

1
2
3
4
5
6
7
8
9
10
11

APPENDIX A
NORTHERN BORDER PEIS
PUBLIC SCOPING REPORT

1
2
3
4

**Northern Border
Programmatic Environmental Impact Statements**

5
6

Public Scoping Report

7
8

for

9
10

Scoping Activities Performed May-July 2010

11
12

Scoping Meetings:

13
14

July 12, 2010-Rochester, NY; Augusta, ME

15
16

July 13, 2010-Erie, PA; Swanton/St. Albans, VT

17
18

July 14, 2010-Massena, NY

19
20

July 19, 2010-Bellingham, WA; Duluth, MN

21
22

July 21, 2010-Bonnars Ferry/Naples, ID; Minot, ND; Detroit/Southfield,
MI

23
24

July 22, 2010-Havre, MT

25
26
27

**U.S. Customs and Border Protection
Department of Homeland Security**

Table of Contents

1		
2	Overview of the Scoping Process	4
3	Scoping Results.....	5
4	Public Comments.....	5
5	Summary of Comments	7
6	Most Frequent Comments.....	8
7	Outcomes of Scoping.....	11
8		
9		
10	<i>Note: Appendixes referred to in this report are omitted here.</i>	

1 **Overview of the Scoping Process**

2
3 United States Customs and Border Protection (CBP) developed and executed a public scoping
4 process for its four regional Programmatic Environmental Impact Statements (PEISs) for
5 Northern Border operations. “Scoping” of an environmental impact statement is a process of
6 informing diverse stakeholders about an action that an agency is planning and seeking those
7 stakeholders’ feedback on the environmental concerns that that action could generate. The intent
8 of the scoping effort is to adapt the scope of the planned programmatic NEPA document to
9 ensure that it addresses relevant concerns identified by interested members of the public as well
10 as organizations, Native American tribes, and other government agencies and officials.

11
12 CBP’s public scoping efforts consisted of a Notice of Intent (NOI) to prepare PEISs, scoping
13 letters sent to potentially interested stakeholders, a project Web site, a series of public scoping
14 meetings, and display advertisements and public service announcements making the public
15 aware of the meetings and the public scoping program. CBP Public Affairs posted a press
16 release about scoping on the CBP Web site.

17
18 A series of 11 public scoping meetings were arranged for the 4 PEIS regions, 6 during the week
19 of July 12-16, 2010 and 5 during the week of July 19-23, 2010. The meetings were held in the
20 evenings. At each public meeting, attendees were given handouts and invited to view a series of
21 informational posters about CBP and Northern Border security. At each meeting CBP and
22 contractor personnel made a brief overview presentation of the PEIS effort. CBP representatives
23 presented information on the suite of potential CBP activities. Mangi Environmental provided
24 contract support and presented information on the NEPA process and environmental
25 considerations. Following the presentation, the presenters invited attendees to view the posters
26 again and to dictate their comments to a court recorder set aside to hear them individually.

27
28 Any attendee wishing to make a comment could also do so by filling out a comment form and
29 leaving it at the meeting or mailing it in later. CBP and Mangi Environmental also informed
30 scoping meeting attendees, both by meeting handout and in the visual presentation, how they
31 could make comments through the website or by email. Approximately an hour after the initial
32 presentation was given, a second presentation with the ensuing opportunities was given if new
33 attendees had arrived at the meeting.

34
35 Scoping letters were sent to a mailing list of approximately 1,200 agencies, organizations, and
36 individuals. The letters described the proposed project and invited comments in response. The
37 meetings and letters established a response date of August 5, 2010.

38
39 Appendix A presents a list of the newspapers in which display ads were placed. Appendix B
40 presents the text of the display ads, along with the materials, such as handouts, that were made
41 available at the scoping meetings. Appendix C is a compendium of news articles published after
42 the scoping meetings.

