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## FINAL

### FINDING OF NO SIGNIFICANT IMPACT

**Project History** U.S. Customs and Border Protection (CBP), a component of the Department of Homeland Security (DHS), is planning to relocate from an existing Border Patrol Station (BPS) in Rangeley, Maine. U.S. Border Patrol (USBP), which is a part of CBP, will construct and operate a new BPS near the existing Rangeley station.

In accordance with the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provision of NEPA, and DHS Management Directive 023-01, an Environmental Assessment (EA), which is incorporated herein by reference, was prepared to identify and assess the environmental effects of the proposed relocation, construction, and operation of a new USBP station near Rangeley, Maine.

Prior to the release of this Finding of No Significant Impact (FONSI), while the Draft EA was being prepared, construction on the new BPS was initiated, and the new BPS is now under construction. This is the result of a miscommunication both internally within CBP and with the other federal agencies and contractors that are involved in the Rangeley BPS project. It is not CBP policy to initiate projects prior to the full completion of the NEPA process.

The timing of the NEPA assessment and project construction, however, had no impact on the substantive analysis in the EA or CBP's ultimate conclusion that this action does not require an environmental impact statement (EIS). At the time construction was initiated, CBP had already completed its baseline environmental surveys, the substantive analysis in the EA was largely complete, and the document was being finalized for public release and comment. As evidenced by the analysis set forth in the EA and summarized herein, the substantive impacts analysis in the EA shows that the project at issue will not result in significant impacts to the environment. Going forward, CBP will of course further assess the cause of the procedural errors in this case and take steps to prevent errors of this type from occurring again.

**Purpose and Need** The purpose of the Proposed Action is to relieve overcrowded conditions, improve working conditions, and provide room for expansion to accommodate future staffing and equipment requirements. The existing Rangeley BPS is overcrowded and cannot accommodate an increase in personnel and equipment requirements that are expected as a result of the agent build-up under the USBP initiative commonly referred to as the 6,000 Agent – Rapid Response Program (6,000 Agent Program). The existing BPS property is a leased facility and the BPS cannot expand onto the adjacent property. The Proposed Action is needed to address the shortage of adequate facility capacity and reduce the resulting adverse impacts on CBP mission, goals, and capability.

**Proposed Action** The proposed relocation will accommodate existing and new Border Patrol Agents assigned to the BPS. Presently, approximately 12 agents are assigned to the Rangeley BPS. The relocated Rangeley BPS will accommodate approximately

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30 USBP agents and support staff assigned to the station in association with the 6,000 Agent Program. The project site, referred to as the Morgan parcel in the EA, is on privately owned land that is leased by the General Services Administration on behalf of CBP. The station facilities to be constructed and operated will consist of a modular building with approximately 25,000 square feet of office, garage, and storage space, as well as parking, security fencing, and exterior lighting, CBP will utilize and develop approximately 10 acres of the 50-acre Morgan parcel.

**Alternatives** Alternatives considered in the EA included: 1) No Action Alternative – A BPS would not be constructed at Rangeley, Maine to accommodate the increase of agents due to the 6,000 Agent Program, but the increase in agents will still occur at the current BPS (hereafter Alternative 1); and 2) construction and operation of a new BPS near Rangeley, Maine on the Morgan parcel (hereafter Alternative 2). Other parcels were considered and eliminated from further consideration because they did not meet CBP requirements for a new BPS.

**Environmental Consequences** The EA describes potential environmental impacts of implementing the Proposed Action. The findings of the EA are summarized below.

**Land Use** Under Alternative 1, the EA found that, because the Proposed Action, i.e., establishment of a relocated station in a larger facility on a larger site, would not be implemented, no impacts to land use differing from baseline conditions would be expected. Under Alternative 2, the EA found that there would be minor direct impacts to land use. Use of the site for a new BPS would not interfere with any of the surrounding land uses; however, land use would change from open space to administrative and law enforcement purposes.

