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**HIGHGATE SPRINGS LAND PORT OF ENTRY  
EXPANSION AND MODERNIZATION PROJECT  
DRAFT ENVIRONMENTAL ASSESSMENT  
FRANKLIN COUNTY, VERMONT**

**October 2024**



**PREPARED BY: U.S. GENERAL SERVICES ADMINISTRATION  
NEW ENGLAND REGION**



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## ACRONYMS AND ABBREVIATIONS

A/E	Architecture/Engineering
A-35	Autoroute-35
ACM	Asbestos-containing Material
ACS	American Community Survey
AJD	Approved Jurisdictional Determination
ANR	Vermont Agency of Natural Resources
APE	Area of Potential Effect
APHIS	Animal and Plant Health Inspection Service
AST	Aboveground Storage Tank
BCC	Birds of Conservation Concern
BGEPA	Bald and Golden Eagle Protection Act
bgs	Below Ground Surface
BMP	Best Management Practice
CBP	U.S. Customs and Border Protection
CBSA	Canada Border Services Agency
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CGP	Construction General Permit
CH <sub>4</sub>	Methane
CO <sub>2</sub>	Carbon Dioxide
CT	Census Tract
CWA	Clean Water Act
dB	Decibels
dba	A-weighted Decibels
DEC	Vermont Department of Environmental Conservation
DHHS	U.S. Department of Health and Human Services
EA	Environmental Assessment
EJ	Environmental Justice
EO	Executive Order
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FDA	U.S. Food and Drug Administration
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FPPA	Farmland Policy Protection Act
ft	feet
GHG	Greenhouse Gas
gpd	Gallons Per Day
GSA	U.S. General Services Administration
GSF	Gross Square Footage
H <sub>2</sub> O	Water
I-89	Interstate 89
IPaC	Information for Planning and Consultation
LBP	Lead-Based Paint
LEED	Leadership in Energy and Environmental Design
LPOE	Land Port of Entry
MBTA	Migratory Bird Treaty Act

MCL	Maximum Contaminant Level
mg/L	milligrams per liter
mi	mile
MMTCO <sub>2e</sub>	Million Metric Tons of Carbon Dioxide Equivalent
MOA	Memorandum of Agreement
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NII	Non-Intrusive Inspection
NLEB	Northern Long-Eared Bat
N <sub>2</sub> O	Nitrous Oxide
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NTNC	Non-Transient Non-Community
OSHA	Occupational Safety and Health Administration
PAL	Public Archaeology Laboratory, Inc.
Pb	Lead
PBS	Public Buildings Service
PCB	Polychlorinated Biphenyl
PCPI	Per Capita Personal Income
PILOT	Payment in Lieu of Taxes
PM	Particulate Matter
POV	Privately-owned Vehicle
RCI	Residential Commercial and Industrial
RCRA	Resource Conservation and Recovery Act
ROC	Region of Comparison
ROI	Region of Influence
RRP	Renovation, Repair and Painting
SC-GHG	Social Cost of Greenhouse Gas
SF	Square Feet
SHPO	State Historic Preservation Officer
SPCC	Spill Prevention, Control, and Countermeasures
spp.	Several Species
SWPPP	Stormwater Pollution Prevention Plan
THPO	Tribal Historic Preservation Officer
TMDL	Total Maximum Daily Load
TSCA	Toxic Substances Control Act
U.S.	United States
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
USCB	U.S. Census Bureau
USFWS	U.S. Fish and Wildlife Service
UST	Underground Storage Tank
VACIS	Vehicle and Cargo Inspection System
VAOT	Vermont Agency of Transportation
VNHI	Vermont Natural Heritage Inventory
V.S.A.	Vermont Statutes Annotated
VSQG	Very Small Quantity Generator



VSWI	Vermont Significant Wetland Inventory
VT	Vermont
VT-78	Vermont Route 78
VWR	Vermont Wetlands Rules
WQS	Water Quality Standards

## **EXECUTIVE SUMMARY**

### **INTRODUCTION**

The United States (U.S.) General Services Administration (GSA) has prepared this Draft Environmental Assessment (EA) to evaluate the social, economic, and environmental impacts resulting from the proposed expansion and modernization of the Highgate Springs Land Port of Entry (LPOE) [the Project]. The Highgate Springs LPOE is one of the three busiest LPOEs in New England and facilitates inspections for privately-owned vehicles (POVs), buses, and commercial traffic. GSA proposes to construct a new, modern LPOE with increased capacity to replace the existing LPOE at Highgate Springs, Vermont (VT).

As part of a nationwide effort, GSA conducted programmatic feasibility studies for LPOEs and their operational deficiencies based on the most recent LPOE design standard. The U.S. Department of Homeland Security's Customs and Border Protection (CBP), the primary tenant at LPOEs, participated in this effort. The 2021 Bipartisan Infrastructure Law allocated \$3.4 billion to GSA to undertake 26 major construction and modernization projects along the northern and southern U.S. borders. Many of the LPOEs currently managed by GSA, including the Highgate Springs LPOE, are outdated and long overdue for modernization. The current facilities and configurations at the Highgate Springs LPOE do not meet the needs of GSA's federal agency tenants (CBP, U.S. Food and Drug Administration [FDA], and U.S. Department of Agriculture's Animal and Plant Health Inspection Service [APHIS]) and do not allow for efficient and safe inspections of the traveling public.

This Draft EA analyzes two alternatives to the Project: (1) one "action" alternative, the Proposed Action, which involves the acquisition of additional land for the expansion and modernization of the LPOE at Highgate Springs, and (2) one "no action" alternative, which assumes that land acquisition and the subsequent expansion and modernization of the LPOE would not occur.

The Draft EA was prepared in compliance with the National Environmental Policy Act (NEPA) of 1969 (42 United States Code [U.S.C.] 4321 et seq.), Council on Environmental Quality (CEQ) regulations that guide the implementation of NEPA (40 Code of Federal Regulations [CFR] 1500-1508), GSA Public Buildings Service (PBS) NEPA Desk Guide, and other relevant federal and state laws and regulations and executive orders.

### **PURPOSE AND NEED**

The purpose of the Project is to improve and enhance the performance, safety, security, and efficiency of operations for cross-border travelers and federal agencies at the LPOE: CBP, FDA, and APHIS.

The Project need is twofold. First is the need to increase the LPOE capacity to accommodate the projected increase in traffic along Interstate 89 (I-89) due to the construction of the final segment of Autoroute-35 (A-35) by the Canadian government between Montreal and Saint-Armand/Philipsburg, Quebec. Second is the need to facilitate and accommodate the changing operations of CBP, FDA, and APHIS by ensuring that adequate facility and infrastructure resources are available to fulfill their functions and operations.

### **PROJECT ALTERNATIVES**

GSA considered two alternatives to the proposed Project, as described below.

## Proposed Action

Under the Proposed Action, GSA would acquire the 57-acre private property to the west of the LPOE and up to 4 acres of the VT Agency of Transportation (VAOT) property to the south. The Project area consists of approximately 50 acres of which around 34 acres would be permanently disturbed from the new LPOE and nearly 16 acres would be temporarily disturbed from staging of construction materials and equipment. The Proposed Action would result in the demolition of all existing structures at the LPOE and the private property. Substantial earthwork would occur in the Project area, including excavation, grading, and cut and fill operations. Three new structures would be constructed: Main Building (serving POV and bus operations), Commercial Building (serving commercial operations with associated FDA and APHIS programs, and GSA operation and maintenance programs), and Training Building (including a firing range-related program). The expanded LPOE would accommodate seven inspection lanes for POVs, two inspection lanes for buses, two inspection lanes for commercial vehicles, and one bypass lane for larger vehicles (such as snowplows). Supporting facilities would be constructed, including employee and visitor pedestrian paths, snow storage locations, helipad, return routes, up to 200 employee parking spaces, and utility connections.

