



**FINAL**

# **SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT FOR U.S. CUSTOMS AND BORDER PROTECTION EXPANSION OF THE U.S. BORDER PATROL SWANTON STATION AND RELOCATION OF THE SWANTON SECTOR HEADQUARTERS SWANTON, VERMONT**

**Department of Homeland Security  
U.S. Customs and Border Protection  
U.S. Border Patrol**



**FEBRUARY 2015**

**FINAL**  
**FINDING OF NO SIGNIFICANT IMPACT**  
**FOR THE U.S. CUSTOMS AND BORDER PROTECTION**  
**EXPANSION OF THE U.S. BORDER PATROL SWANTON STATION AND**  
**RELOCATION OF THE SWANTON SECTOR HEADQUARTERS, SWANTON, VERMONT**

**Project History:** U.S. Border Patrol (USBP) is a law enforcement entity of U.S. Customs and Border Protection (CBP) within the Department of Homeland Security (DHS). DHS was officially created with the passage of the Homeland Security Act of 2002 (Public Law 107-296). The CBP Swanton Sector oversees eight USBP stations within the states of Vermont, New York, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, and Delaware. An Environmental Assessment (EA) was completed in 2008 for construction of a new Swanton Border Patrol Station (BPS) in Highgate, Vermont, with a Finding of No Significant Impact (FONSI) (*Swanton BPS EA*); and the Swanton BPS has been constructed on a 25-acre parcel. The CBP Swanton Sector Headquarters (SHQ) is currently located in a facility constructed by the General Services Administration (GSA) in 1965 and leased to CBP, approximately 2 miles south of the Swanton BPS. CBP Swanton SHQ has outgrown the current facility, which is also not configured to meet CBP's operational needs. CBP proposes to modify and expand the Swanton BPS to accommodate the Swanton SHQ staff and functions to provide a safe, effective, and efficient working environment in close coordination with Swanton BPS staff.

A Supplemental EA (SEA) was prepared in accordance with the National Environmental Policy Act and analyzes project alternatives and potential impacts on the human and natural environments from the Proposed Action and No Action Alternatives.

**Purpose and Need:** The purpose of the Proposed Action is to provide office space and facilities for the Swanton SHQ personnel that meet current and projected future operational needs. The existing SHQ facility does not have enough space to support the SHQ functions, and necessary modifications cannot be accomplished to upgrade communications, information processing, and security equipment effectively in the existing facility. The need for the Proposed Action is to provide for the following:

- adequate space and facilities (e.g., administrative, special operations, command offices, vehicle and equipment maintenance, communications, and intelligence operations) for the agents and staff currently operating out of the existing SHQ
- additional space and facilities for expansion of the SHQ to support anticipated additional staff
- facilities arranged for an increased effectiveness and coordination with SHQ and USBP agents in the performance of their duties
- opportunity for future expansion, as necessary, on the Swanton BPS property
- a more safe, effective, and efficient work environment

**Proposed Action:** CBP proposes to construct, operate, and maintain a 5,000-square-foot administration building at the existing Swanton BPS to accommodate Swanton SHQ functions and personnel. In addition to the new building, available space within the Swanton BPS would be modified and converted for use by SHQ communications, intelligence, and maintenance personnel. The Proposed Action would include some or all of the following components:

- Administration building
- Technology support area
- Muster room
- Field support and communications
- Parking
- Vehicle service and maintenance shop with vehicle lift bays
- Vehicle parts storage
- Communications office
- Vehicle maintenance office

The vehicle service and maintenance facility would be integrated into the existing Swanton BPS covered parking building and would include space for parts storage, a maintenance office, and five vehicle lift bays for maintenance. No additional space under roof would be required for the vehicle maintenance facility. An optional separate vehicle maintenance parking area (2 acres) may be developed within the Swanton BPS property on the hill to the west of the Swanton BPS for parking of vehicles awaiting maintenance. The existing Swanton BPS communications tower would be utilized for SHQ operations with the addition of antennas and possibly the addition of 20 feet in height to the current 80-foot-high tower for a total height of up to 100 feet. A SHQ communications room would be established in the intelligence wing of the BPS by converting an existing conference room.

**Other Alternatives Considered:** Beyond the Proposed Action and No Action Alternatives, CBP considered additional alternatives that were eliminated from further consideration because they did not fully meet CBP's purpose and need for the Proposed Action. These included the renovation of the current Swanton SHQ facility and relocation of the Swanton SHQ facility in a location other than that of the existing Swanton BPS. It was determined that remodeling the existing Swanton SHQ facility would not meet the space and configuration requirements needed for the SHQ operations and the costs associated with the remodeling effort would be excessive. Construction of a Swanton SHQ at another separate location would not fully meet the purpose and need, particularly close coordination with USBP agents, and would require an excessive investment in additional land and facilities, when space is currently available at the existing Swanton BPS.

**Affected Environment and Consequences:** Because the Proposed Action would take place on property evaluated in the *Swanton BPS EA* in 2008, and most affected resources and impacts for this Proposed Action were evaluated in that EA, resources not further impacted by the Swanton SHQ relocation project were not evaluated in this SEA. Resource descriptions and impacts discussed in the *Swanton BPS EA* are incorporated by reference per CEQ Regulations 1502.21, as appropriate. Those resources that would be impacted by the Proposed Action and the effects are as follows:

**Land Use** – The current Swanton SHQ property would change from law enforcement purposes to another local government function or to a commercial use, depending on how the property is disposed of by the GSA.

**Vegetation** – The 2-acre site proposed for the vehicle maintenance parking area at the Swanton BPS would be cleared of vegetation; however, the vegetation is common to the area and only minor impacts would occur.

**Wildlife** – Common wildlife species utilizing the 2-acre vehicle maintenance parking site would be displaced to similar habitat around the Swanton BPS, so impacts would be minor.

**Surface Water** – Hard surfaces and stormwater runoff would increase at the Swanton BPS; however, best management practices in compliance with the stormwater permit would reduce the impacts to minor.

**Groundwater** – The addition of SHQ staff and operations would increase potable water use at the Swanton BPS, but the current on-site well is sufficient to supply the increased water needed.

**Wastewater** – The addition of SHQ staff would increase the volume of wastewater treated in the Swanton BPS septic system, but the system has the capacity to treat the additional wastewater.

**Traffic and Transportation** – The Proposed Action would shift the Swanton SHQ personnel traffic to the Swanton BPS site and access roads; however, the added traffic would not change the Level of Service (LOS) for those roads from LOS A.

**Socioeconomics** – The SHQ operations would remain within the same socioeconomic Region of Influence, but the disposal of the current Swanton SHQ facilities by the GSA would benefit the local economy with the addition of that property to the tax rolls.

**Hazardous Materials** – SHQ vehicle maintenance operations would shift to the Swanton BPS, increasing the potential for hazardous materials impacts at that site; however, the same operations would be removed from the current Swanton SHQ site, reducing impacts there.

**Summary Table of Consequences**

Resource	Consequence of Proposed Action	Discussion
Land Use	Swanton SHQ property would change to a non-law enforcement use	No adverse impact from the land use change
Vegetation	2 acres of forest vegetation removed from the Swanton BPS property	Long-term impact would be minor
Wildlife	2 acres of wildlife habitat removed from the Swanton BPS property	Long-term minor impact due to adjacent available habitat
Surface Water	Increase in hard-surface stormwater runoff at the Swanton BPS	Long-term minor impact due to implementation of BMPs
Groundwater	Increase in potable water use at the Swanton BPS	Minor impact due to abundant water availability
Wastewater	Increase in wastewater disposal at the Swanton BPS	Negligible impact due to capacity of the existing septic system at the Swanton BPS
Traffic and Transportation	Additional Swanton SHQ traffic on the Swanton BPS access roads	Negligible impact due to current low traffic volume, no change in LOS
Socioeconomics	Beneficial economic effect due to reuse of the Swanton SHQ property	Tax income would increase with addition of the property to the tax rolls
Hazardous Materials	No impacts in the local Swanton area	Hazardous materials use simply would move to the Swanton BPS location



**Best Management Practices:** Best management practices (BMPs) that will be implemented during construction, operation, and maintenance of the relocated Swanton SHQ include the following:

1. Prepare and implement a Stormwater Pollution Prevention Plan to control erosion and sedimentation during construction and prevent an increase in runoff of untreated stormwater after construction. Modify the current Swanton BPS stormwater permit.
2. Conduct migratory bird nesting surveys, in accordance with the Migratory Bird Treaty Act, in the event that clearing and grubbing activities occur during the normal bird breeding and nesting season (April 1 through August 31).

**Findings and Conclusions:** No significant adverse impacts were identified for any human or natural resources analyzed within this document. Therefore, no further analysis or documentation (i.e., Environmental Impact Statement) is warranted. CBP, in implementing this decision, would employ all practical means to minimize the potential adverse impacts on the human and natural environments.

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**February 2015**

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Lead Agency:

Department of Homeland Security  
U.S. Customs and Border Protection  
Facilities Management and Engineering  
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Washington, DC 20004

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## EXECUTIVE SUMMARY

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### Proposed Action

U.S. Customs and Border Protection (CBP) proposes to construct, operate, and maintain a 5,000-square-foot administration building at the existing Swanton Border Patrol Station (BPS) to accommodate Swanton Sector Headquarters (SHQ) functions and personnel. In addition to the new building, available space within the Swanton BPS would be modified and converted for use by SHQ communications, intelligence, and maintenance personnel. The Proposed Action would include some or all of the following components:

- Administration building
- Technology support area
- Muster room
- Field support and communications
- Parking
- Vehicle service and maintenance shop with vehicle lift bays
- Vehicle parts storage
- Communications office
- Vehicle maintenance office

The vehicle service and maintenance facility would be integrated into the existing Swanton BPS covered parking building and would include space for parts storage, a maintenance office, and five vehicle lift bays for maintenance. No additional space under roof would be required for the vehicle maintenance facility. An optional separate vehicle maintenance parking area (2 acres) may be developed on the hill to the west of the Swanton BPS for parking of vehicles awaiting maintenance. The existing Swanton BPS communications tower would be utilized for SHQ operations with the addition of antennas and possibly the addition of 20 feet in height to the current 80-foot-high tower for a total height of up to 100 feet. A SHQ communications room would be established in the intelligence wing of the Swanton BPS by converting an existing conference room. The construction and operation of the Swanton BPS was evaluated in the *Final Environmental Assessment for the Construction of a New Border Patrol Station at Swanton, Vermont, Swanton Sector, for the 6,000 Agent Rapid Response Program, December 2008 (Swanton BPS EA)*.

### Purpose and Need

The purpose of the Proposed Action is to provide office space and facilities for the Swanton SHQ personnel that meet current and projected future operational needs. The existing SHQ facility does not have enough space to support the SHQ functions, and necessary modifications cannot be accomplished to upgrade communications, information processing, and security equipment effectively in the existing facility. The need for the Proposed Action is to provide for the following:

- adequate space and facilities (e.g., administrative, special operations, command offices, vehicle and equipment maintenance, communications, and intelligence operations) for the agents and staff currently operating out of the existing Swanton SHQ
- additional space and facilities for expansion of the Swanton SHQ to support anticipated additional staff
- facilities arranged for an increased effectiveness and coordination between SHQ and USBP agents in the performance of their duties

- opportunity for future expansion, as necessary, on the Swanton BPS property
- a more safe, effective, and efficient work environment

### **Proposed Action and Alternatives**

CBP proposes to modify and expand the existing Swanton BPS to accommodate Swanton SHQ functions and personnel. Beyond the Proposed Action and No Action Alternatives, CBP considered additional alternatives that were eliminated from further consideration because they did not fully meet CBP's purpose and need for the Proposed Action. These included the renovation of the current SHQ facility and relocation of the SHQ facility in a location other than that of the existing Swanton BPS. It was determined that remodeling the existing Swanton SHQ facility would not meet the space and configuration requirements needed for the SHQ operations and the costs associated with the remodeling effort would be excessive. Construction of a new Swanton SHQ at another separate location would not fully meet the purpose and need, particularly the need for close coordination with USBP agents, and would require an excessive investment in additional land and facilities, given that space is currently available at the existing Swanton BPS.

