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## FINAL

### FINDING OF NO SIGNIFICANT IMPACT

**Project History** The Department of Homeland Security's United States (U.S.) Customs and Border Protection (CBP) is planning to construct and operate a new U.S. Border Patrol Station (BPS) in northeastern Vermont or northwestern New Hampshire. The new Northeastern Vermont/northwestern New Hampshire BPS would accommodate approximately 30 Border Patrol Agents and support staff assigned to the area in association with the 6,000 Agent – Rapid Response Program (6,000 Agent Program). A Draft Environmental Assessment (EA), prepared in November 2008, addressing the proposed project was submitted to regulatory agencies and made available to the public for review and comment. The EA addresses the construction of the new station and its operation.

**Purpose and Need** The existing Beecher Falls BPS is overcrowded and cannot accommodate an increase in personnel and equipment resulting from the 6,000 Agent Program. The purpose of the Proposed Action is establishment of a new Northeastern Vermont/northwestern New Hampshire BPS in a larger facility on a larger site, which is necessary because the current facility provides no room for expansion to accommodate future staffing and equipment requirements. The existing Beecher Falls BPS would continue to operate at its current location. The need for the Proposed Action is to address the shortage of adequate facility capacity and reduce the resulting adverse impacts on U.S. Border Patrol (USBP) mission, goals, and capability. The Proposed Action is also intended to meet USBP Border Patrol Facilities Design Guide (BPF Guide) goals.

**Proposed Action** CBP proposes to construct and operate a new BPS in northeastern Vermont or northwestern New Hampshire. The new Northeastern Vermont/northwestern New Hampshire BPS would accommodate approximately 30 Border Patrol Agents and support staff assigned to the BPS in association with the 6,000 Agent Program. The existing Beecher Falls BPS would continue to operate at its current location. The new BPS would provide CBP with a larger, more modern facility that would alleviate constrained working conditions and accommodate more equipment.

The location of the existing Beecher Falls BPS is considered an ideal tactical location for the successful mission of the USBP. Space is limited at the current location and adjacent land is not available to allow expansion or growth to accommodate the increase from approximately 20 Border Patrol Agents to approximately 50 Border Patrol Agents and support staff. The existing BPS would be unable to accommodate the additional 30 Border Patrol Agents associated with the increase. The current facility has inadequate office space and detainee holding facilities to accommodate the increase.

**Alternatives** The following describes alternatives considered by CBP because they were determined to be feasible. These are the alternatives that underwent detailed evaluation in this EA.

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## **ALTERNATIVE 1 - NO ACTION ALTERNATIVE**

Under the No Action Alternative, a new BPS would not be constructed to accommodate the increase of agents due to the 6,000 Agent Program. The number of agents assigned to the BPS will increase from approximately 20 agents currently to approximately 50 agents under the 6,000 Agent Program. The current BPS will not be able to accommodate the targeted increase in agents associated with the 6,000 Agent Program.

## **ALTERNATIVE 2 - ESTABLISH AND OPERATE A NEW BORDER PATROL STATION AT THE CLARK PARCEL**

The alternative consists of the construction and operations of a new BPS meeting CBP requirements on the Clark Parcel in the vicinity of Beecher Falls, Vermont. The Clark Parcel (57 acres) is located in Colebrook, New Hampshire. The parcel is located 6.5 miles from the existing BPS and 6.3 miles to the south of Beecher Falls, Vermont.

## **ALTERNATIVE 3 - ESTABLISH AND OPERATE A NEW BORDER PATROL STATION AT THE DUPONT PARCEL (PREFERRED ALTERNATIVE)**

The alternative consists of the construction and operations of a new BPS meeting CBP requirements on the DuPont Parcel in the vicinity of Beecher Falls, Vermont. The DuPont Parcel (65 acres) is located in Canaan, Vermont. The parcel is located 2.3 miles from the existing BPS and 2.2 miles to the west of Beecher Falls, Vermont. Due to community input and the recently identified potential needs for expansion of operations, the DuPont Parcel was identified to be the most advantageous to meet USBP operational needs.

**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. There would be negligible direct impacts to land use from Alternatives 2 or 3. There would be no indirect impacts to land use from Alternative 2. Because of the removal of 10 acres of land from agricultural use, there would be negligible indirect impacts to land use from Alternative 3.

**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 Alternatives 2 or 3, there would be minor short-term adverse direct impacts to soil as a result of soil disturbance associated with construction. Negligible long-term direct impacts would be associated with soil compaction from construction activities. There will be long-term minor adverse indirect impacts from soil erosion. Both Alternatives 2 and 3 received scores of less than 160 on the Natural Resources Conservation Service Farmland Conversion Impact Rating

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Form. Therefore, these alternatives need not be given further consideration for protection under the Farmland Protection Policy Act and no additional sites need to be evaluated.

