

**FINAL
ENVIRONMENTAL ASSESSMENT**

**PROPOSED CONSTRUCTION OF
DEPARTMENT OF HOMELAND SECURITY
CUSTOMS AND BORDER PROTECTION
U.S. BORDER PATROL STATION
BONNERS FERRY, BOUNDARY COUNTY, IDAHO**



**Prepared For:
U.S. Department of Homeland Security
Customs and Border Protection
U.S. Border Patrol Station, Bonners Ferry, Idaho**

February 2004

FINDING OF NO SIGNIFICANT IMPACT
U.S. Border Patrol Station
Bonners Ferry, Boundary County, Idaho

PROJECT HISTORY: The Department of Homeland Security's (DHS) Bureau of Customs and Border Protection (CBP) has prepared this Environmental Assessment (EA) for the construction and operation of a U. S. Border Patrol Station (BPS) in Bonners Ferry, Boundary County, Idaho. This EA addresses the site-specific potential for direct, indirect and cumulative effects of the Proposed Action and No-Action Alternative.

PURPOSE AND NEED: The purpose of this project is to provide adequate workspace and facilities that will support the current and projected future needs of the Bonners Ferry Border Patrol. The present Bonners Ferry Border Patrol Station is located at 7167 First Street, Bonners Ferry, Idaho.

The existing station is located on the second floor of the U.S. Post office in downtown Bonners Ferry and cannot accommodate the increased staffing needs. This space is owned by the Post Office and leased to the Border Patrol through General Services Administration (GSA). This facility lacks the basic elements necessary to safely and effectively conduct Border Patrol operations. Additional space on the second floor is occupied by a drug and alcohol counseling service and by the county juvenile parole and probation department. Other factors the Office of Border Patrol (OBP) considered include:

- No direct access to the Border Patrol Office or a secure sally port. Persons arrested must be taken through the public lobby of the Post Office in order to gain access to this building.
- No holding or processing facility in the building. Detainees cannot be secured and could easily escape, assault Service employees or members of the general public.
- No secure room to house weapons and ammunition, or seized contraband.
- No secure area for enforcement vehicles. All terrain vehicles (ATVs), snowmobiles, and other equipment must currently be stored at the homes of the OBP personnel.

PROPOSED ACTION: The Proposed Action is to provide the OBP with a modern facility that would alleviate overcrowding and allow for storage and necessary administrative processing areas. The Bonners Ferry Station will initially accommodate 34 employees and ultimately 56. The station will include offices, a sally port, parking, a 40-foot communication tower, and a helipad. This would be accomplished by the construction of a new OBP Station on approximately 10-acres of land that will be leased from the County Government of Boundary County, Idaho. The initial term of the lease is 20 years with renewal rights negotiable at the termination of the initial 20-year period. The site is located adjacent to the Boundary County Airport near the southeast corner of the intersection of U.S. Route 95 and U.S. Route 2, Boundary County, Idaho. The new station would alleviate the strain of current overcrowded conditions.

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FINDING OF NO SIGNIFICANT IMPACT
U.S. Border Patrol Station
Bonners Ferry, Boundary County, Idaho

ALTERNATIVES: In addition to the Proposed Action and the No-Action Alternative, three specific alternative construction sites were evaluated as part of this environmental impact analysis. These sites are real property that is currently owned by either the Federal or local government.

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, illegal drug trafficking, and associated criminal activity.

The alternative sites were eliminated from further consideration without further analysis because of land use conflicts, remote locations, costs to develop appropriate egress, or the greater potential for environmental effects.

ENVIRONMENTAL CONSEQUENCES: 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 hay land 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 storm water runoff. However, given the minimal quantity of storm water runoff generated, the impact would be insignificant. Potential erosion or sedimentation during construction activities will adhere to Storm Water Pollution Prevention Plan (SWPP). There would be an insignificant impact to the local economy by increased BPS staff and from construction activities. There would also be a corresponding improvement to public safety from an increase in undocumented aliens (UDA) and smuggler apprehension.

Environmental Design Measures: The U.S. Army Corps of Engineers will be responsible for implementation of the environmental design measures employed to negate or minimize to a less than significant level, any environmental impacts of the Proposed Action. These measures include:

1. Implementations of standard construction procedures, dust suppression, minimization of vegetation clearing whenever possible.
2. Engineering and management controls on construction equipment and activities, and proper maintenance of equipment and best management practices will be employed during construction.
3. If, during construction activities, the contractor observes items that might have historical or archaeological value, the contractor will cause the construction to cease and such observations shall be reported immediately to the Project Manager and Border Patrol Sector Chief so that the appropriate authorities may be notified and a determination can

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FINDING OF NO SIGNIFICANT IMPACT

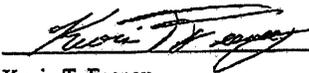
U.S. Border Patrol Station

Bonners Ferry, Boundary County, Idaho

be made as to their significance and what, if any, special disposition of the finds should be made.

4. Proper maintenance of construction equipment and best management practices during construction activities shall be used in order to minimize any accidental fuel spills. Applying petroleum absorbent will be used to contain any fuel spills. A Storm Water Prevention Plan will also be implemented into design plans and will include techniques such as silt fences and berms where appropriate.

FINDING: Based on the findings of this analysis and the environmental design measures incorporated as part of the proposed action, no significant impacts to the human environment would occur from the Proposed Action. Therefore, an Environmental Impact Statement is not warranted.



Kevin T. Feeney
Environmental Program Manager

February 4, 2004

Date

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U.S. BORDER PATROL STATION
BONNERS FERRY, BOUNDARY COUNTY, IDAHO**

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EXECUTIVE SUMMARY

PROJECT HISTORY: The U.S. Army Corps of Engineers – Seattle District, has acted on behalf of the Department of Homeland Security (DHS) Customs and Border Protection (CBP) to prepare this Environmental Assessment (EA) on the proposed construction and operation of a U. S. Border Patrol Station (BPS) in Boundary County, Idaho. This EA addresses site-specific actual and potential direct, indirect and cumulative effects of the Proposed Action and No-Action Alternative.

PURPOSE AND NEED:

Purpose: The purpose of this project is to support increased staff for the current and projected future needs of the Bonners Ferry Border Patrol. The Spokane Sector Headquarters has ten Border Patrol Stations (BPS) with a defined area of operation. The stations are located in Pasco, WA, Wenatchee, WA, Oroville, WA, Colville, WA, Curlew, WA, Spokane, WA, Metaline Falls, WA, Bonners Ferry, ID, Eureka, MT and Whitefish, MT. The present Bonners Ferry Border Patrol Station is located at 7167 First Street, Bonners Ferry, Idaho.

Need: The existing Bonners Ferry Border Patrol Station is located on the second floor of the U.S. Post office in downtown Bonners Ferry and cannot accommodate the increased staffing needs. This space is owned by the Post Office and leased to the Border Patrol through General Services Administration (GSA). This facility lacks the basic elements necessary to safely and effectively conduct Border Patrol operations. Additional space on the second floor is occupied by a drug and alcohol counseling service and by the county juvenile parole and probation department. Other factors USBP considered include:

- There is no direct access to the Border Patrol Office or a secure sally port. Persons arrested must be taken through the public lobby of the Post Office in order to gain access to this building.
- There is no holding or processing facility in the building. Arrestees cannot be secured and could easily escape or assault Service employees or the public.
- There is no secure room to house weapons and ammunition or seized contraband.
- There is no secure area for enforcement vehicles. All terrain vehicles (ATVs), snowmobiles, and other equipment must currently be stored at the homes of the USBP personnel.

PROPOSED ACTION: The Proposed Action is to provide the USBP with a modern facility that would alleviate overcrowding and allow for storage and necessary administrative processing areas. The Bonners Ferry Station will initially accommodate 34 employees and ultimately 56. The station is to include offices, a sally port, parking, a 40-foot communication tower, and a helipad. This would be accomplished by the construction of a new USBP Station on approximately 10 acres of land that will be leased

from the County Government of Boundary County, Idaho. The initial term of the lease is 20 years with renewal rights negotiable at the termination of the initial 20-year period. The site is located adjacent to the Boundary County Airport near the southeast corner of the intersection of U.S. Route 95 and U.S. Route 2, Boundary County, Idaho. The new station would alleviate the strain of current overcrowded conditions.

