

Draft

Environmental Assessment



Lynden Entry Perspective

PROPOSED CONSTRUCTION OF

Department of Homeland Security

U.S. Border Patrol Station

Lynden Sumas, Whatcom County, Washington

Prepared for:

U.S. Department of Homeland Security

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

and

U.S. Army Corps of Engineers

Seattle District

Prepared by:

HDR Engineering, Inc.

May 2003

DRAFT ENVIRONMENTAL ASSESSMENT

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U.S. BORDER PATROL STATION LYNDEN
SUMAS, WHATCOM COUNTY, WASHINGTON**

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**PRELIMINARY DRAFT
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**PROPOSED CONSTRUCTION OF
DEPARTMENT OF HOMELAND SECURITY
U.S. BORDER PATROL STATION
LYNDEN SUMAS, WHATCOM COUNTY, WASHINGTON**

MAY 2003

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EXECUTIVE SUMMARY

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

PURPOSE AND NEED: To effectively enhance control of the border and to manage the increase in the illegal immigrant activity, the USBP has had to increase its presence in the area. The Blaine Sector, which includes Sumas, has five Border Patrol Stations (BPS) within its operational area. The stations are located in Blaine, Lynden, Bellingham, and Port Angeles, WA, and Roseburg, OR. A BPS is a base for operations for Border Patrol Agents with a defined operational area. It provides shift set-up; line supervision; secure storage of government-issued equipment, weapons and ammunition; and short-term holding for aliens being processed. The present Lynden BPS is located at 8334 Guide-Meridian Road, Lynden, WA. The Lynden BPS is experiencing a significant increase in workload and the workforce would be increased by approximately 166%. As the workforce has increased, so has the need for additional workspace. The existing development surrounding the existing facilities is preventing the Border Patrol from expanding at the existing site. Due to the limits of expansion on the existing site the Lynden Border Patrol is proposing to move to a new location, Sumas, Washington. For the purpose of this report, all references to the new location will be referred to as the "Lynden Sumas" BPS.

The Lynden Sumas BPS is to accommodate an ultimate total of 63 agents and employees and accommodate short term detainees. The station is to include offices, a sallyport, parking, a 40-foot communication tower, and a helipad.

PROPOSED ACTION: The Proposed Action is to provide the USBP with a more modern facility that would alleviate overcrowding and allow for storage and necessary administrative processing areas. This would be accomplished by the construction of a new USBP station located along Highway 9 north of Johnson Creek and south of Halverstick Road (Figure 1). The new station would alleviate the strain of current crowded conditions. The proposed station would be located on an approximately 10-acre site.

ALTERNATIVES: In addition to the Proposed Action, the No-Action Alternative and eight Alternative Construction Sites were evaluated as part of this environmental analysis. The No-Action Alternative was carried throughout the analysis, and is reflected in the baseline environmental conditions of the area. Under the No-Action Alternative,

there would be continued socioeconomic concerns relating to undocumented aliens entering the U.S., illegal drug trafficking, and associated criminal activity. The alternative sites were eliminated from further consideration without further analysis because they had land use conflicts were too far from Sumas, or had greater potential for environmental concerns.

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

MITIGATION MEASURES: A variety of mitigation measures would be employed to negate or minimize environmental impacts of the Proposed Action. Such measures include implementation of standard construction procedures, dust suppression, minimizing clearing whenever possible, engineering and management controls on construction equipment and activities, and proper maintenance of equipment and best management practices (BMPs) during construction.

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

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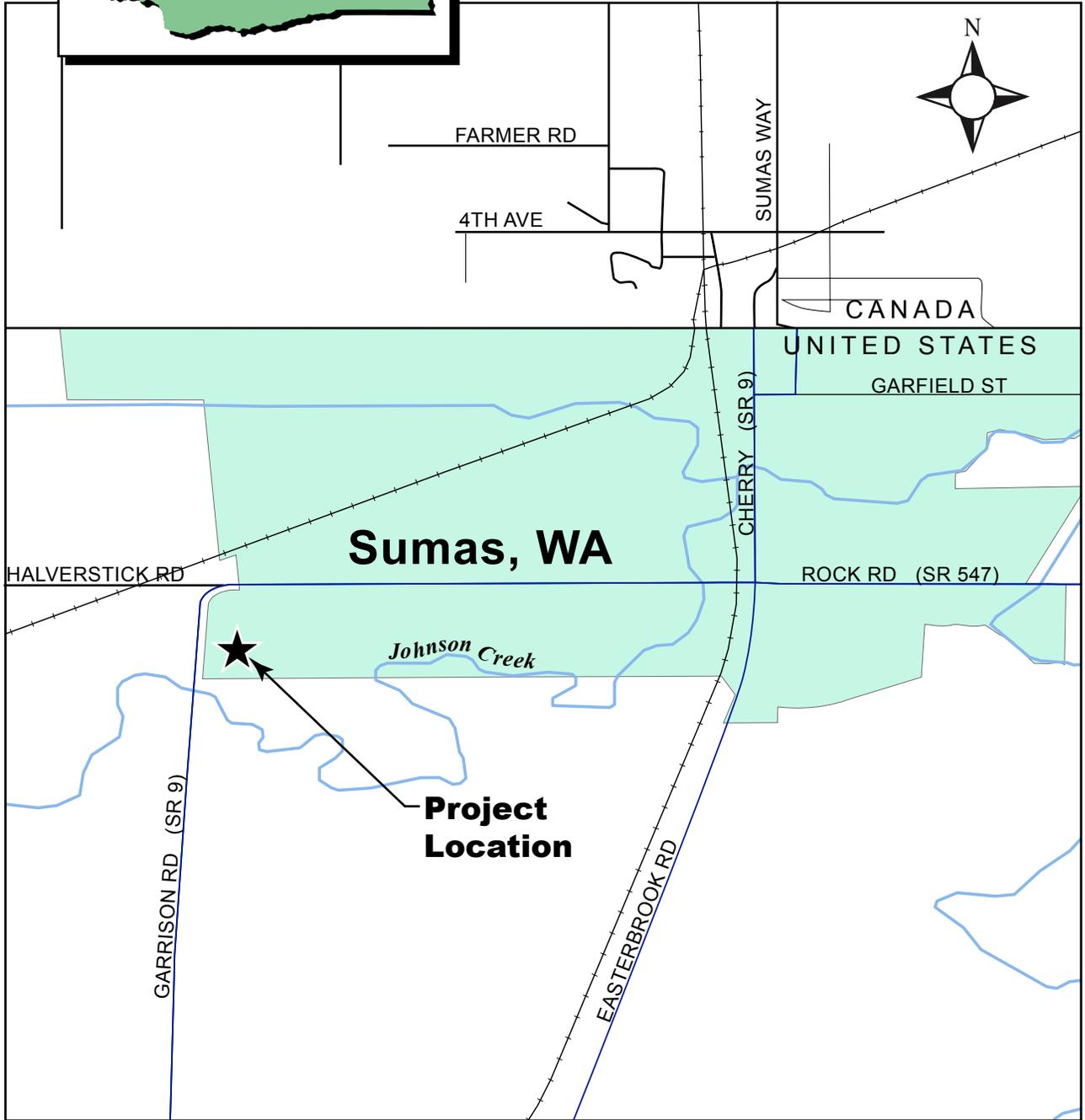
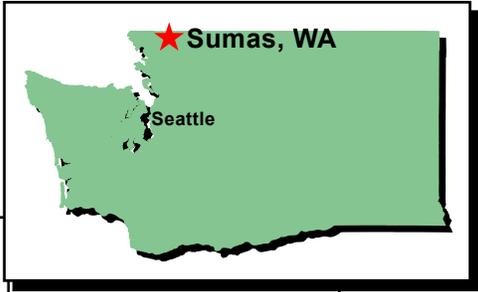
1.0 INTRODUCTION

