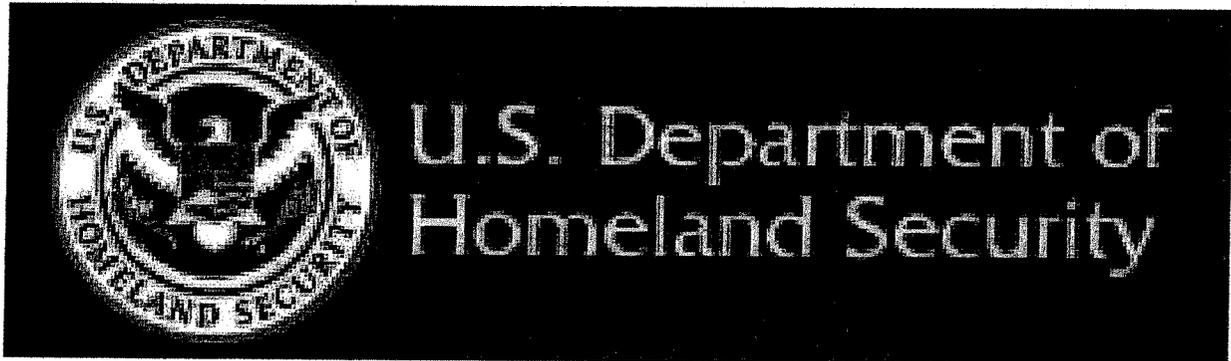


DEPARTMENT OF HOMELAND  
SECURITY

**U.S. VISIT PROGRAM**



ADMINISTRATIVE RECORD

CATEGORICAL EXCLUSION

F-2

TEMPORARY FACILITIES ON OR ADJACENT  
TO EXISTING PORT FACILITIES

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## 28 CFR Part 61, App C

10. Actions Which Normally Do Not Require Either An Environmental Impact Statement Or An Environmental Assessment:
- (a) Construction projects for existing facilities including but not limited to: Remodeling; replacement of building system components; maintenance and operations repairs and general improvements when such projects do not significantly alter the initial occupancy and program of the facility or significantly impact upon the environment
  - (b) Increase or decrease in population of a facility within its physical capacity (Reference: Part 1507.3 (b)(2) (ii) and Part 1508.4-CEQ Regulations)

**Analysis:** These are the only two categorical exclusions codified by INS. While 10 (a) could be stretched to cover the temporary facilities in the VISIT program, the Program Manager does not believe it is drawn tightly enough, in general, and not specific enough to cover the temporary facilities envisioned. The PM would rather develop a Categorical Exclusion for which there are specific boundaries and that can be demonstrated to not have a significant effect. Additionally, the PM would like for the temporary facility Categorical Exclusion to have a demonstrated administrative record to support its inclusion in the new DHS regulations.

## **OTHER AGENCIES CATEX FOR CONSTRUCTION AND TEMPORARY FACILITIES**

### **Army:**

B.(4) Proposed activities and operations to be conducted in an existing non-historic structure which are within the scope and compatibility of the present functional use of the building, will not result in a substantial increase in waste discharged to the environment, will not result in substantially different waste discharges from current or previous activities, and emissions will remain within established permit limits, if any (REC required).

*ANALYSIS: Our facilities similarly are proposed to be within or adjacent to existing facilities and are within the scope and compatibility of the infrastructure. We believe ours sets a higher standard by ensuring that land use options are not foreclosed, as well as ensuring, through business practices, that air, water and land resources are not significantly affected.*

C.1 Construction of an addition to an existing structure or new construction on a previously undisturbed site if the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance. This does not include construction of facilities for the transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required)

*ANALYSIS: Our facilities will typically not be on undisturbed land and will almost certainly be under the 5 acre threshold the Army uses.*

### **Department of Energy**

B6.10 Siting/construction/operation/decommissioning of small upgraded or replacement waste storage facilities

*ANALYSIS: Our footprint will likely be less than DOE, but more than that we will never be storing waste in these facilities.*

### **General Services Administration**

(b) Acquisition of space by Federal construction or lease construction, or expansion or improvement of an existing facility where all of the following conditions are met:

- (1) The structure and proposed use are substantially in compliance with local planning and zoning and any applicable State or Federal requirements (see Pertinent Regulations and Orders, in the **Appendix 1**);
- (2) The proposed use will not substantially increase the number of motor vehicles at the facility;
- (3) The site and the scale of construction are consistent with those of existing adjacent or nearby buildings; and
- (4) There is no evidence of community controversy or other environmental issues.

**ANALYSIS:** *The GSA Categorical Exclusion closely resembles our proposal. The GSA Categorical Exclusion allows for an increase in the number of vehicles at the facility as long as it is not substantial. We believe that there will be no significant increase in vehicles as a result of our actions. Vehicle wait time will be monitored and substantial delays will be mitigated by policy and process. The site and scale of construction are consistent with GSA.*

# **Preview Analysis**

## **Potential Air Quality**

### **Microscale (Project Level) and Regional Level Impacts**

US VISIT PROGRAM

with

Council on Environmental Quality

(CEQ)

November, 2003

# Introduction

The purpose of this document is to provide a generalized worst-case analysis tool for potential air quality impacts as a result of US-VISIT at Land Ports of Entry (LPOE). The document also will demonstrate the minimal changes that are likely to be expected for any conformity requirements that include LPOEs in their regional analysis. For NEPA purposes, it will also demonstrate that the proposed implementation of US-VISIT will not cause an exceedance of the National Ambient Air Quality Standards (NAAQS), nor cause an untimely delay for an area in attaining those standards if it is currently in nonattainment. The only potential for impact will be from an indirect result of delays in wait times and is not expected to be significant.

## Potential Microscale Impacts (CO)

Microscale CO concentrations are primarily an issue in colder climates, though they have been an impact issue in warmer climates in the past. Nonetheless, various highway agencies are currently in the process of attempting to eliminate the study of CO altogether for roadway projects or implement simple screening tools because NAAQS impacts for CO are not monitored there anymore, nor does anyone ever predict CO impacts for their environmental reports. This is because of a combination of cleaner pollutant emitting vehicles (everywhere) and meteorological conditions, such as the warmer climates in the south and southwest. Areas can be designated as being in attainment, nonattainment or in maintenance of their specific pollutant standard. The term attainment refers to the status of the various pollutants to the NAAQS. For CO, attainment of the 1-hour and/or 8-hour average concentration standards is designated if these criteria are not exceeded more than once during the year at the same monitoring location. For O<sub>3</sub>, if the pollutant does not exceed the standard more than 1.0 times (on average) over the course of a three-year period, then the pollutant is considered in attainment of the standard. For PM<sub>10</sub>, attainment of the annual standard is attained when the annual arithmetic mean concentration is less than or equal to 50 ug/m<sup>3</sup>. Attainment of the 24-hour average is achieved when the expected average is less than or equal to 150 ug/m<sup>3</sup>.

Areas may also be designated as maintenance areas, which are defined as areas that were designated non-attainment in 1990 but have since met the standards. Part of EPA's approval for redesignation is approval of a "Maintenance Plan" which commits the area to specific contingency measures in the event that there may be future violations of the standard.

El Paso County, TX, is the only LPOE area that is in nonattainment of the CO standard. However, the non-attainment designation applies only for the partial area within the El Paso City limits. The only recorded NAAQS impacts were in 1993 and 1996 [each at a different monitor]. Current monitored CO concentrations within the city are in attainment, ranging from 2.4-5.4 ppm against the 1-hour standard (35 ppm) and 1.5-2.3 ppm for the 8-hour standard (9 ppm).

