



Western  
Hemisphere  
Travel Initiative  
in the Land  
and Sea  
Environments:  
Final  
Programmatic  
Environmental  
Assessment



## FINDING OF NO SIGNIFICANT IMPACT (FONSI)

### The Western Hemisphere Travel Initiative in the Land and Sea Environments

**Proposed Action:** Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended, requires the Department of Homeland Security and the Department of State to develop and implement a plan to require all travelers, U.S. citizens and foreign nationals alike, to present a passport or other acceptable document that denotes identity and citizenship when entering the United States. The Western Hemisphere Travel Initiative (WHTI) is the plan to implement this 9/11 Commission recommendation, and Congressional mandate. Documentation requirements for U.S. citizens and certain foreign nationals have previously been exempted. WHTI seeks to close the vulnerability of document exemption. The WHTI rulemaking was begun to determine how to meet the legal requirements of this mandate at land and sea ports-of-entry.

Under the National Environmental Policy Act (NEPA), federal agency decision-makers are required to consider the environmental consequences of their decisions before they act. U.S. Customs and Border Protection documented its review and analysis of potential environmental consequences from implementation of WHTI in the land and sea environments in a Programmatic Environmental Assessment (PEA), which is incorporated herein by reference. This Finding of No Significant Impact (FONSI) documents the conclusions of the WHTI PEA. Four alternative methods of implementing the required document changes, while facilitating cross-border traffic, were considered in the WHTI PEA:

1. **No-Action Alternative:** Maintain the status quo;
2. **Standardized Documents Alternative:** Accept a limited number of document categories for admission at all sea or land ports-of-entry (LPOEs);
3. **MRZ Alternative:** Accept standardized documents that contain a Machine Readable Zone (MRZ); or
4. **RFID Alternative:** Accept standardized documents that contain Radio Frequency Identification (RFID) technology and an MRZ, for the use of RFID-enabled readers at the busiest LPOEs and MRZ at all LPOEs.

**Summary of Facts and Conclusions:** The review of potential environmental impacts; documented in the WHTI PEA, concluded that none of the alternatives to implement WHTI at land or sea borders have the potential to significantly impact the quality of the human environment. Consequently, any of the alternatives reviewed (which include, within the alternatives definitions, combinations of the various types of documents) could be chosen within the rulemaking with no significant impact on the quality of the human environment.

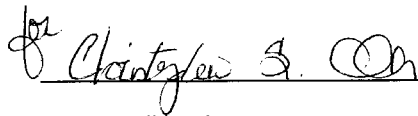
**Environmental Impacts:** The WHTI PEA found that air quality and noise control in border communities surrounding the LPOEs were the primary factors to consider. These factors were reviewed in light of policy, human resources, LPOE design, information management, and legal requirements considerations affecting the processing of travelers entering the United States.

Air pollution emissions and noise from vehicles waiting at LPOEs while travelers are being processed were factors in the determination of potential environmental impacts due to WHTI implementation. At the steady state operational stage of WHTI, vehicle wait time is expected to decrease slightly as a result of implementing WHTI at all LPOEs and thus, no significant air quality or noise impacts are anticipated.

As indicated in the PEA, no environmental justice impacts are expected.

**Finding:**

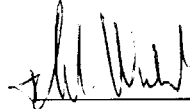
After careful review of the potential for impacts to the human environment from the implementation of WHTI, as documented in the WHTI PEA, the undersigned finds that taking action to change the documentation requirements at the land and sea borders of the United States is not expected to significantly affect the quality of the human environment, and therefore concludes that an environmental impact statement is not required. The undersigned further finds that the proposed federal action is consistent with existing national environmental policies and objectives as set forth in Section 101(a) of the National Environmental Policy Act of 1969 (NEPA).

  
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Environmental Planning Manager  
Asset Management Environmental Branch  
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8/30/07  
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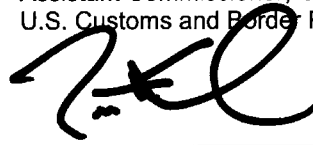
Date

  
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Date

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## Executive Summary

Implementation of the land and sea phase of the Western Hemisphere Travel Initiative (WHTI) plan, as directed by the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), is anticipated to enhance the security of the United States (U.S.) borders, while facilitating the movement of legitimate travel and trade across borders. The WHTI plan would require that citizens of the United States, Canada, Mexico, and Bermuda use a passport or other designated alternative document that establishes the traveler's identity and citizenship to enter the United States at ports-of-entry. Currently, a range of different forms of identification, including oral declarations, are accepted, resulting in difficulty for border officials in detecting fraudulent documents, increased time to assess the validity of documents, and consequential delays in traffic passing through U.S. borders.

The WHTI plan is already in place at U.S. airports. Currently, the Department of Homeland Security (DHS) and Customs and Border Protection (CBP) are considering how to best implement the WHTI plan at sea ports-of-entry and at land border ports-of-entry (LPOEs). As part of that decision-making process, CBP analyzed the potential environmental impacts of alternate ways to apply and implement the land and sea phases of the WHTI plan. The National Environmental Policy Act (NEPA) establishes how environmental analyses should be framed. In the case of the WHTI plan, a national or programmatic analysis is appropriate, given the national geographic scope of the LPOE locations and the national application of WHTI.

CBP conducted a Programmatic Environmental Assessment (PEA) to serve as the basis for the determination of whether the documents and use of the documents for implementation of IRTPA will have a significant impact on the quality of the human environment such that it would require further analysis under NEPA. The PEA documents a review of the potential environmental impacts from

changes to technology and operations to meet the requirements for standardized, secure travel documents under WHTI. Specifically, the PEA analyzes the potential environmental impacts of four alternative ways to implement the land and sea phases of the WHTI plan and the three related stages of implementation activity. The analysis focuses on implementing the land phase of the WHTI plan, since LPOEs are the most sensitive to changes in activity in terms of potential environmental impacts. Changes to processing travelers at sea ports-of-entry would happen entirely within existing buildings and other infrastructure while cruise ships are docked, and as a result no environmental impacts to land or coastal areas around the sea ports-of-entry are anticipated.

The alternatives for implementing WHTI at POEs are listed below. Each alternative includes the existing Trusted Traveler Programs already in place (NEXUS, Secure Electronic Network for Travelers' Rapid Inspection (SENTRI), and Free and Secure Trade (FAST)). The alternatives include a **No-Action Alternative** and three action alternatives:

1. Maintain the status quo (the **No-Action Alternative** as required by NEPA);
2. Accept a limited number of document categories for admission at a Land or Sea Port-of-Entry (POE) (**Standardized Documents Alternative**);
3. Accept standardized documents that contain a Machine Readable Zone (**MRZ Alternative**); and
4. Accept standardized documents that contain Radio Frequency Identification (RFID) technology and an MRZ, for the use of RFID-enabled readers at the busiest LPOEs and MRZ at all LPOEs (**RFID Alternative**).

Potential environmental impacts would occur in varying degrees during the three stages of activity associated with WHTI. The stages of activity are listed below:

- 1) Implementation Stage;
- 2) Early Operational Stage; and
- 3) Steady State Operational Stage: The stage that is considered the driver for environmental impacts in this analysis.

To assess the potential environmental impacts of the WHTI plan alternatives, CBP considered the two main drivers, or aspects of implementation, that would cause environmental change: construction and traffic flow. Each alternative would require differing amounts of construction and result in different traffic flow rates at various LPOEs. No substantial construction would be needed for implementation of any of the alternatives and therefore, no associated impacts would result.

Air quality and noise pollution are the primary resource areas that have the most potential to be affected by the implementation of WHTI, as a result of changes in traffic flow and wait times at the LPOEs. Traffic flow and underlying factors, such as processing time in vehicle primary inspection, are expected to be faster under all the WHTI action alternatives. Therefore, no associated adverse environmental impacts are expected to result from any of the WHTI alternatives. To the extent that any of the alternatives may eventually speed processing time over current levels, some environmental benefits would result.

Since traffic flow generally is expected to improve, air and noise pollution also are expected to improve slightly as a result of implementing any of the WHTI action alternatives and thus, no environmental justice or socioeconomic impacts resulting from environmental factors are expected, including impacts to low-

income, minority, or Native American populations. No potential impacts to energy, land use, waste, water, biological resources, health and safety, or historic properties are anticipated for any of the action alternatives.

### **Summary of Drivers for Environmental Impacts for the Action Alternatives:**

- No potential for significant upgrades or substantial new construction
- Potential to reduce processing time and wait time slightly





### AIR QUALITY

- Potential to improve air quality slightly in some areas, mainly on the Northern Border, across all alternatives



### NOISE POLLUTION

- Potential to improve noise levels slightly in some areas across all alternatives



### SOCIAL AND CULTURAL PRACTICES

- No potential to result in disproportionately high and adverse environmental or health impacts on low-income or minority populations



### ENERGY

- No potential to substantially increase current levels of energy consumption
- No potential to compromise the ability of LPOEs or border communities to meet energy needs



### LAND USE

- No land use impacts associated with any of the alternatives



### WASTE

- No potential to impact solid waste
- No potential to impact electronic waste



### WATER

- No potential to impact through runoff
- No potential to impact through atmospheric deposition



### BIOLOGICAL RESOURCES

- No potential to disrupt or destroy habitat
- No potential to affect food and water through air or water impacts



### HEALTH AND SAFETY

- No potential to impact through air quality
- No potential to impact through new technology upgrades



### HISTORIC PROPERTIES

- No potential to impact due to limited/no construction

## Summary of Environmental Impacts by Resource for the Action Alternatives



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## Acronyms and Abbreviations

APIS .....	Advance Passenger Information System	POV .....	Privately Owned Vehicle
BCC .....	Border Crossing Card (Laser Visa)	RFID .....	Radio Frequency Identification
BTS .....	Bureau of Transportation Statistics	RPM .....	Radiation Portal Monitor
CAA .....	Clean Air Act	SEA .....	Strategic Environmental Appraisal
CBP .....	Customs and Border Protection	SENTRI .....	Secure Electronic Network for Travelers' Rapid Inspection
CBSA .....	Canada Border Services Agency	SIP .....	State Implementation Plan
CEQ .....	President's Council on Environmental Quality	UNFCCC ....	United Nations Framework Convention on Climate Change
CFR .....	Code of Federal Regulations	US-VISIT....	United States Visitor and Immigrant Status Indicator Technology
COM .....	Commercial Vehicles	WHTI .....	Western Hemisphere Travel Initiative
DHS .....	Department of Homeland Security		
DOT .....	Department of Transportation		
EO .....	Executive Order		
EPA .....	Environmental Protection Agency		
FAST .....	Free and Secure Trade Program		
FHWA .....	Federal Highway Administration		
FY .....	Fiscal Year		
GSA .....	General Services Administration		
IRTPA .....	Intelligence Reform and Terrorism Prevention Act of 2004		
LPOE .....	Land Port-of-Entry		
LPR .....	Lawful Permanent Resident; also: License Plate Reader		
MRZ .....	Machine Readable Zone		
NAAQS .....	National Ambient Air Quality Standards		
NEXUS .....	U.S.-Canada Trusted Traveler Program		
NHPA .....	National Historic Preservation Act		
NPS .....	National Park Service		
NPRM .....	Notice of Proposed Rulemaking		
OARS .....	Outlying Areas Reporting Station		
OCR .....	Optical Character Recognition Zone		
POE .....	Port-of-Entry		



## Clarifications and Updates

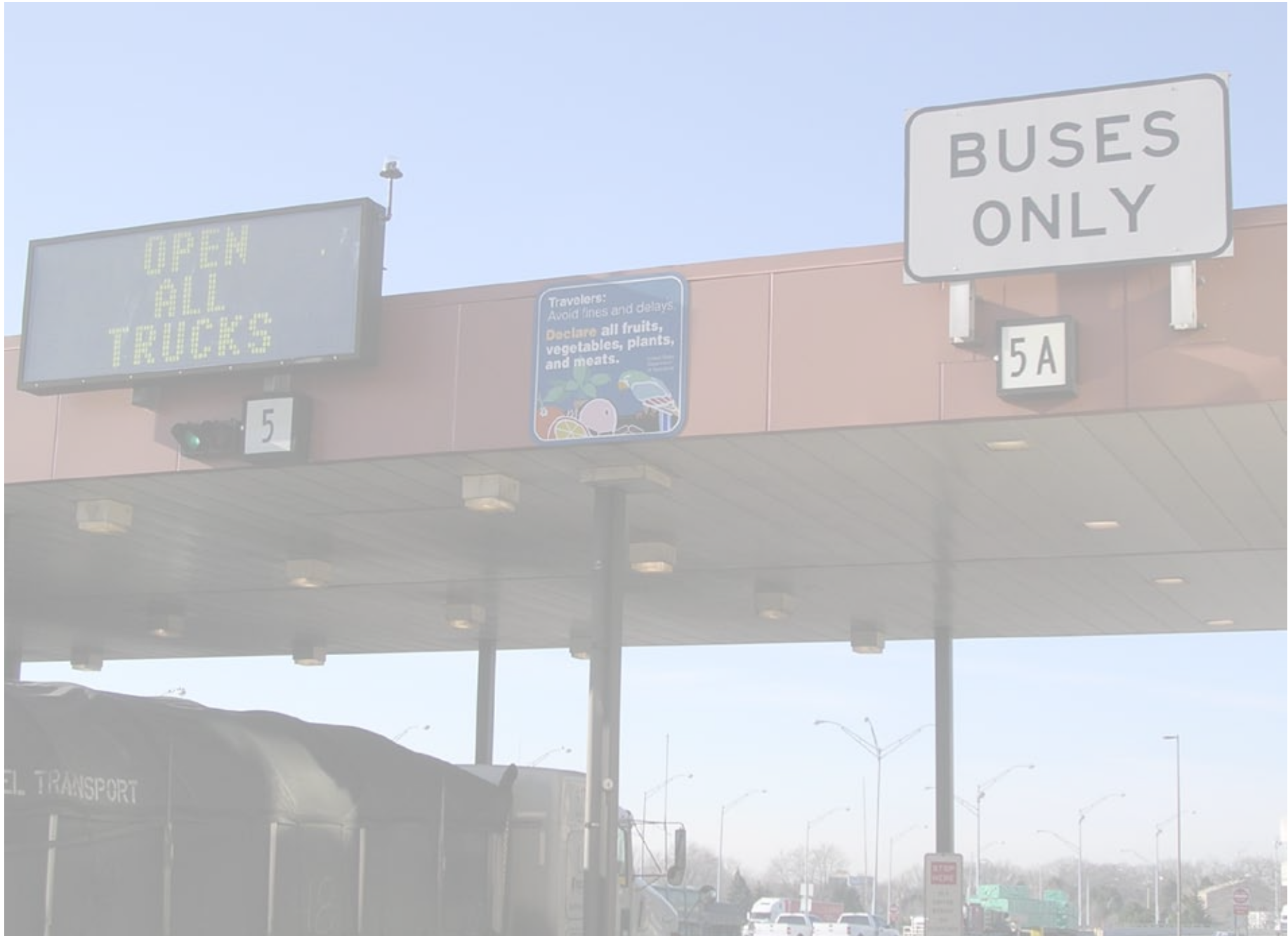
The Final PEA includes additional information and clarifications based on information and questions received during the public comment period and final government document review process. Additional information on the public involvement process conducted by CBP can be found in Section 12. For a list of specific comments and responses, see Appendix D.

Information regarding the potential impacts of WHTI on Native Americans and other social and cultural practices has been added to the analysis in place of the previous sections on economics in border communities (Section 4.1.4) and environmental justice (Section 6.3). A list of Federally recognized American Indian tribes and reservations located on the Northern and Southern Border has been added to the Appendices. See Appendix E on page 94.

Clarification on the meaning of noncommercial traffic has been added on page 25, in Section 4.1.2 in order to provide additional information for the reader about the data in Figure 3: Noncommercial border crossings by year for the Northern and Southern Borders.

Table 2 in Section 5.3.2 has been updated to show the correct numbers for the total range and median time for the MRZ and RFID alternatives. The Draft PEA inadvertently listed incorrect values for these processes. The error was typographical in nature and does not change the rank order of the alternatives or conclusions regarding processing time.

In the Draft PEA, the Department of State was incorrectly listed as a coordinating agency. The Department of State is a cooperating agency for WHTI, not a coordinating agency as stated in the Draft. The Final PEA has been corrected to reflect the participation of the Department of State as a cooperating agency.



# 1 Introduction

## 1.1 What is the federal action being analyzed?

The federal action analyzed in this Programmatic Environmental Assessment (PEA) is the land and sea travel phase of the Western Hemisphere Travel Initiative (WHTI) plan. The plan will change the document requirements for many types of U.S. travelers and foreign nationals entering the United States at land and sea ports-of-entry. This analysis examines the environmental consequences, both positive and negative, of a range of potential changes in travel document requirements and the technology associated with reading travel documents. While the major focus of this analysis is the consideration of changes to technology and travel documents, related changes in the operational process also will be considered. The focus of the analysis is on land border ports-of-entry (LPOEs). With respect to potential environmental impacts, LPOEs are most sensitive to the proposed document and technological changes associated with implementation of WHTI. Sea ports-of-entry are less sensitive to changes in document requirements and are, therefore, analyzed independently in this assessment.



*A CBP Officer inspects a traveler at a land port-of-entry.*

Mexican citizens generally are required to present a valid passport to enter the United States. However, Mexican citizens entering the United States from contiguous territory and possessing a Border Crossing Card (BCC), also known as a Laser Visa, may proceed into the United States up to 25 miles, except in the Tucson area, where they may proceed into the country up to 75 miles. Since October 1, 2001, first-time applicants for a Laser Visa are required to present a valid Mexican passport book as their primary evidence of citizenship and identity. Therefore, many Mexicans who have BCCs already possess passports, although they are not required to show the passport when crossing the border. No major changes are anticipated to this exemption as a result of WHTI, as the current process meets the criteria necessary to satisfy the purpose and need for this rule.

### **1.2 What is a Programmatic Environmental Assessment and why is one being prepared for the land and sea phases of the WHTI plan?**

The National Environmental Policy Act (NEPA) requires federal agencies to conduct environmental assessments when major federal actions are considered that may have a significant impact on the environment. The implementing regulations for NEPA encourage agencies to implement environmental analyses early in the planning process to ensure that environmental considerations are taken into account in agency decision-making.

In response to the attacks of September 11, 2001, Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), which included a section mandating that citizens of the United States, Canada, Mexico, and Bermuda present a passport or other proof of identity and citizenship to enter the United States. WHTI is the program implementing this statutory requirement. Under NEPA, decision-makers must be aware of the environmental consequences of proposed policies, programs, and projects. In this case, U.S. Customs and Border Protection (CBP) and the Department of Homeland Security (DHS) are considering the potential environmental impacts of WHTI at land and sea ports-of-entry. WHTI requires decisions on alternatives for acceptable document categories and technology for processing these documents.

This PEA analyzes the alternatives for implementing WHTI, a program that affects the borders between the United States and Canada and Mexico. Potential environmental impacts, therefore, are determined at a programmatic level across both borders of the United States and are not based on site-specific constraints or issues.



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## 2.0 Purpose and Need

### 2.1 Why is CBP changing the documentation requirements at the border?

Since the attacks of September 11, 2001, the United States has made securing its borders a top priority. The Department of Homeland Security (DHS) was formed in 2003 in response to a growing concern about the ability of the U.S. government to effectively counter terrorist threats. U.S. Customs and Border Protection (CBP) is the agency within DHS responsible for securing the U.S. borders. CBP's mission is to ensure all goods and persons entering and exiting the United States do so in compliance with all U.S. laws and regulations.

As part of this mission, CBP inspects people entering the United States to ensure that they are entering the country legally and are not persons intending harm to the United States. CBP continually seeks new and more efficient ways to improve the process to increase security, while ensuring the flow of legitimate trade and travel. Enhancements to the inspection process can include changes to operational procedures or requirements, the introduction of new technologies, and changes to port facilities.

### 2.2 What is the problem with the existing situation?

Under existing requirements, U.S., Canadian, and Bermudan citizens entering the United States by land or sea from anywhere in the Western Hemisphere are not required to show a passport or other standardized document. To enter the country today from Mexico or Canada, U.S. citizens need only satisfy the CBP Officer of their citizenship. U.S. citizens now present a variety of documents to CBP

Officers, including driver's licenses, tribal identification cards, birth certificates, and other documents. They may also prove their citizenship to the CBP Officer by way of an oral declaration. Similarly, citizens of Canada and Bermuda generally are not required to present a valid passport or visa when entering the United States by land or sea from Mexico or Canada. While the traveler must satisfy the CBP Officer of his/her identity and citizenship, this may be accomplished by using any proof of citizenship in his/her possession. Many of the documents presented by these travelers do not denote citizenship and are subject to potential fraud. Therefore, there

#### **Current documentation requirements for entry to the United States depend on the citizenship of the individual:**

**U.S. Citizens** must convince the CBP Officer of their citizenship. The Officer examines the documentation presented and may ask for additional documentation until satisfied that the individual is a U.S. citizen.

**Nonimmigrant Aliens** must present a valid, unexpired passport book issued by their country of citizenship and a valid, unexpired visa issued by a U.S. embassy or consulate.

**Citizens of Canada and Bermuda** must satisfy the inspecting CBP Officer of their citizenship, if required. The Officer may request identification.

**Mexican Citizens** with a Border Crossing Card (BCC): Since October 1, 2001, first-time applicants for BCCs are required to present a valid Mexican passport book as the primary document of citizenship and identity.

The most important criterion to satisfy purpose and need is the ability for a CBP Officer to identify quickly and easily the citizenship and identity of all travelers entering the United States. To meet this criterion, the proposed alternatives should:

- Limit the number of different types of documents that the CBP Officer must inspect to ensure reliable evidence of identity and nationality
- Ensure CBP confidence in the document-issuance process
- Allow validation of the document-holder's information against government databases
- Require that documents contain sufficient security features to:
  - Make evident to Officers attempts to counterfeit or alter the document
  - Be electronically unique



*A variety of documents that differ in appearance, information, and security features are difficult to assess for validity.*

is a danger that non-U.S. citizens with U.S. identification could present themselves as U.S. citizens. CBP Officers must distinguish among numerous different types and formats of identification documents on a daily basis, making the task of recognizing fraudulent documents more difficult. The land border is particularly challenging for CBP Officers due to the large volume of traffic that must be processed in a short period of time.

Currently, CBP Officers must:

- Distinguish among thousands of different documents
- Assess the validity of documents presented
- Ask questions to establish citizenship and purpose of travel

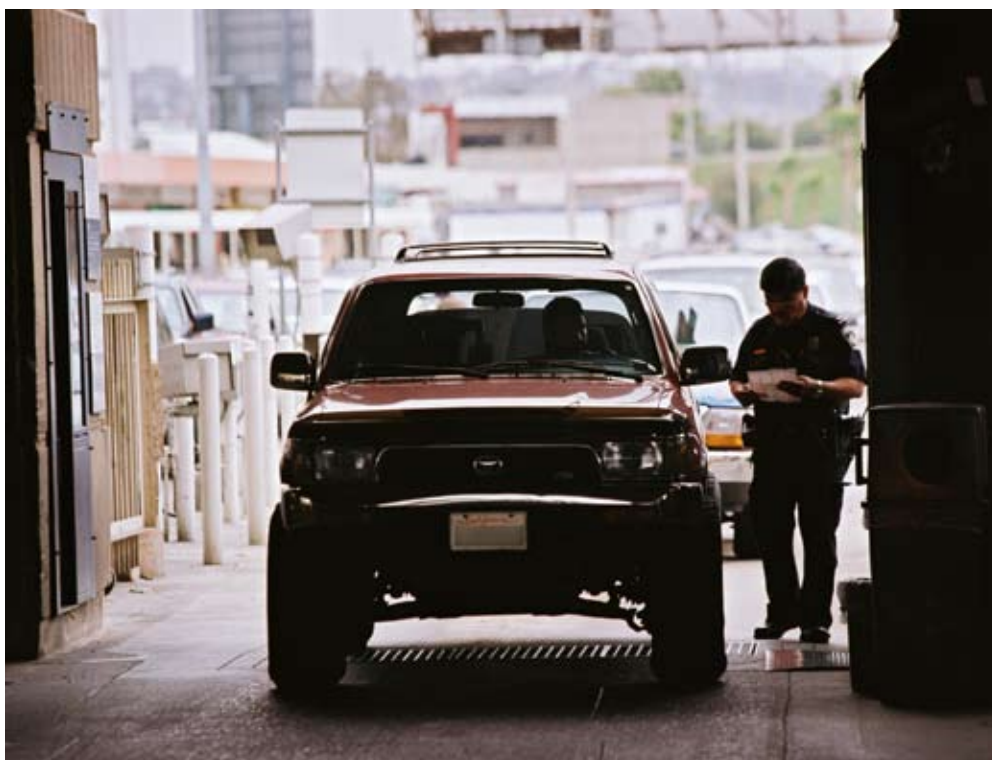
- Enter data into their computer system for criminal-database queries

Changes resulting from the new passport and documentation requirements imposed by IRTPA will result in a more reliable verification of citizenship and identity process, and will advance the mission of CBP to secure the flow of people and goods into the country, while facilitating legitimate travel and trade.

