Chapter 1: Introduction

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1 INTRODUCTION

U.S. Customs and Border Protection (CBP) is assessing potential environmental and socioeconomic impacts that could occur if CBP were to implement major program enhancements to the security along the United States Northern Border with Canada. The area of analysis extends from the Atlantic Ocean to the Pacific Ocean, encompassing the contiguous northern tier states from Maine to Washington, up to 100 miles into the United States from the border with Canada and around the Great Lakes. CBP would plan and execute these enhancements as needed in response to cross-border threats or other changes in border security and cross-border trade and travel priorities. The time frame for this assessment is the next five to seven years.

This programmatic environmental impact statement (PEIS) evaluates a range of program alternatives aimed at enhancing border security. The alternatives include increasing and improving CBP's facility inventory, improving or enhancing surveillance and communications technologies and operational activities, deploying additional land-based security structures (roads, culverts, barriers, towers), and pursuing an optimal mix of these program elements. These alternatives would primarily involve additions to or expansions of current law enforcement tools and techniques, rather than the development or use of any fundamentally new mechanisms for border security. These conceptual groupings of security activities will be used to analyze and compare the potential impacts resulting from programmatic changes to CBP's Northern Border security program. CBP would continue to plan for and develop specific responses to actual evolving security threats and trade and travel priorities as they materialize within the area of analysis.

The Northern Border is the longest nonmilitarized open border in the world. It includes land and water boundaries and is the most environmentally diverse contiguous border protected by CBP. The terrain—which ranges from densely forested lands on the west and east coasts, to open plains in the central portion of the country, to the maritime environment of the Great Lakes—largely comprises sparsely populated Federal, state, and tribal lands along the immediate border area. More densely populated urban areas occur mostly around the Great Lakes. This operating environment differs appreciably from the other borders and requires its own particular mixture of facilities, operations, infrastructure, and technology for its law enforcement approach. In general, the Northern Border is subjected to a significantly lower number of illegal incursions than the Southwest Border. However, attempts at illegal immigration and smuggling regularly occur in this region, and known terrorist affiliates and extremist groups have an undisputed presence along the Northern Border in both the United States and Canada. Alaska has miles of land and coastal border, but activities along those borders are not addressed in this PEIS because it represents a different operational area for CBP from the rest of the border with Canada.

1.1 PURPOSE OF THE PEIS

The purpose of this PEIS is to provide decision makers with a strategic environmental planning tool for considering the potential for direct, indirect, and cumulative environmental impacts that could result from future programmatic changes to the CBP Northern Border security program. CBP recognizes the need to examine the overall interaction of its security activities along the Northern Border within changed environmental conditions since CBP was created in 2003. The alternatives presented here represent CBP's best understanding of the types of changes to CBP's Northern Border security program, both area-wide and operation-wide, that could occur as a

result of evolving threats and changing trade and travel priorities. Actual modification to CBP's Northern Border security program will be dictated by changes in the threat environment or other changes in priorities identified or confirmed by Congress, the Office of the President, or the Secretary of Homeland Security. In addition, these alternatives represent CBP's best understanding of the maximum level of activity and types of changes it would anticipate, both area-wide and program-wide, recognizing that the actual level of activities could be less than what is addressed in this document.

CBP prepared this document as a planning tool in accordance with the National Environmental Policy Act (NEPA) and DHS Directive 032-01, Environmental Planning. Actual material changes to CBP's Northern Border security program that might occur in the next five to seven years would be dictated in part by (1) top-level national strategic guidance, (2) emerging technical advances, and (3) evolving security and trade and travel facilitation needs. Material changes to CBP activities meeting the definition of "major Federal action" (40 CFR 1508.18) would be subjected to further NEPA review at the appropriate level of analysis and documentation.

This PEIS therefore represents prudent advance planning by CBP. This document provides CBP, other government agencies, and the public relevant information about how the present program of security affects the environment as well as the possible environmental impacts if CBP were to enhance its security program in response to any evolving security threats along the Northern Border. The PEIS also identifies the means available to CBP to lessen adverse environmental impacts while still achieving its homeland security mission.

This document will help CBP conduct security planning efficiently and effectively along the Northern Border. Section 1.1 provides background and purpose of the PEIS effort. Section 1.2 provides an overview of CBP activities with respect to the Northern Border. Section 1.3 discusses the purpose and need for the programmatic proposal. Section 1.4 summarizes the programmatic proposal and Section 1.5 explains the overall framework for the PEIS as a planning tool. Section 1.6 discusses coordination with other agencies to develop this PEIS.

1.2 CBP NORTHERN BORDER ACTIVITIES

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

CBP modifies its deployment and use of manpower and intelligence on an ongoing basis to respond to evolving threats. It also constantly enhances its deployment and use of technologies and physical infrastructure to support the mission of its agents and officers to protect the borders and ensure the secure, safe, and legal movement of goods and people between the United States and its neighbors. Securing and maintaining effective control of the Northern Border requires a different mix of resources from those appropriate to the Southwest and Coastal borders because the operating environment and the nature of threats faced on this border are different.