There are three LPOE's that are within maintenance area counties currently listed by EPA. These counties are:

1. Pima County, Arizona

Pima County, AZ was previously a partial nonattainment area only for the city of Tucson. Currently, the max CO concentrations at the six (6) regional sites only range from 2.4-5.4 ppm against the 1-hour standard (35 ppm) and 1.5-2.3 ppm for the 8-hour standard (9 ppm).

## 2. San Diego County, California

San Diego County, CA was previously a partial nonattainment only for a portion of San Diego city, including the LPOE's along the Mexican border. Currently, the max CO concentrations at the five (5) county sites range from 3.3-8.9 ppm against the 1-hour standard (35 ppm) and 2.4-5.1 ppm for the 8-hour standard (9 ppm).

## 3. Wayne County, Michigan

Wayne County, MI was previously in partial nonattainment only for portions of the Detroit city area. None of the cold climate LPOE's along the Canadian border has ever been in an area where there was a recorded NAAQS impact except for this location, which is now a maintenance Only 1 of the 9 historical tri-county CO monitor sites has ever had a recorded NAAQS impact and that impacted Detroit City site was discontinued 7 years ago. Currently, the max CO concentrations in Wayne County are in attainment, ranging from 1.9-3.2 ppm against the 1-hour standard (35 ppm) and 1.3-2.4 ppm for the 8-hour standard (9 ppm).

## Sample Output Results

A generalized sample run [straight-line queuing screening] of the Detroit area [Ambassador Bridge] was selected for the following reasons:

- CO is generally a cold weather climate issue
- It is the only Canadian border area ever to have a recorded NAAQS CO impact
- Investigation of the available field data (air photos, land photos, county populations, etc.) indicates that the existing land use surrounding this LPOE consists of churches, parks, and moderate density residential that have the potential to be impacted by localized CO emissions.

The other sites were eliminated from consideration for the sample run because:

- California (CARB) officially lists the San Diego area as in attainment for CO.
- TxDOT is currently considering to eliminate the study of CO altogether for roadway projects, there has not been an exceedance in El Paso in 7 years and current CO monitored values are relatively low.

For this exercise, EPA guidance policy default inputs (averages) were used for the MOBILE and CAL3QHC models unless specific data was immediately available. As a result of using defaults, the resulting concentrations were overestimated. This is primarily because the inspection/maintenance variables are not included to show lower emission factors. They also do NOT factor in lower emissions as a result of the Tier II improvements (such as lower emission standards for Sport Utility Vehicles) that are currently in progress. Furthermore, the exercise assumed that 100% of all vehicles would be stopped. Plus, it also assumed that all vehicles in the calculated queue length for each gate were idling for 1 hour.

The results for eight [8] conditions are shown below. They assume that an exit interview process is in place similar to the entry interview. This also assumes current and possible future conditions for both the winter and summer seasons as well as hourly average traffic volume arrivals (344) and maximum hourly arrival traffic numbers (997). Finally, the table also predicts the CO results if a proposed exit interview were to double or triple the current traffic delay times.

At the time of this report, the most current Monday morning conditions were used [maximum volumes were shown to occur on Mondays during the 7-8AM hour]. Seven of the eleven passenger vehicle lanes were open and nine of the nine commercial vehicle lanes were open. There were no delays shown for the Alternative Inspection Wait Times. For worst-case conditions, we did not assign any traffic for the latter.

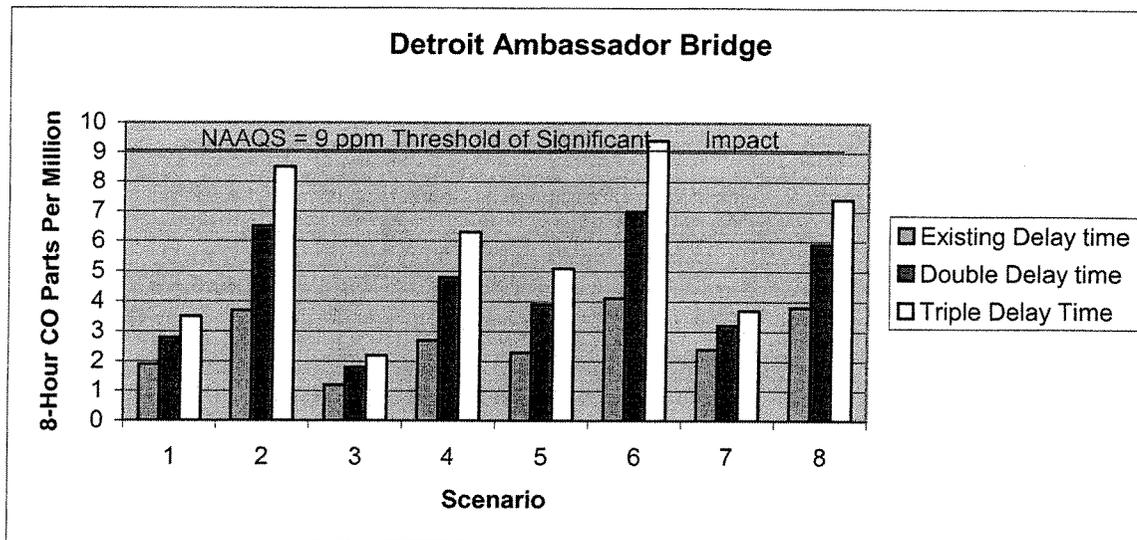
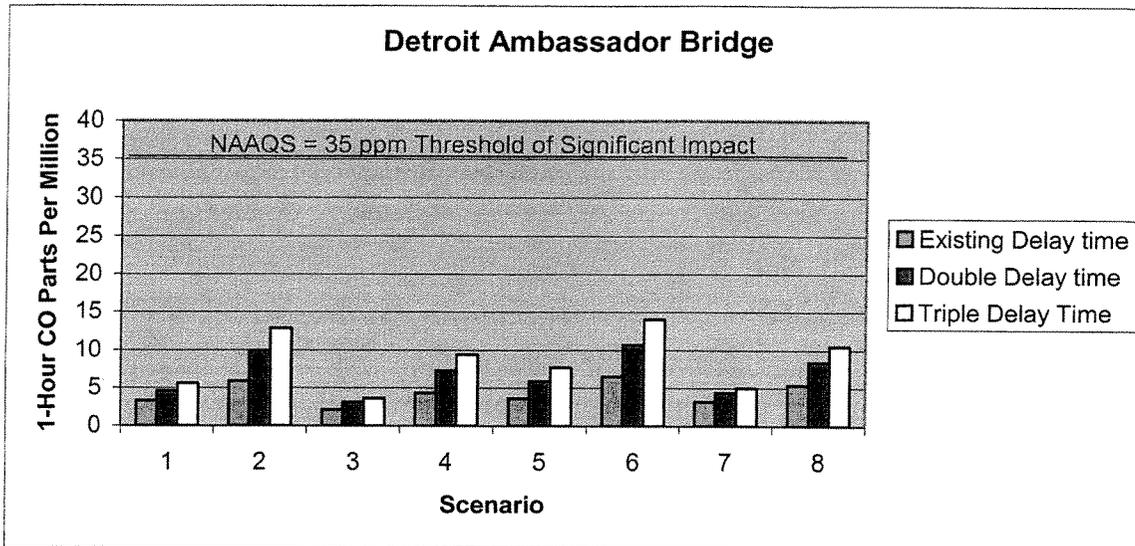
For this analysis, only the worst expected conditions were run (Base year winter and summer max for the three delay times and the design year winter and summer max for the three delay times.) The average traffic volume results were prorated only for this example report request. Model runs will eventually be performed for all conditions. Please note that this is a highly overestimated sample run. As the study progresses, we will update the collected/predicted data and revise the estimates.

