
FINDING OF NO SIGNIFICANT IMPACT

Project History U.S. Customs and Border Protection (CBP) is planning to relocate from an existing Border Patrol Station (BPS), a component of the Department of Homeland Security (DHS), in Erie, Pennsylvania. U.S. Border Patrol (USBP) proposes to construct and operate a new BPS near the existing 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 Environmental Planning Program (MD 023-01, previously numbered 5100.1), an Environmental Assessment (EA) has been prepared to identify and assess the environmental effects of the proposed relocation, construction, and operation of a new BPS near Erie, Pennsylvania.

Purpose and Need The existing Erie BPS, designed as a cruise ship terminal, is overcrowded and cannot accommodate an increase in personnel and equipment resulting from the 6,000 Agent Program. The staff is anticipated to increase from approximately 18 Border Patrol Agents to approximately 53 Border Patrol Agents and support staff. The purpose of the Proposed Action is establishment of a relocated Erie BPS in a larger facility on a larger site because the current facility provides no room for expansion to accommodate future staffing and equipment requirements. The existing Erie BPS is located at the Cruise Ship Visitors' Terminal building on the shore of Lake Erie and is surrounded by water to the north and east, Holland Street to the west and a parking lot to the south. This existing BPS does not have adequate space inside this building to operate.

Proposed Action The proposed relocation would accommodate existing and new Border Patrol Agents assigned to the BPS. Presently, approximately five agents are assigned to the Erie BPS. The proposed project sites, referred to as the Klier Road, Traut Road, and Birkmire Parcels in the EA, are on privately owned land that would be leased by the General Services Administration on behalf of CBP. The station facilities proposed to be constructed and operated would 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 would utilize and develop approximately 10 acres of the selected parcel.

Alternatives considered include: 1) No Action Alternative – A BPS would not be constructed at Erie, Pennsylvania 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; and 2) construct and operate a new BPS at Erie, Pennsylvania on the Klier Road parcel, 3) construct and operate a new BPS at Erie, Pennsylvania on the Traut Road parcel (Preferred Alternative), 4) construct and operate a new BPS at Erie, Pennsylvania on the Birkmire parcel. Twenty-two 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. Those impacts are summarized below:

Land Use 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 the baseline conditions would be expected under Alternative 1. No impacts to land use are expected for Alternatives 2 – 4 since the proposed action would be a conforming use.

Geology and Soil 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 the baseline conditions would be expected under Alternative 1. With implementation of Alternative 2 - 4, there would be minor short-term adverse impacts to soil as a result of soil disturbance associated with construction. Minor long-term impacts would be associated with soil compaction from construction activities. Soil erosion that would occur as a result of increased run-off associated with the construction of approximately 40,000 square feet (0.91 acres) of impervious surface would be a minor indirect adverse impact.

Vegetation 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 the baseline conditions would be expected under Alternative 1. Under Alternative 2 - 4, there would be negligible long-term adverse impacts to vegetation due to the removal of grass and shrub/scrub habitats. Alternative 4 would potentially remove up to 2 acres of wooded habitat along the southern edge of the potential development site. There is also potential for causing minor adverse impacts to the riparian and wetland vegetation down slope of potential development sites because of sedimentation from construction activities.

Wildlife and Aquatic Resources 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 the baseline conditions would be expected under Alternative 1. With implementation of Alternative 2 - 3, there would be negligible long-term impacts to wildlife species due to the removal of open field areas resulting in the reduction and fragmentation of habitat. With implantation of Alternative 4, approximately 2 acres of tree removal along the southern edge of the potential development site could be necessary. Removing forested areas would minimally remove habitat of woodland species. There would be minor short-term adverse impacts to the riparian and wetland habitat down slope of the potential development sites as a result of soil disturbance. 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 habitat elements. These indirect benefits would be limited to small mammal and avian species that would not be restricted from the site by the fence that will fully surround the facility.

Threatened and Endangered Species 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 the baseline conditions would be expected under Alternative 1. No direct or indirect impacts to threatened or endangered species are expected under Alternative 2 and 3 because there are no threatened or endangered species on the parcel. With

implementation of Alternative 4, tree removal may be necessary. Removal of trees has the potential to impact the federally endangered Indiana bat. If trees with a 5-inch diameter at breast height are removed while the Indiana bat is hibernating, impacts to the Indiana bat would be highly unlikely.

A coordination letter was sent to the U.S. Fish and Wildlife Service (USFWS) Pennsylvania Field Office on January 22, 2009. CBP has resolved all issues with the USFWS concerning federally threatened and endangered species associated with the proposed action, and plans to fully comply with all sections of the Endangered Species Act.