CBP Mission

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

- We are the Guardians of our Nation's borders. We are America's frontline.
- We safeguard the American homeland at and beyond our borders.
- We protect the American public against terrorists and the instruments of terror.
- We steadfastly enforce the laws of the United States while fostering our Nation's economic security through lawful international trade and travel.
- We serve the American public with vigilance, integrity, and professionalism. (See appendix B for more details about CBP.)

1.2.1 CBP ORGANIZATION

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

- The **Office of Field Operations (OFO)** operates the ports of entry (POEs), including airports, land ports, and sea (or lake) ports. OFO is responsible for screening all travelers, vehicles, and goods entering the United States through POEs. Officers determine the identity, citizenship, and admissibility of all travelers seeking to enter the United States.
- The **U.S. Border Patrol (USBP)** monitors the border areas between and beyond the POEs to prevent illegal entry and trafficking of people as well as contraband. USBP agents work in all types of terrain and weather, often in isolated communities, throughout the United States.
- The **Office of Air and Marine (OAM)** deploys helicopters and fixed-wing aircraft and coastal enforcement and riverine vessels to search, detect, identify, and track suspect targets of interest and also to aid routine and specific criminal investigations that take place on the ground away from the border.

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

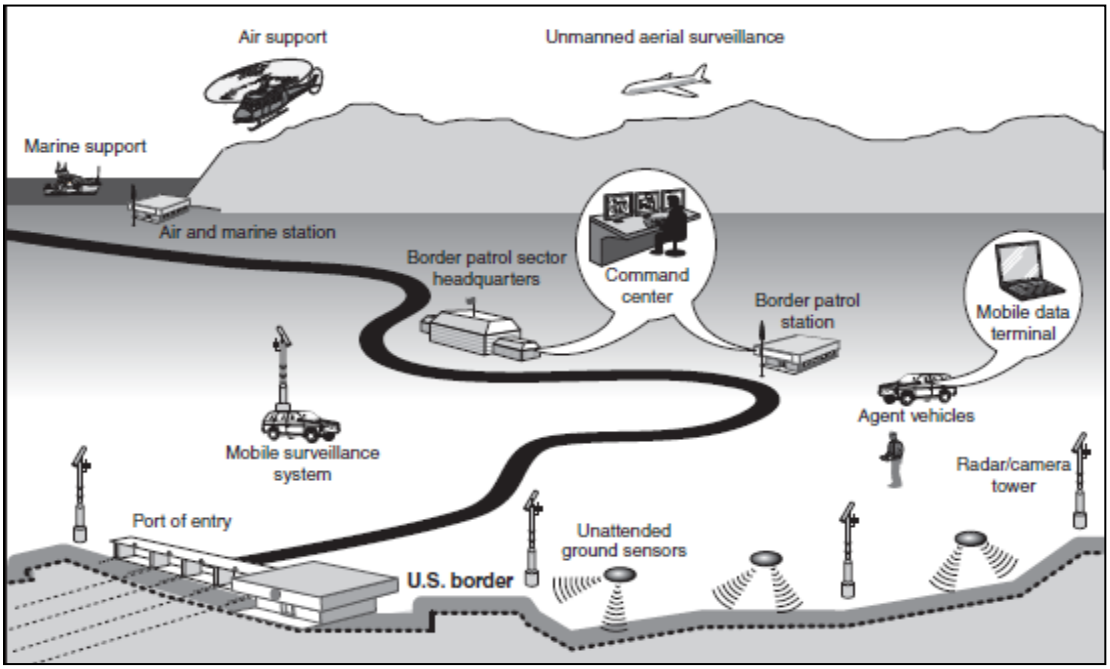
1.2.2 COMMON OPERATING PICTURE AND SITUATIONAL AWARENESS

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

CBP actively strives to provide and maintain the Common Operating Picture of the border environment for all of its diverse component elements (Figure 1.2-1). Closely related is the need

for all CBP operational elements to maintain situational awareness, that is, to know and understand the operational environment—what is going on, what is likely to happen, and how that relates to accomplishing the mission. This means that CBP uses various tools to detect and interdict cross-border violators and, to the extent possible, to learn about them in advance and deter them. It also means CBP must work closely with other Federal, state, and local law enforcement partners.

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



The Common Operating Picture changes frequently. There are constant threats to border security, but they are not uniform along the border, nor do they remain static. Illegal border crossing attempts may intensify for a time in a particular area, to be followed later by greater security threats in some other location. Given the dynamic nature of the threat, CBP must be prepared to vary its activities from one area to another and from one period to another. This operational variability is partly in response to information that CBP obtains about the changing threat. Frequently changing the use of CBP personnel, patrols, and equipment also helps to deny situational awareness to potential violators.

