

**DRAFT**



**ENVIRONMENTAL ASSESSMENT  
FOR  
THE NEW WELLESLEY ISLAND BORDER PATROL STATION,  
U.S. BORDER PATROL, BUFFALO SECTOR, NEW YORK  
U.S. CUSTOMS AND BORDER PROTECTION  
DEPARTMENT OF HOMELAND SECURITY  
WASHINGTON, D.C.**

**FEBRUARY 2022**



## **DRAFT FINDING OF NO SIGNIFICANT IMPACT**

### **FOR**

#### **THE NEW WELLESLEY ISLAND BORDER PATROL STATION, U.S. BORDER PATROL, BUFFALO SECTOR, NEW YORK U.S. CUSTOMS AND BORDER PROTECTION DEPARTMENT OF HOMELAND SECURITY WASHINGTON, D.C.**

**INTRODUCTION:** United States (U.S.) Customs and Border Protection (CBP) prepared an Environmental Assessment (EA) that addresses the potential effects, beneficial and adverse, resulting from the proposed construction and operation of a new Border Patrol Station (BPS) in the U.S. Border Patrol (USBP) Buffalo Sector, Wellesley Island Station Area of Responsibility (AOR), Orleans, New York. The Wellesley Island BPS is one of six stations in the Buffalo Sector and plays an integral role in support of the USBP border security mission as a primary line of defense between the border with Canada and the interior of the U.S. The Wellesley Island Station AOR encompasses 2,569 square miles, including 256 miles of shoreline and 70 miles of international border.

The proposed new BPS would be a permanent facility constructed to accommodate existing staff and allow enforcement flexibility up to 75 agents, enable moderate expansion, and would replace the current BPS. The new BPS and associated supporting infrastructure would be designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of U.S. borders.

**PROJECT LOCATION:** The proposed new Wellesley Island BPS would be constructed in the northwestern portion of the Town of Orleans, Jefferson County, New York. The proposed location is an 18.9-acre parcel of undeveloped land along New York State Route 12 (NY-12) with waterfront access to the St. Lawrence River.

**PURPOSE AND NEED:** CBP and USBP propose the construction, operation, and maintenance of a new BPS in the Wellesley Island AOR to provide modernized space and infrastructure to support the USBP border security mission along the northern international border. The existing Wellesley Island BPS currently operates at three times design capacity, is structurally unstable, not centrally located within the AOR, and lacks the capacity for expansion to meet current and near-future operational demands, which is a safety hazard that has a substantial impact on USBP operational effectiveness. Therefore, the need for the new Wellesley Island BPS is to eliminate the overcrowded conditions, safety concerns, and accessibility issues that exist at the current Wellesley Island Station. Construction of a new Wellesley Island BPS would address the occupational health, safety, security, and operational deficiencies at the existing Wellesley Island BPS and would allow USBP to effectively anticipate and adapt to current and future law enforcement challenges. The Proposed Action would enhance the overall safety of agents and efficiency of operations within the Wellesley Island Station AOR as well as improve the safety of communities in the area. The new Wellesley Island BPS would provide a significantly improved work environment that would yield increased operational efficiencies.

**ALTERNATIVES:** The Proposed Action and the No Action Alternative were identified and considered during the planning stages of the proposed project. The Proposed Action would construct a new Wellesley Island BPS within the town limits of Orleans, New York, on an 18.9-acre parcel of undeveloped land along NY-12 with waterfront access to the St. Lawrence River. The new BPS would accommodate existing staff, allow enforcement flexibility up to 75 agents, and enable moderate expansion. The proposed facility would consist of a 17,322 square-foot main administration building, 15,867 square feet of support space, 15,180 square feet of enclosed parking to accommodate 33 vehicles, and outdoor parking to accommodate 10 service vehicles, 30 government-owned vehicles, and 60 employee vehicles. Support space infrastructure would include the following: a short-stay canine facility with three kennels, an ATV/snowmobile storage facility to accommodate 12 vehicles, a marine storage facility to accommodate four boats, a boat dock and ramp, a one-bay indoor vehicle wash, a one-tank fuel island, a communication tower, an emergency generator, and perimeter fencing. Public power, water and septic systems, and communication systems would be utilized by the new BPS. If the Proposed Action is implemented, CBP would make a direct property purchase from the current private landowner. Upon completing construction of the new BPS, CBP would dispose of the existing BPS by turning the facility over to the U.S. General Services Administration (GSA). CBP would also coordinate with the New York State Historic Preservation Office (NYSHPO) since the property is eligible for listing on the National Register of Historic Places (NRHP).

The No Action Alternative would preclude the construction, operation, and maintenance of a new BPS. The existing BPS facilities would continue to be inadequate for the support of USBP operations within the Wellesley Island AOR. Consequently, this alternative would hinder the ability of USBP to respond to the high level of illegal cross-border. The No Action Alternative does not meet the purpose and need for the proposed project but is carried forward for analysis as required by Council on Environmental Quality (CEQ) regulations. The No Action Alternative describes the existing conditions in the absence of the Proposed Action.

**ENVIRONMENTAL CONSEQUENCES:** The Proposed Action would have a permanent, negligible impact on land use through the conversion of 18.9 acres from undeveloped land to BPS facilities. The Proposed Action would have long-term, minor impacts on surface water resulting from usage during construction and operation of the BPS. No groundwater usage is anticipated under the Proposed Action; therefore, any impacts to this resource would be negligible. Temporary, negligible impacts would be expected on water quality as a result of erosion and sedimentation during construction activities. Best management practices (BMPs) and standard construction procedures would be implemented to minimize the potential for erosion and sedimentation during construction. Permanent impacts to waters of the U.S. in the form of one 0.1-acre wetland would occur under the Proposed Action; however, these impacts would be permitted and mitigated to a no net loss of wetlands. Additional permanent impacts to navigable waters of the U.S. would occur through the construction of an approximately 30- to 40-foot boat dock and ramp adjacent to the proposed BPS facility in the St. Lawrence River. All required permits would be obtained prior to constructing the dock and ramp in compliance with Section 404 and 401 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act (RHA).

Permanent, although minor, impacts would occur on soils and vegetative habitat as a result of disturbing 18.9 acres for the construction of the new BPS. The permanent loss of 18.9 acres to the new BPS would have a negligible impact on local wildlife. The Proposed Action may affect, but is not likely to adversely affect two federally listed species: Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*). No designated critical habitat occurs within or near the project area. Endangered Species Act (ESA), Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) is ongoing for this project and will be completed prior to construction.

Temporary and minor increases in air pollution would occur during construction activities. Air emissions would be below the Federal *de minimis* thresholds during construction, operation, and maintenance activities. Noise level increases associated with construction equipment would result in temporary, minor impacts within the vicinity of the construction area. The Proposed Action would not result in exposure of the environment or public to any hazardous materials. Potential impacts from spills of hazardous materials such as fuel, lubricant, hydraulic fluid, and other chemicals during construction would be minimized by utilizing BMPs.

Negligible increases in demands on electric power, water supply, and wastewater treatment utilities would be expected as a result of the new BPS. Installation of new communications equipment would have a negligible impact on the radio frequency (RF) environment within the project area. No RF energy emissions would exceed Occupational Safety and Health Administration (OSHA) safety standards.

Construction of the BPS would create long-term, minor impacts on roadways and traffic within the region. Vehicular traffic would increase near the proposed site to transport materials and work crews during construction activities. An increase in the number of personnel traveling to the new BPS would also occur after construction has been completed.

No archaeological sites were recorded during surveys of the BPS site location. An archival records search identified 22 previously recorded cultural resources within 1-mile of the proposed BPS facility, none of which overlap with the proposed project area. A viewshed analysis identified two National Register of Historic Places (NRHP) listed properties and one property that was determined eligible but not listed within 1 mile of the project area; however, the project area would not be visible to these resources due to obstruction by vegetation and the coastline. Therefore, no historic properties would be impacted by implementation of the Proposed Action. National Historic Preservation Act (NHPA), Section 106 consultation with the New York State Office of Parks, Recreation and Historic Preservation has been completed for this project.

The Proposed Action would have minor to negligible impacts on the socioeconomic environment through increased taxes, salaries, and purchase of supplies during construction and operation of the BPS. Further, the Proposed Action would not result in disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, or children.

**BEST MANAGEMENT PRACTICES:** BMPs were identified for each resource category that could be potentially affected. Many of these measures have been incorporated as standard

operating procedures by CBP in similar past projects. The BMPs to be implemented are found below and in Section 4.0 of the EA.

## **GENERAL PROJECT PLANNING CONSIDERATIONS**

1. If required, night-vision-friendly strobe lights necessary for CBP operational needs will use the minimum wattage and number of flashes per minute necessary to ensure operational safety.
2. Avoid contamination of ground and surface waters by storing concrete wash water, and any water that has been contaminated with construction materials, oils, equipment residue, etc., in closed containers on-site until removed for disposal. This wash water is toxic to wildlife. Storage tanks must have proper air space (to avoid rainfall-induced overtopping), be on-ground containers, and be located in upland areas instead of washes.
3. Avoid lighting impacts during the night by conducting construction and maintenance activities during daylight hours only. If night lighting is unavoidable: 1) use bulbs designed to minimize increases in ambient light conditions, 2) minimize the number of lights used, 3) place lights on poles pointed down toward the ground, with shields on lights to prevent light from going up into sky, or out laterally into landscape, and 4) selectively place lights so they are directed away from all native vegetative communities.
4. CBP will avoid the spread of non-native plants by not using natural materials (e.g., straw) for on-site erosion control. If natural materials must be used, the natural material would be certified weed and weed-seed free. Herbicides not toxic to listed species that may be in the area can be used for non-native vegetation control. Application of herbicides will follow Federal guidelines and be in accordance with label directions.
5. CBP will ensure that all construction follows Department of Homeland Security (DHS) Directive 025-01, *Sustainable Practices for Environmental, Energy, and Transportation Management*.
6. CBP will place drip pans under parked equipment and establish containment zones when refueling vehicles or equipment.

## **SOILS**

1. Clearly demarcate the perimeter of all new areas to be disturbed using flagging or temporary construction fencing. Do not allow any disturbance outside that perimeter.
2. The area of disturbance will be minimized by limiting deliveries of materials and equipment to only those needed for effective project implementation.
3. Within the designated disturbance area, grading or topsoil removal will be limited to areas where this activity is needed to provide the ground conditions necessary for construction or maintenance activities.

4. Rehabilitation will include revegetating or the distribution of organic and geological materials (e.g., boulders and rocks) over the disturbed area to reduce erosion.

## **BIOLOGICAL RESOURCES**

1. The amount of vegetation proposed for clearing, particularly native trees and shrubs, will be minimized to the greatest extent practicable.
2. In-kind on-site replacement/restoration of native vegetation will occur wherever practicable.
3. Materials used for on-site erosion control will be free of non-native plant seeds and other plant parts to limit potential for infestation.
4. Any fill material, sandbags, hay bales, or mulch brought in from outside the project area will be identified by its source location. These materials will be free of non-native plant seeds and other plant parts to limit potential for infestation.
5. Colonization by invasive species will be actively prevented through vegetation management, including removing invasive species early on while allowing existing native plants to revegetate disturbed areas.
6. Native seeds or plants that are regionally adapted and compatible with the enhancement of protected species will be used to revegetate temporarily disturbed areas. Selection of appropriate native seeds and plants will follow guidance provided on the Lady Bird Johnson Wildflower Center Native Plant Database website (<https://www.wildflower.org>).
7. Pollinator conservation and management will be considered in revegetation efforts, and native plant species used for revegetation of disturbed areas will contain native milkweed (*Asclepias* spp.) and nectar plants and efforts will follow guidance provided on the Monarch Watch website (<https://monarchwatch.org/>).
8. Materials such as gravel, topsoil, or fill will be obtained from existing developed or previously used sources that are compatible with the project area and are from legally permitted sites. Materials from undisturbed areas adjacent to the project area will not be used.
9. The number of vehicles traveling to and from the project site and the number of trips per day will be minimized to reduce the likelihood of disturbing animals in the area or injuring animals on the road.
10. Vehicle speeds within the project area will be limited to 15 miles per hour to help prevent vehicle-induced mortality of wildlife species.
11. Construction personnel and contractors will avoid injury or harm to all snake species encountered during clearing and construction activities.

12. To prevent entrapment of wildlife species, open trenches and steep-walled holes will either completely covered by plywood or metal caps at the close of each workday or provided with one or more escape ramps (at no greater than 1,000-foot intervals and sloped less than 45 degrees) constructed of earthen fill or wooden planks. Excavated areas will be thoroughly inspected for trapped animals each morning before the start of construction or maintenance activities and before refilling. Any animals that are discovered will be allowed to escape voluntarily (by escape ramps or temporary structures), without harassment, and before construction activities resume, or will be removed from the trench or hole by a qualified person and allowed to escape unimpeded.
13. CBP will not, for any length of time, permit any pets inside the project area or adjacent native habitats. This BMP does not pertain to law enforcement animals.

## **PROTECTED SPECIES**

1. All contractors, work crews, and CBP personnel in the field performing construction and maintenance activities will receive environmental awareness training. At a minimum, environmental awareness training will provide the following information: maps indicating occurrence of potentially affected federally and state listed species; the general ecology, habitat requirements, and behavior of potentially affected federally and state listed species; the BMPs listed here and their intent; reporting requirements; and penalties for violations of the ESA, Migratory Bird Treaty Act (MBTA), and applicable state laws that protect birds, state listed species, and other wildlife. The project manager(s) will be responsible for ensuring that their personnel are familiar with general BMPs, the specific BMPs presented here, and other limitations and constraints. Photographs of potentially affected federally and state listed species will be incorporated into the environmental awareness training and posted in the contractor and resident engineer's offices where they will remain through the duration of the project, and copies will be made available that can be carried while conducting proposed activities. In addition, training in identification of non-native invasive plants and animals will be provided for contracted personnel engaged in follow-up monitoring of construction sites.
2. Construction and site personnel will be trained for encounters with protected species. If a siting occurs, a qualified biologist will be notified and consulted on the appropriate action.
3. The Migratory Bird Treaty Act (16 U.S.C. §§ 703-712, as amended) requires that federal agencies coordinate with the USFWS if a construction activity would result in the take of a migratory bird. If construction or clearing activities are scheduled during nesting season (March 15 through September 15), potential nesting habitats will be surveyed no more than five days prior to planned clearing or construction to identify birds, active nests, and eggs. If active nests are located during surveys, a 150-foot buffer of vegetation will remain around songbird nests until young have fledged or the nest is abandoned. A larger vegetation buffer of 500 feet will remain around the nest sites of other species such as water birds and raptors. If construction activities will result in the take of a migratory bird, then coordination with the USFWS and New York State Department of

Environmental Conservation (NYSDEC) will be required, and applicable permits would be obtained prior to construction or clearing activities.

4. A “No Kill Wildlife Policy” will be implemented during construction and operation of the project site to prevent inadvertently killing protected species that may be mistaken for common species.

## **CULTURAL RESOURCES**

1. In the event that unanticipated archaeological resources are discovered during construction or any other project-related activities, or should known archaeological resources be inadvertently affected in a manner that was not anticipated, the project proponent or contractor shall immediately halt all activities in the immediate area of the discovery and take steps to stabilize and protect the discovered resource until it can be evaluated by a qualified archaeologist. CBP’s established standard operating procedures for inadvertent discoveries (*Standard Operating Procedure for Post-Review Discovery of Cultural Materials or Human Remains*) would be adhered to in all cases.
2. In the event of an inadvertent discovery of human remains, the CBP Environmental Manager, and the appropriate law enforcement authorities will be contacted per the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 (25 U.S.C. § 3001 et seq.; 43 CFR Part 10, as updated). Descendant tribal communities will be notified of the inadvertent discovery, and consultation will be initiated through CBP. In the event that human remains are inadvertently discovered, all ground-disturbing activity would cease immediately. The Project Manager would immediately notify CBP. CBP would notify state police within 24 hours of the discovery and follow their directions for securing the site pending examination by a medical examiner/coroner. Law enforcement and the coroner would determine whether the discovery constitutes a crime scene. CBP would coordinate with the state police and the coroner regarding where construction activities could resume. No work would proceed without the written authorization of CBP. CBP would notify the Advisory Council on Historic Preservation, the appropriate State (or Tribal) Historic Preservation Officer, any impacted Indian Tribe, and any impacted federal agency of the discovery in writing within two business days. NAGPRA would be followed if the discovery is determined to be of Native American origin. CBP’s established standard operating procedures for inadvertent discoveries would be adhered to in all cases.

## **AIR QUALITY**

1. The placement of flagging and construction fencing will be used to restrict traffic within the construction limits in order to reduce fugitive dust caused by soil disturbance.
2. Soil watering will be utilized to minimize airborne particulate matter created during construction activities. Bare ground may be covered with hay or straw to lessen wind erosion during the time between construction and the revegetation of temporary impact areas with a mixture of native plant seeds or nursery plantings (or both).

3. All construction equipment and vehicles will be kept in good operating condition to minimize exhaust emissions.

## **WATER RESOURCES**

1. Wastewater is to be stored in closed containers on-site until removed for disposal. Wastewater is water used for project purposes that is contaminated with construction materials or from cleaning equipment and thus carries oils or other toxic materials or other contaminants as defined by Federal or state regulations.
2. To avoid potential groundwater and surface water contamination, concrete wash water will be collected in open containers and disposed of off-site.
3. To avoid potential contamination of natural aquatic and wetland systems with runoff, all equipment maintenance, staging, and laydown and dispensing of hazardous liquids, such as fuel and oil, will be limited to designated upland areas.
4. Construction activities will cease during heavy rains and will not resume until conditions are suitable for the movement of equipment and materials.
5. Erosion control measures and appropriate BMPs, as required and promulgated through a site-specific SWPPP and engineering designs, will be implemented before, during, and after soil-disturbing activities.
6. Areas with highly erodible soils will be given special consideration when preparing the SWPPP to ensure incorporation of various erosion control techniques, such as straw bales, silt fencing, aggregate materials, wetting compounds, and rehabilitation, where possible, to decrease erosion.
7. All construction and maintenance contractors and personnel will review the CBP-approved spill protection plan and implement it during construction and maintenance activities.
8. Wastewater from pressure washing must be collected. A ground pit or sump can be used to collect the wastewater. Wastewater from pressure washing must not be discharged into any surface water.
9. If soaps or detergents are used, the wastewater and solids must be pumped or cleaned out and disposed of in an approved facility. If no soaps or detergents are used, the wastewater must first be filtered or screened to remove solids before being allowed to flow off-site. Detergents and cleaning solutions must not be sprayed over or discharged into surface waters.

## **NOISE**

1. All generators will have an attached muffler or use other noise-abatement methods in accordance with industry standards.
2. Noise impacts during the night will be avoided by conducting construction and maintenance activities during daylight hours only.
3. All OSHA requirements will be followed. To lessen noise impacts on the local wildlife communities, construction will only occur during daylight hours. All motor vehicles will be properly maintained to reduce the potential for vehicle-related noise.

## **SOLID AND HAZARDOUS WASTES**

1. BMPs will be implemented as standard operating procedures during all construction activities, and will include proper handling, storage, and/or disposal of hazardous and/or regulated materials. To minimize potential impacts from hazardous and regulated materials, all fuels, waste oils, and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery will be completed in accordance with accepted industry and regulatory guidelines, and all vehicles will have drip pans during storage to contain minor spills and drips. Although it is unlikely that a major spill would occur, any spill of reportable quantities will be contained immediately within an earthen dike, and the application of an absorbent (e.g., granular, pillow, sock) will be used to absorb and contain the spill.
2. CBP will contain non-hazardous waste materials and other discarded materials, such as construction waste, until removed from the construction and maintenance sites. This will assist in keeping the project area and surroundings free of litter and reduce the amount of disturbed area needed for waste storage.
3. CBP will minimize site disturbance and avoid attracting predators by promptly removing waste materials, wrappers, and debris from the site. Any waste that must remain more than 12 hours should be properly stored until disposal.
4. All waste oil and solvents will be recycled. All non-recyclable hazardous and regulated wastes will be collected, characterized, labeled, stored, transported, and disposed of in accordance with all applicable Federal, state, and local regulations, including proper waste manifesting procedures.
5. Solid waste receptacles will be maintained at the project site. Non-hazardous solid waste (trash and waste construction materials) will be collected and deposited in on-site receptacles. Solid waste will be collected and disposed of by a local waste disposal contractor.

6. Disposal of used batteries or other small quantities of hazardous waste will be handled, managed, maintained, stored, and disposed of in accordance with applicable Federal and state rules and regulations for the management, storage, and disposal of hazardous materials, hazardous waste, and universal waste. Additionally, to the extent practicable, all batteries will be recycled locally.
7. All rainwater collected in secondary containment will be pumped out, and secondary containment will have netting to minimize exposure to wildlife.
8. A properly licensed and certified hazardous waste disposal contractor will be used for hazardous waste disposal, and manifests will be traced to final destinations to ensure proper disposal is accomplished.

**ROADWAYS AND TRAFFIC**

1. Construction vehicles will travel and equipment will be transported on established roads with proper flagging and safety precautions.

**FINDING:** On the basis of the findings of the EA, which is incorporated by reference, and which has been conducted in accordance with the National Environmental Policy Act, the Council on Environmental Quality regulations, DHS Directive Number 023-01, Rev.01, and DHS Instruction Manual 023-01-001-01, Rev. 01, *Implementation of the National Environmental Policy Act*, and after careful review of the potential environmental impacts of implementing the proposal, we find there would be no significant impact on the quality of the human or natural environments, either individually or cumulatively; therefore, there is no requirement to develop an Environmental Impact Statement. Further, we commit to implement BMPs and environmental design measures identified in the EA and supporting documents.

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Bartolome Mirabal Director Facilities Division U.S. Border Patrol	Date
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Dennis Counihan Acting Director Facilities Management and Engineering Division U.S. Customs and Border Protection	Date
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**FEBRUARY 2022**

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## EXECUTIVE SUMMARY

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### INTRODUCTION

United States (U.S.) Customs and Border Protection (CBP) is the law enforcement component of the Department of Homeland Security (DHS) responsible for securing the border and facilitating lawful international trade and travel. U.S. Border Patrol (USBP) is the uniformed law enforcement component within CBP responsible for securing the Nation's borders against illegal entry of people and goods between ports of entry.

CBP is proposing to construct a new Border Patrol Station (BPS) in the USBP Buffalo Sector, Wellesley Island Station Area of Responsibility (AOR), Orleans, New York. The new BPS would be a permanent facility constructed to accommodate existing staff and allow enforcement flexibility up to 75 agents, enable moderate expansion, and would replace the current BPS, which lacks the capacity to meet current and future needs for USBP operations in the area. The new BPS and associated supporting infrastructure would be designed for continuous operation in support of the Border Patrol Strategic Plan to gain and maintain effective control of U.S. borders.

### PROJECT LOCATION

The proposed new Wellesley Island BPS would be constructed in the northwestern portion of the Town of Orleans, Jefferson County, New York. The proposed location is an 18.9-acre parcel of undeveloped land along New York State Route 12 (NY-12) with waterfront access to the St. Lawrence River.

### PURPOSE AND NEED

CBP and USBP propose the construction, operation, and maintenance of a new BPS in the Wellesley Island AOR to provide modernized space and infrastructure to support the USBP border security mission along the northern international border. The Proposed Action would enhance the overall safety of agents and efficiency of operations within the Wellesley Island Station AOR as well as improve the safety of communities in the area. Through the construction of a new BPS, Wellesley Island Station agents will experience a significantly improved work environment that realizes efficiencies in mission accomplishment.

The need for the new Wellesley Island BPS is to eliminate the overcrowded conditions, safety concerns, and accessibility issues that exist at the current Wellesley Island Station. The existing Wellesley Island BPS was designed to support a maximum of 14 agents, but currently operates at three times design capacity where agents work in overcrowded conditions that do not provide space options for any enforcement flexibilities. The lack of space is a safety hazard and has a substantial impact on USBP operation effectiveness. A recent structural analysis of the existing BPS facility identified several structural concerns that also pose a potential safety hazard and would require a substantial amount of work to rehabilitate despite still not meeting size requirements due to site constraints that prevent facility expansion. The new Wellesley Island BPS would replace existing deficient, outdated, and inadequate facilities with modernized infrastructure space that would be able to accommodate staffing expansion requirements that are

necessary to meet existing and near-future operational demands within the Wellesley Island Station AOR.

## **PROPOSED ACTION AND ALTERNATIVES**

The Proposed Action and one alternative (No Action Alternative) were identified and considered during the planning stages of the proposed project. The Proposed Action (Preferred Alternative) consists of constructing a new Wellesley Island BPS and associated infrastructure that meet the purpose of and need for the project. A total of 10 sites, including the existing BPS location, were compared and evaluated for siting; however, only one potential BPS construction site was suitable and is being evaluated as part of this EA. Upon completing construction of the new BPS, CBP would dispose of the existing BPS by turning the facility over to the U.S. General Services Administration (GSA). CBP would also coordinate with the New York State Historic Preservation Office (NYSHPO) since the property is eligible for listing on the National Register of Historic Places (NRHP).

The No Action Alternative, which is carried forward for analysis as required by National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations, reflects conditions within the project area should the Proposed Action not be implemented. Under the No Action Alternative, the new BPS would not be built, and the existing BPS facilities would continue to be inadequate for the support of USBP operations within the Wellesley Island AOR. The No Action Alternative does not meet the purpose and need for the proposed project.

## **AFFECTED ENVIRONMENT AND CONSEQUENCES**

The Proposed Action would have a permanent, negligible impact on land use through the conversion of 18.9 acres from undeveloped land to BPS facilities. The Proposed Action would have long-term, minor impacts on surface water resulting from usage during construction and operation of the BPS. No groundwater usage is anticipated under the Proposed Action; therefore, any impacts to this resource would be negligible. Temporary, negligible impacts would be expected on water quality as a result of erosion and sedimentation during construction activities. Best management practices (BMPs) and standard construction procedures would be implemented to minimize the potential for erosion and sedimentation during construction. Permanent impacts to waters of the U.S. in the form of one 0.1-acre wetland would occur under the Proposed Action; however, these impacts would be permitted and mitigated to a no net loss of wetlands. An approved jurisdictional determination by the U.S. Army Corps of Engineers (USACE) is currently pending for this project. Additional permanent impacts to navigable waters of the U.S. would occur through the construction of an approximately 30 to 40-foot boat dock and ramp adjacent to the proposed BPS facility in the St. Lawrence River. All required permits would be obtained prior to construction in compliance with Sections 404 and 401 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act (RHA).

Permanent, although minor, impacts would occur on soils and vegetative habitat as a result of disturbing 18.9 acres for the construction of the new BPS. The permanent loss of 18.9 acres to the new BPS would have a negligible impact on local wildlife. The Proposed Action may affect, but is not likely to adversely affect two federally listed species: Indiana bat (*Myotis sodalis*) and

northern long-eared bat (*Myotis septentrionalis*). No designated Critical Habitat occurs within or near the project area. Endangered Species Act (ESA), Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) is ongoing for this project. Per request from USFWS consultation, CBP will complete bat surveys during the 2022 summer survey season.

Temporary and minor increases in air pollution would occur during construction activities. Air emissions would be below the Federal *de minimis* thresholds during construction, operation, and maintenance activities. Noise level increases associated with construction equipment would result in temporary, minor impacts within the vicinity of the construction area. The Proposed Action would not result in exposure of the environment or public to any hazardous materials. Potential impacts from spills of hazardous materials such as fuel, lubricant, hydraulic fluid, and other chemicals during construction would be minimized by utilizing BMPs.

Negligible increases in demands on electric power, water supply, and wastewater treatment utilities would be expected as a result of the new BPS. Installation of new communications equipment would have a negligible impact on the radio frequency (RF) environment within the project area. No RF energy emissions would exceed Occupational Safety and Health Administration (OSHA) safety standards.

Construction of the BPS would create long-term, minor impacts on roadways and traffic within the region. Vehicular traffic would increase near the proposed site to transport materials and work crews during construction activities. An increase in the number of personnel traveling to the new BPS would also occur after construction has been completed.

No archaeological sites were recorded during surveys of the BPS site location. An archival records search identified 22 previously recorded cultural resources within 1 mile of the proposed BPS facility, none of which overlap with the proposed project area. A viewshed analysis identified two NRHP listed properties and one property that was determined eligible but not listed within 1 mile of the project area; however, the project area would not be visible to these resources due to obstruction by vegetation and the coastline. Therefore, no historic properties would be impacted by implementation of the Proposed Action. National Historic Preservation Act (NHPA), Section 106 consultation with the New York State Office of Parks, Recreation and Historic Preservation has been completed for this project.

The Proposed Action would have minor to negligible impacts on the socioeconomic environment through increased taxes, salaries, and purchase of supplies during construction and operation of the BPS. The Proposed Action would not result in disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, or children.

## **FINDINGS AND CONCLUSIONS**

The analysis of the EA, in conjunction with the implementation of the recommended BMPs, concludes that the Proposed Action would not have a significant adverse effect on the environment. Therefore, no further analysis or documentation (i.e., Environmental Impact Statement) is warranted. CBP, in implementing this decision, would employ all practical means to minimize the potential for adverse impacts on the human and natural environments.

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## **1.0 INTRODUCTION**

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### **1.1 BACKGROUND**

United States (U.S.) Customs and Border Protection (CBP) prepared this Environmental Assessment (EA) to address the potential effects, beneficial and adverse, resulting from the proposed construction and operation of a new U.S. Border Patrol (USBP) Station in the USBP Buffalo Sector, Wellesley Island Station Area of Responsibility (AOR), Orleans, New York. The proposed new Border Patrol Station (BPS) would be a permanent facility constructed to accommodate existing staff and allow enforcement flexibility up to 75 agents, enable moderate expansion, and would replace the existing BPS, which is structurally unstable, not centrally located within the AOR, and lacks the capacity for expansion to meet current and future needs for USBP operations in the area. The new BPS and associated supporting infrastructure would be designed for continuous operation in support of the 2020 USBP Strategy to gain and maintain effective control of U.S. borders (CBP 2019).

The Wellesley Island BPS is one of six stations in the Buffalo Sector, along with the Buffalo, Rochester, Niagara Falls, and Oswego Stations in New York and the Erie Station in Pennsylvania (CBP 2020). The Wellesley Island Station AOR encompasses 2,569 square miles, including 256 miles of shoreline and 70 miles of international border. The Wellesley Island BPS plays an integral role in support of the USBP border security mission as a primary line of defense between the border with Canada and the interior of the U.S.

### **1.2 PROJECT LOCATION**

The proposed new Wellesley Island BPS would be constructed in the northwestern portion of the Town of Orleans, Jefferson County, New York (see Figure 1-1). The proposed location is an 18.9-acre parcel of undeveloped land along New York State Route 12 (NY-12) with waterfront access to the St. Lawrence River (see Figure 1-2).

