

**DRAFT**  
**ENVIRONMENTAL ASSESSMENT**

**PROPOSED CONSTRUCTION OF  
U.S. CUSTOMS AND BORDER PROTECTION  
BORDER PATROL STATION  
OROVILLE, OKANAGON COUNTY, WASHINGTON**



**Prepared by:  
U.S. Department of Homeland Security  
Customs and Border Protection  
Washington D.C.**

**July 2004**

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**Department of Homeland Security**  
**Customs and Border Protection**  
**Washington D.C.**

**July 2004**

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## EXECUTIVE SUMMARY

**PROJECT HISTORY:** The U.S. Department of Homeland Security's (DHS) Customs and Border Protection (CBP) has prepared this Environmental Assessment (EA) on the proposed construction and operation of a U. S. Border Patrol Station (BPS) in Oroville, Okanogan County, Washington. This EA addresses site-specific actual and potential direct, indirect and cumulative effects of the Proposed Action and No-Action Alternative.

### **PURPOSE AND NEED:**

**Purpose:** The U.S. Border Patrol has increased its presence to effectively enhance control of the border. The Spokane Sector Headquarters has 10 Border Patrol Stations (BPS) with a defined area of operation. The stations are located in Pasco, WA, Wenatchee, WA, Oroville, WA Colville, WA, Curlew, WA, Spokane, WA, Metaline Falls, WA, Bonners Ferry, ID, Eureka, MT and Whitefish, MT. A Border Patrol Station is a base for operations for Border Patrol Agents with a defined area of operation. It provides shift set-up; line supervision; secure storage of government-issued equipment, weapons and ammunition; and short-term holding for illegal entrants being processed. The present Oroville Border Patrol Station is located at 1105 Main Street, Oroville, Washington.

**Need:** The existing Oroville Border Patrol Station no longer accommodates agents and other USBP staff at its design capacity. The station was originally intended to house 2 agents and 1 supervisor. Upgrades to the facility have occurred to accommodate a slightly larger staff. However, presently, with a staff of 17, the facility is at, or exceeding its capacity. There is inadequate equipment and weapon storage, inadequate lock-up facilities, inadequate processing area, inadequate storage, and limited parking facilities. It is anticipated that the Oroville BPS staff would increase to 50 to 70 people over a 10-year period, from the existing 17 (Garrett, 2003). Expanding the existing station (Alternative 1) was an alternative considered in this evaluation, and carried through the analysis process. Alternative 1 was ultimately eliminated since the existing property provides no room for expansion and the location of the property does not meet the CBP site selection criteria (See photo, Appendix E).

**PROPOSED ACTION:** The Proposed Action is to provide the Office of Border Patrol (OBP) with a modern facility that would alleviate overcrowding and allow for storage and necessary administrative processing areas. The station would include offices, parking, a 40-foot communication tower, and a helipad. This would be accomplished by the construction of a new OBP Station on approximately 23-acres of land that would be purchased by the Department of Homeland Security. The site is located approximately one-half mile south of the U.S. Canada border on state Highway 97. The new station would alleviate the strain of current overcrowded conditions.

**ALTERNATIVES:** In addition to the Proposed Action and the No-Action Alternative, nine alternative construction sites were evaluated as part of this environmental impact analysis. The No-Action Alternative was carried throughout the analysis, and is reflected in the baseline environmental conditions of the area. Under the No-Action Alternative,

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

**ENVIRONMENTAL CONSEQUENCES:** The Proposed Action would result in an insignificant short-term increase in exhaust pollutants, and dust during construction and an insignificant long-term impact from slight losses of arid land habitat. Slight short-term increases in heavy equipment noise during construction; very slight long-term increases in vehicular traffic noise and occasional (2 times/month) additional increases of very short duration from helicopter landings and takeoffs during day/night operation. There would be a slight long-term increase in demand for potable water; an increase in impervious surface area, and therefore storm water runoff. However, given the minimal quantity of storm water runoff generated, the impact would be insignificant. Potential erosion or sedimentation during construction activities would adhere to a Storm Water Pollution Prevention Plan (SWPPP). There would be an insignificant impact to the local economy by increased BPS staff and from construction activities. There would also be a corresponding improvement to public safety from a decrease in illegal entrants and increase in smuggler apprehension.

**MITIGATION MEASURES:** A variety of mitigation measures would be employed to negate or minimize environmental impacts of the Proposed Action. Moderate lead, arsenic and DDE/DDT contamination from past orchard use activities would be mitigated as required by Washington State Department of Ecology under the voluntary cleanup program as prescribed by Mr. Norm Hepner's email correspondence (Appendix D). These measures would result in a No Further Action (NFA) letter issued by the agency and are described in Section 5.9 of this report. Specific actions would include 1) A restrictive covenant on the deed informing future properties owners of the contamination and restrict certain activities that would spread the contamination. 2) The NFA would not apply to the undeveloped, unremediated portion of the site. 3) The site development plan would provide a minimum 6-inch clean soil cap and marker fabric (6-ounce geotextile), gravel/asphalt barrier, or other barrier such as a building foundation.

Additional measures would include implementation of standard construction procedures, dust suppression, minimize clearing whenever possible, engineering and management controls on construction equipment and activities, and proper maintenance of equipment and best management practices during construction. A Storm Water Pollution Prevention Plan (SWPPP) would be implemented to minimize the potential for erosion and sedimentation during construction activities.

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

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## 1.0 PURPOSE AND NEED

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### 1.1 SCOPE OF PROJECT

This Environmental Assessment (EA) evaluates the potential environmental impacts, beneficial and adverse, associated with constructing a new Border Patrol Station near Oroville, Okanogan County, WA. The proposed site is one-half mile south of the U.S. Canada border immediately west of state Highway 97 (Figures 1 and 2). The Department of Homeland Security (DHS), Customs and Border Protection (CBP), Office of Border Patrol (OBP) proposes to construct a new Border Patrol Station on 10 acres of an approximately 23-acre parcel that would be purchased by CBP. The U.S. Army Corps of Engineers has been requested by the U.S Border Patrol to prepare environmental documentation for the construction and operation of this facility.

The preferred Oroville property is located 2.5 miles north of Oroville, Okanogan County, Washington (Figure 1-1). The address of the subject property is 11 Shirley Road, Oroville, Washington 98844. The subject property is vacant. Approximately one half of the site, the northern 10 acres, was formerly cultivated for orchards. The remaining 13-acres to the south is undeveloped hillside. The site is rectangular in shape, approximately 1,320-feet long by 757-feet wide, with the length of the property oriented north to south. The subject property is bordered to the north by undeveloped agricultural land (formerly

orchard areas); to the east by undeveloped agricultural land (formerly orchard areas); and to the west and south by undeveloped land (U.S. ownership).

The legal description of the preferred Oroville property is:

A parcel of land being the westerly portion of a parcel of land being the northwest quarter of the northeast quarter (NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>) of Section 8, Township 40 North, Range 27 East, Willamette Meridian, Okanogan County, Washington, identified as Tax 2, less roads and EXCEPT that portion thereof lying east of Primary State Highway No. 10, as the same existed over and across said subdivision April 3, 1930. Contains 23.11 acres, more or less.

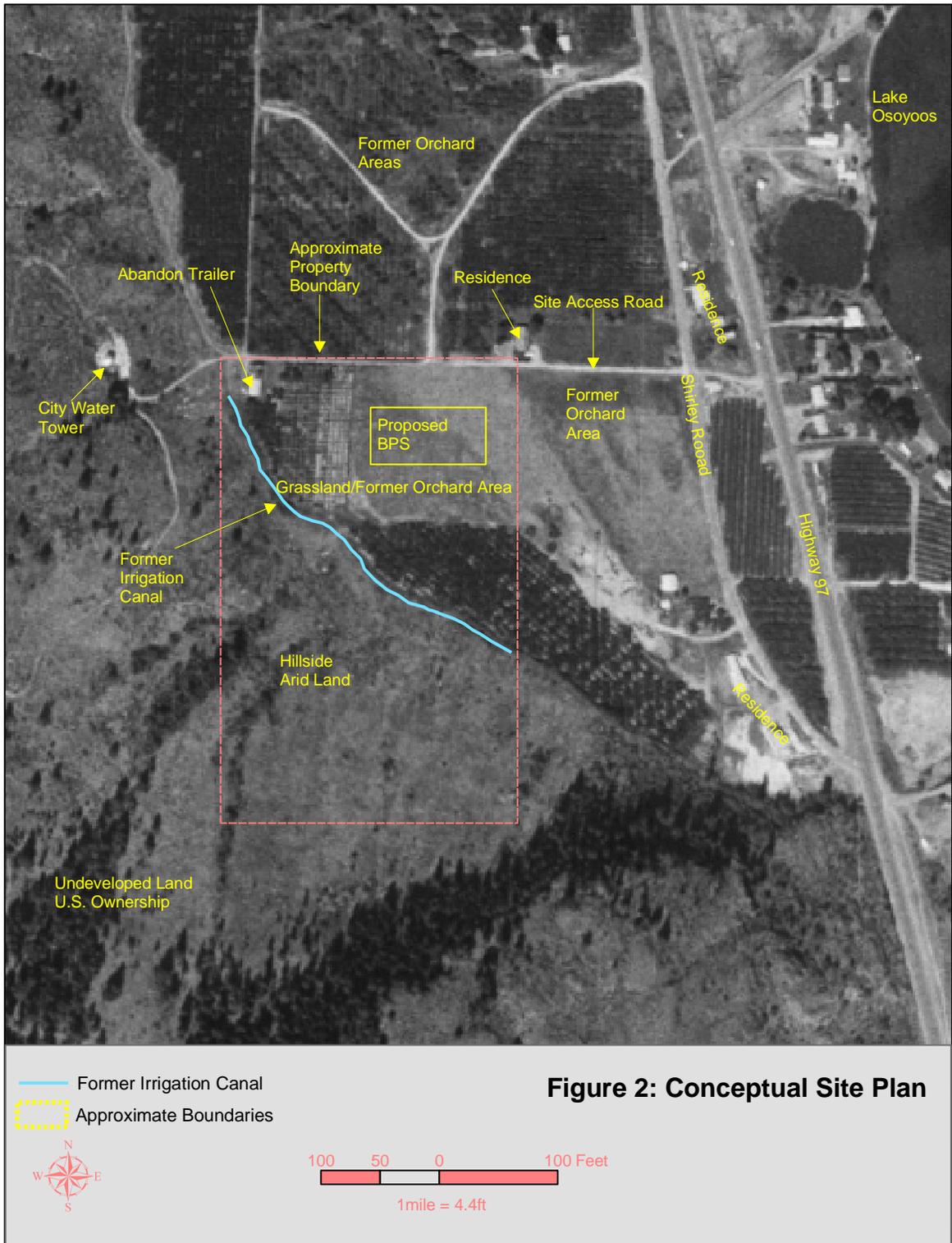
This EA was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, and the INS Procedures for Implementing NEPA (28 Code of Federal Regulations (CFR Part 61). The biological assessment in accordance with Section 7 of the Endangered Species Act (ESA) of 1973 is embedded in the Biological Resources sections of this document (See Sections 4.5.1.3 and 5.5). A separate biological assessment is optional for federal construction activities that are not considered “Major” (USFWS, 1998), and for which effects to listed species are not considered to be adverse. Informal consultation is therefore the correct level of Section 7 due to the No Effect or Not Likely to Adversely Effect determination on endangered species in the project area. The cover letter to the U.S. Fish & Wildlife Service (FWS) with this Draft Environmental Assessment will request initiation of informal Section 7 Consultation with the Upper Columbia FWS Office and will reference the biological resources section of the EA as our documentation of project effects on listed species. This method has been used numerous times for informal consultations.