**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, there would be minor direct long-term adverse impacts to vegetation. There is also the potential for causing minor indirect adverse impacts to wetland vegetation because of sedimentation.

Under Alternative 3, there would be moderate direct long-term adverse effects to a portion of the agricultural land because construction of the BPS would likely occur in the agricultural area of the parcel. There is also the potential for causing minor indirect adverse impacts to wetland vegetation because of sedimentation.

**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 Alternatives 2 or 3, there would be negligible direct long-term impacts to wildlife species due to reducing and fragmenting the forested habitat. There would be minor indirect short-term adverse impacts to aquatic resources as a result of soil disturbance.

**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 differing from the baseline conditions would be expected. According to the U.S. Fish and Wildlife Service one federally listed threatened species, the Canada lynx, and one federally listed endangered species, the dwarf wedge mussel, could exist in Coos County, New Hampshire and Essex County, Vermont. Siltation and run-off has the potential to degrade dwarf wedge mussel habitat. However, because a Soil Erosion Control Plan would be implemented and the appropriate Best Management Practices (BMP) concerning sediment control would be applied, no impacts to the dwarf wedge mussel are expected under Alternatives 2 or 3. No impacts to the Canada lynx are expected under Alternatives 2 or 3.

The northern harrier (*Circus cyaneus*), also known as the marsh hawk, is a state listed endangered bird of prey in New Hampshire. Foraging habitat for this species is present in the Connecticut River floodplain across Highway 3 (NH DRED, 2008), but is not present at the Alternative 2 site. Because northern harrier habitat is not present at the Alternative 2 site, no direct impacts to this species or this species habitat are expected.

**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

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expected under Alternative 1. With implementation of Alternatives 2 or 3, there are no impacts to hydrology or groundwater expected.

**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. According to current site plans for Alternatives 2 and 3, impacts to jurisdictional wetlands identified on the Clark parcel and potentially jurisdictional wetlands on the DuPont parcel would be avoided during construction of the northeastern Vermont/northwestern New Hampshire BPS. Therefore, there would be no discharge of dredged or fill material into wetlands on the parcels, and there would be no impacts to wetlands during construction and operation of the new BPS. No Section 404 or 401 permits would be required under the Clean Water Act (CWA). If site plans change so that jurisdictional wetlands could be affected, the required permits would be acquired by the project proponent. Under Alternatives 2 and 3, there would be potential for minor adverse direct impacts to surface waters as a result of activities associated with construction and operation of the BPS. Disturbing soil during construction increases the potential for erosion and the displacement of sediment into surface waters. There would be potential for indirect impacts to surface waters resulting from potential pesticide and fertilizer use on the grounds of the renovated facility and from accidental uncontained spills of POLs from vehicles and fuel storage equipment. To reduce impacts of soil disturbance during construction, a Sediment and Erosion Control Plan would be implemented, the appropriate BMP concerning sediment control would be applied, and adherence to spill prevention and control plans during construction and operation of the BPS would be maintained.

**Floodplains.** No impacts to floodplains are expected under Alternatives 1, 2, or 3.

**Air Quality.** Under Alternative 1, the addition of an estimated 30 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 direct long-term adverse impact from the air emissions associated with the POVs. With Alternatives 2 or 3 there would be a negligible direct 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 (e.g., heating, ventilating, and air conditioning system, use of kitchenette facilities) would result in emission amounts so small they would not be measurable.

**Noise.** Under Alternative 1 there would be a corresponding increase in traffic noise at the existing Beecher Falls BPS and port of entry (POE) due to the increase in vehicle traffic associated with the increase in Border Patrol Agents, resulting in a negligible direct long-term impact. Under Alternatives 2 or 3, negligible direct short-term noise impacts would occur due to increased noise levels associated with construction activities. Helicopter operations would occur at the Northeastern Vermont/northwestern New Hampshire BPS under Alternatives 2 and 3. CBP Air and Marine may utilize the

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Eurocopter AS-350B A-Star helicopter in the Swanton Sector. CBP helicopter operations are based out of Plattsburg, New York, and use of a new Northeastern Vermont/northwestern New Hampshire BPS helicopter pad would be on an “as needed” basis. Normal helicopter operations would not utilize flight vectors over built up areas. Direct short-term minor adverse impacts would result during the proposed helicopter operations at the proposed new northeastern Vermont/northwestern New Hampshire BPS under Alternatives 2 and 3. Direct long-term negligible impacts would result due to the noise generated by helicopter operations under Alternatives 2 and 3. Under Alternative 2, indirect impacts to noise levels would result from increased vehicle traffic as a result of the approximate 30 agents and support staff occupying the new BPS. The parcel is located along Daniel Webster Highway between Colebrook and Beecher Falls, and the increase in vehicle traffic due to the new BPS would be negligible. Noise associated with increased snowmobile traffic would result in no impact since the snowmobiles would be transferred by trailer to a snowmobile trail access point away from the parcel. Under Alternative 3, indirect impacts to noise levels would result from increased vehicle traffic as a result of the approximate 30 agents and support staff occupying the new BPS. Noise associated with additional snowmobile traffic is also expected to be negligible since a Vermont State snowmobile trail runs through the Town of Canaan.

