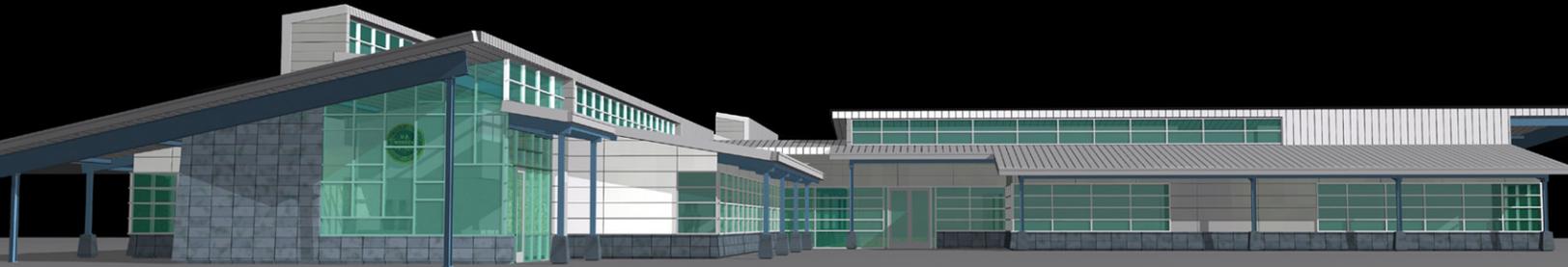


# Draft

# Environmental Assessment



Blaine Sector Headquarters Perspective

## PROPOSED CONSTRUCTION OF

## Department of Homeland Security

## U.S. Border Patrol Headquarters

Blaine, Whatcom County, Washington

*Prepared for:*

U.S. Department of Homeland Security

U.S. Border Patrol Sector Headquarters, Blaine, Washington

*and*

U.S. Army Corps of Engineers

Seattle District

*Prepared by:*

HDR Engineering, Inc.

**May 2003**

**DRAFT ENVIRONMENTAL ASSESSMENT**

**PROPOSED CONSTRUCTION OF  
DEPARTMENT OF HOMELAND SECURITY  
U.S. BORDER PATROL SECTOR HEADQUARTERS  
BLAINE, WHATCOM COUNTY, WASHINGTON**

**Prepared for:**  
**U.S. Department of Homeland Security**  
**U.S. Border Patrol Sector Headquarters, Blaine, Washington**

**and**

**U.S. Army Corps of Engineers**  
**Seattle District**

**Prepared By:**  
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**DRAFT  
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BLAINE, WHATCOM COUNTY, WASHINGTON**

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**Lead Agency:** U.S. Department of Homeland Security  
Headquarters, Facilities and Engineering Division  
425 I Street NW  
Washington, D.C. 20536

**Lead Agency Contact Person** Mr. Joseph W. Lamphear  
Regional Environmental Officer  
DHS Western Region  
P.O. Box 30080  
24000 Avila Road  
Laguna Niguel, CA 92677  
Phone: (949) 425-7077  
Fax: (949) 360-3985

**Contacts/Information/Comments:** Matthew J. Bennett  
U.S Army Corps of Engineers, Seattle District  
PO Box 3577  
Seattle, WA 98124  
Phone: (206) 764-4470  
Fax: (206) (206) 764-4470

## EXECUTIVE SUMMARY

**PROJECT HISTORY:** The United States Department of Homeland Security (DHS) has requested the U.S. Army Corps of Engineers (USACE) to prepare an Environmental Assessment (EA) on the proposed construction and operation of a U. S. Border Patrol Sector Headquarters (BPSH) in Blaine, Whatcom County, WA. The Corps of Engineers has been requested by the U.S. Department of Homeland Security to prepare environmental documentation for the construction and operation of these facilities. This EA addresses site-specific actual and potential cumulative effects, beneficial and adverse, of the Proposed Action and Alternatives.

**PURPOSE AND NEED:** To effectively enhance control of the border and to manage the increase in the illegal immigrant activity, the USBP has had to increase its presence in the area. The Blaine Sector has five Border Patrol Stations (BPS) within its operational area. The stations are located in Blaine, Lynden, Bellingham, and Port Angeles, WA, and Roseburg, OR. The BPS is a base for operations for Border Patrol Agents with a defined operational area. It provides shift set-up; line supervision; secure storage of government-issued equipment, weapons and ammunition; and short-term holding for aliens being processed. The present Blaine Border Patrol Sector Headquarters (BPSH) is located at 1590 H Street, Blaine, WA. Because the Blaine Sector is experiencing a significant increase in workload, the workforce would be increased by approximately 217%. As the workforce has increased, so has the need for additional workspace. The development surrounding the existing facilities is preventing the Sector Headquarters from expansion at the existing site. Due to the limits of expansion on the existing site, the Blaine BPSH is proposing to move to a new location.

Projected staffing at the BPSH is as follows: (9) Officer Corps personnel; (25) civilian support personnel; and (20) intermittent personnel from other agencies.

**PROPOSED ACTION:** The Proposed Action is to provide the USBP with a more modern facility that would alleviate overcrowding and allow for storage and necessary administrative processing areas. This would be accomplished by the construction of a new USBP Sector Headquarters located in the southern portion of the City of Blaine adjacent to Interstate 5 near Exit 274. The new headquarters would alleviate the strain of current crowded conditions. The proposed headquarters would be located on an approximately 12.8-acre site.

**ALTERNATIVES:** In addition to the Proposed Action, the No-Action Alternative and six alternative construction sites were evaluated as part of this environmental impact analysis. The No-Action Alternative was carried throughout the analysis, and is reflected in the baseline environmental conditions of the area. Under the No-Action Alternative, there would be continued socioeconomic concerns relating to undocumented aliens entering the U.S., illegal drug trafficking, and associated criminal activity. The alternative

sites were eliminated from further consideration without further analysis because they had land use conflicts, or had greater potential for environmental concerns.

**ENVIRONMENTAL IMPACTS:** The Proposed Action would result in an insignificant short-term increase in exhaust pollutants, and dust during construction and an insignificant long-term impact from slight losses of grassland habitat. Slight short-term increases in heavy equipment noise during construction; very slight long-term increases in vehicular traffic noise and occasional (2 times/month) additional increases of very short duration from helicopter landings and takeoffs during day/night operation. There would be a slight long-term increase in demand for potable water; an increase in impervious surface area, and therefore stormwater runoff. There would be a loss of up to 0.41 acres of disturbed emergent wetland habitat. There would be a beneficial long-term impact to the local economy by increased BPSH staff; a short-term beneficial impact on local economy from construction activities, and a long-term increase on public safety from an increase in undocumented aliens (UDA) apprehension and drug interception.

**MITIGATION MEASURES:** A variety of mitigation measures would be employed to negate or minimize environmental impacts of the Proposed Action. Such measures include implementation of standard construction procedures, dust suppression, minimize clearing whenever possible, engineering and management controls on construction equipment and activities, and proper maintenance of equipment and best management practices during construction. Wetland impacts would be mitigated at a 1:1 ratio. Mitigation would occur on-site and likely in-kind (east side of the property, adjacent to the native wetland that extends off-site).

**CONCLUSIONS:** Based on the findings of this analysis, and assuming that all mitigation measures recommended herein are implemented, no significant adverse environmental impacts would occur from the Proposed Action. Increased or enhanced interdiction of illegal drug and alien entry and activities would have positive, indirect socioeconomic benefits.

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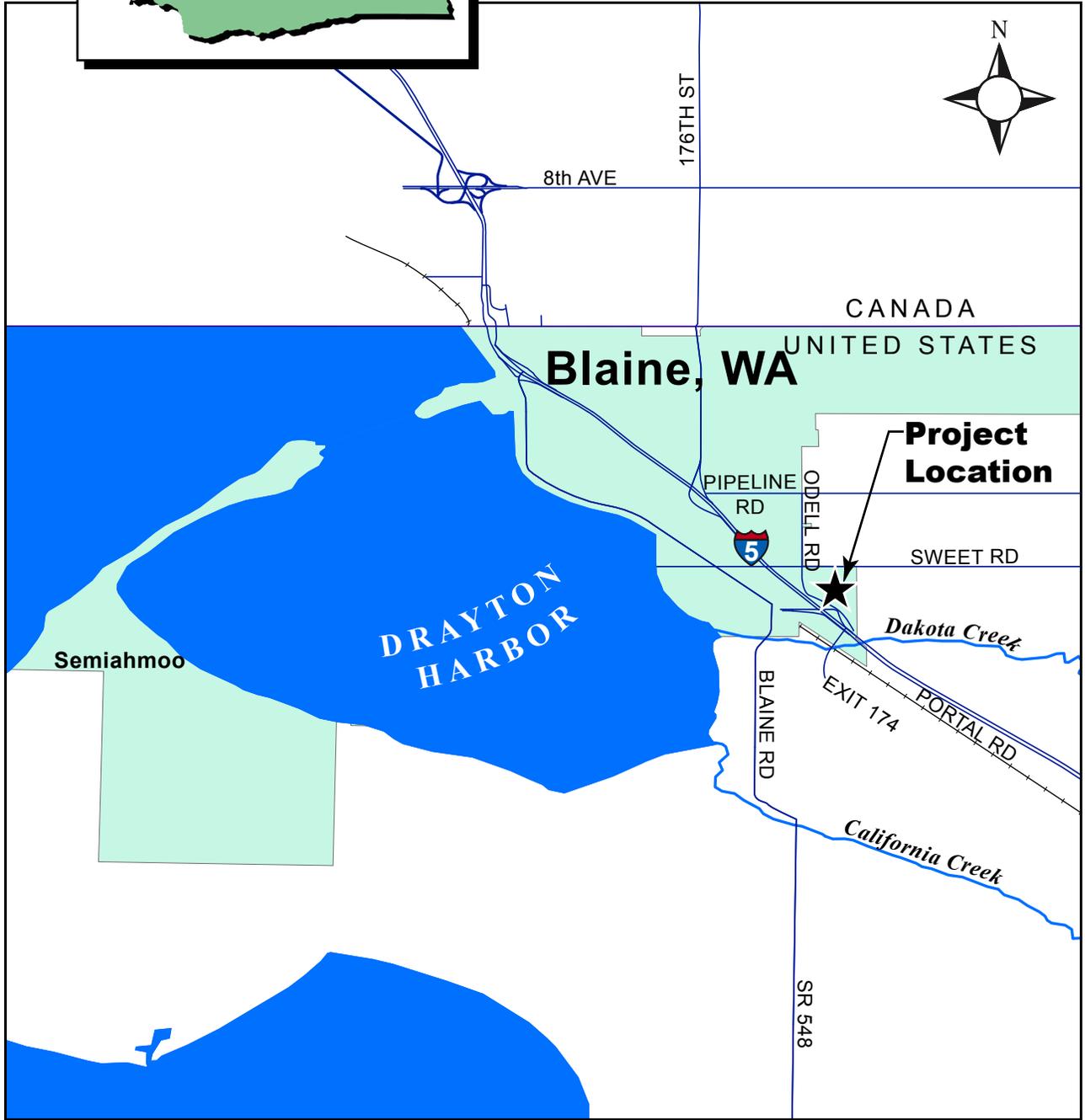
## **1.0 INTRODUCTION**

This Environmental Assessment (EA) evaluates the potential environmental impacts, beneficial and adverse, associated with constructing a new U. S. Border Patrol Sector Headquarters (BPSH) in the City of Blaine, Whatcom County, WA (Figure 1-1 and 1-2). The United States (U.S.) Department of Homeland Security (DHS) (Immigration and Naturalization Service {INS} under the Department of Justice), U.S. Border Patrol (USBP) proposes to construct a new USBP Sector Headquarters BPSH on a 12.8-acre parcel located adjacent to Interstate 5 at Exit 274, approximately 1.3 miles south of the existing BPSH within the city limits of Blaine. The U.S. Army Corps of Engineers has been tasked by the U.S Border Patrol to prepare environmental documentation for the construction and operation of this facility.

The Blaine property is 12.8 acres in size. Existing zoning is Manufacturing (subzone C). In 1991, the majority of the topsoil on the property was excavated 18" – 36" in order to preload the site for a proposed strip-mall. Topsoil was stockpiled and the site was backfilled with sand and gravel. The mall was never constructed and the site remains as undeveloped land. A linear wetland swale and isolated wetland occur in the central property vicinity. The legal description of the preferred Blaine property is:

A parcel of land in Section 8, Township 40 North, Range 1 East, identified as Tax Parcel 400108 047500 0000 (28.29 acres); and legally described as Tracts A and B of "Blaine Crossing Short Plat," recorded in Volume 23 of short Plats, Page 87 and 88, under Whatcom County Auditor's File No. 910524168, records of Whatcom County, Washington, being a portion of "Buckeye Addition To Blaine," and vacated "West Dakota Creek Addition to Blaine," situated in County of Whatcom, State of Washington.

This EA was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, and the INS Procedures for Implementing NEPA (28 Code of Federal Regulations (CFR Part 61). The biological assessment in accordance with Section 7 of the Endangered Species Act (ESA) of 1973 is embedded in the Biological Resources sections of this document (See Sections 3.5.4, 3.5.4.1, 4.5.1.3, and 6.1.5).