Oroville Border Patrol Station  
Oroville, Washington



Figure 1: Vicinity Map

Proposed Location of Oroville Border Patrol Station



*\*Specific locations of fencing, helicopter pad, gas farms, lights, driveways, parking and attendant features will be determined once the Design and Build contract is awarded.*

## **1.2 FRAMEWORK FOR ANALYSIS**

### **1.2.1 Background**

The U.S. experiences a substantial influx of illegal entrants and illegal drugs each year. Both of these activities cost billions of dollars annually due directly to criminal activities, as well as the cost of apprehension, detention and removal, and incarceration of criminals, and indirectly in the loss of property, and increased insurance costs. Past government estimates indicate that there were approximately 10 million illegal entrants residing in the U.S. in October 1996, and their numbers increased at an average rate of about 275,000 per year between October 1992 and October 1996 (INS, 2003c). To combat these rising numbers, recent administrations committed additional resources to law enforcement agencies.

### **1.2.2 CBP Organization**

The CBP has the responsibility to regulate and control immigration into the U.S. The CBP 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 illegal entrants 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 OBP is to protect the U.S. borders through the detection and prevention of smuggling and illegal entry of illegal entrants 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 entrants have become a significant issue. CBP apprehensions are currently averaging more than one million illegal entrants per year throughout the country. The CBP estimates that there are currently from three to six million illegal entrants in the U.S. Other studies have indicated higher numbers, closer to 10 million (INS 2000).

### **1.2.3 Regulatory Authority**

The primary source of authority granted to officers of the CBP is the INA, found in Title 8 of the U.S. Code (8 USC), and other statutes relating to the immigration and naturalization of illegal entrants. 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 CBP 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, CBP 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 CBP officers; and Title 21 [21 USC § 878], relating to Drug Enforcement Agency cross-designation of INS officers (INS 2000).

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

#### **1.2.4 Applicable Environmental Statutes And Regulations**

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

##### **1.2.4.1 National Environmental Policy Act**

NEPA (42 USC 4321 et seq.), as implemented by the regulations promulgated by the President's CEQ (40 CFR Parts 1500-1508), establishes national policy, sets goals, and provides the means for carrying out that policy. Section 102(2) of NEPA contains “action-forcing” provisions to make sure that Federal agencies act according to the letter and spirit of the Act. The principal objectives of NEPA are to ensure the careful consideration of environmental aspects of Proposed Actions in Federal decision-making processes and to look at alternatives that may provide a more environmentally acceptable solution. Additionally, NEPA encourages public dialogue and participation in an agency’s planning process and ensures that environmental information is made available to decision makers, and the public before decisions are made and actions are taken. CBP routinely completes individual, site-specific NEPA documents such as EISs, EAs, Categorical Exclusions (CEs), and/or Records of Environmental Consideration (REC). CBP complies with NEPA in accordance with DHS regulations. These regulations shall

apply to new efforts associated with all CBP actions, including (but not limited to) CBP operations; acquisition of real property whether by lease, or purchase; construction; the design, alteration, operation, or maintenance of new and existing CBP facilities; and new CBP mission activities. These procedures apply to all DHS Administrative Centers, Regions, Field Offices, DHS staff, contractors, and others who operate under DHS oversight.

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

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

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

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

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

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

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

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

#### *1.2.4.6 Clean Air Act*

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

#### 1.2.4.7 *Clean Water Act*

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

#### 1.2.4.8 *Endangered Species Act*

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

#### 1.2.4.9 *Cultural Resources 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 Cultural Resources, to afford State or Tribal Historic Preservation Officers and the Advisory Council on Historic Preservation an opportunity to comment on the undertaking. The process defined in the current regulation (36 CFR Part 800) lays out the steps the agency must follow to identify properties, assess the undertaking's effects on them, and seek comments of SHPO/ACHP. The *Archaeological Resources Protection Act (16 USC 470a-11, as amended)* protects archaeological sites on federal lands. If archaeological sites that may be disturbed during construction should be discovered, the NHPA would require permits for excavating and removing the resources. Additionally, the INS is required under *EO 13175 "Consultation and Coordination with Indian Tribal Governments"* to consult with recognized federal Indian Tribal governments. When a project is requested, the state Environmental Programs Manager must ensure this EO is covered when executing the proper level of NEPA analysis for the project.

#### 1.2.4.10 *Other Federal Laws and Regulations*

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

- American Indian Religious Freedom Act of 1978
- U.S. Patriot Act
- Bald Eagle Protection Act (Public Law 90-535)

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (Public Law 96-510), as amended by the Superfund Amendments and Reauthorization Act (SARA) (Public Law 99-499), 1986
- Federal Compliance with Pollution Control Standards
- Federal Facilities Compliance Act
- Fish and Wildlife Coordination Act, as amended, USC 661, et seq.
- Hazardous Materials Transportation Act (HMTA), 1975
- Migratory Bird Treaty Act
- Native American Graves Protection and Repatriation Act (NAGPRA) 25 USC 3001 et. Seq.
- Resource Conservation and Recovery Act (RCRA) (Public Law 94-580), 1976
- Safe Drinking Water Act (SDWA), 1974
- Solid Waste Disposal Act, 1980
- Toxic Substances Control Act (TSCA) (Public Law 94-469)
- Watershed Protection and Flood Prevention Act, 16 USC 1101, et seq.
- Wetlands Conservation Act (Public Law 101-23)
- EO 12856 – Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements
- EO 13123 – Greening the Government Through Efficient Energy Management

#### *1.2.4.11 State Laws and Regulations*

The Oroville BPS would be designed in compliance with standards, adopted design guidelines/manuals, and local codes and ordinances. The following is a list of standards, design manuals, and codes used to develop the 35% Design Analysis (USACE, 2003a).

##### *1.3.4.11.1 Standards*

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

- On-site Wastewater Treatment and Disposal Systems, United States Environmental Protection Agency, October, 1980
- American Water Works Association (AWWA)
- American Society of Civil Engineers (ASCE)
- American Public Works Association (APWA)

#### *1.3.4.11.2 Design Guides/Manuals*

- U.S. Border Patrol Facilities Design Guide, Immigration and Naturalization Service September 20, 1999
- On-site Wastewater Treatment and Disposal Systems, United States Environmental Protection Agency, October, 1980

#### *1.3.4.11.3 Local Codes and Ordinances*

##### *General*

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

##### *Okanogan County*

- Okanogan County Zoning and Subdivision Ordinance

## **2.0 PROPOSED ACTION & ALTERNATIVES**

This section presents a description of the Proposed Action, 11 site alternatives, and the No-Action Alternative. The proposed action along with eight of the alternatives, involves the purchase of land and construction of a new BPS. The other alternative evaluates the expansion of the existing facility. The No-Action Alternative represents the option in which construction would not take place. This section includes a discussion of the operational requirements and relevant environmental factors used to evaluate each alternative. It also discusses eight of the site alternatives considered but eliminated from detailed analysis. The Proposed Action, Alternative 1 (Station Expansion) and the No-Action Alternative are carried through the analysis process. A table following the discussion presents a comparison of the potential impacts by each area of concern and a summary of the findings.

### **2.1 OPERATIONAL SELECTION CRITERIA**

All alternative locations for a new station, including the existing station that would continue to be used under the No-Action Alternative and station expansion, 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 USBP station in Oroville, Okanogan County, Washington. Such criteria for the station location include:

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

- Should not be adjacent to residential land uses
- Should not be adjacent to community facilities such as schools, parks, or churches that are used by children
- Should be located where adjacent property or public right-of-ways do not have direct views of entire property
- Should not be located where the facility is visible from the border
- Should be located in areas with low rates of crime, trespassing and burglary
- Should be compatible with existing zoning

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

- Should not significantly impact the natural ecology, such as wetlands and endangered species or impacts that cannot be mitigated
- Should not have hazardous waste or materials present

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

- Facilities and parking areas can be efficiently developed on the site
- Outside of the floodplain

**4. Utility Services Available**

- Should have access to public utilities or ease of developing or extending service
- Should have adequate water supply

**5. Ease of Access**

- Should have access to State Route 97
- Should avoid congested roadways

- Should avoid blockage by rail lines
- Should have possible access from more than one point of entry

## **6. Area of Operations**

- Should be geographically located within the area under the Sector's jurisdiction
- Located near interstate highways providing access to the sector it serves

## **7. Site Footprint**

- Should be adequately sized for proposed footprint
- Should have potential for expansion

## **2.2 PROPOSED ACTION**

The present Oroville Border Patrol Station is located at 1105 Main Street, Oroville, Washington. The existing Oroville BPS is experiencing a significant increase in workload. As the workforce has increased, so has the need for additional workspace. Presently there are 16 agents and 1-support personnel occupying a 13,500 square foot area. The Oroville BPS would accommodate 50 to 70 new staff over a projected ten-year period (Graham, 2003). The station would include offices, parking, a 40-foot communication tower, and a helipad.

The proposed action would consist of constructing a new Border Patrol Station on approximately 10 acres of a 23 – acre parcel of land that would be purchased by the CBP. Construction would involve a 4,700 square foot building with a 3,000 square foot covered garage. The project would also include crushed gravel employee parking area (13,000 square feet) and a crushed gravel visitor parking lot (2,700 square feet). A septic system with a drain field would also be constructed (5,600 square feet).

The new station would alleviate the strain of 17 staff occupying a 13,500 square foot area at the current Oroville BPS. The new station would include among other features, offices, storage and file rooms, a public lobby, a squad muster room, a training room, a field support room, a fitness center equipped with lockers and showers, an area for holding and processing detainees, and a vehicle maintenance building. The proposed station would be located on a 23-acre site approximately one-half mile south of the U.S Canada border. The site is strategically located on the west side of Highway 97 and provides helicopter access and privacy for training exercises and intelligence meetings. Preliminary engineering has been finalized for the proposed new station. However, the plans have not been tailored to any specific property.

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 Okanogan County. A new septic would be built to service the facility. Natural gas is the suggested source used to heat the buildings.

### **2.3 ALTERNATIVE 1. STATION EXPANSION**

Alternative 1, Station Expansion, evaluates expanding the existing border patrol station located at 1105 Main Street to accommodate the increased staffing needs. The existing building and land are owned by CBP. This alternative would alleviate the need to relocate and evaluate site expansion, both vertical and horizontal, to accommodate staffing needs. The existing lot occupies approximately 13,500 square feet, of which 90 percent is occupied by building (See photo, Appendix E). Station expansion would involve the addition of up to 2 extra floors on the existing building, and or, acquisition of adjacent properties. Adjacent property acquisition would require demolition of 2 homes and a service station. In addition, a city owned right of way and utility lines border the east side of the property.

