

Final

Programmatic Environmental Impact Statement For Northern Border Activities

Section 1: Introduction



July 2012

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1 INTRODUCTION

The Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), proposes a programmatic approach to enhance security resources employed to protect the border between the United States and Canada (northern border) in order to respond to existing and evolving cross-border threats over the next five to seven years. The area of analysis extends from the Atlantic Ocean to the Pacific Ocean (approximately 4000-miles), encompassing the contiguous northern tier states from Maine to Washington and around the Great Lakes, up to 100 miles south into the United States.

The proposed action includes several elements that contribute to a multilayered response approach to security that reduces reliance on any single point or program that could be compromised. CBP's inventory of facilities, deployment of surveillance and communications technologies and operations, and deployments of additional land-based security structures (roads, culverts, barriers, towers) are all contributing elements to the proposed action. If changes in the nature, intensity, or locations of cross-border threats or changes in security or trade and travel priorities required CBP to implement a response, elements of the proposed action would be implemented only after further appropriate detailed review and evaluation under the National Environmental Policy Act (NEPA). The location, timing, and individual characteristics of specific proposed projects and activities would dictate the level of NEPA review and scope of stakeholder involvement required.

Along with the proposed action, this Final Programmatic Environmental Impact Statement (PEIS) evaluates a range of alternatives that involve additions to or expansions of current law enforcement tools and techniques for border security and trade and travel facilitation. CBP would continue to plan for and develop specific responses to actual evolving security threats and trade and travel priorities occurring within the area of analysis.

This PEIS has 14 chapters and 20 appendices. Chapter 1 provides background information on CBP mission, northern border security activities, public involvement, and the purpose and need for the proposed action and the PEIS. Chapter 2 provides a description of the proposed action, alternatives considered, and the No Action Alternative. Chapter 3 explains the overall approach used to identify affected resources and analyze impacts from CBP's proposal. Chapters 4 through 7 of the PEIS describe four regional environmental settings:

- Chapter 4: West of the Rockies (Washington, Idaho, and the western part of Montana);
- Chapter 5: East of the Rockies (eastern part of Montana, North Dakota, and Minnesota);
- Chapter 6: Great Lakes (Wisconsin, Michigan, Ohio, Pennsylvania, and New York); and,
- Chapter 7: New England (Vermont, New Hampshire, and Maine).

Chapter 8 identifies the potential overall direct, indirect, and cumulative environmental impacts that could occur within each resource area given implementation of any alternative approach. Chapter 9 discusses mitigations and best management practices that CBP would consider for the proposed action. Chapter 10 discusses NEPA compliance for CBP along the northern border beyond this PEIS. Chapters 11 through 14 list people and references involved in the preparation

of this PEIS. These chapters also identify important terminology and the locations of key concepts found in the PEIS. The appendices contain supporting analysis and information.

Within this chapter, Section 1.1 provides background and purpose of the PEIS effort. Section 1.2 provides an overview of CBP activities with respect to the northern border. Section 1.3 discusses the purpose and need for the programmatic proposal. Section 1.4 summarizes the programmatic proposal and Section 1.5 explains the overall framework for the PEIS as a planning tool. Section 1.6 discusses coordination with other agencies to develop this PEIS.

1.1 PURPOSE OF THE PEIS

CBP prepared this document as a planning tool in accordance with the National Environmental Policy Act (NEPA) and DHS Directive 023-01, Environmental Planning. This PEIS is intended to provide decision-makers within CBP with information on the potential for direct, indirect, and cumulative environmental impacts that could result from any future proposals to secure and otherwise facilitate legal trade and travel through the northern border. Environmental conditions and CBP's activity level and presence in the northern United States have changed since CBP was created in 2003. The alternatives presented within this document represent CBP looking forward at the maximum levels of activity and types of changes CBP could anticipate for its northern border security program as an overall response to evolving threats and changing trade and travel priorities. This PEIS therefore represents prudent planning, both area-wide and operation-wide, in advance of requirements that could emerge in the near future.

This document also provides the public, Native American Tribes, and other government agencies at the Federal, state, and local levels with relevant information about the environmental impacts of current CBP activities along the northern border and the potential for environmental impacts from enhancements that CBP could make. The PEIS identifies practices and mechanisms available to CBP to lessen potential adverse environmental impacts while still achieving its homeland security mission. This includes identifying procedures and processes for working with other Federal agencies and land managers to improve the effectiveness of law enforcement measures and the protection of environmental values and resources. This document will help CBP conduct security planning efficiently and effectively with an institutional perspective of its potential for environmental impacts along the northern border.

Actual material changes to CBP's northern border security program that might occur in the next five to seven years would be dictated in part by: (1) top-level national strategic guidance on security and trade and travel priorities confirmed by Congress, the Office of the President, or the Secretary of the Department of Homeland Security (DHS); (2) emerging technical advances; and (3) evolving security and trade and travel facilitation needs. Analysis and decisions originating from this PEIS and NEPA process are not intended to permit CBP to undertake individual projects or activities within the region of analysis without additional review for impacts to the specific resources that would be affected. CBP would not implement any alternative or any element of any alternative in this PEIS based solely on the analysis presented in this document. Material proposed changes to CBP activities meeting the definition of "major Federal action" (40 CFR 1508.18) would be subjected to further NEPA review at the appropriate level of analysis and documentation. This PEIS would provide background information for incorporation into those more project-specific plans. However, site-specific NEPA will continue to be completed for all projects that would have required it prior to the PEIS. Subsequent environmental analysis

documents for specific projects within the area studied in this PEIS will “tier off” or draw upon the general information in this area-wide programmatic analysis document.

CBP has documented what approach it envisions would be most responsive to changes in security or trade and travel priorities or evolving threats within five to seven years in the Record of Decision (ROD) accompanying this PEIS. The ROD also clarifies CBP’s recognition that the actual level of activities that might be required or funded could likely be substantially lower than what is addressed in this document.

1.2 CBP NORTHERN BORDER ACTIVITIES

CBP is the largest law enforcement component of the DHS. It has a priority mission of keeping terrorists and their weapons out of the United States. It is charged with enforcing customs, immigration, agriculture, and numerous other laws and regulations at the Nation’s borders while facilitating legitimate trade and travel through the legal ports of entry (POEs). This includes deterring all cross-border violators, including those who seek to participate in global terrorism; illegal immigration; and the illegal trafficking of human beings, narcotics, weapons, and other contraband. As the guardian of U.S. borders, CBP protects approximately 4,000 miles of the international border between the contiguous United States and Canada, as well as 1,000 miles between Alaska and Canada, 1,900 miles of international border with Mexico, and 95,000 miles of shoreline in the contiguous United States. CBP’s mission and the core values under which it operates are explained in Appendix B.

CBP modifies its deployment and use of manpower and intelligence on an ongoing basis to respond to evolving threats. It also periodically enhances its deployment and use of technologies and physical infrastructure to support the mission of its agents and officers to protect the borders and ensure the secure, safe, and legal movement of goods and people between the United States and its neighbors.

1.2.1 CBP ORGANIZATION

CBP has three law enforcement components that provide security and customs enforcement at the borders of the United States.

- The **Office of Field Operations (OFO)** operates the POEs, including airports, land ports, and sea (or lake) ports. OFO is responsible for screening all travelers, vehicles, and goods entering the United States through POEs. Officers determine the identity, citizenship, and admissibility of all travelers seeking to enter the United States.
- The **U.S. Border Patrol (USBP)** monitors the border areas between and beyond the POEs to prevent illegal entry and trafficking of people as well as contraband. USBP

CBP Mission

The five elements of the CBP mission statement are as follows:

- 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. (See Appendix B for more details about CBP.)

agents work in all types of terrain and weather, often in isolated communities, throughout the United States.

