

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

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

Proposed Action

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

Purpose, Need, and Scope

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

Alternatives Considered

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

Environmental Consequences

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

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

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

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

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

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

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

27 Implementing Alternative 2 would be expected to have similar effects as discussed above for Alternative 1.
28 Implementing Alternative 2 would have no effect on floodplains because the Alternative 2 parcel is not in a
29 100-year floodplain.

30 ***Alternative 3: Construct, Operate, and Maintain a New BPS at the Alternative 3 Parcel (Tuscarora Road***

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

34 **Factors Considered in Determining that No Environmental Impact Statement is Required**

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

43 None of the adverse effects would be expected to be significant. No significant adverse cumulative effects
44 were identified in association with implementing any of the alternatives. Implementing any of the proposed
45 alternatives would be expected to result in a combination of short- and long-term minor adverse, long-term
46 moderate adverse and beneficial effects. Short-term minor adverse effects on land use, geology and soils,
47 wildlife and aquatic resources, surface waters and waters of the United States, aesthetic and visual resources,
48 and environmental justice and protection of children would be expected, primarily associated with construction
49 activities. Short- and long-term minor adverse effects would be expected on hydrology and groundwater, air
50 quality, noise, utilities and infrastructure, and hazardous materials resulting from construction activities and
51 operation of the BPS. These effects include potential soil compaction, increase in impervious surfaces, increase

1 in stormwater runoff, a decrease in infiltration to groundwater, and increase in noise associated with operation
2 of a dog kennel. Long-term moderate adverse effects on land use would be expected from the construction and
3 operation of the Niagara BPS on any of the alternative parcels, which are presently open space. Long-term
4 minor adverse effects on sustainability, greening, and climate change would be expected from the
5 environmental footprint created by the BPS, although these would be minimized with energy-efficient and
6 low-usage utility systems, appliances, and fixtures. Short-term minor beneficial effects on the local economy
7 would be expected from expenditures and employment associated with construction of the proposed Niagara
8 BPS. Long-term minor beneficial effects on human health and safety would be expected from improved
9 working conditions for the BPS personnel.

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

18 ***Surface Waters, Groundwater, and Aquatic Habitat***

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

36 ***Hazardous and Toxic Substances***

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

41 ***Air Quality***

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

47 ***Noise***

- 48 • Conduct construction primarily in normal weekday business hours, especially adjacent to noise-
49 sensitive land uses such as residential and recreational areas.

- Properly maintain construction equipment mufflers and keep them in good working order.

Roadways and Traffic

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

Protection of Children

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

Public Review

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

Conclusions

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

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

Efren V.M. Garcia
Director, Facilities Branch
Office of Border Patrol

Date

Date