### **2.4 NO-ACTION ALTERNATIVE**

No-Action Alternative. Under the No-Action Alternative, no border patrol station would 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 border patrol personnel due to limited space at the current station. The overall impact would adversely affect productivity and the ability of the USBP employees to accomplish their mission.

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

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

- Alternative 2 (Bensing) was discontinued because the owner's price could not be justified and groundwater from a well was not available.
- Alternative 3 (Brimlow) was not acceptable because access back to Highway 97 does not meet CBP Ease of Access criteria. The access route is not as wide and open as the USBP desires. This would cause delays in an emergency. There is also a relatively high-density of residences in the area, which requires the traffic flow to and from the station to be traveling near and through residences where children are likely to be.
- Alternative 4 (Peterson) was not acceptable because it is anticipated the area would gradually transition to a rural residential area on 3-5 acre homesites. In

addition, the access road was not as wide as desired resulting in a delay in accessing Highway 97.

- Alternative 5 (Donoghue) was not acceptable because it is located in the Okanogan River floodplain and contained an abandoned fuel pump. The pump indicates an underground storage tank that would need to be investigated for leakage and removed. In addition, the site was not acceptable because the access road is very narrow.
- Alternative 6 (Roberts) had a very narrow access road that would create difficult access to Highway 97 in an emergency or during poor weather conditions.
- Alternative 7 (Hutchinson) was not acceptable because the configuration of the property is relatively narrow which would limit the site development for a BPS. Also, there is a residence adjacent to the site and access back to Highway 97 is not as wide and open as needed during an emergency.
- Alternative 8 (Leslie) was not acceptable because of the distance from town and Highway 97.
- Alternative 9 (Taber) was eliminated due to the unusually high asking price and lack of land for future expansion (5.83 acres).
- Alternative 10 (Gallagher) was not acceptable because the Phase I assessment determined the site was contaminated (petroleum) and would require costly clean up in order to purchase the land and construct the facility.

**Table 2-1. Comparison of Alternatives Matrix**

Requirement	Proposed Action	No Action	Alt. 1 Expansion	Alt. 2	Alt. 3	Alt. 4	Alt. 5	Alt. 6	Alt. 7	Alt. 8	Alt. 9	Alt. 10
Does site provide relief of overcrowding?	Yes	No	No	Yes								
Are adjacent land uses compatible with purpose and need?	Yes	No	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes
Is the site free of environmental or health issues?	Yes <i>A NFA letter would be issued by WA Dept. of Ecology following completion of measures required to mitigate moderate lead/arsenic/DD E/DDT contamination.</i>	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No
Is topography, soils, and/or geology suitable for construction?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
Are utility services present or available?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Does the site provide ease of access?	Yes	No	No	Yes	No	No	No	No	No	Yes	Yes	Yes
Is the site with a reasonable proximity to the BPS area of operations?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Does the site allow for future physical expansion?	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes
Are real estate costs justified?	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes

### **3.0 AFFECTED ENVIRONMENT**

The affected environment is the baseline against which potential impacts caused by the Proposed Action and alternatives are assessed. This chapter focuses on those resources specific to the proposed project area that have the potential to be affected by activities connected with construction of a OBP station and changes in OBP activities resulting from those activities.

#### **3.1 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.

Okanogan County is an attainment area for all monitored air pollutants (U.S.EPA, 2003).

#### **3.2 LAND USE**

The parcel of land proposed for use for the new USBP station is comprised of abandoned apple orchard, pasture and arid land (See photos 1 & 2, Section 3.8 Aesthetic & Visual Resources). Arid land occurs throughout the steeply sloped hillside region occupying the south half of the property. This portion of the site has no history of agricultural uses and is comprised of arid shrubs and some trees. Two swales ascend the hillside and form an alluvial fan at the toe. Discarded residential refuse was strewn about this region, however it has since been removed. Home appliances and miscellaneous refuse were located strategically; presumably for target practice.

The pastureland and abandoned apple orchard comprise the flat north half of the property. The entire site was used for apple orchards up until 1989. In 1989 the orchards were reduced to about 8 acres. In 1997 the remaining 8 acres of orchard were removed and the site reverted to grassland. All pesticides used for orchard production were collected and properly disposed at a Washington State Department of Ecology approved facility (Lafferty, 2003). Topography in this region slopes gently (0-5%) east towards Highway 97 and Lake Osoyoos. Land use consists of grassland and pasture with isolated clusters of trees. Portions of the grassland are actively used for horse pasture and equestrian activities.

Vehicular access to the site is off a road easement accessed off Shirley Road, via state Highway 97. The adjacent and parallel private road provides access to two single-family residences and a City of Oroville water supply tank.

Okanogan County is in the northern part of Washington bordering British Columbia, Canada. Land use throughout the county is comprised of rangeland, woodland, and agriculture. The river valleys are major fruit-producing areas. The climate is ideally suited to apple production.

### **3.3 GEOLOGICAL RESOURCES**

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

#### **3.3.1 Geology**

Okanogan County is located in north central Washington State. Rugged mountains separated by narrow river valleys characterize the topography of Okanogan County. The mountainous terrain has confined development within the county in the vicinity of the subject site to the banks of Osoyoos Lake and the Okanogan, and Similkameen rivers. The Okanogan River Valley floor is Quaternary alluvium and terrace deposits, which typically include gravels, sand, silt, and clay deposits from recent streams (geological time) and glacial melt waters. The underlying formation is igneous and metamorphic rocks (usually not conducive for a good aquifer) (USACE, 2004). The thickness of the alluvium can range from few feet to several hundred and of course closer to the hill slope the shallower the formation. The project site is set on an elevated terrace adjacent to Osoyoos Lake, the Okanogan River headwater.

#### **3.3.2 Soils**

Four soil mapping units occur on the subject property. The sloped ground occurs within a mapping unit of Lithic Xerochrepts. Lithic Xerochrepts are well-drained soils that are shallow to very shallow over bedrock. These nearly level to very steep soils are on knolls, ridges, hilltops, and mountainsides. This mapping unit is used mainly for range. Near the toe of the slope two mapping units occur, Pogue fine sandy loam and Cashmont very gravelly sandy loam. The Pogue series consists of deep, somewhat excessively drained soils underlain by very gravelly sand. These nearly level to very steep soils are on terraces and terrace breaks. Pogue soils are used mainly for irrigated orchards, hay, pasture, dryland crops and range. The Cashmont series consists of deep, well-drained soils formed in glacial outwash. These nearly level to steep soils are on till plains or terraces. This series is used mainly for irrigated orchards, hay, pasture, dryland crops, and grazing. The interior flat topography occurs within a linear Tonasket silt loam formation. This series consists of deep, well-drained soils formed in glacial lake deposits. These nearly level to steep soils are on terraces and terrace breaks. Tonasket series soils are used mainly for irrigated orchards, hay, pasture, dryland crops, and range (USDA, 1980).

No National Technical Committee of Hydric Soils, hydric soil series are listed on, or immediately adjacent to this site (USDA, 1991).

### **3.4 WATER RESOURCES**

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

### **3.4.1 Ground Water**

There is no readily available data from groundwater monitoring wells on or near this site. Groundwater flow in the water table aquifer near the site is likely controlled by topography. For the hillside portion of the subject property, groundwater should flow to the northeast. As groundwater enters the flat topography, flow should change to a more easterly direction, towards Osoyoos Lake. Based on topographic relief and local well log information, groundwater at the subject property, specifically the former orchard area, is estimated to be between 28 and 50 feet below ground surface (bgs). Well depths in the Okanogan River valley typically range from 20 to 80 feet. However, near Osoyoos Lake, local wells as deep as 300 feet have produced no water, due to an extensive interval of blue clay (USACE, 2004). A City of Oroville municipal well is located on the hillside adjacent to this property.

### **3.4.2 Surface Water**

An abandoned irrigation canal crosses this site at the toe of slope. The canal is nonfunctional and has not been operable since 1992. In 1992 the canal was filled-in when orchard irrigation was converted to a pressurized system. At that time the irrigation canal easement was nullified (Lafferty, 2003).

A hillside draw ascends the slope in a linear depression. The draw creates a ravine-like feature on the hillside. This feature conveys surface water during periods of early spring snowmelt. The quantity of surface water is limited by the minimal area of headwater upslope. Estimated quantity of discharge is less than one cubic foot per second (cfs) during spring events. John Lafferty, an individual familiar with the property for 30 years has never observed overland flow draining from the hillside draw (Lafferty, 2003). Seasonal discharge infiltrates at the toe of slope and creates a sub-surface lateral flow towards Lake Osoyoos. Lake Osoyoos is a significant surface water feature located approximately 660 feet east of the site. Lake Osoyoos is separated from the subject property by Shirley Road and Highway 97.

Lake Osoyoos forms a portion of the headwater to the Okanogan River. The Okanogan is a slow flowing, meandering river that drains the eastern part of Okanogan County. A considerable part of its flow originates in Canada. The Okanogan ultimately flows into the Columbia River.

### **3.4.3 Water Quality**

The Washington State Department of Ecology (WDOE) has designated the Okanogan River as having Class A, excellent water quality (WAC, 1992). The river carries a large volume of relatively unpolluted surface water. Compared to many other rivers in the U.S., there are fewer sources of industrial and municipal wastes. Waste disposal and treatment laws and voluntary efforts have changed discharge practices over the past 20 years. But several types of water quality issues remain today, including non-point source additions, water withdrawal for irrigation, and point source effluents. Each of these factors can have adverse individual and/or cumulative impacts on system water quality.

### **3.4.4 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).

There are no wetlands or waters of the US on the subject property. The National Wetland Inventory Map (USFWS, 1987) identifies a Riverine, Intermittent, Artificially and Seasonally flooded system crossing the toe of slope. This identifies the abandoned irrigation canal that is no longer functional. Approximately ¼ mile north of the site, an open water wetland occurs. The system drains southeast to the Osoyoos Lake shoreline.

### **3.4.5 Floodplains**

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

According to the Federal Emergency Management Act (FEMA) Flood Boundary and Floodway Map the subject property is not located in floodplain (FEMA, 1982). The property is situated at elevation 305 (+/-). Lake Osoyoos shoreline is at elevation 279 (See Figure 1-1).

## **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 activity, plants and wildlife noted may not be typical of those that historically have occurred in the area.

### **3.5.1 Vegetation**

The site is located in the southern Okanogan Valley and represents the northernmost extension of the Western Great Basin of North America. Low elevation, low annual precipitation, hot summers, and mild winters create a semi-arid habitat characteristic of a steppe ecosystem. Perennial grasses with scattered shrubs and a soil crust of lichens and mosses dominate steppe ecosystems. The subject property is primarily a low elevation

shrub-steppe, specifically a sagebrush steppe, with a dry forest located on the steep hillside above the site to the south. Shrub-steppe environments occur near the forested zone above the hottest and driest regions of the valley bottom.