### **1.3 PURPOSE OF THE PROPOSED ACTION**

CBP and USBP propose the construction, operation, and maintenance of a new BPS in the Wellesley Island AOR to provide modernized space and infrastructure to support the USBP border security mission along the northern international border. The existing Wellesley Island BPS lacks sufficient space to meet current and near-future operational demands, which is a safety hazard and has a substantial impact on USBP operational effectiveness. The construction of a new Wellesley Island BPS would address the occupational health, safety, security, and operational deficiencies at the existing Wellesley Island BPS and would allow USBP to effectively anticipate and adapt to current and future law enforcement challenges. The Proposed Action (Preferred Alternative) would enhance the overall safety of agents and efficiency of operations within the Wellesley Island Station AOR as well as improve the safety of communities in the area. The new Wellesley Island BPS would provide a significantly improved work environment that would yield increased operational efficiencies.

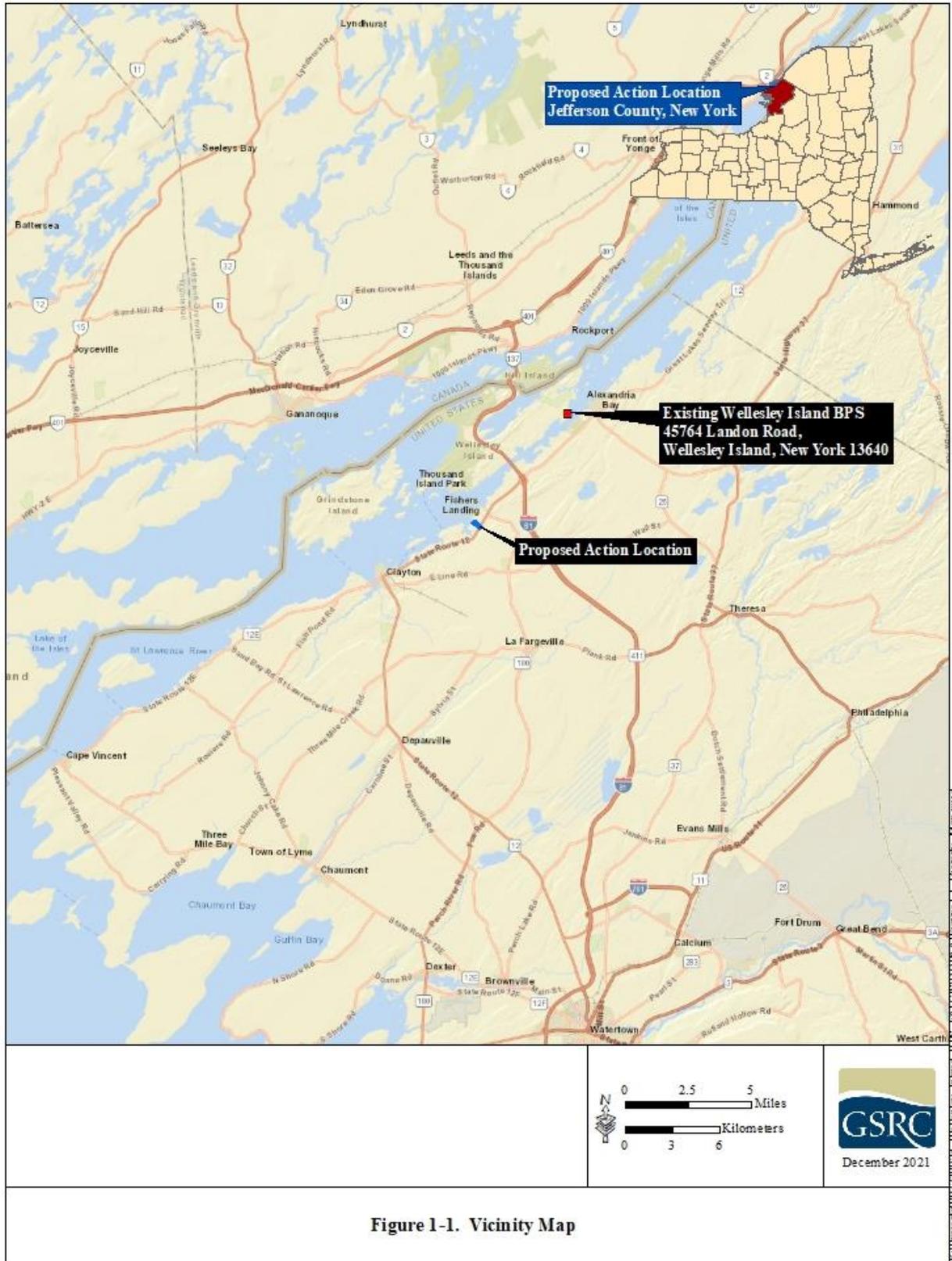
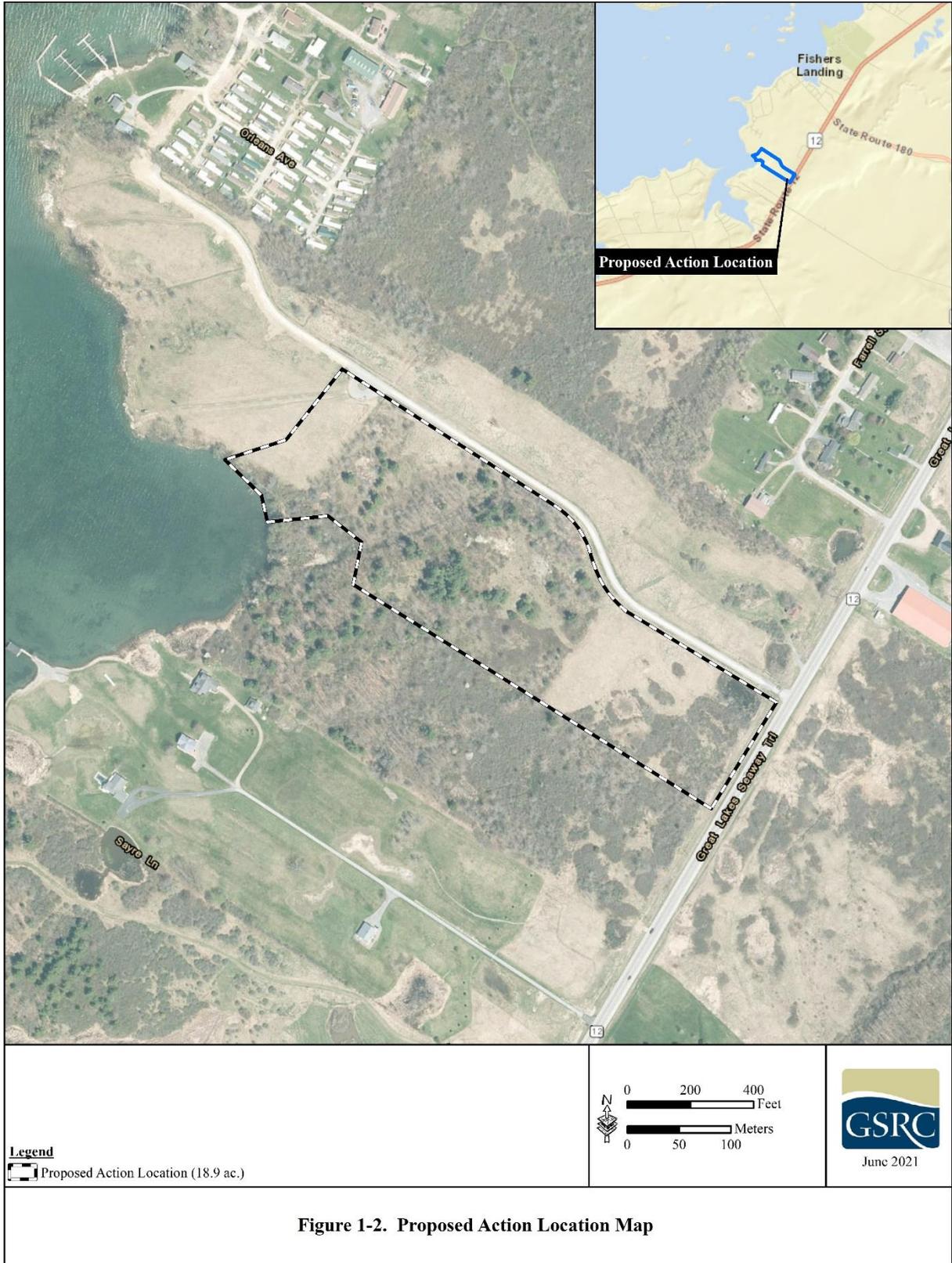


Figure 1-1. Vicinity Map



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**Figure 1-2. Proposed Action Location Map**

## 1.4 NEED FOR THE PROPOSED ACTION

The need for the new Wellesley Island BPS is to eliminate the overcrowded conditions, safety concerns, and accessibility issues that exist at the current Wellesley Island Station. The existing Wellesley Island BPS is located on the grounds and uses the buildings of a former cottage estate, known locally as Cragside, which was constructed in 1886 and has been determined to be eligible for listing on the National Register of Historic Places (NRHP). The facility was designed to support a maximum of 14 agents, but currently operates at three times design capacity where agents work in overcrowded conditions that do not provide space options for any enforcement flexibilities, such as temporary duty and team expansions. The lack of space is a safety hazard and has a substantial impact on USBP operation effectiveness. A recent structural analysis of the existing BPS facility identified several structural concerns that also pose a potential safety hazard and would require a substantial amount of work to rehabilitate despite still not meeting size requirements due to site constraints that preclude facility expansion. The existing BPS site would not be suitable for building because the property size is not adequate, numerous granite outcroppings would make construction of a new facility overly difficult, and the existing site is bound by adjacent properties that prevent site expansion. In addition, the current BPS is not centrally located within the AOR, and frequent traffic delays on the bridge connecting the existing facility on Wellesley Island to the mainland impact enforcement operations as well as the budget due to the amount of time agents must spend driving to the patrol area. Other facility deficiencies include a lack of appropriate space for training and meetings, inadequate water supply for consumption and bathing, insufficient detention, processing, and interview space, deficient security features, inadequate climate control and utility systems, and no perimeter fencing. The new Wellesley Island BPS would replace existing deficient, outdated, and inadequate facilities with modernized infrastructure space that would be able to accommodate staffing expansion requirements that are necessary to meet existing and near-future operational demands within the Wellesley Island Station AOR.

The need for the Proposed Action includes provision of the following:

- Appropriate facilities to allow USBP to operate more efficiently, safely, and securely, and more effectively deploy required assets in the AOR to prevent illegal activities and ensure chain of custody.
- Appropriate facilities that enable USBP to attain and maintain compliance with USBP standards, regulations, and mandates.
- Appropriate facilities to provide safer handling of detainees with dedicated and isolated air supply systems, separation from secured storage areas, including weapons storage, for overall safer operations.
- Facilities necessary for increased effectiveness of USBP agents in the performance of their duties (e.g., ATV and snowmobile storage, vehicle parking, detention and processing space, canine kennels, marine storage facilities, boat dock and ramp, and communication tower); and
- Facilities necessary for expansion flexibilities, as needed, to meet current and future USBP operational demands in the area.

## 1.5 SCOPE OF ENVIRONMENTAL ANALYSIS AND DECISIONS TO BE MADE

The scope of this EA includes an evaluation of effects on the natural and human environment resulting from the construction, operation, and maintenance of a new BPS within the Wellesley Island AOR. This analysis does not include an assessment of operations conducted in the field and away from the station. The potentially affected natural and human environment is limited to resources associated with the Town of Orleans and Jefferson County, New York. Most potential effects would be limited to the construction site and immediately adjacent resources.

This EA documents the context and intensity of the environmental effects of the Proposed Action and examines alternatives that could potentially achieve the objectives of the Proposed Action. The EA allows decision makers to determine if the Proposed Action would or would not impact the natural and human environment as well as whether the action can proceed to the next phase of project development or if an Environmental Impact Statement (EIS) is required. The development of the EA allowed for input and comments on the Proposed Action from government agencies, federally recognized tribes, and the public to inform agency decision making. This EA was prepared as follows:

1. Conduct scoping for environmental planning. The first step in the National Environmental Policy Act (NEPA) process is to determine the scope of issues to be addressed in relation to a proposed action and to solicit input from federal, state, and local agencies, as well as federally recognized tribes, about the proposed project to ensure that their concerns are included in the analysis. CBP initiated agency scoping activities to identify issues related to the Proposed Action. All comments received are included in Appendix A.
2. Prepare a draft EA. CBP prepared this draft EA based on issues identified during agency scoping activities.
3. Announce that the draft EA has been prepared. A Notice of Availability (NOA) was published in the *Watertown Daily Times* newspaper on February 9, 2022, to announce the public comment period and the availability of the draft EA and draft Finding of No Significant Impact (FONSI).
4. Provide a public comment period. A public comment period allows for all interested parties to review the analysis presented in the draft EA and provide feedback. The draft EA will be available to the public for a 30-day review in hard copy at the Orleans Public Library, 36263 State Route 180, La Fargeville, New York 13656. The draft EA will also be available for download from the CBP internet web page at the following URL address: <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review>.
5. Prepare a final EA. A final EA will be prepared following the public comment period. The final EA will address relevant comments and concerns received from all interested parties during the public comment period.

6. Issue a FONSI or Other Determination. The final step in the NEPA process is the signature of a FONSI if the environmental analysis supports the conclusion that impacts on the quality of the human and natural environments from implementing the Proposed Action would not be significant. In this case, no EIS would be prepared.

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

CBP followed all applicable federal laws and regulations for environmental protection and management. The EA was developed in accordance with the requirements of NEPA, updated regulations issued by the Council on Environmental Quality (CEQ) published in 40 Code of Federal Regulations (CFR) Parts 1500-1508 and 1515-1518, Department of Homeland Security (DHS) Directive 023-01, Rev. 01 and DHS Instruction Manual 023-01-001-01, Rev. 01, *Implementation of the National Environmental Policy Act*, and other pertinent environmental statutes, regulations, and compliance requirements. The EA is the vehicle for compliance with all applicable environmental statutes, such as the Endangered Species Act (ESA) of 1973, 16 United States Code (U.S.C.) § 1531 et seq., as amended, and the National Historic Preservation Act (NHPA) of 1966, 16 U.S.C. § 470a et seq., as amended.

## **1.7 PUBLIC INVOLVEMENT**

In accordance with 40 CFR § 1501.9, 1503, 1506.6, and 1508.1(k), CBP initiated public involvement and agency scoping activities to identify significant issues related to the Proposed Action. CBP is coordinating, and will continue to coordinate, with appropriate local, state, and federal government agencies as well as federally recognized tribes throughout the EA process. Formal and informal coordination has been conducted with the following agencies:

Federal Agencies:

- Natural Resources Conservation Service (NRCS)
- U.S. Fish and Wildlife Service (USFWS)
- U.S. Environmental Protection Agency (USEPA)
- U.S. Army Corps of Engineers (USACE)
- Federal Aviation Administration (FAA)

State Agencies:

- New York State Department of Environmental Conservation (NYSDEC)
- New York State Historic Preservation Office (NYSHPO)
- New York State Department of Transportation (NYSDOT)

Native American Tribes:

- Saint Regis Mohawk Tribe
- Oneida Nation of Wisconsin
- Seneca Nation of Indians

County:

- Jefferson County

City:

- Town of Orleans

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## 2.0 PROPOSED ACTION AND ALTERNATIVES

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The Proposed Action and one alternative (No Action Alternative) were identified and considered during the planning stages of the proposed project. The Proposed Action consists of the construction of a new Wellesley Island BPS and associated infrastructure that meet the purpose of and need for the project. A total of 10 sites, including the existing BPS location, were compared and evaluated for suitability; however, only one BPS construction site is being evaluated as part of this EA. The nine sites that were considered, but eliminated from consideration, did not fully meet the purpose and need of the Proposed Action due to market availability and site constraints (i.e., access to waterways, proximity to roads, location within the AOR, and site configurations); therefore, these alternative sites are not carried forward for analysis. As required by NEPA and CEQ regulations, the No Action Alternative reflects conditions within the project area should the Proposed Action not be implemented.

### 2.1 CRITERIA FOR SITE SELECTION

The site selection process for the Proposed Action began with the identification of nine potential construction sites based on suggestions from CBP and the USACE. The operationally preferred site location for the Proposed Action was selected based on knowledge of the terrain, environment, land ownership, and operational requirements.

Evaluation criteria were developed to determine which site would meet the needs of CBP for a new BPS. Evaluation considerations include, but were not limited to, the following:

- **Adequate size and site shape, Anti-terrorism Force Protection (ATFP) standards:** The station campus will be of adequate size and shape to provide for the initial and expected, future programmed functions, allow for future expansion of parking, and allow for necessary buffer zones for special initiatives and for future facility expansion.
- **Proper location:** The station should be located and situated in such a way as to not compromise the security and safety of the station and employees. Additionally, the station should be located as close as possible to the geographic center of the BPS AOR and to the area where the heaviest workload is generated.
- **Ease of access:** The station should have ease of access, which includes access from more than one entry point for emergency egress purposes, access for emergency response services, close access to highways, and location away from significant obstructions.
- **Constructability**
- **No obvious detrimental cultural or environmental influences**
- **Anticipated time and cost required to purchase land to construct the new BPS**
- **Access to public utilities**
- **Appropriate zoning**
- **Meets 2020 Guiding Principles for Sustainable Federal Building (Guiding Principles) for New Construction or Modernization**

## 2.2 PROPOSED ACTION

The Proposed Action would construct a new Wellesley Island BPS within the town limits of Orleans, New York, on an 18.9-acre parcel of undeveloped land along NY-12 with waterfront access to the St. Lawrence River (see Figure 1-2). The proposed BPS would provide a permanent facility to accommodate existing staff, allow enforcement flexibility up to 75 agents, and enable moderate expansion to meet current and future increased labor demands and mission objectives of USBP in the Wellesley Island Station AOR. Additionally, the new BPS would have the capability to house the vehicles, marine vessels, service animals, equipment, and other materials necessary to meet the border security requirements of the Wellesley Island Station. The proposed facility would be designed and constructed in accordance with the *Guiding Principles for Sustainable Federal Buildings* (CEQ 2020) and would result in the Wellesley Island BPS meeting USBP facilities guidelines and security standards.

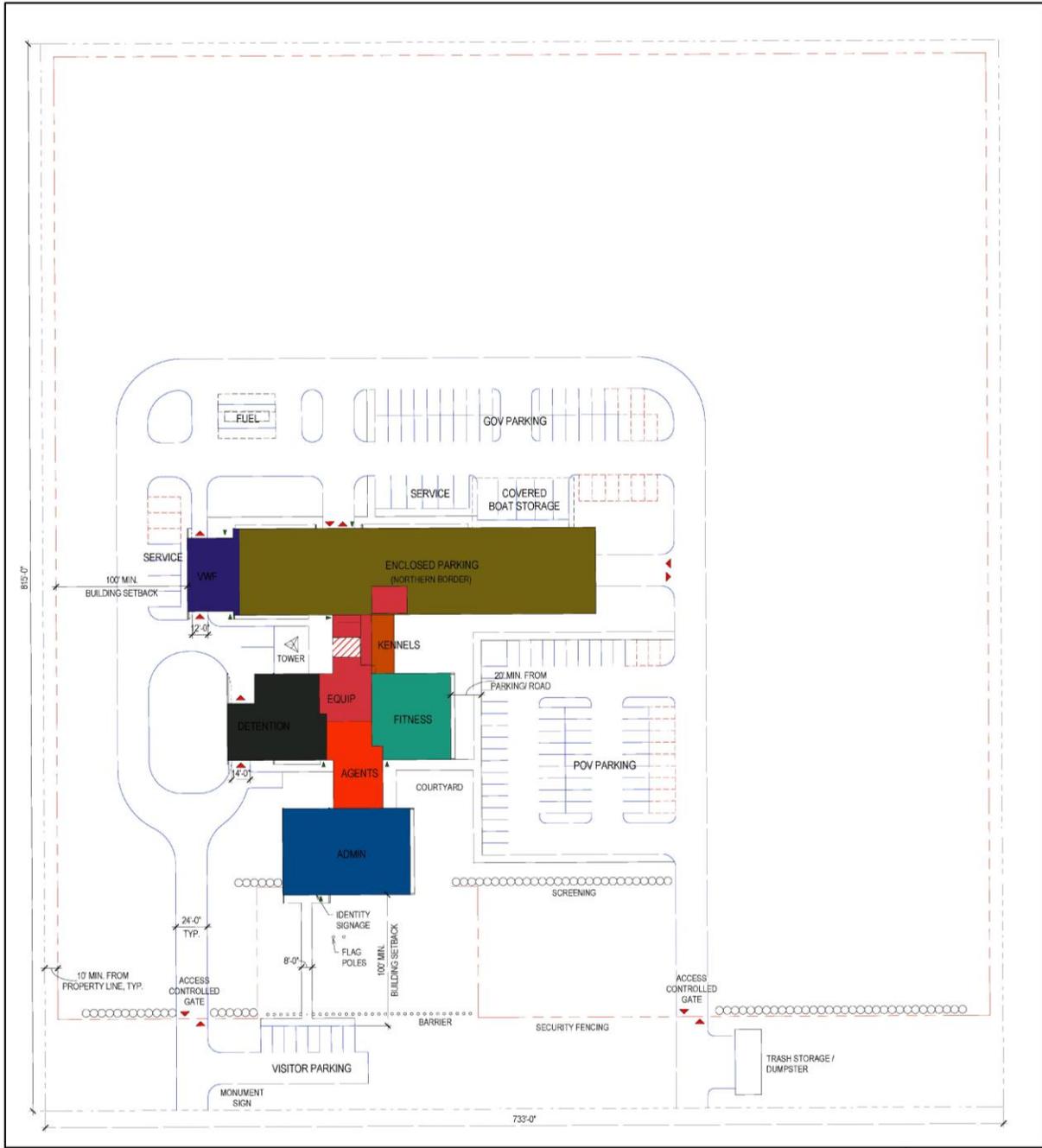
The new BPS facility would consist of a 17,322 square-foot main administration building, 15,867 square feet of support space, 15,180 square feet of enclosed parking to accommodate 33 vehicles, and outdoor parking to accommodate 10 service vehicles, 30 government-owned vehicles, and 60 employee vehicles. Support space infrastructure would include a short-stay canine facility with three kennels, an ATV/snowmobile storage facility to accommodate 12 vehicles, a marine storage facility to accommodate four boats, a one-bay indoor vehicle wash, a one-tank fuel island, a communication tower, an emergency generator, and perimeter fencing. Public power, water and septic systems, and communication systems would be utilized by the new BPS. Figure 2-1 shows the proposed conceptual design for the station layout.

The proposed BPS would also include a boat dock and ramp adjacent to the facility in the St. Lawrence River. The dock would be approximately 30-40 feet long in order to accommodate two 25-foot Secure All-Around Flotation Equipped (SAFE) boats. A boat ramp would be constructed near the dock to allow for quick deployment of CBP vessels. The final dimensions and design of the dock and boat ramp are unknown at this time and will be dictated by the project's specifications.

Upon completing construction of the new BPS, CBP would dispose of the existing BPS by turning the facility over to the U.S. General Services Administration (GSA). CBP would also coordinate with the NYSHPO since the property is eligible for listing on the NRHP.

## 2.3 NO ACTION ALTERNATIVE

The No Action Alternative would preclude the construction of a new BPS. The existing BPS facilities would continue to be inadequate for the support of USBP operations within the Wellesley Island AOR. Consequently, this alternative would hinder the ability of USBP to respond to the high level of illegal cross-border activity in a safe, secure, timely, and sustainable manner. The No Action Alternative does not meet the purpose and need for the proposed project, but will be carried forward for analysis, as required by CEQ regulations. The No Action Alternative describes the existing conditions in the absence of the Proposed Action.



Source: U.S. Customs and Border Protection Small Station Master Design for Border Patrol Station Complexes (March 2021)



**Figure 2-1. Conceptual Design Layout for the Proposed Wellesley Island BPS**

\\GSRC-FS01\Projects\Projects\80337802d\_Wellesley\_Island\_BPS\_EA\GIS\DOCAA\Figure2-1\_Conceptual\_Design.mxd

## 2.4 ALTERNATIVES SUMMARY

The two alternatives selected for further analysis are the Proposed Action (Preferred Alternative) and the No Action Alternative. The Proposed Action fully meets the purpose of and need for the project, and the preferred construction site offers the best combination of environment, land ownership, and operational requirements to serve as a BPS within the Wellesley Island AOR. An evaluation of how the Proposed Action meets the project’s purpose and need is provided in Table 2-1.

**Table 2-1. Alternatives Matrix: Purpose of and Need for Alternatives**

<b>Purpose and Need</b>	<b>Proposed Action</b>	<b>No Action Alternative</b>
Provide appropriate facilities to allow USBP to operate more efficiently, safely, and securely, with more effective deployment of assets required to prevent illegal cross-border activities within the AOR and ensure chain of custody	Yes	No
Provide facilities that enable USBP to attain and maintain compliance with standards, regulations, and mandates	Yes	No
Provide additional space and facilities for expansion of the Wellesley Island BPS to accommodate existing staff and allow enforcement flexibility up to 75 agents	Yes	No
Provide facilities necessary for an increased effectiveness of USBP agents in the performance of their duties (e.g., fuel storage, vehicle parking, detention and processing space, canine kennels, ATV/snowmobile storage area, boat storage canopy, boat dock and ramp, communication tower)	Yes	No
Provide an opportunity for future expansion, as necessary	Yes	No

## 2.5 RECENT, ONGOING, AND REASONABLY FORESEEABLE PROJECTS WITHIN THE GEOGRAPHIC BASELINE OF THE PROPOSED ACTION

Recent, ongoing, and reasonably foreseeable proposed projects were identified in the development of this EA. These projects include CBP projects as well as other agencies that could have projects within the geographic baseline of the Proposed Action. If a proposed project presumptively would have effects that are reasonably foreseeable and have a close causal relationship with the Proposed Action or alternatives, it is included in the affected environment and consequences section of this EA. However, if the effects of the proposed project are remote in time, geographically remote, or would result from a lengthy causal chain, the proposed project was not included in the affected environment and consequences section of this EA, per 40 CFR §1508.1(g).

The following projects were reviewed and CBP has determined that the effects of these projects are either remote in time, geographically remote, or would result from a lengthy causal chain and are not included in the environmental consequences section of this EA.

### *CBP Projects*

- Expansion and modernization of the Alexandria Bay Port of Entry (POE), the fifth busiest commercial land crossing between the U.S. and Canada, on Wellesley Island, New York. The Alexandria Bay POE is located approximately 5 miles from the proposed Wellesley Island BPS project area, and construction would be completed at least two years prior to implementing the Proposed Action; therefore, any effects would result from a lengthy causal chain.
- Construction of a new Niagara Falls BPS in Niagara Falls, New York. The proposed Niagara Falls BPS would be located approximately 170 miles from the Proposed Action; therefore, any effects would be geographically remote.
- Construction of five permanent Remote Video Surveillance Systems (RVSS) towers and the colocation of equipment in the USBP Swanton Sector located in New York and Vermont. The proposed RVSS tower sites would be located at least 130 miles from the Proposed action; therefore, any effects would be geographically remote.

### *Other Agency Projects*

- County Route 87 over Lindsey Creek bridge replacement in Ellisburg, New York (Project Proponents: Jefferson County and NYSDOT). This bridge replacement project would be located approximately 40 miles from the Proposed Action; therefore, any effects would be geographically remote.
- Improvement of an 1,800-linear-foot section of County Road 57 in Lyme, New York (Project Proponent: NYSDOT). This road improvement project would be located at least 20 miles from the Proposed action; therefore, any effects would be geographically remote.
- Route 11 roundabout project in Watertown, New York (Project Proponent: NYSDOT). This roundabout project would be located at least 20 miles from the Proposed action; therefore, any effects would be geographically remote.

## 3.0 AFFECTED ENVIRONMENT AND CONSEQUENCES

### 3.1 PRELIMINARY IMPACT SCOPING

This section describes the natural and human environments that exist within the region of influence (ROI) and the potential impacts of the Proposed Action, and the No Action Alternative outlined in Section 2.0 of this document. The ROI for the new Wellesley Island BPS is the Town of Orleans and Jefferson County, New York. The Proposed Action would be located on federally owned land acquired from a private seller. Only those issues that have the potential to be affected by any of the alternatives are described, per CEQ guidance (40 CFR § 1501.7 [3]).

Some topics are limited in scope due to the lack of direct effects from the Proposed Action on the resource or because that particular resource is not located within the project corridor (Table 3-1).

**Table 3-1. Resources Analyzed in the Environmental Impact Analysis Process**

Resource	Potential to Be Affected by Implementation of the Proposed Action	Analyzed in This EA	Rationale for Elimination
Wild and Scenic Rivers	No	No	No rivers designated as Wild and Scenic Rivers (16 U.S.C. § 551, 1278[c], 1281[d]) are located within or near the project corridor.
Land Use	Yes	Yes	Not Applicable
Geology	No	No	No geologic resources would be affected
Soils	Yes	Yes	Not Applicable
Prime Farmlands	No	No	No prime farmlands would be affected
Water Resources	Yes	Yes	Not Applicable
Floodplains	No	Yes	Not Applicable
Vegetative Habitat	Yes	Yes	Not Applicable
Wildlife Resources	Yes	Yes	Not Applicable
Threatened and Endangered Species	Yes	Yes	Not Applicable
Air Quality	Yes	Yes	Not Applicable
Noise	Yes	Yes	Not Applicable
Utilities and Infrastructure	Yes	Yes	Not Applicable
Radio Frequency Environment	Yes	Yes	Not Applicable
Roadways and Traffic	Yes	Yes	Not Applicable
Aesthetic and Visual Resources	No	No	No aesthetic or visual resources would be affected
Hazardous Materials	Yes	Yes	Not Applicable
Unique and Sensitive Areas	No	No	No unique or sensitive areas would be affected
Cultural, Archaeological, and Historical Resources	No	Yes	Not Applicable
Socioeconomics	Yes	Yes	Not Applicable
Environmental Justice and Protection of Children	No	Yes	Not Applicable

Per 40 CFR §1508.1(g), effects are defined as changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and have a close causal relationship to the proposed action or alternatives, including those effects that occur at the same time and place as the proposed action or alternatives and may include effects that are later in time or farther removed in distance from the proposed action or alternatives.

For this EA, per 40 CFR §1508.1(g), effects are not considered if they are remote in time, geographically remote, or would occur as a result of a lengthy causal chain. They were also not considered if CBP has no ability to prevent the effect or if the effect would occur regardless of the Proposed Action. Also, per 40 CFR §1501.3(b)(2), CBP has considered as appropriate to the Proposed Action whether effects would be short-term, long-term, beneficial, or adverse. CBP also considered the effects on public health and safety and whether effects would violate federal, state, tribal, or local laws that protect the environment.

Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic (such as the effects on employment), social, or health effects. Effects may also include those resulting from actions that could have both beneficial and detrimental effects, even if on balance the agency believes that the effect would be beneficial. As discussed in this section, the alternatives may create temporary, short-term, long-term, or permanent effects.