- The **Office of Air and Marine (OAM)** deploys helicopters and fixed-wing aircraft and coastal enforcement and riverine vessels to search, detect, identify, and track suspect targets of interest and also to aid routine and specific criminal investigations that take place on the ground away from the border.

Various other CBP offices at the headquarters level [e.g., the Office of Technology Innovation Assessment (OTIA), formerly the Secure Border Initiative (SBI), and the Office of Information Technology (OIT)] provide support to the law enforcement components by developing the technologies or by managing facilities and infrastructure that they use.

1.2.2 OPERATIONAL PERSPECTIVE

The northern border is the longest non-militarized open border in the world. It includes land and water boundaries and is the most environmentally diverse contiguous border protected by CBP. The terrain south of the border ranges from densely forested lands on the west and east coasts, to open plains in the central portion of the country, to the maritime environment of the Great Lakes. There are several Federal, state, and tribal lands and sparsely distributed towns and smaller cities along the immediate border area. Around the Great Lakes and in the Pacific Northwest there are more densely populated urban areas. Securing and maintaining effective control of the northern border requires a different mixture of facilities, operations, infrastructure, and technology resources from those appropriate to the Southwest and Coastal borders because the operating environment and the nature of threats faced on this border are different.

CBP processes more than 70 million international travelers and 35 million vehicles each year coming through northern border crossings. Each year, CBP makes around 6,000 arrests and interdicts approximately 40,000 pounds of illegal drugs at and between the POEs along the northern border. In general, the northern border is subjected to a significantly lower number of illegal incursions than the southwest border. However, attempts at illegal immigration and smuggling regularly occur in this region. There are also known terrorist affiliates and extremist groups present along the northern border, in both the United States and Canada.

Alaska has miles of land and coastal border, but activities along those borders are not addressed in this PEIS because it represents a different operational area for CBP from the rest of the border with Canada.

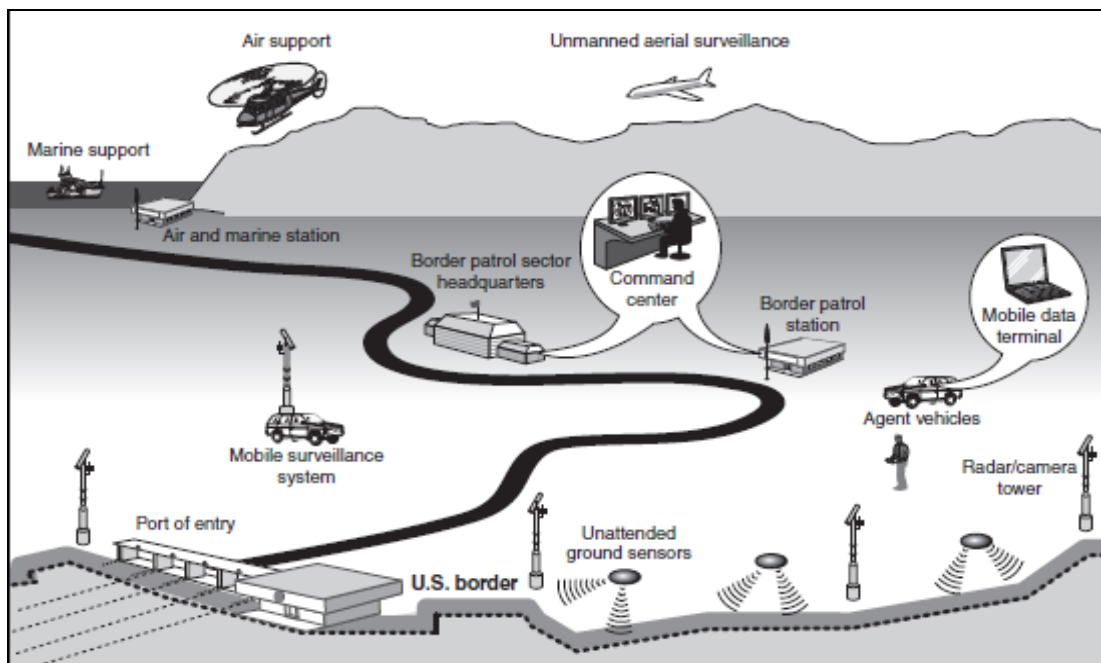
Section 387(a)(3) of the Immigration and Nationality Act provides for CBP agents and officers "to board and search for aliens any vessel within the territorial waters of the United States and any railway car, aircraft, conveyance, or vehicle" within a "reasonable distance from an external boundary of the United States." Part 287 of Chapter 8 of the Code of Federal Regulations clarifies that 100-miles is a reasonable distance from an external boundary. Within the first 25 miles from that external boundary, CBP personnel have the right to access to private lands (but not dwellings) to patrol the border to prevent the illegal entry of undocumented cross-border violators (CBVs) into the United States. Therefore, this PEIS uses the 100-mile range from the northern border as the area of analysis for CBP activities.

1.2.2.1 Common Operating Picture

The concept of the Common Operating Picture refers to all components of CBP having access to the same information about the conditions on the ground, in the sea, and in the air within a specified area of operations. This shared information includes the location and status of all of its diverse assets, the condition of infrastructure elements such as roads, and relevant information about other agencies' activities and assets.

It is a CBP objective to provide and maintain the Common Operating Picture of the border's environment among its component uniformed elements (Figure 1.2-1) and to employ a risk-based approach to enhance the security of the border while facilitating lawful trade and travel (Fisher, 2012).

Figure 1.2-1 Common Operating Picture of Northern Border CBP Facilities



The border security perspective shown in the Common Operating Picture can change frequently. Threats to border security are not uniform along the border, nor are they confined to particular areas. Illegal border crossing attempts for the purposes of smuggling may intensify for a period in one particular area, while terrorist threats emerge in some other locations at another time. Given the dynamic nature of risks to border security, CBP must be prepared to vary the combination of assets and operations as appropriate to the area, the intelligence processed, and threats observed. This operational variability is partly in response to information that CBP obtains about the changing threat.

1.2.2.2 Situational Awareness

In the context of CBP border operations, agents and officers have situational awareness when they can “identify, process, and comprehend the critical elements of information” about what is happening to them and to their environment with respect to their mission (USCG, 1998). While the Common Operating Picture provides CBP agents and officers with a baseline of shared

information on possible threats and challenges in the operational area, in the field they must also understand their relationship to the terrain and environmental conditions while being able to discriminate between present and future threats and benign activities in the area. Because CBP agents, officers, agricultural specialist, and non-uniformed personnel may encounter environmentally sensitive or traditionally important areas and items during the course of executing their duties, situational awareness encompasses understanding of natural and cultural resources at and beyond the POEs.

To improve intelligence-gathering and detection, interdiction, and apprehension of CBVs, CBP works closely with other Federal, state, and local law enforcement partners as well as other Government agencies, individuals, Tribal Nations, and international partner agencies in Canada and elsewhere.

1.2.2.3 Environmental Awareness

From CBP officers providing custom inspections that identify historic or culturally significant items that smugglers attempt to transport across-borders, to USBP agents patrolling in vehicle on roads in national forests, to air and marine interdiction agents flying over or navigating through parks, CBP incorporates awareness of stewardship responsibilities into conduct of its mission.