### 2.3 What is the purpose and need for this federal action?

The purpose and need for the land and sea phases of the WHTI plan is to secure the U.S. borders through the requirement of more reliable and secure travel documents. Improved travel documentation requirements would help DHS and CBP ensure the identity and citizen-

ship of travelers to the United States. Proper identification of individuals entering the United States is necessary so that DHS and CBP can fulfill their mandate to secure the nation's borders. Congress recently has enacted legislation requiring DHS and CBP to make these needed improvements to travel documentation. Specifically, Section 7209 of IRTPA requires both U.S. citizens and nonimmigrant aliens to have a valid passport or other identity and citizenship document to enter the United States.



*A CBP Officer must assess documents as vehicles wait at the port-of-entry. On a typical day, CBP processes 1.1 million passengers and pedestrians, including 724,192 aliens; 64,432 truck, rail, and sea containers; 2,639 aircraft; 365,079 vehicles; and 75,734 merchant entries coming into the United States.*

To accomplish the goal of securing the nation's borders, CBP must examine a number of different components of the entry process. Specifically, the following types of actions (which might be required to implement the land phase of the WHTI plan) are considered in this environmental assessment:

- Facility changes/construction brought on by changes in travel documents (e.g., installation of document readers, workstations, cabling, and sensors)
- Development, deployment, and implementation of new information technology (e.g., development of new software/database management system or new telecommunications equipment, and associated training and implementation)
- Changes in operational procedures at the border that could change processing and wait times (e.g., increased percentage of queried travel documents)

These actions, along with related traffic throughput and wait times associated with each alternative, form the basis of the environmental assessment.



### 3.0 The Alternatives: How can the problem be addressed?

To determine the best method of implementing the land phase of the WHTI plan, CBP examined three alternatives, plus the **No-Action Alternative** (or status quo). These alternatives were developed using the criteria determined necessary to meet the purpose and need for this action. This PEA examines these alternatives with respect to their potential environmental impacts for the land environment. Sea ports-of-entry and recreational craft are analyzed independently in Section 8.0.

#### 3.1 No-Action Alternative (Status Quo)

This alternative would not result in any changes to the current travel document requirements or the current inspection process. Nevertheless, it is provided as a baseline to examine what the environmental impacts would be if the land or sea phase of the WHTI plan were not implemented. Under this alternative, CBP would continue to process travelers in the traditional way, using a wide variety of acceptable documents and oral declarations, while increasing the level of scrutiny whenever feasible. The current process usually involves the traveler's presentation of a driver's license and birth certificate or passport book, or a machine reading of Trusted Traveler Cards such as NEXUS, Secure Electronic Network for Travelers' Rapid Inspection (SENTRI), Free and Secure Trade (FAST), or Border Crossing Card (BCC). Machine Readable Zone (MRZ) readers are available to read documents such as passports that are MRZ compatible. Existing problems with traffic backup and long wait times at some ports-of-entry would remain.

##### No-Action Alternative

- Thousands of accepted documents
- Documents contain no standardized security features
- Documents accepted at all land or sea POEs



##### Frequently Used Terms:

**MRZ — Machine Readable Zone** — an optical-character-recognition zone (OCR) on the document that allows a machine to read the document

**RFID — Radio Frequency Identification** — refers to an embedded chip in a credit card-like card or in a passport that allows an antenna to pick up a discrete identification number from the card (similar to, but much smaller than, the E-Z Pass used on toll roads and bridges)

**Trusted Traveler Cards** — CBP-issued cards that use either MRZ or RFID technology and require background checks in exchange for faster processing at the border, and in some cases the use of designated express lanes (e.g., NEXUS, SENTRI, or FAST)

### 3.2 Standardized Documents Alternative

This alternative would involve the standardization of information and layout for a limited number of travel document categories accepted at the borders. The approach would continue to rely on existing information-management systems and equipment. No new facility construction would be required. Under this alternative, Trusted Traveler documents would continue to be accepted.

- Standardized Documents Alternative**
- Limited number of accepted documents (e.g., five to ten categories)
  - Documents contain standardized security features
  - Documents accepted at all land or sea POEs



### 3.3 Machine Readable Zone (MRZ) Alternative

This alternative is similar to Alternative 2, but would include the requirement that all standardized documents have a Machine Readable Zone. This alternative would require MRZ equipment and cabling and common computer software. However, the majority of vehicle primary inspection booths at LPOEs already are equipped with operational MRZ-document readers. As in Alternative 2, Trusted Traveler documents would continue to be accepted.

- MRZ Alternative**
- Limited number of accepted documents (e.g., five to ten categories)
  - Documents contain standardized security features
  - Documents include Machine Readable Zone
  - Documents accepted at all land or sea POEs



### 3.4 Radio Frequency Identification (RFID) Alternative

This alternative is the same as Alternative 3, but also would include the use of RFID technology in the travel document. It incorporates the standardized documents categories of Alternatives 2 and 3. This alternative also would include the utilization of MRZ technology as in Alternative 3. MRZ readers would continue to be available at all LPOEs, including those without RFID technology.

#### RFID Alternative

- Limited number of accepted documents (e.g., five to ten categories)
- Documents contain standardized security features
- Each document contains Radio Frequency Identification chip and Machine Readable Zone
- RFID accepted at the busiest POEs. MRZ accepted at all LPOEs.



### 3.5 Summary of the Alternatives

#### The Alternatives

No-Action

Standardized Documents Alternative  
MRZ Alternative  
RFID Alternative



The “Action Alternatives”

The alternatives presented above build upon one another, in that standardization appears in the alternatives that follow the **Standardized Documents Alternative**. Likewise, the **RFID Alternative** would include both standardization and machine-readable technology. Although some vehicle lanes at LPOEs currently possess RFID technology, RFID readers would be installed on vehicle lanes at additional LPOEs as required. MRZ readers would continue to be available at all LPOEs, including those without RFID technology.

The three “action” alternatives cover the entire range of implementation options for the land phase of the WHTI plan. By examining each action alternative and comparing the potential impacts to the **No-Action Alternative**, the range of environmental effects can be examined by decision-makers and the public.





## 4.0 Establishing the Baseline

Activities along the border take place across a vast and complicated system of interactions among people, places, communities, and political boundaries. This section describes these processes and entities to help provide context for the analysis of the potential environmental impacts of the WHTI plan. Included in this discussion are the:

- Types, location, and number of LPOEs
- Description of border communities
- Border processes

### 4.1 What is the current operational and community environment at the land ports-of-entry?

#### 4.1.1 Ports-of-entry

There are 325 air, sea, and land ports-of-entry in the United States, yet about three-fourths of travelers enter the country through the 163 LPOEs (CBP, 2006b). The LPOEs are located along a vast geographic area spanning 15 different eco-regions and stretching more than 7,500 miles along the boundaries between the United States and Canada and Mexico.

Land borders are unique because traffic at these crossings consists of varying combinations of pedestrians, bicycles, cars, trucks, buses, and rail. In contrast, border-crossing travelers at air and sea ports-of-entry enter by one mode of transport as pedestrians.

The LPOEs vary widely in size, staffing, and setting (urban vs. rural), and in the volume and demographics of travelers crossing the borders. The 39 busiest ports process 95% of the annual cross-border travelers each year (Table 1, Figures 1 and 2, Department of Transportation, n.d.).

#### **A note about buses, trains, and ferries:**

Bus-traffic passengers account for about 2% of all border crossings (Department of Transportation, n.d.). A distinct but small amount of this traffic derives from schools and youth activities.

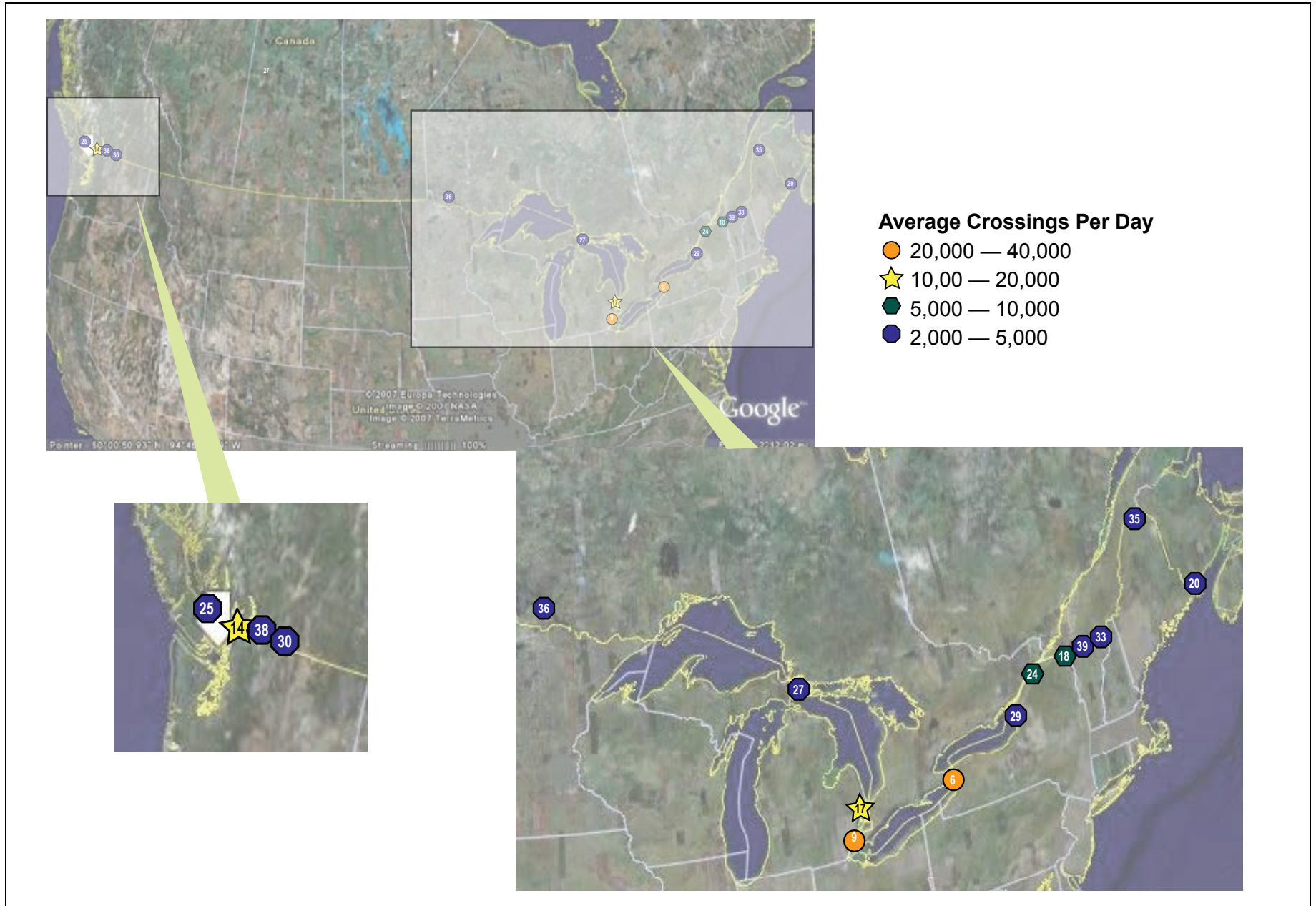
Train passengers account for less than one-tenth of one percent of all land border crossings. The number of passenger-train crossings at all POEs is small in terms of individual crossings, and these occur only on the U.S. – Canadian border.

Ferry traffic crosses the Northern Border in Alaska, Washington, Michigan, Ohio, New York, and Maine. One ferry operates on the U.S. – Mexican border at Los Ebanos, Texas: a hand-operated ferry carrying three cars at a time. Combined ferry traffic is less than 1% of total crossings (Department of Transportation, n.d.).

Bus, train, and ferry crossings represent only a small number of total crossings, and for the purpose of this analysis are deemed insignificant in terms of environmental consequences resulting from the implementation of the WHTI plan.

Rank	LPOE Locations	Rank	LPOE Locations
1	San Ysidro, CA	20	Calais, ME
2	El Paso, TX	21	Progreso, TX
3	Brownsville, TX	22	Rio Grande City, TX
4	Hidalgo, TX	23	Tecate, CA
5	Laredo, TX	24	Massena, NY
6	Buffalo/Niagara Falls, NY	25	Point Roberts, WA
7	Otay Mesa, CA	26	Presidio, TX
8	Calexico, CA	27	Sault Sainte Marie, MI
9	Detroit, MI	28	Andrade, CA
10	Nogales, AZ	29	Alexandria Bay, NY
11	Eagle Pass, TX	30	Sumas, WA
12	San Luis, AZ	31	Fabens, TX
13	Calexico East, CA	32	Naco, AZ
14	Blaine, WA	33	Derby Line, VT
15	Douglas, AZ	34	Lukeville, AZ
16	Del Rio, TX	35	Madawaska, ME
17	Port Huron, MI	36	International Falls/Ranier, MN
18	Champlain-Rouses Point, NY	37	Columbus, NM
19	Roma, TX	38	Lynden, WA
		39	Highgate Springs /Alburg , VT

**Table 1**  
**The top 39 land ports by volume account for 95% of the total volume of land border crossings (Department of Transportation, n.d.)**



**Figure 1**  
 Map of the Northern Border LPOEs rank-ordered by average border crossings per day



**Average Crossings Per Day**

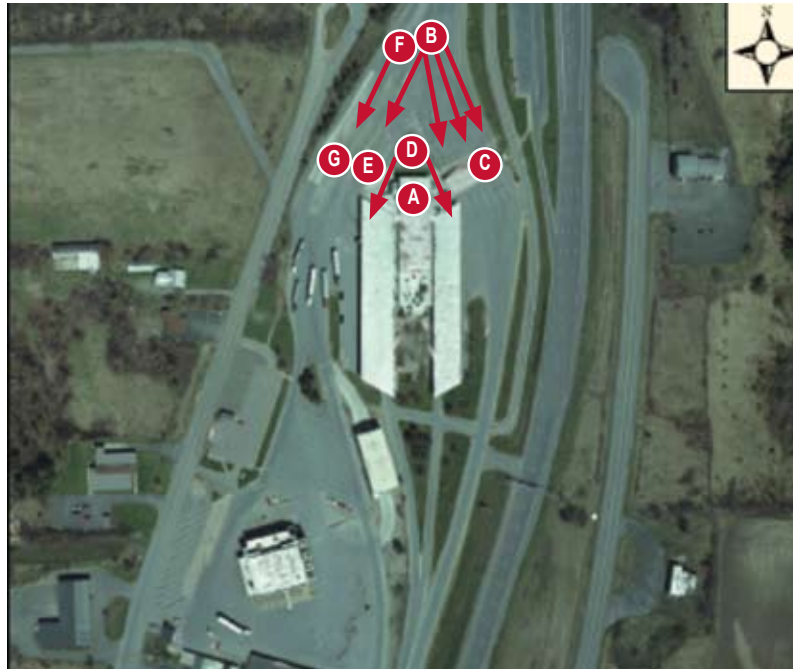
- 40,000 — 90,000
- 20,000 — 40,000
- ★ 10,000 — 20,000
- ⬡ 5,000 — 10,000
- 2,000 — 5,000

**Figure 2**  
Map of the Southern Border LPOEs rank-ordered by average border crossings per day

### Physical LPOE Layout and Constraints

Due to differences in the communities along the vast land border that the United States shares with Canada and Mexico, LPOEs vary widely in the scope and volume of operations. While certain LPOEs operate many lanes around-the-clock, other border ports see only a few cars during the day and close at night.

LPOEs also vary dramatically in size, ranging from 300 square feet to over 300,000 square feet. Crossing activities demonstrate similar extremes. The busiest LPOEs process almost 100,000 travelers per day, while some isolated ports see only a few travelers a day (Department of Transportation, n.d.).



- |                                  |                               |
|----------------------------------|-------------------------------|
| A: Main Building                 | E: Headhouse                  |
| B: Inbound Noncommercial Traffic | F: Inbound Commercial Traffic |
| C: Noncommercial Primary         | G: Commercial Primary         |
| D: Noncommercial Secondary       |                               |

*A typical LPOE layout as seen from aerial photography*

A typical port facility spans a road crossing an international boundary. On such a road, the outbound lane or lanes (leaving the United States) generally are open and bypass the facility, while the inbound lanes (entering the United States) feed into a series of inspection booths that may include both commercial and noncommercial primary inspection stations. Some LPOEs accept only commercial traffic, some accept only noncommercial, and most accept both. Commercial inspections often are carried out in separate areas of the port facility. The main building in the LPOE generally houses administrative offices and the pedestrian and secondary inspection areas.



*LPOEs vary widely in size, from very large ports to very small ports.*

### Current Facility Constraints and Complexities

Ownership and Responsibility for the 163 U.S. LPOEs:

- 44 CBP-owned facilities
- 95 General Services Administration-owned facilities
- 23 General Services Administration-leased facilities
- 1 National Park Service-owned facility

The functionality of CBP LPOE operations is determined, in part, by the physical locations within which they operate. Each port is distinctly different from another in a variety of aspects, such as layout of inspection space, number of lanes, number of buildings, and square footage of workspace.

Availability of electric power can be a constraint at some facilities. In recent years, the addition of sensors and information technology at the ports has strained the available power capacity in some locations. Some site-specific upgrades or energy conservation measures may be required to enable the installation of any additional technology with substantial power requirements.

Currently, one-third of the ports along both the Northern and Southern Borders have inadequate primary and secondary inspection space, creating a facility constraint for CBP operations. One-fifth of the LPOEs also are hampered by having insufficient vehicle queuing areas (CBP, n.d.[b]). Many high-volume ports currently operate at carrying capacity and cannot accommodate adverse changes to traffic volume or processing time without an associated impact on vehicle wait times. A decrease in traffic or processing time would help to reduce average wait times at these high-volume ports.



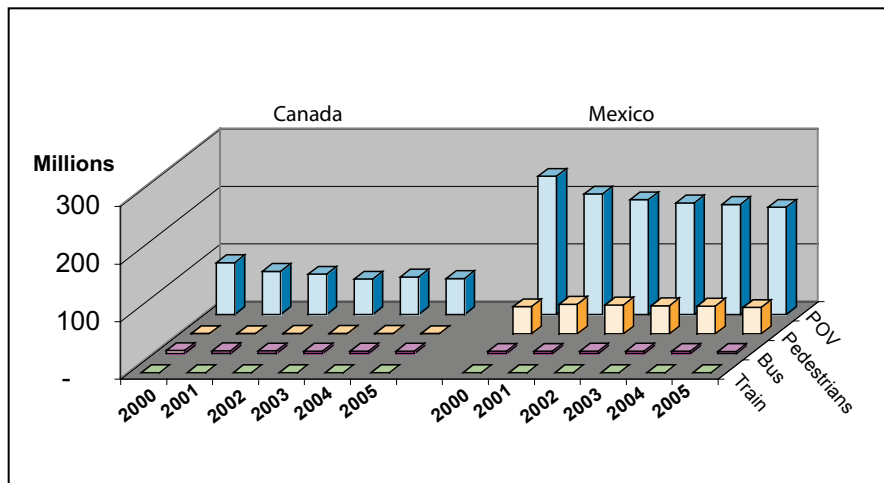
*Infrastructure needs and construction projects are included in CBP and GSA capital programs each year.*

To identify specific infrastructure needs, CBP submits a list of prioritized LPOE facility projects to be included in the General Services Administration's (GSA) capital program each fiscal year. GSA works with CBP to establish requirements for overall building area, inspection lanes, warehouses, and other features necessary to accommodate CBP's programmatic needs. Projects can range from moderate facility modifications to entirely new port construction. At any given time, LPOEs undergo facility modifications, upgrades, and sometimes, entirely new building projects to better support CBP functions and operations at the ports-of-entry.

For the purposes of the PEA, facility constraints are considered part of the existing (baseline) environment. CBP addresses the constraining factors for each LPOE in annual prioritized submittals to GSA. Previous site-analysis work conducted by US-VISIT (2003a, 2003b) has examined the facility constraints within the context of the environmental conditions at the LPOEs.

### 4.1.2 People and Cross-border Travel

The number of people crossing the borders has declined over the last decade.<sup>1</sup> Figure 3 indicates the magnitude of non-commercial border crossings. Noncommercial traffic includes privately owned vehicles, buses, and pedestrians. No comparable data were included for commercial crossings because WHTI will not impact commercial traffic or documentation requirements. Some of the differences between the Northern and the Southern Borders are apparent. About 75% of all border crossings occur on the Southern Border and a sizeable percentage of these involve pedestrians (Department of Transportation, n.d.; CBP, 2006b). About 25% of all border crossings occur on the Northern Border and conversely, very few of these crossings involve pedestrians (Department of Transportation, n.d., CBP, 2006b). Overall, approximately 80% of total land border crossings occur in privately owned vehicles (POVs) (Department of Transportation, n.d.)

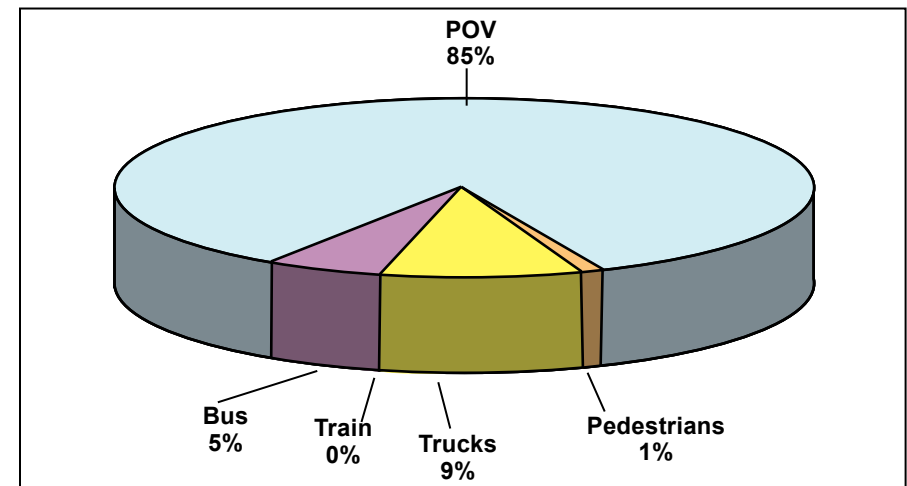


**Figure 3**  
Noncommercial border crossings by year for the Northern and Southern Borders

### Northern Border

In 2005, about one-fourth of all crossings into the United States came through the LPOEs on the Northern Border (Department of Transportation, n.d.). Although LPOEs on the U.S. – Canadian border are more numerous than on the Southern Border, far fewer individual crossings are made on the Northern Border.