1 **Scoping Results**

2
3 **Public Comments**

4
5 Scoping comments were received at public meetings, as well as through e-mail, faxes, phone
6 calls, and posted letters. Comments received during the scoping process have been organized
7 and annotated using document management software. A total of 223 communications were
8 received during the public scoping process. Mangi Environmental reviewed all the
9 communications and extracted multiple specific comments from each, identifying a total of 500
10 discrete public scoping comments and organizing them into “comment themes”. Each comment
11 theme was assigned a code that indicated the overall category of comment (alpha code) and the
12 specific issue (numeric code). The 51 resulting comment codes are below as well as attached in
13 Appendix D to this report. These themes and comments were then analyzed to help shape the
14 PEIS scope and issue coverage. Appendix D also identifies how each comment will be handled
15 by CBP in developing the PEIS.
16

Directory of codes	
<u>I = impact or issue of concern</u>	
<i>Biological</i>	
BI-1 – threatened and endangered species	
BI-2 – wildlife	
BI-3 – vegetation	
BI-4 – avian and land migratory species	
<i>Physical</i>	
PI-1 – geology & sediment conditions	
PI-2 – physical surface and groundwater conditions	
PI-3 –wetland resources	
PI-4 – water quality	
PI-5 – air & climate (including light)	
PI-6 – sustainability	
PI-7 – prime and unique farmland	
<i>Socioeconomic</i>	
SI-1 – recreational fishing and hunting	
SI-2 – cultural recreation, visual studies, and national parks	
SI-3 – noise	
SI-4 – transportation and navigation	
SI-5 – tribal issues	
SI-6 – socioeconomics (anything to do with cost and quality of life)	
SI-6a – commerce concerns	
SI-6b – human health and services (HHS)	
SI-6c – environmental justice	

SI-6d – family concerns
SI-6e – green card concerns
SI-7 – historical issues
SI-8 – conservation easements
SI-9 – privacy/invasive actions concerns
<i>Operations</i>
OI-1 – suggested security actions
OI-2 – port of entry (POE) concerns and border crossing issues
OI-2a – Messina specific
OI-2b – ND International Peace Garden (IPG) specific
OI-2c – St. Albans specific
<u>A = alternatives</u>
A-1 – all suggested alternatives
<u>R = requests</u>
R-1 – request PEIS
R-2 – request comment period extension
R-3 – request general data
R-4 – request scoping period reinitiation
R-5 – request substantial PEIS review period
<u>M = possible mitigation</u>
<u>G = general and/or data on resources</u>
Gm – comments about scoping process
Gf – general CBP-focused comments
Gl – comments about legislators, general government
<u>C = conceptual</u>
CS – support project
CSa – support for national security reasons
CSb – support for other political reasons
CSc – support for economic reasons
CO – oppose project
COa – oppose for environmental reasons (e.g., too many impacts, too many unknowns)
COb – oppose for political reasons
COc – oppose for economic reasons
CN-1 – support a full, fair evaluation

1
2 **Summary of Comments**
3

4 Throughout the following summary of results, comment theme codes are given in parentheses.
5 The reader can use the accompanying summary spreadsheet (Appendix D-Scoping Comments
6 Summary Table) to identify the commenters for specific themes.
7

8 Comments were received from the following entities:

- 9 • Federal agencies: General Services Administration (GSA), National Park Service (NPS),
10 United States Fish and Wildlife Service (FWS), United States Department of Agriculture
11 Forest Service (USDA/FS), United States Environmental Protection Agency (EPA),
12 United States Army Corps of Engineers (USACE), and USDA/Natural Resources
13 Conservation Service (USDA/NRCS);
- 14 • States: Montana Fish, Wildlife, and Parks Commission; Washington Department of
15 Transportation; Michigan Department of Natural Resources and the Environment; and
16 Minnesota Department of Natural Resources;
- 17 • Local government: Macomb County, Michigan;
- 18 • Independent bodies: Skagit Environmental Endowment Commission (established by
19 treaty between United States and Canada. It consists of members appointed by Governor
20 of British Columbia and Mayor of Seattle. It administers a fund created by the treaty to
21 conserve and protect wilderness and wildlife habitat and to enhance recreation
22 opportunities);
- 23 • Tribal governments: Mohawk Council of Akwasasne and Houlton Band of Maliseet
24 Indians; and
- 25 • Nongovernmental Organizations (NGOs): Wildlife Society, National Parks Conservation
26 Association, Conservation Northwest, Lake Champlain Basin Program, Skagit Audubon
27 Society, plus 16 NGOs represented by Dinah Bear, as follows:
 - 28 ○ Sierra Club;
 - 29 ○ Border Ambassadors;
 - 30 ○ Center for Biological Diversity;
 - 31 ○ Center for Large Landscape Conservation;
 - 32 ○ Defenders of Wildlife;
 - 33 ○ International League of Conservation Photographers;
 - 34 ○ National Immigration Forum;
 - 35 ○ No Border Wall;
 - 36 ○ Natural Resources Defense Council;
 - 37 ○ Pacific Rivers Council;
 - 38 ○ Sierra Club, Vermont Chapter;
 - 39 ○ Texas Border Coalition;
 - 40 ○ United Church of Christ;
 - 41 ○ Western Land Exchange;
 - 42 ○ Wilderness Watch; and
 - 43 ○ Yellowstone to Yukon Conservation Initiative.
 - 44