The plant species dominating the former orchard area at the site are not characteristic of steppe ecosystems. The former orchard area contains a near monoculture of weeds that include spotted knapweed (*Centaurea sp.*), mustards (*Brassica spp.*), and cheatgrass (*Bromus tectorum*). In contrast, the undeveloped hillside portion of the subject property is a relatively intact habitat. The vegetation in this area includes native Idaho fescue (*Festuca idahoensis*), common rabbit-brush (*Chrysothamnus sp.*), big sagebrush (*Artemisia sp.*), bitterbrush (*Purshia tridentate*), serviceberry (*Amelanchier alnifolia*), Rocky Mountain juniper (*Juniperus sp.*), quaking aspen (*Populus tremuloides*), and ponderosa pine (*Pinus ponderosa*). A cheatgrass invasion has negatively impacted the composition of the mostly native hillside habitat.

### **3.5.2 Wildlife Habitat**

A site review was performed 19 April 2003. The three identified wildlife habitats correspond with the above plant communities. The on-site habitats are characterized by common habitat types in the region; arid land, hillside draws, and grassland/pasture. Vast acreage of these habitats occur throughout Okanogan Valley. Moderate value on-site habitat includes the hillside draw habitat type. This habitat provides a seasonal surface water source and dense coverage of native shrubs and trees. Some mature specimens of ponderosa pine (*Pinus ponderosa*) occur in this habitat.

Wildlife species observed during the single site visit include, rufous-sided towhee (*Pipilo erythrophthalmus*), California quail (*Callipepla californica*), American robin (*Turdus migratorious*) and olive-side flycatcher (*Contopus cooperi*). These species occurred throughout the site and were not confined to one particular habitat type.

### **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 essential habitat by uncontrolled land and water development.

The U.S. Fish and Wildlife Service (USFWS) was consulted to document any Listed Species that may occur in the project area (Appendix B). In addition, the National Marine Fisheries Service database was queried to document listed Salmonids in the project area. Three Federally listed threatened and endangered plant and animal species may occur in the vicinity of the project. The species include one Endangered species, Gray wolf (*Canis lupus*), one Threatened animal species, Bald Eagle (*Haliaeetus leucocephalus*), and one Threatened plant species, Ute ladies' – tresses (*Spiranthes diluvialis*). Listed Salmonids that may occur in the region include Upper Columbia River Steelhead (*Oncorhynchus mykiss*). This species is listed as Endangered. The biological assessment addressing potential impacts to listed species is embedded within the Biological Resources: Threatened and Endangered Species sections and Environmental Design Measures section of this document (4.5.1.3, and 5.5).

### **3.6 NOISE**

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

The proposed project area is located away from noise sensitive sites such as schools, churches, hospitals, etc. The ambient noise environment within the general area is typical of rural areas. noise levels may be higher in instances of heavy traffic along Highway 97 within the immediate area.

### **3.7 CULTURAL RESOURCES**

#### **3.7.1 Ethnohistoric Background**

When written history of indigenous peoples began in the area in the early 19th century, the Osoyoos or Inkamip and Similkameen bands of interior Salishan-speaking Okanagon Indians occupied the project area. These hunters and gatherers lived in a way that required them to move with the seasons. Winter villages with mat-covered lodges that housed several families each, or somewhat smaller semi-subterranean pit houses with timber and earthen roofs, were located along watercourses and were occupied from October to early spring. When foods became available in the highlands and weather

conditions permitted, the occupants dispersed from the villages into better-lighted and ventilated temporary shelters. Foraging groups of hunters, fishermen, and root and berry harvesters traveled to collect various wild foods as they became available. After processing, these foods were returned to the winter villages for storage and later consumption.

Recorded land use in the study vicinity include location of winter villages at the confluence of major and minor streams in areas of good winter sunlight; fishing or river mussel gathering at points of maximum availability; use of small river islands and steep hillsides and talus slopes as burial areas or for food storage; fishing at falls and creeks where migratory fish were easily harvestable; and hunting of marmots in talus slopes in spring. Favored root and vegetable gathering areas occurred on hillsides and in draws and canyons.

The aboriginal subsistence pattern was increasingly affected by arrival of the Europeans. Severe disruption occurred with formation of the Colville Reservation in the 1870's and attendant influx of Native American population from outside the vicinity. Gradually intensifying agriculture and urbanization in the valley interfered with food gathering activities and winter village locations. By 1900, the Okanogan bands were forced to adopt a more sedentary existence and many had been relocated onto the several-times diminished Colville Reservation, although some in the Oroville area remained on individual allotments.

### **3.7.2 Prehistory**

Archaeological studies in the region over the past 50 years have identified several major prehistoric time periods of human occupation from about 10,000 years ago until the historic period began in the early 1800's. Studies have also made headway into understanding how early peoples adapted to and used their environment at different times in the past. Over 100 archaeological sites have been recorded in the Okanogan River basin.

The earliest time period is the *Windust Phase*, which occurred from the end of the Pleistocene ice age about 10,000 years ago until about 7,000 years ago. Hallmarks are large stemmed projectile points, microblade technology, and low-density occupations are hallmarks. Windust-aged sites seem to occur in the vicinity of smaller lakes, again suggesting a heavy reliance on fisheries for subsistence. Sites with Windust phase occupations are not frequent in the Okanogan basin. The next period, the *Kartar Phase* (about 6,500 to 4,000 years ago) is fairly common. Characteristic artifacts include leaf-shaped projectile points, heavily battered hammerstones, and grinding implements. The succeeding *Hudnut Phase* (4,000 to 2,000 years ago) is present at many sites in the area. Typical artifacts include a variety of lanceolate and stemmed projectile points and a series of large basal- and corner-notched forms of overall triangular outline. The recent *Coyote Creek Phase* (2,000 to 100 years ago) also is frequent and is marked by an early series of delicate stemmed and expanding stemmed (barbed) projectile points and later by small side-notched points. Ground and polished nephrite adzes appear in the inventory. Fishing technology is well-developed, and combined with storage technology, probably allowed the formation of villages. The Coyote Creek Phase also saw the introduction of

hunting with the bow and arrow and seems to be when the local peoples established the cultural system that was seen by the first Europeans entering the area in the 1800's.

### **3.7.3 History**

Arrival of the first known European explorers in the Okanogan Valley in 1811 (David Thompson) marked the beginning of local history and a long period of rapid cultural change. The historic period in the upper Okanogan River valley may be divided into three eras: *Fur Trade and Exploration* from 1811 to about 1860 (including the International Boundary Commission's work to establish the Canadian-American border); *Placer Gold Mining and Herding Economy* from about 1860 to around 1880; and *Hard Rock Mining and Intensive Agriculture* from 1880 to the present. The sequence is marked by increasing population and impact to the landscape by Europeans, largely enabled by transportation improvements. Early economies that depended on water and animal transport were dominated by enterprises dealing with exchange of high-value, low bulk goods, such as the fur trade and placer mining for gold. When cheaper transportation (railroads, highways) became available, the mass production of minerals, forest products, and fruit came to predominate. Physical evidence of activities in each of these eras is present on the landscape in the form of both occupied and abandoned homesteads, mines, power dams, irrigation systems and rail and highway links, to name but a few. Written records (the definition of "historic" requires them) and living memories attest directly to the nature of the historic era.

### **3.7.4 Previous Site Investigations**

Records at the Washington State Office of Archaeology and Historic Preservation show that no previous investigations to identify potential Cultural Resources have taken place on the three sites. The OAHPS site location GIS shows eight recorded potential Cultural Resources within about three miles of the proposed project. None are within the boundaries or area of potential effects of the proposed project (table 3-1).

**Table 3-1 Recorded Potential Cultural Resources near Project.**

<b>Site Number</b>	<b>Description</b>
45-OK-361	Prehistoric cemetery
45-OK-365	Pictographs
45-OK-366	Historic archaeological site "Oro"
45-OK-369	Archaeological site; evaluated 1978
45-OK-370	Archaeological site; evaluated 1978
45-OK-398	Pictographs, 3 groups
45-OK-401	Pictographs
45-OK-584	1909 Homestead

### **3.7.5 Current Site Investigations**

Seattle District archaeologist Mr. Lawr V. Salo checked historical records and inspected the candidate Gallagher and Bensing sites to identify potential Cultural Resources on February 12, 2003, and the Shirley property on April 22, 2003. The additional sites were

not inspected since environmental or site selection criteria eliminated the need for further assessment of these properties. Field conditions were excellent, with clear, dry, calm and warm weather and very little ground cover at each site. The sites all had supported orchards in the recent past, and excavation of soils for tree planting has left ample surface samples of sediments within the upper two or three feet of the soil column over nearly all of the inspected areas. No evidence for either prehistoric or historic archaeological sites was present at any location, and no standing historic period structures that might be eligible for the National Register of Historic Places were present. The Bensing site was bounded on the east by remains of a mid 20th-century irrigation pipeline consisting of ca. 6 inch iron tubing mounted on concrete footings. However, the pipeline has been completely demolished and many of the footings also had been removed or dislocated. The Shirley site was bounded similarly by a demolished irrigation ditch/pipeline along the western edge of the site. It also had a recent farming and mining debris dump in the approximate center of the site on an alluvial fan. A report of the investigations is being filed with the Washington Office of Archaeology and Historic Preservation to document a "No Properties Present" finding.

### **3.8 AESTHETIC AND VISUAL RESOURCES**

Aesthetic resources consist of the natural and manmade landscape features that appear indigenous to the area and give a particular environment its visual characteristics. The project site provides an unobscured panoramic view of Lake Osoyoos to the east. Undeveloped mountainous hillside occurs on the back half of the property. There are no existing residences or structures. However, some debris piles of discarded household materials are present. These materials were evaluated for contamination in a separate Phase II report (USACE, 2004) and addressed in section 5.0 of this report in accordance with 36 CFR Part 800.4(d)(1).



**Photo 1** View from west side of property looking east at Lake Osoyoos



**Photo 2** View of project area from south hillside looking north. Proposed construction activities would occur in flat pastureland near toe of slope.

### **3.9 SOLID AND HAZARDOUS WASTE:**

A Phase II ESA was performed to address several recognized environmental conditions identified by U. S. Army Corps of Engineers, Seattle District in the Phase I Environmental Site (ESA) Final Report of the Katie-Win Enterprises Property dated November 2003 (INS, 2003b). The following recognized environmental conditions from past activities performed on the subject property were identified:

- Potential accumulation of arsenic, lead dichlorodiphenyltrichloroethane (DDT), dichlorodiphenyldichloroethylene (DDD), and dichlorodiphenyldichloroethane (DDE) from the historic application of pesticides within the former orchard area.
- Potential petroleum hydrocarbon and metals contamination in former burn pile areas from the previous use of diesel and oil on the piles to aid combustion. The USACE observed stained and stressed vegetation in the burn pile areas.
- Potential lead and arsenic contamination from the discharge of firearms into two target practice areas located on the subject property.
- 

The chemicals of concern (COCs) within the subject property include arsenic, lead, DDT, DDD, DDE; and diesel and lube oil range petroleum hydrocarbons. Composite sampling and laboratory analysis of soil samples in the former orchard areas indicate that the surface soils have been impacted by the previous application of lead and arsenic based pesticides and DDT. The COCs from the application of pesticide in the former orchard area are lead, arsenic, DDD, DDE, and DDT. Of these analytes, arsenic, DDD, and DDT were measured above MTCA Method A or B soil Cleanup Levels. All soil samples collected from the former orchard areas contain lead and arsenic concentrations above the State of Washington regional background concentrations (INS, 2004).