The construction and operation of a new BPS complies with the land use criteria of the Maine Land Use Regulation Commission (LURC). The project proponent requested to rezone 13 acres in the northeastern corner of the Morgan parcel to Extended Settlement Development Subdistrict (D-ES) zoning. The rezoning of 13 acres for the BPS as D-ES (see Figure 3-3) is compatible with the adjacent property to the east because it is also zoned D-ES. The application for rezoning was approved by the Commission on July 9<sup>th</sup>, 2008. LURC's recommendation was to rezone the 13 acres with most appropriate soils and immediately adjacent to existing D-ES. Since the rezoning, a Development Permit application was filed. After a few modifications, the permit was issued on September 25<sup>th</sup>, 2008.

### **Geology and Soil**

Under Alternative 1, the EA found that, because the Proposed Action, i.e., establishment of a relocated station in a larger facility on a larger site, would not be implemented, no impacts to geology and soil differing from baseline conditions would be expected. With implementation of Alternative 2, the EA found that there would be negligible short-term adverse impacts to soil as a result of soil disturbance associated with construction. Negligible long-term impacts would be associated with soil compaction from construction activities. Soil erosion that could occur as a result of increased run-off associated with the construction of approximately 40,000 square feet of impervious surface would be a negligible indirect adverse impact.

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To reduce impacts of soil disturbance and compaction all Maine Erosion Control Laws will be followed during construction and operation of the new BPS. For example, a Construction Permit has been obtained, a Sediment Erosion and Control Plan (SECP) has been implemented, and the appropriate BMPs concerning sediment control are being applied.

### **Vegetation**

Under Alternative 1, the EA found that, because the Proposed Action, i.e., establishment of a relocated station in a larger facility on a larger site, would not be implemented, no impacts to vegetation differing from baseline conditions would be expected. Under Alternative 2, the EA found there would be minor long-term adverse impacts to vegetation because approximately 5 out of 50 acres of forested vegetation would be permanently removed during construction.

To reduce/eliminate impacts of soil disturbance an SECP that complies with the State of Maine Sediment and Erosion Control Law is being implemented. In addition, appropriate sediment control BMPs are being applied.

### **Wildlife and Aquatic Resources**

Under Alternative 1, the EA found that, because the Proposed Action, i.e., establishment of a relocated station in a larger facility on a larger site, would not be implemented, no impacts to wildlife and aquatic resources differing from baseline conditions would be expected. The EA found that, with implementation of Alternative 2, there would be minor long-term impacts to wildlife species due to the approximately 5 acres of forest clearing along the northeastern section of the Morgan parcel. Removing forested areas would remove habitat of woodland species. Adjacent woodland habitat is readily available for these species to relocate, however. Thus, there would be no impacts to moose or other large mammal populations in the Rangeley area from the removal of 5 acres of habitat. The Morgan parcel is surrounded by hundreds of square miles of suitable habitat and large mammals require several square miles for their home ranges. In addition, because the Morgan parcel lies directly on Route 16 and is surrounded by other developed areas, including residences and businesses, it is not prime habitat for moose or other large mammals.

The EA further found that noise disturbance during construction would have short-term negligible adverse impacts on migratory and resident wildlife species present at the parcel. There would be negligible adverse impacts to the 0.72 acres of wetland habitat down slope of the potential development site as a result of soil disturbance.

Impacts to adjacent woodland habitat and species were avoided and the undeveloped areas of the Morgan parcel (approximately 45 acres) are readily available for these species to relocate.

Finally, the EA found that indirect impacts to wildlife populations such as moose and deer, which may be caused by increased vehicle collisions, would be negligible. Vehicle traffic from the additional 18 agents under Alternatives 1 and 2 would represent a negligible increase in the total AADT on the surrounding roadways (see Roadways and Traffic section). Use of native upland tree and shrub species as part of a site landscaping program could benefit some bird species by providing food and cover

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habitat elements. These indirect benefits would be limited to small mammal and avian species not restricted from the site by the fence that will fully surround the facility.

### **Threatened and Endangered Species**

Under Alternative 1, that EA found that, because the Proposed Action, i.e., establishment of a relocated station in a larger facility on a larger site, would not be implemented, no impacts to endangered and threatened species differing from baseline conditions would be expected.