1 Most Frequent Comments

2
3 A frequency analysis of the comment themes revealed the following ranking of comment
4 frequency:

- 5 • Delays in picking up kids at International Peace Garden at Dunseth (98 total mentions,
6 OI-2b);
- 7 • Keep Morses line open, other improvements (39 mentions, OI-2c);
- 8 • Various security suggestions (e.g., new technology, standardized frequencies,
9 intelligence, and interagency cooperation) (28 mentions, OI-1);
- 10 • Concerns about preserving national parks for conservation and recreational values (24
11 mentions, SI-2);
- 12 • Scoping process complaints (21 mentions, Gm);
- 13 • Various CBP policy suggestions (e.g., focus nationally and prevent illegal immigrants
14 and drugs) (19 mentions, Gf);
- 15 • Mohawk and Seneca tribes do not recognize U.S./Canada border (16 mentions, SI-5); and
- 16 • Slow POEs discourage commerce (16 mentions, SI-6a).

17
18 The scoping comments can be grouped into the following categories, each discussed separately
19 below:

- 20 1. Comments about the scoping process itself;
- 21 2. Concerns about impacts on specific natural or human environmental resources;
- 22 3. Operations- or policy-related comments;
- 23 4. Location-specific comments; and
- 24 5. Requests.

25 26 *1. Comments about the scoping process itself*

27
28 Many commenters voiced dissatisfaction with the scoping process conducted by CBP. The
29 concerns included:

- 30 • Lack of specificity in the description of the proposed action and alternatives in the NOI—
31 Commenters were frustrated because the lack of clarity and detail in defining what CBP
32 is proposing made commenting difficult;
- 33 • Lack of cooperators identified among agencies, tribes, and Canadian government; and
- 34 • Inadequate public notification of the scoping meeting logistics.
 - 35 ○ Notifications provided very short lead times (the first meeting was 6 days after
36 NOI publication);
 - 37 ○ Web site information on meeting times was inadequate for the first seven
38 meetings; and
 - 39 ○ “Calls to the CBP representative listed in the NOI went unanswered for the first
40 week.”

41 42 *2. Concerns about impacts on specific natural or human environmental resources*

43
44 The single most important issue voiced in comments about the natural environment was the
45 concern that CBP’s future actions would threaten ecological, recreational, and wilderness values
46 in public lands along the border.

1
2 Sensitive ecological resources specifically mentioned include:

- 3 • Species that are state or federally listed as threatened or endangered (T&E), including
- 4 grizzly bear, Canada lynx, bull trout, and gray wolf (BI-1);
- 5 • Wetlands in the Great Lakes (PI-3);
- 6 • Migration corridors for many species that routinely cross the Northern Border (BI-4);
- 7 • Aquatic and avian species that could be affected by vehicles or boats (BI-3);
- 8 • Invasive species that could be introduced through vehicle or boat patrols (BI-3); and
- 9 • Wilderness areas such as Stephen Mather Wilderness in North Cascades National Park,
- 10 Pasayten Wilderness, and Boundary Waters Canoe Area. Impacts to wilderness values in
- 11 these areas should be avoided or mitigated, and recreational access should be maintained
- 12 wherever possible (SI-2). Comments on specific resources and public lands were made
- 13 by USDA/FS, NPS, and FWS.

14
15 In addition, several commenters expressed concern about the noise (SI-3) as well as light and air
16 pollution (PI-5) created by terrestrial, aerial, and marine patrols and surveillance activities along
17 the border regions. Further, some commenters expressed concern about the visual impacts of
18 new infrastructure (SI-2). Several suggested that mitigation measures must be adopted.