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

1.2.3.1 OFO Mission and Operations

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

CBP officers at ports of entry (POEs) serve as the front line in defending the American public against terrorists and instruments of terror while facilitating the lawful movement of goods and

people across the border. To accomplish its responsibilities within the POEs, CBP employs a strategy built on a series of enforcement layers. These layers are composed of sophisticated targeting and communication systems, state-of-the-art detection technology, and a cadre of professional law enforcement personnel. Working in concert, these systems screen for, identify, and inspect high-risk persons or cargo in the stream of cross-border vehicles and pedestrians. However, the success of this strategy depends heavily on the physical state and operational utility of the inspection facilities. It is this combination of highly trained personnel, technology, and modernized facilities that forms the essential foundation for CBP's operational strategy.

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

Source: (USDHS, 2010a).

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

1.2.3.2 USBP Mission and Operations

As the primary federal law enforcement agency between the ports of entry, the U.S. Border Patrol has a mission to prevent the entry of terrorists and their weapons of terrorism. In addition, USBP is charged with enforcing the laws that protect America's homeland by the detection, interdiction, and apprehension of those who attempt to illegally enter or smuggle any person or contraband into the United States.

On the Northern Border, USBP operates from eight geographically based sector headquarters, each overseeing operations from more than 50 stations with designated areas of responsibility. USBP agents use a variety of transportation modes to patrol thousands of miles of U.S. roads and border areas each day. Surveillance operations include line watch (agents stationed at specific observation points or driving predetermined routes); sign cutting (detection of any disturbances in natural terrain that could indicate the passage of people, animals, or vehicles); road patrols; and establishment and operation of traffic checkpoints. All sectors use a variety of transport, including four-wheel-drive vehicles, sedans, scope trucks, all-terrain vehicles (ATVs), motorcycles, snowmobiles, even bicycle patrols in urban locations or rough terrain, as well as foot patrol. For those sectors with water boundaries, (e.g., the Great Lakes, Lake Champlain, and rivers and canals) USBP runs maritime patrols using boats and other marine-based watercraft. OAM provides the USBP sectors with a range of watercraft to assist in river or lake patrols.

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

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

Source: (USDHS, 2010b).

If illegal activity is detected, USBP agents attempt to apprehend and detain the cross-border violators. Ground vehicles and aircraft (assistance from OAM) are used, individually or collectively, to make apprehensions. When possible, USBP agents remain on existing roads to apprehend cross-border violators but they occasionally go off-road when required. In some places, access to lookout sites requires coordination with relevant federal land managers (e.g., U.S. Forest Service or National Park Service) in order to ensure consistency with the land manager's mission and specific land management requirements.

USBP sectors also use forward operating bases (FOBs) and camps to conduct patrol or checkpoint operations in remote areas. Finally, USBP agents participate in search and rescue operations.

1.2.3.2 OAM Mission and Operations

The mission of the Office of Air and Marine is to protect the American people and the Nation's critical infrastructure using an integrated system of air and marine forces to detect, interdict, and prevent acts of terrorism and the unlawful movement of people, illegal drugs, and other contraband toward or across the borders of the United States.

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

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

Source: (USDHS, 2010a).

In the marine environment, OAM performs the same functions by deploying coastal enforcement vessels in the nearshore waters of the Pacific Ocean and the Great Lakes and by deploying riverine vessels along the Great Lakes, Northern Border rivers, and the Gulf of Maine.

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

OAM performs border security missions independently and in coordination with its CBP and DHS partners and other Federal, state, local, and tribal agencies.

1.2.3.3 CBP Facilities

There are currently more than 100 ports of entry (POEs) along the Northern Border. CBP and the U.S. General Services Administration (GSA) modernize POEs through the rehabilitation of existing property or acquisition of property to construct new facilities. CBP uses several size-based standard building/station concepts to replace or build new facilities, and the new standard designs include green building features such as those recommended by the Green Building Council through its Leadership in Energy and Environmental Design *LEED® Certification Policy Manual.* Replacement of many of the older POEs is already under way, and this process is addressed by separate NEPA documents.

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

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

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

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

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

FOBs are temporary or permanent buildings that provide living and office accommodations, detention space, and equipment storage as a base for USBP agents when operating remotely (they also camp as necessary). USBP uses lighting not only at their stations but also at temporary checkpoints and for surveillance operations (usually in response to intelligence). Temporary lighting is usually mounted on a vehicle.

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

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

1.2.3.3 CBP Communication, Detection, Inspection, and Surveillance Technologies

To process cargo, CBP officers use nonintrusive/nondestructive inspection and detection technologies (NII), including large-scale X-ray and gamma-ray imaging systems and radiation detection technology, such as vehicle and cargo inspection systems and personal radiation detectors (PRDs), to quickly determine whether there are anomalies in the cargo of rail cars, trucks, or rail containers, or other types of truck and ship cargoes. Almost all CBP officers at ports use NII daily. They also use radioactive isotope identifiers (RIIDs). To process people, all POEs are linked to the Integrated Automated Fingerprint Identification System (IAFIS) and Advance Passenger Information System (APIS). For example, the Western Hemisphere Travel Initiative passport card system, begun in 2007, reduced the number of documents that CBP officers need to identify and determine citizenship status by introducing a radio frequency identification (RFID) chip and a machine-readable zone (MRZ) in or on the card (USDHS, 2007). Other technologies include infrared license plate readers, decal transponder readers, biometric scanners, document readers, cameras, radio systems, and repeater communication systems.

