

# **Final Environmental Assessment for the Construction and Operation of New Housing and Infrastructure at the Piegan Land Port of Entry, Glacier County, Montana**

Prepared by:



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



U.S. General Services Administration

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# FINDING OF NO SIGNIFICANT IMPACT FOR THE CONSTRUCTION AND OPERATION OF NEW HOUSING AND INFRASTRUCTURE AT THE PIEGAN LAND PORT OF ENTRY, GLACIER COUNTY, MONTANA

**Purpose and Need:** The purpose of the project is to address the current housing needs for mission-critical U.S. Customs and Border Protection (CBP) personnel on the U.S. – Canada border at Piegan, Montana. The goal is to provide safe, comfortable, and affordable housing for CBP personnel and their families within a reasonable distance of the CBP employee assignments at the Piegan Land Port of Entry (LPOE) at Piegan, Montana.

The project is needed because currently there is insufficient housing available to accommodate CBP employees that work at the Piegan LPOE. The LPOE site is built on 63 acres located at the U.S. – Canada border on the west side of U.S. Highway 89, approximately 10 miles north of Babb, Montana. Babb is a small unincorporated community in Glacier County, Montana, United States, on the Blackfeet Indian Reservation. The LPOE is an in-holding within the Blackfeet Reservation that is owned solely by the U.S. Government. This site contains all of the buildings and operations of CBP in the immediate area, as well as 27 units of government housing consisting of 16 single family houses, one manufactured home, four units in the converted historic Old Port Building and six urgent needs duplex units. The General Services Administration (GSA) currently owns and operates these facilities. The majority of the housing was built in 2000-2005 with the exception of the Old Port Building which was built in 1933 and is listed on the National Register of Historic Places (NRHP).

There is insufficient nearby housing available to accommodate CBP personnel who currently work at the Piegan, Montana LPOE. The staffing projections for the next several years indicate an increase in personnel. With this projected increase, the demand for suitable housing will also increase. Other housing options for CBP employees in the vicinity of the Piegan LPOE are limited due to a scarcity of quality available rental properties. Currently most employees utilize the existing housing and a few employees commute on a daily basis, living in the existing area housing market. Daily commutes are up to 80 miles each way, with one one-way commute of 130 miles. This lack of sufficient housing has resulted in staff retention issues, financial costs, and additional stress from these lengthy round-trip commute times, especially with the regular inclement weather in the area.

**Proposed Action:** CBP and GSA propose to address this need by constructing up to 16 residential units at the existing government-owned Piegan LPOE and installing upgraded infrastructure, including a water tower, to support this new construction. This new housing would be constructed on four lots of land currently available within the current CBP housing area. The Old Port Building would remain in use and operation.

The ability to provide quality housing options to CBP personnel is important to the recruitment and retention of staff. The number of housing units proposed in the current project is limited by available funding and is thus focused on immediate/near-term needs. This project is not intended to satisfy the needs of the projected personnel staffing level; it is intended to provide housing in sufficient quantity to meet immediate/near-term needs – up to 16 units. Housing would be a mix of one-, two-, and three-bedroom homes depending on staff demographic at the time of construction. There would be no requirement or mandatory directive for personnel to rent government-owned housing. CBP does not designate where staff members reside or require staff members to occupy government-owned housing. Should any government-owned housing be unoccupied, the units would not be available to the general public for rent.

In accordance with the National Environmental Policy Act (NEPA), CBP and GSA are preparing an Environmental Assessment (EA), which is incorporated herein by reference, for this Proposed Action in order to analyze the potential environmental, cultural, and socioeconomic impacts of the proposed alternatives.

**Alternatives Considered but Eliminated:** CBP originally considered acquiring property for the required new housing at either Duck Creek or Kennedy Creek. Both locations are within commuting distance of the LPOE; however, investigation and due diligence studies of both properties found that both locations had inadequate site conditions for the construction of new housing.

**Alternatives:** Due to the above findings regarding Alternatives Considered but Eliminated, only two alternatives were considered. The Alternatives considered included: 1) Preferred Action – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE; and 2) No Action.

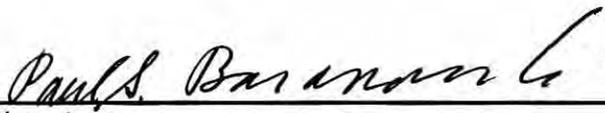
**Affected Environment:** The EA describes the existing environmental conditions potentially affected by the Proposed Action, as well as the potential environmental impacts of implementing the Proposed Action. The description of the affected environment focuses on those resources and conditions subject to impacts. Environmental condition information is provided to serve as a baseline against which to identify and evaluate environmental and socioeconomic changes likely to result from implementation of the Proposed Action.

**Environmental Consequences:** The environmental analysis considered potential impacts to land use, geology and soils, hydrology and groundwater, surface water and waters of the United States, floodplains, vegetative habitat, wildlife and aquatic resources, threatened and endangered species, cultural resources, air quality, climate, noise, utilities and infrastructure, roadways and traffic, aesthetic and visual resources, hazardous materials, socioeconomic resources, environmental justice and protection of children, sustainability, human health and safety, and “greening” or making the area more environmentally friendly. The analysis, findings, and conclusions of the EA are incorporated in this Finding of No Significant Impact (FONSI) by reference.

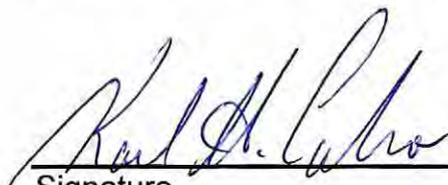
**Mitigation:** No significant adverse impacts resulting from implementation of the Proposed Action have been identified through the analysis in this EA. Mitigation measures may be required to reduce impacts to cultural resources should previously unidentified resources be uncovered during construction and avoidance is not possible. Any mitigation measures will be implemented prior to construction and in consultation with the Blackfeet Nation Tribal Historic Preservation Office; the Montana State Historic Preservation Office; and interested Native American tribes and nations.

In association with the proposed action, CBP identified a number of Best Management Practices that would be implemented with the proposed construction activities. These measures are designed to avoid, remedy, or reduce adverse impacts. These measures are not required as mitigation to reduce impacts to below significance thresholds. CBP would work with government agencies to comply with the respective regulations and avoid adverse impacts wherever possible.

**Conclusions.** On the basis of the findings of the EA, conducted in accordance with the requirements of NEPA, Council on Environmental Quality regulations, and CBP Management Directives, and after careful review of the potential anticipated impacts, implementation of Alternative 1, conducted in a manner consistent with applicable regulatory requirements, would not result in a significant impact on the quality of the environment. Therefore, issuance of a FONSI is warranted, and preparation of an Environmental Impact Statement is not required.

  
Signature \_\_\_\_\_ Date 14 April 2013

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## EXECUTIVE SUMMARY

**Introduction.** The Piegan Land Port of Entry (LPOE) is located in a remote rural area near Babb, MT. The LPOE includes 27 existing housing units on 63 acres on a government owned site. The current Port buildings were completed in 2000 and are in excellent condition. The Old Port Building was originally constructed in 1933, converted to housing in 2000, is listed on the National Register of Historic Places (NRHP), and is in need of considerable maintenance and repair. The Phase I houses were built in 2003 and are in fairly good condition. The Phase II houses were built in 2004 and are in fair condition.

**Proposed Action.** The available residential units are not sufficient to house the CBP employees who work at the LPOE. To remedy this need, U.S. Customs and Border Protection (CBP) and the General Services Administration (GSA) are proposing to construct and operate up to sixteen (16) new houses at the existing government-owned Piegan LPOE and install upgraded infrastructure to support this new construction. This new housing would be constructed on four lots of land currently available within the current CBP housing area. GSA currently owns and operates the existing infrastructure.

**Purpose and Need.** The purpose of the project is to address the current housing needs for mission-critical CBP personnel on the U.S.-Canada border at Piegan, Montana. The goal is to provide safe, comfortable, and affordable housing for CBP personnel and their families within a reasonable distance of CBP employee assignments at the Piegan LPOE at Piegan, Montana.

The project is needed because there is currently insufficient housing available to accommodate CBP employees that work at the Piegan LPOE. The LPOE at Piegan is located ten miles north of the City of Babb, Montana. Babb is a small unincorporated community in Glacier County, Montana, United States, on the Blackfeet Indian Reservation. The LPOE is an in-holding on the Reservation and is owned solely by the United States. The LPOE site is built on 63 acres located at the U.S.-Canada border on the west side of U.S. Highway 89. This site contains all of the buildings and operations of CBP in the immediate area, as well as twenty-seven units of government housing on this site including sixteen single family houses, one manufactured home, four units in the converted historic Old Port Building and six urgent needs duplex units. The majority of the housing was built in 2000-2005 with the exception of the Old Port Building.

The federally-owned land adjacent to the LPOE where employee housing is currently provided has a high water table and insufficient infrastructure to accommodate the required additional housing. Other housing options for employees in the vicinity of the LPOE and the nearby City of Babb are limited due to a scarcity of available rental properties.

**Proposed Action and Alternatives.** CBP and GSA are proposing to address this need by constructing and operating up to sixteen (16) new houses at the existing

government-owned Piegan LPOE and installing upgraded infrastructure to support this new construction. This new housing would be constructed on four lots of land currently available within the current CBP housing area.

The ability to provide quality housing options to CBP personnel is important to the recruitment and retention of staff. The number of housing units proposed in the current project is limited by available funding and is thus focused on immediate/near-term needs. This project is not intended to satisfy the needs of the projected personnel staffing level; it is intended to provide housing in sufficient quantity to meet immediate/near-term needs – up to sixteen (16) units. Housing provided by this project would be available to CBP staff at market rental rates. The housing makeup would be a mix of one-, two-, and three-bedroom homes depending on the staff demographic at the time of construction. There would be no requirement or mandatory directive for personnel to rent government-owned housing. CBP does not designate where staff members reside or require staff members to occupy government-owned housing. Should any government-owned housing be unoccupied, the units would not be available to the general public for rent.

There is insufficient nearby housing available to accommodate CBP personnel who currently work at the Piegan LPOE. With the projected increase of additional personnel, the demand for suitable housing will also increase. Other housing options for CBP employees in the vicinity of the Piegan LPOE are limited due to a scarcity of quality available rental properties. The staffing projections for the next several years indicate an increase in personnel. Currently most employees utilize the existing housing and a few employees commute on a daily basis, living in the existing area housing market. Daily commutes are up to 80 miles each way, with one one-way commute of 130 miles. This lack of sufficient housing has resulted in staff retention issues, financial costs, and additional stress from hour plus round-trip commute times, especially with the regular inclement weather in the area.

In accordance with the National Environmental Policy Act (NEPA), CBP and GSA are preparing this Environmental Assessment (EA) for this undertaking, to analyze the potential environmental, cultural, and socioeconomic impacts of the proposed alternatives.

Alternatives originally considered included: 1) Preferred Action – Acquisition of Kennedy Creek Site for New Housing Development; 2) Expansion of the Existing Piegan LPOE Housing Installation; and 3) No Action.

- Alternative 1 (Preferred Action) – Acquisition of Kennedy Creek Site for New LPOE Housing Development - Alternative 1 consists of CBP/GSA acquiring land at Kennedy Creek and constructing eleven (11) new housing units, with infrastructure developed to accommodate up to sixteen (16) houses). In addition, CBP would construct four (4) new homes on “infill” sites at the existing Piegan LPOE housing development site to replace four (4) apartment units in the original Port Building.

- Alternative 2 – Expansion of the Existing Piegan LPOE Housing Installation - Alternative 2 consists of CBP/GSA constructing eleven (11) new housing units, with infrastructure developed to accommodate up to sixteen (16) houses, at the existing government-owned Piegan LPOE. CBP would immediately construct four (4) new homes on “infill” sites at the existing Piegan LPOE housing development site to replace four (4) apartment units in the original Port Building.
- Alternative 3 – No Action - Alternative 3, the No Action Alternative, is included as required by Council on Environmental Quality (CEQ) regulations to identify baseline conditions against which potential impacts of implementation alternatives are evaluated. The No Action Alternative represents the benchmark condition of the environment if the proposed action is not implemented. Under the No Action Alternative, the existing housing situation would be continued. CBP would not acquire land and construct new employee housing nor would it construct four (4) units of infill housing at the Piegan LPOE. There would be no new infrastructure. The old Port Building would remain for housing.

However, investigation into the acquisition of the Kennedy Creek site proved to be an unviable alternative due to inadequate site conditions for the construction of new housing. Due to this discovery, only two alternatives will be discussed in the EA, which are as follows:

**Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE**

Alternative 1 consists of CBP and GSA constructing and operating up to sixteen (16) new houses at the existing government-owned Piegan LPOE and installing upgraded infrastructure to support this new construction. This new housing would be constructed on four lots of land currently available within the current CBP housing area. Building additional houses at Piegan LPOE will require expanding the capacity of the underground infrastructure at this facility. These single family houses use the following five types of underground infrastructure – sanitary sewer, potable water, electricity, natural gas and telephone. Description of the additional infrastructure that will be built for each of these utility types is discussed in Section 3.14 – Utilities and Infrastructure and below:

Sanitary sewer:

The existing sanitary sewage capacity will have to be expanded. The existing sanitary sewage systems have been built in multiple phases during different time periods as additional houses and the new port building were built. It is believed that the existing sanitary sewage systems were built in three phases. At this stage of project development, it is believed that the capacity of the existing sanitary sewage systems cannot be incrementally increased by either adding an additional phase/module or expanding one of the three existing modules. Therefore, it is believed that an entirely new/consolidated sanitary sewage system must be built to replace the existing three

modules of the existing systems. This new/consolidated system will be sized to serve the existing LPOE, existing houses, and the 16 planned maximum number of additional houses.

The new central sewage processing plant is expected to be located either just west of Highway 89 between the housing development and the new port of entry or on the east side of Highway 89 in the southeast corner of the property. This new central plant is expected to be a “packaged” sewage plant that discharges treated effluent to the surface drainage that drains directly east of the existing property and drains toward the Saint Mary River.

This new location of the packaged/central sewage plant will require new sewer main distribution piping to be routed from the existing housing and LPOE distribution piping to the new plant. After the new system is constructed and tested, the sewage piping to the existing system will be closed and the influent will be routed to the new plant. The existing/old sewage system components and piping will then be either capped and left in place or removed from the ground. Most of the sewer services and mains piping within the existing housing development will remain. New houses will have their sewer services tapped into existing sewer mains within the housing development area.

#### Potable water:

Similar to the sewage systems, the existing potable water system is likely deficient in terms of capacity to serve up to 16 additional houses and in terms of the water quality. Therefore, it is anticipated that a completely new potable water delivery, treatment and distribution system will be required.

The existing system draws untreated water from the Saint Mary River approximately 2 miles east of the property. The existing pipe might not be large enough to draw the additional water volume required to service up to 16 additional houses. If the existing pipe is not large enough, a new/larger pipe will be designed and built. The supply pipe from the Saint Mary River will be routed to the existing water treatment system/building if that system is adequate, or to a new treatment system/building. The treated water will then be routed to the existing water distribution piping for both the housing development area and the LPOE.

CBP is planning to add a water tower and associated buildings to the LPOE. The water tower will be located in the far northwest corner of the LPOE property, and will be approximately 140 feet in height. A small building will also be constructed near the base of the tank to house pumps which will continuously recirculate water through the storage tank to help mitigate freezing and stagnant water issues. The two most viable elevated tank styles for a 120,000 gallon tank are the Multi-Column and the Single Pedestal Spheroidal. Both styles are of welded steel construction.

### Electricity:

The new houses will require new underground electrical distribution cabling within and in select areas outside of the housing development area. The new houses might also require additional above-ground transformers. Most of this new electrical distribution infrastructure will be required within the existing housing development area.

### Natural gas:

The new houses will require new underground natural gas distribution piping within and in select areas outside of the housing development area. Most of this new natural gas infrastructure will be required within the existing housing development area.

### Telephone:

The new houses will require new underground telephone cabling mostly within the housing development area.

### **Alternative 2 – No Action**

Alternative 2, the No Action Alternative, is included as required by CEQ regulations to identify baseline conditions against which potential impacts of implementation alternatives are evaluated. The No Action Alternative represents the benchmark condition of the environment if the proposed action is not implemented. Under the No Action Alternative, the existing housing situation would be continued. CBP/GSA would not construct new employee housing at the Piegan LPOE. The Old Port Building would continue to be used for housing.

**Affected Environment and Consequences.** The EA describes the existing environmental conditions potentially affected by the proposed action, as well as the potential environmental impacts of implementing the proposed action. In compliance with NEPA, CEQ guidelines, and Department of Homeland Security (DHS) Management Directive (MD) 023-01 Environmental Planning Program, the description of the affected environment focuses on those resources and conditions subject to impacts. Environmental condition information is provided to serve as a baseline against which to identify and evaluate environmental and socioeconomic changes likely to result from implementation of the proposed action.

**Mitigation.** No significant adverse impacts resulting from implementation of the proposed actions have been identified through the analysis in this EA. Mitigation measures may be required to reduce impacts to cultural resources should such resources be identified during construction and avoidance is not possible. Any mitigation measures will be implemented prior to construction and in consultation with the Blackfeet Nation Tribal Historic Preservation Office; the Montana State Historic Preservation Office; and interested Native American tribes and nations.

**Best Management Practices (BMPs).** In association with the proposed action, CBP identified a number of BMPs that would be implemented with the proposed construction activities. These measures are designed to avoid, remedy, or reduce adverse impacts. These measures are not required as mitigation to reduce impacts to below significance thresholds. CBP would work with government agencies to comply with the respective regulations and avoid adverse impacts wherever possible. Wherever reasonable and possible to do so, unavoidable adverse impacts would be lessened through cooperative efforts with the appropriate agencies.

**Cumulative Impacts.** Government officials identified no reasonably foreseeable future actions in the community or region that could contribute to cumulative impacts. Accordingly, there is no potential for cumulative impacts in any of the resource categories discussed in Section 3 resulting from implementation of the proposed action.

**Conclusions.** On the basis of the findings of the EA, conducted in accordance with the requirements of NEPA, the CEQ regulations, and DHS Management Directives, and after careful review of the potential anticipated impacts, implementation of Alternative 1 conducted in a manner consistent with applicable regulatory requirements, would not result in a significant impact on the quality of the environment. Therefore, issuance of a Finding of No Significant Impact (FONSI) is warranted, and preparation of an Environmental Impact Statement is not required.

## 1.0 INTRODUCTION

U.S. Customs and Border Protection (CBP) and the General Services Administration (GSA) are proposing to construct and operate up to 16 new residential units and required infrastructure at the Piegan, Montana Land Port of Entry (LPOE). The project is needed because there is currently insufficient housing available to accommodate CBP employees who work at the Piegan LPOE. The federally-owned land adjacent to the LPOE where employee housing is currently provided has a high water table and insufficient infrastructure to accommodate additional housing. Other housing options for employees in the vicinity of the LPOE and the nearby City of Babb are limited due to a scarcity of available rental properties. This new housing would be constructed on four lots of land currently available within the current CBP housing area.

This EA analyzes potential effects to the natural and human environment of the proposed action (i.e., building and operating additional housing and new infrastructure for the LPOE). This EA has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), regulations implemented by the President's Council on Environmental Quality (CEQ), and DHS Management Directive (MD) 023-01 Environmental Planning Program to present analysis and discussion of the potential impacts of the proposed action.

The environmental conditions analyzed are:

- Land Use
- Geology and Soil
- Hydrology and Groundwater
- Surface Waters and Waters of the United States
- Floodplains
- Vegetative Habitat
- Wildlife and Aquatic Resources
- Threatened and Endangered Species
- Cultural, Historical, and Archeological Resources
- Air Quality
- Climate
- Noise
- Utilities and Infrastructure
- Roadways and Traffic
- Aesthetic and Visual Resources
- Hazardous Materials
- Socioeconomic Resources
- Environmental Justice and Protection of Children
- Sustainability and Greening
- Human Health and Safety

The existing LPOE and the 27 existing housing units are located on 63 acres on a government-owned site in a remote rural area in northern Montana. The current Port buildings were completed in 2000 and are in excellent condition. The Old Port Building was originally constructed in 1933, converted to housing in 2000, is listed on the National Register of Historic Places (NRHP), and is in need of considerable maintenance and repair. The Phase I houses were built in 2003 and are in fairly good condition. The Phase II houses were built in 2004 and are in fair condition.