This Environmental Assessment (EA) evaluates the potential environmental impacts, beneficial and adverse, associated with constructing a new USBP station in the City of Sumas, Whatcom County, WA (Figure 1-1 and Figure 1-2). The United States (U.S.) Department of Homeland Security (DHS) (Immigration and Naturalization Service {INS}), U.S. Border Patrol (USBP) proposes to construct a new USBP station on a 10-acre parcel located adjacent to Highway 9 south of Halverstick Road within the city limits of Sumas. The U.S. Army Corps of Engineers has been tasked by the U.S Border Patrol to prepare environmental documentation for the construction and operation of this facility.

The Lynden Sumas site is 10 acres in size and currently used for agriculture. No wetlands were identified on the site. However, a drainage swale that meets the technical definition of a wetland occurs east of the site. The western edge of the drainage swale is located approximately 75 feet east of the property. The drainage swale drains to Johnson Creek. Wetland impacts would be entirely avoided. The legal description of the preferred Lynden Sumas site is:

A parcel of land being the west 765 feet of the south 570 feet, of a parcel of land, identified as Tax Parcel #400403 110448 000 (56.68 acres); and legally described as Government Lots 3 and 4 of Section 3, Township 40 North, Range 4 East, Willamette Meridian, Whatcom County, Washington. The property is bounded by Washington State Highway 9/ Garrison Road on the west and by Washington State Highway 9 / Halverstick Road on the north, and is more commonly known as 3783 Halverstick Road, Sumas, WA. Contains 10 acres, more or less.

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



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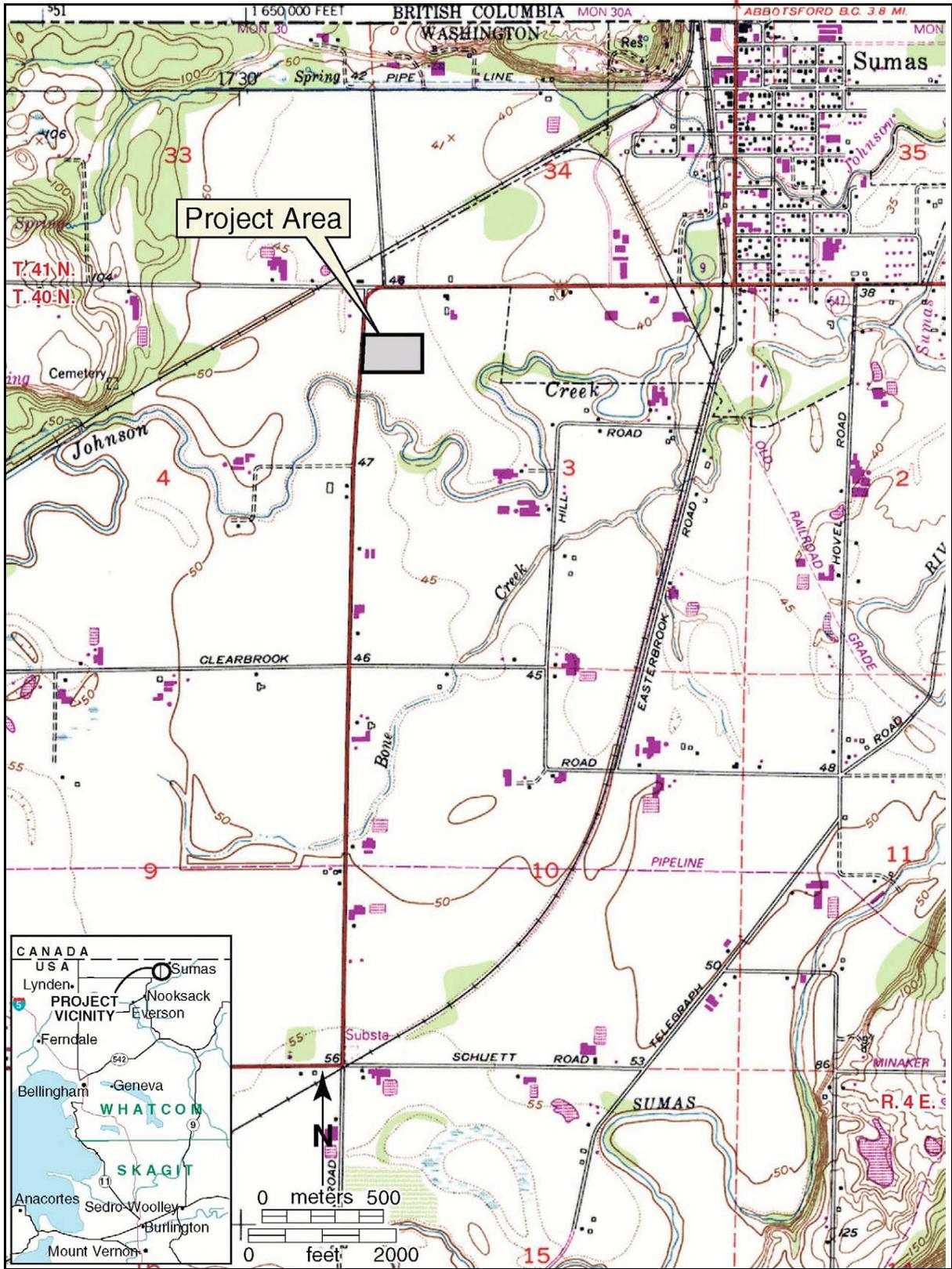


