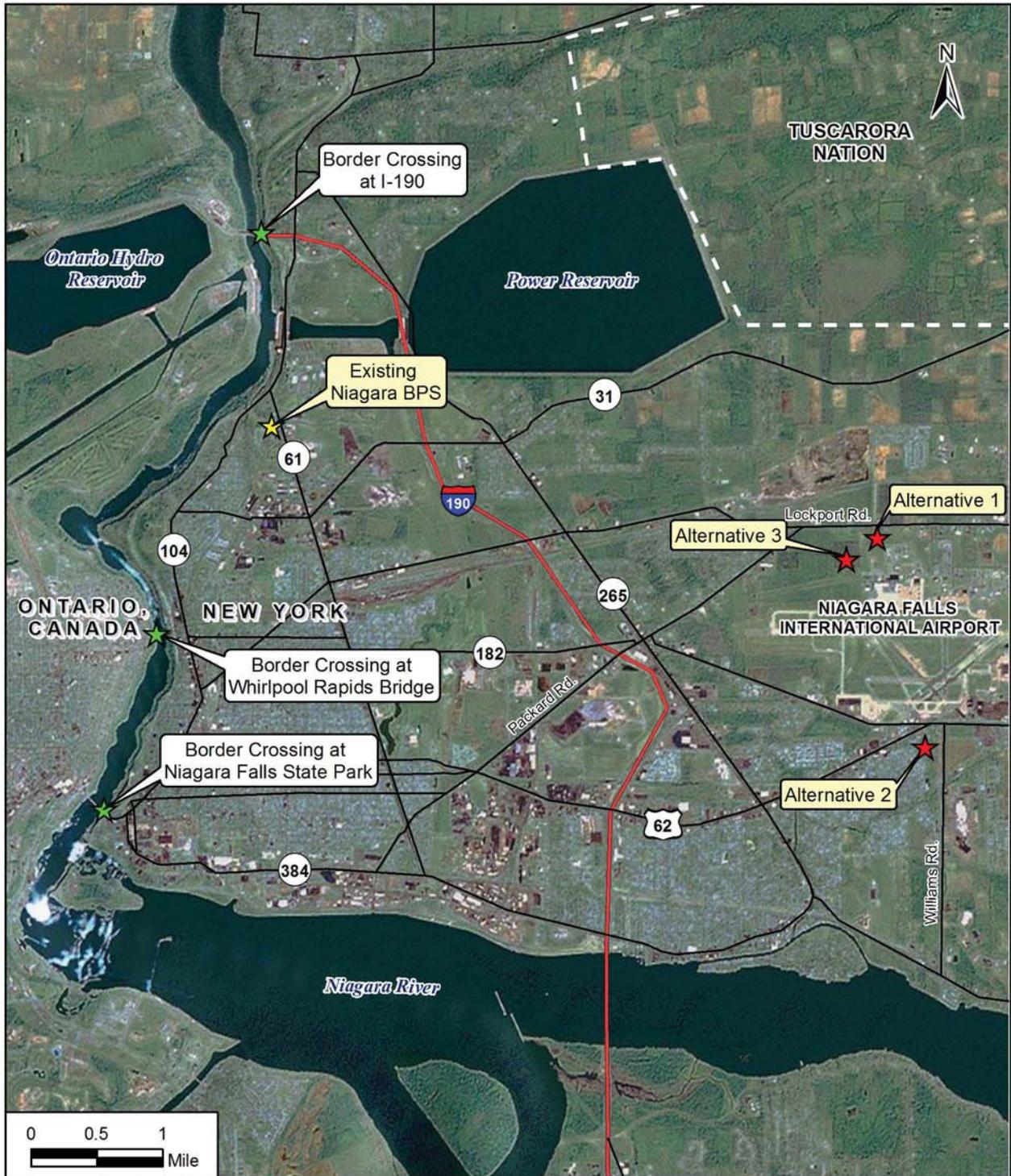


LEGEND

Interstate	Urban Area
Highway	Surface Water
State Boundary	
County Boundary	

Project Location

Figure 1-1



Site Locations Relative to Highway Border Crossings

Figure 1-2

1.4 Public Involvement

CBP is committed to communicating with the public to help ensure that potentially affected communities and other interested parties understand CBP's proposed actions and are given opportunities to participate in decisions that may affect them. CBP invites public participation in the National Environmental Policy Act (NEPA) process. DHS Directives 023-01, Environmental Planning Program, and 023-01, Revision 1¹, Implementation of the National Environmental Policy Act, Environmental Impact Analysis Process (EIAP), promulgated in Title 32, CFR Part 989, guide public participation opportunities with respect to this EA and decision making on the proposed action.

Consideration of the views and information of all interested persons promotes open communication and enables better decision making. CBP urges all agencies, organizations, Indian nations, and members of the public having a potential interest in the proposed action, including minority, low-income, and disadvantaged persons, to participate in the decision-making process.

Review of Draft EA. Public involvement for the draft EA began with publication of the Notice of Availability in the *Buffalo News* and *Niagara Gazette* newspapers on May 1, 2014 announcing the availability of the draft EA and draft Finding of No Significant Impact (FONSI) for public review. Copies of the draft EA and draft FONSI were made available at <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review> and hard copies of the draft EA and draft FONSI were posted in the following locations: Niagara Falls Public Library, Earl W. Brydges Building, 1425 Main Street, Niagara Falls, NY 14305 and Niagara Falls Public Library, LaSalle Branch, 8728 Buffalo Avenue, Niagara Falls, NY 14304.

CBP invited public participation in the NEPA process through its solicitation of comments on the draft EA and draft FONSI. All comments received and their corresponding responses are included in Appendix I of this Final EA.

1.5 Framework for Analysis

This EA addresses site-specific environmental effects associated with the proposed construction, operation, and maintenance of a new Niagara AOR BPS. The EA was prepared pursuant to NEPA (42 U.S.C. 4321–4370), as implemented by the regulations promulgated by the Council on Environmental Quality (CEQ) (Title 40 of the *Code of Federal Regulations* [CFR] Parts 1500–1508). This EA provides sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a FONSI (40 CFR 1508.9). Additionally, this EA complies with DHS regulations specified in DHS Directives 023-01 and 023-01, Revision 1.

In addressing environmental considerations, CBP is guided by relevant statutes (and their implementing regulations) and Executive Orders (EOs) that establish standards and provide guidance on environmental and natural resources management and planning. The statutes and EOs include the following:

1.5.1 Federal Statutes

- Archaeological Resources Protection Act of 1979 (Title 16 of the *United States Code* [U.S.C.], section 470)
- Clean Air Act (42 U.S.C. 7401 *et seq.*, as amended)
- Clean Water Act of 1977 and the Water Quality Act of 1987 (33 U.S.C. 1251 9 *et seq.*, as amended)

¹ DHS Directive 023-01, Revision 1 was issued on October 31, 2014, after the public review period of the Draft EA was completed and is located here: <http://www.dhs.gov/xlibrary/assets/foia/mgmt-directive-023-01-environmental-planning-program.pdf>

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (as amended by the Superfund Amendments and Reauthorization Act of 1986)
- Endangered Species Act of 1973 (16 U.S.C. 1531–1543)
- Energy Independence and Security Act of 2007 (section 438)
- Energy Policy Act of 2005 (Public Law 109-58)
- Federal Facilities Compliance Act of 1992 (Public Law 102-386)
- Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 *et seq.*, as amended)
- Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*)
- Migratory Bird Treaty Act (16 U.S.C. 701 *et seq.*)
- National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.*, as amended)
- NEPA (42 U.S.C. 4321–4370)
- Noise Control Act of 1972 (42 U.S.C. 4901–4918)
- Resource Conservation and Recovery Act (RCRA) of 1976 (42 U.S.C. 6901)
- Toxic Substances Control Act (TSCA) (15 U.S.C. 2601 *et seq.*, as amended)

1.5.2 Regulations

- CEQ Regulations for Implementing NEPA (40 CFR Parts 1500–1508)
- Protection of Historic Properties (36 CFR Part 800)

1.5.3 DHS Directive

- DHS Directive 023-01, *Environmental Planning Program*
- DHS Directive 023-01, Revision 01, *Implementation of the National Environmental Policy Act*

1.5.4 Executive Orders

- EO 11514, *Protection and Enhancement of Environmental Quality* (amended by EO 11991)
- EO 11593, *Protection and Enhancement of the Cultural Environment*
- EO 11988, *Floodplain Management*
- EO 11990, *Protection of Wetlands*
- EO 12088, *Federal Compliance with Pollution Control Standards*
- EO 12372, *Intergovernmental Review of Federal Programs*
- EO 12580, *Superfund Implementation*
- EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*
- EO 13045, *Protection of Children from Environmental Health Risks and Safety Risk*
- EO 13175, *Consultation and Coordination with Indian Tribal Governments*
- EO 13186, *Responsibilities of Federal Agencies to Protect Migratory Birds*
- EO 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*
- EO 13693, *Planning for Federal Sustainability in the Next Decade*

Those authorities are addressed in various sections throughout this EA when relevant to environmental resources and conditions. Information regarding the laws, regulations, and EOs is available on the National Archives website at <http://www.archives.gov>.

1.6 Changes Made After Public and Agency Review of the Draft EA

The Draft EA was revised to provide additional information, include additional environmental impact analyses, correct inaccuracies and editorial errors, and clarify text. These revisions resulted from both public comments and internal review of the Draft EA by CBP. The EA was also updated to reflect FEMA's determination to the application for a Letter of Map Revision (LOMR). These revisions are indicated in the text. The organization of this Final EA reflects changes made to the Draft EA in the following ways: (1) LOMR (2) the addition of Appendix I, "Comment-Response Document," which includes all public comments and CBP's responses to comments on the Draft EA. Sidebars in this Final EA identify substantive revisions made to the Draft EA in response to comments, revised information, or updates. Sidebars are not used to identify minor editorial changes.

SECTION 2.0

PROPOSED ACTION AND ALTERNATIVES

2.1 Proposed Action

The proposed Federal action is to construct, operate, and maintain a new Border Patrol Station (BPS) to serve the U.S. Border Patrol (USBP) Niagara Area of Responsibility (AOR).

To meet operational requirements, the following criteria were used to evaluate potential parcels for the new station (USACE Detroit District 2011a):

- Be within the area bounded on the north by Lake Ontario, on the west by the Niagara River, on the south by the southern city limits of Niagara Falls, and on the east by the Niagara Falls International Airport
- Measure approximately 10 acres in area
- Have two access points

The proposed action is also intended to meet the goals of the *U.S. Customs and Border Protection Design Standard for U.S. Border Patrol*, April 2009 (*CBP Design Standard*) (DHS 2009), or most recent version if available:

- Provide appropriate functional space for BPS operations
- Provide a professional facility image
- Locate the facility and provide access to minimize travel time for field agents
- Provide safe working environments
- Create a quality working environment conducive to positive staff morale
- Facilitate humane accommodations and dignified treatment of detainees
- Provide a healthful working environment that minimizes exposure of staff and detainees to transmittable diseases and other health threats
- Provide a secure work setting
- Allow planning flexibility
- Allow for potential facility expansion
- Provide for wise use of public funds
- Minimize opportunities for vandalizing unoccupied facilities
- Conserve energy and resources

The location of the proposed station would be in compliance with the *CBP Design Standard* (DHS 2009), or more recent version if available, siting criteria that support the operational requirements of the station, including (1) appropriate emergency response time to the Canadian border; (2) minimum 10-acre area; (3) appropriate shape, terrain, drainage, and soil conditions; (4) availability of utilities (water, sewage, power, gas, and communications); (5) location near the Canadian border with compatible vehicle traffic, circulation patterns, access roads, and zoning; (6) reasonable acquisition, construction, and demolition costs; and (7) availability (willing seller) in a timely manner.

Implementing the proposal to construct, operate, and maintain a BPS in the Niagara AOR would be in compliance with the *CBP Design Standard* (DHS 2009), or more recent version if available. The facility would be a modular building or set of buildings with approximately 40,000 square feet of office, garage, and storage space adequate to meet the mission needs of the agents assigned to the station, be designed to meet or exceed standards appropriate to northern climates (e.g., frost layer), and the Federal Guiding Principles for High Performance Sustainable Buildings

(Guiding Principles). Project teams are required to utilize EPA Energy Star Portfolio Manager[®] (Portfolio Manager) to measure and track facility energy use, water use, and greenhouse gas emissions. Guiding Principles compliance is to be reported using the Sustainable Building Checklist tool available through Portfolio Manager.

The proposed new Niagara AOR BPS would include some of or all the following components:

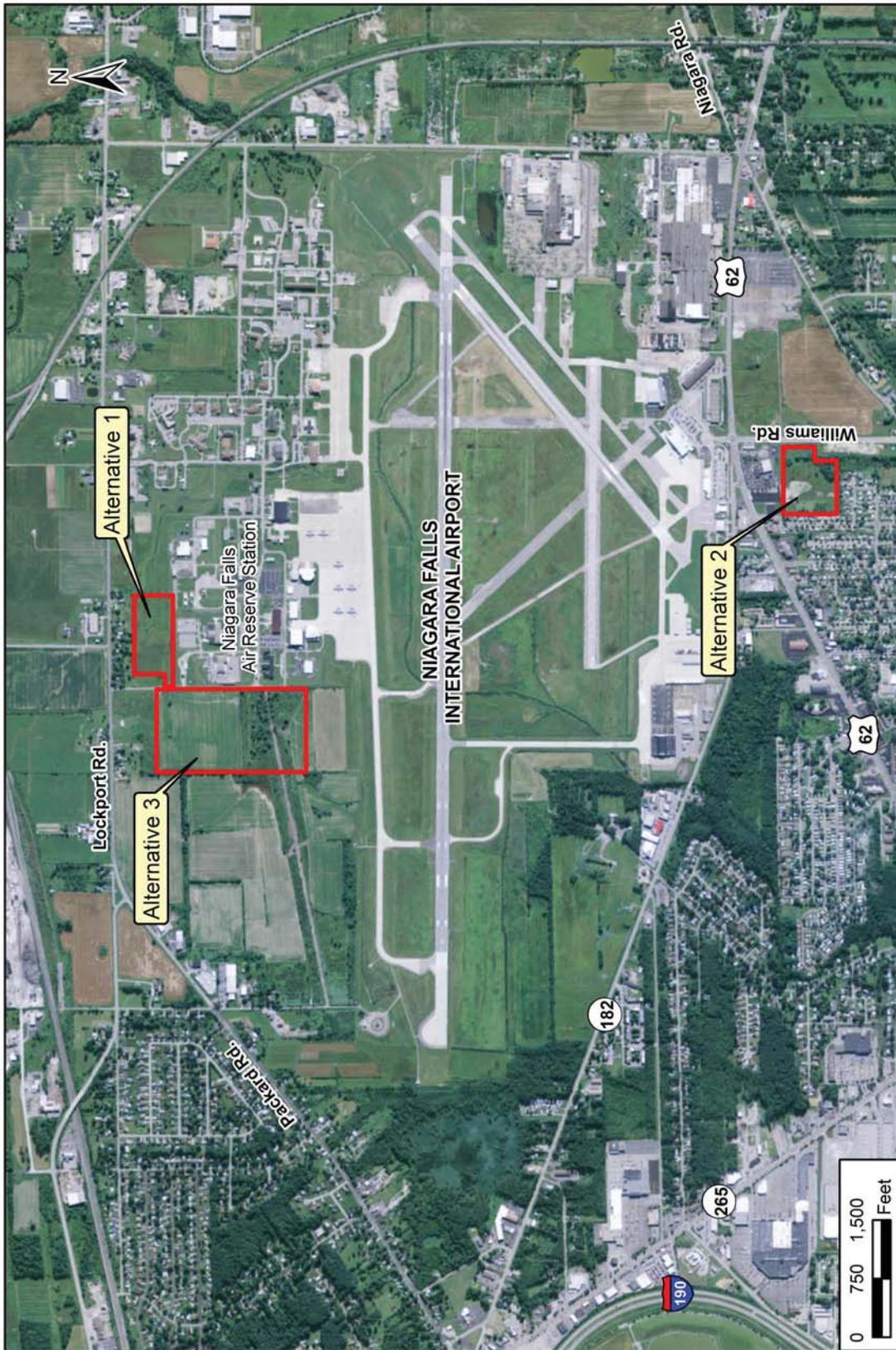
- Reception and public areas
- Administration, meeting, and bulk storage areas
- Fitness, locker, and common areas
- Detainee, detention, and evidence areas
- Building support system areas
- Sally ports/storage (personnel sally ports are used to control entry into highly protected and restricted areas)
- Perimeter fencing and lighting
- Communications tower (40–120 feet tall)
- Enclosed parking (30 spaces) and covered parking (25 spaces)
- Vehicle wash area
- Emergency generator area
- Covered storage (e.g., trailers, all-terrain vehicles, snow sleds)
- K-9 facilities, including a small kennel area and a dog run

Additionally, the continued maintenance and potential renovations of or minor additions to the new station, would be expected. Such activities could include, for example, minor renovations and additions to buildings such as realigning interior spaces of an existing building, adding a small storage shed to an existing building, installing a small antenna on an existing antenna tower that does not cause the total height to exceed 200 feet, kennel updates, security systems, lighting, parking areas, and stormwater detention basins. Other maintenance activities could include routine upgrade, repair, and maintenance of the new station buildings, roofs, parking area, grounds, or other facilities that would not result in a change of functional use (e.g., replacing door locks or windows, painting interior or exterior walls, resurfacing a road or parking lot, maintaining culverts, repairing or replacing fencing, maintaining grounds, or replacing essential station components such as an air conditioning unit). On-site vehicle maintenance would not be conducted at the new BPS.

2.2 Alternatives

A basic principle of NEPA is that the Federal Government must consider reasonable alternatives to a proposed action. Considering alternatives can help an agency to avoid causing unnecessary effects and allows analysis of reasonable ways to achieve the stated purpose. To warrant detailed evaluation, an alternative must be reasonable. To be considered reasonable, an alternative must be ready for decision making (any necessary preceding events having taken place), affordable, capable of implementation, and satisfactory with respect to meeting the purpose of and need for the action.

The U.S. Army Corps of Engineers (Corps), Detroit District, Real Estate Division, conducted a survey of the designated area for the proposed Niagara AOR BPS to identify parcels that would meet the general criteria established by CBP (USACE Detroit District 2011a). The survey examined 13 candidate parcels according to the criteria generally described in Section 2.1. From the survey results, three parcels were identified for further evaluation as potential parcels for the proposed new Niagara AOR BPS (Figure 2-1). The sections that follow identify alternatives



Locations of Alternatives to be Evaluated for a New BPS

Figure 2-1

considered by the Corps and CBP and evaluate whether they are feasible and, therefore, subject to detailed evaluation in this EA. Note that Sites 1, 2, and 3A from the market survey (USACE Detroit District 2011a) are evaluated as Alternatives 1, 2, and 3, respectively. Section 3 of this EA provides detailed analysis of Alternatives 1–3 and the No Action Alternative.

2.2.1 No Action Alternative

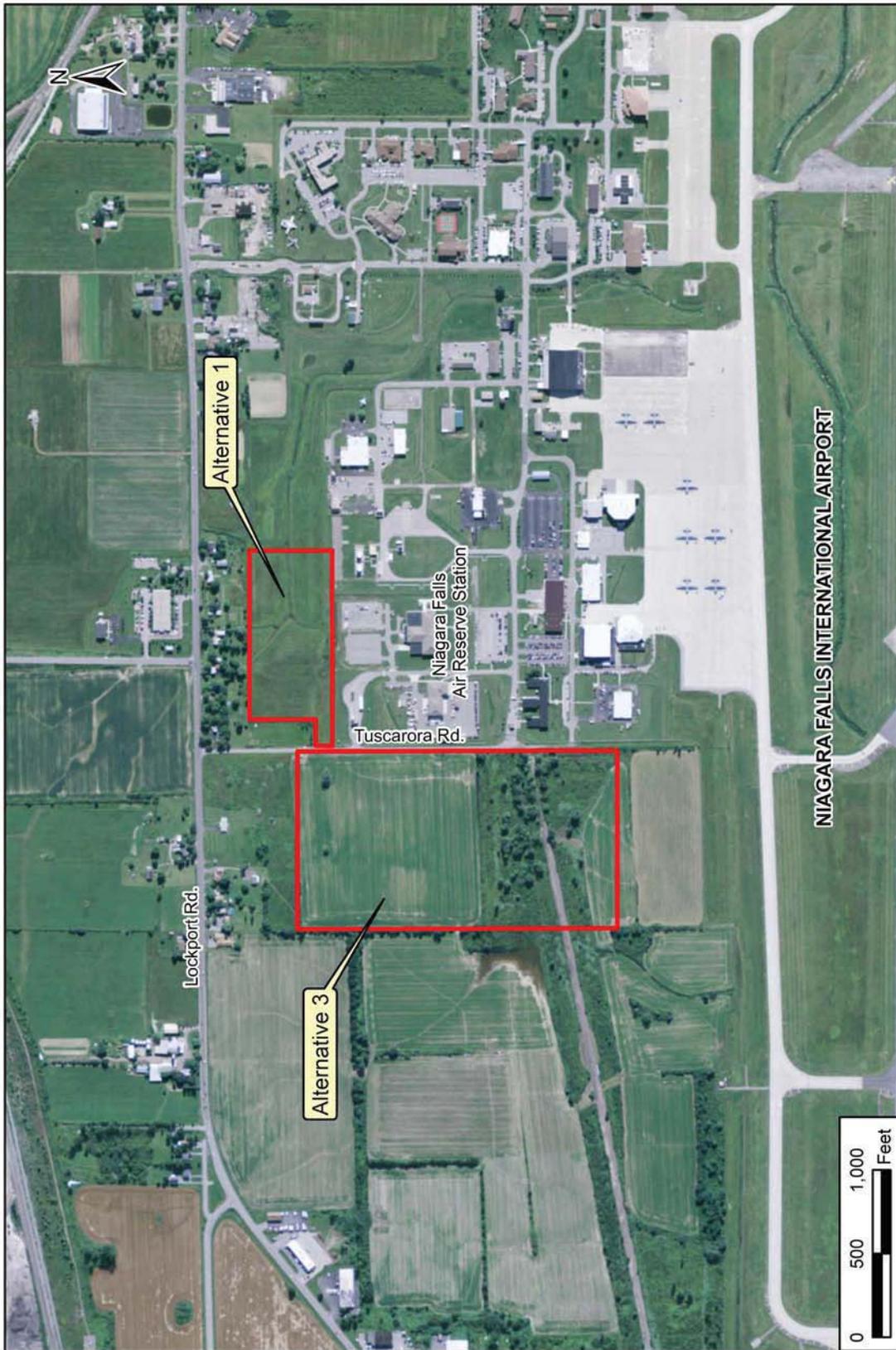
The No Action Alternative is included as required by CEQ regulations to identify the baseline conditions against which the potential effects of implementing the alternatives are evaluated. The No Action Alternative must be described because it represents the benchmark condition of the environment if the proposed actions are not implemented. Under the No Action Alternative, a new BPS for the Niagara AOR would not be constructed. Border Patrol operations would continue to be conducted out of the existing Niagara AOR BPS at 1708 Lafayette Avenue in Niagara Falls, New York. The existing Niagara AOR BPS is outdated, is on a landlocked parcel, and cannot support the construction of a dog kennel, radio tower, or expansion of the station on the property. Also, the facility is undersized for the number of USBP agents assigned to it and uses off-site parking because of space restrictions. Continued use of the existing border patrol station could impede execution of the mission and operation of the Niagara AOR BPS.