## 1.1 BACKGROUND

CBP is responsible for securing the borders of the United States while facilitating the efficient movement of legitimate travel and trade. CBP protects the American public against terrorists and instruments of terror while fostering our economic security by regulating and facilitating the lawful movement of goods and people across United States (U.S.) borders. CBP's mission is accomplished at the official LPOEs along the northern and southern U.S. border and between the LPOEs.

DHS was created on November 25, 2002, with the passage of the Homeland Security Act of 2002 (Public Law [Pub. L.] 107-296) and CBP joined DHS on March 1, 2003. CBP officers in the Office of Field Operations (OFO) staff the Nation's LPOEs. Prior to the creation of DHS, responsibilities of the OFO and its CBP officers were performed by the Immigration and Naturalization Service (INS), U.S. Department of Agriculture (USDA) Animal and Plant Inspection Service, or the U.S. Customs Service (CBP 2009a, 2009b). Current OFO operations include passenger operations, cargo operations, trade compliance and facilitation, agriculture operations, targeting and analysis, and seizures and penalties. In addition to CBP officers, the OFO partners with many public, private, and foreign sector organizations (e.g., Transportation Security Administration, U.S. Coast Guard, Department of Agriculture, World Customs Organization) to efficiently and effectively promote travel and trade into the United States while keeping the country safe. The OFO is also responsible for administering a number of programs such as the Western Hemisphere Travel Initiative, the Immigration Advisory Program, Free and Secure Trade, and the Container Security Initiative (CBP 2008).

The mission of CBP is to prevent entry of terrorists and terrorist weapons into the United States and to enforce the laws that protect the U.S. homeland by the detection, interdiction, and apprehension of those who attempt to illegally enter or smuggle any person or contraband across the sovereign borders of the United States. CBP officers serve as a law enforcement entity of CBP at the LPOEs.

The five elements of the CBP mission statement are:

- We are the Guardians of our Nation's borders. We are America's frontline.
- We safeguard the American homeland at and beyond our borders.
- We protect the American public against terrorists and the instruments of terror.
- We steadfastly enforce the laws of the United States while fostering our Nation's economic security through lawful international trade and travel.
- We serve the American public with vigilance, integrity, and professionalism.

As the guardian of U.S. borders, CBP is specifically responsible for protecting 5,000 miles of border with Canada, 1,900 miles of border with Mexico, and the 95,000 miles of

maritime border in partnership with the United States Coast Guard. CBP responsibilities include regulation and control of immigration into the United States.

The priority mission of the OFO at the LPOEs is to prevent terrorists and terrorist weapons from entering the United States. The strategic goal is to establish and maintain operational control of U.S. LPOEs and preclearance stations.

The OFO's mission strategy consists of five main goals (CBP 2006):

- **Advance Knowledge** – Increasing and improving the information and analysis CBP has about people, cargo, and conveyances, before they arrive at the LPOE.
- **Effective Inspections** – Screening all people, cargo, and conveyances and examining them according to their assessed risk level.
- **Focused Security** – Building enhanced situational awareness and flexible response capabilities into all aspects of LPOE operations.
- **Secure Environment** – Developing partnerships, facilities, and processes that strengthen physical security at the LPOEs.
- **Successful Implementation** – Building the best partnerships, work force, and technology to help achieve CBP's mission.

This EA evaluates the construction and operation of additional housing and support infrastructure at the Piegan LPOE. The Piegan LPOE performs a wide variety of enforcement activities, including, but not limited to, transportation checks, agricultural inspections, and anti-smuggling duties. CBP officers perform these enforcement activities at the LPOE. The Piegan LPOE is located within the CBP Seattle Field Office. CBP Field Offices provide centralized management oversight and operations assistance at the ports of entry and the pre-clearance stations. The field offices, established geographically, provide guidance to their regional ports and ensure the dissemination and implementation of core CBP guidelines (CBP 2009d).

## 1.2 PROPOSED ACTION

The available residential units are not sufficient to house the CBP employees who work at the LPOE. To remedy this need, CBP and the GSA are proposing to construct and operate up to sixteen (16) new houses at the existing government-owned Piegan LPOE and install upgraded infrastructure to support this new construction. This new housing would be constructed on four lots of land currently available within the current CBP housing area.

The staffing projections for the next several years indicate an increase in personnel. Currently most employees utilize the existing housing and a few employees commute on a daily basis, living in the existing area housing market. This project is not intended

to satisfy the long-term needs of the projected personnel staffing level; it is intended to provide housing in sufficient quantity to meet immediate/near-term needs through the addition of up to sixteen (16) units.

### **1.3 PURPOSE AND NEED**

The purpose of the project is to address the current housing needs for mission-critical CBP personnel on the U.S.-Canada border at Piegan, Montana. The goal is to provide safe, comfortable, and affordable housing for CBP personnel and their families within a reasonable distance of CBP employee assignments at the Piegan LPOE at Piegan, Montana.

The project is needed because there is currently insufficient housing available to accommodate CBP employees that work at the Piegan LPOE. The LPOE at Piegan is located ten miles north of the City of Babb, Montana (Figure 1). Babb is a small unincorporated community in Glacier County, Montana, United States, on the Blackfeet Indian Reservation. The LPOE is an in-holding located on the Reservation and is owned solely by the United States. The LPOE site is built on 63 acres located at the U.S.-Canada border on the west side of U.S. Highway 89. This site contains all of the buildings and operations of CBP in the immediate area, as well as twenty-seven units of government housing on this site including sixteen single family houses, one manufactured home, four units in the converted historic Old Port Building and six urgent needs duplex units. The GSA currently owns and operates these facilities and the existing infrastructure. The majority of the housing was built in 2000-2005 with the exception of the Old Port Building which was built in 1933.

The federally-owned land adjacent to the LPOE where employee housing is currently provided has a high water table and insufficient infrastructure to accommodate the required additional housing. Other housing options for employees in the vicinity of the LPOE and the nearby City of Babb are limited due to a scarcity of available rental properties.

In addition, the proposed action is also intended to meet the U.S. Customs and Border Protection Housing Design Standard, January 2009.



## 1.4 PUBLIC INVOLVEMENT

CBP and GSA invite public participation in the NEPA process. Consideration of the views and information of all interested persons promotes open communication and enables better decision making. All agencies, organizations, Native American groups, and members of the public having a potential interest in the proposed action are urged to participate in the decision making process.

DHS MD 023-01 Environmental Planning Program guides public participation opportunities with respect to this EA and decision making on the proposed action. Public participation and review include:

**Review of EA.** Per requirements specified in 40 CFR 1500-1508 and DHS MD 023-01, after completion of the draft EA, a Notice of Availability (NOA) was published indicating that the draft EA and draft Finding of No Significant Impact (FONSI) were available for public review. An NOA was published in local newspapers (Cut Bank Pioneer Press and Glacier Reporter) on March 14, 2012 to inform the public that the draft EA and draft FONSI were available for review. A notice was also published in the State of Montana Public Notice website informing interested parties that the draft EA and FONSI were available for review. The NOA identified a point of contact to obtain more information regarding the NEPA process, identified means of obtaining a copy of the draft EA and draft FONSI for review, listed several public libraries (Glacier County Library, 21 1st Avenue SE, Cut Bank, Montana; Browning Public Library, 9 2nd Street NW, Browning, Montana; East Glacier Public Library, Highway #2, East Glacier Park Montana) where paper copies of the EA and draft FONSI could be reviewed, and advised the public that an electronic version of the EA and draft FONSI were available for download at the following website: <http://www.PieganHousingEA.com>.

A 30-day review period (starting with publication of the NOA) was established to provide all agencies, organizations, and individuals with the opportunity to comment on the draft EA and draft FONSI. At the end of the 30-day public review period, CBP considered any comments submitted by individuals, agencies, groups, or organizations on the draft EA and/or draft FONSI. CBP published a second NOA to announce the availability of the Final EA and FONSI that includes CBP's response to comments received during the public review period. The second NOA also publicizes CBP's approval of the Final FONSI, and that the preparation of an Environmental Impact Statement is not required. Throughout this process, the public was able to obtain information on the status and progress of the proposed action and the EA through:

Piegan Housing EA  
Post Office Box 1962  
Rowlett, Texas 75030-1139  
E-mail: [info@PieganHousingEA.com](mailto:info@PieganHousingEA.com)

**Public Review Comments.** At the end of the public review period, four letters had been received regarding the draft EA and Draft FONSI from four different groups, agencies or

organizations. Two additional letters were received after the original public review period. These letters are included in Appendix A-4, Tab 6 – Public Review Comments and Public Notices. These letters and how they were addressed are as follows:

- a. Bureau of Indian Affairs (BFA) letter dated March 16, 2012 – a general acknowledgement of receipt of the Draft EA and Draft FONSI. They had yet to determine if they had any concerns. No other letter has been received from the BFA and it assumed that they have no concerns. No further response by CBP was determined to be required.
- b. Montana Department of Transportation (MDT) letter dated April 5, 2012 – MDT determined that the proposed work is adjacent to U.S. 89, which is under the jurisdiction of the MDT. They requested that if any new approaches are needed for construction, to please contact the MDT Havre Area Office. MDT had no other comments. No further response by CBP was determined to be required at this time.
- c. Montana Department of Environmental Quality (DEQ) letter dated April 18, 2012 - DEQ has determined that further remedial action, which includes installation of monitoring wells, groundwater and soil sampling as well as verification of the Old Port Building's building structure, is required before the site may receive a "No Further Corrective Action" letter. GSA is currently conducting this investigation and results are pending.
- d. Tribal Historic Preservation Officer – Blackfeet Tribe of the Blackfeet Indian Reservation of Montana letter dated April 30, 2012 – Mr. John Murray, Tribal Historic Preservation Officer for the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, signed off on concurrence with the effect determinations for undertakings at the Piegan LPOE, Glacier County. No further response by CBP was determined to be required.
- e. Tribal Historic Preservation Officer – Blackfeet Tribe of the Blackfeet Indian Reservation of Montana e-mail dated Feb 1, 2013 – Mr. John Murray, Tribal Historic Preservation Officer for the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, deferred to Ms. Jo'Etta Buckhouse's effect determinations for the construction of the proposed water tower.
- f. Bureau of Indian Affairs – Ms. Jo'Etta Plumage Buckhouse, Regional Archaeologist for the Bureau of Indian Affairs - letter dated February 7, 2013, concurred with the effect determinations for the construction of the proposed water tower. No further response by CBP was determined to be required.

## **1.5 FRAMEWORK FOR ANALYSIS**

This EA addresses site-specific environmental effects associated with the proposed construction of additional housing at the Piegan LPOE located in Piegan, Montana.

This EA was prepared pursuant to Section 102 of NEPA, as implemented by the regulations promulgated by the CEQ (40 Code of Federal Regulations [CFR] Parts 1500-1508). This EA provides sufficient evidence and analysis for determining whether to prepare an EIS or a FONSI (40 CFR 1508.9). Additionally, this EA complies with DHS MD 023-01 Environmental Planning Program.

A decision whether to proceed with the proposed action rests on numerous factors such as CBP staffing requirements, schedule, availability of funding, and environmental considerations. In addressing environmental considerations, CBP is guided by relevant statutes (and their implementing regulations) and Executive Orders (EO) that establish standards and provide guidance on environmental and natural resources management and planning. These statutes and EOs include, but are not limited to:

### **Federal Statutes**

- Archaeological Resources Protection Act of 1979 (16 United States Code [USC] 470)
- Clean Air Act (CAA) (42 USC 7401, et seq., as amended)
- Clean Water Act of 1977 (CWA) and the Water Quality Act of 1987 (33 USC 1251 9, et seq., as amended)
- Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (as amended by the Superfund Amendments and Reauthorization Act of 1986)
- Endangered Species Act of 1973 (ESA) (16 USC 1531-1543)
- Farmland Protection Policy Act of 1981 (FPPA) (7 USC 4201, et. seq., as amended)
- Fish and Wildlife Coordination Act (16 USC 661, et seq.)
- Migratory Bird Treaty Act (16 USC 701, et seq.)
- National Historic Preservation Act of 1966 (NHPA) (16 USC 470, et seq., as amended)
- Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) (25 USC 3001 et seq., as amended)
- NEPA (42 USC 4321-4370)
- Noise Control Act of 1972 (NCA) (42 USC 4901 - 4918)
- Resource Conservation and Recovery Act of 1976 (RCRA) (42 USC 6901)
- Toxic Substances Control Act (TSCA) (15 USC 2601, et seq., as amended) Regulations
- CEQ Regulations for Implementing NEPA (Title 40 CFR, Parts 1500-1508 (40 CFR 1500-22 1508)
- Protection of Historic Properties (36 CFR Part 800)

### **DHS Management Directive**

- DHS MD 023-01 Environmental Planning Program

## **Executive Orders**

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

Applicable authorities are addressed in various sections throughout this EA when relevant to particular environmental resources and conditions. Informational resources regarding the laws, regulations, and EOs are available on the NEPA net Web site at: <http://www.nepa.gov/nepa/nepanet.htm>.

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## 2.0 PROPOSED ACTION AND ALTERNATIVES

**PROPOSED ACTION:** The proposed federal action is to address the need for additional housing at the Piegan LPOE at or near the current location (see Figure 1). The additional LPOE housing would provide safe, comfortable, and affordable housing for CBP personnel and their families within a reasonable distance of CBP employee assignments at the Piegan LPOE at Piegan, Montana.

To meet operational requirements, the additional LPOE housing would be located at or adjacent to the existing Piegan LPOE (between the City of Babb, Montana and the international border with Canada). The location of the additional LPOE housing would be compliant with the CBP Housing Design Standard (CBP 2009b).

The project will include construction and operation of up to sixteen (16) new houses at the existing government-owned Piegan LPOE and installation of upgraded infrastructure to support this new construction. This new housing would be constructed on four lots of land available within the current CBP housing area.

**ALTERNATIVES DEVELOPMENT:** A basic principle of NEPA is that the federal government must consider reasonable alternatives to a proposed action. Considering alternatives helps avoid unnecessary impacts and allows analysis of reasonable ways to achieve the stated purpose. To warrant detailed evaluation, an alternative must be reasonable. As determined by CEQ, “reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant” (CEQ 1981).

Alternatives originally considered included: 1) Preferred Action – Acquisition of Kennedy Creek Site for New Housing Development; 2) Expansion of the Existing Piegan LPOE Housing Installation; and 3) No Action.

- Alternative 1 (Preferred Action) – Acquisition of Kennedy Creek Site for New LPOE Housing Development - Alternative 1 consists of CBP/GSA acquiring land at Kennedy Creek and constructing eleven (11) new housing units, with infrastructure developed to accommodate up to sixteen (16) houses). In addition, CBP would construct four (4) new homes on “infill” sites at the existing Piegan LPOE housing development site to replace four (4) apartment units in the original Port Building.
- Alternative 2 – Expansion of the Existing Piegan LPOE Housing Installation - Alternative 2 consists of CBP/GSA constructing eleven (11) new housing units, with infrastructure developed to accommodate up to sixteen (16) houses, at the existing government-owned Piegan LPOE. CBP would immediately construct four (4) new homes on “infill” sites at the existing Piegan LPOE housing development site to replace four (4) apartment units in the original Port Building.

- Alternative 3 – No Action - Alternative 3, the No Action Alternative, is included as required by CEQ regulations to identify baseline conditions against which potential impacts of implementation alternatives are evaluated. The No Action Alternative represents the benchmark condition of the environment if the proposed action is not implemented. Under the No Action Alternative, the existing housing situation would be continued. CBP would not acquire land and construct new employee housing nor would it construct four (4) units of infill housing at the Piegan LPOE. There would be no new infrastructure. The old Port Building would remain for housing.

However, investigation into the acquisition of the Kennedy Creek site proved it to be an unviable alternative due to inadequate site conditions for the construction of new housing. Due to this discovery, only two alternatives will be discussed in the EA, which are as follows:

- 2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE
- 2.2 Alternative 2 – No Action

## **2.1 ALTERNATIVE 1 (PREFERRED ACTION) – CONSTRUCTION AND OPERATION OF NEW HOUSING AND INFRASTRUCTURE AT THE EXISTING PIEGAN LPOE**

Alternative 1 consists of CBP and GSA constructing and operating up to sixteen (16) new houses at the existing government-owned Piegan LPOE and installing upgraded infrastructure to support this new construction. This new housing would be constructed on four lots of land currently available within the current CBP housing area (Figures 1 and 2). The Old Port Building (see Photograph 1) would remain in use and operation.

The project will be phased and result in up to a total of sixteen (16) housing units as funding becomes available and will include supporting facilities and infrastructure. No new property would be acquired.

Building additional houses at Piegan LPOE will require expanding the capacity of the underground infrastructure at this facility. These single family houses use the following five types of underground infrastructure – sanitary sewer, potable water, electricity, natural gas and telephone. Description of the additional infrastructure that will be built for each of these utility types is discussed in Section 3.14 – Utilities and Infrastructure.

**Photograph 1: Northwest view of Old Port Building at existing Piegan LPOE housing site.**



Figure 2: Approximate Location for New LPOE Housing at Existing LPOE Housing Location - (Aerial Map)



**Figure 3: Approximate Location for New LPOE Housing at Existing LPOE Housing Location - (Topographical Map)**



## **2.2 ALTERNATIVE 2 – NO ACTION**

The No Action Alternative is included as required by CEQ regulations to identify baseline conditions against which potential impacts of implementation alternatives are evaluated. The No Action Alternative represents the benchmark condition of the environment if the proposed action is not implemented. Under the No Action Alternative, the existing housing situation would be continued. No new housing would be constructed.

If the No Action alternative is chosen, the housing needs of CBP will not be met. The No Action alternative would not upgrade or augment the existing infrastructure and this will negatively impact the CBP employees and the operations of the LPOE.

## 3.0 AFFECTED ENVIRONMENT AND CONSEQUENCES

### 3.1 INTRODUCTION

This section describes the existing environmental and socioeconomic conditions potentially affected by the proposed action, as well as the potential environmental and socioeconomic impacts of implementing the proposed action.

This section also provides information to serve as a baseline against which to identify and evaluate environmental and socioeconomic changes likely to result from implementation of the proposed action. Baseline conditions represent conditions on July 27, 2011, the date the site visit for this EA was completed.

In compliance with NEPA, CEQ guidelines, and DHS MD 023-01 Environmental Planning Program, the description of the affected environment focuses on those resources and conditions subject to impacts. These include land use, geology and soil, hydrology and groundwater, surface waters and waters of the United States, floodplains, vegetative habitat, wildlife and aquatic resources, threatened and endangered species, cultural, historical, and archeological resources, air quality, climate, noise, utilities and infrastructure, roadways and traffic, aesthetic and visual resources, hazardous materials, socioeconomic resources, environmental justice and protection of children, sustainability and greening, and human health and safety.

Following the description of the affected environment, this section presents analysis of the direct, indirect, and cumulative environmental and socioeconomic effects that would likely occur with the proposed action or no action alternative and identifies any adverse environmental effects that cannot be avoided through project design.

#### 3.1.1 Direct versus Indirect Effects

The terms “effect” and “impact” are synonymous as used in this EA. Effects may be beneficial or adverse and may apply to the full range of natural, aesthetic, historic, cultural, and economic resources within the project area and also within the surrounding area. Definitions and examples of direct and indirect impacts as used in this document follow:

**Direct Impact.** A direct impact is one that would be caused directly by implementing an alternative and that would occur at the same time and place.