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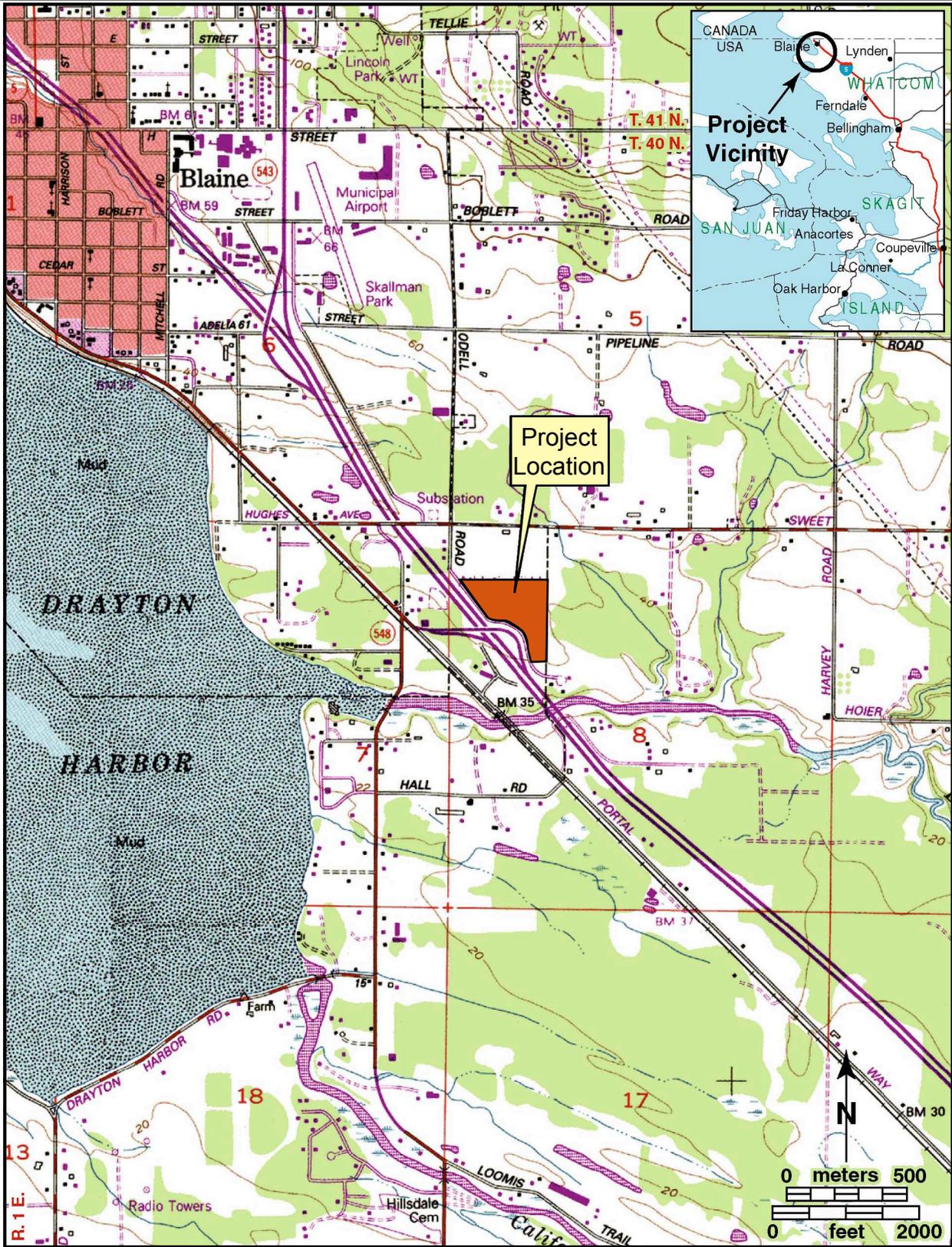


U.S. DEPARTMENT OF HOMELAND SECURITY  
 U.S. BORDER PATROL SECTOR HEADQUARTERS  
 BLAINE, WASHINGTON

Date  
 MAY 2003

VICINITY MAP

Figure No.  
 1-1



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**HDR**  
HDR Engineering, Inc.

U.S. DEPARTMENT OF HOMELAND SECURITY  
U.S. BORDER PATROL SECTOR HEADQUARTERS  
BLAINE, WASHINGTON

Date  
MAY 2003

**PROJECT LOCATION**

Figure No.  
1-2



## **1.1 DHS ORGANIZATION**

The DHS has the responsibility to regulate and control immigration into the U.S. The DHS has four major areas of responsibility: (1) facilitate entry of persons legally admissible to the U.S., (2) grant benefits under the Immigration and Nationality Act (INA) of 1952, including assistance to persons seeking permanent resident status or naturalization, (3) prevent unlawful entry, employment or receipt of benefits, and (4) apprehend or remove aliens who enter or remain illegally in the U.S. To address the latter responsibility, the U.S. Congress in 1924 created the USBP to be the law enforcement arm of the INS. The mission of the USBP is to protect the U.S. borders through the detection and prevention of smuggling and illegal entry of undocumented aliens (UDAs), and interdicting persons and organizations that pose a threat to national security, with primary responsibility between the Ports-of-Entry (POEs).

Since 1980, an average of 150,000 immigrants have been naturalized every year. At the same time, however, illegal aliens have become a significant issue. DHS apprehensions are currently averaging more than one million illegal aliens per year throughout the country. The DHS estimates that there are currently from three to six million UDAs in the U.S. Other studies have indicated higher numbers, closer to 10 million (INS, 2000).

## **1.2 REGULATORY AUTHORITY**

The primary source of authority granted to officers of the DHS is the INA, found in Title 8 of the U.S. Code (8 USC), and other statutes relating to the immigration and naturalization of aliens. The secondary sources of authority are administrative regulations implementing those statutes, primarily those found in Title 8 of the Code of Federal Regulations (8 CFR Section 287), judicial decisions, and administrative decisions of the Board of Immigration Appeals. In addition, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) mandates DHS to acquire and/or improve equipment and technology along the international border, hire and train new agents for the border region, and develop effective border enforcement strategies.

Subject to constitutional limitations, DHS officers may exercise the authority granted to them in the INA. The statutory provisions related to enforcement authority are found in Sections 287(a), 287(b), 287(c), and 287(e) [8 USC § 1357(a, b, c, e)]; Section 235(a) [8 USC §1225]; Sections 274(b) and 274(c) [8USC § 1324(b, c)]; Section 274(a) [8USC §1324(a)]; and Sections 274 (b) and 274(c) [8USC §1324(b, c)] of the INA. Other statutory sources of authority are Title 18 of the USC, which has several provisions that specifically relate to enforcement of the immigration and nationality laws; Title 19 [19 USC § 1401(i)], relating to U.S. Customs Service cross-designation of INS officers; and Title 21 [21 USC § 878], relating to Drug Enforcement Agency cross-designation of INS officers (INS 2000).

### **1.3 BACKGROUND**

The U.S. experiences a substantial influx of illegal immigrants and drugs each year. Both of these illegal activities cost American citizens billions of dollars annually due directly to criminal activities, as well as the cost of apprehension, detention and incarceration of criminals, and indirectly in the loss of property, illegal participation in government programs and increased insurance costs. Past government estimates indicate that there were approximately 5 million illegal aliens residing in the U.S. in October 1996, and their numbers increased at an average rate of about 275,000 per year between October 1992 and October 1996 (GAO, 1997). To combat these rising numbers, the Clinton Administration committed additional resources to law enforcement agencies, including the USBP, in its "crackdown" on illegal immigration in the U.S. Under Title IV of the USA Patriot Act, SEC.402.NORTHERN BORDER PERSONNEL"...are authorized to be appropriated such sums as may be necessary to triple the number of Border Patrol personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, in each State along the Northern Border..."

### **1.4 PURPOSE AND NEED**

To effectively gain and maintain control of the border and to manage the increase in the illegal immigrant activity in the Blaine area, the USBP has had to increase its presence in the area. The Blaine Sector has five Border Patrol Stations (BPS) within its operational area. The stations are located in Blaine, Lynden, Bellingham, and Port Angeles, WA, and Roseburg, OR. The present Blaine Border Patrol Sector Headquarters (BPSH) is located at 1590 H Street, Blaine, WA. Because the Blaine Sector is experiencing a significant increase in workload, the workforce would be increased by approximately 217%. As the workforce has increased, so has the need for additional workspace. The development surrounding the existing facilities prevents expansion of the Sector Headquarters at that location. Due to the limits of expansion on the existing site, the Blaine BPSH is proposing to move to a new location.

The Blaine BPSH is to initially accommodate a total of approximately 54 employees and ultimately up to 67. The BPSH will provide management oversight and intelligence support for the Border Patrol Stations within the sector. The headquarters is to include office space for Sector management, administrative services, training, enforcement operations, intelligence communications, exercise and locker facilities, common space, and physical plant. Support facilities for the BPSH may include two 80-foot communication towers, and a future vehicle maintenance and a helipad.

### **1.5 ORGANIZATION OF THIS DOCUMENT**

Chapter 1.0 of this EA contains the background and location of the Proposed Action, along with the purpose and need, and applicable statutes and regulations associated with the Proposed Action. Chapter 2.0 gives a detailed analysis of the Proposed Action and all reasonable alternatives, including the No Action Alternative and those that were considered but eliminated from detailed analysis. Chapter 3.0 describes the baseline environmental conditions against which the impacts of the Proposed Action and

alternatives are evaluated. These environmental conditions include information on soils, air quality, land use, hydrology, biological resources, noise, cultural resources and the current socioeconomic conditions of the area. Chapter 4.0 describes the environmental consequences of the Proposed Action and alternatives, including mitigation measures and best management practices. Chapter 5.0 list those people involved in the preparation and review of this document. Chapter 6.0 describes the agency coordination and public involvement for this project. Chapter 7.0 presents references cited and Chapter 8.0 includes a list of acronyms and abbreviations. Appendices are: (A) Site Photographs, and (B) Consultation Letters.

## **1.6 APPLICABLE ENVIRONMENTAL STATUTES AND REGULATIONS**

This EA was prepared pursuant to Section 102 of the NEPA, as implemented by the regulations promulgated by the President's Council on Environmental Quality CEQ [40 CFR Parts 1500-1508]. This EA should provide sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI) (40 CFR 1508.9). Additionally, this EA complies with INS NEPA Regulations specified in 28 CFR 61. Brief summaries of the federal and state laws, regulations, executive orders (EO), and other entitlements that may be applicable to the proposed project are provided in the following sections.

### **1.6.1 National Environmental Policy Act**

NEPA (42 USC 4321 et seq.), as implemented by the regulations promulgated by the President's CEQ (40 CFR Parts 1500-1508), establishes national policy, sets goals, and provides the means for carrying out that policy. Section 102(2) of NEPA contains "action-forcing" provisions to make sure that Federal agencies act according to the letter and spirit of the Act. The principal objectives of NEPA are to ensure the careful consideration of environmental aspects of Proposed Actions in Federal decision-making processes and to look at alternatives that may provide a more environmentally acceptable solution. Additionally, NEPA encourages public dialogue and participation in an agency's planning process and ensures that environmental information is made available to decision makers, and the public before decisions are made and actions are taken. DHS routinely completes individual, site-specific NEPA documents such as EISs, EAs, Categorical Exclusions (CEs), and/or Records of Environmental Consideration (REC). DHS complies with NEPA in accordance with DHS regulations. These regulations shall apply to new efforts associated with all DHS actions, including (but not limited to) DHS operations; acquisition of real property whether by lease, or purchase; construction; the design, alteration, operation, or maintenance of new and existing DHS facilities; and new DHS mission activities. These procedures apply to all DHS Administrative Centers, Regions, Field Offices, DHS staff, contractors, and others who operate under DHS oversight.

## ***Executive Order 11514, Protection and Enhancement of Environmental Quality 11514***

Protection and Enhancement of Environmental Quality, as amended by EO 11991, sets the policy for directing the Federal government in providing leadership in protecting and enhancing the quality of the nation's environment.

### ***1.6.3 Executive Order 11988, Floodplain Management***

EO 11988 directs all Federal agencies to avoid, if possible, development and other activities in the 100-year base floodplain. Where the base floodplain cannot be avoided, special considerations and studies for new facilities and structures are needed. Design and siting are to be based on scientific, engineering, and architectural studies; consideration of human life, natural processes, and cultural resources; and the planned lifespan of the project. Federal agencies are required to 1) reduce the risk of flood loss; 2) minimize the impact of floods on human safety, health, and welfare; and 3) restore and preserve the natural and beneficial values served by floodplains in carrying out agency responsibility.

### ***Executive Order 12898, Environmental Justice***

The purpose of EO 12898 is to prevent the disproportionate placement of adverse environmental, economic, social, or health impacts from proposed Federal actions and policies on minority and low-income populations.

### ***1.6.5 Executive Order 13007, Sacred Sites***

The purpose of EO 13007 is to ensure that each executive branch agency with statutory or administrative responsibility for the management of federal lands shall, as appropriate, promptly implement procedures for the purposes of: (1) accommodating access to and ceremonial use of Native American sacred sites by Native American religious practitioners, and (2) avoiding adverse effects on the physical integrity of such sacred sites. Where appropriate, agencies shall also maintain the confidentiality of sacred sites.