U.S. DEPARTMENT OF HOMELAND SECURITY
 U.S. BORDER PATROL LYNDEN SUMAS STATION
 SUMAS, WASHINGTON

Date
 MAY 2003

VICINITY MAP

Figure No.
 1-1



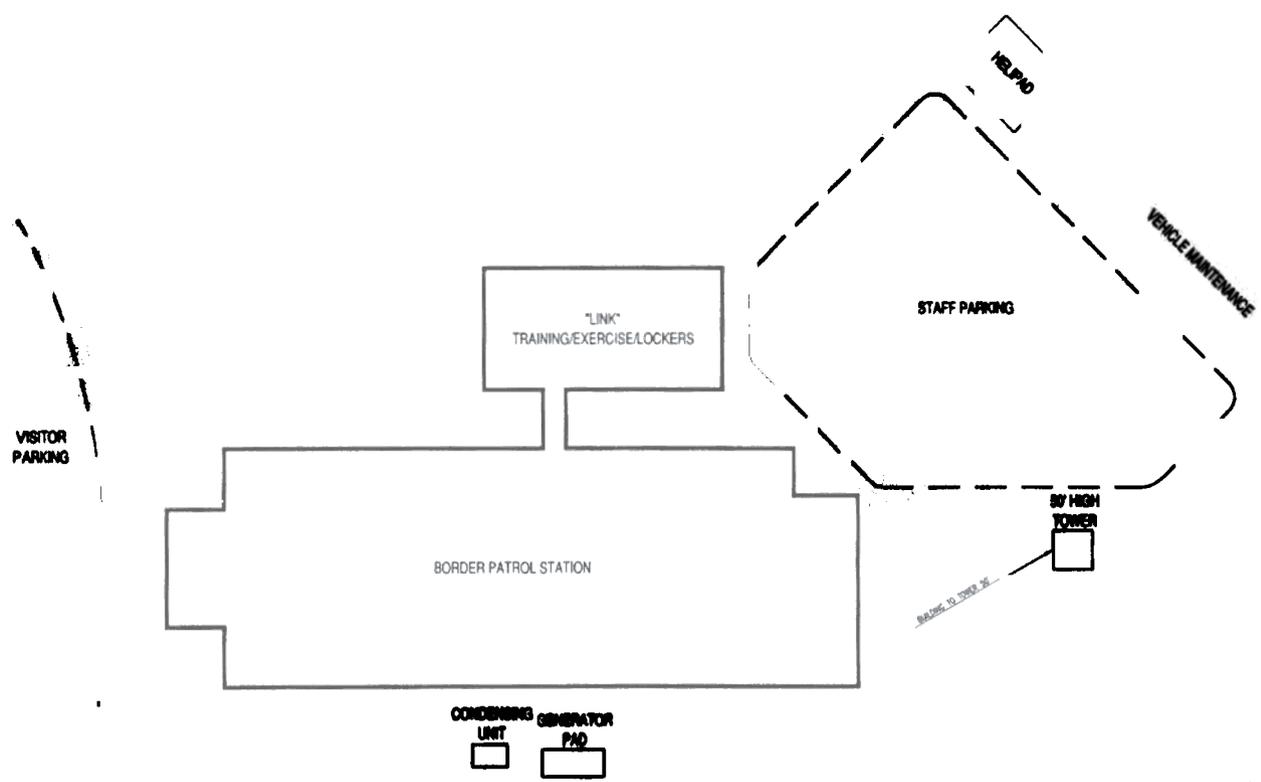
U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. BORDER PATROL LYNDEN SUMAS STATION
SUMAS, WASHINGTON

Date
MAY 2003

PROJECT LOCATION

Figure No.
1-2

REVISIONS			
NO.	DATE	DESCRIPTION	BY



PLAN NORTH

PLAN NORTH INDICATOR IS FOR ORIENTATION PURPOSES ONLY AND DOES NOT INDICATE TRUE NORTH DIRECTION



A1 SITE PLAN: LYNDEN BORDER PATROL STATION

IF SHORT MEASUREMENTS LESS THAN 1/8\"/>

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1.1 DHS ORGANIZATION

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

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

1.2 REGULATORY AUTHORITY

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

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

1.3 BACKGROUND

The U.S. experiences a substantial influx of illegal immigrants and drugs each year. Both of these illegal activities cost American citizens billions of dollars annually due directly to criminal activities, as well as the cost of apprehension, detention and incarceration of criminals, and, indirectly in the loss of property, illegal participation in government programs and increased insurance costs. DHS has estimated that there were approximately 5 million illegal aliens residing in the U.S. in October 1992, and their numbers increased at an average rate of about 275,000 per year between October 1992 and October 1996 (GAO 1997). To combat these rising numbers, the Clinton Administration committed additional resources to law enforcement agencies, including the USBP, in its "crackdown" on illegal immigration in the U.S.

Under Title IV of the USA Patriot Act, SEC.402.NORTHERN BORDER PERSONNEL"...are authorized to be appropriated such sums as may be necessary to triple the number of Border Patrol personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, in each State along the Northern Border..."

1.4 PURPOSE AND NEED

To effectively enhance control of the border and to manage the increase in the illegal immigrant activity, the USBP has had to increase its presence in the area. The Blaine Sector has five Border Patrol Stations (BPS) within its operational area. The stations are located in Blaine, Lynden, Bellingham, and Port Angeles, WA, and Roseburg, OR. A BPS is a base for operations for Border Patrol Agents with a defined operational area. It provides shift set-up; line supervision; secure storage of government-issued equipment, weapons and ammunition; and short-term holding for aliens being processed. The present Lynden BPS is located at 8334 Guide-Meridian Road, Lynden, WA. The Lynden BPS is experiencing a significant increase in workload and the workforce would be increased by approximately 166%. As the workforce has increased, so has the need for additional workspace. The development surrounding the existing facilities prevents the expansion of the Border Patrol at that location. Due to the limits of expansion on the existing site the Lynden Border Patrol is proposing to move to a new location, in Sumas, Washington. For the purpose of this report, all references to the new location will be referred to as the "Lynden Sumas" BPS.

The Lynden Sumas BPS is to accommodate an ultimate total of 63 agents and employees and accommodate short term detainees. The station is to include offices, a sallyport, parking, a 40-foot communication tower, and a helipad.

1.5 ORGANIZATION OF THIS DOCUMENT

Chapter 1.0 of this EA contains the background and location of the Proposed Action, along with the purpose and need, and applicable statutes and regulations associated with the Proposed Action. Chapter 2.0 gives a detailed analysis of the Proposed Action and all reasonable alternatives, including the No Action Alternative and those that were

considered but eliminated from detailed analysis. Chapter 3.0 describes the baseline environmental conditions against which the impacts of the Proposed Action and alternatives are evaluated. These environmental conditions include information on soils, air quality, land use, hydrology, biological resources, noise, cultural resources and the current socioeconomic conditions of the area. Chapter 4.0 describes the environmental consequences of the Proposed Action and alternatives, including mitigation measures and best management practices. Chapter 5.0 list those people involved in the preparation and review of this document. Chapter 6.0 describes the agency coordination and public involvement for this project. Chapter 7.0 presents references cited and Chapter 8.0 includes a list of acronyms and abbreviations. Appendices are: (A) Site Photographs, and (B) Consultation Letters.

1.6 APPLICABLE ENVIRONMENTAL STATUTES AND REGULATIONS

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

1.6.1 National Environmental Policy Act

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

1.6.2 Executive Order 11514, Protection and Enhancement of Environmental Quality 11514.

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

1.6.3 Executive Order 11988, Floodplain Management

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

Executive Order 12898, Environmental Justice

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

1.6.5 Executive Order 13007, Sacred Sites

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

Clean Air Act

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

1.6.7 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 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.

1.6.8 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.

1.6.9 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. Archaeological excavation on a site in the State of Washington that is not federally-owned requires a permit from the Washington State Office of Archaeology and Historic Preservation (RCW 27.44 and RCW 27.53; Chapter 25-48 WAC, *Archaeological Excavation and Removal Permit*).

1.6.10 Other Federal Laws and 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

1.6.11 State Laws and Regulations

The Lynden Sumas 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.