<b>DETROIT AMBASSADOR BRIDGE [DCB]</b>									
<b>Carbon Monoxide Conservative Worst-Case Condition (including background)</b>									
<u>Scenario</u>	<u>Scenario Type</u>	<u>Season</u>	<u>Traffic Volume Arrival Type</u>	<u>Existing Delay Times</u>		<u>Double Delay Times</u>		<u>Triple Delay Times</u>	
				<u>1-hour CO</u>	<u>8-hour CO</u>	<u>1-hour CO</u>	<u>8-hour CO</u>	<u>1-hour CO</u>	<u>8-hour CO</u>
1	Base Year	Winter	Average	3.3	1.9	4.6	2.8	5.6	3.5
2	Base Year	Winter	Maximum	5.9	3.7	9.9	6.5	12.8	8.5
3	Base Year	Summer	Average	2.1	1.2	3.1	1.8	3.6	2.2
4	Base Year	Summer	Maximum	4.3	2.7	7.3	4.8	9.4	6.3
5	Design Year	Winter	Average	3.6	2.3	5.9	3.9	7.7	5.1
6	Design Year	Winter	Maximum	6.5	4.1	10.7	7.0	14.0	9.4*
7	Design Year	Summer	Average	3.2	2.4	4.4	3.2	5.0	3.7
8	Design Year	Summer	Maximum	5.4	3.8	8.4	5.9	10.5	7.4

1-Hour CO NAAQS = 35 ppm

8-Hour CO NAAQS = 9 ppm

\*Concentration is 0.4 ppm over the 8-hour standard, but the results do not take into account for Tier II or I/M program. Totals include a 2 ppm 1-hour background, a 0.7 persistence factor and average min and max temperatures for the various seasons.



\*Please note that the above estimates are highly exaggerated conditions. It is extremely unlikely that the 8-hour NAAQS will be exceeded.

## Conclusions/Recommendations

As mentioned, the sample run was a highly exaggerated prediction of the CO concentrations at the LPOE most likely to have a CO impact based on geography, temperature, traffic volumes, and bonafide air quality receptors nearby. As a result of this run, it is highly unlikely that there will ever be a bonafide CO impact at any bonafide EPA-defined air quality receptor site near an LPOE.

## Application to Other Sites

This analysis assumed worse than worst-case conditions at the site most likely to have a predicted [modeled] CO impact based on historical data. It is applicable to all sites that have similar layouts that have a fairly long approach to the port via controlled access, such as highway interstates and other controlled access routes with no nearby travel access. It is also applicable to sites that have lower traffic volumes.

The only exceptions likely to still require detailed analysis at this time include those sites that are immediately within a local street system with at-grade intersections that could have increased traffic queues as a result of the proposed actions.

Part of our work scope is to identify these specific potential worst-case sites, which were done last year as part of another contract. If there are no potential intersections in the LPOE area of influence, then it is recommended that the LPOE be identified as a no-impact for CO. Otherwise, a microscale intersection analysis should be performed and evaluated in accordance with NEPA and applicable laws and regulations. For example, the Blaine [BLA] and Sumas [SUM] Washington LPOE's would eventually need a more detailed analysis because of all the local intersections that might incur additional queuing if the proposed action causes delays that spill back into the local system. There are also some LPOE's along the southern border that would require this level of effort, such as Nogales [NOG] and Naco [NAC], AZ. These LPOEs will be further evaluated and assessed for the potential for significant impacts in accordance with applicable laws and regulations when appropriate. However, at this time, it is our understanding that the US-VISIT Program Management Office does not anticipate delays from implementation of an interim solution and therefore no additional analysis would be necessary.

## **Potential Microscale Impacts (PM<sub>10</sub>)**

Quantitative procedures to analyze PM<sub>10</sub> are not yet approved for use. However, section 93.116 of the transportation conformity rule states that project-level conformity determinations in a PM<sub>10</sub> non-attainment or maintenance area must document that no new local PM<sub>10</sub> violations will be created and the severity or number of existing violations will not be increased as a result of the project. Since EPA has not released modeling guidance on how to perform quantitative PM<sub>10</sub> hot-spot analysis, such quantitative analysis is not currently required (40 CFR 93.123(b)(4)).

However, if a quantitative analysis is not done, the demonstration required by 40 CFR 93.116 must be based on a qualitative consideration of local factors (40 CFR 93.123(b)(2)). A reasoned and logical explanation of why a hot-spot will not be created or worsened must be provided for project-level conformity determinations. This explanation is based on the analysis conducted using FHWA's guidance for qualitative project level PM<sub>10</sub> hot spot analysis. This qualitative discussion will be discussed as part of the regional analysis for this same pollutant since microscale analysis is not approved for use.

Regardless, PM<sub>2.5</sub> will likely be the new standard over PM<sub>10</sub>. Therefore, it is likely [though not impossible] that an approved method to quantify procedures for microscale analysis may not ever occur. As a result, it is highly likely that PM<sub>10</sub> will not be an issue that we will need to evaluate on a microscale level.

# Potential Regional Impacts (Ozone)

Regional ozone (O<sub>3</sub>) concentrations are more of an issue in warmer and/or sunnier climates, though many northern metropolitan areas have also been in nonattainment of the standard in the past. Currently, the worst rated LPOE county is, El Paso County, TX, with a serious non-attainment designation of the O<sub>3</sub> standard [for the entire county]. However, for this sample run, we have chosen the Detroit Ambassador Bridge (DCB) site for the sample analysis as described in the next section. The air quality analysis years used were 2005, corresponding to the approximate commencement date of any revised US-VISIT procedures at LPOE, and 2015, as a current and likely future USEPA analysis year.

## Sample Output Results

A generalized sample run of the Detroit area was selected for the following reasons:

- Though O<sub>3</sub> is generally a warm/sunny climate issue, it also affects metropolitan and downwind transport areas in the north.
- Detroit is primarily affected by transport.
- Detroit is potentially going to exceed the new 8-hour standard
- We had immediate access to current conformity/travel demand modeling information for this area.

El Paso was not chosen for this example because:

- Though listed as a serious nonattainment area, it has had only 2.1 exceedances of the NAAQS in 2002 and none prior since 1998 [note: violations are designated by an average over the latest three year period, so it has technically stayed within the conformity regulations.] There were no exceedances recorded so far in 2003.
- Dallas and Houston areas are the only Texas areas that currently do not meet the 1-hour standard.
- El Paso is currently not on the preliminary list to exceed the 8-hour standard.

Similar to the microscale analysis for this exercise, default inputs were used for the model unless specific data were immediately available. As a result of using defaults, the resulting totals were overestimated. This is primarily because the inspection/maintenance variables are not included to show lower emission factors. They also do NOT factor in lower emissions as a result of the Tier II improvements that are currently in progress, such as lower emission standards for Sport Utility Vehicles.

For conformity purposes, based on prior experience and current MPO discussions, it is likely that proposed changes in operations as a result of US-VISIT will have no change in the total regional emissions estimations that are used by the agencies in order to get their plans approved and conforming. This is because the travel demand models used by MPO's are not going to be sensitive enough to pick up this kind of change in traffic operations. The effort to maintain that level of data collection detail would be overwhelming.