Whether an effect is significant depends on the potentially affected environment and degree of effects of the action (40 CFR §1501.3[b]). The potentially affected environment refers to the setting in which the impact occurs and may include society as a whole, the affected region, the affected interests, and the locality. Effects on each resource can vary in degree or magnitude from a slightly noticeable change to a total change in the environment. For the purpose of this analysis, the intensity of effects would be classified as negligible, minor, moderate, or major. The intensity thresholds are defined as follows:

- **Negligible**: A resource would not be affected, or the effects would be at or below the level of detection, and changes would not be of any measurable or perceptible consequence.
- **Minor**: Effects on a resource would be detectable, although the effects would be localized, small, and of little consequence to the sustainability of the resource. Mitigation measures, if needed to offset adverse effects, would be simple and achievable.
- **Moderate**: Effects on a resource would be readily detectable, long-term, localized, and measurable. Mitigation measures, if needed to offset adverse effects, would be extensive and likely achievable.
- **Major**: Effects on a resource would be obvious and long-term and would have substantial consequences on a regional scale. Mitigation measures to offset the adverse effects would be required and extensive, and success of the mitigation measures would not be guaranteed.

The following discussions describe and, where possible, quantify the potential effects of each alternative on the resources within or near the project site. It is assumed that the entire tract of land where the Proposed Action is located would be used by CBP resulting in a permanent

impact footprint of 18.9 acres. All construction activities, staging areas, and final siting of the various BPS components would occur within the 18.9-acre tract of land.

## **3.2 LAND USE**

The Proposed Action is in Jefferson County, New York, along the St. Lawrence River approximately 25 miles northeast of Lake Ontario. The existing land use at the proposed Wellesley Island BPS site is a combination of undeveloped grassland, mixed forest, and wetlands. Nearby existing land uses include residential development, agriculture, and mixed forest.

Jefferson County encompasses approximately 1,288 square miles (824,456 acres), with 1.4 percent of the county being classified as water. Of the approximately 812,900 acres of land in the county, 39.7 percent is classified as either forest, shrub/scrub, or grassland/herbaceous; 14.1 percent is wetlands; 37.7 percent is used for agriculture; 8.3 percent is developed; and 0.2 percent is barren land consisting of rocks, sand, or clay (Multi-Resolution Land Characteristics Consortium 2019). Jefferson County has 792 farms totaling 247,456 acres (U.S. Department of Agriculture [USDA] 2017). Sixty-eight percent of the farms in Jefferson County are classified as cropland to produce hay, corn, soybeans, and wheat; 9 percent are used as pastureland; 15 percent are woodlands; and the remaining 8 percent are classified as other.

### **3.2.1 Alternative 1: Proposed Action**

Implementation of the Proposed Action would result in a change from the current undeveloped land use to a developed area in the form of the new Wellesley Island BPS. The closest developed area is the Town of Orleans, New York, and the proposed site would be located within town limits. Adjacent land uses include residential development, agriculture, and mixed forest. Although the Proposed Action would convert 18.9 acres of undeveloped land to a developed use, much of the ROI would remain undeveloped forest and agricultural land, even if developed near the Proposed Action. The Proposed Action would have no significant impacts on land use within the immediate or surrounding areas.

### **3.2.2 Alternative 2: No Action Alternative**

The No Action Alternative would have no impacts, either beneficial or detrimental, on the area's land use. The site could be potentially developed at some time in the future, regardless of whether the USBP uses the site, or the site could remain undeveloped. No construction activities would occur as part of the No Action Alternative; therefore, no land use impacts would occur.

## **3.3 SOILS**

The Farmland Protection Policy Act (FPPA) of 1980 and 1995 was established to preserve the nation's farmland. Prime farmlands are defined as having the best combinations of physical and chemical properties to produce fiber, animal feed, and food, and are available for these uses (7 CFR § 657.5). Of the five soil types associated with the proposed new Wellesley Island BPS site location, none are considered prime farmland. These five soil types include: Chaumont silty clay, 3 to 8 percent slopes (CIB); Galoo, acid-Rock outcrop complex, 0 to 8 percent slopes

(GcB); Kingsbury silty clay, 0 to 2 percent slopes (KgA); Vergennes silty clay loam, 3 to 8 percent slopes (VeB); and Vergennes silty clay loam, 8 to 15 percent slopes (VeC).

The Chaumont Series consists of moderately deep, somewhat poorly drained soils formed in slowly or very slowly permeable clayey lacustrine sediments (USDA 2000). These soils are nearly level or gently sloping on bedrock-controlled landforms composed primarily limestone with some areas underlain by granite, sandstone, or shale. Chaumont soils are classified as farmland of statewide importance. Cleared areas are used to grow hay, pasture, corn, and oats with some idle areas growing sedges and other water-tolerant plants. Native vegetation is red maple (*Acer rubrum*), sugar maple (*Acer saccharum*), northern white cedar (*Thuja occidentalis*), white ash (*Fraxinus americana*), eastern hemlock (*Tsuga canadensis*), and shagbark hickory (*Carya ovata*). The series is moderately extensive in the St. Lawrence Valley of New York and possibly the Champlain Lowlands of New York.

The Galoo Series consists of very shallow, somewhat excessively to excessively drained soils formed in a thin layer of loamy till overlying limestone or calcareous sandstone bedrock (USDA 2010). These soils contain both short steep bedrock escarpments and level areas of exposed bedrock; the slope gradient ranges from 0 to 8 percent. Galoo soils are classified as not prime farmland and are mostly in unimproved pasture, or they are idle or forested. Forested areas consist mainly of northern white cedar, eastern red cedar (*Juniperus virginiana*), eastern white pine (*Pinus strobus*), red maple, and northern red oak (*Quercus rubra*). The series is extensive locally in the Ontario Lake Plain, the St. Lawrence and Black River Valleys of New York, and the Champlain Valley in Vermont.

The Kingsbury Series consists of very deep, somewhat poorly drained soils formed in clayey lacustrine or marine sediments (USDA 2009). These soils are nearly level or gently sloping soils on lake plains that formed in calcareous clayey deposits. Kingsbury soils are classified as farmland of statewide importance. Most areas have been cleared and are used for hay and pasture. Where adequately drained, the soil is also used for growing silage corn and small grains. Wooded areas support silver maple (*Acer saccharum*), white ash, American elm (*Ulmus americana*), eastern white pine, eastern hemlock, and northern red oak. The series is moderately extensive in the St. Lawrence, Hudson, and Champlain Lowlands of northern and eastern New York, and western Vermont.

The Vergennes Series consists of very deep, moderately well drained soils on glacial lake plains (USDA 2007). They formed in calcareous estuarine and glaciolacustrine clays. Vergennes soils are classified as farmland of statewide importance. Most areas are cleared and used for hay, pasture, and to a lesser extent for silage corn and apple orchards. In wooded areas, common trees are eastern white pine, red maple, sugar maple, American beech (*Fagus grandifolia*), northern red oak, eastern white oak, eastern hemlock, northern white cedar, and eastern red cedar. The series is extensive, approximately 250,000 acres, in northwestern Vermont and northern New York in the upper St. Lawrence River Valley and bordering Lake Champlain.

### **3.3.1 Alternative 1: Proposed Action**

Under the Proposed Action, approximately 18.9 acres of soils would be permanently disturbed or removed from biological production at the new BPS site location. No prime farmland would be

impacted as a result of this alternative. The effects from disturbance and the removal of approximately 18.9 acres of soil from biological production would be negligible due to the small size of the project footprint relative to the amount of the same soils throughout the ROI. Best management practices (BMPs), as described in Section 4.0, would be implemented during construction to prevent soil erosion due to wind or rain. Additionally, all temporary disturbance areas would be revegetated upon completion of construction with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally, if applicable.

### 3.3.2 Alternative 2: No Action Alternative

No ground-disturbing activities would occur as a result of this alternative. Therefore, the No Action Alternative would have no impacts, either beneficial or adverse, on soils.

## 3.4 VEGETATIVE HABITAT

The proposed project area is located within the Ontario Lowlands subdivision of the Eastern Great Lakes Lowlands ecoregion (Bryce et al. 2010). The Eastern Great Lakes Lowlands exists along the shores of Lake Erie, Lake Ontario, and the St. Lawrence River and mostly corresponds with the extent of the prehistoric Glacial Lake Iroquois. This ecoregion has a humid continental climate that is strongly influenced by Lake Ontario and Lake Erie, producing more moderate temperatures, high cloud cover, and high winter snowfall (U.S. Forest Service [USFS] 1994). The average temperature is 45.3 degrees Fahrenheit, with an average annual precipitation of 42.39 inches (National Oceanic and Atmospheric Administration [NOAA] 2021). The Eastern Great Lakes Lowlands ecoregion is a diverse ecoregion due to the presence of several converging vegetative communities, including northern hardwood forest, beech-maple forest, and elm-ash forest (Bryce et al. 2010). However, much of the ecoregion has been cleared for agriculture and urban development and less native forest remains compared to surrounding ecoregions such as the Northeastern Highlands or the Northern Allegheny Plateau.

Common tree species in the area includes eastern cottonwood (*Populus deltoides*), northern red oak, shagbark hickory, American hop hornbeam (*Ostrya virginiana*), paper birch (*Betula papyrifera*), sugar maple, basswood (*Tilia americana*), white ash, green ash (*Fraxinus pennsylvanica*), black walnut (*Juglans nigra*), bitternut hickory (*Carya cordiformis*), and silver maple (Edinger et. al 2014). Shrubs that are most common in this ecoregion include witch hazel (*Hamamelis virginiana*), hobblebush (*Viburnum lantanooides*), maple-leaf viburnum (*Viburnum acerifolium*), lowbush blueberry (*Vaccinium pallidum*), and raspberries (*Rubus* spp.). Common vines, grasses, and wildflowers include poison ivy (*Toxicodendron radicans*), Virginia creeper (*Parthenocissus quinquefolia*), New England aster (*Symphyotrichum novae-angliae*) yellow trout lily (*Erythronium americanum*), large white trillium (*Trillium grandiflorum*), woodferns (*Dryopteris* spp.), common wood-sorrel (*Oxalis montana*), Pennsylvania sedge (*Carex pensylvanica*), jack-in-the-pulpit (*Arisaema triphyllum*), white snakeroot (*Ageratina altissima* var. *altissima*), violets (*Viola* spp.), and mayapple (*Podophyllum peltatum*) (Edinger et. al 2014).

The project area consists of unmaintained grasslands, mixed pine-hardwood forest, and emergent wetlands. Table 3-2 provides a complete list of flora species observed during the biological survey of the proposed BPS project location conducted by Gulf South Research Corporation (GSRC) on June 9, 2021.

**Table 3-2. Flora Observed During the Wellesley Island BPS Biological Resources Survey**

Common Name	Scientific Name	Common Name	Scientific Name
American black currant	<i>Ribes americanum</i>	Meadow salsify	<i>Tragopogon pratensis</i>
American elm	<i>Ulmus americana</i>	Meadow willow	<i>Salix petiolaris</i>
American hophornbeam	<i>Ostrya virginiana</i>	Multiflora rose	<i>Rosa multiflora</i>
Apple	<i>Malus pumila</i>	Nannyberry	<i>Viburnum lentago</i>
Awl-fruited sedge	<i>Carex stipata</i>	Northern lady fern	<i>Athyrium filix-femina</i>
Big bur-reed	<i>Sparganium eurycarpum</i>	Northern red oak	<i>Quercus rubra</i>
Bird cherry	<i>Prunus padus</i>	Orange hawkweed	<i>Hieracium aurantiacum</i>
Bird's foot trefoil	<i>Lotus corniculatus</i>	Orchard grass	<i>Dactylis glomerata</i>
Black willow	<i>Salix nigra</i>	Ox-eye daisy	<i>Leucanthemum vulgare</i>
Broad-leaf cattail	<i>Typha latifolia</i>	Poison ivy	<i>Toxicodendron radicans</i>
Broad-leaf enchanter's Nightshade	<i>Circaea canadensis</i>	Poverty rush	<i>Juncus tenuis</i>
Bull thistle	<i>Cirsium vulgare</i>	Red clover	<i>Trifolium pratense</i>
Burr oak	<i>Quercus macrocarpa</i>	Red maple	<i>Acer rubrum</i>
Common blackberry	<i>Rubus allegheniensis</i>	Reed canary grass	<i>Phalaris arundinacea</i>
Common buckthorn	<i>Rhamnus cathartica</i>	Reed meadow grass	<i>Glyceria maxima</i>
Common cinquefoil	<i>Potentilla simplex</i>	Riverbank grape	<i>Vitis riparia</i>
Common hawthorn	<i>Crataegus monogyna</i>	Sensitive fern	<i>Onoclea sensibilis</i>
Common jewelweed	<i>Impatiens capensis</i>	Shagbark hickory	<i>Carya ovata</i>
Common milkweed	<i>Asclepias syriaca</i>	Smooth brome	<i>Bromus inermis</i>
Common ragweed	<i>Ambrosia artemisiifolia</i>	Smooth tare	<i>Vicia tetrasperma</i>
Common yarrow	<i>Achillea millefolium</i>	Soft rush	<i>Juncus effusus</i>
Creeping jenny	<i>Lysimachia nummularia</i>	Spinulose wood fern	<i>Dryopteris carthusiana</i>
Curled dock	<i>Rumex crispus</i>	Spotted cat's ear	<i>Hypochaeris radicata</i>
Eastern red cedar	<i>Juniperus virginiana</i>	Sugar maple	<i>Acer saccharum</i>
Eastern white pine	<i>Pinus strobus</i>	Swamp dewberry	<i>Rubus hispidus</i>
Elecampane	<i>Inula helenium</i>	Swamp milkweed	<i>Asclepias incarnata</i>
European raspberry	<i>Rubus idaeus</i>	Swamp white oak	<i>Quercus bicolor</i>
False indigo	<i>Amorpha fruticosa</i>	Tatarian honeysuckle	<i>Lonicera tatarica</i>
Flat-stem blue grass	<i>Poa compressa</i>	Thicket creeper	<i>Parthenocissus inserta</i>
Flowering rush	<i>Butomus umbellatus</i>	Timothy grass	<i>Phleum pratense</i>
Garlic mustard	<i>Alliaria petiolata</i>	Tufted vetch	<i>Vicia cracca</i>
Giant goldenrod	<i>Solidago gigantea</i>	Water horsetail	<i>Equisetum fluviatile</i>
Gray dogwood	<i>Cornus racemosa</i>	Water marigold	<i>Bidens beckii</i>
Green ash	<i>Fraxinus pennsylvanica</i>	White meadowsweet	<i>Spiraea alba</i>
Hedge bedstraw	<i>Galium mollugo</i>	White ash	<i>Fraxinus americana</i>
Herb-Robert	<i>Geranium robertianum</i>	White oak	<i>Quercus alba</i>
Hop sedge	<i>Carex lupulina</i>	Wild carrot	<i>Daucus carota</i>
Lesser stitchwort	<i>Stellaria graminea</i>	Wild strawberry	<i>Fragaria vesca</i>
Meadow anemone	<i>Anemone canadensis</i>	Woolgrass	<i>Scirpus cyperinus</i>
Meadow buttercup	<i>Ranunculus acris</i>	Yellow birch	<i>Betula alleghaniensis</i>
Meadow hawkweed	<i>Hieracium caespitosum</i>	Zigzag clover	<i>Trifolium medium</i>

### 3.4.1 Alternative 1: Proposed Action

The Proposed Action would have a permanent, minor adverse impact on native vegetative habitat in the region. Construction of the proposed BPS would permanently impact 18.9 acres of the Eastern Great Lakes Lowlands vegetative community. The Eastern Great Lakes Lowland ecoregion encompasses approximately 44,900 square miles across the lowland areas of New York and Vermont as well as portions of Canada. The vegetation community that would be impacted by the construction of the proposed BPS is both locally and regionally common, and the permanent loss of the limited amount of acreage would not adversely affect the population viability of any plant species in the region.

To ensure that the Proposed Action does not actively promote the establishment of non-native and invasive species in the area, BMPs (as described in Section 4.0) would be implemented to minimize the spread and reestablishment of nonnative vegetation. Upon completion of construction, all temporary disturbance areas would be revegetated with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally. These BMPs, as well as measures protecting vegetation in general, would reduce potential impacts from non-native invasive species to a negligible amount.

### 3.4.2 Alternative 2: No Action Alternative

Under the No Action Alternative, no impacts on vegetative habitat would occur as construction activities would not be conducted.

## 3.5 WILDLIFE RESOURCES

The ROI is within the Erie and Ontario Lake Plain section of the Eastern Broadleaf Forest (Continental) Province (USFS 2015). Common mammals within this province include the coyote (*Canis latrans*), white-tailed deer (*Odocoileus virginianus*), raccoon (*Procyon lotor*), red fox (*Vulpes vulpes*), bobcat (*Lynx rufus*), striped skunk (*Mephitis mephitis*), eastern cottontail (*Sylvilagus floridanus*), eastern gray squirrel (*Sciurus carolinensis*), groundhog (*Marmota monax*), eastern chipmunk (*Tamias striatus*), American beaver (*Castor canadensis*), American mink (*Neovison vison*), fox squirrel (*Sciurus niger*), American red squirrel (*Tamiasciurus hudsonicus*), Virginia opossum (*Didelphis virginiana*), meadow vole (*Microtus pennsylvanicus*), deer mouse (*Peromyscus maniculatus*), and big brown bat (*Eptesicus fuscus*) (USFS 1994).

Bird species are abundant in this region as the Mississippi and Atlantic flyways converge in western New York. Approximately 380 species and 25 subspecies of birds have been recorded in this region. Common bird species include common loon (*Gavia immer*), cedar waxwing (*Bombycilla cedrorum*), downy woodpecker (*Dryobates pubescens*), ring-billed gull (*Larus delawarensis*), great blue heron (*Ardea herodias*), great egret (*Ardea alba*), American kestrel (*Falco sparverius*), American woodcock (*Scolopax minor*), mourning dove (*Zenaidura macroura*), eastern wood-peewee (*Contopus virens*), red-eyed vireo (*Vireo olivaceus*), common yellowthroat (*Geothlypis trichas*), rose-breasted grosbeak (*Pheucticus ludovicianus*), song sparrow (*Melospiza melodia*), and Baltimore oriole (*Icterus galbula*) (Knapton and Weseloh 1999). Common reptiles and amphibians include snapping turtle (*Chelydra serpentina*), painted turtle (*Chrysemys picta*), common slider (*Trachemys scripta*), ring-necked snake (*Diadophis punctatus*), common garter snake (*Thamnophis sirtalis*), eastern milksnake (*Lampropeltis*

*triangulum*), common watersnake (*Nerodia sipedon*), Dekay’s brownsnake (*Storeria dekayi*), Allegheny Mountain dusky salamander (*Desmognathus ochrophaeus*) eastern red-backed salamander (*Plethodon cinereus*), American toad (*Anaxyrus americanus*), green frog (*Lithobates clamitans*), American bullfrog (*Lithobates catesbeianus*), and northern leopard frog (*Lithobates pipiens*) (USFS 1994).

A list of wildlife observed during the June 9, 2021, biological survey is included in Table 3-3.

**Table 3-3. Wildlife Observed During the Wellesley Island BPS Biological Resources Survey**

Common Name	Scientific Name
<b>Mammals</b>	
Eastern chipmunk	<i>Tamias striatus</i>
Raccoon	<i>Procyon lotor</i>
White-tailed deer	<i>Odocoileus virginianus</i>
<b>Birds</b>	
American crow	<i>Corvus brachyrhynchos</i>
American robin	<i>Turdus migratorius</i>
Black-capped chickadee	<i>Poecile atricapillus</i>
Blue jay	<i>Cyanocitta cristata</i>
Canada goose	<i>Branta canadensis</i>
Cedar waxwing	<i>Bombycilla cedrorum</i>
Chestnut-sided warbler	<i>Setophaga pensylvanica</i>
Chipping sparrow	<i>Spizella passerina</i>
Common grackle	<i>Quiscalus quiscula</i>
Common yellowthroat	<i>Geothlypis trichas</i>
Downy woodpecker	<i>Picoides pubescens</i>
Eastern kingbird	<i>Tyrannus tyrannus</i>
Eastern phoebe	<i>Sayornis phoebe</i>
Eastern towhee	<i>Pipilo erythrophthalmus</i>
Eastern wood-pewee	<i>Contopus virens</i>
European starling	<i>Sturnus vulgaris</i>
Gray catbird	<i>Dumetella carolinensis</i>
Great blue heron	<i>Ardea herodias</i>
Great-crested flycatcher	<i>Myiarchus crinitus</i>
House finch	<i>Haemorhous mexicanus</i>
Mourning dove	<i>Zenaida macroura</i>
Northern cardinal	<i>Cardinalis cardinalis</i>
Northern flicker	<i>Colaptes auratus</i>
Osprey	<i>Pandion haliaetus</i>

Common Name	Scientific Name
Pine warbler	<i>Setophaga pinus</i>
Red-bellied woodpecker	<i>Melanerpes carolinus</i>
Red-eyed vireo	<i>Vireo olivaceus</i>
Red-tailed hawk	<i>Buteo jamaicensis</i>
Red-winged blackbird	<i>Agelaius phoeniceus</i>
Ring-billed gull	<i>Larus delawarensis</i>
Rose-breasted grosbeak	<i>Pheucticus ludovicianus</i>
Song sparrow	<i>Melospiza melodia</i>
Spotted sandpiper	<i>Actitis macularius</i>
Tree swallow	<i>Tachycineta bicolor</i>
Trumpeter swan	<i>Cygnus buccinator</i>
Turkey vulture	<i>Cathartes aura</i>
White-breasted nuthatch	<i>Sitta carolinensis</i>
Wood thrush	<i>Hylocichla mustelina</i>
Yellow warbler	<i>Setophaga petechia</i>
Yellow-rumped warbler	<i>Setophaga coronata</i>
<b>Herpetofauna</b>	
American bullfrog	<i>Lithobates catesbeianus</i>
Common garter snake	<i>Thamnophis sirtalis</i>
Northern leopard frog	<i>Lithobates pipiens</i>

### 3.5.1 Alternative 1: Proposed Action

The permanent loss of approximately 18.9 acres of habitat would have a long-term, negligible impact on wildlife. Soil disturbance and operation of heavy equipment could result in the direct loss of less mobile individuals such as lizards, snakes, and ground-dwelling species such as mice and rats; however, most wildlife would avoid any direct harm by escaping to surrounding habitat. The degradation and loss of habitat could also impact burrows and nests as well as cover, forage, and other important wildlife resources. The loss of these resources would result in the displacement of individuals that would then be forced to compete with other wildlife for the remaining resources. Although this competition for resources could result in a reduction of total population size, such a reduction would be extremely minimal in relation to total population size and would not result in long-term effects on the sustainability of any wildlife species. The wildlife habitat present in the project area is both locally and regionally common, and the permanent loss of approximately 18.9 acres of wildlife habitat would not adversely affect the population viability or fecundity of any wildlife species in the region. Upon completion of construction, all temporary disturbance areas would be revegetated with a mixture of native plant seeds or nursery plantings or allowed to revegetate naturally.

The Migratory Bird Treaty Act (MBTA) requires that federal agencies coordinate with USFWS if a construction activity would result in the “take” of a migratory bird. In accordance with compliance measures of the MBTA, BMPs identified in Section 4.0 would be implemented if

construction or clearing activities were scheduled during the nesting season (typically March 15 to September 15).

Lighting could attract or repel various wildlife species within the vicinity of the project area. The presence of lights within the project area could also produce some long-term behavioral effects, although the magnitude of these effects is not presently known. Some species, such as insectivorous bats, may benefit from the concentration of insects that would be attracted to the lights. Other species, such as small nocturnal mammals, may have an increased risk of capture by predators under artificial night lighting conditions. Continual exposure to light has also been proven to alter circadian rhythms in mammals and birds. Depending on brightness, artificial light can alter mammalian dispersal movements and the use of corridors (Beier 2006). Studies have demonstrated that under constant light, the time an animal is active compared to the time it is at rest, increases in diurnal animals, but decreases in nocturnal animals (Carpenter and Grossberg 1984). Outdoor lighting can disturb flight, navigation, vision, migration, dispersal, oviposition, mating, feeding, and crypsis in some moths. Additionally, artificial lighting may disturb circadian rhythms and photoperiodism (Frank 1988). Recent research also indicates that large-scale use of white light-emitting diode (LED) lights may exacerbate ecological impacts of artificial night lighting (Pawson and Bader 2014). It has also been shown that, within several weeks under constant lighting, mammals and birds can quickly stabilize and reset their circadian rhythms back to their original schedules (Carpenter and Grossberg 1984). While the number of lights within the boundary of the proposed BPS site is not presently known, artificial lighting concentrated around a single 18.9-acre developed area would not significantly disrupt activities of wildlife populations across the region, since similar habitat for wildlife relocation is readily available to the north, east, and south of the proposed project area. In addition, construction activities would be limited primarily to daylight hours, whenever possible; therefore, construction impacts on wildlife would be insignificant, since the highest period of movement for most wildlife species occurs during nighttime or low daylight hours. BMPs, as described in Section 4.0, would be implemented to minimize lighting impacts on wildlife.

Periodic noise from construction and operational activities would have moderate and intermittent impacts on wildlife adjacent to the project area. However, because similar habitat adjacent to the project area is readily available, wildlife could easily relocate. Vehicle traffic on NY-12 currently influences the behavioral responses of wildlife in the area. Upon completion of the proposed BPS, the number of vehicles would increase slightly but not result in a substantial increase in vehicle noise. Behavioral responses to noise vary among species of animals and even among individuals of a species due to temperament, sex, age, or prior experience. Minor responses include head-raising and body-shifting, and usually, more disturbed mammals will travel short distances. Panic and escape behavior results from more severe disturbances, causing the animal to leave the area (Fletcher and Busnel 1978). Over the long-term, wildlife that has not already habituated to noise generated by NY-12 would adapt to the normal operations conducted at the new BPS and would typically avoid human interaction. BMPs, as outlined in Section 4.0, would reduce noise associated with the operation of construction equipment and everyday vehicle traffic associated with the new BPS.

Federal Aviation Administration (FAA) guidelines for *Obstruction Marking and Lighting – Advisory Circular AC 70/7460-1L* (FAA 2018) and USFWS *Recommended Best Practices for*

*Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning* (USFWS 2018) would be implemented to reduce nighttime atmospheric lighting and potential adverse effects of nighttime lighting on migratory bird and nocturnal flying species. The proposed communication tower design would not exceed 100 feet in height and would incorporate a sensor-based Aircraft Detection Lighting System (ADLS) that activates only when an approaching aircraft is detected, at which time tower lighting is triggered to illuminate until the aircraft is out of radar range.

The proposed communication tower could pose a possible hazard to migratory birds and even result in some bird mortality through bird strikes with the tower. However, the loss of a few individual birds from the tower operation would not adversely affect the population viability or fecundity of bird species in the region. The number and extent of bird strikes in relation to the size of migratory bird populations and the extent of the migratory flyway would be minor and would not affect the sustainability of migratory bird populations in the region. The Proposed Action would, however, have a long-term, negligible adverse effect on migratory birds.

BMPs would be implemented to reduce disturbance and loss of wildlife, such as surveys prior to construction activities scheduled during nesting season and covering or providing an escape ramp for all steep-walled holes or trenches left open at the end of the construction workday. The proposed communication tower could provide raptor perch and nesting sites, but BMPs would also be used to discourage this activity.

### **3.5.2 Alternative 2: No Action Alternative**

No wildlife or aquatic resources would be adversely affected by the No Action Alternative.

## **3.6 THREATENED AND ENDANGERED SPECIES**

The ESA was enacted to protect and recover endangered and threatened species and the ecosystems upon which these species depend for their survival. All federal agencies are required to implement protective measures for designated species and to use their authorities to further the purposes of the ESA. The Secretary of the Interior and the Secretary of Commerce (marine species) are responsible for the identification of threatened or endangered species and development of any potential recovery plan. USFWS is the primary agency responsible for implementing the ESA and is responsible for birds and other terrestrial and freshwater species. USFWS responsibilities under the ESA include (1) the identification of threatened and endangered species; (2) the identification of critical habitats for listed species; (3) implementation of research on, and recovery efforts for, these species; and (4) consultation with other federal agencies concerning measures to avoid harm to listed species.

An endangered species is a species officially recognized by USFWS as being 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. Proposed species are those that have been formally submitted to Congress for official listing as threatened or endangered. Species may be considered eligible for listing as endangered or threatened when any of the five following criteria occur: (1) current/imminent destruction, modification, or curtailment of their habitat or range; (2) overuse of the species for

commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; and (5) other natural or human-induced factors affecting their continued existence.

In addition, USFWS has identified species that are candidates for listing as a result of identified threats to their continued existence. The candidate designation includes those species for which USFWS has sufficient information to support proposals to list as endangered or threatened under the ESA; however, proposed rules have not yet been issued because such actions are precluded at present by other listing activity. Although candidate species receive no statutory protection under the ESA, they may be protected under other federal or state laws.

***Federally Listed Species***

A total of four federally listed species are known to occur in Jefferson County, New York (USFWS 2021). A list of these species is provided in Table 3-4. In addition, the monarch butterfly (*Danaus plexippus*), a candidate species for federal listing, has the potential to occur within the project area but is not discussed below; however, pollinator conservation and management BMPs are described in Section 4.0.

A biological survey of the proposed BPS site was conducted by GSRC on June 9, 2021. This investigation included surveys for all federally listed species that could potentially occur at or near the proposed BPS site. During the investigation, no federally listed species were observed.

**Table 3-4. Federally Listed Species for Jefferson County, New York**

Common/Scientific Name	Federal Status <sup>1</sup>	Habitat	Potential to Occur at Site	Effect Determination <sup>2</sup>
<b>Birds</b>				
<b>Piping plover</b> ( <i>Charadrius melodus</i> )	E	Nests on beaches, sandflats, sparsely vegetated dunes, overwash areas, and barrier islands in coastal areas, and on riverine sandbars and gravel beaches adjacent to alkali wetlands in inland areas. Overwinters along southern Atlantic coast of the U.S., the Gulf Coast, and the Caribbean.	No; the proposed project area does not contain suitable habitat for this species	No effect
<b>Mammals</b>				
<b>Indiana bat</b> ( <i>Myotis sodalis</i> )	E	Mature, intact interior forests as well as caves or abandoned mines for hibernation.	Yes; the proposed project area contains limited marginally suitable habitat for this species	May affect, but not likely to adversely affect
<b>Northern long-eared bat</b> ( <i>Myotis septentrionalis</i> )	T	Mature, intact interior forests as well as caves or abandoned mines for hibernation.	Yes; the proposed project area contains limited marginally suitable habitat for this species	May affect, but not likely to adversely affect

Common/Scientific Name	Federal Status <sup>1</sup>	Habitat	Potential to Occur at Site	Effect Determination <sup>2</sup>
<b>Plants</b>				
<b>American hart's-tongue fern</b> ( <i>Asplenium scolopendrium</i> var. <i>americanum</i> )	T	Cool, moist, shaded areas on or near dolomitic limestone in crevices, rock outcrops, and the sinkholes/blowholes of caves.	No; the proposed project area does not contain suitable habitat for this species	No effect

Source: USFWS (2021)

<sup>1</sup>E = endangered, T = Threatened

<sup>2</sup>Species with "No effect" from the proposed action receive no further analysis; species that the Proposed Action "may affect" are analyzed in detail

### **Indiana bat (*Myotis sodalis*)**

The Indiana bat is a small insectivore that is dull grayish chestnut in color, with pinkish to cinnamon underparts, and often has a pinkish colored nose (USFWS 2019; Photograph 3-1). They closely resemble the little brown bat (*Myotis lucifugus*) but can be distinguished by several features: the little brown bat has brown fur, slightly darker ears and nose that give the appearance of a faintly contrasting dark mask, a feature that is noticeably lacking in the Indiana bat; hind feet that are larger; and unlike the Indiana bat, the calcar is not keeled (NYSDEC 2020a). Indiana bats hibernate during winter in caves or, occasionally, in abandoned mines. During summer, they roost under the peeling bark of dead and dying trees. Indiana bats eat a variety of flying insects found along rivers or lakes and in uplands.