The Proposed Action would occur in four phases to ensure minimal disruption to port functionality as the LPOE is expected to operate full time during this period. Construction would begin in 2025 and would end in 2028. The Proposed Action would meet the purpose and need of GSA's tenant agencies.

## No Action Alternative

The No Action Alternative assumes that demolition of existing facilities, construction of newer, larger facilities, and expansion and modernization of the Highgate Springs LPOE would not occur. GSA would not acquire additional land under the No Action Alternative. Maintenance, repairs, and alterations would occur as needed, and the operation of the existing LPOE would continue as it currently does. The No Action Alternative does not meet the purpose and need of GSA's tenant agencies.

## PUBLIC INVOLVEMENT

GSA held a public scoping meeting on Thursday, January 12, 2023, from 5:30 to 7:30 PM at the St. Albans City Hall Auditorium located at 100 North Main Street, St. Albans City, VT, 05478. Seventeen people attended the meeting.

The GSA team gave a 30-minute presentation providing background on the Project and an explanation of the NEPA process. GSA then provided an opportunity to interested attendees to submit verbal comments about the Project, which were recorded by a stenographer. An American Sign Language interpreter was available via video call to provide interpretive services.

Informational posters about the proposed alternatives, Project background, purpose and need, and comment submission process were provided at the meeting. Additional materials at the scoping meeting included a sign-in sheet, comment forms, and handouts. A recording of the public scoping meeting and copy of the presentation slides are available on the GSA website at: <https://www.gsa.gov/about-us/gsa-regions/region-1-new-england/buildings-and-facilities/development-projects/highgate-springs-land-port-of-entry-vermont>.

The public scoping period began on January 3, 2023, and ended on February 17, 2023. GSA received letters from agencies, organizations, and individuals during the scoping period. The commenters provided input on the following topics: Project alternatives; cultural resources; requests for information; socioeconomics; permits; traffic and transportation; and water resources.

## **ENVIRONMENTAL CONSEQUENCES**

**Table ES-1** presents a summary of the assessed environmental consequences associated with the Proposed Action and No Action Alternative for the resources analyzed in the Draft EA.



**Table ES-1. Effects Comparison, Mitigation Measures, and Best Management Practices (BMPs)**

Resource	Proposed Action	No Action Alternative	Mitigation Measures and BMPs
<p><b>Land Use</b></p>	<p><b>Direct, long-term, minor, localized and beneficial</b> effects as the proposed development would be in accordance with Highgate zoning regulations and planning goals of the town.</p> <p><b>Direct, long-term, negligible, localized and regional, and adverse</b> effects through the replacement of private property with federal ownership, resulting in a loss in expected commercial and real estate tax revenue for the Town of Highgate and State of Vermont.</p>	<p><b>No effects</b> to land use.</p>	<p>None.</p>
<p><b>Geology, Topography, and Soils</b></p>	<p><u><b>Geology</b></u></p> <p><b>Direct, permanent, moderate, localized and adverse</b> effects to geology from line/channel drilling of the excavated bedrock and installation of monitoring wells.</p> <p><u><b>Topography</b></u></p> <p><b>Direct, permanent, moderate, site-specific and adverse</b> effects to topography due to grading and leveling activities during site preparation.</p> <p><u><b>Soils</b></u></p> <p><b>Direct and indirect, short-term, moderate, site-specific, and adverse</b> effects to soils within permanent limits of disturbance from excavation, grading, and cut and fill operations.</p>	<p><b>No effects</b> to geology and topography.</p> <p><b>Direct, long-term, negligible, site-specific, and adverse</b> effects to soils from regular operation and maintenance activities.</p>	<p>GSA would implement BMPs to minimize erosion and sedimentation, including temporary seeding, use of silt fencing and sediment traps, installing gravel construction entrances/exits, and other methods as determined during detailed design. Areas cleared of vegetation within the temporary limits of disturbance of the Project area would be revegetated with regionally appropriate native plant species.</p> <p>To the extent practicable, grading would be carried out such that the existing site hydrology is maintained and the import/export of fill is minimized. Existing grades would be met at the limits of work.</p>

Resource	Proposed Action	No Action Alternative	Mitigation Measures and BMPs
<p><b>Geology, Topography, and Soils (continued)</b></p>	<p><b>Direct and indirect, long-term, minor, site-specific, and adverse</b> effects to soils within temporary limits of disturbance from soil compaction and vegetation clearing.</p> <p><b>Direct and indirect, long-term, moderate, site-specific, and adverse</b> effects to soils at the new LPOE due to permanent removal of 11 acres of soils from the Project area, resulting in increased runoff and erosion from the additional impervious surfaces.</p>		<p>The new monitoring wells would be installed by licensed well drillers who would use the best available boring techniques to avoid causing undue soil erosion and effects to bedrock geology.</p>
<p><b>Water Resources</b></p>	<p><u>Surface Water</u></p> <p><b>Direct, short-term, minor, localized, and adverse</b> effects to surface waters and stormwater during construction-related activities from potential sediment/contaminant runoff from the Project area and accidental spills.</p> <p><b>Direct, long-term, minor, localized, and adverse</b> effects to surface waters and stormwater from increased runoff due to increase in impervious surfaces in the Project area.</p> <p><u>Floodplains</u></p> <p><b>No effects</b> to floodplains as the Project area does not occur in a flood hazard area.</p> <p><u>Wetlands</u></p> <p><b>Direct, permanent, moderate, localized, and adverse</b> effects from the filling of one VT Class II wetland.</p>	<p><b>Direct, long-term, negligible, localized, and adverse</b> effects to water resources due to continued reductions in water quality from stormwater runoff.</p>	<p>GSA would develop and implement a Stormwater Pollution Prevention Plan (SWPPP) to control stormwater runoff and pollutants, which would include erosion prevention, sediment control, and water quality protection measures. BMPs such as the use of drop cloths, proper storage of chemicals, and immediate treatment of spill areas with absorbents and soil removal are examples of measures that would be implemented in the event of accidental spills.</p> <p>GSA would implement mitigation measures to minimize adverse effects to wetlands, such as establishing new wetlands or enlarging the boundaries of an existing wetland to compensate for the adverse effects from the Project. Mitigation may also include payment of fees to a</p>