**Indirect Impact.** An indirect impact is one that would occur later in time or farther removed in distance, but would still be a reasonably foreseeable outcome of implementing an alternative. Indirect impacts may include induced changes in the pattern of land use, population density, or growth rate, and indirect effects to air, water, and other natural resources and social systems.

**Relationship between Direct versus Indirect Impacts.** For direct impacts to occur, a resource must be present. For example, if highly erodible soil was disturbed as a direct result of the use of heavy equipment during construction of a home, there could be a direct effect to the soil resulting from erosion. This could indirectly affect water quality if storm water runoff containing sediment from the construction site were to enter a stream.

### 3.1.2 Short-Term versus Long-Term Effects

Effects are also expressed in terms of duration. The duration of short-term impacts typically is considered to be one year or less. However, specific site conditions may alter the duration of what is considered short-term. For example, the construction of a building on a generally level piece of ground would expose soil in the immediate area of construction. This effect would be considered short-term because it is expected that vegetation to stabilize the soil would re-establish on the disturbed area within a year of the disturbance. Long-term impacts last beyond one year. Long-term impacts can potentially continue indefinitely, in which case they would also be described as permanent.

### 3.1.3 Impact Characterization

Impacts are characterized by their relative magnitude. Adverse or beneficial impacts that are significant are the highest level of impacts. Conversely, negligible adverse or beneficial impacts are the lowest level of impacts. In this document, five descriptors are used to characterize the level of impacts. In order of degree of impact, the descriptors are as follows:

- No Impact
- Negligible Impact
- Minor Impact
- Moderate Impact
- Significant Impact

The following graphically represents this hierarchy of impacts.



### 3.1.4 Significance

The term “significant,” as defined in Section 1508.27 of the Regulations for Implementing NEPA (40 CFR 1500), requires consideration of both the context and intensity of the impact evaluated. Significance can vary in relation to the context of the

proposed action. Thus, the significance of an action must be evaluated in several contexts that vary with the setting of the proposed action. For example, context may include consideration of effects on a national, regional, and/or local basis depending on the action proposed. Both short-term and long-term effects may be relevant.

In accordance with the CEQ implementing guidance, impacts are also evaluated in terms of their intensity or severity. Factors contributing to the evaluation of the intensity of an impact include, but are not limited to, the following:

- Because an impact may be both beneficial and adverse, a significant impact may exist even if, on balance, the impact is considered beneficial.
- The degree to which the action affects public health or safety.
- Unique characteristics of the geographic area where the action is proposed such as proximity to parklands, historic or cultural resources, wetlands, prime farmlands, wild and scenic rivers or ecologically critical areas, and rare flora and fauna species.
- The degree to which the effects on the quality of the natural and human environment are likely to be controversial.
- The degree to which the effects of the action on the quality of the natural and human environment are likely to be highly uncertain or involve unique or unknown risks.
- The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
- Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
- The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.
- The degree to which the action may adversely affect any endangered or threatened species or its habitat determined to be critical under the ESA of 1973.
- Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment (e.g., CWA and ESA).

### **3.1.5 Mitigation and Best Management Practices**

#### **Mitigation**

Mitigation may be required if significant impacts are identified. Mitigation measures can be used to reduce impacts to below significance thresholds.

Where potentially significant adverse impacts are identified, measures could be implemented to mitigate the magnitude of impacts as defined in 40 CFR 1508.20 (a–e) and include:

- Rectifying an impact by repairing, rehabilitating, or restoring the affected environment.
- Reducing or eliminating an impact over time by preservation and maintenance operations during the life of the action.
- Compensating for an impact by replacing or providing substitute resources or environments.
- Where no significant adverse impacts are identified, mitigation measures are not proposed.

### **Best Management Practices**

In association with the proposed action, CBP identified a number of Best Management Practices (BMPs) that would be implemented with the proposed construction activities. These measures are designed to avoid, remedy, or reduce adverse impacts. These measures are not required as mitigation to reduce impacts to below significance thresholds. A Mitigation and BMP Summary is provided in Section 5.0 of this EA.

## **3.2 LAND USE**

### **3.2.1 Affected Environment**

The Piegan LPOE is located in northwestern Montana on the U.S.-Canada border. The LPOE is positioned west of U.S. Highway 89. Situated on the northern portion of the site is the main port building, inspection building, and associated garages. The southern portion of the site contains houses that are occupied by CBP personnel. Existing drain fields are located between the main port building and existing houses.

The existing housing at the Piegan LPOE currently consists of sixteen single-family residences, three duplex residences, one mobile home unit, and the Old Port Building which contains four apartments. The existing houses have attached garages and contain basements. The majority of the LPOE site not occupied by buildings consists of mowed grass area and asphalt parking and roadway.

Land use surrounding the LPOE is predominantly agricultural. Old field and crops occur on all sides of the LPOE (Figure 2). Natural vegetation in the area is limited to prairie grasses. The LPOE is on an in-holding located within the Blackfeet Nation Reservation and is owned solely by the U.S. government (Figure 4).

The only occupied buildings adjacent to the LPOE are the Canadian port facilities approximately 280 feet north of the LPOE. Along the north side of the LPOE property is the U.S.-Canada border. There is a 60-foot easement on the U.S. side of the border that is classified as a clear zone. Building construction in this area is restricted.

Privately-owned agricultural land borders the south and west sides of the existing LPOE.

Figure 4: Approximate Location of Piegan LPOE, bordered by the Blackfeet Reservation



U.S. Highway 89 borders the property to the east, and the highway is located within a 120-foot right-of-way owned by the Montana Department of Transportation. East of the right-of-way is privately owned agricultural land.

According to the Glacier County Assessor, zoning is not established surrounding the existing Piegan LPOE.

### **3.2.2 Consequences**

Significance of potential land use impacts is based on the degree of land use sensitivity in areas affected by the proposed action. Land use impacts could be considered significant if they:

- Are in violation of or inconsistent with current and applicable land use plans, policies, or regulations.
- Preclude continued use or occupation of the surrounding area.
- Are functionally incompatible with surrounding land use.

#### **3.2.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE**

**Direct Impacts.** There would be no impacts to land use from Alternative 1 because no new property would be acquired and no changes to current land use would be anticipated (see Photographs 2 – 4: Proposed locations of New Housing).

**Indirect Impacts.** There would be no impacts to land use from Alternative 1 because no new property would be acquired and no changes to current land use would be anticipated.

**Photograph 2: Proposed location of New Housing facing southwest.**



**Photograph 3: Proposed location of New Housing facing south.**



**Photograph 4: Proposed location of New Housing facing north.**



### **3.2.2.2 Alternative 2 – No Action**

No direct or indirect impacts to land use would be expected under the No Action Alternative. Because no new property would be acquired and no changes to current land use or zoning are anticipated, no impacts differing from baseline conditions would occur. Ongoing impacts would be similar to those resulting from current operations.

## **3.3 GEOLOGY AND SOIL**

### **3.3.1 Affected Environment**

The existing LPOE housing site is located within the outcropping of the Montana Group, which is made up of the Bear Paw Shale; the Judith River sandstone, siltstone and shale; the Claggett Shale; the Eagle Sandstone; and the Telegraph Creek Sandy Shale (GEO 2011).

According to the United States Geologic Survey (USGS), the combined Telegraph Creek Formation and Eagle Sandstone range from 200 to 500 feet thick (USGS 2000). The Telegraph Creek Formation consists of dark-gray to black shale and mudstone, concretions of limestone and calcareous sandstone, and beds of light-gray to brown, very fine to fine-grained, thin-bedded silty sandstone. The Eagle Sandstone consists of

yellowish-brown to white, very fine-grained, carbonaceous sandstone; dark-gray to brownish-gray, silty mudstone; gray to yellowish-brown siltstone; and minor coal beds.

The Claggett Shale overlies the combined Telegraph Creek Formation and Eagle Sandstone and ranges from less than 200 to over 500 feet thick. The Claggett Shale consists of dark-gray to black shale and siltstone that weathers brown. Basal beds consist of sandy shale with chert pebbles. Bentonite beds are common near the base of this Formation and limestone concretions exist near the upper part.

The Judith River Formation overlies the Claggett Shale and its thickness ranges from less than 100 to over 600 feet. The Judith River Formation consists of a heterogeneous mixture of sandstone, siltstone, mudstone, shale and coal. Sandstone beds are light to dark brown, yellow, and light gray, coarse to very fine grained, and contain iron concretions. Siltstone, mudstone, and shale beds are light green to dark gray, in part carbonaceous and gypsiferous. Coal or lignite beds are present at outcrops in the Sweet Grass Hills and as far east as the Little Rocky Mountains.

The Bear Paw Shale overlies the Judith River Formation and ranges from less than 200 to over 1,100 feet in thickness. The Bear Paw Shale consists of dark-gray to black, weathering to light-gray and brownish-gray, fissile shale; thin beds of yellowish-brown to brownish-gray, fine- to medium-grained sandstone; and numerous bentonite beds, limestone concretions, and iron concretions.

The Natural Resource Conservation Service (NRCS) Web Soil Survey was used to evaluate the types of soil on the site (USDA 2011). Two soil types are mapped on the site: Gapo clay loam (0 to 2 percent slopes) and Leavitt complex, undulating (2 to 8 percent slopes). Gapo clay loam is described as having slow runoff and a slight hazard of water erosion, while Leavitt complex, undulating is described as have medium runoff with moderate hazard of water erosion. Both Gapo clay loam and Leavitt complex, undulating are classified as suited to Range.

### **3.3.2 Consequences**

Significance of potential geology and soil impacts is based on the degree of geology and soil sensitivity in areas affected by the proposed action. Geology and soil impacts could be considered significant if they:

- Have secondary effects such as building damage.
- Occur through the life of the facility (greater than 30 years).
- Impact areas of prime and unique farmland having a farmland conversion impact rating greater than 160 points.

### **3.3.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE**

**Direct Impacts.** Negligible short-term and long-term adverse direct impacts to soils are expected. Short term impacts could occur as a result of soil disturbance associated with construction of new homes. Long-term impacts would be associated with soil compaction from construction activities. These impacts would be negligible due to the small area of soil compaction and disturbance in relation to the rural and sparsely developed surrounding area. To reduce impacts of soil disturbance and compaction a Sediment and Erosion Control Plan (SECP) would be implemented, and the appropriate BMPs concerning sediment control would be applied. There would be no direct impacts to geology.

**Indirect Impacts.** There could be negligible, long-term adverse indirect impacts to soils under Alternative 1. Construction of new homes would increase the amount of impervious surface in the area. Soil erosion that could occur as a result of increased run-off associated with the additional impervious surface would be a long-term negligible adverse impact given the potential construction of buildings of no more than approximately 1400 square feet. To reduce impacts of soil disturbance an SECP would be implemented, and the appropriate BMPs concerning sediment control would be applied. There would be no indirect impacts to geology.

### **3.3.2.2 Alternative 2 – No Action**

No direct or indirect impacts to geology and soils would be expected. Because no change would occur in the buildings and facilities currently being used or in the type, frequency, or intensity of operations, no direct impacts differing from baseline conditions would occur. Ongoing impacts would be similar to those resulting from current operations.

## **3.4 HYDROLOGY AND GROUNDWATER**

### **3.4.1 Affected Environment**

Groundwater in the area is generally obtained from unconsolidated Quaternary-age sediments that resulted from the site's proximity to the mountains and the Saint Mary River. The sediments that compose 'unconsolidated-deposit aquifers' were deposited as outwash from continental and mountain glaciers and as alluvium from streams. Unconsolidated-deposit aquifers are the source of water for thousands of shallow wells. These aquifers consist primarily of sand and gravel but locally contain cobbles and boulders. Commonly, the aquifers contain clay and silt either mixed with the sand and gravel or as beds or lenses; where bedded, the clay and silt form confining units. A confining unit is a rock or sediment layer with permeability so low that water hardly moves through the unit. The unconsolidated-deposit aquifers are important sources of water for all use categories. Because of the wide range of depositional environments,

the aquifers have a wide range of permeability. Sand and gravel that make up alluvial deposits and glacial outwash generally are extremely permeable, whereas fine-grained lake deposits and poorly-sorted till have minimal permeability and commonly form local confining units. In the Piegan LPOE area the underlying bedrock consists of undifferentiated Cretaceous mudstone and sandstone (National Geographic Map Data Catalog 2011).

Review of the groundwater information from the Center Bureau of Mines and Geology website (MCBMG 2011) did not identify a recorded groundwater well for the LPOE site. According to the CBP Housing Program Feasibility Study (CBP 2009c), dated 2009, water for the Piegan site and housing units is obtained from the Saint Mary River, located approximately 2-1/2 miles east of the site. The water is pumped into 50,000-gallon-capacity underground storage tanks and used for domestic service and fire protection purposes. Water service to the existing housing units is via an underground 2-inch domestic main loop, and fire service is provided via a 3-inch underground irrigation main loop. Water service connections are 1-inch service lines. The water system is owned, operated, and maintained by CBP and GSA.

The existing system draws untreated water from the Saint Mary River approximately 2 miles east of the property. The existing pipe might not be large enough to draw the additional water volume required to service up to 16 additional houses. If the existing pipe is not large enough, a new/larger pipe will be designed and built. The supply pipe from the Saint Mary River will be routed to the existing water treatment system/building if that system is adequate, or to a new treatment system/building. The treated water will then be routed to the existing water distribution piping for both the housing development area and the LPOE.

Currently, USGS data suggest that the current flow rate of the Saint Mary River is approximately 650,000 acre-feet per year. Anticipated demand with the new construction would be approximately 16,000 gallons per day (Source: Preliminary Engineering Report dated September, 2012), or 17.92 acre-feet per year, or an estimated 0.0028% of the total flow. The demand analysis provided by the civil engineer for the purpose of providing preliminary infrastructure design is not, by itself, a figure that is representative of the potential impact on the Saint Mary's River flows. Much of the water that is drawn from the river may be returned to the river system. Nevertheless the project will not have a significant impact on the Saint Mary River. GSA is hiring a hydrologist to prepare a comprehensive water supply plan that will include demand analysis, consumptive use calculation, water source alternatives (including groundwater) and system capacity review (such as storage facilities). The report will provide additional information in order for the project design to move forward. Proper permits in conformance with all state and federal requirements will be obtained if additional surface water or ground water rights are determined to be needed.

There are no streams on the Piegan LPOE site or within the project area. The topography is flat with a slight slope from west to east.

### 3.4.2 Consequences

The following thresholds were used in this document to determine if an impact to hydrology and groundwater would be significant:

- Contamination that poses health risks by exceeding drinking water standards.
- Are in violation of or result in unresolved inconsistency with federal, state, and local groundwater policies and regulations.

#### 3.4.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE

**Direct Impacts.** Direct impacts to hydrology are not expected as there are no water bodies on the site. Although a small isolated wetland pond has been identified approximately 590 feet west of the Piegan LPOE housing site, the pond is upgradient to the housing site and surface water runoff from the housing site would not impact the pond.

Shallow groundwater at the Piegan site is only 2 feet below grade in some locations, and while the residential development is not anticipated to affect groundwater, the groundwater could impact residential development. Due to frost and potentially expansive soils, foundation systems will have to be at an appropriate depth and properly designed.

**Indirect Impacts.** Indirect impacts to hydrology are not anticipated. The potential construction of new housing units would have no impacts on hydrology, as there are no water bodies adjacent to the proposed LPOE housing property. In addition, potential construction would not require extensive site grading and would therefore not impact site drainage to adjacent properties.

Negligible long-term adverse indirect impacts to groundwater are anticipated. Potential construction and operation activities would not change groundwater flow patterns or direction adjacent to the LPOE housing area. There would be negligible indirect adverse impacts to groundwater to the LPOE facility from petroleum, oil and lubricants (POL), due to construction machinery, in runoff leaching into groundwater off-site. The housing site's water storage tanks and associated pump and well are located adjacent to the north and cross-gradient to the old housing area, and adjacent east and down-gradient from the proposed new housing area. However, storage tank and associated piping construction secure these items from groundwater or contaminant intrusion. The existing potable water system will be studied so that the best overall solution for both the current and future systems can be ascertained. A new treatment system/building may be required to accommodate the additional housing usage. However, the existing supply and distribution pipes can be retrofitted with larger piping to accommodate the increased needs.

To reduce impacts to groundwater, spill prevention, control, and countermeasures would be implemented and the appropriate BMPs concerning storm water runoff would be applied. Additionally, State of Montana storm water discharge permits would be obtained as necessary, and adhered to during construction and operation.

#### **3.4.2.2 Alternative 2 – No Action**

No direct or indirect impacts to hydrology and groundwater would be expected under the No Action Alternative. No construction or ground-disturbing impacts would occur to the buildings currently being used or in the type, frequency, or intensity of operations, no direct impacts differing from baseline conditions would occur.

### **3.5 SURFACE WATERS AND WATERS OF THE UNITED STATES**

#### **3.5.1 Affected Environment**

**Jurisdictional Information.** Section 404 of the Clean Water Act extends authorization to the U.S. Army Corps of Engineers (USACE) and U.S. Environmental Protection Agency (USEPA) to regulate activities that affect waters of the United States, including wetlands. The USACE issues Section 404 permits for the discharge of dredged or fill material into wetlands and other waters of the United States.

In the State of Montana it is mandated that any activity that requires a federal license or permit and that may result in a discharge to State waters shall fulfill the requirements of Administrative Rules of the State of Montana (ARM) Title 17, chapter 30 by applying for State Water Quality Certification pursuant to Section 401 of the Federal CWA, 33 USC Section 1341, as amended.

**Surface Waters.** According to an aerial photograph of the existing Piegan LPOE area, there is a water storage pond which is not in use (Figure 5) and is located approximately 590 feet west of the existing and proposed housing development. The pond is recorded as an emergent wetland as identified in the National Wetlands Inventory (USFWS 2011b). The pond is well outside the proposed project site. The aerial photograph indicates an intermittent drainage located more than 900 feet to the south of the site. The drainage area is outside the proposed project site. Per review of aerial photographs, topographic maps and confirmation by site visitation, storm water from the site flows from the west to the east.

Figure 5: View of holding pond at Existing LPOE Housing Location - (Aerial Photograph)



### 3.5.2 Consequences

The following thresholds were used in this document to determine if an impact to surface waters and waters of the United States would be significant:

- USACE has authority for delineating jurisdictional wetlands and evaluating wetlands impacts not avoidable under Section 404 of the CWA. Impacts would be significant if they are in conflict with federal or state wetland protection programs.
- Impacts are immediately observable (e.g., fish kills) or contamination poses secondary health risks during the project life.
- Impacts would eliminate or sharply curtail existing aquatic life or human uses dependent on in-stream flows or water withdrawals during the project life.
- Impacts occur under typical operating conditions.

#### 3.5.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE

**Direct Impacts.** No direct impacts to wetlands or ponds are expected because there are no surface water features onsite, in which case the proposed action would not result in the filling or draining of any wetland or pond and would not directly alter the physical characteristics of any stream.

**Indirect Impacts.** No indirect impacts are expected during construction from soil disturbance and surface runoff because there are no surface water bodies on site or in the immediate vicinity of the project area. Based on distance and up-gradient position relative to the housing site, the identified wetland pond would not be affected by onsite construction activities. Based on distance and cross-gradient position relative to the site, the identified intermittent drainage would not be affected by onsite construction activities. However, to minimize any potential negligible short- and long-term adverse indirect impacts to surface water from storm water runoff and soil erosion, an SECP would be implemented, and appropriate BMPs concerning sediment control would be applied.

#### 3.5.2.2 Alternative 2 – No Action

No direct or indirect impacts to surface waters and waters of the United States would be expected under the No Action Alternative. Because no change would occur in the buildings and facilities currently being used or in the type, frequency, or intensity of operations, no impacts differing from baseline conditions would occur to surface waters. Ongoing impacts would be similar to those resulting from current operations.

## **3.6 FLOODPLAINS**

### **3.6.1 Affected Environment**

Floodplains are low, typically flat areas adjoining surface waters including, at a minimum for a 100-year floodplain, those that are subject to a 1 percent or greater chance of flooding in any given year. Floodplains are managed in accordance with EO 11988, Floodplain Management, which controls development in regulatory floodplains. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps for the area are not printed (FEMA 2011). Previous field visit verification and review of historical aerial photographs indicate that the existing Piegan LPOE housing site does not appear to be located in a floodplain or floodway.