**Photograph 3-1. Indiana Bat**  
(Credit: Adam Mann, ESI – USFWS database)

The Indiana bat was listed as endangered by the USFWS in 1967 due to episodes of people disturbing hibernating bats in caves during winter, which has resulted in the death of large numbers of bats (USFWS 2019). Indiana bats are particularly vulnerable to disturbance because they hibernate in large numbers in only a few caves. In New York, approximately 13,000 Indiana bats are known to exist in only eight of the 120 potential hibernation sites searched to date (NYSDEC 2020a). Other threats that have contributed to the Indiana bat's decline include commercialization of caves, loss of summer habitat, pesticides and other contaminants, and most recently, the disease white-nose syndrome (WNS), which is caused by a fungus that thrives in the cold environments where bats hibernate and has resulted in the death of millions of bats since its emergence in the U.S. in 2006 (USFWS 2019).

**Northern long-eared bat (*Myotis septentrionalis*)**

The northern long-eared bat (NLEB) is a small, insectivorous bat that can be distinguished from other *Myotis* species by their long ears, longer pointed tragus, large wing area, and long tail (USFWS 2020; Photograph 3-2). They are most active at pre-dawn and dusk, and are primarily found in mature interior forests, utilizing trees as sites to roost, forage, and raise young. From late fall to early spring, the northern long-eared bat hibernates, primarily in caves or abandoned mines, which provide constant temperature and humidity (NYSDEC 2020b).

The greatest threat to the NLEB is WNS (USFWS 2020). In New York, it is estimated that only 2 percent of the pre-WNS NLEB population remains as of 2012 (NYSDEC 2020b). Other threats to the NLEB include degradation of hibernation sites and forest management activities. As a result, the NLEB was listed as threatened in 2015 by the USFWS (USFWS 2020).



**Photograph 3-2. Northern Long-eared Bat  
(Source: USFWS)**

### ***Critical Habitat***

The ESA also calls for the conservation of what is termed Critical Habitat: 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 developments. Critical Habitat is designated for the piping plover (*Charadrius melodus*) within Jefferson County (USFWS 2021), approximately 33 miles from the proposed BPS location; therefore, the project site would not overlap with Critical Habitat for this species. No Critical Habitat has been designated within Jefferson County for the Indiana bat, NLEB, or American hart's-tongue fern (*Asplenium scolopendrium* var. *americanum*).

### ***State Listed Species***

New York State currently lists nine wildlife species as endangered, 12 species as threatened, and 23 species of special concern as having the potential to occur within Jefferson County (NYSDEC 2021a). Additionally, 71 plant species listed as threatened or endangered by New York State have the potential to occur in Jefferson County. A complete list of state listed species with the potential to occur within Jefferson County is included in Appendix B. One state listed species of special concern, osprey (*Pandion halieatus*), was observed during the biological survey of the proposed project area. In addition, blackchin shiner (*Notropis heterodon*), which is not listed in New York but is rare and of conservation concern, was previously documented adjacent to the proposed project site in the St. Lawrence River on July 27, 2007.

### **3.6.1 Alternative 1: Proposed Action**

Under the Proposed Action, there would be no reasonably foreseeable impacts on any threatened or endangered species or their habitat. Two federally listed species, Indiana bat and NLEB, have the potential to occur within the proposed project area. Both bat species could potentially utilize the isolated remaining pockets of forests surrounding the Town of Orleans; however, the proposed project site has limited marginally suitable habitat that lacks mature, intact interior forest with trees large enough to have a cavity or that have loose bark, which the bats prefer to occupy or use. Therefore, CBP has determined that the Proposed Action may affect, but is not likely to adversely affect, the Indiana bat and NLEB. ESA, Section 7 consultation with USFWS is ongoing for the Proposed Action. Per request from USFWS consultation, CBP will complete bat surveys during the 2022 summer survey season.

New York State lists several species that could occur within or near the project site. Under the Proposed Action, 18.9 acres of Eastern Great Lakes Lowlands vegetative habitat would be permanently impacted. Mobile species such as the osprey and Cooper's hawk (*Accipiter cooperii*) may be temporarily displaced by BPS construction activities; however, these highly mobile species typically utilize large expanses of suitable habitat and the effects of disturbance and alterations to small segments are likely to be minimal to negligible to populations of these species. Grubbing, digging, clearing, and ground-leveling activities at the BPS site may result in the incidental take of some individuals of more sedentary state listed species such as the blue-spotted salamander (*Ambystoma laterale*). The impacts on sedentary state listed species would be negligible with the implementation BMPs (see Section 4.0) and because of the limited amount of habitat disturbance relative to the amount of similar habitats within the ROI. Although no

impacts to aquatic state listed species would occur, additional surveys may be necessary prior to constructing the boat dock and ramp to determine whether blackchin shiner currently occurs in the St. Lawrence River adjacent to the proposed project site.

### **3.6.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, there would be no impacts on threatened or endangered species or their habitats as no construction activities would occur.

## **3.7 GROUNDWATER**

The proposed project is located within the St. Lawrence River Basin (Nystrom 2007). The St. Lawrence River Basin covers approximately 5,650 square miles in northeastern New York State, including all of St. Lawrence County, most of Franklin County, and portions of Clinton, Essex, Hamilton, Herkimer, Jefferson, and Lewis Counties. The St. Lawrence River Basin in New York contains two main physiographic regions: the Adirondack Mountains and the St. Lawrence Valley, which differ in topography, climate, population, and land use. Bedrock aquifers include carbonate and sandstone aquifers along the northern edge of the basin, and crystalline aquifers in the Adirondack Mountains (Nystrom 2007). Sand and gravel deposits generally produce the highest yields in the basin, while the sandstone and carbonate aquifers along the northern edge of the basin in the St. Lawrence Valley produce moderate yields (Great Lakes Basin Commission 1975). The crystalline bedrock in the Adirondack Mountains generally produces the lowest yields of the aquifers in the basin. Groundwater in the St. Lawrence River Basin is mostly hard or very hard, especially in the St. Lawrence Valley where carbonate and sandstone aquifers predominate (Nystrom 2007). The cation with the highest concentration is calcium and the anion with the highest concentration is bicarbonate. The predominant groundwater nutrient is nitrate, while the most abundant trace elements are strontium, barium, and iron.

Groundwater is an important drinking-water source for domestic and public supplies in the St. Lawrence River Basin. New York State regulates two categories of aquifers: Primary Aquifers, which are defined as “highly productive aquifers presently utilized as sources of water supply by major municipal water supply systems,” and Principal Aquifers, which are defined as “aquifers known to be highly productive or whose geology suggests abundant potential water supply, but which are not intensively used as sources of water supply by major municipal systems at the present time” (NYSDEC 2021b). In addition, Sole Source Aquifers are designated as the sole or main source of drinking water for a community by the USEPA under provisions of the Federal Safe Drinking Water Act (42 U.S.C. § 300 et. seq). No Primary, Principal, or Sole Source Aquifers are located within the vicinity of the proposed BPS site location. The proposed project area receives municipal water supplied from a surface water source, the St. Lawrence River, and no groundwater usage would be required during the construction or operation of the new BPS.

### **3.7.1 Alternative 1: Proposed Action**

Under the Proposed Action, no water would be withdrawn from the local aquifers for municipal purposes; therefore, anticipated impacts to groundwater resources would be negligible.

Disturbed soils and hazardous substances (e.g., antifreeze, fuels, oils, and lubricants) could potentially impact groundwater quality during a stormwater runoff event. In compliance with Section 402 of the Clean Water Act (CWA), a Construction Stormwater General Permit would be obtained prior to construction, which would require approval of a site-specific Stormwater Pollution Prevention Plan (SWPPP). A site-specific spill response plan would also be in place prior to the start of construction. In addition, water quality would be protected through the implementation of BMPs (e.g., silt fences, wattles) to reduce the potential migration of soils, oil and grease, or construction debris into local surface waters during rain events. Once the construction project is complete, any temporary construction footprints would be revegetated with native vegetation, as outlined in the SWPPP, which would mitigate the potential for non-point source pollution to enter local surface waters.

### **3.7.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, no construction activities would occur; therefore, no impacts to groundwater would occur.

## **3.8 SURFACE WATER AND WATERS OF THE UNITED STATES**

The proposed project area is in the St. Lawrence River Watershed. The St. Lawrence Watershed is within the Great Lakes – St. Lawrence Basin and encompasses approximately 300,000 square miles across northern New York and Vermont in the U.S. and into the provinces of Ontario and Quebec in Canada. Within New York State, the watershed extends approximately 185 miles along the St. Lawrence River and drains approximately 5,600 square miles from the lake plain region of the St. Lawrence Valley to the northern and western Adirondack Mountains (NYSDEC 2021c). This area includes 11,371 miles of freshwater rivers and streams as well as 376 significant freshwater lakes, ponds, and reservoirs totaling 85,723 acres.

The St. Lawrence River is the principal surface water source for the region, accounting for approximately 58 percent of the watershed's total withdrawal amount (Great Lakes Commission 2020). In 2019, approximately 899 million gallons per day were withdrawn from the St. Lawrence River for consumptive use. In the U.S., the St. Lawrence River provides drinking water to approximately four million people, while in New York State, the river serves as public water supply for the City of Ogdensburg, Town of Louisville, and Villages of Massena, Clayton, and Alexandria Bay (EcoLogic, LLC 2020). Municipal water sourced from the St. Lawrence River is supplied to the Town of Orleans, including the proposed project area, via connection with the Village of Alexandria Bay (Town of Orleans 2019).

The CWA § 303[d][1][A] requires that each state monitor surface waters and compile a "303[d] List" of impaired streams and lakes. According to the *New York State 2018 Section 303(d) List of Impaired/TMDL Waters* (NYSDEC 2020c), no surface waters within the vicinity of the proposed project area are considered impaired. The closest impaired waterbody is Hyde Lake, located approximately 8.5 miles and upgradient from the project site.

Waters of the U.S., including wetlands, are defined within the CWA (40 CFR § 230.3[s]), and jurisdiction is addressed by USACE and USEPA. Wetlands are those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and

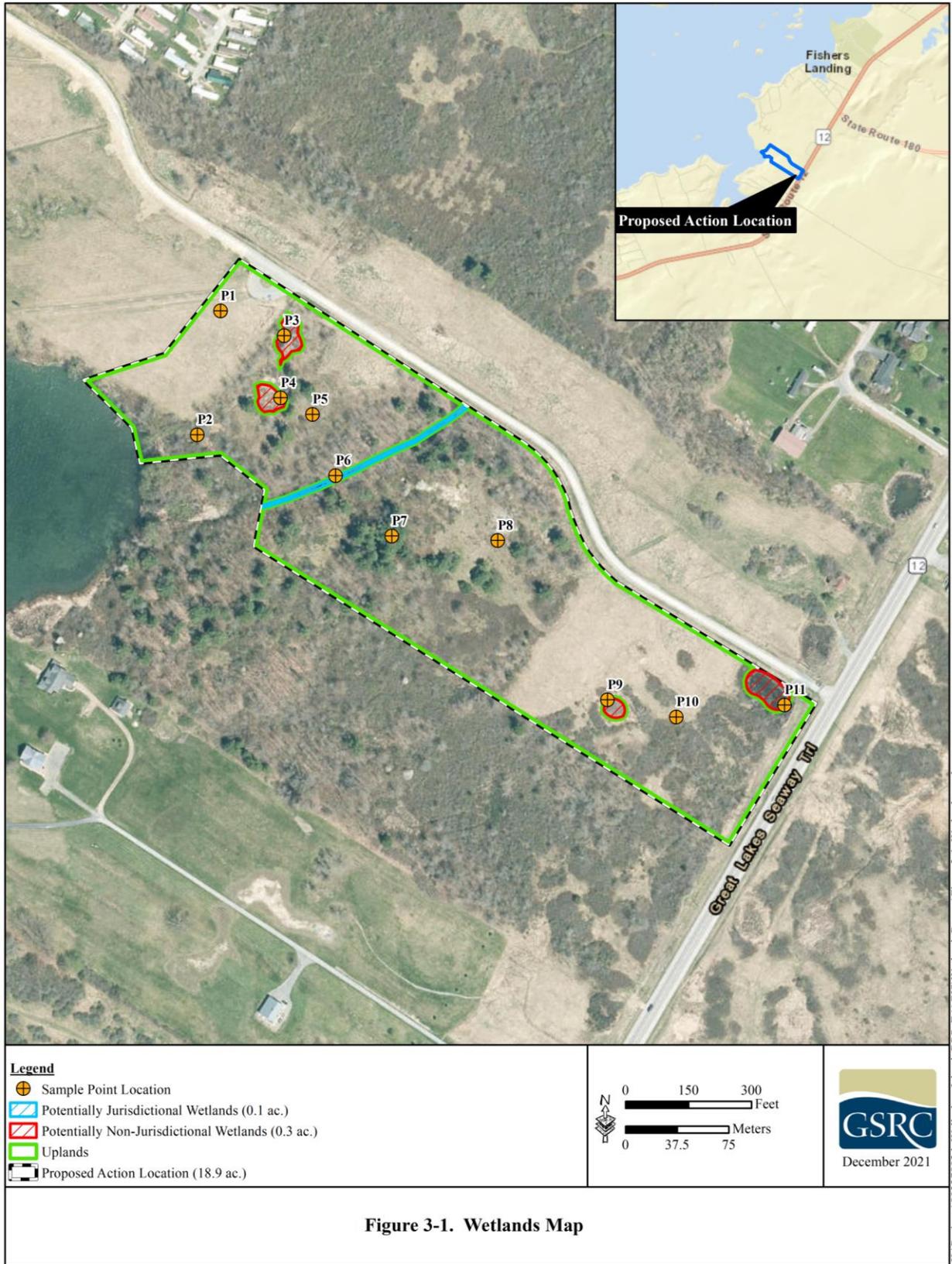
that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Under Section 10 of the Rivers and Harbors Act (RHA) of 1899 (33 U.S.C. § 403), a permit is required for any structure or work that takes place in, under, or over any navigable water of the U.S., or wetlands adjacent to navigable water. The USACE also regulates the discharge of dredged or fill material into waters of the U.S., including wetlands, under Section 404 of the CWA (33 U.S.C. § 1344). In addition, Section 401 of the CWA (33 U.S.C. § 1341) requires a Water Quality Certification to verify compliance with state water quality requirements for any activity that may result in any discharge into waters of the U.S., including wetlands.

On June 9, 2021, GSRC conducted a wetland delineation on the proposed project site in accordance with 1987 *Corps of Engineers Wetlands Delineation Manual* and the 2012 *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region* (Environmental Laboratory 1987, USACE 2012). Based on the routine field investigation, the project area contains 0.1 acre of potentially jurisdictional wetlands in the form of one ephemeral stream wetland and 0.3 acre of potentially non-jurisdictional wetlands in the form of one freshwater pond and three freshwater emergent wetlands (Figure 3-1). An approved jurisdictional determination by the USACE is currently pending for this project. In addition, the St. Lawrence River, which borders approximately 250 feet of the proposed project area boundary, is a navigable water of the U.S.

### **3.8.1 Alternative 1: Proposed Action**

The Proposed Action would have long-term, minor impacts on surface water resources. The Proposed Action would slightly increase demands on water supplies during construction activities. Water would be needed for a variety of construction activities including, but not limited to, drinking water supply for construction crews, wetting the construction site for dust suppression, and concrete mixing. This increase in water usage would be temporary and negligible. Water would also be needed to accommodate 75 agents plus support staff at the new BPS. Water usage for the new BPS is estimated to be approximately 7,500 gallons per day for a total of approximately 1.85 million gallons per year. Impacts associated with this increase in water consumption and long-term demand are considered minor due to the capacity of the local water supply, which is approximately 864,000 gallons per day, and the Town of Orleans' ability to handle minor increases in demand. Any permits required to add capacity to support the new BPS water system would be completed and in place prior to construction activities.

The Proposed Action would have temporary, negligible impacts on surface water as a result of increases in erosion and sedimentation associated with construction activities. Disturbed soils and hazardous substances (e.g., anti-freeze, fuels, oils, and lubricants) could directly affect surface water quality. The Proposed Action would include water quality management measures that would ensure that construction activities do not result in more than a minimal degradation of water quality at or near the proposed project area. In compliance with CWA Section 402, a Construction Stormwater General Permit would be obtained prior to construction, which would require approval of a site-specific SWPPP. A site-specific spill response plan would also be in place prior to the start of construction. Water quality would be further protected through the implementation of BMPs (e.g., silt fences, wattles) to reduce the potential migration of soils, oil and grease, or construction debris into local surface waters during rain events.



Once the construction project is complete, any temporary construction footprints would be revegetated with native vegetation, as outlined in the SWPPP, which would mitigate the potential for non-point source pollution to enter local surface waters.

Lastly, the Proposed Action would have permanent, minor impacts on surface water resources as a result of impacts to waters of the U.S. in the form of a 0.1-acre wetland and through the construction of a boat dock and ramp in the St. Lawrence River. CBP would obtain a Section 404 permit from the USACE to fill the wetland, a Section 401 Water Quality Certification from NYSDEC to verify compliance with state water quality requirements, and mitigation measures (e.g., replacement, wetlands banking) would be implemented; therefore, no net loss of wetlands would occur, and the Proposed Action would be in compliance with Executive Order (EO) 11990, *Protection of Wetlands*, which directs federal agencies to provide leadership and take action to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands. In addition, all required permits would be obtained prior to constructing the boat dock and ramp in compliance with Sections 404 and 401 of the CWA and Section 10 of the RHA.

### **3.8.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, no construction would occur; therefore, no impacts to surface waters or waters of the United States would occur.

## **3.9 FLOODPLAINS**

A floodplain is the area adjacent to a river, creek, lake, stream, or other open waterway that is subject to flooding when there is a major rain event. Floodplains are further defined by the likelihood of a flood event. An area within the 100-year floodplain has a 1-percent (i.e., 1-in-100) chance of being inundated by a flood in any given year, while an area within the 500-year floodplain has a 0.2-percent (i.e., 1-in-500) annual chance of flooding. Federal Emergency Management Agency (FEMA) floodplain maps were reviewed to identify project locations within mapped floodplains (FEMA 2021). Per FEMA Flood Map 3603450002B, the Proposed Action is located in Zone C, which is an area of minimal flood hazard, higher than the elevation of the 0.2-percent annual chance flood hazard area.

### **3.9.1 Alternative 1: Proposed Action**

The Proposed Action would not increase the risk or impact of floods on human safety, health, and welfare, or adversely impact the beneficial values that floodplains serve. Additionally, the Proposed Action would not increase duration, frequency, elevation, velocity, or volume of flood events because the project site is not located within a floodplain. Therefore, the Proposed Action would have no impacts on floodplains and would be in compliance with EO 11988, *Floodplain Management*, which directs all federal agencies to avoid, if possible, development and other activities in the 100-year base floodplain.

### **3.9.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, no construction activities would occur; therefore, there would be no impacts on floodplains.

### 3.10 AIR QUALITY

The USEPA established National Ambient Air Quality Standards (NAAQS) for specific pollutants determined to be of concern with respect to the health and welfare of the public. Ambient air quality standards are classified as either "primary" or "secondary." The principal pollutants of concern, or criteria pollutants, are carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), particulate matter less than 10 microns (PM-10) and less than 2.5 microns (PM-2.5), and lead (Pb). NAAQS represent the maximum levels of background pollution that are considered safe, with an adequate margin of safety, to protect public health and welfare. The NAAQS are included in Table 3-5.

Areas that do not meet NAAQS standards are called non-attainment areas; areas that meet both primary and secondary standards are known as attainment areas. The General Conformity Rule (40 CFR Parts 51 and 93) specifies criteria or requirements for conformity determinations for federal projects. The General Conformity Rule was first promulgated in 1993 by USEPA, following the passage of Amendments to the Clean Air Act (CAA) in 1990. The rule mandates that a conformity analysis must be performed when a federal action generates air pollutants in a region that has been designated as a non-attainment or maintenance area for one or more NAAQS. Jefferson County is designated as in attainment for all NAAQS (USEPA 2021a).

A conformity analysis is the process used to determine whether a federal action meets the requirements of the General Conformity Rule. The rule requires the responsible federal agency to evaluate the nature of a Proposed Action and associated air pollutant emissions and calculate emissions as a result of the Proposed Action. If emissions exceed established limits, known as *de minimis* thresholds, the proponent is required to implement appropriate mitigation measures.

#### **Greenhouse Gases and Climate Change**

Global climate change refers to a long-term change in the average weather on the earth. Greenhouse Gases (GHGs) are gases that trap heat in the atmosphere. GHGs include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), fluorinated gases such as hydrochlorofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF<sub>6</sub>), and nitrogen trifluoride (NF<sub>3</sub>) (CEQ 2016). These GHGs have varying heat-trapping abilities and atmospheric lifetimes; therefore, some gases have a greater global warming potential (GWP) than others. CO<sub>2</sub> equivalency (CO<sub>2</sub>e) is a measurement methodology used to compare the heat-trapping impact from various GHGs relative to CO<sub>2</sub>. For instance, N<sub>2</sub>O has a GWP that is 298 times greater than an equivalent amount of CO<sub>2</sub>, whereas the GWP of CH<sub>4</sub> is 25 times greater than an equivalent amount of CO<sub>2</sub> (CEQ 2016). The major GHG-producing sectors in society include transportation (29 percent), electricity generation (25 percent), industry (23 percent), agriculture (10 percent), commercial (7 percent), and residential (6 percent) (USEPA 2021b).

**Table 3-5. National Ambient Air Quality Standards**

Pollutant	Primary Standard		Secondary Standard	
	Level	Averaging Time	Level	Averaging Time
Carbon Monoxide (CO)	9 ppm (10 mg/m <sup>3</sup> )	8-hour <sup>(1)</sup>	None	None
	35 ppm (40 mg/m <sup>3</sup> )	1-hour <sup>(1)</sup>	None	None
Lead (Pb)	0.15 µg/m <sup>3</sup> <sup>(2)</sup>	Rolling 3-Month Average	Same as Primary	Same as Primary
Nitrogen Dioxide (NO <sub>2</sub> )	53 ppb <sup>(3)</sup>	Annual (Arithmetic Average)	Same as Primary	Same as Primary
	100 ppb	1-hour <sup>(4)</sup>	None	None
Particulate Matter (PM-10)	150 µg/m <sup>3</sup>	24-hour <sup>(5)</sup>	Same as Primary	Same as Primary
Particulate Matter (PM-2.5)	12.0 µg/m <sup>3</sup>	Annual <sup>(6)</sup> (Arithmetic Average)	15.0 µg/m <sup>3</sup>	Annual <sup>(6)</sup> (Arithmetic Average)
	35 µg/m <sup>3</sup>	24-hour <sup>(7)</sup>	Same as Primary	Same as Primary
Ozone (O <sub>3</sub> )	0.070 ppm (2015 std)	8-hour <sup>(8)</sup>	Same as Primary	Same as Primary
Sulfur Dioxide (SO <sub>2</sub> )	75 ppb <sup>(9)</sup>	1-hour	0.5 ppm	3-hour <sup>(1)</sup>

Source: USEPA (2020)

Units of measure for the standards are parts per million (ppm) by volume, parts per billion (ppb - 1 part in 1,000,000,000) by volume, milligrams per cubic meter of air (mg/m<sup>3</sup>), and micrograms per cubic meter of air (µg/m<sup>3</sup>).

<sup>(1)</sup> Not to be exceeded more than once per year.

<sup>(2)</sup> Final rule signed October 15, 2008. In areas designated nonattainment for the Pb standards prior to the promulgation of the current (2008) standards, and for which implementation plans to attain or maintain the current (2008) standards have not been submitted and approved, the previous standards (1.5 µg/m<sup>3</sup> as a calendar quarter average) also remain in effect.

<sup>(3)</sup> The official level of the annual NO<sub>2</sub> standard is 0.053 ppm, equal to 53 ppb, which is shown here for the purpose of clearer comparison to the 1-hour standard.

<sup>(4)</sup> To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 100 ppb (effective January 22, 2010).

<sup>(5)</sup> Not to be exceeded more than once per year on average over 3 years.

<sup>(6)</sup> Final rule signed December 14, 2012. To attain this standard, the 3-year average of annual mean PM-2.5 concentrations from single or multiple community-oriented monitors must not exceed 15.0 µg/m<sup>3</sup>.

<sup>(7)</sup> To attain this standard, the 3-year average of the 98th percentile of 24-hour concentrations at each population-oriented monitor within an area must not exceed 35 µg/m<sup>3</sup> (effective December 17, 2006).

<sup>(8)</sup> To attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.070 ppm (effective December 28, 2015). The previous (2008) O<sub>3</sub> standards (0.075 ppm 8-hour) are not revoked and remain in effect for designated areas. Additionally, some areas may have certain continuing implementation obligations under the prior revoked 1-hour (1979) and 8-hour (1997) O<sub>3</sub> standards.

<sup>(9)</sup> To attain this standard, the 3-year average of the 99th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 75 ppb (effective August 23, 2010). The previous SO<sub>2</sub> standards (0.14 ppm 24-hour and 0.03 ppm annual) will additionally remain in effect in certain areas: (1) any area for which it is not yet 1 year since the effective date of designation under the current (2010) standards, and (2) any area for which an implementation plan providing for attainment of the current (2010) standard has not been submitted and approved and which is designated nonattainment under the previous SO<sub>2</sub> standards or is not meeting the requirements of a SIP call under the previous SO<sub>2</sub> standards (40 CFR 50.4(3)). A SIP call is an EPA action requiring a state to resubmit all or part of its State Implementation Plan to demonstrate attainment of the required NAAQS.

### 3.10.1 Alternative 1: Proposed Action

Temporary and minor increases in air pollution would occur from the use of construction equipment (combustion emissions) and the disturbance of soils (fugitive dust) during construction of the BPS. Particulate emissions would occur as a result of construction activities such as vehicle trips, bulldozing, compacting, and grading operations. Construction activities would also generate minimal hydrocarbon, NO<sub>2</sub>, CO<sub>2</sub>, and SO<sub>2</sub> emissions from construction

equipment and support vehicles. Fugitive dust would be generated during construction activities, especially during the initial groundbreaking activities. Fugitive dust and other emissions from vehicles would increase minimally during construction; however, these emissions would be temporary and return to pre-project levels upon the completion of construction. Emissions resulting from the Proposed Action are expected to be below the *de minimis* threshold (i.e., 100 tons per year) and therefore would not be considered significant. BMPs, such as dust suppression and maintaining equipment in proper working condition would reduce the temporary construction impacts. Furthermore, due to the relatively rural location of the proposed BPS, good wind dispersal conditions, the short duration of construction, and because Jefferson County is in attainment for all NAAQS, impacts to air quality are expected to be minimal and insignificant under the Proposed Action.

### **3.10.2 Alternative 2: No Action Alternative**

The No Action Alternative would not result in any direct impacts on air quality because no construction activities would occur.

## **3.11 NOISE**

Noise is generally described as unwanted sound, which can be based either on objective effects (e.g., hearing loss, damage to structures) or subjective judgments (e.g., community annoyance). Sound is usually represented on a logarithmic scale in a unit called the decibel (dB). Sound on the decibel scale is referred to as sound level. The perceived threshold of human hearing is 0 dB, and the threshold of discomfort or pain is around 120 dB (USEPA 1974). The A-weighted sound level (dBA) is a measurement of sound pressure adjusted to conform to the frequency response of the human ear.

Noise levels occurring at night generally produce a greater annoyance than do the same levels occurring during the day. Intrusive noise at night is generally perceived as being 10 dBA louder than the same level of intrusive noise during the day, at least in terms of the potential for causing community annoyance. This perception is largely because background environmental sound levels at night in most areas are about 10 dBA lower than those during the day. Long-term noise levels are computed over a 24-hour period and adjusted for nighttime annoyances to produce the day-night average sound level (DNL). DNL is the community noise metric recommended by the USEPA and has been adopted by most federal agencies (USEPA 1974). The impact threshold most commonly used for noise planning purposes near residents is 65 dBA DNL (24 CFR § 51.103[c]), which represents a compromise between community impact and the need for activities like construction.

In general, noise generated by a stationary noise source, or “point source,” will decrease as it propagates through the atmosphere by approximately 6 dBA for each doubling of the distance from the source to the receiver (Federal Highway Administration [FHWA] 2017). For example, if a noise source produces a noise level of 85 dBA at a reference distance of 50 feet, then the noise level would be 79 dBA at a distance of 100 feet from the noise source and 73 dBA at a distance of 200 feet. To estimate the attenuation of the noise over a given distance, the following relationship is utilized:

$$\text{Equation 1: } dBA_2 = dBA_1 + 20 \log (d_1/d_2)$$

Where:

$dBA_1$  = dBA at distance 1 from source (measured)

$dBA_2$  = dBA at distance 2 from source (predicted)

$d_1$  = Distance to location 1 from the source

$d_2$  = Distance to location 2 from the source

The construction of the proposed BPS would require the use of common construction equipment. Table 3-6 describes noise emission levels for construction equipment that range from 47 dBA to 85 dBA at a distance of 50 feet (FHWA 2007).

**Table 3-6. A-Weighted (dBA) Sound Levels of Construction Equipment and Modeled Attenuation at Various Distances<sup>1</sup>**

Noise Source	50 feet	100 feet	200 feet	500 feet	1,000 feet
Bulldozer	82	76	70	62	56
Concrete mixer truck	85	79	73	65	59
Crane	81	75	69	61	55
Drill rig	85	79	73	65	59
Dump truck	84	78	72	64	58
Excavator	81	75	69	61	55
Front-end loader	79	73	67	59	53
Generator	47	41	35	27	21

Source: FHWA (2007)

<sup>1</sup>The dBA at 50 feet is a measured noise emission; the 100- to 1,000-foot results are GSRC modeled estimates.

Assuming the worst-case scenario of 85 dBA from general construction equipment, the noise model predicts that noise emissions would have to travel 1,255 feet before they would be attenuated to acceptable levels equal to or below 57 dBA, which is the criterion for National Monuments and Wildlife Refuges (23 CFR Part 772, Table 1), or 500 feet to attenuate to 65 dBA, which is the criterion for residential receptors.