As indicated in Figure 4, privately owned vehicles (POVs) predominate as the method of entry into the United States from Canada. While some Northern Border LPOEs are large ports such as Buffalo and Detroit that process 30,000–35,000 travelers per day, most Northern Border LPOEs are rural. Combined, these rural LPOEs process fewer than 5% of all crossings per day (Department of Transportation, n.d.).



**Figure 4**  
Transportation method of entry at the Canadian border in 2005

<sup>1</sup> The U.S. Bureau of Transportation Statistics (BTS) publishes inbound monthly border crossing/entry data for vehicles, buses, trains, passengers, and pedestrians. The data include crossings by LPOE on the U. S. –Canadian and U.S. – Mexican borders. The BTS data represent the best available quantitative information on incoming traffic into the United States for land border crossings and is the primary source of crossing data for this PEA.

Figure 5 shows the composition of travelers (including commercial traffic) currently using passports or Trusted Traveler documentation to cross the Northern Border. The pie charts also show an estimate of the percentage of travelers who are likely to need new documentation when the land phase of the WHTI plan goes into effect. On the Northern Border, 58% of crossers are comprised of both U.S. and Canadian citizens and are expected to be affected by the change in document requirements under WHTI (CBP, 2006b; Department of State, 2005; Industry Canada, 2006). These crossers do not have passports or Trusted Traveler documentation, and would be required to obtain them or an acceptable alternative document after implementation of the land phase of the WHTI plan. The percentages were calculated using the best available data from 2004 (See Appendix C: Estimating the WHTI-Affected Travelers' Crossings into the United States).

### Southern Border

Southern Border LPOEs process about 75% of total land border inspections nationwide, which consist of 99% of all pedestrian inspections and 75% of POV inspections (Department of Transportation, n.d.).

Figure 5 shows the percentage of Southern Border travelers who would be affected by the document changes required by WHTI. Since Mexican citizens already are required to present a valid passport or Laser Visa to enter the United States and already have the necessary documents, they would not be impacted by the change in document requirements under WHTI. Altogether, it is expected that approximately 29% of travelers on the Southern Border, all of whom would be U.S. citizens, would be affected by WHTI (CBP, 2006b; Department of State, 2005). These crossers do not

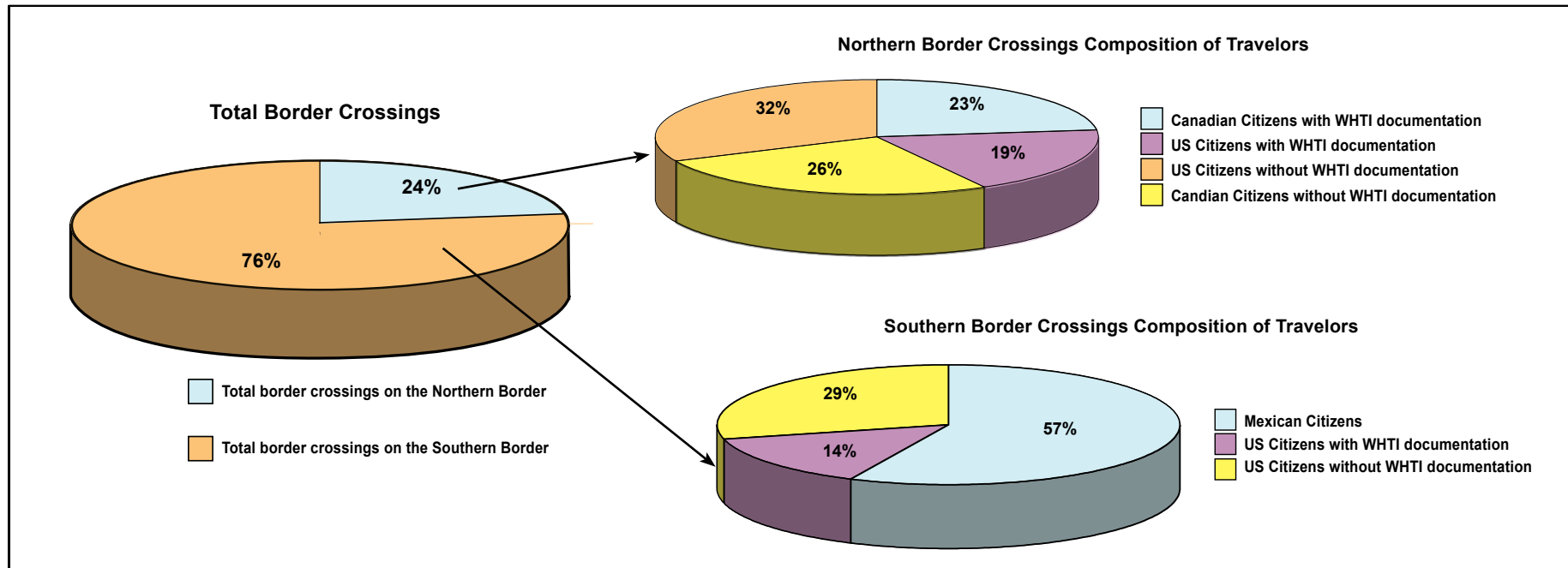


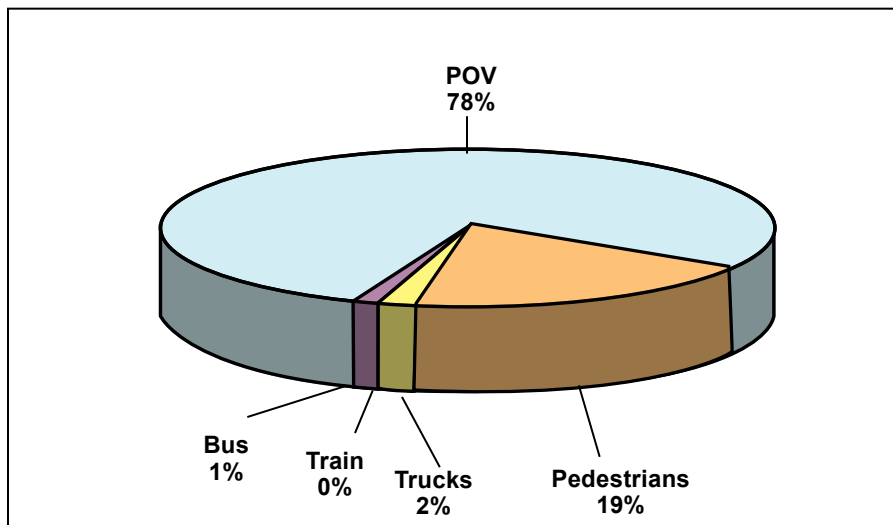
Figure 5  
The composition of travelers along the Northern and Southern borders in 2004 (includes truck traffic)



have passports or Trusted Traveler documentation, and would be required to obtain them or an acceptable alternative document after implementation of the land phase of the WHTI plan. The percentages were calculated using the best available data from 2004 (See Appendix C: Estimating the WHTI-Affected Travelers' Crossings into the United States).

Figure 6 indicates the types and percentages of different entry modes on the Southern Border. The border-crossing figures for the Southern Border are dominated by a few very large and busy LPOEs such as San Ysidro, El Paso, and Brownsville, which each typically processes 40,000 – 85,000 travelers per day (Department of Transportation, n.d.).

One of the common characteristics of border crossings is that some people cross frequently. Commuters and others who cross regularly account for a significant percentage of total border crossings. For example, at one Northern Border LPOE, about 344,000 travelers cross more than once a month and account for 27% of all crossings by U.S. citizens at that LPOE (Department of State, 2005).



**Figure 6**  
Transportation method of entry at the Mexican border in 2005

#### 4.1.3 Processes at Land Ports-of-Entry

In FY 2005, more than 319 million passengers and pedestrians were processed by CBP at LPOEs (CBP, 2006a). Passengers and pedestrians are processed using varying forms and levels of identification, ranging from a verbal declaration of citizenship by a U.S. citizen to a passport containing a visa for a foreign national. Trusted Traveler Programs along the Northern and Southern Borders expedite the entry process for pre-screened participants and help provide advanced passenger information to the CBP Officer.

##### Trusted Traveler Programs

The Trusted Traveler Programs are programs that expedite border crossings. These include the NEXUS, SENTRI, and FAST programs in which typical users are daily commuters or commercial drivers. Certain LPOEs have reserved designated lanes for the holders of Trusted Traveler Program cards. These Trusted Traveler Programs are important because they represent approaches similar to WHTI alternatives that involve MRZ and RFID technology. The Trusted Traveler Programs are discussed in more detail in Appendix A.

##### Port Inspection Dynamics and Wait Time

In recent years, the inspection process described has become increasingly rigorous, particularly since September 11, 2001. The current CBP strategic plan calls for screening all travelers prior to entry through a land port-of-entry (CBP, 2006a). This increased scrutiny typically leads to longer individual inspections than in previous years. It also results in a substantial increase in the time spent by travelers waiting in queues for primary inspections. Vehicles queued for inspection can have an effect on environmental resources; consequently, a brief description of the inspection dynamics that create long vehicle lines is incorporated here.

Wait time is defined as the time spent by a vehicle starting with its

arrival in the queue and ending with the signal to proceed to the primary inspection booth. Wait time is a function of the number of vehicles arriving at the port per unit of time, the time each vehicle spends in primary inspection, port design, and the number of primary inspection booths operational. An associated measure is *idle time*, or *time lost*, which is the sum of the wait time for every vehicle in the queue over a specified period of time. Wait time and port geometry (number and length of lanes operational) are the factors that contribute to idle time.

As shown in Figures 7 and 8, the average daily wait times on the Canadian border are relatively short in comparison with the wait times on the Mexican border. Trends vary by port; however, in general, wait times increased between 2003 and 2006. This continues a trend that has been discernible since 2000. Wait times peaked immediately following the September 11, 2001, terrorist attacks in the United States, but they returned to normal for most ports-of-entry

by the end of that year, as traffic volume plummeted immediately following the September 11 attacks.

Another attribute of wait times that differs with location involves daily peak periods. At Northern Border ports-of-entry, wait times typically peak at midday. On the Southern Border, wait times remain consistently high throughout daylight hours.

#### 4.1.4 Economics, Demographics, and Cultural Practices in Border Communities

In general, high volumes of people and vehicles move across the Northern and Southern Borders annually for a variety of reasons, including historical relationships between communities along the border, commerce and trade, business, cultural and religious practices, access to prescription drugs and medical care, tourism, recreation, shopping, and socialization with family and friends.

#### Typical LPOE Inspection Process:

**Step 1** As a vehicle approaches the inspection facility, the traveler selects an open vehicle inspection lane. Vehicles must wait at a stop sign prior to approaching the vehicle inspection booth. At the stop sign, Radiation Portal Monitors (RPMs) passively screen vehicles for the presence of nuclear and radiological materials. Once the CBP Officer completes the current inspection, the Officer signals for the traveler's vehicle to advance. As the vehicle moves towards the inspection booth, a license plate reader transmits the license plate number to the primary inspection booth.

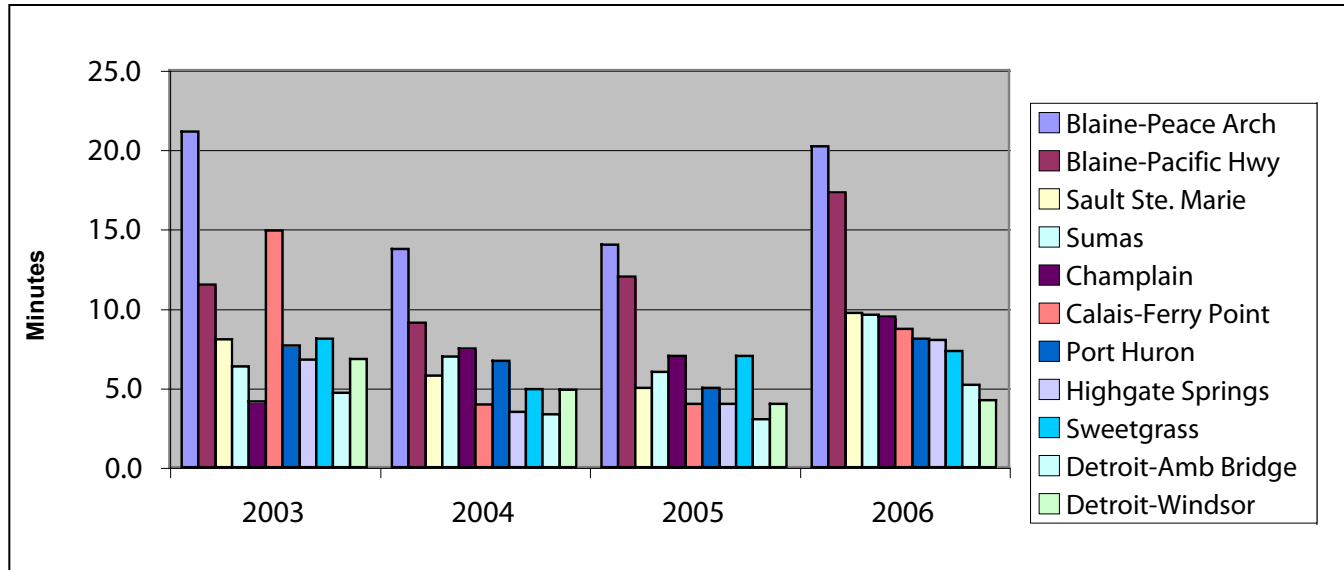
**Step 2** One CBP Officer conducts the primary inspection in each vehicle lane.

*All persons seeking admission:* Persons in the vehicle are required to identify themselves, state or present documents showing citizenship, and declare their intent and purpose of travel. The CBP Officer verifies citizenship for all occupants of a vehicle.

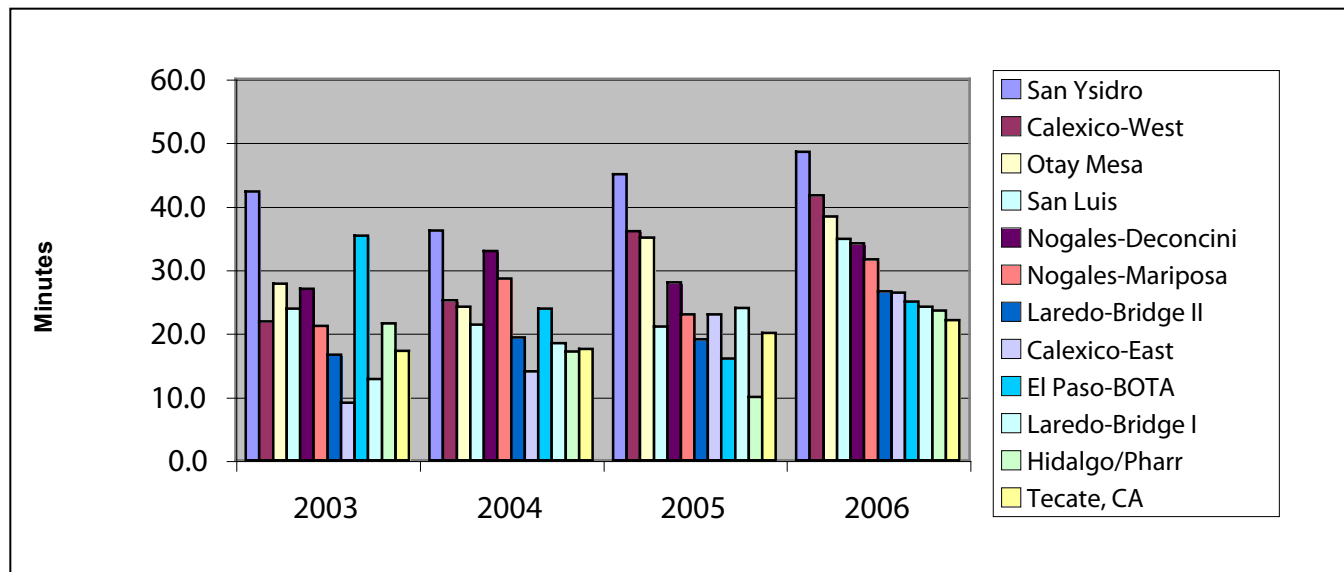
*U.S. Citizens:* Currently, persons claiming to be U.S. citizens must satisfy the CBP Officer of their citizenship through oral declarations or any documentation that is sufficient in the judgment of the examining Officer. The Officer may direct

the vehicle and all occupants to a secondary area for further inspection or allow the vehicle to proceed into the United States.

*Non-U.S. Citizens:* The CBP Officer must determine that correct and legitimate travel documents are presented and determine the travelers' duration of stay in the United States. The CBP Officer may send the travelers to a secondary inspection area for further inspection of the occupants and/or vehicle or for review and issuance of necessary documentation. Otherwise, the CBP Officer will allow the travelers to proceed into the United States.



**Figure 7**  
Average daytime wait times for high-volume LPOEs on the Canadian border from 2003 to 2006



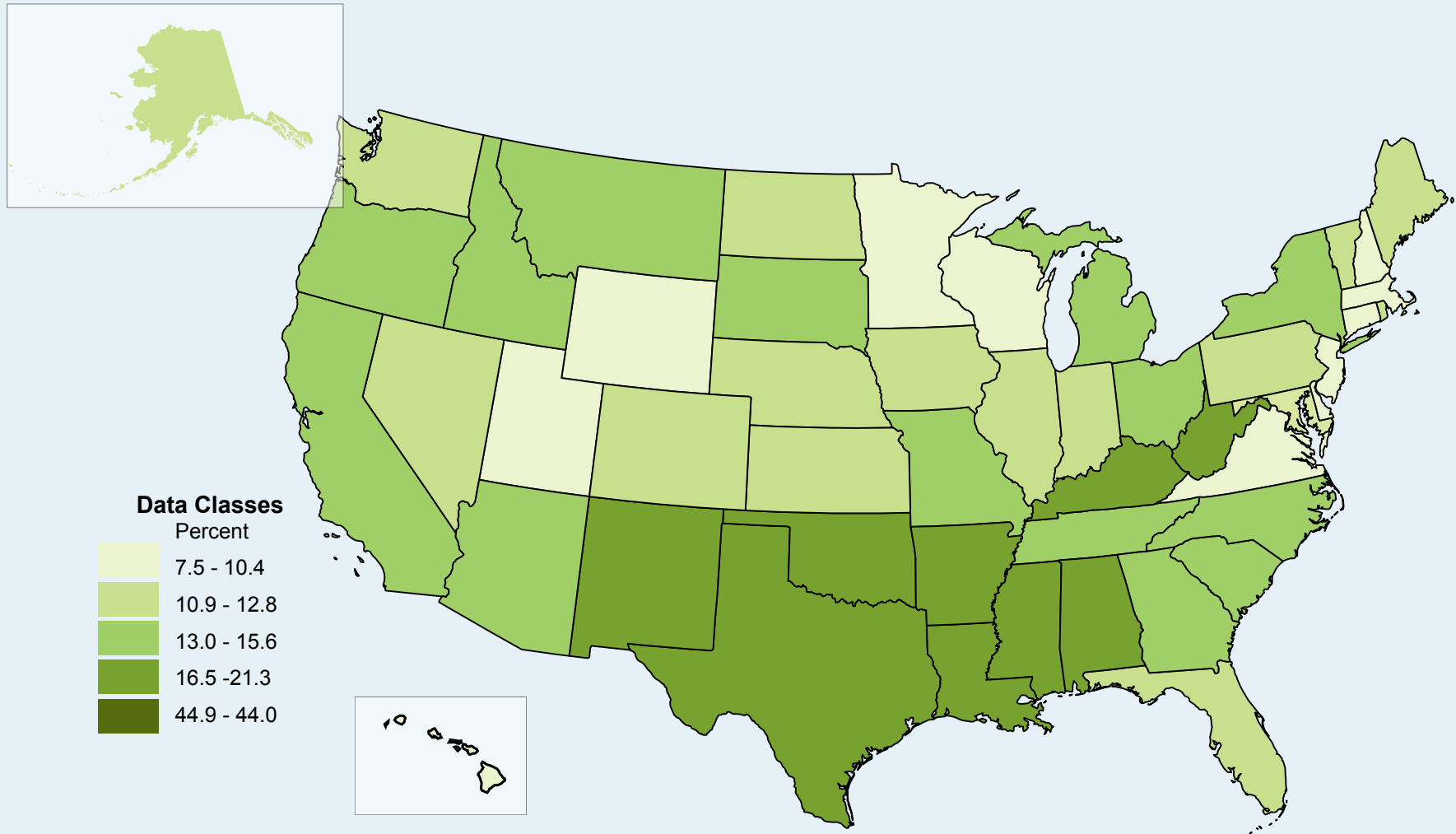
**Figure 8**  
Average daytime wait times for high-volume LPOEs on the Mexican border from 2003 to 2006

Figures for border crossings indicate commercial traffic (which at the larger LPOEs uses dedicated lanes for crossing) figures more prominently at the Canadian border than the Mexican border. Commercial traffic in 2006 along the Northern Border accounted for 18% of all traffic crossing the U.S. – Canadian border, whereas only 3% of traffic along the Southern U.S. – Mexican Border was commercial.

The border is characterized by many low-density rural communities, with a few large cities scattered in between. As Figure 9 shows, some U.S. border states have higher poverty rates than the nation as a whole, based on the 2005 U.S. Census (U.S. Census Bureau, 2007), with some Southern Border states indicating somewhat higher percentages than generally found in the Northern Border states.

As with the nation as a whole, border communities reflect a varied population and culture. Communities along the border with Mexico may contain a predominately Latino population. By way of example, in New Mexico, 54% of the population in border counties is Latino. Additionally, 40% of the children in New Mexico's border communities live in poverty. Similarly, in Arizona, Latinos comprise more than 93% of the population of the border community of Nogales, approximately 45% of Yuma, 86% of Douglas, and 82% of Naco. In Arizona, populations below the poverty line number approximately 34% in Nogales, 15% in Yuma, 36% in Douglas, and 34% in Naco.

There are currently 563 federally recognized Native American Indian tribes in the United States. Many are located on the borders. Some may maintain cultural interests in the border region, and may cross the borders for activities such as tribal ceremonies, funerals, and the provision of health care. Appendix E lists federally recognized U.S. Native American tribes and their reservations that are located near or on the U.S. borders with Canada and Mexico. There are also U.S. state-recognized tribes, as well as Native American communities in Canada and Mexico.



SOURCE: U.S. Census (www.census.gov), 2007.

**Figure 9**  
The percentage of people below poverty level in 2005 (for whom poverty status is determined)



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## 5.0 Methods and Drivers

This section describes the methodology used in the analysis of the alternatives and the characteristics of the alternatives under consideration that drive the effects on the environment.

### 5.1 Environmental Baseline — What is the affected environment?

In 2003, the US-VISIT Program Management Office of DHS initiated and completed comprehensive surveys of the LPOEs along the Northern and Southern Borders (US-VISIT, 2003a). These studies provide a description of ecosystem components such as the natural, physical, socioeconomic, and cultural assets of the ports-of-entry. They also identify the sensitive resources that require additional evaluation and consideration when taking actions at the ports-of-entry.

The baseline studies were combined within eco-regions to provide a Strategic Environmental Appraisal (US-VISIT, 2003b). The SEA approach considered resource sensitivities and potential environmental consequences in an ecosystem context. The ecosystem approach represents a widely accepted scientific approach to analyzing biological and physical data, and for current purposes provides a baseline for rapid identification of resources likely to be affected by proposed actions.

These analyses provide the context and reference points for reviewing the potential environmental impacts to natural resources that could be caused by implementation of the land phase of the WHTI plan. These analyses also are used to provide context in examining potential cumulative effects. CBP continues to update these comprehensive surveys to maintain current information.

### 5.2 What are the analytical methods used to determine the potential for environmental impacts?

Qualitative methods are the primary means used in this PEA for predicting potential environmental impacts associated with the alternatives. Scoping indicated that air quality was the environmental resource of most potential concern. For air quality, the analysis is quantitative and represents a *bounding analysis* in which the upper bounds of potential impacts are tested by looking at the potential impacts under a worst-case scenario.