With respect to Alternative 2, the EA noted that there are no known occurrences of federal or state-listed species on the Morgan parcel. The EA further noted that, because there is an extremely low likelihood that either the Canada lynx or the gray wolf would use the habitat at the subject property and because the project plans call for no more than 5 acres of development on the Morgan parcel, it is unlikely there will be any disruption to Canada lynx or gray wolf habitat. The U.S. Fish and Wildlife Service (USFWS) Maine Field Office on-line Endangered Species List has been reviewed for this site. CBP has determined that there will be no adverse impacts to threatened or endangered species as a result of implementing the proposed action. A coordination letter was sent to the USFWS Maine Field Office on October 17, 2008. The USFWS concurred with this letter in an email dated March 4, 2009 and did not object to the project. CBP is in full compliance with the Endangered Species Act for the proposed action.

### **Hydrology and Groundwater**

Under Alternative 1, the EA found that, because the Proposed Action, i.e., establishment of a relocated station in a larger facility on a larger site, would not be implemented, no impacts to hydrology and groundwater differing from baseline conditions would be expected. With implementation of Alternative 2, the EA found that water runoff from the construction of approximately 40,000 square feet of impervious surface would result in less groundwater infiltration, and have a negligible affect on the hydrology of the 0.72 acres of forested wetland down slope of the potential project site.

To minimize impacts of water runoff, the appropriate BMPs concerning runoff, such as portable and long-term surface water retention features, are being implemented during the construction, operation, and maintenance of the new BPS. In addition, State of Maine storm water discharge permits have been obtained and will be adhered to during construction and operation of the new BPS. There would be a negligible increase in demand on groundwater use required for the new BPS.

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

With respect to Alternative 1, the EA found that, because the Proposed Action, i.e., establishment of a relocated station in a larger facility on a larger site, would not be implemented, no impacts to surface waters or Waters of the U.S. differing from baseline conditions would be expected.

With respect to Alternative 2, the EA found that construction of the Rangeley BPS would avoid the 0.72 acre of potentially jurisdictional wetlands scattered on the eastern portion of the Morgan parcel. Therefore, there would be no discharge of dredged or fill material into wetlands on the parcel, and there would be no long-term direct impacts to wetlands

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during construction and operation of the Rangeley BPS. No CWA Section 404 permit or Maine LURC/NRPA permit would be required.

Although about 21.2 acres of wetlands and a perennial stream exist within the parcel, design of the facility has avoided direct impacts to wetlands, and minimized indirect impacts. The construction footprint avoided any jurisdictional wetlands. Because the wetlands present on the site are not considered significant wildlife habitat and are not protected under the Shoreline Zoning Ordinance, no buffer or setback is required.

### **Floodplains**

Regarding Alternative 1, the EA found that, because the Proposed Action, i.e., establishment of a relocated station in a larger facility on a larger site, would not be implemented, no impacts to floodplains differing from baseline conditions would be expected. The EA also found that no impacts to floodplains are expected under Alternative 2 because the Morgan parcel is not located in the 100-year or 500-year floodplain.

### **Air Quality**

The existing station and the Morgan parcel are located in an attainment area and are, therefore, not subject to an Air Conformity Analysis. The EA found that, under Alternative 1, the addition of an estimated 18 personnel for the BPS would add a corresponding number of privately owned vehicles (POV) to the local area traffic. This would result in a negligible long-term adverse impact from air emissions associated with the vehicles. Regarding Alternative 2, the EA found that there would be a negligible long-term adverse impact from the air emissions of additional POVs and government-owned vehicles associated with an increased number of USBP personnel. Air emissions from vehicles comprise the great majority of emissions associated with BPS operations and represent the greatest potential air quality impact. Any other element of operation of the BPS, such as heating, ventilating, and air conditioning or furnace systems and use of kitchenette facilities, would result in emission amounts so small they would not be measurable.