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

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

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

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

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

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

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

OAM participates in the National Plan to Achieve "Maritime Domain Awareness (MDA)," a plan to achieve effective understanding of anything associated with the global maritime domain that could impact the security, safety, economy, or environment of the United States. Enterprise Hubs are being developed from within existing organizations with capabilities that already make substantial contributions to MDA. CBP has been designated to lead the Cargo and People Enterprise Hubs (USDHS, 2010d).

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

CBP is investigating integrated surveillance and communications systems to provide data for the Common Operating Picture. Deployment of such technologies may require upgrades to existing facilities (such as Border Patrol stations), erection of new towers or collocation of new capabilities on existing government or commercially owned towers, mounting on and movement of mobile (vehicular) platforms, set-up or upgrade of radar systems for use in maritime and near

ground environments, and integration and upgrade of existing electronic equipment and maintenance and operation of infrastructure and equipment.

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

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

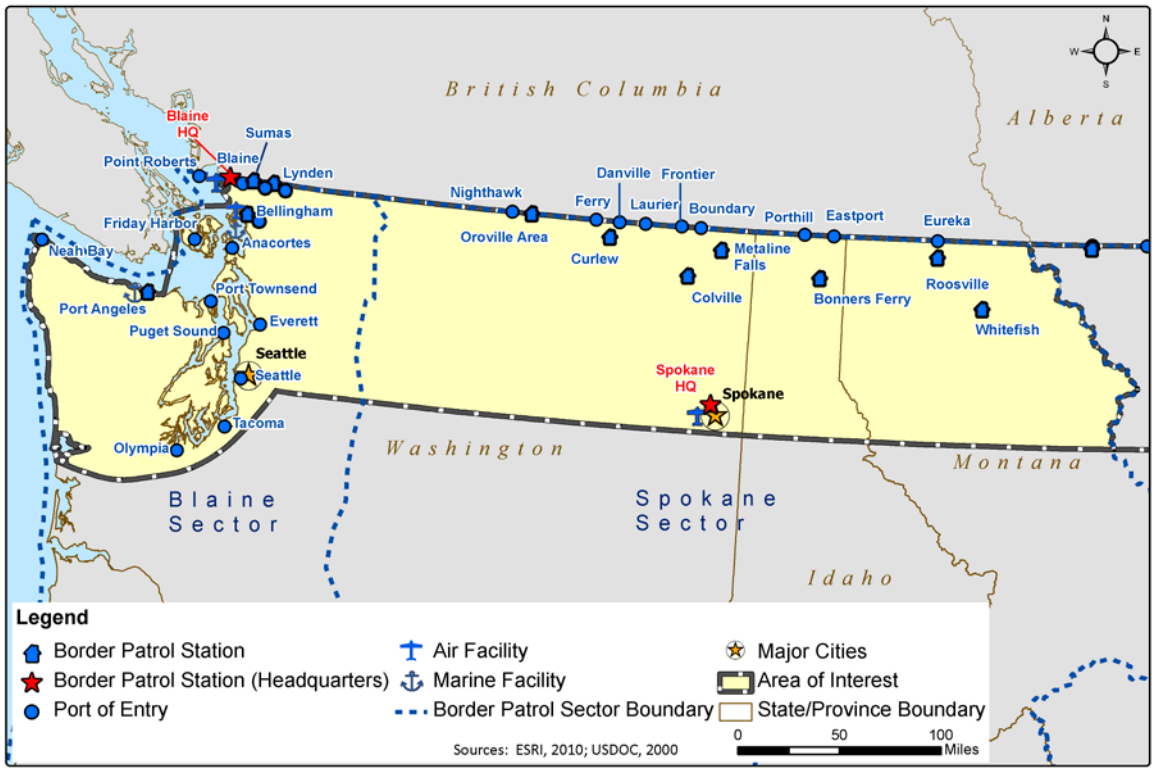


Figure 1.2-2(B). CBP Northern Border Facilities: East of the Rockies Region

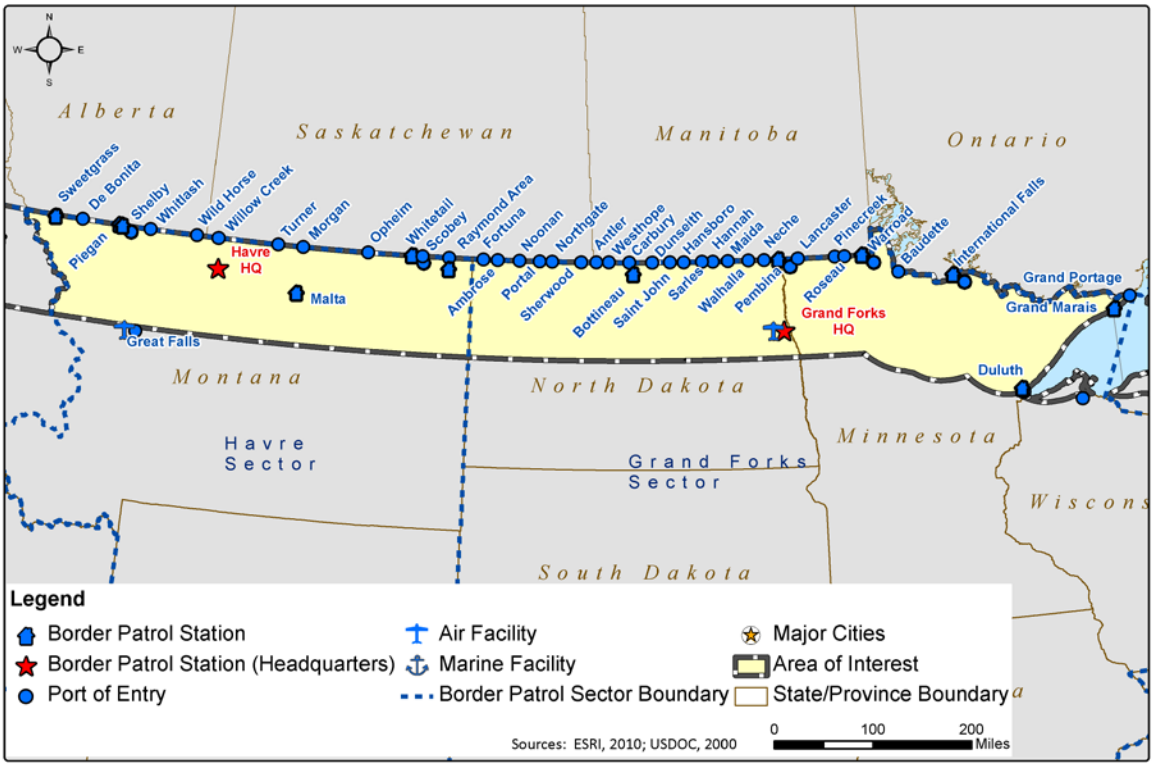


Figure 1.2-2(C). CBP Northern Border Facilities: Great Lakes Region

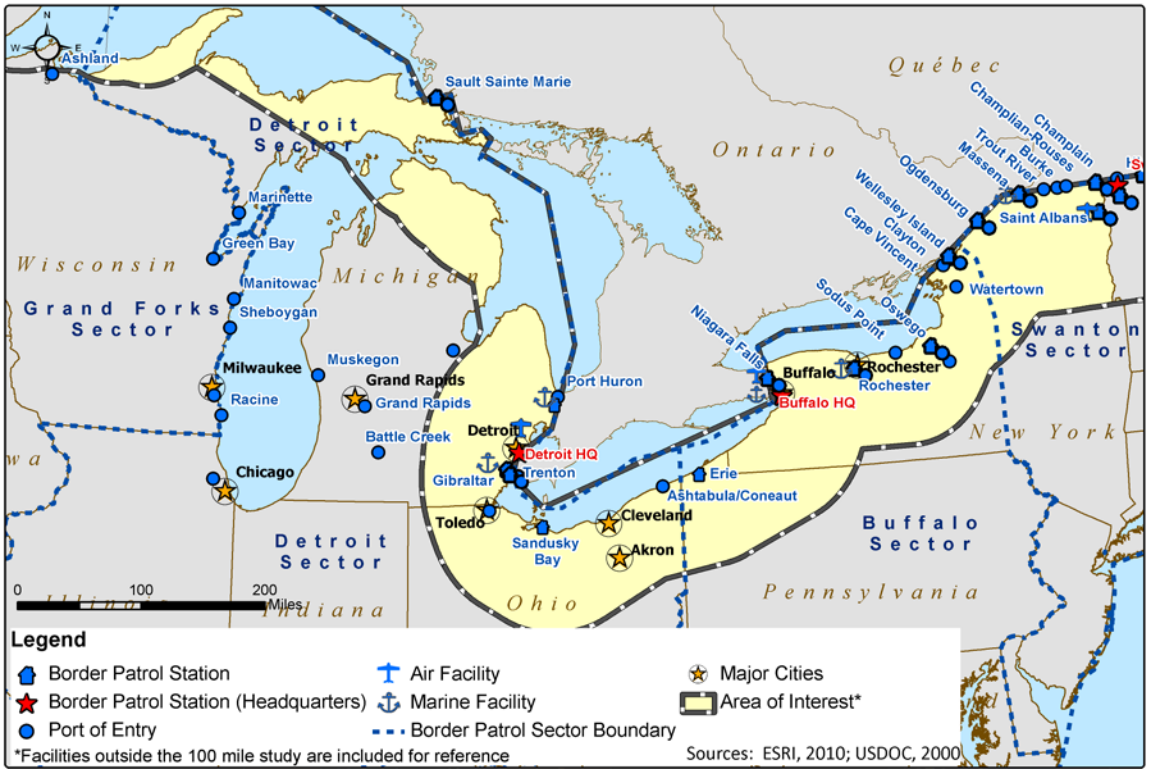
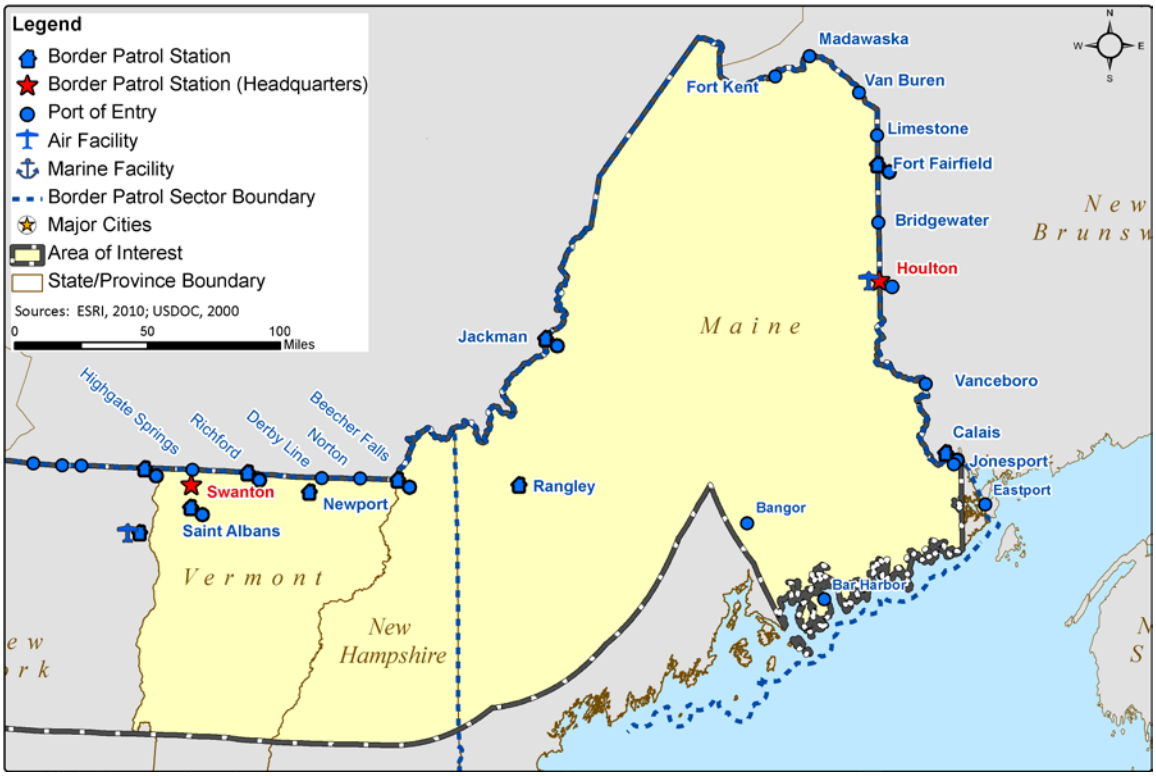


Figure 1.2-2(D). CBP Northern Border Facilities: New England Region



1.2.3.6 Tactical Security Infrastructure

USBP often needs certain types of infrastructure to help prevent unauthorized border crossings and to provide access to all parts of the border. Construction and routine maintenance of these land-based security infrastructure assets are key tools for maintaining a secure border environment.

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

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

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

1.3 PURPOSE AND NEED

1.3.1 PURPOSE OF THE PROPOSED ACTION

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

The proposed action must provide CBP law enforcement components with the means to stay abreast of current border activities and discriminate among a variety of types and levels of

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

1.3.2 NEED

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

1.4 PROPOSED ACTION

To provide the needed flexibility to protect the Northern Border against evolving threats over the next five to seven years, CBP proposes to combine and improve the range of program elements described above to provide the most effective combinations to respond to existing and evolving cross-border terrorist, criminal, and public safety threats. CBP would modify its deployment of facility, technology, and tactical security infrastructure as needed to enable its agents, officers, specialists, and supporting personnel to pursue effective control of air, land and sea borders between the United States and Canada. Under its proposal, CBP is evaluating alternative programmatic approaches, including making changes to the pace of operations and increasing the inventory of physical assets, to respond to evolutions in terrorist, criminal, and public safety threats seeking to enter the United States through its Northern Border.