2.2.2 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

Alternative 1 consists of constructing, operating, and maintaining a new Niagara AOR BPS on the Alternative 1 parcel (Site 1 of the market survey; USACE Detroit District 2011a) (Figure 2-2). The Alternative 1 parcel is in the town of Niagara, Niagara County, New York, approximately 2 miles from Interstate 190 (I-190), 7 miles from the border crossing at I-190, 8.4 miles from the border crossing at Whirlpool Rapids Bridge, and 6.6 miles from the border crossing at Niagara Falls State Park. The Alternative 1 parcel is rectangular and measures 12.3 acres. The main entrance to the Niagara Falls International Airport is approximately 3 miles from the parcel. The parcel is on the Niagara Falls Air Reserve Station (ARS). It has 100 linear feet (LF) of frontage on Tuscarora Road to the west. Lockport Road is north of the parcel, but residences along Lockport Road separate the parcel from the road. Niagara Falls ARS property is east and south of the parcel. Farmland and residences are to the west. The parcel is vacant, flat, and grass covered. The parcel is zoned light industrial.

The Alternative 1 parcel meets the CBP selection criteria for establishing a new BPS for the Niagara AOR: (1) it is within the defined 60-square-mile search area for potential locations for a new BPS, (2) it has sufficient land area for establishing a BPS (10 acres minimum), and (3) it has two access points (Tuscarora Road and through the Niagara Falls ARS). In addition, the parcel has the appropriate shape, terrain, drainage, and soil conditions for the proposed construction and use; utilities are available at the location (water, sewer, electric power, and natural gas are available at the parcel, and telephone and cable television [CATV] are available nearby); the price is within budget; it is zoned appropriately; it could be obtained from a willing seller in a timely manner (USACE Detroit District 2011a).

Additionally, the location of the Alternative 1 parcel within the access restricted area of the Niagara ARS and airport property already meets several goals of the *CBP Design Standard* (DHS 2009). CBP's Preferred Alternative is the construction, operation, and maintenance of a new Niagara AOR BPS on the Alternative 1 parcel as outlined in Alternative 1.



Aerial View of the Alternative 1 Parcel and the Alternative 3 Parcel

Figure 2-2

2.2.3 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

Alternative 2 consists of constructing, operating, and maintaining a new Niagara AOR BPS on the Alternative 2 parcel (Site 2 of the market survey; USACE Detroit District 2011a) (Figure 2-3). The Alternative 2 parcel is in the town of Niagara, Niagara County, New York, approximately 3 miles from I-190, 7.5 miles from the border crossing at I-190, 10.5 miles from the border crossing at Whirlpool Rapids Bridge, and 7 miles from the border crossing at Niagara Falls State Park. The main entrance to the Niagara Falls International Airport is about one-quarter mile from the parcel. The parcel is south of the Niagara Falls International Airport. It has 400 LF of frontage on Williams Road to the east and is about 1,000 LF south of the intersection of Williams Road and Niagara Falls Boulevard (U.S. Route 62). Residences are west and south of the parcel, a commercial area is north of the parcel, and open land is to the east. The parcel is roughly rectangular and measures 12 acres. It is vacant, flat, and sparsely covered with grasses and some trees. It is zoned general commercial (USACE Detroit District 2011a).

The Alternative 2 parcel meets the CBP selection criteria for establishing a new BPS for the Niagara AOR: (1) it is within the defined 60-square-mile search area for potential locations for establishing a new BPS, (2) it has sufficient land area for establishment of a BPS (10 acres minimum), and (3) it has two access points (Williams Road with a potential second access point off Niagara Falls Boulevard). In addition, the parcel has the appropriate shape, terrain, drainage, and soil conditions for the proposed construction and use; it is not within a 100-year floodplain; the price is within budget; it is zoned appropriately; it could be obtained from a willing seller in a timely manner; and it has no known cultural or environmental characteristics of concern (USACE Detroit District 2011a). Water service is available on the east side of Williams Road, but service would require an agreement from the town of Wheatfield. Sewer is available but would require an extension from Cayuga Drive Extension approximately 1,500 feet to the south of the parcel, and would require an agreement from the city of Niagara Falls. Electric power, natural gas, telephone, and CATV are available at the parcel.

2.2.4 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

Alternative 3 consists of constructing, operating, and maintaining a new Niagara BPS on the Alternative 3 parcel (Site 3A of the market survey; USACE Detroit District 2011a) (Figure 2-2). The Alternative 3 parcel is in the town of Niagara, Niagara County, New York, across Tuscarora Road and west of the Alternative 1 parcel. Similar to the Alternative 1 parcel, it is approximately 2 miles from I-190, 7 miles from the border crossing at I-190, 8.4 miles from the border crossing at Whirlpool Rapids Bridge, and 6.6 miles from the border crossing at Niagara Falls State Park. The main entrance to the Niagara Falls International Airport is about 3 miles from the parcel. The Niagara Falls ARS is east of the Alternative 3 parcel. The parcel has 2,600 LF of frontage on Tuscarora Road to the east. Lockport Road is north of the parcel, with some residences and open land along Lockport Road separating the parcel from the road. The parcel is rectangular and measures 46.7 acres. It is vacant, flat, and grass covered; it is used as farmland and is zoned heavy industrial.



Aerial View of Alternative 2 Parcel

Figure 2-3

The Alternative 3 parcel meets the CBP selection criteria for establishing a new BPS for the Niagara AOR: (1) it is within the defined 60-square-mile search area for potential locations for establishing a new BPS, (2) it has sufficient land area for establishing a BPS (10 acres minimum), and (3) it has two access points (Tuscarora Road with a potential second access point at Rubin Way, Wagner Drive, or Guardian Street). It has the appropriate shape, terrain, drainage, and soil conditions for the proposed construction and use; it is not within a 100-year floodplain; utilities are available at the parcel (water, sewer, electric power, and natural gas are available at the parcel, and telephone and CATV are available nearby); the price is within budget; it is zoned appropriately; it could be obtained from a willing seller in a timely manner; and it has no known cultural or environmental characteristics of concern (USACE Detroit District 2011a).

2.2.5 Preferred Alternative

The Preferred Alternative in an EA is the alternative that the agency believes would best fulfill its statutory mission and responsibilities, giving consideration to economic, environmental, technical, and other factors. CBP's Preferred Alternative is the construction, operation, and maintenance of a new Niagara AOR BPS on the Alternative 1 parcel as outlined in Alternative 1 in Section 2.2.2.

2.2.6 Alternatives Considered but Eliminated from Further Consideration

The Corps, Detroit District, Real Estate Division, conducted a survey of the designated area for the proposed Niagara AOR BPS to identify parcels from willing sellers that met the general criteria established by USBP. From the survey results, 13 parcels were identified for evaluation as potential locations for the proposed BPS (Figure 2-4) (USACE Detroit District 2011a, 2011b). The three parcels described above are considered those with the most favorable characteristics for a BPS. Ten other parcels (identified as Sites 3B, 3C, 4, 5, 6, 7, 8, 9, 10, and 11) were eliminated from further consideration.

Each location was evaluated with respect to the USBP criteria for the proposed BPS. For the reasons mentioned below, however, each of these sites was eliminated from further consideration as a potential location for the proposed BPS. Therefore, they are not evaluated in this EA (USACE Detroit District 2011a, 2011b).

- **Site 3B:** Site 3B is an 8.6-acre site in the town of Niagara, New York. It is on the southwest corner of Tuscarora Road and Lockport Road, with access on both roads. Water, sewer, gas, electric power, CATV and telephone are available on-site or nearby, and the parcel is zoned general commercial. However, the site is improved with a residential structure. Individual releases of #2 fuel oil have been documented within one-quarter mile of the site.
- **Site 3C:** Site 3C measures 7–10 acres (composed of two parcels measuring 7 acres and 3 acres, or one 10-acre parcel) in the town of Wheatfield, New York. The parcel is on the west side of Wendt Drive, south of Lockport Road; the Niagara Falls ARS is to the south and west. Access is by Wendt Drive only. Water, sewer, gas, electric power, CATV, and telephone are available on-site. The parcel is zoned industrial. Contaminated groundwater and individual releases of jet fuel, hydraulic fuel, and #2 fuel oil have been documented within one-quarter mile of the site, and a state hazardous waste site is recorded within one-half mile of the site.
- **Site 4:** Site 4 is a 9.65-acre parcel in the town of Niagara, New York, on the north side of Lockport Road and east of Military Road. Access to the site is via Lockport Road. The site is zoned single-family residential, which is inconsistent with the intended use. Furthermore, while gas, electric power, CATV, and telephone are available on-site or nearby, water and sewer would require extensions of 1,000 LF or

more, with potentially difficult construction involved in doing so. Individual releases of #2 fuel oil have been documented less than one-quarter mile of the site.

- **Site 5:** Site 5 is an 11- to 58-acre parcel in the town of Niagara, New York, on the south side of Porter Road and east of Tuscarora Road. Access is on Porter Road. The site is zoned general commercial. Water, sewer, electric power, CATV, and telephone are available. Although an estimated 15–16 acres of the entire site is considered developable, the rest is potentially listed as wetlands. Also, several property owners would be involved in an acquisition of the site. A portion of the parcel is in a 100-year flood zone. Individual releases of transformer oil, diesel fuel, #2 fuel oil, and waste/used oil have been documented within zero to one-quarter mile of the site. Individual releases of gasoline and #2 fuel oil have been documented within one-quarter mile of the site.
- **Site 6:** Site 6 is a 31.7-acre parcel in the town of Niagara, New York, at the end of Tuscarora Road and north of Porter Road. Access is by Tuscarora Road only. Water and sewer are available on-site; gas, electric power, CATV, and telephone are available but would require an extension. The site is zoned general commercial. The parcel is within a 100-year flood zone and is within the approach and departure zones for runways 10R/28L at the Niagara Falls International Airport. Individual releases of waste/used oil have been documented within one-quarter mile of the site.
- **Site 7:** Site 7 is a 26-acre parcel in the town of Niagara, New York, on the east side of Military Road and south of the CSX railroad line. Main access to the site is off Military Road, and secondary access is through a residential area. The site's proximity to the railroad could affect access to the site from Military Road. The parcel is zoned multiple-family residential, which is inconsistent with the intended use. Water, sewer, gas, electric power, CATV, and telephone are available on-site or nearby. Nearly half of the parcel is potentially listed as wetlands, and the parcel is within one-eighth mile of a 100-year flood zone. Individual releases of gasoline have been documented less than one-quarter mile of the site; and jet fuel and motor oil within one-quarter mile of the site. The parcel is within one-quarter mile of a National Priority List (NPL) site.
- **Site 8:** Site 8 is a 15-acre parcel in the town of Niagara, New York, south and west of Power Authority Access Road and west of Witmer Road. Access is by Witmer Road only, with a potential second access from Pennsylvania Road; access to the site from the Power Authority Service Drive is unconfirmed. The site is zoned heavy industrial. Water, sewer, electric power, CATV, and telephone are available at the site. The parcel is vacant and has sparse vegetative and gravel cover. A site appearing to have monitoring wells (indicating contamination) is to the north, and the parcel is within one-quarter mile of a Niagara University building. Individual releases of #2 fuel oil and diesel fuel have been documented within one-eighth mile of the site; #2 fuel oil, diesel fuel, and waste/used oil within one-quarter mile of the site. The parcel is within one-quarter mile of six landfills and less than one-quarter of a mile of an NPL site.
- **Site 9:** Site 9 is a 17-acre parcel in the city of Niagara Falls, New York, near the existing Niagara BPS. It has frontage on Highland Avenue and several side streets. The site is zoned general commercial. Water, sewer, gas, electric power, CATV, and telephone are available on-site. The parcel is reported to be in a high crime area (gun fire has been reported in the area). Individual releases of #2 fuel oil and waste/used oil have been documented within one-eighth mile of the site; unknown petroleum, gasoline, diesel fuel, nontoxic dye, hydrogen chloride, titanium tetrachloride, and

hydrochloric acid within one-eighth mile of the site. The parcel is within one-eighth mile of two U.S. Brownfield sites, a State Hazardous Waste Site (barium and radioactive waste), and is less than one-quarter mile from an NPL site.

- **Site 10:** Site 10 is a 6.2-acre parcel in the hamlet of Ransomville, town of Porter, New York. It has frontage on Lake and Dickersonville Roads. The site is 3 miles from the Robert Moses Parkway (which provides access to both border crossings at the Niagara Falls State Park and I-190), and is 20 miles from the main entrance to the Niagara Falls International Airport. It is zoned rural residential and agriculture, which is inconsistent with the intended use. Water, gas, electric power, CATV, and telephone are available on-site or nearby. The parcel is not connected to a public sewer utility and would require a septic system. The parcel does not meet the 10-acre minimum size. Other negative issues are distance to major roadways, the airport, and snow-removal delays could hinder Border Patrol operations. The parcel is within one-quarter mile of Lake Ontario, a 100-year flood zone.
- **Site 11:** Site 11 is a 95-acre parcel in the village of Youngstown, town of Porter, New York, at the southwest corner of Balmer Road and Porter Center Road. The parcel is 5 miles from the Robert Moses Parkway and 12 miles from the main entrance to the Niagara Falls International Airport. The parcel is zoned general industrial. Water, gas, and electric power, are available on-site or nearby. CATV and telephone are not present, and the parcel is not connected to a public sewer utility and would require a septic system. More than three-quarters of the parcel is potentially listed as wetlands. A former missile site occupies 12 acres of the site and would require removal of silos (if the owner would not subdivide the parcel). Individual releases of hydraulic oil have been documented within one-quarter mile of the site. The parcel is within one-quarter mile of an NPL site. Other negative issues including distance to major roadways, airport operations, and snow-removal delays could hinder Border Patrol operations.



Locations of All Sites Considered for the New Niagara BPS

Site 1 : Alternative 1; Site 2: Alternative 2; Site 3A: Alternative 3.

Figure 2-4

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SECTION 3.0

AFFECTED ENVIRONMENT AND CONSEQUENCES

This section describes the existing environmental and socioeconomic conditions that could be affected by implementing the proposed action, and the possible environmental and socioeconomic effects of implementing the proposed action or alternatives.

3.1 Land Use

3.1.1 Affected Environment

The existing Niagara Area of Responsibility (AOR) Border Patrol Station (BPS) is in the city of Niagara Falls in Niagara County, New York. The Alternative 1, 2, and 3 parcels proposed for a new BPS are in the Niagara AOR and within 8 miles of the Canadian border crossing on I-190, within 9 miles of the Canadian border crossing at Whirlpool Rapids Bridge, and within 7 miles of the Canadian border crossing at Niagara Falls State Park.

3.1.1.1 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

Alternative 1 consists of constructing, operating, and maintaining a new Niagara AOR BPS on the Alternative 1 parcel (Site 1 of the market survey; USACE Detroit District 2011b). The Alternative 1 parcel is in the town of Niagara, Niagara County, New York, approximately 2 miles east of I-190, 7 miles from the border crossing at I-190, 8.4 miles east of the border crossing at Whirlpool Rapids Bridge, and 6.6 miles east of the border crossing at Niagara Falls State Park. The parcel is on the Niagara Falls Air Reserve Station (ARS) and has 100 linear feet (LF) of frontage on Tuscarora Road to the west. Lockport Road is north of the parcel, but residences along Lockport Road separate the parcel from direct road access.

The parcel is a flat, vacant, grass-covered lot that is zoned light industrial. Land adjacent to the parcel is agricultural to the west, residential to the north, and the parcel belongs to the Niagara Falls ARS, which continues to the south and east. Niagara Falls International Airport is south of the ARS. The surrounding area is primarily rural residential with suburban residential neighborhoods approximately one mile west of the parcel.

3.1.1.2 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

Alternative 2 consists of constructing, operating, and maintaining a new Niagara AOR BPS on the Alternative 2 parcel (Site 2 of the market survey; USACE Detroit District 2011b). The majority of the Alternative 2 parcel is in the town of Niagara and partially in the town of Wheatfield, Niagara County, New York (Niagara County 2012a). The parcel is approximately 2 miles east of I-190, 7.5 miles from the border crossing at I-190, 10.5 miles east of the border crossing at Whirlpool Rapids Bridge, and 7 miles east of the border crossing at Niagara Falls State Park. The parcel is south of the Niagara Falls International Airport. It has 400 LF of frontage on Williams Road to the east and is approximately 1,000 LF south of the intersection of Williams Road and Niagara Falls Boulevard (U.S. Route 62).

The parcel is vacant, flat, and sparsely covered with grasses and is zoned general business (Niagara County 2012a; USACE Detroit District 2011b). Land adjacent to the parcel is agricultural to the east, zoned residential to the west and south, and a car dealership and automotive shop are to the north. The commercial area and the parcel are owned by David Chevrolet Buick (USACE Buffalo District 2012b). Niagara International Falls Airport is less

than 1,500 LF north of the site. The surrounding area is primarily to the east rural, and the city limits of Niagara Falls is one street south and west of the parcel.

3.1.1.3 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

Alternative 3 consists of constructing, operating, and maintaining a new Niagara AOR BPS on the Alternative 3 parcel (Site 3a of the market survey; USACE Detroit District 2011b). The parcel is in the town of Niagara, Niagara County, New York, across Tuscarora Road and west of the Alternative 1 parcel. Like the Alternative 1 parcel, it is 2 miles east of I-190, 8.4 miles east of the border crossing at Whirlpool Rapids Bridge, 7 miles from the border crossing at I-190, and 6.6 miles east of the border crossing at Niagara Falls State Park. The Niagara Falls ARS is east of the Alternative 3 parcel. The parcel has 2,600 LF of frontage on Tuscarora Road to the east. Lockport Road is north of the parcel, with some residences and open land along Lockport Road separating the parcel from that roadway.

The parcel is a vacant, flat, grass-covered property that is used as farmland but zoned as heavy industrial. The adjacent land is agricultural to the north, south, and west. The surrounding area is primarily rural residential with suburban residential neighborhoods approximately one mile west of the parcel, and the Niagara Falls International Airport is south of the Niagara Falls ARS.

3.1.2 Consequences

3.1.2.1 No Action Alternative

No effects on land use would be expected from implementing the No Action Alternative, under which U.S. Border Patrol (USBP) agents would continue to operate out of the Niagara Falls BPS on Highway 61. No changes in land use from baseline conditions would result from implementing this alternative. No new property would be acquired.

3.1.2.2 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

Short-term direct minor adverse effects on land use would be expected from implementing Alternative 1. Areas used for staging and storage of construction materials on the parcel might require removal of trees, shrubs, or other vegetation; however, vegetation in these areas would be expected to be reestablished after construction is complete.

Long-term direct moderate adverse effects on land use would be expected from implementing Alternative 1. The Alternative 1 parcel would no longer be open space and would be converted to a 40,000-square-foot administrative facility for border patrol agents and detainees. The site would be fenced and include appurtenances such as parking, storage areas, and a communications tower.

Short- and long-term indirect adverse effects would not be expected with Alternative 1. A new BPS operating on the Alternative 1 parcel is consistent with the existing zoning designation of light industrial. The parcel is owned by the U.S. government and would be consistent with the use of the Niagara Falls ARS and the Niagara Falls International Airport. The land use would not be consistent with the existing residences adjacent and north of the parcel; however, given the proximity of the residences to the airport and ARS, the proposed land use would be similar to the existing nonresidential uses.

3.1.2.3 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

Short- and long-term direct and indirect effects on land use for Alternative 2 would be similar to those discussed for Alternative 1 in Section 3.1.2.2. A new BPS operating on the Alternative 2 parcel is consistent with the existing zoning designation of general commercial. The land use would not be consistent with the existing residences south and west of the parcel; however, given the proximity of the residences and the proposed land use to the airport and ARS, the proposed land use would be similar to the existing nonresidential uses.

3.1.2.4 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

Short- and long-term direct and indirect effects on land use for Alternative 3 would be similar to those discussed for Alternative 1 in Section 3.1.2.2. The land is zoned heavy industrial but is used for cropland in the northern portion, and the southern portion is a drag racing strip that is no longer in use. A new BPS operating on the Alternative 3 parcel is consistent with the existing zoning designation of heavy industrial. The land use would not be consistent with the existing residences north of the parcel; however, given the proximity of the residences and the proposed land use to the Niagara Falls International Airport and the Niagara ARS, the proposed land use would be similar to the existing nonresidential uses.

3.2 Geology and Soils

3.2.1 Affected Environment

Niagara Falls is on the Niagara Falls Escarpment, a prominent cliff-forming feature extending from western New York into southern Ontario, northward to the upper peninsula of Michigan, bending downward into eastern Wisconsin and Illinois (NYSGS 2012). The escarpment is the edge of a thick series of dolomite layers of the Silurian age. The rocks are resistant to erosion and stand up in relief as a prominent line of bluffs (Dutch 1999). The Niagara Falls Escarpment was cut to form Niagara Falls during the last glacial melt about 16,000 years ago (NYSGS 2012).

Prime farmland. The U.S. Department of Agriculture (USDA) defines *prime farmland* as land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for such uses. Section 1541(b) of the Farmland Protection Policy Act of 1980 and 1995 [title 7 *United States Code* (U.S.C.) section 4202(b)] (FPPA) requires that Federal and state agencies, and projects funded with Federal funds (1) identify and take into account the adverse effects of their programs on the preservation of farmland; (2) consider alternative actions, as appropriate, that could lessen adverse effects; and (3) ensure that their programs, to the extent practicable, are compatible with state, local government, and private programs and policies to protect farmland.

3.2.1.1 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

The Alternative 1 parcel consists of Odessa silty clay loam, 0 to 2 percent slopes. Odessa silty clay loam is formed from reddish clayey and silty glaciolacustrine deposits, is not known to flood or pond, and has depth to a restrictive feature of more than 80 inches. The soils are somewhat poorly drained, and the depth to water table in the soils is about 6 to 18 inches. Odessa silty clay loam, 0 to 2 percent is not designated as a hydric soil (permanently or seasonally saturated by water); however, Lakemont is a component of this soil type that if found in a depression, could qualify as a hydric soil. The soil is designated as prime farmland if drained (USDA NRCS 2011).

3.2.1.2 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

The Alternative 2 parcel primarily consists of Odessa silty clay loam, 0 to 2 percent slopes, and the southwest corner consists of Canandaigua silty clay loam. Odessa silty clay loam, formed from reddish clayey and silty glaciolactustrine deposits, is not known to flood or pond, and has depth to a restrictive feature of more than 80 inches. Odessa silty clay loam is somewhat poorly drained, and the depth to water table in the soils is about 6 to 18 inches. Odessa silty clay loam, 0 to 2 percent is not designated as a hydric soil, but Lakemont is a component of this soil type that if found in a depression, could qualify as a hydric soil (USDA NRCS 2011).

Canandaigua silty clay loam is formed from silty and clayey glaciolactustrine deposits, is not known to flood but frequently ponds, and has depth to a restrictive feature of more than 80 inches. The soil is very poorly drained, and the depth to water table in the soils is 0 inch. Canandaigua silty clay loam is designated as a hydric soil (USDA NRCS 2011).