Environmental and Cultural Stewardship Training, prepared jointly by CBP, the Department of Interior, and the U.S. Department of Agriculture-Forest Service, is mandatory for USBP agents and is available to all CBP personnel.¹ This training provides practical guidelines to practice awareness of:

- Natural and cultural resources in the operational environment;
- Lands and places set aside for preservation, conservation, or appreciation of unique natural or cultural values; and,
- People and departments that use or manage that land, including sensitivity to Government-to-Government relations with Tribes.

CBP has Public Lands Liaison Agents (PLLAs) - senior USBP agents - charged with working with public lands managers to facilitate enforcement of border security in accord with the missions of parks, forests, and other lands adjacent to the borders. CBP cooperates with Federal, state, and local agencies, individual land-owners, and Tribal Nations to obtain necessary access to points along the border while being mindful of land management designations and inherent or prescribed values of the lands.

PLLAs also facilitate CBP agent and officer understanding of environmental sensitivities and values of areas managed for the enjoyment of the public or protection of unique and valued resources. They regularly inform USBP agents and other CBP personnel about practices to limit

¹ This training was prepared in accordance with the 2006 Memorandum of Understanding among DHS (CBP-BP), DOI, and USDA-FS.

unnecessary and unintended adverse environmental impacts to species, recreational resources, and cultural resources without compromising border security and agent and officer safety.

All CBP components otherwise provide environmental and cultural resources training appropriate to their personnel's daily responsibilities.

1.2.2.4 Meeting Border Security and Trade and Travel Facilitation Mission Objectives

CBP carries out its missions through the diligence of its personnel, as well as the use of intelligence, targeting, technology, infrastructure, and a broad range of other assets and capabilities. Technology and infrastructure help CBP personnel detect and interdict CBVs. Intelligence and targeting help to extend the zone of security outward, making the physical border one of multiple lines of defense. The aforementioned factors and tools discussed in this section influence how CBP personnel accomplish their tactical objectives in relation to their mission and goals. Periodically, changing the distribution of CBP personnel, infrastructure, and equipment helps to deny potential CBVs understanding of law enforcement routines. It also allows CBP to concentrate assets and resources where most appropriate to counter threats while aiding the legal movement of people, goods, and services cross the border. This multilayered, risk-based approach to securing the border while facilitating lawful travel and trade reduces reliance on any single element that could be compromised and multiplies the effectiveness of the uniformed protectors of the U.S. border.

1.2.3 CBP NORTHERN BORDER OPERATIONS, FACILITIES, TACTICAL INFRASTRUCTURE, AND TECHNOLOGIES

1.2.3.1 Meeting OFO Mission and Operations

The mission of the OFO is to prevent entry of people and goods that are prohibited or are a threat to U.S. citizens, infrastructure, resources, and food supply, while efficiently facilitating legitimate trade and travel at ports of entry.

As of January 2012, there were over 3,700 CBP officers at POEs, serving as the front line defenders protecting the American public against the movement of terrorists and instruments of terror across the border while facilitating the lawful movement of goods and people into the United States (Fisher, 2012). To accomplish its responsibilities within the POEs, CBP employs a strategy built on a series of enforcement layers. These layers are composed of sophisticated targeting and communication systems, state-of-the-art detection technology, and a cadre of professional law enforcement personnel. Working in concert, these systems screen for, identify, and inspect high-risk persons or cargo in the stream of cross-border vehicles and pedestrians. However, the success of this strategy depends heavily on the physical state and operational utility of the inspection facilities. It is this combination of highly trained personnel, technology, and modernized facilities that form the essential foundation for CBP's operational strategy.

Specialized X-ray equipment is used to look through a van for contraband that may be hidden inside.



Source: (USDHS, No Date[a]).

CBP officers use a variety of technologies (see below) to improve their ability to examine vehicles and cargo effectively and expeditiously while also improving their situational awareness of potential threats from dangerous cargo, concealed CBVs, and potential weapons of mass destruction. Officers check electronic manifests for commercial goods and flag shipments for examination according to criteria established by various agencies with jurisdiction over or interest in imports. Vehicular, cargo, and pedestrian inspections are usually performed at POEs, but officers sometimes escort shipments to a receiver site and inspect them there. If a shipment contains inadmissible items or an anomaly, it is detained until a representative from the documented shipper (or recipient) arrives. CBP officers also use canine teams for detecting a variety of substances (such as narcotics and explosives).

1.2.3.2 USBP Mission and Operations

As the mobile, uniformed Federal law enforcement arm securing the border between POEs, USBP's priority mission is the prevention of "terrorists and terrorist weapons, including weapons of mass destruction, from entering the United States." (USDHS, 2012) This antiterrorism focus since the September 11, 2001 terrorist attacks on the United States is an extension of its nearly 90 year-old mission of preventing illegal entry of persons across our borders. As of January 2012, there were over 2,200 Border Patrol agents assigned to the northern border which amounts to over a six-fold increase since CBP was created in 2003.

USBP protects the American homeland, enforcing several laws, through the detection, interdiction, and apprehension of those who attempt to illegally enter or smuggle any person or contraband into the United States. USBP accomplishes its mission using a risk-based approach combining surveillance, intelligence, response to electronic sensing and aircraft sightings, and interpreting and following tracks. As needed, USBP agents also support and participate in disaster relief and search and rescue operations in coordination with Federal, state and local emergency managers and law enforcement agencies.

Surveillance operations include line watch (agents stationed at specific observation points or driving predetermined routes) and road and waterborne patrols. USBP agents use a variety of transportation modes to patrol thousands of miles of U.S. roads and border areas each day. These include four-wheel-drive vehicles, sedans, scope trucks, all-terrain vehicles (ATVs), motorcycles, snowmobiles, as well as bicycle and foot patrols in urban areas and rough terrain. For those sectors with water boundaries (e.g., the Great Lakes, Lake Champlain, and rivers and canals), USBP runs maritime patrols using boats and other marine-based watercraft. OAM provides the USBP sectors with a range of watercraft to assist in river or lake patrols.

Methods used for detection of CBVs include sign cutting (discovery of any disturbances in natural terrain that could indicate the passage of people, animals, or vehicles), use of alerts from electronic sensors and remote (video) surveillance systems, and establishment and operation of traffic checkpoints and transportation checks.

Traffic checkpoints, conducted on major roads leading away from the border, are aimed at detecting persons and narcotics entering the country illegally. Roadway checkpoints are traffic lanes temporarily controlled by USBP. In some cases, checkpoints include temporary support buildings to provide office and holding space, as well as lights, signage, and other support equipment. There is one permanent checkpoint in New York state, which has a processing office, temporary detention facilities, administration office, a potable water supply, and a sewage system. These checkpoints provide an opportunity to detect and interdict cross-border violators (CBVs) that have otherwise avoided apprehension. USBP agents use transportation checks to conduct inspections of interior-bound conveyances including passenger vehicles (cars, trucks, vans, and buses) and container and similar cargo trucks. Similar checks are conducted at airports for commercial aircraft and at locations along railroad lines for passenger and freight trains.

USBP agents routinely conduct searches
of trains entering the United States from Canada.



Source: (USDHS, No Date[a]).

If illegal activity is detected, USBP agents attempt to interdict, apprehend, and detain the CBVs. Ground vehicles and aircraft (assistance from OAM) are used, individually or collectively, to make apprehensions. When possible, USBP agents remain on existing roads to apprehend CBVs but they occasionally go off-road when required. In some places, access to lookout sites requires coordination with relevant Federal land managers [e.g., U.S. Forest Service (USFS) or National

Park Service (NPS)] in order to ensure consistency with applicable laws, the land manager's mission and specific land management requirements.