1.6.11.1 Standards

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

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

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

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

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

American Water Works Association (AWWA)

- American Society of Civil Engineers (ASCE)

American Public Works Association (APWA)

1.6.11.2 Design Guides/Manuals

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

1.6.11.3 Local Codes and Ordinances

General

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

Whatcom County

- Whatcom County Code Title 10 Vehicles and Traffic
Whatcom County Code Title 12 Roads and Bridges

- **Whatcom County Code Title 15 Buildings and Construction**
- **Whatcom County Code Title 16 Environment**
- **Whatcom County Code Title 17 Flood Damage Prevention**
- **Whatcom County Code Title 20 Zoning**
- **Whatcom County Code Title 21 Land Division Regulations**

City of Sumas

- **Sumas Municipal Code**
City of Sumas Municipal Code Chapter 20 Zoning

DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

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

ALTERNATIVE SELECTION CRITERIA

All alternative locations were evaluated using the selection criteria described below. These criteria include important features that may affect the degree to which the Proposed Action can satisfy the project's needs and objectives. All criteria pertain to the desirable characteristics for the location of a Lynden Sumas BPS in Sumas, Whatcom County. Such criteria for the station location include:

1. Compatible Adjacent Land Use and Zoning

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 rights-of-way 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

Out 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 9
- 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 central to the area under the Station's jurisdiction

Should be located near interstate highways providing access to the sector it serves

7. Site Footprint

- Should be adequately sized for proposed facility

Should relieve overcrowding

2.2 PROPOSED ACTION

The present Lynden BPS is located at 8334 Guide-Meridian Road, Lynden, WA. The existing Lynden BPS is experiencing a significant increase in workload and the workforce would be increased by approximately 166%. As the workforce has increased, so has the need for additional workspace. The existing development surrounding the existing facilities is preventing Border Patrol Station expansion at the current location. Due to the limits of expansion on the existing site, the Lynden Border Patrol is proposing to move to a new location in Sumas, Washington. For the purpose of this report, all references to the new location will be referred to as the "Lynden Sumas" BPS.

The Lynden Sumas BPS is to accommodate an ultimate total of 63 agents and employees and accommodate short term detainees. The station is to include offices, a sallyport, parking, a 40-foot communication tower, and a helipad.

The Proposed Action includes the construction of a new USBP station located adjacent to and east of Highway 9 south of Halverstick Road on the southwest quadrant of the Jager property. The site is zoned industrial but is being used for agricultural purposes.

The new BPS would alleviate the strain of crowded conditions caused by the increase of USBP personnel since the construction of the current station. The new BPS would be approximately 12,000 square feet in size and would include among other features, offices, storage and file rooms, a public lobby, a squad muster room, a training room, a field support room, a fitness center equipped with lockers and showers, an area for holding and processing detainees, and a vehicle maintenance building. Parking would be provided for approximately 41 vehicles. The BPS would be located on a 10-acre site in a semi-rural area. The site is strategically located adjacent to Highway 9 and provides helicopter access and privacy for training exercises and intelligence meetings. Preliminary engineering plans (35% design) have been finalized for the proposed new station.

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

New water service would be run to the site from the existing distribution main. Water would be provided for both fire protection and domestic use. Electricity and municipal water supply would be provided by the City of Sumas. A new sanitary sewer line would be run into the site from the City of Sumas's existing sewer main which is located approximately 2,400-feet from the property. Natural gas would be the primary source used to heat the buildings.

Storm drainage would be handled through the use of a system of catch basins, pipes and ditches. Storm water detention would be maintained through the use of vaults, ponds and pipes to limit peak flows leaving the site to preexisting conditions. Such retention would consist of providing retention basins of sufficient size to retain the runoff volume. The discharge from the system would eventually enter the natural drainage course that leads to Johnson Creek, south of the site. Per Washington Department of Ecology Stormwater Manual Guidelines for Puget Sound (1992), the pipe system would convey the 25-year, 24-hour storm event; and safely pass the 100-year 24-hour storm event.

2.3 NO ACTION ALTERNATIVE

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

2.4 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS

Eight additional alternative sites other than the site ultimately selected were considered for construction of the proposed USBP station.

Alternative 1. No Action

Alternative 2. Future expansion at the existing facilities located at 8334 Guide-Meridian Road, Lynden, WA. This alternative was not selected because the development surrounding the existing facilities prevents expansion at that location (Criterion 7).

- Alternative 3. The northeast corner of the Jager Property was not selected because of the incompatibility of adjacent land use and zoning and the extent of fill required to bring the site above the 100-year floodplain (Criteria 1 and 3).
- Alternative 4. The Keith and Karen Boon Property site consists of an approximately 25.3 acre irregularly shaped property split by Bone Creek. The site was not selected because of the incompatibility of adjacent land use and zoning and probable need of fill (Criteria 1 and 3).
- Alternative 5. The Ronald and Kathleen Boon Property site consists of an approximately 10 acres rectangular property. This site was not selected because of the zoning classification and the adjacency to the Canadian border (Criterion 1).

Alternative 6. The Pierson-Dystra property lies along Flannegan Road and Highway 9. It is an irregularly shaped, 10-acre site, located in the county approximately 1¼ mile west of Sumas and is not acceptable because of zoning, the need to extend the utilities coupled with the amount of fill that would be required (Criteria 1, 3, and 4).

Alternative 7. The Panasept Manufacturing Corporation property is a 9.62 –acre parcel along Halverstick Road/Highway 9 near Bob Mitchell Road (northwest of the preferred site). This site is not acceptable because of the incompatibility of current property land use. The property includes a metal, dental products manufacturing building, which is not suitable for this project site (Criterion 1).

- Alternative 8. The Fagin property is a 20.12-acre parcel located in Nooksack, WA. The site was not selected because of the distance to the border, the proximity of the city park, churches and residences (Criteria 1, 5 and 6).
- Alternative 9. The Tiemersma property is an 8-acre site in Everson, WA. The site was not acceptable because it is within the 100-year floodplain, the distance to the border and the proximity of residences (Criteria 1 and 3).

2.5 COMPARISON OF PROPOSED ACTION AND ALTERNATIVES

The Proposed Action meets the needs of the USBP better than any of the alternatives, as is summarized in Table 2-1. As is shown in Table 2-2 and explained in detail in Section 4.0, it can also be implemented without causing significantly greater impacts on the environment than the only feasible alternative, the No Action Alternative.

