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 Newport, Vermont. 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 (MD) 023.1 Environmental Planning Program (MD 023.1 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 USBP station near Newport, Vermont.

Purpose and Need The existing Newport BPS is overcrowded and cannot accommodate an increase in personnel and equipment expected as a result of the USBP expansion initiative, commonly referred to as the 6,000 Agent – Rapid Response Program (6,000 Agent Program). Establishment of a new BPS in a facility on a larger site is necessary because the current facility is overcrowded and provides no room for expansion to accommodate future staffing and equipment requirements. 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 would accommodate existing and new Border Patrol Agents assigned to the BPS. Presently, approximately 28 agents are assigned to the BPS. The relocated Newport BPS would accommodate approximately 41 USBP agents and support staff assigned to the station in association with the 6,000 Agent Program. The BPS proposed to be constructed and operated at Newport would consist of a modular building with approximately 25,000 square feet of office, garage, and storage space. The proposed project sites, referred to as the Citizens Road parcel and the Mt. Vernon Street/Pine Hill Road parcel in the EA, are on privately owned land that would be purchased by the General Services Administration on behalf of CBP.

Alternatives Alternatives considered include: 1) No Action Alternative – A BPS would not be constructed at Newport, Vermont to accommodate the increase of agents due to the 6,000 Agent Program, but the increase in agents would still occur; 2) construct and operate a new BPS near Newport, Vermont on the Citizens Road parcel (Preferred Alternative); and 3) construct and operate a new BPS near Newport, Vermont on the Mt. Vernon Street/Pine Hill Road parcel. Other parcels as alternatives 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. It is anticipated that use of either the Citizens Road parcel or the Mt. Vernon Street/Pine Hill Road parcel for a new BPS should not interfere with any of the surrounding land uses; however, land use would change from the current commercial or vacant land use, respectively, to administrative and law enforcement purposes. There would be negligible direct and indirect impacts to land use from Alternatives 2 and 3.

Construction and operation of a new BPS must comply with the land use criteria of Vermont Act 250. Prior to development of either parcel, the project proponent or its agent must submit a written Project Review Sheet to the State of Vermont Natural Resources Board District Environmental Coordinator to determine if an Act 250 permit is required. If the project requires an Act 250 land use permit, the project proponent or its agent would submit an application to the State of Vermont Natural Resources Board District Environmental Coordinator.

Geology and Soil

Because the Proposed Action, 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 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 approximately 40,000 square feet of added impervious surface would be a minor indirect adverse impact. There would be no impacts to prime farmland soil under Alternatives 2 and 3. According to the Natural Resources Conservation Service: "The [Federal Farmland Protection Policy] Act merely requires that, before taking or approving any action that would result in conversion of farmland as defined by the FPPA, the federal agency examine the effects of that action using the criteria which the Department of Agriculture has supplied and, if there are adverse effects, to consider alternatives to lessen those effects. 7 CFR Ch. VI(1-1-03 Edition), 658.2 Definitions states, "Farmland does not include land already in or committed to urban development..." Both parcels are zoned commercial/industrial and therefore are already committed to urban development and do not qualify as farmland as defined by FPPA.

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 negligible long-term adverse impacts to vegetation due to removal of 0.5 acre of wetland vegetation and 4.5 acres of old field vegetation. Under Alternative 2, there is potential for causing negligible direct adverse impacts to on-site wetland and riparian vegetation because of sedimentation. Under Alternative 3, there