ALTERNATIVES: In addition to the Proposed Action and the No-Action Alternative, three specific alternative construction sites were evaluated as part of this environmental impact analysis as well as real property that is currently in the ownership of either the federal or local government. 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 of land use conflicts, remote locations, costs to develop appropriate egress, or the greater potential for environmental effects.

ENVIRONMENTAL CONSEQUENCES: 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 hay land 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. However, given the minimal quantity of stormwater runoff generated, the impact would be insignificant. Potential erosion or sedimentation during construction activities will adhere to a Stormwater Pollution Prevention Plan (SWPP). There would be an insignificant impact to the local economy by increased BPS staff and from construction activities. There would also be a corresponding improvement to public safety from an increase in undocumented aliens (UDA) and smuggler apprehension.

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. A Stormwater Pollution Prevention Plan (SWPP) will be implemented to minimize the potential for erosion and sedimentation during construction activities.

CONCLUSIONS: Based on the findings of this analysis, and the implementation of all mitigation measures recommended herein are implemented, no significant impacts to the human environment would occur from the Proposed Action. Increased or enhanced interdiction of smugglers and alien entry and activities would have indirect socioeconomic benefits.

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1.0 PURPOSE AND NEED

Purpose: The purpose of this project is to support increased staff for the current and projected future needs of the Bonners Ferry Border Patrol. The Spokane Sector Headquarters has ten Border Patrol Stations (BPS) with a defined area of operation. The stations are located in Pasco, WA, Wenatchee, WA, Oroville, WA, Colville, WA, Curlew, WA, Spokane, WA, Metaline Falls, WA, Bonners Ferry, ID, Eureka, MT and Whitefish, MT. The present Bonners Ferry Border Patrol Station is located at 7167 First Street, Bonners Ferry, Idaho.

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- There is no secure room to house weapons and ammunition or seized contraband.
- There is no secure area for enforcement vehicles. All terrain vehicles (ATVs), snowmobiles, and other equipment must currently be stored at the homes of the USBP personnel.

1.1 SCOPE OF PROJECT

This Environmental Assessment (EA) evaluates the potential environmental impacts, beneficial and adverse, associated with constructing a new U. S. Border Patrol Station in Boundary County, ID near the southeast intersection of U.S. Route 95 and U.S. route 2 (Figure 1 and 2). The proposed project site is adjacent to the Boundary County airport and 2 miles north of the City of Bonners Ferry. The United States (U.S.) Department of Homeland Security (DHS), Customs and Border Protection, U.S. Border Patrol (USBP) proposes to construct a new Border Patrol Station on approximately 10 acres of land that will be leased from the County Government of Boundary County, Idaho. The initial term

of the lease is 20 years with renewal rights negotiable at the termination of the initial 20 year period. The U.S. Army Corps of Engineers has been requested by the U.S Border Patrol to prepare environmental documentation for the construction and operation of this facility.

The Bonners Ferry property is 10 acres in size and currently leased out by Boundary County for hay production. Existing zoning is Industrial.

The legal description of the preferred Bonners Ferry property is:

A tract of land situated in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Fourteen (14), Township Sixty-two (62) North, Range One (1) East of the Boise Meridian, Boundary County, Idaho; more particularly described as follows:

Beginning at a 5/8" rebar and plastic cap stamped PLS 7877 on the west line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ which is S 00 33'04 E, 528.00 Feet from the North Quarter (N $\frac{1}{4}$) corner of Section 14: thence, continuing along said west line S 00 33'04 E. 375.00 feet to a 5/8" rebar and plastic cap stamped PLS 7877; thence, leaving said west line N 89 21'50' E. 750.00 feet to a 5//8" rebar and plastic cap stamped PLS 7877; thence parallel to the west line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$, N 00 33'04" W. 356.77 feet to a 5//9" rebar and plastic cap stamped PLS 7877 on the southerly right of way of County Road No. 31B; thence along said right of way S 82 04'08 W. 258.79 feet for an arc length of 158.26 feet (chord=N 80 24'22 W. 155.80 feet): thence leaving said right of way S 89 21'50" W. 522.94 feet to the TRUE POINT OF BEGINNING.

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 4.5.1.4 and 4.5.2.1)).



Figure 1- Vicinity Map

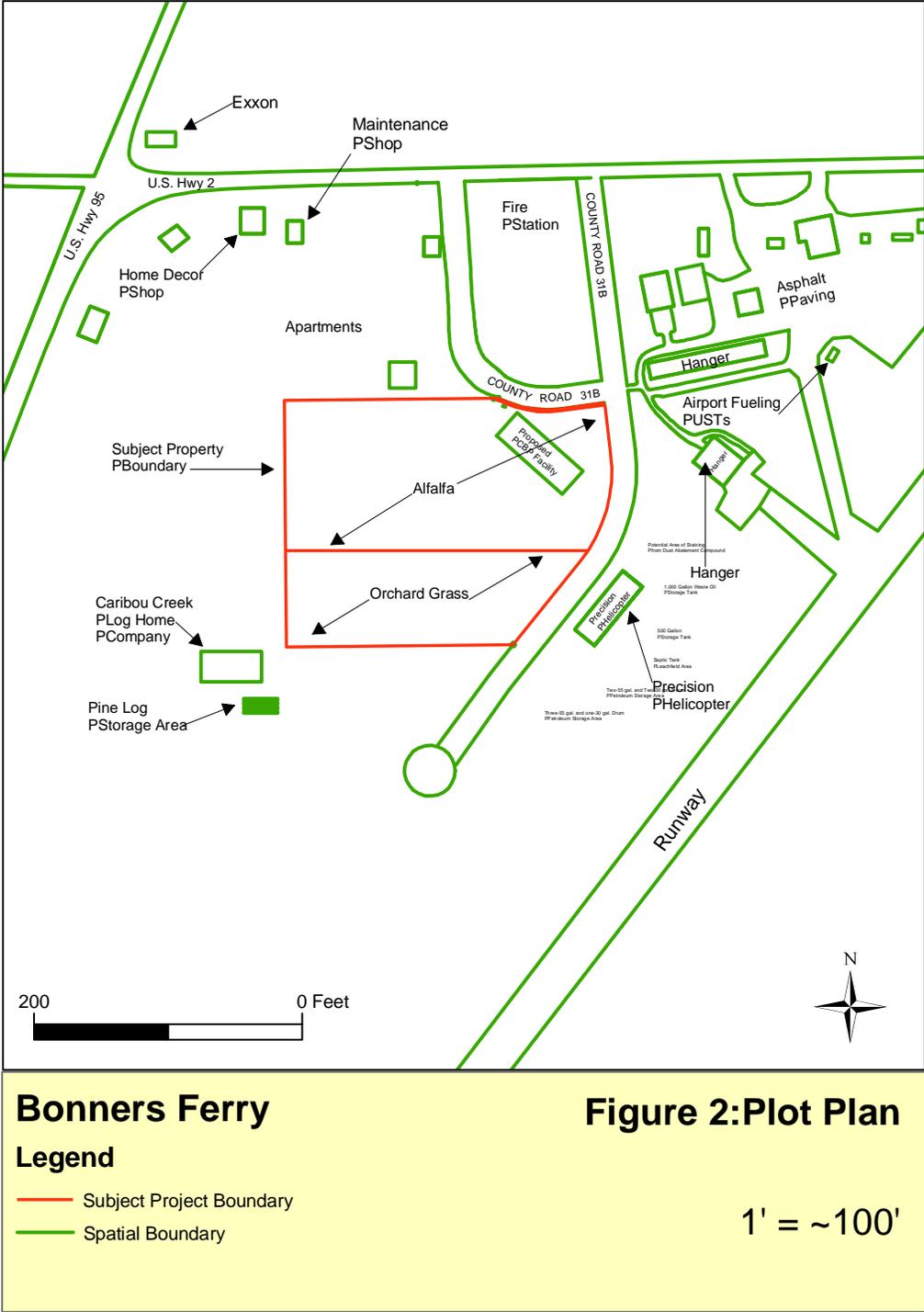


Figure 2. Conceptual Site Plan

Bonners Ferry DHS Facility Site

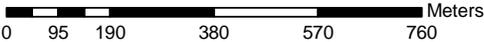


Figure 3- Project Location

1.2 PUBLIC INVOLVEMENT

Copies of the draft EA were made available at the public library in Bonners Ferry and the Notice of Availability published in the Bonners Ferry Herald. Interviews were held and input received from the Boundary County Planning Department.