### ***Clean Air Act***

The *Clean Air Act* (CAA) amendments of 1990 established federal air quality standards. The U.S. Environmental Protection Agency (USEPA) monitors air quality in metropolitan areas of the U.S.

### ***Clean Water Act***

The *Clean Water Act* (CWA) (33 USC 1251 et seq., as amended) establishes federal limits, through the National Pollutant Discharge Elimination System (NPDES), on the amounts of specific pollutants that may be discharged to surface waters in order to restore and maintain the chemical, physical, and biological integrity of the water. Section 404 of the CWA of 1977 authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits for the discharge of dredged or fill material into waters of the U.S., including wetlands. Waters of the U.S. (Section 328.3[2] of the CWA) are those

waters used in interstate or foreign commerce, subject to ebb and flow of tide, and all interstate waters including interstate wetlands.

### ***Endangered Species Act***

The *Endangered Species Act* (16 USC 1531-1543) requires federal agencies to determine the effects of their actions on endangered or threatened species of fish, wildlife, plants, and critical habitats, and to take steps to conserve and protect these species.

### ***Historic Properties Laws and Regulations.***

The *National Historic Preservation Act (NHPA) of 1966* (16 USC 470 et seq., as amended) requires federal agencies to consider the effects of their undertakings on historic properties, to afford State or Tribal Historic Preservation Officers and the Advisory Council on Historic Preservation an opportunity to comment on the undertaking. The process defined in the current regulation (36 CFR Part 800) lays out the steps the agency must follow to identify properties, assess the undertaking's effects on them, and seek comments of SHPO/ACHP. The *Archaeological Resources Protection Act (16 USC 470a-11, as amended)* protects archaeological sites on federal lands. If archaeological sites that may be disturbed during construction should be discovered, the NHPA would require permits for excavating and removing the resources. Additionally, the INS is required under *EO 13175 "Consultation and Coordination with Indian Tribal Governments"* to consult with recognized federal Indian Tribal governments. When a project is requested, the state Environmental Programs Manager must ensure this EO is covered when executing the proper level of NEPA analysis for the project. Archaeological excavation on a site in the State of Washington that is not federally-owned requires a permit from the Washington State Office of Archaeology and Historic Preservation (RCW 27.44 and RCW 27.53; Chapter 25-48 WAC, *Archaeological Excavation and Removal Permit*).

### ***1.6.10 Other Federal Laws and Regulation***

Additional federal and state regulations that may apply to the Proposed Action and alternatives are listed below:

- American Indian Religious Freedom Act of 1978  
U.S. Patriot Act  
Bald Eagle Protection Act (Public Law 90-535)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (Public Law 96-510), as amended by the Superfund Amendments and Reauthorization Act (SARA) (Public Law 99-499), 1986  
Federal Compliance with Pollution Control Standards  
Federal Facilities Compliance Act

Fish and Wildlife Coordination Act, as amended, USC 661, et seq.

Hazardous Materials Transportation Act (HMTA), 1975

- Migratory Bird Treaty Act

Native American Graves Protection and Repatriation Act (NAGPRA) 25 USC 3001 et. Seq.

Resource Conservation and Recovery Act (RCRA) (Public Law 94-580), 1976

Safe Drinking Water Act (SDWA), 1974

- Solid Waste Disposal Act, 1980
- Toxic Substances Control Act (TSCA) (Public Law 94-469)
- Watershed Protection and Flood Prevention Act, 16 USC 1101, et seq.
- Wetlands Conservation Act (Public Law 101-23)
- EO 12856 – Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements
- EO 13123 – Greening the Government Through Efficient Energy Management

### ***1.6.11 State Laws and Regulations***

The Blaine BPSH would be designed in compliance with standards, adopted design guidelines/manuals, and local codes and ordinances. The following is a list of standards, design manuals, and codes used to develop the 35% Design Analysis.

#### ***1.6.11.1 Standards***

Recommended Standards for Water Works, Great Lakes - Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, 1997 Edition.

On-site Wastewater Treatment and Disposal Systems, United States Environmental Protection Agency, October, 1980

- Design Standards for Large On-site Sewage Systems, Washington state Department of Health, 1993

Criteria for Sewage Works Design, Washington State Department of Ecology, revised October 1985

Standard Specification for Road, Bridge and Municipal Construction, current edition, American Public Works Association and the Washington State Department of Transportation.

- American Water Works Association (AWWA)  
American Society of Civil Engineers (ASCE)
- American Public Works Association (APWA)

#### **1.6.11.2 Design Guides/Manuals**

- Water System Design Manual, Washington State Department of Health, August 2001  
  
Stormwater Management Manual for Western Washington, Washington State Department of Ecology, August 2001  
  
U.S. Border Patrol Facilities Design Guide, Immigration and Naturalization Service September 20, 1999  
  
On-site Wastewater Treatment and Disposal Systems, United States Environmental Protection Agency, October, 1980  
  
Design Standards for Large On-site Sewage Systems, Washington state Department of Health, 1993
- Criteria for Sewage Works Design, Washington State Department of Ecology, revised October 1985

#### **1.6.11.3 Local Codes and Ordinances**

##### **General**

- Uniform Building Code (UBC)
- Uniform Plumbing Code (UPC)  
  
WAC 246-290-200 Group A Public Water System Regulations  
  
WAC 246-290-230 Group A Water Distribution System  
  
WAC 246-293 Water System Coordination Act

##### **City of Blaine**

City of Blaine Municipal Code Title 16 Environment

**City of Blaine Municipal Code Title 17 Land Use**

## DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

This section describes the proposed action and six alternatives, including the No Action Alternative. The proposed action along with five of the alternatives involves the acquisition of land and construction of a new BPSH. The first alternative, the No Action Alternative, represents the option in which construction would not take place. Alternative 2 represents the option in which expansion would take place at the existing facilities. This section includes a discussion of the operational requirements and relevant environmental factors used to evaluate each alternative. It also discusses the six alternatives considered but eliminated from detailed analysis. A table following the discussion presents a comparison of the potential impacts by each area of concern and a summary of the findings.

### ALTERNATIVE SELECTION CRITERIA

All alternative locations for a new sector headquarters, including the existing sector headquarters that would continue to be used under the No-Action Alternative, were evaluated using the selection criteria described below. These criteria include important features that may affect the degree to which the Proposed Action can satisfy the project's needs and objectives. All criteria pertain to the desirable characteristics for the location of a BPSH in Blaine, Whatcom County. Such criteria for the BPSH include:

#### 1. Compatible with Zoning and Adjacent Land Use

- **Should not be adjacent to residential land uses**

Should not be adjacent to community facilities such as schools, parks, or churches that are used by children

Should be located where adjacent property or public right-of-ways do not have direct views of entire property

Should not be located where the facility is visible from the border

Should be located in areas with low rates of crime, trespassing and burglary

- **Should be compatible with existing zoning**

#### 2. Free of Environmental and Health Issues

- **Should not significantly impact the natural ecology, such as wetlands and endangered species or impacts cannot be mitigated**

- **Should not have hazardous waste or materials present**

**3. Acceptable Topography, Soils and Geology**

Facilities and parking areas can be efficiently developed on the site

Outside of the floodplain

**4. Utility Services Available**

Should have access to public utilities or ease of developing or extending service

Should have adequate water supply

**5. Ease of Access**

Should have access to Interstate 5

Should avoid congested roadways

Should avoid blockage by rail lines

Should have possible access from more than one point of entry

**6. Area of Operations**

Should be geographically located within the area under the Sector's jurisdiction

Located near interstate highways providing access to the sector it serves

**7. Site Footprint**

- Should be adequately sized for proposed footprint

Should have potential for expansion

## **2.2 PROPOSED ACTION**

Illegal activity and other border problems have increased significantly in Blaine since the construction of the current headquarters. As a result, the Blaine Sector has increased their presence in the area through the addition of more agents and staff. The present headquarters accommodates a staff of (7) officer corps (uniformed) personnel; (15) civilian support personnel (includes Communications Center); and (6) intermittent personnel from other agencies, typically at the Intelligence unit. Since the current facility is fully developed, and there is a lack of available property adjacent to the facility, expansion on the current site is not possible.

The Blaine BPSH is to initially accommodate a total of approximately 54 employees and ultimately up to 67. The BPSH will provide management oversight and intelligence support for the Border Patrol Stations within the sector. The headquarters is to include office space for Sector management, administrative services, training, enforcement operations, intelligence communications, exercise and locker facilities, common space, and physical plant. Support facilities for the BPSH may include two 80-foot communication towers, and a future vehicle maintenance and a helipad.

The Proposed Action includes the construction of a new USBP Sector Headquarters located approximately 1.3 miles south of the existing facilities adjacent to Interstate 5 near Exit 274. The new headquarters would alleviate the strain of crowded conditions caused by the increase of USBP personnel since the construction of the current headquarters. The new 22,000 square foot headquarters would include among other features, offices, storage and file rooms, a public lobby, a squad muster room, a training room, a field support room, a fitness center equipped with lockers and showers, an area for holding and processing detainees, and a vehicle maintenance building. Parking would be provided for 70 vehicles. The proposed headquarters would be located on a 12.8-acre site in a semi-rural area. The site is strategically located adjacent to Interstate 5 and provides helicopter access and privacy for training exercises and intelligence meetings. Preliminary engineering plans (35% design) have been finalized for the proposed new headquarters.

Utilities would be protected from unauthorized access. They would be buried at the point where they enter the site. Manholes and utility panels accessible to the public would have locked covers or locked screens. Meters would be in a location out of public view but accessible by utility company representatives.

New water service would be run to the site from the existing distribution main. Water would be provided for both fire protection and domestic use. Electricity and municipal water supply would be provided by the City of Blaine. A new sanitary sewer line would be run into the site from the City of Blaine's existing sewer main in the adjacent street. Natural gas would be the primary source used to heat the buildings.

Storm drainage would be handled through the use of a system of catch basins, pipes and ditches. Storm water detention would be maintained through the use of vaults, ponds and pipes to limit peak flows leaving the site to preexisting conditions. Storm water would be diverted and retained into an existing on-site retention pond. The system would convey the 25-year, 24-hour storm event; detention volume of the pond would be based on the 50-year, 24-hour storm.

### **2.3 NO ACTION ALTERNATIVE**

Under the No Action Alternative, a BPSH would not be constructed. The current facilities would continue to be used above design capacity. Any further increase in illegal activity associated with the border or with increased population would not be countered by an increase in USBP personnel due to limited space at the current facilities.

## **2.4 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS**

Six additional alternative sites other than the site ultimately selected were considered for construction of the proposed BPSH.

### **Alternative No Action**

- **Alternative 2.** Future expansion at the existing facilities located at 1590 H Street, Blaine, WA. This alternative was not selected because the development surrounding the existing facilities prevents expansion at that location (Criterion 7).

**Alternative 3.** The Blaine Business Park Inc. property site is located at the intersection of Odell and Pipeline Roads and consists of 21.25 acres. The site was not selected because of the time necessary to have the property annexed to the city and to have the zoning changed (Criterion 1).

- **Alternative 4.** The Connelly “Jerome and Harvey Roads” Property is located in unincorporated Whatcom County on an 88.36 acre site zoned Urban Residential (UR4 – 4 dwelling units per acre) and Rural (R10A – 1 dwelling unit per 10 acres with an agricultural protection overlay). The site is not acceptable because of the narrowness of the roads and the electric transmission lines that transverse the property (Criteria 2 and 5).

**Alternative 5.** The Toot/Shimtzu/Singh Properties include three parcels in unincorporated Whatcom County, zoned Urban Residential (UR4 – 4 dwelling units per acre). They total 13.71 acres and are located at the intersection of Odell and Sweet Roads (about ¼ mile from the preferred site). They are not acceptable due to zoning difficulties, and the uncertainties of acquiring three separate ownerships (Criterion 1).

**Alternative 6.** The Connelly “Hughes Avenue” property is made up of a 5.42 acre commercial parcel and a 2 acre multi-family residential parcel, totaling 7.42 acres and is located on the west side of Interstate 5. It is not acceptable because the total acres available are less than needed and the site is within the low area of town subject to flooding (Criterion 3).

**Alternative 7.** This is a 48-acre commercial property with a Manufacturing (M) zoning designation with an Adult Entertainment Overlay (AO). It is located on the east site of Interstate 5, bounded by Pipeline Road on the north and Hughes Road on the south. It is not acceptable because of the zoning, the southern portion is very low and would be subject to flooding unless considerable fill is added, and the northern portion has wetlands (Criteria 1, 2 and 3).

## 2.5 COMPARISON OF PROPOSED ACTION AND ALTERNATIVES

The Proposed Action meets the needs of the USBP better than any of the alternatives, as is summarized in Table 2-1. As is shown in Table 2-2 and explained in detail in Section 4.0, it can also be implemented without causing significantly greater impacts on the environment.