Canandaigua silty clay loam soil does not qualify as prime farmland, but Odessa silty clay loam, 0 to 2 percent slopes is prime farmland if drained (USDA NRCS 2011).

3.2.1.3 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

The Alternative 3 parcel consists of Odessa silty clay loam, 0 to 2 percent slopes. Odessa silty clay loam is formed from reddish clayey and silty glaciolactustrine deposits, is not known to flood or pond, and has depth to a restrictive feature of more than 80 inches. The soils are somewhat poorly drained, and the depth to water table in the soils is about 6 to 18 inches. Odessa silty clay loam, 0 to 2 percent is not designated as a hydric soil, but Lakemont is a component of this soil type that if found in a depression, could qualify as a hydric soil. The soil is designated as prime farmland if drained (USDA NRCS 2011).

3.2.2 Consequences

3.2.2.1 No Action Alternative

No effects on geology or soils would result from implementing the No Action Alternative. No changes from baseline geologic and soil conditions would result from implementing the No Action Alternative.

3.2.2.2 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

Short-term minor adverse effects on soil resources would be expected from implementing Alternative 1. The effects would result from increased runoff and erosion that would likely occur during construction. The effects would be minimized by using approved best management practices (BMPs) for controlling runoff, erosion, and sedimentation. Construction activities would comply with requirements of the New York State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) for activities that disturb one or more acres of land and with the associated site-specific Stormwater Pollution Prevention Plan (SWPPP). Adverse effects on soils would be expected only in areas disturbed during construction.

A USDA Farmland Conversion Impact Rating (Form AD-1006) was submitted to the Natural Resources Conservation Service (NRCS) for a Land Evaluation and Site Assessment and includes data on the Alternative 1 parcel (see Appendix C). The USDA NRCS response letter dated June 19, 2012, states that because this project would be used for national defense purposes, the project and any alternative sites would be considered exempt from the FPPA according to section

1547(b) of the act, 7 U.S.C. 4028(b), which states that the acquisition or use of farmland by a Federal agency for nation defense purposes is exempt from the act.

No effects on geologic resources would be expected.

3.2.2.3 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

Short- and long-term minor adverse effects on soil resources would be expected from implementing Alternative 2. The short-term adverse effects would be similar to those described for Alternative 1 in Section 3.2.2.2. The poor drainage characteristics and hydric soil designation of Canandaigua silty clay loam on the Alternative 2 parcel would need to be considered in the site planning and construction engineering of new BPS facilities and in the design and operation of a post-construction stormwater management system. Field investigation has identified the existence of potential wetlands because of hydric soils on-site; a wetland delineation to identify jurisdictional wetlands should be conducted on the parcel before any development activities.

A USDA Farmland Conversion Impact Rating (Form AD-1006) was submitted to the NRCS for a Land Evaluation and Site Assessment and includes data on the Alternative 2 parcel (see Appendix C). The USDA NRCS response letter dated June 19, 2012, states that because this project would be used for national defense purposes, the project and any alternative sites would be considered exempt from the FPPA according to section 1547(b) of the act, 7 U.S.C. 4028(b), which states that the acquisition or use of farmland by a Federal agency for nation defense purposes is exempt from the act.

No effects on geologic resources would be expected.

3.2.2.4 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

Short- and long-term minor adverse effects on soil resources would be expected from implementing Alternative 3. The short-term adverse effects would be similar to those described in Section 3.2.2.2 for Alternative 1. Adverse effects on soils would be expected only in areas disturbed during construction.

A USDA Farmland Conversion Impact Rating (Form AD-1006) was submitted to the NRCS for a Land Evaluation and Site Assessment and includes data on the Alternative 2 parcel (see Appendix C). The USDA NRCS response letter dated June 19, 2012, states that because this project would be used for national defense purposes, the project and any alternative sites would be considered exempt from the FPPA according to section 1547(b) of the act, 7 U.S.C. 4028(b), which states that the acquisition or use of farmland by a Federal agency for nation defense purposes is exempt from the act.

No effects on geologic resources would be expected.

3.3 Vegetation

3.3.1 Affected Environment

Niagara Falls ARS is in the Beech-Maple Forest Section of the Eastern Deciduous Forest Province. This ecoregion is characterized by temperate deciduous forests. It is dominated by tall, broadleaf trees that provide a continuous and dense canopy in summer but shed their leaves completely in winter. This region of Niagara County, New York, was originally a mixed hardwood forest. The forest was logged during the 1800s and cleared for agricultural uses, such as row crops, small grains, forage grasses, and pasture (USACE Mobile District 2007). Farming and urban development have resulted in very limited forest acreage in the vicinity of the proposed

Niagara AOR BPS site locations. The surrounding area is urbanized with some residential and agricultural areas. The original vegetation has been removed or significantly altered by development, construction, landscaping, and other disturbances. No historically significant or unique native vegetative species were observed during field reconnaissance surveys conducted on May 8, 2012.

Grasslands on the Niagara Falls ARS support numerous ground-nesting birds, such as the meadowlark, grasshopper sparrow, and upland sandpiper. New York State Department of Environmental Conservation (NYSDEC) has indicated that the Niagara Falls ARS grassland habitat has regional importance for supporting a variety of grassland bird species (USACE Mobile District 2007).

Wetland communities, although limited, are another habitat type in the vicinity of the proposed Niagara AOR BPS site locations and are the preferred habitat for the majority of the freshwater wading bird populations in western New York (USACE Mobile District 2007).

3.3.1.1 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

The Alternative 1 parcel is an approximately 12.3-acre, vacant, grass-covered lot within the boundaries of the Niagara Falls ARS (Figure 2-1). The vegetation is primarily old field upland species, consisting of upland herbaceous vegetation, dominated by Timothy grass (*Phleum pratense*), red clover (*Trifolium pratense*), bull thistle (*Cirsium vulgare*), and other common lawn grasses. The parcel is mowed. Hydric vegetation is along the margins of the drainages, and a previously delineated wetland is along the southern portion of the site. The representative species of hydric vegetation are cattails (*Typha* spp.), soft rush (*Juncus effusus*), broom sedge (*Carex tribuloides*), and redtop (*Agrostis gigantea*).

Prior surveys performed by the U.S. Fish and Wildlife Service (USFWS) on the Niagara Falls ARS found grassland habitat supporting numerous ground-nesting birds, such as the meadowlark, grasshopper sparrow, and upland sandpiper. According to NYSDEC, the Niagara Falls ARS contains grassland habitat of regional importance and supports a variety of grassland bird species (USACE Mobile District 2007). These important habitat areas are concentrated in the riparian areas along Cayuga Creek and its tributaries, where the vegetation is allowed to remain in a more natural state. The maintained and mowed grassy areas do not provide the similar habitat of regional importance; however, the vegetation in potential wetland areas provide habitat for some bird species.

3.3.1.2 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

The Alternative 2 parcel is an approximately 12-acre vacant lot bordered to the east by Williams Road, to the north by Niagara Falls Boulevard, and just south of the Niagara Falls International Airport (Figure 2-1). Alternative 2 is adjacent to a highly developed residential area. The vegetation on this parcel consists of upland herbaceous vegetation, dominated by Timothy grass (*P. pratense*), red clover (*T. pratense*), and other common lawn grasses. The western portion of the site is cleared of most vegetation in a maintained herbaceous state, evidence of prior site development and disturbance was noted during the field reconnaissance survey (i.e., fire hydrant, utility poles). A wooded area in the southeast corner of the parcel is dominated by green ash (*Fraxinus pennsylvanica*). During the survey, this portion of the parcel was inundated by water, and any groundcover was unidentifiable. The southwest corner is an overgrown, shrub-dominated area, primarily covered with honeysuckle (*Lonicera* spp.) and assorted turf grasses.

3.3.1.3 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

The Alternative 3 parcel is an approximately 46.7-acre parcel immediately west of the Niagara Falls ARS, on the east side of Tuscarora Road (Figure 2-1). The north half of the site is an active agricultural field. The field is planted with erosion control plants, most likely winter wheat. A drainage ditch in the center of the field flows from north to south, draining into a large drainage ditch. An abandoned drag racing strip and numerous associated impermeable surfaces are in the southern half of the property. This portion of the site is covered with secondary successional growth, consisting of dense shrub, which includes grey stem dogwood (*Cornus racemosa*), honeysuckle (*Lonicera* spp.), and black willow (*Salix nigra*). In addition, drainage and potential wetland areas are present throughout this half of the Alternative 3 parcel with cattails being the dominant species. Dense, wet shrublands provide habitat for many resident and migratory bird species and could provide a unique habitat for wildlife species that might be sensitive to human disturbance.

3.3.2 Consequences

3.3.2.1 No Action Alternative

No adverse effects on vegetation would result from implementing the No Action Alternative. No changes to baseline vegetative conditions would result from implementing the alternative.

3.3.2.2 Alternative 1: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

Negligible long-term adverse effects would be expected on vegetation at the Alternative 1 parcel. Construction of the new BPS would occur in an open, grassy area, and vegetation removal would be necessary to construct the required facilities. However, no locally or regionally important plant community associations or complexes would be affected by the proposed construction. Riparian vegetation would be avoided, where possible, during construction to reduce adverse effects that could occur.

Sedimentation from construction could alter the riparian habitat, causing minor adverse effects on riparian vegetation on the Alternative 1 parcel. To reduce effects on riparian habitat, an SWPPP would be implemented, including appropriate BMPs for sediment control. Once construction is complete, some minimal habitat value would be regained through landscaping.

Grassland habitat on the Niagara Falls ARS supports numerous ground-nesting birds, such as the meadowlark, grasshopper sparrow, and upland sandpiper. NYSDEC indicates that the Niagara Falls ARS grassland habitat has regional importance for supporting a variety of grassland bird species (USACE Mobile District 2007). However, the maintained and mowed areas on this site in the northernmost portion of the Niagara Falls ARS has a lower ability to provide quality wildlife habitat given the small size of the potential wetland, the high level of disturbance (primarily mowing), and its close proximity to buildings and parking areas (USACE Mobile District 2007).

3.3.2.3 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

Negligible adverse effects would be expected. Proposed construction activities would occur in previously disturbed, maintained areas with a highly modified and disturbed landscape.

Because of the vegetation type (common species), small size of the parcel, and prior site disturbance, it is not likely that the proposed construction would have a lasting negative effect on the site.

Erosion prevention and sedimentation control BMPs would be used to minimize surface runoff and sedimentation, reducing potential short-term adverse effects on vegetation adjacent to construction.

3.3.2.4 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

Negligible adverse effects would be expected from implementing Alternative 3. The Alternative 3 parcel is about 47 acres. The Niagara BPS could be sited to minimize effects on sensitive vegetation resources such as wetlands and reduce the amount of active crop land converted to developing the facility. The effects on vegetation of constructing the Niagara BPS would be similar to those discussed for Alternative 1 and Alternative 2.

3.4 Wildlife and Aquatic Resources

3.4.1 Affected Environment

Wildlife species inhabiting the preferred and alternative sites are similar because of their close proximity (i.e., Alternative 1 and Alternative 3 are adjacent and approximately 1.5 miles north of the Alternative 2 location), the level of development in the surrounding area, and portions of each parcel have relatively similar habitat types. The habitats in the parcels include combinations of vacant grass lots, shrub-covered areas, forested areas, potential wetlands, and an active agricultural field. Several mammal species are commonly found in such habitats in this region. Common mammal species found inhabiting the surrounding area are whitetail deer (*Odocoileus virginianus*), coyote (*Canis latrans* Say), beaver (*Castor canadensis*), woodchuck (*Marmota monax*), raccoon (*Procyon lotor*), Eastern cottontail (*Sylvilagus floridanus*), gray squirrel (*Sciurus carolinensis*), opossum (*Didelphis virginiana*), striped skunk (*Mephitis mephitis*), red fox (*Vulpes vulpes*), and small rodents such as meadow voles (*Microtus pennsylvanicus*), muskrat (*Ondatra zibethicus*), and deer mouse (*Peromyscus maniculatus*) (USACE Mobile District 2007; URS 2011). USFWS surveys conducted in 2007 found no bat species using the Niagara Falls ARS (USFWS 2009).

Herpetofauna consisting primarily of wood frogs (*Rana sylvatica*), northern leopard frogs (*Lithobates pipiens*), green frog (*R. clamitans*), American toad (*Anaxyrus americanus*), garter snakes (*Thamnophis sirtalis*), painted turtles (*Chrysemys picta*), and snapping turtles (*Chelydra serpentina*) were also identified (USACE Mobile District 2007; URS 2011).

Approximately 50 bird species were identified during prior surveys performed on and in the vicinity of the proposed Niagara BPS site alternatives including summer breeding birds, transient visitors during spring and fall migration, over-wintering birds, and year-round birds (USACE Mobile District 2007; URS 2011). The most abundant native birds inhabiting the area are the red-winged black bird (*Agelaius phoeniceus*), European starling (*Sturnus vulgaris*), gulls (*Laridae*), eastern meadowlark (*Sturnella neglecta*), song sparrow (*Melospiza melodia*), savannah sparrow (*Passerculus sandwichensis*), rock dove (*Columba livia*), mourning dove (*Streptopelia decipiens*), killdeer (*Charadrius vociferus*), American crow (*Corvus brachyrhynchos*), and great blue heron (*Ardea herodias*). During winter months, mallards (*Anas platyrhynchos*), black ducks (*A. rubripes*), and Canada geese (*Branta canadensis*) are also common (USACE Mobile District 2007; URS 2011).

Most of these bird species were found in areas where tree/sapling/shrub habitat dominated (USACE Mobile District 2007). This was also noted during the May 2012 field reconnaissance surveys at Alternative 2 and 3. Many species of birds were observed during the May 2012 field assessment survey, including grey catbird (*Dumetella caroliniensis*), yellow warbler (*Setophaga petechia*), American goldfinch (*Carduelis tristis*), and American robin (*Turdus migratorius*).

The fisheries habitat on Niagara Falls ARS consists of Cayuga Creek and its unnamed tributaries. Cayuga Creek is a relatively small, low-gradient, warm-water system (USACE Mobile District 2007). Intermittent flow and limited aquatic habitat attribute to the relatively low value of these waterways in relation to their regional ability to support aquatic species. Species collected in the unnamed tributaries were central mudminnow (*Umbra limi*), common shiner (*Luxilus cornutus*), bluntnose minnow (*Pimephales notatus*), creek chub (*Semotilus atromaculatus*), and brook sticklebacks (*Culaea inconstans*) (USACE Mobile District 2007).

Additionally, the USFWS has found devil crayfish (*Cambarus diogenes*) to be abundant at the Niagara Falls ARS in association with Cayuga Creek and its tributaries (USFWS 2009). Devil crayfish are one of the most widely distributed and successful crayfish species in North America (Cordeiro et al. 2012), however, the species is listed as a Species of Greatest Conservation Concern in New York (USFWS 2009). U.S. Customs and Border Protection (CBP) has initiated consultation with New York Natural Heritage Program (NYNHP) and NYSDEC and would implement recommended protective measures.

3.4.2 Consequences

3.4.2.1 No Action Alternative

No effects on wildlife or aquatic resources would result from implementing the No Action Alternative. No changes in wildlife or aquatic resource conditions would result from implementing the alternative.

3.4.2.2 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

Short-term minor adverse effects on wildlife would be expected from implementing Alternative 1. Mobile species associated with the site would relocate to nearby habitats during construction activities. After construction, species that are tolerant of human activities could return to the site. The proposed construction would not be detrimental to any species populations. The use of native tree and shrub species for landscaping the site after construction is complete would likely benefit some bird and small-mammal species by providing food and cover habitat.

The mowed grassy area of the Alternative 1 parcel provides marginal habitat for wildlife; therefore, mostly common species of birds and mammals that have adapted to urban/industrial habitat would likely be displaced from implementing Alternative 1. Wetlands typically provide habitat for a diverse array of wildlife. However, because of the small size of the wetland along the southern boundary of the site, its disturbed nature from mowing, and its proximity to existing buildings and parking areas, its habitat value has already been greatly reduced and would not be significantly affected by the proximity of CBP's proposed Niagara BPS.

On the basis of prior USFWS management recommendations for Niagara Falls ARS, the Alternative 1 parcel is part of a seasonal mowing maintenance program. Grass mowing must occur before May and after July 31 to avoid peak breeding season. It is recommended that a height between 7 and 14 inches be maintained. The USFWS has found devil crayfish (*C. diogenes*) to be abundant at the Niagara Falls ARS and determined that the current mowing regime was not detrimental to its survival (USFWS 2009).

Adverse effects on aquatic resources could result from soil disturbance during construction, which increases the likelihood of sedimentation from stormwater runoff. However, the parcel has sufficient area available for development, and the facility could be sited to avoid or minimize effects. Erosion and sedimentation would be minimized by developing and implementing an SWPPP, which would include appropriate BMPs for erosion and sediment control.

3.4.2.3 **Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel**

Short-term minor adverse effects on wildlife would be expected from implementing Alternative 2. The parcel has sufficient area available for development, and the facility could be sited to avoid or minimize effects on wetland areas that could support aquatic species and insects. The Alternative 2 parcel does not possess hydrologic connections to waterbodies and construction of a new BPS would not adversely affect fish species. Effects on wildlife would be similar to those of Alternative 1.

3.4.2.4 **Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel**

Short-term minor adverse effects on wildlife would be expected from implementing Alternative 3. The parcel has sufficient area available for development, and the facility could be sited to avoid or minimize effects on wetland areas that could support aquatic species and insects. Effects on wildlife would be similar to those of Alternative 1 and Alternative 2.

3.5 **Threatened and Endangered Species**

3.5.1 **Affected Environment**

The eastern prairie fringed orchid (*Platanthera leucophea*) is the only Endangered Species Act protected species listed for Niagara County (USFWS 2012a). The bald eagle was removed from the Endangered Species Act on August 8, 2007, but it remains protected under the Bald and Golden Eagle Protection Act. Neither species would be likely to occur on the Alternative 1, Alternative 2, or Alternative 3 parcels because of the lack of suitable habitat. Prior surveys on the Niagara Falls ARS conducted by the USFWS found no federally listed threatened, endangered, proposed, or candidate plant or animal species using the property as habitat (USACE Mobile District 2007; USFWS 2009). In addition, neither species was observed during biological field surveys conducted in the spring of 2010 on the approximately 216-acre parcel west of the Niagara Falls ARS that includes the Alternative 2 parcel (URS 2011).

USFWS surveys confirmed the presence of six New York State-listed bird species in the vicinity of the Alternative 1, Alternative 2, and Alternative 3 parcels (Table 3-1); however, none were found directly occurring in the site boundaries (USACE Mobile District 2007; USFWS 2009). These include the grasshopper sparrow (*Ammodramus savannarum*), upland sandpiper (*Bartramia longicauda*), short-eared owl (*Asio flammeus*), northern harrier (*Circus cyaneus*), American bittern (*Botaurus lentiginosus*), and horned lark (*Eremophila alpestris*). Other species are identified in site documents; however, most are identified as having only historic occurrences or as migrants not likely to use the site habitats (Table 3-1).

CBP is consulting with the NYNHP and NYSDEC to determine whether any site-specific concerns regarding state-protected threatened or endangered species are at Alternative 1. CBP is awaiting responses from these agencies. In 2007 USFWS also conducted surveys for species considered as Species of Greatest Conservation Need, which included devil crayfish (*C. diogenes*) among other species. The devil crayfish is documented as occurring on the Niagara Falls ARS in the vicinity of Alternative 1. While this is not a regulated species, CBP would adhere to NYNHP and the NYSDEC findings and recommendations. The USFWS has found the species to be abundant at the Niagara Falls ARS and has determined that the mowing regime would not be detrimental to its survival (USFWS 2009). CBP would implement NYDEC or NYNHP recommendations arising from the consultation to minimize any effects on state-listed threatened or endangered species.

3.5.2 Consequences

3.5.2.1 No Action Alternative

No effects on threatened or endangered species would be expected from implementing the No Action Alternative. Under that alternative, no new BPS would be constructed in or near Niagara Falls, New York. Because the existing Niagara BPS would not be expanded and no new property would be acquired, no effects differing from baseline conditions would occur. Ongoing effects would be similar to those resulting from current operations.

3.5.2.2 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

No federally listed or protected species would be expected to be adversely affected because prior surveys in the vicinity found no such species occurring. The Alternative 1 parcel could provide habitat for state-listed bird species. However, no adverse effects on state species would be expected from implementing Alternative 1 because the CBP site plan for and construction of the Niagara AOR BPS would be implemented in accordance with USFWS, NYSDEC, and NYNHP recommendations.

CBP is consulting with the USFWS to confirm the above and to confirm the absence of state-listed bird species or other habitat concerns on or in the vicinity of the site. Supplemental information will be provided for the purpose of this environmental assessment (EA). CBP will fully address any comments or concerns from the USFWS and to ensure full compliance with the Endangered Species Act.

Similarly, CBP is consulting with NYNHP and the NYSDEC to determine whether any site-specific concerns exist regarding state-protected threatened/endangered species at the preferred site for the project. CBP is awaiting responses from the agencies.

No adverse effects on threatened or endangered species would be expected from implementing Alternative 1 because the CBP site plan for and construction of the Niagara AOR BPS would be implemented in accordance with USFWS, NYSDEC, and NYNHP recommendations.

No adverse effects on state-listed or federally protected threatened or endangered species would be expected from implementing Alternative 1.

3.5.2.3 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

No adverse effects would be expected on federally listed or protected species. The Alternative 2 parcel could provide habitat for state-listed bird species. However, no adverse effects on state-listed species would be expected from implementing Alternative 2. Effects on threatened and endangered species would be similar as discussed for Alternative 1 in Section 3.5.2.2.

3.5.2.4 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

No adverse effects would be expected on federally listed or protected species. The Alternative 3 parcel could provide habitat for state-listed bird species. However, no adverse effects on state-listed species would be expected from implementing Alternative 3. Effects on threatened and endangered species would be similar as discussed for Alternative 1 in Section 3.5.2.2.

**Table 3-1.
Threatened and endangered species occurring on or near the proposed Niagara
BPS parcels**

Common name (scientific name)	Status ^a		Presence on Niagara Falls ARS
	Federal	State	
Birds			
American bittern (<i>Botaurus lentiginosus</i>)	NL	SC	Occurs
American Peregrine falcon (<i>Falco peregrinus anatum</i>)	NL	E	Migrates through
Bald eagle (<i>Haliaeetus leucocephalus</i>)	D	T	Migrates through
Common nighthawk (<i>Chordelles minor</i>)	NL	SC	Migrates through
Common tern (<i>Sterna hirundo</i>)	NL	T	Migrates through
Grasshopper sparrow (<i>Ammodramus savannarum</i>)	NL	SC	Occurs
Henslow's sparrow (<i>Ammodramus henslowii</i>)	NL	T	Historic range
Horned lark (<i>Eremophila alpestris</i>)	NL	SC	Occurs
Loggerhead shrike (<i>Lanius ludovicianus</i>)	NL	E	Migrates through
Northern harrier (<i>Circus cyaneus</i>)	NL	T	Occurs
Piping plover (<i>Charadrius melodus</i>) ^b	T	E	Migrates through
Red-shouldered hawk (<i>Buteo lineatus</i>)	NL	SC	Migrates through
Short-eared owl (<i>Asio flammeus</i>)	NL	E	Occurs
Upland sandpiper (<i>Bartramia longicauda</i>)	NL	T	Occurs
Vesper sparrow (<i>Pooecetes gramineus</i>)	NL	SC	Historic range
Amphibians/Reptiles			
Eastern box turtle (<i>Terrapene Carolina</i>) ^c	NL	SC	Occurs ^c
Northern cricket frog (<i>Acris crepitans</i>)	NL	E	Historic range
Mammals			
Allegheny woodrat (<i>Neotoma magister</i>)	NL	E	historic range
Indiana bat (<i>Myotis sodalis</i>) ^d	E	E	historic range

Source: USACE Mobile District 2007

Notes:

^a D = Delisted; E = Listed as Endangered; NL = Not Listed; SC = Species of Concern; T = Listed As Threatened

^b Piping plover is a federally listed species in the Great Lakes Region; however, this species is not occurring in Niagara County, New York (USFWS 2012a) and not inventoried as occurring on the Niagara Falls ARS (USFWS 2009).