No scoping meetings were held.

1.3 FRAMEWORK FOR ANALYSIS

1.3.1 Background

The U.S. experiences a substantial influx of illegal immigrants and drugs each year. Both of these activities cost 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, 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 (USDOJ 2002). 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 USDHS Organization.

1.3.2 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).

1.3.3 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).

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...”

1.3.4 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.

1.3.4.1 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.

1.3.4.2 Executive Order 11514, Protection and Enhancement of Environmental Quality

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.

1.3.4.3 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.

1.3.4.4 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.

1.3.4.5 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.

1.3.4.6 *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.

1.3.4.7 *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.

1.3.4.8 *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.

1.3.4.9 *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.

1.3.4.10 *Other Federal Laws and Regulations*

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

1.3.4.11 State Laws and Regulations

The Bonners Ferry BPS will 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 (USACE, 2003).

1.3.4.11.1 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
- American Water Works Association (AWWA)
- American Society of Civil Engineers (ASCE)
- American Public Works Association (APWA)

1.3.4.11.2 Design Guides/Manuals

- 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

1.3.4.11.3 Local Codes and Ordinances

General

- Uniform Building Code (UBC)
- Uniform Plumbing Code (UPC)

Boundary County

- Boundary County Zoning and Subdivision Ordinance; Ch. 7, Sec. 6.

2.0 PROPOSED ACTION & ALTERNATIVES

This section presents a description of the Proposed Action, site selection/acquisition plan, three specific site alternatives, and the No-Action Alternative. The proposed action along with the three site alternatives involves the lease of land and construction of a new BPS. The other alternative, the No-Action Alternative, represents the option in which construction would not take place. This section includes a discussion of the operational requirements and relevant environmental factors used to evaluate each alternative. It also discusses the site selection/acquisition plan and three specific site 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.

2.1 OPERATIONAL SELECTION CRITERIA

All alternative locations for a new station, including the existing station that would continue to be used under the No-Action Alternative, were evaluated using the selection criteria described below. A site selection/acquisition plan for the new station was designed so that the new facility would be located on real property that is currently in the ownership of either the federal or local government. Real estate agents were not contacted in the real property site selection process because the agency was not anticipating the need or benefit to acquire a site through a purchase process and they would not have been appropriately familiar with real property owned by local and federal governments agencies. The criteria used for site selection 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 USBP station in Bonners Ferry. Such criteria for the station location 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 State Route 95
- 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

- The present Bonners Ferry Border Patrol Station is located at 7167 First Street, Bonners Ferry, Idaho. The existing Bonners Ferry BPS is experiencing a significant increase in workload. As the workforce has increased, so has the need for additional workspace. The existing Bonner Ferry BPS is located on the second floor of the U.S. Post Office in downtown Bonners Ferry. This space is owned by the Post Office and leased to DHS through the General Services Administration. This facility lacks the basic elements necessary to safely and effectively conduct Border Patrol operations. Additional space on the second floor is occupied by a drug and alcohol counseling service and by the county juvenile parole and probation department.

The Bonners Ferry Station will initially accommodate 34 employees and ultimately 56. The station is to include offices, a sallyport, parking, a 40-foot communication tower, and a helipad.

The action will consist of constructing a new Border Patrol Station on approximately 10 acres of land that will be leased from the County Government of Boundary County, Idaho. The initial term of the lease is 20 years with renewal rights negotiable at the termination of the initial 20-year period. Construction will involve a 4,700 square foot building with a 3,000 square foot covered garage. The project will also include crushed gravel employee parking area (13,000 square feet) and a crushed gravel visitor parking lot (2,700 square feet). A septic system with a drain field will also be constructed (5,600 square feet).

The new station would alleviate the strain of crowded conditions at the current Bonners Ferry Border Patrol Station. The new station 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. The proposed station would be located on a 10-acre site adjacent to the Boundary County Airport. The site is strategically located adjacent to Highway 95 and Highway 2 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 Boundary County. A new septic would be built to service the facility. Natural gas is the suggested source used to heat the buildings.

2.3 NO-ACTION ALTERNATIVE

Alternative 1. No Action. The existing facility is a shared facility with the Post Office and the local jail in the town of Bonners Ferry. It cannot efficiently accommodate current activities by the USBP. This condition will likely worsen with future activities and staffing requirements. The overall impact will adversely affect productivity and the ability of the USBP employees to accomplish their mission.

2.4 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS

Three additional alternative sites other than the site ultimately selected were considered for construction of the proposed BPS. In addition to the specific sites described below, a review of maps that identified real property in U.S. Forest Service Mission Area was performed. The discovery process revealed that the real property that would potentially be available for development of a Border patrol Station was all located in very remote areas and would be very costly to develop appropriate egress. Additionally, if the real

property were developed so that an effective border patrol station operation could be located on the site, significant old growth forest would have to be cleared and future vehicle access could potentially have an impact on the remaining vegetation along the egress area. Therefore, no appropriate real property existed in the U.S. Forest Service inventory. No action was taken beyond the discovery process.

A review of Boundary County Assessors Office maps identified excess real property owned by Boundary County. The real property owned by the county was grouped into two categories. The first category included real property owned by the county due to a private citizen's failure to pay taxes. When the county conducted a tax sale there were no bidders who had an interest in the property so ownership was transferred into the ownership of the county and identified as excess real property. The second category was real property owned by the county for the benefit of conducting county business, parks, and recreation, roadways, and regional economic development. The properties identified in category one are described below as Alternative 3 and 4 below. The review ultimately identified the potential real property site in category two as the preferred site.

- Alternative 1. No Action. The existing facility is a shared facility with the Post Office and the local jail in the town of Bonners Ferry. It cannot efficiently accommodate current activities by the USBP. This condition will likely worsen with future activities and staffing requirements. The overall impact will adversely affect productivity and the ability of the USBP employees to accomplish their mission.
- Alternative 2. Future expansion at the existing facilities located at 7167 First Street, Bonners Ferry, Idaho. This alternative was not selected because the existing facility is on the second floor of a U.S. Post Office and development surrounding the existing facility prevents expansion at the location (Criterion 1, Criterion 5, Criterion 7).
- Alternative 3. The Oxford Loop Road site was not selected because a creek was present on the north end of the property and providing egress to the site was problematic (Criterion 2, Criterion 4).
- Alternative 4. The site located one-half mile north of Highway 2 was not selected because it was only 5 acres in size, topography had been modified by topsoil excavation and heavy machinery was stored on the site (Criterion 2, Criterion 3, Criterion 7).

Table 1
Comparison of Alternatives Matrix

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

3.0 AFFECTED ENVIRONMENT

The affected environment is the baseline against which potential impacts caused by the Proposed Action and alternatives are assessed. 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 USBP station and changes in USBP activities resulting from those activities.

3.1 LAND USE

Boundary County is located in the northern most part of the Idaho Panhandle. The project site is located within the jurisdictional boundaries of Boundary County. The property is located at the southeast intersection of U.S. Route 95 and U.S. Route 2 immediately adjacent to the Boundary County Airport. The site is approximately twenty miles south of the U.S. – Canada border.