### **3.10 SOCIOECONOMIC DATA**

#### **3.10.1 Population**

According to the U.S. Census Bureau (2000) the population of Okanogan County is 39,564. Of these 97% are Caucasian. Smaller racial groups include American Indian or Alaska Native, Asian, and Latino (Okanogan Co. Chronicle, 2003).

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

The majority of employment in the Okanogan County area is natural resource based. Primary sources of employment include, forestry, fishing, hunting and agricultural support Latino (Okanogan Co. Chronicle, 2003). The median household income for Okanogan County is \$29,726 (U.S. Census Bureau, 2000).

## **4.0 ENVIRONMENTAL CONSEQUENCES**

This section of the EA discusses those environmental factors that would be impacted by the Proposed Action carried through for analysis, including Alternative 1, Station Expansion, and the No-Action Alternative.

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

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

Potential impacts for this proposed 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 following the discussions of each specific resource. Cumulative impacts are those that result from the incremental impacts of an action added to other past, present, and reasonably foreseeable actions, regardless of who is responsible for such actions.

### **4.1 AIR RESOURCES**

#### **4.1.1 Proposed Action**

Under the Proposed Action, exhaust pollutants would be created from on-site heavy equipment and vehicles bringing workers and building materials to the site. Diesel or gasoline-powered heavy equipment would be used during construction of the 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 Alternative 1 Station Expansion**

Alternative 1 would result in temporary exhaust pollutants 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 demolition of adjacent properties and expansion of the existing 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.

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

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

## **4.2 LAND USE**

### **4.2.1 Proposed Action**

A portion of the existing land use on the flat elevations of this site would change for the proposed facility. The arid land hillslope and hillside draws would remain the same. The sloped areas are not within the area slated for development. The construction of the proposed USBP facility may have an insignificant short-term impact on the surrounding area while construction equipment and vehicles access the site. No unique land use areas would be impacted by the proposed project.

Traffic in the vicinity may increase slightly with the addition of the USBP station, but would represent only a minor increase over current use. A private road easement off Shirley Road provides access to the Action Area. In order to provide access to the site, the government would purchase an easement of the existing road, or immediately adjacent land. The road would be improved to accommodate the transportation needs of the facility. Under maximum staffing, 50 to 70 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. Wenatchee District - Washington State Department of Transportation (WSDOT) personnel Mike Andreini indicated minimal traffic concerns regarding construction of the facility at Alternative Site #10 (Andreini, 2003). The Gallagher site was also positioned adjacent to Highway 97 and accessed from a private road.

#### **4.2.2 Alternative 1 Station Expansion**

The Station Expansion alternative would require acquisition of adjacent properties and demolition of 2 homes and a machine shop. Traffic in the vicinity would increase with the expansion of the USBP station. The existing station is located on Main Street in the central area of downtown Oroville. Main Street is primary arterial in Oroville. Staff and visitor parking would be partially accommodated with expansion, however, the majority of parking would be required on public streets.

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

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

### **4.3 GEOLOGICAL RESOURCES**

#### **4.3.1 Proposed Action**

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

Site development would involve grading work. To assist in offsetting impacts from the grading work, best management practices, such as soil/erosion fencing would be installed. 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 best management practices (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 Alternative 1 Station Expansion**

It is not likely that geologic hazards such as seismic events, landslides, subsidence, or increased flooding would result from implementation of Alternative 1. Conversely, the expansion or utilization of the office facility is not likely to be impacted by any geologic hazard in the general project area.

Expansion would involve demolition and general construction. Limited grading would be required. . To assist in offsetting impacts from the grading work, best management practices, such as soil/erosion fencing would be installed. 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 best management practices (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.

### **4.3.3 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 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**

Only minimal water usage would be expected during the construction phase of the proposed project. Stabilization of any disturbed soil, through landscaping, at the conclusion of the construction, would eliminate the potential for sediments to be carried into storm water runoff. Therefore, impacts to water resources from the construction phase of the Proposed Action are expected to be short-term and insignificant.

The new station would include drinking water and showers. Water for both fire protection and domestic use would be obtained from municipal water available at the road easement on the north end of the property. The increase in water usage resulting from the expansion of the staff would not have a significant adverse impact on groundwater supplies. The increase in impermeable surface area would slightly increase runoff. Storm water management would be designed in accordance with the Washington state Final Draft Stormwater Management Manual for eastern Washington (Ecology, 2002).

No deterioration of natural drainages, disruption of drainage patterns, or degradation of existing surface water quality in the area is expected from the long-term implementation and operation of the Proposed Action. The hillside draws are outside of the project area and would be entirely avoided. These draws infiltrate at the toe of slope and do not create an overland flow that could be intercepted by development.

### **4.4.2 Alternative 1 Station Expansion**

Only minimal water usage would be expected during the construction phase of the proposed project. Therefore, impacts to water resources from the construction phase of the Proposed Alternative 1 are expected to be short-term and insignificant.

The new station would include drinking water and showers. Water for both fire protection and domestic use would be obtained from municipal water available at the existing facility. The increase in water usage resulting from the expansion of the staff would not have a significant adverse impact on groundwater supplies. The increase in impermeable surface area would increase storm water runoff. Storm water management would be designed in accordance with the Washington state Final Draft Stormwater Management Manual for eastern Washington (Ecology, 2002).

No deterioration of natural drainages, disruption of drainage patterns, or degradation of existing surface water quality in the area is expected from the long-term implementation and operation of Alternative 1.

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

No change in baseline conditions would be expected from the No-Action Alternative; therefore, no impact is expected from this alternative.

### **4.5 BIOLOGICAL RESOURCES**

A site visit was conducted on 19 April 2003 by Army Corps of Engineers biologist Matt Bennett. Additional information on Okanogan region wildlife habitat conditions was obtained from Washington Department of Fish & Wildlife (WDFW) Regional Habitat Biologist Connie Iten, and the WDFW Priority Habitats and Species database.

#### **4.5.1 Proposed Action**

##### **4.5.1.1 Vegetation**

Based on the typical layout of USBP stations used by the USBP's Spokane Sector, it is estimated that vegetation would be cleared from approximately one-quarter 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. The vegetation that would be removed is comprised of common grassland species that are widespread throughout the region where disturbed ground is frequent (See Photos 1 & 2, Section 3.8). As such, the loss of vegetation due to the proposed construction is insignificant. The shrub dominated slopes and forested hillside draws would be undisturbed.

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

Because the proposed construction would be located on previously disturbed land, and the amount of native vegetation that would be lost is small, the Proposed Action would have an insignificant short-term impact on vegetation in the vicinity. 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.

##### **4.5.1.2 Fish & Wildlife Habitat**

The proposed action would result in the loss of approximately 5 acres of disturbed grassland habitat. This habitat type is common and widespread in the region and characterizes lands previously used for agricultural activities. No critical habitats or listed species are known to occur in the project area. Therefore, 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. As described below for each species, direct and indirect effects from the proposed action are insignificant. Interrelated effects identified in this evaluation identify the occasional use of helicopter flight that could affect bald eagle behavior at Lake Osoyoos and along the Okanogan River corridor.

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

Wolves are highly social animals requiring large areas to roam and feed. Conservation requirements for wolf populations are not fully understood, but the availability of prey and limiting risk of human-caused mortality are considered key components (Tucker 1990). The risk of human-caused mortality can be directly related to the density and distribution of open roads. The subject property is positioned immediately west of Highway 97. There is no evidence of wolf packs or lone wolves in the project area.

There is no evidence of gray wolves in the project area, nor is there suitable habitat for the species. Although potential prey may occur in the project vicinity, there is ample prey base throughout the entire area and the project is not expected to have any effect on the local prey populations. The project would not result in any new roadways or any other potential disturbances to wolf populations. Therefore, the Proposed Action would have No Effect on gray wolves.

Bald Eagle: Bald eagles are winter visitors and yearlong residents of north central Washington. They are attracted to the area's larger lakes and rivers, which provide most of their foraging opportunities (e.g. fish, waterfowl, carrion). Accordingly, bald eagles select isolated shoreline areas with larger trees for nesting, feeding, and loafing. Nesting habitats include proximity to sufficient food supply, dominant trees, and within line-of-sight of large bodies of water (often within ¼ mile of water). Nest trees typically are large ponderosa pine (*Pinus ponderosa*), Douglas fir (*Pseudotsuga menziesii*), western larch (*Larix occidentalis*) or cottonwood (*Populus balsamifera*) with open crowns in areas that are relatively free from human disturbance (Clark 1987).

Washington State Department of Fish and Wildlife Priority Habitats and Species database has no documentation of Bald eagle nests or territories in the project area (WDFW, 2003). However, the USFWS database indicates bald eagles occur in Lake Osoyoos/Okanogan River basin (Appendix B). Lake Osoyoos is used for feeding, and eagles could potentially nest along the lake shoreline (Cordora, 2003). Numerous nests sites are located along the Okanogan River corridor. The corridor, including nest sites, comprise a linear territory for bald eagles (Iten, 2003). The headwater of the Okanogan

River at the south end of Lake Osoyoos is located approximately 1.5 miles south of this site. The subject property is situated 660 feet west of the Lake Osoyoos shoreline. Potential nesting or roosting habitat on the subject property is limited to one mature ponderosa pine trees on the hillside. There is no suitable foraging habitat.

Construction and daily operations disturbances to bald eagles are not significant at the property, however, disturbances from helicopter approaches and departures could be. A helicopter would not be permanently stationed at the BPS. Approximately two times per month a helicopter may visit the station approaching from the Spokane Sector offices southeast of the site. WDFW discussed implementing conservation recommendations on flight paths to avoid disturbances to the bald eagle territory along the Okanogan River south of Oroville. In addition, due to the positioning of the property near Lake Osoyoos, similar restrictions to avoid roosting, foraging, or perching bald eagles would be adhered to a long the shoreline. Under regular flight operations, USBPS pilots would be instructed to approach the facility from the Highway 97 corridor and cross the river in the City of Oroville. The helicopter would proceed north to the facility on the Highway 97 corridor. These flight restrictions would avoid flying the river corridor and eagle territory as well as any bald eagle use a long the Osoyoos Lake shoreline.

Conservation recommendations to mitigate potential disturbances to bald eagle's are further discussed in Section 5.5; Environmental Design Measures, Biological Resources. Assuming adherence to the Conservation Recommendations, the Proposed Action would Not Likely Adversely Effect bald eagles.