Table 2-1  
COMPARISON OF ALTERNATIVE MATRIX

	Criterion	Proposed Action	Alt. 1 No Action	Alt. 2	Alt. 3	Alt. 4	Alt. 5	Alt. 6	Alt. 7
1	Compatible with Zoning and Adjacent Land Use	Yes	Yes	No	No	No	No	No	No
2	Free of Environmental or Health Issues	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3	Acceptable Topography, Soils, and Geology	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4	Utility Services Available	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
5	Ease of Access	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
6	Area of Operations	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
7	Site Footprint	Yes	No	No	Yes	Yes	No	No	No

Table 2-2  
COMPARISONS OF POTENTIAL IMPACTS

Environmental Resource Area	No Action Alternative	Proposed Action
Air Resources	No impacts	Insignificant short-term increase in exhaust pollutants, dust; no long-term impacts
Land Use	No impacts	Insignificant conversion of no more than 12.8 acres from existing vacant land to BPSH
Geological Resources	No impacts	Insignificant grading during construction; no long-term impacts
Water Resources	No impacts	Slight long-term increase in demand for potable water; increase in area of impervious cover, and therefore runoff; increases are not significant. Loss of up to 0.41 acres of disturbed emergent wetland habitat.
Biological Resources	No impacts	Short-term insignificant impacts from disturbance during construction; insignificant long-term impacts from slight losses of grassland habitat; Threatened, Endangered: No Effect (marbled murrelet, Chinook salmon, bull trout; May Affect but Not Likely to Adversely Effect (bald eagle)
Noise	No impacts	Slight short-term increases in heavy equipment noise during construction; very slight long-term increases in vehicular traffic noise and occasional (2 times/month) additional increases of very short duration from helicopter landings and takeoffs during day/night operation. Increases are considered insignificant.
Cultural and Historic Resources	No impacts	No known cultural resources present; No impacts
Aesthetic Resources	No impacts	Short term effects from on-site construction activities. Long term, slight effect due to conversion of flat vacant land to light commercial facility.
Solid/Hazardous Waste	No impacts.	No long or short-term impacts are expected
Socioeconomic Issues	The USBP would continue to combat illegal immigration, smuggling, and potential terrorist activity in the area at the current overcrowded facilities, hampering the agency's ability to meet its mandate.	Beneficial long-term impact on local economy by increased BPSH staff; short-term beneficial impact on local economy from construction activities, insignificant but beneficial long term increase on public safety from increase in UDA apprehension and drug interception from operation of the sector headquarters.

## **AFFECTED ENVIRONMENT**

This chapter focuses on those resources specific to the proposed project area that have the potential to be affected by activities connected with construction of a BPSH and changes in USBP activities resulting from those activities.

### ***AIR RESOURCES***

Air resources describe the existing concentrations of various pollutants and the climatic and meteorological conditions that influence the quality of the air. Precipitation, wind direction, wind speed, and atmospheric stability are factors that determine the extent of pollutant dispersion. The circulating air flow created by the Georgia Straits and the nearby Cascade Mountains provide a sunnier than average climate. Blaine average annual rainfall is 45 to 50 inches per year (Blaine, 2003 Website). The average low temperature is 46 degrees Fahrenheit (Kemblowski, et. al., 2001). The average high temperature is 60 degrees Fahrenheit (Blaine, 2003 Website).

The Northwest Air Pollution Authority (NWAPA) has jurisdiction over air quality within Island, Skagit, and Whatcom Counties. The ambient monitoring network includes ten sulfur dioxide analyzers (SO<sub>2</sub>), three stations that measure particulates (PM<sub>10</sub>), one ozone monitor, and two PM<sub>2.5</sub> monitors. Whatcom County is currently an attainment area for all monitored air pollutants. In general, the area has an air quality index (AQI) of "good" for most days, with only occasional "moderate" AQIs measured during stagnant periods or near industrial facilities (Franzmann, 2003).

### ***3.2 LAND USE***

The project site is located within the jurisdictional boundaries of the City of Blaine. It is near the southeastern city limits, bounded by Odell Road and Interstate 5 to the west and vacant land to the east. The site is flat and vacant.

Land uses in the vicinity of the site are rural. A few single-family residences and Interstate 5 are located to the southwest, a cereal manufacturing plant (Natures Path) is located to the east, and rural residential uses are located to the northwest.

Vehicular access to the site is off of Odell Road, a local access road currently used by residences located north and west of the site. Natures Path Way, a driveway into the Natures Path cereal plant, also leads to the project site.

The project site is located within a parcel zoned Manufacturing (subzone C) (City of Blaine, 2002). The manufacturing zone is intended for primarily manufacturing and closely related uses. To avoid unnecessary regulations on manufacturing, standards for this zone are intended to provide protection against effects harmful to others. In addition to the zoning standards, the parcel is subject to the Blaine Business Park general binding

site plan. The general binding site plan was prepared and approved as an alternative to a short subdivision. The General Binding Site Plan identifies easements for ingress, egress, and utility easements.

## **GEOLOGICAL RESOURCES**

Geological resources include physical surface and subsurface features of the earth such as topography, geology, soils. These features are discussed in the following sections.

### ***Topography***

The project site slopes gently downward from north to south and has an average slope of 0.0072 ft/ft (Associated Project Consultants, 2001).

### **3.3.2 Geology**

The site is located within the Whatcom Basin physiographic region, which lies entirely within the Puget Trough of the Pacific Border physiographic province. The low topography of the basin is the result of several glaciations (including the Vashon Stade, the Everson Interstade and the Sumas Stade), marine submergences and rebounds, postglacial fluvial action, and eolian deposition. The surficial geology is characterized primarily by unconsolidated glacial sediments (USDA 1992; Kembrowski et. al., 2001; and David Evans and Associates, 1998). The major water bearing materials are glacier deposited silts, sands and gravels of Quaternary age.

### **3.3.3 Soils**

Site soils are characterized as Skipopa-Blainegate complex, 0 to 8 percent slopes (USDA 1992). The unit is 50 percent Skipopa silt loam and 35 percent Blaingate silty clay. The Skipopa and Blaingate soils are very deep and somewhat poorly to poorly drained. The topsoil has been excavated and stockpiled throughout much of the site (18" – 36").

## **3.4 WATER RESOURCES**

The hydrological cycle results in the transport of water into various media such as the air, the ground surface, and subsurface. Natural and human-induced factors determine the quality of water resources.

### ***Ground Water***

The principal aquifer in the Water Resource Inventory Area 1 (WRIA 1) is the Sumas-Blaine Aquifer, which is a major drinking water source to much of the area. The coastal aquifers near the town of Blaine form part of the discontinuous surficial aquifers (Kaluarachchi, et al 2002). The depth to the water table of this aquifer is shallow, typically less than 10 feet from ground surface. The seasonal high water table is reportedly within 1 foot of ground surface between November through June (USDA 1992). Actual depth to groundwater at the proposed project site is unknown.

The shallow aquifers near the City of Blaine have annual ground water recharge ranging from 7 to 20 inches per year. The aquifers of Dakota Creek Basin have annual groundwater recharge of about 12 inches per year (Kemblowski, et. al., 2001). Groundwater flow is generally to the southwest. (Kaluarachchi, et. al., 2002).

### ***3.4.2 Precipitation***

The average precipitation in this site area is estimated to be approximately 45 to 50 inches per year (Kemblowski, et. al., 2001).

### ***3.4.3 Surface Water***

The site of the proposed action is located within the Drayton Harbor drainage of WRIA 1. The Drayton Harbor watershed has an area of approximately 36,300 acres. Approximately 53% of the watershed drains through Dakota Creek and its tributaries while approximately 39% drains through California Creek and its tributaries (Stevens, et. al., 2001). Dakota Creek is located approximately 450 to 500 feet south of the site.

### ***3.4.4 Water Quality***

The Washington Department of Ecology (Ecology) has designated the Dakota Creek and Drayton Harbor, south of the entrance as having Class A, excellent water quality (WAC 173-201A-120 and WAC-173-201A-140). However, some reaches of Dakota Creek, are currently on the Ecology's 303(d) list of impaired waters for fecal coliform and dissolved oxygen ([http://www.ecy.wa.gov/programs/wq/303d/1998/1998\\_by\\_wrias.html](http://www.ecy.wa.gov/programs/wq/303d/1998/1998_by_wrias.html))

Drayton Harbor has a history of water quality problems. Washington State Department of Health (WDOH) closed 500 acres of the harbor to shellfish harvesting in 1988 and the watershed was designated as Whatcom County's priority watershed for management under the Puget Sound Water Quality Management Plan by the Whatcom County Watershed Ranking Committee (Stevens, et. al., 2001). In January 1995, WDOH reclassified shellfish growing areas in the eastern and northeastern portions of the Harbor as either restricted or prohibited for shellfish harvesting. In 1999, a permanent closure of the harbor to shellfish harvesting was issued as a result of fecal coliform standard violations. Whatcom County has prohibited commercial shellfish growing areas in Drayton Harbor. As of 2001, all of Drayton Harbor is under prohibited status for commercial shellfish licensing. Fecal coliform concentrations in Drayton Harbor are most consistently elevated in the vicinity of the harbor entrance and the Blaine commercial marina. A significant source of fecal contamination may exist within the marina but the nature of this source is unknown. The jointed pressurized sewer line running under the entrance to the Harbor may be leaking and sewer overflows caused by stormwater infiltration to the Blaine sewer system may occur (Stevens, et. al., 2001).

### ***3.4.5 Jurisdictional Waters of the United States***

Section 404 of the CWA of 1977 authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits for the discharge of dredged or fill material into water of the U.S., including wetlands. Waters of the U.S. (Section 328.3[2] of the CWA)

are those waters used in interstate or foreign commerce, subject to ebb and flow of tide, and all interstate waters including interstate wetlands. Waters of the U.S. are further defined as all other waters such as intrastate lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, or impoundments of waters, tributaries of waters, and territorial seas. Wetlands are those areas inundated or saturated by surface waters or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (USACE, 1987).

A total of four wetlands were delineated on site. The wetlands identified on the site are Waters of the U.S. and would be classified as jurisdictional wetlands. A hydrologically connected wetland occurs on the western part of the property. Wetland A is 0.13 acres in size. Wetland A is located in a topographical depression and is dominated by reed canary grass (*Phalaris arundinacea*) and soft rush (*Juncus effusus*). Hydrology is a result of surface water runoff from the immediate site and direct precipitation that accumulates in the topographical depression. The wetland drains to an excavated drainage ditch located along the southern boundary of the site. Wetland A provides limited habitat for migratory waterfowl and may provide filtration of surface water runoff before entering downstream aquatic systems, such as Dakota Creek.

Three isolated wetlands occur in the southern part of the property. Wetland B is 0.15 acres in size, Wetland C is 0.05 acres, and Wetland D is 0.08 acres. The three isolated wetlands occur in topographical depressions and are dominated by reed canary grass. Hydrology is a result of surface water runoff from the immediate site and direct precipitation that accumulates in the topographical depressions. Wetlands B, C, and D provide limited habitat for migratory waterfowl.

#### Floodplains

Under federal regulations, all federal agencies are directed to avoid, if possible, development and other activities in the 100-year base floodplain. Where the base floodplain cannot be avoided, special considerations and studies for new facilities and structures are needed. Federal agencies are required to: 1) reduce the risk of flood loss, 2) minimize the impact of floods on human safety, health, and welfare, and 3) restore and preserve the natural and beneficial values served by floodplains in carrying out agency responsibility.

According to the Federal Emergency Management Agency (FEMA) Flood Boundary and Floodway Map (Community-Panel 530273 005 A), the subject property is not located in floodplain.

### **3.5 BIOLOGICAL RESOURCES**

Biological resources include native plants and animals in the region around the proposed project site. Because the entire site and most of the region has been modified from its

native state by agricultural and development activity, plants and wildlife noted may not be typical of those that historically have occurred in the area.

### ***Vegetation***

Prior disturbance has altered this site's natural vegetation and landform. The site was cleared approximately 10 years earlier and appears to be routinely mowed throughout the growing season. The majority of the site is dominated with reed canary grass, including identified wetlands. Soft rush is also present in the identified wetlands. Sparsely distributed throughout the site are emerging saplings of red alder. The red alder saplings are beginning to establish, but periodic mowing is hindering the conversion from herbaceous to woody vegetation. Horsetail and areas of mixed grasses and forbs, typical of disturbed areas, comprise the rest of the site.

### ***3.5.2 Fish and Wildlife***

The site has only limited aquatic habitat. At the southern border of the site, a stormwater detention pond was excavated when the site was originally proposed for development. This pond overflows into Dakota Creek approximately ¼ mile south of the property.

No fish species are present on-site. Dakota Creek provides habitat for coho and chum salmon. No Chinook salmon are known to occur in Dakota Creek or in Drayton Harbor (Williams et. al., 1975).

### ***Wildlife Habitat/Wetlands***

Site reviews were performed in March and April 2003. On-site habitat conditions consist of cleared ground and grassland. Adjacent habitat east and south of the property is forested habitat.

Four jurisdictional wetlands were delineated on site. A hydrologically connected wetland occurs on the western part of the property. Wetland A is 0.13 acres in size. Wetland A is located in a topographical depression and is dominated by reed canary grass (*Phalaris arundinacea*) and soft rush (*Juncus effusus*). Hydrology is a result of surface water runoff from the immediate site and direct precipitation that accumulates in the topographical depression. The wetland drains to an excavated drainage ditch located along the southern boundary of the site. Wetland A provides limited habitat for migratory waterfowl and may provide filtration of surface water runoff before entering downstream aquatic systems, such as Dakota Creek.