The subject property is currently undeveloped and used for growing alfalfa and hay land grasses. The area bordering the subject property to the north is undeveloped along the eastern half of the boundary and developed as apartment buildings on the western half. The Bonners Ferry Boundary County Airport buildings and associated runway are located to the east and southeast. Several other small businesses operate within one-quarter mile of the subject property. These include a log home company, a maintenance shop, a home décor shop, and Exxon gas station, and a local fire station. Other property within one-quarter mile is mostly undeveloped agricultural land.

3.2 AESTHETIC AND VISUAL 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 cultivated pasture grasses with no residences or structures. Adjacent land uses include the Boundary County Airport and state highways.

Photo 1 (view from Highway 95) - Eastern view of the project area



Photo 2 (view from the project site) – Cultivated pasture grasses



3.3 GEOLOGY/SOILS/TOPOGRAPHY

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

3.3.1.1 Geology

The site is located within the Kootenai River physiographic region. The drainage areas of the Kootenai River originate in the Northern Rocky Mountain physiographic province – an uplifted, naturally dissected, and heavily glaciated area. Topography is primarily controlled by bedrock structure modified by glacial erosion and sedimentation. The region is characterized by high, rugged, forested mountain ranges separated by narrow linear valleys. Elevations rise from 2000 feet in the lowest valleys to more than 10,000 feet on many of the peaks (USDA, 1980).

3.3.1.2 Soils

The site soil is mapped within a large formation of Rubson silt loam. The Rubson series consists of well-drained soils on high terraces. These soils formed in glaciolacustrine sediment. Slopes are 0 to 12 percent. In a representative profile the surface layer is pale brown silt loam about 14 inches thick. The next 15 inches is very pale brown and light gray silt loam. Permeability is moderate. These soils are used for hay, pasture, wheat and woodland (USDA, 1980). There are no hydric soils mapped within the vicinity of the project (USDA, 1991).

3.3.1.3 Topography

The site is situated approximately two miles north of the Kootenai River on the North Bench, which is approximately 500 feet higher in elevation than the river. The site is relatively flat sloping slightly to the SW (USGS, 1965).

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.

3.4.1.1 Ground Water

Most residences and facilities in the Boundary County area have private drinking water wells (USACE, 2002). These systems access subsurface aquifers with an unknown degree of continuity with the Kootenai River. The depth to the water table in the Kootenai River Valley is approximately 60 feet with significantly greater depths on higher terraces. According to the Boundary County Landfill boring log, groundwater is

not encountered until depths greater than 200 feet below ground surface (MCS Environmental Inc, 2003).

3.4.1.2 Precipitation

The climate of the Boundary County area is a combination of a modified west coast marine and continental climate. Summers are sometimes hot and dry and winters are cold. The average precipitation in the project area is estimated to be approximately 15 to 18 inches per year. Annual snowfall varies from about 40 inches in the lower valleys to an estimated 300 inches in some mountain areas.

3.4.1.3 Surface Water

The site of the proposed action is located within the Kootenai River basin approximately 2 miles north of the town of Bonners Ferry and the Kootenai River. The Kootenai River originates in British Columbia, flowing southward into northwestern Montana. Located about 40 miles south of the international boundary, Libby Dam impounds Lake Koocanusa at river mile (RM) 222. Lake Koocanusa is 90 miles long at full pool and has a useable storage capacity of 4.98 million acre-feet. At the town of Libby (RM 204), the river turns westward, then north near Troy (RM 186) and back into British Columbia at RM 106. The river enters Kootenai Lake about 25 miles north of the international boundary, draining through West Arm near Nelson, British Columbia, and into the Columbia River near Castlegar, British Columbia. The Kootenai River basin encompasses 19,300 square miles. About 75% of the basin lies within British Columbia (USACE, 2002). The project site is elevated above the Kootenai River on an upland terrace.

The primary source of water on the site is from precipitation. Drainage from the site infiltrates the porous sandy soils. There is no surface water connection from the project area to the Kootenai River located approximately 2 miles south of the property. Site elevations occur at approximately 2331 feet and river elevations at Bonners Ferry are 1770 feet..

3.5 BIOLOGICAL RESOURCES

Biological resources include native plants and animals in the region around the proposed project site. Because the site, and portions of the region, have been modified from a native state by agricultural and development activity, plants and wildlife noted may not be typical of those that historically have occurred in the area.

3.5.1.1 Vegetation

Although there are no trees on the project site, the surrounding areas of Bonners Ferry are predominantly forested. Dominant forest vegetation consists of Douglas fir (*Pseudotsuga menziessi*), western hemlock (*Tsuga heterophylla*) and western red cedar (*Thuja plicata*). Typical shrubs species include snowberry (*Symphoricarpos albus*), ninebark (*Physocarpus malvaceus*) serviceberry (*Amaelanchier alnifolia*), Oregon grape (*Berberis*

nervosa), and kinicknick (*Arctostaphylos uva-ursi*). The vegetation at the project site consists of cultivated pastures of alfalfa (*Medicago sativa*) and wheat (*Triticum* sp.).

3.5.1.2 Fish and Wildlife

The Bonners Ferry area is rich in wildlife. Important species include elk, whitetail deer, and black bear. Abundant surface water attracts a wide variety of waterfowl, eagles and osprey (IDFG, 2001). No fish species are present on-site.

3.5.1.3 Wildlife Habitat and Aquatic Resources

A site review was performed on 20 and 21 August 2003. On-site habitat conditions consist of cultivated pasture grasses. Forested habitat occurs on some nearby parcels. Forest habitats are comprised of evergreen species and understories listed above. No water features or wetlands are located anywhere around the airport, including the project site (USACE, 1997).

3.5.1.4 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 confirm there are no listed non-bird marine species or anadromous fish in the project area (NMFS, 2003). Federally listed threatened and endangered species found in the Idaho Panhandle within the analysis area are gray wolf (*Canis lupus*) and woodland caribou (*Rangifer tarandus caribou*). Species listed as threatened and within the analysis area are bald eagle (*Haliaeetus leucocephalus*), lynx (*Lynx canadensis*), and grizzly bear (*Ursus arctos*) (USFWS, 2001). The biological

assessment addressing potential impacts to listed species is addressed within the Biological Resources: Threatened and Endangered Species sections of this document.

3.6 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 Insurance Rate Map, the subject property is not located in floodplain (FEMA, 1982).

3.7 AIR QUALITY

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. EPA designates localities that exceed these standards (National Ambient Air Quality Standards NAAQS) as non-attainment areas.

Boundary County is currently an attainment area for all monitored air pollutants (U.S.E.P.A., 2003).

3.8 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 industrial areas as the municipal airport and two U.S. highways are adjacent to the site.

3.9 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 project site had a moderate probability of having prehistoric and historic sites based on its geographic location, environmental characteristics, and available historic data (Salo 2002).

3.9.1 Historic Resources

Archival research by DHS included queries of the National Register of Historic Places and communication with the Idaho State Historical Society. The efforts disclosed no historic sites or structures on or adjacent to the project site.

3.9.2 Archaeological Resources

Archival research for the APE included review of prehistoric and historic archaeological, ethnographic, and historic structures files, and records of previous studies. No archaeological inventories have taken place within one mile of the project site. The Area of Potential Effects (APE) was identified using maps of the surrounding area, parcel boundaries, and construction layout. Because the landform on which the APE occurs is known to have been used prehistorically at other locations, the Idaho State Historic Preservation Officer recommended that an archaeological site inventory (survey) be conducted as part of project planning. DHS therefore tasked Seattle District with providing the inventory as part of the environmental coordination for project development. The inventory would identify any potential historic properties within the APE and would recommend further work should that be necessary.

In April 2002 and August 2003, Mr. Lawr V. Salo (a Seattle District Army Corps of Engineers archaeologist with 36 years experience in all phases of cultural resource management) carried out systematic pedestrian inventory of the APE, but found no evidence of prehistoric or historic archaeological sites therein. No historic properties therefore are present.