#### 5.2.1 What are the stages of activity?

There are three stages of activity considered in this PEA:

1. **Implementation Stage** — This stage represents the transition from current operations to the implementation of the new document requirements, along with associated changes to equipment, software, and procedures at LPOEs. Issuance of documents, deployment of equipment and software, and implementation of training occur during this stage. Impacts identified for this stage are assumed to be temporary in duration.
2. **Early Operational Stage** — This stage represents the first six months of operations at the borders using documents required by WHTI and associated equipment, software, and processes that may accompany the implementation of WHTI. This stage represents the transition from the old ways of doing business to the new ways, and requires public and institutional adjustments to comply with WHTI. Impacts identified for this stage are assumed to be temporary in duration.

3. **Steady State Operational Stage** — This stage represents organizational maturation in regard to new requirements associated with WHTI. By this point, the CBP workforce would have become accustomed to the new requirements, new processes, and new procedures associated with WHTI. In addition, the traveling public likely would have adapted to the system. Thus, they likely would approach the border with an understanding of their role in making the border crossing run smoothly and efficiently (e.g., by having the appropriate identification document ready to be scanned at the appropriate location). Impact levels at this stage governed the assessment of overall impacts to each environmental resource.

At a programmatic level, the Steady State Stage identifies the long-term, overall impact. Other impacts that occur during the Implementation and the Early Operational Stages are assumed to be temporary in duration.

### 5.2.2 What are the levels of impact?

Due to the qualitative nature of the analysis, impacts also are categorized at one of three levels. Impacts can be either beneficial or have adverse effects on the environment.

- **Low:** Low, in the context of this environmental assessment, means that actions or policies required to implement the alternative would result in few or no impacts on the quality of the human environment at a national level. These impacts do not require mitigation and are well below statutory, regulatory, or policy thresholds for environmental protection.
- **Medium:** Medium, in the context of this environmental assessment, means that actions or policies required to implement the alternative would result in modest impacts on the environment at a national level. These impacts are short in duration or low

in intensity and do not rise to a level of significance. Medium impacts do not create effects that exceed statutory, regulatory, or policy thresholds, and can be mitigated.

- **High:** High, in the context of this environmental assessment, means that actions or policies required to implement the alternative likely would result in significant impacts on the quality of the human environment. The level of these impacts is dependent upon the context and degree of intensity and on the duration of changes and effects at the national level. A finding of *high* for some composite locations or during one of the stages of activity would not necessarily result in significant impacts at the programmatic or national level. High impacts are impacts to a majority of ports-of-entry within the context appropriate to each environmental resource, and that result from the actions or policies that would yield intense impacts of a long duration or would violate statutory, regulatory, or policy thresholds for environmental protection. High impacts at a programmatic or national level would result in a finding of significance and therefore would require mitigation or the preparation of an Environmental Impact Statement.

These definitions are refined further in Appendix B for each resource area to explain how the analysis for each environmental resource is conducted.

### 5.3 What are the drivers for environmental impacts?

A number of factors required to implement the land phase of the WHTI plan are the primary drivers for environmental changes or impacts. These drivers, while not environmental impacts themselves, provide important information to help understand the potential environmental impacts of each alternative.



### 5.3.1 How much construction would be needed to implement the alternatives?

Construction activity associated with the alternatives varies depending on the technology, and is described below. In general, construction activity increases as the alternatives become more technologically sophisticated. The only exception to this trend is the **No-Action Alternative**. Under this alternative, it is presumed that existing problems with traffic conditions, limited inspection spaces, and limited queuing areas would result in moderate upgrades and new construction. Overall, none of the alternatives are likely to result in the need for major upgrades or substantial new construction.

**No-Action Alternative** — Although no changes as a result of WHTI would result in construction under this alternative, upgrades and construction necessary to address existing and worsening space limitations and traffic problems would continue to occur.

**Standardized Documents Alternative** — This alternative involves the least amount of construction activity associated with the land phase of the WHTI plan. The shift in requirements to a smaller number of standardized documents would not require any construction activity at ports-of-entry.

**Machine Readable Zone Alternative** — Under this alternative new MRZ readers may be installed inside the inspection booths, but no new construction activity would be necessary.

**Radio Frequency Identification Alternative** — This alternative requires the installation of RFID sensors (readers) across all lanes at the busiest LPOEs (See Table 1). Although sensors currently are present in some lanes, construction to install the RFID sensors and associated cabling on the other lanes would be required. MRZ readers would continue to be available at the smaller LPOEs

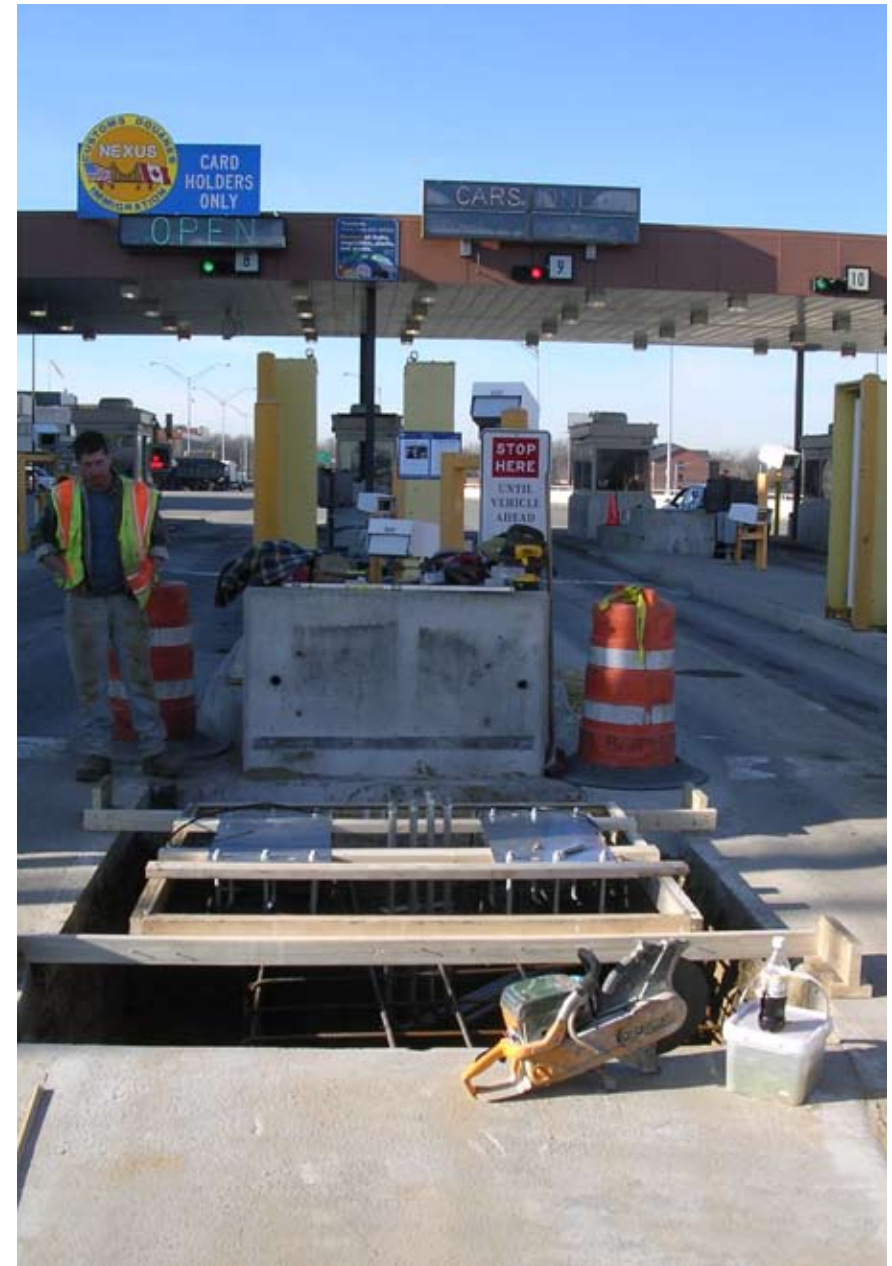


Figure 10  
Installation of RFID technology at a typical LPOE

**LPOE Traffic Definitions**

**For the purposes of this analysis, the following definitions apply:**

- Flow .....The dynamics of the vehicle throughput of the LPOE: quantity, speed, and direction of vehicles at the various stages
- Patterns.....The design and structure of the port-of-entry for processing vehicles: number and length of lanes, inspection booths, parking facilities, and secondary-inspection vehicle flow
- Processing time ...The amount of time spent by a vehicle in primary inspection
- Queue .....The line of vehicles waiting to approach or at the stop sign in front of the primary inspection booth
- Query-rate percentage .....The percentage of identification documents that are validated through electronic databases
- Volume .....The number of vehicles arriving at the LPOE in a specified time period
- Wait time .....The amount of time a vehicle must wait in the queue (Also see definition in Section 4.0, Establishing the Baseline)

without RFID technology. Computer upgrades also may be necessary to accommodate the new technology. Sensor installation and computer upgrades are typical construction activities at LPOEs. As seen in Figure 10, a relatively small hole is dug for the foundation and installation of the sensor base or support. Often, a small trench is opened to allow installation of the conduit for the wires, if the extant conduit will not accommodate the required cables. Construction usually takes place one lane at a time during off-hours or low-volume hours.

Overall, none of the action alternatives would result in the need for significant upgrades or substantial new construction.

**5.3.2 What would happen to inbound traffic at the LPOEs as a result of the land phase of the WHTI plan?**

**Background**

Traffic is one of the primary attributes at LPOEs that can affect the human environment. Automobile traffic is noisy, it produces a variety of air emissions, and it can disrupt commerce and local neighborhood activity, especially when backed up as vehicles wait for the border-crossing inspection. The following discussion concerns only inbound POV traffic, the traffic that has the potential to be affected by WHTI.

Traffic varies by port-or-entry, time of day, and time of year. At the busiest LPOEs, traffic queues typically are longer than at smaller LPOEs because the traffic volume generally exceeds the capacity of the LPOEs to service the traffic under current inspection protocols.

The factors that lead to long traffic queues and wait times can be categorized as external, port design, and management or operational factors. External factors include the volume and vehicle mix of the arriving traffic. There also are seasonal, weekly, and daily traffic pat-

terns, which are outside the direct control of CBP. Within these local and seasonal variations, however, trends in traffic occur over time. In this analysis, this is referred to as the context of current variation.

LPOE design includes approach roadways, the number and length of lanes leading to the inspection booths, ergonomics and design of the booths, the layout and types of sensors, signage, traffic patterns leading to secondary inspections, and egress patterns and roads leaving the port-inspection facilities. LPOE design is subject to various limitations imposed by physical location, federal, state, and local transportation agencies, permitting, and budgets.

Management factors include human resources, information technology, and operational policies. Human resources include the numbers, training, turnover, and organization of the LPOE staff. Information technology is vital to the inspection process. Its responsiveness, accuracy, reliability, integration, and information flow to the Officer is essential to the inspection. CBP policies and guidelines provide the working rules for the LPOE. Policies establish and influence factors, such as query rates, acceptable wait times, training methods, and operational flexibility. Management factors pertaining specifically to operations are those actions at the port level that directly affect traffic throughput, such as shift assignments, numbers of open lanes, special operations, overtime, and other factors of the LPOE's daily operation. The significance of management factors in determining wait times was demonstrated by the 25% Challenge in Detroit (Doan, 2006), in which changes in operational procedures reduced wait times for U.S.-bound commercial traffic by as much as 71% at the busiest LPOEs.<sup>2</sup> This substantial change in wait times resulting from management factors alone demonstrates the influence that management decisions have on wait time. This is important because wait time is the key variable affecting environmental resources, such as air quality and noise.

<sup>2</sup> On December 17, 2004, Secretary Ridge and Canadian Deputy Prime Minister Anne McLellan met in Detroit and announced the "25% Challenge." Its goal was to make quantifiable improvements in the transit times and reduce traffic congestion by leveraging the resources and leadership of the bridge, tunnel, and ferry owners in southeastern Michigan—specifically, to reduce transit times by 25% within one year.

Figure 11 shows, in a process diagram format, many of the major factors and interrelationships that determine or affect private vehicle wait times at LPOEs. Those factors that could be influenced or changed by the implementation of WHTI are indicated in red. Those factors that can be adjusted by CBP are indicated in black. Factors that are external to direct control by CBP are indicated in blue. As shown, wait time and the resultant potential impact on environmental resources is the result of numerous interacting factors, only a few of which have the potential to be affected by the land phase of the WHTI plan.

### **What is the inbound traffic volume?**

The number of people crossing the U.S. borders has declined substantially since 2000 (Figure 12). For the purposes of the analysis in this document, it is assumed that the volume of border crossings at LPOEs would remain at current levels. Although some data suggest that traffic volume may initially decrease after the land phase of the WHTI plan goes into effect, the use of current crossing levels is intended to provide a conservative estimate for the potential environmental impacts of WHTI.

Approximately 58% of crossers on the Northern Border and 29% of crossers on the Southern Border would be impacted by WHTI (See Section 4.0, Establishing the Baseline). Everyone else would continue to use the same documentation that they currently use: passports, Border Crossing Cards, and Trusted Traveler Cards. Thus, the inspection process does not change for 42% of crossers on the Northern Border and 71% of crossers on the Southern Border (See Section 4.0, Establishing the Baseline).

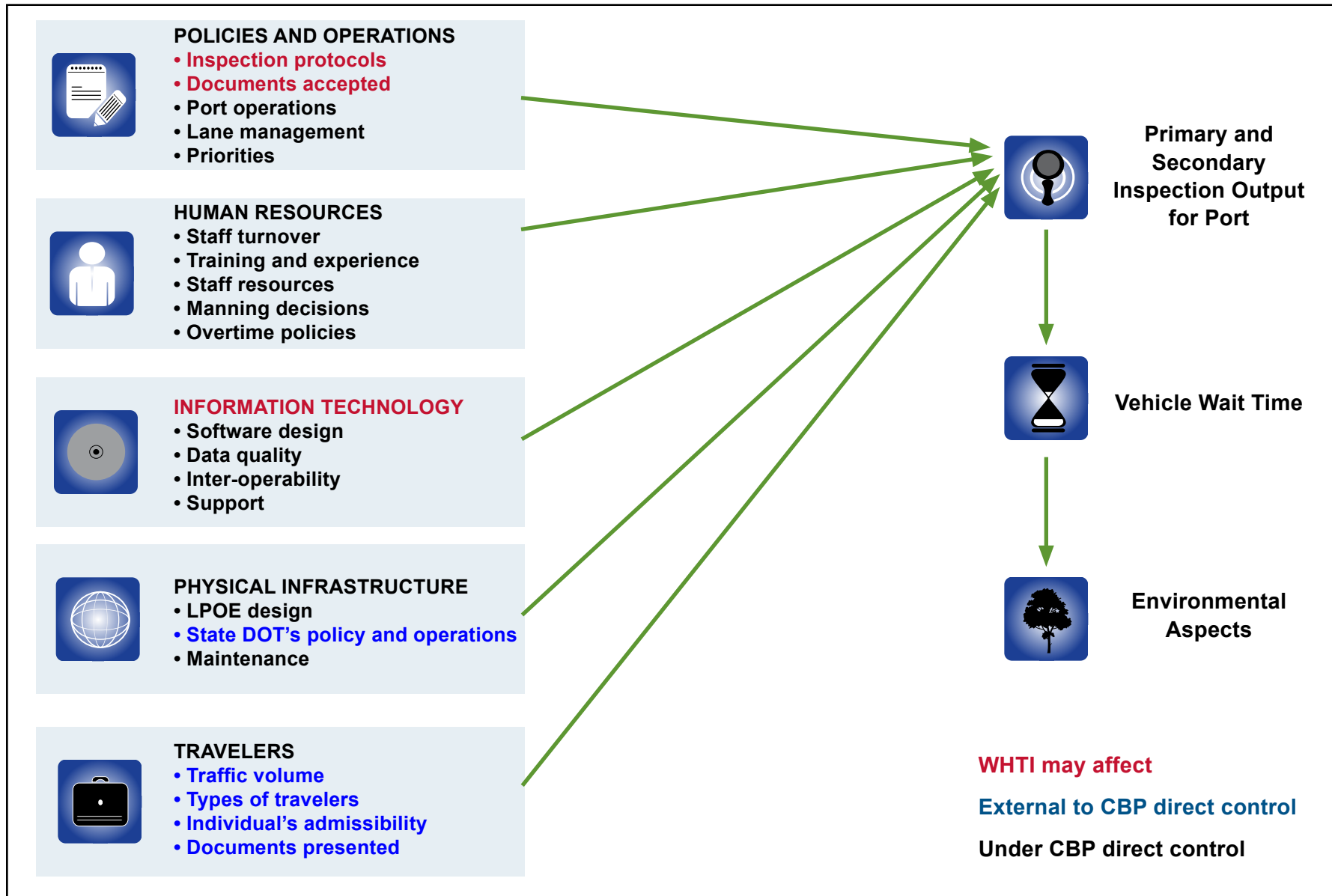
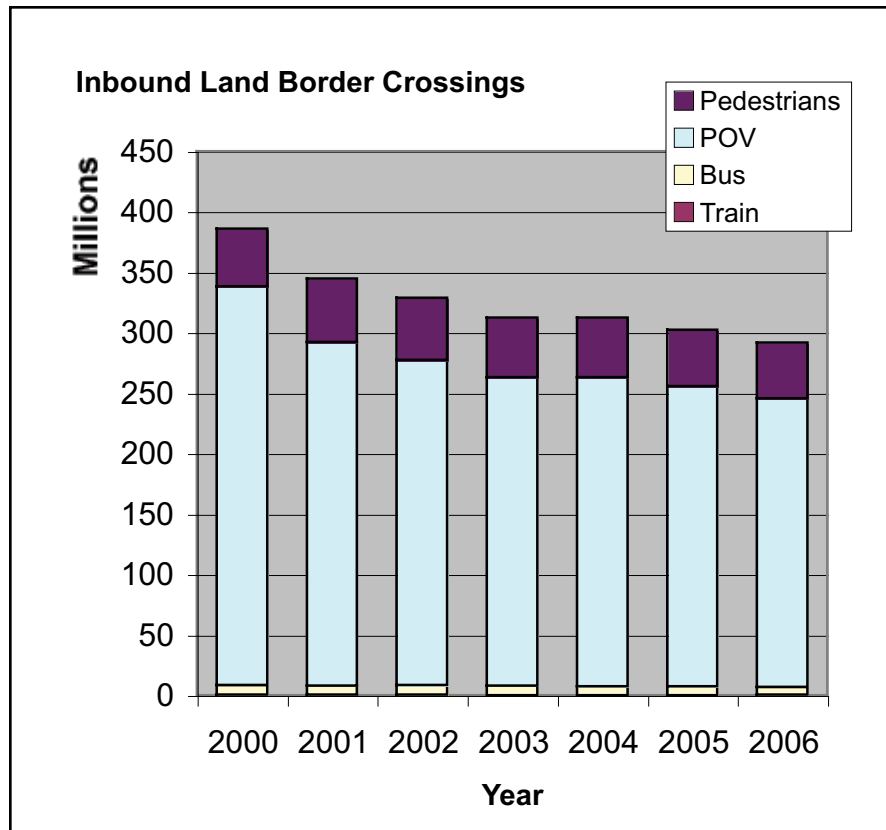


Figure 11  
Causal factors that affect vehicle wait time in primary and secondary inspections at LPOEs



**Figure 12**  
Inbound land-border crossings from 2000 to 2006

### Processing Time–Wait Time Relationship

The relationship of wait time to processing time is dependent on arrival rates of the traffic and the number of inspection lanes in operation. This relationship typically is examined in computer simulations and is unique to each LPOE. However, holding the other parameters constant, relatively small decreases in processing time always will cause significant decreases in queue length and wait times. This dynamic is particularly pronounced for larger LPOEs with multiple inbound lanes in operation.

### What is the processing time?

Of all the factors that determine vehicle queue length and wait times, WHTI would affect only the inspection process at the primary inspection booth. If traffic volume is constant and management and operational factors are held constant for the purpose of the analysis, wait time can be examined as a function of the processing time (i.e., the time a vehicle spends in primary inspection).

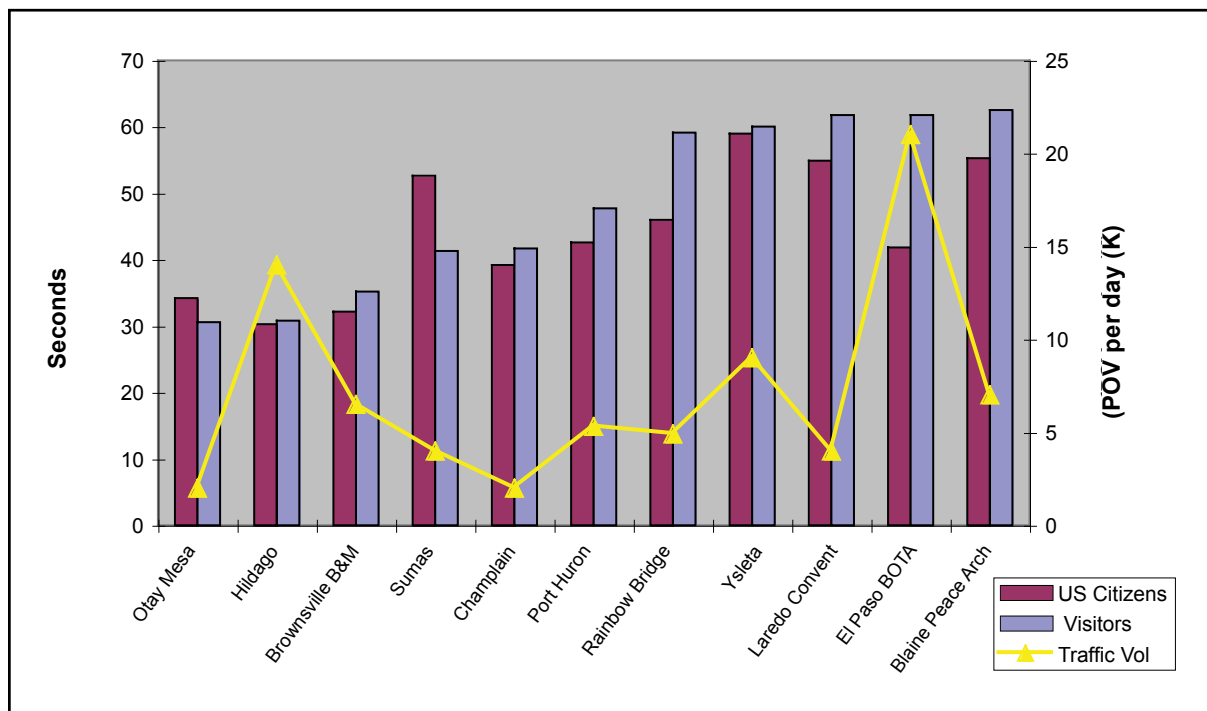
To analyze the effect of the various alternatives on processing time, data collection teams visited LPOEs on both the Northern and Southern Borders to interview inspectors and supervisors and observe the current inspection process. The teams also reviewed the traffic analysis model (Border Wizard) used by GSA and CBP to simulate traffic flow through LPOEs (GSA, 2007a). CBP subject-matter experts were requested to provide estimates of the variance in processing time for each alternative technology (CBP, 2006b). The processing time estimates for each alternative are based on the best available data for each technology. The time-estimate rank order was corroborated during the field interviews (LPOE Site Visits, 2006-2007).