Resource	Proposed Action	No Action Alternative	Mitigation Measures and BMPs
<p><b>Water Resources (continued)</b></p>	<p><b>Direct, permanent, minor, localized, and adverse</b> effects from permanent encroachment into portions of the 50-foot buffer of another Class II wetland in the Project area. The wetland itself would not be altered.</p> <p>These wetlands were determined to provide considerable function or value by the State of Vermont based on their analysis.</p> <p><b>Indirect, long-term, minor, localized, and adverse</b> effects to wetlands due to potential encroachment into the buffer zones of two Vermont Class II wetlands determined to provide considerable function or value by the State of Vermont based on their analysis, and are also classified as a vernal pool.</p> <p><b><u>Groundwater</u></b></p> <p><b>Direct, short-term, minor, localized, and adverse</b> effects to groundwater due to infiltration of contaminants from construction activities and installation of monitoring wells.</p> <p><b>Direct, long-term, minor, localized, and adverse</b> effects to groundwater from reduced groundwater recharge in the Project area due to increase in impervious surfaces.</p>		<p>federal “in-lieu fee” program or mitigation bank approved by the State of Vermont.</p> <p>For the installation of monitoring wells, well drillers would not use materials or procedures which may adversely affect the public health, the drill site, and groundwater. All drilling fluids and contaminated drill cuttings, samples, or liquids would be disposed of properly. All drilling equipment which may have become contaminated during a drilling operation would be thoroughly cleaned and decontaminated before reuse. Wells would be sited such that there is no migration of contaminants into uncontaminated zones.</p>
<p><b>Biological Resources</b></p>	<p><b><u>Vegetation</u></b></p>	<p><b>Direct, long-term, minor, localized, and adverse</b> effects to biological resources. No</p>	<p>GSA would implement BMPs such as the installation of a silt fence</p>

Resource	Proposed Action	No Action Alternative	Mitigation Measures and BMPs
<p><b>Biological Resources (continued)</b></p>	<p><b>Direct, long-term to permanent, moderate, site-specific, and adverse</b> effects to vegetation and associated habitat due to the destruction and removal of native plant species during construction. Such effects may also occur from the potential impacts to two vernal pools lying in close proximity to the Project area.</p> <p><u><b>Wildlife</b></u></p> <p><b>Direct, short- and long-term, minor, localized, and adverse</b> effects on wildlife due to the removal of available habitat and from construction- and operation-related disturbances.</p> <p><u><b>Special Status Species and Migratory Birds</b></u></p> <p><b>Direct, short- and long-term, minor, localized, and adverse</b> effects on migratory birds due to the removal of potential breeding habitat and disturbance due to noise and activity during construction and operation.</p> <p>The Project <b>may affect, not likely to adversely affect</b> northern long-eared bat and tricolored bat as these species have the potential to occur in the Project area due to the availability of suitable habitat. <b>No effects</b> to monarch butterfly.</p>	<p>changes to wildlife, vegetation, or natural communities would be expected. Noise or other disturbances to wildlife present in the Project area or the immediate vicinity from routine maintenance activities would occur at current levels. After completion of A-35, the ambient noise levels at the LPOE would increase due to the projected increase in traffic.</p>	<p>around the construction site and placement of gravel for heavy vehicle transit. Other BMPs, such as construction vehicles primarily using existing roadways, would be implemented during the construction and operation of the new, modern LPOE to minimize potential adverse effects to vegetation. Adverse effects would be mitigated in disturbed areas via replanting with native vegetation following the end of construction.</p> <p>Construction vehicles would observe maximum speed limits to minimize the possibility for any wildlife-vehicle collisions. Staging and stockpile areas would be located within or immediately adjacent to the construction footprint within the Project area to reduce the area of disturbance.</p> <p>GSA would avoid certain Project activities (e.g., tree removal, tree trimming, and demolition of structures that could have gaps/spaces/holes that may be used as roosts) between June 1 and August 15 to prevent potential effects to juvenile bats. If any federal- or state-listed species are detected during the construction phase, work would stop, and GSA</p>



Resource	Proposed Action	No Action Alternative	Mitigation Measures and BMPs
			<p>would initiate consultation with the relevant agencies.</p> <p>If required, GSA would conduct brief surveys to confirm the presence or absence of migratory bird nests in the Project area. Other BMPs would be implemented, such as minimizing tree removal to the greatest extent practicable and establishing an appropriate buffer around any active nests, if any are found, to protect nests from construction-related disturbance.</p>
<p><b>Utilities</b></p>	<p><b>Direct, short-term, minor, regional, and adverse</b> effects on utilities due to increased demands during construction activities.</p> <p><b><u>Potable Water Supply, Sanitary Sewer, and Wastewater Systems</u></b></p> <p><b>Direct, long-term, minor, site-specific and regional, and adverse</b> effects due to the increase in demand for water and sewer services as the new LPOE would cater to a greater number of employees and travelers, and would have expanded operations.</p> <p><b><u>Stormwater Management</u></b></p> <p><b>Direct, long-term, minor, localized, and beneficial</b> effects due to the operation of stormwater management systems designed to retain and treat stormwater</p>	<p><b>Direct, long-term, minor, site-specific and regional, and adverse</b> effects as utility demands, particularly for water and wastewater services, would likely increase due to the increase in the number of travelers at the LPOE after completion of A-35. The facility would continue to operate aging, outdated equipment.</p>	<p>Construction crews would follow standard industry practices to minimize the chance of discovering unmarked utilities during construction work. These include:</p> <p>locating and marking utilities prior to demolition and site preparation; and coordination with utilities providers in the event of discovery of unmarked utilities.</p>

Resource	Proposed Action	No Action Alternative	Mitigation Measures and BMPs
<p><b>Utilities (Continued)</b></p>	<p>runoff efficiently per latest building standards and codes.</p> <p><b>Direct, long-term, minor, localized, and adverse</b> effects from increased stormwater runoff due to increase in impervious surfaces in the Project area from the new construction.</p> <p><b><u>Energy Systems and Supply</u></b></p> <p><b>Direct, long-term, minor, site-specific and regional, and beneficial</b> effects as the LPOE would operate energy efficient building systems that would comply with the latest standards and codes and reduce dependence on nonrenewable energy sources. The use of propane would likely reduce at the new LPOE.</p> <p><b>Direct, long-term, negligible, regional, and adverse</b> effects to the local electric utility from increase in the electrical consumption due to expanded operations at the new LPOE.</p> <p><b><u>Telecommunication Services</u></b></p> <p><b>Direct, long-term, minor, site-specific, and beneficial</b> effects due to the installation of upgraded telecommunication infrastructure at the new LPOE.</p>		
<p><b>Solid and Hazardous Materials and Waste</b></p>	<p><b>Direct, short-term, negligible, site-specific, and adverse</b> effects from accidental spills of hazardous materials, such as from construction vehicles or during the</p>	<p><b>Direct, long-term, minor, localized, and adverse</b> effects to solid and hazardous waste and materials management as the existing LPOE would not have the capacity to handle the greater quantities of waste generated by the projected increase in</p>	<p>Construction and demolition waste would be removed frequently to minimize contaminant runoff from standing waste. Removal and disposal of fuel and other storage tanks would be conducted using</p>