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

The proposed action and alternatives are intended to respond to changes which are reasonably foreseeable inasmuch as external threats could drive the need for CBP to augment its Northern Border security program. There are several alternative program directions that would be reasonable ways to respond to future threats. These alternatives and their impacts are analyzed in this PEIS.

1.5 FRAMEWORK FOR ANALYSIS

1.5.1 CBP PLANNING AND THE PROGRAMMATIC EIS

Northern Border security is an ongoing, multifaceted, and ever-changing effort. As described earlier, CBP comprises distinct law enforcement components and supporting offices, whose agents, officers, and other personnel as well as the supporting facilities, vehicles, and technologies must all complement each other to guard against diverse cross border threats under changing threat conditions, changing resource levels, and cooperatively with other CBP components and other federal agencies. Cross-border threats are neither uniform from place to place nor are they static over time. At every point along the border, CBP must seek to apply the most appropriate resources to meet the threat at that location. This means that no one program approach will be sufficient; CBP will constantly seek the right mix of actions and use different techniques at different points along the Northern Border. And as threats change over time, and the agency's knowledge of those threats changes, CBP must adjust its deployment and allocation of resources.

In addition, CBP must also adjust to changing resource levels. The number of personnel, vehicles, aircraft, vessels, and other equipment available varies over the years based on congressional authorizations and other factors. New tools are developed and become available, such as cargo inspection technologies and remotely piloted aircraft. Maintaining and continually seeking to enhance, security on a long and varied border, facing multiple evolving threats, using a changing set of resources and techniques, is therefore a highly dynamic enterprise.

Managers at multiple levels of CBP, from headquarters offices to field stations, must plan and decide on the allocations and assignments of their resources. This planning and decision making on how best to meet the mission requirements occurs on a person-by-person, and mile-by-mile basis. It also occurs on an agencywide, nationwide, even international level. Between the topmost plans and the most site-specific plans are several intermediate levels of ongoing planning. Having multiple layers or tiers of planning and decision making is not unique to government agencies. For CBP, the top level strategies and goals are set by higher authorities such as the President, Congress, and the Secretary of Homeland Security. For example, the White House recently announced an agreement with Canada affirming top-level strategies and goals for Northern Border security (Executive Office of the President, 2011).

This effort is consistent with the ongoing development of a Northern Border Strategic Plan by DHS, which will establish general policy goals and emphases to guide CBP and other DHS components. Within the framework established by these high level planning efforts, CBP will develop more specific plans for enhancing security along the Northern Border. This planning process will guide more particulars about the overall mix of types of tools and techniques to be used over the next five to seven years. Within this framework CBP will make subsequent site decisions regarding deployments of resources.

Given that Northern Border security is an ongoing, multifaceted and ever-changing effort, there is no discrete point at which a comprehensive "new" program will be decided upon or implemented. Instead, CBP anticipates a process of continuous improvement, where the Agency is constantly seeking the combination of law enforcement measures that best meets the mission objectives at a particular time and place. In this more continuous planning and decision-making

context the use of information about environmental impacts is not limited to one point in time or one place.

The intent of this PEIS is that the environmental information be used to inform CBP planners and decision makers about the overall effects of the Agency's actions along the border. This PEIS will provide a strategic perspective on how continuing choices to emphasize one or more different types of law enforcement measures could change the overall environmental impact situation.

This PEIS is structured to be consistent with CBP's overarching policies and investment strategy and to aid in CBP's multiyear planning of the Northern Border security program. This PEIS analyzes the impacts from a range of program-level alternatives that could be adopted by CBP over the next several years depending on the threats facing the agency and the resources available to meet them. Plainly, CBP planning will also include site-specific planning and decision-making. This PEIS provides background information for those more project-specific plans. Environmental reviews under NEPA and other legal mandates are likewise elements of the planning process. Subsequent environmental analysis documents for specific projects will "tier off" or draw upon the general information in this area-wide programmatic analysis document.

1.5.2 ORGANIZATION OF THIS DOCUMENT

Due to the diverse natural environments occurring along the Northern Border, and how these differences constrain or enhance specific types of operations or technology, CBP organized the environmental setting within this PEIS according to four regions, each covered in a separate chapter:

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

Overall, CBP evaluated a region of impact that includes a 100-mile area south of and along the border. It is within this zone that the majority of its environmental impact-causing Northern Border security operations take place. This area is also where the majority of CBP's facilities handling Northern Border security are located. The region of impact varies, however, depending on the activity and the resource being assessed. For that reason, the region of impact can extend beyond the 100 miles south of the border, and sometimes into Canada, for specific types of activities.

Direct, indirect, and cumulative impacts (from CBP and other man-made activities) to environmental and socioeconomic resources and planning and potential mitigation measures are addressed in Chapters 4 through 9.