^c The eastern box turtle was not confirmed and could have been misidentified because it was a long-range observation, and on the basis of habitat conditions on the Niagara Falls ARS, the potential for this herpatofauna species to inhabit any of the proposed alternative site locations is low (USFWS 2009).

^d USFWS surveys conducted in 2007 found no bat species using the Niagara Falls ARS (USFWS 2009). The USFWS does not list the Indiana bat as occurring in Niagara County, New York (USFWS 2012a).

3.6 Hydrology and Groundwater

3.6.1 Affected Environment

Surface water hydrology in the vicinity of the proposed BPS parcels is described in Section 3.7.1. The parcels for Alternatives 1, 2, and 3 surround the Niagara Falls International Airport and are over the same aquifer.

The New York and New England Carbonate Rock aquifer is a principal aquifer that underlies a considerable portion of the southern half of Niagara County. Three bedrock aquifers are in this principal aquifer. These include the limestone aquifer occurring in the Onondaga Limestone, Akron Dolomite and the Bertie Limestone formations; the Camillus aquifer occurring in the Camillus Shale formation, the Syracuse formation, and the Vernon Shale formation; and the Lockport aquifer occurring in the Lockport Dolomite formation. All three bedrock aquifers yield small to moderate quantities of water and are not used for significant public withdrawals of water. Public water supplies are provided by the Niagara County Water District (Niagara County 2009). Potable water for Niagara consists entirely of water pumped from the Chippawa Channel of the Niagara River (Townofniagara.com 2012). On-site, direct access to groundwater as a water supply would not be expected.

3.6.2 Consequences

3.6.2.1 No Action Alternative

No effects on hydrology or groundwater would result from implementing the No Action Alternative. Construction of a new BPS would not occur under this alternative, and no changes in groundwater resource conditions would result.

3.6.2.2 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

Short- and long-term minor direct adverse effects on hydrology and groundwater for Alternative 1 would be expected. In the short term, erosion and sediment runoff would be expected to result from vegetation clearing and land-disturbance activities associated with site development and construction. Construction-related activities could result in spills of petroleum hydrocarbons or other pollutants that could contaminate groundwater. Waterborne-soluble contaminants from construction-related pollutants could be conveyed to groundwater through infiltration.

Developing the Alternative 1 parcel for a new BPS would change the land from vegetated and undeveloped to at least partially developed, with an increase in impervious surfaces over the existing vegetated pastureland condition of the parcel. Long-term minor adverse effects on groundwater would be expected as a result of this increase, such as parking lots, driveways, and rooftops. Impervious surfaces can result in the following:

- Increased runoff (in the forms of increased volume, velocity, and peak flows)
- Increased erosion
- Increased pollutant loads (e.g., dissolved solids, petroleum hydrocarbons, or excess nutrients)
- Reduced ground absorption and infiltration of runoff that would otherwise recharge the groundwater supply

The CBP site plan would be implemented in compliance with Section 438 requirements of the Energy Independence and Security Act of 2007 which establishes that Federal facilities with a footprint exceeding 5,000 square feet maintain, to the maximum extent practicable, the predevelopment hydrology of the property.

Employing construction-specific BMPs for erosion and stormwater management would minimize potential contamination of groundwater resources. Construction activities would comply with requirements of New York's State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) for activities that disturb one or more acre of land and with the associated site-specific SWPPP.

Incorporating an effective stormwater management system, landscaping, and BMPs into the siting, design, and construction of new BPS facilities would mitigate potential adverse effects on groundwater resources.

Long-term indirect effects on groundwater would be expected if vehicle storage and vehicle washing occurs in exposed areas where runoff of fluids and wash water could infiltrate into the soil and migrate to groundwater.

3.6.2.3 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

Short- and long-term direct and indirect effects on hydrology and groundwater for Alternative 2 would be expected similar to those described for the Alternative 1 parcel in Section 3.6.2.2.

3.6.2.4 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

Short- and long-term direct and indirect effects on hydrology and groundwater for Alternative 3 would be expected similar to those described for the Alternative 1 parcel in Section 3.6.2.2.

3.7 Surface Waters and Waters of the United States

3.7.1 Affected Environment

Most of Niagara County is in the Niagara River/Lake Erie watershed. The drainage area includes four Great Lakes, and some of the largest, most industrial cities in North America. At the point where the Niagara River empties into Lake Ontario, the watershed drains more than 265,000 square miles of north-central United States and south-central Canada (NYSDEC 2012a). However, the watershed drains only about 2,280 square miles of the northern Appalachian Plateau and lake shore lowlands in New York State (NYSDEC 2012a).

Water quality issues in the Niagara River/Lake Erie watershed are mostly identified by or within Great Lakes Areas of Concern, and associated Remedial Action Plans and Lakewide Management Plans. The focus in the Niagara River/Lake Erie Drainage Basin is on the areas where the U.S. and Canadian governments seek to protect and restore beneficial uses in areas where pollutants have seriously impaired the quality and uses of a waterbody. The majority of these efforts are concentrated on the Niagara River Remedial Action Plan, Buffalo River Remedial Action Plan, and Lake Erie Lakewide Management Plan.

For the purpose of this discussion, surface waters and waters of the United States are those waters regulated or potentially regulated by the Corps under the authority of the Clean Water Act (CWA) section 404 or those waters regulated by Article 24 of the NYSDEC's Freshwater Wetland Regulation Program. In most cases, written authorization is required from these agencies to conduct activities in or adjacent to these areas that could lead to the degradation of the nation's or state's aquatic resources.

3.7.1.1 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

The Alternative 1 parcel is an undeveloped and vacant lot within the boundaries of the Niagara Falls ARS. The parcel is on a level, grassy field drained by several drainage ditches and an unnamed tributary to Cayuga Creek. Three main drainage features converge at the center of the parcel and flow directly east via the unnamed tributary to Cayuga Creek. This tributary flows south through the center of the Niagara Falls ARS before draining into Cayuga Creek. Cayuga Creek then drains into the Niagara River approximately 5 miles upstream of the American and Horseshoe Falls. The unnamed tributary functions as the primary stormwater conveyance for the Niagara Falls ARS (USACE Mobile District 2007).

The USFWS National Wetland Inventory map indicates no wetlands on or directly adjacent to the Alternative 1 parcel; however, a palustrine emergent (PEM) wetland is less than 0.05 mile west of the parcel on the opposite side of Tuscarora Road, and a large PEM wetland complex is approximately one-half mile south of the parcel (USFWS 2012b) (Figure 2-1). No mapped NYSDEC freshwater wetlands are on or adjacent to the site (NYSDEC 2012b).

In 2013 the Corps conducted a wetland delineation of the parcels being evaluated as Alternatives 1, 2, and 3 of this Environmental Assessment (See Appendix D). On the Alternative 1 parcel the Corps delineated three PEM wetlands totaling approximately 0.47 acres and a 705.6 linear foot stream. The main wetland, 0.415 acres, and two small depressional wetlands, 0.015 and 0.038 acres in size, were identified of the parcel. The 0.415 acre wetland and stream were found to have a connection to a Waters of the United States (WOUS) and therefore are considered to be federally jurisdictional. The two smaller wetlands are hydrologically isolated and therefore not regulated under Section 404 of the CWA (USACE 2013).

The Alternative 1 parcel is part of a seasonal Niagara Falls ARS grass mowing maintenance program. Mowing is not allowed between May and July 31 to avoid peak breeding season for devil crayfish (*C. diogenes*), and USFWS recommends that grass height be maintained between 7 and 14 inches (USFWS 2010). At the time of the 2008 survey, the area was not mowed, and dominant vegetation consisted of redtop (*A. alba*), mannagrass (*Glyceria* sp.), red fescue (*Festuca rubra*), quackgrass (*Agropyron repens*), slender vetch (*Vicia tetrasperma*), crested oval sedge (*Carex cristella*), and fox sedge (*C. vulpinoidea*). Upland areas supported similar plant species, but slender vetch (*Vicia tetrasperma*) was more abundant (USFWS 2010).

3.7.1.2 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

The Alternative 2 parcel is approximately one-half mile north of Berholtz Creek and approximately 1 mile south of Cayuga Creek. No National Wetland Inventory wetlands and no NYSDEC freshwater wetlands are on or adjacent to the parcel (USFWS 2012b, NYSDEC 2012b). A large PEM wetland complex is approximately one-half mile north of the Alternative 2 parcel on the Niagara Falls ARS and a 43-acre New York State-regulated wetland is approximately one-half mile south of the Alternative 2 parcel.

In 2013 the Corps conducted a wetland delineation of the parcels being evaluated as Alternatives 1, 2, and 3 of this Environmental Assessment (See Appendix D). On the Alternative 2 parcel the Corps delineated five wetlands totaling approximately 3.25 acres. Two palustrine forested (PFO) wetlands, 0.143 and 2.35 acres in size; two PEM wetlands, 0.018 and 0.333 acres in size; and one palustrine scrub-shrub (PSS) wetland, 0.040 acres in size, were identified on the parcel. The two PFO wetlands and larger PEM wetland were found to have a connection to WOUS and therefore are considered to be federally jurisdictional. The smaller PEM and PSS wetlands are

hydrologically isolated and therefore not regulated under Section 404 of the CWA (USACE 2013).

3.7.1.3 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

The Alternative 3 parcel is approximately four-tenths of a mile north of Cayuga Creek. The northern portion is an active agricultural field, and the southern portion is covered with secondary successional growth consisting of dense shrub and an abandoned drag racing strip and associated impermeable surfaces.

No Federal National Wetland Inventory wetlands or New York State-regulated wetlands are mapped on the property (USFWS 2012b, NYSDEC 2012b). However, a National Wetland Inventory wetland is mapped adjacent to the northeastern corner of Alternative 3. In 2009 URS Corporation (URS) delineated an approximately 200-acre area that included the 46.7-acre Alternative 3 parcel. URS identified 11 wetlands on the 200-acre property totaling 3.81 acres with the largest of these wetlands (1.49 acres) being adjacent to the lower southwest portion of the Alternative 3 parcel boundary (URS 2011). This wetland appears to have been created from drainage disruption on the north side of the former drag strip. Three of the 11 URS-identified wetlands are on the Alternative 3 parcel and occupy approximately one-quarter of an acre at Alternative 3 (URS 2011).

In 2013 the Corps conducted a wetland delineation of the parcels being evaluated as Alternatives 1, 2, and 3 of this Environmental Assessment (See Appendix D). On the Alternative 3 parcel the Corps delineated five wetlands totaling approximately 0.76 acres. One PSS wetland, 0.024 acres in size; and four PSS and PEM mixed wetlands, 0.005, 0.086, 0.222, and 0.426 acres in size, were identified on the parcel. All five wetlands were found to have a connection to WOUS and therefore are considered to be federally jurisdictional and subject to regulation under Section 404 of the CWA (USACE 2013).

3.7.2 Consequences

3.7.2.1 No Action Alternative

No effects on surface waters or wetlands would result from implementing the No Action Alternative. No construction would occur under the No Action Alternative, and surface water and wetland conditions would remain unchanged.

3.7.2.2 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

Minor short-term indirect adverse effects on surface waters and wetlands would be expected from implementing Alternative 1. Soil disturbance during construction would increase the likelihood of sedimentation from stormwater runoff into the existing drainage system and into Cayuga Creek. Constructing the new BPS would convert a portion of the site to impervious surface, which would increase stormwater runoff volumes into nearby wetlands and streams. However, CBP would develop and implement a SWPPP and an Erosion and Sediment Control Plan which would contain BMPs for runoff and sediment control during construction, to minimize adverse effects on adjacent surface waters and wetlands. To minimize effects after construction, disturbed areas would be stabilized and restored, and a stormwater management system would be implemented during CBP operation.

WOUS are present at the site. Therefore, any filling or soil disturbance in this area would require a section 404 permit from the Corps. During project design, CBP would avoid siting permanent structures and construction areas in or adjacent to the wetland to the maximum extent practicable.

If impacts cannot be avoided, CBP would obtain the appropriate permit (anticipated to be Nationwide Permit No. 39 for Commercial and Industrial Developments) from the Corps for authorization to dredge/fill the wetland under CWA section 404. CBP would adhere to all protection, restoration, and mitigation terms and conditions of any authorization received.

3.7.2.3 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

Minor short-term adverse effects on surface waters and wetlands would be expected from implementing Alternative 2. However, these effects would be managed similar to Alternative 1 with the implementation of an Erosion and Sediment Control Plan and stormwater management system, as discussed in Section 3.7.2.2. WOUS are present at the Alternative 2 parcel. If impacts cannot be avoided, CBP would obtain the appropriate permit (anticipated to be Nationwide Permit No. 39 for Commercial and Industrial Developments) from the Corps for authorization to dredge/fill the wetland under CWA section 404. CBP would adhere to all protection, restoration, and mitigation terms and conditions of any authorization received.

3.7.2.4 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

Minor short-term adverse effects on surface waters and wetlands would be expected from implementing Alternative 3. WOUS are present on the Alternative 3 parcel. Effects of surface waters and wetlands would be similar to those discussed for Alternative 2 in Section 3.7.2.3.

3.8 Floodplains

3.8.1 Affected Environment

EO 11988, *Floodplain Management*, requires Federal agencies to take actions to reduce the risk of flood loss; to minimize the impact of floods on human safety, health and welfare; and to restore and preserve the natural and beneficial values served by floodplains in managing Federal lands and facilities. Floodplains in the vicinity of the proposed CBP sites occur mostly along the Niagara River and its tributaries.

3.8.1.1 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

The Federal Emergency Management Agency (FEMA) prepares Flood Insurance Rate Maps (FIRMs) to establish actuarial rates for structures on the basis of the risk of flooding. FIRMs with FEMA floodplain areas for the Niagara Falls ARS show that lands adjacent to Cayuga Creek and its tributaries are in the 100-year floodplain (FEMA 2012). However, a detailed floodplain map created by the USACE Buffalo District on behalf of the Niagara Falls ARS in 2005 found that the floodzone is significantly smaller than that indicated on the effective FEMA FIRM (USACE 2005). USACE Buffalo District prepared a Letter of Map Revision and submitted the request to the Letter of Map Change Clearinghouse FEMA Region 2 on February 21, 2014. The LOMR was approved on April 16, 2015 and became effective October 16, 2015. (See Appendix E).

Approximately five percent of the Alternative 1 parcel is in the Zone AE special flood hazard area or the 100-year floodplain associated with Cayuga Creek as depicted on the FEMA FIRM (Community Number 360507, Map Number 36063C0327E [FEMA 2010, Revised 2015]). The area along this tributary is subject to a one percent annual chance of inundation with no base flood elevations determined. The unnamed tributary to Cayuga Creek and its associated special flood hazard area precludes development in the immediate vicinity of the 100-year floodplain in the Alternative 1 parcel, extending to the areas surrounding the drainage features and wetland

areas; the central corridor of the Niagara Falls ARS; and the tributary on the western portion of the Niagara Falls ARS south and west of the Alternative 3 parcel (FEMA 2012).

3.8.1.2 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

No FEMA-designated 100-year floodplain is on or adjacent to the Alternative 2 parcel. The closest FEMA-designated 100-year floodplain is associated with Bergholtz Creek, approximately four-tenths of a mile south of the site (Niagara County 2012b).

3.8.1.3 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

No FEMA-designated 100-year floodplain is on or adjacent to the Alternative 3 parcel. The closest FEMA-designated 100-year floodplain is associated with the tributary on the westernmost portion of the Niagara Falls ARS, approximately one-half mile southwest of the site (Niagara County 2012b).

3.8.2 Consequences

3.8.2.1 No Action Alternative

No effects on floodplains would result from implementing the No Action Alternative. Construction of the proposed Niagara BPS would not occur under the No Action Alternative, and no disturbance of a floodplain would result.

3.8.2.2 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

Negligible adverse effects on floodplains would be expected from implementing Alternative 1. The FEMA-designated 100-year floodplain extends to the areas surrounding the drainage features and wetland areas of the Alternative 1 parcel and covers approximately five percent of the site. However, CBP's site plan for the Niagara BPS would avoid this 100-year floodplain to the maximum extent practicable. Project design features and BMPs would be implemented to minimize potential adverse effects.

Based on the detailed findings of the USACE Buffalo District a Letter of Map Revision was prepared and submitted to the Letter of Map Change Clearinghouse, FEMA Region 2 on February 21, 2014. The LOMR was approved on April 16, 2015 and became effective October 16, 2015.

Although CPB would site the new Niagara BPS outside the 100-year floodplain, a floodplain development permit application could be required because a portion of the subject property is in the regulated floodplain. At the time of construction, the town of Niagara would determine if a floodplain development permit is required, or otherwise document that development would not be in the area of special flood hazard and that the project would not cause any increased flood hazards.

3.8.2.3 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

No effects on floodplains would be expected from implementing Alternative 2. No FEMA-designated 100-year floodplain occurs on or adjacent to the Alternative 2 parcel footprint. Construction of the proposed BPS on the Alternative 2 parcel would not occur in nor disturb any FEMA-designated 100-year floodplain.

3.8.2.4 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

No effects on floodplains would be expected from implementing Alternative 3. No FEMA-designated 100-year floodplain occurs on or adjacent to the Alternative 3 parcel. Construction of the BPS on Alternative 3 would not occur in nor disturb any FEMA-designated 100-year floodplain.

3.9 Air Quality

3.9.1 Affected Environment

This section describes ambient air quality with respect to attainment of National Ambient Air Quality Standards (NAAQS), and it identifies applicable air quality regulations.

3.9.1.1 National Ambient Air Quality Standards and Attainment Status

The U.S. Environmental Protection Agency (USEPA) Region 2 and NYSDEC regulate air quality in New York. The Clean Air Act (CAA) (42 U.S.C. 7401-7671q), as amended, gives USEPA the responsibility to establish the primary and secondary NAAQS (40 CFR Part 50) that set acceptable concentration levels for seven criteria pollutants: fine particulate matter (PM₁₀), very fine particulate matter (PM_{2.5}), sulfur dioxide (SO₂), carbon monoxide (CO), nitrogen oxides (NO_x), ozone (O₃), and lead. Short-term standards (1-, 8-, and 24-hour periods) have been established for pollutants contributing to acute health effects, whereas long-term standards (annual averages) have been established for pollutants contributing to chronic health effects. Each state has the authority to adopt standards stricter than those established under the Federal program; however, New York accepts the Federal standards (NYSDEC 2011a).

Federal regulations designate Air Quality Control Regions (AQCRs) in violation of the NAAQS as *nonattainment* areas. Federal regulations designate AQCRs with levels below the NAAQS as *attainment* areas. Niagara County is completely within the Niagara Frontier Intrastate AQCR (AQCR 162) (USEPA 2011a). USEPA has designated Niagara County as moderate nonattainment for 8-hour O₃ NAAQS (USEPA 2011b).

3.9.1.2 Local Ambient Air Quality

Existing ambient air quality conditions can be estimated from measurements conducted at air quality monitoring stations close to the proposed BPS. Table 3-2 shows the monitored concentrations of criteria pollutants in the monitoring locations nearest to Niagara County, New York (USEPA 2011c).

Greenhouse Gases and Global Warming. Greenhouse gases (GHGs) are components of the atmosphere that trap heat relatively near the surface of the earth and, therefore, contribute to the greenhouse (or heat-trapping) effect and global warming. Most GHGs occur naturally in the atmosphere, but increases in their concentration result from human activities such as burning fossil fuels. Global temperatures are expected to continue to rise as human activities continue to add carbon dioxide (CO₂), methane, nitrous oxides, and other GHGs to the atmosphere. Whether rainfall increases or decreases remains difficult to project for specific regions (USEPA 2010; IPCC 2007). In 2010 the Council on Environmental Quality (CEQ) released draft guidance on when and how Federal agencies should consider GHG emissions and climate change in National Environmental Policy Act (NEPA) analyses. The draft guidance includes a presumptive effects threshold of 27,563 tons (25,000 metric tons) of CO₂ equivalent emissions from a Federal action annually (CEQ 2010).

3.9.2 Consequences

3.9.2.1 No Action Alternative

Implementing the No Action Alternative would result in no effect on ambient air quality. No construction would occur, and no new facility operations would be expected. Ambient air quality conditions would remain as described in Sections 3.9.1 and 3.9.1.2.

3.9.2.2 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

Implementing Alternative 1 would be expected to have both short- and long-term minor adverse effects on air quality. Effects would be primarily from air emissions during construction and introducing new stationary sources of air emissions, such as heating boilers and standby generators. Increases in emissions would not exceed *de minimis* (of minimal importance), exceed the GHG threshold in the draft CEQ guidance, or contribute to a violation of any Federal, state, or local air regulation.

Estimated Emissions and General Conformity. The general conformity rules require Federal agencies to determine whether their action(s) would increase emissions of criteria pollutants above preset threshold levels [40 CFR 93.153(b)]. These *de minimis* rates vary depending on the severity of the nonattainment and geographic location. Because the region is in nonattainment for 8-hour ozone, the air conformity regulations could apply. All direct and indirect emissions of criteria pollutants were estimated and compared to *de minimis* threshold levels to determine if the general conformity rules apply and the level of impact under NEPA. The total direct and indirect emissions associated with the following activities were accounted for:

- Construction of the new facilities
- Personal operating vehicles for construction workers
- Paving of parking
- Personal operating vehicles for employees
- Heating of the proposed BPS
- Backup generators

The total direct and indirect emissions associated with Alternative 1 would not be expected to exceed *de minimis* threshold levels (Table 3-3). A detailed breakdown of emissions is in Appendix F. These effects would be expected to be minor.

It was assumed that a 700-kilowatt backup generator would be at the facility either initially or in the future. Moderate changes in the size or type of equipment ultimately selected would not substantially change the total direct or indirect emissions, the applicability of the general conformity regulation, or the level of effects under NEPA.

Regulatory Review. The CAA, as amended in 1990, mandates that state agencies adopt State Implementation Plans, which target the elimination or reduction of the severity and number of violations of the NAAQS. State Implementation Plans set forth policies to expeditiously achieve and maintain attainment of the NAAQS. As part of these requirements, NYSDEC oversees programs for permitting the construction and operation of stationary source air emissions in the state. These requirements include Title V permitting of major sources, New Source Review, Prevention of Significant Deterioration, New Source Performance Standards for selected categories of industrial sources, and the National Emission Standards for Hazardous Air Pollutants. An overview of the applicability of these regulations is in Table 3-4.