Currently, primary processing time can be as little as 10 seconds (Arcos, 2006) for a Trusted Traveler, or as long as 90 seconds (LPOE Site Visits, 2006-2007) for an automobile with passengers who present documents that are not immediately credible to the inspecting Officer. If the Officer cannot verify the identity and citizenship of all passengers within 60 to 90 seconds, either through automated query or a brief interview, the entering vehicle and passengers are directed to secondary inspection (LPOE Site Visits, 2006-2007). The amount of time this primary processing takes varies by LPOE, inspecting Officer, and traveler. For a vehicle with multiple passengers and various identification documents that cannot be immediately verified through manual or automated queries, CBP Officers report they may take 45 to 60 seconds, or longer. For easily verifiable travelers (who are not in a Trusted Traveler Program), the inspection may take as few as 20 seconds (LPOE Site Visits, 2006-2007). A traveler is easily verifiable,

for example, if he/she has a passport or equivalent that can be queried automatically with RFID technology or an MRZ reader.

CBP uses a simulation program called Border Wizard to model traffic activity at LPOEs. Border Wizard is administered by GSA for CBP and other interested agencies. Primary processing time is an input for Border Wizard. GSA obtains processing time input by measuring the actual primary processing time at the particular LPOEs for which a simulation is to be run. Figure 13 depicts the measured average processing time at 11 LPOEs selected from the busier ports-of-entry, over a period from May 2002 to December 2005.

The processing time is depicted for both U.S. citizens and visitors.



**Figure 13**  
Average processing times and traffic volume at selected LPOEs for U.S. citizens and visitors

As would be anticipated from the multiplicity of factors described in Figure 11, average processing times vary widely according to the conditions and policies unique to each port-of-entry. Average processing time varies in this selection of LPOEs from a low of 30.3 seconds to a high of 62.5 seconds, with an average of slightly greater than 46 seconds (GSA, 2007a). For the purposes of comparison, a baseline of 45 seconds for standard LPOE processing time is used.

The following estimated processing times for each alternative provide an understandable benchmark for examining those environmental resources that are sensitive to vehicle queue length and wait times. These estimates are based on CBP field experience and modeling data (CBP, 2006b; CBP, 2006e; GSA, 2007a; LPOE Site Visits, 2006-2007). The estimates apply only to noncommercial vehicle inspections.

Considering the range of potential activities that may result from WHTI, changes to processing times and related changes to wait times have the most potential to alter the environment of the border. Aspects that could result from traffic and wait-time variations include changes to air quality, noise levels, and human health, along with indirect impacts to energy, water, biological resources, cultural resources, and land use. In addition, traffic changes have the potential to cause impacts to the environmental resources beyond the immediate borders of the LPOE. In some instances, these changes may result in impacts that cross borders—or *transboundary impacts* (CEQ, 1997). For example, air pollution is transported over

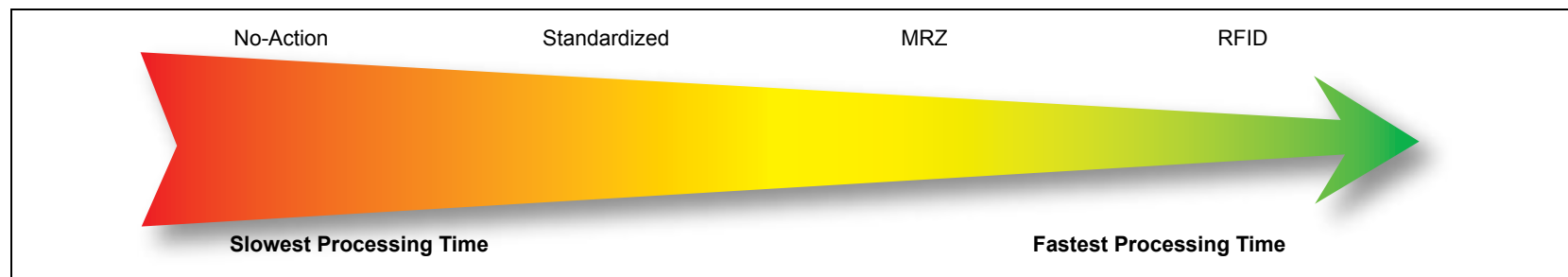
Process:	No-Action	Standardized Docs	MRZ	RFID**
Obtain Document	5 – 10 seconds	5 – 10 seconds	5 – 10 seconds	0 – 10 seconds
Query IT Database	0 – 10 seconds	0 seconds (no IT query)	5 seconds (MRZ swipe)	0 seconds (pre-positioned)
Officer Inspection	20 – 30 seconds	10 – 20 seconds*	5 – 10 seconds	5 – 10 seconds
Return Document	5 – 10 seconds	5 – 10 seconds	5 – 10 seconds	0 – 10 seconds
Total Range	30 – 60 seconds †	20 – 40 seconds	20 – 35 seconds	5 - 30 seconds
Average Time	45 seconds	30 seconds	27.5 seconds	17.5 seconds
Rank Order	4 slowest	3 faster	2 faster	1 fastest

**Table 2:**  
The measured processing time (No-Action) and estimated processing time for the action alternatives

\* Assumes manual query for half the documents

† Total Range time is the range of average GSA-measured times at specific ports-of-entry used for input to simulation runs. Elements of the inspection process of the **No-Action Alternative** are estimates based on that measured time.

\*\*RFID in this instance is the use of RFID technology only for each step of the process.



**Figure 14**  
The alternatives rank-ordered by processing time.

Table 2 data were used to establish the relative rank order of the alternatives with respect to processing time. The alternatives are analyzed qualitatively using the rank order shown.

long distances and may cross political borders or be generated by traffic that is backed up in Mexico or Canada.

### **What would happen to traffic and wait time under each alternative?**

The alternatives are expected to result in predictable impacts on traffic and wait-time trends, and are summarized by alternative in Table 2, Figure 14, and the discussion below. These forecasts are based on the following sources and policies:

- DHS and CBP guidance on processing and traffic, headquarters, regional and site-specific expert judgment, and data including baseline and projected traffic models (CBP, 2006b; CBP, 2006e; GSA, 2007a).
- Site visits to LPOEs conducted specific to the environmental assessments of impacts of the implementation of WHTI (LPOE Site Visits, 2006-2007).

For the **No-Action Alternative**, current wait times are not expected to decrease systematically in the absence of improvements to facilitate trade and travel. As indicated in Figures 7 and 8, there is a distinct trend toward longer wait times at the busier LPOEs over the last year. This trend is expected to continue in the absence of significant improvements to current border processes. In addition, the **No-Action Alternative** assumes that improvements to infrastructure and LPOEs would be needed because of current, worsening deficiencies. No meaningful changes to traffic or wait times at low-volume rural LPOEs would be expected.

The **Standardized Documents Alternative** is expected to facilitate document assessments and admissibility decisions, thus speeding inspection and processing. The standardization of documents would improve the reliability of the documents as evidence of identity and

citizenship and would improve CBP confidence in the document-issuance process. These changes would allow CBP Officers at the LPOEs to make decisions about citizenship and admissibility faster and more effectively. Following standardization, Officers would be able to determine authenticity, as well as perform standard queries, such as checking databases of criminal records, with more efficiency and accuracy. The decision to allow entry or require secondary inspection could be made much more rapidly.

CBP Officers also affect wait times by making decisions about the amount of time to spend with each vehicle in primary inspection. Wait times are monitored on an hourly basis and measures are taken to reduce wait times when they reach benchmark ceilings. Decisions about whether the wait times are too long for the LPOE are made on a site-specific basis and take into consideration traffic flow, staffing, security, and facilitation of travel and trade. As a result of the improved ability to process standardized documents, Officers could use their discretion to increase the number of visual inspections of documents and passengers per vehicle over current rates. However, the increase in the number of visual inspections would not be expected to undermine the improvements to processing time and wait time, as Officers would retain the discretion to perform additional visual inspections

During the Early Operational Stage, there may be an initial increase in the number of passengers sent to secondary inspection, as travelers may not be aware of the change in document requirements, or travelers may be aware of the document requirements but for some reason may not have been able to obtain or locate a WHTI-compliant document prior to travel. At some LPOEs, the backup of travelers and vehicles in secondary inspection could impede the traffic flow of the LPOE (CBP, n.d.[b]).

To mitigate potential problems during the Early Operational Stage, DHS and CBP are working aggressively to ensure that the public is



educated regarding WHTI documentation requirements. In the WHTI air transportation implementation phase, for example, these efforts have included phased enforcement, public outreach, and the distribution of passport applications to travelers who may not have obtained a passport in the past. The initial air phase of the WHTI plan went into effect January 23, 2007, obligating all air travelers, regardless of age, to present a passport, NEXUS Air Card, or Merchant Mariner Card for entry to the United States. An aggressive public outreach campaign aimed at increasing awareness of the new documentary requirements was a critical first step, as was working closely with private industry and air carriers from the planning stages through implementation, in enforcing the new rules in a flexible and reasonable manner (Jacksta, 2007).

For the Northern Border, traffic flows and wait time are not expected to vary from current levels during the implementation phase. During early operation, there could be some moderate increases to traffic wait time at medium- and high-volume LPOEs, as travelers and Officers adjust to the new requirements. Over time, the **Standardized Documents Alternative** are expected to result in moderate decreases in average wait time at medium- and high-volume LPOEs.

For the Southern Border, the overall impact to traffic flows and wait time is expected to be less than on the Northern Border and similar to current trends in wait times due to the low percentage of traveler crossings (29%) affected by WHTI, as compared to the total volume of crossings (CBP, 2006b). Many of the busiest LPOEs currently stand at capacity for traffic flow (CBP, n.d.[b]) and modest decreases to processing times for fewer than a third of all crossings are unlikely to have a significant impact on current wait times.

The **MRZ Alternative** also is expected to improve wait times and traffic flow by allowing Officers to query documents with more efficiency. Currently, to query a document that does not have an MRZ, a CBP Officer must manually type the text information into the computer. Documents with MRZs reduce the time needed for Officers to query a document because the document can be swiped and queried automatically. MRZ-readable documents would be faster to process, and as a result are expected to speed wait times and traffic flow over the **Standardized Documents** and **No-Action Alternatives**. The ease of document processing may lead to an increase in the total number of document queries because officers would have more time available to query documents. However, this potential increase would be subject to Officer discretion and therefore, would not be expected to impact traffic flows or wait times.

During the Early Operational Stage, there could be an increase in referrals to secondary processing for individuals who are not aware of the change in documents acceptable for crossing, or travelers

### Traffic Flow is Dependent on Type of Crossing and Volume of Crossings of LPOEs

To the extent that a specific type of traveler affected by changes to documentation crosses in greater proportions at high-volume LPOEs, the resulting change to wait times and traffic will be relatively greater at high-volume LPOEs due to the inherent relationship between traffic volume and wait times. For example, frequent travelers may cross in higher percentages at high-volume LPOEs. If the frequent travelers have RFID-enabled documents, the high-volume LPOEs may experience a greater reduction in wait time as a result of both the increase in the number of travelers processing at faster speeds and the compounding decrease in lines and wait times. Many low-volume LPOEs currently do not have appreciable average wait times, and will not be impacted as much as high-volume LPOEs by a change in processing and resulting wait time and traffic. This dynamic applies across alternatives.

### The Impact of WHTI on Commercial Traffic

Potential changes to document requirements related to WHTI are not expected to directly impact the document requirements or processing procedures for commercial traffic at either border. Commercial drivers are subject to different processing requirements than noncommercial drivers at the land borders. Processing commercial vehicles takes considerably longer than processing POVs. Drivers must present identification during the course of the normal commercial inspection. Changes in these documents would not affect total inspection times. Many commercial drivers already possess passports or participate in the frequent traveler programs. It is highly unlikely that commercial traffic would be affected directly by WHTI.

However, in some instances, changes to processing and wait times for personal vehicles may impact commercial vehicles *if* both types of vehicles are waiting in the same area. For example, some LPOEs do not have dedicated lanes for commercial traffic. At other LPOEs, the backup in primary processing may also back up commercial traffic destined for dedicated lanes (e.g., if all vehicles cross a single bridge to arrive at the LPOE). This is not a new dynamic factor. At present, changes in wait time for private vehicles can affect commercial wait time at certain LPOEs. Although a change in processing times for commercial traffic is not expected, this PEA considered the environmental impacts of potential changes to wait times for commercial vehicles that might be caused by a clogging of traffic flow at the LPOE.

may be aware of the document requirements but for some reason may not have been able to obtain or locate a WHTI-compliant document prior to travel. At some LPOEs, the backup of passengers in secondary inspection could back up the traffic flow through the LPOE (CBP, n.d.[b]). However, this would be a temporary and site-specific occurrence. As stated previously, DHS and CBP are working aggressively to ensure that the public is educated regarding WHTI documentation requirements and that processes are in place to determine the identity and citizenship of all travelers crossing the border in all circumstances.

For the Northern Border, traffic flows and wait time are expected to stay within current variation levels during implementation. During the Early Operational Stage, moderate increases to traffic wait times at medium- and high-volume LPOEs are expected, as travelers and Officers adjust to the new requirements. Over time, in the Steady State Stage, the **MRZ Alternative** is expected to result in moderate decreases in average wait times at the busiest LPOEs due to increased document credibility and processing efficiency.

For the Southern Border, the overall impact to traffic is expected to be less apparent and likely would fall within the context of current variation in wait times as a result of the low percentage of the travel population (29%) that would be affected by WHTI (CBP, 2006b).

The **RFID Alternative** is expected to improve traffic flow and wait times by allowing the pre-positioning of traveler information to the Officer before the traveler reaches the inspection booth (This occurs through an automatic query of information for an individual.). An RFID scanner reads numbers from the RFID card, which initiates a query of CBP databases to retrieve information on the individual that is transferred to the CBP Officer's workstation, thus saving the Officer the time required to manually type or scan the document. This alternative is expected to provide improvements to traffic flow and wait times over the **No-Action, Standardized Documents, and MRZ Alternatives**.

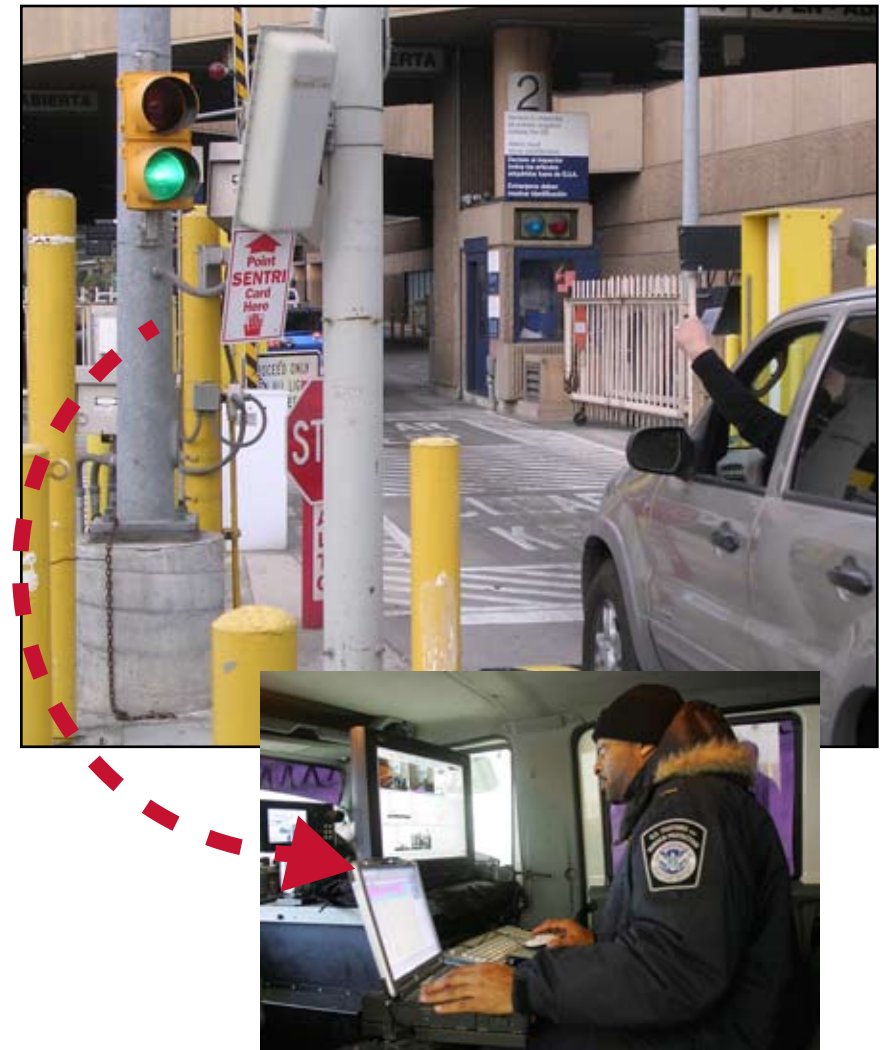
In the Implementation and Early Operational Stages, the use of RFID

technology may cause some episodes of system failure that could impact processing and traffic flow. However, these incidents are anticipated to be temporary and their frequency expected to decrease over time as systems are de-bugged. RFID technology malfunctions also can be mitigated because in the event of system failure, the Officer can use MRZ or can manually query the document to obtain information about the individual.

There may be some potential increases to wait times in the Implementation Stage at some LPOEs as CBP Officers undergo training and become familiar with the RFID system. There also may be some temporary changes to traffic flow as RFID sensors are installed at the LPOEs during the Implementation Stage. CBP and GSA, who own and operate the LPOEs, use procedures and guidelines to minimize the impacts to traffic during installation of technology. These mitigation techniques include performing construction during non-peak hours and managing operations to facilitate traffic through the LPOE.

Particularly during the Implementation Stage, the use of RFID technology also may increase the number of individuals sent to secondary inspection due an increase in the number of database hits, or identifications, of criminals or individuals with immigration violations (whether true or false). At some LPOEs, the backup of passengers in secondary inspection could back up the traffic flow through the LPOE (CBP Snapshots, n.d.). This is not expected to occur at all LPOEs and is a site-specific constraint. Secondary inspection backup is expected to decrease over time as operations and procedures improve, individuals become aware of the requirements, and potential violators avoid crossing at the LPOE.

For the Northern Border, traffic is predicted to increase or decrease similar to current variation during the Implementation Stage of the **RFID Alternative**. In other words, while some LPOEs may experience increases, others may experience decreases, which results in no net change programmatically. During the Early Operational



*Under the RFID Alternative, an individual's data will be transmitted to a CBP Officer before the car arrives at the inspection booth.*

Stage, there could be some moderate increases to traffic wait time at the busiest LPOEs as travelers and Officers adjust to the new requirements. Over time, in the Steady State Stage, the **RFID Alternative** is expected to result in moderate decreases in average wait time for the busiest LPOEs on the Northern Border.

For the Southern Border, the overall impact to traffic is predicted to be low and to fall within the context of current variation in wait times as a result of the low percentage of travelers (29%) that are affected by WHTI (CBP, 2006b).

## 6.0 What are the environmental resources that have a potential to benefit from or be adversely impacted by implementation of WHTI?

### 6.1 Would any of the alternatives result in impacts to air quality?

No-Action Alternative	STAGE	Standardized Documents Alternative	MRZ Alternative	RFID Alternative
N-LOW	1. Implementation	N-LOW	N-LOW	N-LOW
		S-LOW	S-LOW	S-LOW
S-HIGH	2. Early Operational	N-LOW	N-LOW	N-LOW
		S-LOW	S-LOW	S-LOW
	3. Steady State	N-LOW	N-LOW	N-LOW
		S-LOW	S-LOW	S-LOW

(For resource-specific definitions of low, medium, and high, see Appendix B.)

**Table 3**

**Air impacts by Implementation Stage and Border (Northern [N]/Southern [S])**

#### 6.1.1 Background

As discussed in Section 5.3.2, each of the alternatives has the potential to change wait time and traffic at border crossings. Changes to the wait times for vehicles at LPOEs have the potential to impact the total emissions released to the airshed. An airshed is an area that shares the same air quality as a result of topography, meteorology, and climate. Vehicles produce air emissions of various types, including carbon monoxide (CO), carbon dioxide (CO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM), volatile organic compounds (VOCs), and toxic air pollutants such as benzene and toluene. These air emissions have a range of potential effects on human health and the environment. A number of factors affect the rate of emissions produced by vehicles. These factors include vehicle type and size, vehicle age and mileage, fuel type, weather

conditions, maintenance of the vehicle, and the way the vehicle is driven (driving, stop-and-go, idling) (EPA, 2005).

Under the Clean Air Act (CAA, 42 USC § 7401 et seq. [1970 as amended]), minimum standards (*de minimis* levels) are set for “criteria air pollutants.” Regulated criteria air pollutants include carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM), and volatile organic compounds (VOCs) (EPA, 2007). If these pollutants measure above a certain level, the area is considered to be in “nonattainment” for National Ambient Air Quality Standards (NAAQS)(40 CFR Part 50-88). Maintenance areas are those areas that have been in nonattainment but are now meeting the minimum standards (40 CFR Part 50-88). If a federal action in a nonattainment or maintenance area exceeds *de minimis* levels, then the responsible federal agency must prepare a conformity determination to ensure that the federal agency conforms with the applicable State Implementation Plan, or SIP (42 USC § 7401 et seq. [1970 as amended]). In an area without a SIP, a federal action can be shown to “conform” if there are no new violations of the standards and/or no increase in the frequency or severity of previous violations. For this analysis, the CAA *de minimis* standard is considered the primary threshold of significance for air quality impacts from criteria air pollutants.

#### 6.1.2 Analysis of Air Quality

For this PEA, an analysis was conducted on the potential for air quality impacts as a result of changes to wait times at border crossings (GSRC, 2007a). The air quality analysis first assessed existing conditions for wait times and air emissions at LPOEs using existing CBP wait time data and EPA standard emission factors (GSRC,

2007a). The air quality analysis then evaluated the results of a 10%, 20%, and 30% increase in wait times for LPOEs (GSRC, 2007a). As discussed in the Traffic section (5.3.2), it is assumed that implementation of any of the action alternatives will have a limited impact on the processing and wait times for commercial traffic. However, to be conservative with the analysis, the 10%, 20%, and 30% scenarios included an increase for both privately owned vehicles (POVs) and commercial vehicles (COMs). The vehicle numbers and wait times for COMs were notably lower than for POVs. In fact, POVs accounted for 95% of the total minutes waited and total emissions (Department of Transportation, n.d.)