Resource	Proposed Action	No Action Alternative	Mitigation Measures and BMPs
<p><b>Solid and Hazardous Materials and Waste (continued)</b></p>	<p>removal of existing fuel and other storage tanks.</p> <p><b>Direct, short-term, moderate, localized, and adverse</b> effects from the generation and disposal of hazardous materials such as asbestos-containing materials (ACM), lead-based paint (LBP), and polychlorinated biphenyls (PCBs) present in the existing buildings on the private property, and the disposal of all existing fuel and other storage tanks and potential associated contamination. Such effects would also result from the generation of solid and hazardous construction and demolition waste from construction activities and the potential for contaminant runoff from standing waste (stockpiles).</p> <p><b>Direct, long-term, negligible, site-specific, and adverse</b> effects from the accidental spill/leak of hazardous materials from vehicles crossing the LPOE.</p> <p><b>Direct, long-term, minor, localized, and adverse</b> effects from the use of hazardous materials and generation of solid and hazardous waste at the new, expanded LPOE, including the generation of ammunition waste from the firing range.</p>	<p>traffic and travelers at the LPOE after completion of A-35.</p>	<p>licensed contractors and all proper closure procedures.</p> <p>Accidental spills of hazardous materials (e.g., diesel fuel from vehicles, paint, solvents) would be minimized by implementing practices such as regular vehicle inspections and maintenance, proper storage of hazardous materials, maintaining a clean working environment, and adherence to a Spill Prevention, Control, and Countermeasure plan.</p> <p>BMPs for managing ACM during demolition may include adequately wetting all regulated ACMs, sealing the material in leak tight containers, and disposing of the ACMs as expediently as practicable. Lead-safe practices would be employed during demolition.</p> <p>All brass and lead ammunition wastes would be kept separate and stored in dedicated sealable buckets which would only be utilized for wastes from the firing range. All suitable recovered brass casings and recovered lead slugs and lead impregnated wastes would be collected and sent to an approved licensed recycling facility. 'Lead only' wastes not sent</p>

Resource	Proposed Action	No Action Alternative	Mitigation Measures and BMPs
			for recycling would be properly characterized in accordance with the Resource Conservation and Recovery Act (RCRA), and managed in compliance with all applicable hazardous waste storage, labeling, and disposal requirements.
<b>Traffic and Transportation</b>	<p><b>Direct, short-term, minor, localized,</b> and <b>adverse</b> effects due to demolition and construction activities which would disrupt traffic patterns and cause vehicle processing delays. Construction would occur in phases to minimize traffic disruption and to ensure that the LPOE is fully operational.</p> <p><b>Direct, long-term, moderate, localized,</b> and <b>beneficial</b> effects due to the expansion and reconfiguration of the LPOE which would improve vehicle processing and traffic efficiency and reduce congestion.</p>	<b>Direct, long-term, moderate, localized,</b> and <b>adverse</b> effects due to inadequate vehicle queuing and processing infrastructure. The LPOE does not have the capacity to handle the projected 30 percent increase in traffic after A-35 completion.	None.
<b>Noise</b>	<p><b>Direct, short-term, minor to moderate, localized,</b> and <b>adverse</b> effects due to demolition and construction activities which would result in increased noise levels in and around the Project area.</p> <p><b>Direct, long-term, minor, localized,</b> and <b>adverse</b> effects due to the anticipated increase in traffic at the LPOE and the resulting increase in ambient noise levels.</p>	<b>Direct, long-term, minor, localized,</b> and <b>adverse</b> effects due to the traffic traveling through the LPOE and its operations.	The firing range would include soundproof insulation to contain noise and limit disturbance. Personnel who undergo training at the range would wear hearing protection to limit noise exposure.
<b>Climate Change</b>	<b>Direct, short-term, negligible, regional,</b> and <b>adverse</b> effects due to greenhouse gas (GHG) emissions from the operation of	<b>Direct, long-term, negligible, regional,</b> and <b>adverse</b> effects due to greater GHG emissions from the projected increase in	None.



Resource	Proposed Action	No Action Alternative	Mitigation Measures and BMPs
<p><b>Climate Change (continued)</b></p>	<p>equipment used for site preparation, demolition, and construction activities and the use of private vehicles by construction personnel.</p> <p><b>Direct, long-term, negligible, regional, and beneficial</b> effects due to lower GHG emissions from reduced vehicle idling time at the new LPOE. Despite the larger facility footprint, GHG emissions from the new LPOE would be comparable to current levels as it would incorporate sustainable, climate-resilient, and operationally efficient designs.</p> <p><b>Direct, long-term, negligible, regional, and adverse</b> effects due to greater GHG emissions from the increased traffic at the LPOE.</p> <p><b>Direct, long-term, minor, localized, and adverse</b> effects on the LPOE from climate change. Climate change could cause heavier use of the heating and cooling systems at the LPOE due to greater temperature fluctuations. Frequent and heavy precipitation from extreme weather events could cause traffic delays and congestion and damage the LPOE infrastructure.</p>	<p>traffic at the LPOE, and the continued use of outdated, inefficient equipment for facility operations.</p> <p>Same effects on the LPOE from climate change as the Proposed Action.</p>	
<p><b>Cultural Resources</b></p>	<p><u><b>Archaeological Resources</b></u></p> <p><b>Direct, permanent, moderate, localized, and adverse</b> effects due to the high sensitivity of the Project area for pre-contact Native American archeological resources and critical post-contact Euro-</p>	<p><b>No effects</b> to archeological resources and historic architectural properties.</p>	<p>Cultural resource investigations and consultation in accordance with Section 106 are ongoing and would continue beyond publication of the Final EA. A Memorandum of Agreement (MOA) may be developed if</p>

Resource	Proposed Action	No Action Alternative	Mitigation Measures and BMPs
<p><b>Cultural Resources (continued)</b></p>	<p>American archaeological resources. <b>No effects</b> to archaeological resources if no such resources are found after further investigations.</p> <p><b>Architectural Properties</b></p> <p><b>No effects</b> to historic architectural properties as there are no historic buildings or critical viewsheds in the Project area and the recommended area of potential effects.</p>		<p>recommended by the VT State Historic Preservation Office (SHPO). The MOA would include mitigation measures to avoid or minimize effects to cultural resources. GSA contractors would be provided with an Inadvertent Discovery Plan for cultural resources and human remains, which would be implemented if such materials are uncovered during construction. GSA would consult with the Vermont SHPO to resolve any potential adverse effects resulting from an inadvertent discovery.</p>
<p><b>Socioeconomics</b></p>	<p><b>Direct, indirect, and induced, short-term, minor, regional, and beneficial</b> effects due to the creation of construction and related jobs.</p> <p><b>Direct, short-term, negligible, regional, and adverse</b> effects to businesses due to delays in delivery of shipment during construction from increased vehicle processing times.</p> <p><b>Direct, long-term, minor, localized, and adverse</b> effects due to the displacement of a local privately-owned business.</p> <p><b>Direct, long-term, negligible, localized and regional, and adverse</b> effects due to the loss in expected commercial and real estate tax revenue from replacement of private property with federal property.</p>	<p><b>Direct, long-term, negligible, regional, and adverse</b> effects to businesses due to delays in delivery of shipment as the LPOE would not have the capacity to handle the projected increase in traffic.</p> <p><b>Direct, long-term, minor, regional, and beneficial</b> effects due to increase in cross-border trade between the U.S. and Canada.</p>	<p>None.</p>

Resource	Proposed Action	No Action Alternative	Mitigation Measures and BMPs
<p><b>Socioeconomics (continued)</b></p>	<p><b>Direct, long-term, minor, regional, and beneficial</b> effects due to increase in cross-border trade between the U.S. and Canada.</p> <p><b>Direct, long-term, negligible, regional, and beneficial</b> effects due to the creation of new jobs at the LPOE.</p>		
<p><b>Environmental Justice</b></p>	<p><b>No direct and disproportionate adverse effects</b> to minority and low-income populations as the Project area does not constitute a population with EJ concern on this basis.</p> <p><b>Direct, short-term, minor, localized, and adverse</b> effects to tribal subsistence, cultural, and recreational activities from construction noise and emissions.</p> <p><b>Direct, long-term, negligible, localized, and adverse</b> effects to tribal subsistence, cultural, and recreational activities from increased traffic at the LPOE.</p>	<p><b>No direct and disproportionate adverse effects</b> to minority and low-income populations as the Project area does not constitute a population with EJ concern on this basis.</p> <p><b>Direct, long-term, negligible, localized, and adverse</b> effects to tribal subsistence, cultural, and recreational activities from increased traffic at the LPOE.</p>	<p>None.</p>