Table 3-2.
National ambient air quality standards and monitored air quality concentrations

Pollutant and averaging time	Primary NAAQS ^a	Secondary NAAQS ^a	Monitored data ^b	Location of station
CO				
8-Hour Maximum ^c (ppm)	9	(None)	1.2	Niagara Falls
1-Hour Maximum ^c (ppm)	35	(None)	1.6	Erie County
NO₂				
Annual Arithmetic Mean (ppm)	0.053	0.053	0.01	Erie County
Ozone				
8-Hour Maximum ^d (ppm)	0.075	0.12	0.08	Erie County
PM_{2.5}				
Annual Arithmetic Mean (µg/m ³)	15	15	11.2	Erie County
24-Hour Maximum ^f (µg/m ³)	35	35	29.6	
PM₁₀				
24-Hour Maximum ^c (µg/m ³)	150	150	(no data)	Niagara County
SO₂				
1-Hour ^c (ppb)	75	(None)	13	Erie County
3-Hour Maximum ^c (ppm)	--	0.5	(no data)	

Notes:

ppb = parts per billion; ppm = parts per million; µg/m³ = micrograms per cubic meter; NO₂ = Nitrogen dioxide^a Source: 40 CFR 50.1-50.12^b Source: USEPA 2011c^c Not to be exceeded more than once per year^d The 3-year average of the fourth highest daily maximum 8-hour average O₃ concentrations over each year must not exceed 0.08 ppm.^e The 3-year average of the weighted annual mean PM_{2.5} concentrations from must not exceed 15.0 µg/m³.^f The 3-year average of the 98th percentile of 24-hour concentrations at each population-oriented monitor must not exceed 35 µg/m³.^g The 3-year average of the weighted annual mean PM₁₀ concentration at each monitor in an area must not exceed 50 µg/m³

Table 3-3.
Total direct and indirect emissions compared to *de minimis* thresholds

Activity	Annual emissions (tons per year)						<i>De minimis</i> threshold (tons per year)	Would emissions exceed <i>de minimis</i> thresholds? (Yes/No)
	CO	NO _x	VOC	SO _x	PM ₁₀	PM _{2.5}		
Construction	6.8	6.4	1.3	< 0.1	1.0	0.4	100 (50) ^a	No
Operational	4.4	1.8	0.5	0.4	0.1	0.1		

Notes:

SO_x = oxides of sulfur, VOC = volatile organic compound^a *De minimis* threshold for VOC is 50 tons per year

If the transfer of property would take place, the BPS would be a distinct and separate entity from the Niagara Falls Air Reserve Station (ARS). Subsequently, permitting requirements would be separate from and not affect the ARS air permit. If property is purchased, CBP would need to obtain air permit for any stationary sources. If it is leased, CBP might have to obtain an air permit for its sources or they might remain on the ARS permit. If the property is leased, because of the variety and complexity of leased and contract-for-service activities, case-by-case

**Table 3-4.
Air quality regulatory review for proposed stationary sources**

Regulation	Project status
New Source Review (NSR)	The potential emissions would not exceed NSR threshold and would be exempt from NSR permitting requirements. It is possible that a state operating permit would be required for both the boilers and back-up generators.
Prevention of Significant Deterioration (PSD)	Potential emissions would not exceed the 250-tpy PSD threshold. Therefore, the project would not be subject to PSD review.
Title V Permitting Requirements	The facilities potential to emit would be below the Title V major source threshold and would not require a Title V permit.
National Emission Standards for Hazardous Air Pollutants (NESHAP)	Potential HAP emissions would not exceed NESHAP thresholds. Therefore, the use of Maximum Available Control Technology (MACT) would not be required.
New Source Performance Standards	Both back-up generators and boilers would be subject to New Source Performance Standards.

determinations would be necessary to establish if new sources of air emission such as boilers or generators would be added to the ARS air emission inventory or permit.

Other non-permitting requirements could be required through the use of compliant practices or products. These requirements appear in NYSDEC Chapter III– Air Quality Regulations and include

- Control of Open Burning and Incineration (NYSDEC Chapter III, Part 215)
- Control of Particulate Emissions (NYSDEC Chapter III, Subpart 257-3) Control of Organic Emissions (NYSDEC Chapter III, Part 212)
- Control of Fuels (NYSDEC Chapter III, Part 225)

In addition to those outlined above, no person would handle, transport, or store any material in a manner that could allow unnecessary amounts of air contaminants to become airborne. During construction, reasonable measures might be required to prevent unnecessary amounts of particulate matter from becoming airborne. Such precautions could include

- Using water to control dust during construction operations, grading roads, or clearing land
- Paving roadways and maintaining them in a clean condition
- Covering open equipment for conveying or transporting material likely to create objectionable air pollution when airborne
- Promptly removing spilled or tracked dirt or other materials from paved streets

This listing is not all-inclusive; CBP and any contractors would comply with all applicable air pollution control regulations.

GHGs and Global Warming. Under Alternative 1, all construction activities combined would generate approximately 876 tons (796 metric tons) of CO₂. A minute increase in GHG from boilers and generator operation would result during the operational phase of the BPS. The GHG emissions associated with Alternative 1 would be well below the CEQ threshold. These effects would likely be negligible.

3.9.2.3 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

Implementing Alternative 2 would be expected to have short- and long-term minor adverse effects on air quality. The total direct and indirect emissions associated with Alternative 2 would be virtually identical to those outlined under Alternative 1. As with Alternative 1, increases in emissions would not exceed *de minimis*, exceed the GHG threshold in the draft CEQ guidance, or contribute to a violation of any Federal, state, or local air regulation. Regulatory requirements, BMPs, and effects from GHG emissions would be identical to Preferred Alternative. These effects would likely be minor.

3.9.2.4 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

Implementing Alternative 3 would be expected to have short- and long-term minor adverse effects on air quality. The total direct and indirect emissions associated with Alternative 3 would be virtually identical to those outlined under Alternative 1. As with Alternative 1, increases in emissions would not exceed *de minimis*, exceed the GHG threshold in the draft CEQ guidance, or contribute to a violation of any Federal, state, or local air regulation. Regulatory requirements, BMPs, and effects from GHG emissions would be identical to Preferred Alternative. These effects would likely be minor.

3.10 Noise

3.10.1 Affected Environment

Noise is defined as any sound that is undesirable because it interferes with communication, is intense enough to damage hearing, or is otherwise intrusive. Human response to noise varies depending on the type and characteristics of the noise, distance between the noise source and the receptor, receptor sensitivity, and time of day. Noise is often generated by activities as part of everyday life, such as construction or vehicular traffic.

Sound varies by both intensity and frequency. Sound pressure level, described in decibels (dB), is used to quantify sound intensity. The dB is a logarithmic unit that expresses the ratio of a sound pressure level to a standard reference level. Hertz are used to quantify sound frequency. The human ear responds differently to different frequencies. A-weighting, described in A-weighted decibels (dBA), approximates this frequency response to accurately express the perception of sound by humans. Sounds encountered in daily life and their approximate levels in dBA are listed in Table 3-5.

The dBA noise metric describes steady noise levels. Although very few noises are, in fact, constant; therefore, a noise metric, Day-night sound level (DNL) has been developed. DNL is defined as the average sound energy in a 24-hour period with a 10-dB penalty added to the nighttime levels (10 p.m. to 7 a.m.). DNL is a useful descriptor for noise because (1) it averages ongoing yet intermittent noise, and (2) it accounts for the total sound energy over a 24-hour period. In addition, Equivalent Sound Level (L_{eq}) is often used to describe the overall noise environment. L_{eq} is the average sound level in dB.

The Noise Control Act of 1972 (Public Law 92-574) directs Federal agencies to comply with applicable Federal, state, interstate, and local noise control regulations. In 1974 USEPA provided information suggesting that continuous and long-term noise levels in excess of DNL 65 dBA are normally unacceptable for noise-sensitive land uses such as residences, schools, churches, and hospitals. New York has no statewide noise regulation. The town of Niagara has a local ordinance that addresses specific types of noise such as shooting galleries and noise from dogs. The town of Niagara has a general nuisance noise ordinance that does not include specific not-to-

**Table 3-5.
Common sounds and their levels**

Outdoor	Sound level (dBA)	Indoor
Snowmobile	100	Subway train
Tractor	90	Garbage disposal
Noisy restaurant	85	Blender
Downtown (large city)	80	Ringling telephone
Freeway traffic	70	TV audio
Normal conversation	60	Sewing machine
Rainfall	50	Refrigerator
Quiet residential area	40	Library

Source: Harris 1998

exceed noise levels (Noise Town of Niagara, Ch. 143&147). No limits or prohibitions on construction noise were found. Construction equipment must use properly maintained mufflers. The town of Wheatfield noise ordinance includes specific not-to-exceed levels listed in Table 3-6. It is also prohibits operation of heavy equipment from 7:00 p.m. to 7:00 a.m. The use of hand tools in excess of 50 dBA is also prohibited from sunset to sunrise (Town of Wheatfield, Ch 118-2, Noise).

**Table 3-6.
Wheatfield noise ordinance**

Duration	Daytime hours	Nighttime hours	Daytime sound levels (dBA)	Nighttime sound levels (dBA)
Transient (12 seconds or more)	7:00 a.m. to 7:00 p.m.	7:00 p.m. to 7:00 a.m.	85	85
Steady-Continuous	9:00 a.m. to 11:00 p.m.	11:00 p.m. to 9:00 a.m.	65	50

Source: Town of Wheatfield, Ch 118. Noise

Existing sources of noise near the proposed parcels include traffic, low-altitude aircraft takeoffs and landings, and natural noises such as leaves rustling, and bird vocalizations. The areas surrounding these locations can be categorized as quiet suburban. Existing noise levels (DNL and L_{eq}) were estimated for the proposed parcels and surrounding areas using the techniques specified in the *American National Standards Quantities and Procedures for Description and Measurement of Environmental Sound Part 3: Short-term measurements with an observer present*. Table 3-7 outlines the closest noise sensitive areas such as residents, schools, churches, and hospitals close to each location.

3.10.2 Consequences

3.10.2.1 No Action Alternative

Implementing the No Action Alternative would result in no effect on the ambient noise environment. Ambient noise conditions would be expected to remain as described in Section 3.10.1.

Table 3-7.
Estimated existing noise levels at nearby noise sensitive areas

Location	Closest noise sensitive area			Land use category	Estimated existing sound levels (dBA)		
	Distance	Direction	Type		DNL	Leq (daytime)	Leq (nighttime)
Alternative 1 Parcel	100 ft (31 m)	North	Residential	Quiet Suburban (Semi-Urban) Residential	50	48	42
	160 ft (49 m)	Northwest	Residential				
	454 ft (138 m)	North	School				
Alternative 2 Parcel	10 ft (3 m)	West	Residential				
	44 ft (13 m)	South	Residential				
Alternative 3 Parcel	10 ft (3 m)	North	Residential	Quiet Suburban (Semi-Urban) Residential	50	48	42
	26ft (8 m)	North	Residential				
	908 ft (277 m)	Northeast	School				

Source: ANSI 2003

Notes: ft = feet; m = meters

3.10.2.2 *Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel*

Implementing Alternative 1 would be expected to have short- and long-term minor adverse effects on the noise environment. These minor increases in noise would result from temporary use of heavy equipment during construction and operating a dog kennel.

Individual pieces of construction equipment typically generate noise levels of 80 to 90 dBA at a distance of 50 feet (Table 3-8). With multiple items of equipment operating concurrently, noise levels can be relatively high in the daytime within several hundred feet of active construction sites. The zone of relatively high construction noise levels typically extends 400 to 800 feet from the site of major equipment operations. Locations farther than 800 feet from construction sites seldom experience appreciable levels of construction noise. Several residences and a school are closer than 800 feet of the Alternative 1 parcel and would experience appreciable construction noise. Construction noise would be clearly audible at these locations. However, given the temporary nature of proposed construction activities, these effects would likely be minor. These activities would be in full compliance with local noise ordinances.

Although construction-related noise effects would be minor, construction contractors would use the following BMPs to further reduce any realized noise impacts and comply with local noise regulations:

- Construction would primarily occur during normal weekday business hours in areas adjacent to noise-sensitive land uses such as residential areas, and recreational areas.
- Construction equipment mufflers would be properly maintained in good working order.

Table 3-8.
Noise levels associated with outdoor construction

Construction phase	dBA L_{eq} at 50 feet from source
Ground clearing	84
Excavation, grading	89
Foundations	78
Structural	85
Finishing	89

Source: USEPA 1971

Construction noise would dominate the soundscape for all on-site personnel. Construction personnel, and particularly equipment operators, would don adequate personal hearing protection to limit exposure and ensure compliance with Federal health and safety regulations.

The K-9 facilities (kennels, dog run, and storage areas) could add to the noise levels at the parcel. Canines would generally be kenneled after 9:00 p.m., and the kennel would be operated in accordance with Niagara Animal Control Ordinance, which prohibits keeping a dog that barks or howls in such a way that is annoying to the owner or other persons (Animal Control Ordinance Town of Niagara, Ch. 109-12). Limited truck and worker vehicle traffic could be audible at some nearby locations as vehicles come to and go from the facility. These changes in the noise environment would not be readily perceptible when compared to the existing conditions. These effects would likely be negligible.

3.10.2.3 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

Implementing Alternative 2 would be expected to have short- and long-term minor adverse effects on the noise environment. Noise would be similar in both level and frequency as described for Alternative 1. As with Alternative 1, some residences are closer than 100 feet to the parcel and would experience appreciable construction noise. However, given the temporary nature of proposed construction, these effects would likely be minor.

The facility would be primarily administrative. However, minor changes in the existing noise environment associated with dog training operations would be expected. As with Alternative 1, canines would generally be kenneled after 9:00 p.m., and the kennel would be operated in accordance with the Niagara Animal Control Ordinance and the Wheatfield Noise Ordinance, which prohibits any noise from dog kennels between 7:00 a.m. and 10:00 p.m. (Noise Ordinance Town of Wheatfield, Ch. 118-2). As with Alternative 1, and for similar reasons, these effects would likely be minor.

3.10.2.4 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

Implementing Alternative 3 would be expected to have short- and long-term minor adverse effects on the noise environment. Noise would be similar in both level and frequency as described for Alternative 1. As with Alternative 1, some residences are closer than 100 feet to the parcel and would experience appreciable construction noise. However, given the temporary nature of proposed construction, these effects would likely be minor.

The facility would be primarily administrative. However, minor changes in the existing noise environment associated with dog training operations would be expected. Canines would generally be kenneled after 9:00 p.m., and the kennel would be operated in accordance with the

Niagara Animal Control Ordinance (Animal Control Ordinance Town of Niagara, Ch. 109-12). As with Alternative 1, and for similar reasons, these effects would likely be minor.

3.11 Cultural Resources

Cultural resources assessed can be grouped in three general categories: archaeological, architectural, and Native American. The National Historic Preservation Act (NHPA) ensures that Federal agencies consider historic properties—defined as any prehistoric or historic site, district, building, structure, or object eligible for inclusion on the National Register of Historic Places (NRHP)—in their proposed programs, projects, and actions before initiation.

The identification, evaluation, and treatment of cultural resources follow a series of Federal and state laws and regulations and agency guidelines, including the NHPA of 1966 as amended in 2006, the regulations of the Advisory Council on Historic Preservation (36 CFR Part 800); the New York State Historic Preservation Act (1980); Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law of 1980; the New York Archaeological Council's Standards for Cultural Resource Investigations and Curation of Collections (1994); and the New York State Office of Parks, Recreation, and Historic Preservation's Phase I Archaeological Report Format Requirements (NYS OPRHP 2005).

3.11.1 Affected Environment

The affected environment for cultural resources constitutes the limits in which an alternative could alter a property's character or use, also considered the Area of Potential Effect (APE). APEs can differ by cultural resource category. Archaeological resources are primarily affected by ground disturbance; architectural and Native American resources might also be subject to secondary effects from changes to the setting, character, and quality of the local environment.

A site file search and literature review was conducted to obtain pertinent cultural resources data for the parcels identified as Alternative 1, Alternative 2, and Alternative 3 and the surrounding vicinity. The site files search was conducted at the New York State Historic Preservation Office (NY SHPO) in Albany, New York. A written request to initiate consultation was submitted to the NY SHPO on July 2, 2012. SHPO responded in a letter dated August 14, 2012 stating the construction of a new facility at any of the three sites will have no adverse effect on historic or cultural resources. Copies of all correspondence are included in Appendix B.

Native American resources. Native American resources can include archaeological sites, cultural items, burial sites, ceremonial areas, caves, mountains, water sources, trails, plant habitat or gathering areas, or any other natural area important to a culture for religious or heritage reasons. No Native American resources are identified in any of the proposed project sites.

Native American consultation was undertaken for the new BPS with traditional groups currently or historically present in the vicinity. On July 2, 2012, CBP initiated contact with the Seneca Nation of Indians, the Tuscarora Nation, and Tonawanda Seneca Nation to request assistance in identifying Traditional Cultural Properties or other features of interest to these nations in the vicinity of the Alternative 1, Alternative 2, and Alternative 3 parcels.

All potentially affected nations were invited to express their interest or concerns regarding this project during the initial NEPA scoping process and the initiation of NHPA consultation. Because Native American resources in the Niagara vicinity for the BPS have not been identified, the analysis assumes no known Native American resources. Any future expressed tribal interest or concerns in the form of identifying cultural resources would result in the assessment of effects on such resources in accordance with NHPA requirements.

3.11.1.1 **Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel**

The Alternative 1 parcel is an approximately 12.3-acre, vacant, grass-covered lot in the Niagara Falls ARS. The parcel was surveyed for cultural resources in 1998 (Pierce 2000). No cultural resources were identified in the parcel, and no further cultural resources investigations were recommended. The NY SHPO concurred with the recommendations (NY SHPO 2000). Two previously identified archaeological sites or historic places were identified within 1 mile of the Alternative 1 parcel (see Table 3-9). No National Historic Landmarks or architectural resources listed in or eligible for listing in the State Register of Historic Places (SRHP) or NRHP are in or adjacent to the Alternative 1 parcel.

Table 3-9.
Archaeological or historic places within 1 mile of the Alternative 1 parcel

State site number/name	Site type and description
06303.000011, UB 1482, Pfohl site	Unidentified precontact archaeological site
06306.000120, Tuscarora Village Site	Unidentified precontact archaeological site

Source: NYS OPRHP 2012

Archaeological Resources. The Alternative 1 parcel was surveyed for archaeological resources, and none were identified in its boundaries.

Architectural Resources. No NRHP-listed or eligible properties are in or adjacent to the Alternative 1 parcel. The nearest NRHP-listed property is Niagara District School #2, which is about 400 feet to the north across Lockport Road. No other NRHP-listed properties are within 1 mile of the Alternative 1 parcel. The parcel is within a residential/rural/light industrial mix and bordered by homes to the north. The buildings adjacent to the parcel are circa mid-20th century vernacular style houses.

3.11.1.2 **Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel**

The Alternative 2 parcel is an approximately 12-acre vacant lot bordered to the east by Williams Road and to the north by Niagara Falls Boulevard. Alternative 2 is adjacent to a highly developed residential/commercial area. No previous cultural resources surveys were conducted on the Alternative 2 parcel; however, several surveys have been conducted in the vicinity. Two archaeological sites or historic places were identified within 1 mile of the Alternative 2 parcel (see Table 3-10). No National Historic Landmark or architectural resources listed in or eligible for listing in the SRHP or NRHP are in or adjacent to the Alternative 2 parcel.

Archaeological Resources. Although the nearest prehistoric archaeological site is nearly one-half mile from the Alternative 2 parcel, the nearby Cayuga Creek and Niagara River would have attracted seasonal hunting groups and later semi-permanent precontact settlement. Background research suggests that past land uses by Native Americans were either limited or ephemeral, or that evidence of past land uses by Native Americans has not yet been identified for the area and its immediate environs. According to the NY SHPO GIS-Public Access website, the Alternative 2 parcel is in an area of archaeological sensitivity.

Background research and field reconnaissance indicate that the APE at Alternative 2 parcel was cleared for crop land by at least the early 19th-century and later for a residential neighborhood in the 20th-century. However, collaborating historic map research is inconclusive. U.S. Geological Survey (USGS) topographic maps from 1900 show no development in or adjacent to the parcel.

Table 3-10.
Archaeological or historic places within 1 mile of the Alternative 2 parcel

State site number/name	Site type and description
06340.000366 John Williams site, NYSM 10529, UB 2867	Unidentified precontact
06340.0000365 John Croff site, NYSM 10528, UB 2866	Late Archaic, Brewerton

Source: New York State Office of Parks, Recreation, and Historic Preservation 2012

The 1948 USGS topographic map depicts a two-street cul-de-sac with several residences on both sides of the streets in the parcel. However, aerial photography from 1958 shows what appear to be parallel roads and cul-de-sac with two large structures but no residences or neighborhood as shown on the USGS map. The structures and roads are visible in aerial photography from 1962 and 1963. The buildings are not visible in 1972 aerial photography, but their former footprints are discernable. The parcel is depicted as vacant on the 1980 USGS topographic map. It is uncertain whether a neighborhood actually existed on the parcel. It is certain that between 1958 and 1972 two large buildings—likely industrial/institutional—occupied the parcel. Today, the APE stands vacant, although evidence exists of former development in the form of unwired utility poles, a fire hydrant in the middle of the field, and disturbances left from the former road.

An assessment for archaeological sensitivity of the Alternative 2 parcel was based on site characteristics (e.g., landform/terrain, soil characteristics, and proximity to water), the results of the reconnaissance survey, site file search, and background research. Also taken into consideration were the nature and level of observed disturbance or modification to the landscape in the project area from historic and recent human development. Because of the extent of 20th-century disturbances, no significant factor suggests intact prehistoric archaeological material would be present. The Alternative 2 parcel was identified with a high probability of containing historic archaeological sites. Because of the uncertainties of the prior historic land use, the site has a high potential for historic archaeological sites related to the early to middle 20th-century. A review of historic maps and aerial photography failed to show any historic development in or near the project area.

Architectural Resources. No NRHP-listed or eligible properties are in or adjacent to the Alternative 2 parcel. The nearest NRHP-listed property is the Johann Williams Farm, which is about 1,500 feet to the south across Cayuga Road. No other NRHP-listed properties are within 1 mile of the Alternative 2 parcel. The parcel is in a residential/commercial district and bordered by private residences to the west and south, an automobile dealership to the north, and Williams Road to the east. The residential buildings are circa late-20th century vernacular style houses.

3.11.1.3 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

The Alternative 3 parcel is an approximately 46.7-acre parcel west of the Niagara Falls ARS, on the east side of Tuscarora Road. The north half of the site is an active agricultural field. An abandoned automobile drag racing strip is in the southern half of the property. Evidence of former parking lots and other significant ground disturbances associated with the racing facility were observed. The parcel was studied as part of the New York State Shovel Ready Certification Program, which facilitates site development permitting processes. A *Draft Generic Environmental Impact Statement* was issued in 2011 by the town of Niagara, the lead agency.