### **Affected Environment and Consequences**

Because the Proposed Action would take place on property evaluated in the *Swanton BPS EA* in 2008 for construction of the Swanton BPS, and most affected resources and impacts for this Proposed Action were evaluated in that EA, only those resources impacted by the Proposed Action and its effects are evaluated in this SEA. Those resources evaluated in the *Swanton BPS EA* and not further impacted by the Proposed Action are not evaluated in this SEA. Those resources that were evaluated are as follows:

**Land Use** – The current Swanton SHQ property would change from law enforcement purposes to another local government function or to a commercial use, depending on how the property is disposed of by the GSA.

**Vegetation** – The 2-acre site proposed for the vehicle maintenance parking area at the Swanton BPS would be cleared of vegetation; however, the vegetation is common to the area and only minor impacts would occur.

**Wildlife** – Common wildlife species utilizing the 2-acre vehicle maintenance parking site would be displaced to similar habitat around the Swanton BPS, so impacts would be minor.

**Surface Water** – Hard surfaces and stormwater runoff would increase at the Swanton BPS; however, best management practices in compliance with the stormwater permit would reduce the impacts to minor.

**Groundwater** – The addition of SHQ staff and operations would increase potable water use at the Swanton BPS, but the current on-site well is sufficient to supply the increased water needed.

**Wastewater** – The addition of SHQ staff would increase the volume of wastewater treated in the Swanton BPS septic system, but the system has the capacity to treat the additional wastewater.



**Traffic and Transportation** – The Proposed Action would shift the Swanton SHQ personnel traffic to the Swanton BPS site and access roads; however, the added traffic would not change the Level of Service (LOS) for those roads from LOS A.

**Socioeconomics** – The Swanton SHQ operations would remain within the same socioeconomic Region of Influence, but the disposal of the current Swanton SHQ facilities by GSA would benefit the local economy with the addition of that property to the tax rolls.

**Hazardous Materials** – SHQ vehicle maintenance operations would shift to the Swanton BPS, increasing the potential for hazardous materials impacts at that site; however, the same operations would be removed from the current Swanton SHQ site, reducing impacts there.

**Cumulative Impacts** – Due to the minimal nature of the Proposed Action impacts, no cumulative impacts were identified for the project area.

### **Best Management Practices**

Best management practices that will be implemented during construction, operation, and maintenance of the relocated Swanton SHQ include the following:

3. Prepare and implement a Stormwater Pollution Prevention Plan to control erosion and sedimentation during construction and prevent an increase in runoff of untreated stormwater after construction. The existing Swanton BPS stormwater permit would be modified.
4. Conduct bird surveys, in accordance with the Migratory Bird Treaty Act, in the event that clearing and grubbing activities occur during the normal bird breeding and nesting season (April 1 through August 31).

### **Public Involvement**

The Draft SEA and Finding of No Significant Impact (FONSI) were made available for public review for 30 days and the Notice of Availability was published in the *Burlington Free Press* and the *St. Albans Messenger* on October 27, 2014. A copy of the Notice of Availability is included in Appendix C. The Draft SEA and FONSI were also made available electronically at <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review> and for review at the Swanton, Highgate, and Haston public libraries. Information and concerns were solicited from local, state, and Federal regulatory agencies and the Draft SEA and FONSI were distributed to those agencies for comments. No comments were received on the Draft SEA or Draft FONSI.

### **Conclusions**

No significant adverse impacts were identified for any human or natural resources analyzed within the SEA. Therefore, no further analysis or documentation (i.e., Environmental Impact Statement) is warranted and issuance of a FONSI is warranted. CBP, in implementing this decision, would employ all practical means to minimize the potential adverse impacts on the human and natural environments.

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**SECTION 1.0**  
**PURPOSE AND NEED**

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## 1.0 PURPOSE AND NEED

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In 1924, Congress created the U.S. Border Patrol (USBP) to serve as the law enforcement entity of Immigration and Naturalization Service (INS), and it did so until November 25, 2002, when Congress transferred all INS responsibilities to the newly created Department of Homeland Security (DHS) with the passage of the Homeland Security Act of 2002 (Public Law [PL] 107-296). USBP was officially transferred into the Office of Border Patrol, under DHS and U.S. Customs and Border Protection (CBP), on March 1, 2003.

The primary sources of authority granted to CBP and USBP agents are the Immigration and Nationality Act (INA) of 1959 (PL 82-414) contained in Title 8 of the U.S. Code (U.S.C.) “Aliens and Nationality” and other statutes relating to the immigration and naturalization of aliens. The secondary sources of authority are administrative regulations implementing those statutes, judicial decisions, and administrative decisions of the Board of Immigration Appeals. In addition, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (PL 104-208) and, subsequently, the Homeland Security Act of 2002 (PL 107-296) mandate DHS to acquire and improve equipment and technology along the border, hire and train new agents for the border region, and develop effective border enforcement strategies.

Subject to constitutional limitations, CBP agents may exercise the authority granted to them in the INA. The statutory provisions related to enforcement authority are found in 8 U.S.C. 1357 (a, b, c, e), 1225, 1324(b, c), 1324(a); 1324(c). Other statutory sources of authority are found in 18 U.S.C. “Crimes and Criminal Procedure,” which has several provisions that specifically relate to enforcement of the immigration and nationality laws; 19 U.S.C. 1401(i) “officer of the customs, customs officer” relating to U.S. Customs Service cross-designation of immigration officers; and 21 U.S.C. 878 “powers of enforcement personnel” relating to Drug Enforcement Agency cross-designation of immigration officers. Through the development and implementation of a National Strategy (CBP 2012), CBP and USBP have reduced illegal entries and gained greater levels of control along the international boundary.

The CBP Swanton Sector is responsible for approximately 24,000 square miles within the states of Vermont, New Hampshire, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, and Delaware (Figure 1-1). The CBP Swanton Sector Headquarters (SHQ) is currently located on the east side of Swanton, Vermont, at 155 Grand Avenue, in a facility constructed by the General Services Administration (GSA) in 1965 on a 2.76-acre parcel of property (Figure 1-2). Increases in Swanton SHQ staff since 1965 have resulted in overcrowding of the current facility and an inability to expand to meet the agency’s needs. A large portion of the existing Swanton SHQ building is a closed indoor firing range that would require extensive renovation and remediation in order to convert the range to offices, which would still not be sufficient to meet the SHQ’s needs.

The Swanton Border Patrol Station (Swanton BPS) is one of eight stations composing the Swanton Sector, in addition to the Beecher Falls, Massena, Ogdensburg, Champlain, Burke, Newport, and Richford stations. In 2008, CBP prepared an Environmental Assessment (EA) to evaluate the potential effects, beneficial and adverse, resulting from the construction, operation, and maintenance of the Swanton BPS in Swanton, Vermont (*Swanton BPS EA*), within the