However, the shallow groundwater table (less than 2 feet below grade in some locations) can cause flooding in areas of the Piegan housing development, particularly in basements.

According to the Glacier County Hazard Mitigation Plan (dated 2003-2005), rapid snowmelts are often the cause of floods in Glacier County, where flooding is one of the most common, and deadly, hazards in the state (GC DES 2003-2005). The Mitigation Plan indicates that Glacier County has not been mapped for floods, and there are no designated floodplains in the County.

### **3.6.2 Consequences**

No direct or indirect impacts to floodplains are expected under Alternative 1 or Alternative 2 because it does not appear that the existing LPOE housing site is located in the 100-year or 500-year floodplains.

## **3.7 VEGETATIVE HABITAT**

### **3.7.1 Affected Environment**

The intermountain grasslands are the transition zone between prairie grasslands and montane forests, sometimes referred to as foothill grasslands. These large, open valleys support plant communities dominated by grasses. A variety of shrubs is found here, but shrubs are not the dominant plant species. Large rivers surrounded by lush riparian plant communities flow through the larger valleys.

The project area is composed of mown grass and unmown grasslands. The unmown grassland areas are dominated by lupine (*Lupinus spp.*), Balsamroot (*Balsamorhiza sagittata spp.*), Blanket Flower (*Gaillardia arisata*) and other native grasses. The dominant vegetation on adjacent properties consists of unmown grassland areas to the west and south at the existing LPOE.

### 3.7.2 Consequences

A critical part of proper ecosystem function depends on the vegetative populations present. The following thresholds were used in this document to determine if an impact to vegetative habitats would be significant:

- Removal of native vegetative habitat from specific plant communities that are considered to be locally or regionally important, or are known to play a critical role in maintaining local or regional ecosystem function and overall biodiversity.
- The amount of vegetative habitat removed from any specific plant community that would be enough to substantially alter regional ecosystem function or overall biodiversity due to loss or displacement of species from the area.

#### 3.7.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE

**Direct Impacts.** Negligible, long-term, adverse, direct, impacts would occur to vegetative habitat at the existing LPOE. A portion of mown areas and unmown grasslands at the existing LPOE would be removed due to road and building construction. No locally or regionally important plant community associations or complexes would be affected by the proposed construction. The overall impact would be reduced if shrubs and native grasses were planted as well as additional mown areas created with the new LPOE housing.

**Indirect Impacts.** Negligible, short-term, adverse, indirect impacts may occur due to erosion and sedimentation from construction. This activity could cause changes to the surrounding native vegetation at the existing Piegan housing site. To reduce impacts to vegetation a SECP would be implemented, and appropriate BMPs concerning sediment control would be applied.

#### 3.7.2.2 Alternative 2 – No Action

No direct or indirect impacts to the vegetative habitat would occur because no change would occur in the buildings and facilities currently being used or in the type, frequency, or intensity of operations. No direct impacts to vegetative habitat differing from baseline conditions would occur. Ongoing impacts would be similar to those resulting from current operations.

## 3.8 WILDLIFE AND AQUATIC RESOURCES

### 3.8.1 Affected Environment

**Regulatory Information.** Under the Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Protection Act, and Migratory Bird Executive Order 13186, CBP has an obligation to protect and conserve the many species of migratory birds, including

songbirds, eagles, and other raptors. A list of all birds protected under the MBTA can be found at <http://migratorybirds.fws.gov>.

**Wildlife and Aquatic Resources Information.** The existing LPOE property consists of a mix of mown grass and unmown grasslands. These areas provide limited habitat for small rodents (e.g., ground squirrels), rattlesnakes, meso-predators, and birds of prey (e.g., ferruginous and Swainson's hawks, golden eagle). Black-tailed and white-tailed deer, bobcat, and cougar are likely in the area. There were no aquatic resources located on the existing LPOE housing property or within the project area.

### 3.8.2 Consequences

A critical part of proper ecosystem function depends on the wildlife populations present. The following thresholds were used in this document to determine if an impact to wildlife and aquatic resources would be significant:

- Removal of vegetative habitats or aquatic resources that are considered to be locally or regionally important and are critical in maintaining ecosystem function and overall biodiversity in the local area or region.
- Removal of enough individuals of a wildlife population, or enough of the population's habitat, that it would substantially alter ecosystem function in that region.
- Any violation of applicable state and federal wildlife laws.
- Rechannelization, filling, damming, polluting, draining, or any other action altering any aquatic resource present without abiding by all applicable state and federal regulations.

#### 3.8.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE

**Direct Impacts.** Negligible, short-term, adverse direct impacts would occur to wildlife and aquatic resources at the existing LPOE housing installation. Under this Alternative, construction of the new homes would occur on previously disturbed land. Minor adverse long-term impacts to some medium to large mammals due to fencing that may be constructed may restrict their movement onto the land for foraging or other activities. However, the amount of habitat that would be enclosed is considered minor in comparison to available habitats in the surrounding area.

Small mammals, reptiles, and avian species would likely be temporarily displaced during the removal of a small area of existing vegetation in the proposed project area. Noise disturbance during construction would have short-term negligible adverse impacts on migratory and resident wildlife species present at the site.

There are no existing aquatic resources to be affected. Noise disturbance during construction at the existing Piegan housing installation would have short-term negligible adverse impacts on migratory and resident wildlife species present at the site.

**Indirect Impacts.** Negligible, long-term, beneficial, indirect impacts may be realized if a site landscaping program is used in new additional LPOE housing design at the existing facility. The use of native tree and shrub species could benefit some small mammal and bird species by providing food and cover habitat elements.

### **3.8.2.2 Alternative 2 – No Action**

No direct or indirect impacts to wildlife and aquatic resources would be expected under the No Action Alternative because no change would occur in the buildings and facilities currently being used or in the type, frequency, or intensity of operations. No direct impacts to wildlife and aquatic resources differing from baseline conditions would occur. Ongoing impacts would be similar to those resulting from current operations.

## **3.9 THREATENED AND ENDANGERED SPECIES**

### **3.9.1 Affected Environment**

According to the USFWS there are no federally listed endangered species listed for Glacier County (USFWS 2011a). Three federally listed threatened species are listed for Glacier County – the Grizzly Bear (*Ursus arctos horribilis*), the Canada Lynx (*Lynx canadensis*) and the Bull Trout (*Salvelinus confluentus*).

Grizzly bears are generally larger and more heavily built than other bears. Grizzly bears can be distinguished from black bears, which also occur in the lower 48 states, by longer, curved claws, humped shoulders, and a face that appears to be concave. A wide range of coloration from light brown to nearly black is common. Spring shedding, new growth, nutrition, and coat conditions all affect coloration. Guard hairs are often pale in color at the tips; hence the name "grizzly." In the lower 48 states, the average weight of grizzly bears is generally 400 to 600 pounds for males and 250 to 350 pounds for females. Grizzly bears are long lived mammals and generally live to be around 25 years old. Today, grizzly bear distribution is primarily within but not limited to the areas identified as Recovery Zones including the Yellowstone area in northwest Wyoming, eastern Idaho, and southwest Montana (9,200 square miles [sq mi]) at more than 580 bears; the Northern Continental Divide Ecosystem of north central Montana (9,600 sq mi) at more than 400 bears; the North Cascades area of north central Washington (9,500 sq mi) at less than 20 bears; the Selkirk Mountains area of northern Idaho, northeast Washington, and southeast British Columbia (2,200 sq mi) at approximately 40 to 50 bears; and the Cabinet Yaak area of northwest Montana and northern Idaho (2,600 sq mi) at approximately 30 to 40 bears. There is an additional Recovery Zone known as the Bitterroot Recovery Zone in the Bitterroot Mountains of east central Idaho and western Montana (5,600 sq mi) but this area does not contain any grizzly bears at this time. The San Juan Mountains of Colorado also were identified as an area of

possible grizzly bear occurrence, but no evidence of grizzly bears has been found in the San Juan Mountains since a bear was killed there in 1979. Suitable habitat for this species is not present within the project area. Grizzly bears tend to favor old forests with high productivity, higher elevations and more open habitats which do not exist in the project area.

The Canada Lynx is a medium-sized cat (about 10 kilograms for males and 8 kilograms for females) with silver-gray to grayish-brown upperparts and a white belly and throat. Lynx have long legs and a relatively short, compact body. The total length averages approximately 92.5 centimeters for males and 89.5 centimeters for females (Foresman 2001). In extreme northwestern Montana, primary vegetation may include cedar-hemlock habitat types (Ruediger et al. 2000). East of the Continental Divide the subalpine forests inhabited by Canada Lynx occur at higher elevations (1,650 to 2,400 meters) and are composed mostly of subalpine fir. Suitable habitat for this species is not present within the project area.

Bull trout are found in the Clark Fork and Flathead drainages of western Montana, and their slowly declining trend has led to their designation as a threatened species. Bull trout are a sensitive species that do not tolerate high sediment levels in their spawning streams. Sediment can suffocate the developing embryos before they hatch. In Flathead Lake, where they achieve trophy sizes of up to 25 pounds, the bull trout life cycle has been studied extensively. Adult bull trout ascend the North and Middle forks of the Flathead River to spawn in small tributary streams, in some cases traveling well over 100 miles in a few months. They spawn in the fall and the adults return to the lake. Young fish may spend up to three years in the tributaries before returning to Flathead Lake as mature fish. In other river systems, bull trout may be a resident stream fish. Sub-adult and adult fluvial bull trout reside in larger streams and rivers and spawn in smaller tributary streams, whereas adfluvial bull trout reside in lakes and spawn in tributaries (AFS website 2003). They spawn in headwater streams with clear gravel or rubble bottom. Suitable habitat for this species is not present within the project area.

The USFWS Montana Ecological Services Field Office was contacted via a written letter concerning impacts to the listed species by the proposed action. The correspondence has been included in Appendix A.

### **3.9.2 Consequences**

A significant impact would be any violation of the federal ESA of 1973. For example, the loss of any threatened or endangered species individual or the degradation of any critical habitat would result in a significant impact.

#### **3.9.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE**

**Direct Impacts.** No direct impacts to federally listed species are anticipated because suitable habitat for these species would not be impacted by the proposed action.

According to the USFWS Montana Ecological Services Field Office in a letter dated September 21, 2011, no adverse effects are anticipated to federally listed species by the proposed action (Appendix A).

**Indirect Impacts.** No indirect impacts to threatened and endangered species are expected because impacts are not anticipated to occur later in time or removed in distance from the proposed project site. According to the USFWS Montana Ecological Services Field Office, no adverse effects are anticipated by the proposed action (Appendix A).

### **3.9.2.2 Alternative 2 – No Action**

No direct or indirect impacts to threatened and endangered species would be expected under the No Action Alternative. Because no change would occur in the buildings and facilities currently being used or in the type, frequency, or intensity of operations, no impacts differing from baseline conditions would occur to threatened or endangered species. Ongoing impacts would be similar to those resulting from current operations.

## **3.10 CULTURAL, HISTORICAL, AND ARCHAEOLOGICAL RESOURCES**

Cultural resources assessed can be grouped in three general categories: Archaeological Resources, Architectural Resources, and Native American Resources. The National Historic Preservation Act (NHPA, P.L. 89-655) ensures that federal agencies consider cultural resources, defined as any prehistoric or historic district, site, building, structure or object eligible for inclusion on the NRHP, in their proposed programs, projects, and actions prior to initiation.

The identification, evaluation, and proposed treatment of cultural resources follow a series of federal and state laws and regulations and agency guidelines, including the NHPA of 1966 as amended in 2006 and its implementing regulations established under 36 CFR 800, Protection of Historic Properties.

### **3.10.1 Affected Environment**

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

In accordance with Section 106 of the NHPA, consultation with the Blackfeet Reservation Tribal Historic Preservation Officer (THPO) was initiated via a letter. Letters were also sent to the Montana SHPO, and the Bureau of Indian Affairs. The

THPO and Bureau of Indian Affairs concurred in a no adverse impacts determination. Correspondence is in Appendix A.

**Archaeological Resources.** An archaeological survey of the Piegan LPOE was conducted by HRA Gray & Pape (DHS 2007) and included 62.88 acres of land, including the proposed location of the new construction. The survey found that, other than the original 1933 Piegan LPOE port building, no other potential historic properties were observed in the project area. HRA Gray & Pape's archaeologists did not observe any prehistoric or Native American cultural resources in the Piegan LPOE project area. The archaeological sensitivity of the Piegan LPOE project area was identified as low due to its location and previous impacts from construction of the LPOE facility. Therefore, no further cultural resources work was recommended (Beery et al. 2007).

**Architectural History Resources.** There is one architectural history resource, the original Old Port Building, located within the LPOE. The building was constructed in 1933 and is listed on the National Register of Historic Places. The Piegan LPOE was the subject of an architectural history survey that included the Old Port Building (Belfast et al. 2007), an excerpt which is included below.

“The 62.95 acre site for the Piegan LPOE was acquired from Marie Paisley Brown, a Blackfeet Indian, in 1930. The Piegan border station and quarters, located at the northern end of U.S. Highway 89, were completed in 1933 Architect A. Paul Brown of the National Park Service Landscape Architecture Division designed the rustic style LPOE. William C. Tweed describes the NPS rustic architectural tradition as a “natural outgrowth of a new romanticism about nature” [ca. 1916-1940] which “contributed much to the development of non-intrusive architecture through [its] sensitive use of natural materials and forms which were in harmony with the surrounding environment”. In 2000, a new border station was constructed to accommodate operational problems created by an increase in traffic. The new border station was designed by CTA Architects Engineers to reflect a nearby Glacier National Park building built in the 1930s and to fit in with the mountainous backdrop. The design is also reminiscent of the Native American Blackfeet culture. The new border station includes four separate buildings to fulfill the requirements of the U.S. Customs Service, INS and the U.S. Border Patrol. The exterior of the Old Port Building structure has changed little since it was built with the exception of the removal of the awning. The structure was converted into apartments, for use as seasonal/temporary housing for inspection agency personnel, in 2000, which substantially changed the interior.

Other than the 1933 border station building, there are no historic-age (pre-1960) structures in the vicinity of the Piegan LPOE. The Piegan Border Station and Quarters and a Janitor's Cabin are listed in the Historic Federal Buildings Database. The Janitor's Cabin, which was depicted as a dormitory in the Cabinet Sketch, was demolished circa 2003 during the construction of new housing west of the former border station. A pump house, fuel shed, and incinerator associated with the 1933 border station were also demolished circa 2003 during the construction of new housing. The new housing subdivision behind the 1933 border station contains approximately twelve houses within

the Piegan LPOE boundaries, which were built for the employees of the new Piegan LPOE. The 1933 border inspection station was listed in the National Register Information System on April 12, 2006.”

A Historic Structure Report, Piegan Montana Land Port of Entry Historic Structures Report and Feasibility Study for the Historic Piegan Border Station and Quarters, was also completed (CRSA 2012).

**Native American Resources.** Native American resources can include, but are not limited to, archaeological sites, cultural items, burial sites, ceremonial areas, caves, mountains, water sources, trails, plant habitat or gathering areas, or any other natural area important to a culture for religious or heritage reasons.

HRA Gray & Pape's archeologists did not observe any Native American cultural resources in the existing Piegan LPOE housing area during their investigation.

The Blackfeet Tribal Business Council was invited to express their interest and/or concerns regarding this project during the initial NEPA process and the initiation of NHPA consultation. The following Tribes were also invited to express their interest and/or concerns regarding this project:

|  |
|--|
| Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation         |
| Cheyenne River Sioux Tribe of the Cheyenne River Reservation             |
| Coeur D'Alene Tribe of the Coeur D'Alene Reservation                     |
| Confederated Salish & Kootenai Tribes of the Flathead Reservation        |
| Crow Tribe of Montana - The Crow Tribe of Indians                        |
| Crow Creek Sioux Tribe of the Crow Creek Reservation                     |
| Kalispel Indian Community of the Kalispel Reservation                    |
| Kootenai Tribe of Idaho  |
| Lower Brule Sioux Tribe of the Lower Brule Reservation                   |
| Nez Perce Tribe of Idaho   |
| Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation      |
| Rosebud Sioux Tribe of the Rosebud Indian Reservation                    |
| Santee Sioux Nation  |
| Shoshone-Paiute Tribes of the Duck Valley Reservation                    |
| Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho            |
| Shoshone Tribe of the Wind River Reservation                             |
| Standing Rock Sioux Tribe  |
| Three Affiliated Tribes of the Fort Berthold Reservation                 |
| Chippewa-Cree Indians of the Rocky Boy's Reservation                     |
| Fort Belknap Indian Community of the Fort Belknap Reservation of Montana |
| Oglala Sioux Tribe of the Pine Ridge Reservation                         |

Letter documentation is provided in Appendix A.

### **3.10.2 Consequences**

36 CFR 800.16 establishes the criteria for effect as the potential to alter the character or use of a historic property. An effect is considered adverse when it diminishes the integrity of the historic property's location, design, setting, materials, workmanship, feeling, or association. For the purposes of this EA, a significant impact under NEPA is defined as an un-resolvable "adverse effect" under Section 106 of the NHPA.

Cultural resource effect determinations are made once NRHP-eligible or listed resources are identified in the APE. The Old Port Building located at the existing LPOE housing site is listed on the NRHP. Previous and present efforts to identify Native American resources in the existing LPOE housing vicinity have been negative.

#### **3.10.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE**

**Direct Impacts.** No direct impacts to cultural resources would be expected under Alternative 1. No Native American or archaeological resources were identified in the project area.

There will be no adverse impacts to the Old Port Building should the proposed water tower be constructed. The water tower will be located in the far northwest corner of the LPOE property, and will be approximately 140 feet in height, minimally visible from the northwest façade of the Old Port Building.

**Indirect Impacts.** No indirect impacts are expected.

#### **3.10.2.2 Alternative 2 – No Action**

No direct or indirect impacts to cultural resources would be expected under the No Action Alternative. The current LPOE housing configuration would be retained, and operation and maintenance of the LPOE housing would continue. No impacts to cultural resources differing from the baseline condition would be expected and the project would have no effect on cultural resources.

## **3.11 AIR QUALITY**

### **3.11.1 Affected Environment**

Air quality is determined within regional boundaries and by pollutant concentration guidelines as defined and enforced by the USEPA and state agencies as authorized under the CAA. Pursuant to the CAA Amendments of 1990, USEPA has established National Ambient Air Quality Standards (NAAQS), ambient air concentrations of the criteria air pollutants (sulfur dioxide, carbon monoxide, ozone, nitrogen oxides, lead, and respirable particulate matter) intended to protect the public health and welfare within an acceptable margin of error.