Three isolated wetlands occur in the southern part of the property. Wetland B is 0.15 acres in size, Wetland C is 0.05 acres, and Wetland D is 0.08 acres. The three isolated wetlands occur in topographical depressions and are dominated by reed canary grass. Hydrology is a result of surface water runoff from the immediate site and direct precipitation that accumulates in the topographical depressions. Wetlands B, C, and D provide limited habitat for migratory waterfowl.

### **3.5.4 Threatened and Endangered Species**

The Endangered Species Act (ESA) [16 USC 1531 et. Seq.] of 1973, as amended, was enacted to provide a program for the preservation of endangered and threatened species and to provide protection for the ecosystems upon which these species depend for their survival. All federal agencies are required to implement protection programs for designated species and to use their authorities to further the purposes of the Act. Responsibility for the identification of a threatened or endangered species and development of any potential recovery plan lies with the Secretary of the Interior and the Secretary of Commerce. The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) are the primary agencies responsible for implementing the ESA. The USFWS is responsible for birds and terrestrial and freshwater species, while the NMFS is responsible for non-bird marine species and anadromous fish.

An endangered species is a species in danger of extinction throughout all or a significant portion of its range. A threatened species is a species likely to become endangered within the foreseeable future throughout all or a significant portion of its range. The ESA also calls for the conservation of critical habitat, which is defined as the areas of land, water, and air space that an endangered species needs for survival. Critical habitat also includes such things as food and water, breeding sites, cover or shelter, and sufficient habitat area to provide for normal population growth and behavior. One of the primary threats to many species is the destruction or modification of critical habitat by uncontrolled land and water development.

The USFWS was consulted to document any listed species that may occur in the project area. In addition, the NMFS database was queried to document listed salmonids in the project area. Four federally listed threatened species may occur in the vicinity of the project. The species include, Bald Eagle (*Haliaeetus leucocephalus*), Bull Trout (*Salvelinus confluentus*) and Marbled Murrelet (*Brachyramphus marmoratus*) (USFWS 2002). The listed salmonid that may occur in the region is Chinook salmon (*Oncorhynchus tshawytscha*) (NMFS, 2003). The biological assessment addressing potential impacts to listed species is addressed within the Biological Resources: Threatened and Endangered Species sections and Mitigation section of this document.

#### **3.5.4.1 Federally-listed Species**

U.S. Fish and Wildlife Service (USFWS) reports that there is one bald eagle nesting territory in the vicinity of the property. The nesting territory is located at T40N R1E S6, more than one-mile northwest of the property. Washington State Department of Fish and Wildlife (WDFW) Priority Habitats and Species database indicates that there are no bald eagle nests within one-mile of the property (Jacobson, 2003). Marbled murrelets were listed as threatened in 1992, pursuant to the Endangered Species Act of 1973, as amended. Marbled murrelets are usually found within or adjacent to the marine environment. They spend the majority of their lives on salt water, but fly inland to nest. Most marine concentrations are in areas where older forests are present nearby. Marbled murrelets have been recorded up to 52 miles inland in Washington; however, the majority of observations are within 39 miles of the coast in the northern Washington Cascades.

In Washington, the marbled murrelet is found in all nearshore marine areas with the greatest concentrations in northern Puget Sound. In 1993 marbled murrelet populations were estimated at no more than 5,000 birds in Washington during the breeding season; fewer than 1,000 pairs in Oregon; and about 2,000 birds in California (WDFW 1993).

Bull trout were listed as threatened in 1999, pursuant to the Endangered Species Act of 1973, as amended. Historical range covered Montana, Nevada, Oregon, California, Washington, Alaska, and British Columbia, Canada. Currently, bull trout are primarily found in upper tributary streams and lake and reservoir systems in Montana, Idaho, Oregon, Washington, and small areas of Nevada. Bull trout stocks are reported to occur in the Nooksack and Skagit river system (WDFW 1998). Bull trout potentially occurring in the project area are probably strays from these two river systems.

Adult bull trout in these river systems spawn in the upper reaches of the main rivers from early September through November. After spawning, resident and fluvial adults remain in the upper reaches, while anadromous adults migrate downriver to the estuaries, presumably Samish and Skagit bays, which are south of the project area. Juvenile bull trout migrate downriver, overwinter in the lower reaches of the river, move into the estuary, and then enter Puget Sound (WDFW 1998).

Life history information for Puget Sound Chinook salmon is available at <http://www.nwfsc.noaa.gov/pubs/tm/tm35/>. The Evolutionary Significant Unit (ESU) for Puget Sound Chinook salmon includes Dakota Creek, California Creek, and Drayton Harbor, located in proximity to the property. Williams et. al., (1975) reports that Chinook salmon do not utilize Dakota Creek or California Creek; only coho and chum salmon are documented to use these drainages. WDFW (1993) also reports that Chinook are not present in Dakota and California Creeks. Coho and chum salmon have been documented in these drainages, as well as winter steelhead in Dakota Creek.

### **3.6 NOISE**

Noise is generally described as unwanted sound, which can be based either on objective effects (hearing loss, damage to structures etc.) or subjective judgments (community annoyance). Measurement and perception of sound involves two basic physical characteristics: amplitude and frequency. Amplitude is a measure of the strength of the sound and is directly measured in terms of the pressure of a sound wave. Because sound pressure varies in time, various types of pressure averages are usually used. Frequency, commonly perceived as pitch, is the number of times per second the sound causes air molecules to oscillate. Frequency is measured in units of cycles per second, or Hertz (Hz). Sound is usually represented on a logarithmic scale with a unit called the decibel (dB). Sound on the decibel scale is referred to as a sound level. The threshold of human hearing is approximately 0 dB, and the threshold of discomfort or pain is around 120 dB (INS 2000).

The proposed project area is located away from noise sensitive sites such as schools, churches, hospitals, etc. The ambient noise environment within the general area is typical

of residential and light industrial areas. Noise levels may be higher in instances of heavy traffic along Highway 5 within the immediate area.

### **3.7 CULTURAL RESOURCES**

Section 106 of the National Historic Preservation Act of 1966, as amended, requires that federal agencies identify and assess the effects of federally-assisted projects on historic or culturally significant resources. Properties protected under Section 106 are those listed on or eligible for listing on the National Register of Historic Places (NRHP). The Washington State Archaeological Sites and Resources Act (RCW 27.53) and the Indian Graves and Records Act (RCW 27.44) may also apply. The project site had a high probability of encountering prehistoric and historic sites based on geographic location, environmental characteristics, and available historic data (NWA, 2003).

#### **3.7.1 Historic Resources**

Archival research was completed on April 25, 2003, prior to the fieldwork. Queries of the National Register of Historic Places and the Washington State Register of Historic Properties databases were made at the Washington State Office of Archaeology and Historic Preservation in Olympia, Washington. No sites or structures on or adjacent to the project site were identified on either of the databases as historic places. Maps of the project area were reviewed at the Special Collections Division at the University of Washington Allen Library to determine if historic roads, trails, or structures were present, none were identified.

#### **3.7.2 Archaeological Resources**

Archaeological investigations in the general area have been relatively numerous and were related to specific development projects. There are few studies within one mile of the project site and none of the studies have documented new heritage resources. The Area of Potential Effect (APE) was identified using maps of the surrounding area and parcel boundaries as confirmed by the property owner (NWAA, 2003).

Archival research included review of prehistoric and historic archaeological, ethnographic, and historic structures files, and records of previous studies. On April 28, 2003, a systematic pedestrian survey with selectively placed shovel probes and backhoe trenches to investigate subsurface deposits was completed. No heritage resources were identified in the APE during archival records searches, historic literature researches, ground survey or subsurface investigation. No further archaeological investigation is warranted.

### **3.8 AESTHETIC RESOURCES**

Aesthetic resources consist of the natural and manmade landscape features that appear indigenous to the area and give a particular environment its visual characteristics. The current visual character of the general project area is comprised of forested land, a manufacturing plant, rural residential, and Interstate 5.

**Photo 1 (view from the project site) - Northeastern view of the adjacent cereal manufacturing plant and forested land.**



**Photo 2 (view from the project site) – Northwestern view of the adjacent residences.**



**Photo 3 (view from the adjacent residences) – Southeastern view of the project site.**



### ***SOLID AND HAZARDOUS WASTE***

Solid waste in the project area is managed by the Blaine-Bay Refuse Inc (City of Blaine web page, 2003).

Based on a Phase I Environmental Site Assessment (ESA) recently prepared for the project site, there are no obvious indications of contamination on the site (USACE 2003). (A small amount of soil beneath construction equipment left on the site appeared stained with oil or hydraulic fluid). The project site has remained undeveloped for at least the past 50 years and the surrounding land uses have remained agricultural and rural. One industrial facility, Nature's Path, is located to the east of the project site. Nature's Path is not a generator of hazardous waste. There have been no recorded spills and because this facility processes organic cereal products, it has limited amounts of hazardous materials.

### ***SOCIOECONOMICS***

The City of Blaine is a 5.5 square mile area located in the northwest corner of Whatcom County. Whatcom County with a population of 145,000 is located directly south of Vancouver, B.C., a metropolitan area with a population of 2,000,000. Canada lies on the northern city limits of Blaine while the western edge of the city limit is Puget Sound. Blaine is mostly flat and near sea level except for the hilly Semiahmoo area.

While Blaine's full-time population is approximately 3,700, the combination of Interstate 5 and two of the busiest Customs Ports of Entry on the Canadian border brings an average daily population of 75,000 visitors each day through the community for shopping, eating, and traveling.

The City is a blend of homes from the late-1800's to the recent luxury homes of Semiahmoo. Housing prices listed on the Multiple Listing Service range from \$58,000 to \$1,900,000 with an average listing price of \$319,000 (MLS, 2003).

### ***3.10.1 Population Characteristics***

Based on the U.S. Census Bureau (2000) the population of the city of Blaine is characterized as 87.7 percent White with smaller racial groups including 1.2 percent Black or African American, 1.1 percent American Indian and Alaska Native, 4.2 percent Asian, and 0.7 percent Native Hawaiian and Other Pacific Islander.

### ***3.10.2 Employment and Income***

Employment within the city is primarily related to management, professional, service, sales, and office occupations. The major industries are related to manufacturing, retail and trade, educational, health and social services, and arts entertainment, recreation, accommodation, and food services. The median household income in 1999 was \$36,900 (U.S. Census Bureau 2000).

## **4.0 ENVIRONMENTAL CONSEQUENCES OF THE PROPOSED ACTION**

An environmental consequence, or impact, is defined as a modification in the existing environment brought about by mission and support activities. Impacts can be beneficial or adverse, a primary result of an action (direct) or a secondary result (indirect), and permanent or long-lasting (long-term) or of short duration (short-term). Impacts can vary in degree from a slightly noticeable change to a total change in the environment.

More specifically, short-term impacts are those that would occur within the project area during and immediately after the construction of the proposed project. For this project, short-term impacts are defined as those tied to the first two years following project implementation, whereas long-term impacts are those lasting more than two years.

Potential impacts for this project were classified at one of three levels: significant, insignificant (or negligible), and no impact. Significant impacts (as defined in CEQ guidelines 40 CFR 1500-1508) are effects that are most substantial and, therefore, should receive the greatest attention in the decision-making process. Insignificant impacts would be those impacts that result in changes to the existing environment that could not be easily detected. A no-impact determination would not alter the existing environment. In the following discussions, impacts are considered adverse unless identified as beneficial.

Cumulative impacts and irreversible and irretrievable commitment of resources are discussed in separate sections. Cumulative impacts are those that result from the incremental impacts of an action added to other past, present, and reasonably foreseeable actions, regardless of who is responsible for such actions.

### **4.1 AIR RESOURCES**

#### **4.1.1 Proposed Action**

Under the Proposed Action, exhaust pollutants would be created from on-site heavy equipment and vehicles bringing workers and building materials to the site. Diesel or gasoline-powered heavy equipment would be used during construction of the BPSH. Additional equipment which could be used at the project site includes: a portable generator; a compressor for hand-operated tools; forklifts for moving materials, ready mix trucks for hauling and pouring concrete, and trucks to deliver construction materials. It is assumed that as many as four pieces of heavy equipment could be used simultaneously during the construction phase.

Such increases or impacts on ambient air quality during the construction/installation phase would be expected to be short-term and insignificant, and can be reduced further through the use of standard dust control techniques, including watering of the construction site. No significant point sources of air pollution would be developed on the site. No long-term impacts to Air Resources would be expected to occur.

#### **4.1.2 No-Action Alternative**

Under the No-Action alternative, no construction would take place. Baseline conditions would remain the same. Temporary short-term increases in dust and vehicular emissions would be avoided.

### **LAND USE**

#### **Proposed Action**

The construction of the Proposed Action may have minor short-term impacts on the surrounding area while construction equipment and vehicles access the site. No unique land use areas would be impacted by the proposed project.

The land use on the project site would change from vacant undeveloped land to developed land. The 12.8-acre site would be developed into BPSH to include office space, administrative services, training, enforcement operations, intelligence communications, and exercise and locker facilities.