Hydrology and Groundwater 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 the baseline conditions would be expected under Alternative 1. With implementation of Alternative 2 and 3, no direct impacts to hydrology and groundwater are expected. With implementation of Alternative 4, a groundwater well would be required causing direct negligible groundwater impacts. Given the negligible population increase in the area due to the proposed action and the negligible increase in demand on groundwater use required for the new BPS, the capacities of the existing systems are adequate to meet current and foreseeable future demand. Indirect impacts to the hydrology of adjacent wetlands would be negligible at all parcels due to runoff from increase impervious surfaces.

Surface Waters and Waters of the U.S. 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 the baseline conditions would be expected under Alternative 1. No direct impacts to surface waters or Waters of the US are expected from the implementation of Alternatives 2 – 4. Wetlands are present on each site, but are outside the proposed build area and would not be directly impacted by the proposed BPS development.

Indirect Impacts are expected from implementation of each alternative. Construction activities can impact water resources by contributing suspended particulates from eroded soil to potentially jurisdictional wetlands and surface waters within or adjacent to each parcel. In addition, the proposed addition of approximately 40,000 square feet (0.9 acres) of impervious surfaces would increase the opportunity for storm water runoff and soil erosion to impact the surface waters and the potentially jurisdictional wetlands on and adjacent to each parcel. To minimize impacts of surface waters due to soil disturbance, an Erosion and Sediment Control Plan would be implemented, and the appropriate BMPs concerning sediment control would be applied.

Floodplains Impacts to floodplains are not expected under any Alternatives.

Air Quality All parcels are located in an attainment area and are, therefore, not subject to an Air Conformity Analysis. Under each alternative, the addition of an estimated 35 personnel for the BPS will 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. 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 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 Erie BPS, resulting in a negligible, long-term direct impact under each alternative. Direct negligible impacts to noise levels would result from increased vehicle traffic associated with the increase in Border Patrol Agents. There would be no impacts to sensitive receptors. Implementation of Alternatives 2 -4 would cause negligible short-term noise impacts due to increased noise levels associated with construction activities. Under Alternatives 2 - 4, indirect negligible impacts to noise levels would result from increased vehicle traffic as a result of the approximately 53 agents and support staff occupying the new Border Patrol Station. An approximate 66.8 dBA noise level due to helicopter operations, which is below the USEPA standard of 70 dB, would occur under Alternative 2 - 4. Therefore, short term minor adverse impacts would result during the proposed helicopter operations at the proposed new Erie BPS. Long term negligible impacts would result due to the noise generated by helicopter operations under Alternative 2 -4.

Cultural Resources Because the Proposed Action, i.e., establishment of a relocated BPS in a large facility on a larger site, would not be implemented under the No Action Alternative, no impacts to cultural resources differing from the baseline condition would be expected. No cultural resources listed or eligible for listing on the National Register of Historic Places (NRHP) would be adversely affected from implementing the No Action Alternative.

Under Alternatives 2-4, no archaeological, architectural or Native American resources would be adversely affected.

Phase I archaeological surveys have been conducted of the Klier Road, Traut Road, and Birkmire Drive parcels. No prehistoric or historic archaeological sites were identified during the Phase I surveys and no further cultural resources investigations are required. The previous Phase I survey report for the Klier Road and Traut Road parcels is on file with the Pennsylvania Historical and Museum Commission (PHMC). The Phase I archaeological report, containing the results of the survey conducted for the Birkmire Drive parcel, eligibility determinations, and effects determinations were submitted to the PHMC for review and comment in a letter dated June 5, 2009. Based on the results of the Phase I survey, no additional archaeological inventory is recommended for this parcel. A Determination of No Effect Letter for the Klier Road and Traut Road parcels was sent to the PHMC and Seneca and Seneca-Cayuga Tribes on April 8, 2009. A response has not been received to date. A Determination of Effect letter for the Birkmire Drive parcel will be submitted to the PHMC along with the Phase I archaeological survey report, upon its completion. Responses from the PHMC and Tribes will be included in the Final EA and FONSI.

Native American consultation with the Seneca Nation of Indians and the Seneca-Cayuga Tribe of Oklahoma was initiated in letters dated February 2, 2009. No

comments were received from the Seneca Nation of Indians or the Seneca-Cayuga Tribe of Oklahoma regarding any Native American resources or identifying any specific concerns.

Appendix C of the EA contains the Erie Area, Pennsylvania Cultural Resources Technical Addendum.

Utilities and Infrastructure 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 the baseline conditions would be expected under the No Action Alternative. Implementation of Alternatives 2 – 4 would result in negligible impacts on the capacity of the existing utility systems. Given the size of the proposed BPS and the associated utility requirements, current utility capacity is adequate to meet the demand associated with the proposed action. Also under these alternatives, there would be an increase in population in the surrounding area because new Border Patrol Agents and their families would relocate to the region. This would have a negligible indirect impact on utilities as overall population would increase by less than one percent.