Ute-ladies'-tresses: The Ute ladies'-tresses (*Spiranthes diluvialis*) was listed as Threatened by the USFWS on January 17, 1992 (WDNR, 1999). Ute ladies'-tresses is known to inhabit wetland and riparian areas, including spring habitats, and mesic to wet meadows and flood plains. Historical range covered Colorado, Idaho, Montana, Nebraska, Nevada, Utah, Washington, and Wyoming. Currently it can be found in Colorado, Idaho, Montana, Utah, Washington, and Wyoming. In Washington State, it was collected from Okanogan County in 1997 in the Okanogan Highlands physiographic province (WDNR, 1999). The Okanogan County record of this species was at Wannacut Lake, located approximately 7 miles southwest of the project site (Moody, 2003). The subject property contains no wetland habitat; hence there is no suitable habitat for Ute ladies' – tresses on the subject property. Therefore, the Proposed Action would have No Effect on Ute ladies' tresses.

Upper Columbia River Steelhead: Life history information for Upper Columbia River Steelhead is available at <http://www.nwfsc.noaa.gov/pubs/tm/tm27/tm27.htm>. The ESU for Upper Columbia River Steelhead includes the Okanogan River, located in close proximity to this site.

Upper Columbia River Steelhead are known to occur in the Okanogan River. There is no surface water connection from the site to the Okanogan River and the site is situated approximately 660 feet west of the Osoyoos Lake shoreline. Based on the lack of any surface water connections to the lake, and the positioning of the property to the lake

shoreline, the proposed action would have No Effect on Upper Columbia River Steelhead.

#### **4.5.2 Alternative 1 Station Expansion**

##### **4.5.2.1 Vegetation**

Less than 5 percent of the existing and/or acquired property would be vegetated. 5 Percent of the existing property contains lawn and a scattering of ornamental shrubs. Adjacent properties contain little to no landscaping. As such, the loss of vegetation due to the proposed construction is insignificant. No protected species of vegetation were observed during the site visit as it is located in the central business district of downtown Oroville.

##### **4.5.2.2 Fish & Wildlife Habitat**

Alternative 1 would result in the loss of approximately 200 square feet of lawn and ten ornamental shrubs. No critical habitats or listed species are known to occur in the project area. Therefore, no long-term impacts to small mammal, reptile, or bird populations would be expected.

##### **4.5.2.3 Threatened and Endangered Species**

The subject property is located in downtown Oroville. There are no known Threatened or Endangered Species in the vicinity of the existing facility.

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

Under the No-Action alternative, no construction would take place. The acreage would continue to be used for livestock pasture, equestrian activities and arid land. As a result, there would continue to be insignificant short- and long-term impacts to endangered species.

## **4.6 NOISE**

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

### **4.6.1 Proposed Action**

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

Over the proposed project area, receptors are located well beyond these distances. 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.

Operation of the station would only increase daily noise levels in the area through increases in vehicular traffic. This increase would not be significant, especially compared to the existing noise level of traffic on Highway 97. Periodic helicopter use 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. According to USBP personnel (Graham, 2003), the anticipated frequency of helicopter visits from Spokane Sector is approximately twice per month. Based on the infrequent use of the helicopter landing pad and the distance of the pad from potentially sensitive receptors, noise impacts from operation of the helicopter-landing pad would be insignificant. Overall, the impacts of the operation of the station would be insignificant.

#### **4.6.2 Alternative 1 Station Expansion**

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. Operation of the station would only increase daily noise levels in the area through increases in vehicular traffic. Helicopter access to the site would not be feasible as there is not adequate room for a landing pad. Therefore, only insignificant noise impacts are expected from the demolition and construction phase of the proposed project.

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

Under the No-Action alternative, no construction would take place. Baseline conditions would remain the same. No long- or short-term noise impacts would occur.

### **4.7 CULTURAL RESOURCES**

#### **4.7.1 Proposed Action**

No Cultural Resources are present at any project location. Because there is a slight chance that construction at any location might encounter human remains or archaeological sites not yet discovered, all construction contracts that involve earthmoving or excavation should have a clause that allows work to be halted in the area where remains are encountered until the construction manager and the SHPO and CCT THPO and CBP can develop a plan to deal with the materials encountered.

#### **4.7.2 Alternative 1 Station Expansion**

No prehistoric or historic archaeological sites or other potential Cultural Resources are present within boundaries of either the existing or the potential expanded CBP facility in downtown Oroville. Operation of neither the current nor the expanded facility would affect reported potential Cultural Resources that are in the general vicinity.

#### **4.7.3 No-Action Alternative.**

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

### **4.8 AESTHETIC AND VISUAL RESOURCES**

#### **4.8.1 Proposed Action**

The current visual characteristics of the general project area provide a vast panoramic view of Lake Osoyoos with a mountainous backdrop. The building footprint would be situated on the flat topography near the toe of slope. Under the Proposed Action, aesthetic resources would be insignificantly impacted by the construction activities. However, construction activities are short-term and would not have a permanent impact on the subject areas. There would be insignificant long-term impacts to aesthetic resources under this alternative, as light commercial facilities are common in the Highway 97 corridor approaching the U.S. – Canada border.

#### **4.8.2 Alternative 1 Station Expansion**

Expansion of the existing station would require adding additional stories on the existing station and the acquisition of adjacent properties and demolition of 2 homes and a service station. The maximum height per the City of Oroville building code is 35 feet. There are presently very few 2-story buildings in the city of Oroville and no 3-story buildings (Branch, 2004).

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

Under the No-Action alternative, no construction would take place. Baseline conditions would remain the same. No short- or long-term impacts to aesthetic resources would occur under this alternative.

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

#### **4.9.1 Proposed Action**

The proposed action would result in remediation of areas moderately contaminated by chemicals of concern described in Section 3.9. Specific mitigation measures would be required by Washington State Department of Ecology are described in Section 5.9 and included in Appendix D of this report.

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 and threaten the health of the local population, as well as wildlife and vegetation. 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. Additionally, the contractor would be responsible to ensure a Spill Prevention, Control and Countermeasures Plan (SPCCP) would be in-place prior to construction, and all personnel would be briefed on the implementation and responsibilities of the plan. As a result, only short-term insignificant impacts would be expected to result from construction activities.

The operation of the station is not expected to produce hazardous waste. An aboveground portable 500-gallon fuel tank would be stored at the facility for helicopter refueling. Vehicles would refuel at fuel stations in Oroville or Omak. Appropriate spill prevention measures would be installed for the portable tank by providing secondary containment in the event of a spill. Additionally, all solid waste generated would be collected on site and disposed at a state-approved solid waste landfill facility. As a result, no long-term impacts are expected from the implementation of the Proposed Action.

#### **4.9.2 Alternative 1 Station Expansion**

There are no known hazardous materials or processes in the area of the existing border patrol facility.

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

Under the No-Action alternative, no construction or remediation actions would take place. The property would remain moderately contaminated with arsenic, lead, DDT, DDD, DDE; and diesel and lube oil range petroleum hydrocarbons.

### **4.10 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE**

#### **4.10.1 Socioeconomics of Proposed Action**

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

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

In the long-term, the socioeconomic impacts of this alternative are expected to be beneficial due to the expected increase in alien apprehension and a decrease in drug trafficking, smuggling, and terrorism. Additionally, the proposed facility would house increased USBP staff that would contribute to local economy due to expenditures by such staff. Construction-related revenues, however, would easily be absorbed into the broader economy of the ROI, making such a contribution relatively insignificant. In a broader sense, the additional staff would help reduce socioeconomic impacts and burdens that currently exist on local law enforcement and the medical communities in the surrounding areas. In short, long-term impacts would be beneficial, though insignificant.

#### **4.10.2 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 U.S. Federal agency identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its program, policies, and activities on minority and low income populations in the U.S. The proposed construction would not restrict the flow of legal visitation, trade, or immigration. 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.

#### **4.10.3 Alternative 1 Station Expansion**

This alternative would provide direct and indirect economic benefits to area companies and employees as described above in the Proposed Action. As a result, the overall area population would not be significantly impacted.

#### **4.10.4 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 Oroville would be subjected to potential adverse safety and economic consequences of illegal immigration that could otherwise be reduced by the Proposed Action. Selection of the No-Action Alternative would potentially have a negative, though insignificant, impact on environmental justice and socioeconomic resources in the ROI.

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

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

### **4.12 CUMULATIVE IMPACTS**

Per the Council on Environmental Quality's (CEQ) regulations implementing the procedural provisions of NEPA, cumulative effects are defined 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" (40 CFR 1508.7).

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

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

The CEQ recommends that an agency's analysis accomplish the following:

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

Cumulative effects can be positive as well as negative depending on the resource element (e.g., air quality, fisheries, etc.) being evaluated. It is possible that some resource elements can be negatively and others positively impacted by the same proposed project. Most Cumulative Effects Analyses would identify varying levels of beneficial and adverse effects depending on the resource elements and the specific actions. Because of this potential mixture of effects, it is sometimes difficult to determine which alternative is best. A Weighted matrix can be a useful tool for selecting the proposed alternative. However, it, too, is limited due to the subjectivity of assigned factor weights and impact/effect scoring.

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

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

#### **4.12.1 Proposed Action**

Mr. Chris Branch, Planning and Community Development Director of the City of Oroville, was contacted to inquire if other significant developments in the area are planned, approved or funded or if significant population growth is expected. In addition, Mr. Don Motes, Community Planning Director of Okanogan County was contacted. Presently the Water System Plan for the City of Oroville estimates a population of 2,412 in the greater Oroville area. The anticipated population increase for 2023 is 3,738 (Oroville, 2003). One proposed resort development, Turtle Bay, may increase this projection with the addition of up to 250 condominium residents. Many of these residents, however, would be seasonal (Branch, 2004). Both Mr. Branch and Mr. Motes confirmed the City Water System could accommodate the additional water users associated with the Turtle Bay development as referenced in the Mitigated Determination of Non-Significance for the Turtle Bay Project (Okanogan County, 2004).

Mr. Bill Gould, Washington State Department of Transportation – Wenatchee District (WSDOT), was contacted to inquire if WSDOT anticipated any future events or actions associated with Highway 97 that may have an impact on transportation on a regional basis. Mr. Gould confirmed there are no plans for Highway 97 improvements in the region as there are no funds available for such activities.

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.

#### **4.12.2 Alternative 1 Station Expansion**

As described in Chapter 4, Alternative 1 Station Expansion would not have a significant direct impact on any resource element and thus, would not contribute to a cumulative impact on any resource element. Alternative 1 would change the land use of the direct impact area, but absolute and cumulative effects of this conversion would not be significant as well.

#### **4.12.3 No Action Alternative**

The negative impact of continued illegal immigration with the resultant increases in crime and smuggling is a consequence of the No Action Alternative. Further, this alternative would potentially degrade the integrity of the U.S. Border in terms of homeland security and defense. Additionally, over crowded and over used USBP facilities is a negative factor in the operational effectiveness of the USBP.

## **5.0 ENVIRONMENTAL DESIGN MEASURES**

This chapter describes environmental design measures that would be implemented as part of the proposed project to reduce or eliminate impacts from construction activities. Due to the short-term nature of the proposed construction activities, impacts are expected to be insignificant; therefore, mitigation measures are only described for those resources

with potential for impacts. The U.S. Army Corps of Engineers will be responsible for implementation of the mitigation measures employed to negate or minimize the a less than significant level, any environmental impacts of the Proposed Action.