On the northern border, USBP operates from eight geographically based sector headquarters, each overseeing operations from more than 50 Border Patrol stations (BPS) with designated areas of responsibility. In remote areas, USBP agents also deploy from forward operating bases (FOBs) and camps to conduct patrol or checkpoint operations.

1.2.3.3 OAM Mission and Operations

The mission of the OAM is to protect the American people and the Nation's critical infrastructure using an integrated system of air and marine forces to detect, interdict, and prevent acts of terrorism and the unlawful movement of people, illegal drugs, and other contraband toward or across the borders of the United States. OAM performs border security missions independently and in coordination with its CBP and DHS partners and other Federal, state, local, and tribal agencies.

Two CBP marine unit Midnight Express boats patrol the waters off of the U.S. shore



Source: (USDHS, No Date[a]).

OAM is responsible for acquiring, outfitting, and maintaining all CBP maritime vessels for both OAM "marine unit" operations (on the coasts and the Great Lakes), and USBP "riverine unit" operations on small lakes and rivers. Both OAM and USBP agents are trained in maritime vessel operations. CBP operates Coastal Enforcement and Interceptor Class vessels along the coasts and Great Lakes; on small lakes and rivers, CBP operates Riverine Class vessels.

OAM pilots and boat operators also deploy aviation and maritime resources in support of routine and specific criminal investigations that take place on the ground away from the border. OAM agents operate from approximately 20 locations along the northern border, supporting CBP's overall mission at the border. OAM deploys helicopters and fixed-wing aircraft from eight locations along the northern border to search, detect, identify, and track suspect airborne and ground targets of interest. They use a variety of aircraft to intercept people and contraband illegally crossing land and water borders. They provide aerial surveillance of the border in cooperation with the USBP agents and they conduct air operations in support of other Federal, state, and local needs, such as search and rescue operations and disaster relief. In the marine environment, OAM performs the same functions by deploying coastal enforcement vessels in the

nearshore waters of the Pacific Ocean and the Great Lakes and by deploying riverine vessels along the Great Lakes, northern border rivers, and the Gulf of Maine.

In 2011, CBP expanded its operational airspace by 950 miles with the cooperation of the Federal Aviation Administration (FAA). This enables unmanned aircraft surveillance operations to extend from the Lake of the Woods area in Minnesota to the vicinity of Spokane in Washington state.

1.2.3.4 CBP Facilities

Although CBP typically defines the northern border region as the area between the United States and Canada, running from Washington through Maine and including the Great Lakes region, CBP also facilitates and ensures the security of trade across the Alaska-Canadian border. On the northern border, CBP has 122 land border crossings and 13 ferry land crossings, 8 Border Patrol Sectors, 8 Air and Marine Branches, 9 Coastal Marine Units and 23 Riverine Marine Units to protect against the illegal flow of people and contraband at and between the official POEs. There are currently more than 100 POEs along the northern border. Between 2010 and 2012, more than 35 land POEs underwent modernization to meet security and operational needs (Fisher, 2012). CBP and the U.S. General Services Administration (GSA) modernize POEs through the rehabilitation of existing property or acquisition of property to construct new facilities. CBP uses several size-based standard building/station concepts to replace or build new facilities. The new standard designs include green building features, such as those recommended by the Green Building Council through its Leadership in Energy and Environmental Design *LEED® Certification Policy Manual*. Replacement of many of the older POEs is already under way, and this process is addressed by separate NEPA documents.

POEs are set up to allow several lanes of vehicular traffic to move “down the line” concurrently, with secondary inspection areas available to the CBP officer if needed. Separate areas are used for processing people and cargo. CBP officers also inspect rail cars at more than 20 POEs across the northern border that also service railroads crossing the border.

In addition to CBP personnel, agents from other interested U.S. agencies such as the U.S. Fish and Wildlife Service (USFWS), the U.S. Department of Agriculture (USDA), the U.S. Drug Enforcement Administration, and the U.S. Immigration and Customs Enforcement (ICE) work at many POEs. Larger land POEs (LPOEs) may have laboratories for identifying narcotics, plant pests on incoming agricultural products, or other harmful items and substances transported in cargo or luggage. Onsite kennel facilities are provided for canine teams used to detect narcotics and explosives.

POEs are connected to local county or municipal sanitary, potable water supply, and electrical utility providers' systems. Where these are unavailable, the land POEs are equipped with their own septic systems, water-supply wells, and generators. Some POEs are equipped with telecommunications facilities, antennas, and other electronic equipment to support radio communications. CBP telecommunications frequencies are certified by the National Telecommunications and Information Administration (NTIA), the Federal Communications Commission (FCC) counterpart that regulates Government communications systems. Radio and lighting support infrastructure is usually located within the bounds of each POE property.

Border Patrol stations (BPSs) vary in size and typically include administrative and support buildings, vehicle maintenance garages, equine and canine facilities, vehicle wash facilities, fuel tanks, small arms practice ranges, illegal alien processing and temporary holding facilities, confiscated vehicle storage facilities, and agent and visitor parking. BPS are either connected to local county or municipal utility systems or have their own septic systems, water-supply wells, lighting, and generators. Older BPSs are often co-located with other Government agencies or located in buildings owned or leased by GSA. A number of these BPSs are being upgraded to provide space for additional agents. Upgrades have been or are being addressed in NEPA documents (USDHS, No Date[b]).

BPSs, particularly new stations being constructed to current standards, are often equipped with helipads for OAM aircraft and pilots supporting reconnaissance or enforcement activities. Helipads are typically concrete but can also consist of matting or sandbags filled with cement with riprap or sandbags for stabilization and to reduce erosion caused by the helicopter's propeller "wash."

As mentioned in Section 1.2.3.2, FOBs are temporary or permanent buildings that provide living and office accommodations, detention space, and equipment storage as a base for USBP agents when operating remotely, but not in a camping setting. USBP uses lighting not only at its BPSs but also at temporary checkpoints and for surveillance operations (usually in response to intelligence). Lighting at temporary checkpoints is usually mounted on a vehicle.

OAM aircraft are home-based at existing airports or are tenants on military air installations, where CBP leases existing hangar space, runways, helipads, and fueling facilities. OAM does not have any requirements to construct new facilities, but may occasionally do minor modifications to existing facilities. Refueling of aircraft and helicopters usually occurs at established airports or sometimes at BPSs or other CBP facilities equipped to support aircraft activities. Due to the remote nature of many CBP activities, remote landing areas may be needed to support reconnaissance, observation, and enforcement activities. These landing areas usually consist of relatively level land cleared of vegetation.

Maritime assets on the coast of Washington, Maine, or Great Lakes states may be located at U.S. Coast Guard (USCG) stations or more often in space rented from commercial marinas. In some USBP sectors where patrol operations are primarily land-based but may have smaller lakes and rivers that straddle the border (e.g., Houlton Sector in Maine patrols the St. John and St. Croix Rivers and several small lakes), OAM provides equipment to USBP, which conducts the patrols.

1.2.3.5 CBP Communication, Detection, Inspection, and Surveillance Technologies

To process cargo, CBP officers use nonintrusive/nondestructive inspection and detection technologies (NII), including large-scale X-ray and gamma-ray imaging systems and radiation detection technology, such as vehicle and cargo inspection systems and personal radiation detectors (PRDs), to quickly determine whether there are anomalies in the cargo of rail cars, trucks, or rail containers, or other types of truck and ship cargoes. Almost all CBP officers at ports use NII daily. They also use radioactive isotope identifiers (RIIDs). To process people, all POEs are linked to the Integrated Automated Fingerprint Identification System (IAFIS) and Advance Passenger Information System (APIS). For example, the Western Hemisphere Travel Initiative passport card system, which began in 2007, reduced the number of documents that

CBP officers need to identify and determine citizenship status by introducing a radio frequency identification (RFID) chip and a machine-readable zone (MRZ) in or on the card (USDHS, 2007). Other technologies include infrared license plate readers, decal transponder readers, biometric scanners, document readers, cameras, radio systems, and repeater communication systems.