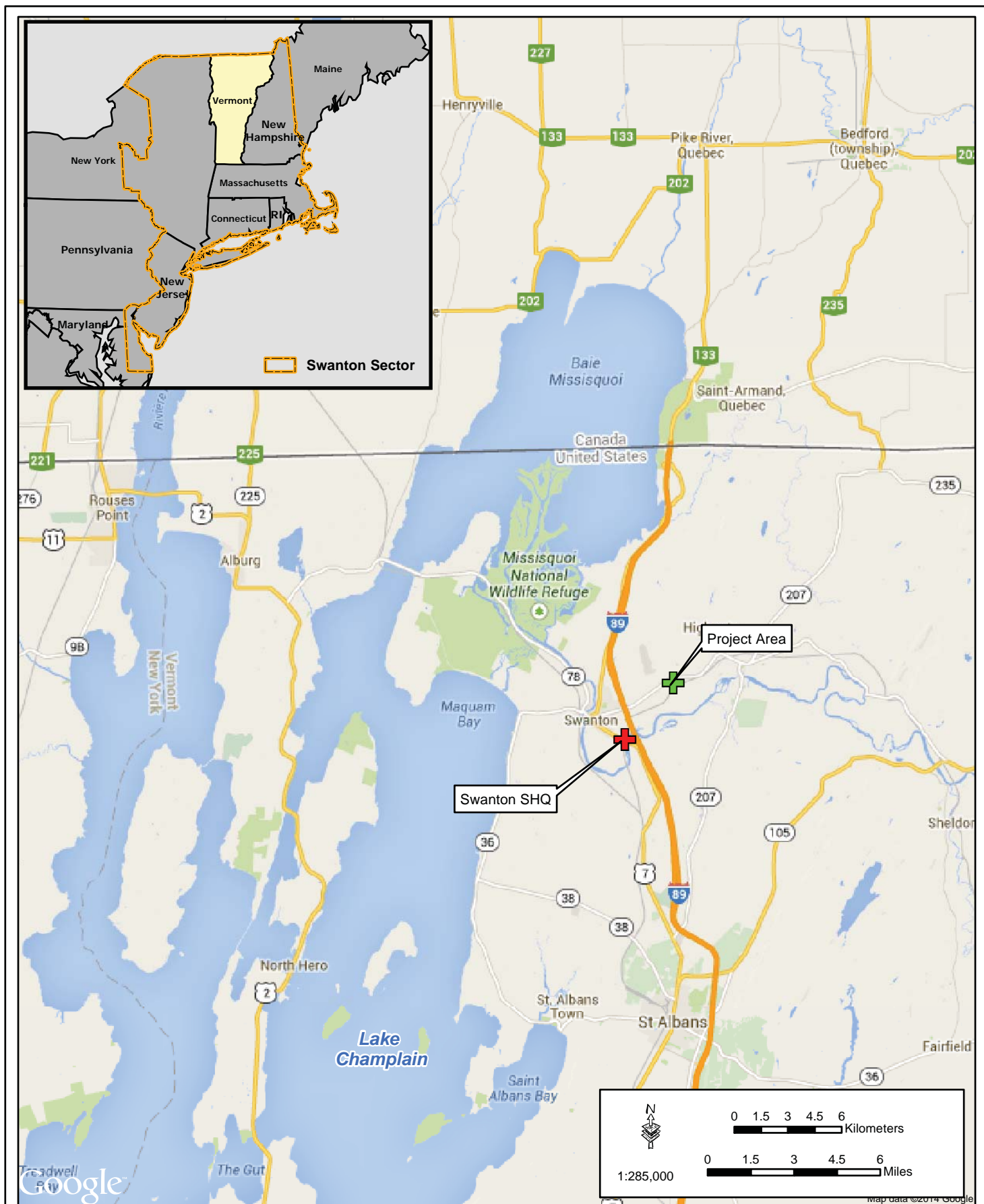


Figure 1-1: Vicinity Map



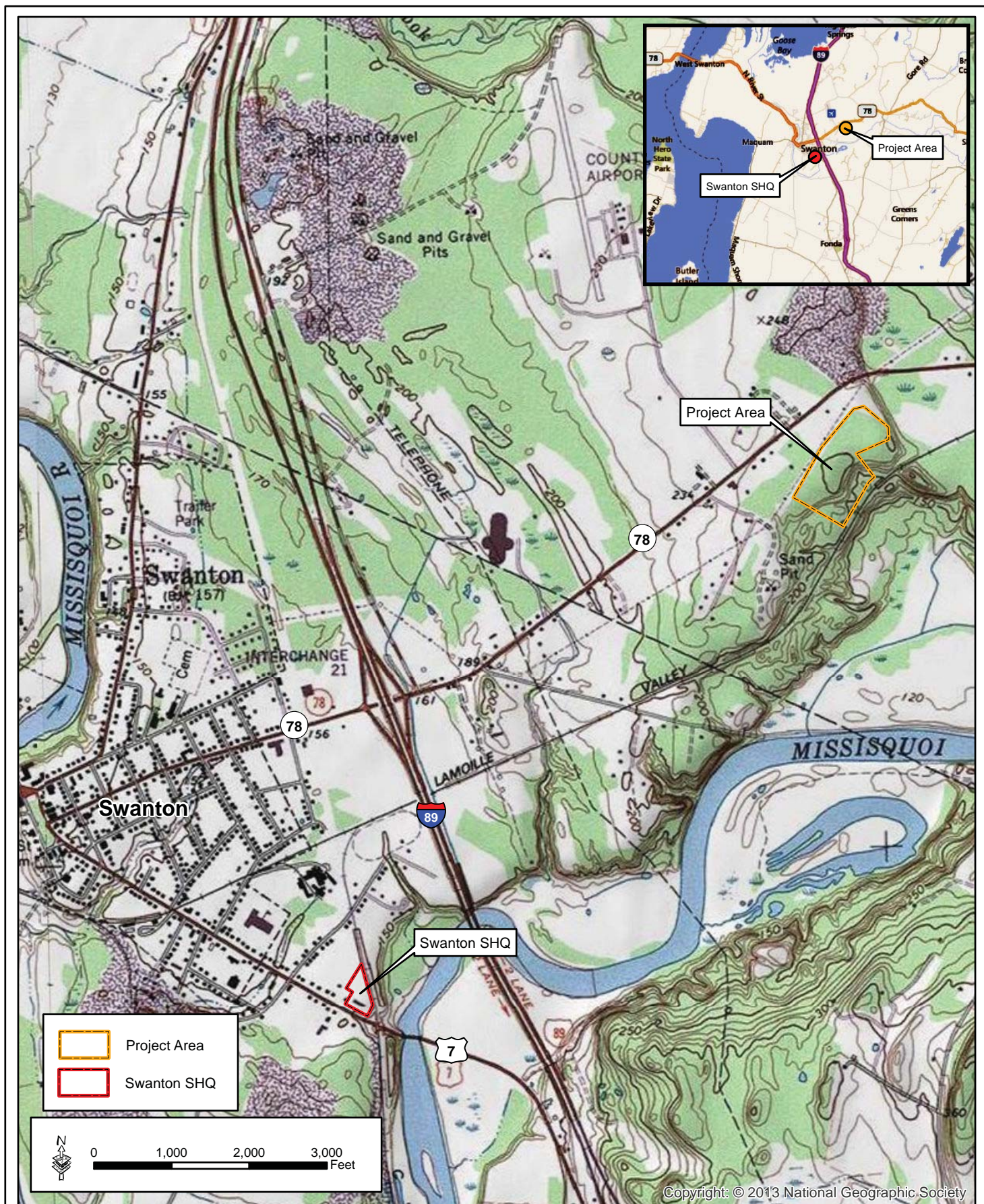


Figure 1-2: Location Map



CBP Swanton Sector's Area of Responsibility (AOR) (CBP 2008). The Swanton BPS was constructed on a 25-acre parcel and designed to meet the following goals:

- Provide appropriate functional space for USBP operations
- Provide a dignified 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
- Provide 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 growth
- Provide for wise use of public funds
- Minimize opportunities for vandalizing unoccupied facilities
- Conserve energy and resources

The existing Swanton SHQ is located at 155 Grand Avenue in Swanton, Vermont, approximately 1.7 miles from the Swanton BPS. CBP has preparing this Supplemental Environmental Assessment (SEA) as a supplement to the *Swanton BPS EA* to evaluate the potential impacts of expanding the existing Swanton BPS to provide space to relocate the SHQ functions and personnel and dispose of the existing Swanton SHQ property.

This SEA has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321-4347) and the Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 Code of Federal Regulations [C.F.R.] 1500-1508), as well as the DHS "Environmental Planning Directive" Directive 023-01, and other pertinent environmental statutes, regulations, and compliance requirements, as summarized in Appendix B.

## **1.1 PURPOSE AND NEED**

It has been determined that the existing Swanton SHQ's configuration and facilities do not provide adequate space arranged for efficient operations. The existing SHQ facility does not have enough space to support the SHQ functions, and necessary modifications cannot be accomplished to upgrade communications, information processing, and security equipment effectively in the existing facility. The need for the Proposed Action is to provide for the following:

- adequate space and facilities (e.g., administrative, special operations, command offices, vehicle and equipment maintenance, communications, and intelligence operations) for the agents and staff currently operating out of the existing SHQ
- additional space and facilities for expansion of the SHQ to support anticipated additional staff
- facilities arranged for an increased effectiveness and coordination with SHQ and USBP agents in the performance of their duties

- opportunity for future expansion, as necessary, on the Swanton BPS property
- a more safe, effective, and efficient work environment

## 1.2 SCOPE OF THE ANALYSIS

The scope of this SEA includes the analysis of potential impacts resulting from expanding the Swanton BPS to accommodate the functions and personnel of the Swanton SHQ. The analysis in this SEA does not include an assessment of operations conducted in the field and away from the Swanton BPS nor actions previously evaluated in the *Swanton BPS EA*. These operations would continue regardless of SHQ location or condition. Construction of the new SHQ facilities would be conducted within the existing Swanton BPS property, and most of the construction would be within the existing security fence. Closure of the existing Swanton SHQ would include ending the current lease agreement with the GSA and relocation of existing staff, equipment, and materials to the new SHQ. The potentially affected natural and human environments would be limited to resources associated with the Town of Swanton and Franklin County, Vermont; however, most potential effects would be limited to the construction site and immediately adjacent resources. Resource descriptions and impacts discussed in the *Swanton BPS EA* are incorporated by reference per CEQ regulations (40 CFR 1502.21), as appropriate.

## 1.3 PUBLIC INVOLVEMENT

CBP has initiated consultation and coordination with Federal, state, and local agencies during preparation of this SEA. Copies of this correspondence are provided in Appendix A and include formal and informal coordination conducted with the following agencies:

- U.S. Fish and Wildlife Service
- GSA
- Vermont Department of Environmental Conservation (VDEC)
- Vermont Natural Resources Board District Environmental Coordinator
- Vermont Division for Historic Preservation
- Native American Tribes
- Franklin County
- Town of Swanton

The Draft SEA and Finding of No Significant Impact (FONSI) were made available for public review for 30 days and the Notice of Availability was published in the *Burlington Free Press* and the *St. Albans Messenger* on October 27, 2014. A copy of the Notice of Availability is included in Appendix C. The Draft SEA and FONSI were made available electronically at <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review> and for review at the Swanton, Highgate, and Haston public libraries. Information and concerns were solicited from local, state, and Federal regulatory agencies and the Draft SEA and FONSI were distributed to those agencies for comments. No comments were received on the Draft SEA or Draft FONSI.

## **1.4 ORGANIZATION OF THIS SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT**

This SEA contains Sections 1 through 8 and Appendices A through C, as described below.

- Section 1: “Purpose and Need” provides background information on the purpose and need for the proposed action, describes the scope of this SEA, and summarizes the public involvement in developing this SEA.
- Section 2: “Description of the Proposed Action and Alternatives” describes the proposed action and the alternatives, and provides a summary of impacts of the alternatives.
- Section 3: “Affected Environment and Environmental Consequences” describes the potentially affected resources within the project area and describes the potential direct, indirect, and cumulative impacts on the environmental resources of the proposed alternatives.
- Section 4: References
- Section 5: List of Preparers
- Section 6: List of Agencies and Persons Consulted
- Section 7: Distribution List
- Section 8: Acronyms and Abbreviations

The appendices include descriptions of methods used to estimate environmental impacts of the alternatives and the detailed information to support the impact analyses. The appendices are as follows:

- Appendix A: “Coordination and Consultation”
- Appendix B: “Laws and Regulations”
- Appendix C: “Comments Received Regarding the Draft SEA”

**SECTION 2.0**  
**DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES**

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## **2.0 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES**

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CBP proposes to construct, operate, and maintain a 5,000-square-foot administration building at the existing Swanton BPS to accommodate Swanton SHQ functions and personnel. In addition to the new building, available space within the Swanton BPS would be modified and converted for use by SHQ communications, intelligence, and maintenance personnel. Figure 2-1 is an area map showing the configuration of the Swanton BPS property. The Proposed Action would include some or all of the following components, as shown in Figure 2-2:

- Administration building
- Technology support area
- Muster room
- Field support and communications
- Parking
- Vehicle service and maintenance shop with vehicle lift bays
- Vehicle parts storage
- Communications office
- Vehicle maintenance office

The vehicle service and maintenance facility would be integrated into the existing Swanton BPS covered parking building and would include space for parts storage, a maintenance office, and five vehicle lift bays for maintenance. No additional space under roof would be required for the vehicle maintenance facility (see Figure 2-2). An optional separate vehicle maintenance parking area (2 acres) may be developed on the hill to the southwest of the Swanton BPS for parking of vehicles awaiting maintenance (see Figure 2-1).

The Proposed Action would also add parking space to accommodate parking for privately owned vehicles (POV) and Government-owned vehicles (GOV) (see Figure 2-2). The parking spaces would be added around the north and east perimeter of the Swanton BPS parking area. The existing Swanton BPS communications tower would be utilized for SHQ operations with the addition of antennas and possibly the addition of 20 feet in height to the current 80-foot-high tower for a total height of up to 100 feet. An SHQ communications room would be established in the intelligence wing of the Swanton BPS by converting an existing conference room.

The Swanton BPS expansion would be located on the south side, as shown in Figure 2-2 and Photograph 2-1. The addition would be connected to the existing Swanton BPS with a covered walkway, and a separate walkway would connect to additional parking in the front of the Swanton BPS.

### **2.1 NO ACTION ALTERNATIVE**

CEQ regulations for implementing NEPA require that an agency “include the alternative of no action” as one of the alternatives it considers in an SEA. The No Action Alternative serves as a baseline against which the impacts of the Proposed Action are compared. Under the No Action Alternative, CBP would not relocate the SHQ to the Swanton BPS and SHQ operations would continue at the current location.