## **1.0 INTRODUCTION**

The United States (U.S.) General Services Administration (GSA) has prepared this Draft Environmental Assessment (EA) in compliance with the National Environmental Policy Act (NEPA) of 1969 (42 United States Code [U.S.C.] 4321 et seq.), Council on Environmental Quality (CEQ) regulations that guide the implementation of NEPA (40 Code of Federal Regulations [CFR] 1500-1508), GSA Public Buildings Service (PBS) NEPA Desk Guide, and other relevant federal and state laws and regulations and executive orders (EOs). This document was drafted in accordance with the 2020 CEQ NEPA regulations, as modified by the Phase I 2022 revisions. The effective date of the 2022 revisions was May 20, 2022, and reviews begun after this date are required to apply the 2020 regulations as modified by the Phase I revisions unless there is a clear and fundamental conflict with an applicable statute. This EA effort began on September 26, 2022, and accordingly proceeds under the 2020 regulations as modified by the Phase I revisions.

NEPA requires federal agencies to examine the potential effects of their proposed projects or actions on the human and natural environment and to consider alternatives to the proposal before deciding on taking an action. This Draft EA evaluates the social, economic, and environmental effects resulting from the expansion and modernization of the Highgate Springs Land Port of Entry (LPOE) [the Project]. In addition, GSA is integrating the processes required under Section 7 of the Endangered Species Act (ESA) and Section 106 of the National Historic Preservation Act (NHPA) with NEPA.

GSA proposes to construct a new, modern LPOE with increased capacity to replace the existing LPOE at Highgate Springs, Vermont (VT). The Highgate Springs LPOE is located at the northern end of U.S. Interstate Highway 89 (I-89), approximately 40 miles (mi) north of Burlington, VT, across the international border from the Canadian port of entry at Saint-Armand/Philipsburg, Quebec. U.S. Customs and Border Protection (CBP) currently inspects private and commercial vehicles and truck traffic crossing into the U.S.

## **1.1 BACKGROUND**

GSA's PBS assists federal agency customers housed in GSA facilities with their current and future workplace needs based on their specific mission requirements. As part of a nationwide effort, GSA, with support and input from CBP, conducted programmatic feasibility studies for LPOEs and their operational deficiencies based on the 2023 CBP LPOE Design Standard. These programmatic feasibility studies provided viable alternatives to modernize each port, correct deficiencies, and bring the facilities up to current standards (EYP, 2019).

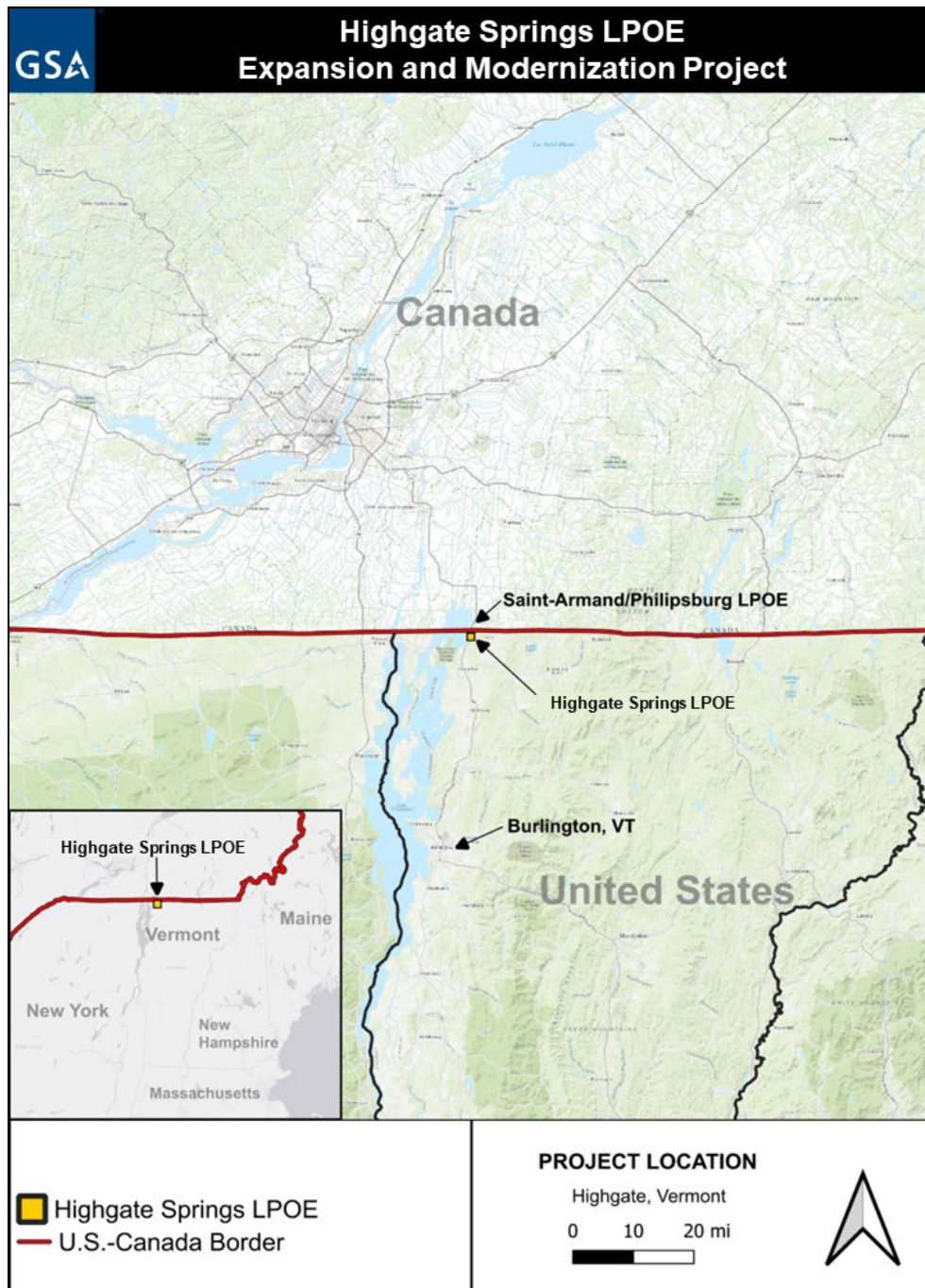
The Bipartisan Infrastructure Law passed in 2021 and allocated \$3.4 billion to GSA to undertake 26 major construction and modernization projects along the northern and southern U.S. borders. Many of the LPOEs currently managed by GSA are outdated and long overdue for modernization. Some LPOEs are operating at full capacity and have surpassed the needs for which they were originally designed.

The Highgate Springs LPOE is one of the three busiest LPOEs in New England. CBP currently inspects privately-owned vehicles (POVs), buses, and commercial traffic on the U.S.-Canada border. The LPOE does not have the facilities to accommodate pedestrian traffic. The LPOE is operational 24 hours a day, seven days a week.