USBP agents use many of the same technologies as CBP officers, including NII, PRD, and RIID. Most USBP sectors use tower-based remote video surveillance systems (RVSS) and vehicle-based mobile video surveillance systems (MSS) to supplement patrols by agents. A current project by the OTIA seeks to tailor RVSS/MSS systems to the northern border terrain and climate. Pilot projects to test the effectiveness of this system are being conducted in Detroit, Michigan; Buffalo, New York; and the Swanton Sectors (New Hampshire, Vermont, and eastern New York) (USDHS, 2010b) (see Section 1.2.4 for more information.)

USBP employs a network of radio communications transmitters, repeaters, and receivers to provide base-to-field communications and to allow USBP personnel to operate with partners in law enforcement such as the Canadian Border Guard, the Royal Canadian Mounted Police, and local and state police and sheriffs' offices. Operational frequencies are certified by the NTIA.

USBP uses unattended ground sensors, small seismic and magnetic transmitters placed on or near roads and trails within illegal travel corridors, capable of detecting ground vibrations and vehicle movements. When sensors are activated, a signal is broadcast to the nearest USBP station/sector. The locations of the sensors are not fixed, and the USBP regularly moves them.

OAM operates different types of aircraft and high-speed vessels (e.g., Interceptor and Coastal Enforcement Class vessels) nationwide. A large percentage of these assets are assigned to the northern border.

Aircraft include rotary and fixed-wing, ranging from occasional use of the Orion P-3 aircraft to smaller jet and turboprop airplanes, to several models of helicopters, including the UH-60 Blackhawk (USDHS, 2010a).

Aircraft travel to mission destinations at altitudes of 3,000 feet or greater above ground level once beyond the airfield/airport, although they may drop lower to investigate or respond to a situation. All missions are coordinated preflight with the FAA. In some sectors, CBP operates a Predator-B unmanned aircraft system (UAS) to fly surveillance. The UAS is guided by remote control, operated by qualified pilots, and equipped with a camera (day or night vision) or forward-looking infrared radar (FLIR). These aircraft can be operated at higher altitudes when conducting surveillance, because of the sensitivity of their imaging systems.

OAM pilots also use night vision goggles, FLIR, digital aerial video, airborne radar platform, video downlinks, flares, and lasers.

OAM participates in the National Plan to Achieve "Maritime Domain Awareness (MDA)," a plan to achieve effective understanding of anything associated with the global maritime domain that could impact the security, safety, economy, or environment of the United States. Enterprise Hubs are being developed from within existing organizations with capabilities that already make

substantial contributions to MDA. CBP has been designated to lead the Cargo and People Enterprise Hubs (USDHS, 2010c).

The maps in Figure 1.2-2 show the locations of POEs, BPSs, and OAM branches and units servicing the northern border. (Detailed location information for POEs is available on the CBP website at <http://cbp.gov/xp/cgov/toolbox/ports/>). In some instances, particularly where operations and POEs are in remote locations, CBP also provides housing for its agents and officers through its Engineering Support section.

CBP is investigating integrated surveillance and communications systems to provide data for the Common Operating Picture. Deployment of such technologies may require upgrades to existing facilities (such as BPSs), erection of new towers or co-location of new capabilities on existing Government or commercially owned towers, mounting on and movement of mobile (vehicular) platforms, setting-up or upgrading of radar systems for use in maritime and near ground environments, and integration and upgrade of existing electronic equipment and maintenance and operation of infrastructure and equipment.

CBP is also evaluating commercial off-the-shelf (COTS) technologies for applications like detecting low-flying aircraft and other intrusions near or across the border.