Table 2-1
COMPARISON OF ALTERNATIVES MATRIX

No.	Criterion	Proposed Action	Alt. 1 No Action	Alt. 2	Alt. 3	Alt. 4	Alt. 5	Alt. 6	Alt. 7	Alt. 8	Alt. 9
1	Compatible Adjacent Land Use and Zoning	Yes	Yes	No							
2	Free of Environmental or Health Issues	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
3	Acceptable Topography, Soils, and Geology	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes	No
4	Utility Services Available	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
5	Ease of Access	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
6	Area of Operations	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
7	Allowance for future physical expansion	Yes	No	No	Yes	Yes	Yes	No	Yes	Yes	No

Table 2-2
COMPARISONS OF POTENTIAL IMPACTS

Environmental Resource Area	No Action Alternative	Proposed Action
Air Resources	No impacts	Insignificant short-term increase in exhaust pollutants, dust; no long-term impacts
Land Use	No impacts	Insignificant conversion of no more than 10 acres from existing vacant land to USBP station
Geological Resources	No impacts	Insignificant grading during construction; no long-term impacts
Water Resources	No impacts	Slight long-term increase in demand for potable water; increase in area of impervious cover, and therefore runoff; increases are not significant
Biological Resources	No impacts	Short-term insignificant impacts from disturbance during construction; insignificant long-term impacts from losses of grassland habitat; Threatened, Endangered: No Effect (Chinook salmon), bull trout; May Affect Not Likely to Adversely Effect (bald eagle)
Noise	No impacts	Slight short-term increases in heavy equipment noise during construction; very slight long-term increases in vehicular traffic noise and occasional (2 times/month) additional increases of very short duration from helicopter landings and takeoffs during (day/night) operation. Increases are considered insignificant.
Cultural Resources	No impacts	No known cultural resources; No impacts
Aesthetic Resources	No impacts	Short term affects from on-site construction activities. Long term, slight effect due to conversion of flat vacant land to light commercial facility.
Solid/Hazardous Waste	No impacts.	Slight indirect impacts from trash disposal by the BPS.
Socioeconomic Issues	The USBP would continue to combat illegal immigration, smuggling, and potential terrorist activity in the area at the current overcrowded facilities, hampering the agency's ability to meet its mandate.	Beneficial long-term impact on local economy by increased BPS staff; short-term beneficial impact on local economy from construction activities, insignificant but beneficial long term increase on public safety from increase in DHS apprehension and drug interception from operation of station.

AFFECTED ENVIRONMENT

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

AIR RESOURCES

Air resources describe the existing concentrations of various pollutants and the climatic and meteorological conditions that influence the quality of the air. Precipitation, wind direction, wind speed, and atmospheric stability are factors that determine the extent of pollutant dispersion. The circulating air flow created by the Georgia Straits and the nearby Cascade Mountains provide a sunnier than average climate. Sumas has an average annual rainfall of 50 to 60 inches per year. The average low temperature is 42 degrees F. The average high temperature is 57 degrees F (Western Regional Climate Center, 2003).

The Northwest Air Pollution Authority (NWAPA) has jurisdiction over air quality within Island, Skagit, and Whatcom Counties. The ambient monitoring network includes ten sulfur dioxide analyzers (SO₂), three stations that measure particulates (PM₁₀), one ozone monitor, and two PM_{2.5} monitors. Whatcom County is currently an attainment area for all monitored air pollutants. In general, the area has an air quality index (AQI) of "good" for most days, with only occasional "moderate" AQIs measured during stagnant periods or near industrial facilities (Franzmann, 2003).

LAND USE

The project site is located within a 56-acre parcel in the southwestern corner of the City of Sumas. This part of the city is within an industrial zoning district where the development of manufacturing, wholesale and selected retail business establishments is encouraged. The land surrounding the project area is currently rural in character with a mix of agricultural and industrial uses. The site itself is currently covered with alfalfa and clover.

Johnson Creek is located 250-feet south of the project site. The property is outside of shoreline jurisdiction.

Vehicular access to the site is from Garrison Road (SR 9), which currently leads into downtown Sumas. In 2000, average daily traffic volumes on Halverstick Road (SR 9) south of the project site were 4,900. SR 9 currently provides access into downtown Sumas. The Washington State Department of Transportation, however has plans to realign SR 9 so that it no longer follows Garrison Road and Halverstick Road, but rather

Easterbrook Road and S. Cherry Street Design and ROW purchase are underway but construction is not yet funded.

GEOLOGICAL RESOURCES

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.

Topography

The project site is generally flat with an approximate slope of .0026 ft/ft and elevations ranging from approximately 47 feet NGVD 1929 on the west edge of the proposed site to 45 feet at the east site boundary (Walker and Associates 1993).

Geology

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

3.3.3 Soils

Site soils are characterized as Oridia silt loam, drained, 0 to 2 percent slopes (USDA 1992). This is very deep, poorly drained soil located on a floodplain. Permeability is moderate and available water capacity is high. Runoff is usually very slow, but winter ponding may occur. There is no hazard of erosion (USDA 1992).

WATER RESOURCES

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

Ground Water

The principal aquifer in the Water Resource Inventory Area (WRIA) 1 is the Sumas-Blaine Aquifer, which is a major drinking water source to much of the area. It underlies the flat glacial outwash plain between the towns of Sumas, Blaine, Ferndale, and the Nooksack River and occupies approximately 150 square miles. The aquifer consists of mostly sand and gravel glacial outwash deposits and alluvial gravel, sand, silt and clay deposits of the Nooksack and Sumas Rivers.

The depth to the water table of this aquifer is shallow, typically less than 10 feet from ground surface (Kemblowski, et. al., 2001). The seasonal high water table in the vicinity of the site is reportedly within 1 to 3 feet of ground surface between November through April (USDA 1991). Actual depth to groundwater at the proposed project site has not been confirmed.

Flow conditions are mostly unconfined except in some areas where confined conditions exist. Groundwater flow in the vicinity of Sumas is to the northeast, parallel to the Sumas River (Kemblowski, et. al., 2001)

3.4.2 Precipitation

The average precipitation in this site area is estimated to be approximately 50 to 60 inches per year (Baldwin, et. al., 2000).

3.4.3 Surface Water

The site of the proposed action is located within the Sumas River drainage of WRIA 1. Specifically, the southwest corner site is located approximately 250 feet to the north of Johnson Creek. From the vicinity of the proposed project site, Johnson Creek flows east and joins the Sumas River approximately 2 miles downstream. The Sumas River flows northerly into British Columbia, emptying into the Fraser River. The Sumas River watershed has a total area of approximately 70 square miles (FEMA 2002a).

The high rainfall and relatively shallow water table in the study area cause a portion of the precipitation to runoff via surface water drainage ditches. The network of ditches developed to relocate natural streams or to drain wetlands in the Lynden area generally follows the local orthogonal road pattern and ultimately discharges into Johnson Creek and the Sumas River (Kaluarachchi, et. al., 2002).

3.4.4 Water Quality

The overall water quality in the Sumas River drainage, particularly in the Sumas River and in Johnson Creek, is poor. A large number of 303(d) listings and water quality issues exist in this relatively small drainage, primarily with dissolved oxygen, fecal coliform bacteria, and pH (Stevens, et. al., 2001).

Impairments in the Sumas River drainage are due to land management practices and historical modifications in the watershed, which include stream channelization, dredging, road construction, and agricultural practices (Stevens, et al. 2001). Agriculture in the Sumas River drainage is intensive. The very high levels of fecal coliform bacteria and low dissolved oxygen concentrations likely result from organic matter loadings from manure and other agricultural sources. Impairment due to pH is also present in three stream segments, and these impairments are likely related to the agricultural practices as well.

Efforts have been made to improve water quality in the Sumas River drainage in the last 20 years. For example, programs were initiated in the early 1980s within the Johnson

Creek watershed that included dredging Johnson Creek and major tributaries to remove reed canary grass and manure residue from stream channels, and implementation of agricultural best management practices to help improve water quality (Stevens, et al. 2001)

3.4.5 Jurisdictional Waters of the United States

Section 404 of the CWA of 1977 authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits for the discharge of dredged or fill material into water of the U.S., including wetlands. Waters of the U.S. (Section 328.3[2] of the CWA) are those waters used in interstate or foreign commerce, subject to ebb and flow of tide, and all interstate waters including interstate wetlands. Waters of the U.S. are further defined as all other waters such as intrastate lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, or impoundments of waters, tributaries of waters, and territorial seas. Wetlands are those areas inundated or saturated by surface waters or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (USACE 1987).