### 3.11.1 Alternative 1: Proposed Action

The project site is located approximately 400 feet away from residential homes, which are the nearest noise-sensitive receptors. No other noise-sensitive receptors, such as schools, hotels, libraries, religious institutes, hospitals, or similar uses, would be located within 2,500 feet of the project area. Further, noise within the project area in general is elevated due to the proximity of the proposed project area to NY-12. BMPs, as described in Section 4.0, would be implemented to reduce noise associated with the operation of construction equipment and vehicles associated with the new BPS. In areas where construction activities would occur within 500 feet of residences, additional noise mitigation measures, such as temporary noise barriers, could be used as needed to further minimize potential noise impacts on sensitive receptors. Therefore, impacts on noise would be short-term and minor under the Proposed Action.

### **3.11.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, no impacts on noise would occur as the construction of the proposed BPS would not occur.

## **3.12 UTILITIES AND INFRASTRUCTURE**

Electrical power for the project area is provided by National Grid through its regional power grid. National Grid maintains and operates a 9,000-mile transmission system with 397 transmission substations and 728 distribution substations that provide electricity to an area of approximately 29,000 square miles in upstate New York, Massachusetts, New Hampshire, Rhode Island, and Vermont (National Grid 2021). National Grid serves approximately 3.4 million residential, commercial, industrial, public authority, and wholesale customers. The proposed project site and surrounding area is served by a three-phase, 13.2 kilovolt electric distribution system capable of accommodating electric loads of up to 2,500 kilovolt amperes (Village of Alexandria Bay 2019). Commercial grid power is currently available, and the proposed BPS would be tied into an existing and available service transmission line.

Water and sewer for the proposed project area is provided by the Town of Orleans. Municipal water sourced from the St. Lawrence River would be supplied by the Route 12 Water District, which encompasses the NY-12 area between the Towns of Alexandria and Clayton, including the proposed BPS site location (Town of Orleans 2019). Water usage for the new BPS is estimated to be approximately 7,500 gallons per day. The Route 12 Water District supply capacity is approximately 864,000 gallons per day. Wastewater treatment would be provided by the Fishers Landing Sewer District, which connects to the Orleans/Alexandria Joint Wastewater Treatment Plant. The Plant is currently permitted to treat 197,000 gallons per day, with expansion capacity up to 390,000 gallons per day (Village of Alexandria Bay 2019). Connection to water and wastewater services is currently available at the project site and would be used for the proposed new BPS.

Public infrastructure near the project area consists of NY-12. No new public infrastructure would be required for ingress or egress at the proposed BPS. However, the new BPS would require the construction of an ingress and egress connection to NY-12.

### **3.12.1 Alternative 1: Proposed Action**

The Proposed Action would result in negligible effects on the availability of utilities throughout the ROI. The amperage currently available through the existing grid power system is sufficient to withstand the anticipated electrical load of the proposed BPS. Additionally, the BPS would be tied into an existing and available service transmission line. Water and wastewater treatment services would connect to the Town of Orleans system, which has the capacity to handle the slight increase in demand. The BPS would require construction of ingress and egress connection to NY-12, but no new public infrastructure would be needed. Therefore, impacts on utilities and infrastructure associated with the new BPS would be long-term and negligible.

### **3.12.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, the proposed BPS would not be constructed. The No Action Alternative would not affect the availability of utilities or require construction of additional facilities.

## **3.13 ROADWAYS AND TRAFFIC**

The Proposed Action would be located along NY-12 approximately 0.5 mile southwest of New York State Route 180 (NY-180) and 2.5 miles southwest of Interstate Route 81 (I-81). NY-12, which is one of the main east-west routes through Jefferson County, extends approximately 222 miles through central and northern New York from the southern terminus in the Town of Chenango to the northern terminus near the Village of Morristown. According to NYSDOT, the annual average daily traffic (AADT) for NY-12 at the location of the proposed BPS site was 5,012 in 2019, while the 2019 AADT for NY-180 and I-81 near the project area was 995 and 5,756, respectively (NYSDOT 2019).

### **3.13.1 Alternative 1: Proposed Action**

With the implementation of the Proposed Action, construction activities at the project site would have a temporary, minor impact on roadways and traffic in the immediate vicinity of the project site. An increase of vehicular traffic along NY-12, NY-180, and I-81 would occur during construction activities from supplying materials, hauling debris, and work crews commuting to the project site. Upon completion of construction activities, an increase in vehicular traffic on those roads from USBP agents would occur as well. However, the increase in traffic volume associated with construction and operation activities would have negligible impacts on roadways and traffic near the BPS as NY-12, NY-180, and I-81 can accommodate the projected volumes. Therefore, traffic impacts associated with construction and operation of the BPS would be long-term and negligible.

### **3.13.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, no impacts to roadways and traffic would occur.

## **3.14 RADIO FREQUENCY ENVIRONMENT**

The radio frequency (RF) environment refers to the presence of electromagnetic (EM) radiation emitted by radio waves and microwaves on the human and biological environment. EM radiations are self-propagating waves of electric and magnetic energy that move through space via radio waves and microwaves emitted by transmitting antennas. RF is a frequency or rate of oscillation within the range of about 3 hertz and 300 gigahertz. This range corresponds to the frequency of alternating current and electrical signals used to produce and detect radio waves. The EM radiation produced by radio waves and microwaves carry energy and momentum, and can interact with matter.

The Federal Communications Commission (FCC) is responsible for licensing frequencies and ensuring that the approved uses would not interfere with television or radio broadcasts or substantially affect the natural or human environments. In 1985, the FCC adopted the 1982 American National Standards Institute (ANSI) guidelines to evaluate exposure due to RF

transmitters that are licensed and authorized by the FCC (Office of Engineering and Technology [OET] 1999). In 1992, ANSI adopted the 1991 Institute of Electrical and Electronics Engineers (IEEE) standard as an American National Standard (a revision of its 1982 standard) and designated it as ANSI/IEEE C95.1-1992 (OET 1999). The FCC proposed to update its rules and adopt the new ANSI/IEEE guidelines in 1993, and in 1996 the FCC adopted a modified version of the original proposal.

FCC guidelines are also based on the National Council on Radiation Protection and Measurements (NCRP) exposure guidelines. The NCRP and ANSI/IEEE exposure criteria identify the same threshold levels at which harmful biological effects may occur. The whole-body human absorption of RF energy varies with the frequency of the RF signal. The most restrictive limits on exposure are in the frequency range of 30 to 300 megahertz, which corresponds with RF energy that is most efficiently absorbed by the human body when exposed in the air field of an RF transmitting source (ANSI/IEEE C95.1-1992).

There are two tiers of exposure limits: occupational or “controlled” and general or “uncontrolled.” Controlled exposure occurs when a person is exposed to RF fields as a part of their employment and they have been made fully aware of the potential exposure and can exercise control over their exposure. Uncontrolled exposure occurs when the general public is exposed or when persons employed are not made fully aware of the potential for exposure or cannot exercise control over their exposure.

In order for a transmitting facility or operation to be out of compliance with FCC RF guidelines in an area where levels exceed Maximum Permissible Exposure (MPE) limits, it must first be accessible to the public. The MPE limits indicate levels above which people may not be safely exposed regardless of the location where those levels occur.

Adverse biological effects associated with RF energy are typically related to the heating of tissue by RF energy. This is typically referred to as a "thermal" effect, where the EM radiation emitted by an RF antenna passes through and rapidly heats biological tissue, similar to the way a microwave oven cooks food. The Health Physics Society indicates that numerous studies have shown that environmental levels of RF energy routinely encountered by the general public are typically far below levels necessary to produce significant heating and increased body temperature and are generally only associated with workplace environments near high-powered RF sources used for molding plastics or processing food products. In such cases, exposure of human beings to RF energy could be exceeded, thus requiring restrictive measures or actions to ensure their safety (Classic 2007).

There is also some concern that signals from some RF devices could interfere with pacemakers or other implanted medical devices. However, it has never been demonstrated that signals from a microwave oven are strong enough to cause such interference (OET 1999). Furthermore, EM shielding was incorporated into the design of modern pacemakers to prevent RF signals from interfering with the electronic circuitry in the pacemaker (OET 1999).

Other non-thermal adverse effects such as disorientation of passing birds by RF waves are also of concern. Past studies on the effects of communication towers were summarized by Beason (2000) during the 1999 Workshop on Avian Mortality at Communication Towers (Evans and Manville 2000). During this workshop, Beason (2000) noted that most research on RF signals produced by communication towers generally have no disorientation effects on migratory birds. However, more research is needed to better understand the effects of RF energy on the avian brain.

Currently, CBP, USFWS, local law enforcement agencies, and the military use 2-way radios as part of their daily operations in the ROI. Further, several of these agencies operate and maintain radio repeaters within the ROI.

#### **3.14.1 Alternative 1: Proposed Action**

The Proposed Action would install new communications equipment at the project site. As with any RF transmitter, all of these systems would emit RF energy and EM radiation; therefore, potentially adverse effects could occur. However, any adverse effects on human safety and wildlife would likely be negligible due to the minimal exposure limits associated with both the type of equipment used and the tower site location. No RF energy levels emitted from the proposed equipment would exceed Occupational, Safety, and Health Administration (OSHA) safety standards. The risk of exposure is further minimized because the tower would be up to 100 feet tall. The distance between the antennas (on top of the tower) and human populations would be too great to present a significant exposure risk. Under normal operating conditions, maintenance personnel working near the tower site would not be exposed to any RF energy that exceeds MPE limits set by the FCC. All CBP tower climbers would have RF monitors that would alarm to indicate an unsafe RF environment. Additionally, RF hazard warning signage will be in place on the site.

Though greater research is required to have a better understanding of the effects of RF energy on the avian brain, the potential effects on passing birds are expected to be negligible as well. Any disorientating effect, if experienced, would be temporary and would occur only at distances close to the antennas.

#### **3.14.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, the new BPS would not be constructed. Daily radio operations by CBP, USFWS, local law enforcement, and the military would continue within the ROI. The existing RF emitted would continue to have adverse, negligible impacts on the human or natural environments.

### **3.15 HAZARDOUS MATERIALS**

Hazardous materials are substances that cause physical or health hazards (29 CFR § 1910.1200). Materials that are physically hazardous include combustible and flammable substances, compressed gases, and oxidizers. Health hazards are associated with materials that cause acute or chronic reactions, including toxic agents, carcinogens, and irritants. Hazardous materials are regulated in New York a combination of mandated laws promulgated by the USEPA and the NYSDEC.

A Phase 1 Environmental Site Assessment was conducted for the proposed BPS site location and surrounding area in accordance with the American Society for Testing and Materials (ASTM) International Standard E1527-13 and the USEPA Standards and Practices for All Appropriate Inquiries (40 CFR Part 312). The assessment was performed to evaluate any potential environmental risk associated with the construction and implementation and operation of the proposed BPS facility. The assessment included site reconnaissance, interviews, and a search of federal and state records of known hazardous waste sites, potential hazardous waste sites, and remediation activities and included sites that are either on the National Priorities List or being considered for the list. According to information gathered, no *recognized environmental conditions* exist within a 1-mile radius of the subject property. No business environmental risk that would require additional assessment was found on the subject property or on any other adjacent or nearby properties.

### **3.15.1 Alternative 1: Proposed Action**

Construction of the proposed BPS would involve the use of heavy construction equipment. There is a potential for the release of hazardous materials such as fuel, lubricant, hydraulic fluid, and other chemicals during construction activities. The impacts from spills of hazardous materials during construction would be minimized by utilizing BMPs during construction such as fueling only in controlled and protected areas away from surface waters, maintaining emergency spill cleanup kits at all sites during fueling operations, and maintaining all equipment in good operating condition to prevent fuel and hydraulic fluid leaks.

If hazardous materials are encountered at the project site during excavation, proper cleanup and disposal of any contaminated soil by a certified hazardous waste transporter would occur, thereby minimizing impacts on the environment and preventing contamination of soil or surface waters off-site.

All hazardous and regulated wastes and substances generated by operation of the new BPS would be collected, characterized, labeled, stored, transported, and disposed of in accordance with all federal, state, and local regulations, including proper waste manifesting procedures. All other hazardous and regulated materials or substances would be handled according to materials safety data sheet instructions and would not affect water, soils, vegetation, wildlife, or the safety of USBP agents and staff. The fuel island installed at the new BPS would be double walled and contained within all protective measures needed to prevent the release of any tank spills. No vehicle maintenance activities are planned to be conducted at the new BPS. Any generated waste automotive fluids would be collected and disposed of in accordance with state regulations. Therefore, hazardous and regulated materials and substances would not impact the public, groundwater, or general environment.

The potential impacts of the handling and disposal of hazardous and regulated materials and substances during construction activities would be insignificant when mitigation measures and BMPs, as described in Section 4.0, are implemented.

### 3.15.2 Alternative 2: No Action Alternative

Under the No Action Alternative, no construction activities would occur; therefore, no existing hazardous materials risks would be encountered and no potential for hazardous materials spills would be realized. No impacts from hazardous materials would result from the No Action Alternative.

## 3.16 CULTURAL, HISTORICAL, AND ARCHAEOLOGICAL RESOURCES

Cultural resources include aboveground/built resources, archaeological resources, and sacred sites. Significant cultural resources are those resources that are determined to be Historic Properties, as defined by the NHPA. Historic properties are defined by the NHPA as any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion in the NRHP, including artifacts, records, and material remains relating to the district, site, building, structure, or object (National Park Service [NPS] 2018). To be considered eligible for the NRHP, a property would need to possess integrity of location, design, setting, materials, workmanship, feeling, and association, and must also meet at least one of the following four criteria (NPS 1995):

- A. Be associated with events that made a significant contribution to the broad pattern of our history
- B. Be associated with the lives of significant persons in our past
- C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction
- D. Have yielded, or be likely to yield, information important in history or prehistory

A Traditional Cultural Property (TCP) is a specific type of historic property that is eligible for inclusion in the NRHP because of its association with cultural practices or beliefs of a living community that are (a) rooted in that community's history, and (b) important in maintaining and continuing the cultural identity of the community (Parker and King 1998). Given the broad range in types of historic properties, historic properties can often include other types of cultural resources such as cultural items, archaeological resources, sacred sites, and archaeological collections.

Cultural items, as defined by the Native American Graves Protection and Repatriation Act (NAGPRA), are human remains as well as both associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony or objects that have an ongoing historical, traditional, or cultural importance to a Native American group or culture (NPS 2018).

Archaeological resources, as defined by the Archaeological Resources Protection Act (ARPA), consist of any material remains of past human life or activities that are of archaeological interest and are at least 100 years of age. Such items include, but are not limited to, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal remains, or any portion or piece of those items (NPS 2018). Sacred sites are defined by EO 13007, *Indian Sacred Sites*, as any specific, discrete, narrowly delineated location on Federal land that is identified by a Native American tribe or Native American individual determined to be an appropriately authoritative

representative of a Native American religion as sacred by virtue of its established religious significance, or ceremonial use by, a Native American religion, provided that the tribe or appropriately authoritative representative of a Native American religion has informed the Federal land-owning agency of the existence of such a site (NPS 1996).

### **Cultural Resources Investigations and Recorded Cultural Resources**

An archival record search was performed using the Cultural Resource Information System (CRIS) maintained by the NYSHPO. All previously conducted archaeological investigations, consultation projects, archaeological sites, NRHP-listed properties, other historic resources within a 1-mile search radius were reviewed. This information was used to identify any resources that may be affected by the proposed project. In addition, the information also provided insight into the types of resources that may be encountered during the surveys.

Six previously conducted cultural resources investigations and 11 consultation projects recorded a total of 22 cultural resources within a 1-mile radius of the proposed BPS facility (CRIS 2021). The previously recorded cultural resources include one archaeological site that is an unknown historic site of uncertain age; one archaeological district consisting of lithic scatters, habitation areas that span the time from the Paleoindian through the Woodland period, and an early 20<sup>th</sup> century habitat site; and 20 built environment resources, with most of the structures listed on the NRHP. None of the previously recorded archaeological sites or previously conducted archaeological investigations overlap with the current Proposed Action footprint.

An archaeological survey was conducted of the 18.9-acre parcel for the proposed BPS facility on June 22-26, 2021. The investigation included surface examination of the area as well as subsurface testing through the excavation of 314 shovel test pits across the property. During the surveys, two isolated occurrences were recorded, both of which included a broad, diffuse scatter of historic material dating from the early nineteenth century to the late twentieth century. However, none of the isolated occurrences met the minimum requirements of an archaeological site and are not considered historic properties as defined by the NHPA. As a result, none of the isolated occurrences are considered significant cultural resources.

The viewshed analysis for this investigation included a 1-mile line-of-sight area of potential effect surrounding the proposed new Wellesley Island BPS property. During the viewshed survey, all aboveground buildings and infrastructure within the 1-mile visual impact area were evaluated for historical significance. Two NRHP listed properties and one property that was determined eligible but not listed are located within 1 mile of the proposed project site: the Methodist-Protestant Church at Fishers Landing (NR# 96000667, State No. 96NR00961) was listed on the NRHP in 1996, the Rock Island Light Station (NR#78001855, State No. 90NR01148) was listed on the NRHP in 1978, and the Fishers Landing Post Office was determined to be eligible for NRHP listing in 2018 but has not been officially listed yet. However, the project area would not be visible from any of these resources due to vegetation and the obstruction of the site by the coastline.

### **3.16.1 Alternative 1: Proposed Action**

No archaeological sites were identified within the 18.9-acre parcel during the background and archival research and archaeological surveys conducted for the proposed BPS. As a result, no significant archaeological resources would be impacted from the implementation of the Proposed Action. The viewshed analysis identified two NRHP listed properties and one property that was determined eligible but not listed within 1-mile of the project area; however, the project area would not be visible to these resources due to obstruction by vegetation and the coastline. As a result, no adverse impacts on aboveground historic properties are anticipated as a result of the implementation of the Proposed Action. No religious, sacred sites, or TCPs have been identified by the Native American tribes that claim a cultural affinity for the area that would be impacted by the implementation of the Proposed Action. As a result, no impacts to cultural resources are anticipated from the implementation of the Proposed Action. NHPA, Section 106 consultation with the NYSHPO has been completed for the Proposed Action (see Appendix A).

### **3.16.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, no construction would occur; therefore, no impacts to cultural resources would be anticipated.

## **3.17 SOCIOECONOMICS**

This socioeconomic section outlines the basic attributes of population and economic activity in the Town of Orleans, Jefferson County, New York. The closest town to the proposed BPS is Orleans, which is located in the northern part of Jefferson County, New York. The proposed Wellesley Island BPS would be designed to accommodate existing staff, allow enforcement flexibility up to 75 agents, and enable moderate expansion.

Impacts on socioeconomic conditions within the ROI would be considered significant if they included displacement or relocation of residences or commercial buildings or increases in long-term demands for public services in excess of existing and projected capacities.

Demographic data shown in Table 3-7 provides an overview of the socioeconomic environment in the ROI. In 2019, the Town of Orleans and Jefferson County had an estimated population of 2,689 and 109,834, respectively (U.S. Census Bureau 2019a, 2020). From 2010 to 2019, the population of Orleans declined at an average annual rate of 0.4 percent (U.S. Census 2020), while Jefferson County's population declined 0.6 percent per year, on average (U.S. Census 2019a). During the same timeframe, the population of New York grew at an annual rate of 0.04 percent as the United States grew at a rate of 0.7 percent per year (U.S. Census 2019a).

**Table 3-7. Population, Income, Labor Force, and Unemployment**

	<b>2019 Population Estimate*</b>	<b>Average Annual Growth Rate 2010-2019 (Percent)</b>	<b>2019 Per Capita Income (Dollars)</b>	<b>2019 Per Capita Income As a Percent of the United States</b>	<b>2019 Unemployment Rate (Percent)</b>
Town of Orleans	2,689	-0.4	24,025	70	5.7
Jefferson County	109,834	-0.6	26,194	77	5.3
New York	19,453,561	0.04	39,326	115	3.8
United States	328,239,523	0.7	34,103	100	3.7

Source: U.S. Census Bureau (2019a, 2019b, 2019c, 2020), BLS (2021a, 2021b)

\*Estimate based on 2010 U.S. Census population data

The 2019 per capita income in the ROI was lower compared to New York and the United States; average per capita income in Orleans and Jefferson County was 70 and 77 percent of the United States, respectively (U.S. Census 2019a, 2019b). The 2019 unemployment rate in Orleans (5.7 percent) was higher compared to Jefferson County (5.3 percent), New York (3.8 percent), and the United States (3.7 percent) (U.S. Census 2019c, U.S. Bureau of Labor Statistics [BLS] 2021a, BLS 2021b).

### **3.17.1 Alternative 1: Proposed Action**

The proposed BPS would be located within the town limits of Orleans in close proximity to NY-12. The proposed BPS could add up to 75 agents, support staff, and their families to the area. Those agents and their families would require homes, schools, and other public services. With an estimated population of 2,689, which has declined by 100 residents since 2010, Orleans would be able to handle the increased demand for housing and public services. With many of the 75 agents, support staff, and their families expected to choose to live in Orleans or the nearby surrounding area in Jefferson County, increases in the demand for public services in excess of existing and projected capacities would not be expected. No significant impacts to the socioeconomic environment within the ROI would occur as a result of the Proposed Action.

Temporary, minor, beneficial impacts in the form of jobs and income for area residents, revenues to local businesses, and sales and use taxes to the Town of Orleans, Jefferson County, and the State of New York from locally purchased building materials could be realized if construction materials are purchased locally and local construction workers are hired for construction.

### **3.17.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, the proposed BPS would not be constructed in Jefferson County; therefore, no direct socioeconomic impacts would occur.

## **3.18 ENVIRONMENTAL JUSTICE AND PROTECTION OF CHILDREN**

EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, was issued by President Clinton on February 11, 1994. This EO is intended to ensure that proposed Federal actions do not have disproportionately high and adverse human health and environmental effects on minority and low-income populations and to ensure greater public participation by minority and low-income populations. The order directs each agency to

develop a strategy for implementing environmental justice. A Presidential Transmittal Memorandum issued with the EO states that “each federal agency shall analyze the environmental effects, including human health, economic, and social effects, of federal actions, including effects on minority communities and low-income communities, when such analysis is required by the NEPA 42 U.S.C. § 4321, et seq.”

EO 12898 does not provide guidelines as to how to determine concentrations of minority or low-income populations. However, analysis of demographic data on race, ethnicity, and poverty provides information on minority and low-income populations that could be affected by the Proposed Action. The U.S. Census Bureau reports numbers of minority individuals and estimates the poverty threshold each year. Minority populations are those persons who identify as Black/African American, Hispanic, Asian American, American Indian/Alaskan Native, Native Hawaiian/Other Pacific Islander, or Some Other Race. Poverty status is used to define low-income based on a set of money income thresholds that vary by family size and composition. If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty. The 2020 poverty threshold for a family of four is \$26,496 (U.S. Census 2021). A potential disproportionate impact may occur when the minority population in the study area exceeds 50 percent and/or the low-income population exceeds 20 percent of the population. Additionally, a disproportionate impact may occur when the percent minority and/or low-income in the study area are meaningfully greater than those in the region.

The 2019 U.S. Census data for minority populations and poverty rates for the ROI are presented in Table 3-8. The minority population in the Town of Orleans (8.0 percent) and Jefferson County (17.3 percent) is much lower than in New York (47.0 percent) and the U.S. (36.3 percent) (U.S. Census 2019a, 2019d). However, the proportion of individuals living in poverty is slightly higher in the Town of Orleans (13.9 percent) and Jefferson County (14.6 percent) compared to New York (13.0 percent) and the U.S. (10.5 percent) (U.S. Census 2019a, 2019e).

**Table 3-8. Minority Population and Poverty Rates**

	Minority Population (Percent)	All Ages in Poverty (Percent)
Town of Orleans	8.0	13.9
Jefferson County	17.3	14.6
New York	47.0	13.0
United States	36.3	10.5

Source: U.S. Census Bureau (2019a, 2019d, 2019e)

**Protection of Children**

EO 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, requires each federal agency “to identify and assess environmental health risks and safety risks that may disproportionately affect children” and “ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.” This EO was prompted by the recognition that children, still undergoing physiological growth and development, are more sensitive to adverse environmental health and

safety risks than adults. The potential for impacts on the health and safety of children is greater where projects are located near residential areas.

### **3.18.1 Alternative 1: Proposed Action**

Under the Preferred Alternative, the proposed Wellesley Island BPS would be located on undeveloped land within a Rural Residence Zoning District. Both the Town of Orleans and Jefferson County have a much lower minority population than New York and the United States. Although poverty rates are slightly higher in Town of Orleans and Jefferson County compared to regional and U.S. averages, the low-income population is well below 20 percent. Therefore, the proposed Wellesley Island BPS would not disproportionately affect minority or low-income communities.

The closest residences to the proposed BPS location are located approximately 400 feet to the north of the project site. Nearby communities include Fishers Point Mobile Park, Fishers Landing, and Thousand Island Trailer Park. These communities are likely to be temporarily affected during the construction phase with negligible increases in noise, traffic, and emissions due to the construction activities; however, these effects would be minimal and short-term. Although residences are located approximately 400 feet from the proposed BPS location, the Proposed Action would not result in disproportionately high and adverse human health or environmental effects on minority populations and low-income populations. There would be no environmental health or safety risks that disproportionately affect children. To mitigate any potential safety risks to the community, all OSHA regulations would be followed during construction activities, and the construction site would be temporarily fenced off to keep the public, especially children, out of the project site.

### **3.18.2 Alternative 2: No Action Alternative**

Under the No Action Alternative, the proposed Wellesley Island BPS would not be constructed. There would be no impacts on the local population, so there would be no disproportionately high and adverse human health or environmental effects on minority populations or low-income populations and no environmental health or safety risks that could disproportionately affect children.

## **3.19 SUMMARY OF IMPACTS**

Table 3-9 is provided to summarize the impacts of the two Action Alternatives and No Action Alternative on each of the elements discussed in this section (Affected Environment and Consequences).

**Table 3-9. Summary Matrix of Potential Impacts**

<b>Resource</b>	<b>Proposed Action (Alternative 1)</b>	<b>No Action Alternative (Alternative 2)</b>
<b>Land Use</b>	The Proposed Action would have a permanent, negligible adverse impact on land use due to the conversion of 18.9 acres of undeveloped land to a developed land use.	No impacts would occur.
<b>Soils</b>	The Proposed Action would have a minor adverse impact on soils. Permanent impacts on 18.9 acres of soil would occur through the conversion of undeveloped land to use as a BPS.	No impacts would occur.
<b>Vegetative Habitat</b>	The Proposed Action would permanently alter 18.9 acres of native vegetative habitat. The plant community associated with the project site is both locally and regionally common, and the permanent loss of 18.9 acres of vegetation would not adversely affect the population viability of any plant or animal species in the region.	No impacts would occur.
<b>Wildlife Resources</b>	The Proposed Action would have a long-term, negligible adverse impact on wildlife resources due to the permanent removal of 18.9 acres of habitat.	No impacts would occur.
<b>Protected Species and Critical Habitats</b>	The Proposed Action may affect, but is not likely to adversely affect, the Indiana bat and NLEB. No designated Critical Habitat is present within the project footprint.	No impacts would occur.
<b>Groundwater</b>	The Proposed Action would have negligible adverse impacts on groundwater resources.	No impacts would occur.
<b>Surface Waters and Waters of the United States</b>	Long-term, minor adverse impacts on surface water resources would result from usage during construction and operation of the proposed BPS. Surface water quality could be temporarily impacted during construction activities as a result of erosion and sedimentation. However, these effects would be minimized through the use of BMPs. The Proposed Action would have permanent impacts to waters of the U.S. in the form of one 0.1-acre wetland and through the construction of a boat dock and ramp in the St. Lawrence River. However, these impacts would be permitted and mitigated prior to any construction activities.	No impacts would occur.
<b>Air Quality</b>	Temporary and minor increases in air pollution would occur during construction from the use of construction equipment (combustion emissions) and the disturbance of soils (fugitive dust).	No impacts would occur.
<b>Noise</b>	Temporary and minor increases in noise would occur during construction.	No impacts would occur.
<b>Utilities and Infrastructure</b>	Negligible, long-term demands on power, water, and wastewater treatment utilities and infrastructure would be required as a result of the Proposed Action.	No impacts would occur.
<b>Radio Frequency Environment</b>	The proposed action would have negligible adverse impacts from RF energy due to the minimal exposure limits associated with both the type of equipment used and the tower site location.	No impacts would occur.

<b>Resource</b>	<b>Proposed Action (Alternative 1)</b>	<b>No Action Alternative (Alternative 2)</b>
<b>Roadways and Traffic</b>	Construction activities would have a long-term, minor adverse impact on roadways and traffic within the region. Vehicular traffic would increase during construction due to the transport of materials and work crews to the project site and after construction is complete due to staff traveling to and from the new BPS.	No impacts would occur.
<b>Hazardous Material</b>	The Proposed Action would not result in the exposures of the environment or public to any hazardous materials. The potential exists for minor releases of petroleum, oil, and lubricant during construction activities. BMPs would be implemented to minimize any potential contamination during construction activities.	No impacts would occur.
<b>Cultural Resources</b>	The Proposed Action would have no effect on archaeological, historic, or cultural resources.	No impacts would occur.
<b>Socioeconomics</b>	The Proposed Action would have minor to negligible beneficial impacts through increased taxes, salaries, and purchase of supplies.	No impacts would occur.
<b>Environmental Justice</b>	The Proposed Action would not result in disproportionately high and adverse human health or environmental effects on minority populations and low-income populations. There would be no environmental health or safety risks that disproportionately affect children.	No impacts would occur.

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## 4.0 BEST MANAGEMENT PRACTICES

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This chapter describes those measures that will be implemented to reduce or eliminate potential adverse impacts on the human and natural environments. Many of these measures have been incorporated as standard operating procedures by CBP on past projects. BMPs will be presented for each resource category that would be potentially affected. It should be emphasized that these are general BMPs and the development of specific BMPs will be required for certain activities implemented under the action alternatives. The proposed BMPs will be coordinated through the appropriate agencies and land managers/administrators, as required.

Federal policy dictates that adverse impacts be reduced through the sequence of avoidance, minimization, and, finally, compensation. Compensation varies and includes activities such as restoration of habitat in other areas, acquisition of lands, etc., and is typically coordinated with the appropriate Federal and state resource agencies.

### 4.1 GENERAL PROJECT PLANNING CONSIDERATIONS

1. If required, night-vision-friendly strobe lights necessary for CBP operational needs will use the minimum wattage and number of flashes per minute necessary to ensure operational safety.
2. Avoid contamination of ground and surface waters by storing concrete wash water, and any water that has been contaminated with construction materials, oils, equipment residue, etc., in closed containers on-site until removed for disposal. This wash water is toxic to wildlife. Storage tanks must have proper air space (to avoid rainfall-induced overtopping), be on-ground containers, and be located in upland areas instead of washes.
3. Avoid lighting impacts during the night by conducting construction and maintenance activities during daylight hours only. If night lighting is unavoidable: 1) use bulbs designed to minimize increases in ambient light conditions, 2) minimize the number of lights used, 3) place lights on poles pointed down toward the ground, with shields on lights to prevent light from going up into sky, or out laterally into landscape, and 4) selectively place lights so they are directed away from all native vegetative communities.
4. CBP will avoid the spread of non-native plants by not using natural materials (e.g., straw) for on-site erosion control. If natural materials must be used, the natural material would be certified weed and weed-seed free. Herbicides not toxic to listed species that may be in the area can be used for non-native vegetation control. Application of herbicides will follow Federal guidelines and be in accordance with label directions.
5. CBP will ensure that all construction follows DHS Directive 025-01, *Sustainable Practices for Environmental, Energy, and Transportation Management*.
6. CBP will place drip pans under parked equipment and establish containment zones when refueling vehicles or equipment.