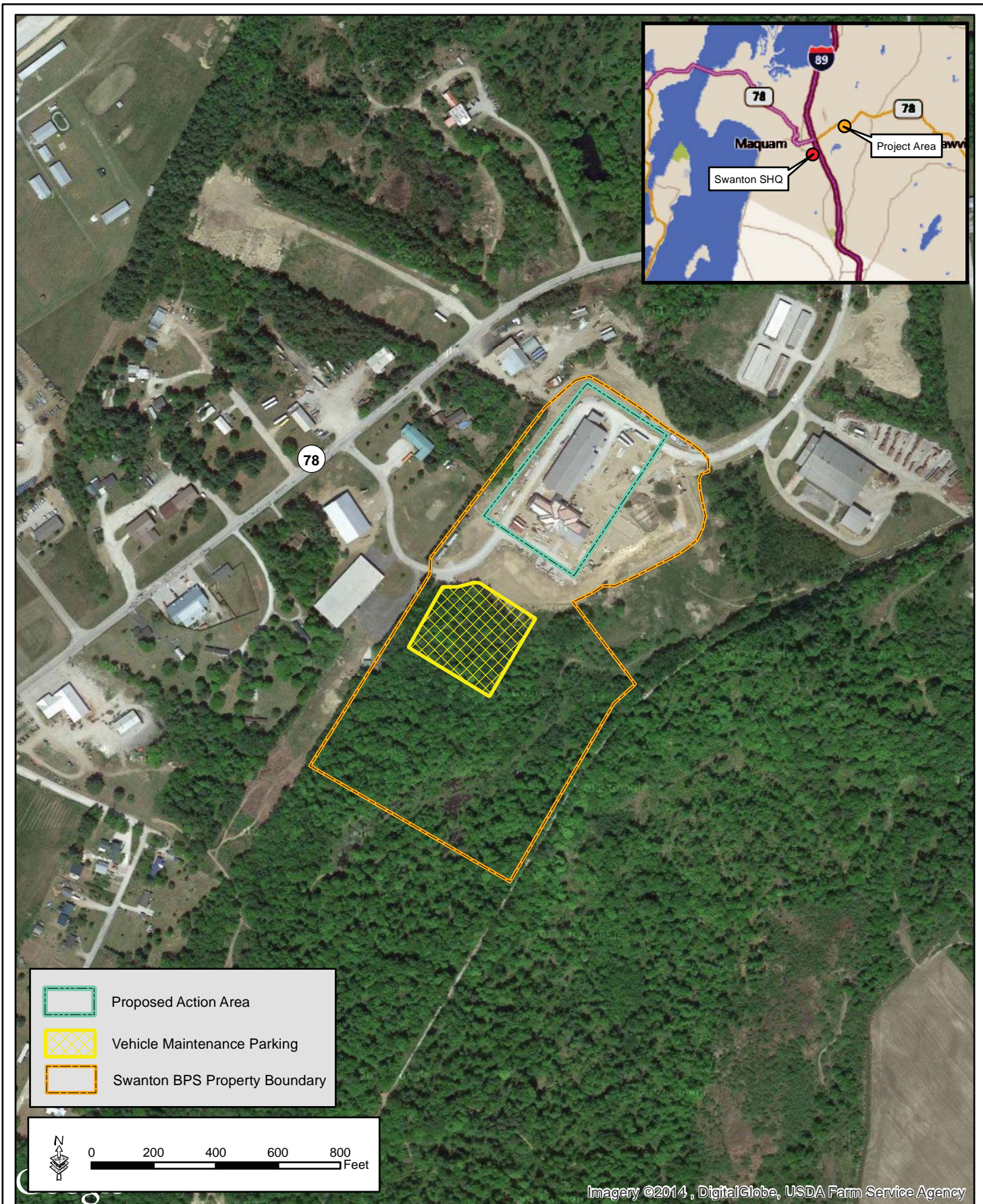


Figure 2-1: Project Area



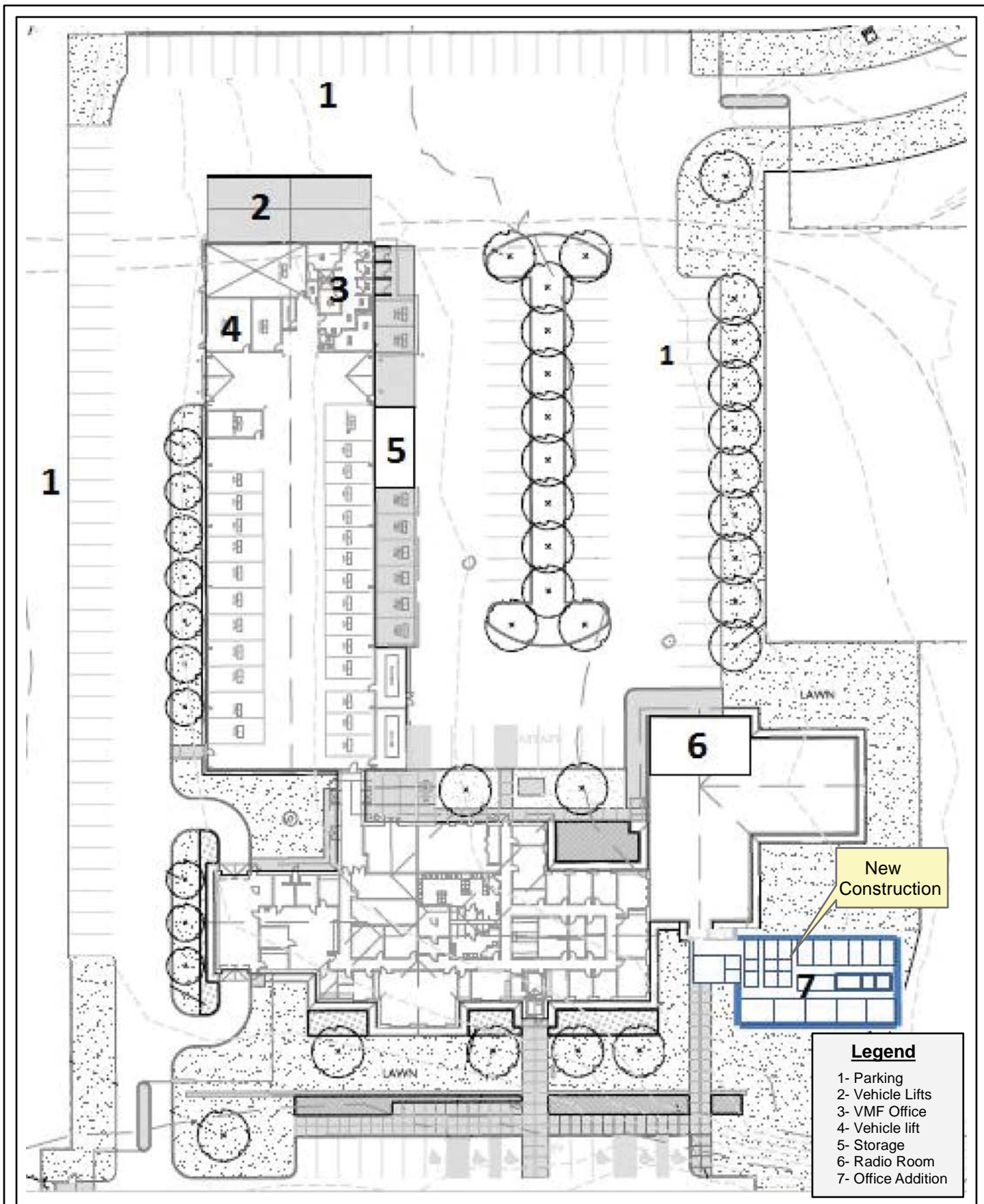


Figure 2-2: Detailed Layout of the Proposed Action



**Photograph 2-1. Proposed Location of Administration Building**

## **2.2 ALTERNATIVE 1-PROPOSED ACTION**

Under Alternative 1, CBP would expand the existing Swanton BPS and would relocate the SHQ functions and personnel as described in Section 2.0. CBP would also discontinue the lease of the existing Swanton SHQ facility and GSA would either add the property to its inventory with a lease to another Federal agency, transfer the property to a local or state agency having an interest in acquiring the property, or sell the property through a public bid process. Alternative 1 is CBP's Preferred Alternative.

## **2.3 ALTERNATIVES CONSIDERED BUT DISMISSED**

Beyond the alternatives discussed in Sections 2.1 and 2.2, CBP considered additional alternatives that were eliminated from further consideration because they did not fully meet CBP's purpose and need for the Proposed Action. These included the renovation of the current Swanton SHQ facility and relocation of the SHQ facility in a location other than that of the existing Swanton BPS. It was determined that remodeling the existing Swanton SHQ facility would not meet the space and configuration requirements needed for the SHQ operations and the costs associated with the remodeling effort would be excessive. The purpose and need for the *Swanton BPS EA* (CBP 2008) included the goals of planning for flexibility in the facility and allowing for growth. The relocation of the Swanton SHQ facility to the Swanton BPS meets the purpose and need of the *Swanton BPS EA* and this SEA; however, construction of a new Swanton SHQ at another separate location would not fully meet the purpose and need, particularly the need for close coordination with USBP agents, and would require an excessive investment in additional land and facilities, given that space is currently available at the existing Swanton BPS. Alternative sites for the Swanton BPS were evaluated in the *Swanton BPS EA*.

## 2.4 COMPARISON OF ALTERNATIVES

This section presents a comparison of alternatives analyzed in this SEA, specifically the No Action Alternative and the Preferred Alternative. Table 2–1 presents a summary comparison of environmental consequences across alternatives for potentially affected resource areas. Those resource areas that are projected to incur negligible or very low environmental consequences, as well as those addressed in the *Swanton BPS EA*, are incorporated by reference. Those resources excluded from the current analysis are as follows:

- Wild and Scenic Rivers
- Utilities and Infrastructure
- Aquatic Resources
- Floodplains
- Environmental Justice and Protection of Children
- Threatened and Endangered Species
- Waters of the U.S.
- Geology and Soils
- Air Quality
- Noise
- Cultural Resources
- Aesthetic and Visual Resources
- Human Health and Safety
- Sustainability and Greening

**Table 2-1. Comparison of Alternatives and Resource Impacts**

Resource	No Action Alternative	Alternative 1
Land Use	No impacts anticipated	Change from law enforcement to other for the Swanton SHQ property, minor impact
Vegetation and Wildlife	No impacts anticipated	Minor impacts on common local vegetation and wildlife
Surface Water and Wetlands	No impacts anticipated	Minor stormwater impacts
Groundwater	No impacts anticipated	Minor potable water supply impacts
Wastewater	No impacts anticipated	Negligible impacts on the on-site septic system
Traffic and Transportation	No impacts anticipated	Minor increase in local traffic at the Swanton BPS and minor decrease in traffic at the Swanton SHQ
Socioeconomics	No impacts anticipated	Minor benefit for local vendors due to construction purchases and minor benefit for local community if Swanton SHQ property is returned to the tax rolls
Hazardous Materials	No impacts anticipated	Minor impact on hazardous materials use and disposal at the Swanton BPS site and minor decrease in hazardous materials use and disposal at the Swanton SHQ site

**SECTION 3.0**  
**AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES**

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### **3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES**

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This section of the SEA describes the natural and human environments that exist within the project site and region of influence, and the potential impacts of the Proposed Action and the No Action Alternatives outlined in Section 2.0 of this document. The region of influence (ROI) for this project comprises the Town of Swanton and Franklin County. Only those resources with the potential to be affected by the Proposed Action are described, per CEQ regulation (40 C.F.R. 1501.7 [3]). The impact analysis presented in this SEA is based upon existing regulatory standards, scientific and environmental knowledge, and best professional opinions.