Figure 1.2-2(A) CBP Northern Border Facilities: West of the Rockies Region

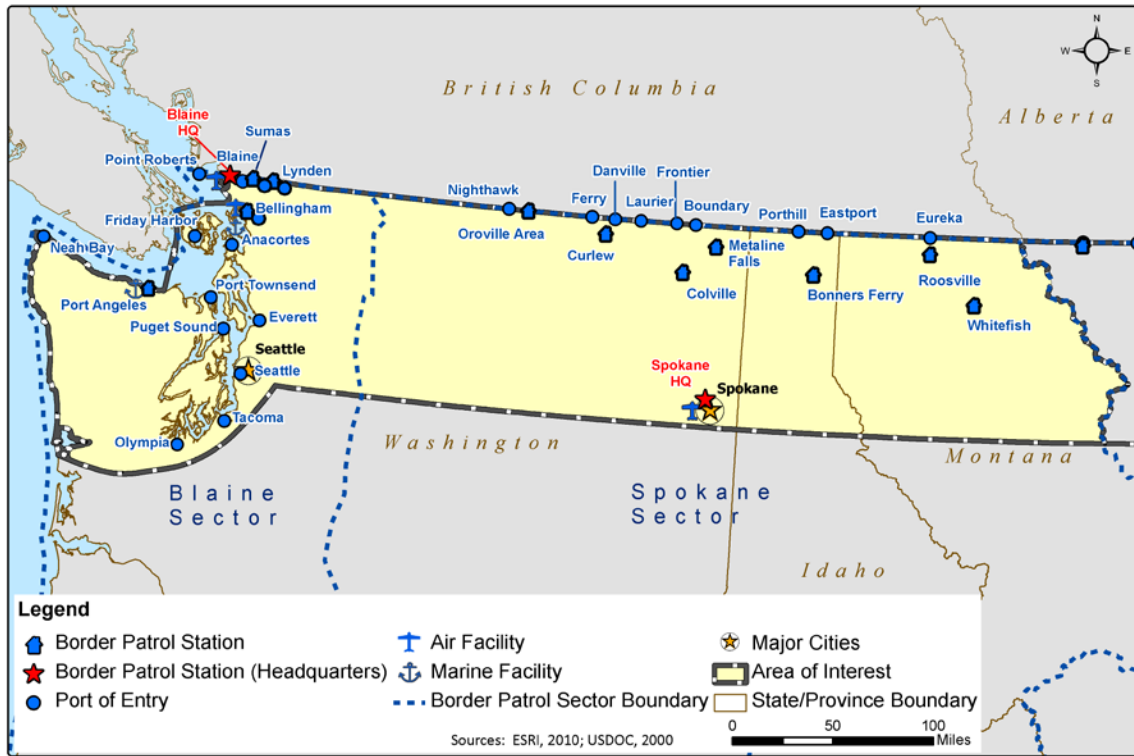


Figure 1.2-2(B) CBP Northern Border Facilities: East of the Rockies Region

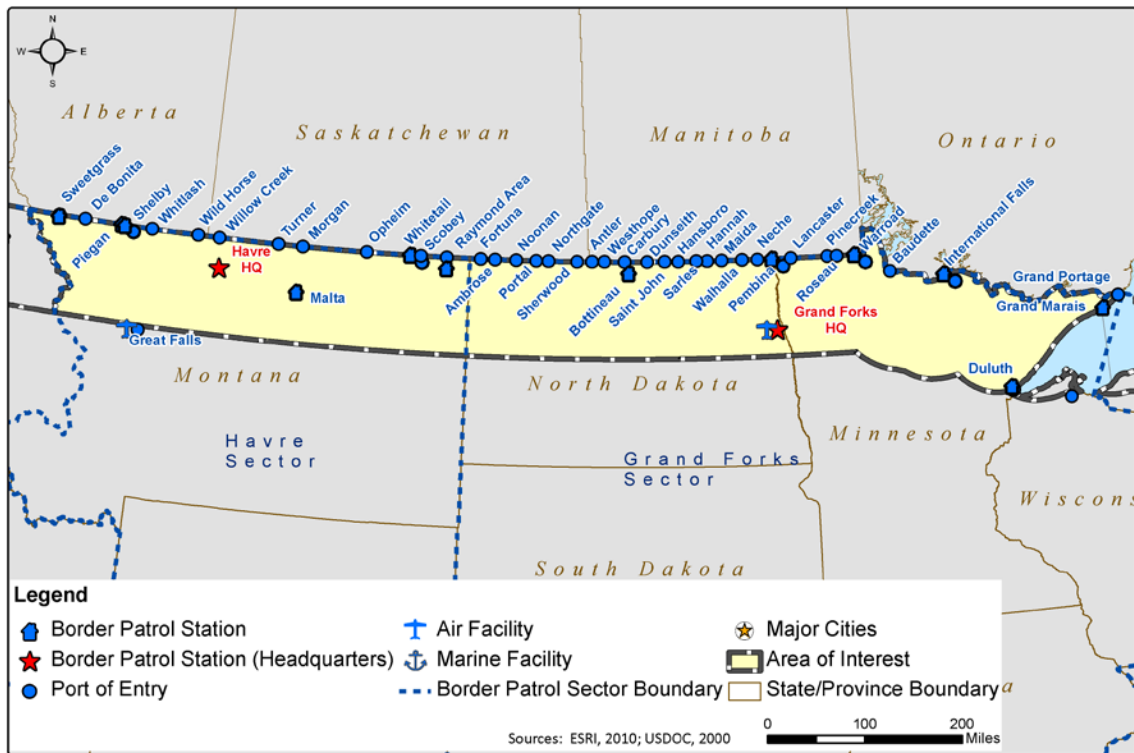
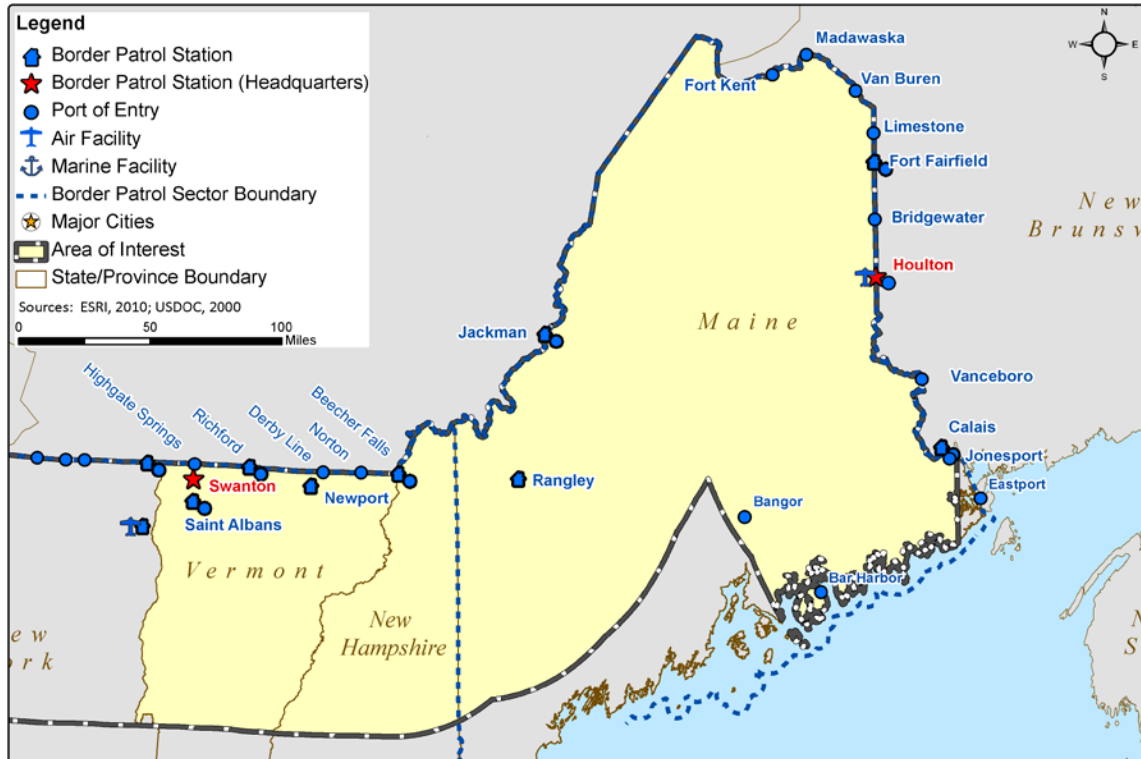


Figure 1.2-2(C) CBP Northern Border Facilities: Great Lakes Region



Figure 1.2-2(D) CBP Northern Border Facilities: New England Region



1.2.3.6 Tactical Security Infrastructure

USBP often needs certain types of infrastructure to help prevent unauthorized border crossings and CBVs from gaining access to parts of the border that might otherwise be difficult to monitor consistently. Construction and routine maintenance of these land-based security infrastructure assets are key tools for maintaining a secure border environment.

Roads, bridges, culverts, and low-water crossings, as well as gabions, water bars, and other drainage or erosion control structures facilitate CBP mobility for ground patrols. While the majority of the dirt roads within the border region were about 24 feet wide originally, over the years, vegetation has encroached to the point that these roads are now typically less than 10 feet wide. In addition, some roads have experienced severe wind and water erosion, resulting in long, impassable stretches. Frequently, gabions, water bars, and other drainage or erosion control structures are needed to support new structures or maintain existing ones.

In remote areas that have experienced a high volume of illegal vehicle traffic, CBP directs construction of barriers to prohibit illegal vehicle entry. These are frequently metal or concrete posts and railings at heights that do not allow vehicles to pass under or over them. They are constructed in discrete locations (usually blocking back roads or trails) in remote areas that have experienced high illegal vehicle traffic. Construction of barriers requires construction of an access road for maintenance. Barriers can also include trenches cut across existing roads to prevent passage. Along the northern border, CBP uses fences to increase the time needed for cross-border violators to get away from the border and blend into traffic. In contrast to fences built along the southwest border, fencing along the northern border tends toward simpler construction of either chain link or barbed-wire. CBP has no plans to construct a “border fence” or fence segments along the northern border of the same magnitude as that along the southwestern border. Border Patrol’s operational requirements in the southwest dictate a need for persistent impedance of undocumented immigrating CBVs, smugglers, and organized drug cartels. The length of the northern border, the diverse terrain, and the differing security considerations make such an effort operationally untenable as well as nearly technically unfeasible.

Communications and surveillance towers for the installation of radio antennae, radio transmitters and receivers, and RVSS and motion detection devices are currently in place primarily in the eastern part of the country along the northern border. Many towers have a small building to house electronic equipment associated with the operations. These are similar to nongovernment-owned cellular towers in most respects, and sometimes CBP technologies are collocated with existing privately or publicly owned towers.

1.3 PURPOSE AND NEED

1.3.1 PURPOSE OF THE PROPOSED ACTION

The purpose of the proposed action is to provide CBP with a well-integrated, reasonable framework for sustaining and enhancing security along the United States border with Canada. CBP’s intent is to determine the appropriate mix of infrastructure, technology, and facilities to support personnel responding to evolving cross-border threats and border protection priorities. The timeframe considered for the proposed action is the next five to seven years.