3.10 INFRASTRUCTURE AVAILABLE

Water and electricity are available at the site from the local water utility and power company. Both will be underground. The sanitary sewer will be a septic system (Anderson, 2003). Natural gas is available at the site and will be encouraged in the design/build phase of the project.

3.11 ROADWAYS/TRAFFIC

Vehicular access to the site is off U.S. Route 2, at the intersection of U.S. Route 95. Highway 95 proceeds north to Canada and U.S. Route 2 proceeds east along the eastern portion of the Idaho panhandle. Access will occur immediately adjacent to the Boundary County Airport off U.S. Route 2.

3.12 HAZARDOUS MATERIALS

Based on a Phase I Environmental Site Assessment (ESA) recently prepared for the project site, there are no recognized environmental conditions and issues that could adversely affect the transfer or development of the subject property (MCS Environmental, 2003). As verified from aerial photos, the project site has been used for agricultural purposes since at least 1965. The surrounding land uses have remained agricultural and rural. The Boundary County airport located immediately east of the site was constructed in the 1940's. There have been no reported spills at the Boundary County airport.

3.13 SOCIOECONOMICS

Boundary County is 2000 square miles in size and occupies the northern panhandle of the state of Idaho. The U.S. Census Bureau documents the population in 2001 at 9,926. The City of Bonners Ferry, located 2 miles south of the project area, has a population of 2,360. The primary source of employment in the Boundary County area is agricultural related. Due to the seasonal nature of agricultural employment, unemployment rates remain high. The average annual wage per employee in Boundary County is \$19,893 (Boundary County Comprehensive Plan, 1997). Median value of owner-occupied housing units is \$96,900 (U.S. Census Bureau, 2000).

3.14 ENVIRONMENTAL JUSTICE AND PROTECTION OF CHILDREN (EO 12898)

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. Based on the U.S. Census Bureau (2000) the population of the city of Boundary County is characterized as 95.2% percent White with smaller racial groups including 0.2 percent Black or African American, 2 percent American Indian and Alaska Native, 0.6 percent Asian, and 0.1 percent Native Hawaiian and Other Pacific Islander.

Employment within Boundary County is primarily related to agriculture and natural resources. The major industry, Elk Mountain Farms, the hops farms owned by Anheuser-Busch, is one of the county's largest employers (Boundary County Comprehensive Plan, 1997). The median household income in 1999 was \$31,250. Persons below poverty level comprise 15.7 percent of the Boundary County population (U.S. Census Bureau

2000). The two populations identified for this review of Environmental Justice issues are the Native American population (Kootenai) Tribe and the low-income population of the County.

The Lower Kootenai Tribe has lived in the area since prehistoric times and is one of the six bands of the Kootenai Nation that lived in north Idaho, northwest Montana, and southeastern British Columbia; they were the original inhabitants of Boundary County. The lifestyle of the local Kutenai-speaking band was semi-nomadic, sustained through hunting, fishing, and gathering. The Kootenai residing in the Bonners Ferry area were affiliated socially with the neighboring autonomous Interior Salish-speaking bands of Flathead, Kalispel and Pend Oreille Indians. In the 1855 Hellgate Treaty, these Tribes ceded to the United States all the land they occupied or claimed in exchange for reservations; reserving, however, certain rights for hunting, fishing and gathering on unclaimed open public lands of the ceded areas (SKC, 2003). However, the Kutenai band now known as the Kootenai Tribe of Idaho was not represented at the Treaty council and thus did not acquire any land (BFCC, 2003). The Tribe's Constitution and By-Laws were ratified in 1947. The Tribe is governed by a seven (7)-member council who are elected for three year terms (USDI-BIA, 2003). In late 1974, the Tribe gained authority for a small reservation on which the members could maintain their own language, religion and traditions (KTI, 2003). The Tribe gained international attention on September 20th 1975 when it formally declared war on the United States to expedite establishment of the reservation (UI, 2003). There now are 150 enrolled members and about 95 of them live in a modern village at the 18-acre reservation three miles northwest of Bonners Ferry. The Tribe recently developed a plan to improve their economic situation. In 1986, the Tribe built the Kootenai River Inn, a 52-unit waterfront luxury motel in Bonners Ferry. In 1993, they expanded the motel and added bingo and gaming machines. In 1991, the Tribe built the Kootenai Tribal Sturgeon Hatchery (BPA Mitigation Project 8806400) to help enhance the endangered population of this ancient fish that plays a large role in tribal heritage (BFCC, 2003).

The other identified Environmental Justice population is the low-income community of Boundary County. Boundary County is faced with some of the most severe economic and social challenges in the State. Changes in federal land use policies and changes in timber harvest and processing have been particularly hard on the region's economy. The low-income population is spread throughout the County.

4.0 ENVIRONMENTAL CONSEQUENCES

This section of the EA discusses those environmental factors that would be impacted by the Proposed Action and Alternatives carried through for analysis, including the No-Action Alternative.

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 LAND USE

4.1.1 Consequences

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

The land use on the project site would change from cultivated pasture grassland to developed land. The 10-acre site would be developed into BPS to include office space, administrative services, training, enforcement operations, sally port, intelligence communications, and exercise and locker facilities.

Efforts would be made to design the site according to Standards and adopted Design Guidelines/Manuals. Parking layout, helicopter pad, ancillary buildings and building location are all components that are still in a very preliminary stage of design.

4.1.2 No-Action Alternative

Under the No-Action Alternative, no construction would take place. The property would remain in its current location at the U.S. Post Office building in the town of Bonners Ferry.

4.2 AESTHETIC AND VISUAL RESOURCES

4.2.1 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 hay 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. The exterior design of the facilities would be designed to minimize the security aspect of the program (USACE, 2003).

4.2.2 No-Action Alternative

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

4.3 GEOLOGY/SOILS/TOPOGRAPHY

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 BMPs 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.

4.4 WATER RESOURCES

4.4.1 Proposed Action

Impacts to water resources from the construction phase of the Proposed Action are expected to be short-term and insignificant. 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.

The proposed action would increase the site's impermeable surface area and would slightly increase stormwater runoff from the site.

4.4.2 No-Action Alternative

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

4.5 BIOLOGICAL RESOURCES

4.5.1 Proposed Action

Vegetation

Based on the typical layout of a BPS, 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 as the entire site is under cultivation. 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 hay land, and the amount of 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 "New DHS Border Patrol Stations Design Analysis" (USACE, 2003).

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 hay land pasture. Loss of this habitat may reduce the area that small mammals could 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.

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.

Five threatened or endangered species are listed in the Idaho Panhandle area (USFWS, 2001). The species include:

- Gray Wolf (*Canis lupus*)
- Bald Eagle (*Haliaeetus leucocephalus*)
- Grizzly Bear (*Ursus horribilis*)
- Lynx (*Lynx Canadensis*)
- Woodland Caribou (*Rangifer caribou*)

The project will have no effect on any of the species. Specific information is provided below:

Gray Wolf. The northern rock Mountain wolf (a subspecies of the gray wolf) was listed as endangered in 1973, pursuant to the Endangered Species Act. However, based on enforcement issues and a trend to recognize fewer subspecies of wolves, the entire species was listed as endangered throughout the entire lower 48 states, except Minnesota, in 1978. In the past, substantial declines in the numbers of wolves resulted from control efforts to reduce predation on livestock and big game species. By the 1940's, the Rock Mountain wolf was essentially eradicated from its range (Tucker, 1990).

In 1994, final rules in the Federal Register made a distinction between wolves that occur north of Interstate 90 and wolves that occur south of Interstate 90 in Idaho. Gray wolves

occurring north of Interstate 90 are listed as endangered species and receive full protection under the Endangered Species Act. Gray wolves occurring south of Interstate 90 are listed as part of an experimental population with special regulations for their protection and management.

The project site is outside of lands designated for wolf recovery, but is within the general region (Idaho Panhandle) that provides linkages between recovery areas. There have been occasional reported sightings of individual wolves on National Forest lands both north and south of the project area, but not at the project site. The project site is disturbed from agricultural use and is also located adjacent to two major highways.