The results for several conditions are shown below in comparison to the total daily kilograms per day shown in the area's Pollutant Emissions Budget Emissions Level in the Transportation Improvement Plan (TIP). They assume that an exit interview process is in place similar to the entry interview. (Please note that ozone is not emitted directly into the air but is formed through complex chemical reactions between precursor emissions of volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>) in the presence of sunlight. These reactions are stimulated by sunlight and temperature, which is why peak O<sub>3</sub> levels occur typically during the warmer times of the year.

For NEPA purposes, it is likely that the actual change in pollution burdens will not be considered

regionally significant (less than 10%). The first table below shows the current emissions budgets for both MOBILE 5 and 6 models and by applicable analysis years. The second table below shows the percentage change expected from a worst-case triple delay in time, once again, on a project level. These percent changes are an average of winter and summer conditions. As mentioned, they are representative of triple delay times and assume that 60% of the daily vehicles will be in the calculated queue lengths as they are stopped for extended periods. The 60% figure assumes a peak hour of 10% of the daily traffic for each of conservative 3-hour periods in both the morning and evening. Please note that if everyone (100%) were stopped for an extended period, it would only add 40% more to the percent change in daily pollutant levels. This increase is still well below any regional significance.

<b><u>Summary of Air Quality Conformity Analysis</u></b>					
<b><u>DETROIT AMBASSADOR BRIDGE [DCB]</u></b>					
<b><u>Scenario</u></b>	<b><u>Pollutant</u></b>	<b><u>Traffic Volume Type</u></b>	<b><u>In Thousands of Kg's/Day</u></b>		
			<b><u>Budget</u></b>	<b><u>2005 estimated emissions (TIP)</u></b>	<b><u>2015 estimated emissions (TIP)</u></b>
1	VOC	Daily	230.7	*168 **146	*164 **68
2	NOx	Daily	364.9	*296 **277	*292 **93
3	CO	Daily	2,473.6	*1814 **N/A	*N/A **N/A

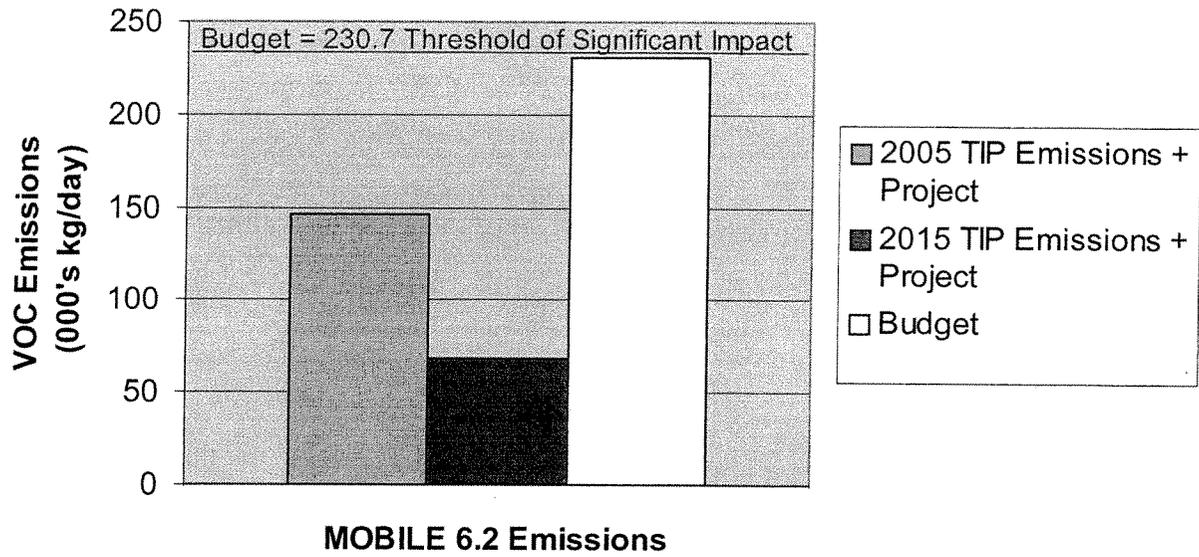
\*Modeled with MOBILE 5

\*\*Modeled with MOBILE 6.2

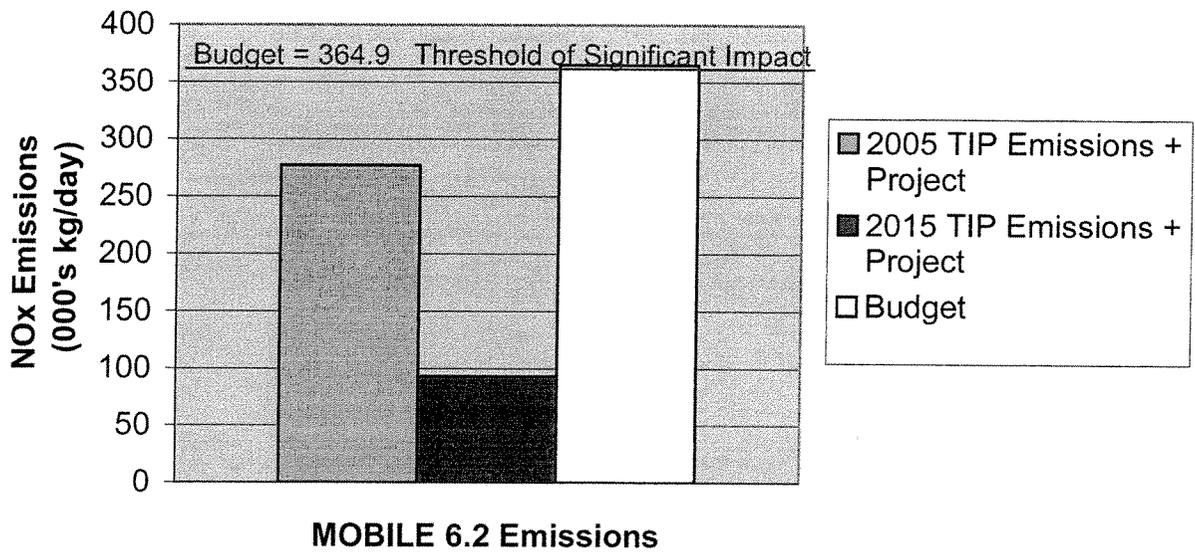
N/A - Not Available or Applicable

Note: CO not forecast because the area is expected to be in attainment, so no CO burden was calculated by SEMCOG.

### Detroit Ambassador Bridge



### Detroit Ambassador Bridge



<b><u>Percent Change in Emissions from worst-case project implementation</u></b>				
<b><u>DETROIT AMBASSADOR BRIDGE [DCB]</u></b>				
<b><u>Scenario</u></b>	<b><u>Pollutant</u></b>	<b><u>Traffic Volume Type</u></b>	<b><u>*Percent Change of Kg/day</u></b>	
			<b><u>2005</u></b>	<b><u>2015</u></b>
1	VOC	Daily	0.048	0.054
2	NOx	Daily	0.024	0.027
3	CO	Daily	0.026	**N/A

\*Percent changes are generally applicable to both M5 and M6 models. They include both winter and summer conditions. Additionally, they are representative of triple delay times and assume that 60% of the daily vehicles will be in the calculated queue lengths as they are stopped for extended periods.

\*\*CO not forecast because the area is expected to be in attainment, so no CO burden was calculated by SEMCOG.