No wetlands were identified on the site. However, a drainage swale that meets the technical definition of a wetland occurs east of the site. The western edge of the drainage swale is located approximately 75 feet east of the property. The drainage swale drains to Johnson Creek.. Hydrology results from surface water that accumulates in the drainage swale. Surface water exchange between the two systems may occur if Johnson Creek floods. The identified wetland is dominated by emergent grasses.

3.4.6 Floodplains

One of the most significant flooding problems that impacts the proposed project area is caused by overflow from the Nooksack River. When the Nooksack River rises, floodwaters overflow its banks near the town of Everson, cross a low divide between the Nooksack and Sumas River basins and flow north, roughly following the Johnson Creek corridor to the Sumas River and eventually reaching the Fraser River in Canada. Backwater from flooding downstream in Canada also contributes significantly to flooding in Sumas. This flooding is generally bounded by the railroad tracks on either side of the valley.

The proposed project area falls within several different floodplain designations. According to the current Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) I-01-70 (Community-Panel 530198B), the subject property is not located in a 100-year floodplain (FEMA 1977). However, the City of Sumas has conducted hydraulic studies to support FIS (Flood Insurance Study) and FIRM revision. The Federal Emergency Management Agency (FEMA) is in the process of updating the FIS and FIRM for Whatcom County (FEMA 2002a, 2002b). To date, the updated FIRMs and FIS have not been formally adopted by FEMA. However, the revised preliminary FIRM and FIS show that the proposed project area would be designated as Zone X,

meaning an area of 0.2 percent annual chance (500-year) flood; areas of 1 percent annual chance (100-year) flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1 percent annual chance (100-year) flood (FEMA 2002b).

Locally, the project site is located within an Area of Special Flood Hazard (ASFH) designation in the City of Sumas. (City of Sumas, 1997) The city has adopted development standards for structures within the ASFH that include:

- Anchoring of structure to prevent lateral movement and flotation

Use of materials, methods, and practices that would minimize flood damage.

Elevation of the lowest floor to a height one or more feet above the water surface elevation of the 100-year flood. Foundation vents that allow equalization of water level inside and outside a foundation, or else certification from an engineer that the foundation is capable of withstanding the load imposed by a 100-year event

Certification by a professional surveyor of the lowest floor elevation

Prohibition of any development which, when combined with all other existing and anticipated development, would cause the water-surface elevation to increase by more than a foot above the normal 100-year water surface elevation.

3.5 BIOLOGICAL RESOURCES

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

3.5.1 Vegetation

Present vegetation and land use is agricultural, comprised of alfalfa and clover. It appears the crop is cut and harvested for use as livestock feed.

3.5.2 Wildlife Habitat/Wetlands

Site reviews were conducted in March and April 2003. On-site habitat conditions consist of grassland and pasture land. Adjacent habitat east of the property consists of a swale that meanders southeast from the adjacent property and drains to Johnson Creek. North of the property is cleared land and south of the property is cropland.

No wetlands were identified on the site. However, a drainage swale that meets the technical definition of a wetland occurs east of the site. The western edge of the drainage swale is located approximately 75 feet east of the property. The drainage swale drains to Johnson Creek. Hydrology results from surface water that accumulates in the drainage

swale. Surface water exchange between the two systems may occur if Johnson Creek floods. The identified swale is dominated by emergent grasses.

3.5.3 Threatened and Endangered Species

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

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

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

3.5.3.1 Federally-listed Species

The USFWS reports that there is one bald eagle nesting territory located in the vicinity of the property. The nesting territory is located at T41N R4E S35, more than one mile northeast of the property. Washington State Department of Fish and Wildlife (WDFW) Priority Habitats and Species database indicates that there are no bald eagle nests within one-mile of the property (Jacobsen, 2003). Bull trout were listed as threatened in 1999, pursuant to the Endangered Species Act of 1973, as amended. Historical range covered Montana, Nevada, Oregon, California, Washington, Alaska, and British Columbia, Canada. In 1993, bull trout are primarily found in upper tributary streams and lake and

reservoir systems in Montana, Idaho, Oregon, Washington, and small areas of Nevada. Bull trout stocks are reported to occur in the Nooksack and Skagit river system (WDFW, 1998). Bull trout potentially occurring in the project area are probably strays from these two river systems.

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

Life history information for Puget Sound Chinook salmon is available at <http://www.nwfsc.noaa.gov/pubs/tm/tm35/>. The Evolutionary Significant Unit (ESU) for Puget Sound Chinook salmon includes Johnson Creek, a tributary to the Sumas River, located approximately 250 feet south of the project site. Chinook salmon are not documented to occur in Johnson Creek; only coho and fall chum salmon are reported to occur in the Sumas River or its tributaries (WDFW, 1993).

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 agricultural and light industrial areas. Noise levels may be higher in instances of heavy traffic along State Route 9 within the immediate area.

CULTURAL RESOURCES

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

probability of encountering prehistoric and historic sites based on geographic location, environmental characteristics, and available historic data (NWAA, 2003). The parcel is within 250 feet of Johnson creek and may have been utilized prehistorically for activities such as fish processing, hunting, and plant gathering.

Historic Resources

Archival research was completed on April 25, 2003, prior to the fieldwork. The research included review of prehistoric and historic archaeological, ethnographic, and historic structures files, records of previous studies, and the National Register of Historic Places and the Washington State Register of Historic Properties databases housed at the Washington State Office of Archaeology and Historic Preservation in Olympia, Washington. No sites or structures on or adjacent to the project site were identified. Maps of the project area were reviewed at the Special Collections Division at the University of Washington Allen Library to determine if historic roads, trails, or structures were present, none were identified (NWAA, 2003).

3.7.2 Archaeological Resources

There are few studies within one mile of the project site and none of the studies have documented new heritage resources. The Area of Potential Effect (APE) was identified using maps of the surrounding area and parcel boundaries as confirmed by the property owner.

On April 29, 2003, a systematic pedestrian survey with selectively placed shovel probes and backhoe trenches to investigate subsurface deposits was completed. A total of three fragments of fire modified rock (FMR) were identified within the project area and may be related to past native American land use. FMR is typically the by-product of prehistoric cooking and processing techniques and could represent a variety of activities ranging from a single food processing event to evidence of habitation. The majority of cultural material (if any intact deposits remain) is expected to be concentrated on or near the higher ground along the margins of Johnson Creek (outside the project area). The presence of sparse quantities of FMR within the Jager property is likely the result of displacement from plowing activities in areas south of the property. The likelihood of "in situ" cultural features within the project boundary is considered low because occupation sites are more likely to occur on areas of higher relief above the valley floor floodplain.