## 4.2 SOILS

1. Clearly demarcate the perimeter of all new areas to be disturbed using flagging or temporary construction fencing. Do not allow any disturbance outside that perimeter.
2. The area of disturbance will be minimized by limiting deliveries of materials and equipment to only those needed for effective project implementation.
3. Within the designated disturbance area, grading or topsoil removal will be limited to areas where this activity is needed to provide the ground conditions necessary for construction or maintenance activities.
4. Rehabilitation will include revegetating or the distribution of organic and geological materials (e.g., boulders and rocks) over the disturbed area to reduce erosion.

## 4.3 BIOLOGICAL RESOURCES

1. The amount of vegetation proposed for clearing, particularly native trees and shrubs, will be minimized to the greatest extent practicable.
2. In-kind on-site replacement/restoration of native vegetation will occur wherever practicable.
3. Materials used for on-site erosion control will be free of non-native plant seeds and other plant parts to limit potential for infestation.
4. Any fill material, sandbags, hay bales, or mulch brought in from outside the project area will be identified by its source location. These materials will be free of non-native plant seeds and other plant parts to limit potential for infestation.
5. Colonization by invasive species will be actively prevented through vegetation management, including removing invasive species early on while allowing existing native plants to revegetate disturbed areas.
6. Native seeds or plants that are regionally adapted and compatible with the enhancement of protected species will be used to revegetate temporarily disturbed areas. Selection of appropriate native seeds and plants will follow guidance provided on the Lady Bird Johnson Wildflower Center Native Plant Database website (<https://www.wildflower.org>).
7. Pollinator conservation and management will be considered in revegetation efforts, and native plant species used for revegetation of disturbed areas will contain native milkweed (*Asclepias* spp.) and nectar plants and efforts will follow guidance provided on the Monarch Watch website (<https://monarchwatch.org/>).
8. Materials such as gravel, topsoil, or fill will be obtained from existing developed or previously used sources that are compatible with the project area and are from legally

permitted sites. Materials from undisturbed areas adjacent to the project area will not be used.

9. The number of vehicles traveling to and from the project site and the number of trips per day will be minimized to reduce the likelihood of disturbing animals in the area or injuring animals on the road.
10. Vehicle speeds within the project area will be limited to 15 miles per hour to help prevent vehicle-induced mortality of wildlife species.
11. Construction personnel and contractors will avoid injury or harm to all snake species encountered during clearing and construction activities.
12. To prevent entrapment of wildlife species, open trenches and steep-walled holes will either completely covered by plywood or metal caps at the close of each workday or provided with one or more escape ramps (at no greater than 1,000-foot intervals and sloped less than 45 degrees) constructed of earthen fill or wooden planks. Excavated areas will be thoroughly inspected for trapped animals each morning before the start of construction or maintenance activities and before refilling. Any animals that are discovered will be allowed to escape voluntarily (by escape ramps or temporary structures), without harassment, and before construction activities resume, or will be removed from the trench or hole by a qualified person and allowed to escape unimpeded.
13. CBP will not, for any length of time, permit any pets inside the project area or adjacent native habitats. This BMP does not pertain to law enforcement animals.

#### **4.4 PROTECTED SPECIES**

1. All contractors, work crews, and CBP personnel in the field performing construction and maintenance activities will receive environmental awareness training. At a minimum, environmental awareness training will provide the following information: maps indicating occurrence of potentially affected federally and state listed species; the general ecology, habitat requirements, and behavior of potentially affected federally and state listed species; the BMPs listed here and their intent; reporting requirements; and penalties for violations of the ESA, MBTA, and applicable state laws that protect birds, state listed species, and other wildlife. The project manager(s) will be responsible for ensuring that their personnel are familiar with general BMPs, the specific BMPs presented here, and other limitations and constraints. Photographs of potentially affected federally and state listed species will be incorporated into the environmental awareness training and posted in the contractor and resident engineer's offices where they will remain through the duration of the project, and copies will be made available that can be carried while conducting proposed activities. In addition, training in identification of non-native invasive plants and animals will be provided for contracted personnel engaged in follow-up monitoring of construction sites.

2. Construction and site personnel will be trained for encounters with protected species. If a siting occurs, a qualified biologist will be notified and consulted on the appropriate action.
3. The Migratory Bird Treaty Act (16 U.S.C. §§ 703-712, [1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1998]) requires that federal agencies coordinate with the USFWS if a construction activity would result in the take of a migratory bird. If construction or clearing activities are scheduled during nesting season (March 15 through September 15), potential nesting habitats will be surveyed no more than five days prior to planned clearing or construction to identify birds, active nests, and eggs. If active nests are located during surveys, a 150-foot buffer of vegetation will remain around songbird nests until young have fledged or the nest is abandoned. A larger vegetation buffer of 500 feet will remain around the nest sites of other species such as water birds and raptors. If construction activities will result in the take of a migratory bird, then coordination with the USFWS and NYSDEC will be required, and applicable permits would be obtained prior to construction or clearing activities.
4. A “No Kill Wildlife Policy” will be implemented during construction and operation of the project site to prevent inadvertently killing protected species that may be mistaken for common species.

#### **4.5 CULTURAL RESOURCES**

1. In the event that unanticipated archaeological resources are discovered during construction or any other project-related activities, or should known archaeological resources be inadvertently affected in a manner that was not anticipated, the project proponent or contractor shall immediately halt all activities in the immediate area of the discovery and take steps to stabilize and protect the discovered resource until it can be evaluated by a qualified archaeologist. CBP established standard operating procedures for inadvertent discoveries (*Standard Operating Procedure for Post-Review Discovery of Cultural Materials or Human Remains*) would be adhered to in all cases.
2. In the event of an inadvertent discovery of human remains, the CBP Environmental Manager, and the appropriate law enforcement authorities will be contacted per the NAGPRA of 1990 (25 U.S.C. § 3001 et seq.; 43 CFR Part 10, as updated). Descendant tribal communities will be notified of the inadvertent discovery, and consultation will be initiated through CBP. In the event that human remains are inadvertently discovered, all ground-disturbing activity would cease immediately. The Project Manager would immediately notify CBP. CBP would notify state police within 24 hours of the discovery and follow their directions for securing the site pending examination by a medical examiner/coroner. Law enforcement and the coroner would determine whether the discovery constitutes a crime scene. CBP would coordinate with the state police and the coroner regarding where construction activities could resume. No work would proceed without the written authorization of CBP. CBP would notify the Advisory Council on Historic Preservation, the appropriate State (or Tribal) Historic Preservation Officer, any impacted Indian Tribe, and any impacted federal agency of the discovery in writing

within two business days. NAGPRA would be followed if the discovery is determined to be of Native American origin. CBP established standard operating procedures for inadvertent discoveries would be adhered to in all cases.

#### **4.6 AIR QUALITY**

1. The placement of flagging and construction fencing will be used to restrict traffic within the construction limits in order to reduce fugitive dust caused by soil disturbance.
2. Soil watering will be utilized to minimize airborne particulate matter created during construction activities. Bare ground may be covered with hay or straw to lessen wind erosion during the time between construction and the revegetation of temporary impact areas with a mixture of native plant seeds or nursery plantings (or both).
3. All construction equipment and vehicles will be kept in good operating condition to minimize exhaust emissions.

#### **4.7 WATER RESOURCES**

1. Wastewater is to be stored in closed containers on-site until removed for disposal. Wastewater is water used for project purposes that is contaminated with construction materials or from cleaning equipment and thus carries oils or other toxic materials or other contaminants as defined by Federal or state regulations.
2. To avoid potential groundwater and surface water contamination, concrete wash water will be collected in open containers and disposed of off-site.
3. To avoid potential contamination of natural aquatic and wetland systems with runoff, all equipment maintenance, staging, and laydown and dispensing of hazardous liquids, such as fuel and oil, will be limited to designated upland areas.
4. Construction activities will cease during heavy rains and will not resume until conditions are suitable for the movement of equipment and materials.
5. Erosion control measures and appropriate BMPs, as required and promulgated through a site-specific SWPPP and engineering designs, will be implemented before, during, and after soil-disturbing activities.
6. Areas with highly erodible soils will be given special consideration when preparing the SWPPP to ensure incorporation of various erosion control techniques, such as straw bales, silt fencing, aggregate materials, wetting compounds, and rehabilitation, where possible, to decrease erosion.
7. All construction and maintenance contractors and personnel will review the CBP-approved spill protection plan and implement it during construction and maintenance activities.

8. Wastewater from pressure washing must be collected. A ground pit or sump can be used to collect the wastewater. Wastewater from pressure washing must not be discharged into any surface water.
9. If soaps or detergents are used, the wastewater and solids must be pumped or cleaned out and disposed of in an approved facility. If no soaps or detergents are used, the wastewater must first be filtered or screened to remove solids before being allowed to flow off-site. Detergents and cleaning solutions must not be sprayed over or discharged into surface waters.

#### **4.8 NOISE**

1. All generators will have an attached muffler or use other noise-abatement methods in accordance with industry standards.
2. Noise impacts during the night will be avoided by conducting construction and maintenance activities during daylight hours only.
3. All OSHA requirements will be followed. To lessen noise impacts on the local wildlife communities, construction will only occur during daylight hours. All motor vehicles will be properly maintained to reduce the potential for vehicle-related noise.

#### **4.9 SOLID AND HAZARDOUS WASTES**

1. BMPs will be implemented as standard operating procedures during all construction activities, and will include proper handling, storage, and/or disposal of hazardous and/or regulated materials. To minimize potential impacts from hazardous and regulated materials, all fuels, waste oils, and solvents will be collected and stored in tanks or drums within a secondary containment system that consists of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery will be completed in accordance with accepted industry and regulatory guidelines, and all vehicles will have drip pans during storage to contain minor spills and drips. Although it is unlikely that a major spill would occur, any spill of reportable quantities will be contained immediately within an earthen dike, and the application of an absorbent (e.g., granular, pillow, sock) will be used to absorb and contain the spill.
2. CBP will contain non-hazardous waste materials and other discarded materials, such as construction waste, until removed from the construction and maintenance sites. This will assist in keeping the project area and surroundings free of litter and reduce the amount of disturbed area needed for waste storage.
3. CBP will minimize site disturbance and avoid attracting predators by promptly removing waste materials, wrappers, and debris from the site. Any waste that must remain more than 12 hours should be properly stored until disposal.

4. All waste oil and solvents will be recycled. All non-recyclable hazardous and regulated wastes will be collected, characterized, labeled, stored, transported, and disposed of in accordance with all applicable Federal, state, and local regulations, including proper waste manifesting procedures.
5. Solid waste receptacles will be maintained at the project site. Non-hazardous solid waste (trash and waste construction materials) will be collected and deposited in on-site receptacles. Solid waste will be collected and disposed of by a local waste disposal contractor.
6. Disposal of used batteries or other small quantities of hazardous waste will be handled, managed, maintained, stored, and disposed of in accordance with applicable Federal and state rules and regulations for the management, storage, and disposal of hazardous materials, hazardous waste, and universal waste. Additionally, to the extent practicable, all batteries will be recycled locally.
7. All rainwater collected in secondary containment will be pumped out, and secondary containment will have netting to minimize exposure to wildlife.
8. A properly licensed and certified hazardous waste disposal contractor will be used for hazardous waste disposal, and manifests will be traced to final destinations to ensure proper disposal is accomplished.

#### **4.10 ROADWAYS AND TRAFFIC**

1. Construction vehicles will travel and equipment will be transported on established roads with proper flagging and safety precautions.

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## 5.0 REFERENCES

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## 6.0 ACRONYMS/ABBREVIATIONS

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AADT	Annual Average Daily Traffic
ADLS	Aircraft Detection Lighting System
ANSI	American National Standards Institute
AOR	Area of Responsibility
ARPA	Archaeological Resources Protection Act
ASTM	American Society for Testing and Materials
ATFP	Anti-terrorism Force Protection
BLM	Bureau of Land Management
BLS	U.S. Bureau of Labor Statistics
BMP	Best management practice
BPS	Border Patrol Station
CAA	Clean Air Act
CBP	U.S. Customs and Border Protection
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CH <sub>4</sub>	methane
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
CO <sub>2e</sub>	carbon dioxide equivalency
CRIS	Cultural Resource Information System
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
DHS	Department of Homeland Security
DNL	Day-night average sound level
DoD	Department of Defense
DOI	U.S. Department of the Interior
EA	Environmental Assessment
EIS	Environmental Impact Statement
EM	electromagnetic
EO	Executive Order
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FPPA	The Farmland Protection Policy Act
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact

GHG	Greenhouse Gas
GSA	U.S. General Services Administration
GSRC	Gulf South Research Corporation
GWP	global warming potential
HFC	hydrochlorofluorocarbons
I-81	Interstate Route 81
IEEE	Institute of Electrical and Electronics Engineers
LED	light-emitting diode
MBTA	Migratory Bird Treaty Act
MPE	Maximum Permissible Exposure
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NCRP	National Council on Radiation Protection and Measurements
N <sub>2</sub> O	nitrous oxide
NF <sub>3</sub>	nitrogen trifluoride
NO <sub>2</sub>	nitrogen dioxide
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NLEB	northern long-eared bat
NOA	Notice of Availability
NOAA	National Oceanic and Atmospheric Administration
NPS	National Park Service
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NWI	National Wetland Inventory
NY-12	New York State Route 12
NY-180	New York State Route 180
NYSDEC	New York State Department of Environmental Conservation
NYSDOT	New York State Department of Transportation
NYSHPO	New York State Historic Preservation Office
O <sub>3</sub>	ozone
OET	Office of Engineering and Technology
OSHA	Occupational Safety and Health Administration
Pb	lead
PFC	perfluorocarbon
PM-2.5	Particulate matter less than 2.5 microns
PM-10	Particulate matter less than 10 microns
POE	Port of Entry

RF	radio frequency
RHA	Rivers and Harbors Act
ROI	region of influence
RVSS	Remote Video Surveillance Systems
SF <sub>6</sub>	sulfur hexafluoride
SO <sub>2</sub>	sulfur dioxide
SWPPP	Stormwater Pollution Prevention Plan
TCP	Traditional Cultural Property
U.S.	United States
USACE	U.S. Army Corps of Engineers
USBP	U.S. Border Patrol
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFS	U. S. Forest Service
USFWS	U.S. Fish and Wildlife Service
WNS	white-nose syndrome

**APPENDIX A**  
**COORESPONDENCE AND COORDINATION**

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## MAILING LISTS FOR AGENCY COORDINATION LETTERS

### EA Early Coordination

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U.S. Fish and Wildlife Service  
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State Conservationist  
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New York State Office of Parks, Recreation and Historic Preservation  
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Tribal Chief  
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71 Margaret Terrance Memorial Way  
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PO Box 365  
Oneida, Wisconsin 54155

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President  
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Irving, New York 14081

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Chair, Planning Board  
Town of Orleans NY  
Planning & Zoning Department  
PO Box 103  
Lafargeville, New York 13656

Philip Reed, Sr.  
Legislator, District Three  
Jefferson County New York  
42424 NYS Route 12  
Alexandria Bay, New York 13607

The Honorable Kim H. Martusewicz  
Jefferson County Judge  
Jefferson County New York  
163 Arsenal Street  
Watertown, New York 13601

**ESA, Section 7 Consultation**

David Stilwell  
Field Office Supervisor  
U.S. Fish and Wildlife Service  
Ecological Services, New York Field Office  
3817 Luker Road  
Cortland, New York 13045

**NHPA, Section 106 Consultation**

Daniel Mackay  
Deputy Commissioner  
New York State Office of Parks, Recreation and Historic Preservation  
Division of Historic Preservation  
1 Delaware Avenue North  
Albany, NY 12238

**Tribal Consultation, Cultural Resources**

Stacie Cutbank  
Tribal Historic Preservation Officer  
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Cottage 3, Side B  
Green Bay, WI 54304

Joe Stahlman  
Tribal Historic Preservation Officer  
Seneca Nation of Indians  
90 Ohi:yo' Way  
Salamanca, NY 14779

Darren Bonaparte  
Director  
Saint Regis Mohawk Tribe  
Tribal Historic Preservation Office  
71 Margaret Terrance Memorial Way  
Akwesasne, New York 13655

## **Draft EA Transmittal**

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Biologist  
U.S. Army Corps of Engineers  
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Jefferson County New York  
42424 NYS Route 12  
Alexandria Bay, New York 13607

The Honorable David A. Renzi  
Jefferson County Judge  
Jefferson County New York  
163 Arsenal Street  
Watertown, New York 13601

**Library Transmittal, Draft EA**

Orleans Public Library  
Attn: Librarian  
36263 State Route 180  
La Fargeville, New York 13656

The following example letters have been sent to all recipients on the respective mailing lists. All other correspondences received or sent to date are also provided below.



**U.S. Customs and  
Border Protection**

July 26, 2021

David Stilwell  
Field Office Supervisor  
U.S. Fish and Wildlife Service  
Ecological Services, New York Field Office  
3817 Luker Road  
Cortland, NY 13045

**RE: *Proposed New Wellesley Island Border Patrol Station, Orleans, New York,  
U.S. Customs and Border Protection, U.S. Border Patrol, Buffalo Sector, New York***

Dear Mr. Stilwell:

United States (U.S.) Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) to address the potential effects, beneficial and adverse, resulting from the proposed construction and operation of a new U.S. Border Patrol (USBP) Station in the USBP Buffalo Sector, Wellesley Island Station Area of Responsibility (AOR), Orleans, New York. The proposed new Border Patrol Station (BPS) would be a permanent facility constructed to accommodate 75 agents, with flexibility for moderate enforcement expansion, and would replace the current BPS, which lacks the capacity to meet current and future needs for USBP operations in the area. The construction of a new Wellesley Island BPS would address the occupational health, safety, security, and operational deficiencies that are found at the existing Wellesley Island BPS and would allow USBP to effectively anticipate and adapt to current and future law enforcement challenges.

The proposed new Wellesley Island BPS would be constructed in the northwestern portion of the Town of Orleans, Jefferson County, New York (see Figure 1-1). The proposed location is an 18.9-acre undeveloped parcel of privately owned land located along New York State Route 12 (NY-12) with waterfront access to the St. Lawrence River (see Figure 1-2).

The proposed new BPS facility would consist of a 17,322 square-foot (ft<sup>2</sup>) main administration building, 15,867 ft<sup>2</sup> of support space, 15,180 ft<sup>2</sup> of enclosed parking to accommodate 33 vehicles, and outdoor parking to accommodate 10 service vehicles, 30 government-owned vehicles, and 60 employee vehicles. Support space infrastructure would include the following components: a short-stay canine facility with three kennels, an ATV/snowmobile storage facility to accommodate 12 vehicles, a marine patrol canopy to accommodate four boats, a one-bay indoor vehicle wash, a one-tank fuel island, a communication tower, an emergency generator, and perimeter fencing. Public power, water and septic systems, communication systems, and gas utilities would be utilized by the new BPS.

Mr. Stilwell

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CBP is gathering data and input from state and local governmental agencies, departments, and bureaus that may be affected by, or that would otherwise have an interest in, this proposed action. Since your agency or organization may have particular knowledge and expertise regarding potential environmental impacts resulting from the proposed action, CBP is seeking your input regarding the likely or anticipated environmental effects of this proposed action. Your response should include any state and local restrictions, permitting, or other requirements with which CBP would have to comply during project siting, construction, and operation.

Per DHS Instruction Manual 023-01-001-01, Rev. 01, *Implementation of the National Environmental Policy Act*, your agency will be provided with a copy of the official Draft EA for review and comment.

Your prompt attention to this request is appreciated. If you have any questions or comments, please contact Mr. John Petrilla via email at [BPAMNEPA@cbp.dhs.gov](mailto:BPAMNEPA@cbp.dhs.gov). Thank you in advance for your assistance.

Sincerely,

JOHN P  
PETRILLA

Digitally signed by JOHN  
P PETRILLA  
Date: 2021.07.26  
17:20:44 -07'00'

John Petrilla  
Environmental Branch Chief, Acting  
Border Patrol & Air and Marine PMO  
U.S. Customs and Border Protection

Enclosure(s)

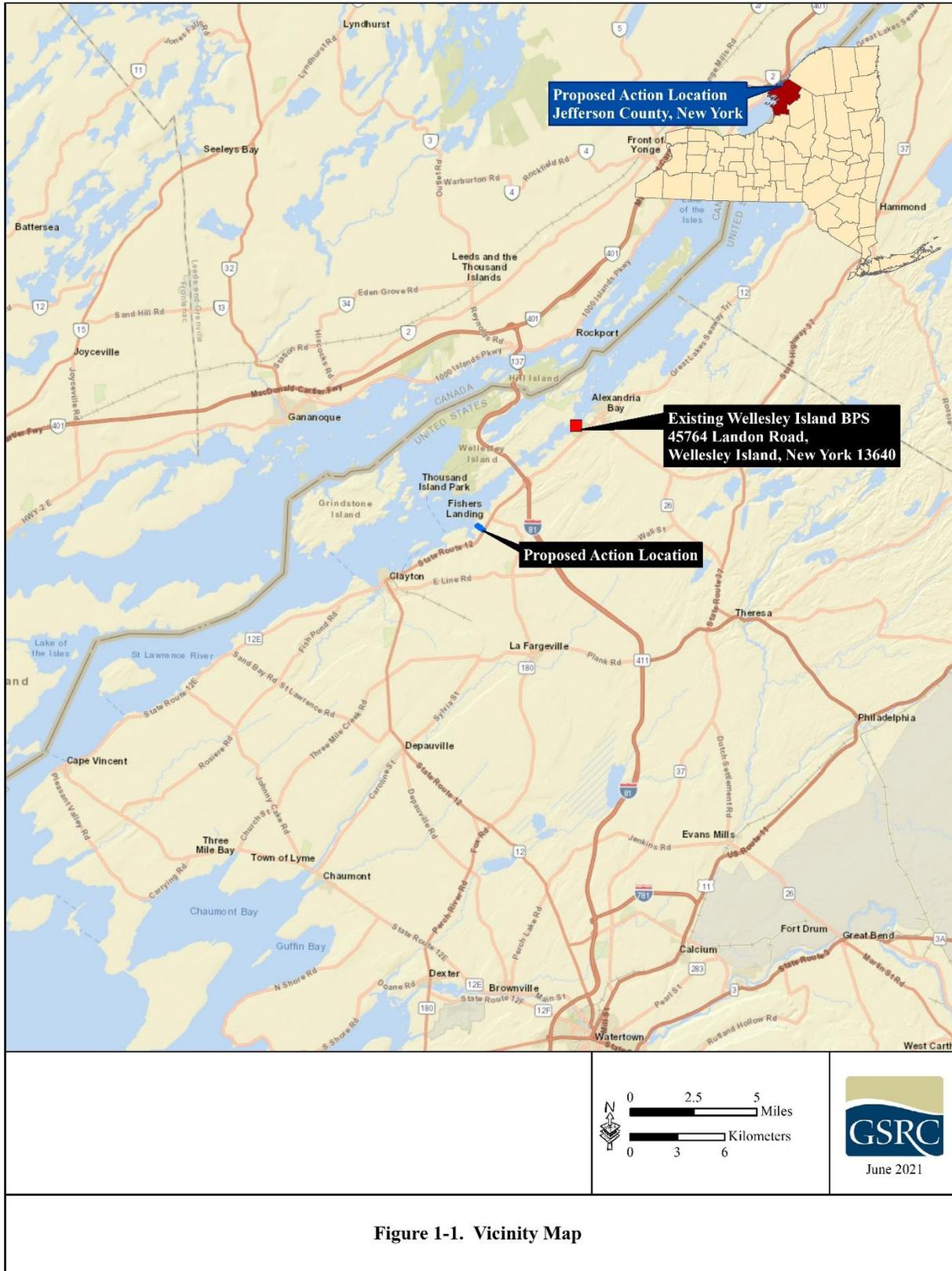
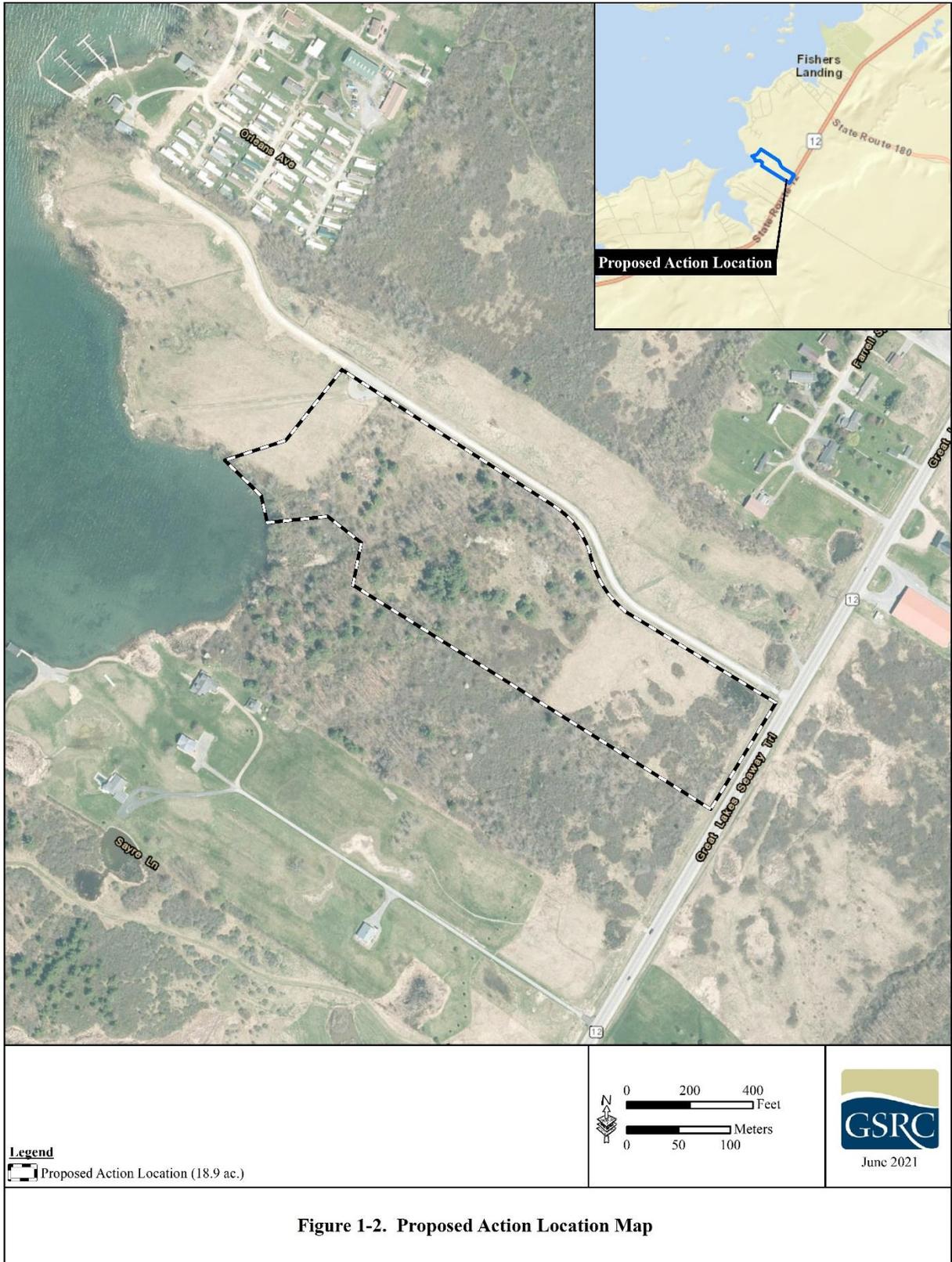


Figure 1-1. Vicinity Map

K:\Projects\803578024\_Wellesley\_Island\_BPS\_EAGIS\DOPAA\Figure 1-1\_Vicinity\_Map.mxd





**U.S. Customs and  
Border Protection**

November 10, 2021

David Stilwell  
Field Office Supervisor  
U.S. Fish and Wildlife Service  
Ecological Services, New York Field Office  
3817 Luker Road  
Cortland, New York 13045  
Submitted via email to: [FW5es\\_nyfo@fws.gov](mailto:FW5es_nyfo@fws.gov)

**RE: *Informal Section 7 Consultation, Proposed New Wellesley Island Border Patrol Station, Orleans, New York, U.S. Customs and Border Protection, U.S. Border Patrol, Buffalo Sector, New York***

Dear Mr. Stilwell:

United States (U.S.) Customs and Border Protection (CBP) would like to initiate informal Section 7 Consultation with the U.S. Fish and Wildlife Service (USFWS) for the proposed construction and operation of a new U.S. Border Patrol (USBP) Station in the USBP Buffalo Sector, Wellesley Island Station Area of Responsibility (AOR), Orleans, New York. In support of this effort, CBP has completed a biological resources survey to examine the potential effects of the proposed project on sensitive biological resources including federally protected species.

The proposed new Wellesley Island Border Patrol Station (BPS) would be constructed in the northwestern portion of the Town of Orleans, Jefferson County, New York, on an 18.9-acre undeveloped parcel of privately owned land located along New York State Route 12 (NY-12) and adjacent to the St. Lawrence River. The proposed new BPS facility would consist of a 17,322 square-foot (ft<sup>2</sup>) main administration building, 15,867 ft<sup>2</sup> of support space, 15,180 ft<sup>2</sup> of enclosed parking to accommodate 33 vehicles, and outdoor parking to accommodate 10 service vehicles, 30 government-owned vehicles, and 60 employee vehicles. Support space infrastructure would include the following components: a short-stay canine facility with three kennels, an ATV/snowmobile storage facility to accommodate 12 vehicles, a marine patrol canopy to accommodate four boats, a one-bay indoor vehicle wash, a one-tank fuel island, a communication tower, an emergency generator, and perimeter fencing. Public power, water and septic systems, communication systems, and gas utilities would be utilized by the new BPS.

The report detailing the results of the biological resources survey of the proposed project area is provided in the enclosure. Based on the results of this investigation, CBP has determined that the only that could have potential to occur in the project area are the Indiana bat (*Myotis sodalis*)

Mr. Stilwell

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and northern long-eared bat (NLEB; *Myotis septentrionalis*). Both bat species could potentially utilize the isolated remaining pockets of forests surrounding the Town of Orleans; however, the proposed project site contains limited, marginally suitable habitat that lacks mature, intact interior forest with trees large enough to have a cavity or that have loose bark, which the bats prefer to occupy or use. Therefore, CBP respectfully requests concurrence from the USFWS that the Proposed Action *may affect, but is not likely to adversely affect*, the Indiana bat and NLEB.