The proposed action must provide CBP law enforcement components with the means to stay abreast of current border activities and discriminate among a variety of types and levels of threats to the United States and its citizens. The ultimate goal is to create conditions so that CBP (working in collaborative partnerships with local, state, and tribal law enforcement partners) would be able to resolve all cross-border violations through deterrence, interdiction, and confinement as appropriate to achieve the satisfactory law enforcement result efficiently and effectively. The proposed action must facilitate CBP's safeguarding of land, sea, and aerial border areas.

1.3.2 NEED

CBP needs the capability to pursue effective control of air, land, and maritime borders to the north of the contiguous United States. More effective control will exist when CBP is consistently able to (1) stay abreast of current cross-border violations and activities and maintain "situational awareness," (2) identify and classify each situation to determine the level of threat involved, (3) efficiently and effectively respond to these situations, and (4) bring each event to a satisfactory law enforcement resolution.

1.4 PROPOSED ACTION

CBP proposes to arrange the program elements described in Section 1.2.3 in the most effective combination to provide the flexibility to respond to existing and any evolution of cross-border terrorist, criminal, and public safety threats over the next five to seven years. To protect the northern border against evolving threats, CBP would assume an approach for modifying its deployment of facility, technology, and tactical security infrastructure in a manner that would enable its agents, officers, specialists, and supporting personnel to pursue effective control of air, land and sea borders between the United States and Canada. The proposed action and alternatives are intended to respond to changes which are reasonably foreseeable inasmuch as external threats could drive the need for CBP to augment its northern border security program. There are several alternative program directions that would be reasonable ways to respond to future threats. These alternatives and their impacts are analyzed in this PEIS.

The main activity elements of the proposed action would support the operations of the three CBP law enforcement components: OFO, USBP, and OAM. Under all alternatives, CBP would continue to conduct current activities such as enhancing partnerships with other Government agencies and maintaining current assets. Also, personnel increases as a function of normal agency growth would likely occur over the next five to seven years under the proposed action and all alternatives. Additional personnel would also likely be deployed in cases where operational paces were increased for extended periods of time. These increases might be accomplished by redeployment of the existing workforce or by acquisition of new personnel.

Given that northern border security is an ongoing, multifaceted and ever-changing effort, there is no discrete point at which a comprehensive "new" program will be decided upon or implemented. Instead, CBP anticipates a process of continuous improvement, where it is constantly seeking the combination of law enforcement measures that best meets the mission objectives at a particular time and place. In this more continuous planning and decision making context the use of information about environmental impacts is not limited to one point in time or one place.

1.5 OTHER CONSIDERATIONS FOR NORTHERN BORDER PLANNING

1.5.1 POLICY AND BUDGETARY CONSIDERATIONS

Agents, officers, and other personnel working within CBP's three law enforcement components and supporting offices, must use combinations of facilities, infrastructure, and technologies in a complementary fashion as they guard against the diverse and often-evolving profile of cross-border threats. Managers at multiple levels of CBP, from headquarters offices to field stations, must plan and decide on the allocations and assignments of these assets in their areas of operation. Planning for border security and legal cross-border activities also occurs on an agency-wide, nationwide, and international level. Between the topmost national/international strategies and site-specific implementation procedures, there are several intermediate levels of ongoing planning. For CBP, the top level strategies and goals are set by higher authorities such as the President, Congress, and the Secretary of DHS.

CBP decided to prepare this PEIS to inform its decision-makers about potential environmental impacts resulting from CBP northern border activities. Although this PEIS is not connected to any other strategic efforts underway regarding border security and legal cross-border movement, CBP will use this PEIS as a tool for understanding environmental impacts that likely could occur were policy initiatives external to this PEIS planning process to provide additional direction for CBP's northern border activities.

The "Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness," declaration by President Obama And Prime Minister Stephen Harper of Canada (February 2011) and the subsequent Action Plan (December 2011) set a strategic vision for a new long-term partnership built upon a perimeter approach to security and economic competitiveness at and "beyond the border." Its goals include enhancing security and accelerating the legitimate flow of people, goods, and services with a risk management approach using greater information sharing among all levels of government and communities to address threats before they reach the border.

There is also a DHS "Northern Border Strategic Plan" released in May 2012 which established general policy goals to guide CBP and other DHS components. The framework established by these high level planning efforts will require CBP to develop more specific plans for enhancing security along the northern border. This planning process will guide more particulars about the overall mix of types of tools and techniques to be used over the next five to seven years. Within this framework, CBP will make subsequent site decisions regarding deployments of resources.

Other factors that affect the deployment and allocation of security measures include the availability of budgetary resources and the availability and suitability of technologies to identify, discriminate, and transmit information on cross-border threats. The number of personnel, vehicles, aircraft, vessels, and other equipment available as well as the amount of facility and infrastructure construction or maintenance that CBP can perform varies annually based on Congressional appropriations and authorizations and other factors. Also new tools, such as cargo inspection technologies and remotely piloted aircraft, are developed and proven for use at and between the POEs. CBP includes consideration of these budgetary and technological factors

when planning and projecting its approaches for maintaining the security of the long and environmentally diverse northern border

1.5.2 ONGOING INTERAGENCY COOPERATION

There are several key cooperating relationships that CBP law enforcement personnel participate in for the purposes of enhancing border security and facilitating legal trade and travel. Integrated Border Enforcement Teams (IBET) are a collaboration of U.S. and Canadian Federal, state/provincial, and local law enforcement personnel ranging across the northern border. The five core participating agency-components are CBP, the USCG, ICE, Royal Canadian Mounted Police, and the Canadian Border Services Agency (CBSA). IBETs are designed to work as teams to accelerate the sharing of information and intelligence capabilities between U.S. and Canadian authorities to enhance border security enforcement. IBETs also integrate the mobile response capabilities of the law enforcement partners in air, land, and marine environments. This maximizes the effectiveness of the existing law enforcement authorities without increasing the need for physical or personnel assets.

CBP also augments ICE's Border Enforcement Security Task Force (BEST) units along the northern border to help dismantle cross-border criminal organizations. The BEST uses every element of the enforcement process to interdict, prosecute, and remove transborder criminals and the supporting infrastructure to maintain criminal enterprises.

CBP continually engages with the Department of the Interior (DOI) and U.S. Department of Agriculture (USDA) so that it can fulfill its border security enforcement responsibilities on Federal lands while respecting the mission and integrity of areas designated for recreational use as well as natural, aesthetic, and historical resource conservation, and preservation. CBP operates in cooperation with DOI and USDA under a March 2006 Memorandum of Understanding (MOU), describing the cooperative national security and counterterrorism responsibilities on Federal lands along U.S. borders. This MOU specifies protocols for cooperation related to border security and CBP's responsibilities with regard to compliance with environmental laws, regulations, and policies on public lands and with respect to protected resources.

1.5.3 COMPLIANCE FRAMEWORK

NEPA has both procedural and substantive legal requirements, which are described in Appendix C, Potentially Relevant Federal Statutes and Executive Orders (EOs). The procedural requirements that CBP has followed developing this PEIS are set forth in NEPA itself, 42 U.S.C. 1331 et seq.; its implementing regulations promulgated by the Council on Environmental Quality (CEQ), 40 CFR 1500–1508; and the DHS NEPA regulation, Directive 023-01. The substantive requirements are primarily found in the implementing regulations from CEQ. These include guidelines on what sections must be included in the PEIS:

- A description of the purpose of and need for the proposed action;
- Alternatives considered, including the proposed action and “no action” alternatives;
- The affected environment of the proposed action and alternatives;
- The environmental consequences of the proposed action alternatives;

- Mitigation measures available to reduce impacts on the various environmental resources; and,
- A listing of agencies, organizations, and persons contacted during the PEIS preparation and the public involvement processes.