19
20 The USDA/NRCS commented that there are many private lands with conservation easements
21 within the 200-mile border swath, and that land use changes that CBP may propose as part of a
22 given action should be mindful of easement restrictions.

23
24 Many commenters raised concerns about Land Port of Entry (LPOE) issues. While site-specific
25 concerns are discussed below, it is clear from the overall comments that LPOE issues are the
26 most personal and of greatest direct impact on the lives of people who live near the border.
27 CBP's methods and technologies for processing people and trade as they traverse the border are
28 critical socioeconomic impact-producing factors and, as such, should be included in the scope of
29 this PEIS, assuming that CBP's entire mission of securing the border and facilitating trade and
30 tourism is within the purview of the PEIS. The most frequently expressed concerns were fear of
31 potential LPOE closures (SI-4) and the impact of wait times on daily family and community life
32 (OI-2, 2a, 2b, and 2c).

34 3. Operations and policy-related comments

35
36 Many commenters had specific suggestions, recommendations, or opinions about current and
37 future CBP activities (OI-1 and Gf). Among these were:

- 38 • The need for technologies for increased surveillance;
- 39 • The need for more cooperation between agencies;
- 40 • The use of standardized radio frequencies;
- 41 • A focus on smaller checkpoints for intelligence purposes;
- 42 • No "Big Brother";
- 43 • The need for CBP to stop wasting money and to focus on national, not local, picture;
- 44 • The need to focus on preventing illegal immigrants and drugs;
- 45 • The importance of not militarizing the border; and
- 46 • That the border is unconstitutional and should be abolished,

1
2
3
4
5

4. Location-Specific Comments

Table 1 details the location-specific issues contained in the scoping comments:

Table 1. Location-specific Comments		
Location	Comment summary	Number of comments
Lake of Woods, Boundary Waters	Special preservation necessary, ample wetlands to consider	6
North Cascades National Park and Pasayten Wilderness	Should not bear any negative impacts from CBP actions	4
Lake Erie	Easy access for illegal activities	7
State of Montana Parks	Specific concerns for T&E species, recreational economy	4
Massena POE	Delays crossing border, lost habitat, and tribal relations issues	39
Dunseth POE	Irritant to International Peace Garden traffic because of slow movement at and around POE, even if no border crossing	93
Glacier National Park	Protect resources	8
Braddock Bay	Migratory bird species concerns	1
Niagara Watershed	Niagara Power Project concerns of pollution, commerce affected, and waits at the falls	4
Morses Line POE	Keep it open	53
White Mountain National Forest (NF)	No impacts from CBP tolerated	1
Lake Roosevelt	Special attention to impacts here	1
Colville and Kaniksu NFs	Special attention to impacts here	2
Ross Lake area	What impacts here?	9
St. Croix Island	Avoid all impacts and any actions here	3

6
7
8
9
10
11
12
13
14
15
16
17
18

5. Requests

The following requests were included among the scoping comments:

- Reinitiate scoping (two requests);
- Extend scoping (R-2, three requests);
- Official request for cooperating agency status-NPS only;
- Notification of availability of PEIS (R-1, 11 requests); and
- Provide substantial PEIS review and comment period (R-5, one request).

A summary spreadsheet of all comments and a key to comment codes are shown in Appendix D.

1 **Outcomes of Scoping**

2
3 A major goal of scoping is to help the agency refine its plans as appropriate to ensure that the
4 study responds to relevant concerns. In this instance, CBP determined that several refinements
5 in its plans would enhance the effectiveness of its planned study. These refinements include:

- 6 • Preparation of a single nationwide PEIS instead of the earlier preliminary plan to prepare
7 four regional ones. While this makes for a somewhat larger single document, it offers the
8 advantage of less duplication and greater usefulness as a CBP planning tool.
- 9 • Publication of an update Notice, along with letters and other public announcements to
10 inform agencies, the public, and other interested parties about this refinement.
- 11 • An affirmation that CBP will welcome comments on the scope of the PEIS at any time,
12 but that the earlier the comments are received, the more useful they will be.
- 13 • Coordination between CBP and other major Federal agencies with jurisdiction or
14 expertise to enlist their assistance in the preparation of the PEIS.