No previous cultural resources surveys were conducted of the Alternative 3 parcel, although several were completed in the vicinity. Two previously identified archaeological sites (the same identified for Alternative 1 parcel) are within 1 mile of the Alternative 3 parcel (see Table 3-9). No National Historic Landmark or architectural resources listed in or eligible for listing in the SRHP or NRHP are in or adjacent to the Alternative 3 parcel.

Archaeological Resources. Although the nearest prehistoric archaeological site is nearly three-quarters of a mile from the Alternative 3 parcel, the nearby Cayuga Creek and Niagara River would have attracted seasonal hunting groups and later semi-permanent precontact settlement. Background research suggests that past land uses by Native Americans were either limited or ephemeral, or that evidence of past land uses by Native Americans has not yet been identified for the area and its immediate environs. According to the NY SHPO GIS-Public Access website, the Alternative 3 parcel is not in an area of archaeological sensitivity.

Background research and field reconnaissance indicate that the APE at Alternative 3 parcel was cleared for crop land by at least the early 19th century and later for recreational motorsports in the 20th century. Today, active agricultural lands cover the northern portions of the APE; the southern portion is now the abandoned automobile racing facility. The former drag strip is still visible, but parking lots and ancillary features are overgrown with heavy, thick brush. Historic maps of the parcel indicate that no structural improvements have been made on the parcel, suggesting a low potential for historic archaeological sites related to early historic occupation of the property (Beers 1875; USGS 1900, 1948).

An assessment for archaeological sensitivity of the Alternative 3 parcel was based on site characteristics (e.g., landform/terrain, soil characteristics, and proximity to water), the results of the reconnaissance survey, site file search, and background research. Also taken into consideration was the nature and level of observed disturbance or modification to the landscape in the project area from historic and recent human development. No significant factor suggests intact archaeological material would be present. The area was identified with a low probability of containing historic archaeological sites. A review of historic maps and aerial photography failed to show any historic development in or near the project area.

Architectural Resources. No NRHP-listed or eligible properties are in or adjacent to the Alternative 3 parcel. The nearest NRHP is Niagara District School #2, which is approximately 1,000 feet to the northeast across Lockport Road. No other NRHP-listed properties are within 1 mile of the Alternative 3 parcel. The parcel is in a rural/industrial district and bordered by agricultural fields to the west, south, and north and the Niagara Falls ARS to the east. Beyond the agricultural fields to the north are several residential buildings along Lockport Road. The residential buildings are circa mid-20th century vernacular style houses.

3.11.2 Consequences

3.11.2.1 No Action Alternative

No effects on cultural resources would result from implementing the No Action Alternative. No changes from baseline cultural resources conditions in the APE would result.

3.11.2.2 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

No adverse effects on known archaeological, architectural or Native American resources would be expected under Alternative 1. Effects on cultural resources were assessed as part of a Niagara Falls ARS project. A base wide Stage 1 archaeological survey was conducted in 1998 as part of a Base Wide Plan to assess existing conditions at the installation and to guide future development (SAIC 2007). It was determined that no effects on cultural resources in the area were anticipated.

In a letter dated April 30, 2007, the NY SHPO concurred that no archaeological or historic resources would be affected and that no further investigations were necessary (Peckman 2007).

3.11.2.3 *Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel*

No adverse effects on known archaeological, architectural, or Native American resources would be expected under Alternative 2. No known resources exist in the parcel. The Alternative 2 parcel is located in an NY SHPO area of archaeological sensitivity, however it was determined that no effects on cultural resources in the area were anticipated. In a letter dated August 14, 2012, the NY SHPO concurred that no archaeological or historic resources would be affected and that no further investigations were necessary except in the instance of accidental discovery during construction (see Appendix B).

3.11.2.4 *Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel*

No adverse effects on known archaeological, architectural, or Native American resources would be expected under Alternative 3. Effects on cultural resources were assessed as part of a New York State Ready Shovel Certification Program project. This prior survey in preparation for a shovel-ready site consultation with NY SHPO determined that a project on the parcel would have no effect on cultural resources listed in or eligible for listing in the NRHP. Therefore, no effects on historic or archaeological resources would occur as a result of property development.

3.12 *Utilities and Infrastructure*

3.12.1 *Affected Environment*

Utilities required for the Niagara AOR BPS Alternatives 1, 2, and 3 would be electrical service, natural gas, water, wastewater, nonhazardous solid waste, telecommunications, and CATV. Implementing any of the alternatives would require the BPS to obtain service from the service providers listed below.

The availability of the utilities is summarized in Table 3-11 (USACE Detroit District 2011b). Service providers in Niagara County for Niagara are National Grid (power); National Fuel (natural gas); the Niagara County Water District (potable water); Niagara County Sewer District No 1 (sewer); Time Warner (telephone, Internet, and cable); Verizon also offers fiber optic cable service; and Browning-Ferris International (trash collection) (Town of Niagara 2012, personal communication; Niagara County 2012b).

3.12.2 *Consequences*

3.12.2.1 *No Action Alternative*

No adverse effects on utilities would be expected from implementing the No Action Alternative. No BPS would be constructed, and no new demand for utilities would result.

3.12.2.2 *Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel*

No short- or long-term direct adverse effects on utilities would be expected from implementing Alternative 1. Construction and operation of a BPS in Niagara would create a negligible demand on existing utility systems. A new facility with energy-efficient design standards would create less additional demand on utility systems than a traditional facility. No modifications to existing utilities would be required other than connecting to the systems.

Table 3-11.
Utilities availability at the proposed BPS parcels

Utility	Alternative 1	Alternative 2	Alternative 3
Power (three phase)	Available at the street	Available on the east side of Williams Road	Available across the street
Natural gas	Available	Available	Available
Water	Available	Available nearby ^a	Available
Sewer	Available	Available nearby ^b	Available
Telephone	Available nearby	Available nearby	Available nearby
Cable TV	Available nearby	Available nearby	Available nearby
Fiber optic cable	Available nearby	Available nearby	Available nearby

Source: USACE Detroit District 2011b

Notes:

^a Would require an agreement with Wheatfield.

^b Requires a 1,500-foot extension from Cayuga and would require agreement from the city of Niagara Falls.

Negligible long-term indirect adverse effects on landfill capacity could occur from constructing the new BPS. Constructing a new 40,000-square-foot BPS could generate approximately 88 tons of construction debris (Table 3-12). In accordance with EO 13693, approximately half of the construction debris and land-clearing waste could be diverted from the waste stream to minimize effects on landfill capacity, or about 44 tons of debris being sent to the landfill.

Table 3-12.
Summary of construction debris generation calculations

Action	Debris generation (lbs/sq ft) ^a	Debris from proposed action (lbs) ^a	Debris from proposed action (tons)	Quantity recycled (50%) (tons)	Total quantity disposed of to the landfill (tons)
Construction	4.4	176,000	88	0	88 ^b
Demolition	115	0	0	0	0
Renovation	20	0	0	0	0
Total		176,000	88		88^b

Source: USEPA 1998

Notes:

^a lbs/sq ft = pounds per square foot; lbs = pounds

^b In accordance with EO 13693, approximately half of the calculated debris, or about 44 tons, could be diverted from the waste stream to minimize effects on landfill capacity.

3.12.2.3 **Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel**

Short- and long-term direct and indirect effects on utilities for Alternative 2 would be similar to those described for the Alternative 1 parcel in Section 3.12.2.2. Providing utility services at the Alternative 2 parcel would require an agreement from the town of Wheatfield to provide potable water to the site (USACE Detroit District 2011b). Connecting to a public sewer would require a 1,500-foot pipeline extension from Cayuga Drive Extension, which would require an agreement from the city of Niagara Falls (USACE Detroit District 2011b).

3.12.2.4 **Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel**

Short- and long-term direct and indirect effects on utilities for Alternative 3 would be similar to those described for the Alternative 1 parcel in Section 3.12.2.2.

3.13 **Roadways and Traffic**

This section describes the existing highway and transit subsystems near the proposed parcels, the effects associated with the proposed alternatives, and potential mitigation measures, if required.

3.13.1 **Affected Environment**

Traffic in Niagara County is generated primarily by personal operating vehicles. Roadways are predominately paved two- or four-lane asphalt. Regional access to Canada is via four bridges over the Niagara River, which serve commuter, tourist, and commercial travelers. Table 3-13 lists these access points and their annual average daily traffic counts (AADT).

The roadways that provide access to the proposed parcels are Tuscarora Road, Williams Boulevard, Niagara Falls Boulevard, and ARS access roads. Lockport Road provides access to Tuscarora Road. Table 3-14 lists AADT for roadways near the proposed parcels.

Public Transportation. The Niagara Frontier Transit Authority provides public transit for the Niagara Metropolitan Buffalo area by bus, rail, and paratransit. It has routes with stops throughout the area, express services to college campuses and stadiums on game days, and an airport shuttle service (NFTA 2011).

Air Transportation. The closest airport in the area is the Niagara Falls International Airport (IAG) which is less than a mile from the proposed parcels. The airport has about 82 arrivals and departures daily. It was formerly a U.S. Air Reserve facility but is now owned and operated by the Niagara Frontier Transit Authority (AirNav 2011).

Table 3-13.
AADT and travel restrictions for border-crossing bridges

Bridge	U.S. roadway	Canadian roadway	AADT	Recommended for travel	Restrictions
Rainbow Bridge	Rainbow Boulevard	Queen Elizabeth Way	10,077	Tourist traffic	No commercial trucks
Lewiston - Queenstown	I-190 and Route 104	Queen Elizabeth Way and Highway 405	10,032	Primarily for truck and tourist traffic	No pedestrians
Whirlpool Rapids	I-190 to Ontario Avenue	Queen Elizabeth Way and Highway 420	6,594	NEXUS Pass holders	No commercial trucks Restricted access 7:00 a.m. to 11 p.m.
Peace	I-190	Queen Elizabeth Way	17,355	All traffic including pedestrian and bicycle	No restrictions

Source: NYSDOT 2008

3.13.2 **Consequences**

3.13.2.1 **No Action Alternative**

Under the No Action Alternative, no effects on transportation resources would be expected because no construction or increase in traffic volume would occur. Traffic would remain as described in Section 3.13.1.

Table 3-14.
AADT for roadways near the proposed parcels

Roadway	AADT (vehicles per day)	Peak hour traffic in prevailing lane (vehicles per hour)	Estimated additional capacity* (vehicles per hour)
Porter Road (south of Niagara ARS access)	18,660	1,120	580
Williams Boulevard (at Parcel 2)	8,039	482	1,218
Niagara Falls Boulevard (east of Parcel 2)	19,544	1,173	527
Niagara Falls Boulevard (west of Parcel 2)	20,385	1,223	477
Lockport Road (east of Parcel 1)	11,450	687	1013

Source: NYSDOT 2008

* Note: Assuming 1,700 vehicles per hour per lane

3.13.2.2 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

Short- and long-term minor adverse effects on traffic would be expected with Alternative 1. Only small, somewhat unnoticeable changes on the transportation system would be expected. The changes would be primarily from construction vehicles and small changes in localized traffic patterns because of the additional personnel at the Alternative 1 parcel.

Traffic would increase because of additional construction vehicles and traffic delays near construction sites. These effects would be temporary and end with the construction phase. The local roadway infrastructure would be sufficient to support any increase in construction vehicle traffic. Although the effects would be minor, BPS and contractors would route and schedule construction vehicle traffic to minimize conflicts with other traffic and strategically locate construction material staging areas to minimize traffic impacts. All construction vehicles would be equipped with backing alarms, two-way radios, and Slow Moving Vehicle signs when appropriate.

The Alternative 1 parcel can be accessed from Tuscarora Road and the network of IAG service roadways. An increase in traffic might be more noticeable on surface streets near the site on Tuscarora and Lockport Roads (adjacent to the parcel) than on other roadways. Agents would commute to the station each day over three shifts, resulting in approximately 50 additional one-way trips per shift. Once at work, the agents would be on patrol, equating to an additional 50 one-way trips per shift. Patrols do not return to the station unless detainees are brought for processing, approximately 20 to 25 times per month. Therefore, the total daily commute and work-related trips would be about 99 additional one-way trips per shift (about 297 trips per 24-hour period) with another additional 60 to 75 one-way trips each month.

All roadways in the area have the capacity for all construction and operational traffic at the proposed BPS combined (Table 3-14). This conservatively assumes all traffic would occur during the same hour, on the same roadway, and in the prevailing traffic lane. Because traffic would occur at different times and be distributed throughout the area as it moves away from the BPS, these effects would lessen on roadways farther from the facility. This small increase in traffic would not be expected to affect the capacity of any of nearby roadway, or intersections adjacent to the parcel. Under Alternative 1, all the transportation effects would be expected to be minor.

3.13.2.3 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

Short- and long-term minor adverse effects would be expected. Alternative 2 can be accessed from U.S. Highway 62 using Williams Road and a potential access point from Niagara Falls Boulevard, thus meeting the CBP criteria for access points. Effects on transportation would be identical in both level and frequency as with Alternative 1 including the increase in vehicle trips. Effects on construction traffic and BMPs for construction activities would be similar to those under Alternative 1. This small increase in traffic would not be expected to affect the capacity of any nearby roadways or intersections adjacent to the site.

3.13.2.4 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

Short- and long-term minor adverse effects would be expected. The Alternative 3 parcel would be accessed from Tuscarora Road and would not meet the CBP criteria of having two access points. Effects on transportation would be identical in both level and frequency as under Alternative 1, including the increase in vehicle trips. Effects on construction traffic and BMPs for construction activities would be similar to those under Alternative 1. This small increase in traffic would not be expected to affect the capacity of any of nearby roadways or intersections adjacent to the site.

3.14 Aesthetics and Visual Resources

Visual resources are those features that define the visual character of an area. They can be natural features, vistas, or viewsheds and can include urban or community visual characteristics such as architecture, skylines, or other characteristics that create a visual definition for an area. Visual resources and aesthetics are important because of their uniqueness and the response they inspire in human viewers.

3.14.1 Affected Environment

3.14.1.1 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

The Alternative 1 parcel is an approximately 12.3-acre site in the Niagara Falls ARS. The developed areas of the reserve station are to the south of the proposed site. The parcel is bordered to the north by residential areas along Lockport Road, to the west by Tuscarora Road, and to the east by undeveloped land that is also in the reserve station's perimeter. The proposed site is undeveloped and covered by grass.

3.14.1.2 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

The Alternative 2 parcel is an approximately 12-acre site near IAG. The site is undeveloped and covered mostly by grass with sparse trees and a wooded stand along the eastern border and to the south. A large residential area borders the parcel to the south and west. The site is bordered to the north by a commercial and light industrial area, and to the east by Williams Road.

3.14.1.3 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

The Alternative 3 parcel is an approximately 46.7-acre site near IAG. The site is undeveloped and covered mostly by grass with sparse trees and a slightly wooded area to the south. On the southern half of the parcel are the remnants of the Niagara Falls International Drag Strip linking Tuscarora Road and Haseley Drive. A residential area is to the north along Lockport Road and is

bordered by Tuscarora Road to the east. Open, undeveloped land dominates the landscape to the west.

3.14.2 Consequences

3.14.2.1 No Action Alternative

No effects on aesthetics or visual resources would result from implementing the No Action Alternative. No changes from baseline visual conditions would result under this alternative.

3.14.2.2 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

Short-term minor adverse effects on aesthetics or visual resources would be expected from implementing Alternative 1. Site preparation and construction would be aesthetically displeasing but would be short lived. A new BPS on the parcel would not conflict with the surroundings and would be visually more interesting than the open field that the parcel now is. No long-term adverse effects on the aesthetics of the area would be expected. The new BPS would blend well with the existing reserve station development adjacent to the site. Helicopter operations would not be necessary at the BPS because of the close proximity of the airport.

3.14.2.3 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

Short-term minor adverse and long-term minor adverse effects on aesthetics or visual resources would be expected from implementing Alternative 2. Site preparation and construction would be aesthetically displeasing but would be short lived. Light industrial and commercial areas are to the north of the site; however, the BPS would not blend well with the residential area adjacent to the parcel. Helicopter operations would not be necessary at the BPS because of the close proximity of the airport.

3.14.2.4 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

Short- and long-term minor adverse effects on aesthetics or visual resources would be expected from implementing Alternative 3. Site preparation and construction would be aesthetically displeasing but would be short lived. Much of the surrounding area is undeveloped and is being used for agricultural purposes. The construction of a new BPS would not blend well with many of the undeveloped areas adjacent to the site. Helicopter operations would not be necessary at the BPS because of the close proximity of the airport.

3.15 Hazardous Materials

3.15.1 Affected Environment

CBP under the Office of Border Patrol and the DHS must comply with applicable Federal, state, and local regulations implementing Federal statutory requirements for managing hazardous materials. For the purpose of this analysis, the terms *hazardous waste*, *hazardous materials*, and *toxic substances* are those substances defined as hazardous by CERCLA, RCRA, or TSCA. In general, they are substances that, because of their quantity, concentration, or physical, chemical, or toxic characteristics, could present substantial danger to public health or welfare or to the environment when released into the environment.

3.15.1.1 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

Electronic database record (EDR) searches by InfoMap Technologies, Inc., indicate that no active or former underground storage tanks (USTs) or aboveground storage tanks (ASTs) were identified, and there were no documented spills, leaking UST (LUST), releases, or environmental sites of concern recorded for the Alternative 1 parcel (InfoMap 2012a).

One LUST and two state hazardous waste cleanup sites are mapped within one mile of the Alternative 1 parcel, according to the data provided in the EDR. According to records provided by the installation, four Installation Restoration Program sites on Niagara Falls ARS are identified within one-half mile of the Alternative 1 parcel. Such environmental sites were reviewed and analyzed as part of the drafting of the Phase I Environmental Site Assessment for Alternative 1 and were determined not to have affected the parcel. Full descriptions of the sites identified in the EDR search are provided in Section 5.1.2 of the Phase I Environmental Site Assessment for Alternative 1 (USACE Buffalo District 2012a).

Niagara Falls ARS is a large-quantity generator, which is defined by RCRA as a generator of more than 1,000 kilograms per month of hazardous waste. The USEPA generator identification number for Niagara Falls ARS (914th AW) is NY0570024273. In addition, the 107th Airlift Wing of the New York Air National Guard (a major tenant of Niagara Falls ARS) has its own identification number (NYR000087882). Processes generating hazardous wastes on Niagara Falls ARS are aircraft and vehicle maintenance, parts cleaning, support equipment maintenance, general facility maintenance, painting, nondestructive inspection, weapons training and cleaning, and expired shelf-life chemicals. Niagara Falls ARS [Niagara Falls Air Force Reserve Center/AMSA-76(G)] generates small amounts of hazardous waste and is a conditionally exempt small quantity generator, with USEPA identification number NY8210424273 (USACE Mobile District 2007).

According to Niagara Falls ARS GIS, the New York Air National Guard refueling facility is directly southeast of the Alternative 1 parcel. According to installation personnel, the site is no longer in use. All Air National Guard aircraft now refuel at the 914th Air Lift Wing's fueling facility on the southeastern corner of the installation. The New York Air National Guard fueling facility consists of two inactive 105,000-gallon JP8 ASTs, two 12,000-gallon deicing chemical ASTs, and two 2,000-gallon JP8 USTs (Niagara Falls ARS 2012). No records exist of releases with any of these tanks. The two 105,000-gallon ASTs have large, bermed, secondary spill controls around them.

According to a review of historical records and historical topographic maps and aerial photographs, the parcel has been used for agricultural purposes from at least the 1900s to the late 1940s when the United States purchased the property and turned it over to the AF to create Niagara Falls Air Force Base and later Niagara Falls ARS (InfoMap 2012a). The Alternative 1 parcel was converted from agricultural fields into an open, maintained, grass-covered field. The parcel was never built on. Before the conversion from farmland, fertilizers, pesticides, and herbicides were likely applied to crops to prevent, destroy, repel, or mitigate pests and unwanted flora. A potential exists for residual fertilizers, pesticides, and herbicides in the parcel's soils. Although there is such a potential, no further environmental investigations are recommended because the surface soils have not been used for agricultural purposes for more than 60 years.

Because the site has never been commercially or residentially developed, it is unlikely that materials like asbestos-containing materials (ACM), lead-based paint (LBP), or polychlorinated biphenyls (PCBs) are on the parcel.

According to the EDR search by InfoMap, the structures near the Alternative 1 parcel had an average radon level of 1.3 picocuries per liter (pCi/L) (InfoMap 2012a). According to USEPA's Radon website for New York, the entire county is in a Zone 2 area, which means that the estimated average radon levels are between 2 and 4.0 pCi/L (USEPA 2012). This level is considered average by USEPA standards. The potential for effects of radon at the site is minimal.

3.15.1.2 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

The EDR searches by InfoMap found no active or former USTs or ASTs in Alternative 2, at 10175 Niagara Falls Boulevard, Niagara Falls, New York. No documented spills, LUST, releases, or environmental sites of concern are on the parcel (InfoMap 2012b).

According to the data provided in the EDR search for the Alternative 2 parcel, 17 documented spills, 6 LUSTs, 4 active USTs/ASTs sites, 6 state hazardous waste sites, and 5 RCRA large- and small-quantity generators were identified within a one-mile radius of the parcel. Full descriptions of the sites identified in the EDR search are in Section 5.1.2 of the Transaction Screen Environmental Site Assessment for Area 2 (USACE Buffalo District 2012b).

Three 12,000-gallon USTs are at the NOCO gas station on the property adjacent to the northeast corner of the parcel. In July 2004 one of the USTs released approximately 3,000 gallons of gasoline into the town of Wheatfield's stormwater sewer and sanitary sewer systems. About 1,500 gallons were recovered, and the rest was treated through the local municipal water treatment plant. About 80 tons of affected soil was removed from the UST field to Williams Road (InfoMap 2012b). According to Joe Smith, the owner of the Alternative 2 property, the gasoline did not affect the soil or groundwater of his property. All material that was released traveled west toward the wastewater treatment plant via the sanitary and stormwater sewer systems. The neighboring NOCO gas station never removed any soil from the Alternative 2 property (Smith, personal communication 2012). Accord to the EDR search, the groundwater near the UST field is being monitored quarterly to make sure that the levels of hydrocarbons in the groundwater are decreasing (InfoMap 2012b). On the basis of the information provided by the EDR search and the property owner, it is possible that the soil and groundwater in the northeast corner of the Alternative 2 parcel was affected by this event.

After a review of historical records and historical topographic maps and aerials, the Alternative 2 parcel has been used for agricultural purposes up until the late 1940s. Sometime after that, the site housed hangars for military aircraft until they were demolished sometime before 1972, according to aerial photos (InfoMap 2012b). It is possible that pesticides and herbicides were applied to the site to prevent, destroy, repel, or mitigate pests and unwanted flora. Small amounts of petroleum and other chemicals associated with aircraft maintenance activities might have been released. A potential exists for residual chemicals to reside in the parcel's soils.

Because buildings/hangars were once on the property between the late 1940s to the 1970s, it is possible that materials such as ACM and LBP were used in constructing these structures, and some residual materials could have been discarded on the property during demolition activities.

According to the EDR search by InfoMap, the structures near the Alternative 2 parcel had an average radon level of 1.3 pCi/L4 (InfoMap 2012b). According to USEPA's Radon website for New York, the entire county is in a Zone 2 area, which means that the estimated average radon levels are between 2 and 4.0 pCi/L (USEPA 2012). This level is considered average by USEPA standards. The potential for effects of radon at the parcel is minimal.