### **Noise**

The EA found that, due to the increase in vehicle traffic associated with the increase in Border Patrol Agents, there would be a corresponding increase in traffic noise at the existing Rangeley BPS, resulting in a negligible, long-term direct impact. The EA further found that, under Alternative 2, negligible short-term noise impacts would occur due to increased noise levels associated with construction activities. Indirect negligible impacts to noise levels would result from increased vehicle traffic as a result of the approximately 30 agents and support staff occupying the new Border Patrol Station. Under Alternative 2, an approximate 66.8 dBA noise level would occur during helicopter take-off and landing, which is below the U.S. Environmental Protection Agency standard of 70 dB. Therefore, short term minor adverse impacts would result during the proposed helicopter operations at the proposed new Rangeley BPS. Long term negligible impacts would result due to the noise generated by helicopter operations under Alternative 2.

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## **Cultural Resources**

The EA noted that, under Alternative 1, no impacts to cultural resources differing from the baseline condition would be expected. No National Register of Historic Places (NRHP)-listed or eligible cultural resources would be adversely affected from implementing the No Action Alternative. Under Alternative 2, the EA found that no archaeological, architectural or Native American resources will be adversely affected. The Maine Historic Preservation Commission (MHPC) concurred with the determination of 'No Historic Properties Affected' under Section 106 of the NHPA in a letter dated November 18, 2008.

## **Utilities and Infrastructure**

The EA found that, under Alternative 1, because the Proposed Action, i.e., establishment of a relocated station in a larger facility on a larger site, would not be implemented, no direct impacts to utilities and infrastructure differing from baseline conditions would be expected. Regarding Alternative 2, the EA found that there would be negligible impacts to utilities and infrastructure. Given the size of the proposed BPS (25,000 square feet) and the associated utility requirements, current utility capacity is adequate to meet the demand associated with the Proposed Action.

## **Roadways and Traffic**

The EA found that, neither Alternative 1 nor Alternative 2 would alter current motorists' perception of traffic movement or change the current level of service requirements. There were a couple of reasons for this finding. First, there is currently little or no congestion on the roads in the area; thus, traffic generated by the additional 18 agents under Alternatives 1 and 2, would not add to congestion. Second, the new BPS would be located adjacent to State Route 16, which would be capable of handling the negligible increase in annual average daily traffic under normal operating conditions.

## **Aesthetic and Visual Resources**

The EA found that, under Alternative 1, the increase in new Border Patrol Agents would bring 18 new Border Patrol Agents vehicles to the Rangeley station. There is currently limited parking that is shared with the other tenant on property. There would be adverse impacts from the increase in vehicles. The area would appear crowded and congested. Since the employees work different shifts, the visual impacts would occur during the shift changes, so any impacts would be negligible. The EA found that there would be short-term adverse and beneficial impacts to aesthetic and visual resources with implementation of Alternative 2. There would be adverse impacts from construction equipment and activities; however, the impacts would be short-term and minor. There would also be impacts from the conversion of a vacant lot into a developed property. Since the new BPS would have a perimeter fence and 24-hour lighting, there would be adverse impacts. Since the potential project site and surrounding properties are densely wooded, the trees would act as a buffer, minimizing views of the property and obscuring light pollution. The exterior lighting would be focused on certain areas of the station sitting no higher than 10 feet and no more than 10 feet out from building. Light poles would be avoided in residential areas. The majority of the exterior lighting is specified in the BPF Guide to have illumination levels of 2 foot-candles (fc) or 5 fc. The

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highest levels are 20 fc for the entry sign, sally port and fuel station. The areas would be at their brightest at 1 foot away and diminish moving further away. Because the neighboring properties contain a mix of uses (e.g., excavation, private residence, community museum), any anticipated impacts would be negligible.

### **Hazardous Materials**

Hazardous waste or materials are not stored or generated the BPS. Therefore, the EA found that there are no impacts to or from hazardous waste or materials under Alternatives 1 or 2.

### **Socioeconomic Resources**

The EA found that under Alternatives 1 or 2 there would be a population increase of approximately 40-45 people in the Region of Influence (ROI). This increase represents approximately 4 percent of the current population of the Town of Rangeley, and substantially less than 1 percent of Franklin County's population. Consequently, there are no anticipated impacts on population within the Rangeley ROI under the alternatives. There would be short-term beneficial economic impacts realized by the regional and local economy during the construction phase of Alternative 2. Long-term impacts to socioeconomics would be negligible.