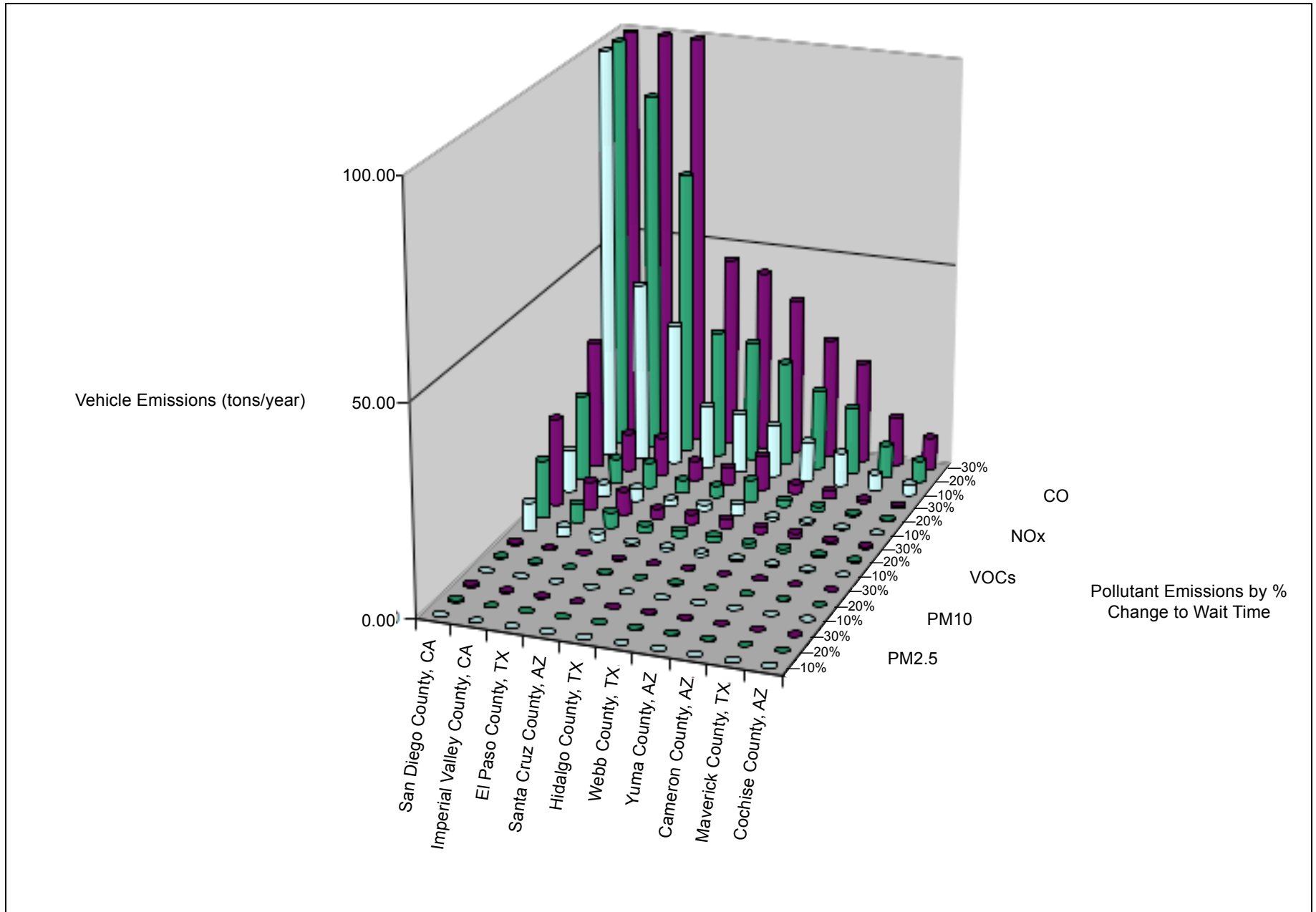
The air quality analysis showed that wait times and air emissions are highest at high-volume crossings on the Southern Border (Figure 15). Several of the high-volume LPOEs on the Southern Border are located in the vicinity of large cities, and the surrounding areas currently are designated as nonattainment for NAAQS and in violation of Mexican national standards as well (CEC, 2004). In some instances, increases to wait time at high-volume LPOEs on the Southern Border could result in vehicle emissions that exceed *de minimis* criteria for CO. This analysis showed that existing emissions for these high-volume LPOEs on the Southern Border are already above *de minimis* standards (Figure 16). Any increase to wait time at these sites has the potential to further exceed *de minimis* criteria due to the magnitude of the number of vehicles that cross and idle at these sites.

The analysis also showed that none of the assessed changes to wait times at border crossings on the Northern Border would result in exceeding *de minimis* criteria for any of the pollutants evaluated for this analysis, even for a 30% increase in wait times and resulting emissions (Figure 17). In fact, if the emissions for all crossings along the Canadian border were added together, they still would not exceed *de minimis* thresholds for any of the criteria pollutants under a 30% increase in wait times.

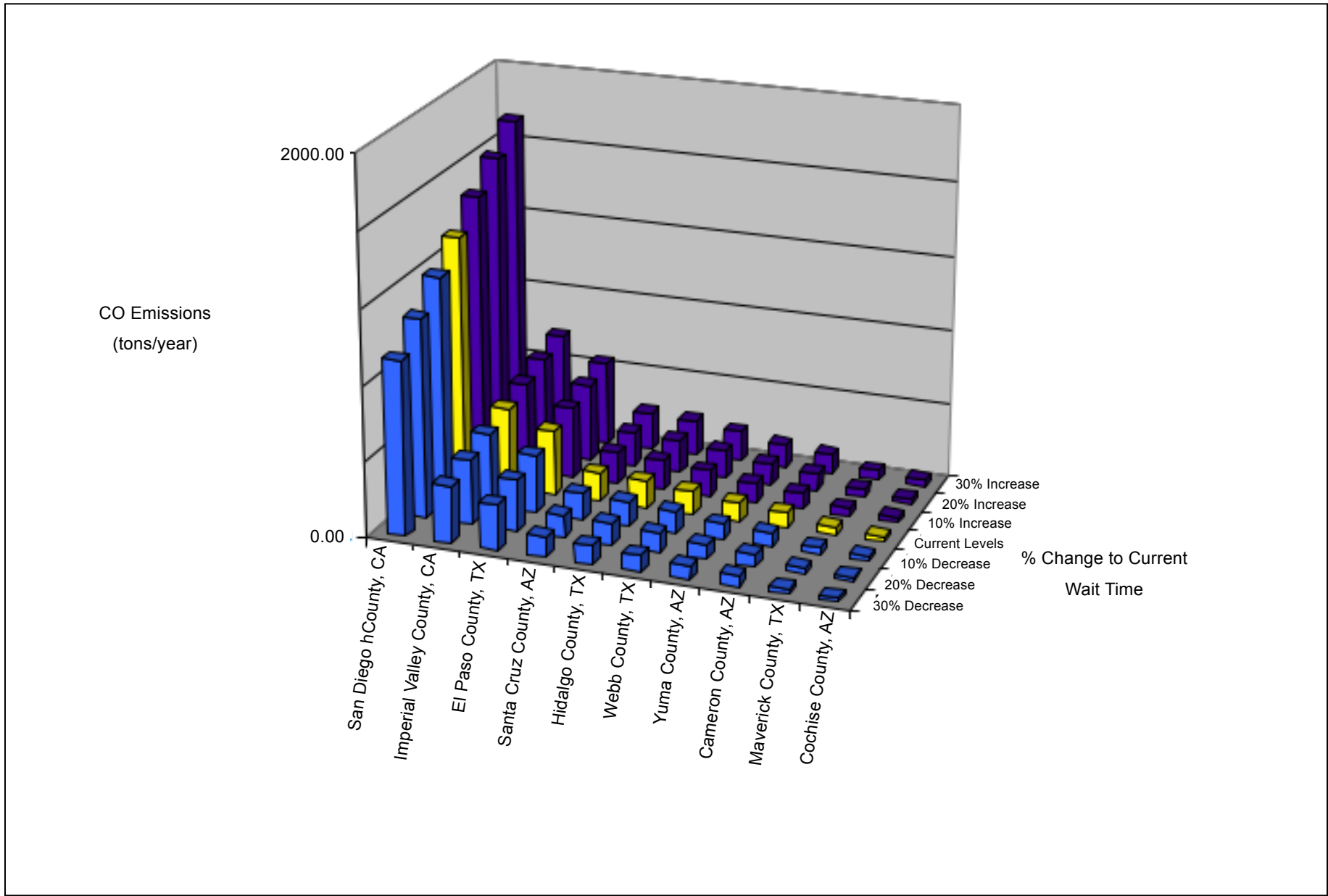
### 6.1.3 Potential Impacts

For the **No-Action Alternative**, wait times generally are expected to increase because needed improvements to border processes and infrastructure would not be implemented. An analysis of current levels of air pollution at LPOEs indicates that current wait times at the border crossings, except at certain medium- and high-volume LPOEs on the Southern Border, are not causing the levels of emissions to exceed the established air quality standards. At high-volume LPOEs on the Southern Border, some violations of *de minimis* standards for CO for an airshed may be possible if wait times continue to increase. These sites may experience high levels of CO when wait times are the longest, especially if wait times continue to follow the predicted trend of increase. At a programmatic level, the **No-Action Alternative** is rated low for impacts on air quality on the Northern Border, and high for impacts on air quality on the Southern Border (Table 3). The Southern Border is rated high due to the CO impact to air quality at high-volume LPOEs.

At a programmatic level for each of the action alternatives (**Standardized Documents**, **MRZ**, and **RFID**), there would be minor beneficial impacts to the levels of emissions as a result of small to moderate improvements in traffic and wait times. This finding is consistent with the results of the wait time analysis and air analysis conducted for this PEA. Small to moderate changes in traffic wait times would not critically impact the level of air emissions and the ability of sites to meet air quality standards. This dynamic is consistent across alternatives, stages of implementation, and borders. Moderate short-term changes to traffic patterns under any of the alternatives considered for this analysis also are unlikely to appreciably impact the current levels of air emissions at the borders. The exception, as discussed above, is CO at some medium- and high-volume sites on the Southern Border, which would continue to have high levels of emissions with site-specific impacts. Over time, the levels of wait time would improve at these high-volume LPOEs, but this dynamic is unlikely to impact the



**Figure 15**  
The relationship between vehicle emissions and wait times at LPOEs by county on the Southern Border



**Figure 16**  
The relationship between vehicle CO emissions and wait times at LPOEs by county on the Southern Border





### Climate Change and WHTI

Climate change has been recognized as a global environmental effect (Department of State, 2007b). The Intergovernmental Panel on Climate Change (IPCC) released its most recent report in February 2007 on the physical science basis of climate change. It summarized the human and natural drivers of climate change, including definitive evidence of impacts via human activities on global climate change (IPCC, 2007). Programs such as WHTI, which potentially benefit the movement of vehicle traffic and reduce vehicle wait times, have the potential, however slight, to reduce harmful greenhouse gas emissions as recognized by international policies, such as the Kyoto Protocol (United Nations Framework Convention on Climate Change, 1997). While reduction in vehicle emissions alone as a result of WHTI would bring little overall benefit to reducing the production of greenhouse gases worldwide, to the extent that activities and operations reduce the vehicle wait times at ports-of-entry, then the potential for reducing greenhouse gas emissions from vehicle queues at the LPOEs may increase.

overall volume of traffic, emissions production, and attainment status of these LPOEs. At a programmatic level, the action alternatives are rated low for air impacts because the decrease in wait time that is predicted as a result of WHTI would result in a small decrease, or a limited change, to current emissions.

#### 6.1.4 Cumulative Impacts Related to Air Quality

The purpose of cumulative impacts analysis is to ensure that federal agencies fully consider the range of consequences of their actions. This PEA supports this approach by looking at potential impacts on a broad scale and incorporating a bounding analysis that considers the impact on airsheds, rather than limiting the analysis to specific LPOEs. Additionally, cumulative-impacts analysis requires an examination of past, present, and reasonably foreseeable actions that may contribute to related environmental impacts on the resource.

Air pollution along the border historically has been a problem only in large urban areas where the volume of traffic and travelers crossing the border has outpaced the ability of the border inspection facilities and road infrastructure to accommodate this growth. In some areas, these problems have contributed to a violation of standards, including NAAQS and the counterpart regulations in Canada and Mexico. Other factors, such as pollution from sources in metropolitan areas near the LPOEs, also have contributed to these existing problems.

Traffic volume at the borders is expected to remain constant in the foreseeable future. Therefore, traffic volume should not contribute to any cumulative impacts on air quality.

Improvements in the fuel efficiency of vehicles in the foreseeable future, such as an increase in the use of hybrid vehicles, may help to lessen the severity of existing air quality problems. All of the action alternatives are expected to slightly decrease wait time at

the LPOEs, and with the combination of more efficient vehicles and no expected changes to traffic volume, should help to further improve air quality. However, these improvements are site-specific in nature and are unlikely to vastly improve the overall air quality for the airshed. Additionally, these improvements must be counterbalanced against the potential for adverse impacts to wait time (and therefore air quality) that may result from other border security programs and border planning initiatives. For example, an increase in the number of documents queried as a result of the Securing America's Borders Initiative (CBP, 2006a) could have a countervailing effect on wait times and could mean that air quality conditions would remain status quo. To the extent that additional border planning initiatives are implemented in a way that facilitates inspection processing and improves vehicle wait times at the LPOEs, there is a greater potential to improve air quality.



*As vehicles wait in line to be inspected at LPOEs, the engines produce air emissions.*

### 6.1.5 Transboundary Impacts Related to Air Quality

Air emissions may have transboundary impacts, or impacts that cross borders. The predicted levels of impact of the proposed alternatives apply to communities in the United States, Canada, and Mexico. Although CBP border processing is implemented in the United States, traffic may back up into Mexico or Canada, and air pollutants may be carried into Mexico or Canada by wind currents. The predicted levels of impact of the alternatives apply to communities in the United States, Canada, and Mexico. However, none of the action alternatives are predicted to result in significant increases to wait times and air pollution at a programmatic level. As a result, the air quality impacts of the action alternatives will be minimal or beneficial at a programmatic level as compared to the **No-Action Alternative**, whether considering the impact to communities in the United States, Canada, or Mexico.

## 6.2 Would any of the alternatives result in noise levels that are disruptive to border communities?

### 6.2.1 Background

Noise is an impact of concern for LPOEs near sensitive noise receptors as identified in the US-VISIT comprehensive environmental surveys (US-VISIT, 2003a). Noise levels are a primary concern for medium- and high-volume LPOEs. Of the 50 largest LPOEs, 39 were identified as having sensitive noise receptors that could experience potential impacts as a result of an increase to idling noise due to future undertakings at the LPOEs. Of these LPOEs, 13 were located on the Northern Border and 26 were located on the Southern Border (GSRC, 2007b).

The US-VISIT Program also conducted a noise study to determine whether the sensitive noise receptors identified in the US-VISIT surveys were experiencing noise levels exceeding noise criteria due to LPOE traffic (US-VISIT, 2006). Criteria relied upon in the US-VISIT study also apply to the land phase of the WHTI plan

No-Action Alternative	STAGE	Standardized Documents Alternative	MRZ Alternative	RFID Alternative
N-HIGH	1. Implementation	N-LOW	N-LOW	N-LOW
		S-LOW	S-LOW	S-LOW
S-HIGH	2. Early Operational	N-HIGH	N-HIGH	N-HIGH
		S-LOW	S-LOW	S-LOW
	3. Steady State	N-LOW	N-LOW	N-LOW
		S-LOW	S-LOW	S-LOW

(For resource-specific definitions of low, medium, and high, see Appendix B.)

**Table 4**  
**Noise impacts by Implementation Stage and Border**  
**(Northern [N]/Southern [S])**

(GSRC, 2007b). The study was intended to assist with future planning efforts and NEPA analyses for implementation of new initiatives at the LPOEs. Standards for highway noise are established by state Departments of Transportation (DOTs) with approval by the Federal Highway Administration (FHWA) (Federal Highway Standards, 23 CFR Part 772). The US-VISIT study (2006) found that increases to traffic at LPOEs with sensitive noise receptors may result in an increase in the number of violations of the FHWA and DOT standards.

Noise is particularly an issue at LPOEs with high traffic volumes. However, impacts at low-volume LPOEs with sensitive noise receptors (such as a neighborhood or school near a LPOE) also are possible. Although commercial trucks produce more noise than private vehicles, the noise produced by all types of idling traffic is a concern if there are communities located near the queue of a LPOE.

**6.2.2 Potential Impacts**

To the extent that changes to documentation requirements and pro-

cesses reduce wait times, there would be fewer violations of noise criteria and fewer noise impacts to communities at the border. A change in the amount of commercial-traffic idling would have a greater impact on the noise level than a change in the amount of passenger-traffic idling (GSRC, 2007b). Nevertheless, all types of highway traffic have the potential to produce noise that may reach a level of concern. To the extent that changes to wait times impact commercial traffic, the impacts to noise would be greater than they would at sites where passenger traffic only is affected. For further discussion of the impacts to commercial traffic as a result of WHTI, see the Text Box in the Traffic section.

For the **No-Action Alternative**, traffic and wait times at the border currently result in significant impacts to noise at certain high-volume LPOEs with sensitive noise receptors. Because of these impacts and the predicted ongoing increase to wait times for the **No-Action Alternative**, it is likely that noise impacts would continue to worsen at medium- and high-volume LPOEs on both borders. While low-volume rural ports-of-entry also could have sensitive noise receptors, no changes to traffic at these LPOEs are expected. Therefore, noise levels would not change.

For each of the action alternatives (**Standardized Documents**, **MRZ**, and **RFID**) traffic for the Southern Border is predicted to fall within the context of current variation because of the small percentage of travelers affected (29%) (CBP, 2006b). This means that no meaningful changes to traffic or wait time at these LPOEs would be expected. As a result, all of the action alternatives will result in low impacts to noise on the Southern Border (Table 4).

For the Northern Border, more measurable changes to traffic are predicted for each of the action alternatives because of the relatively large percentage (58%) of crossers affected by WHTI (CBP, 2006b, Industry Canada, 2006). In the short term, changes to border processing may result in some site-specific increases in traffic and wait times in the Early Operational Stage for each of the action alternatives. As



*As vehicles wait in line to be inspected at LPOEs, the engines produce noise.*

a result, the action alternatives are predicted to have high impacts to noise because the levels exceed noise criteria at sensitive sites near medium- and high-volume LPOEs on the Northern Border for the Early Operational Stage. However, these impacts will be short-term in duration. In the Steady State Stage, each of the action alternatives is predicted to result in no or slight improvements to traffic and, therefore, low impacts to noise on a programmatic level for each stage (Table 4).

### 6.2.3 Cumulative Impacts Related to Noise Pollution

Similar to air quality, noise pollution historically has been a problem in those communities adjacent to busier LPOEs. Noise pollution is a localized issue that does not result in regional- or national-level impacts. Existing noise levels in some typical urban LPOE communities range from 40 to 70 dba (decibels) (US-VISIT, 2006). A noise level of 40 dba is equivalent to a quiet urban nighttime setting, whereas 70 dba represents sound levels that are similar to an outdoor commercial area.

### New Document Requirements: The Travelers' Response

Canadians already are adapting to the changing security demands in the United States in anticipation of the change in document requirements. According to the Auditor General of Canada Report (2007), "During 2005–06, Passport Canada processed an unprecedented 3 million passports. In comparison, it processed about 2.7 million passports in 2004–05 and 1.7 million in 2001–02. Passport Canada forecasts growth to 3.8 million passports by 2008–09."

U.S. residents also have been adapting to the WHTI Air Rule, which required passports of travelers starting in 2007. Passport offices currently are experiencing delays in processing applications. However, the Department of State plans to hire an additional 400 passport adjudicators by the end of 2008. In addition, a new passport center opened in Arkansas in April (Department of State, 2007a). These efforts should reduce current delays in the issuance of passports.

Noise pollution at LPOEs results from traffic noise and periodic construction upgrades necessary to maintain or upgrade the LPOE. Traffic volume is anticipated to stay the same under all alternatives. Therefore, traffic volume will not contribute to any cumulative impacts to noise. However, as with air quality, any benefits to noise pollution from decreases in wait time must be counterbalanced by the potential for increases to wait time as a result of new border-security measures or planning initiatives. Additional noise from planned construction projects at the LPOEs would not result in cumulative noise impacts, as these are common occurrences at the LPOEs and are temporary in nature.

### 6.2.4 Transboundary Impacts Related to Noise Pollution

Noise levels may have transboundary impacts or impacts that cross borders. The predicted levels of impact of the proposed alternatives apply to communities in the United States, Canada, and Mexico. Although the land phase of the WHTI plan is being implemented in the United States, traffic may back up into Mexico or Canada, or traffic on one side of the border may be heard in communities on the other side of the border. However, none of the action alternatives are predicted to result in increases to wait times and noise levels at a programmatic level. As a result, the noise impacts of the action alternatives are expected to be minimal or positive at a programmatic level, as compared to the **No-Action Alternative**, whether considering the impact to communities in the United States, Canada, or Mexico.

## 6.3 What is the Potential for Effects on Social and Cultural Practices in Border Communities?

### 6.3.1 Background

Public involvement efforts for this PEA identified a concern with the economic effects to trade and commerce, the cost to low-income people of acquiring new travel documents, and the disruption of social patterns along the borders. CBP considered the economic

effects of WHTI in the Regulatory Assessment for the Notice of Proposed Rulemaking. The potential for other effects on social and cultural practices are evaluated in this PEA.

### 6.3.2 Potential Impacts

**No-Action Alternative** – The **No-Action Alternative** assumes that current processes for crossing the border would continue. Therefore, there would be no potential for effect on social or cultural practices in border communities if this alternative is chosen. The current acceptance of a broad range of evidence from U.S. and Canadian border crossers generally allows some numbers of individuals to cross the border with minimal restrictions, using oral declarations or choosing from literally thousands of documents when crossing the border at the designated LPOEs.

**Other Alternatives Under WHTI** – It is anticipated that during the Implementation and Early Operational Stages of the land phase of the WHTI plan, there could be temporary disruption to social patterns along both land borders as border crossers become knowledgeable about which documents will be accepted. Since both the Departments of State and Homeland Security intend to engage in active outreach for the land and sea portion of the WHTI plan, much like that for the air travel portion, these temporary effects are expected to have a minor impact.

The implementation of WHTI would place the same requirements on all segments of the traveler population that would need to obtain new identification documents. Minorities, American Indian tribes, shoppers, tourists, the impoverished, and the wealthy would all have to meet the same requirements for whatever documents are determined suitable for implementation of WHTI. Executive Order 12898 requires federal agencies to consider environmental justice impacts when there is the potential for disproportionate high and adverse environmental or human health effects of a project or policy on low-income and minority populations. There is no physical environmental impact on any of these populations. With

regard to human health impacts, there are also no direct impacts to human health from the implementation of WHTI. It is conceivable there are indirect impacts to human health if particular individuals no longer cross the border because of a lack of the proper documentation under WHTI. However, any such impacts are merely speculative, as we have no specific evidence of significant numbers of individuals who cross the border only for this purpose and no specific evidence that any who do cross the border to obtain health care could not obtain the documents determined appropriate under WHTI. Consequently, environmental justice impacts are not expected, as there would be no high and adverse environmental or health effects causing disproportionate impacts to low-income or minority populations.

### 6.3.3 Potential for Cumulative Impacts on Social and Cultural Practices in Border Communities

#### Border Communities

Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) requires that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement a plan to require travelers entering the United States to present a passport, other document, or combination of documents, that are “deemed by the Secretary of Homeland Security to be sufficient to denote identity and citizenship.” To the extent that border crossers are currently presenting documents which do not denote identity and citizenship, or to the extent they are crossing with oral declarations, there may be some effect on patterns of crossing the border. As stated previously, both the Departments of State and Homeland Security intend to engage in active outreach for the land and sea portion of the WHTI plan, much like that for the air portion. As a result, this effect is expected to be temporary until travelers obtain documents which are compliant with the IRTPA. Therefore, there is no expected potential for cumulative effect on social and

cultural practices in border communities from implementation of the land and sea portion of the WHTI plan.

#### Native American Tribal Lands

To fully assess the potential for cumulative effects on Native American tribes, it is important to assess whether there is potential for a relationship between the implementation of WHTI and illegal alien crossings of tribal lands. These illegal crossings are a significant concern to tribes. Tribes report that illegal aliens have damaged traditional sacred sites and burial grounds and adversely affected cultural practices, such as the gathering of traditional plants and materials. Tribes indicate that the number of illegal alien crossings has been increasing and this appears to be associated with increased border security measures on non-tribal property. Over time, tribes have experienced an increased need for, and cost of, tribal law enforcement activities. To the extent that WHTI provides increased security at LPOEs and enforcement activities in between the LPOEs increase in an effort to deter illegal immigration, more illegal immigrants may seek to access the United States through tribal lands. While it is difficult to quantify the scale of this potential impact and equally difficult to determine the portion that may be associated with WHTI, to the extent that it does occur, cultural resources could be adversely affected. This problem would not differ across the action alternatives (**Standardized**, **MRZ**, and **RFID**) of WHTI, implementation of which is required by law.





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## 7.0 What are the environmental resources not likely to be impacted by WHTI?

Generally, impacts to the environmental resources analyzed in this section are driven by factors that have been found not to differ substantially by alternative or geographic area. Impacts to the resources in this area have been determined to be minimal or zero across all alternatives.

### 7.1 Human Health and Safety

Human health effects occur in a variety of forms, such as exposure to chemicals, temperature, work conditions, and physical security and safety. Current health and safety conditions at LPOEs are managed in accordance with agency regulations. Harm to Officers and the public is minimized by using approved procedures and designs. The impacts of each alternative on health and safety were investigated but, due to the general improvement of vehicle wait times and resulting improvements in air quality and the low potential for adverse exposure to the Officers or public with RFID technology (US-VISIT, 2005b), no human health and safety impacts are expected.

