

Finding of No Significant Impact
San Luis, Arizona Commercial Port of Entry Project
April 10, 2007

INTRODUCTION

The US Border Station at San Luis, Arizona is a full-service land port of entry (POE) where the Federal Government inspects privately-owned vehicles (POV), pedestrians, and commercial vehicles seeking to enter the United States. Immediately to the south is the Mexican City of San Luis Rio Colorado, Sonora. An average of 180 commercial vehicles, 350 bicycles, 10,000 POVs, and 11,000 pedestrians cross the border at this station every day. Since the POE was constructed in 1984, the population of the region has grown, illegal immigration and smuggling have become epidemic, inspection technology has significantly improved, law enforcement activities have increased, and trade policies have changed dramatically. The existing facilities are overloaded and in need of repair, upgrades, and expansion.

The General Services Administration (GSA) proposes to relocate the existing commercial port of entry, currently in downtown San Luis, Arizona to a former Bureau of Reclamation (BoR) property to the east. Details of the Proposed Action are described in the attached NEPA document entitled *San Luis, Arizona Commercial Port of Entry Project Environmental Assessment* (U.S. Bureau of Reclamation 2000).

The Environmental Assessment (EA), upon which this Finding of No Significant Impact (FONSI) is based, was prepared by Barton-Aschman Associates for the BoR to meet the requirements of the National Environmental Policy Act (NEPA). The BoR used the 2000 EA to support a previous FONSI which determined that Federal lands could be transferred to the Greater Yuma Port Authority (GYPA) for a new port of entry without any significant environmental impacts. The GSA hereby adopts the BoR's 2000 EA and FONSI in support of this FONSI regarding the construction of the commercial POE.

That action and the proposed construction of the commercial POE - the subject of this action - include mitigation measures to reduce impacts identified in the BoR EA to a level that is less than significant. The GYPA's commitments to implement these mitigation measures have also been included as conditions of the transfer of 80 acres of land within the project area to the General Service Administration (GSA) for the construction of the commercial POE. The original EA and this FONSI have been published and circulated among responsible government agencies for a period of no less than 30 days. Comments received during circulation were considered by GSA in this final decision.

PURPOSE AND NEED

The purpose of the Proposed Action is to provide a larger, better-equipped, and more conveniently located commercial land port of entry in southwestern Arizona to service the increased trade between the U.S. and Mexico that is expected in the coming years under the North American Free Trade Agreement (NAFTA). Current cross-border traffic is straining the existing port of entry facilities. Both northbound and southbound users often experience extensive peak-hour delays. The existing facilities are inadequate for processing the present level of activity within standards set by the Department of Homeland Security. Projected future increases in traffic will undoubtedly exacerbate this problem. A larger, better-equipped port of entry will reduce delays and permit a higher quality and quantity of inspections as well as an increased regional capacity to accommodate commercial traffic.

THE NO ACTION ALTERNATIVE

NEPA requires that a No Action alternative be considered in the environmental review process. The No Action alternative would maintain the existing port of entry (San Luis I) on 2.5 acres in the center of the City of San Luis. The existing facility (San Luis I) is owned by GSA and consists of an administration building, six non-commercial primary inspection lanes, one commercial primary inspection lane, two pedestrian processing lanes, 12 non-commercial secondary lanes, and 14 secondary truck dock bays. A facility upgrade in 1991 added primary lanes, security systems, and truck docks, and provided general building repair and alterations. Under the No Action alternative, both the U.S. and Mexican port of entry facilities would maintain current operational levels, standards, and procedures.