As noted above, CBP is responsible for substantive compliance with a wide array of Federal laws and regulations. Within the framework of environmental impact analysis under NEPA, legal authorities for which substantive compliance might be applicable (i.e., what CBP would actually do) include statutes such as the American Indian Religious Freedom Act (AIRFA), Archaeological Resources Protection Act, Clean Air Act (CAA), Clean Water Act (CWA), Coastal Zone Management Act (CZMA), Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), National Historic Preservation Act (NHPA), Resource Conservation and Recovery Act (RCRA), and a number of Federal EOs. A summary of laws and EOs that might be applicable to the proposed action and alternatives is presented in Appendix C.

1.5.4 PERMITS, APPROVALS, AND INTERAGENCY COORDINATION

Specific Federal and state permits, approvals, and interagency coordination can only be generally identified at this programmatic document stage. The permits, approvals, and coordination that could be required for site-specific CBP actions include the following:

- Federally recognized American Indian Tribe consultations regarding potential effects on cultural resources and religious issues;
- Relevant state CWA Section 401 Water Quality Certifications;
- Relevant state CZMA consistency determinations;
- Relevant state NHPA Section 106 consultations;
- U.S. Army Corps of Engineers (USACE) CWA Section 404 and possibly Section 10 Rivers and Harbors Act permits;
- U.S. Department of the Interior (DOI) ESA Section 7 consultations;
- U.S. DOI Migratory Bird Treaty Act (MBTA) coordination;
- U.S. DOI, Land and Wilderness Management Plans and Special Use Permits;
- U.S. Department of Agriculture, Forest Management and Transportation Plans and Special Use Permits;
- U.S. Environmental Protection Agency (USEPA) or relevant state CAA conformity analyses;
- USEPA or relevant state National Pollutant Discharge Elimination System (NPDES) stormwater permits;
- USEPA Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or relevant state contaminated property requirements; and,
- USEPA or relevant state Resource Conservation and Recovery Act (RCRA) hazardous waste small quantity generator requirements and underground storage tank requirements.

1.5.5 ACTIONS/ACTIVITIES WITH LITTLE OR NO POTENTIAL FOR IMPACT ON THE ENVIRONMENT

The extent to which a particular action or activity can affect a specific resource varies. In many cases, a particular action may have no effect or a negligible effect. For example, the use of scanning technologies by OFO or USBP at POEs or checkpoints would have no impact on water quality, wetlands, or other natural resources, and would have little impact on human health and safety. Along with the list of activities with the potential to impact a resource, activities with little or no potential to impact a resource are identified in Chapter 3, which provides an overview of how impact determinations are made for each affected environmental or socioeconomic resource.

The CEQ's NEPA implementation regulations encourage Federal agencies to develop lists of actions that can be "categorically excluded" from the requirements for an environmental assessment (EA) or environmental impact statement (EIS). 40 CFR 1508.4 of the CEQ's NEPA implementation regulations defines the categorical exclusion (CATEX) as "...a category of actions which do not individually or cumulatively have a significant effect on the human environment ... and ... for which, therefore, neither an environmental assessment nor an environmental impact statement is required."

Appendix D provides a list of DHS CATEXs from Directive 023-01 that may be applicable to the actions covered by this PEIS. The directive also provides guidance for those instances where conditions or extraordinary circumstances associated with an action or actions that would ordinarily be covered by a CATEX can be further evaluated by a Record of Environmental Consideration (REC) process to determine whether or not the action or actions should be categorically excluded.

1.5.6 PUBLIC INVOLVEMENT

Agency and public involvement in the NEPA process promotes open communication between the public and the Government and enhances the decision-making process. All persons or organizations having a potential interest in the proposed action are encouraged to participate in the decision-making process.

NEPA and implementing regulations from the CEQ and DHS, direct agencies to make EISs available to the public during the document development process and prior to any decision making on what actions are to be taken. The premise of NEPA is that the quality of Federal decisions will be enhanced if proponents provide information to the public and involve the public in the planning process.

Public scoping activities for the PEIS were initiated on July 6, 2010, when a Notice of Intent (NOI) to prepare four region-specific PEISs was published in the *Federal Register* (FR Doc. 2010-16392). In addition to providing a brief description of the proposed action and announcing CBP's intent to prepare these PEISs, the NOI also established a 30-day public scoping period. In coordination with the publication of the NOI, display advertisements were published in various newspapers serving local communities; public service announcements were broadcasted on local radio; scoping letters were mailed to potentially interested stakeholders consisting of agencies, organizations, and individuals; and a public website was developed for the project. Following

the publication of the NOI, public scoping meetings were held in July 2010 (see Appendix A for a summary of the scoping report).

The purpose of the scoping process was to solicit public comments regarding the range of issues, including potential impacts and alternatives that should be addressed in the PEISs. Public comments received during the public scoping period were taken into consideration as part of the preparation of the Draft PEIS. In part due to comments received during the scoping process, a subsequent notice was published on November 9, 2010 in the *Federal Register*, notifying the public that CBP intended to prepare a single PEIS as opposed to the four region-specific PEISs contemplated in the initial NOI. It also informed the public that CBP would continue to accept scoping comments through development of the DRAFT PEIS.

The USEPA published a Notice of Availability (NOA) for this Draft PEIS in the *Federal Register* on September 16, 2011. The USEPA NOA announced to the public the availability of this Draft PEIS, and began a 45-day public comment period. In addition to the USEPA NOA, CBP published a separate NOA in the *Federal Register* announcing the dates, times, and places for public meetings and to request comments on the Draft PEIS. All comments received were considered in the development of this Final PEIS and are included in Appendix A-2.

CBP invites agencies, organizations, and individuals to provide comments, suggestions, or relevant information related to this Final PEIS. Information submitted by (30 days from date of NOA publication) will be considered in the Record of Decision (ROD.) This information may be submitted by any of the following methods:

- Sending to Jennifer DeHart Hass, Environmental and Energy Division, U.S. Customs and Border Protection, 1331 Pennsylvania Ave NW, Suite 1220N, Washington, DC 20229;
- Emailing to: cbpenvironmentalprogram@cbp.dhs.gov; or,
- Calling to 202-325-4191.

Throughout the NEPA process, the public may obtain information concerning the status and progress of the PEIS on the project website at www.NorthernBorderPEIS.com. Information about how to obtain a copy of the Draft PEIS can also be found on the site.

1.6 PEIS COOPERATING AND COORDINATING AGENCIES

USDA and DOI acted as limited cooperating agencies for the PEIS. In this capacity, they will assist identifying USFS and DOI agency lands and resources affected by the PEIS and assure that consultation requirements under the ESA or other Federal laws are satisfied. They will also participate in public meetings as needed and review draft PEIS documentation for CBP activities impacting resources under their jurisdiction or otherwise contributing their special expertise. The cooperating-agency relationship among CBP and DOI and USDA will follow the applicable sections of 40 CFR 1501.6 and 1508.5.

Typically, a bureau within DOI, such as USFWS, acts as a cooperating agency; however, because of the geographic scope of this PEIS and the need to coordinate review and consultation

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among several bureaus within DOI [including USFWS, NPS, Bureau of Indian Affairs (BIA), and the Bureau of Land Management (BLM)]; DOI has agreed to act as the cooperating agency.