3.15.1.3 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

The EDR searches by InfoMap found no active or former USTs or ASTs associated with Alternative 3. No documented spills, LUSTs, releases, or environmental sites of concern are on the parcel (InfoMap 2012c).

According to the data provided in the EDR search for Alternative 3, one LUST and two state hazardous waste cleanup sites were mapped within a one-mile radius of the Alternative 3 parcel. On the basis of additional records provided by the Niagara Falls ARS, one Installation Restoration Program site is directly east of the parcel. Such environmental sites were reviewed and analyzed as part of the drafting of the Transaction Screen Environmental Site Assessment for Alternative 3 and were determined not to have affected the parcel. Full descriptions of the sites identified in the EDR search are in Section 5.1.2 of the Transaction Screen Environmental Site Assessment for Alternative 3 (USACE Buffalo District 2012c).

On the basis of a review of historical records and historical topographic maps and aerials, the parcel had been used for agricultural purposes from at least 1900 to 1961, when it was then purchased by Ardon Bradt and Norris and Wray Hilts who then turned the property into a race car track known as Niagara Falls International Drag Strip (InfoMap 2012c). The track was operated from 1961 to 1974, and the property was converted back into agricultural land with the exception of the asphalt race track. Over this time fertilizers, pesticides, and herbicides were likely applied to crops to prevent, destroy, repel, or mitigate pests and unwanted flora. Fuel, petroleum, and other chemicals associated with automobiles could have leaked. A potential exists for residual chemicals to reside in the parcel's soils.

It is very unlikely that materials such as ACM, LBP, or PCBs are on the parcel because only a few small buildings were built on the property associated with the drag strip.

According to the EDR search by InfoMap, the structures near Alternative 3 had and an average radon level of 1.3 pCi/L (InfoMap 2012c). According to USEPA's Radon website for New York, the entire county is in a Zone 2 area, which means that the estimated average radon levels are between 2 and 4.0 pCi/L (USEPA 2012). This level is considered average by USEPA standards. The potential for effects of radon at this site is minimal.

3.15.2 Consequences

3.15.2.1 No Action Alternative

No adverse environmental or health effects related to radon or the use, disposal, or storage of hazardous materials, toxic substances, of petroleum constituents would be expected from the No Action Alternative. No use of such materials and substances would occur under this alternative.

3.15.2.2 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

Short- and long-term minor adverse effects related to hazardous materials, toxic substances, and petroleum constituents would be expected from implementing Alternative 1. In the short term, construction would involve the use of equipment, which could cause minor spills from engines and equipment operation. Implementing BMPs during construction would ensure that any leaks or spills would be negligible. Over the long term, there would be an increased use of materials such as petroleum, oils, lubricants, solvents, and paints associated with government-owned vehicle operation activities. Operations involving hazardous materials and petroleum products would be conducted in compliance with all local, state, and Federal regulations; therefore, no measureable adverse effects would be expected.

Because the Alternative 1 parcel has never been developed and has been used for mainly agricultural purposes or maintained as a greenspace, residual pesticides, herbicides, and fertilizers could be present on the parcel. Soils might need to be analyzed to determine whether worker safety measures regarding exposure are needed and to ensure proper handling and disposal of excavated soils.

3.15.2.3 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

Short- and long-term minor adverse effects related to hazardous materials, toxic substances, and petroleum constituents would be expected from implementing Alternative 2. The effects would be expected to be similar to those with Alternative 1.

If petroleum-affected soils, ACM, and LBP building materials, building foundations, or abandoned utility lines are encountered during construction activities, they would either be mitigated or removed completely, resulting in an improved condition of the site.

3.15.2.4 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

Short- and long-term minor adverse effects related to hazardous materials, toxic substances, and petroleum constituents would be expected from implementing Alternative 3. The effects would be expected to be similar to those with Alternative 1.

If petroleum-affected soils, ACM, and LBP building materials, building foundations, or abandoned utility lines are encountered during construction activities, they would either be mitigated or removed completely, resulting in an improved condition of the site.

3.16 Socioeconomics

The town of Niagara is in Niagara County, New York. Niagara County is considered the region of influence (ROI) for the socioeconomic analysis.

3.16.1 Affected Environment

The following sections discuss the existing social and economic conditions of the ROI with respect to labor force, employment and unemployment, income, population, housing, and education.

Employment. Table 3-15 lists the civilian labor force information for the ROI, with state and national data for comparative purposes. The ROI labor force increased less than 1 percent between 2000 and 2011, lower than the New York labor force growth of about 4 percent and the U.S. labor force growth of about 8 percent. The ROI 2011 unemployment rate was 8 percent, the same as New York's unemployment rate but lower than the national unemployment rate of 9 percent (BLS 2012).

Table 3-16 lists ROI employment by industry sector. As of 2010, the primary sources of ROI employment were government and government enterprises (which include Federal, military, and state and local government); retail trade; health care and social assistance; manufacturing; and accommodation and food services. Together these five industry sectors accounted for about 60 percent of regional employment. Between 2001 and 2010, the largest employment increases occurred in government, health care and social assistance, administrative and waste management services, and educational services. The largest employment declines occurred in manufacturing, retail trade, information, and construction. Overall, nine of the ROI industry sectors had employment declines between 2001 and 2010, resulting in a net decrease in ROI total

employment. Government was the largest regional industry in 2010 (by employment), employing about 15,200 people and accounting for 17 percent of total ROI employment (BEA 2012).

Table 3-15.
Labor force and unemployment

Jurisdiction	2000 civilian labor force	2011 civilian labor force	Change in labor force, 2000–2011	2011 annual unemployment rate
ROI (Niagara County)	110,072	110,239	0.2%	8%
New York	9,166,972	9,504,239	3.7%	8%
United States	142,583,000	153,617,000	7.7%	9%

Source: BLS 2012

Table 3-16.
ROI total full-time and part-time employment by industry

Industry	2001	2010	Difference, 2001–2010
Farming	1,304	1,278	–26
Forestry, fishing, and related activities	(D)	(D)	--
Mining	(D)	(D)	--
Utilities	632	511	–121
Construction	4,223	3,841	–382
Manufacturing	16,213	8,672	–7,541
Wholesale trade	1,756	1,869	113
Retail trade	12,629	12,219	–410
Transportation and warehousing	2,975	2,602	–373
Information	1,086	701	–385
Finance and insurance	2,260	2,572	312
Real estate and rental and leasing	2,072	2,457	385
Professional, scientific, and technical services	2,807	3,211	404
Management of companies and enterprises	961	1,055	94
Administrative and waste management services	3,560	4,081	521
Educational services	1,638	2,083	445
Health care and social assistance	10,454	12,085	1,540
Arts, entertainment, and recreation	1,368	1,622	254
Accommodation and food services	6,593	6,497	–96
Other services, except public administration	4,651	4,441	–210
Government and government enterprises	13,237	15,226	1,989
Total employment	90,752	87,258	–3,494

Source: BEA 2012

Note: (D) = Not shown to avoid disclosure of confidential information, but the estimates for this item are included in this total.

Income. ROI income levels are lower than the state and national averages. The ROI per capita personal income (PCPI) was \$24,292 (Table 3-17). This PCPI was 81 percent of the New York PCPI of \$30,011 and 93 percent of the national PCPI of \$26,059. The ROI median household income of \$43,991 was 81 percent of the state median household income of \$54,148 and 88 percent of the national median household income of \$50,046 (U.S. Census Bureau 2011a).

Population. Population trends are presented in Table 3-18. The ROI's population decreased by 2 percent between 2000 and 2010. In the same period, New York's population grew by 2 percent and the U.S. population grew by 10 percent. The 2030 population projections predict a continued decline in the ROI's population, but a population growth of 1 percent for New York and an 18 percent population increase for the United States. At the local level, the population of the city of Niagara Falls and the town of Niagara decreased by 9 percent between 2000 and 2010.

**Table 3-17.
Income, 2010**

Jurisdiction	PCPI	Median household income
ROI (Niagara County)	\$24,292	\$43,991
New York	\$30,011	\$54,148
United States	\$26,059	\$50,046

Source: U.S. Census Bureau 2011a

**Table 3-18.
Population**

Jurisdiction	2000 population ^a	2010 population ^b	Change in population, 2000–2010	2030 projected population ^{c,d}	Projected change in population, 2010–2030
City of Niagara Falls and town of Niagara	64,571	58,571	–9%	NA ^e	NA
ROI (Niagara County)	219,846	216,469	–2%	197,006	–9%
New York	18,976,457	19,378,102	2%	19,477,429	1%
United States	281,421,906	308,745,538	10%	363,584,435	18%

Notes:

^a Source: U.S. Census Bureau 2000

^b Source: U.S. Census Bureau 2011b

^c Source for Niagara County 2030 projected population: Cornell University PAD 2010

^d Source for New York and U.S. 2030 projected populations: U.S. Census Bureau 2005

^e NA = not available

Housing. Housing data are presented in Table 3-19. ROI housing costs (median monthly mortgage and median gross rent) are lower than the state and national levels. The ROI's homeowner vacancy rate of 1.4 percent is lower than the state and national homeowner vacancy rates of 1.9 percent and 2.4 percent, respectively. The ROI rental vacancy rate of 9 percent is higher than the state vacancy rate of 5.5 percent and about the same as the national rental vacancy rate of 9.2 percent. The homeowner vacancy rate is the proportion of the homeowner inventory that is vacant *for sale*, and the rental vacancy rate is the proportion of the rental inventory that is vacant *for rent*. The ROI had about 925 housing units vacant for sale and about 2,775 housing units vacant for rent (U.S. Census Bureau 2011b).

Table 3-19 also lists housing data for the city of Niagara Falls and the town of Niagara. These municipalities had a total of about 30,150 housing units, with a homeowner vacancy rate of 1.8 percent and a rental vacancy rate of 11.9 percent. Of the vacant units, 285 were recorded as for sale and about 1,450 for rent (U.S. Census Bureau 2011b). The housing costs (i.e., mortgage and rent) for the municipal area are below the ROI, state, and national levels.

Table 3-19.
Housing data, 2010

Jurisdiction	Total housing units	Number housing units vacant for sale	Number housing units vacant for rent	Homeowner vacancy rate	Rental vacancy rate	Median monthly mortgage ^a	Median gross rent ^a
City of Niagara Falls and Town of Niagara	30,156	285	1,455	1.8%	11.9%	\$1,042	\$596
ROI (Niagara County)	99,120	925	2,773	1.4%	9.0%	\$1,217	\$614
New York	8,108,103	77,225	200,039	1.9%	5.5%	\$1,958	\$977
United States	103,704,730	1,896,796	4,137,567	2.4%	9.2%	\$1,524	\$841

Source: U.S. Census Bureau 2011b

^a Median monthly mortgage and median gross rent is the 2006-2010 5-year average. Source: U.S. Census Bureau 2011c

Education. As of the 2009–2010 school year, the ROI had 11 public school districts with 58 schools and about 31,900 students enrolled. The ROI median student-to-teacher ratio was about 13 to 1, which is lower than the national public school ratio of about 16 to 1. Also 15 private schools are in the ROI, with about 2,100 students enrolled and a median student-to-teacher ratio of 8 to 1, which is lower than the national private school student-to-teacher ratio of 13 to 1 (NCES 2011a, 2011b). Post-secondary education facilities in the ROI include Niagara University, Niagara County Community College, Cheryl Fells School of Business, and Empire State College.

3.16.2 Consequences

The Economic Impact Forecast System (EIFS) model, developed by Corps, Construction Engineering Research Laboratory, provides a systematic method for evaluating the regional socioeconomic effects of Federal government actions and was used to evaluate the proposed USBP actions. The EIFS model includes a Rational Threshold Value (RTV) profile used in conjunction with the forecast models to assess the effects of an activity for a geographic area. For four variables (sales volume, employment, income, and population) the current time-series data available for the U.S. Bureau of Economic Analysis are calculated, along with the annual change, deviation from the average annual change, and percent deviation for each of these variables. That percentage then defines a threshold for significant annual regional economic effects for a variable. In the EIFS model, the RTV is calculated for each of the four variables when assessing the regional economic effects of a specific proposed action. If the RTV for a variable associated with the effects of a proposed action exceeds the maximum or minimum historic deviation for that variable, the economic effects are considered significant. The EIFS model is presented in Appendix G, and results are presented below for Alternative 1.

3.16.2.1 No Action Alternative

The proposed BPS construction activity would not be implemented under the No Action Alternative; therefore, no socioeconomic effects on the regional economy would be expected.

3.16.2.2 **Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel**

Short-term minor beneficial economic effects would be expected from implementing Alternative 1. In the short term, minor beneficial economic effects would be realized in the ROI economy during the proposed action's construction phase. Employment generated by construction activities would result in wages paid; an increase in sales (business) volume; and expenditures for ROI services, materials, and supplies.

The estimated total construction cost for the BPS was used as the EIFS input for change in capital costs (local expenditures). The estimated construction period for the new BPS is 18 months. Appendix G contains the EIFS report and the calculations used to derive change in local expenditures, employment, and income.

Table 3-20 provides the estimated total economic effects of the proposed action's construction activities on ROI business volume, income, and employment. As a result of construction expenditures for materials, supplies, services, and labor wages, the EIFS model estimates there would be

- About a \$22.5 million increase in total business sales volume
- About a \$9.9 million increase in total personal income
- An increase of about 253 total jobs created in the construction, retail trade, and service sectors

Table 3-20.
EIFS estimated economic effects

Variable	Total change	Percent change	RTV range
Construction effects			
Sales (business) volume	\$22,475,458	0.49%	-6.61% to 8.26%
Income	\$9,911,157	0.20%	-4.90% to 8.33%
Employment	253	0.26%	-4.68% to 4.06%

Source: EIFS model

The percent change for each economic variable (i.e., sales volume, income, and employment) resulting from the construction activity is less than 1 percent, as shown in Table 3-20. These effects would be realized only during the construction period. The increase in business volume, income, and employment includes capital expenditures, income, and labor directly associated with the construction activity. The change for each of the variables was found to be less than the respective maximum RTV but above the respective minimum RTV. For this reason, minor, beneficial economic effects would be expected from the proposed action construction activity.

3.16.2.3 **Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel**

Short-term minor beneficial economic effects would be expected for the Alternative 2 parcel, as described above for Alternative 1.

3.16.2.4 **Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel**

Short-term minor beneficial economic effects would be expected for the Alternative 3 parcel, as described above for Alternative 1.

3.17 Environmental Justice and Protection of Children

3.17.1 Affected Environment

Environmental Justice. On February 11, 1994, President Clinton issued EO 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*. The EO is designed to focus the attention of Federal agencies on the human health and environmental conditions in minority communities and low-income communities. The purpose of the EO is to avoid the disproportionate placement of adverse environmental, economic, social, or health effects from proposed Federal actions and policies on minority or low-income populations.

CBP proposes to fully comply with EO 12898 by incorporating environmental justice concerns into the decision-making processes supporting its policies, programs, projects, and activities. CBP would identify, disclose, and respond to potential adverse socioeconomic and environmental effects on minority or low-income populations in the area affected by this proposed Federal action.

The initial step in the environmental justice analysis process is identifying any minority and low-income populations that could be affected by implementing the proposed action. Per CEQ guidance, minority populations should be identified where either the minority population of the affected area exceeds 50 percent of the overall population or the minority population percentage is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis (CEQ 1997). The U.S. Census Bureau identifies minority populations as Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and other Pacific Islander, persons of two or more races, and persons of Hispanic or Latino origin. Minority population data are presented in Table 3-21. As of 2010, 13 percent of the ROI population was of a minority race or ethnicity. The ROI had a much lower percentage of minority populations compared to New York and the United States, which had 42 percent and 36 percent, respectively (U.S. Census Bureau 2011b).

Per CEQ guidance, poverty thresholds established by the Census Bureau are used to identify low-income populations (CEQ 1997). Poverty status is reported as the number of persons or families with income below a defined threshold level. As of 2010 the Census Bureau defined the poverty level as \$11,139 of annual income or less for an individual and \$22,113 of annual income or less for a family of four (U.S. Census Bureau 2011d). Low-income data are presented in Table 3-21. Thirteen percent of ROI residents were classified as living in poverty, lower than the New York and national poverty rate of 14 percent (U.S. Census Bureau 2011e).

The population of the city of Niagara Falls and the town of Niagara was made up of 28 percent minorities, higher than the ROI but lower than the state and national percentage of minority populations. The municipalities' poverty rate of 20 percent was higher than that of the ROI, New York, and the nation.

Table 3-21.
Minority and low-income populations

Jurisdiction	Minority population ^a	Persons below the poverty level ^b
City of Niagara Falls and town of Niagara	28%	20%
ROI (Niagara County)	13%	13%
New York	42%	14%
United States	36%	14%

Notes:

^a Source: U.S. Census Bureau 2011b

^b Source: U.S. Census Bureau 2011c, 2011e

Protection of Children. On April 21, 1997, President Clinton issued EO 13045, *Protection of Children from Environmental Health Risks and Safety Risks*. This EO seeks to protect children from disproportionately incurring environmental health risks or safety risks. The EO recognizes that a growing body of scientific knowledge demonstrates that children might suffer disproportionately from environmental health risks and safety risks. These risks arise for several reasons:

- Children’s bodily systems are not fully developed.
- Children eat, drink, and breathe more in proportion to their body weight.
- The size and weight of children can diminish the protection offered by standard safety features.
- Children’s behavior patterns can make them more susceptible to accidents.

On the basis of these factors, President Clinton directed each Federal agency to make it a high priority to identify and assess environmental health risks and safety risks that might disproportionately affect children. The President also directed each Federal agency to ensure that its policies, programs, activities, and standards address disproportionate environmental health risks or safety risks.

CBP proposes to fully comply with EO 13045 by incorporating these concerns into decision-making processes supporting its policies, programs, projects, and activities. CBP would identify, disclose, and respond to potential adverse social and environmental effects on children in the area affected by the proposed CBP action.

The proposed BPS Alternative 1 and 3 parcels have residences to the north and west. The Alternative 2 parcel has residences to the west and south. No primary or secondary schools are on or adjacent to the proposed parcels, but there is a preschool in a shopping plaza on Lockport Road north of the Alternative 1 parcel.

3.17.2 Consequences

3.17.2.1 No Action Alternative

No effects would be expected. Under the No Action Alternative, a new BPS would not be constructed. No effects on environmental justice or protection of children would occur.

3.17.2.2 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

No environmental justice effects would be expected. The BPS would be built in an area requiring no displacement of populations. Implementing the proposed action to construct and operate a BPS would not result in disproportionate adverse environmental or health effects on low-income or minority populations. Short-term minor beneficial effects could be incurred by minority or low-income households with respect to possible employment and personal income derived from the proposed construction work.

Short-term minor adverse effects on the protection of children could occur. The Alternative 1 parcel is adjacent to residential housing areas and near a preschool. Because construction sites can be enticing to children, construction activity could be an increased safety risk. Therefore, during construction, appropriate Federal and state safety measures and health regulations would be followed to protect the health and safety of all residents. Safety measures, such as barriers and *No Trespassing* signs placed around the perimeter of construction sites and securing construction vehicles and equipment when not in use, would reduce the potential risk to children.

3.17.2.3 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

No environmental justice effects would be expected for the Alternative 2 parcel. The effects would be expected to be the same as those stated above for Alternative 1.

Short-term minor adverse effects on the protection of children could occur. The effects would be expected to be the same as those stated above for Alternative 1.

3.17.2.4 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

No environmental justice effects would be expected for the Alternative 3 parcel. The effects would be expected to be the same as those stated above for Alternative 1.

Short-term minor adverse effects on the protection of children could occur. The effects would be expected to be the same as those stated above for Alternative 1.

3.18 Human Health and Safety

3.18.1 Affected Environment

Health. The Niagara Falls Memorial Medical Center is in the city of Niagara Falls about 6 miles west of the proposed CBP sites. Niagara Falls Memorial Medical Center is a 171-bed, short-term, acute-care hospital with an emergency room and intensive care unit, and it provides an array of inpatient and outpatient medical services including surgery, cardiology, neurology, and oncology. The medical center also has several outpatient satellite facilities—the Summit Healthplex; Summit Family Health Center; Grand Island Family Practice; Tuscarora Health Center; and the Schoellkopf Health Center, a skilled nursing facility (AHD 2011; NFMCC 2011). Other hospitals in the ROI are the Eastern Niagara Hospital, with locations in Lockport (about 15 miles east of the proposed BPS sites), and Newfane (about 25 miles northeast of the proposed BPS sites), and the Mount Saint Mary’s Hospital and Health Center in Lewiston (about 5 miles north of the proposed BPS sites) (AHD 2011).

Law enforcement. The Niagara County Sheriff’s Department oversees law enforcement and police protection services in the ROI. The sheriff’s office is headquartered in Lockport (the county seat) about 20 miles east of the town of Niagara Falls. Niagara and the Niagara Falls City police departments serve the municipalities (NFPD 2011). The New York State Police has a station in Niagara Falls, about 5 miles west of the proposed CBP sites.

Fire protection. Niagara County has 27 fire departments. Four of the departments are career or mostly career, with about 300 firefighters; 23 departments are volunteer, with about 1,000 firefighters (USFA 2011). The Niagara Falls Air Reserve Fire Station is adjacent to the proposed CBP Alternative 1 and 3 parcels. The Alternative 2 parcel is within 2 miles of a fire station.

3.18.2 Consequences

3.18.2.1 No Action Alternative

Long-term minor adverse effects on human health and safety would be expected. Under the No Action Alternative, the existing BPS would not be renovated or expanded nor would a new BPS be constructed. The existing BPS does not meet the USBP *Border Patrol Facilities Design Guide* requirements. It does not provide adequate facilities for performing USBP agent duties or appropriate functional space for BPS operations. CBP agents would have work conditions that could inhibit effective and efficient operational control and that would not be conducive to positive staff morale.

3.18.2.2 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

Long-term minor beneficial effects on human health and safety would be expected. Under Alternative 1, a new BPS that meets USBP design guide requirements would be constructed. This would improve the functionality and safety of the space, the overall working conditions for the BPS employees, and the accommodations for detainees.

3.18.2.3 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

Long-term minor beneficial effects on human health and safety would be expected with Alternative 2. The effects would be expected to be the same as those stated above for Alternative 1.

3.18.2.4 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

Long-term minor beneficial effects on human health and safety would be expected with Alternative 3. The effects would be expected to be the same as those stated above for Alternative 1.