N/A - Not Available or Applicable

## **Conclusions/Recommendations**

For conformity purposes, it is highly unlikely that proposed changes in operations as a result of US-VISIT activities would cause a significant increase in the emissions totals. Furthermore, it is highly unlikely that any agency responsible for their specific conformity analyses will code their travel demand models for the probable minor change in pollutant emissions. Nonetheless, we will follow EPA guidance in carefully analyzing the nature and extent of air quality procedural updates and selecting an appropriate control strategy.

For NEPA purposes, it is also highly unlikely that proposed changes in operations as a result of US-VISIT activities would cause a significant increase in the emissions totals. Regardless, as more information becomes available specific to US-VISIT operations, we will refine our process as necessary.

## **Application to Other Sites**

This analysis assumed worse than worst-case conditions at this site. It is applicable to all sites that have predicted total emissions that are well below their estimated budgets because the predicted change is likely to be minimal. As more information becomes available specific to US-VISIT operations, we will refine our process as necessary.

The only exceptions likely to still require detailed analysis at this time include those sites that are near (just under) or over their predicted emission budgets. Part of our work scope is to get that information for all areas that require emissions budgets under conformity regulations. If there is enough breathing room (say 10% or more of the budget is still available), then it is recommended that the LPOE be identified as a no-impact, non-regionally significant LPOE for air quality.

## **Potential Regional Impacts (PM<sub>10</sub>)**

Regional PM<sub>10</sub> is potentially an issue everywhere, but is of more widespread concern in the western and southwestern U.S. Currently, the LPOE counties in nonattainment/maintenance are all along the California, Arizona, New Mexico, Michigan, Maine, and Montana borders. For this run, we have chosen

the Michigan DCB site as for the sample analysis as described in the next section.

## Sample Output Results

A generalized sample run of the Detroit area was selected for the following reasons:

- It is a former nonattainment area for PM<sub>10</sub>.
- It is potentially going to exceed the new Annual Mean criteria for the PM<sub>2.5</sub> standard.
- We had immediate access to current conformity/travel demand modeling information for this area.

Similar to the microscale analysis for this exercise, default inputs were used for the PART5 model unless specific data was immediately available. As a result of using EPA approved defaults, the resulting totals were overestimated because actual inputs will be better than the default settings.

For conformity purposes, based on prior experience and current MPO discussions, it is likely that proposed changes in operations as a result of US-VISIT will have no change in the total regional emissions estimations that are used by the agencies in order to get their plans approved and conforming. This is because the travel demand models used by MPO's are not going to be sensitive enough to pick up this kind of change in traffic operations. The effort to maintain that level of data collection detail would be overwhelming.

The results for the predicted changes are shown below. They assume that an exit interview process is in place similar to the entry interview.

<b><u>Change in Emissions from worst-case project implementation</u></b>				
<b><u>DETROIT AMBASSADOR BRIDGE  DCB </u></b>				
<b><u>Scenario</u></b>	<b><u>Pollutant</u></b>	<b><u>Traffic Volume</u></b> <b><u>Type</u></b>	<b><u>*Change of Kg/day</u></b>	
			<b><u>2005</u></b>	<b><u>2015</u></b>
1	PM <sub>10</sub>	Daily	+2.41	+2.76

\*Changes include both winter and summer conditions. Additionally, they are representative of triple delay times and assume that 60% of the daily vehicles will be in the calculated queue lengths as they are stopped for extended periods.

\*\*PM<sub>10</sub> budgets are not applicable because the maintenance area is in attainment, so no PM<sub>10</sub> burden was calculated by SEMCOG.

## Conclusions/Recommendations

For conformity purposes, it is highly unlikely that proposed changes in operations as a result of US-VISIT activities would cause a significant increase in the emissions totals. Furthermore, it is highly unlikely that any agency responsible for their specific conformity analyses will code their travel demand models for the probable minor change in pollutant emissions. Nonetheless, as part of any imminent conformity issues, we will follow EPA guidance and the pro-active records of nonattainment areas elsewhere in carefully analyzing the nature and extent of any air quality procedural updates, and selecting a control strategy or mix of control strategies appropriate to local environmental, socio-economic, travel, industrial, employment, land use and other conditions, including transported pollution from upwind sources.

## Application to Other Sites

This analysis assumed worse than worst-case conditions at this site. It is applicable to all sites that have predicted total emissions that are well below their estimated budgets because the predicted change is likely

to be minimal.

The only exceptions likely to still require detailed analysis at this time include those sites that are near (just under) or over their predicted emission budgets. Part of our work scope is to get that information for all areas that require emissions budgets under conformity regulations. These LPOEs will be further evaluated and assessed for the potential for significant impacts in accordance with applicable laws and regulations as appropriate. If there is enough breathing room (say 10% or more of the budget is still available), then it is recommended that the LPOE be identified as a no-impact, non-regionally significant LPOE for air quality.

## Potential Impacts of the 8-Hour Ozone Standard

This standard was promulgated in 1997. However, its implementation was delayed by various court actions. Only recently has this standard begun to be implemented. The impact on mobile source emissions and budgets of this more stringent standard is not yet quantified. Implementation of the 8-hour standard in relationship with the existing 1 hour standard is unknown, and is currently under consideration by USEPA and OMB. However, few bonafide or defensible procedures, requirements, or analysis protocols relevant to this DHS study currently exist.

Regulatory analysis years for the 8 hour ozone NAAQS are unknown at this time, and are not likely to be finalized prior to Spring 2004, after this work effort is well underway. Regardless, available data will be gathered coincident with the gathering of data relevant to the 1-hour ozone standard.

Additionally, some agencies (like SEMCOG in the Detroit area) are petitioning EPA to wait on the final implementation rules. SEMCOG maintains that they are barely over the new standard and further maintains EPA's claim that regional NOx reductions as a result of Tier II would result in dramatic ozone improvement with fewer nonattainment areas. These "dramatic" reductions are not included as part of the implementation. SEMCOG feels [in a 7/15/03 letter to EPA] that it is necessary and appropriate for EPA to account for the benefits associated with the phase-in of these reductions in making designations. The NOx controls will all be operational in the next ozone season and many monitors are recording ozone levels marginally over the standard (.088 ppm, Design Value). The impact of the NOx reductions is not reflected in the data used for the nonattainment recommendations.

The point made, or rather, the question asked is if dramatic reductions are to take place, then why should the area be designated as nonattainment now and have to go through the conformity process. If the designations are delayed long enough to incorporate the Tier II benefits, then some areas might be in attainment of the new standard, including Lewiston, NY in Niagara County at .087 ppm Design Value, which we are also investigating as one of our model LPOE's.

What this means for US-VISIT is that there would be more sites that we could immediately identify at the Categorical Exclusion level because they will be in attainment of the new standard.

## Potential Impacts of the PM<sub>2.5</sub> Standard

This standard was also promulgated in 1997 along with the 8-hour ozone standard. However, its implementation is even further behind that of the new ozone standard. The new federal standard for fine particulates (PM<sub>2.5</sub>) will be implemented in late 2004 or early 2005, after this work phase is completed. Regardless, EPA has not finalized nonattainment area designations or classifications rulemaking, analysis

procedures remain under USEPA development, and quality-assured data is scarce.

Also similar to the new ozone standard, few bonafide or defensible procedures, requirements, or analysis protocols relevant to this DHS study currently exist. Regardless, we will abide by all the new rules and regulations as they are implemented.