### **5.1 AIR QUALITY**

Mitigation 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.

### **5.2 LAND USE**

No mitigation measures proposed.

### **5.3 GEOLOGICAL RESOURCES**

No mitigation measures proposed

### **5.4 WATER RESOURCES**

Standard construction procedures would be implemented 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. 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 and operational support activities. The contractor will be responsible to procure the National Pollution Discharge Elimination system (NPDES) permit.

### **5.5 BIOLOGICAL RESOURCES**

Conservation recommendations to minimize disturbance to the bald eagles would be implemented. Conservation recommendations pertain specifically to helicopter use approaching and departing the facility. It is estimated the helicopter would land at the facility approximately two-times per month. The helicopter would approach the site from the Highway 97 corridor (as it approaches from Spokane) and cross the Okanogan River in the City of Oroville. Flight paths would avoid flying over the Okanogan River corridor and Lake Osoyoos shoreline as to avoid disturbances to bald eagles.

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 revegetative efforts.

Additional mitigation measures would include best management practices 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. Any 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 subsequent soil erosion. Borrow materials, if required, would be obtained from established borrow pits or from approved on-site sources.

## **5.6 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 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 possess properly working mufflers and be kept in a proper state of tune to reduce backfires. Implementation of these measures would reduce noise impacts to an insignificant level. Periodic helicopter use of the station's landing pad would be limited to approximately two times per month (Graham, Garrett 2003). Noise levels within 200 yards or ¼ mile of the site would be insignificant.

## **5.7 CULTURAL RESOURCES**

No Cultural Resources are present at the project location. Because there is a slight chance that construction at the preferred site might encounter human remains or archaeological sites not yet discovered, all construction contracts that involve earthmoving or excavation shall have a clause that allows work to be halted in the area where remains are encountered until the construction manager and the SHPO and CCT THPO and CBP to develop a plan to deal with the materials encountered.

## **5.8 AESTHETIC AND VISUAL RESOURCES**

No Aesthetic or Visual resources are anticipated therefore no mitigation measures are proposed.

## **5.9 SOLID AND HAZARDOUS WASTES**

Moderate lead/arsenic/DDE/DDT contamination from past orchard use activities would be mitigated as required by Washington State Department of Ecology, Central Region Office (Ecology). Cleanup measures would result in a No Further Action (NFA) letter issued by the agency. Specific mitigation actions per Mr. Norm Hepner's email correspondence (Appendix D) are listed below

1) Involvement in the Voluntary Cleanup Program. This requires requesting an Ecology consultation by submitting the following information to the Ecology office in the region where the site is located; a Voluntary Cleanup Program Request for Assistance Form (ECY 020-74), a completed Site Summary Form (ECY 020-73), any existing reports on the site, and a \$500 deposit.

- 2) A restrictive covenant on the deed informing future properties owners of the contamination and restrict certain activities that would spread the contamination.
- 3) The NFA would not apply to the undeveloped, unremediated portion of the site.
- 4) The site development plan would provide a minimum 6-inch clean soil cap and marker fabric (6-ounce geotextile), gravel/asphalt barrier, or other barrier such as a building foundation.

Additionally, all personnel would be briefed on the correct procedures for prevention of and response to a spill. A SPCCP would be in place prior to the start of construction, and all personnel would be briefed on the implementation and responsibilities of this plan. Adoption and full implementation of the construction measures described above would reduce adverse hazardous/regulated substances impacts to insignificant levels.

All used oil would be recycled if practicable. All non-recyclable hazardous and regulated wastes would be collected, characterized, labeled, stored, transported, and disposed of in accordance with all Federal, state, and local regulations, including proper waste manifesting procedures.

#### **5.10 SOCIOECONOMICS**

No socioeconomic impacts are anticipated therefore no mitigation measures are proposed.

**Table 5-1.** Comparisons of Potential Impacts

Affected Environment	No Action Alternative	Proposed Action	Alternative 1 Station Expansion
Air Resources	No impacts	Insignificant short-term increase in exhaust pollutants, dust; no long-term 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 abandoned orchards/grassland to USBP station	Acquisition of adjacent properties and demolition of 2 homes and service station, increase height of existing building 2 stories to max. of 35' as permitted by city code, increased traffic and increased need for public parking
Geological Resources	No impacts	Insignificant grading during construction; no long-term impacts	Insignificant grading during construction; no long-term impacts
Water Resources	No impacts	Slight long-term increase in demand for potable water; slight increase in area of impervious cover, and therefore runoff; increases are not significant	Slight long-term increase in demand for potable water; slight increase in area of impervious cover, and therefore runoff; increases are not significant provided state storm water detention requirements are adhered to
Biological Resources	No impacts	Short-term insignificant impacts from disturbance during construction; insignificant long-term impacts from slight losses of grassland habitat; Threatened: No Effect (gray wolf	No impacts

		and Ute ladies' tresses; 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 operation. Increases are considered insignificant.	Slight short-term increases in heavy equipment noise during demolition and construction, increase in vehicular traffic, the site would not allow for helicopter access therefore no associated noise, Increases are considered insignificant.
Cultural Resources	No impacts	No properties present; No impacts	No impacts
Aesthetic Resources	No impacts	Short term effects from on site construction activities. Long term, slight effect due to conversion of flat-semi arid grassland to light commercial facility.	Short term effects from on site construction activities. Long term effect due to construction of 3 story building where none others exist within the city boundaries, minimal to no commercial landscaping
Solid/Hazardous Waste	Under the No-Action alternative, no construction or remediation actions would take place at the Shirley property. The property would remain moderately contaminated with arsenic, lead, DDT,	Moderate lead/arsenic/DDE/DDT contamination from past orchard use activities would be mitigated as required by Washington State Department of Ecology, Central	No impacts

	DDD, DDE; and diesel and lube oil range petroleum hydrocarbons; Slight indirect impacts from trash disposal by Oroville BPS at the existing station.	Region Office (Ecology). Cleanup measures described in Section 5.9 would result in a No Further Action (NFA) letter issued by the agency.	
Socioeconomic Issues	Oroville BPS would continue to employ 17 employees	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 UDDA apprehension and drug interception from operation of station.	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 IE apprehension and drug interception from operation of station.

## **6.0 PUBLIC INVOLVEMENT**

This chapter discusses consultation and coordination that occurred in the preparation of this document. This includes contacts made during development of the Proposed Action, elimination of alternatives, and writing of the EA.

### **6.1 AGENCY COORDINATION**

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

- Confederated Tribes of the Colville Reservation
- 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;
- Washington State Department of Transportation;
- State Historic Preservation Office (SHPO);
- U.S. Fish and Wildlife Service (USFWS);
- National Marine Fisheries Service (NMFS);
- City of Oroville; and
- Okanogan County

### **6.2 PUBLIC REVIEW & NOTICE OF AVAILABILITY**

Copies of the draft EA were made available at the Omak Public Library and the Notice of Availability published in the Okanogan Gazette Tribune and Omak Chronicle.

No public scoping meetings were held.

## **7.0 REFERENCES**

### **7.1 DOCUMENTS/PUBLICATIONS/PERSONAL COMMUNICATION**

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## 8.0 LIST OF PREPARERS

Name	Discipline	Agency	Education	Years Experience
Joseph Lamphear	Western Regional Environmental Officer	U.S. Customs and Border Protection	AA - Law	13 - NEPA
Kevin Feeney	Environmental Program Manager	Headquarters, U.S. Customs and Border Protection	MPA, Public Administration	25+
Patience E.Patterson, RPA	Cultural Resources Prog. Manager – Environmental Planner	U.S. Army Corps of Engineers-Fort Worth District/AERC	M.A., M.Phil Anthropology and Archaeology	30
Matt Bennett	Biologist, Environmental Coordinator	U.S. Army Corps of Engineers – Seattle District	B.S. Environmental Science, Masters of Forest Resources <i>(pending thesis completion 2004)</i>	12
Lawr Salo	Archaeologist	U.S. Army Corps of Engineers – Seattle District	B.A. Anthropology	36
Michael Scuderi	Biologist, NEPA Technical Expert	U.S. Army Corps of Engineers – Seattle District	Masters Degree in Geography	18

## 9.0 LIST OF ACRONYMS AND ABBREVIATIONS

CAA Clean Air Act  
CCC Colville Confederated Tribes  
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  
EA Environmental Assessment  
EIS Environmental Impact Statement  
EO Executive Order  
ESA Endangered Species Act or Environmental Site Assessment  
ESU Evolutionarily Significant Unit  
FEMA Federal Emergency Management Act  
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  
THPO Tribal Historic Preservation Officer  
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  
WDNR Washington Department of Natural Resource

## **APPENDICES**

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**APPENDIX A: AGENCIES AND INDIVIDUALS RECEIVING  
COPIES OF THE DRAFT EA FOR REVIEW AND COMMENT**

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

Adeline Fredin Reservation	Confederated Tribes of the Colville
Joseph A. Pakootas Reservation	Confederated Tribes of the Colville
Greg Kurz	U.S. Fish & Wildlife Service
Dale Bambrick	National Marine Fisheries Service
Ben Case	U.S. Army Corps of Engineers
Patience Patterson	U.S. Army Corps of Engineers
Debbie Knaub	U.S. Army Corps of Engineers
Lynn Daniels	U.S. Army Corps of Engineers
Kent Woodruff	U.S. Forest Service
Tom Conner	U.S. Environmental Protection Agency
Kevin Feeney	U.S. Department of Homeland Security
Robin Coachman	U.S. Department of Homeland Security
Joseph Lamphear	U.S. Department of Homeland Security
Lee Pinkerton	U.S. Border Patrol – Spokane Sector
Richard Graham	U.S. Border Patrol – Oroville Station
Margie Nowick	Advisory Council on Historic Preservation
Allyson Brooks Development	Washington Department of Community
Robert Whitlam Development	Washington Department of Community

Connie Iten Wildlife	Washington Department of Fish and Wildlife
Mark Schuppe	Washington Department of Ecology
Bill Gould	Washington Department of Transportation
Don Motes	Okanogan County
Chris Branch	City of Oroville
John Lafferty	citizen
Casy Pooler	adjacent property owner
Charlie Miller	adjacent property owner
Fred York	adjacent property owner
Bob Swan	adjacent property owner

**APPENDIX B: USFWS DATA BASE REQUEST LETTERS**

# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
UPPER COLUMBIA FISH AND WILDLIFE OFFICE 11103 EAST MONTGOMERY DRIVE SPOKANE,  
WASHINGTON 99206

January 13, 2003

Mark T. Ziminske, Chief  
Environmental Resource Section  
Dept. of the Army  
Seattle District, Corps of Engineers  
P.O. Box 3755  
Seattle, Washington 98124-3755

Subject: Species List for the Proposed Immigration and Naturalization Service (INS)  
Border Patrol Facility in Okanogan County, Washington

Reference Number: 1-9-03-SP-0090

Dear Mr. Ziminske:

This responds to your December 5, 2002, request for a list of threatened and endangered species that may occur in the vicinity of the proposed INS Border Patrol Facility project in Okanogan County, Washington. We understand that the project involves coordinating land acquisition, design and construction of a new facility. The new facility will include administrative offices, recreation center, law enforcement holding facility, helicopter pad and potentially a firing range. Please use the above reference number for all future correspondence regarding this project.