### **1.1.1 Site Location**

The Highgate Springs LPOE is located on 16 acres within the 20.1-acre property owned by GSA in northwestern Franklin County, VT. The LPOE is bounded by the U.S.-Canada border to the north; I-89 to the east; Vermont Agency of Transportation (VAOT) property to the south; and private property owned by A.N. Deringer, Inc. to the west. The LPOE lies approximately 1,340 feet (ft) to the east of Lake

Champlain, is predominantly surrounded by woodlands, and consists of approximately 16 acres of developed land (the remaining area of the LPOE is vegetated and undeveloped), including the southbound lanes of I-89. The 57-acre private property consists of 54 acres of undeveloped forest and 3 acres of developed land. This developed portion contains an office building with an access road and a parking lot, a warehouse building, and a small storage shed. The VAOT property contains only the concrete foundation slab remains of the former Highgate Welcome Center which was demolished in 2012. **Figure 1.1-1** shows the regional location of the Highgate Springs LPOE and **Figure 1.1-2** shows the LPOE and adjacent properties.



**Figure 1.1-1. Regional Location of the Highgate Springs LPOE**

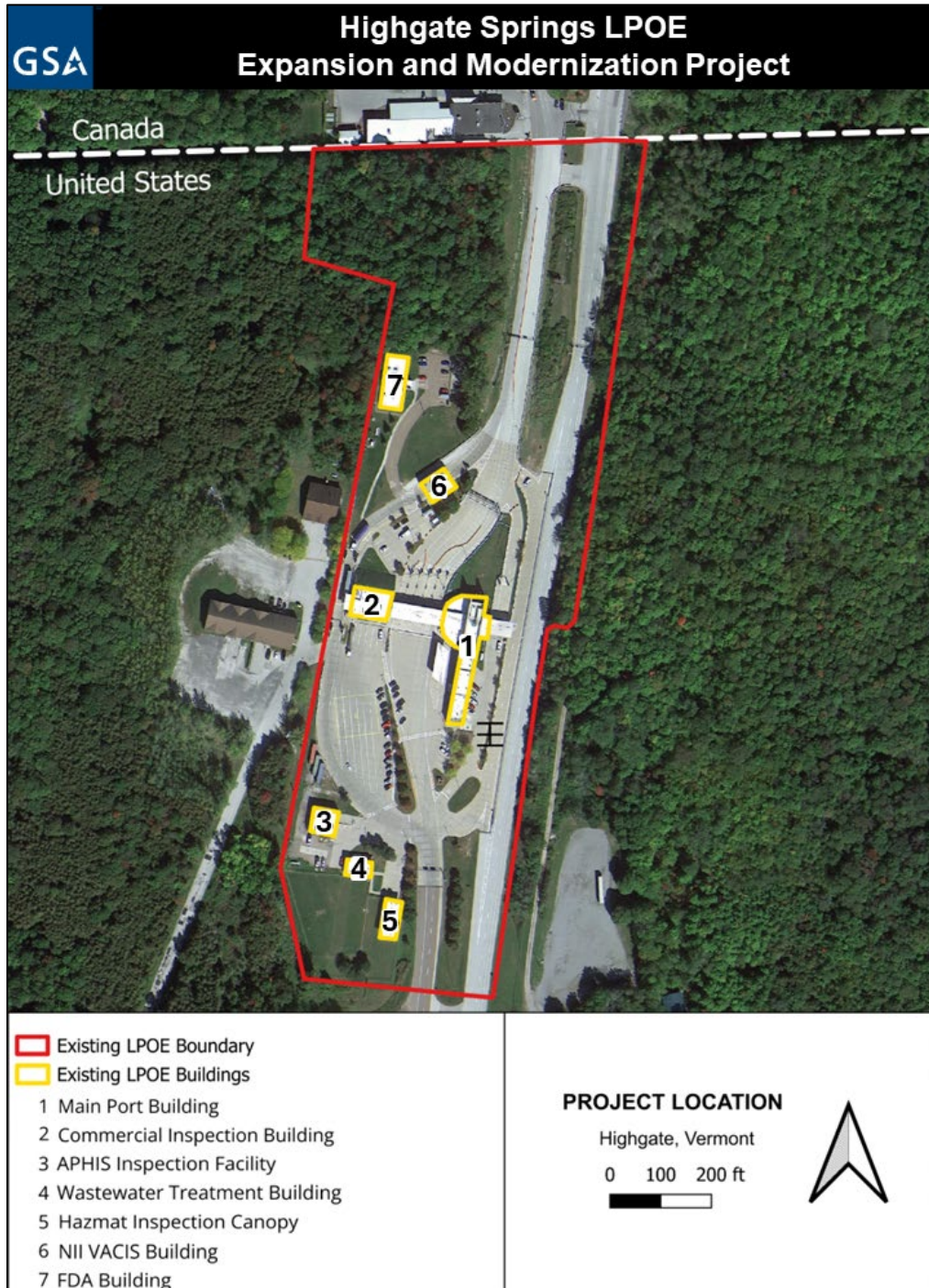




Figure 1.1-2. Highgate Springs LPOE Vicinity

### 1.1.2 Site Description

The Highgate Springs LPOE is owned and managed by GSA. There are three federal agency tenants at the LPOE: the Department of Homeland Security's CBP; U.S. Food and Drug Administration (FDA); and U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS). **Figure 1.1-3** shows the layout of the buildings at the LPOE.



Source: EYP, 2019

**Figure 1.1-3. Existing Layout of the Highgate Springs LPOE**



The LPOE was constructed in 1997 and expanded in 2004 and 2005. The existing buildings and facilities at the LPOE consist of the following:

- **Main Port Building:** A two-story building that houses office spaces for employees, garage, interview rooms, and public restrooms for visitors (EYP, 2019). Attached to the main portion of the building is a one-story area that functions as a lobby for visitors and has additional office spaces for CBP officers. The building has a gross square footage (GSF) of 24,050. Five inspection lanes are available for POVs, one of which is a NEXUS lane (see **Figure 1.1-4**). NEXUS lanes are dedicated processing lanes at designated northern border ports of entry. The NEXUS program allows expedited processing for pre-screened travelers when entering the U.S. and Canada (CBP, 2022). There is an attached single bus inspection lane on the east side of the building (EYP, 2019). A secondary inspection canopy is located adjacent to the Main Port Building to the immediate south. Cars flagged for further inspection by CBP are required to park under the secondary inspection canopy.
- **Commercial Inspection Building:** A single-story building that houses offices, storage spaces, and a cargo storage area (EYP, 2019). The building has a GSF of 5,864. The west side of the building has an inspection booth for processing commercial vehicles. The garage connects to an external loading dock area where commercial vehicles requiring secondary inspection are processed (see **Figure 1.1-5**). A helipad is located just south of the Commercial Inspection Building.
- **APHIS Inspection Facility:** A single-story building located on the southern end of the LPOE property where inspections of plants and animals (e.g., cattle, hogs, fowl) occur (EYP, 2019). Livestock coming through the commercial inspection area are typically processed here, but pets are also occasionally inspected. Three to four inspections are performed at APHIS per week on average. The size of the building is 2,228 GSF. A tank for animal waste is located on the exterior of the building.
- **Wastewater Treatment Building:** A single-story, 1,647-GSF building that currently functions as storage space (EYP, 2019).
- **HAZMAT Inspection Canopy:** This canopy consists of a steel roof deck and covers an area of 3,192 GSF (EYP, 2019). It is used to contain hazardous materials (e.g., fuel oil or other liquids) that may be leaking from trucks or other vehicles.
- **Non-Intrusive Inspection [NII]/Vehicle and Cargo Inspection System [VACIS] Building:** A single-story, 2,390-GSF building consisting of a garage area where non-intrusive inspections are performed on commercial vehicles (EYP, 2019). This is one of the newer additions to the facility and was constructed in 2004.
- **FDA Building:** This building is the latest addition to the LPOE and was constructed in 2005 (EYP, 2019). It is a single-story building with an area of 4,620 GSF. It currently serves as an office, laboratory, and storage space for FDA and CBP employees. Samples of food, animal feed, devices, and other commodities that are collected by the FDA staff from commercial vehicles are processed in the labs.
- **Parking:** The LPOE has 60 employee parking spaces (DBB, 2023a) and they are located across from the Main Port Building, in front of the APHIS Inspection Facility, and in front of the FDA Building (EYP, 2019).