Ambient air is defined as outside air to which the general public is exposed. The primary NAAQS are intended to protect public health, while the secondary NAAQS are intended to protect the environment (e.g., crops and wildlife). The primary and secondary NAAQS are listed in Table 1.

| <b>Table 1: National Ambient Air Quality Standards</b> |                         |                 |                                |
|--|-------------------------|-----------------|--------------------------------|
| <b>Air Pollutant</b>                                   | <b>Averaging Period</b> | <b>Standard</b> | <b>Ambient Concentration</b>   |
| Particulate Matter (PM <sub>10</sub> )                 | 24 hours                | 1° and 2°       | 150 µg/m <sup>3</sup>          |
| Particulate Matter (PM <sub>2.5</sub> )                | Annual*                 | 1° and 2°       | 15 µg/m <sup>3</sup>           |
|  | 24 hours                | 1° and 2°       | 35 µg/m <sup>3</sup>           |
| Sulfur Dioxide   | Annual*                 | 1°              | 0.03 ppm (1971 std)**          |
|  | 24 hours                | 1°              | 0.14 ppm (1971 std)**          |
|  | 3 hours                 | 2°              | 0.5 ppm                        |
| Carbon Monoxide  | 8 hours                 | 1°              | 9 ppm / 10 mg/ m <sup>3</sup>  |
|  | 1 hour                  | 1°              | 35 ppm / 40 mg/ m <sup>3</sup> |
| Ozone  | 8 hours (2008 std)      | 1° and 2°       | .075 ppm                       |
|  | 8 hours (1997 std)      | 1° and 2°       | .08 ppm                        |
|  | 1 hour                  | 1° and 2°       | 0.12 ppm                       |
| Nitrogen Dioxide                                       | Annual*                 | 1° and 2°       | 53 ppb                         |
|  | 1 hour                  | 1°              | 100 ppb                        |
| Lead   | Rolling 3 month average | 1° and 2°       | 0.15 µg/m <sup>3</sup> ***     |

*Notes: \* =Arithmetic mean; µg/m<sup>3</sup> = micrograms / cubic meter; mg/m<sup>3</sup> = milligrams / cubic meter; ppm = parts per million; ppb = parts per billion. Source: 40 CFR Part 50.*

*\*\*=The 1971 sulfur dioxide standards remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plants to attain or maintain the 2010 standards are approved.*

*\*\*\*=Final rule signed 10/15/08. The 1978 lead standard (1.5 µg/m<sup>3</sup> as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standards are approved.*

*Source: U.S. EPA Website - <http://www.epa.gov/air/criteria.html> (EPA 2011)*

The CAA Amendments of 1990 defined air pollutant non-attainment areas and air pollution control requirements. It also expanded the list of hazardous air pollutants to the current list of 188 pollutants; introduced technology-based control standards; established a new Federal Operating Permit (Title V) program; and addressed mobile source emissions, acid rain, and ozone.

USEPA regulations also allow state air quality permitting programs, consistent with the requirements of Title V of the CAA, to define the minimum elements required by the CAA for state Operating Permit programs.

An area that does not meet the NAAQS for a pollutant is classified as a non-attainment area for the pollutant. Non-attainment areas are under strict regulatory restriction in an effort to lower pollutant concentrations to acceptable levels.

Section 176 of the CAA, the General Conformity Provision, is intended to ensure that federal programs and activities do not hinder the attainment and maintenance of regional air quality goals. More specifically, conformity consists of determining whether a federal action would contribute to or cause a violation of a NAAQS, increase the frequency of an existing violation, or delay the timely attainment of a NAAQS. The National Highway System Designation Act of 1995 modified Section 176 of the CAA to make conformity non-applicable in air quality attainment areas. Thus, the General Conformity Provision applies to non-attainment and maintenance areas.

The General Conformity Rule requires an assessment of the potential magnitude of potential total direct and indirect emissions of criteria pollutants, including precursors, associated with a proposed federal action when determining conformity of the proposed action. The rule does not apply to certain “exempt” actions or to actions where the total direct and indirect emissions of criteria pollutants are at or below specified *de minimus* levels. According to the latest data provided by the U.S EPA - Region 8, Glacier County is in attainment (EPA 2011) of the 1990 CAA Amendments criteria for:

- carbon monoxide,
- ozone,
- particulate matter 10 microns in diameter,
- sulfur dioxide,
- lead, and
- nitrogen oxides.

Based on the attainment status, a general air conformity analysis is not required for this project.

### **3.11.2 Consequences**

Violation of any provision of the CAA and/or applicable state or local regulations would constitute a significant impact. Additionally, emissions that result in or influence a change in attainment status would be a significant impact.

CBP would use the following BMPs for Air Emissions:

- Construction dust control measures would substantially reduce the potential for fugitive dust emissions. These measures would include retention of vegetative

cover on the site to the extent practical, reestablishment of new vegetative cover in disturbed areas, and adherence to permit requirements (if needed).

### **3.11.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE**

**Direct Impacts.** Under Alternative 1, there would be negligible short-term direct adverse impacts to air quality due to the proposed project. Impacts could be caused primarily by the entrainment of particulates (dust) in the atmosphere as a result of the temporary influx of contractor personnel and equipment into the immediate area of the LPOE's new housing site. Dust could be generated from contractor laydown areas, the construction zones, and on existing roadways leading to and from the LPOE's new housing site. The equipment involved in these activities include backhoes, bulldozers, scrapers/graders, loaders, haul trucks, water trucks, paver machines, rollers, pavement haul trucks, and cement trucks. These proposed activities would result in a short-term negligible adverse impact of air emissions typical of housing construction operations.

There would be a negligible net change of short-term and long-term direct adverse impact to air quality, under Alternative 1, from vehicle emissions related first to the construction activities, and to the resulting addition of housing units and their occupants. During occupancy of the completed housing areas, vehicle exhaust would have a daily contribution to greenhouse gases and particulate emissions.

**Indirect Impacts.** Negligible short-term adverse indirect impacts are expected to air quality under Alternative 1. Impacts could be caused by dust from construction, demolition, and renovation activities migrating offsite, potentially affecting nearby air quality.

### **3.11.2.2 Alternative 2 – No Action**

No direct or indirect impacts would be expected under the No Action Alternative because no change would occur in the buildings and facilities currently being used. Also, the type, frequency, or intensity of operations would be similar to those resulting from current operations.

## **3.12 CLIMATE**

### **3.12.1 Affected Environment**

The climate in Montana east of the Continental Divide is decidedly continental. A continental climate region is typified by large seasonal temperature differences, with warm to hot (and often humid) summers and cold (sometimes severely cold) winters. The LPOE is near Babb, located east of the Continental Divide. The nearest weather station is in Babb, Montana. For 2010, the precipitation maximum amount was 3.02 inches of rainfall in June and minimum amounts of 0.58 inches in February. The

average monthly precipitation was 1.48 inches, and the average yearly precipitation was 18 inches (Climate Chart 2011).

July and August are the warmest months with a maximum temperature of 77 degrees Fahrenheit. Typically, the summer months' average temperatures are in the mid to upper 70 degrees Fahrenheit. January is the coldest month with an average minimum temperature of 9.0 degrees Fahrenheit. During the winter months, the average temperatures are below 20 degrees Fahrenheit.

Heating degree days and cooling degree days are quantitative indices designed to reflect the demand for energy needed to heat or cool a home or business. These indices are derived from daily temperature observations, and the heating and cooling requirements for a given structure at a specific location are directly proportional to the number of heating degree days and cooling degree days at that location. Simply put, heating degree days and cooling degree days show how hard a furnace or air conditioner has to work to maintain a comfortable interior temperature. Heating degree days reach a high in January and a low in July. Cooling degree days reach a low in the winter months and a high in August.

The following discussion of climate issues was developed to address the following two Acts and two Executive Orders (EOs).

### **Energy Policy Act of 2005**

Energy Policy Act of 2005 (EP Act 2005) was signed into law by President Bush on August 8, 2005. The EP Act addresses energy production in the United States, including: (1) energy efficiency; (2) renewable energy; (3) oil and gas; (4) coal; (5) Tribal energy; (6) nuclear matters and security; (7) vehicles and motor fuels, including ethanol; (8) hydrogen; (9) electricity; (10) energy tax incentives; (11) hydropower and geothermal energy; and (12) climate change technology. For example, the Act provides loan guarantees for entities that develop or use innovative technologies that avoid the by-production of greenhouse gases. Another provision of the Act increases the amount of biofuel that must be mixed with gasoline sold in the United States.

It is the policy of CBP to fully comply with EP Act 2005 by incorporating climate concerns in decision-making processes supporting CBP policies, programs, projects, and activities. In this regard, CBP ensures it will identify, disclose, and respond to potential adverse climate impacts within the area affected by a proposed federal action.

### **Energy Independence and Security Act of 2007 (EISA)**

Signed on December 19, 2007 by President Bush, the EISA aims to:

- move the United States toward greater energy independence and security;
- increase the production of clean renewable fuels;
- protect consumers;

- increase the efficiency of products, buildings, and vehicles;
- promote research on and deploy greenhouse gas capture and storage options;
- improve the energy performance of the Federal Government; and
- increase U.S. energy security, develop renewable fuel production, and improve vehicle fuel economy.

EISA reinforces the energy reduction goals for federal agencies put forth in Executive Order 13423 (discussed below), as well as introduces more aggressive requirements. The three key provisions enacted are the Corporate Average Fuel Economy Standards, the Renewable Fuel Standard, and the appliance/lighting efficiency standards.

It is the policy of CBP to fully comply with EISA by incorporating climate concerns in decision-making processes supporting CBP policies, programs, projects, and activities. In this regard, CBP ensures it will identify, disclose, and respond to potential adverse climate impacts within the area affected by a proposed federal action.

### **Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management**

Executive Order (EO) 13423, “Strengthening Federal Environmental, Energy, and Transportation Management,” was signed by President Bush on January 24, 2007. EO 13423 instructs Federal agencies to conduct their environmental, transportation, and energy-related activities under the law in support of their respective missions in an environmentally, economically and fiscally sound, integrated, continuously improving, efficient, and sustainable manner. The EO sets goals in the following areas:

- energy efficiency
- acquisition
- renewable energy
- toxic chemical reduction
- recycling
- water conservation
- sustainable buildings
- electronics stewardship
- fleets

It is the policy of CBP to fully comply with EO 13423 by incorporating climate concerns in decision-making processes supporting CBP policies, programs, projects, and activities. In this regard, CBP ensures it will identify, disclose, and respond to potential adverse climate impacts within the area affected by a proposed federal action.

## **Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance**

Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance was signed by President Obama on October 5, 2009. This EO does not rescind/eliminate the requirements of EO 13423. Instead, it expands on the energy reduction and environmental performance requirements for Federal agencies identified in EO 13423.

The new EO requires agencies to measure, manage, and reduce greenhouse gas emissions toward agency-defined targets. It describes a process by which agency goals will be set and reported to the President by the Chair of CEQ. The EO also requires agencies to meet a number of energy, water, and waste reduction targets, including:

- 30% reduction in vehicle fleet petroleum use by 2020;
- 26% improvement in water efficiency by 2020;
- 50% recycling and waste diversion by 2015;
- 95% of all applicable contracts will meet sustainability requirements;
- Implementation of the 2030 net-zero-energy building requirement;
- Implementation of the stormwater provisions of the IESA, section 438; and
- Development of guidance for sustainable Federal building locations in alignment with the Livability Principles put forward by the Department of Housing and Urban Development, the Department of Transportation, and the Environmental Protection Agency.

Implementation of the EO focuses on integrating achievement of sustainability goals with agency mission and strategic planning to optimize performance and minimize implementation costs. Each agency will develop and carry out an integrated Strategic Sustainability Performance Plan that prioritizes the agency's actions toward the goals of the EO based on lifecycle return on investments. Implementation is managed through the previously-established Office of the Federal Environmental Executive, working in close partnership with OMB, CEQ and the agencies.

It is the policy of CBP to fully comply with EO 13514 by incorporating climate concerns in decision-making processes supporting CBP policies, programs, projects, and activities. In this regard, CBP ensures it will identify, disclose, and respond to potential adverse climate impacts within the area affected by a proposed federal action.

### **3.12.2 Consequences**

Human activity has influenced global surface temperatures by changing the radiative balance governing the earth on various timescales and at varying spatial scales. The most profound and well-known anthropogenic influence is the elevation of concentrations of greenhouse gases in the atmosphere. Humans also influence climate by changing the concentrations of aerosols and ozone and by modifying the land cover of Earth's surface (Britannica 2009).

### **3.12.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE**

**Direct Impacts.** Negligible direct impacts could occur with this alternative. Activities associated with Alternative 1 that could influence climate include demolition and construction in the housing area (particulates), additional vehicles in the housing area (vehicle emissions), and occupation of the new and existing LPOE housing (heating/cooling emissions). These activities are unlikely to create long-term climate impacts.

**Indirect Impacts.** No indirect impacts would occur with this alternative.

### **3.12.2.2 Alternative 2 – No Action**

No direct or indirect impacts would occur under the No Action Alternative. Activities associated with the No Action Alternative that could influence climate include processing approximately the same number of vehicles present in the housing area (vehicle emissions) and continuing occupation of the existing LPOE housing site (heating/cooling emissions).

## **3.13 NOISE**

### **3.13.1 Affected Environment**

The NCA of 1972 directs federal agencies to comply with federal, state, and local noise control regulations. Noise is defined as unwanted sound, indicating that perceived noise impacts are inherently subjective. Measured in terms of air pressure, sound intensity spans several orders of magnitude. As a result, the response of the human ear to sound is best represented by a logarithmic scale rather than a linear scale. The basic unit of measure on this logarithmic scale is the decibel (dB), and various weighted dB scales (A, B, C) are used to approximate how people perceive different types of sounds (Federal Transit Administration 2006; USEPA 1974).

Noise level (volume) is generally measured in dB using the A-weighted sound pressure level (dBA). The A-weighted scale is an adjustment to be consistent with that of the human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz). In addition to the instantaneous measurement of sound levels, the duration of sound is important. Sounds that occur over a long period of time are more likely to be an annoyance or cause direct physical damage or environmental stress. One of the most frequently used noise metrics that considers durations as well as sound power level is the equivalent noise level ( $L_{eq}$ ). The  $L_{eq}$  is defined as the steady A-weighted level equivalent to the same amount of energy as that contained in the actual time-varying levels over a period of time. Typically,  $L_{eq}$  is summed over a 1-hour period (Federal Transit Administration 2006).

Noise currently generated at the existing LPOE housing site includes that from personal vehicles entering and leaving the site, lawn care equipment, general occupancy noise, and noise from the adjacent highway. The border crossing and the associated Piegan LPOE buildings (maintenance building, vehicle inspection building, border station) are located approximately 1,000 feet to the north-northeast of the existing LPOE housing area, while the proposed new housing would be adjacent to the southwest corner of the LPOE maintenance building and only 980 feet from the border crossing. However, there is no known “wait time” for vehicles entering and leaving the property, and there are no apparent traffic congestion problems on the site, on the LPOE facility, on the adjacent highway, or at the border crossing. The rest of the surrounding area consists of agricultural land.

There are a number of residences and the Old Port Building (that contains apartments) located on the existing Piegan LPOE housing site. These qualify as sensitive noise receptors (residences, schools, churches, hospitals, hotels, etc.). A sensitive noise receptor is defined as a facility where quiet is an essential element in its intended purpose, concentration or meditation is required, or sleeping is a normal and required activity (Federal Transit Administration 2006).

### 3.13.2 Consequences

Noise levels could be considered significant if they cause human and/or environmental harm, according to the following USEPA recommendations (USEPA 1974).

- $L_{eq}(24) < 70$  dB. Indoor and certain outdoor areas where human activity takes place. This level will prevent hearing loss.
- $L_{eq}(24)$  = Represents the sound energy averaged over a 24-hour period.

#### 3.13.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE

**Direct Impacts.** There would be negligible, short-term and long-term, adverse, direct impacts to the noise environment. Noise levels would temporarily increase at the Piegan LPOE housing site under this Alternative due to the major construction activities required to build the new housing units within the existing residential area.

Table 2 presents the typical noise levels associated with common construction equipment that may be used at the site. In this case, it is assumed that three pieces of equipment (grader, loader, bulldozer) would operate concurrently for an entire 8-hour workday. Maximum exposure associated with the three pieces of equipment operating concurrently is determined by the following equation:

Maximum exposure =  $85 \text{ dBA} + 10 \log(3) = 89.7$  or 90 dBA at 50 feet from the source.

The sensitive noise receptors (i.e., the residences at the current Piegan LPOE housing site) are located adjacent to the lots where the new houses will be constructed. The noise level at those immediately adjacent receptors would be anticipated to reach 90 dB, which is above the USEPA standard of 70 dB. However, this noise impact would occur only during daylight hours, not during sleep periods, and based on the size of the individual lots where construction would occur, it is anticipated that the large construction equipment would not be in constant use for 8 hours on any one of the lots. Because temporary construction noise levels would occur only for short periods, short term adverse impacts to noise levels from construction activities at the Piegan LPOE housing site would be negligible.

| <b>Table 2: Noise Emission Levels Typical for Construction Equipment</b> |  |
|--|--|
| <b>Equipment</b>   | <b>Typical Noise Level (dba) 50 Feet From Source</b> |
| Backhoe  | 80   |
| Grader   | 85   |
| Loader   | 85   |
| Roller   | 75   |
| Bulldozer  | 85   |
| Truck  | 88   |
| Scraper  | 89   |
| <i>Source: Federal Transit Administration 2006.</i>                      |  |

Negligible, long-term, direct adverse impacts to noise would be expected to the Piegan LPOE housing site under Alternative 1.

**Indirect Impacts.** Negligible, long-term, adverse, indirect impacts to noise would be expected under Alternative 1. There would be a negligible net change to noise at the Piegan LPOE housing site from the presence of personal vehicles belonging to the occupants of the new housing units.

### **3.13.2.2 Alternative 2 – No Action**

**Direct Impacts.** No direct impacts to noise would be expected under Alternative 2. Because no change would occur in the buildings and facilities currently being used or in the type, frequency, or intensity of operations, no direct impacts differing from baseline conditions would occur. Ongoing impacts would be similar to those resulting from current operations.

**Indirect Impacts.** Under Alternative 2, any ongoing indirect noise impacts would be expected to be similar to those resulting from current operations.

## **3.14 UTILITIES AND INFRASTRUCTURE**

### **3.14.1 Affected Environment**

The existing infrastructure at the existing LPOE housing site is described below.

Water is generally provided by groundwater wells with the larger towns, such as Browning, having water service provided via a municipal well and water distribution network.

Potable water for the existing Piegan housing site is obtained from the Saint Mary River, located approximately 2-1/2 miles east of the site. It is pumped into underground storage tanks and used for domestic service and fire protection purposes. The water system is owned, operated and maintained by GSA.

Sanitary sewer services are provided by on-lot systems with larger town areas owning and operating small municipal public collection systems.

The on-site sewage system for the existing Piegan housing site consists of a series of septic settling tanks (two 3,000 gallon tanks), leading to a pressure dosing tank which pumps the grey water to on-site drainfields.

Electrical services in the region are provided by Glacier Electrical Cooperative, Inc. which maintains over 1800 miles of lines in the region and has offices in Cut Bank and Browning. The existing Piegan LPOE housing site is equipped with an on-site generator system encompassing 9 generators that supply backup power to all buildings on the site, including the residential units. Typical electric bills for a residence are about \$100/month.

Telephone and cable service is provided from local service providers out of Browning and Cut Bank, Montana.

The City of Browning provides garbage collection services in the area. There is no recycling in the area. At the existing Piegan housing site, the CBP provides dumpsters at the Port Building for the housing units. Tenants are responsible to bring the refuse to the dumpster location.

### **3.14.2 Consequences**

The existing infrastructure is not sufficient to support Alternative 1.

#### Sanitary sewer:

The existing sanitary sewage capacity will have to be expanded. The existing sanitary sewage systems have been built in multiple phases during different time periods as

additional houses and the new port building were built. It is believed that the existing sanitary sewage systems were built in three phases. At this stage of project development, it is believed that the capacity of the existing sanitary sewage systems cannot be incrementally increased by either adding an additional phase/module or expanding one of the three existing modules. Therefore, it is believed that an entirely new/consolidated sanitary sewage system must be built to replace the existing three modules of the existing systems. This new/consolidated system will be sized to serve the existing LPOE, existing houses, and the 16 planned maximum number of additional houses.

The new central sewage processing plant is expected to be located either just west of Highway 89 between the housing development and the new port of entry or on the east side of Highway 89 in the southeast corner of the property. This new central plant is expected to be a “packaged” sewage plant that discharges treated effluent to the surface drainage that drains directly east of the existing property and drains toward the Saint Mary River.

This new location of the packaged/central sewage plant will require new sewer main distribution piping to be routed from the existing housing and LPOE distribution piping to the new plant. After the new system is constructed and tested, the sewage piping to the existing system will be closed and the influent will be routed to the new plant. The existing/old sewage system components and piping will then be either capped and left in place or removed from the ground. Most of the sewer services and mains piping within the existing housing development will remain. New houses will have their sewer services tapped into existing sewer mains within the housing development area.