### 7.2 Energy

Current energy use at LPOEs includes energy for facility management and for technology such as computers and RFID. Vehicles also consume energy in the process of crossing or idling at LPOEs. These activities are governed by Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management (2007). In terms of LPOEs, the **Standardized Documents** and **MRZ Alternatives** generally would require the same amount of energy as the **No-Action Alternative**, because these alternatives

would use currently available facilities and equipment. The **RFID Alternative** could require a moderately higher amount of energy for additional technology such as RFID sensors and computer processing. This requirement could potentially impact certain LPOEs with constraints on current energy levels. However, this impact is site-specific and not significant on a programmatic level due to the small number of facilities with these constraints. Furthermore, implementation of the **RFID Alternative** is likely only for the busiest LPOEs. Most of the LPOEs with existing energy constraints are smaller LPOEs in rural locations.

For all of the action alternatives, the energy consumed by changes to equipment and vehicle wait times is minimal and expected to be less than the **No-Action Alternative**. In conclusion, there is little to no potential to significantly impact the environment by the use of energy for these alternatives.

### 7.3 Land Use

The land phase of the WHTI plan is not expected to affect land use in the vicinity of the LPOEs because the change in processing associated with the alternatives will have a modest benefit in wait times and associated traffic flow. Since the land phase of the WHTI plan is not expected to impact the environment adversely and would have only modest benefits to traffic flow, there would be no land-use impacts associated with any of the action alternatives. The land phase of the WHTI plan, by requiring better documentation to enter the United States, could affect illegal migration. Changes in patterns of illegal migration possibly could affect land use in remote areas such as Indian Reservations, ranches, and federal lands. At a national level, these impacts are expected to be low.

## 7.4. Waste Impacts

The federal government's responsibility for the reduction of waste is mandated by Executive Order 13423: Strengthening Federal Environmental, Energy, and Transportation Management (2007). Technology advances have the potential to result in electronic waste, as new technology is installed and older systems are replaced. Electronic waste (e.g., computers, printers, and monitors) is important to investigate because the potential for toxins to be leached into the environment is high if electronics are not disposed of properly. The volume of obsolete equipment requiring disposal and the method of disposal determines whether waste impacts would be significant. The impacts of each alternative on waste were investigated, but because of the relatively minor construction activities and equipment replacements associated with each alternative, no solid waste or adverse electronic waste are expected. Any waste that is generated from implementation of the



*Electronics have the potential to pile up in landfills unless properly recycled.*

action alternatives would be disposed or recycled in accordance with current DHS policies requiring proper handling and disposal of solid waste.

## 7.5 Water Resources

Water resources may be affected by federal activities directly through point-source pollution (e.g., chemical releases via pipes into water bodies) or indirectly through non-point-source pollution (e.g., runoff from impervious surfaces, atmospheric deposition). For purposes of this analysis, the potential to increase impervious surfaces and atmospheric deposition was considered as it relates to potential construction activities or air quality impacts resulting from the action alternatives in comparison to the No-Action. The impacts of each alternative on water resources were investigated. Due to the relatively minor construction activities and runoff asso-



*At some LPOEs, water resources are located directly adjacent to the LPOE property.*

ciated with each alternative and the expected general improvement of vehicle wait times, and an associated low impact on air quality and atmospheric deposition, no water resource impacts are expected.

## 7.6 Biological Resources

Impacts to biological resources can occur directly when habitats are disturbed or destroyed, or indirectly, through changes to food and water. The impacts of each alternative on biological resources were investigated, but because of the relatively minor construction activities associated with each alternative and the general improvement of vehicle wait times expected to have a low impact on air quality, no biological resource impacts are anticipated.



*The Mexican gray wolf (Canis lupus baileyi) is an endangered species whose range spans the vast political border between Mexico and the United States.*

### Indirect Impacts to Sensitive Ecosystems via Illegal Immigration

Along the Southern Border, illegal immigration and Border Patrol operations have been recognized for their potential to adversely impact biological habitats and species in the fragile ecosystems of the Arizona deserts. The U.S.–Mexican political boundary, like most political boundaries, does not follow the boundaries of natural ecological systems. Rather, it crosses habitats of wide-ranging species, such as the recovered Mexican gray wolf, and passes through sensitive ecosystems, such as the Sky Islands ecosystem. Along this political border, enforcement activities to combat illegal immigration, as well as illegal immigration itself (e.g., dirt roads, litter), have widely impacted these sensitive ecosystems. It is anticipated that to the extent that security policies such as WHTI are implemented at the LPOEs, there may be potential for border-security activities in between the LPOEs to increase as stricter security policies are implemented. However, when examined on a programmatic scale, the biological impacts due to this dynamic are predicted to be low and are site-specific in nature. Short-term and long-term policy and operational measures implemented between the LPOEs can help mitigate any potential site-specific impacts to sensitive biological habitats and resources.

## 7.7 Historic Properties

Historic properties are defined in the National Historic Preservation Act (NHPA) of 1966 (as amended), and include “districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture.” The NHPA requires all federal agencies to consider the potential for adverse impacts to historic properties as a result of their actions.

A number of the LPOEs where WHTI would be implemented are considered to be historic or eligible for listing in the National Register of Historic Places. Some of these LPOEs were designed and built in the 1930s and early 1940s as part of an ongoing effort to modernize and standardize LPOE facilities. The LPOEs of this era typically were built according to one of five standard designs. As a result, there are many similar buildings in different areas of

the country. However, due to ongoing changes to the LPOEs, some buildings have been demolished or changed so significantly over time as to have lost their historic characteristics.

The major categories of historic properties that could be affected by the implementation of WHTI are the historic buildings and structures located at many of the LPOEs. Changes to the buildings due to improvements, demolition, or new construction could result in adverse impacts. WHTI-related changes to historic properties would occur with the installation of equipment on the outside of buildings (e.g., RFID sensors and cables) or the inside of buildings (e.g., computers). However, none of the alternatives contemplated under WHTI would result in construction or modifications to the LPOE buildings. Therefore, there is no potential for impact to historic properties.



*Some LPOEs are listed or eligible for listing in the National Register of Historic Places.*



**AIR QUALITY**

- Potential to improve air quality slightly in some areas, mainly on the Northern Border, across all alternatives



**NOISE POLLUTION**

- Potential to improve noise levels slightly in some areas across all alternatives



**SOCIAL AND CULTURAL PRACTICES**

- No potential to result in disproportionately high and adverse environmental or health impacts on low-income or minority populations



**ENERGY**

- No potential to substantially increase current levels of energy consumption
- No potential to compromise the ability of LPOEs or border communities to meet energy needs



**LAND USE**

- No land use impacts associated with any of the alternatives



**WASTE**

- No potential to impact solid waste
- No potential to impact electronic waste



**WATER**

- No potential to impact through runoff
- No potential to impact through atmospheric deposition



**BIOLOGICAL RESOURCES**

- No potential to disrupt or destroy habitat
- No potential to affect food and water through air or water impacts



**HEALTH AND SAFETY**

- No potential to impact through air quality
- No potential to impact through new technology upgrades



**HISTORIC PROPERTIES**

- No potential to impact due to limited/no construction

Summary of Environmental Impacts by Resource for the Action Alternatives



## 8.0 How would implementation of WHTI at sea ports-of-entry and for recreational craft impact environmental resources?

### 8.1 Background

Cruise ship passengers and crew must go through CBP inspection processing upon the cruise ship's arrival in the United States. Similarly, boat captains and passengers of pleasure craft are also required to report their arrival into the United States. CBP operates at sea ports throughout the country, most of which are located in states along the East and West coasts of the United States, although smaller ports do operate along the Great Lakes on the border with Canada and within the Gulf Coast states (Figure 18).

In 2005, 9.7 million passengers embarked on cruise voyages from U.S. sea ports to destinations within and beyond the Western Hemisphere (MARAD, 2006). Today, differences exist among the kinds of documentation required for entry into the United States, based upon the destination of the cruise. The current regulatory requirements for cruise passengers traveling outside of the Western Hemisphere (e.g., South America, South Pacific/Far East) are the presentation of a passport for CBP inspection upon entry into the United States. Therefore, it was determined that the only cruise pas-



Figure 18  
The locations of major sea ports-of-entry across the United States

sengers potentially to be affected by WHTI would be those whose cruise-embarkation sea port-of-entry and cruise destinations accept a wide variety of document categories and have no strict requirement for presenting a passport (e.g., Eastern/Western Caribbean, Mexico, Hawaii). Of the 9.7 million total cruise passengers, it was estimated that 9.2 million passengers would be affected by changes to documentation as a result of sea phase of the WHTI plan based on cruise destinations within the Western Hemisphere. These passengers account for almost 95% of total cruise passengers entering the United States via sea ports-of-entry (MARAD, 2006).

In 2004, border crossings into the United States via pleasure craft accounted for approximately 22,000 of the 246 million crossings along the Southern Border and approximately 44,000 of the 77 million crossings along the Northern Border (CBP, 2006d). Therefore, pleasure craft crossings into the United States account for less than 1% of the total national border crossings.

### 8.2 Current Processing of Cruise Ship Passengers

The current CBP inspection system uses passenger manifest systems; travel documents, such as birth certificates; driver's licenses; passports and visas; and inspector interviews to collect data on people entering the United States through passenger cruise ship terminals. For foreign nationals, pre-arrival information is stored in the electronic Advance Passenger Information System (APIS). This information then is verified through the use of travel documents and inspector interviews when the traveler arrives at the passenger cruise ship terminal.

CBP may inspect cruise ship passengers for entry into the United States in one of two ways. The method of inspection depends upon the location, facility layout, and available inspection space of a particular sea port-of-entry. One system utilizes CBP Officers on board the cruise liner when it is docked at the port. Passengers,

their travel documents, and articles to declare are inspected on the ship by CBP, and then passengers disembark to enter the United States once they are determined admissible.

The other system that may be employed by CBP utilizes existing interior facility space (often a large open warehouse area) to process the passengers once they disembark the ship (Figure 19). Cruise ships offload passengers once the ship is docked at the port. Often, technology and interior infrastructure (e.g., stanchions, desks, or computers) are mobile and moved in during the inspection process and are returned to storage once inspection of all passengers is complete. In both of these inspection operating systems, cruise ship passengers are inspected as pedestrians within existing operational and physical infrastructure at the sea port-of-entry.

### 8.3 Current Processing of Recreational Craft

When recreational craft arrive at a sea port in the United States, the captain of the vessel must report the arrival immediately to CBP and must physically present himself/herself and the passengers for inspection and, ultimately, admission into the United States. Regulations require that every applicant for admission to or transit through the United States must be inspected by CBP Officers. A person claiming to be a United States citizen must establish that fact to the examining Officer's satisfaction.

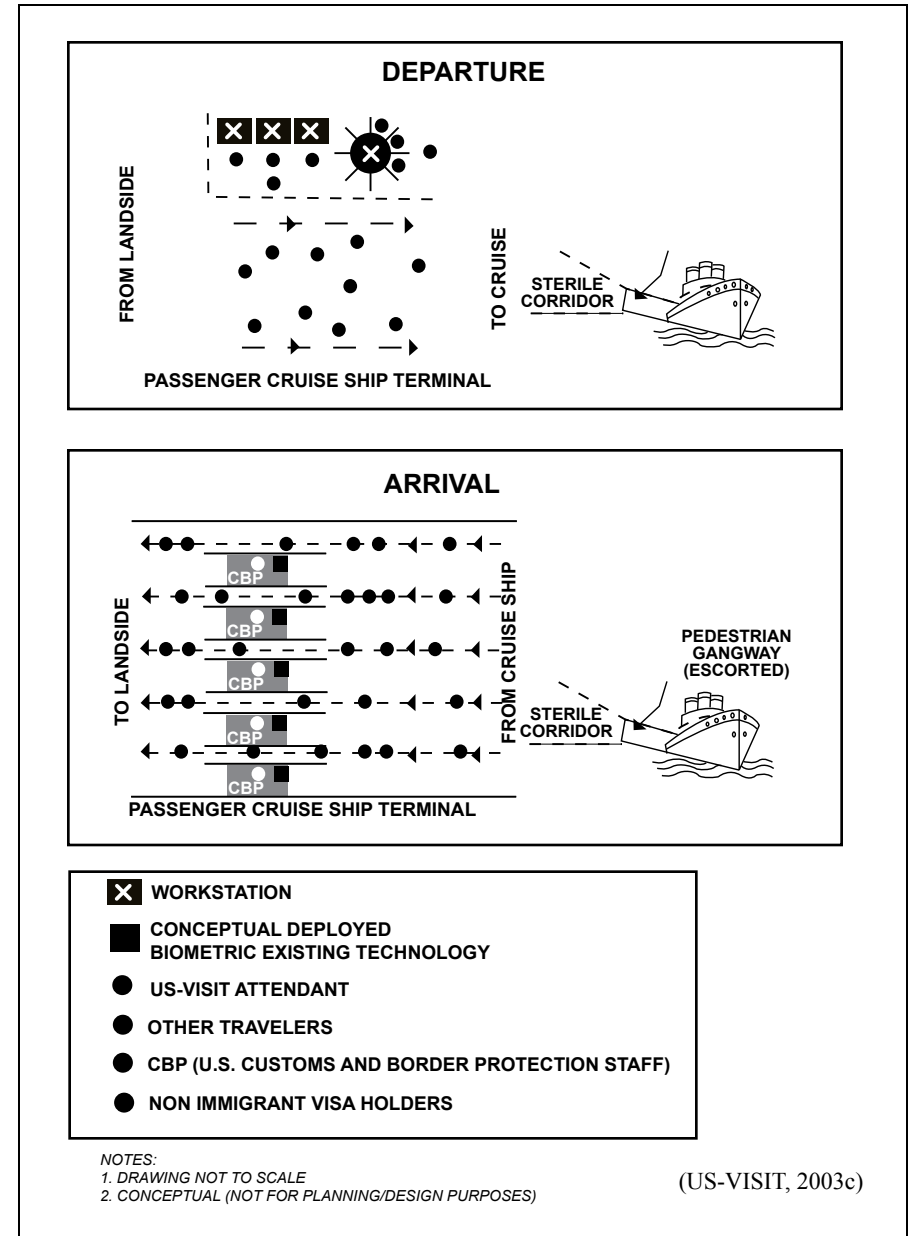
The captain of a vessel must report at the nearest facility or designated place immediately upon arrival. Boaters are required to report their arrival immediately by any means of communication approved by CBP. The report should include the name of the boat, its nationality, the name of the master, place of docking, and arrival time. There are three methods by which boat captains, family members, and all guests entering the United States can report for inspection: 1) obtaining a pre-approved form I-68 or NEXUS proximity card (Trusted Traveler Programs); 2) physically reporting



for inspection at the nearest POE; or 3) utilizing an Outlying Area Reporting Station (OARS), or videophone station, to report to CBP. If an onboard inspection is required, the CBP Officer may direct the vessel to an inspection area at the nearest port.

#### 8.4 Potential Environmental Impacts

Previous analysis of sea port inspection processes determined that there were no environmental impacts as a result of changes to the CBP inspection processes at passenger cruise terminals (US-VISIT, 2003c). Based on the current inspection processing of passengers entering the United States via sea ports-of-entry or recreational craft as described above, there is no anticipated environmental impact resulting from any of the alternatives presented in this analysis. While the documents and technology that are used by CBP during inspection of these passengers may change as a result of the sea phase of the WHTI plan, no significant programmatic environmental consequences of these changes are anticipated because the inspection processes described above will continue to be managed and operated within the existing physical environments. In addition, recreational craft and cruise ships are anticipated to be docked at the ports-of-entry (as is the current condition) and not waiting in coastal zones as a result of implementing the sea phase of the WHTI plan. Therefore, no impacts to the natural environment are anticipated as a result of WHTI implementation in these environments.



**Figure 19**  
Diagram of typical cruise ship passenger inspection process



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## 9.0 Transboundary Impacts

The implementation of the land phase of the WHTI plan, by necessity, will occur along the U.S. borders with Canada and Mexico. The potential impacts most likely to affect Mexico and Canada are from vehicle sources, which create air pollutant emissions and noise impacts. NEPA requires “analysis and disclosure of transboundary impacts of proposed federal actions taking place in the United States.” These impacts are discussed, as relevant, in the appropriate resource section



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## 10.0 Cumulative Impacts Summary

Cumulative impacts are those impacts on the human environment that result from “the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions” (40 CFR 1508.7). These impacts either may directly or indirectly impact environmental resources.

According to the President’s Council on Environmental Quality (CEQ) guidance, past actions considered in cumulative impacts analysis should be identified and considered in the context of scoping for the analysis. For the purposes of this analysis, document research, site visits, and internal and external data gathering were conducted to inform the assessment of the environmental baseline at the LPOEs. Past actions, whether physical modifications, technological upgrades, or changes in operations at the LPOE, were considered in the context of the dynamic baseline. LPOEs already are operationally constrained environments and vary in infrastructure, technologies, environmental contexts, and surrounding land uses. However, LPOEs have been continually adapting to the changing security environment within these constraints. The land phase of the WHTI plan occurs within the context of ongoing and projected changes at LPOEs, specifically, the busier ones which currently are at carrying capacity. Numerous factors (including traffic volume) affect the ability of ports-of-entry to manage change (as summarized in the Traffic section) and improvements in system efficiency (such as that associated with the land phase of the WHTI plan) can be offset by decisions to scrutinize a greater percentage of travelers. Currently, the busiest land ports-of-entry are maintained at carrying-capacity threshold, primarily through management practices administered locally by CBP managers (e.g., number of Officers on duty, number of lanes open, percentage of

travelers queried or entered into the computer). It is expected that these management practices will continue to keep impacts at or below the current levels.

Even with some LPOEs at carrying capacity, the national implementation of the land phase of the WHTI plan is not expected to have cumulative impacts in the foreseeable future on resources driven by traffic, since all alternatives considered (with the exception of the **No-Action Alternative**) would likely result in modest improvements at the borders. Some temporary disruption may occur in implementation of the land phase of the WHTI plan, but once the system reaches the Steady State Stage, effects should be modest but positive, when compared to maintaining the status quo. While other border security initiatives may result in delays when implemented, the land phase of the WHTI plan has the potential to counterbalance other impacts on wait time.



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## 11.0 Conclusions

Traffic, trade, commerce, tourism, and existing social patterns are all affected by U.S. decisions on how to manage and implement existing laws focused on increasing border security. Decision-makers are acutely aware that increased security can have undesirable direct and indirect effects. In recognition of these difficulties, CBP has incorporated balancing security needs with the facilitation of legitimate trade and travel into its strategic vision. Past studies have shown the real challenges facing CBP in its efforts to implement border security in the United States.

For this PEA, wait time has been the key variable for understanding potential environmental effects. Since the terrorist attacks in the United States on September 11, 2001, it generally has taken longer for travelers to pass through LPOEs into the United States. Numerous factors controlled by DHS affect the wait time for people crossing at LPOEs. These were highlighted in Section 5 of this report and include: human resources (size of the workforce, training, experience, turnover, retirement, overtime); policies (inspection protocol, percentage of travelers queried); LPOE design (traffic management, signage, lane management); information management (integration of software, computer equipment, sensors); and implementation of laws (U.S.-VISIT program, Secure Border Traveler's Initiative, IRTPA/WHTI, to name a few). These factors interact with a dynamic background which includes changing demographic trends, globalization, immigration trends, and ecosystem dynamics. Many of the busier LPOEs already are at carrying capacity. Thus, the system is sensitive to change. It is within the context of this complicated system that this PEA was conducted.

Wait times would improve slightly with implementation of any of the WHTI action alternatives once WHTI reaches a Steady State

of operation. The improvements to wait time would result from the reduction in the number of different documents CBP Officers would have to inspect, improvements in the reliability and security of travel documents, and the potential for automation of the inspection process.

The primary resource areas that had the most potential to be affected by the implementation of the land phase of the WHTI plan were air quality and noise pollution. Impacts to air and noise were examined as a result of expected changes in traffic and wait times at the LPOEs. Since traffic conditions generally are expected to improve, air and noise pollution also are expected to improve slightly as a result of implementing any of the WHTI action alternatives. No environmental justice or socioeconomic impacts resulting from environmental factors are expected. No potential impacts to energy, land use, waste, water, biological resources, health and safety, or historic properties are anticipated for any of the action alternatives.





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## 12.0 Public Involvement

At the start of the Draft WHTI PEA process, CBP sent a scoping announcement to potentially interested parties and posted it online at [www.cbp.gov](http://www.cbp.gov). Additionally, the Department of State has been involved in the WHTI PEA process as cooperating agency, and the Environmental Protection Agency and the General Services Administration have been involved as coordinating agencies. Along with the release of this PEA, a Notice of Availability (NOA) was published in the *Federal Register* and similar information was published in national newspapers and in certain local newspapers.

The public comment period was held from June 25 to July 24, 2007. During the public comment period, six comments were received from three commenters. The technical responses to these comments can be found in Appendix D: Responses to Comments. In addition, clarifications and updates for this Final PEA are included at the beginning of the document on page 7: Clarifications and Updates.



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## 13.0 References

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The Final PEA includes additional information and clarifications based on information and questions received during the public comment period and final government document review process.

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## Appendices

### Appendix A: Trusted Traveler Programs

A Trusted Traveler Program is a program that expedites border crossings for individuals who undergo a background risk assessment and interviews as part of a pre-approval process. These include the NEXUS, Secure Electronic Network for Travelers' Rapid Inspection (SENTRI), and Free and Secure Trade (FAST) programs. Certain ports-of-entry feature designated lanes reserved for the holders of a Trusted Traveler Card. These Trusted Traveler Programs are important because they represent approaches similar to WHTI alternatives, involving MRZ and RFID technology.

**NEXUS:** NEXUS is a joint program between CBP and the Canada Border Services Agency (CBSA) designed to expedite the inspection of low-risk, pre-approved travelers. Participants in the program must be citizens or lawful permanent residents (LPRs) of the United States or Canada. As of April 2007, 123,000 participants were enrolled in the NEXUS program.

**SENTRI:** Participants in the SENTRI program are able to use dedicated fast lanes at certain U.S.–Mexican border POEs. Enrollment is limited to drivers and passengers of noncommercial vehicles. Once the participant's photo, vehicle, and personal information are entered into the SENTRI database, CBP officials use Automatic Vehicle Identification technology to identify electronically the vehicle and its passengers at the border, thereby reducing the travelers' wait time. In 2007, the program had 122,000 enrollees.

**FAST:** CBP's FAST program allows certain importers, commercial carriers, and truck drivers to qualify for expedited clearance at LPOEs. These low-risk applicants must report to an enrollment

center where they will be interviewed, have their original identification and citizenship documents reviewed, be fingerprinted, and have a digital photo taken. The FAST program allows pre-screened commercial truck drivers expedited security clearance at 14 LPOEs on the U.S.–Mexican border and 17 LPOEs on the U.S.–Canadian border. In 2007, the program had 84,000 enrollees.

### Appendix B: Levels of Impact by Resource Area

#### Air Quality

**Low:** Low, in the context of this environmental assessment, means small to no effect on the ability of the environment to absorb the change in activity, activity level, or processes. This means a minor positive or negative change in existing air quality at most LPOEs and surrounding communities within an airshed.

**Medium:** Medium means that there is some modest effect on the ability of the environment to absorb the associated change in activity, activity level, or processes. Medium impacts do not create effects that exceed regulatory thresholds, however, and can be mitigated. This means a moderate increase in air pollutants at most LPOEs and surrounding communities within an airshed.

**High:** High levels of impact represent a high probability of regulatory noncompliance or high probability of impacting natural systems beyond their ability to absorb the change without mitigation. This means a substantial periodic or permanent increase in the level of air pollution to an extent that exceeds federal or state air quality standards within the airshed.