Currently, both cleared and rejected vehicles interact and cross each other in a post inspection zone prior to cleared vehicles proceeding into the U.S. and rejected vehicles returning to Canada. CBP escorts guide rejected commercial vehicles back to Canada. No “Exit Control” station or booth exists (DBB, 2023b).





Source: Solv, 2023a

**Figure 1.1-4. View of the POV Primary Inspection Lanes, looking south**



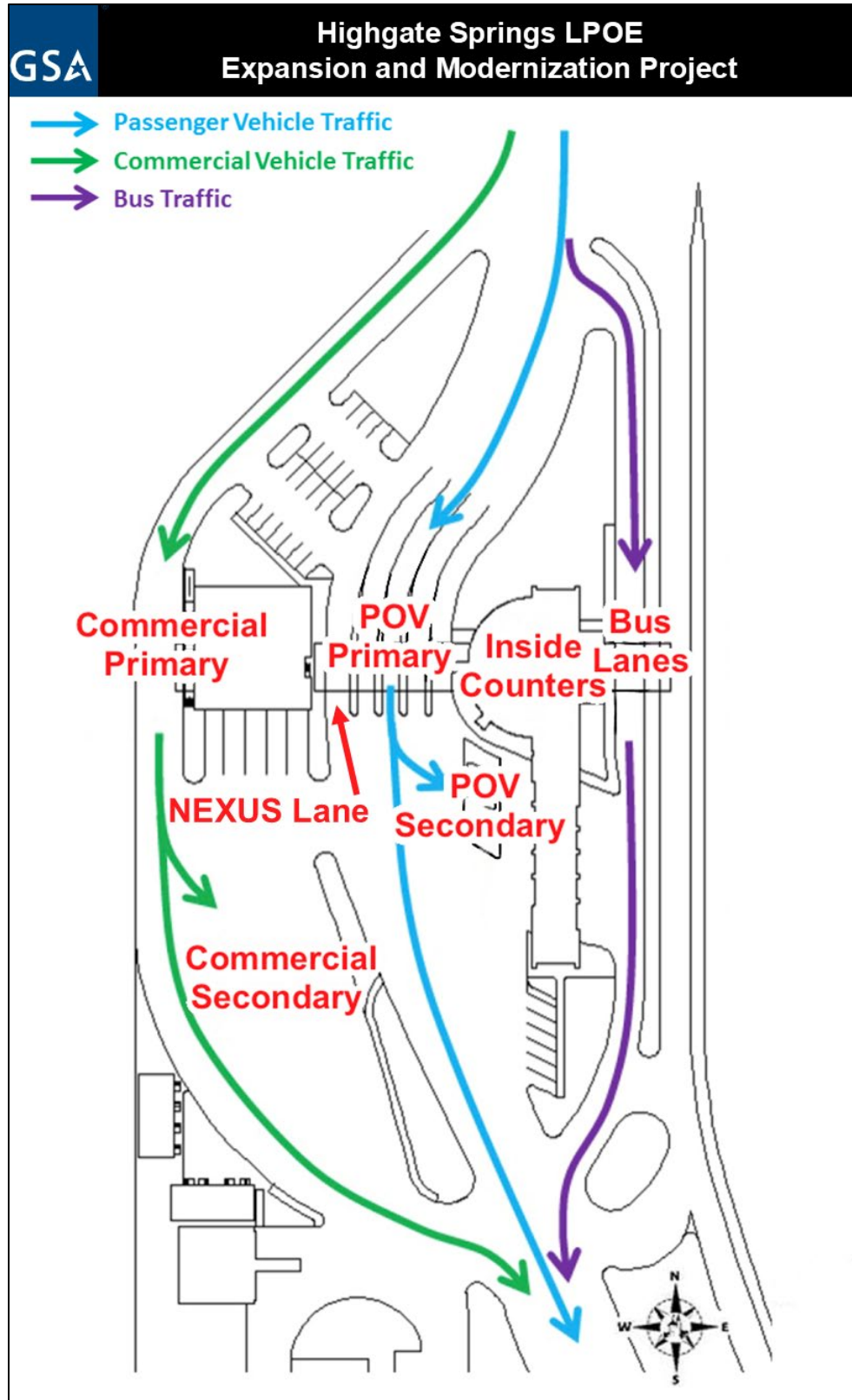
Source: Solv, 2023a

**Figure 1.1-5. View of the Commercial Inspection Facility and Loading Dock, looking north**

### 1.1.3 Traffic Flow Characteristics

The Highgate Springs LPOE has four general POV lanes, one NEXUS primary lane, one commercial primary lane, and one bus inspection lane. Additionally, there are six POV secondary parking spaces and ten commercial secondary parking spaces (GSA, 2017). Traffic in the LPOE flows from north to south (from Canada to the U.S) and is discussed more fully below.

**Figure 1.1-6** depicts the current traffic flow at the LPOE for traffic approaching from the north (GSA, 2017). Traffic approaches the LPOE along the two-lane Route 133 in Quebec and exits on I-89 in VT. Commercial vehicles such as trucks primarily utilize the right traffic lane and POV traffic uses the left lane. When the POV primary lane backs up, trucks utilize the shoulder of the port approach road for queuing and to bypass the POV traffic. The trucks pass through the NII/VACIS Building in order to access the primary inspection window along the west side of the Commercial Inspection Building. Cargo vehicles requiring additional inspection or processing pull into the secondary parking area or the dock inspection bays and proceed to the inside counter. POV traffic is processed at the five-lane primary inspection canopy with the farthest lane to the west designated for NEXUS vehicles. There are six secondary parking spaces adjacent to the processing building where passengers proceed for additional entry processing. Buses have a dedicated entry lane on the east side of the Main Port Building with a small processing office specifically for bus passengers. If additional processing is required for bus passengers, they are directed to the main counter for processing.



Source: GSA, 2017

Figure 1.1-6. Existing Highgate Springs LPOE Traffic Flow

## 1.2 PURPOSE AND NEED

The purpose of the Project is to expand and modernize the Highgate Springs LPOE to improve and enhance the performance, safety, security, and efficiency of operations for cross-border travelers and federal agencies at the LPOE: CBP, FDA, and APHIS. More specifically, the goals of the Project are to increase vehicle inspection processing capacities and to accommodate current and future operations of CBP, FDA, and APHIS.