#### Potable water:

Similar to the sewage systems, the existing potable water system is likely deficient in terms of capacity to serve up to 16 additional houses and in terms of the water quality. Therefore, it is anticipated that a completely new potable water delivery, treatment and distribution system will be required.

The existing system draws untreated water from the Saint Mary River, 2-½ miles east of the property. The existing pipe might not be large enough to draw the additional water volume required to service up to 16 additional houses. If the existing pipe is not large enough, a new/larger pipe will be designed and built. The supply pipe from the Saint Mary River will be routed to the existing water treatment system/building if that system is adequate, or to a new treatment system/building. The treated water will then be routed to the existing water distribution piping for both the housing development area and the LPOE.

Currently, the United States Geological Survey (USGS) data suggest that the current flow rate of the Saint Mary River is approximately 650,000 acre-feet per year. Anticipated demand with the new construction would be approximately 16,000 gallons per day (Source: Preliminary Engineering Report dated September, 2012, GSA 2012),

or 17.92 acre-feet per year, or an estimated 0.0028% of the total flow). The demand analysis provided by the civil engineer for the purpose of providing preliminary infrastructure design is not, by itself, a figure that is representative of the potential impact on the Saint Mary River flows. Much of the water that is drawn from the river may be returned to the river system. Nevertheless the project will not have a significant impact on the Saint Mary River. GSA is hiring a hydrologist to prepare a comprehensive water supply plan to include demand analysis, consumptive use calculation, water source alternatives (including groundwater) and system capacity review (such as storage facilities). This review will provide additional information in order for the project design to move forward. Proper permits in conformance with all state and federal requirements will be obtained if additional surface water or ground water rights are determined to be needed.

CBP is planning to add a water tower and associated buildings to the LPOE. The water tower will be located in the far northwest corner of the LPOE property, and will be approximately 140 feet in height. The primary objectives to improving the water storage facilities at Piegan are to provide enough storage volume for fire flows and to provide elevated storage that will provide all system demands and fire flows via gravity flow. Given the relatively flat terrain around Piegan, an elevated tank style will be used. Assuming a minimum desired static pressure of 50 psi at the high point of the distribution system, the overflow elevation of the new tank will be about 4,615 feet, resulting in a total tank height of approximately 140 feet. A small building will also be constructed near the base of the tank to house pumps which will continuously recirculate water through the storage tank to help mitigate freezing and stagnant water issues. In addition to meeting American Water Works Association (AWWA) D100 (Standard for Welded Carbon Steel Tanks for Water Storage) requirements, the new tank will also be required to meet the applicable requirements of National Fire Protection Association (NFPA) 22 (Standard for Water Tanks for Private Fire Protection). One of the more significant applicable provisions of NFPA22 will be the requirement to install a tank heating system to prevent potential freezing issues during winter months. The two most viable elevated tank styles for a 120,000 gallon tank are the Multi-Column and the Single Pedestal Spheroidal. Both styles are of welded steel construction.

#### Electricity:

The new houses will require new underground electrical distribution cabling within and in select areas outside of the housing development area. The new houses might also require additional above-ground transformers. Most of this new electrical distribution infrastructure will be required within the existing housing development area.

#### Natural gas:

The new houses will require new underground natural gas distribution piping within and in select areas outside of the housing development area. Most of this new natural gas infrastructure will be required within the existing housing development area.

Telephone:

The new houses will require new underground telephone cabling mostly within the housing development area.

**3.14.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE**

**Direct Impacts.** There would be long-term moderate beneficial impacts to utilities and infrastructure from constructing new housing at the Existing Piegan LPOE site due to greater energy efficiency because of upgrades and sustainability changes with the new housing construction.

The existing sanitary sewage has inefficient capacity to sustain the current housing and the additional proposed construction. An entirely new/consolidated sanitary sewage system will be built to serve the existing LPOE, existing houses, and the 16 planned maximum number of additional houses.

The existing potable water system will be studied so that the best overall solution for both the current and future systems can be ascertained. A new treatment system/building may be required to accommodate the additional housing usage. However, the existing supply and distribution pipes can be retrofitted with larger piping to accommodate the increased needs.

The primary objectives to improving the water storage facilities at Piegan are to provide enough storage volume for fire flows and to provide elevated storage that will provide all system demands and fire flows via gravity flow. The existing water system utilizes a buried finished-water storage tank for storage, and three pumps to provide water to and pressurize the distribution system. There is also a separate fire pump that currently provides fire flows to the port building. Based on GSA preferences, the existing fire pump system will remain in place to provide fire protection to the port building.

New housing will meet the Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings.

**Indirect Impacts.** There would be no indirect impacts to utilities and infrastructure under Alternative 1.

**3.14.2.2 Alternative 2 – No Action**

No direct or indirect impacts to utilities and infrastructure would be expected under the No Action Alternative. Because no change would occur in the buildings and facilities currently being used or in the type, frequency, or intensity of operations, no impacts differing from baseline conditions would occur. Ongoing impacts would be similar to

those resulting from current operations. Utility infrastructure would not be designed to accommodate future growth at the LPOE.

## **3.15 ROADWAYS AND TRAFFIC**

### **3.15.1 Affected Environment**

The existing LPOE housing site is only accessible by car. There is no access to public transportation. The closest train station is an Amtrak station in Cut Bank, 1 hour, 35 minutes away by car. The nearest significant airports are in Great Falls (3hr/15min) and Kalispell (2hr/40min) in Montana, and Lethbridge (1hr/30hr) and Calgary (4hr) in Canada. The closest small craft airstrips, however, are in Babb and Browning.

Access to the existing Piegan LPOE housing site is achieved via U.S. Highway 89, which passes through the eastern side of the site. This connects to Canadian Route 2, which continues to Lethbridge and Calgary to the north. There are several paved drives on the site, around the Port buildings, to the water pumphouse, and a loop to the housing. All site paving is in acceptable condition. U.S. Highway 2 is the nearest major interchange.

### **3.15.2 Consequences**

Significance of potential roadway and traffic impacts is based on the degree to which the regional transportation system is affected by the proposed action. One measure of traffic congestion is the American Association of State Highway and Transportation Officials' (AASHTO) level of service (LOS) system. AASHTO's 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 to transportation and roadways would occur when the LOS value is decreased to an E or below as a result of the proposed action.

#### **3.15.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE**

**Direct Impacts.** Construction-related activities would cause negligible, short-term, adverse, direct impacts to roadways and traffic under Alternative 1. Construction of new housing at the existing Piegan LPOE housing site would occur away from the main road. Construction traffic would cause intermittent and temporary delays over a short period of time under Alternative 1. The increase in traffic due to the increase of residents at the LPOE would be negligible.

**Indirect Impacts.** No indirect impacts are expected to roadways and traffic under Alternative 1. The LPOE staffing numbers or hours would not change.

### 3.15.2.2 Alternative 2 – No Action

No direct or indirect impacts to roadways and traffic would be expected under the No Action Alternative. Because no change would occur in the buildings and facilities currently being used or in the type, frequency, or intensity of operations, no impacts differing from baseline conditions would occur. Ongoing impacts would be similar to those resulting from current operations.

## 3.16 AESTHETIC AND VISUAL RESOURCES

### 3.16.1 Affected Environment

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

**CBP Housing Design Standard.** CBP utilizes the Housing Design Standard (CBP 2009) to establish basic requirements for new and existing housing. Housing planners and designers must ensure that the lot and site design conform to the standards or requirements stated in this Standard.

Some features that relate to aesthetic and visual resources include:

- Lot and Site Element Design, which can include:
  - Utilities - The cost of utilities and roads shall be limited to laterals, driveways, and the front footage shall be included in the costs. Any additional utility or road costs shall be from other sources.
  - Porches, Decks, and Patios - Shall not exceed 15% of the livable square footage of a unit. This shall be the maximum amount allowed within the cost model.
  - Windows - Shall be cost effective and appropriate for the climatic conditions (i.e. double glazing, low emittance (coatings), etc.) and in keeping with the local area's private sector practices for residential units.
  - Roofs - Steel roofs may be appropriate for high snow and UV areas. Asphalt or composition shingles are appropriate in many areas. Any roof shall be cost effective. Utilize the local private sector residential construction for cost and function comparison.

- Storage - Storage in remote areas may be accomplished by garages, basements, or storage buildings, depending upon local conditions and an economic analysis.
  - Water walls, Solar, etc. - Justify as a life cycle item in a value analysis.
  - Garages - Can be utilized in high snow country or in isolated areas (more than an hour from an established community). Use carports in other areas. Garages shall only be for year-round residences. A one-car garage is the maximum allowed for two bedroom units and a two-car garage is the maximum for three+ bedroom units.
- Landscape Design – Landscaping can be used to help individualize the housing units as well as to provide a visual screen for privacy for patio areas and back yards. Landscaping in the front yard will help soften the visual environment. It will also visually integrate the ground/foundation line, building material color, and textures that enhances the unit's and neighborhood's curb appeal.
  - Grading/Drainage - Proper drainage is a function of proper grading. Proper grading of soil around a housing unit will allow surface water to drain away from the foundation.
  - Walkways - Walkways provide pedestrian access to and from housing units, public sidewalks, and other common use areas. It is important that they are considered as an integral part of the environment. Poor or missing walkways lead to people making their own pathways, which often become an erosion, maintenance, or security problem.
  - Driveways/Parking - Driveways serve a dual purpose by providing automobile access to a garage or carport and space for parking. The design of the driveway or parking area can also affect the appearance of the house and neighborhood.

All items of design and material specifications must meet stringent parameters for durabilities and serviceabilities.

### **3.16.2 Consequences**

The following threshold was used in this document to determine if an impact to aesthetic and visual resources would be significant:

- Not meeting mandatory requirements for major construction as set forth in the CBP Housing Design Standard.

### 3.16.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE

The dominant view from the Piegan LPOE is of gently rolling agricultural land to the north, south and east, and of the Rocky Mountains to the west. The viewshed is unobstructed for miles to the north, east, and south, including an unobstructed view of the Canadian port facility to the north and US Highway 89 crossing the border from the LPOE. The Canadian port is the only development within the viewshed.

The existing housing includes 27 housing units which include elements of lot and site design which conform to the CBP Housing Design Standard. The minimal landscaping on the site is appropriate to the climate.

**Direct Impacts.** There would be negligible, short-term and long-term, adverse and beneficial, direct impacts to aesthetic and visual resources. There would be adverse impacts from construction equipment and activities during the construction of new housing; however, the impacts would be short-term and negligible. There would also be impacts from the conversion of vacant lots into a developed property. Because there is already developed LPOE housing on the site, the adverse impact from additional development would be negligible.

CBP would use the CBP Housing Design Standard to make appropriate choices for landscaping, exterior appearance, and interior design for the new homes and surrounding area. This would provide sustainability, energy efficiency, and attractive morale-enhancing living areas. These impacts would be long-term and beneficial.

There would be no impacts from increased exterior lighting because the only structures adjacent to the LPOE are the Canadian port buildings, located approximately 280 feet north of the Piegan LPOE Main Port Building. Levels of lighting would follow the requirements in the CBP Housing Design Standard. The neighboring Canadian port has similar lighting.

**Indirect Impacts.** There would be minor, long-term, beneficial, indirect impacts to aesthetic and visual resources. Beneficial impacts would include use of the CBP Housing Design Standard to make appropriate choices for landscaping, exterior appearance, and interior design for the new buildings and surrounding area. This would provide sustainability, energy efficiency, and attractive morale-enhancing living areas.

### 3.16.2.2 Alternative 2 – No Action

**Direct Impacts.** There would be no impacts to aesthetics and visual resources under Alternative 2 because no change would occur in the housing and facilities currently being used. No direct impacts differing from baseline conditions would occur. Ongoing impacts would be similar to those resulting from the current housing situation.

**Indirect Impacts.** There would be minor, long-term, adverse, indirect impacts to aesthetics and visual resources under Alternative 2. The existing Piegan LPOE Housing, specifically the Old Port Building, would continue to deteriorate in appearance and function and would bring about long-term adverse indirect impacts to the aesthetics of the Piegan LPOE housing.

## **3.17 HAZARDOUS MATERIALS**

### **3.17.1 Affected Environment**

Specific environmental statutes and regulations govern hazardous material and hazardous waste management activities at federal operations. For the purpose of this analysis, the terms hazardous waste, hazardous materials, and toxic substances include those substances defined as hazardous by CERCLA, RCRA, the Spill Prevention, Control, and Countermeasures Rule, Department of Transportation Hazardous Materials 181 Regulation, and the TSCA. In general, they include substances that, because of their quantity, concentration, or physical, chemical, or toxic characteristics, may present moderate danger to public health or welfare or the environment when released into the environment.

The existing Piegan LPOE housing facility is located in a remote rural area in northern Montana. The Piegan LPOE housing facility supports the adjacent Piegan LPOE which is built on 63 acres. The Piegan LPOE contains all of the buildings and operations of CBP in the immediate area, as well as 27 housing units. The current Port buildings were completed in 2000 and are in excellent condition. The Old Port Building was originally constructed in 1933, converted to housing in 2000, is listed on the NRHP, and is in need of considerable maintenance and repair. The Phase I houses were built in 2003 and are in fairly good condition. The Phase II houses were built in 2004 and are in fair condition.

The existing Piegan LPOE housing facility contains two underground storage tanks (USTs) of unknown size, with presumed crude oil for heating. They are likely located beneath the slab in the garage area of the Old Port Building. These tanks have been “closed” twice. They were actually abandoned in place due to the historic nature of the Old Port Building. The first time a closure was attempted was in 1960, when 7.25 inches of tar-like product were left inside because it was too heavy to pump from the tank. It was then covered in concrete. A second effort was attempted in 1995. The tank residuals were tested and some pumped out. Again, not all could be removed due to weight. It was then back-filled with sand and abandoned in place, per the state. Soil contamination within the tank pits was discovered in samples taken at that time.

The site also currently has an open Leaking Underground Storage Tanks (LUST) case. Further research suggests that the location of the LUST is also in the garage area of the Old Port Building. Two USTs located adjacent to the garage area, to the north and west, were removed around 1993. At the time of removal, low level soil and water

contamination was discovered. No investigation was undertaken at any time to determine the extent of contamination.

In a letter dated April 18, 2012, the Montana Department of Environmental Quality (MT DEQ) determined that further remedial action, which includes installation of monitoring wells, groundwater and soil sampling as well as verification of the Old Port Building's building structure, is required before the site may receive a "No Further Corrective Action" letter. This letter is included in Appendix A-4, Tab 6 – Public Review Comments. GSA is currently conducting this investigation and results are pending.

### **3.17.2 Consequences**

Violations of any of the laws and regulations listed in Section 3.17.1 and/or any applicable state or local regulations would constitute a significant impact.

CBP would use the following BMPs for Hazardous and Toxic Substances:

- Reasonable containment and control of solid waste generated from and hazardous substances used in renovation and construction activities would be employed. All spills or releases of POL products, hazardous materials, pollutants, or contaminants would be handled in accordance with measures outlined in a Spill Prevention and Response Plan.

#### **3.17.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE**

**Direct Impacts.** Under Alternative 1, there would be negligible short-term direct adverse impacts due to increased amounts of hazardous materials being onsite during construction. These could be, but are not limited to, diesel fuel, gasoline, paint, adhesives, and solvents. The impact would be an increased spill potential. Hazardous materials associated with construction equipment would be used in accordance with federal, state, and local regulations. Any spills from construction activities would be immediately contained and disposed of properly.

Negligible long-term adverse direct impacts under Alternative 1 exist due to the presence and potential leakage of the two USTs and open LUST case located at the Old Port Building.

Due to the age of the open LUST and the lack of recent data, the Old Port Building may require a Phase II Environmental Site Assessment in order to further determine long and short-term impacts.

**Indirect Impacts.** There would be long-term negligible adverse indirect impacts under this alternative, due to spill potential of hazardous materials discussed in the Direct Impacts section above. There is a possibility of a spill migrating offsite, or of a spill contaminating groundwater, which could then migrate offsite. Subsequent cleanup of a

spill could result in minimal emissions (from the treatment and/or disposal process) migrating off-site.

### **3.17.2.2 Alternative 2 – No Action**

No direct or indirect impacts to hazardous materials would be expected under the No Action Alternative. Because no new property would be acquired and no changes to current land use or zoning are anticipated, no impacts differing from baseline conditions would occur. Ongoing impacts would be similar to those resulting from current operations.

## **3.18 SOCIOECONOMIC RESOURCES**

### **3.18.1 Affected Environment**

The Piegan LPOE is outside the boundaries of an incorporated place and community (U.S. Census Bureau [USCB] 2011). The 63-acre Piegan site is located in Glacier County in northwestern Montana. It sits along U.S. Highway 89 directly south of Carway in Alberta, Canada. It is situated 10 miles northwest of Babb and 20 miles northwest of the community of St. Mary at the eastern edge of Glacier National Park. The Piegan LPOE is an in-holding within the boundaries of the Blackfeet Indian Nation Reservation, which covers 80% of Glacier County's land area. The nearest town of any size is Browning, Montana, the commercial center of the Blackfeet Nation and a 48-mile drive from Piegan. Glacier County is the region of influence (ROI) for this socioeconomic analysis. As of 2010, Glacier County has a population of 13,399.

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

#### **Regional Economic Activity**

Local and federal government provides 16 percent of the employment in Glacier County; agriculture, forestry, fishing and hunting provide 15% of the employment; education services provide 11%; and construction provides 10% (Bureau of Labor Statistics [BLS] 2011). As of June 2011, Montana's unemployment rate increased by 0.2%, to stand at 7.7%. Glacier County's July 2011 unemployment rate was 12.2%. The highest unemployment rate recorded for Glacier County was 14.5% in 1999.

The majority of employees in Glacier County work for small businesses, with 56% of the establishments employing one to four employees. Only two business establishments (education and health care/social assistance) employ more than 100 people (USCB 2011).

Current businesses and their employment distribution by economic sector are shown in Table 3.

**Table 3: Selected Statistics by Economic Sector and Sub-Sector, Economic Census. Glacier County, 2007**

| <b>Industry</b>  | <b>Number of Establishments</b> | <b>Number of Employees<sup>1</sup></b> |
|--|---------------------------------|--|
| Retail trade   | 45                              | 449                                    |
| Motor Vehicle and Parts                                    | 6                               | 83                                     |
| Furniture and Home Furnishing Stores                       | 3                               | 6                                      |
| Electronics and Appliance Stores                           | 3                               | 20-99                                  |
| Appliance, television, and other electronics stores        | 3                               | 20-99                                  |
| Retail Trade   | 45                              | 449                                    |
| Motor Vehicle and Parts                                    | 7                               | 76                                     |
| Furniture and Home Furnishing Stores                       | 3                               | 7                                      |
| Building Materials and Garden                              | 4                               | 0-19                                   |
| Food and Beverage Stores                                   | 8                               | 159                                    |
| Health and Personal Care Stores                            | 3                               | 0-19                                   |
| Gasoline Stations  | 6                               | 84                                     |
| Clothing Stores  | 3                               | 28                                     |
| Sporting goods, hobby, book, and music stores              | 1                               | 0-19                                   |
| General Merchandise Retailers                              | 4                               | 21                                     |
| Misc. Store Retailers                                      | 4                               | 16                                     |
| Information  | 4                               | 19                                     |
| Real Estate and Rental and Leasing                         | 7                               | 16                                     |
| Professional Scientific & Technical Services               | 18                              | 46                                     |
| Administrative, Support, Waste Management, and Remediation | 3                               | 5                                      |
| Educational Services                                       | 1                               | 0-19                                   |
| Health Care & Social Assistance                            | 18                              | 250-499                                |
| Arts, Entertainment, and Recreation                        | 5                               | 14                                     |
| Accommodation and Food Services                            | 48                              | 265                                    |
| Accommodation  | 23                              | 60                                     |
| Food Services and Drinking Places                          | 25                              | 205                                    |
| Other Services (except public administration)              | 20                              | 20-99                                  |

<sup>1</sup> – Range given for confidentiality protection.