There is no evidence of wolf packs or lone wolves in the project area. Although deer and elk (potential prey) are found in the project vicinity, there is ample prey base throughout the entire area and the project is not expected to have any effect on the local prey populations. The project will not result in any new roadways or any other potential disturbances to wolf populations. Accordingly, the project will have no effect on gray wolf.

Bald Eagle. All of the project area is included in Zone 7 as designated in the Pacific States Bald Eagle Recovery Plan. At the time of the Federal listing, bald eagles were uncommon in this zone. Key recovery areas in northern Idaho have contributed enough new territories to reach and exceed goals listed in the Recovery Plan (IDFG, 2001).

Winter roost are relatively uncommon in the Idaho Panhandle. The majority of wintering eagles leave their nesting areas and congregate on unfrozen open water because of forage availability. These include Lake Pend Oreille, the Pend Oreille River, the Kootenai River, and Lake Coeur d' Alene. The intact vegetation along shorelines likely provides adequate protection so that habitual roosts appear to be unnecessary.

There are no known nest territories or winter roosts in the vicinity of the project site (IDFG, 2001). The Kootenai River is approximately 1.5 miles south, where eagles are known to feed and roost. It is unlikely that eagles would travel far from the river because of the abundance of habitat along the shoreline near their primary food source. There are no water bodies in the vicinity of the project and the project will disturb no trees. Accordingly, this project will have no effect on bald eagle or their habitat.

Grizzly Bear. The grizzly bear was listed as threatened in 1975. Grizzly bear were originally found in habitat throughout western North America. Today, grizzly bears are confined to less than 2 percent of their original range. There are five or six population centers south of Canada, including the Selkirk and the Cabinet-Yak Mountains of the northern Panhandle. Habitat loss and human-caused (both indirect and direct) mortality are factors of population decline (USFWS, 1993b).

Bonners Ferry is located between the two designated recovery zones for the Selkirk and Cabinet-Yaak Mountains. There have been no known sightings of grizzly bear in the project area and it is unlikely that grizzly bears would cross between the two recovery zones because of the relatively high level of disturbance caused by the highways and

development around Bonners Ferry. The project area also does not support any known habitat types used by grizzly bears. Accordingly, the project will have no effect on grizzly bears or their critical habitat.

Lynx. The lynx is one of the three species of wild cats that occur in the temperate forests of North America. Lynx populations in Alaska and most of Canada are generally considered stable to slightly dropping. The conservation of lynx populations is the greatest concern in the western mountains of the United States because of the peninsular and disjunct distribution of suitable habitat at the southern periphery of the species' range. Both historic and recent lynx records are scarce, which makes identifying range reductions and determining historical distribution of stable populations in the region difficult (Koehler and Aubrey 1994).

Lynx have been documented in the higher elevation forested areas surrounding Bonners Ferry, but not in the project area; there have been no known sightings in the near vicinity. There will be no disturbance to lynx habitat as a result of the project. Accordingly, this project will have no effect on lynx or their critical habitat.

Woodland Caribou. The Selkirk Mountain Woodland caribou was listed as an endangered species in the United States by the U.S. Fish and Wildlife service in 1984. The population has been restricted to the Selkirk Mountains of northeastern Washington, northern Idaho, and southeastern British Columbia. Currently, approximately 50 caribou occur as 2 herds in Idaho and British Columbia (USFWS, 1993a).

Caribou inhabit elevations above 5000 feet. Caribou were transplanted into Idaho in 1987 to help the near extirpated population. To support self-sustaining caribou populations approximately 443,000 acres of habitat is being managed. Further introduction of herds and public education, hunter education and law enforcement efforts are needed for recovery (USFWS, 1993a).

The subject property is adjacent to the Bonners Ferry Airport, SR 95, and SR 2. It is unlikely that woodland caribou would use the property because of the relatively high level of disturbance caused by the highways and development around Bonners Ferry. The project area is also at elevation 2330 feet and the population is found above 4000 feet elevation in forested habitat types. Accordingly, the project will have no effect on Selkirk Mountain Woodland Caribou or their critical habitat.

4.5.1.1 No-Action Alternative

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

4.6 FLOODPLAINS

4.6.1 Proposed Action

This site does not lie with the 100-year floodplain. No impacts would occur.

4.6.2 No-Action Alternative

Under the No-Action Alternative, no construction would take place.

4.7 AIR QUALITY

4.7.1 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 BPS. 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.

4.7.2 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.

4.8 NOISE

4.8.1 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).

Given the heavy traffic resulting from current vehicular and air 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 BPS 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 Boundary County airport is approximately twice per month (Hurst, 2003). Based on the infrequent use of the helicopter-landing pad, noise impacts from operation of the helicopter-landing pad would be insignificant.

4.8.2 No-Action Alternative

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

4.9 Cultural Resources

4.9.1 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.

4.9.2 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.

4.10 INFRASTRUCTURE AVAILABLE

4.10.1 Proposed Action

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. The existing water and main has adequate capacity for the proposed facility (Anderson, 2003). A new septic system will be constructed for the facility. 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. Natural gas will be the suggested primary source used to heat the buildings.

All existing utilities have the capacity to serve the site. The impacts to the infrastructure would be insignificant.

4.10.2 No-Action Alternative

The No-Action Alternative would not require additional infrastructure.

4.11 ROADWAYS/TRAFFIC

4.11.1 Proposed Action

Access to the site would be from U.S. Route 2. Traffic in the vicinity would increase slightly with the addition of the BPS. Under maximum staffing, 56 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.

4.11.2 No-Action Alternative

No new traffic volumes would result from the No-Action Alternative.

4.12 HAZARDOUS MATERIALS

4.12.1 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 (MCS Environmental, Inc. 2003).

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 BPS is not expected to produce hazardous waste. Vehicles would refuel at fuel stations in the town of Bonners Ferry or at a nearby gas station. 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.

4.12.2 No-Action Alternative

Under the No-Action Alternative, no construction would take place.

4.13 SOCIOECONOMICS

4.13.1 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.

4.13.2 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 Boundary County would be subjected to potential adverse safety and economic consequences of illegal immigration that could otherwise be reduced by the Proposed Action.

4.14 ENVIRONMENTAL JUSTICE AND PROTECTION OF CHILDREN (EO 12898)

4.14.1 Proposed Action

The proposed project would be located at the Boundary County airport and would not result in any significant adverse impacts to environmental, cultural, or economic resources that may affect Tribal interests. The Tribe has joined a partnership with the Boundary County commissioners to support a strategic vision for the future of Boundary County, which includes industrial and commercial development in selected locations. One location is the Boundary County Airport. The proposed USBP station is consistent with the strategic vision and is supported by the Boundary County communities.

The project would not result in any significant adverse impact to natural, cultural, or economic resources or be a significant source of pollution. The project is located at the Boundary County airport, which is zoned for industrial use and is surrounded by forest and agricultural lands, so no population areas will be disrupted during construction. Lastly, this may be a source of additional employment opportunities during both construction and operation of the USBP station.

4.14.2 No-Action Alternative

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

4.15 PERMITS/REGULATORY AUTHORIZATIONS

4.15.1 Federal Aviation Administration Permit 7460-1.

An FAA permit 7460-1 is required for any proposed construction within an airport boundary (Anderson, 2003). The purpose of the permit is to ensure construction will not interfere with air traffic or navigation.

4.16 CUMULATIVE IMPACTS

Cumulative effects are defined by the Council on Environmental Quality's (CEQ) regulations implementing the procedural provisions of NEPA as, "the impact on the environmental 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."

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 CEQ is the federal agency charged with implementing NEPA. The CEQ 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. 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.

4.16.1 Proposed Action

The Idaho Department of Environmental Quality, Boundary County Planning Department and Boundary County Airport was contacted to determine if "other" projects could contribute to cumulative impacts. 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.

4.16.2 No-Action Alternative

The 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.

4.17 MITIGATION

This section 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.

4.17.1 Land Use

No mitigation is proposed.

4.17.2 Aesthetic and Visual Resources

No mitigation is proposed.

