

**FINDING OF NO
SIGNIFICANT IMPACT
(FONSI)**

**US-VISIT
INCREMENT 2C
PROOF OF CONCEPT
AT SELECT
LAND PORTS OF ENTRY**

APRIL 18, 2005

US-VISIT



INTRODUCTION

In accordance with the National Environmental Policy Act (NEPA) of 1969, the Department of Homeland Security's (DHS) United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program evaluated the potential environmental impacts of implementing US-VISIT's Increment 2C Proof of Concept at five (5) land ports of entry. The Final Environmental Assessment, US-VISIT Increment 2C Proof of Concept at Select Land Ports of Entry, dated April 13, 2005, documents the findings of that evaluation.

The purpose of this decision document is to state which course of action (i.e., alternative) US-VISIT intends to follow and record a finding of no significant impact (FONSI). This FONSI summarizes the various alternatives considered and provides the basis for the decision and finding. It also describes the public outreach process and the public's role in the decision-making process as well as measures that will be implemented to minimize any unanticipated or temporary environmental impacts.

PROPOSED FEDERAL ACTION

The Proposed Action (known as "Increment 2C Proof of Concept") is the proof of concept (POC) implementation and testing of a commercial off-the-shelf (OTS) technology and business process at five land ports of entry (LPOEs). The LPOEs include: Nogales East, Arizona; Mariposa – Nogales West, Arizona; Alexandria Bay/Thousand Islands, New York; Pacific Highway – Blaine, Washington; and Peace Arch – Blaine, Washington.

The proposed action will allow Customs and Border Protection (CBP) Officers and the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program, through the issuance of an automatic identifier (a-ID), to automatically, remotely, and passively record the crossings of in-scope¹ travelers at these select land ports and report on those crossings.

ALTERNATIVES

The US-VISIT Program Office identified and screened numerous alternatives to identify a Preferred Alternative. Alternatives considered included active and passive radio frequency (RF) technologies, global positioning system technology (GPS), self-service processing, facilitated border crossings, and the No Action alternative. Through the alternatives screening process, US-VISIT identified a passive radio frequency identification (RFID) technology as the Preferred Alternative for the Increment 2C POC. Implementation of the Preferred Alternative will require a change in the existing business process through the issuance of an automatic identifier for in scope travelers in secondary inspection upon entry as well as the construction of steel poles or overhead gantries on exit to support the POC test equipment and antennas

DISCUSSION OF ENVIRONMENTAL IMPACTS

US-VISIT has assessed how implementation of the Preferred Alternative, which includes minor modifications to existing LPOE physical and technical infrastructure and a change in the business process, could result in potential impacts to the human environment (i.e., natural and physical environmental resources) as well as the potential for associated social impacts. US-VISIT does not intend to purchase any additional land or increase the footprint of the existing LPOEs and will be coordinating with landowners to obtain rights of way in order to install the necessary equipment

¹ The "in-scope" visitor population that will receive an a-ID at designated LPOEs will include all travelers who receive an I-94 or I-94W Arrival/Departure Record. This includes all "exempt" travelers.

on outbound gantries. In all cases, the Preferred Alternative will not result in permanent impacts on natural or physical resources within or adjacent to the five LPOEs. Additionally, the analysis showed that no adverse impacts to associated social and economic considerations are expected. Therefore, no significant impacts to natural and physical environmental resources or associated social impacts are expected to result from the placement of limited physical and technical infrastructure at each of the five LPOEs. As discussed below, the placement of the infrastructure or a change in business process is not expected to adversely affect historic resources. Consultation with the State Historic Preservation Offices and local tribes is ongoing and is expected to result in a concurrence with this determination.

The Preferred Alternative will be implemented in a manner so as to not impact vehicular and pedestrian flow through each of the five LPOEs. Implementation of the Preferred Alternative will not change the number of in-scope travelers processed in secondary inspection, is not expected to result in an increase in processing time, and vehicles will not be stopped or delayed on exit. Therefore, US-VISIT has determined that the POC will not result in significant impacts to resources typically associated with traffic impacts including air quality, noise, trade, travel, or commerce at the five POC locations. In addition, US-VISIT will monitor processing times during the 90-day evaluation periods and then modify the POC implementation and procedures if necessary to mitigate any measured impact, as discussed below. With respect to radio frequency (RF) exposure to border officials and the traveling public, US-VISIT has determined through RF exposure calculations that the Preferred Alternative has no potential for adverse human health impacts.

US-VISIT also considered other past, present and reasonably foreseeable actions within, adjacent to, or in the vicinity of the five LPOEs. Based on the analysis in the Final EA, US-VISIT has concluded that the Preferred Alternative will not result in incremental impacts such that there would be a condition whereby individually minor but collectively significant impacts would result in a measurable impact at the five LPOEs, within their immediate vicinity, or regionally.

In addition, since the installation of the POC equipment consists of minor modifications to existing port infrastructure and will not result in adverse effects to the human environment, there will be no incremental cumulative effects when the Increment 2C POC Proposed Action is combined with other, past, present and reasonably foreseeable actions. In fact, implementation of the Preferred Alternative may result in the reduction of processing times upon vehicle and pedestrian entry, which would result in some beneficial impacts to the surrounding border communities, travelers, and legitimate trade and commerce.