Access to the site would be from Odell Road. Traffic in the vicinity would increase slightly with the addition of the BPSH. Under maximum staffing, 67 employees would access the facility over three shifts in a 24-hour period. The implementation of the Proposed Action is expected to have an insignificant long-term impact on land use of the area.

Efforts would be made to design the site according to Standards, adopted Design Guidelines/Manuals, and local codes and ordinances including the Blaine Municipal Code Title 17 Land Use, Chapter 17.32 Manufacturing Zone, and the General Binding Site plan. Parking layout, helicopter pad, ancillary buildings and building location are all components that are still in a very preliminary stage of design.

#### **No-Action Alternative**

Under the No-Action alternative, no construction would take place. The property would remain in its current condition.

### **4.3 GEOLOGICAL RESOURCES**

#### **4.3.1 Proposed Action**

Geologic hazards such as landslides, subsidence, or increased flooding would not result from implementation of the Proposed Action. Conversely, the construction or utilization of the office facility is not likely to be impacted by any geologic hazard in the general project area.

Site development would involve grading work. To assist in offsetting impacts from the grading work, best management practices (BMPs), such as soil/erosion fencing would be implemented. During the construction phase, the probability of soil contamination from on-site fuel systems exists, although it is not likely, due to the use of BMP's that would

be used during construction. Any such spills would be reduced with the use of secondary containment and would be subject to complete clean up under the state's guidelines. There is not expected to be any long-term impact to geology from implementation of the Proposed Action.

#### **4.3.2 No-Action Alternative**

Under the No-Action alternative, no construction would take place. Baseline conditions would remain the same. There would be no impact to soil and no possibility of further petroleum contamination from construction related activities. The No-Action Alternative would have no impact to any geologic resource.

### **WATER RESOURCES**

#### ***Proposed Action***

Impacts to water resources from the construction phase of the Proposed Action are expected to be short-term and insignificant. The proposed action would comply with Minimum Requirements 1-10 established in the Ecology Stormwater Management Manual for Western Washington (SWMM) (Ecology, 2001). A Stormwater Site Plan that complies with these minimum requirements would be prepared for local governmental review.

A Construction Stormwater Pollution Prevention Plan (SWPPP) would be prepared as part of the Stormwater Site Plan. The SWPPP would outline provisions for marking clearing limits, flow rate control, sediment control, soil stabilization, slope protection, drain inlet protection, channel and outlet stabilization, pollutant control, dewatering, best management practice (BMP) maintenance, inspection and monitoring, and project management during construction. During construction, temporary erosion and sedimentation control (TESC) measures would be implemented to stabilize the site, minimize adverse effects in natural habitat, and prevent sediment-laden water from leaving the site. Existing vegetation would be retained to the degree possible. Water usage during the construction phase of the proposed project would be expected to be minimal.

Permanent storm drainage and erosion and sedimentation control (ESC) measures would be designed in accordance with the Ecology SWMM. Any remaining disturbed soil would be stabilized, through landscaping, at the conclusion of the construction, eliminating the potential for sediments to be carried into stormwater runoff.

The proposed action would increase the site's impermeable surface area and would slightly increase stormwater runoff from the site. The stormwater conveyance system would be designed to safely convey runoff for the 25-year, 24-hour storm event via existing bioswales located on Odell Road and Natures Path Way, or other conveyance facilities.

The proposed action would include construction of stormwater treatment facilities designed to provide water quality treatment of runoff for a 24-hour storm of a 6-month return frequency in accordance with the standard's provided in Ecology's SWMM. Existing bioswales may be used to treatment of stormwater runoff prior to its discharge to the on-site detention facility. Existing bioswales may need to be upgraded to meet water quality treatment standards.

All stormwater runoff would be conveyed to an existing detention pond located at the south end of the site. The existing pond is anticipated to have sufficient capacity to provide detention of the additional runoff generated by the proposed action for the 50-year 24-hour design storm (Associated Project Consultants, 1997). The existing detention facility would be upgraded and/or expanded as needed to meet standards outlined in Ecology's SWMM. Stormwater leaving the detention system would be discharged at the southwest corner of the site to the City's stormwater conveyance system on Interstate 5. Natural drainages would be maintained and discharges from the project site would be designed so as to not cause a significant adverse impact to downstream receiving waters and downgradient properties. Energy dissipation would be provided for all outfalls.

The proposed action may be subject to equivalent or more stringent minimum requirements for erosion control, source control, treatment, operation and maintenance and alternative requirements for flow control and wetlands hydrologic control as identified in WRIA 1 watershed management plan or other applicable basin plans. This watershed management plan is currently under development and is scheduled to be submitted to the Whatcom County Council for approval by June 2003 (WRIA 1, 2003).

A new water and sewer service pipeline would be run into the site from the existing distribution main. Municipal water and sewer supply provided by the City of Blaine is available to the site. Currently an 8-inch water line, an 8-sanitary sewer gravity line, and a 6-inch force main run from Odell Road adjacent to the site, parallel to and approximately 330 feet south of Sweet Road. These lines extend east to Nature's Path Way where they run south along Nature's Path Way for approximately 480 feet and north approximately 300 feet. A lift station has also been constructed (Smith, 2003). Both the existing water and sewer mains have adequate capacity for the proposed facility (Banham, 2003).

The City of Blaine provides drinking water to its residents from a groundwater source, including 15 wells ranging from 228 to 741 feet deep, that draw from the Franconia-Ironton-Galesville aquifer and the Quaternary Buried Artesian aquifer. The increase in water usage resulting from the expansion of the staff would not have a significant adverse impact on groundwater supplies or groundwater quality.

The Proposed Action will result in the loss of up to 0.41 acres of disturbed emergent wetland habitat. Wetlands identified on the site are low value wetlands, as discussed in Sections 3.4.5 and 3.5.3.

### **No-Action Alternative**

No change in baseline conditions would be expected from the No-Action Alternative.

## **BIOLOGICAL RESOURCES**

Information from the USFWS was obtained regarding federally-listed threatened and endangered species. Site visits were conducted in March and April 2003.

### **4.5.1 Proposed Action**

#### **4.5.1.1 Vegetation**

Based on the typical layout of the BPSH, it is estimated that clearing and grading would occur over approximately one-half of the property, or about five acres. However, as final designs for the BPSH have yet to be approved, exact acreage of disturbance is difficult to determine.

No protected species of vegetation were observed during the April 2003 site visit. In the unlikely event that specimens of a protected species were observed in the construction area, they would be flagged for avoidance prior to the start of construction.

Because the proposed construction would be located on previously disturbed land, and the amount of native vegetation that would be lost is small, the Proposed Action would have an insignificant short-term impact on vegetation in the vicinity. Landscaping typically associated with office or commercial development would be installed after construction. During the operational stage of the Proposed Action, there would be no ongoing or additional impacts to vegetation other than routine maintenance of the perimeter landscaping of low-lying shrubs and groundcover; thus, there would be no long-term impacts. A landscape plan would be designed in accordance with the US Border Patrol Design Guide.

#### **4.5.1.2 Fish and Wildlife**

No aquatic habitat would be affected by this project. Impacts to fish species would not occur.

The proposed action would result in the loss of approximately five acres of disturbed grassland habitat. Loss of this habitat may reduce the area that small mammals and reptiles use for feeding and shelter. Other than the loss of this habitat, no long-term impacts to small mammal, reptile, or bird populations would be expected. Additionally, construction activities would be conducted only during daylight hours, thereby avoiding the early morning hours or nighttime hours when wildlife species are most active. As a result, during construction activities, short-term impacts on wildlife species are expected to be insignificant.

#### 4.5.1.3 Threatened and Endangered Species

Under the Endangered Species Act, consultation with the USFWS is required for any action that may affect federally-listed species. Additionally, federal agencies are required to ensure that any action authorized, funded, or carried out by such agencies would not be likely to jeopardize the continued existence of any threatened or endangered species. The following determinations of effect consider the action area that is the site itself and air space flown by helicopter within a 3-mile distance. As described below for each species, direct and indirect effects from the proposed action are insignificant. Interrelated effects identified in this evaluation include the occasional use of helicopter flight that could affect bald eagle behavior in the adjacent territory

Although the property itself does not provide suitable habitat for bald eagles, it is situated more than one-mile southeast of a bald eagle nesting territory. There is no bald eagle nest reported within one-mile of the Connelly property (Jacobson, 2003).

Construction and operation of the facility would not result in impacts to the bald eagle nesting territory. Additionally, occasional helicopter flights to and from the facility would not impact the nesting territory because it is more than one mile from the site. Bald eagles from the nesting territory are unlikely to be at or near the property because it does not provide suitable habitat (perch or roost trees, e.g.). Noise from construction and operation of the facility is highly unlikely to impact the nesting territory because it is more than one mile from the site. Because the impacts are highly unlikely to impact eagles in the nesting territory, the impacts are considered discountable. Because the impacts are discountable, the Proposed Action *may affect, but would not likely adversely affect bald eagles.*

Marbled murrelets prefer older forests, and old-growth forests, for nesting. There are no old-growth forests in the vicinity of the property. Construction or operation of the facility is not expected to affect marbled murrelets that may be present over the property during feeding. Therefore, the Proposed Action would have *No Effect on marbled murrelets.*

Bull trout are reported to occur in the vicinity of the project area; however, they are not reported to occur in Dakota and California Creeks, or Drayton Harbor. Bull trout are found in the upper reaches of the Nooksack and Skagit river systems for spawning and rearing, the lower reaches and estuaries for adult migration, juveniles overwinter in the estuaries before migrating to the Puget Sound (WDFW 1998). These areas are not located in the project action area (WDFW 1998). The site is located over 300 feet from Dakota Creek, which would reduce the likelihood of stormwater runoff to Dakota Creek. Additionally, stormwater runoff from the facility (rooftops, parking lots, e.g.) would be collected and treated to meet Washington Department of Ecology's water quality standards, thereby precluding water quality impacts to Dakota Creek. Implementation of BMPs, such as silt fences and straw bales, during construction would preclude soil and sediment entering Dakota Creek. For these reasons, the Proposed Action would have *No Effect on bull trout.*

Puget Sound Chinook salmon have not been documented to occur in Dakota Creek, California Creek, or Drayton Harbor (Williams et. al., 1975; WDFW 1993). For the same reasons documented above for bull trout, the Proposed Action would have *No Effect on Chinook salmon*.

#### **4.5.2 No-Action Alternative**

Under the No-Action alternative, no construction would take place. The acreage would continue as undeveloped land.

### **4.6 NOISE**

Noise naturally dissipates by atmospheric attenuation as it travels through the air. Some other factors that can affect the amount of attenuation are ground surface, foliage, topography, and humidity. For each doubling of distance from the source, the noise level can be expected to decrease by approximately 6 dB. This method is a very conservative estimate of noise levels. A significant impact would be an increase in the ambient noise levels to a level of physical discomfort, or 120 dBA.

#### **4.6.2 Proposed Action**

Temporary construction noise impacts vary markedly because the noise intensity of construction equipment ranges widely as a function of the equipment and its level of activity. Short-term construction noise impacts tend to occur in discrete phases dominated initially by large earthmoving equipment and later by hand-operated tools. The noise produced by an assemblage of heavy equipment involved in urban, commercial, and industrial development typically ranges up to about 89 dBA at 50 feet from the source (USACE, 1995).

Over the proposed project area, receptors are located to the west and south of the project site. Given the heavy traffic noise resulting from current traffic adjacent to the site, the noise expected from the proposed construction activities would not significantly increase existing noise levels in the area. Therefore, only insignificant noise impacts are expected from the construction phase of the proposed project.

Periodic helicopter use (two times per month during day or night) of the BPSH landing pad would likely cause increases in noise levels that would be noticeable but of very short duration. There would not be regular helicopter traffic at the landing pad. The anticipated frequency of helicopter visits from the Blaine airport is approximately twice per month (Saepoff, 2003). Based on the infrequent use of the helicopter landing pad, noise impacts from operation of the helicopter-landing pad would be insignificant.

#### **4.6.3 No-Action Alternative**

Under the No-Action alternative, no construction would take place. Baseline conditions would remain the same.

## **CULTURAL RESOURCES**

### **4.7.1 Proposed Action**

After completion of the archival records searches, historic literature researches, ground survey and subsurface investigation, no heritage resources, either historic or archaeological, were discovered on the subject property. No short or long-term impacts are expected under the Proposed Action Alternative.

### **4.7.2 No-Action Alternative.**

The no-action alternative would have no effect on historic properties that may be eligible for the National Register of Historic Places or archaeological resources.

## **AESTHETIC RESOURCES**

### **4.8.1 Proposed Action**

Construction activities on the site would be visible from adjacent properties. Although these activities would be temporary, they would result in a permanent change to the visual character of the site. The site itself would change from vacant undeveloped land to developed land. The site would be designed to fit in with the visual character of the general project area. Commercial landscaping would be installed to soften the visual appearance of the building from the residential neighbors. The exterior design of the facilities would be designed to minimize the security aspect of the program (Design Analysis, 2003).

### **No-Action Alternative**

Under the No-Action alternative, no construction would take place. Baseline conditions would remain the same.