Roadways and Traffic No direct impacts to roadways and traffic are anticipated under any of the alternatives. Agents commuting to work would use existing roads to access the BPS. Although LOS information was not developed for local roads near each alternative, the negligible increase in traffic associated with operation of the BPS would have a negligible impact on overall traffic volumes and circulation. Therefore, the existing LOS (based on current traffic circulation patterns) would not be impacted.

Implementation of Alternatives 2 -4 would result in construction traffic. Construction traffic would be relatively minor and occur over a short period of time. Given the scale of the proposed project, the nature of the surrounding roadways, and AADT volumes, no impact to traffic and roadways is anticipated to occur as a result of construction activities.

Under each alternative, additional agents and their families would add 77 vehicles to the surrounding area generating an additional 310 trips (155 in each direction) per day. These trips would occur throughout the day and across the region and would constitute a relatively small percentage of AADT and, therefore, would have negligible indirect impacts on traffic circulation patterns.

Aesthetic and Visual Resources Under Alternative 1, the increase in new Border Patrol Agents vehicles and limited parking at the existing station would be a minor, adverse impact to aesthetic and visual resources. There would be minor short-term adverse and beneficial impacts to aesthetic and visual resources with implementation of Alternatives 2 - 4. 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 there are other developed properties in the vicinity of the proposed project site, the impact from additional development would be negligible. Because the new building site design and construction would follow requirements in the BPF Guide relating to site design, architecture, and landscaping, impacts would be negligible. The BPF Guide establishes

interior and exterior design that promotes sustainability, energy efficiency, and attractive morale-enhancing working areas under the action alternative.

Hazardous Materials The USBP does not generate hazardous waste as part of its current operations. In addition, hazardous waste and material are not stored at the BPS. Therefore, no impacts to or from hazardous materials are anticipated with the implementation of Alternative 1. Under Alternatives 2 – 4, maintenance and fueling of the GOVs would be accomplished off-site and hazardous materials would not be stored or generated at the BPS. Therefore, impacts to or from hazardous materials would not occur.

Socioeconomic Resources Under each alternative there would be a population increase of approximately 65-70 people in the Region of Influence (ROI). This increase represents much less than 1 percent of the current population Erie, and substantially less than 1 percent of Erie County's population. Consequently, there are no anticipated impacts on population within the Erie ROI under the alternatives. There would be short-term beneficial economic impacts realized by the regional and local economy during the construction phase of Alternatives 2 -4. Long-term impacts to socioeconomics would be negligible.

Environmental Justice and Protection of Children 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 the baseline conditions would be expected under Alternative 1. There are no anticipated adverse or disproportionate impacts related to environmental justice under Alternatives 2 - 4. Short-term beneficial impacts could be incurred by lower income households in 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 There would be a population increase of approximately 65-70 people in the ROI under each alternative. Since this represents a less than percent increase in Erie and a less than 1 percent increase for Erie County, health and human safety services would be adequate and there would be no impact. There would be beneficial impacts from the 35 additional armed Border Patrol Agents under each alternative. Any direct impacts to existing services are anticipated to be negligible.

Sustainability and Greening 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 the baseline conditions would be expected under Alternative 1. There would be long-term, minor, beneficial direct impacts and long-term negligible adverse impacts under Alternatives 2 - 4. Creating Leadership in Energy and Environmental Design certified buildings and use of the BPF Guide would provide minor beneficial impacts. There would be negligible adverse impacts from removal of greenspace to construct buildings.

Cumulative Impacts



There are no anticipated cumulative impacts for land use, hydrology and groundwater, floodplains, utilities and infrastructure, roadways and traffic, hazardous materials, environmental justice, or human health and safety. There would be cumulative adverse impacts to geology and soil, vegetation, wildlife and aquatic resources, threatened and endangered species, surface waters and waters of the U.S., air quality, noise, aesthetics and visual resources, socioeconomics, and sustainability and greening. The combination of the proposed action and foreseeable future actions would not result in any significant cumulative impacts.

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



Mitigation measures would resolve adverse effects associated with implementing the Proposed Action. Because there would be no discharge of dredged or fill material into wetlands at any parcel, there would be no long-term impacts to wetlands during construction of the Erie BPS, and no mitigation would be necessary.

Public Comment Copies of the EA and Finding of No Significant Impact have been distributed to regulatory agencies and made available to the public for review and comment. Comments and concerns raised by this action are addressed in Appendix E of the EA.

Determination On the basis of the findings of the EA and after careful review of the potential anticipated impacts, implementation of Alternatives 2, 3, or 4, 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.

Signature Date
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Signature Date
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