1.5.3 COMPLIANCE FRAMEWORK

Compliance with NEPA has both procedural and substantive legal requirements, which are described in Appendix C, Potentially Relevant Federal Statutes and Executive Orders. The

procedural requirements for the PEIS (i.e., how CBP must conduct the process and write the document) are set forth in NEPA itself, 42 U.S.C. 1331 et seq., its implementing regulations promulgated by the Council on Environmental Quality, 40 CFR 1500–1508, and the DHS NEPA regulation, Management Document 023-01 (formerly called Management Directive 5100.1). This document and the process through which it has been developed are a result of following these directives to the maximum extent possible, as required by the statute.

Under the White House Council on Environmental Quality (CEQ) NEPA regulations, this PEIS consists of various sections, the most important of which are the following:

- A description of the purpose of and need for the proposed action;
- Alternatives considered, including the proposed action and "no action" alternatives;
- The affected environment of the proposed action and alternatives;
- The environmental consequences of the proposed action alternatives;
- Mitigation measures available to reduce impacts on the various environmental resources; and
- A listing of agencies, organizations, and persons contacted during the PEIS preparation and the public involvement processes.

As noted above, CBP is responsible for substantive compliance with a wide array of Federal laws and regulations (USDHS, 2010a). Within the framework of environmental impact analysis under NEPA, legal authorities for which substantive compliance might be applicable (i.e., what CBP would actually do) include statutes such as the American Indian Religious Freedom Act, Archaeological Resources Protection Act, Clean Air Act, Clean Water Act, Coastal Zone Management Act, Endangered Species Act, Migratory Bird Treaty Act, National Historic Preservation Act, Resource Conservation and Recovery Act, and a number of Federal executive orders. A summary of laws and executive orders that might be applicable to the proposed action and alternatives is presented in Appendix C.

1.5.4 PERMITS, APPROVALS, AND INTERAGENCY COORDINATION

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

- Federally recognized American Indian Tribe consultations regarding potential effects on cultural resources and religious issues;
- Relevant state Clean Water Act Section 401 Water Quality Certifications;
- Relevant state Coastal Zone Management Act consistency determinations;
- Relevant state National Historic Preservation Act Section 106 consultations;
- U.S. Army Corps of Engineers Clean Water Act Section 404 and possibly Section 10 Rivers and Harbors Act permits;
- U.S. Department of the Interior Endangered Species Act Section 7 consultations;

- U.S. Department of the Interior Migratory Bird Treaty Act coordination;
- U.S Environmental Protection Agency or relevant state Clean Air Act conformity analyses;
- U.S Environmental Protection Agency or relevant state NPDES stormwater permits;
- U.S Environmental Protection Agency CERCLA or relevant state contaminated property requirements; and
- U.S Environmental Protection Agency or relevant state RCRA hazardous waste small quantity generator requirements and underground storage tank requirements.

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

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

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

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

1.5.6 PUBLIC INVOLVEMENT

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

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

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

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

The U.S. Environmental Protection Agency (USEPA) will publish the Notice of Availability (NOA) for this Draft PEIS in the *Federal Register.* The Purpose of the USEPA NOA is to announce to the public the availability of this Draft PEIS, and to begin a 45-day public comment period. In addition to the USEPA NOA, CBP will publish a separate NOA in the *Federal Register* announcing the dates, times, and places for public meetings and to request comments on the Draft PEIS. All comments received will be taken into consideration in the development of the Final PEIS and subsequent to this draft will also be included in an appendix to the final document. Upon completion, CBP will make the Final PEIS available to the public for 30 days. At the conclusion of the 30-day period, a Record of Decision (ROD) regarding the Proposed Action can be signed and published in the *Federal Register*.

CBP invites agencies, organizations, and individuals to provide comments, suggestions, or relevant information for the final PEIS. This information may be submitted by any of the following methods:

- Email: Comments@NorthernBorderPEIS.com,;
- Telephone: (866) 760-1421;
- Mail: CBP Northern Border PEIS, P.O. Box 6325, McLean, VA 22102; or
- Electronic posting on the project web site: www.NorthernBorderPEIS.com.

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

1.6 COOPERATION AND COORDINATING AGENCIES

The U.S. Department of Agriculture (USDA) and the Department of the Interior (DOI) are acting as cooperating agencies for the PEIS. In this capacity, they will assist identifying U.S. Forest Service and DOI agency lands and resources affected by the PEIS and assure that consultation requirements under the Endangered Species Act or other Federal laws are satisfied. They will also participate in public meetings as needed and review draft PEIS documentation for CBP activities impacting resources under their jurisdiction or otherwise contributing their special expertise. The cooperating-agency relationship among CBP and DOI and USDA agencies will follow the applicable sections of 40 CFR 1501.6 and 1508.5.

Typically, a bureau within DOI, such as the U.S. Fish and Wildlife Service, acts as a cooperating agency, however, because of the geographic scope of this PEIS and the need to coordinate review and consultation among several bureaus within DOI (including USFWS, National Park Service, Bureau of Indian Affairs, and the Bureau of Land Management), DOI has agreed to act as the cooperating agency.