## **SOLID AND HAZARDOUS WASTE**

### **Proposed Action**

A Phase I Environmental Site Assessment recently completed for the project indicated that there are no obvious areas of contamination on the project site and there are no nearby sources of hazardous materials that would contaminate the project site (USACE 2003). A small amount of soil beneath construction equipment left on the site appeared stained with oil or hydraulic fluid.

During construction and installation activities, fuels, oils, lubricants, and other hazardous materials would be used. An accidental release or spill of any of these substances could occur. A spill could result in potentially adverse impacts to on-site soils. However, the

amounts of fuel and other lubricants and oils would be limited, and the equipment needed to quickly limit any contamination would be located on site.

The operation of the BPSH is not expected to produce hazardous waste. Vehicles would refuel at fuel stations in Blaine or Bellingham. All solid waste generated would be collected on site and disposed at a state-approved solid waste landfill facility. As a result, no long-term impacts are expected from the implementation of the Proposed Action.

#### **4.9.2 No-Action Alternative**

Under the No-Action alternative, no construction would take place

### **4.10 SOCIOECONOMICS**

#### **4.10.1 Proposed Action**

This alternative would provide direct and indirect economic benefits to area companies and employees as a result of construction activities, and through economic multiplier effects. The impacts on the socioeconomic resources in the region of influence (ROI) such as population, employment, income, and business sales would be beneficial. Construction activities would most likely be performed by local personnel/businesses. Therefore, it is anticipated that these activities would not induce permanent in- or out-migration to the ROI. As a result, the overall area population would not be significantly impacted.

Direct expenditures associated with the proposed project would have a minimal impact on employment, income, and sales within the ROI. Although most labor and some materials would be brought into the local area, some expenditures are expected to occur within the ROI. Short-term increases in local revenues for commercial establishments, trade centers, and retail sales would result from the purchase of supplies and equipment rental. Any potential impacts from the construction activities, however, would easily be absorbed into the broader economy of the ROI.

In the long-term, the socioeconomic impacts of this alternative are expected to be beneficial due to the expected increase in alien apprehension and a decrease in drug trafficking, smuggling, and terrorism. Additionally, the proposed facility would house increased USBP staff that would contribute to the local economy due to expenditures by staff.

##### **4.10.1.1 Environmental Justice of the Proposed Action**

EO 12898 of 11 February 1994, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," required that each federal agency identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its program, policies, and activities on minority and low income populations in the U.S. The proposed construction would not restrict the flow of legal

visitation, trade, or immigration, nor would it displace any population. Therefore, there would be no expected disproportionately high or adverse impacts on minority or low-income populations. Under the definition of EO 12898, there would be no adverse short or long-term environmental justice impacts.

**4.10.2 No-Action Alternative**

Under the No-Action alternative, no construction would take place. Baseline conditions would remain the same. The USBP would continue to combat illegal immigration, smuggling, and potential terrorist activity in the area at the current overcrowded facilities, hampering the agency's ability to meet its mandate. As a result, the citizens of Blaine would be subjected to potential adverse safety and economic consequences of illegal immigration that could otherwise be reduced by the Proposed Action.

#### **4.11 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES**

Irreversible and irretrievable commitments of resources would include a minimal amount of soil lost through wind and water erosion, a minor loss of small animal habitat due to construction and operation activities, and loss of materials, energy and manpower expended during construction of the project.

## 5.0 CUMULATIVE IMPACTS

Cumulative effects are defined<sup>1</sup> as:

“the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions.”<sup>2</sup>

Some authorities believe that most environmental effects are actually cumulative effects because almost all systems have been modified by humans. The cumulative effects of an action may be undetectable when viewed in the individual context of direct and even secondary effects, but they can add to other disturbances and eventually lead to a measurable environmental change.

Cumulative effects should be evaluated along with the direct effects and indirect effects of each alternative. The range of alternatives considered should include the No Action Alternative as a baseline against which to evaluate cumulative effects. The range of actions to be considered includes not only the proposed project but also all connected and similar actions that could contribute to cumulative effects. Related actions should be addressed in the same analysis.

The Council on Environmental Quality (CEQ)<sup>3</sup> recommends that an agency’s analysis accomplish the following:

- Focus on the effects and resources within the context of the proposed action.
- Present a concise list of issues that have relevance to the anticipated effects of the proposed action or eventual decision.  
Reach conclusions based on the best available data at the time of the analysis.
- Rely on information from other agencies and organizations on reasonably foreseeable projects or activities that are beyond the scope of the analyzing agencies purview.
- Relate to the geographic scope of the proposed project.

Cumulative effects can be positive as well as negative depending on the resource element (e.g., air quality, fisheries, etc.) being evaluated. It is possible that some resource elements can be negatively and others positively impacted by the same proposed project.

<sup>1</sup> Per the Council on Environmental Quality’s (CEQ) regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA).

<sup>2</sup> 40 CFR 1508.7

<sup>3</sup> The CEQ is the federal agency charged with implementing the NEPA.

Most Cumulative Effects Analyses would identify varying levels of beneficial and adverse effects depending on the resource elements and the specific actions. Because of this potential mixture of effects, it is sometimes difficult to determine which alternative is best. A weighted matrix can be a useful tool for selecting the proposed alternative. However, it, too, is limited due to the subjectivity of assigned factor weights and impact/effect scoring.

A Cumulative Effects Analysis (CEA) involves assumptions and uncertainties. Decisions should be supported by the best analysis based on the best available data. Monitoring programs and/or research can be identified to improve the available information and, thus, the analyses in the future. The absence of an ideal database should not prevent the completion of a CEA.

Analyzing cumulative effects differs from the traditional environmental impact assessment because the analyst must consider expanding the geographic area of study beyond that of the proposed project and expanding the temporal limits (timeframe) to consider past, present, and future actions that may affect the resource elements of concern. The geographic scope of analysis for a cumulatively affected resource element is defined by the physical limits or boundaries of the proposed action's effect on that resource element and the boundaries of other related activities that may contribute to the effects on the resource element. The temporal and geographic boundaries can be different for each resource element for which a CEA is conducted.

## ***PROPOSED ACTION***

As described in Chapter 4, the Proposed Action would not have a significant direct impact on any resource element and, thus, would not contribute to a cumulative impact on any resource element. The Proposed Action would change the land use of the direct impact area, but absolute and cumulative effects of this conversion would not be significant as well. For another significant project in the area to have been considered in this assessment, the project must have been planned, approved, and funded. No other significant projects were identified that met this criterion.

From a secondary impacts perspective, implementation of the Proposed Action would result in a reduction of illegal immigration and drug trafficking with a resultant decrease in crime and smuggling – thus, a positive effect.

## ***NO ACTION ALTERNATIVE***

The negative impact of continued illegal immigration with the resultant increases in crime and smuggling would be a consequence of the No Action Alternative. Further, the security and defense of the U.S. border would potentially be degraded, the operational effectiveness of the USBP reduced due to inadequate facilities, and the morale of USBP staff negatively impacted.

## 6.0 MITIGATION MEASURES

This chapter describes environmental measures that would be implemented as part of the proposed project to reduce or eliminate impacts from construction activities as well as facility operations. Mitigation measures are only described for those resources with potential for impacts.

### *Air Quality*

Mitigation measures would include dust suppression methods to minimize airborne particulate matter that would be created during construction activities. Additionally, all construction equipment and vehicles would be required to be kept in good operating condition to minimize exhaust emissions. Standard construction practices would be used to control fugitive dust during the construction phases of the proposed project

#### **6.1.2 Land Use**

No mitigation is proposed.

#### **6.1.3 Geological Resources**

No mitigation is proposed.

#### **6.1.4 Water Resources**

Construction procedures would be implemented as specified in the construction SWPPP to minimize the potential for erosion and sedimentation during construction activities. All work would cease during heavy rains and would not resume until conditions are suitable for the movement of equipment and material as determined by the contractor. Conservation measures would be implemented to preclude unnecessary waste of water supplies. Portable latrines, provided and maintained by licensed contractors, would be used to the extent practicable during construction activities. The contractor would be responsible for securing a National Pollution Discharge Elimination System (NPDES) permit.

The loss of up to 0.41 acres of disturbed emergent wetlands would be mitigated at up to a 1:1 ratio. Mitigation would occur on-site and likely in kind (on the east side of the property, adjacent to the native wetland that extends off-site).

### *Biological Resources*

Mitigation measures would include Best Management Practices (BMPs) during construction to minimize or prevent erosion and soil loss. Vehicular traffic associated with engineering and operational support activities would remain on established roads to

the maximum extent practicable. Areas with highly erodible soils would be given special consideration when designing the proposed project activities to ensure incorporation of various compaction techniques, aggregate materials, wetting compounds, and revegetation to ameliorate the potential for soil erosion.

#### **6.1.6 Noise**

During the construction phase, noise impacts are anticipated at local human receptors. Because of the increased noise sensitivity during quiet hours, time limits on on-site construction activities are warranted for grading and the use of heavy equipment. On-site activities would be restricted to daylight hours on Monday through Saturday, except in emergency situations, and only maintenance of equipment would be permitted on Sundays. Additionally, all construction equipment would have properly working mufflers and be kept in a proper state of tune to reduce backfires. Implementation of these measures would reduce noise impacts.

Periodic helicopter use of the headquarter's landing pad would be limited to approximately two times per month (Saepoff 2003). Noise levels within 200 yards or ¼ mile of the site would be insignificant.

#### **6.1.7 Cultural Resources**

If, during construction activities, the contractor observes items that might have historical or archaeological value, such observations shall be reported immediately to the Contracting Officer so that the appropriate authorities may be notified and a determination can be made as to their significance and what, if any, special disposition of the finds should be made. The contractor shall cease all activities that may result in the destruction of these resources and shall prevent his employees from trespassing on, removing, or otherwise damaging such resources.

#### **6.1.8 Aesthetic Resources**

No mitigation is proposed.

#### **6.1.9 Solid and Hazardous Wastes**

Mitigation measures recommended in construction planning include employee training, planning for unanticipated contamination, and spill prevention control. Although no significant amounts of known or suspected hazardous materials have been identified as potentially affecting the proposed project, the possibility of encountering unknown contamination during project construction cannot be eliminated.

**6.1.10 Socioeconomics**

No mitigation is proposed.

## 7.0 LIST OF PREPARERS

Name	Discipline	Education	Years of Experience
Mike Stimac, P.E.	Manager, Licensing and Environmental Services	B.S. Electrical Engineering M.S. Fisheries	30 years
Dave Des Voigne	Fisheries, Project Management	PhD Air and Water Resources Civil Engineering	30 years
Jory Oppenheimer	Environmental Scientist	M.S.	14 years
Michael Miller	Environmental Scientist/GIS Analyst	B.S. BLA	12 years
Megan Bockenkamp	Environmental Scientist	B.S.	2 years
Allison MacEwan, P.E.	Water Resources Engineer	MSE, Civil & Environmental Engineering	19 years
Karissa Kawamoto	Environmental Planner	B.A.	10 years
Karin Fusetti	Environmental Planner	B.A.	12 years
Michele Parvey	Archaeology	Masters thesis in progress	12 years
Mike Shong	History	Associate Degree	22 years

## **8.0 AGENCY AND ORGANIZATION COORDINATION**

Formal and informal coordination has been conducted with the following agencies:

- U.S. Department of Homeland Security (DHS);**
- U.S. Border Patrol (USBP);**
- U. S. Army Corps of Engineers (Seattle District);**
- **Washington State Department of Fish & Wildlife (WDFW);**
- Washington State Department of Transportation (WSDOT);**
- State Historic Preservation Office (SHPO);**
- **U.S. Fish and Wildlife Service (USFWS);**
- National Marine Fisheries Service (NMFS);**
- Northwest Air Pollution Authority (NWAPA);**
- City of Blaine; and**
- Whatcom County**

## 9.0 AGENCIES AND INDIVIDUALS RECEIVING COPIES OF THE EA FOR REVIEW AND COMMENT

Chien Viet Le  
HQ-DHS  
Program Manager

US Dept. of Homeland Security  
425 I Street, NW  
Washington, DC 20536  
202 305-0163  
[Chien.Viet.Le@usdoj.gov](mailto:Chien.Viet.Le@usdoj.gov)

Randy Gallegos  
HQ BP ACPA

US Dept. of Homeland Security BP  
  
202 353-7226  
[Randy.Gallegos@usdoj.gov](mailto:Randy.Gallegos@usdoj.gov)

Michael Wilson  
DHS Regional Office Project Manager

US Dept. of Homeland Security  
Administrative Center Laguna  
24000 Avila Road  
Laguna Niguel, CA 92677  
949 360-3048  
949 360-2985 fax  
[michael.e.wilson@usdoj.gov](mailto:michael.e.wilson@usdoj.gov)

Joseph Lamphear  
DHS Regional Office Environmental  
Coordinator

US Dept. of Homeland Security  
Administrative Center Laguna  
24000 Avila Road  
Laguna Niguel, CA 92677  
949 425-7077  
[Joseph.w.Lamphear@usdoj.gov](mailto:Joseph.w.Lamphear@usdoj.gov)

Joseph Giuliano BP Regional Office  
Liaison  
ACPA - Blaine Sector

US Dept. of Homeland Security  
Blaine Sector HQ  
1590 H Street Road  
Blaine, WA 98230-9114  
360 332-8781  
360 332-5606, fax  
[joseph.w.giuliano@usdoj.gov](mailto:joseph.w.giuliano@usdoj.gov)