PROPOSED ACTION

The Proposed Action would create a new commercial POE on the GYPA parcel 5 miles east of the existing facility. The new POE would provide more direct access to major transportation routes between the United States and Mexico and higher levels of service to the public. New inspection facilities, administrative buildings, and access roadways would be constructed. The project would require three phases of construction spread out over a period of at least 10 years to meet future demand. In Phase I, a new commercial POE, including an administrative building, parking lot, access roadway, support structures, inspection facilities, impoundment areas, and hazardous waste holding areas would be built on 80 acres of a 339-acre parcel of BoR land transferred to the Greater Yuma Port Authority in 2000. The U.S. primary inspection system would include electronic inspection and other computerized processing equipment to decrease wait times. New vehicle examination facilities would be built to provide higher quality inspections and increased safety. Phase II would close the existing commercial port of entry and would relocate any useable furnishings, fixtures, and equipment to the new port of entry. Once this transition of equipment has occurred, the existing port of entry would be reconfigured for non-commercial traffic. Phase III would not occur until at least ten years after Phase I is completed. This final phase would expand the new facility as demand requires. Adequate land within the 80-acre parcel is available for expansion of the commercial POE. New facilities are planned for the Mexican side of the border to accommodate the same expansion needs.

AFFECTED ENVIRONMENT

The affected natural environment consists of water sources, landforms, plants, and animals native to the Sonoran Desert ecosystem. One threatened plant species, the Sand Food, and one threatened animal species, the Flat-tailed Horned Lizard, were found to inhabit the project area. There are no unique geological resources or sources of surface water within the project area and there are no plans to drill for groundwater. The affected human environment consists of the cities of San Luis (US) and San Luis Colorado (Mexico) and the remains of prehistoric and historic inhabitants of the area. The proposed project will positively impact the present human environment by alleviating traffic congestion and improving air quality in the two cities. No prehistoric or historic remains were found within the project area.

ENVIRONMENTAL CONSEQUENCES

No major adverse environmental effects are expected from the Proposed Action alternative if the proper mitigation measures are enacted. The project could affect biological resources, undiscovered cultural resources, growth, and other environmental factors. However, the project must comply with Federal law and conditions of approval, thereby mitigating any potential effects. The conditions of approval (Mitigation Measures) are described below.

The No Action alternative would have adversely affected some resources, particularly air quality and traffic congestion in downtown San Luis, as the mitigation measures inherent in the Proposed Action would not be implemented if the new commercial POE is not built.

In compliance with Section 7 of the Endangered Species Act of 1973, the 2000 BoR FONSI included a requirement that the Greater Yuma Port Authority (GYPA) implement conservation measures recommended by the U.S. Fish and Wildlife Service (USFWS) in its Conference Opinion for the Flat Tailed Horned Lizard by retaining an onsite biological monitor during construction and operation of the Port. In 2002 the GYPA and BoR requested a modification of the conference opinion regarding this monitoring requirement. As a result of the second Conference Opinion, and in lieu of hiring a full-time biological monitor, the GYPA agreed to implement the conservation measures included in the Conference Opinion with respect to the parcel acquisition, construction, and subsequent operation of the proposed commercial POE and the paving and subsequent use of Yuma County Avenue E access road:

As of the date of this FONSI, due to delays in the transfer of the land to GSA, only Conservation Measure No. 1, and that portion of Conservation Measure No. 4 which specifies fencing along Avenue E, have been implemented by the GYPA. The rest of the Conservation Measures (Items 6 through 9) have been restated as Mitigation Measures (1 through 5 below) that will be implemented by GYPA as the conditions of approval for this FONSI and the transfer of 80 acres of the land for the commercial POE to GSA.

FINDINGS

1. A new commercial port of entry will accommodate current and future regional transportation requirements.
2. All of the procedural requirements of NEPA have been met, including a 30-day public notice period and coordination with Federal, State, and local government agencies, as well as Native American tribes.
3. The environmental commitments (Mitigation Measures) will offset any negative impacts identified within the EA.
4. No disputes or controversies have arisen regarding the accuracy or presentation of environmental effects as documented in the final EA.
5. Construction of the new commercial port of entry will not result in cumulative significant impacts.
6. The Arizona State Historic Preservation Officer has concurred with a finding of "no effect" regarding the project's impact on significant cultural resources.
7. Implementation of the project will not adversely affect any Threatened or Endangered species, or candidates for listing as Threatened or Endangered species, as long as the Conservation Measures for the Flat-Tailed Horned Lizard and Sand Food are implemented during the construction and operation of the port of entry.
8. During construction all soil disturbance and shrub removal will be minimized.
9. Implementation of this action will not adversely impact any Indian Trust Assets.
10. Implementation of this action will not violate Federal, State, or local law.