Impacts (consequence or effect) can be either beneficial or adverse, and can be either directly related to the action or indirectly caused by the action. Direct impacts are those effects that are caused by the action and occur at the same time and place (40 C.F.R. 1508.8[a]). Indirect impacts are those effects that are caused by the action and are later in time or further removed in distance, but are still reasonably foreseeable (40 C.F.R. 1508.8[b]). As discussed in this section, the alternatives evaluated may create temporary (lasting the duration of construction), short-term (up to 3 years), long-term (greater than 3 years and less than 20 years), or permanent impacts or effects.

Impacts on each resource can vary in degree or magnitude from a slightly noticeable change to a total change in the environment. For the purpose of this analysis, the intensity of impacts will be classified as negligible, minor, moderate, or major. The intensity thresholds are defined as follows:

- Negligible: A resource would not be affected or the effects would be at or below the level of detection, and changes would not result in any measurable or perceptible consequences.
- Minor: Effects on a resource would be detectable, although the effects would be localized, small, and of little consequence to the sustainability of the resource. Mitigation measures, if needed to offset adverse effects, would be simple and achievable.
- Moderate: Effects on a resource would be readily detectable, long-term, localized, and measurable. Mitigation measures, if needed to offset adverse effects, would be extensive and likely achievable.
- Major: Effects on a resource would be obvious and long-term, and would have substantial consequences on a regional scale. Extensive mitigation measures to offset the adverse effects would be required, and success of the mitigation measures would not be guaranteed.

#### **3.1 RESOURCES AND IMPACTS ELIMINATED FROM FURTHER DISCUSSION**

Some resource discussions are limited in scope due to the lack of direct effect from the proposed project on the resource, or because that particular resource is not located within the project area. Impacts on resources evaluated in the *Swanton BPS EA* are not evaluated in this SEA unless the impacts have changed since the 2008 evaluation. Resources eliminated from further discussion include the following:

### **Wild and Scenic Rivers**

The proposed SHQ relocation would not affect any reach of river designated as Wild and Scenic, as none are located in the vicinity of the proposed project.

### **Utilities and Infrastructure**

The project would not require an increase in electrical demand and all water and sewer utilities are provided on-site, so no increase in other infrastructure demand is anticipated.

### **Aquatic Resources**

There are no perennial waterbodies near the project area. Therefore, no impacts on aquatic environments or species would be anticipated.

### **Floodplains**

The Federal Emergency Management Agency (FEMA) indicates that the project area is not located within a 500-year floodplain.

### **Environmental Justice**

EO 12898 *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* requires the consideration of impacts and adverse effects on minority populations and low-income populations. The project is located on an existing USBP property with no population located nearby.

### **Protection of Children**

EO 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, requires each Federal agency to identify and assess environmental health risks and safety risks that may disproportionately affect children and ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks. No children live in proximity to the project and the construction area is secure; therefore, the project would not adversely affect any children.

### **Threatened and Endangered Species**

No listed species are found in the project area, and any impacts were addressed in the *Swanton BPS EA*.

### **Waters of the U.S.**

No waters of the U.S. are located on the project site; therefore, there would be no impacts on waters of the U.S. on the Swanton BPS property.

### **Geology and Soils**

Impacts were addressed in the *Swanton BPS EA* and no new impacts are anticipated.

### **Air Quality**

The project area is in attainment for all National Ambient Air Quality Standards, and any additional emissions due to construction would be well below *de minimis* levels.

## **Noise**

Noise generated by construction would not impact any receptors beyond the USBP property boundaries.

## **Cultural Resources**

Cultural resources impacts associated with the project area at the BPS were addressed in the Swanton BPS EA and no new impacts are anticipated. The Swanton SHQ facility is owned by GSA and was determined eligible for the National Register of Historic Places in 2014. GSA will coordinate with the Vermont SHPO regarding the GSA actions at the SHQ facility after the CBP lease is terminated.

## **Aesthetic and Visual Resources**

No change from impacts addressed in the *Swanton BPS EA* is anticipated.

## **Human Health and Safety**

All OSHA standards would be followed, and no impacts are anticipated.

## **Sustainability and Greening**

The Swanton BPS recycles materials and conserves resources to the maximum extent possible, and the SHQ additions would do likewise.

## **3.2 LAND USE**

### **3.2.1 Affected Environment**

Land use for the Swanton BPS parcel was described in the *Swanton BPS EA*, and approval for changing the land use to law enforcement purposes was approved by the Town Administrator for Highgate. The land use for the proposed vehicle maintenance parking area is currently a wooded hill with habitat for local animal species within the Swanton BPS parcel (see Figure 2-1).

The Swanton SHQ property is currently developed and used for law enforcement purposes; and contains administrative offices, vehicle maintenance facilities, communications equipment, and parking owned by GSA.

### **3.2.2 Consequences**

#### **3.2.2.1 No Action Alternative**

The use of the Swanton SHQ parcel would remain as law enforcement purposes. No impacts on land use would occur. The Swanton BPS parcel would also remain as law enforcement purposes and no impacts on land use would occur.

#### **3.2.2.2 Alternative 1-Proposed Action**

The Swanton SHQ parcel would remain fully developed; however, land use would change from law enforcement purposes to another local government function or to a commercial use, depending on how the property is disposed of by GSA. The Swanton BPS parcel use would remain as law enforcement purposes, but the proposed vehicle maintenance parking area would change from an undeveloped wooded hill to a cleared parking and vehicle maintenance area with paved parking and an access drive. The change from undeveloped wooded property to cleared

parking would not impact land uses in the surrounding area, which would remain as developed commercial and industrial properties. Long-term, negligible adverse impacts on land use would occur.

### **3.3 VEGETATION**

#### **3.3.1 Affected Environment**

The Swanton SHQ parcel does not contain any natural vegetation and is fully developed. The Swanton BPS parcel vegetation was described in the *Swanton BPS EA* and consists of white birch (*Betula papyrifera*), gray birch (*Betula populifolia*), beech (*Fagus* sp.), black cherry (*Prunus serotina*), and sugar maple (*Acer saccharum*) in a secondary successional upland hardwood forest with various planted grass and herbaceous species on hillsides to control erosion. These species are common to the area and are abundant on surrounding properties.

#### **3.3.2 Consequences**

##### **3.3.2.1 No Action Alternative**

Under the No Action Alternative, there would be no additional construction or relocation of SHQ facilities, and no impacts on vegetation would occur.

##### **3.3.2.2 Alternative 1-Proposed Action**

The Proposed Action would involve construction of a new Swanton SHQ building adjacent to the existing Swanton BPS building. The construction would involve removal of existing planted turf grasses inside the security fence at the station. Construction of a vehicle maintenance parking lot on the hill west of the station would result in removal of approximately 2 acres of upland hardwood forest, which would be replaced by a parking lot paved with gravel. An access drive to the hilltop parking lot would result in removal of planted grasses on the hillside.

The upland hardwood forest habitat to be removed is common in the state and in the area, and the removal of 2 acres of this habitat would not result in impacts on any locally or regionally important plant community associations or complexes. Permanent but minor impacts would occur.

### **3.4 WILDLIFE**

#### **3.4.1 Affected Environment**

Wildlife species observed and described at the Swanton BPS in the *Swanton BPS EA* included white-tailed deer (*Odocoileus virginianus*), moose (*Alces alces*), and beaver (*Castor canadensis*). Numerous migratory birds were also observed. Migratory birds are found at the Swanton SHQ property in trees and grasses around the edges of the compound.

#### **3.4.2 Consequences**

##### **3.4.2.1 No Action Alternative**

Under the No Action Alternative, there would be no additional construction at the Swanton BPS and no impacts on wildlife.

#### **3.4.2.2 *Alternative 1-Proposed Action***

The removal of 2 acres of forested habitat on the hill at the Swanton BPS would negligibly affect the wildlife species present, as there is abundant similar habitat adjacent and in the general area to which these species could relocate. A migratory bird survey would be performed prior to vegetation removal if construction occurs during the bird nesting season (April 1 to August 31). Negligible adverse impacts on wildlife would occur.

### **3.5 SURFACE WATER AND WETLANDS**

#### **3.5.1 Affected Environment**

Wetlands on the Swanton BPS property were delineated for the *Swanton BPS EA*, and are located in a wetland area at the southwest end of the property as a result of beaver activity. Stormwater controls for the Swanton BPS consist of grassed areas over any disturbed soils, a grassed stormwater detention swale constructed around the perimeter of the compound, and a stormwater detention and filtration pond located at the northeast end of the compound to treat runoff prior to discharge from the property.

#### **3.5.2 Consequences**

##### **3.5.2.1 *No Action Alternative***

Under the No Action Alternative, there would be no change from current conditions and, therefore, no impacts.

##### **3.5.2.2 *Alternative 1 – Proposed Action***

The Proposed Action would not impact any wetlands on the property, as the parking lot would be constructed on the hill directly adjacent to the Swanton BPS compound. Stormwater and erosion controls would be implemented during construction to prevent runoff of sediment into the wetland area to the southwest.

The stormwater controls around the Swanton BPS would be left in place for the Proposed Action, and the additional parking around the perimeter of the Swanton BPS parking lot would incorporate permeable paving to increase filtration of stormwater into the soil for added treatment. The current VDEC discharge permit would be modified to accommodate the additional construction and hard surfaces. Therefore, there would be no increase in untreated stormwater runoff, and only negligible, short-term impacts during construction.

### **3.6 GROUNDWATER**

#### **3.6.1 Affected Environment**

Potable water for the Swanton BPS is obtained from a well on the property that currently supplies 6,500 gallons of water per month. In addition, a 3,000-gallon storage tank is maintained for the fire sprinkler system at the station. The well is capable of supplying 7 gallons per minute, which is in excess of the volume currently required.

### **3.6.2 Consequences**

#### **3.6.2.1 No Action Alternative**

Under the No Action Alternative, there would be no change from current conditions and, therefore, no impacts.

#### **3.6.2.2 Alternative 1-Proposed Action**

The addition of approximately 40 Swanton SHQ personnel at the Swanton BPS would require that the current well pumping volume be increased to supply the additional personnel and facility needs. The additional personnel would more than double the number of personnel operating out of the Swanton BPS, but the capacity of the well is believed to be sufficient to supply the additional Swanton SHQ personnel assigned to the Swanton BPS without major modifications, since not all of the transferred personnel would be at the BPS at one time. The station well is located at the entrance gate on the northeast corner of the compound. The Swanton SHQ is supplied by the local water district, and no impacts would occur.

## **3.7 WASTEWATER**

### **3.7.1 Affected Environment**

Wastewater generated at the Swanton BPS is treated in an on-site septic system located on the hillside east of the station compound. The septic system is a mound system with a 1,250-square-foot leach field and a 2,000-gallon pump station, which includes a grinder pump. The septic system is designed for a total of 65 building occupants and 47 visitors per day with a 10 percent allowance for low-flow toilets. The septic system is currently accepting discharges well below the design capacity (only 35 agents in three shifts). The Swanton SHQ is connected to an on-site septic system located in the northwest corner of the compound, and the system is currently operating properly.

### **3.7.2 Consequences**

#### **3.7.2.1 No Action Alternative**

No changes in wastewater generation or treatment would occur with the No Action Alternative, so there would be no impacts.

#### **3.7.2.2 Alternative 1-Proposed Action**

The addition of approximately 40 Swanton SHQ personnel at the Swanton BPS would require treating an additional 540 gallons per day of wastewater in the septic system, and the system could accommodate the transferred SHQ personnel with only minor modifications to increase pump capacity. The current septic system configuration is considered to be sufficient to handle the additional wastewater treatment volume.