Source: U.S. Census Bureau, 2007 Economic Census, release date: 7/23/2010 (USCB 2011).

## Demographics

Glacier County covers approximately 2,995 square miles in size with a density of 5.0 persons per square mile. In 2009, the County population was 13,500 (58% urban,

42% rural). In 2009, the average age of residents in Glacier County was 30.6 years, which is below the state average of 37.5 years (City Data 2010). The 2009 average household size in Glacier County was 3.0 people with a median household income of \$35,782. The county lost 5.87% of its residents between 2005 and 2006 due to net migration and gained 5.4% of its residents from natural change. Glacier County was ranked #57 on the list “Top 101 counties with the largest number of children under 18 without health insurance coverage in 2000;” #61 on the list of “Top 101 counties with the largest number of people without health insurance coverage in 2000;” and #69 on the list of “Top 101 counties with the highest number of births per 1000 residents 2000-2003” (City Data 2010). Regional and local population trends are seen in Table 4.

**Table 4: Regional and Local Population Trends: ROI, 2000-2015**

| Jurisdiction   | 2015 Projected Population | Percent Change, 2000-2009 | 2009 Population | 2000 Population |
|----------------|---------------------------|---------------------------|-----------------|-----------------|
| Glacier County | 17,420                    | 2.6%                      | 13,550          | 13,197          |
| Montana        | 999,489                   | 7.5%                      | 974,989         | 902,195         |

*Source: U.S. Department of Commerce, U.S. Census Bureau, 2000, 2009, U.S. Census; Population Estimates and Projections, 2015*

### Housing

In 2010, Glacier County had a low cost of living with a rating of 83.0 (the U.S. average is 100) (City Data 2010). According to the 2009 Census, Glacier County had 5,226 housing units with a 13.0 percent vacancy rate. The state of Montana has 412,633 housing units and a 26.14 percent vacancy rate (USCB 2011).

Approximately 65 percent of the housing in Glacier County is single family followed by mobile home at approximately 14 percent (USCB 2011). The mean price of detached houses in 2009 was \$149,844 which is lower than the state average of \$250,674. The median price of mobile homes in Glacier County in 2009 was \$63,270. There were 1,637 renter-occupied apartments at a median cost of \$306.

### Education

Glacier County has 15 public schools (10 elementary schools, three middle schools, and two high schools) (Public School Review 2010). The Blackfeet Community College is located in Browning, Montana. Currently there are 469 college students in the County. There are approximately 78.6% of people 25 years of age or older with a high school degree or higher, and approximately 16.5% with a bachelor’s degree or higher.

### 3.18.2 Consequences

It is anticipated that there will be negligible short-term regional socioeconomic effects related to the proposed government actions.

### 3.18.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE

**Direct Impacts.** There would be negligible short-term beneficial direct economic impacts to the regional and local economy under Alternative 1. There would be negligible short-term beneficial direct impacts to housing and no anticipated impacts to demographics or education. Employment generated by construction activities would result in additional wages paid; an increase in sales (business) volume; and an increase in expenditures for local and regional services, materials, and supplies. These impacts would be realized only during the length of the construction period. The increase in business volume, income, and employment includes capital expenditures, income, and labor directly associated with the construction activity.

Because the new LPOE housing units would bring only a small increase in personnel to the area, there are no anticipated impacts to the housing market or school services in the area. There is potential for the proposed action to bring a temporary influx of contractors into the area to complete construction. Employment generated would result in wages paid; an increase in sales at restaurants, gas stations, grocery stores, and hotels as well as expenditures for local and regional services, materials, and supplies would result in negligible, short-term beneficial impacts to the economy. Construction workers would most likely reside in available hotels or rental properties or rooms. There would be a negligible, short-term beneficial impact from increased sales for short-term housing.

**Indirect Impacts.** There would be negligible short-term beneficial indirect economic impacts to the regional and local economy during the construction phase of this alternative. These impacts would be in respect to employment; income; and business volume.

Beneficial short-term indirect economic impacts would be realized by the regional and local economy during the construction phase of this alternative. Employment generated by construction activities would result in additional indirect wages paid; an increase in indirect business volume; and indirect expenditures for local and regional services, materials, and supplies.

As a result of construction expenditures for materials, supplies, and services, in addition to construction labor wages, and an increase of indirect jobs created in the construction, retail trade, service, and industrial sectors, during the length of the construction period there would be short term, negligible impacts on the regional economy.

### **3.18.2.2 Alternative 2 – No Action**

No direct or indirect impacts would be expected under the No Action Alternative. No change would occur in the buildings and facilities currently being used or in the type, frequency, or intensity of operations. No impacts differing from baseline conditions would occur to regional economic activity, employment, demographics, housing, or education. Ongoing impacts would be similar to those resulting from current operations.

## **3.19 ENVIRONMENTAL JUSTICE AND PROTECTION OF CHILDREN**

### **3.19.1 Affected Environment**

The following discussion of environmental justice issues was developed to address two EOs.

#### **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low–Income Populations**

On February 11, 1994, President Clinton issued EO 12898, Federal Actions to Address Environmental Justice in Minority and Low–Income Populations. The purpose of this EO is to avoid the disproportionate placement of adverse environmental, economic, social, or health impacts from federal actions and policies on minority and low–income populations or communities. An element emanating from this order was the creation of an Interagency Federal Working Group on Environmental Justice composed of the heads of 17 federal departments and agencies. Each department or agency is to develop a strategy and implementation plan for addressing environmental justice.

It is the policy of CBP to fully comply with EO 12898 by incorporating environmental justice concerns in decision–making processes supporting CBP policies, programs, projects, and activities. In this regard, CBP ensures it will identify, disclose, and respond to potential adverse social and environmental impacts on minority and/or low–income populations within the area affected by a proposed federal action.

The initial step in the environmental justice analysis process is the identification of minority populations and low income populations that might be affected by implementation of the proposed action or alternatives. For environmental justice considerations, these populations are defined as individuals or groups of individuals, which are subject to an actual or potential health, economic, or environmental threat arising from existing or proposed federal actions and policies.

Population by race and ethnicity is compiled during the decennial census. The minimum categories for race are American Indian or Alaska Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; and White. The Census 2000 questionnaires also include a sixth racial category: Some Other Race. There are also two minimum categories for ethnicity: Hispanic or Latino and Not Hispanic or

Latino. Hispanic is an ethnic designation that can be a mixture of white, black, and American Indian races (USCB 2011).

The Census uses a set of income limits that vary by family size and composition to determine who is below the poverty line. If the family's total income is less than the limit then every individual in the family is considered below the poverty line. The mean income for a family of four in 2004 was \$19,157 and \$20,444 in 2006. Poverty income thresholds are nationwide standards set by the Census. A comparison of race and poverty for Glacier County and the State of Montana are in Table 5.

| <b>Table 5: Minority and Low-Income Populations: ROI</b> |                                |   |                                       |   |
|--|--------------------------------|---|---------------------------------------|---|
| <b>Jurisdiction</b>                                      | <b>Total Population (2010)</b> | <b>Percent Minority Population (2010)</b> | <b>Median Household Income (2009)</b> | <b>Percent Persons Below Poverty Level (2009)</b> |
| Glacier County   | 13,399                         | 67.7%                                     | \$29,941                              | 30.5%   |
| Montana  | 989,415                        | 10.3%                                     | \$42,222                              | 15%   |

*Source: U.S. Department of Commerce, U.S. Census Bureau, Quick Facts 2011 (USCB 2011)*  
<sup>1</sup> *The poverty threshold for a family of four in 2010 was \$22,541.*

According to the Census, the majority of the population in Glacier County (approximately 65.6%) consists of American Indian/Alaskan Native individuals. The remainder of the population is White persons, not Hispanic (30.7%), two or more races (2.8%) or Hispanic (1.8%). Households in Glacier County earn on average \$29,941 annually, which is 29.1 percent less than the average Montana income.

**Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks**

On April 21, 1997, President Clinton issued EO 13045, Protection of Children from Environmental Health Risks and Safety Risks. This EO recognizes that a growing body of scientific knowledge demonstrates that children may suffer disproportionately from environmental health risks and safety risks. These risks arise because children's bodily systems are not fully developed; because they eat, drink, and breathe more in proportion to their body weight; because their size and weight can diminish protection from standard safety features; and because their behavior patterns can make them more susceptible to accidents. Based on these factors, President Clinton directed each federal agency to make it a high priority to identify and assess environmental health risks and safety risks that might disproportionately affect children. President Clinton also directed each federal agency to ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.

It is CBP policy to fully comply with EO 13045 by incorporating these concerns into decision-making processes supporting CBP policies, programs, projects, and activities. In this regard, CBP ensures that it will identify, disclose, and respond to potential

adverse social and environmental impacts on children within the area affected by a proposed CBP action.

### **3.19.2 Consequences**

The following threshold was used to determine if any impacts related to environmental justice and protection of children are significant:

- Negative environmental impact experienced by an entire minority and low-income community or Indian Tribal Government.
- The impact causes potential loss of life or severe injuries to children.

#### **3.19.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE**

**Direct Impacts.** There would be negligible short-term beneficial direct impacts to minorities and low income households. There may be short-term negligible adverse health impacts to minorities, low-income households, and children.

Because construction sites can be enticing to children, construction activity could be an increased safety risk. Therefore, during construction, appropriate federal and State safety measures and health regulations would be followed to protect the health and safety of all residents as well as construction workers. Safety measures, barriers and “no trespassing” signs would be placed around the perimeter of construction sites to deter children from playing in these areas, and construction vehicles and equipment would be secured when not in use. These measures would reduce the potential for injuries to children. There are no known schools or playgrounds nearby the proposed construction areas.

**Indirect Impacts.** No indirect impacts would be expected under Alternative 2 because there are no impacts removed in time or at a distance from the existing LPOE housing site to minorities or children.

#### **3.19.2.2 Alternative 2 – No Action**

No direct or indirect impacts would be expected under the No Action Alternative. No change would occur in the buildings and facilities currently being used or in the type, frequency, or intensity of operations. No direct impacts differing from baseline conditions would occur to minority or low-income populations. Ongoing impacts would be similar to those resulting from current operations.

## 3.20 SUSTAINABILITY AND GREENING

### 3.20.1 Affected Environment

#### Federal Leadership in High Performance and Sustainable Buildings Memorandum of Understanding

In January 2006, the Federal Leadership in High Performance and Sustainable Buildings Memorandum of Understanding (MOU) was signed by numerous federal agencies, including DHS, signifying their commitment to sustainability. The federal government is committed to designing, locating, constructing, maintaining, and operating its facilities in a sustainable manner. The goal of this MOU is to establish and follow a common set of sustainable Guiding Principles for integrated design, energy performance, water conservation, indoor environmental quality, and materials (Grone, et al. 2006). The Omnibus Appropriations Act of 2009 created the Guiding Principles law (Public Law 111-9) used in this MOU.

The specific criteria of the Guiding Principles of the MOU (2008) are:

#### 1. Employ Integrated Assessment, Operation, and Management Principles

**Integrated Assessment, Operation, and Management.** Use an integrated team to develop and implement policy regarding sustainable operations and maintenance. Incorporate sustainable operations and maintenance practices within the appropriate Environmental Management System (EMS), Assess existing condition and operational procedures of the building and major building systems and identify areas for improvement, Establish operational performance goals for energy, water, material use and recycling, and indoor environmental quality, and ensure incorporation of these goals throughout the remaining lifecycle of the building, Incorporate a building management plan to ensure that operating decisions and tenant education are carried out with regard to integrated, sustainable building operations and maintenance, Augment building operations and maintenance as needed using occupant feedback on work space satisfaction.

**Commissioning.** Employ recommissioning, tailored to the size and complexity of the building and its system components, in order to optimize and verify performance of fundamental building systems. Commissioning must be performed by an experienced commissioning provider. When building commissioning has been performed, the commissioning report, summary of actions taken, and schedule for recommissioning must be documented. In addition, meet the requirements of Energy Independence and Security Act (EISA 2007), Section 432 and associated Federal Energy Management Program (FEMP) guidance.

Building recommissioning must have been performed within four years prior to reporting a building as meeting the Guiding Principles.

#### 2. Employ Integrated Assessment, Operation, and Management Principles

**Energy Efficiency.** Three options can be used to measure energy efficiency performance:

- Option 1: Receive an ENERGY STAR® rating of 75 or higher or an equivalent Labs21 Benchmarking Tool score for laboratory buildings,
- Option 2: Reduce measured building energy use by 20% compared to building energy use in 2003 or a year thereafter with quality energy use data, or

- Option 3: Reduce energy use by 20% compared to the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) 90.1-2007 baseline building design if design information is available. Use ENERGY STAR® and FEMP-designated Energy Efficient Products, where available.

**On-Site Renewable Energy.** Per E.O. 13423, implement renewable energy generation projects on agency property for agency use, when lifecycle cost effective.

**Measurement and Verification.** Per the Energy Policy Act of 2005 (EPA 2005)\_Section 103, install building level electricity meters to track and continuously optimize performance. Per the EISA 2007, the utility meters must also include natural gas and steam, where natural gas and steam are used.

**Benchmarking.** Compare annual performance data with previous years' performance data, preferably by entering annual performance data into the ENERGY STAR® Portfolio Manager. For building and space types not available in ENERGY STAR®, use an equivalent benchmarking tool such as the Labs21 benchmarking tool for laboratory buildings.

### 3. Protect and Conserve Water

**Indoor Water.** Two options can be used to measure indoor potable water use performance:

Option 1: Reduce potable water use by 20% compared to a water baseline calculated for the building. The water baseline, for buildings with plumbing fixtures installed in 1994 or later, is 120% of the Uniform Plumbing Codes 2006 or the International Plumbing Codes 2006 fixture performance requirements. The water baseline for plumbing fixtures older than 1994 is 160% of the Uniform Plumbing Codes 2006 or the International Plumbing Codes 2006 fixture performance requirements, or

Option 2: Reduce building measured potable water use by 20% compared to building water use in 2003 or a year thereafter with quality water data.

**Outdoor Water.** Three options can be used to measure outdoor potable water use performance:

Option 1: Reduce potable irrigation water use by 50% compared to conventional methods, or

Option 2: Reduce building related potable irrigation water use by 50% compared to measured irrigation water use in 2003 or a year thereafter with quality water data, or

Option 3: Use no potable irrigation water.

**Measurement of Water Use.** The installation of water meters for building sites with significant indoor and outdoor water use is encouraged. If only one meter is installed, reduce potable water use (indoor and outdoor combined) by at least 20% compared to building water use in 2003 or a year thereafter with quality water data.

Employ strategies that reduce storm water runoff and discharges of polluted water offsite. Per EISA Section 438, where redevelopment affects site hydrology, use site planning, design, construction, and maintenance strategies to maintain hydrologic conditions during development, or to restore hydrologic conditions following development, to the maximum extent that is technically feasible.

**Process Water.** Per the EPA 2005 Section 109, when potable water is used to improve a building's energy efficiency, deploy lifecycle cost effective water conservation measures.

**Water-Efficient Products.** Where available, use EPA's WaterSense-labeled products or other water conserving products, where available. Choose irrigation contractors who are certified through a WaterSense labeled program.

#### 4. Enhance Indoor Environmental Quality

**Ventilation and Thermal Comfort.** Meet ASHRAE Standard 55-2004, Thermal Environmental Conditions for Human Occupancy and ASHRAE Standard 62.1-2007: Ventilation for Acceptable Indoor Air Quality.

**Moisture Control.** Provide policy and illustrate the use of an appropriate moisture control strategy to prevent building damage, minimize mold contamination, and reduce health risks related to moisture. For façade renovations, Dew Point analysis and a plan for cleanup or infiltration of moisture into building materials are required.

**Daylighting and Lighting Controls.** Automated lighting controls (occupancy/vacancy sensors with manual-off capability) are provided for appropriate spaces including restrooms, conference and meeting rooms, employee lunch and break rooms, training classrooms, and offices. Two options can be used to meet additional daylighting and lighting controls performance expectations:

Option 1: Achieve a minimum daylight factor of 2 percent (excluding all direct sunlight penetration) in 50 percent of all space occupied for critical visual tasks, or

Option 2: Provide occupant controlled lighting, allowing adjustments to suit individual task needs, for 50% of regularly occupied spaces.

**Low-Emitting Materials.** Use low emitting materials for building modifications, maintenance, and cleaning. In particular, specify the following materials and products to have low pollutant emissions: composite wood products, adhesives, sealants, interior paints and finishes, solvents, carpet systems, janitorial supplies, and furnishings.

**Integrated Pest Management.** Use integrated pest management techniques as appropriate to minimize pesticide usage. Use EPA-registered pesticides only when needed.

**Environmental Tobacco Smoke Control.** Prohibit smoking within the building and within 25 feet of all building entrances, operable windows, and building ventilation intakes.

#### 5. Reduce Environmental Impact of Materials

**Recycled Content.** Per Section 6002 of the Resource Conservation and Recovery Act (RCRA), for EPA-designated products, use products meeting or exceeding EPA's recycled content recommendations for building modifications, maintenance, and cleaning. For other products, use materials with recycled content such that the sum of postconsumer recycled content plus one-half of the pre-consumer content constitutes at least 10% (based on cost or weight) of the total value of the materials in the project. If EPA-designated products meet performance requirements and are available at a reasonable cost, a preference for purchasing them shall be included in all solicitations relevant to construction, operation, maintenance of or use in the building. EPA's recycled content product designations and recycled content recommendations are available on EPA's Comprehensive Procurement Guideline website.

**Biobased Content.** Per Section 9002 of the Farm Security and Rural Investment Act (FSRIA), for USDA-designated products, use products with the highest content level per USDA's biobased content recommendations. For other products, use biobased products made from rapidly renewable resources and certified sustainable wood products. If these designated products meet performance requirements and are available at a reasonable cost, a preference for purchasing them should be included in all solicitations relevant to construction, operation, maintenance of or use in the building. USDA's biobased product designations and biobased content recommendations are available on USDA's BioPreferred website.

**Environmentally Preferable Product.** Use products that have a lesser or reduced effect on human health and the environment over their lifecycle when compared with competing products or services that serve the same purpose. A number of standards and ecolabels are available in the marketplace to assist specifiers in making environmentally preferable decisions. For recommendations, consult the Federal Green Construction Guide for Specifiers.

**Waste and Materials Management.** Provide reuse and recycling services for building occupants, where markets or on-site recycling exist. Provide salvage, reuse and recycling services for waste generated from building operations, maintenance, repair and minor renovations, and discarded furnishings, equipment and property. This could include such things as beverage containers and paper from building occupants, batteries, toner cartridges, outdated computers from an equipment update, and construction materials from a minor renovation.

**Ozone Depleting Compounds.** Eliminate the use of ozone depleting compounds where alternative environmentally preferable products are available, consistent with either the Montreal Protocol and Title VI of the Clean Air Act Amendments of 1990, or equivalent overall air quality benefits that take into account lifecycle impacts.

GSA and CBP will incorporate the Guiding Principles while adhering to other financial, technical, and other mission-related considerations.

## **EO 13423, Strengthening Federal Environmental, Energy, and Transportation Management**

President Bush on January 24, 2007 issued EO 13423, Strengthening Federal Environmental, Energy, and Transportation Management. The EO proposes that federal agencies conduct their environmental, transportation, and energy-related activities in an environmentally, economically, and fiscally sound and sustainable manner.

The goals for agencies in implementing this EO:

- New construction and major renovation comply with The Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings.
- Improve energy efficiency and reduce greenhouse emissions.
- Use renewable energy sources.
- Reduce water consumption intensity.
- Use of sustainable environmental practices, including energy-efficient, water-efficient, and recycled-content products.
- Reduce the quantity of toxic and hazardous chemicals and materials.
- Reduce fleet consumption of petroleum products and increase non-petroleum based consumption.
- Meets at least 95 percent on an Electronic Product Environmental Assessment Tool-registered electronic product, enable energy star, or establish ways to prolong the useful life of electronic equipment.