4.17.3 Geology/Soils/Topography

No mitigation is proposed.

4.17.4 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. No mitigation measures for stormwater management are proposed due to the insignificant amount of stormwater generated in this 15 to 18-inch precipitation zone. 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.

4.17.5 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.

4.17.6 Floodplains

No mitigation is proposed.

4.17.7 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.

4.17.8 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 stations landing pad would be limited to approximately two times per month (Hurst, 2003). Noise levels within 200 yards or ¼ mile of the site would be insignificant.

4.17.9 Cultural Resources

It is possible (but very unlikely) that the Contractor may encounter prehistoric human remains or archaeological materials during work at the site. The following procedures should be followed to prevent unnecessary damage to the discoveries.

Human Remains. Although it is very unlikely that human remains may be encountered, if the construction contractor encounters them, the contractor shall immediately cease work in the area of the find and leave all materials intact. The contractor shall notify the Contracting Officer's Representative (COR) within 4 hours of the find, and the COR will contact the Boundary County Sheriff's Department to ascertain whether the remains are of recent and potentially criminal origin. Concurrently, the COR will notify the Kootenai Tribe of Idaho for consultation about the nature and disposition of the remains, should the Sheriff's Department determine that the remains are not the results of a crime. Contractor shall redirect work to other areas or tasks until the disposition of the remains is arranged to the satisfaction of the Kootenai Tribe. Disposition will take place as rapidly as possible, in any case within 30 days of the find, in conformity with Native American Graves Protection and Repatriation Act (NAGPRA), Section 3 (d).

Occupation and Midden Sites. If the Contractor encounters evidence of prehistoric occupation such as non-sawed bone fragments, charcoal, fire-modified rock and stone

tool flaking debris in a place where no prehistoric archaeological site has been identified previously; or encounters concentrated historical debris in excess of 50 years of age in a place where no historic archaeological site has been identified previously, the Contractor shall cease work in the area of the find, leaving all objects in place. The Contractor shall notify the constructing agency's inspector assigned to the contract within 4 hours of the find. The construction agency's inspector would then contact: official representatives of the appropriate Tribes; the agency's cultural resource management specialist; and the COR. The construction agency would arrange for an onsite inspection by cultural resource specialists, including but not limited to archaeologists, official Tribal cultural specialists, and the Idaho State Archaeologist within 24 hours of receiving such notice. A coordinated decision shall be made within 30 days regarding the further disposition of the site.

4.17.10 Infrastructure Available

No mitigation is proposed.

4.17.11 Roadways/Traffic

No mitigation is proposed.

4.17.12 Hazardous Materials

Mitigation measures recommended in construction planning include employee training, planning for unanticipated contamination, and spill prevention control. Although no 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.

4.17.13 Socioeconomics

No mitigation is proposed.

4.17.14 Environmental Justice and Protection of Children (EO 12898)

No mitigation is proposed.

4.18 Comparison/Decision Matrix of Potential Impacts

As is shown in Table 2 and explained in detail in Section 4.0, the Proposed Action can be implemented without causing significantly greater impacts on the environment than the No-Action Alternative.

Table 2
Comparisons of Potential Impacts

Environmental Resource Area	No-Action Alternative	Proposed Action
Land Use	No impacts.	Insignificant conversion of no more than 10 acres from existing hayland to BPS.
Aesthetic and Visual Resources	No impacts.	Short term effects from on-site construction activities. Long term, slight effect due to conversion of flat hay land to light commercial facility.
Geology/Soils/Topography	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.
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 (bald eagle, lynx, grizzly bear, gray wolf, woodland caribou).
Floodplains	No impacts.	The project site is not within the 100-year floodplain; No impacts.
Air Quality	No impacts.	Insignificant short-term increase in exhaust pollutants, dust; no long-term impacts.
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 Resources	No impacts.	No known cultural resources present; No impacts.
Infrastructure Available	No impacts.	Insignificant impacts to infrastructure; no significant adverse impacts to groundwater supplies or quality.
Roadways/Traffic	No impacts.	Slight increase of traffic in project vicinity; insignificant long-term impact on land use of the area.
Hazardous Materials	No impacts.	No long or short-term impacts are expected.

Socioeconomics	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 BPS 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 station.
Environmental Justice and Protection of Children (EO 12898)	No impacts.	No disproportionately high or adverse impacts to minority or low-income populations; No adverse short-term or long-term environmental justice impacts.

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6.0 LIST OF PREPARERS

Name	Discipline	Education	Years Experience
Matt Bennett	Biologist, Environmental Coordinator	B.S. Environmental Science, Masters of Forest Resources <i>(pending thesis completion 2004)</i>	12
Lawr Salo	Archaeologist	B.A. Anthropology	36
Kathleen Kunz	Biologist, NEPA Technical Expert	Masters Degree in Geography	18

7.0 LIST OF INDIVIDUALS AND AGENCIES CONSULTED

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);
- State Historic Preservation Office (SHPO);
- U.S. Fish and Wildlife Service (USFWS);
- Boundary County

APPENDICES

APPENDIX A: DISTRIBUTION LIST

Chien Viet Le HQ-ENG-ICE Program Manager	US Dept.of Homeland Security 425 I Street, NW Washington, DC 20536
Randy Gallegos HQ-BOR-CBP	US Dept. of Homeland Security BP 425 I Street, NW Washington, DC 20536
Kevin Feeney HQ-DHS Environmental Program Manager	U.S. Customs & Border Protection 1300 Pennsylvania Ave. NW Washington, DC 20229 Room 6.5-F
Robin Coachman DHS Regional Office Project Manager	US Dept. of Homeland Security Administrative Center Laguna 24000 Avila Road Laguna Niguel, CA 92677
Joseph Lamphear DHS Regional Office Environmental Coordinator	US Dept. of Homeland Security Administrative Center Laguna 24000 Avila Road Laguna Niguel, CA 92677
Eldon Hurst Agent In Charge	Bonnors Ferry Border Patrol PO Box 697 Bonnors Ferry, Idaho 83805
Ben Case AERC Program Manager	USACE, Ft. Worth ATTN: CESWF-PM-INS 819 Taylor St. Ft. Worth, TX 76102
Patience Patterson AERC Planning, Environmental & Regulatory Division	USACE, Ft. Worth 819 Taylor St. Ft. Worth, TX 76102
Lynn Daniels Project Manager	USACE, Seattle District Missoula Business Office 1600 North Ave, West, Suite 105 Missoula, MT 59801-5512
Matthew Bennett Environmental Coordinator	USACE Seattle District PO Box 3755 Seattle, Washington 98124-3755
Susan Martin Field Supervisor	Upper Columbia Field Office U.S. Fish & Wildlife Service 11103 East Montgomery Driver Spokane, WA 99206
Ms. Margie Nowick	Advisory Council on Historic Preservation 12136 West Bayaud Avenue Suite 330 Lakewood, Colorado 80228
Mr. Deane Osterman, Jr. Department head	Natural Resource Department Kalispel Tribe of Indians PO Box 39 Usk, Washington 99180

Ms. Marcia Pablo Tribal Historic Preservation Officer	Confederated Salish and Kootenai Tribes PO Box 278 Pablo, Montana 59855
Patty Perry Administrative Director	Kootenai Tribe of Idaho PO Box 1269 Bonners Ferry, ID 83805
Mike Weland Resource Planner	Boundary County Planning & Zoning Dept. PO Box 419 Bonners Ferry, Idaho 83805
Gary Falcon Planning & Zoning Administrator	City of Bonners Ferry PO Box 149 Bonners Ferry, Idaho 83805
Gene Andrews	Bonners Ferry Rotary HCR 85 Box 336 Bonners Ferry, ID 83805-9615
Don Jordan	Boundary County Municipal Airpor Northern Air 1186 Highway 2 Bonners Ferry, Idaho 83805 t
Bonners Ferry Public Library	PO Box Y Bonners Ferry, Idaho 83805

APPENDIX B: LIST OF ACRONYMS AND ABBREVIATIONS

BMP - Best Management Practice
BPS – Border Patrol Station
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 Maps
FIS – Flood Insurance Study
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

UDA - Unidentified Alien

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.