## **3.8 TRAFFIC AND TRANSPORTATION**

Traffic impacts are measured by the level of service (LOS) for each roadway. The transportation LOS system rates traffic congestion using the letters A through F, with A representing traffic moving at or above the speed limit and F representing a traffic jam where speeds frequently drop to 0 miles per hour. A significant impact on transportation and roadways would occur when LOS values decrease to an E or below as a result of the Proposed Action. The 2008 *Swanton BPS EA*



included LOS statistics for Route 78 near the Swanton BPS, and the LOS in 2006 was LOS A. No major changes have occurred in the area since that time, so the LOS remains the same.

### **3.8.1 Affected Environment**

The Swanton BPS is accessed via State Highway 78 and Raven Drive, a small loop road off the highway. The LOS for Highway 78 is A, with very little traffic during most times of the day (average traffic is 4,200 vehicles per day). Highway 78 easily accommodates the traffic from USBP personnel accessing the station during commuting hours. The Swanton SHQ is accessed directly from Grand Avenue (U.S. Highway 7), which also has a LOS of A.

### **3.8.2 Consequences**

#### **3.8.2.1 No Action Alternative**

Under the No Action Alternative, there would be no change in traffic patterns or LOS at the Swanton BPS or the Swanton SHQ; therefore, there would be no traffic or transportation impacts.

#### **3.8.2.2 Alternative 1-Proposed Action**

The Proposed Action would result in the SHQ personnel commuting to the Swanton BPS each day and there would be a slight increase in traffic (10 to 20 trips per 8-hour shift) on State Highway 78, which would not increase the LOS for the highway. Therefore, the impact would be negligible to minor. The decrease in traffic on Grand Avenue would improve traffic conditions there after the transfer of the SHQ personnel and the LOS should remain as A.

## **3.9 SOCIOECONOMICS**

### **3.9.1 Affected Environment**

Swanton, Vermont, is a small town located in northwestern Franklin County approximately 10 miles from the U.S.-Canada border. Franklin County is the ROI for the socioeconomic analysis. This socioeconomic section outlines the basic demographic attributes for the Town of Swanton, Franklin County, and Vermont, and updates the information reported in the *Swanton BPS EA*.

### **Population**

Population data for Franklin County and the Town of Swanton are shown in Table 3-1. The population of Franklin County and the Town of Swanton grew by 5.1 and 3.6 percent, respectively, from 2000 to 2010. This growth rate exceeded the 2.8 percent growth rate for the state of Vermont, but was well below the 9.7 percent population growth for the Nation as a whole.

**Table 3-1. Population**

	<b>Town of Swanton</b>	<b>Franklin County</b>	<b>Vermont</b>	<b>United States</b>
2010 Population	6,427	47,746	625,741	308,745,538
2000 Population	6,203	45,417	608,827	281,421,906
Percent Change	3.6%	5.1%	2.8%	9.7%

Source: U.S. Census 2000 and 2010.

The ROI has a small minority population. The Town of Swanton is approximately 7 percent minority, which is slightly greater than the approximately 5 percent minority in Franklin County and 6 percent for the State of Vermont, but well below the National rate of approximately 36 percent (U.S. Census 2010).

### **Income and Poverty**

Income and poverty data are presented in Table 3-2. Per capita income as a percent of the National average provides a measure of how income levels in the area compare to the average across the Nation. Data show that per capita income in Franklin County is similar to the average per capita income for the state and the Nation.

**Table 3-2. Income and Poverty**

<b>Geographic Unit</b>	<b>Per Capita Income Percent of U.S. (2012)</b>	<b>Percent in Poverty (2012)</b>
Town of Swanton	NA	12.3
Franklin County	100	10.2
Vermont	102	11.6
U.S.	NA	14.9

Sources: U.S. Census 2012 and U.S. Bureau of Economic Analysis 2012

The 2012 poverty rates are somewhat below the National average. The 2012 poverty rates for the Town of Swanton and Franklin County are 12.3 percent and 10.2 percent, respectively, compared with the National poverty rate of 14.9 percent.

### **Labor Force and Employment**

The estimated annual average civilian labor force in Franklin County in 2013 was 26,097. The 2013 annual average unemployment rate was 4.3 percent, which is slightly below the 4.4 percent unemployment rate for Vermont. The unemployment rate in both Franklin County and Vermont were well below the National average unemployment rate of 7.4 percent (Bureau of Labor Statistics 2013).

## **3.9.2 Consequences**

### **3.9.2.1 No Action Alternative**

Under the No Action Alternative, CBP would not relocate the Swanton SHQ to the Swanton BPS, and SHQ operations would continue at the current location. There would be no impacts on the population or economic activity in the ROI.

### **3.9.2.2 Alternative 1-Proposed Action**

Under Alternative 1, CBP would discontinue the lease of the existing Swanton SHQ facility, and GSA would lease to another Federal agency, transfer the property to a local or state agency, or sell the property through a public bid process.

Direct, short-term beneficial economic impacts would be realized by the regional and local economy during construction of the SHQ facilities. Construction activities would generate additional employment, wages paid to employees, and at least some additional spending in the

region. If materials and supplies were purchased within the ROI, there would be additional revenues to local businesses and increased local and state sales tax revenues. With no additional new employees at the Swanton BPS, there would be no direct impacts on population, housing, or schools in the ROI.

If the existing Swanton SHQ property were leased to another Federal agency, to a state or local agency, or sold to a company that moves operations to the site and new jobs were created in the Town of Swanton, the new jobs would be expected to result in indirect impacts within the ROI. Additional jobs could lead to new residents in the ROI. A new private sector employer that would pay taxes would increase state and local revenues. Employers might also support local businesses by purchasing local goods and services, and employees might purchase homes and goods and services in the region. Potential positive impacts could include increased incomes in the region, which could lead to increased spending in local businesses and increased local and state tax revenues.

Potential negative impacts could occur with new residents adding activity to existing infrastructure. Additional children could attend local schools, and new residents could put additional requirements on utilities, services, and roads. However, the size of the current SHQ facility is relatively small. It would not be expected to support a large number of employees, so impacts on the region, if any, would be expected to be negligible and long-term.

### **3.10 HAZARDOUS MATERIALS**

Hazardous materials involve substances regulated by state and Federal environmental statutes and regulations for management at Federal facilities. These include hazardous materials (oils and lubricants, cleaning fluids, solvents, and other chemicals harmful if released into the environment), hazardous wastes (spent chemicals and oils, oily or solvent-saturated rags, spilled petroleum products and fuel, and contaminated soils), and toxic substances (cancer-causing chemicals and substances toxic to humans by contact, inhalation, or ingestion).

#### **3.10.1 Affected Environment**

The Swanton SHQ currently uses hazardous materials and generates hazardous wastes, primarily in the vehicle maintenance facility on that site. A Phase I Environmental Site Assessment (ESA) was completed for the Swanton SHQ, and the use of these substances was documented. Environmental conditions representing a risk to the environment at the Swanton SHQ included an oil/water separator connected to the septic system on-site that could leak petroleum fluids into the soil and groundwater, as well as an active gasoline aboveground storage tank for vehicle fueling. Positive evidence of contamination from these sources was not documented. The closed firing range at the Swanton SHQ was documented to contain lead contamination from past use. Operation of the Swanton SHQ was found to be in compliance with Federal and state regulations regarding hazardous materials and wastes.

The Swanton BPS site was found to not contain any hazardous materials in the *Swanton BPS EA* and a Phase I ESA was performed prior to construction. Use of hazardous materials such as lacquers, adhesives, sealants, and small quantities of fuel with proper storage and disposal were found to result in only minimal impacts.

### **3.10.2 Consequences**

#### **3.10.2.1 No Action Alternative**

The No Action Alternative would not result in any change in the quantities or use of hazardous materials at either the Swanton SHQ or the Swanton BPS; therefore, there would be no impacts.

#### **3.10.2.2 Alternative 1-Proposed Action**

The Proposed Action would transfer the operations of the Swanton SHQ to the Swanton BPS location, including the vehicle maintenance facility. This would result in an increase in the use and generation of hazardous materials and hazardous wastes at the Swanton BPS. The fuel tank and fueling facility would not be transferred to the Swanton BPS. The increase in use of hazardous materials at the Swanton BPS would increase the risk of a spill or release of hazardous materials and waste at that site, but continued Swanton SHQ operations in compliance with state and Federal regulations would minimize that risk. Implementation of a Spill Prevention Control and Countermeasures Plan (SPCCP) would also minimize the impact should a spill or other inadvertent release occur. Therefore, the impact would be negligible and long-term.

Removal of Swanton SHQ operations from the current site would also remove all use of hazardous materials from that site, resulting in an improvement in risk conditions and a reduction of impacts at that site. The lead contamination present in the closed firing range would also be removed prior to transfer of the Swanton SHQ property by the GSA.

### **3.11 CUMULATIVE IMPACTS**

Cumulative impacts result from the direct and indirect impacts of implementing the Proposed Action, in addition to past, present, and foreseeable future actions by CBP or other entities in the area. A discussion of cumulative impacts and the impact analysis area for the Swanton BPS was presented in the *Swanton BPS EA* and the area of impacts analysis remains the same for this document.

Because of the lack of any impacts for the Proposed Action Alternative other than minor or negligible, the additional cumulative impacts from the Proposed Action would constitute a negligible contribution to any cumulative impacts in the region.

**SECTION 4.0**  
**REFERENCES**

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## 4.0 REFERENCES

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<http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>
- U.S. Census. 2012. American Community Survey 5-Year Estimates, 2008-2012. Accessed through <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>

**SECTION 5.0**  
**LIST OF PREPARERS**

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## 5.0 LIST OF PREPARERS

---

Name	Agency/ Organization	Discipline/ Expertise	Experience	Role in Preparing EA
Audra Upchurch	CBP (LMI)	Environmental Program Management	14 years of NEPA and environmental planning	CBP Program Manager
Stephen Oivanki	GSRC	Geology	20 years of NEPA and environmental services	GSRC Project Manager
Chris Ingram	GSRC	Biology/Ecology	34 years of EA/EIS studies	EA technical review
Ann Guissinger	GSRC	Economic Studies/Economic Development	31 years of economic studies	Socioeconomic Impacts Analysis

**SECTION 6.0**  
**LIST OF AGENCIES AND PERSONS CONSULTED**

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---

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## **6.0 LIST OF AGENCIES AND PERSONS CONSULTED**

---

---

U.S. Fish and Wildlife Service  
Susi von Oettingen

General Services Administration  
Tim Shobbrook

Vermont Department of Environmental Conservation  
Pete LaFlamme

Vermont Natural Resources Board District Environmental Coordinator  
Ron Shems

Vermont Division for Historic Preservation  
James P. Duggan

Native American Tribes  
Lawrence Moose Lampman – Missisquoi Abenaki Tribal Council

Franklin County  
Franklin County Clerk

Town of Swanton  
Cathy Fournier – Swanton Town Clerk



**SECTION 7.0**  
**DISTRIBUTION LIST**

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## **7.0 DISTRIBUTION LIST**

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Mr. Pete LaFlamme, Director  
Vermont Dept. of Environmental Conservation  
Watershed Management Division  
1 National Life Drive, Main 2  
Montpelier, VT 05620-3522

Ron Shems, Chair  
Vermont Natural Resources Board  
Dewey Building  
National Life Drive  
Montpelier, VT 05620-3201