MITIGATION MEASURES

1. After the completion of the FTHL relocation efforts specified in the 2002 Conference Opinion and the subsequent construction of the commercial POE, a chain link fence will be constructed around the development boundary. At this time, the previously constructed FTHL-proof barrier

(fenceline) shall be removed from its previous location and affixed to the constructed chain link fenceline to limit accessibility and subsequent injury or mortality of lizards occupying adjacent habitats which may stray into the project site. At the access points to the development boundary, the FTHL barrier fenceline shall be modified to help prevent migration of FTHLs onto the project grounds. These modifications shall consist of four-foot sections radiating outwards at a 45° angle away from the facility at each junction point with the fenceline and the access points/gates. The remainder of the FTHL barrier fenceline specifications shall remain the same as those used during initial construction of the FTHL barrier fenceline. However, should it become necessary to alter the fenceline specifications or design, the USFWS must agree on these alterations prior to construction of the barrier fence.

2. The FTHL barrier fenceline shall be periodically inspected, with routine maintenance performed to sustain effectiveness as a lizard-proof barrier.
3. If a FTHL is discovered on-site after the lizard-proof fence is constructed, the following measures will be implemented:
 - a) A facility site plan map, of appropriate scale, shall be maintained and posted in the office trailer (during construction) or the POE's central office (post construction) or in an otherwise central location on-site, for the sole purpose of recording FTHL observations. The location of each FTHL observation shall be noted on the map for sighting trend analysis and for troubleshooting the effectiveness of the FTHL fence. Each observation shall be given a reference number (to be included on the map) and logged into a database or other information storage system (record book, etc.). FTHL observation information to be recorded will include the date, time of day, temperature, name of observer, physical condition of the specimen, any behavioral observations made (was it basking, resting in shade, etc.), and the ultimate disposition of the specimen.
 - b) Immediately after a FTHL is observed on-site, the GYPA will perform an inspection of the entire fenceline to assess whether there are any visible breaches or noteworthy structural problems.
 - c) Temporary captivity standards and subsequent relocation protocols shall be followed as specified in Item 5 of the 2002 Conference Opinion.
4. The USFWS will be supplied with an annual report summarizing the number and locations of FTHLs found, relocated, killed, injured, or otherwise taken as a result of activities authorized by the 2000 Conference Opinion. The summary report shall also be provided yearly, due the January following completion of construction, and due every January thereafter. The report shall also make recommendations, as needed, to refine or modify the conservation measures to enhance protection of the FTHL.
5. To prevent the establishment of the Sand Food (an endangered plant species) construction sand piles shall not be left on portions of the property where future construction may occur.
6. Off-road, off-site driving by non-Border Patrol personnel will not be permitted. All construction vehicles will be required to remain on established roads leading to the construction site.
7. To minimize wind erosion, erosion control measures such as site watering, ground mesh, and temporary berms and wind breaks will be used. Site watering will be used during windy conditions to keep particulate matter from blowing off the site. Also, a mesh groundcover made of easily transportable material will be placed over areas prone to wind erosion. Finally, temporary wind breaks made from straw bale berms or temporary filter fencing will be constructed around the site to minimize wind erosion. All soil stockpiles or other materials that can be blown by wind will be enclosed, covered, watered at least twice daily, or treated with non-toxic soil binders.

Concurrence: 9PT,9P,9A,9PTC

CC:

9PT See cover

9PTC See cover

for 9P may 4/12/07

9L: U.S.A 4/12/07

9A _____