CBP integrates many of the goals of EO 13423 in its decision making by using the CBP Housing Design Standard when designing or renovating LPOE Housing.

## **CBP Housing Design Standard and LEED Rating System**

As a means of evaluating and measuring green building achievements, all new facilities, substantial renovations and large scale tenant fit-outs must be certified through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the U.S. Green Building Council (USGBC). LEED New Construction and Major Renovations rated buildings are separated into four progressive categories: Certified (40-49 points), Silver (50-59 points), Gold (60-79 points), or Platinum (80 or more points) and all certification levels include several prerequisites.

DHS has a Strategic Sustainability Performance Plan that incorporates these executive orders.

### **3.20.2 Consequences**

The following threshold was used to determine significant impacts to sustainability and greening resources:

- Design for new residential construction does not meet the mandatory requirements for major construction as set forth in the CBP Housing Design Standard.

#### **3.20.2.1 Alternative 1 – (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE**

**Direct Impacts.** There would be both moderate, short- and long-term, beneficial, direct impacts as well as minor, short-term, adverse, direct impacts under Alternative 1. The degree of impact would depend on the level of LEED certification and the extent that other sustainable practices are incorporated into the new LPOE housing design. Beneficial impacts would result from reducing operating costs through energy efficiency, reducing impact to the immediate and regional environment, enhanced building aesthetics, and increased occupant health and productivity. The use of an SECP for all construction activities would fulfill the prerequisite for the sustainable sites credits for LEED New Construction rating system. The proposed new LPOE housing would be constructed and compliant according to the guidelines in the CBP Housing Design Standard. Constructing LEED Certified residential buildings, incorporating the Guiding Principles of the MOU, and meeting the goals set forth by EO 13432 would provide beneficial impacts to the proposed new LPOE housing and surrounding environment.

Minor, short-term, adverse, direct impacts may occur due to initial increased building and construction costs resulting from incorporating certain LEED and other sustainable practices. These increased costs would be compared to baseline building costs that do not incorporate LEED or other sustainable principles.

**Indirect Impacts.** Minor, long-term, beneficial, indirect impacts would be expected under Alternative 1. Buildings using LEED or similar construction standards provide immediate and long-term indirect impacts. These indirect beneficial impacts are

realized by the surrounding environment in lower resource use, improved air quality, and a positive recognition of commitment to environmental issues by the community.

### **3.20.2.2 Alternative 2 – No Action**

No direct or indirect impacts to sustainability and greening would be expected under the No Action Alternative because no change would occur in the buildings and facilities currently being used or in the type, frequency, or intensity of operations. Ongoing impacts would be similar to those resulting from current operations.

## **3.21 HUMAN HEALTH AND SAFETY**

### **3.21.1 Affected Environment**

#### **Health**

The Blackfeet Community Hospital is located in Browning, Montana and is approximately 43 miles southeast from the Piegan LPOE. The Blackfeet Community Hospital provides healthcare services for members of the Blackfoot Nation in Montana, including Browning, the reservation's largest community, as well as the surrounding communities of Heart Butte, North Browning, Saint Mary, South Browning, East Glacier Park Village and Starr School.

#### **Security and Law Enforcement**

Federal security measures are in place at the Piegan LPOE. The Glacier County Sheriff's Office, located in Cut Bank, is the primary provider of law enforcement and police protection services in the county. In addition, the Disaster and Emergency Services Coordinator, located in Cut Bank is responsible for coordinating resources and various law enforcement agencies during an emergency in the county and its towns and villages.

The Piegan LPOE and residences are equipped with smoke detectors with an audible alarm. Fire protection services are provided to the LPOE by the Babb Volunteer Fire Department, which has a fire station approximately 10 miles south of the Piegan LPOE.

### **3.21.2 Consequences**

Communities determine their own need for community services by considering population, number of calls, citizen demand, and stability and age of population. Significant impacts to human health and safety would occur when a rapid change in population or a large increase in population strains a community's fire, police, or hospital resources; the impacts are experienced on a regional, state, or national level; or cause a substantial loss of life or severe injuries to the population.

### **3.21.2.1 Alternative 1 (Preferred Action) – Construction and Operation of New Housing and Infrastructure at the Existing Piegan LPOE**

**Direct Impacts.** There would be long-term moderate beneficial impacts to public safety from the new Piegan LPOE housing. The new Piegan LPOE housing would be ADA compliant and include improved site lighting.

The existing medical/health, law enforcement, and fire protection/emergency medical services and facilities are sufficient to accommodate and serve the demands of any potential increase in traffic resulting from the proposed action. Any direct impacts to existing services are anticipated to be negligible.

The Piegan LPOE security threat is perceived as very low considering the isolation of the site. Low level crime (vandalism, theft, etc.) is non-existent.

**Indirect Impacts.** There would be no indirect impacts under Alternative 1. The Piegan LPOE is expected to maintain current staffing levels, so no increase in existing medical/health, law enforcement, and fire protection/emergency medical services in the surrounding community would be expected.

### **3.21.2.2 Alternative 2 – No Action**

No direct or indirect impacts to human health and safety would be expected under the No Action Alternative. Because no change would occur in the buildings and facilities currently being used or in the type, frequency, or intensity of operations, no impacts to human health and safety differing from baseline conditions would occur. Ongoing impacts would be similar to those resulting from current operations.

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## 4.0 CUMULATIVE IMPACTS

### 4.1 INTRODUCTION

The cumulative impacts analysis evaluates the direct and indirect effects of implementing any of these alternatives in association with past, present, and reasonably foreseeable future CBP actions and the actions of other parties in the surrounding area (where applicable).

The cumulative impacts analysis was prepared at a level of detail reasonable and appropriate to support an informed decision by CBP in selecting an alternative. The cumulative impacts discussion is presented according to each of the implementation alternatives listed. Cumulative impacts discussions address both direct and indirect impacts.

The most severe environmental degradation may not result from the direct effects of any particular action, but from the combination of effects of multiple, independent actions over time. As defined in 40 CFR 1508.7 (CEQ Regulations), a cumulative effect is the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions.

Principles of cumulative effects analysis are described in the CEQ guide “Considering Cumulative Effects under the National Environmental Policy Act (CEQ 2011).” CEQ guidance on cumulative impacts analysis states:

For cumulative impacts analysis to help the decision-maker and inform interested parties, it must be limited through scoping to effects that can be evaluated meaningfully. The boundaries for evaluating cumulative impacts should be expanded to the point at which the resource is no longer affected significantly or the impacts are no longer of interest to affected parties (CEQ 2006).

This section defines several key terms used in the cumulative impacts analysis. These definitions supplement the definitions provided in above.

**Cumulative Impacts Analysis Area.** The cumulative impacts analysis area includes the area that has the potential to be affected by implementation of the proposed action. This includes the project site and the area surrounding the project site and varies by the resource category being considered.

**Past and Present Actions.** Past and present actions, other than the proposed action, are defined as actions within the cumulative analysis areas under consideration that occurred before or during site visits (the environmental baseline for this EA). These include past and present actions at the project site and past and present demographic, land use, and development trends in the surrounding area. In most cases, the

characteristics and results of these past and present actions are described in the Affected Environment of this EA.

**Reasonably Foreseeable Future Actions.** Reasonably foreseeable future actions include both on-site and off-site activities, but are limited to those activities that have been approved and that can be identified and defined with respect to timeframe and location.

The area surrounding the existing Piegan LPOE housing is rural and sparsely developed. The population of Glacier County, where the Piegan LPOE is located, has continuously increased since 1920. Glacier County has an area of 2,995 square miles and a population of 13,550 (as of July 2009) for a population density of 5 persons per square mile (City Data 2010). Government officials were contacted to determine if any projects or development occurring in the community or region that could contribute to cumulative impacts (see Initiation Letters, Appendix A-1 through A-3).

**Cumulative Impacts.** Government officials identified no reasonably foreseeable future actions in the community or region that could contribute to cumulative impacts (see Appendix A-4 – Public Review Comments and Public Notices). Accordingly, there is no potential for cumulative impacts in any of the resource categories discussed in Section 3 resulting from implementation of the proposed action.

## **5.0 MITIGATION MEASURES AND BEST MANAGEMENT PRACTICES**

### **5.1 MITIGATION MEASURES**

No significant adverse impacts resulting from implementation of the proposed action have been identified through the analysis in this EA. Mitigation measures may be required to reduce impacts to cultural resources should such resources be identified during construction and avoidance is not possible. Any mitigation measures will be implemented prior to construction and, for any cultural resources measures, in consultation with the Blackfeet Nation Tribal Historic Preservation Office; the Montana State Historic Preservation Office; and interested Native American tribes and nations.

### **5.2 BEST MANAGEMENT PRACTICES**

In association with the proposed action, CBP identified a number of BMPs that would be implemented with the proposed construction activities. These measures are designed to avoid, remedy, or reduce adverse impacts. These measures are not required as mitigation to reduce impacts to below significance thresholds. CBP would work with government agencies to comply with the respective regulations and avoid adverse impacts wherever possible. Wherever reasonable and possible to do so, unavoidable adverse impacts would be lessened through cooperative efforts with the appropriate agencies.

For those adverse impacts that cannot be avoided, BMPs have been developed to: protect, maintain, restore, or enhance environmental conditions. These BMPs, to be implemented as necessary based upon site conditions, are summarized below:

BMPs employed to reduce erosion and sedimentation would include establishment of:

- Silt fences;
- Diversion ditches;
- Re-seeding and re-establishment of vegetation on bare soil as soon as possible following construction;
- To offset potential impacts from soil compaction, highly compacted areas left after construction would be scarified and aerated.
- Mulching, straw berms, and temporary cover crops as appropriate;
- Construction, operation, and maintenance of portable and long-term sediment and surface water retention features;
- Appropriate erosion and sediment control would be in place and functional before earth-moving operations begin and would remain intact throughout the project. Disturbed areas would be planted as quickly as possible to prevent erosion;
- Areas around buildings and driveways would be well-vegetated to minimize soil erosion. In addition, catch basins, diversion ditches, and pipe conveyances may be necessary to handle any additional storm water runoff. Design elements such

as grass swales and landscaped features designed to help minimize runoff and soil erosion could be used;

- Design and construction measures would include development of surface water control features to ensure that post-development run-off from construction sites does not exceed pre-development run-off;
- Storm gutters and other storm drainage system improvements would be installed in conjunction with construction of the new facilities;
- Each alternative would also require a State-approved SECP. The SECP covers timing and sequencing of construction, placement of sediment barriers and runoff control features, and revegetation;
- Erosion controls detailed in NRCS Critical Area standards and those required by the State of Montana storm water discharge permits for construction sites.

CBP continually uses BMPs, such as the following, to minimize contamination of storm water runoff:

- Good housekeeping - keeping areas clean, conducting inspections regularly;
- Preventive maintenance - using drip pans, changing automotive fluids only in designated areas;
- Spill prevention, control, and countermeasures - keeping accurate inventory of potential polluting materials, protecting materials from storm water, and making spill kits available.

CBP would use the following BMPs for Air Emissions:

- Construction dust control measures would substantially reduce the potential for fugitive dust emissions. These measures would include retention of vegetative cover on the site to the extent practical, reestablishment of new vegetative cover in disturbed areas, and adherence to permit requirements (if needed).

CBP would use the following BMPs for Hazardous and Toxic Substances:

- Reasonable containment and control of solid waste generated from and hazardous substances used in renovation and construction activities would be employed. All spills or releases of POL products, hazardous materials, pollutants, or contaminants would be handled in accordance with measures outlined in a Spill Prevention and Response Plan.

Additional BMPs CBP could incorporate include the following:

- Dying vegetation, shrubbery, and trees should be removed and replaced with more aesthetically pleasing landscaping (when practicable, native vegetation would be used) to enhance aesthetics and visual resources of renovated and new buildings, roads, and driveways.
- During construction of buildings, roads, or driveways, screening could be erected to shield the view of construction activities to improve aesthetics.

- Barriers and “no trespassing” signs would be placed around construction areas to reduce potential injuries.

## 6.0 REFERENCES

References used during the development of this EA include:

| <b>Reference</b>   | <b>Description</b>  |
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| CBP 2008           | Western Hemisphere Travel Initiative, the Immigration Advisory Program, Free and Secure Trade, and the Container Security Initiative.   |
| CBP 2009a          | U.S. Customs and Border Protection. 2006. Secure Borders, Safe Travel, Legal Trade. Strategic Plan FY 2009 - 2014. July 2009.   |
| CBP 2009b          | U.S. Customs and Border Protection. 2009. Housing Design Standard.  |
| CBP 2009c          | U.S. Customs and Border Protection. 2009. Housing Program Feasibility Study. Prepared by Garrison Architects, Louis Berger Group, Inc. June 15, 2009.                               |
| CBP 2009d          | U.S. Customs and Border Protection. 2009. Guidelines.   |
| CEQ 2011           | Council on Environmental Quality. 2011. Considering Cumulative Impacts under the National Environmental Policy Act. Published January 1997.   |
| City Data 2010     | Data Accessed at URL: <a href="http://www.city-data.com">http://www.city-data.com</a> .   |
| Climate Chart 2011 | Data Accessed at URL <a href="http://www.climate-charts.com/USA-Stations/MT/MT240392.php">http://www.climate-charts.com/USA-Stations/MT/MT240392.php</a>                            |
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| DHS 2007           | U.S. Department of Homeland Security. 2007. Archaeological Survey of the Piegan (PIE) Land Port of Entry, Glacier County, Montana. Prepared by HRA Gray & Pape, LLC. November 2007. |
| EPA 2011           | EPA AirData. 2011.<br><a href="http://www.epa.gov/air/data/nonat.html?st~MT~Montana">http://www.epa.gov/air/data/nonat.html?st~MT~Montana</a>                                       |

| <b>Reference</b> | <b>Description</b>  |
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| FEMA 2011        | Federal Emergency Management Agency. 2011. Digital flood insurance rate map (FIRM) map viewer available online at <a href="https://hazards.fema.gov/wps/portal/mapviewer">https://hazards.fema.gov/wps/portal/mapviewer</a> .   |
| Foresman 2001    | Foresman, K. R. 2001. The Wild Mammals of Montana. American Society of Mammologists, Special Publication No. 12: Lawrence, KS, 278 pp.  |
| GC DES 2003-2005 | Glacier County Hazard Mitigation Plan. 2003-2005. Prepared by Cindy Mullaney and Justin M. Schumacher for Glacier County Disaster and Emergency Services.   |
| GEO 2011         | <a href="http://geology.about.com/library/bl/maps/n_statemap_MT3200.htm">http://geology.about.com/library/bl/maps/n_statemap_MT3200.htm</a>   |
| GSA 2012         | General Services Administration. 2012. Preliminary Engineering Report – Infrastructure, Piegan Port of Entry, Piegan, Montana. Prepared by Robert Peccia and Associates. September 2012.  |
| MCBMG 2011       | Montana Center Bureau of Mines and Geology website – Groundwater Information Center. 2011. <a href="http://mbmgwic.mtech.edu/">http://mbmgwic.mtech.edu/</a>  |
| Ruediger 2000    | Ruediger, B., et al. 2000. Canada lynx conservation assessment and strategy, 2nd edition. USDA Forest Service, USDI Fish and Wildlife Service, USDI Bureau of Land Management, and USDI National Park Service. Forest Service Publication #R1-00-53. Missoula, Montana. 142 pp. |
| USCB 2011        | U.S. Census Bureau, State and County Quickfacts, 2011. <a href="http://quickfacts.census.gov">http://quickfacts.census.gov</a>  |
| USDA 2011        | U.S. Department of Agriculture Natural Resources Conservation Service Web Soil Survey. <a href="http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx">http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx</a>  |
| USEPA 1974       | U.S. Environmental Protection Agency, 1974. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety. Office of Noise Abatement and Control.   |
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| USFWS 2011b      | U.S. Fish and Wildlife Service. 2011. National Wetlands Inventory Map. Accessed at URL: <a href="http://www.fws.gov/wetlands/Data/Mapper.html">www.fws.gov/wetlands/Data/Mapper.html</a> |
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## 7.0 ACRONYMS AND ABBREVIATIONS

### A

|        |  |
|--------|--|
| AASHTO | American Association of State Highway and Transportation Officials         |
| ADA    | Americans with Disabilities Act  |
| ASHRAE | American Society of Heating, Refrigerating, and Air-Conditioning Engineers |

### B

|     |                            |
|-----|----------------------------|
| BLS | Bureau of Labor Statistics |
| BMP | Best Management Practices  |

### C

|        |   |
|--------|---|
| CAA    | Clean Air Act   |
| CBP    | U.S. Customs and Border Protection                                    |
| CEQ    | Council on Environmental Quality                                      |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CFR    | Code of Federal Regulations   |
| CWA    | Clean Water Act   |

### D

|     |                                 |
|-----|---------------------------------|
| dB  | decibel                         |
| dBA | decibels, A-Weighted scale      |
| DHS | Department of Homeland Security |

### E

|     |                                    |
|-----|------------------------------------|
| EA  | Environmental Assessment           |
| EDR | Environmental Data Resources, Inc. |
| EIS | Environmental Impact Statement     |
| EO  | Executive Order                    |
| ESA | Endangered Species Act             |

### F

|       |                                     |
|-------|-------------------------------------|
| FPPA  | Farmland Protection Policy Act      |
| FONSI | Finding of No Significant Impact    |
| FEMA  | Federal Emergency Management Agency |
| FY    | Fiscal Year                         |

### G

|     |                                 |
|-----|---------------------------------|
| GSA | General Services Administration |
|-----|---------------------------------|

### H

### I

### J

### K

### L

|                 |   |
|-----------------|---|
| LEED            | Leadership in Energy and Environmental Design |
| L <sub>eq</sub> | Equivalent Noise Level                        |
| LOS             | Level of Service                              |
| LPOE            | Land Port of Entry                            |

### M

|      |                                     |
|------|-------------------------------------|
| MBMG | Montana Bureau of Mines and Geology |
| MBTA | Migratory Bird Treaty Act           |
| MD   | Management Directive                |
| MOU  | Memorandum of Understanding         |

### N

|        |  |
|--------|--|
| NAAQS  | National Ambient Air Quality Standards                 |
| NAGPRA | Native American Graves Protection and Repatriation Act |
| NCA    | Noise Control Act                                      |
| NEPA   | National Environmental Policy Act                      |

|          |  |          |                                      |
|----------|--|----------|--------------------------------------|
| NHPA     | National Historic Preservation Act     | SHPO     | State Historic Preservation Officer  |
| NOA      | Notice of Availability                 | <b>T</b> |                                      |
| NRCS     | Natural Resources Conservation Service | TSCA     | Toxic Substances Control Act         |
| NRHP     | National Register of Historic Places   | <b>U</b> |                                      |
| <b>O</b> |  | U.S.     | United States                        |
| OFO      | Office of Field Operations             | USACE    | U.S. Army Corps of Engineers         |
| <b>P</b> |  | USC      | U.S. Code                            |
| POL      | Petroleum, Oils and Lubricants         | USCB     | U.S. Census Bureau                   |
| Pub. L   | Public Law                             | USDA     | U.S. Department of Agriculture       |
| <b>Q</b> |  | USEPA    | U.S. Environmental Protection Agency |
| <b>R</b> |  | USFWS    | U.S. Fish and Wildlife Service       |
| RCRA     | Resource Conservation and Recovery Act | USGS     | U.S Geological Service               |
| <b>S</b> |  | USGBC    | U.S. Green Building Council          |
| SECP     | Sediment and Erosion Control Plan      |          |                                      |

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## 8.0 LIST OF PREPARERS

This EA was prepared under the direction of CBP and GSA. Individuals who assisted in issue resolution and provided agency guidance for this document, as well as being responsible for all final revisions and document content are:

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| Deborah Farris,<br>CEI   | B.A. in English, (minors in Environmental Studies and History) 13 years of experience in environmental assessments.   | Environmental Scientist; data collection, analysis and key participant in preparation of EA text and supporting sections.   |
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