We have reviewed the information you provided. Our records indicate that the following listed and candidate species, may occur in the vicinity of the project and could potentially be affected by it:

## Listed Species

### Endangered

Gray wolf (*Canis lupus*)

### Threatened

Bald eagle (*Haliaeetus leucocephalus*)

Ute ladies'-tresses (*Spiranthes diluvialis*)

## **Candidate Species**

Yellow-billed cuckoo (*Coccyzus americanus*)

Federal agencies must meet their responsibilities under section 7 of the Endangered Species Act of 1973, as amended (Act), as outlined in Enclosure A. Enclosure A includes a discussion of the contents of a Biological Assessment (BA), which provides an analysis of the impacts of the project on listed and proposed species, and designated and proposed critical habitat. Preparation of a BA is required for all major construction projects. Even if a BA is not prepared, potential project effects on listed and proposed species should be addressed in the environmental review for this project. Federal agencies may designate, in writing, a non-federal representative to prepare a BA. However, the involved federal agency retains responsibility for the BA, its adequacy, and ultimate compliance with section 7 of the Act.

Preparation of a BA would be prudent when listed or proposed species, or designated or proposed critical habitat, occur within the project area. Should the BA determine that a listed species is likely to be affected by the project, the involved federal agency should request section 7 consultation with the U.S. Fish and Wildlife Service (Service). If a proposed species is likely to be jeopardized by the project, regulations require conferencing between the involved federal agency and the Service. If the BA concludes that the project will have no effect on any listed or proposed species, we would appreciate receiving a copy for our information.

Candidate species receive no protection under the Act, but are included for your use during planning of the project. Candidate species could be formally proposed and listed during project planning, thereby falling within the scope of section 7 of the Act. Protection provided to these species now may preclude possible listing in the future. If evaluation of the subject project indicates that it is likely to adversely impact a candidate species, we encourage you to modify the project to minimize/avoid these impacts.

If you would like information concerning state listed species or species of concern, you may contact the Washington Department of Fish and Wildlife, at (360) 902-2543, for fish and wildlife species; or the Washington Department of Natural Resources, at (360) 902-1667, for plant species.

This letter fulfills the requirements of the Service under section 7 of the Act. Should the project plans change significantly, or if the project is delayed more than 90 days, you should request an update to this response.

Thank you for your efforts to protect our nation's species and their habitats. If you have any questions concerning the above information, please contact Carrie Cordova at (509) 893-8022.

Sincerely,

Supervisor

Enclosure

c: WNHP, Olympia  
WDFW, Region 2

Enclosure A

## **Responsibility of Federal Agencies under Section 7 of the Endangered Species Act**

### Section 7(a) - Consultation/Conferencing

- 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 (Service) when a federal action may affect a listed species to ensure that any action authorized, funded, or carried out by a federal agency will not jeopardize the continued existence of listed species, or result in destruction or adverse modification of critical habitat. The process is initiated by the federal agency after determining that the action may affect a listed species; and
  - 3) Conferencing with the Service when a federal action may jeopardize the continued existence of a proposed species, or result in destruction or adverse modification of proposed critical habitat.

### Section 7(c) - Biological Assessment for Major Construction Activities

Requires federal agencies or their designees to prepare a Biological Assessment (BA) for major construction activities<sup>1</sup>. The BA analyzes the effects of the action, including indirect effects and effects of interrelated or interdependent activities, on listed and proposed species, and designated and proposed critical habitat. The process begins with a request to the Service for a species list. If the BA is not initiated within 90 days of receipt of the species list, the accuracy of the list should be verified with the Service. The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable between the Service and the involved federal agency). No irreversible commitment of resources is to be made during the BA process that forecloses reasonable and prudent alternatives for the project that could protect listed and proposed species. Project planning, design, and administrative actions may proceed, however, no construction may begin.

We recommend the following for inclusion in a BA: an onsite inspection of the area to be affected by the proposal, which may include a detailed survey of the area to determine if listed or proposed species are present; a review of pertinent literature and scientific data to determine the species' distribution, habitat needs, and other biological requirements; interviews with experts, including those within the Service, state conservation departments, universities, and others who may have data not yet published in scientific literature; an analysis of 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; and an analysis of alternative actions considered. The BA should document the results of the impacts analysis, including a discussion

of study methods used, any problems encountered, and other relevant information. The BA should conclude whether or not any listed species may be affected, proposed species may be jeopardized, or critical habitat may be adversely modified by the project. Upon completion, the BA should be forwarded to the Service.

Major concerns that should be addressed in a BA for listed and proposed animal species include:

1. Level of use of the project area by the species, and amount or location of critical habitat;
2. Effect(s) of the project on the species' primary feeding, breeding, and sheltering areas;
3. Impacts from project construction and implementation (*e.g.*, increased noise levels, increased human activity and/or access, loss or degradation of habitat) that may result in disturbance to the species and/or their avoidance of the project area or critical habitat.

Major concerns that should be addressed in a BA for listed or proposed plant species include:

1. Distribution of the taxon in the project area;
2. Disturbance (*e.g.*, trampling, collecting) of individual plants or loss of habitat; and
3. Changes in hydrology where the taxon is found.

#### Section 7(d) - Irreversible or Irretrievable Commitment of Resources

Requires that, after initiation or reinitiation of consultation required under section 7(a)(2), the Federal agency and any applicant shall make no irreversible or irretrievable commitment of resources with respect to the action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternatives which would avoid violating section 7(a)(2). This prohibition is in force during the consultation process and continues until the requirements of section 7(a)(2) are satisfied.

<sup>1</sup> A major construction activity is a construction project, or other undertaking having similar physical impacts, which is a major action significantly affecting the quality of the human environment as referred to in the National Environmental Policy Act [42 U.S.C. 4332 (2)(c)].

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## **APPENDIX C: TRIBAL CORRESPONDENCE**

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MAY 23 2003

Environmental Resources Section

SUBJECT: U.S. Department of Homeland Security Border Patrol Facility, Oroville,  
Okanogan County, Washington

The Honorable Eddie Palmanteer  
Chairman, Confederated Tribes of the Colville  
Colville Business Committee  
Post Office Box 150  
Nespelem, Washington 99155

Dear Chairman Palmanteer:

The U.S. Department of Homeland Security (DHS) is constructing a new U.S. border patrol facility near the U.S. - Canada Border at Oroville in Okanogan County. The purpose of the facility is to accommodate increased staffing needs for DHS border patrol. The facility will include administrative offices, a fitness center, a law enforcement holding facility, and a helicopter pad. The U.S. Army Corps of Engineers (Corps) has been tasked by the DHS border patrol to prepare environmental documentation for the construction and operation of the facility.

We would like to take this opportunity to introduce our staff who will be working on the project: Mr. Ed Moreen, Project Manager, (208) 762-7076 extension 227; Mr. Matt Bennett, Environmental Coordinator, (206) 764-3428; and Mr. Lawr Salo, Archaeologist, (206) 764-3630.

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

Sincerely,



Ralph M. Graves  
Colonel, Corps of Engineers  
District Engineer

## **APPENDIX D: ECOLOGY CORRESPONDENCE**

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**Bennett, Matthew J NWS**

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**Subject:** FW: Oroville Site Review & Informal Technical Consultation

HEPNERNO.VCF

Subject: FW: Oroville Site Review & Informal Technical Consultation  
letter from Hepner req clean up  
requirements -lad

Forward Header

Subject: Oroville Site Review & Informal Technical Consultation  
Author: "Hepner; Norm"  
<SMTP:NHEP461@ECY.WA.GOV> Date: 2/23/2004 5:54 PM

Joe,

Based on our discussion today, I am providing you an informal consultation for a moderate lead/arsenic contaminated cleanup project in the Oroville area adjacent to Shirley Road [Section 8, Township 4 0 N, Range 2 7 E]. The specific parcel and soil analytical information was provided by separate email from Warren Phillips and was discussed with the US Army Corps of Engineers on January 20, 2004.

Moderate lead/arsenic contaminated soil requires the following to receive a No Further Action (NFA) Letter from the Washington State Department of Ecology:

1. A restrictive covenant on the deed informing future properties owners of the contamination and restrict certain activities that would spread the contamination.
2. The No Further Action letter would be specific to the portion of the parcel being developed. The NFA would not apply to the undeveloped, unremediated portion of the site.
3. The remediation plan should provide a minimum 6" clean soil cap and marker fabric (6 oz geotextile), gravel/asphalt barrier, or other barrier (building foundation).

I hope you find this information helpful in pursuing your business objectives..

If I can be of further assistance, please contact me at (509) 457-7127.

Norman T. Hepner, P.E.  
Toxics Cleanup Program  
15 W. Yakima Ave, Suite 2 00  
Yakima, WA 98902  
Phone: 509 457-712 7  
Fax: 509 575-2809

**APPENDIX E: PHOTO OF EXISTING STATION**

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Photo 1. Existing Border Patrol Station located at 1105 Main Street, Oroville, Washington.

**APPENDIX F: NOTICE OF AVAILABILITY (NOA)**

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## **NOTICE OF AVAILABILITY**

### **DRAFT ENVIRONMENTAL ASSESSMENT U.S. CUSTOMS AND BORDER PROTECTION**

#### **Construction Of A New Border Patrol Station Near Oroville, Okanogan County, Washington**

The public is invited to comment on the Draft Environmental Assessment (EA) for the Customs and Border Protection (CBP) proposed Oroville Border Patrol Station near the U.S. – Canada border, approximately three miles north of the City of Oroville, Okanogan County, WA. The proposed action is to construct a new Oroville Border Patrol facility on a twenty-three-acre site on the west side of U.S. Highway 97 approximately one mile south of the U.S. – Canada border. The purpose of the facility is to accommodate increased staffing needs for the Customs and Border Protection, Oroville Border Patrol. The facility will include administrative offices, recreation center, law enforcement holding facility, and helicopter pad. The Draft EA will be available at the Oroville Public Library, 1276 Main Street, Oroville, Washington, 98844, (509) 476-2662, Omak Public Library, 30 South Ash, Omak, Washington, 98841 (509) 826-1820, and the Tonasket Public Library, 209 South Whitcomb Avenue, Tonasket, Washington 98855, (509) 486-2366. The EA can also be viewed on the U.S. Army Corps of Engineers website at [www.nws.usace.army.mil/ers/envirdocs.html](http://www.nws.usace.army.mil/ers/envirdocs.html) or the Architect and Engineering Resource Center (AERC) website at <http://aerc.swf.usace.army.mil/Pages/Publicreview.cfm>. Comments will be received for 30 days and due no later than August 12, 2004. All comments received during the review period will be addressed in the Final EA. Please send any written comments to Mr. Matt Bennett, Biologist, Environmental Resources Section, Post Office Box 3755, Seattle, Washington, 98124-3755, or fax comments to Mr. Bennett at (206) 764-4470.