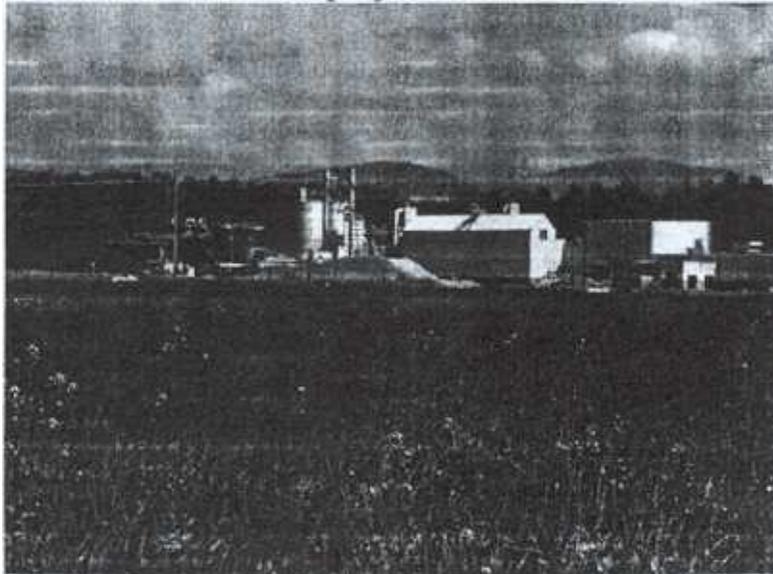
AESTHETIC RESOURCES

Aesthetic resources consist of the natural and manmade landscape features that appear indigenous to the area and give a particular environment its visual characteristics. The current visual character of the general project area is comprised of mostly agricultural lands and related buildings. Industrial buildings are located along SR 9, north and east of the site. Above ground utility lines follow the SR 9 alignment into town.

Photo 1 (view from western edge of project site) - Northern view of the adjacent agricultural land and SR 9.



Photo 2 (view from the project site) - Eastern view of the adjacent industrial buildings.



3.9 SOLID AND HAZARDOUS WASTE

Based on a Phase I Environmental Site Assessment (ESA) recently prepared for the project site, there are no obvious indications of contamination on the site (USACE, 2003). The project site has remained undeveloped for at least the past 50 years and the surrounding land uses have remained agricultural and rural.

3.10 SOCIOECONOMICS

The City of Sumas is located in north Whatcom County along the U.S. border. Whatcom County with a population of 145,000 is located directly south of Vancouver B.C., a metropolitan area with a population of 2,000,000. Canada lies on the northern City limits of Sumas. Sumas has a population of approximately 960 (U.S. Census 2000).

A wide range of housing prices exist within central Sumas. Housing prices listed on the Multiple Listing Service range from \$39,000 to \$349,000 with an average listing price of \$173,000 (MLS 2003).

3.10.1 Population Characteristics

Based on the U.S. Census Bureau (2000) the population of the city of Sumas is characterized as 86.9 percent White with smaller racial groups including 0.9 percent Black or African American, 3.9 percent American Indian and Alaska Native, and 5.1 percent Asian.

3.10.2 Employment and Income

Employment within the city is primarily related to management, professional, service, sales, office and production, transportation and material moving occupations. The major industries are related to manufacturing, retail and trade, educational, health and social services, and arts entertainment, recreation, accommodation, and food services. The median household income in 1999 was \$29,297 (U.S. Census Bureau 2000).

ENVIRONMENTAL CONSEQUENCES OF THE PROPOSED ACTION

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

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

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

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

4.1 AIR RESOURCES

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 USBP station. Additional equipment which could be used at the project site includes: a portable generator; a compressor for hand-operated tools; forklifts for moving materials, ready mix trucks for hauling and pouring concrete, and trucks to deliver construction materials. It is assumed that as many as four pieces of heavy equipment could be used simultaneously during the construction phase.

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

4.1.2 No-Action Alternative

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

LAND USE

Proposed Action

The construction of the proposed USBP facility may have minor short-term impacts on the surrounding area while construction equipment and vehicles access the site. No unique land use areas, however, would be impacted.

Because the 10-acre project site is located within a larger 56-acre parcel, a short plat to divide the property would be necessary. The City's Industrial zoning code also would need to be reviewed and if necessary modified to ensure that the project is a permitted use within this district. Efforts would be made to design the site according to Standards, adopted Design Guidelines/Manuals, and local codes and ordinances including the City of Sumas Zoning Code.

The land use on the project site would change from agricultural land to developed land. The 10-acre site would be developed into a station building, ancillary buildings, secure and non-secure parking, and a helicopter pad. Ancillary buildings include a vehicle maintenance building and a training/exercise/locker building connected to the station building.

Access to the site would be off of Garrison Road (SR 9). Traffic in the vicinity may increase slightly with the addition of the USBP station. However, WSDOT has plans to re-route SR 9 so that it no longer follows Garrison Road and Halverstick Road, but rather Easterbrook Road and S. Cherry Street. Design and ROW purchase are underway but construction is not yet funded. It is expected that traffic volumes would reduce significantly as a result of the re-route. Under maximum staffing, 63 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.

No-Action Alternative

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

4.3 GEOLOGICAL RESOURCES

4.3.1 Proposed Action

Geotechnical studies have not been conducted at the site. Currently there is insufficient information to determine if the constructed facility would be impacted by the geological

conditions on the site. However, the utilization of the office facility is not anticipated 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 and would be implemented. During the construction phase, the probability of soil contamination from on-site fuel systems exists, although it is not likely, due to the use of BMP's that would be used during construction. Any such spills would be reduced with the use of secondary containment and would be subject to complete clean up under the state's guidelines. There is not expected to be any long-term impact to geology from implementation of the Proposed Action.

4.3.2 No-Action Alternative

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

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. The proposed action would comply with Minimum Requirements 1-10 established in the Ecology's Stormwater Management Manual for Western Washington (SWMM) (Ecology, 2001). A Stormwater Site Plan that complies with these minimum requirements would be prepared for local governmental review.

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

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

The proposed action would increase the site's impermeable surface area and would slightly increase stormwater runoff from the site. The stormwater conveyance system would be designed to safely convey runoff for the 25-year, 24-hour storm event to onsite stormwater treatment and detention facilities.

The proposed action would include construction of stormwater treatment facilities designed to provide water quality treatment of runoff for a 24-hour storm of a 6-month return frequency in accordance with the standards provided in Ecology's SWMM (1992). Natural drainages would be maintained and discharges from the project site would be designed so as to not cause a significant adverse impact to downstream receiving waters and downgradient properties. Energy dissipation would be provided for all outfalls.

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

The water supply and sewer service in the area is provided by the city of Sumas, WA. Water and sewer main lines currently exist along the north side of Halverstick Road and have been extended to the south side of Halverstick Road (State Route 9), approximately 2,400 feet from the proposed 10-acre site. Utilities would need to be extended to this location. Both existing water and sewer mains have adequate capacity for the proposed facility. (David Davidson 2003).

The City of Sumas provides drinking water to its residents from a groundwater source. 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.

4.4.2 No-Action Alternative

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

4.5 BIOLOGICAL RESOURCES

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

4.5.1 Proposed Action

4.5.1.1 Vegetation

Based on the typical layout of the Proposed Action, it is estimated that the clover and alfalfa would be cleared from approximately one-half of the property, or about 5 acres. However, as final designs for the station have yet to be approved, exact acreage of disturbance is difficult to determine.