## **Overall Conclusions/Recommendations**

This report was requested in an effort to analyze potential impacts on air quality from the implementation of a proposed interim solution for US-VISIT at Land Ports of Entry. This analysis supports the notion that the implementation of an interim solution at LPOEs is not likely to have a significant impact on air quality and should therefore qualify as a categorical exclusion under NEPA. Although there are a few LPOE sites that may require additional analysis to determine their potential for significance, it is likely that most, if not all, of the sites will qualify for a Categorical Exclusion under NEPA based on likelihood of impact. The model developed in this initial report can be applied to additional LPOEs to determine their potential for significant impacts. However, for those sites that require further detailed analysis, it is highly unlikely that any reasonably projected endeavor on the part of the US-VISIT program will ever cause a conformity budget issue/lapse or NAAQS exceedance.

# Appendix

## Definitions of Related Criteria Pollutants and Conformity

EPA uses six "criteria pollutants" as indicators of air quality, and has established for each of them a maximum concentration above which adverse effects on human health may occur. These threshold concentrations are called National Ambient Air Quality Standards (NAAQS).

When an area does not meet the air quality standard for one of the criteria pollutants, it may be subject to the formal rule-making process which designates it as nonattainment. The Clean Air Act further classifies ozone, carbon monoxide, and some particulate matter nonattainment areas based on the magnitude of an area's problem. Nonattainment classifications may be used to specify what air pollution reduction measures an area must adopt, and when the area must reach attainment. The technical details underlying these classifications are discussed in the Code of Federal Regulations, Part 81 (40 CFR 81).

The following is a discussion of the standards, designations and classifications of these areas. Only Ozone (and its precursors VOC and NO<sub>x</sub>), CO, and PM are applicable to this report.

### OZONE

Ozone (O<sub>3</sub>) is a photochemical oxidant and the major component of smog. While O<sub>3</sub> in the upper atmosphere is beneficial to life by shielding the earth from harmful ultraviolet radiation from the sun, high concentrations of O<sub>3</sub> at ground level are a major health and environmental concern. O<sub>3</sub> is not emitted directly into the air but is formed through complex chemical reactions between precursor emissions of volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>) in the presence of sunlight. These reactions are stimulated by sunlight and temperature so that peak O<sub>3</sub> levels occur typically during the warmer times of the year. Both VOCs and NO<sub>x</sub> are emitted by transportation and industrial sources. VOCs are emitted from sources as diverse as autos, chemical manufacturing, dry cleaners, paint shops and other sources using solvents.

The reactivity of O<sub>3</sub> causes health problems because it damages lung tissue, reduces lung function and sensitizes the lungs to other irritants. Scientific evidence indicates that ambient levels of O<sub>3</sub> not only affect people with impaired respiratory systems, such as asthmatics, but healthy adults and children as well. Exposure to O<sub>3</sub> for several hours at relatively low concentrations has been found to significantly reduce lung function and induce respiratory inflammation in normal, healthy people during exercise. This decrease in lung function generally is accompanied by symptoms including chest pain, coughing, sneezing and pulmonary congestion.

### 1-Hour Ozone Standard

The ozone threshold value is 0.12 parts per million (ppm), measured as 1-hour average concentration. An area meets the ozone NAAQS if there is no more than one day per year when the highest hourly value

exceeds the threshold. (If monitoring did not take place every day because of equipment malfunction or other operational problems, actual measurements are prorated for the missing days. The estimated total number of above-threshold days must be 1.0 or less.) To be in attainment, an area must meet the ozone NAAQS for three consecutive years.

Air quality ozone value is estimated using EPA guidance for calculating design values (Laxton Memorandum, June 18, 1990). Generally, the fourth highest monitored value with three complete years of data is selected as the updated air quality value because the standard allows one exceedance for each year. It is important to note that the 1990 Clean Air Act Amendments required that ozone nonattainment areas be classified on the basis of the design value at the time the Amendments were passed, generally the 1987-89 period was used.

The strong seasonality of O<sub>3</sub> levels makes it possible for areas to limit their O<sub>3</sub> monitoring to a certain portion of the year, termed the O<sub>3</sub> season. Peak O<sub>3</sub> concentrations typically occur during hot, dry, stagnant summertime conditions, i.e., high temperature and strong solar insolation. The length of the O<sub>3</sub> season varies from one area of the country to another. May through October is typical, but states in the south and southwest may monitor the entire year. Northern states have shorter O<sub>3</sub> seasons, e.g., May through September for North Dakota. This analysis uses these O<sub>3</sub> seasons to ensure that the data completeness requirements apply to the relevant portions of the year.

On November 6, 1991, most areas of the country were designated nonattainment or unclassifiable/attainment. These terms are defined as follows:

#### Nonattainment

any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant.

#### Attainment

any area that meets the national primary or secondary ambient air quality standard for the pollutant.

#### Unclassifiable

any area that cannot be classified on the basis of available information as meeting or not meeting the national primary or secondary ambient air quality standard for the pollutant.

Those areas designated nonattainment were also classified as follows:

#### Extreme

Area has a design value of 0.280 ppm and above.

#### Severe 17

Area has a design value of 0.190 up to 0.280 ppm and has 17 years to attain.

#### Severe 15

Area has a design value of 0.180 up to 0.190 ppm and has 15 years to attain.

Serious

Area has a design value of 0.160 up to 0.180 ppm.

Moderate

Area has a design value of 0.138 up to 0.160 ppm.

Marginal

Area has a design value of 0.121 up to 0.138 ppm.

Incomplete (or No) Data

an area designated as an ozone nonattainment area as of the date of enactment of the Clean Air Act Amendments of 1990 and did not have sufficient data to determine if it is or is not meeting the ozone standard.

Sections 107(d)(4)(A) and 181 of the Clean Air Act lists the requirements for designations and classifications of ozone areas.

## **New 8-Hour Ozone Standard**

EPA issued final air quality standards for particulate matter and ozone (otherwise known as soot and smog) on July 16, 1997. On May 14, 1999, the U.S. Court of Appeals for the District of Columbia Circuit issued an opinion regarding the final national ambient air quality standards for ozone and particulate matter. Title 40, Part 50 of the Code of the Federal Regulations lists the ambient air quality standards for ozone.

## **CARBON MONOXIDE**

Carbon monoxide (CO) is a colorless, odorless and poisonous gas produced by incomplete burning of carbon in fuels. When CO enters the bloodstream, it reduces the delivery of oxygen to the body's organs and tissues. Health threats are most serious for those who suffer from cardiovascular disease, particularly those with angina or peripheral vascular disease. Exposure to elevated CO levels can cause impairment of visual perception, manual dexterity, learning ability and performance of complex tasks. 77% of the nationwide CO emissions are from transportation sources. The largest emissions contribution comes from highway motor vehicles. Thus, the focus of CO monitoring has been on traffic oriented sites in urban areas where the main source of CO is motor vehicle exhaust. Other major CO sources are wood-burning stoves, incinerators and industrial sources.

The National Ambient Air Quality Standard for carbon monoxide is 9 ppm 8-hour nonoverlapping average not to be exceeded more than once per year. The rounding convention in the standard specifies that values of 9.5 ppm, or greater, are counted as exceeding the level of the standard. An area meets the carbon monoxide NAAQS if no more than one 8-hour value per year exceeds the threshold. (High values that occur within 8 hours of the first one are exempted. This is known as using "nonoverlapping averages.") To be in attainment, an area must meet the NAAQS for two consecutive years and carry out air quality monitoring during the entire time. Air quality carbon monoxide value is estimated using EPA guidance for calculating design values (Laxton Memorandum, June 18, 1990). Title 40, Part 50 of the Code of the

Federal Regulations lists the ambient air quality standard for carbon monoxide. Sections 107(d)(4)(A) and 186 of the Clean Air Act lists the requirements for designations and classifications of carbon monoxide areas.