James P. Duggan  
Historic Preservation Review Coordinator  
Vermont Division for Historic Preservation  
1 National Life Drive, 6<sup>th</sup> Floor  
Montpelier, VT 05620-0501

Cathy Fournier  
Swanton Town Clerk  
P.O. Box 711  
1 Academy Street  
Swanton, VT 05488

Ms. Susi von Oettingen  
Ecological Services Field Office  
U.S. Fish and Wildlife Service  
70 Commercial Street, Suite 300  
Concord, NH 03301-5087

**SECTION 8.0**  
**ACRONYMS AND ABBREVIATIONS**

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## 8.0 ACRONYMS AND ABBREVIATIONS

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BPS	Border Patrol Station
CBP	U.S. Customs and Border Protection
CEQ	Council on Environmental Quality
C.F.R.	Code of Federal Regulation
DHS	Department of Homeland Security
EA	Environmental Assessment
EO	Executive Order
ESA	Environmental Site Assessment
FONSI	Finding of No Significant Impact
GSA	General Services Administration
INA	Immigration and Nationality Act
INS	Immigration and Naturalization Service
LOS	Level of service
NEPA	National Environmental Policy Act
PL	Public Law
ROI	Region of influence
SEA	Supplemental Environmental Assessment
SHQ	Sector Headquarters
Swanton BPS	Swanton Border Patrol Station
<i>Swanton BPS EA</i>	Swanton Border Patrol Station Environmental Assessment (2008)
USBP	U.S. Border Patrol
U.S.C.	U.S. Code
VDEC	Vermont Department of Environmental Conservation

**APPENDIX A**  
**CORRESPONDENCE AND COORDINATION**

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OCT 22 2014



**U.S. Customs and  
Border Protection**

Mr. Peter LaFlamme, Director  
Vermont Dept. of Environmental Conservation  
Watershed Management Division  
1 National Life Drive, Main 2  
Montpelier, VT 05620-3522

Dear Mr. LaFlamme:

U.S. Customs and Border Protection (CBP) has prepared a draft Supplemental Environmental Assessment (SEA) to address the potential effects, beneficial and adverse, resulting from the relocation of the Swanton Sector Headquarters (SHQ) facility and staff from the current location at 155 Grand Avenue in Swanton, Vermont, to the Swanton Border Patrol Station (BPS) at 104 Raven Drive in Highgate, Vermont, approximately 2 miles to the north. The construction of the Swanton BPS was evaluated in an Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI) in 2008.

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The enclosed draft SEA and draft FONSI are being sent to you for review and comments. CBP must receive your comments within 30 days, by November 25, 2014, to ensure that they can be addressed in the final documents. Please direct all correspondence to:

Ms. Audra Upchurch  
U.S. Customs and Border Protection  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office  
1331 Pennsylvania Avenue NW, Suite 1220  
Washington, DC 20229



Mr. Peter LaFlamme

Page 2

If you require additional information or have any questions, please contact Ms. Upchurch at (202) 748-4435 or by email at [Swanton-BPSSHQ-SEA@cbp.dhs.gov](mailto:Swanton-BPSSHQ-SEA@cbp.dhs.gov). Comments can be sent via mail or email. CBP appreciates your interest in this action and looks forward to receiving your comments on the draft documents.

Sincerely,

A handwritten signature in blue ink, reading "Paul Enriquez". The signature is fluid and cursive, with the first name "Paul" and last name "Enriquez" clearly distinguishable.

Paul Enriquez  
Environmental Branch Chief  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office

Enclosures: Draft SEA and Draft FONSI



**U.S. Customs and  
Border Protection**

OCT 22 2014

Mr. Ron Shems, Chair  
Vermont Natural Resources Board  
Dewey Building, National Life Drive  
Montpelier, VT 05620-3201

Dear Mr Shems:

U.S. Customs and Border Protection (CBP) has prepared a draft Supplemental Environmental Assessment (SEA) to address the potential effects, beneficial and adverse, resulting from the relocation of the Swanton Sector Headquarters (SHQ) facility and staff from the current location at 155 Grand Avenue in Swanton, Vermont, to the Swanton Border Patrol Station (BPS) at 104 Raven Drive in Highgate, Vermont, approximately 2 miles to the north. The construction of the Swanton BPS was evaluated in an Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI) in 2008.

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Border Patrol Facilities and Tactical Infrastructure  
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Washington, DC 20229

Mr Ron Shems

Page 2

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Paul Enriquez  
Environmental Branch Chief  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office

Enclosures: Draft SEA and Draft FONSI



**U.S. Customs and  
Border Protection**

OCT 22 2014

Mr. James P. Duggan, Historic Preservation Review Coordinator  
Vermont Division for Historic Preservation  
1 National Life Drive, 6th Floor  
Montpelier, VT 05620-0501

Dear Mr. Duggan:

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Washington, DC 20229

Mr. James P. Duggan

Page 2

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Paul Enriquez  
Environmental Branch Chief  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office

Enclosures: Draft SEA and Draft FONSI



OCT 22 2014



**U.S. Customs and  
Border Protection**

Ms. Cathy Fournier, Swanton Town Clerk  
P.O. Box 711  
1 Academy Street  
Swanton, VT 05488

Dear Ms. Fournier:

U.S. Customs and Border Protection (CBP) has prepared a draft Supplemental Environmental Assessment (SEA) to address the potential effects, beneficial and adverse, resulting from the relocation of the Swanton Sector Headquarters (SHQ) facility and staff from the current location at 155 Grand Avenue in Swanton, Vermont, to the Swanton Border Patrol Station (BPS) at 104 Raven Drive in Highgate, Vermont, approximately 2 miles to the north. The construction of the Swanton BPS was evaluated in an Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI) in 2008.

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1331 Pennsylvania Avenue NW, Suite 1220  
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Ms. Cathy Fournier

Page 2

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Paul Enriquez  
Environmental Branch Chief  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office

Enclosures: Draft SEA and Draft FONSI

OCT 22 2014



**U.S. Customs and  
Border Protection**

Ms. Susi Von Oettingen,  
U.S. Fish and Wildlife Service  
Ecological Services Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5087

Dear Ms. Von Oettingen:

U.S. Customs and Border Protection (CBP) has prepared a draft Supplemental Environmental Assessment (SEA) to address the potential effects, beneficial and adverse, resulting from the relocation of the Swanton Sector Headquarters (SHQ) facility and staff from the current location at 155 Grand Avenue in Swanton, Vermont, to the Swanton Border Patrol Station (BPS) at 104 Raven Drive in Highgate, Vermont, approximately 2 miles to the north. The construction of the Swanton BPS was evaluated in an Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI) in 2008.

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U.S. Customs and Border Protection  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office  
1331 Pennsylvania Avenue NW, Suite 1220  
Washington, DC 20229

Ms. Susi Von Oettingen

Page 2

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Paul Enriquez  
Environmental Branch Chief  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office

Enclosures: Draft SEA and Draft FONSI

OCT 22 2014



**U.S. Customs and  
Border Protection**

Mr. Timothy J. Shobbrook, Branch Chief, North Service Branch  
General Services Administration  
Public Buildings Service, New England Region  
Ten Causeway Street  
Boston, MA 02222

Dear Mr. Shobbrook:

U.S. Customs and Border Protection (CBP) has prepared a draft Supplemental Environmental Assessment (SEA) to address the potential effects, beneficial and adverse, resulting from the relocation of the Swanton Sector Headquarters (SHQ) facility and staff from the current location at 155 Grand Avenue in Swanton, Vermont, to the Swanton Border Patrol Station (BPS) at 104 Raven Drive in Highgate, Vermont, approximately 2 miles to the north. The construction of the Swanton BPS was evaluated in an Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI) in 2008.

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Border Patrol Facilities and Tactical Infrastructure  
Program Management Office  
1331 Pennsylvania Avenue NW, Suite 1220  
Washington, DC 20229

Mr. Timothy J. Shobbrook

Page 2

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Paul Enriquez  
Environmental Branch Chief  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office

Enclosures: Draft SEA and Draft FONSI



OCT 22 2014



**U.S. Customs and  
Border Protection**

Mr. Lawrence Moose Lampman, Chair  
Missisquoi Abenaki Tribal Council  
P. O. Box 276  
Missisquoi, VT 05488

Dear Mr. Lawrence Moose Lampman:

U.S. Customs and Border Protection (CBP) has prepared a draft Supplemental Environmental Assessment (SEA) to address the potential effects, beneficial and adverse, resulting from the relocation of the Swanton Sector Headquarters (SHQ) facility and staff from the current location at 155 Grand Avenue in Swanton, Vermont, to the Swanton Border Patrol Station (BPS) at 104 Raven Drive in Highgate, Vermont, approximately 2 miles to the north. The construction of the Swanton BPS was evaluated in an Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI) in 2008.

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Program Management Office  
1331 Pennsylvania Avenue NW, Suite 1220  
Washington, DC 20229

Mr. Lawrence Moose Lampman

Page 2

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Environmental Branch Chief  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office

Enclosures: Draft SEA and Draft FONSI



**U.S. Customs and  
Border Protection**

**OCT 22 2014**

Franklin County Clerk,  
17 Church Street  
St. Albans, VT 05478

Dear Franklin County Clerk:

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Border Patrol Facilities and Tactical Infrastructure  
Program Management Office  
1331 Pennsylvania Avenue NW, Suite 1220  
Washington, DC 20229

Franklin County Clerk

Page 2

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Paul Enriquez  
Environmental Branch Chief  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office

Enclosures: Draft SEA and Draft FONSI



**U.S. Customs and  
Border Protection**

OCT 22 2014

Swanton Public Library  
1 First Street  
Swanton, VT 05488

To Whom It May Concern:

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[www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review](http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review).



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U.S. Customs and Border Protection  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office  
1331 Pennsylvania Avenue NW, Suite 1220  
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Environmental Branch Chief  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office

Enclosure: Draft SEA and Draft FONSI



**U.S. Customs and  
Border Protection**

**OCT 22 2014**

Highgate Public Library  
17 Mill Hill  
Highgate Center, VT 05459

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Paul Enriquez  
Environmental Branch Chief  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office

Enclosure: Draft SEA and Draft FONSI



**U.S. Customs and  
Border Protection**

OCT 22 2014

Haston Library  
5167 Main Street  
Franklin, VT 05457

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Border Patrol Facilities and Tactical Infrastructure  
Program Management Office  
1331 Pennsylvania Avenue NW, Suite 1220  
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Paul Enriquez  
Environmental Branch Chief  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office

Enclosure: Draft SEA and Draft FONSI





# monday challenge

If there is a dumber thing that people in the Earth's Northern Hemisphere could be doing than "arranging" to attack Russia, I do not know what that might be.

Russia is the natural ally — with resources and toughness to match — for both ourselves and Europe.

Together, we could then sit down with the peoples of South Asia in rough equality and work out how we are all going to survive and prosper on the planet.

**DENNIS MORRISSEAU**

*West Pawlet*



ASSOCIATED PRESS

A pilot climbs from a Canadian Air Force F-18 Hornet at Siauliai Air Base in Lithuania Monday.

## legalnotices

DEADLINE | Two business days prior to publication.

### Legal Notices

#### City of Winooski Public Hearing

The City of Winooski will hold a public hearing on Monday, November 3, 2014 at 6:15 p.m. in the Claire Burke Council Chambers. The Winooski City Council hereby ordains and moves to amend Chapter 4, Animals and Fowl. Full Text is available in the City Clerk's Office and on our website at [www.winooski.org](http://www.winooski.org).