Ben Case  
AERC  
Program Manager

USACE, Ft. Worth  
ATTN: CESWF-PM-INS  
819 Taylor St.  
Ft. Worth, TX 76102  
817 886-1462  
817 886-6406, fax  
[ben.l.case@usace.army.mil](mailto:ben.l.case@usace.army.mil)

Steve Saepoff, P.E. Seattle District Project Manager	USACE, Seattle District ATTN: CENWS-PM-EM 4735 East Marginal Way South Seattle, WA 98134-2385 206-764-3547 (206) 764-6518 <u>steven.a.saepoff@usace.army.mil</u>
Matthew Bennett Environmental NEPA Manager	USACE, Seattle District ATTN: CENWS-PM-ERS 4735 East Marginal Way South Seattle, WA 98134-2385 206-764-3428 <u>Matthew.i.bennett@usace.army.mil</u>
Mr. Lynn Childers USFWS Olympia Field Office	U.S. Fish & Wildlife Service 510 Desmond Drive #102 Lacey, WA 98503-1273
<b>SUMAS:</b> The Honorable Art George	Nooksack Tribe PO Box 157 Demming, WA 98244
<b>BLAINE:</b> The Honorable Darrel Hillaire	Lummi Nation 2616 Kwina Road Bellingham, WA 98226-9298
Steve Landino	National Marine Fisheries Service 7660 Sand Point Way NE Seattle, WA 98115-0070
	Washington Department of Fish and Wildlife 16018 Mill Creek Boulevard Mill Creek, WA 98012-1296
	Washington Department of Ecology P.O. Box 47600 Olympia, WA 98504-7600
	Washington Department of Transportation Environmental and Engineering Programs P.O. Box 47323 Olympia, WA 98504-7323
	Whatcom County Planning & Development Services 5280 Northwest Road Bellingham, WA 98227

*US Border Patrol Sector Headquarters  
Blaine, Washington*

Terry Galvin Community Development Director	City of Blaine 344 "H" Street Blaine, WA 98230
David Davidson City Administrator	City of Sumas 433 Cherry Street P.O. Box 9 Sumas, WA 98295
Ron Kent	USACE, Seattle District ATTN: CENWS-PM-ERS 4735 East Marginal Way South Seattle, WA 98134-2385
Michael Scuderi	USACE, Seattle District ATTN: CENWS-PM-ERS 4735 East Marginal Way South Seattle, WA 98134-2385
Ken Brunner	USACE, Seattle District ATTN: CENWS-PM-ERS 4735 East Marginal Way South Seattle, WA 98134-2385
Blaine Public Library	610 3rd St. Blaine, WA 98230
Sumas Public Library	451 2nd Sumas, WA 98295
Lynden Public Library	205 4th St. Lynden, WA 98264
Ferndale Public Library	2222 Main St. Ferndale, WA 98248

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## 11.0 LIST OF ACRONYMS AND ABBREVIATIONS

APE – Area of Potential Affect  
APWA – American Public Works Association  
ASCE – American Society of Civil Engineers  
AWWA – American Water Works Association  
BMP - Best Management Practice  
BPS – Border Patrol Station  
BPSH – Border Patrol Sector Headquarters  
CAA - Clean Air Act  
CE - Categorical Exclusion  
CEQ - Council on Environmental Quality  
CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act  
CFR - Code of Federal Regulations  
CWA - Clean Water Act  
dB - Decibels  
DHS – Department of Homeland Security  
EA - Environmental Assessment  
EIS - Environmental Impact Statement  
EO - Executive Order  
ESA - Endangered Species Act or Environmental Site Assessment  
ESCP – Erosion and Sedimentation Control Plan  
ESU - Evolutionarily Significant Unit  
FEMA - Federal Emergency Management Act  
FIRM – Flood Insurance Rate Map  
FIS – Flood Insurance Study  
FMR – Fire Modified Rock  
FONSI - Finding of No Significant Impact  
GAO - General Accounting Office  
HMTA - Hazardous Material Transportation Act  
HTRW - Hazardous, Toxic and Radioactive Waste  
Hz - Hertz  
IIRIRA - Illegal Immigration Reform and Immigrant Responsibility Act  
INA - Immigration and Nationality Act  
INS - Immigration and Naturalization Service  
NAGPRA - Native American Graves Protection and Repatriation Act  
NEPA - National Environmental Policy Act  
NHPA - National Historic Preservation Act  
NMFS - National Marine Fisheries Service  
NPDES - National Pollutant Discharge Elimination System  
NTCHS - National Technical Committee for Hydric Soils  
POE - Point of Entry  
RCRA - Resource Conservation and Recovery Act  
REC - Records of Environmental Consideration

ROI - Region of Influence  
SARA - Superfund Amendments and Reauthorization Act  
SDWA - Safe Drinking Water Act  
SHPO - State Historic Preservation Officer  
SPCCP - Spill Prevention, Control and Countermeasures Plan  
SWMM- Surface Water Management Manual  
TESC - Temporary Erosion and Sedimentation Control  
TSCA - Toxic Substances Control Act  
TPH - Total Petroleum Hydrocarbons  
UBC – Uniform Building Code  
UDA - Unidentified Alien  
UPC – Uniform Plumbing Code  
U.S. - United States  
USACE - United States Army Corps of Engineers  
USBP - United State Border Patrol  
USC - United States Code  
US DHS - United States Department of Homeland Security (formerly INS)  
USEPA - United States Environmental Protection Agency  
USDA - United States Department of Agriculture  
USFS - United States Forest Service  
USFWS - United States Fish and Wildlife Service.  
WDOE - Washington Department of Ecology  
WDFW - Washington Department of Fish and Wildlife  
WDNR - Washington Department of Natural Resources  
WRIA – Water Resource Inventory Area

# APPENDICES

**APPENDIX A USFWS CONSULTATION LETTERS**

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*Preliminary Draft EA  
May 19, 2003*

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Attachment 1



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Western Washington Fish and Wildlife Office  
510 Desmond Drive SE, Suite 102  
Lacey, Washington 98503  
Phone: (360) 753-9440 Fax: (360) 534-9331

DEC 23 2002

Dear Species List Requester:

We (U.S. Fish and Wildlife Service) are providing the information you requested to assist your determination of possible impacts of a proposed project to species of Federal concern. Attachment A includes the listed threatened and endangered species, species proposed for listing, candidate species, and/or species of concern that may be within the area of your proposed project.

Any Federal agency, currently or in the future, that provides funding, permitting, licensing, or other authorization for this project must assure that its responsibilities under section 7(a)(2) of the Endangered Species Act of 1973, as amended (Act), are met. Attachment B outlines the responsibilities of Federal agencies for consulting or conferencing with us.

If both listed and proposed species occur in the vicinity of a project that meets the requirements of a major Federal action (i.e., "major construction activity"), impacts to both listed and proposed species must be considered in a biological assessment (BA) (section 7(c); see Attachment B). Although the Federal agency is not required, under section 7(c), to address impacts to proposed species if listed species are not known to occur in the project area, it may be in the Federal agency's best interest to address impacts to proposed species. The listing process may be completed within a year, and information gathered on a proposed species could be used to address consultation needs should the species be listed. However, if the proposed action is likely to jeopardize the continued existence of a proposed species, or result in the destruction or adverse modification of proposed critical habitat, a formal conference with us is required by the Act (section 7(a)(4)). The results of the BA will determine if conferencing is required.

The Federal agency is responsible for making a determination of the effects of the project on listed species and/or critical habitat. For a Federal agency determination that a listed species or critical habitat is likely to be affected (adversely or beneficially) by the project, you should request section 7 consultation through this office. For a "not likely to adversely affect" determination, you should request our concurrence through the informal consultation process.

Candidate species and species of concern are those species whose conservation status is of concern to us, but for which additional information is needed. Candidate species are included as an advance notice to Federal agencies of species that may be proposed and listed in the future. Conservation measures for candidate species and species of concern are voluntary but recommended. Protection provided to these species now may preclude possible listing in the future.

For other federally listed species that may occur in the vicinity of your project, contact the National Marine Fisheries Service (NOAA Fisheries) at (360) 753-9530 to request a list of species under their jurisdiction. For wetland permit requirements, contact the Seattle District of the U.S. Army Corps of Engineers for Federal permit requirements and the Washington State Department of Ecology for State permit requirements.

Thank you for your assistance in protecting listed threatened and endangered species and other species of Federal concern. If you have additional questions, please contact Yvonne Dettlaff (360) 753-9582.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken S. Berg". The signature is fluid and cursive, with a large loop at the end.

*fa* Ken S. Berg, Manager  
Western Washington Fish and Wildlife Office

Enclosure(s)

**LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES, CRITICAL HABITAT, CANDIDATE SPECIES, AND SPECIES OF CONCERN THAT MAY OCCUR IN THE VICINITY OF THE PROPOSED BLAINE BORDER PATROL HEADQUARTERS OFFICE CONSTRUCTION PROJECT IN WHATCOM COUNTY, WASHINGTON**

(T40N R1E S8)

**FWS REF: 1-3-03-SP-0408**

**LISTED**

There is one bald eagle (*Haliaeetus leucocephalus*) nesting territory located in the vicinity of the project at T40N R1E S6. Nesting activities occur from January 1 through August 15.

Wintering bald eagles may occur in the vicinity of the project. Wintering activities occur from October 31 through March 31.

Bull trout (*Salvelinus confluentus*) may occur in the vicinity of the project.

Foraging marbled murrelets (*Brachyramphus marmoratus*) may occur in the ocean waters adjacent to your project.

Major concerns that should be addressed in your biological assessment of the project impacts to listed species include:

- Level of use of the project area by listed species;
- 2. Effect of the project on listed species' primary food stocks, prey species, and foraging areas in all areas influenced by the project; and
- 3. Impacts from project construction (i.e., habitat loss, increased noise levels, increased human activity) that may result in disturbance to listed species and/or their avoidance of the project area.

**PROPOSED**

None

## CANDIDATE

None

## CRITICAL HABITAT

None

## SPECIES OF CONCERN

The following species of concern have been documented in the county where the project is located. These species or their habitat could be located on or near the project site. Species in bold were specific occurrences located on the database within a 1-mile radius of the project site.

California wolverine (*Gulo gulo luteus*)  
Cascades frog (*Rana cascadae*)  
Coastal cutthroat trout (*Oncorhynchus clarki clarki*)  
Long-eared myotis (*Myotis evotis*)  
Long-legged myotis (*Myotis volans*)  
Northern goshawk (*Accipiter gentilis*)  
Olive-sided flycatcher (*Contopus cooperi*)  
Pacific fisher (*Martes pennanti pacifica*)  
Pacific lamprey (*Lampetra tridentata*)  
Pacific Townsend's big-eared bat (*Corynorhinus townsendii townsendii*)  
Peregrine falcon (*Falco peregrinus*)  
River lamprey (*Lampetra ayresi*)  
Tailed frog (*Ascaphus truei*)

## **ATTACHMENT B**

### **FEDERAL AGENCIES' RESPONSIBILITIES UNDER SECTIONS 7(a) AND 7(c) OF THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED**

#### **SECTION 7(a) - Consultation/Conference**

- Requires:
1. Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;
  2. Consultation with the U.S. Fish and Wildlife Service (FWS) when a Federal action may affect a listed endangered or threatened species to ensure that any action authorized, funded, or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The process is initiated by the Federal agency after it has determined if its action may affect (adversely or beneficially) a listed species; and
  3. Conference with the FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or an adverse modification of proposed critical habitat.

#### **SECTION 7(c) - Biological Assessment for Construction Projects \***

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for construction projects only. The purpose of the BA is to identify any proposed and/or listed species that is/are likely to be affected by a construction project. The process is initiated by a Federal agency in requesting a list of proposed and listed threatened and endangered species (list attached). The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, please verify the accuracy of the list with the Service. No irreversible commitment of resources is to be made during the BA process which would result in violation of the requirements under Section 7(a) of the Act. Planning, design, and administrative actions may be taken; however, no construction may begin.

To complete the BA, your agency or its designee should (1) conduct an onsite inspection of the area to be affected by the proposal, which may include a detailed survey of the area to determine if the species is present and whether suitable habitat exists for either expanding the existing population or potential reintroduction of the species; (2) review literature and scientific data to determine species distribution, habitat needs, and other biological requirements; (3) interview experts including those within the FWS, National Marine Fisheries Service, state conservation department, universities, and others who may have data not yet published in scientific literature; (4) review and analyze the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; (5) analyze alternative actions that may provide conservation measures; and (6) prepare a report documenting the results, including a discussion of study methods used, any problems encountered, and other relevant information. Upon completion, the report should be forwarded to our Endangered Species Division, 510 Desmond Drive SE, Suite 102, Lacey, WA 98503-1273.

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\* "Construction project" means any major Federal action which significantly affects the quality of the human environment (requiring an EIS), designed primarily to result in the building or erection of human-made structures such as dams, buildings, roads, pipelines, channels, and the like. This includes Federal action such as permits, grants, licenses, or other forms of Federal authorization or approval which may result in construction.