APPENDIX C: TRIBAL CORRESPONDENCE



Kalispel Tribe of Indians

4 November 2003

Mr. Mark T. Ziminske
Environmental Resources Section
US Army Corps of Engineers PO
Box 3755 Seattle, WA 98124-3755

Re: Draft EA for Proposed Bonners Ferry Patrol Station...

Dear Mr. Ziminske:

Thank you for your letter dated 31 October 2003 to Mr. Osterman pertaining to the above matter. As the proposed undertaking is situated outside of the Ceded Lands of the Kalispel Tribe of Indians, we as a matter of policy abstain from commenting upon any of its elements differing such matters to the Kootenai Tribe of Idaho and the Confederated Salish and Kootenai Tribes of the Flathead Reservation. Thank you for this prompt and concise notification and the opportunity to comment.

Sincerely yours,

Kevin J.
Archaeologist



Joseph E. Dupuis - Executive Secretary
Vern L. Clairmont - Executive Treasurer
Leon Bourdon - Sergeant-at-Arms

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION

P.O. Box 278 Pablo,
Montana 59855
(406) 675-2700
FAX (406) 275-2806
E-mail: csktcouncil@cskt.org



TRIBAL COUNCIL MEMBERS:
D. Fred Mott - Chairman Jami
Hemel - Vice Chair Carole J.
Lankford - Secretary Lloyd D.
Innie - Treasurer Joel A.
Clairmont Margaret Goodie
Mary Lethland Elmer "Sonny"
Morigeau Charles D. "Danny"
Or Ron Trahan

October 20, 2003

Colonel Debra Lewis
Army Corps of Engineers
District Engineer 4735 E
Marginal Way S Seattle,
WA 98134-2385

Re: U.S. Department of Homeland Security Border Patrol Facility, Bonners Ferry,
Boundary County, Idaho

Dear Colonel Lewis,

Thank you for the opportunity to review and comment on the proposed Border Patrol Facility
at Bonners Ferry, Boundary County, Idaho.

The proposed DHS facility will be constructed in Confederated Salish and Kootenai Tribes'
Aboriginal territory. We are interested in this project and its potential impact to significant
tribal cultural sites, predominantly Kootenai. There are seven bands of Kootenai that
comprise the Kootenai Nation. Two of the bands are in the United States, Bonners Ferry
band of Idaho and the Ksanka band of the Flathead Reservation, Montana. The five
remaining bands reside in Canada. It is likely that all seven bands have cultural information
about the project area.

We understand that the U.S. Department of Homeland Security has delegated the Army
Corps of Engineers to conduct the NEPA process for this project. Therefore, we assume the
Corps is the lead agency for the project and is responsible for NEPA, the National Historic
Preservation Act, Section 106, and all Tribal Consultation.

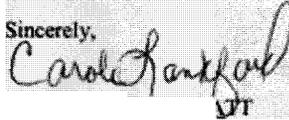
If through the NEPA and the NHPA process, the Army Corps of Engineers plans to contract
a cultural resource inventory and report for this project, the Confederated Salish and
Kootenai Tribal Preservation Department would appreciate the opportunity to contract with
the Corps to conduct this work.

We recently completed a cultural resource inventory prior to the construction of the Roosevelt Border facility in Montana. We interviewed Kootenai Tribal Elders from Canada and the United States and documented and recorded cultural sites associated with land use and Kootenai Creation legends, what we refer to as Cultural Truths. We believe this area could prove to be as culturally rich. The recorded interviews and digital videos are now part of the CSKT database and can be shared with other Kootenai bands as well. This information contributes to the survival of tribal culture. The summary of this information, in the form of a report and DVD, contributes toward Cultural Resource Management for the Agency.

Again, we thank you for soliciting our review and comments on this project and hope you will entertain the contract suggestion. We look forward to the opportunity to work with you and your staff on this and other projects in the future.

If you have any questions please contact Marcia Pablo, Director, TPD. She can be reached at (406) 675-2700, X 1077, or Dave Schwab, Contracting Manager TPD, same number X 1080.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donald 'Fred' MI". The signature is written in black ink on a light-colored background. Below the signature, the letters "MI" are printed in a small, bold, sans-serif font.

DONALD "FRED" MI
CHAIRMAN, TRIBAL COUNCIL



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755 SEATTLE,
WASHINGTON 98124-3755

Environmental Resources Section

The Honorable Gary Aitken Sr., Chairman
Kootenai Tribe of Idaho Post Office Box 1269
Bonners Ferry, Idaho 83805

SUBJECT: U.S. Department of Homeland Security Border Patrol Facility, City of Bonners Ferry, Boundary County, Idaho

Dear Chairman Aitken:

The U.S. Army Corps of Engineers, Seattle District (Corps) would like to initiate consultation with you regarding the above referenced project. The U.S. Department of Homeland Security (DHS) is constructing a new United States Border Patrol (USBP) facility near the U.S. - Canada border at Bonners Ferry, Boundary County, Idaho. The purpose of the facility is to accommodate increased staffing needs for DHS border patrol. The facility will include administrative offices, a fitness center, a law enforcement holding facility and a helicopter pad. The Corps has been tasked by the DHS to prepare environmental documentation for the construction and operation of the facility. The Corps has identified the Kootenai Tribe as potentially having an interest because this project would be located near Kootenai lands.

We would like to take this opportunity to introduce our staff who will be working on the project: Mr. Kurt Anderson, Project Manager, (406) 541-4845 ext. 323, Mr. Matt Bennett, Environmental Coordinator, (206) 764-3428 and, Mr. Lawr Salo, Archaeologist, (206) 764-3630.

The Corps welcomes input from your Nation regarding any objections, requests, or requirements you may have. We encourage your participation and look forward to the opportunity to work with you on the technical issues of this project. For assistance regarding this project or other matters and issues, please contact Ms. Tommye Owings, the Seattle District's Tribal Liaison, at (206) 764-3625.

Sincerely,

Debra Lewis
Colonel, Corps of Engineers
District Engineer



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755 SEATTLE,
WASHINGTON 98124-3755

Environmental Resources Section

The Honorable Donald "Frederick" Matt, Chairman
Confederated Salish and Kootenai Tribes of the Flathead Reservation
Tribal Reservation Office
Post Office Box 278
Pablo, Montana 59855

SUBJECT: U.S. Department of Homeland Security Border Patrol Facility, Bonners Ferry,
Boundary County, Idaho

Dear Chairman Matt:

The U.S. Army Corps of Engineers, Seattle District (Corps) would like to initiate consultation with you regarding the above referenced project. The U.S. Department of Homeland Security (DHS) is constructing a new United States Border Patrol (USBP) facility near the U.S. - Canada border at Bonners Ferry, Boundary County, Idaho. The purpose of the facility is to accommodate increased staffing needs for DHS border patrol. The facility will include administrative offices, a fitness center, a law enforcement holding facility and a helicopter pad. The Corps has been tasked by the DHS to prepare environmental documentation for the construction and operation of the facility. The Corps has identified the Confederated Salish and Kootenai Tribes of the Flathead Reservation as potentially having an interest because this project would be located near Salish and Kootenai lands.

We would like to take this opportunity to introduce our staff who will be working on the project: Mr. Kurt Anderson, Project Manager, (406) 541-4845 ext. 323, Mr. Matt Bennett, Environmental Coordinator, (206) 764-3428 and, Mr. Lawr Salo, Archaeologist, (206) 764-3630.

The Corps welcomes input from your Nation regarding any objections, requests, or requirements you may have. We encourage your participation and look forward to the opportunity to work with you on the technical issues of this project. For assistance regarding this project or other matters and issues, please contact Ms. Tommye Owings, the Seattle District's Tribal Liaison, at (206) 764-3625.

Sincerely,

Debra Lewis
Colonel, Corps of Engineers
District Engineer