**Cultural Resources.** Under Alternative 1, no impacts to cultural resources differing from the baseline condition would be expected. No National Register of Historic Places-listed or eligible cultural resources would be adversely affected from implementing the No Action Alternative. Under Alternative 2, no archaeological, architectural, or Native American resources would be affected. The New Hampshire Division of Historical Resources concurred with the determination of ‘No Historic Properties Affected’ under Section 106 of the National Historic Preservation Act (NHPA) in a letter dated November 5, 2008. Under Alternative 3, No archaeological resources on the upper terrace of Leach Creek, architectural or Native American resources would be affected. The Vermont Division for Historic Preservation concurred with the determination of ‘No Historic Properties Affected’ under Section 106 of the NHPA in a letter dated February 4, 2009, for the upper terrace of Leach Creek. If any future construction is scheduled on the lower terrace of Leach Creek, additional archaeological investigations will be required.

**Utilities and Infrastructure.** No impacts are expected under Alternative 1 because the condition of the utilities and infrastructure would not change from baseline conditions. There would be negligible direct impacts to utilities and infrastructure with implementation of Alternatives 2 or 3.

**Roadways and Traffic.** Because existing roadways have the capacity to handle traffic associated with the increase from 20 to 50 agents under the No Action Alternative, no impacts to roadways and traffic differing from the baseline conditions would be expected under Alternative 1. No impacts to roadways and traffic are anticipated under Alternatives 2 or 3.

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**Aesthetic and Visual Resources.** Under Alternative 1 additional impacts would be negligible because the USBP occupies two rooms on the second floor of the POE building and there is enough parking for additional vehicles. There would be minor direct short-term adverse impacts to aesthetic and visual resources with implementation of Alternatives 2 or 3. There would be minor direct short-term beneficial impacts to aesthetic and visual resources with implementation of Alternatives 2 or 3. Under Alternative 2, aesthetic and visual impacts would occur because the amount of developed area would increase from the existing maintenance shop to a larger administrative building. The proposed building would be visible from Route 3. Under Alternative 3, impacts would be similar to Alternative 2. There would be a greater impact because a building would be placed on a vacant parcel instead of a partially developed parcel. At either site, because the new building site design and construction would follow the requirements in the BPF Guide relating to site design, architecture, and landscaping, impacts would be negligible.

**Hazardous Materials.** Due to the increase in the amount of government vehicles and equipment under Alternative 1, it is anticipated there would be a proportional increase in petroleum, oil, and lubricant (POL) usage at the current BPS. Their use and the potential for small spills or leaks of hazardous substances would result in a direct long-term negligible adverse impact. There would be a direct long-term negligible adverse impact from hazardous materials with implementation of Alternatives 2 or 3. Due to the increase in the amount of governmental vehicles and equipment there would be a corollary increase in the use of POLs. The potential exists for small spills or leaks of POLs. With implementation of any of the Alternatives, a spill prevention and control plan would be used to minimize impacts from spills.

**Socioeconomic Resources.** There would be no direct socioeconomic impacts under Alternative 1 because socioeconomics would not change from baseline conditions. There would be short-term direct beneficial economic impacts realized by the regional and local economy during the construction phase of Alternatives 2 or 3. The Town of Colebrook would most likely realize greater local benefits than the Town of Canaan and Village of Beecher Falls under Alternative 2 than under Alternative 3. The Town of Canaan and Village of Beecher Falls would most likely realize greater local benefits than the Town of Colebrook under Alternative 3 than under Alternative 2.

**Environmental Justice and Protection Of Children.** No impacts differing from the baseline condition are expected under Alternative 1 because the conditions of environmental justice and protection of children would not change. There are no anticipated adverse or disproportionate impacts related to environmental justice under Alternatives 2 or 3. Short-term direct 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.

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**Human Health and Safety.** There would be a population increase of approximately 55 people in the region of influence (ROI) under Alternative 1. Because this represents a 0.01 percent increase in ROI population, health and human safety services would be adequate and there would be no impact. No impacts on human health and safety are anticipated under Alternatives 2 or 3.

**Sustainability and Greening.** Under Alternative 1, current operations would continue at the same level resulting in no anticipated changes to baseline conditions. There would be long-term minor beneficial direct impacts and long-term negligible adverse impacts under Alternatives 2 or 3. Creating Leadership in Energy and Environmental Design certified buildings and use of the BPF Guide would provide minor beneficial impacts. There would be negligible indirect adverse impacts from removal of greenspace to construct buildings.