3.19 Sustainability, Greening, and Climate Change

3.19.1 Affected Environment

In March 2015, President Obama signed EO 13693—*Planning for Federal Sustainability in the Next Decade*. EO 13693 revokes previously issued legislation, including EOs 13423 and 13514, and mandates Federal compliance with the Guiding Principles. The EO proposes that Federal agencies lead the global economy and expand markets through sustainable practices that reduce environmental impacts and preserve scarce financial resources. Specific targets and strategies laid out in the EO include:

- Reduce by 2% annually:
 - Potable water intensity by FY2025 (36% total reduction) (Baseline FY2007).
 - Industrial, landscaping, and agricultural water intensity by FY2025 (30% total reduction) (Baseline FY2010).
- Maintain 50% or higher diversion rate:
 - Non-hazardous solid waste through FY2025.
 - Construction and demolition materials and debris through FY2025.
- Ensure 95% of all applicable contracts, require products and services that are energy-efficient, water-efficient, biobased, environmentally preferable, non-ozone depleting, contain recycled-content, non-toxic or less-toxic alternatives.
- Increase renewable energy and renewable energy generation on agency property.
- Reduce building energy intensity.
- Ensure all new Federal buildings (>5,000 GSF) that enter the planning process beginning in FY2020 are designed to achieve net-zero energy and, where feasible, water or waste net-zero by FY2030. Implement water management strategies including water-efficient and low-flow fixtures.
- Implement source reduction to minimize waste and pollutant generation.
- Participate in transportation planning and recognize existing infrastructure in regions/communities.

CBP integrates many of the goals of EO 13693 into its decision making when designing or renovating a BPS. The proposed Niagara AOR BPS would be designed and constructed to comply with various EOs, the Guiding Principles, and other Federal sustainability guidelines.

Federal Guiding Principles for High Performance Sustainable Buildings (Guiding Principles). The Guiding Principles define Federal High Performance Sustainable Building (HPSB) requirements using performance-oriented goals. The Guiding Principles emphasize integrated design, energy performance, water conservation, indoor environmental quality, and the environmental impact of materials for new construction and major renovations projects. Project Teams are required to document Niagara AOR BPS compliance with the most recent version of the Guiding Principles using Portfolio Manager.

Climate change considerations are discussed in Section 3.9.1.2.

3.19.2 Consequences

3.19.2.1 No Action Alternative

No effects on sustainability and greening would result from implementing the No Action Alternative. No new BPS would be constructed and there would be no change from baseline conditions. No effects regarding GHG or climate change would be expected (see Section 3.9.2.1).

3.19.2.2 Alternative 1: Proposed Action Alternative: Construct, Operate, and Maintain a New BPS at the Alternative 1 Parcel

Long-term minor adverse effects on sustainability and greening would be expected from implementing Alternative 1. The new BPS facility would be constructed using modern construction techniques and materials, and it would be constructed to be an energy-efficient facility. Waste produced during the construction phase would be diverted from landfills to the extent feasible, and the new facility would be compliant with the guidelines in the *CBP Design Standard*, or more recent version if available, and would be designed to comply with the Guiding Principles. Doing so would ensure that the environmental footprint created by the new BPS would be minimal. Nevertheless, a new BPS would create a long-term environmental footprint that did not exist under baseline conditions. No effects regarding GHG or climate change would be expected (see Section 3.9.2.2).

3.19.2.3 Alternative 2: Construct, Operate, and Maintain a New BPS at the Alternative 2 Parcel

Long-term minor adverse effects on sustainability and greening would be expected from implementing Alternative 2. The sustainability effects of constructing a new BPS on the Alternative 2 parcel would be the same as those discussed for Alternative 1. No effects regarding GHG or climate change would be expected (see Section 3.9.2.3).

3.19.2.4 Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel

Long-term minor adverse effects on sustainability and greening would be expected from implementing Alternative 3. The sustainability effects of constructing a new BPS on the Alternative 3 parcel would be the same as those discussed for Alternative 1. No effects regarding GHG or climate change would be expected (see Section 3.9.2.4).

3.20 Summary of Environmental and Socioeconomic Consequences

This EA evaluates the potential effects on the existing environmental conditions from implementing the No Action Alternative and each of the three other alternatives. Implementing

any of the alternatives would not be expected to result in major environmental or socioeconomic effects. For each resource analyzed, the expected consequences of the alternatives are summarized in Table 3-22.

Table 3-22.
Summary of potential environmental and socioeconomic consequences

Resource	No Action Alternative		Alternative 1 (Preferred Alternative)		Alternative 2		Alternative 3	
	<i>Direct impacts</i>	<i>Indirect impacts</i>	<i>Direct impacts</i>	<i>Indirect impacts</i>	<i>Direct impacts</i>	<i>Indirect impacts</i>	<i>Direct impacts</i>	<i>Indirect impacts</i>
Land use	None	None	Short-term minor adverse	None	Short-term minor adverse	None	Short-term minor adverse	None
Geology and soils	None	None	Short-term minor adverse	None	Short- and long-term minor adverse	None	Short- and long-term minor adverse	None
Vegetation	None	None	Long-term negligible adverse	None	Long-term negligible adverse	Short-term minor adverse	Long-term negligible adverse	Short-term minor adverse
Wildlife and aquatic resources	None	None	Short-term minor adverse	None	Short-term minor adverse	None	Short-term minor adverse	None
Threatened and endangered species	None	None	None	None	None	None	None	None
Hydrology and groundwater	None	None	Short- and long-term minor adverse	Long-term minor adverse	Short- and long-term minor adverse	Long-term minor adverse	Short- and long-term minor adverse	Long-term minor adverse
Surface waters and waters of the United States	None	None	Short-term minor adverse	None	Short-term minor adverse	None	Short-term minor adverse	None
Floodplains	None	None	Negligible adverse	None	None	None	None	None

Table 3-22. (continued)

Resource	No Action Alternative		Alternative 1 (Preferred Alternative)		Alternative 2		Alternative 3	
	Direct impacts	Indirect impacts	Direct impacts	Indirect impacts	Direct impacts	Indirect impacts	Direct impacts	Indirect impacts
Air quality	None	None	Short- and long-term minor adverse	Short- and long-term minor adverse	Short- and long-term minor adverse	Short- and long-term minor adverse	Short- and long-term minor adverse	Short- and long-term minor adverse
Noise	None	None	Short- and long-term minor adverse	Short- and long-term minor adverse	Short- and long-term minor adverse	Short- and long-term minor adverse	Short- and long-term minor adverse	Short- and long-term minor adverse
Cultural resources	None	None	None	None	None	None	None	None
Utilities and infrastructure	None	None	Short- and long-term minor adverse	Long-term negligible adverse	Short- and long-term adverse	Long-term negligible adverse	Short- and long-term adverse	Long-term negligible adverse
Aesthetic and visual resources	None	None	Short-term minor adverse	None	Short- and long-term minor adverse	None	Short- and long-term minor adverse	None
Hazardous materials	None	None	Short- and long-term minor adverse	None	Short- and long-term minor adverse	None	Short- and long-term minor adverse	None
Socioeconomics	None	None	Short-term minor beneficial	None	Short-term minor beneficial	None	Short-term minor beneficial	None
Environmental justice and protection of children	None	None	Short-term minor adverse	None	Short-term minor adverse	None	Short-term minor adverse	None
Human health and safety	Long-term minor adverse	None	Long-term minor beneficial	None	Long-term minor beneficial	None	Long-term minor beneficial	None
Sustainability and greening	None	None	Long-term minor adverse	None	Long-term minor adverse	None	Long-term minor adverse	None

SECTION 4.0 CUMULATIVE EFFECTS

A *cumulative effect* is the effect on the environment that results from the incremental impact of a proposed action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or nonfederal) or person undertakes such other actions (40 CFR 1508.7). Actions in the project area that pose the potential for cumulative effects—that is, environmental or socioeconomic impacts when considered in combination with implementing the proposed action—are the New York Shovel-Ready Certified Niagara Airport Commercial Park, the Magical Lands of Oz theme park, and 2009 expansion of the Niagara Falls International Airport.

The activities or proposed developments described below are relevant to this EA because they result in, or support, the continued development of Niagara County. Further, those actions indicate that there is a realistic expectation for development to continue in the vicinity of the three alternatives analyzed in this EA.

The three alternatives analyzed in this EA would be expected to have no more than minor adverse effects on any of the resource areas analyzed. The scope of the proposed action would not be large, and most effects would be concentrated at or near the site of construction. The magnitude of the action being considered—constructing a 40,000-square-foot facility on a 10+ acre parcel of vacant land and conducting normal USBP operations—would not substantially alter the natural or human environments at any of the three locations being considered for the facility. No significant adverse cumulative effects would be expected from implementing any of the alternatives considered in this EA.

When considered with the effects analyzed in this EA, the continued development of Niagara County in the vicinity of the Niagara Falls International Airport could have environmental and socioeconomic cumulative effects for the area. In this section, cumulative effects are discussed primarily on a qualitative basis because many of the environmental and socioeconomic parameters of future development are unknown, but their aspects are estimated and quantified where sufficient data are available.

Land Use. Proposed future development could have moderate cumulative effects on land use. Niagara County is pursuing economic development through several planning and strategy documents including the *Niagara Communities Comprehensive Plan 2030* (Niagara County 2009), the *Western New York Economic Development Strategic Plan* (WNYREDC 2011), and *Niagara County Comprehensive Economic Development Strategy* (NCCED 2011).

In 2009 the Niagara Falls International Airport was expanded and increased passenger traffic by 300 percent. As a result, an influx of development along the commercial corridors of Niagara Falls Boulevard and Military Road has occurred and is planned to continue. Several new hotels and stores are planned for construction on Niagara Falls Boulevard in 2012 (NCIDA 2012). Niagara Falls Boulevard is also expected to be expanded (Niagara County 2009).

Clusters of land are available for development in the town of Niagara and city of Niagara Falls as industrial facilities and business parks (Niagara County 2009). The *Niagara Communities Comprehensive Plan* indicates the desire to preserve existing farmland and open space in the eastern portions of the county and to continue development near the airport to cluster similar land uses that would indicate a greater concentration of future business and manufacturing development in the immediate vicinity of all three alternatives.

A Final Generic Environmental Impact Statement has been approved by the town of Niagara for the proposed Niagara Airport Commercial Park (NYSDEC 2011b). The proposed project would develop a 216-acre site that includes the 46.7 acres of the Alternative 3 parcel of this EA and is identified as a *Shovel Ready Certification* project ready for development. Approximately 850,000 square feet of high-tech manufacturing facilities would be developed over 216 acres along with parking and internal road circulation. The proposed project would convert 216 acres of farmland into a business park. The owner of the property is aware of Alternative 3 and the inclusion of the USBP station would not create a land use conflict with the proposed development.

An 800-acre theme park, Magical Lands of Oz, was introduced to Wheatfield as a large-scale development in 2006 and is still being considered. However, an environmental impact statement has not been initiated (personal communication, Wheatfield Town Supervisor's Office, April 19, 2012). The theme park would be less than one mile southeast of the Alternative 3 parcel on the east side of Williams Road (Town of Wheatfield 2006). If this project is constructed, it could have a major effect on land use in the region and a significant effect on traffic on the roads that provide access to the Alternative 3 parcel. Summit Park Mall, Summit Healthplex, and Summit Business Park are planned developments on Williams Road (Niagara County 2009).

Geology and Soils. Proposed future development could have minor cumulative effects on soils. Local, state, and federal laws are in place during construction and during operation of most activities that are known to or could erode or contaminate soils. BMP implementation would reduce the potential for future contamination. It is not expected that geologic resources would be affected.

Vegetation. Alternatives 1-3 could have negligible cumulative effects on vegetation. The parcels' vegetation consists of old field upland species, grass-covered field, farmland, or secondary successional growth. Proposed and current developments would require an inconsequential amount of vegetation removal and disturbance from construction activities, operation of the facilities, and use of the land parcel.

Wildlife and Aquatic Resources. Proposed future development could have negligible cumulative effects on wildlife and aquatic resources. Vegetation removal would result in negligible long-term effects on wildlife species by reducing habitat. Effects on aquatic resources would occur as a result of soil erosion to displace sediment into on-site drainage features and decrease aquatic habitat quality.

To reduce cumulative impacts of habitat degradation associated with soil disturbance and compaction, Erosion and Sediment Control Plans would be implemented, and the appropriate BMPs for sediment control would be implemented.

Threatened and Endangered Species. Proposed future development would have no cumulative effects on threatened and endangered species. No threatened or endangered species are anticipated to occur on the Alternative 1-3 parcels.

Hydrology and Groundwater. Proposed future development could have minor cumulative effects on groundwater and hydrology. Local, state, and federal laws are in place during construction and operation of most activities that are known to or could contaminate groundwater. BMPs implementation would reduce the potential for future contamination of groundwater. Groundwater is not used as a drinking water source, and future development would not be expected to affect the availability of this resource.

Surface Waters and Waters of the United States. Proposed future development could have minor short-term cumulative effects on surface waters in and around the Alternative 1 parcel due

to sedimentation in the on-site drainage features and unnamed tributary to Cayuga Creek. This could result in a short-term minor cumulative effect on water quality.

The potential for minor cumulative effects on wetlands exists from construction of the new BPS facility. Jurisdictional wetlands are present on the Alternative 1 parcel, effects on wetlands would be avoided or minimized during siting and construction of the new BPS. Any impacts resulting in the loss of wetlands would require the appropriate state and federal permitting. If wetlands cannot be entirely avoided, mitigation measures would be taken and proper permits would be acquired.

To reduce cumulative effects on surface waters associated with soil disturbance, Erosion and Sediment Control Plans would be implemented and the appropriate BMPs for sediment control would be implemented.

Floodplains. Proposed future development under Alternative 1 could be expected to have minor cumulative impacts on floodplains. Nearly five percent of the Alternative 1 parcel is in the 100-year floodplain; however, construction activities on the parcel would avoid the floodplain to the maximum extent practicable.

No cumulative effects on floodplains would be expected under Alternatives 2 and 3 because those parcels are not in the 100-year floodplain.

Air Quality. New York takes into account the effects of all past, present, and reasonably foreseeable emissions in developing the State Implementation Plan for the Niagara nonattainment area. The state accounts for all significant stationary, area, and mobile emission sources in developing this plan to ensure the timely attainment of the 8-hour ozone NAAQS. Estimated emissions generated by any of the alternatives would be *de minimis*. Therefore, none of the alternatives would be expected to appreciably contribute to adverse cumulative effects on air quality.

Noise. Proposed future developments on the Alternative 1-3 parcels would introduce long-term incremental increases the noise environment because of the nature of proposed operation of a K-9 unit and associated dog kennel at the BPS. It is expected that these changes would be minor and have negligible cumulative effects.

Cultural Resources. The potential exists for minor to extreme cumulative effects on cultural resources on the Alternative 2 parcel because of proposed future development. The Alternative 2 parcel is in an area considered sensitive for cultural resources, particularly archaeological resources. Any cumulative impacts would be dependent on the actual presence of archaeological material on the site, which would be determined by on-site archaeological surveys.

No cumulative effects on cultural resources would be expected under Alternative 1 or Alternative 3 because no cultural resources are expected to be on the site.

Utilities. Proposed future developments would be expected to have minor cumulative effects on utilities. Proposed and current developments could require relocation or temporary suspension of water, gas, and electric lines, but no long-term suspension of any of these utilities would be expected.

Roadways/Traffic. The size and scope of the changes in the transportation systems associated with Alternatives 1-3 would be extremely small when compared to the regional transportation network. The traffic effects would be expected to be negligible when compared to the present and future transportation projects in the area.

Aesthetics and Visual Resources. Proposed future developments would be expected to have negligible cumulative impacts on aesthetics and visual resources. Construction of a new BPS would be expected to have short-term minor adverse impacts from site preparation and

construction activities; however, operation of the new BPS facility would be consistent with the existing aesthetic associated with the Niagara Falls International Airport, Niagara Falls ARS, and surrounding commercial and industrial areas.

Hazardous Materials. No cumulative effect on hazardous materials would be expected from construction and operation of a new BPS facility on the Alternative 1, 2, or 3 parcel. All construction and BPS operations would be in compliance with State of New York, Niagara Falls ARS, and Federal programs/policies.

Socioeconomics. Beneficial cumulative socioeconomic effects would be expected. Alternatives 1, 2, or 3 would increase regional employment, income, and sales volume. Other current and proposed future economic development projects occurring in the region, such as residential, commercial, or infrastructure development and improvements, also would have short- and long-term beneficial effects on the local economy by increasing employment, income, and business sales. Known or proposed projects include the expansion of the Niagara Falls International Airport and resulting related commercial development along Niagara Falls Boulevard and Military Road (about 1.5 miles or less from Alternatives 1, 2, and 3); the proposed Niagara Airport Commercial Park (a business park that would be adjacent to Alternative 3 parcel); a proposed theme park within a mile of Alternative 2; a proposed shopping mall, health center, and business park on Williams Road south of Alternative 2; and infrastructure development such as the expansion of Niagara Falls Boulevard near Alternative 2.

Environmental Justice and Protection of Children. Proposed future developments would be expected to have cumulative effects on the protection of children. The proposed Alternatives 1, 2, and 3, and some of the current and proposed commercial and infrastructure developments, are near areas where children typically are present (such as residential housing areas). During construction, appropriate federal and state safety regulations would be followed and safety measures put in place for the safety of children.

Human Health and Safety. No cumulative effects on human health and safety would be expected from construction and operation of a new BPS facility on the Alternative 1, 2, or 3 parcel.

Sustainability and Greening. No cumulative effects on sustainability and greening would be expected from construction and operation of a new BPS facility on the Alternative 1, 2, or 3 parcel.

SECTION 5.0

MITIGATION MEASURES

CEQ guidelines require lead agencies to consider feasible mitigation measures to avoid or substantially reduce a project's significant adverse environmental effects. No significant adverse effects have been identified in this EA. CEQ guidelines require lead agencies to consider feasible mitigation measures to avoid or substantially reduce a project's significant adverse environmental effects. No significant adverse effects have been identified in this EA. No mitigation measures, therefore, would be required for implementing the proposed action or the alternatives considered.

For those minor adverse effects that cannot be avoided, BMPs would be used to minimize the adverse effects to the maximum extent practicable. BMPs include features designed to protect, maintain, restore, or enhance environmental conditions. CBP and its contractors would take the following precautions or use the following BMPs to minimize any adverse effects of the proposed action. These BMPs and mitigation efforts are consistent with the measures outlined in CBP's Programmatic Environmental Impact Statement for Northern Border Activities, July 2012.

5.1 Surface Waters, Groundwater, and Aquatic Habitat

- Develop a site-specific SWPPP that includes BMPs such as silt fences, diversion ditches, mulching, straw bales, and reseeded and reestablishing vegetation on bare soil as soon as practicable. Stabilize and restore disturbed areas after construction and implement a long-term stormwater management system.
- Implement the construction-specific, state-approved BMPs in the SWPPP for controlling runoff, erosion, and sedimentation.
- Ensure that all construction activities comply with the requirements of the state permit for stormwater discharges.
- Incorporate an effective stormwater management system, landscaping, and BMPs into the permanent site design and operation of the new BPS to offset any potential long-term minor adverse effects on groundwater resources.
- Site the new BPS to avoid disturbing the wetland areas to the maximum extent practicable so as to maintain the hydrologic connection between wetlands, surface, and groundwater systems (if it is determined that wetlands are on the selected parcel).

5.2 Hazardous and Toxic Substances

- Conduct all operations involving hazardous materials and petroleum products in compliance with applicable local, state, and Federal regulations.
- Employ reasonable containment and control of solid wastes generated from, and hazardous substances used in, renovation and construction activities.
- Handle all spills or releases of petroleum products, hazardous materials, pollutants, or contaminants in accordance with measures outlined in a spill prevention and response plan.
- Prevent petroleum products, hazardous materials, pollutants, and contaminants from reaching stormwater, and ensure that spill kits are available on-site.

5.3 Air Quality

During construction, reasonable measures would be taken to prevent unnecessary amounts of particulate matter from becoming airborne. Such precautions might include the following:

- Use water to control dust during construction operations, road grading, or land clearing.

- Pave roadways and keep them clean.
- Cover open equipment used to convey or transport material if it would likely create objectionable odors.
- Promptly remove spilled or tracked dirt or other materials from paved streets.

5.4 Noise

- Conduct construction primarily during normal weekday business hours, especially adjacent to noise-sensitive land uses such as residential and recreational areas.
- Properly maintain construction equipment mufflers and keep them in good working order.

5.5 Roadways and Traffic

- Route and schedule construction vehicle traffic to minimize conflicts with other traffic.
- Strategically locate construction material staging areas to minimize traffic effects.
- Equip all construction vehicles with backing alarms, two-way radios, and *Slow Moving Vehicle* signs when appropriate.

5.6 Protection of Children

- Take appropriate Federal and state safety measures during construction, including barriers around the perimeter and posting *No Trespassing* signs around the construction site to deter entry to the area.
- Secure construction vehicles and equipment when not in use.

SECTION 6.0

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SECTION 7.0

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Acronyms and Abbreviations

$\mu\text{g}/\text{m}^3$	micrograms per cubic meter
a.m.	<i>ante meridiem</i> (i.e., before noon)
AADT	Annual Average Daily Traffic Count
ACM	asbestos-containing materials
AOR	Area of Responsibility
APE	Area of Potential Effect
AQCR	Air Quality Control Region
AQCR 162	Niagara Frontier Intrastate AQCR
ARS	Air Reserve Station
AST	aboveground storage tank
BMP	best management practice
BPS	Border Patrol Station
CAA	Clean Air Act
CATV	cable television
CBP	U.S. Customs and Border Protection
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	<i>Code of Federal Regulations</i>
CO	carbon monoxide
CO ₂	carbon dioxide
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
<i>de minimis</i>	of minimal importance
DHS	U.S. Department of Homeland Security
DNL	day-night average sound level
EA	environmental assessment
EDR	electronic database records
EIFS	Economic Impact Forecast System
EO	Executive order
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
GHG	greenhouse gas
I	Interstate
IAG	Niagara Falls International Airport
K-9	canine
LBP	lead-based paint
lbs/hour	pounds per hour
lbs/mile	pounds per mile
LEED	Leadership in Energy and Environmental Design
L _{eq}	equivalent sound level
LF	linear feet
LUST	leaking underground storage tank
m	meters
NA	not available

NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NESHAP	National Emission Standards for Hazardous Air Pollutants
NHPA	National Historic Preservation Act
NOA	Notice of Availability
NO ₂	nitrogen dioxide
NO _x	nitrogen oxides
NPL	National Priority List
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NSR	New Source Review
NO _x	nitrogen oxides
NYNHP	New York Natural Heritage Program
NYSDEC	New York State Department of Environmental Conservation
NYS DOT	New York State Department of Transportation
NY SHPO	New York State Historic Preservation Office
O ₃	ozone
p.m.	<i>post meridiem</i> (i.e., after noon)
PCB	polychlorinated biphenyl
pCi/L	picocuries per liter
PCPI	per capita personal income
PEM	palustrine emergent
PFO	palustrine forested
PM _{2.5}	very fine particulate matter, less than 2.5 microns in diameter
PM ₁₀	fine particulate matter, less than 10 microns in diameter
ppm	parts per million
PSD	Prevention of Significant Deterioration
PSS	palustrine scrub-shrub
RCRA	Resource Conservation and Recovery Act
ROI	region of influence
RONA	Record of Non-Applicability
RTV	rational threshold value
SRHP	State Register of Historic Places
SO _x	oxides of sulfur
SO ₂	sulfur dioxide
SWPPP	Stormwater Pollution Prevention Plan
tpy	tons per year
TSCA	Toxic Substances Control Act
USACE	U.S. Army Corps of Engineers
USBP	U.S. Border Patrol
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
U.S.C.	<i>United States Code</i>
UST	underground storage tank
VOC	volatile organic compound
WOUS	Waters of the United States