### **Environmental Justice and Protection of Children**

The EA found that, because the Proposed Action, i.e., establishment of a relocated station in a larger facility on a larger site, would not be implemented, no impacts to environmental justice and protection of children differing from baseline conditions would be expected under Alternative 1. The EA also found that there are no anticipated adverse or disproportionate impacts related to environmental justice under Alternative 2. Short-term beneficial impacts could be incurred by lower income households with respect to personal income derived from the proposed construction activity. Some potential short-term minor adverse effects on the protection of children could be expected. Because construction sites can be enticing to children, construction activity could be an increased safety risk. Implementation of safety measures would reduce the potential for injuries to children.

### **Human Health and Safety**

The EA found that there would be a population increase of approximately 40-45 people in the ROI under Alternatives 1 and 2. Since this represents a 4 percent increase in the Town of Rangeley and a less than 1 percent increase for Franklin County, health and human safety services would be adequate and there would be no impact. There would be beneficial impacts from the 18 additional armed Border Patrol Agents under Alternatives 1 and 2. Any direct impacts to existing services are anticipated to be negligible.

### **Sustainability and Greening**

The EA found that, because the Proposed Action, i.e., establishment of a relocated station in a larger facility on a larger site, would not be implemented, no impacts to sustainability and greening differing from baseline conditions would be expected under Alternative 1. Regarding Alternative 2, the EA found that there would be long-term,

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minor, beneficial direct impacts and long-term negligible adverse impacts. Using Leadership in Energy and Environmental Design building standards and the BPF Guide would provide minor beneficial impacts. There would be negligible adverse impacts from removal of greenspace to construct buildings.

### **Cumulative Impacts**

In preparing the EA, the Rangeley Town Manager and the Rangeley Code Enforcement Officer were contacted for information regarding past, present, and reasonably foreseeable future actions in the cumulative impact analysis area. According to these Rangeley officials, there are no present or reasonably foreseeable future actions in the 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.

### **Mitigation**

The EA found that no significant adverse impacts resulting from implementation of the Proposed Action have been identified through the analysis in the EA that would require mitigation measures to reduce impacts to non-significant levels.

**Public Comment** Copies of the Draft EA and Draft Finding of No Significant Impact were distributed to regulatory agencies and made available to the public for a 30-day public review and comment period from October 17, 2008 through November 17, 2008 in accordance with requirements specified in 32 CFR Part 651.14. Throughout the NEPA process, the public was able to obtain information on the status and progress of the Proposed Action and the EA through Mr. Chris Oh with CBP.

Two public comments were received. Both comments focused on procedural elements of the project and did not directly address the analysis in the EA. Comments received on the Draft EA are presented and responded to in Appendix E.5 of the Final EA. Both environmental impacts and public comments were carefully reviewed in order to determine which alternative to implement.

The Final EA and signed FONSI were made available to regulatory agencies and to the public on May 1, 2009.

**Determination** As noted above, prior to the release of this Finding of No Significant Impact (FONSI), while the Draft EA was in preparation, construction on the new BPS was initiated, and the new BPS is now under construction. It is not CBP policy to initiate projects prior to the full completion of the NEPA process.

The timing of the NEPA assessment and project construction, however, had no impact on the substantive analysis in the EA or CBP's ultimate conclusion that this action does not require an Environmental Impact Statement (EIS). At the time construction was initiated, CBP had already completed its baseline environmental surveys, the substantive analysis in the EA was largely complete, and the document was being finalized for public release and comment. As evidenced by the analysis set forth in the EA and summarized herein, the substantive impacts analysis in the EA shows that the proposed action will not result in significant impacts to the environment.

Accordingly, on the basis of the findings of the EA and after careful review of the potential anticipated impacts, implementation of Alternative 2, conducted in a manner consistent with applicable regulatory requirements, will not result in a significant impact on the quality of the environment. Therefore, issuance of a Finding of No Significant Impact is warranted, and preparation of an Environmental Impact Statement is not required.



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3.20.09

Date



Signature  
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10 Apr 09

Date