Your prompt attention to this request is appreciated. If you have any questions or comments, please contact Mr. John Petrilla via email at [BPAMNEPA@cbp.dhs.gov](mailto:BPAMNEPA@cbp.dhs.gov). Thank you in advance for your assistance.

Sincerely,

JOHN P  
PETRILLA

Digitally signed by JOHN  
P PETRILLA  
Date: 2021.11.10  
08:51:16 -08'00'

John Petrilla  
Environmental Branch Chief, Acting  
Border Patrol & Air and Marine PMO  
U.S. Customs and Border Protection

Enclosure(s)



**U.S. Customs and  
Border Protection**

November 10, 2021

Daniel Mackay  
Deputy Commissioner  
New York State Office of Parks, Recreation and Historic Preservation  
Division of Historic Preservation  
1 Delaware Avenue North  
Albany, NY 12238  
Submitted online via the New York State Cultural Resource Information System (CRIS)

**RE: *Phase IA/IB Archaeological Survey in Support of the Proposed New Wellesley Island Border Patrol Station, Orleans, New York, U.S. Customs and Border Protection, U.S. Border Patrol, Buffalo Sector, New York – New York State Cultural Resource Information System (CRIS) project number: 21PR03860***

Dear Mr. Mackay:

United States (U.S.) Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) to address the potential effects, beneficial and adverse, resulting from the proposed construction and operation of a new U.S. Border Patrol (USBP) Station in the USBP Buffalo Sector, Wellesley Island Station Area of Responsibility (AOR), Orleans, New York. In support of this effort, CBP has contracted Gulf South Research Corporation (GSRC) to conduct a Phase IA/IB archaeological survey of the proposed direct and indirect area of potential effect (APE) as part of requirements to take into account any adverse effects that may occur as a result of the Proposed Action in compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 as amended, and with its implementing regulations (Public Law 89-665; 54 U.S. Code [U.S.C.] 300101-307108).

The proposed new Wellesley Island Border Patrol Station (BPS) would be constructed in the northwestern portion of the Town of Orleans, Jefferson County, New York. The proposed location is an 18.9-acre undeveloped parcel of privately owned land located along New York State Route 12 (NY-12) with waterfront access to the St. Lawrence River.

The proposed new BPS facility would consist of a 17,322 square-foot (ft<sup>2</sup>) main administration building, 15,867 ft<sup>2</sup> of support space, 15,180 ft<sup>2</sup> of enclosed parking to accommodate 33 vehicles, and outdoor parking to accommodate 10 service vehicles, 30 government-owned vehicles, and 60 employee vehicles. Support space infrastructure would include the following components: a short-stay canine facility with three kennels, an ATV/snowmobile storage facility to accommodate 12 vehicles, a marine patrol canopy to accommodate four boats, a one-bay indoor vehicle wash, a one-tank fuel island, a communication tower, an emergency generator,

and perimeter fencing. Public power, water and septic systems, and communication systems would be utilized by the new BPS.

On June 22-26, 2021, GSRC personnel conducted a Phase IA/IB archaeological survey of the proposed project including a preliminary review of maps, historic documents, and previously recorded sites and surveys; a field survey of the 18.9-acre parcel for the proposed BPS facility including pedestrian surface inspection supplemented with systematic shovel test pits (STPs) excavated at 15 m (49 ft) intervals along transects spaced 15 m (49 ft) apart; and a historic building survey of all aboveground buildings and infrastructure located within a 1.6 km (1.0 mi) line-of-sight APE surrounding the proposed new Wellesley Island BPS property.

A total of 314 STPs were excavated systematically across the project area with 2 shovel tests positive for containing cultural materials. Further investigation of these positive shovel tests resulted in the documentation of two historic artifact scatters. Further delineation of these finds resulted in the recording of two historic surface scatters. Both scatters represent historic dumping on the property. Neither scatter possessed sufficient integrity nor contained significant information to warrant designating them as archaeological sites in accordance with the New York's *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections* (NYAC 1994).

In the viewshed analysis portion of the current investigation, the structures newly documented within the viewshed are not significant under Criterion A as a collection of nineteenth and twentieth century resort-style homes due to the number of non-original homes and structures in the area which have not made a significant contribution to broad patterns in our history. They also are not significant under Criterion B, as none of the houses are associated with the lives of significant persons. Criterion C is not met due to the diminished integrities of workmanship, materials, and setting. Several of the houses in the viewshed are outfitted with replacement windows or doors, most of them have new roofs clad in inappropriate materials, and the setting has been compromised by the addition of mobile home parks, electrical substations, and modern commercial buildings. Finally, Criterion D is not met as the houses in the viewshed are unlikely to yield additional information important to history or prehistory, as construction has destroyed anything remaining in the ground.

Two NRHP listed properties and one property that was determined eligible but not listed are located within 1.6 km (1 mi) of the proposed project site. The Methodist-Protestant Church at Fishers Landing (NR# 96000667, State No. 96NR00961) was determined to be eligible for listing in the NRHP and was listed in 1996. The Rock Island Light Station (NR#78001855, State No. 90NR01148) was determined to be eligible for listing in the NRHP and was listed in 1978. One resource, the Fishers Landing Post Office at 18064 Reed Point Road, in Orleans, New York, was determined to be eligible for NRHP listing in 2018 but has not yet been officially listed. None of these resources would have line-of-sight visibility of the project area due to vegetation and the obstruction of the site by the coastline.

Based on the results of the current investigation, CBP has determined that no previously or newly recorded cultural resources would be adversely affected by the Proposed Action. As a result, no further work is recommended. Supporting evidence for these determinations can be

Mr. Mackay

Page 3

found in the enclosed Phase IA/IB archaeological survey technical report. CBP respectfully requests concurrence on its determinations at this time. Your agency should also receive a copy of the draft environmental assessment for this project when it is made available to the public.

If previously unidentified cultural resources are encountered during construction of the new Wellesley Island BPS, all ground-disturbing activities would cease in the vicinity of the discovery until an archaeologist is notified and the nature and significance of the find can be evaluated per Section 106 of 36 Code of Federal Regulations Part 800, under the NHPA of 1966, as amended. If human remains are encountered during construction activity, local law enforcement and the New York State Historic Preservation Office must be notified, and appropriate tribal organizations must be consulted per the Native American Graves Protection and Repatriation Act of 1990.

Your prompt attention to this request is appreciated. If you have any questions or comments, please contact Mr. John Petrilla via email at [BPAMNEPA@cbp.dhs.gov](mailto:BPAMNEPA@cbp.dhs.gov). Thank you in advance for your assistance.

Sincerely,

**JOHN P  
PETRILLA**

Digitally signed by JOHN  
P PETRILLA  
Date: 2021.11.10  
08:48:32 -08'00'

John Petrilla  
Environmental Branch Chief, Acting  
Border Patrol & Air and Marine PMO  
U.S. Customs and Border Protection

Enclosure(s)



**U.S. Customs and  
Border Protection**

November 10, 2021

Stacie Cutbank  
Tribal Historic Preservation Officer  
Oneida Nation of Wisconsin  
1250 Packerland Drive  
Cottage 3, Side B  
Green Bay, WI 54304  
Submitted via email to: [sdanfor3@oneidanation.org](mailto:sdanfor3@oneidanation.org)

**RE: *Phase IA/IB Archaeological Survey in Support of the Proposed New Wellesley Island Border Patrol Station, Orleans, New York, U.S. Customs and Border Protection, U.S. Border Patrol, Buffalo Sector, New York – New York State Cultural Resource Information System (CRIS) project number: 21PR03860***

Dear Ms. Cutbank:

United States (U.S.) Customs and Border Protection (CBP) is preparing an Environmental Assessment (EA) to address the potential effects, beneficial and adverse, resulting from the proposed construction and operation of a new U.S. Border Patrol (USBP) Station in the USBP Buffalo Sector, Wellesley Island Station Area of Responsibility (AOR), Orleans, New York. In support of this effort, CBP has contracted Gulf South Research Corporation (GSRC) to conduct a Phase IA/IB archaeological survey of the proposed direct and indirect area of potential effect (APE) as part of requirements to take into account any adverse effects that may occur as a result of the Proposed Action in compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 as amended, and with its implementing regulations (Public Law 89-665; 54 U.S. Code [U.S.C.] 300101-307108).

The proposed new Wellesley Island Border Patrol Station (BPS) would be constructed in the northwestern portion of the Town of Orleans, Jefferson County, New York. The proposed location is an 18.9-acre undeveloped parcel of privately owned land located along New York State Route 12 (NY-12) with waterfront access to the St. Lawrence River.

The proposed new BPS facility would consist of a 17,322 square-foot (ft<sup>2</sup>) main administration building, 15,867 ft<sup>2</sup> of support space, 15,180 ft<sup>2</sup> of enclosed parking to accommodate 33 vehicles, and outdoor parking to accommodate 10 service vehicles, 30 government-owned vehicles, and 60 employee vehicles. Support space infrastructure would include the following components: a short-stay canine facility with three kennels, an ATV/snowmobile storage facility to accommodate 12 vehicles, a marine patrol canopy to accommodate four boats, a one-bay

indoor vehicle wash, a one-tank fuel island, a communication tower, an emergency generator, and perimeter fencing. Public power, water and septic systems, and communication systems would be utilized by the new BPS.

On June 22-26, 2021, GSRC personnel conducted a Phase IA/IB archaeological survey of the proposed project including a preliminary review of maps, historic documents, and previously recorded sites and surveys; a field survey of the 18.9-acre parcel for the proposed BPS facility including pedestrian surface inspection supplemented with systematic shovel test pits (STPs) excavated at 15 m (49 ft) intervals along transects spaced 15 m (49 ft) apart; and a historic building survey of all aboveground buildings and infrastructure located within a 1.6 km (1.0 mi) line-of-sight APE surrounding the proposed new Wellesley Island BPS property.

A total of 314 STPs were excavated systematically across the project area with 2 shovel tests positive for containing cultural materials. Further investigation of these positive shovel tests resulted in the documentation of two historic artifact scatters. Further delineation of these finds resulted in the recording of two historic surface scatters. Both scatters represent historic dumping on the property. Neither scatter possessed sufficient integrity nor contained significant information to warrant designating them as archaeological sites in accordance with the New York's *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections* (NYAC 1994).

In the viewshed analysis portion of the current investigation, the structures newly documented within the viewshed are not significant under Criterion A as a collection of nineteenth and twentieth century resort-style homes due to the number of non-original homes and structures in the area which have not made a significant contribution to broad patterns in our history. They also are not significant under Criterion B, as none of the houses are associated with the lives of significant persons. Criterion C is not met due to the diminished integrities of workmanship, materials, and setting. Several of the houses in the viewshed are outfitted with replacement windows or doors, most of them have new roofs clad in inappropriate materials, and the setting has been compromised by the addition of mobile home parks, electrical substations, and modern commercial buildings. Finally, Criterion D is not met as the houses in the viewshed are unlikely to yield additional information important to history or prehistory, as construction has destroyed anything remaining in the ground.

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Based on the results of the current investigation, CBP has determined that no previously or newly recorded cultural resources would be adversely affected by the Proposed Action. As a

Ms. Cutbank

Page 3

result, no further work is recommended. Supporting evidence for these determinations can be found in the enclosed Phase IA/IB archaeological survey technical report. CBP respectfully requests any comments or questions pertaining to these findings at this time. Your agency should also receive a copy of the draft environmental assessment for this project when it is made available to the public.

If previously unidentified cultural resources are encountered during construction of the new Wellesley Island BPS, all ground-disturbing activities would cease in the vicinity of the discovery until an archaeologist is notified and the nature and significance of the find can be evaluated per Section 106 of 36 Code of Federal Regulations Part 800, under the NHPA of 1966, as amended. If human remains are encountered during construction activity, local law enforcement and the New York State Historic Preservation Office must be notified, and appropriate tribal organizations must be consulted per the Native American Graves Protection and Repatriation Act of 1990.

Your prompt attention to this request is appreciated. If you have any questions or comments, please contact Mr. John Petrilla via email at [BPAMNEPA@cbp.dhs.gov](mailto:BPAMNEPA@cbp.dhs.gov). Thank you in advance for your assistance.

Sincerely,

JOHN P  
PETRILLA

Digitally signed by JOHN  
P PETRILLA  
Date: 2021.11.10  
08:50:55 -08'00'

John Petrilla  
Environmental Branch Chief, Acting  
Border Patrol & Air and Marine PMO  
U.S. Customs and Border Protection

Enclosure(s)

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**From:** Brooks, Andrew (FAA) <Andrew.Brooks@faa.gov>  
**Sent:** Friday, July 30, 2021 6:38 AM  
**To:** BPAMNEPA@cbp.dhs.gov; Sean Graham  
**Subject:** Proposed New Wellesley Island Border Patrol Station, Orleans, New York

Good Morning Mr. Petrilla,

I have reviewed the coordination letter for the subject project received via email yesterday afternoon. It appears that the closest federally-obligated airport to the proposed site is Watertown International, approximately 15 miles south. As such, the proposed project would not appear to affect any program elements under the FAA's jurisdiction by law or wherein we would have special expertise. Therefore, we do not need to be coordinated with moving forward in this regard. Should the proposed project location change such that it would be moved substantially closer to a federally-obligated airport, please re-initiate coordination at that time.

Thank you, and have a good weekend.

Andrew Brooks  
Environmental Program Manager  
Federal Aviation Administration  
Eastern Regional Office  
1 Aviation Plaza  
Jamaica, NY 11434  
Phone: 718-553-2511

---

**From:** Guy, Jalieth J CIV USARMY CELRB (USA) <Jalieth.J.Guy@usace.army.mil>  
**Sent:** Tuesday, August 3, 2021 1:45 PM  
**To:** BPAM NEPA <bpannepa@cbp.dhs.gov>  
**Subject:** U.S. Army Corps Application: 2021-00986 (US Customs and Border Protection- Wellesley Island Border Patrol Station)

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. If you feel this is a suspicious-looking email, please report by using the Report Phish button option.

Good afternoon Mr. Petrilla,

Your pre- application was received by the Buffalo District Regulatory Branch and assigned Department of the Army File No. -2021-00986 (US Customs and Border Protection Wellesley Island Border Patrol Station).

Your submittal is very recent. Staff are working to address the backlog of applications, as we review them in the order received. Please be assured that you will be notified by the project manager once your project has been assigned. We appreciate your patience!

Respectfully,

Jalieth Guy  
U.S. Army Corps of Engineers  
Business Processes Section  
1776 Niagara Street  
Buffalo, New York 14207  
716.879.4391

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**From:** Lee Shimel ,orleanszoningofficer@gmail.com>  
**Sent:** Wednesday, August 4, 2021 9:24 AM  
**To:** BPAM NEPA <bpannepa@cbp.dhs.gov>  
**Subject:** Wellesley Island Border Patrol Station (Town of Orleans)

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. If you feel this is a suspicious-looking email, please report by using the Report Phish button option.

Dear Mr. Graham,

In doing research for the project I discovered the parcel for the potential project was in a Rural Residence Zoning District. The only permitted uses for this district are Single & Two Family Dwelling, accessory uses to the permitted use and Home Occupation.

My only suggestion would be to try for a Use Variance from the Town of Orleans Zoning Board of Appeals. They would consider the request for your project in the Town of Orleans.

Sincerely,

Lee Shimel – Zoning Enforcement Officer

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**From:** BPAM NEPA <bpamnepa@cbp.dhs.gov>  
**Sent:** Friday, August 6, 2021 12:27 PM  
**To:** REGAN, LAURI R (CTR); Sean Graham  
**Subject:** FW: Proposed New Wellesley Island Border Patrol Station, Orleans, New York,

FYI. I'll respond to the email that the draft EA is forthcoming.

---

**From:** Young, Randall C (DEC) <randall.young@dec.ny.gov>  
**Sent:** Friday, August 6, 2021 4:37 AM  
**To:** BPAM NEPA <bpamnepa@cbp.dhs.gov>  
**Cc:** Hart, Jessica J (DEC) <jessica.hart@dec.ny.gov>  
**Subject:** Proposed New Wellesley Island Border Patrol Station, Orleans, New York,

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. If you feel this is a suspicious-looking email, please report by using the Report Phish button option.

Dear Mr. Petrilla:

On July, 29, 2021, I received your correspondence regarding the proposal for construction of a new U.S. Border Patrol Station in the Town of Orleans, Jefferson County New York. Your letter indicated NYSDEC would be provided a copy of the Draft Environmental Assessment (EA) for review and comment. To date, we have not received the EA. Please forward the EA at your earliest convenience so we may evaluate the proposal.

Sincerely,

Randall C. Young  
Regional Director, Region Six  
New York State Department of Environmental Conservation  
317 Washington Street, Watertown, NY 13601  
P: (315) 785-2239 F: (315) 785-2242 [randall.young@dec.ny.gov](mailto:randall.young@dec.ny.gov)  
(he/him/his)

[www.dec.ny.gov](http://www.dec.ny.gov) |  |  | 



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**From:** Crawford, Margaret A CIV USARMY CELRB (USA)  
<Margaret.A.Crawford@usace.army.mil>  
**Sent:** Wednesday, August 18, 2021 5:06 AM  
**To:** BPAM NEPA <bpamnepa@cbp.dhs.gov>  
**Cc:** Crawford, Margaret A CIV USARMY CELRB (USA)  
<Margaret.A.Crawford@usace.army.mil>  
**Subject:** US Customs and Border Protection - Wellesley Island Border Patrol Station, DA Processing No. 2021-00986

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. If you feel this is a suspicious-looking email, please report by using the Report Phish button option.

Good morning,

The pre-application request you submitted to the U.S. Army Corps of Engineers, Department of the Army File No. LRB-2021-00986, has been assigned to me. It will be processed in the order it was received. My contact information is below. Please let me know if you should have any questions, concerns, or additional information to submit.

Please be aware that files are processed on a first come, first served basis and we are experiencing a large volume of applications.

Thank you.  
Maggie

Margaret Crawford, Biologist  
U.S. Army Corps of Engineers  
Buffalo District - Regulatory Branch  
7413 County House Road  
Auburn, New York 13021  
716-879-6331 (office)  
315-835-0058 (cell)  
[www.lrb.usace.army.mil/missions/regulatory](http://www.lrb.usace.army.mil/missions/regulatory)

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**From:** Davey, Weston F (PARKS) <Weston.Davey@parks.ny.gov>  
**Sent:** Thursday, August 19, 2021 5:59 AM  
**To:** BPAM NEPA <bpamnepa@cbp.dhs.gov>  
**Subject:** Wellesley Island Border Patrol Station

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. If you feel this is a suspicious-looking email, please report by using the Report Phish button option.

Hello Mr. Petrilla,

We received a paper file from you on August 5th for the Proposed New Wellesley Island Border Patrol Station project. If you have not yet done so, please submit this information to our electronic review system, CRIS. Here is the process for CRIS project submissions:

Please submit your consultation project as a new project through our CRIS system. Enter CRIS by going to the following website: <https://cris.parks.ny.gov>. Once you get there, agree to the disclaimer and proceed as guest or create an account. An account can be better for you long term because you can track your submissions. At the top of the page, click on "Submit" then "Consultation." For more information on CRIS and a tutorial, please go to <https://parks.ny.gov/shpo/online-tools/>.

Thank you,  
Weston

Weston Davey  
Historic Site Restoration Coordinator  
New York State Parks, Recreation & Historic Preservation  
P. O. Box 189, Peebles Island, Waterford, NY 12188  
[weston.davey@parks.ny.gov](mailto:weston.davey@parks.ny.gov)  
<https://parks.ny.gov/shpo/>

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**From:** Bibbins, Ken (DOT) <Ken.Bibbins@dot.ny.gov>  
**Sent:** Friday, August 20, 2021 12:22 PM  
**To:** Sean Graham; BPAMNEPA@cbp.dhs.gov  
**Cc:** REGAN, LAURI R (CTR)  
**Subject:** RE: Proposed New Wellesley Island Border Patrol Station, Orleans, New York

Good afternoon,

In reply to your recent informational correspondence about the proposed location for the new CBP Station in Orleans, I will share that any work within the NYSDOT Right-of-Way along Route 12 would need to be covered by a Highway Work Permit (HWP). That permit would be issued from our Regional Office, located in Watertown. Inquiries on the HWP application process can be directed to the attention of Tom Compo, Regional Permit Engineer, NYSDOT Region 7 Traffic Safety & Mobility Office, 9th Floor Dulles State Office Building, 317 Washington Street, Watertown, NY 13601. A copy of the application, with Instructions, can be found here:

<https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/repository/perm33.pdf>

This is a general permit. Depending on what is proposed for work within the Right-of-Way, an alternate permit/application may be more appropriate.

I assume a similar inquiry has been made to NYSDEC, so I will not cover in great depth the potential environmental permits that may be needed for this proposed work. Those permits, at the State level, are likely to be issued by both NYSDEC and NYSDOS. At the Federal level, at a minimum, the USACOE would need to be engaged in a review of the proposal.

Please feel free to contact me with any questions, at any time.

Best of luck with your project,

KMB

Kenneth M. Bibbins, P.E.  
Regional Director (Acting)

[NYS Department of Transportation - Region 7](#)  
317 Washington Street, Watertown, New York 13601  
w (315) 785-2333 | [ken.bibbins@dot.ny.gov](mailto:ken.bibbins@dot.ny.gov)  
[www.dot.ny.gov](http://www.dot.ny.gov)





DEPARTMENT OF THE ARMY  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

September 7, 2021

Regulatory Branch

SUBJECT: Department of the Army Permit Requirements, Application No. LRB-2021-00986

John Petrilla  
Environmental Branch Chief, Acting  
Border Patrol and Air and Marine PMO  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue NW  
Washington, DC 20229

Dear Mr. Petrilla:

Reference is made to your letter dated July 26, 2021 in which you requested information on Department of the Army permit requirements for the proposed Wellesley Island Border Patrol Station in Orleans, New York.

Under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), a permit is required for any structure or work that takes placed in, under, or over a navigable water, or wetlands adjacent to navigable waters of the United States. Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers regulates the discharge of dredged or fill material into waters of the United States, including freshwater wetlands. Certain types of excavation activities are defined as discharges of dredged material when they occur in waters of the United States. For instance, land clearing using mechanized equipment, ditching, channelization and other types of excavation when performed in such waters, including wetlands, would likely be regulated under Section 404 of the Clean Water Act.

Based upon the information provided, it appears that the project site borders the St. Lawrence River and potential adjacent wetlands, which would be regulated under Section 10 of the Rivers and Harbors Act. In addition, it appears that there could be wetlands scattered throughout the project site, that could be regulated under Section 404 of the Clean Water Act. A site visit and delineation of the Federal wetland boundaries is needed to accurately establish the extent of regulatory jurisdiction. Wetlands should be identified and delineated in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual. A copy of this manual can be obtained on-line at: <http://www.lrb.usace.army.mil/Portals/45/docs/regulatory/Wetlands/wlman87.pdf>  
In addition, the Northcentral and Northeast Regional Supplement can be found on-line at: [http://www.lrb.usace.army.mil/Portals/45/docs/regulatory/Wetlands/NCNE\\_supp2.pdf](http://www.lrb.usace.army.mil/Portals/45/docs/regulatory/Wetlands/NCNE_supp2.pdf)

Regulatory Branch

SUBJECT: Department of the Army Permit Requirements, Application No. LRB-2021-00986

Depending upon the amount of impact to waters of the US that are proposed, additional information may be required, including an analysis of alternatives to the work proposed. This information will aid us in determining whether or not the proposed work complies with the United States Environmental Protection Agency Guidelines at Title 40 of the Code of Federal Regulations Part 230. Additional guidance is attached to this letter (see enclosure entitled "Guideline Compliance").

In addition, permit applicants are required to describe how they will avoid, minimize, and compensate for impacts to waters of the United States. Unavoidable impacts may require compensatory mitigation to help offset the loss of functions and services. Typically, compensatory mitigation will be required for permanent jurisdictional wetland losses greater than 0.1 acre. Compensatory mitigation for jurisdictional streams or other aquatic resource impacts will be determined on a case-by-case basis.

Because of the potential for substantial permitting requirements at this site, I encourage you to contact me to set up a Pre-application Meeting to discuss the proposed project details so that I can better inform the potential permitting process, including associated state reviews including the Section 401 Water Quality Certification process and the NYS Department of State Coastal Management Program.

Questions pertaining to this matter should be directed to me at 716-879-6331, by writing to the following address: U.S. Army Corps of Engineers, 7413 County House Road, Auburn, New York, 13021, or by e-mail at: [margaret.a.crawford@usace.army.mil](mailto:margaret.a.crawford@usace.army.mil).

Sincerely,



Margaret Crawford  
Biologist  
Enclosures

## GUIDELINE COMPLIANCE

The United States Environmental Protection Agency (USEPA) Guidelines at Title 40 of the Code of Federal Regulations Part 230.10(a) require that no discharge of dredged or fill material into a water of the United States, including wetlands, be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem. In addition, the Guidelines specify that when a discharge of dredged or fill material is proposed for a special aquatic site, and that activity does not require access to or siting within the special aquatic site to achieve its basic purpose, practicable alternatives that do not involve the conversion of these sites by filling are presumed to be available unless clearly demonstrated otherwise. The issuance of a Department of the Army permit for any discharge of dredged or fill material is contingent upon compliance with the USEPA Guidelines, as well as compatibility with the public interest.

Your proposed project does not appear to fully comply with the USEPA Guidelines because the intended project purpose can be fulfilled without placing fill in a water of the United States that is a special aquatic site. The water of the United States in which you propose to place fill is a wetland.

Alternatives are presumed to exist which would allow you to fulfill the basic project purpose without filling in a wetland. Suggested practicable alternatives which you should consider include, but are not limited to, the following:

- use an alternative site

In the event you decide not to provide an alternatives analysis, and continue to pursue authorization by a Department of the Army permit, it would be to your benefit to clearly and factually explain in writing why the presumption that other alternatives exist is in error.

A copy of the USEPA Guidelines is attached for your information.

**EXCERPTED FROM:**  
**PART 230 -- SECTION 404(b)(1) GUIDELINES FOR SPECIFICATION OF DISPOSAL SITES FOR DREDGED OR FILL MATERIAL**

Authority: Secs. 404(b) and 501(a) of the Clean Water Act of 1977 (33 U.S.C. 1344(b) and 1361(a)).

Source: 45 FR 85344, Dec. 24, 1980, unless otherwise noted.

Subpart B -- Compliance With the Guidelines

230.10 Restrictions on discharge.

230.11 Factual determinations. (omitted from this transmittal)

230.12 Findings of compliance or non-compliance with the restrictions on discharge. (omitted from this transmittal)

Subpart B -- Compliance With the Guidelines

230.10 Restrictions on discharge.

Note: Because other laws may apply to particular discharges and because the Corps of Engineers or State 404 agency may have additional procedural and substantive requirements, a discharge complying with the requirement of these Guidelines will not automatically receive a permit. Although all requirements in 230.10 must be met, the compliance evaluation procedures will vary to reflect the seriousness of the potential for adverse impacts on the aquatic ecosystems posed by specific dredged or fill material discharge activities.

(a) Except as provided under section 404(b)(2), no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.

(1) For the purpose of this requirement, practicable alternatives include, but are not limited to:

(i) Activities which do not involve a discharge of dredged or fill material into the waters of the United States or ocean waters;

(ii) Discharges of dredged or fill material at other locations in waters of the United States or ocean waters;

(2) An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. If it is otherwise a practicable alternative, an area not presently owned by the applicant which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered.

(3) Where the activity associated with a discharge which is proposed for a special aquatic site (as defined in subpart E) does not require access or proximity to or sitting within the special aquatic site in question to fulfill its basic purpose (i.e., is not "water dependent"), practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise. In addition, where a discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise.

(4) For actions subject to NEPA, where the Corps of Engineers is the permitting agency, the analysis of alternatives required for NEPA environmental documents, including supplemental Corps NEPA documents, will in most cases provide the information for the evaluation of alternatives under these Guidelines. On occasion, these NEPA documents may address a broader range of alternatives than required to be considered under this paragraph or may not have considered the alternatives in sufficient detail to respond to the requirements of these Guidelines. In the latter case, it may be necessary to supplement these NEPA documents with this additional information.

(5) To the extent that practicable alternatives have been identified and evaluated under a Coastal Zone Management program, a section 208 program, or other planning process, such evaluation shall be considered by the permitting authority as part of the consideration of alternatives under the Guidelines. Where such evaluation is less complete than that contemplated under this subsection, it must be supplemented accordingly.

(b) No discharge of dredged or fill material shall be permitted if it:

(1) Causes or contributes, after consideration of disposal site dilution and dispersion, to violations of any applicable State water quality standard;

(2) Violates any applicable toxic effluent standard or prohibition under section 307 of the Act;

(3) Jeopardizes the continued existence of species listed as endangered or threatened under the Endangered Species Act of 1973, as amended, or results in likelihood of the destruction or adverse modification of a habitat which is determined by the Secretary of Interior or Commerce, as appropriate, to be a critical habitat under the Endangered Species Act of 1973, as amended. If an exemption has been granted by the Endangered Species Committee, the terms of such exemption shall apply in lieu of this subparagraph;

(4) Violates any requirement imposed by the Secretary of Commerce to protect any marine sanctuary designated under title III of the Marine Protection, Research, and Sanctuaries Act of 1972.

(c) Except as provided under section 404(b)(2), no discharge of dredged or fill material shall be permitted which will cause or contribute to significant degradation of the waters of the United States. Findings of significant degradation related to the proposed discharge shall be based upon appropriate factual determinations, evaluations, and tests required by subparts B and G, after consideration of subparts C through F, with special emphasis on the persistence and permanence of the effects outlined in those subparts. Under these Guidelines, effects contributing to significant degradation considered individually or collectively,

include:

(1) Significantly adverse effects of the discharge of pollutants on human health or welfare, including but not limited to effects on municipal water supplies, plankton, fish, shellfish, wildlife, and special aquatic sites.

(2) Significantly adverse effects of the discharge of pollutants on life stages of aquatic life and other wildlife dependent on aquatic ecosystems, including the transfer, concentration, and spread of pollutants or their byproducts outside of the disposal site through biological, physical, and chemical processes;

(3) Significantly adverse effects of the discharge of pollutants on aquatic ecosystem diversity, productivity, and stability. Such effects may include, but are not limited to, loss of fish and wildlife habitat or loss of the capacity of a wetland to assimilate nutrients, purify water, or reduce wave energy; or

(4) Significantly adverse effects of discharge of pollutants on recreational, aesthetic, and economic values.

(d) Except as provided under section 404(b)(2), no discharge of dredged or fill material shall be permitted unless appropriate and practicable steps have been taken which will minimize potential adverse impacts of the discharge on the aquatic ecosystem. Subpart H identifies such possible steps.

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From: Joe Stahlman <Joe.Stahlman@sni.org>  
Sent: Wednesday, November 17, 2021 9:26 AM  
To: Sean Graham  
Cc: REGAN, LAURI R (CTR)  
Subject: RE: External: Tribal Consultation for the Proposed New Wellesley Island Border Patrol Station, Orleans, New York

Dr. Graham,

Thank you for your letter. At this time, SNI THPO has determined a “No Adverse Effect” for the Proposed New Wellesley Island Border Patrol Station, Orleans, New York. If any cultural resources are uncovered during the project, please contact my office.