## **PARTICULATE MATTER**

Air pollutants called particulate matter include dust, dirt, soot, smoke and liquid droplets directly emitted into the air by sources such as factories, power plants, cars, construction activity, fires and natural windblown dust. Particles formed in the atmosphere by condensation or the transformation of emitted gases such as SO<sub>2</sub> and VOCs are also considered particulate matter.

Based on studies of human populations exposed to high concentrations of particles (sometimes in the presence of SO<sub>2</sub>) and laboratory studies of animals and humans, there are major effects of concern for human health. These include effects on breathing and respiratory symptoms, aggravation of existing respiratory and cardiovascular disease, alterations in the body's defense systems against foreign materials, damage to lung tissue, carcinogenesis and premature death. The major subgroups of the population that appear to be most sensitive to the effects of particulate matter include individuals with chronic obstructive pulmonary or cardiovascular disease or influenza, asthmatics, the elderly and children. Particulate matter also soils and damages materials, and is a major cause of visibility impairment in the United States.

Annual and 24-hour National Ambient Air Quality Standards (NAAQS) for particulate matter were first set in 1971. Total suspended particulate (TSP) was the first indicator used to represent suspended particles in the ambient air. Since July 1, 1987, however, EPA has used the indicator PM-10, which includes only those particles with aerodynamic diameter smaller than 10 micrometers. These smaller particles are likely responsible for most of the adverse health effects of particulate matter because of their ability to reach the thoracic or lower regions of the respiratory tract.

### **EPA's Revised Particulate Matter Standards**

Title 40, Part 50 of the Code of the Federal Regulations lists the ambient air quality standard for particulate matter.

## **Administrative Record for the Categorical Exclusion F2 In the Proposed Department of Homeland Security Regulations**

### **EA for Mock Port of Entry and Border Patrol Station and Related Facilities at the Federal Law Enforcement Training Center Glynco, Georgia FONSI July 2001**

INS, US Customs, and US Border Patrol constructed a training center at the Federal Law Enforcement Training Center (FLETC) located in Glynco, GA. The facilities included a training center (23,000 ft<sup>2</sup>), 36 parking spaces, and various outdoor training areas. Specifically, a new single story building was constructed to contain a single classroom, a mock port of entry, a mock border patrol station, various training rooms for specific exercises, office spaces, rest rooms, break rooms, and storage areas. The project also included fabrication of outdoor venues to simulate traffic circulation at Ports of Entry. The site was a total of 5 acres and was previously vacant and wooded.

Through coordination with the appropriate resource agencies, the Environmental Assessment determined there would be no significant adverse impacts to the environment from this action. In an effort to reduce impacts during construction, INS and FLETC implemented several Best Management Practices (BMPs) including: avoiding construction near wetlands, using existing tree cover or new plantings to shield historic bunkers near the site, using native plants species, applying energy conservation to design techniques, and using BMPs for erosion, sedimentation and dust control. With the incorporation of the mitigation measures, the EA determined there were no significant impacts to the human environment, nor were any cumulative or irreversible impacts anticipated.

This project was for the construction of a permanent building. Mitigation measures were used to prevent a significant impact on the environment. However, with a temporary facility, the impacts are shorter in duration, of less intensity, and do not foreclose future land use options.

### **Supplemental EA USBP Hwy 94 (Dulzura) Check Point and Helipad and Truck Inspection Lane Improvements. San Diego County, CA FONSI March 2002**

This Supplemental Environmental Assessment from the USBP proposed construction and operation of a helipad (20 ft x 20 ft) and to widen the shoulder of Highway 94 for a total of 165 ft in length to create a truck inspection lane at the Dulzura Check Point. The total area of the action was 22,500 sq ft. All activities took place within the existing check point areas and no additional lands were disturbed. The site for the truck lane was previously disturbed land and all of the 6 trees taken out to accommodate the inspection lane were relocated.

Through coordination with the appropriate resource agencies, this Supplemental EA determined there would be no significant adverse impacts to the environment from this action. In an effort to reduce impacts during the construction phase, USBP implemented several environmental design measures including:

- Implementing construction BMPs to address noise, air pollution and erosion.
- Limiting construction to the non-nesting season for migratory birds. If this could not be done, then surveys for nesting birds would be completed and mitigation measures employed if they are found to be necessary.
- Helicopters would be maintained at the highest standards and hovering during take off and landing would be limited.

This environmental assessment was for the permanent paving of land, and required mitigation measures during the construction phase to ensure there were no significant environmental impacts. Both the truck inspection lane and helipad were placed on land within the boundaries of the inspection station. Additionally, the truck inspection lane was placed on previously disturbed land adjacent to an existing road. This action was found to have no significant environmental impact; however, future land use options may be foreclosed because of the permanent nature of the construction. With a temporary facility, the impacts are shorter in duration, of less intensity, and do not foreclose future land use options.

**Environmental Assessment for Operation Desert Grip, USBP Tucson and Yuma Sector, Arizona**  
**FONSI May 2002**

The USBP implemented Operation Desert Grip to increase the ability of officers to rescue undocumented aliens (UDAs) and illegal drug traffickers who find themselves at risk of death due to overexposure in the remote desert region of Arizona. The project also had the intention of deterring border crossing in the remote region by increasing the presence of border patrol agents. The operation required temporarily placing two trailers within the area of high crossings. These trailers acted as housing and office space for five agents stationed there 24 hours, seven days a week. They were located on the side of an existing road, and had self contained water and sewage systems.

The project was coordinated with USFWS to address potential impacts to the Sonoran Pronghorn. USBP rescue operations had the potential to impact the Sonoran Pronghorn, a federally listed endangered species. In accordance with the emergency consultation required under Section 7 of the ESA, USBP and USFWS implemented the following mitigation measures:

- Helicopter missions were kept to a minimum
- Vehicles stayed on roads when possible
- The number of ground personnel and vehicles were kept to a minimum
- Removal of vegetation was kept to a minimum
- At the completion of the operation, the area was cleared and re-vegetated to return it to as natural a state as possible

- USBP provided \$25,000 for support to place temporary waters on adjacent lands to draw animals away from the operations and mitigate for their impact
- USBP provided \$25,000 for monitoring of resources from past, future, and current UDA and USBP activity in the region
- USBP assisted refuge staff in developing documentation of monthly law enforcement actions taking place on the refuge

This is an example of a temporary facility that does not significantly impact the environment and does not foreclose future land use alternatives. The trailers were placed in a previously disturbed area adjacent to existing roads, and they will be removed upon completion of Operation Desert Grip. The potential impacts of the action surrounded its operational aspects, rather than installation of the temporary facilities. The mitigation measures that were agreed upon in consultation with USFWS address the impact of rescue missions in the desert more than placement and use of the two temporary trailers.