In summary, US-VISIT has determined that the deployment, installation, and operation of the Preferred Alternative will have no permanent direct, indirect, secondary, or cumulative impact on the natural, physical or socioeconomic environs, and that construction activities associated with the Preferred Alternative are considered temporary and minor as they relate to context and intensity of impact respectively.

MITIGATION MEASURES

Although it is anticipated that the Preferred Alternative will not increase baseline wait times, degrade level of service (LOS) for free-flow exit lanes, or significantly degrade traffic patterns, an adaptive management approach will be utilized to provide for ongoing monitoring and potential mitigation of unanticipated impacts. Unanticipated temporary impacts that may result from changes in traffic will be mitigated or minimized at each LPOE by temporarily modifying LPOE operations during POC equipment installation. Because the five LPOEs very rarely have all lanes operational at any given time, planned installation activities can be timed so as to not impede

baseline traffic flow through the LPOE facilities. Should significant impacts be identified during the Phase I evaluation period, it is US-VISIT's intent not to proceed with Phase II pending further analysis. Other modifications/mitigations will include strategic opening (and closing) of entry and exit lanes, as necessary, and performance of installation activities at night or during low volume border crossing periods. Actions could also include cessation of the Increment 2C POC if mitigation through the actions listed above, is not achievable.

CONDITIONS

The only class of resources requiring additional agency consultation and coordination is the consideration of historic and cultural resources and compliance with Section 106 of the National Historic Preservation Act (NHPA). The Federal building at the Nogales East LPOE, the neighborhood adjacent to the Nogales East LPOE, and the Peace Arch adjacent to the Peace Arch – Blaine LPOE, are listed on the National Register of Historic Places (NRHP). As discussed in the Final EA, US-VISIT has determined that the Preferred Alternative will not adversely affect historic properties at either LPOE.

No other historic properties were identified at the five LPOEs. Since the Preferred Alternative will not adversely impact to the integrity of the historic properties, consultation letters have been sent to the New York, Arizona, and Washington State Historic Preservation Officers (SHPOs) and relevant Native American Tribes. Coordination with the General Services Administration on this determination has also been initiated. In the event that any consulting party disagrees with the no adverse effect determination, US-VISIT will work in coordination with the consulting party to resolve their concerns.

Through this consultation process, US-VISIT will ensure the integrity of historic properties and fulfill its requirements under Section 106 of the NHPA.

PUBLIC OUTREACH

US-VISIT made the Draft EA available for review and comment for a 30-day period. Notices on the availability of the document and the comment period were placed in English- and Spanish-language newspapers local to the five LPOEs that were part of the analysis discussed in Draft EA. A notice of availability was also placed in USA Today. Additionally, US-VISIT e-mailed a letter containing the same information to those on the US-VISIT stakeholder e-alert distribution list which included over 2000 recipients.

The Draft EA was available in both hard-copy and CD formats at local libraries, and also available on the internet for review or download at www.us-visitfacility.us. US-VISIT also distributed the Draft EA to appropriate elected officials, and a number of agencies of jurisdiction.

US-VISIT received eight comment letters specific to information provided in the Draft EA. The letters included comments on certain topics including general and specific analysis of certain environmental resource categories; DHS' and US-VISIT's missions, goals, and activities; project information and issues outside of the scope of the proposed action being evaluated; and the application of NEPA. Substantive comments were incorporated into the Final EA where applicable and responses to all comment letters have also been incorporated. Since distribution of the Draft EA and after consideration of the comments received, US-VISIT has not identified any resource areas requiring additional environmental analysis or that would result in the need to pursue an Environmental Impact Statement.

For the Final EA, US-VISIT is providing notices of availability of the Final EA, and is distributing and making the Final EA available in the same manner as for the Draft EA.

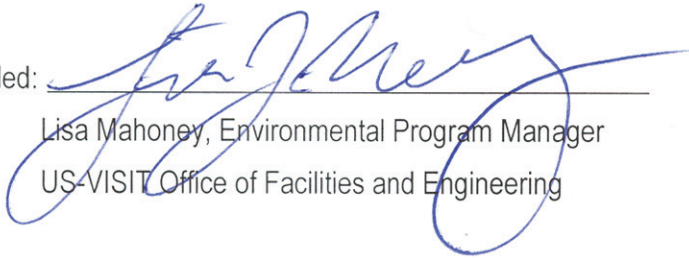
CONCLUSION AND APPROVAL

The US-VISIT Program Management Office has determined that the Preferred Alternative will have no significant impact on the human environment.

The Environmental Assessment has been evaluated by the US-VISIT Program Management Office and determined to discuss adequately and accurately the need for the proposed project, environmental issues and impacts of the Preferred Alternative, and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an environmental impact statement (EIS) is not required.

After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101(a) of the National Environmental Policy Act of 1969 (NEPA).

Recommended:



Lisa Mahoney, Environmental Program Manager
US-VISIT Office of Facilities and Engineering

4/15/05

Date

Approved:



Manuel M. Rodriguez, Director
US-VISIT Office of Facilities and Engineering

15 APRIL '05

Date