Thank you,

Joe

**Dr. Joe Stahlman**

Director

Seneca-Iroquois National Museum

Tribal Historic Preservation Office

Onöhsagwë:De' Cultural Center

82 W. Hetzel Street

Salamanca, NY 14779

Phone (716) 945-1760

Cell (716) 277-5580

[Joe.Stahlman@sni.org](mailto:Joe.Stahlman@sni.org)





**Parks, Recreation,  
and Historic Preservation**

KATHY HOCHUL  
Governor

ERIK KULLESEID  
Commissioner

November 29, 2021

Elizabeth Hunt  
Project Director  
Gulf South Research Corporation  
8081 Innovation Park Drive  
Baton Rouge, LA 7080

Re: DHS  
New U.S. Border Patrol Station  
State Route 12, Orlean, Jefferson County, NY  
21PR03860

Dear Elizabeth Hunt:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay

Deputy State Historic Preservation Officer  
Division for Historic Preservation

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**From:** Doran, Sandra <Sandra\_Doran@fws.gov>  
**Sent:** Monday, November 22, 2021 4:15 PM  
**To:** Sean Graham  
**Cc:** lauri.r.regan@cbp.dhs.gov; Drew, Ian; Rayman, Noelle  
**Subject:** Fw: Wellesley Island Border Patrol Station, Orleans, Jefferson County, NY  
**Attachments:** USFWS Consultation\_Letter\_Wellesley\_Island\_BPS\_Bio\_Report.pdf;  
Final\_Biological\_Resources\_Report\_Wellesley\_Island\_BPS\_EA.pdf

Hello-

My name is Sandie Doran and I have reviewed the attached Border Patrol letter and Biological Resources Report. I understand that the proposed station has changed location and is now located in the Town of Orleans, Jefferson County. I have a few questions regarding your submittal:

1. Did you use our online resource for project reviews? If you already visited the site, please provide the project number (with SLI in the middle of numbers), with the IPAC species list, and the letter obtained from NY Natural Heritage/DEC mapper.  
If not, please visit the USFWS New York Field Office website (Link: <https://www.fws.gov/northeast/nyfo/es/section7.htm>) This site allows you to use our online Information, Planning and Consultation website and draw a polygon at the new site location. If you already visited the site, please provide the project number (with SLI in the middle of numbers), and the information requested above.
- 2.
3. Your determination of NLTAA for the NLEB/IBAT is based on lack of suitable habitat and no observations during a site visit. The only way to determine if bats are present or absent on the new site is to conduct surveys (mist netting/acoustic surveys).
4. Do you propose any tree removal or clearing prior to construction? If tree removal of trees over 3 inches in diameter are proposed to be removed, please provide a map showing location of proposed tree removal, with acreage (or number of individual trees to be removed).
5. Lastly, do you expect to apply for any wetland permits or Rivers and Harbors Act permits from the U.S. Army Corps of Engineers Buffalo District? This would be for any wetland fill or structures in the St. Lawrence River.

If you have any questions on the above, please feel free to email or call me. Please refer to the USFWS Project File # 2008-TA-0437.

Thank you.  
Sandie

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**From:** [naturalheritage@nynhp.org](mailto:naturalheritage@nynhp.org)  
**Sent:** Wednesday, December 8, 2021 5:03 PM  
**To:** Sean Graham  
**Subject:** Confirmation of your submitted request to New York Natural Heritage

Submission ID: 6411  
Submitted on Wednesday, December 8, 2021 - 18:02  
Submitted values are:

Company, Organization, or Agency: Gulf South Research Corporation  
Requestor Name: Sean Graham  
Requestor Address (Street/PO Box): 8081 Innovation Park Drive  
Requestor City: Baton Rouge  
Requestor State: Louisiana  
Requestor Zip Code: 70820  
Requestor Telephone #: 225-757-8088  
Requestor Email: [sgraham@gsrcorp.com](mailto:sgraham@gsrcorp.com)  
Project Type: Federal construction project with land clearing  
Project Name: Proposed New Wellesley Island Border Patrol Station, Orleans, New York  
Project Applicant: U.S. Customs and Border Protection  
Project County: Jefferson  
Town (Jefferson County): Orleans

Project Summary: U.S. Customs and Border Protection is proposing to construct a new Border Patrol Station (BPS) in the U.S. Border Patrol (USBP) Buffalo Sector, Wellesley Island Station Area of Responsibility, Orleans, New York. The new BPS would be a permanent facility constructed to accommodate existing staff and allow enforcement flexibility up to 75 agents, enable moderate expansion, and would replace the current BPS, which lacks the capacity to meet current and future needs for USBP operations in the area. The new BPS facility would consist of a 17,322 square-foot main administration building, 15,867 square feet of support space, 15,180 square feet of enclosed parking to accommodate 33 vehicles, and outdoor parking to accommodate 10 service vehicles, 30 government-owned vehicles, and 60 employee vehicles. Support space infrastructure would include the following components: a short-stay canine facility with three kennels, an ATV/snowmobile storage facility to accommodate 12 vehicles, a marine patrol canopy to accommodate four boats, a one-bay indoor vehicle wash, a one-tank fuel island, a communication tower, an emergency generator, and perimeter fencing. Public power, water and septic systems, and communication systems would be utilized by the new BPS.

Current Land Use: The proposed project site is currently undeveloped rural-residential land, consisting of unmaintained grassland, mixed pine/hardwood forest, shrub/scrub, and emergent wetlands.

Tax parcel number:  
Latitude: 44.266880°  
Longitude: -76.008873  
Street Address of Project:  
Project Notes:

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**From:** Sean Graham  
**Sent:** Thursday, December 16, 2021 4:08 PM  
**To:** Doran, Sandra  
**Cc:** lauri.r.regan@cbp.dhs.gov; Drew, Ian; Rayman, Noelle  
**Subject:** Fw: Wellesley Island Border Patrol Station, Orleans, Jefferson County, NY  
**Attachments:** Official-Species-List\_USFWS\_NewYorkEcologicalServicesFieldOffice.pdf

Hey Sandie,

I have attached the IPAC species list with the consultation code (05E1NY00-2022-SLI-0657). A project screening request form has been submitted to the NY Natural Heritage Program, and we are expecting a response within the next month or so. Bat surveys are being planned for the 2022 summer survey season. The information you requested on tree removal is currently not available but will be provided once the site layout design is complete. We also anticipate applying for permits under the Clean Water Act (Section 404) and Rivers and Harbors Act (Sections 10 and 408) once the design phase progresses to a point where the specific impacts can be identified.

Please let me know if you have any additional questions or information requests. Otherwise, I plan on following up with you soon regarding the bat surveys.

Happy Holidays!

Regards,  
Sean

--

Sean Graham, PhD  
*Senior Ecologist / Project Manager*  
**Gulf South Research Corporation**  
8081 Innovation Park Drive  
Baton Rouge, LA 70820  
(225) 757-8088 (O)  
(225) 610-0162 (C)



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**Division of Fish and Wildlife, New York Natural Heritage Program**

625 Broadway, Fifth Floor, Albany, NY 12233-4757

P: (518) 402-8935 | F: (518) 402-8925

[www.dec.ny.gov](http://www.dec.ny.gov)

January 14, 2022

Sean Graham  
Gulf South Research Corporation  
8081 Innovation Park Drive  
Baton Rouge, LA 70820

Proposed New Wellesley Re: Island Border Patrol Station  
County: Jefferson      Town/City: Orleans

Dear Sean Graham:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the vicinity of the project site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 6 Office, Division of Environmental Permits, at [dep.r6@dec.ny.gov](mailto:dep.r6@dec.ny.gov).

Sincerely,



Heidi Kraehling  
Environmental Review Specialist  
New York Natural Heritage Program

1143



**Department of  
Environmental  
Conservation**



**The following state-listed animals have been documented in the vicinity of the project site.**

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed.

**For information about any permit considerations for your project, please contact the Permits staff at the NYSDEC Region 6 Office at [dep.r6@dec.ny.gov](mailto:dep.r6@dec.ny.gov), (315) 785-2245.**

The following species has been documented throughout a large area that includes the project site.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
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**Birds**

<b>Bald Eagle</b>	<i>Haliaeetus leucocephalus</i>	Threatened	<i>Nonbreeding</i>
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This report only includes records from the NY Natural Heritage database.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage’s Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), and from NYSDEC at [www.dec.ny.gov/animals/7494.html](http://www.dec.ny.gov/animals/7494.html).



**The following rare plants, rare animals, and significant natural communities have been documented at the project site, or in its vicinity.**

We recommend that potential impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Field surveys of the project site may be necessary to determine whether a species currently occurs at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

**The following animals, while not listed by New York State as Endangered or Threatened, are rare in New York and are of conservation concern.**

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
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**Fish**

<b>Blackchin Shiner</b>	<i>Notropis heterodon</i>	Unlisted	Imperiled in NYS
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Documented adjacent to the project site in Blind Bay, 2007-07-27: The fish were observed in bays and a creek of the St. Lawrence River.

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), from NatureServe Explorer at [www.natureserve.org/explorer](http://www.natureserve.org/explorer), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

**From:** Sean Graham  
**Sent:** Wednesday, January 19, 2022 8:50 AM  
**To:** Doran, Sandra  
**Cc:** lauri.r.regan@cbp.dhs.gov; Drew, Ian; Rayman, Noelle  
**Subject:** Re: Wellesley Island Border Patrol Station, Orleans, Jefferson County, NY [2008-TA-0437]  
**Attachments:** NYNHP\_Project-Screening Letter-Report\_Wellesley\_Island\_BPS.pdf

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Hey Sandie,

In reference to USFWS Project File # 2008-TA-0437, please see the attached project screening letter report from the NY Natural Heritage Program. The report has also been uploaded to the IPaC project file (05E1NY00-2022-SLI-0657).

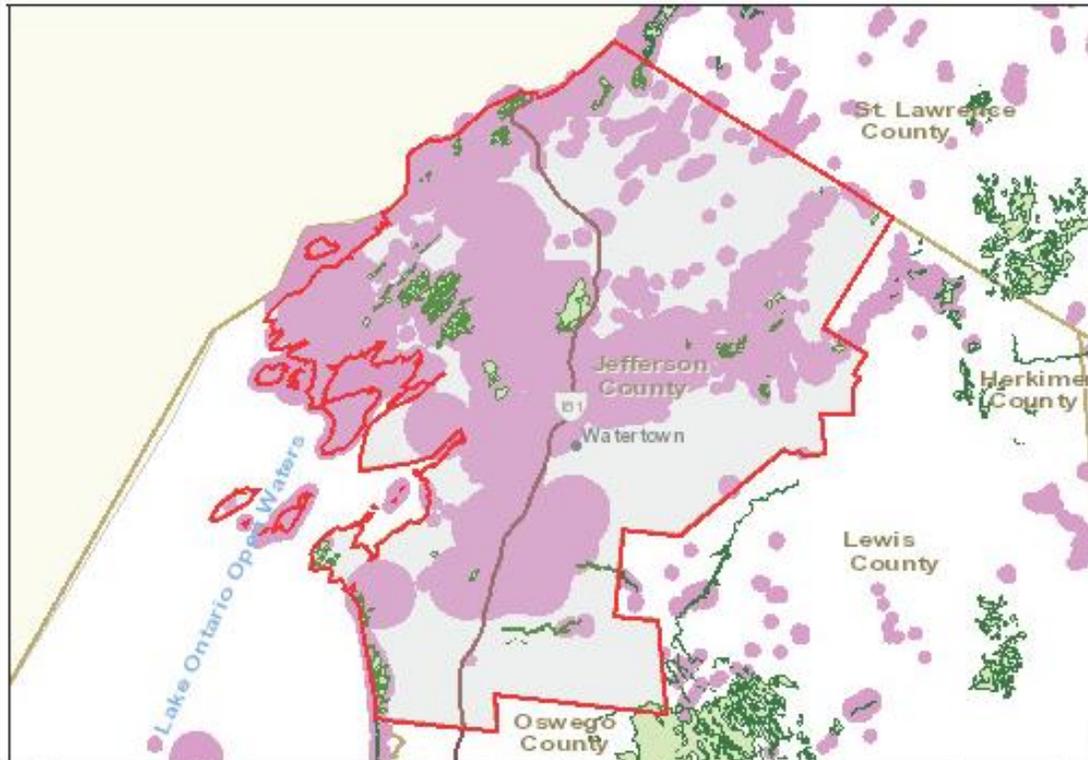
Regards,  
Sean

**APPENDIX B**  
**STATE LISTED SPECIES**  
**JEFFERSON COUNTY, NEW YORK**

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# New York Nature Explorer County Results Report

Criteria: County: Jefferson; State Protection Status: Endangered, Threatened, Special Concern



Common Name	Subgroup	Distribution Status	Year Last Documented	Protection Status		Conservation Rank	
				State	Federal	State	Global

## County: Jefferson

Animal: Mammals

Eastern Small-footed Myotis <i>Myotis leibii</i>	Bats	Recently Confirmed	2010	Special Concern		S1S3	G4
Indiana Bat <i>Myotis sodalis</i>	Bats	Recently Confirmed	2011	Endangered	Endangered	S1	G2
Northern Long-eared Bat <i>Myotis septentrionalis</i>	Bats	Recently Confirmed	2013	Threatened	Threatened	S1	G1G2

Animal: Birds

# New York Nature Explorer

Common Name	Subgroup	Distribution Status	Year Last Documente	Protection Status		Conservation Rank	
				State	Federal	State	Global
American Bittern <i>Botaurus lentiginosus</i>	Herons, Bitterns, Egrets, Pelicans	Recently Confirmed	2000-2005	Special Concern		S4	G4
Bald Eagle <i>Haliaeetus leucocephalus</i>	Hawks, Falcons, Eagles, Vultures	Recently Confirmed	2017	Threatened		S2S3B,S2NG5	
Black Tern <i>Chlidonias niger</i>	Gulls, Terns, Plovers, Shorebirds	Recently Confirmed	2018	Endangered		S2B	G4
Cerulean Warbler <i>Setophaga cerulea</i>	Wood-Warblers	Recently Confirmed	2000-2005	Special Concern		S3?B	G4
Common Loon <i>Gavia immer</i>	Loons	Recently Confirmed	2009	Special Concern		S4	G5
Common Nighthawk <i>Chordeiles minor</i>	Nightbirds	Recently Confirmed	2011	Special Concern		S2S3B	G5
Common Tern <i>Sterna hirundo</i>	Gulls, Terns, Plovers, Shorebirds	Recently Confirmed	2000	Threatened		S3B	G5
Cooper's Hawk <i>Accipiter cooperii</i>	Hawks, Falcons, Eagles, Vultures	Recently Confirmed	2000-2005	Special Concern		S4	G5
Golden-winged Warbler <i>Vermivora chrysoptera</i>	Wood-Warblers	Recently Confirmed	2000-2005	Special Concern		S3B	G4
Grasshopper Sparrow <i>Ammodramus savannarum</i>	Sparrows and Towhees	Recently Confirmed	2000-2005	Special Concern		S3B	G5
Henslow's Sparrow <i>Ammodramus henslowii</i>	Sparrows and Towhees	Recently Confirmed	2018	Threatened		S3B	G4
Horned Lark <i>Eremophila alpestris</i>	Larks	Recently Confirmed	2000-2005	Special Concern		S3S4B	G5
Least Bittern <i>Ixobrychus exilis</i>	Herons, Bitterns, Egrets, Pelicans	Recently Confirmed	2018	Threatened		S3B,S1N	G5
Loggerhead Shrike <i>Lanius ludovicianus</i>	Shrikes	Recently Confirmed	1984	Endangered		S1B	G4
Northern Goshawk <i>Accipiter gentilis</i>	Hawks, Falcons, Eagles, Vultures	Recently Confirmed	2000-2005	Special Concern		S3S4B,S3NG5	
Northern Harrier <i>Circus hudsonius</i>	Hawks, Falcons, Eagles, Vultures	Recently Confirmed	2017	Threatened		S3B,S3N	G5

# New York Nature Explorer

Common Name	Subgroup	Distribution Status	Year Last Documente	Protection Status		Conservation Rank	
				State	Federal	State	Global
Osprey <i>Pandion haliaetus</i>	Hawks, Falcons, Eagles, Vultures	Recently Confirmed	2000-2005	Special Concern		S4B	G5
Peregrine Falcon <i>Falco peregrinus</i>	Hawks, Falcons, Eagles, Vultures	Recently Confirmed	2015	Endangered		S3B	G4
Pied-billed Grebe <i>Podilymbus podiceps</i>	Grebes	Recently Confirmed	2018	Threatened		S3B,S1N	G5
Piping Plover <i>Charadrius melodus</i>	Gulls, Terns, Plovers, Shorebirds	Recently Confirmed	2015	Endangered	Endangered/Threatened	S3B	G3
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i>	Woodpeckers	Recently Confirmed	2011	Special Concern		S2?B	G5
Red-shouldered Hawk <i>Buteo lineatus</i>	Hawks, Falcons, Eagles, Vultures	Recently Confirmed	2000-2005	Special Concern		S4B	G5
Sedge Wren <i>Cistothorus platensis</i>	Wrens	Recently Confirmed	2014	Threatened		S3B	G5
Sharp-shinned Hawk <i>Accipiter striatus</i>	Hawks, Falcons, Eagles, Vultures	Recently Confirmed	2000-2005	Special Concern		S4	G5
Short-eared Owl <i>Asio flammeus</i>	Owls	Recently Confirmed	2018	Endangered		S2	G5
Upland Sandpiper <i>Bartramia longicauda</i>	Gulls, Terns, Plovers, Shorebirds	Recently Confirmed	2016	Threatened		S3B	G5
Vesper Sparrow <i>Pooecetes gramineus</i>	Sparrows and Towhees	Recently Confirmed	2000-2005	Special Concern		S3B	G5
Whip-poor-will <i>Antrostomus vociferus</i>	Nightbirds	Recently Confirmed	2011	Special Concern		S3B	G5
Yellow-breasted Chat <i>Icteria virens</i>	Wood-Warblers	Recently Confirmed	2000-2005	Special Concern		S2?B	G5
<b>Animal: Reptiles</b>							
Blanding's Turtle <i>Emydoidea blandingii</i>	Turtles	Recently Confirmed	2011	Threatened		S2S3	G4
Spiny Softshell <i>Apalone spinifera</i>	Turtles	Recently Confirmed	1990	Special Concern		S2S3	G5

# New York Nature Explorer

Common Name	Subgroup	Distribution Status	Year Last Documente	Protection Status		Conservation Rank	
				State	Federal	State	Global
Spotted Turtle <i>Clemmys guttata</i>	Turtles	Recently Confirmed	1990-1999	Special Concern		S3	G5
Wood Turtle <i>Glyptemys insculpta</i>	Turtles	Recently Confirmed	1990-1999	Special Concern		S3	G3

## Animal: Amphibians

Blue-spotted Salamander <i>Ambystoma laterale</i>	Salamanders	Recently Confirmed	1990-1999	Special Concern		S3	G5
Jefferson Salamander <i>Ambystoma jeffersonianum</i>	Salamanders	Recently Confirmed	1990-1999	Special Concern		S4	G4

## Animal: Fish

Lake Sturgeon <i>Acipenser fulvescens</i>	Sturgeons and Paddlefish	Recently Confirmed	2012	Threatened		S2S3	G3G4
Mooneye <i>Hiodon tergisus</i>	Mooneyes	Historically Confirmed	1932	Threatened		S2	G5
Pugnose Shiner <i>Notropis anogenus</i>	Minnows, Shiners, Suckers	Recently Confirmed	2004	Endangered		S1S2	G3

## Animal: Butterflies and Moths

Karni Blue <i>Plebejus melissa samuelis</i>	Butterflies and Skippers	Historically Confirmed		Endangered	Endangered	S1	G5T2
Olympia Marble <i>Euchloe olympia</i>	Butterflies and Skippers	Recently Confirmed	2005	Special Concern		S1	G5

## Animal: Mayflies

Tomah Mayfly <i>Siphonisca aerodromia</i>	Mayflies	Recently Confirmed	2012	Endangered		S1	G2G3
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## Plant: Flowering Plants

Alpine Willow-herb <i>Epilobium hornemannii</i> ssp. <i>hornemannii</i>	Other Flowering Plants	Recently Confirmed	1987	Endangered		S1	G5T5
Alternate-flowered Water Milfoil <i>Myriophyllum alterniflorum</i>	Other Flowering Plants	Historically Confirmed		Threatened		S2	G5

# New York Nature Explorer

Common Name	Subgroup	Distribution Status	Year Last Documente	Protection Status		Conservation Rank	
				State	Federal	State	Global
American Dragonhead <i>Dracocephalum parviflorum</i>	Other Flowering Plants	Recently Confirmed	1986	Endangered		S1	G5
Autumnal Water-starwort <i>Callitriche hermaphroditica</i>	Other Flowering Plants	Historically Confirmed	1931	Endangered		S1	G5
Back's Sedge <i>Carex backii</i>	Sedges	Recently Confirmed	2012	Threatened		S2S3	G5
Bird's Eye Primrose <i>Primula mistassinica</i>	Other Flowering Plants	Recently Confirmed	2007	Threatened		S2	G5
Bristly Nodding Sedge <i>Carex echinodes</i>	Sedges	Recently Confirmed		Endangered		S1	G5TNR
Broad-lipped Twayblade <i>Neottia convallarioides</i>	Orchids	Historically Confirmed	1927	Endangered		S1	G5
Calypso <i>Calypso bulbosa var. americana</i>	Orchids	Possible but not Confirmed	1843	Endangered		SH	G5T5?
Carey's Sedge <i>Carex careyana</i>	Sedges	Historically Confirmed		Endangered		S1S2	G4G5
Carolina Whitlow Grass <i>Tomostima reptans</i>	Other Flowering Plants	Recently Confirmed	1983	Threatened		S2	G5
Cloud Sedge <i>Carex haydenii</i>	Sedges	Recently Confirmed	2012	Endangered		S1S2	G5
Cork Elm <i>Ulmus thomasii</i>	Other Flowering Plants	Recently Confirmed	2015	Threatened		S2S3	G5
Crawe's Sedge <i>Carex crawei</i>	Sedges	Recently Confirmed	2012	Threatened		S2	G5
Creeping Sedge <i>Carex chordorrhiza</i>	Sedges	Historically Confirmed		Threatened		S2	G5
Douglas' Knotweed <i>Polygonum douglasii</i>	Other Flowering Plants	Recently Confirmed		Threatened		S1S2	G5
Dragon's Mouth Orchid <i>Arethusa bulbosa</i>	Orchids	Recently Confirmed	1994	Threatened		S2	G5
Drummond's Rock Cress <i>Boechera stricta</i>	Other Flowering Plants	Recently Confirmed	2012	Threatened		S2	G5

# New York Nature Explorer

Common Name	Subgroup	Distribution Status	Year Last Documente	Protection Status		Conservation Rank	
				State	Federal	State	Global
Dwarf Cherry <i>Prunus pumila</i> var. <i>depressa</i>	Other Flowering Plants	Historically Confirmed		Threatened		S2	G5T5
Elk Sedge <i>Carex garberi</i>	Sedges	Historically Confirmed		Endangered		S1	G5
False Hop Sedge <i>Carex lupuliformis</i>	Sedges	Possible but not Confirmed	1986	Threatened		S2	G4
Featherfoil <i>Hottonia inflata</i>	Other Flowering Plants	Possible but not Confirmed		Threatened		S2	G4
Fernald's Sedge <i>Carex merritt-fernaldii</i>	Sedges	Recently Confirmed		Threatened		S2S3	G5
Forest Blue Grass <i>Poa sylvestris</i>	Grasses	Recently Confirmed	1992	Endangered		S1	G5
Glomerate Sedge <i>Carex aggregata</i>	Sedges	Historically Confirmed	1949	Endangered		S2	G5
Golden Corydalis <i>Corydalis aurea</i> ssp. <i>aurea</i>	Other Flowering Plants	Recently Confirmed	1996	Threatened		S2	G5T5
Goldie's Starwort <i>Stellaria longipes</i> ssp. <i>longipes</i>	Other Flowering Plants	Recently Confirmed	2003	Threatened		S2	G5T5
Great Lakes Sand Cherry <i>Prunus pumila</i> var. <i>pumila</i>	Other Flowering Plants	Recently Confirmed	1995	Endangered		S1	G5T4
Hill's Pondweed <i>Potamogeton hillii</i>	Other Flowering Plants	Recently Confirmed	2012	Threatened		S2	G3
Houghton's Sedge <i>Carex houghtoniana</i>	Sedges	Recently Confirmed	2012	Threatened		S2	G5
James' Sedge <i>Carex jamesii</i>	Sedges	Recently Confirmed	1865	Threatened		S2S3	G5
Kentucky Coffee Tree <i>Gymnocladus dioica</i>	Other Flowering Plants	Historically Confirmed		Endangered		S1	G5
Lake Cress <i>Rorippa aquatica</i>	Other Flowering Plants	Recently Confirmed	2012	Threatened		S2	G4?
Lindley's Aster <i>Symphotrichum ciliolatum</i>	Asters, Goldenrods and Daisies	Recently Confirmed	1995	Endangered		S1	G5

# New York Nature Explorer

Common Name	Subgroup	Distribution Status	Year Last Documente	Protection Status		Conservation Rank	
				State	Federal	State	Global
Livid Sedge <i>Carex livida</i>	Sedges	Recently Confirmed	1993	Endangered		S1	G5
Many-headed Sedge <i>Carex sychnocephala</i>	Sedges	Historically Confirmed	1846	Endangered		SH	G4
Michigan Lily <i>Lilium michiganense</i>	Other Flowering Plants	Recently Confirmed	1997	Endangered		S1	G5
Moor Rush <i>Juncus stygius var. americanus</i>	Rushes	Historically Confirmed		Endangered		SH	G5T5
Mountain Death Camas <i>Anticlea elegans var. glauca</i>	Other Flowering Plants	Recently Confirmed	2012	Threatened		S2	G5T4T5
Northern Bog Aster <i>Symphotrichum boreale</i>	Asters, Goldenrods and Daisies	Recently Confirmed	1994	Threatened		S2	G5
Northern Bog Violet <i>Viola nephrophylla</i>	Other Flowering Plants	Recently Confirmed		Endangered		S1	G5
Northern Stickseed <i>Hackelia deflexa ssp. americana</i>	Other Flowering Plants	Recently Confirmed	2003	Endangered		S1	G5T5
Northern Wild Comfrey <i>Andersonglossum boreale</i>	Other Flowering Plants	Historically Confirmed	1949	Endangered		S1S2	G5T4T5
Pink Wintergreen <i>Pyrola asarifolia ssp. asarifolia</i>	Other Flowering Plants	Historically Confirmed		Threatened		S2	G5T5
Prairie Dropseed <i>Sporobolus heterolepis</i>	Grasses	Recently Confirmed	2012	Threatened		S2	G5
Prairie Redroot <i>Ceanothus herbaceus</i>	Other Flowering Plants	Recently Confirmed	1995	Endangered		S1	G5
Prairie Smoke <i>Geum triflorum var. triflorum</i>	Other Flowering Plants	Recently Confirmed	1997	Threatened		S2	G5T5
Prairie Wedge Grass <i>Sphenopholis obtusata</i>	Grasses	Recently Confirmed	1994	Endangered		S1	G5
Purple Rock Cress <i>Boechera grahamii</i>	Other Flowering Plants	Recently Confirmed	1995	Threatened		S2	G5
Puttyroot <i>Aplectrum hyemale</i>	Orchids	Historically Confirmed		Endangered		S1	G5

# New York Nature Explorer

Common Name	Subgroup	Distribution Status	Year Last Documente	Protection Status		Conservation Rank	
				State	Federal	State	Global
Ram's-head Lady's Slipper <i>Cypripedium arietinum</i>	Orchids	Recently Confirmed	2007	Threatened		S2	G3
Red Pondweed <i>Potamogeton alpinus</i>	Other Flowering Plants	Historically Confirmed		Threatened		S1S2	G5
Riverweed <i>Podostemum ceratophyllum</i>	Other Flowering Plants	Recently Confirmed	1992	Threatened		S2S3	G5
Rock Whitlow Grass <i>Draba arabisans</i>	Other Flowering Plants	Recently Confirmed		Threatened		S2	G4
Rough Avens <i>Geum virginianum</i>	Other Flowering Plants	Recently Confirmed	1991	Threatened		S2	G5
Rough Pennyroyal <i>Hedeoma hispida</i>	Other Flowering Plants	Recently Confirmed	1986	Threatened		S2S3	G5
Salt-marsh Spike Rush <i>Eleocharis uniglumis</i>	Sedges	Historically Confirmed		Threatened		S2	G5
Sand Dune Willow <i>Salix cordata</i>	Other Flowering Plants	Recently Confirmed	2012	Threatened		S2	G4
Scarlet Indian-paintbrush <i>Castilleja coccinea</i>	Other Flowering Plants	Recently Confirmed	1997	Endangered		S1	G5
Side-oats Grama <i>Bouteloua curtipendula</i> var. <i>curtipendula</i>	Grasses	Recently Confirmed	1995	Endangered		S2	G5T5
Slender Bulrush <i>Schoenoplectus heterochaetus</i>	Sedges	Recently Confirmed	2014	Endangered		S2	G5
Slender Pondweed <i>Stuckenia filiformis</i>	Other Flowering Plants	Historically Confirmed		Endangered		S1	G5
Small Bur-reed <i>Sparganium natans</i>	Other Flowering Plants	Recently Confirmed	1994	Threatened		S2	G5
Smooth Beggar-ticks <i>Bidens laevis</i>	Asters, Goldenrods and Daisies	Possible but not Confirmed		Threatened		S2	G5
Straight-leaved Pondweed <i>Potamogeton strictifolius</i>	Other Flowering Plants	Historically Confirmed	1931	Endangered		S1	G5
Striped Coralroot <i>Corallorhiza striata</i> var. <i>striata</i>	Orchids	Historically Confirmed		Endangered		S1	G5T5

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Twinleaf <i>Jeffersonia diphylla</i>	Other Flowering Plants	Historically Confirmed		Threatened		S2	G5
Yellow Giant-hyssop <i>Agastache nepetoides</i>	Other Flowering Plants	Historically Confirmed		Threatened		S2S3	G5
Yellow Mountain Saxifrage <i>Saxifraga aizoides</i>	Other Flowering Plants	Recently Confirmed	2007	Threatened		S2	G5

## Plant: Ferns and Fern Allies

Marsh Horsetail <i>Equisetum palustre</i>	Horsetails	Recently Confirmed	2014	Threatened		S2	G5
Smooth Cliff Brake <i>Pellaea glabella</i> ssp. <i>glabella</i>	Ferns	Recently Confirmed	2007	Threatened		S2	G5T5

This list only includes records from the databases of the NY Natural Heritage Program, the second NYS Breeding Bird Atlas Project, and the NY Amphibian and Reptile Atlas Project. This list is not a definitive statement about the presence or absence of all plants and animals, including rare or state-listed species, or of all significant natural communities.