### **Cumulative Impacts**

The cumulative impact analysis evaluated direct and indirect effects of implementing any of the alternatives in association with past, present, and reasonably foreseeable future actions of CBP and other parties in the surrounding area. Reasonably foreseeable future actions that have been identified are:

- pumping station in Colebrook, New Hampshire, approximately 1.5 miles from the Clark parcel,
- upgrades to the water and sewer systems in downtown Colebrook, approximately 1.5 miles from the Clark parcel, and
- construction of a new Solid Waste Recycling Transfer Point south of the intersection of Route 114 and Route 102, less than one mile from the DuPont parcel.

With implementation of Alternatives 2 or 3 there would be no cumulative impacts on vegetation, threatened and endangered species, hydrology and groundwater, floodplains, cultural resources, aesthetic and visual resources, socioeconomic, environmental justice and protection of children, human health and safety. With implementation of Alternatives 2 or 3, there would be negligible cumulative impacts on land use, geology and soil, utilities, and roadways and traffic. The cumulative land use impacts would result from a change of land use at the proposed BPS site, the pump station site, and the Solid Waste Recycling Transfer Point site. The negligible short-term adverse cumulative impacts on air quality and noise would occur from the additive effects of construction associated with the Proposed Action, the pumping station, upgrades to the water and sewer systems, and construction of a new Solid Waste Recycling Transfer Point. With implementation of Alternatives 2 or 3 there would be negligible long-term beneficial cumulative impacts on hazardous materials, and sustainability and greening associated with the Proposed Action, the pumping station, upgrades to the water and sewer systems, and construction of a new Solid Waste Recycling Transfer Point. With respect to wildlife and aquatic resources, Alternative 2 could result in minor short-term cumulative impacts and Alternative 3 could result in negligible impacts occurring from the additive effects of construction associated with the

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Proposed Action, the pumping station, upgrades to the water and sewer systems, and construction of a new Solid Waste Recycling Transfer Point. With respect to surface water, Alternative 2 could result in minor short-term adverse impacts and Alternative 3 could result in negligible impacts occurring from the additive effects of construction associated with the Proposed Action, the pumping station, upgrades to the water and sewer systems, and construction of a new Solid Waste Recycling Transfer Point.

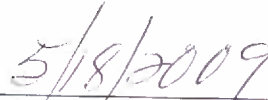
**Mitigation.** No significant adverse impacts resulting from implementation of the Proposed Action have been identified through the analysis in this EA that would require mitigation measures to reduce impacts to non-significant levels.

**Wetlands.** Impacts to wetlands would be regulated by the U.S. Army Corps of Engineers (USACE) under Section 401 and Section 404 of the CWA. According to current site plans for Alternatives 2 and 3, impacts would be avoided during construction. Therefore, no Section 404 or 401 permits would be required under the CWA. If site plans change so that jurisdictional wetlands could be affected, the required permits would be acquired by the project proponent. Required permits would consist of a Section 404 permit issued by USACE under the guidelines established for regulating impacts to wetlands. As part of the Section 404 permitting process, attempts would be made to avoid, minimize, rectify, reduce, and/or compensate for impacts to wetlands. Proper mitigation would be developed in accordance with USACE and State permit requirements.

**Public Comment.** Copies of the Draft EA and Draft Finding of No Significant Impact (FONSI) were distributed to regulatory agencies and made available to the public for a 30-day public review and comment period from December 17, 2008 through January 16, 2009 in accordance with requirements specified in 32 CFR Part 651.14. This comment period was extended through February 18, 2009. CBP reissued a Revised Draft EA and Revised Draft FONSI for public review from April 8, 2009 through May 8, 2009. Throughout the National Environmental Policy Act (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. During the Initial Draft EA public review period and the Revised Draft EA public review period, numerous comments were received from citizens and elected officials. Comments received on the Initial Draft EA and Revised Draft EA are presented and responded to in Appendix E.5 of the Final EA.

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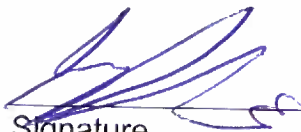
**Determination.** On the basis of the findings of the EA, conducted in accordance with the requirements of the NEPA, the Council on Environmental Quality regulations, and CBP Management Directives, and after careful review of the potential anticipated impacts, implementation of either Alternatives 1, 2, or 3, 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 is warranted, and preparation of an Environmental Impact Statement is not required.



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Signature  
Project Proponent  
Bianca Warner, Executive Director  
Mission Support  
Office of Border Patrol

Date



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Signature  
Gregory L. Giddens  
Executive Director  
Facilities Management and Engineering

Date