No protected species of vegetation were observed during the site visits. 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 cultivated agricultural land, and no native vegetation would be lost, the Proposed Action would have an insignificant short-term impact on vegetation in the vicinity. During the operational stage of the Proposed Action, there would be no ongoing or additional impacts to vegetation; thus, there would be no long-term impacts. A landscape plan would be designed in accordance to the US Border Patrol Design Guide.

4.5.1.2 Fish and Wildlife.

Species present in Johnson Creek, approximately 250 feet south of the project site include cutthroat trout, chum and coho salmon. As noted in Section 4.4, during construction, BMPs would be implemented to preclude the discharge of stormwater to the creek. Similarly, stormwater generated during operation of the site would be collected and treated prior to discharge to Johnson Creek. As a result, no impacts to fisheries resources are anticipated as a result of the project.

The land to be disturbed by the project is formerly a corn field that is currently planted in alfalfa and clover. No designated critical habitat is located on the site. There are no suitable perch trees for raptors or other avian species.

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

4.5.1.3 Threatened and Endangered Species

Under the Endangered Species Act, consultation with the USFWS is required for any action that may affect federally-listed species. Additionally, federal agencies are required to ensure that any action authorized, funded, or carried out by such agencies would not be likely to jeopardize the continued existence of any threatened or endangered species. The following determinations of effect consider the action area is the site itself and air space flown by helicopter within a 3-mile distance. As described below for each species, direct and indirect effects from the proposed action are insignificant. Interrelated effects identified in this evaluation include the occasional use of helicopter flight that could affect bald eagle behavior in the adjacent territory. Although the property does not provide habitat for bald eagles, the property is situated approximately two miles southwest of a bald eagle nesting territory. (There is no bald eagle nest reported within one mile of the Jager property) (Jacobson, 2003).

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

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

Chinook salmon have not been documented to occur in Johnson Creek or the Sumas River (WDFW 1993). For the same reasons documented above for bull trout, the Proposed Action would have *No Effect on Chinook salmon.*

4.5.2 No-Action Alternative

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

NOISE

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

Proposed Action

Temporary construction noise impacts vary markedly because the noise intensity of construction equipment ranges widely as a function of the equipment and its level of activity. Short-term construction noise impacts tend to occur in discrete phases dominated

initially by large earthmoving equipment and later by hand-operated tools. The noise produced by an assemblage of heavy equipment involved in urban, commercial, and industrial development typically ranges up to about 89 dBA at 50 feet from the source (USACE 1995).

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

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

4.6.2 No-Action Alternative

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

4.7 CULTURAL RESOURCES

4.7.1 Proposed Action

Construction of the project within the proposed confines of the Jager property parcel is not expected to have adverse effects on significant cultural resources. If development plans change that would impact areas south of the Jager property then additional survey and testing for cultural resources is recommended.

4.7.2 No-Action Alternative.

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

AESTHETIC RESOURCES

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 agricultural land to developed land. The site would be designed to fit in with the visual character of the general project area. The exterior design of the facilities would be designed to minimize the security aspect of the program (Design Analysis 2003).

4.8.2 No-Action Alternative

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

SOLID AND HAZARDOUS WASTE

4.9.2 Proposed Action

A Phase I Environmental Site Assessment recently completed for the project indicated that there are no obvious areas of contamination on the project site and there are no nearby sources of hazardous materials that would contaminate the project site (USACE 2003).

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.

Vehicles would refuel at fuel stations in Sumas or Lynden. All solid waste generated would be collected on site and disposed at a state-approved solid waste landfill facility. As a result, no long-term impacts are expected from the implementation of the Proposed Action.

4.9.3 No-Action Alternative

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

4.10 SOCIOECONOMICS

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.

In addition, the new USBP staff would contribute to the local economy due to expenditures by such staff.

4.10.1.1 *Environmental Justice of Proposed Action*

EO 12898 of 11 February 1994, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," required that each federal agency identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its program, policies, and activities on minority and low income populations in the U.S.

The proposed project would not restrict the flow of legal visitation, trade, or immigration nor would it displace any population. Therefore, there would be no expected disproportionately high or adverse impacts on minority or low-income populations. Under the definition of EO 12898, there would be no adverse short or long-term environmental justice impacts.

4.10.2 *No-Action Alternative*

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

4.11 *IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES*

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

5.0 CUMULATIVE EFFECTS

Cumulative effects are defined¹ as:

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

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

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

The Council on Environmental Quality (CEQ)³ 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.

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

² 40 CFR 1508.7

³ The CEQ is the federal agency charged with implementing the NEPA.

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

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

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

PROPOSED ACTION

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

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

NO ACTION ALTERNATIVE

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

MITIGATION MEASURES

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

Air Quality

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

6.1.2 Land Use

No mitigation is proposed.

Geological Resources

No mitigation is proposed.

6.1.4 Water Resources

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

6.1.5 Biological Resources

Impacts to existing vegetation during construction activities would be minimized through avoidance. Disturbed sites would be utilized to the maximum extent practicable for construction and operational support activities. Additionally, attempts to minimize loss of vegetation may include: (1) trimming vegetation along roadsides rather than removing the entire plant, (2) requiring heavy equipment to utilize road pullouts or other such disturbed areas, and (3) considering the possibility of revegetation efforts.

Additional mitigation measures would include Best Management Practices (BMPs) during construction to minimize or prevent erosion and soil loss. Vehicular traffic

associated with engineering and operational support activities would remain on established roads to the maximum extent practicable. Areas with highly erodible soils would be given special consideration when designing the proposed project activities to ensure incorporation of various compaction techniques, aggregate materials, wetting compounds, and revegetation to ameliorate the soil erosion.

6.1.6 Noise

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

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

6.1.7 Cultural Resources

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

6.1.8 Aesthetic Resources

No mitigation is proposed.

6.1.9 Solid and Hazardous Wastes

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

6.1.10 Socioeconomics

No mitigation is proposed.

7.0 LIST OF PREPARERS

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

8.0 AGENCY AND ORGANIZATION COORDINATION

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

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

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

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Sumas Public Library	451 2nd Sumas, WA 98295
Lynden Public Library	205 4th St. Lynden, WA 98264
Ferndale Public Library	2222 Main St. Ferndale, WA 98248

10.0 REFERENCES CITED

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11.0 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.
WDOE - Washington Department of Ecology
WDFW - Washington Department of Fish and Wildlife
WDN - Washington Department of Natural Resources

APPENDICES

APPENDIX A USFWS CONSULTATION LETTERS



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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

DEC 23 2002

Dear Species List Requester:

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

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

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

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

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

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

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

Sincerely,

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

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

Enclosure(s)

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

(T40N R4E S3)

FWS REF: 1-3-03-SP-0407

LISTED

There is one bald eagle (*Haliaeetus leucocephalus*) nesting territory located in the vicinity of the project at T41N R4E S35. Nesting activities occur from January 1 through August 15.

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

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

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

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

PROPOSED

None

CANDIDATE

None

CRITICAL HABITAT

None

SPECIES OF CONCERN

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

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

ATTACHMENT B

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

SECTION 7(a) - Consultation/Conference

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

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

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

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

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