City Clerk Office

October 27, 2014

#### NORTHEAST MUTUAL HOLDING COMPANY NOTICE OF SPECIAL CORPORATOR MEETING

A Special Meeting of the Coporators of the Northeast Mutual Holding Company will be held on Thursday, November 6, 2014, at the Capital Plaza, 100 State Street, Montpelier, Vermont at 7:45 p.m. The matters to be considered involve the election of Coporators and a review of 2014 business activities.

October 13 and 27, 2014

#### NOTICE OF AVAILABILITY

#### DRAFT SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT AND DRAFT FINDING OF NO SIGNIFICANT IMPACT FOR THE PROPOSED EXPANSION OF THE SWANTON BORDER PATROL STATION AND TRANSFER OF THE CBP SWANTON SECTOR HEADQUARTERS SWANTON, VERMONT

The public is hereby notified of the availability of the draft Supplemental Environmental Assessment (SEA) and draft Finding of No Significant Impact (FONSI) prepared by U.S. Customs and Border Protection (CBP) for the expansion of the Swanton Border Patrol Station (BPS) and transfer of the CBP Swanton Sector Headquarters (SHQ). Construction and operation of the Swanton BPS were addressed in an Environmental Assessment in 2008, and no significant changes in resources or impacts have occurred since that time. All proposed activities and construction will occur within the previously evaluated Swanton BPS property. The current Swanton SHQ facilities will be exceeded by the General Services Administration. The draft SEA and FONSI will be available at the Heston Library, 5167 Main Street, Franklin, VT 05457; the Swanton Public Library, 1 First Street, Swanton,

802-863-3441 | 802-862-5622/fax  
[legals@btp.burlingtonfreepress.com](mailto:legals@btp.burlingtonfreepress.com)

VT 05488; and the Highgate Public Library, 17 Mill Hill, Highgate Center, VT 05459. The draft SEA and FONSI are also available for download at the following URL address: [www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review](http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review).

The 30-day public comment period begins with publication of this Notice of Availability, on October 27, 2014, and closes on November 25, 2014.

Comments on the draft SEA and FONSI should be submitted to Audra Upchurch, U.S. Customs and Border Protection, Border Patrol Facilities and Tactical Infrastructure, Program Management Office, 1331 Pennsylvania Avenue NW, Suite 1220, Washington, DC 20229. Comments may also be submitted by email to: [SwantonBPSHQ-SEA@cbp.dhs.gov](mailto:SwantonBPSHQ-SEA@cbp.dhs.gov). Comments must be received by November 25, 2014 to be considered for the final documents.

October 27, 2014

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**NOTICE OF AVAILABILITY DRAFT SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT AND DRAFT FINDING OF NO SIGNIFICANT IMPACT FOR THE PROPOSED EXPANSION OF THE SWANTON BORDER PATROL STATION AND TRANSFER OF THE CBP SWANTON SECTOR HEADQUARTERS SWANTON, VERMONT**  
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Comments must be

received by November 25, 2014 to be considered for the final documents.

Prayer

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To apply send resume to:

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**APPENDIX B**  
**LAWS AND REGULATIONS**

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**Relevant Policy Documents, Invoking Action, Regulatory Requirements, and Status of Compliance \***

<b>Policy Document</b>	<b>Administrative Authority</b>	<b>Invoking Action</b>	<b>Requirements for Compliance</b>	<b>Status of Compliance</b>
Archaeological Resources Protection Act of 1979 16 U.S.C. § 470 et seq.	National Park Service (NPS)	Excavation, removal, damage, or other alteration or defacing; or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource 43 CFR 7.4	Because activities are exclusively for purposes other than the excavation and/or removal of archaeological resources, even though those activities might incidentally result in the disturbance of archaeological resources, no permit shall be required.	Cultural resources surveys conducted and Section 106 consultation completed during 2008 Swanton BPS EA
Native American Graves & Repatriation Act as amended	Department of the Interior	Excavation, removal, damage, or other alteration of Native American human remains	Coordination directly with tribes claiming cultural affinity to project areas	Will be invoked if remains are discovered
Native American Religious Freedom Act	NPS	Federal actions that affect current or historically used cultural properties	Coordination directly with tribes claiming cultural affinity to project areas.	Full compliance
Clean Air Act (CAA) of 1963 16 U.S.C. § 470 et seq.	U.S. Environmental Protection Agency (USEPA)	Any action where the total of direct and indirect emissions in a non-attainment area would equal or exceed the provided rates 40 CFR 51	Project emission levels were determined to be less than <i>de minimis</i> thresholds; therefore, a conformity analysis with applicable implementation plan is not required.	Air emissions from construction and operation of the new SHQ would not exceed <i>de minimis</i> thresholds.
Comprehensive, Environmental Response, Compensation, Liability Act of 1980 42 U.S.C. § 9601 et seq.	USEPA	Release or threatened release of a hazardous substance 40 CFR 302	Development of emergency response plans, notification, and cleanup	Phase I Environmental Site Assessment completed, no risks found
Energy Independence and Security Act of 2007 PL 110-140	U.S. Department of Energy (DOE)	Federal projects with a footprint exceeding 5,000 square feet to use site planning, design, construction, and maintenance strategies to control stormwater runoff	Design and construct stormwater retention basin as required	Full compliance
Endangered Species Act (ESA) of 1973 16 U.S.C. § 1531 et seq.	USFWS	All actions that could impact protected species 50 CFR 402.03	Determination of effect on listed species and critical habitat through consultation with the USFWS	No effects on any listed species, none present

Policy Document	Administrative Authority	Invoking Action	Requirements for Compliance	Status of Compliance
Farmland Protection Policy Act of 1981	Natural Resources Conservation Service (NRCS)	Any action that could impact prime farmlands	Consultation with NRCS and submittal of NRCS Form AD 1001	No prime farmland soils are present.
7 U.S.C. § 9601 et seq.		7 CFR 658		
Federal Water Pollution Control Act of 1977 (also known as Clean Water Act or CWA)	USEPA	Storage, use, or consumption of oil and oil products, which could discharge oil in quantities that could affect water quality standards, into or upon navigable waters of the U.S.	Preparation of a Spill Prevention, Control, and Countermeasures Plan (SPCCP)	To be completed by CBP or contractor during design and construction, and a second plan prepared for operation and maintenance
33 U.S.C. § 1251 et seq.		40 CFR 112		
CWA (Sections 404/401)	USEPA	Discharge of pollutants	Obtain a general National Pollutant Discharge Elimination System (NPDES) permit	Permit already in place for the station, permit revision necessary for additional runoff and discharge
40 CFR 122				
Migratory Bird Treaty Act of 1918	USFWS	Any action resulting in the take of any migratory bird, or the parts, nests, or eggs of such bird	Avoidance of take or application for relocation permit	Surveys will be conducted prior to construction activities if they occur during the migratory bird nesting season
16 U.S.C. § 703		50 CFR 21.11		
National Historic Preservation Act of 1966 (NHPA)	Advisory Council on Historic Preservation, State Historic Preservation Officer (SHPO)	Any action that could impact cultural resources	Assessment of effects through consultation with the Advisory Council on Historic Preservation and SHPO	Section 106 consultation completed in the Swanton BPS EA
16 U.S.C. § 470 et seq.		36 CFR 800.3		
Occupational Health and Safety Act of 1970	Occupational Safety and Health Administration (OSHA), Department of Labor	Job duties performed as a result of an action	Adherence to occupational health and safety standards	To be completed by CBP during design and operation
29 U.S.C. § 651 et seq.		29 CFR 1910.5 (a)		

Policy Document	Administrative Authority	Invoking Action	Requirements for Compliance	Status of Compliance
Resource Conservation Recovery Act of 1976  42 U.S.C. § 6901 et seq.	USEPA	Collection of residential, commercial, and institutional solid wastes and street wastes 40 CFR 243	Adherence to guidelines for waste storage and safety and collection equipment, frequency, and management	To be completed by CBP during design and operation
		Procurement of more than \$10,000 annually of products containing recovered materials 40 CFR 247	Procure designated items composed of the highest percentage of recovered materials practicable	To be completed by CBP during design and operation
		Recovery of resources from solid waste through source separation 40 CFR 246	Recovery of high-grade paper, residential materials, and corrugated containers	To be completed by CBP during design and operation
		Treatment, storage, or disposal of hazardous waste on-site 40 CFR 262.10(c)	Determination of hazardous or non-hazardous nature of solid waste, obtain a USEPA identification number if necessary, properly accumulate hazardous waste, and maintain a record	To be completed by CBP during design and operation
Executive Order (EO) 11988: Floodplain Management  42 Federal Register (FR) 26,951 (May 24, 1997)	Water Resources Council, Federal Emergency Management Agency, CEQ	Any action that impacts floodplains	Prepare a finding of no practicable alternative for actions within a floodplain	The Preferred Alternative Site is not located in the 100-year floodplain
EO 11990: Protection of Wetlands  42 FR 26,691 (May 24, 1977)	U.S. Army Corps of Engineers (USACE), USFWS	Any action that impacts wetlands	Take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands	No wetlands are present on the Preferred Alternative Site

Policy Document	Administrative Authority	Invoking Action	Requirements for Compliance	Status of Compliance
EO 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations 59 FR 7629 (February 11, 1994)	USEPA	All programs or activities receiving Federal financial assistance that affect human health or the environment	Analyze the environmental effects, including human health, economic and social effects, of CBP actions, including effects on minority communities and low-income communities	No adverse effects on minority or low-income communities would occur
EO 13045: Protection of Children From Environmental Health Risks and Safety Risks 62 FR 19883 (April 23, 1997)	USEPA	Any action that affects the welfare of children	Identify and assess environmental health risks and safety risks that may disproportionately affect children	No adverse effects on children would occur
EO 13423: Strengthening Federal Environmental, Energy, and Transportation Management 63 FR 49648	Heads of Federal Agencies; CEQ	Any action involving environmental, transportation, and energy-related activities	Improve energy efficiency and reduce greenhouse gas (GHG) emissions, use renewable energy sources, reduce water consumption, use of sustainable environmental practices; reduce the quantity of toxic and hazardous chemicals and materials acquired, used, or disposed of, and reduce petroleum products use	To be completed by CBP during design and operation
EO 13514: Federal Leadership in Environmental, Energy, and Economic Performance 74 FR 52117 (October 8, 2009)	USEPA, DOE	Construction, operation, and maintenance of a Federal facility; helicopter operations and worker commutes	Increase energy efficiency; measure, report, and reduce GHG emissions from direct and indirect activities; conserve and protect water resources through efficiency, reuse, and stormwater management; eliminate waste, recycle, and prevent pollution; design, construct, maintain, and operate high-performance sustainable buildings in sustainable locations.	To be completed by CBP during design and operation



Policy Document	Administrative Authority	Invoking Action	Requirements for Compliance	Status of Compliance
EO 13175 (Consultation and Coordination with Indian Tribal Governments)	Bureau of Indian Affairs	Federal actions that affect current or historically used cultural properties.	Coordinate directly with Tribes claiming cultural affinity to project areas	Full compliance in the Swanton BPS EA

\*Not All-Inclusive

**APPENDIX C**  
**COMMENTS RECEIVED ON THE DRAFT SEA**

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**No comments were received from the public or from coordinating agencies in response to the Notice of Availability of the Draft SEA and Draft FONSI.**