**EA for Four Temporary Camp Details on the Tohono O'Odham Nation, USBP  
Tucson Sector, Arizona  
FONSI July 2003**

The USBP implemented Operation Desert Grip in 2002 to increase the ability to rescue or deter the number of undocumented aliens (UDAs) and illegal drug traffickers at risk of death due to overexposure in the remote west desert region of Arizona. To expand these operations, an additional four temporary camps were placed on the Tohono O'Odham Nation. The four camp sites included trailers that acted as housing and office space for five agents stationed there 24 hours, seven days a week. They were located in areas that were previously disturbed or sparsely vegetated and the Tohono O'Odham Nation was consulted to choose each location. No grading or excavation was required for the installation and the 27 ft trailers were placed along existing roads. Trailers served as administrative, mess, and housing units. All fuel, grey water and solid waste was handled by a contractor and did not impact the site. The total disturbed area was 0.5 acres and upon completion of Operation Desert Grip, they will be removed and the area will be returned to pre-project condition. Environmental design measures implemented by the USBP, Tucson Sector include:

- Maintenance of secondary spill containment and clean up measures at every site
- If any cultural remains were found, the TON and AZ State Historic Office were contacted
- Each camp was located away from endangered or threatened species to the greatest extent possible

This EA is very similar to the previous one. The action of installing temporary trailers for Desert Grip Operation was the same; however, the placement on Native land created a different set of considerations in terms of mitigation or environmental design measures. Cultural resources and endangered species were not specifically at issue, but they were still considered in the environmental design. Additionally, spill response was addressed as a preventative measure. The trailers were placed in a previously disturbed area adjacent to the existing roads, and they will be removed upon completion of the

operation. This is an additional example of a temporary facility that did not significantly impact the environment or foreclose future land use alternatives.

**Supplemental EA for the Expansion of Operation Desert Grip USBP Tucson and Yuma Sectors, AZ  
FONSI July 2003**

The USBP implemented Operation Desert Grip in 2002 to increase the ability to rescue or deter the number of undocumented aliens (UDAs) and illegal drug traffickers at risk of death due to overexposure in the remote west desert region of Arizona. To expand these operations, an additional two temporary camps were placed in the Tucson Sector and the camp at O'Neal Pass was refurbished. The installation of the two camp sites included trailers that acted as housing and office space for five agents stationed there 24 hours, seven days a week. They were located in areas that were previously disturbed or sparsely vegetated. No grading or excavation was required for the installation and the 27 ft trailers were placed along existing roads. The trailers served as administrative, mess and housing units for the agents. All fuel, grey water and solid waste were handled by a contractor and did not impact the site.

The Yuma Sector proposed to modify the temporary camp at O'Neal pass from a camp trailer to metal storage boxes that have been modified into living quarters. The two 15 ft x 25 ft storage boxes served as administrative, mess and housing units. They disturbed area is 0.5 acres and upon completion of Operation Desert Grip, they will be removed and the area will be returned to pre-project conditions.

Environmental Design Measures implemented included:

- No off road traffic if possible
- Reduced impacts to Sonoran Pronghorn by helicopter flyovers
- Reduced the amount of vegetation removed
- Minimized helicopter flights and coordinate the flights currently conducted
- Increased the record of activity (monitor)

As with the previous two EAs, this action involved installation of temporary trailers for Operation Desert Grip. The trailers or metal boxes were placed in a previously disturbed area adjacent to the existing roads, and they will be removed upon completion of the operation. This EA is more similar to the first one that addressed mitigation of the potential impacts from conducting operations in the desert rather than the potential impacts of implementing the temporary facilities. The EA concluded that temporary trailers did not significantly impact the environment nor foreclose future land use alternatives. This is the third EA that found no significant environmental impact from the installation of a temporary facility that does not foreclose future land use options.

**EA and FONSI for the Expansion of the US Border Patrol Indio Station, El Centro Sector, CA**  
**FONSI July 2003**

The USBP at the Indio Station had an increase in staff and required an expansion of their facilities. They developed 2.58 acres of previously disturbed but now vacant property to construct a parking lot and install two module trailers, lighting and an 8 ft fence around the area. The property was not previously paved; however it contained debris and trash and did not support any wildlife populations. Utilities previously existed in the area including water and sewer lines.

The environmental design measures taken to ensure no significant impact from the project include construction BMPs and coordination with the State Historic Preservation Officer if cultural resources were found.

Much like the first EA in this Administrative Record, this project was for the construction of a permanent building. Mitigation measures were used to prevent a significant impact on the environment during the construction phase. However, with a temporary facility, the impacts are shorter in duration, of less intensity, and do not foreclose future land use options.

# **THE NATIONAL ENVIRONMENTAL POLICY ACT**

Sec 102 (2) (42 USC § 4332)

All agencies of the federal government shall:

- (A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment.

## **REGULATIONS FOR IMPLEMENTING THE PROCEDURAL PROVISIONS OF THE NATIONAL ENVIRONMENTAL POLICY ACT**

### **Sec. 1500.1 Purpose.**

(c) Ultimately, of course, it is not better documents but better decisions that count. NEPA's purpose is not to generate paperwork--even excellent paperwork--but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences

### **Sec. 1500.2 Policy.**

(b) Implement procedures to make the NEPA process more useful to decisionmakers and the public; to reduce paperwork and the accumulation of extraneous background data; and to emphasize real environmental issues and alternatives

### **Sec. 1500.4 Reducing paperwork.**

(p) Using categorical exclusions to define categories of actions which do not individually or cumulatively have a significant effect on the human environment and which are therefore exempt from requirements to prepare an environmental impact statement (Sec. 1508.4).

### **Sec. 1500.5 Reducing delay.**

(a) Integrating the NEPA process into early planning (Sec. 1501.2).

(k) Using categorical exclusions to define categories of actions which do not individually or cumulatively have a significant effect on the human environment (Sec. 1508.4) and which are therefore exempt from requirements to prepare an environmental impact statement.

### **Sec. 1501.1 Purpose.**

The purposes of this part include:

(a) Integrating the NEPA process into early planning to insure appropriate consideration of NEPA's policies and to eliminate delay.

### **Sec. 1502.2 Implementation.**

To achieve the purposes set forth in Sec. 1502.1 agencies shall prepare environmental impact statements in the following manner:

(a) Environmental impact statements shall be analytic rather than encyclopedic.

(b) Impacts shall be discussed in proportion to their significance. There shall be only brief discussion of other than significant issues. As in a finding of no significant impact, there should be only enough discussion to show why more study is not warranted.

f) Agencies shall not commit resources prejudicing selection of alternatives before making a final decision (Sec. 1506.1).

### **Sec. 1502.4 Major Federal actions requiring the preparation of environmental impact statements.**

(a) Agencies shall make sure the proposal which is the subject of an environmental impact statement is properly defined. Agencies shall use the criteria for scope (Sec. 1508.25) to determine which proposal(s) shall be the subject of a particular statement. Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement.

(a) Until an agency issues a record of decision as provided in Sec. 1505.2 (except as provided in paragraph (c) of this section), no action concerning the proposal shall be taken which would:

1. Have an adverse environmental impact; or
2. Limit the choice of reasonable alternatives.

(a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.

## **Sec. 1505.1 Agency decisionmaking procedures.**

Agencies shall adopt procedures (Sec. 1507.3) to ensure that decisions are made in accordance with the policies and purposes of the Act. Such procedures shall include but not be limited to:

- (a) Implementing procedures under section 102(2) to achieve the requirements of sections 101 and 102(1).

## **Sec. 1508.27 Significantly.**

"Significantly" as used in NEPA requires considerations of both context and intensity:

(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.
2. The degree to which the proposed action affects public health or safety.
3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.
5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the

National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

PROPOSED CATEGORICAL EXCLUSION F2 FOR THE  
DEPARTMENT OF HOMELAND SECURITY  
REGULATIONS

- Define / Time limit

A temporary facility or structure at or adjacent to an existing port that does not significantly disturb land, air or water resources nor individually or cumulatively have a significant environmental effect. The temporary facility or structure does not foreclose future land use alternatives.

↳ tie specifically to  
purpose of proposal

Cop of EA's to Dinah by Friday  
4

July 2003

1 Op Des Grip

2 preceding EAs

March 2002  
Checkpoint