## Noise Pollution

**Low:** Low, in the context of this environmental assessment, means small to no effect on the ability of the environment to absorb the change in activity, activity level, or processes. This means a minor positive or negative change in existing noise levels at most LPOEs and surrounding communities with sensitive noise receptors. An increase in noise is considered to be a negative change, whereas a decrease in noise is a positive change.

**Medium:** Medium means that there is some modest effect on the ability of the environment to absorb the associated change in activity, activity level, or processes. Medium impacts do not create effects that exceed regulatory thresholds, however, and can be mitigated. Medium means a moderate increase or decrease in existing noise levels at most LPOEs and surrounding communities with sensitive noise receptors. An increase in noise is considered to be a negative change, whereas a decrease in noise is a positive change.

**High:** High levels of impact represent a high probability of regulatory noncompliance or high probability of impacting natural systems beyond their ability to absorb the change without mitigation. High means a substantial periodic or permanent increase or decrease in the level of ambient noise at the majority of LPOEs with sensitive noise receptors or a substantial number of violations of federal and state noise criteria. An increase in noise is considered to be a negative change, whereas a decrease in noise is a positive change.

## Appendix C: Estimating the WHTI-Affected Travelers' Crossings into the United States

This analysis used the following steps and assumptions to estimate the percentage of border crossings that likely would be affected by the implementation of land phase of the WHTI plan.

In 2004, there were 246.9 million crossings into the United States on the Southern Border (76% of the total) and 76.7 million crossings into the country on the Northern Border (24% of the total). These crossings include all modes of transportation (i.e., trains, cars, pedestrians, trucks, and buses) from all of the LPOEs (CBP, 2006d). The resulting total number of crossings from both borders is 323.6 million crossings into the United States in 2004 (CBP, 2006d). Although the crossings used in this estimate include pedestrians, buses, and trains at the LPOEs, these modes account for only a small proportion of all land border crossings, as approximately 80% of all land border crossings are conducted via privately owned vehicles (Department of Transportation, n.d.). This analysis conservatively includes all modes of crossings.

## Crossings Considered and Dismissed

The total number of crossings referenced above also include recreational boats, which accounted for less than one percent of the total number of crossings into the United States in 2004 (See the Implementation of WHTI at Sea Ports-of-Entry and for Recreational Craft section). In addition, data from CBP for NEXUS and SENTRI crossings conducted in January 2007 were used to estimate the percentage of crossings that occur by Trusted Traveler Program participants in these programs (See Appendix A). It was determined that less than one percent of the total number of crossings can be attributed to Trusted Travel Program participants. These crossings were left in this estimate as they would not differentially impact the calculations and would contribute to a more robust and conservative estimate of the affected percentage of crossings. On a similar note, a survey conducted in the San Diego/Tijuana metropolitan area determined that less than 2% of all land border crossings are made by other (non-Mexican) foreign nationals (San Diego Dialogue, 1994). As such, the inclusion of all foreign nationals would not impact the conservative assumption that all non-U.S.-citizen cross-

ings are conducted by Canadian citizens on the North and Mexican citizens on the South.

### **Affected Northern Border Crossings**

In 2004, 34.7 million crossings of the 76.7 total Northern Border crossings (45% of Northern crossings) were made by U.S. citizens. The remaining crossings (42 million) were assumed to be conducted by Canadian citizens (55%).

A report issued for Industry Canada (2006) showed that on average, 41% of Canadian travelers already have a passport. In the United States, about 43% of the population of border communities (likely to travel via the LPOEs) currently possess a passport (Department of State, 2005). Thus, a conservative estimate for Canadian border crossings by travelers not holding passports in 2004 is about 25 million, and for U.S. citizens not holding passports about 20 million, or about 32% and 26% of the total crossings, respectively. It is reasonable then to estimate that no more than 58% of crossings on the Northern Border would be affected by the WHTI plan. This, however, represents a conservative assumption, as it is well known that there are multiple crossings conducted by a relatively small percentage of frequent travelers.

### **Affected Southern Border Crossings**

In 2004, 105.2 million crossings were made by U.S. citizens on the Southern Border. Therefore, it can be assumed that the remaining 141.7 million crossings, accounting for 57% of the Southern Border crossings, were conducted by Mexican citizens (see Crossings Considered and Dismissed section above) who currently must cross with a passport or a Border Crossing Card (BCC), both of which are current WHTI plan-compliant documents.

One estimate indicates that about 68% of U.S. citizen *travelers* in border states who cross into Mexico currently do not hold passports

(Department of State, 2005). If this statistic is applied to all U.S.-citizen *crossings*, then a conservative estimate would be that 71.5 million crossings by U.S. citizens without WHTI plan-compliant documents were made in 2004. This represents about 29% of all Southern Border crossings that year.

## Appendix D: Public Involvement Materials

Dear Sir or Madam:

The United States Bureau of Customs and Border Protection (CBP) of the Department of Homeland Security (DHS) requests your assistance in identifying any significant environmental impacts or relevant environmental concerns that might arise from the implementation of the Western Hemisphere Travel Initiative (WHTI) at land and sea ports-of-entry (LPOEs). CBP will analyze and identify the potential for environmental impacts in a Programmatic Environmental Assessment (PEA), prepared in accordance with the Council on Environmental Quality's regulations implementing the National Environmental Policy Act (NEPA; 42 U.S.C. §§ 4321 et seq.)

WHTI is being implemented in response to Section 7209 of the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004, as amended. Section 7209 requires both U.S. citizens and nonimmigrant aliens to have a valid passport or other acceptable documents that establish identity and citizenship for entry into the United States. It also requires a program to expedite the entry of frequent travelers, including those who reside in border communities. While several alternatives are being considered, one option to speed the flow of traffic and trade at land border crossings, while meeting the requirements for secure identity documentation, involves the use of documents with machine readable zones (MRZ) and radio-frequency identification (RFID) technology. Implementation of this option may require physical modifications of land and sea ports-of-entry. Adoption of documents with embedded technology would be an effective way to expedite the flow of traffic at land border crossings while meeting the requirements for secure citizenship and identity documents.

This letter provides advance notice to interested parties about the PEA. The PEA will (1) address whether the implementation of the WHTI plan may result in environmental impacts to certain resources such as air, water, and historic properties; (2) describe the underlying purpose and need to which CBP is responding; (3) describe the proposed action or actions; (4) identify reasonable, alternative ways in which to meet the defined purpose and need; and (5) analyze the potential environmental consequences and/or benefits while implementing those reasonable alternatives.

CBP plans to provide a draft PEA in the spring of 2007 for public review. CBP will then address substantive environmentally-related comments and incorporate appropriate changes into the final PEA.

Information about CBP is available at <http://www.cbp.gov/>. Comments or suggestions on the Environmental Assessment, including specific environmental issues or concerns to be considered in the analyses, and to receive a copy of the Draft PEA when it becomes available, please contact [CBP.WHTIENVIRONMENTAL@dhs.gov](mailto:CBP.WHTIENVIRONMENTAL@dhs.gov) by February 2, 2007.

Sincerely,

John P. Wagner  
Director, Passenger Automation  
U.S. Customs and Border Protection

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## Notice of Availability

### DEPARTMENT OF HOMELAND SECURITY

#### U.S. Customs and Border Protection

[USCBP–2007–0060]

#### Notice of Availability of a Draft Programmatic Environmental Assessment on the Western Hemisphere Travel Initiative at Land and Sea Ports-of-Entry

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

**ACTION:** Notice of Availability.

**SUMMARY:** This Notice of Availability announces that a draft Programmatic Environmental Assessment (PEA) for the Western Hemisphere Travel Initiative (WHTI) at land and sea ports-of-entry is available for public review and comment. The draft PEA documents a review of the potential environmental impacts from changes to technology and operations to meet the requirements for standardized, secure travel documents under WHTI.

**DATES:** The draft PEA will be available for public review and comment for a period of 30 days beginning on the date this document is published in the **Federal Register**. Copies of the draft PEA may be obtained by telephone request (202–344–1589) or by accessing the following Internet addresses: <http://www.cbp.gov/travel> and <http://www.regulations.gov>. Comments regarding the draft PEA may be submitted as set forth in the **ADDRESSES** section of this document.

**ADDRESSES:** Copies of the draft PEA may be obtained from U.S. Customs and Border Protection (CBP) through the Internet at <http://www.cbp.gov/travel> and <http://www.regulations.gov> or by writing to: CBP, 1300 Pennsylvania Avenue, NW., Room 5.4C, Attn: WHTI Environmental Assessment, Washington, DC 20229.

You may submit comments on the draft PEA, by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Mail: Comments by mail are to be addressed to U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Room 5.4C, Attn: WHTI Environmental Assessment, Washington, DC 20229.

**Instructions:** All submissions must include the agency name and draft PEA docket number “USCBP–2007–0060.” All comments will be posted without change to <http://www.regulations.gov>, including any personal information sent with each comment.

#### **FOR FURTHER INFORMATION CONTACT:**

PatrickHoward,U.S.CustomsandBorderProtection,1300Pennsylvania Avenue, NW., Room 5.4C, Washington, DC 20229, 202–344–1589, e-mail address: [Patrick.Howard@associates.dhs.gov](mailto:Patrick.Howard@associates.dhs.gov), or Pat Sobol, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Room 5.4C, Washington, DC 20229, 202–344–1381, e-mail address: [Pat.Sobol@dhs.gov](mailto:Pat.Sobol@dhs.gov).

## SUPPLEMENTARY INFORMATION:

### Background

#### *The Western Hemisphere Travel Initiative*

The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), as amended, provides that upon full implementation, U.S. citizens and Bermudan, Canadian and Mexican citizens and nationals would be required to present a passport or such alternative documents as the Secretary of Homeland Security designates as satisfactorily establishing identity and citizenship upon entering the United States. In a notice of proposed rulemaking (NPRM) to be published in the Federal Register, the Department of Homeland Security (DHS) and Department of State (DOS) describe the second phase of a joint plan, known as the Western Hemisphere Travel Initiative (WHTI), to implement these new requirements. The NPRM proposes the specific documents that U.S. citizens and nonimmigrant aliens from Canada, Bermuda, and Mexico would be required to present when entering the United States at sea and land ports-of-entry from Western Hemisphere countries.

DHS and CBP have analyzed the potential impacts on the human environment of several alternate ways of implementing WHTI based on technological and operational considerations as part of the decision-making process regarding the implementation of WHTI at sea and land ports-of-entry. The impact analysis in the draft Programmatic Environmental Assessment (PEA), as explained in the report, focuses primarily on the effects of implementing WHTI at land ports-of-entry because the land environment is the most sensitive to the proposed document and technological changes associated with implementation of WHTI.<sup>1</sup>

<sup>1</sup> Changes to processing travelers at sea ports-of-entry would happen entirely within existing buildings and other infrastructure, so no environmental impacts are anticipated.



**Public Comments and Responses**

**Commenter:** **Business for Economic Security, Trade and Tourism Coalition of the US and Canada (BESTT)**

**Comment:** DHS and CBP have decided, with no scientific or independent review, that wait times will actually decrease with the implementation of WHTI. The BESTT Coalition, which predicted the passport backlog and the problems with the PASS Card, has always disagreed with this, and believes that, at least initially, wait times will actually increase.

**Response:** As explained in the analysis, the ranking of wait times associated with each alternative was made based on the best available information, including traffic modeling, site visits, and field experience. The analysis also examined the dynamics that contribute to wait time, including total queue length, traffic volume, inspection protocols, and port infrastructure (see Figure 11 on page 34 of the draft Programmatic Environmental Assessment). Without additional information provided by the BESTT Coalition as to the reasons for the belief that wait times will increase, no additional analysis with respect to this issue is possible.

**Commenter:** **Pete Sepulveda, Maria Luisa O’Connell, Erin Ward, Border Trade Alliance**

**Comment:** **Initial and Early Operation:** The Draft PEA states that implementation of WHTI and impacts from the first months of its introduction (early operational stage) are “assumed to be temporary in duration” (Page 30). The document also defines the early operational stage as occurring during the first six months of operation (Page 29). The BTA believes these statements underestimate the length of time necessary for introduction of WHTI, which will require a change in habit and way of life for many U.S. border residents

**Recommendation:** The BTA recommends the timeframe for the “early-operational stage” be extended from six months to a more realistic, one- to two-year period.

**Response:** The early operational phase will be different at land each port of entry. CBP used six months as a reasonable amount of time for an individual land port of entry and its habitual crossing population to become accustomed to the new WHTI requirements. Since the analysis is keyed to the longer-term, steady state dynamics, lengthening the time value of the early operational phase will have no effect on the analysis or its conclusions.

**Commenter:** **Pete Sepulveda, Maria Luisa O’Connell, Erin Ward, Border Trade Alliance:**

**Comment:** **Socioeconomic Impact:** The Draft PEA provides a section on border socioeconomics, but the section neglects to address potential impacts to regional economies from any of the three “action” alternatives. The BTA sees this as a serious omission. The U.S. Federal Reserve-Dallas reports that U.S. border communities derive considerable economic benefit from cross-border trade and commerce. In some smaller communities, a majority of the economy may be based on the movement of goods and people between two neighboring nations. Implementation of WHTI has the potential to generate significant economic impacts within border communities.

**Recommendation:** The BTA highlights the omission of an adequate economic impact section in the Draft PEA and requests that such a chapter be included.

**Response:** CBP considered the economic effects of WHTI separately in the Regulatory Assessment for the Notice of Proposed Rulemaking. NEPA requires federal agencies to examine socioeconomic impacts only to the extent that they relate to the potential environmental impacts of a project (See 40 CFR §1508.14). The Programmatic Environmental Assessment did not find any environmental impacts from implementation of any of the alternatives that would be related to socioeconomic impacts.

**Commenter:** **Pete Sepulveda, Maria Luisa O’Connell, Erin Ward, Border Trade Alliance**

**Comment:** **Extending the Geographic Range:** The BTA remains on record as advocating for extending the geographic range at which wait times at land POEs are measured to include the entire queue. Using only the POE footprint, as is done now, miscalculates the actual wait time for vehicle traffic and fails to provide an accurate benchmark for evaluation or comparison.

**Recommendation:** The BTA recommends a recalculation of wait times to include the entire queue, not just the POE footprint, to more accurately assess a benchmark that can be used for evaluation and comparison of policy alternatives.

**Response:** The definition of “wait time” was explained on page 32 of the draft Programmatic Environmental Assessment (PEA). Wait time in the context of the analysis includes all vehicles within the queue and does not end with the land port-of-entry (LPOE) boundary. The queue was also defined on page 32 of the draft PEA as “The line of vehicles waiting to approach or at the stop sign in front of the primary inspection booth.” The line of vehicles includes vehicles waiting outside of the LPOE boundary. This approach is consistent with how wait times are measured in the field (LPOE Site Visits, 2006-2007).

**Commenter:** **Pete Sepulveda, Maria Luisa O’Connell, Erin Ward, Border Trade Alliance**

**Comment:** **A Fifth Alternative:** Insufficient manpower often is cited as the major reason for excessive wait times at land POEs. Recent deployment of extra manpower at southern land POEs has demonstrated improved efficiencies at land POEs and a reduction in illegal entries into the United States (i.e., Operation Jump Start). Even if DHS implements the RFID “action” alternative, as proposed, the BTA believes that increases in manpower may be required to minimize the impact to cross-border commerce and tourism.

**Recommendation:** The BTA recommends the addition of a fifth “action” alternative to include the impact of hiring and training new personnel as a method for implementing WHTI.

**Response:** This Programmatic Environmental Assessment analyzes the potential environmental impacts of the Western Hemisphere Travel Initiative Rule for Land and Sea Ports. The decision contemplated in the rule is how to change the document requirements for many types of U.S. travelers and foreign nationals entering the United States at land and sea ports-of-entry. The addition of new CBP personnel would not be a reasonable alternative because it does not meet the purpose and need for this action. The addition of new personnel would not help to prevent the existing problems with fraudulent documents or improve the ability of CBP Officers to quickly and easily establish the identity and citizenship of travelers entering the United States. Nor would the addition of new personnel improve the reliability or security of documents currently used to enter the United States. Since this proposed alternative will not meet the purpose and need for this action, it was not included in the analysis as a fifth alternative.

**Commenter:** Marthea Rountree, Environmental Protection Agency      **Response:** Sections 4.1.4 and 6.3 were revised to reflect these issues.

**Comment:** EPA has reviewed DHS's Draft Programmatic Environmental Assessment (PEA) on the Western Hemisphere Travel Initiative (WHTI) in the Land and Sea Environments. Comments are being provided on one matter. The Preliminary Draft PEA included an extensive discussion on the potential impacts of WHTI activities on Tribes and Traditional Cultural Properties. It included discussions on several issues concerning potential impacts of the requirements for standardized legal documentation (as proposed by WHTI) for some tribal members. They included but were not limited to:

Tribal treaty rights that provide them with a right of unrestricted access to cross the border;

Tribes' ability to travel to sacred sites where their land spans the border and how this initiative may impact their ability to regularly cross them to engage in cultural practices; and financial requirements (initial and recurring) to obtain an alternate (non-tribal) travel document.

The Preliminary Draft PEA also discussed the possibility of an exemption for tribal documents from the requirements of WHTI; their continued acceptance at the border; therefore minimizing the impacts to the tribes. It was EPA's understanding that DHS was still conducting analysis/considering the effects of this project on Tribes and Traditional Cultural properties.

However, the current Draft PEA does not include any discussions pertaining to this issue. If impacts on Tribes and Traditional Cultural properties have been addressed/resolved and it has been determined that there are no significant impacts, EPA recommends that the Final PEA includes at least a brief discussion on the specifics of the determination.

**Appendix E: Federally Recognized Tribes on the Border**

<b>Reservations near or on the U.S.-Canadian border</b>	<b>Federally Recognized Tribes</b>
<b>Idaho</b>	
Coeur d’Alene Reservation	Coeur d’Alene Tribe
Kootenai Reservation	Kootenai Tribe of Idaho
<b>Maine</b>	
Aroostook Band of Micmac	Aroostook Band of Micmac
Houlton Band of Maliseet	Houlton Band of Maliseet
Passamaquoddy Tribe of Maine	Passamaquoddy Tribe of Maine
Penobscot Indian Nation	Penobscot Indian Nation
<b>Michigan</b>	
Grand Traverse Reservation*	Three Fires Confederacy of Ottawa, Chippewa and Pottawatomi
Little Traverse Bay Reservation*	Little Traverse Bay Band of Odawa Indians
Bay Mills Indian Community*	Bay Mills Indian Community
L’Anse Keweenaw Bay Indian Community (includes Ontonagon)*	Lake Superior Band of Chippewa
Sault Ste. Marie Tribe of Chippewa*	Sault Ste. Marie Tribe of Chippewa
<b>Minnesota</b>	
Leech Lake Indian Reservation	Leech Lake Band of Ojibwe
White Earth Band of Ojibwe	White Earth Band of Ojibwe
Bois Forte Reservation (3 sectors: Nett Lake, Vermillion, and Deer Creek)	Bois Forte Band of Ojibwe
Grand Portage Indian Reservation*	Grand Portage Band of Lake Superior Chippewa
Red Lake Indian Reservation	Red Lake Band of Ojibwe
<b>Montana</b>	
Flathead Indian Reservation	Confederated Salish and Kootenai Tribe
Blackfeet Reservation	Blackfeet Nation
Fort Belknap Reservation	Gros Ventre Tribe of Montana and Assiniboine Tribe of Montana
Fort Peck Reservation	Assiniboine and Sioux Nations
Rocky Boy’s Indian Reservation	Chippewa-Cree Tribe
<b>New York</b>	
Oneida Indian Nation	Oneida Indian Nation
Allegany Reservation	Seneca Nation
Cattaraugus Reservation*	Seneca Nation
St. Regis Mohawk Reservation*	St. Regis Mohawk Tribe
Tuscarora Nation*	Tuscarora Nation
Tonawanda Reservation	Tonawanda Band of Seneca Indians

Reservations near or on the U.S.-Canadian border	Federally Recognized Tribes
<b>North Dakota</b>	
Fort Berthold Reservation	Three Affiliated Tribes of Mandan, Hidatsa, and Arikara
Turtle Mountain Reservation	Turtle Mountain Band of Chippewa Indians of North Dakota
Spirit Lake Nation Reservation	Spirit Lake Dakotah Nation
<b>Washington</b>	
Chehalis Reservation	Confederated Tribes of the Chehalis
Hoh Indian Reservation	Hoh Indian Tribe
Muckleshoot Reservation	Muckleshoot Indian Tribe
Nisqually Indian Reservation	Nisqually Indian Tribe
Puyallup Indian Reservation**	Puyallup Tribe of Indians
Quileute Reservation	Quileute Tribe
Quinault Reservation	Quinault Tribe
Skokomish Reservation**	Skokomish Indian Tribe
Spokane Indian Reservation	Spokane Tribe of Indians
Squaxin Island Reservation**	Squaxin Island Tribe
Colville Reservation	Confederated Tribes of Colville Reservation
Jamestown S’Klallam Reservation**	Jamestown S’Klallam Tribe of Washington
Kalispell Indian Reservation	Kalispel Indian Tribe
Lower Elwha Reservation**	Lower Elwhat S’Klallam Tribe
Lummi Indian Reservation	Lummi Nation
Makah Indian Reservation**	Makah Indian Tribe
Nooksack Reservation**	Nooksack Indian Tribe
Port Gamble S’Klallam Reservation**	Port Gamble S’Klallam Tribe
Port Madison Indian Reservation**	Suquamish Tribe
Sauk-Suiattle Reservation	Sauk-Suiattle Indian Tribe
Samish**	Samish Indian Nation
Stillaguamish Reservation	Stillaguamish Tribe of Indians
Swinomish Reservation**	Swinomish Indians
Tulalip Reservation**	Tulalip Tribes
Upper Skagit Indian Reservation	Upper Skagit Indians
<b>Wisconsin</b>	
Bad River Indian Reservation*	Bad River Band of Lake Superior Chippewa
Red Cliff Reservation*	Red Cliff Band of Lake Superior Chippewa
Note: *Indicates Tribe is located on Great Lake or border waterway      **Indicates Tribe is located on Puget Sound	

Reservations near or on the U.S.-Mexico border	Federally Recognized Tribes
<b>Arizona</b>	
Colorado River	Chemehuevi
Fort Apache	White Mountain Apache
Fort McDowell	Yavapai
Salt River	Akimel O’odham and Pee Posh
San Carlos Apache	Apache
Cocopah	Cocopah
Fort Yuma	Quechan
Tohono O’odham	Tohono O’odham
San Xavier	Tohono O’odham
Gila River	Akimel O’odham and Pee Posh
Maricopa	Akimel O’odham, Pee Posh, Ak-Chin
Pascua Yaqui	Pascua Yaqui
<b>California</b>	
29 Palms	29 Palms Band
Agua Caliente	Agua Caliente Band
Augustine	Augustine Band
Barona	Kumeyaay
Cabazon	Cahuilla Band
Cahuilla	Cahuilla Band
Campo	Kumeyaay
Capitan Grande	Kumeyaay
Cuyapaipe	Ewiiapaap
Inaja Cosmit	Kumeyaay
Jamul	Kumeyaay
La Jolla	Luiseno
La Posta	Kumeyaay
Los Coyotes	Los Coyotes Band
Manzanita	Kumeyaay
Mesa Grande	Kumeyaay
Morongo	Pala Band
Pala	Luiseno
Pauma and Yuima	Pauma Band
Pechanga	Luiseno
Ramona	Ramona Band
Rincon	Luiseno
San Manuel	San Manuel Band

Reservations near or on the U.S.-Mexico border	Federally Recognized Tribes
<b>California continued</b>	
San Pasqual	Kumeyaay
Santa Rosa	Kumeyaay
Santa Ysabel	Kumeyaay
Soboba	Soboba Band
Sycuan	Kumeyaay
Torres-Martinez	Cahuilla Band
Viejas	Kumeyaay
<b>New Mexico</b>	
Mescalero	Mescalero Apache Tribe
<b>Texas</b>	
Kickapoo	Kickapoo
Ysleta Del Sur	Tigua