The Project's need is twofold. First is the need to increase the LPOE's capacity due to increased demand. The LPOE does not currently have the ability to accommodate the projected increase in traffic along I-89 resulting from the construction of the final segment of Autoroute-35 (A-35) by the Canadian government between Montreal and Saint-Armand/Philipsburg, Quebec. Second is the need to facilitate and accommodate the changing operations of CBP, FDA, and APHIS. The condition of some of the buildings and infrastructure at the LPOE has deteriorated over time, adversely impacting the operations of these agencies. The Project would ensure that adequate facility and infrastructure resources are available for CBP, FDA, and APHIS to fulfill their functions and operations. As part of the expansion and modernization of the Highgate Springs LPOE, GSA intends to achieve certification under the Leadership in Energy and Environmental Design (LEED®) green building rating system, which aligns with CEQ's Guiding Principles of Sustainable Federal Buildings. The Project needs are explained in detail below.

### 1.2.1 Projected Site Conditions

A-35 is a major traffic route that runs from Montreal in Canada and ends 8.3 mi short of the U.S.-Canada border north of the Highgate Springs LPOE. South of its current terminus in Canada, A-35 continues as the two-lane Route 133, which travels down south to join I-89 in the U.S. (VAOT, 2016). The Canadian government is building the final 8.3-mi segment of A-35, which, when completed, is expected to improve the travel time and reliability for passengers and freight trips that pass through the Highgate Springs LPOE. Traffic is expected to increase at the LPOE by about 30 percent (EYP, 2019). Per the 2015 VAOT traffic impacts study, the completion of the A-35 project would result in the following operational changes at the Highgate Springs LPOE:

- Diversion of traffic flow from neighboring LPOEs, resulting in an additional 345 POV trips and 106 truck trips in the southbound direction per day.
- A 28 percent increase in POVs and 40 percent increase in trucks traveling through the LPOE in the peak month of October. The monthly traffic for October and November is expected to reach 91,000, of which 80,000 would be POVs and 11,000 would be trucks.
- Increase in the quantity and value of commodities entering the U.S. from Canada.

### 1.2.2 Existing Facility Deficiencies

GSA conducted a feasibility study in 2019 to assess the condition of the LPOE and determine the existing deficiencies in its functions and operations (EYP, 2019). The major issues identified by the study are summarized below:

#### Aging buildings and infrastructure

- Building conditions have deteriorated over the course of the LPOE's operation. This has compromised the performance and integrity of these buildings, resulting in health and safety concerns for the LPOE personnel. This has also led to increased costs for the day-to-day maintenance of the LPOE.

- The buildings do not sufficiently comply with a number of current standards, including PBS design standard, the Architectural Barriers Act, sustainable design goals, and automatic fire suppression system coverage. Lack of sustainable design has resulted in excessive energy consumption at the LPOE due to inadvertently providing large quantities of unwanted heat loss/gain for the interior spaces.
- Some of the buildings are undersized and do not adequately meet the needs of GSA's tenant agencies.

#### **Inadequate vehicle queuing and processing infrastructure**

- The POV inspection lanes feature a sharp S curve in advance of the inspection booths. This alignment restricts visibility and delays approaching vehicles.
- The length of the existing bus and commercial inspection lanes is not sufficient. This results in delays in processing times because the configuration of the POV queue blocks the bus and commercial inspection lanes.
- The number of existing vehicle inspection lanes is not sufficient, particularly during peak hours and seasons, resulting in substantial processing delays at the LPOE.

#### **Other Deficiencies**

- There is no dedicated training facility with a firing range for CBP officials. An existing cargo area is currently used for training purposes, which does not provide adequate infrastructure to meet CBP's needs.
- There is insufficient snow storage and snow plowing can be a challenge during busy queuing times.
- The LPOE does not have sufficient infrastructure and facilities to support processing for rejected vehicles returning to Canada.

## **1.3 PUBLIC INVOLVEMENT**

### **1.3.1 Public Scoping Meeting**

A public scoping meeting was held on Thursday, January 12, 2023, from 5:30 to 7:30 PM at the St. Albans City Hall Auditorium located at 100 North Main Street, St. Albans City, VT 05478. The public was notified of the Highgate Springs LPOE scoping meeting through multiple channels of communication, including newspaper ads, radio station announcements, letters to interested parties, press release, and social media posts. Seventeen people, not including GSA, CBP, and other support staff, attended the meeting.

An open house format was used to encourage discussion and information sharing and to ensure that the public had opportunities to speak with GSA representatives. The GSA team gave a 30-minute presentation providing background on the Project and an explanation of the NEPA process. GSA then provided an opportunity to interested attendees to submit verbal comments about the Project, which were recorded by a stenographer. An American Sign Language interpreter was available virtually to provide interpretive services.

Informational posters about the proposed alternatives, Project background, purpose and need, and comment submission process were provided at the meeting. Additional materials at the scoping meeting included a sign-in sheet, comment forms, and handouts. A recording of the public scoping meeting and copy of the presentation slides are available at: <https://www.gsa.gov/about-us/gsa-regions/region-1->



### 1.3.2 Summary of Public Scoping Comments

The public scoping period began on January 3, 2023, and ended on February 17, 2023. GSA offered multiple ways to submit comments, including comment forms, letters, emails, and spoken comments recorded at the public meeting. GSA received letters from agencies, organizations, and individuals during the scoping period. The commenters provided input on the following topics: Project alternatives; cultural resources; requests for information; socioeconomics; permits; traffic and transportation; and water resources. A few of the comments received were outside of the Project scope. A breakdown of the comments is provided in **Table 1.3-1** and a detailed description of the comments is included in the Scoping Report in Appendix A.

**Table 1.3-1. Commenters and Comments by Subject**

Subject	Number of Agency Comments	Number of Public Comments
Alternatives	10	0
Cultural Resources	0	1
Requests for Information	0	9
Socioeconomics	12	0
Permits	4	0
Traffic and Transportation	2	0
Water Resources	2	0
Outside the Scope of the EA	0	6

## 1.4 RELEVANT ENVIRONMENTAL LAWS AND REGULATIONS

### 1.4.1 National Environmental Policy Act and NEPA Process

NEPA was signed into law on January 1, 1970. NEPA requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions (42 U.S.C. 4321). The primary purpose of an EA is to ensure federal agencies consider environmental impacts in their planning and decision-making. Federal agencies must prepare an EA if the action is not likely to have significant effects or when the significance of the effects is unknown. Agencies must provide sufficient evidence and analysis to determine whether to prepare an Environmental Impact Statement or a Finding of No Significant Impact (40 CFR 1501.5). GSA’s EAs and other NEPA documents are prepared in accordance with the CEQ regulations for implementing NEPA (40 CFR 1500-1508), GSA Order ADM 1095.1F – Environmental Considerations in Decision Making, and the GSA PBS NEPA Desk Guide (GSA, 1999).

### 1.4.2 Section 404 of the Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating the discharge of pollutants into waters of the U.S. and oversees the implementation of surface water quality standards. Specifically, Section 404 of the CWA (33 U.S.C. 1343) regulates the discharge of dredged and fill materials into waters of the U.S., including wetlands. Section 404 requires federal agencies to obtain a permit before dredged or fill material may be discharged into such waters. The U.S. Army Corps of Engineers (USACE) is responsible for the day-to-day administration of the program, and issues decisions on the permits. States can also participate in Section 404 decisions through state program general permits, water quality certification, and program assumption.

GSA's Section 404 consultation and coordination with the USACE, as well as the agency's coordination with the Vermont Agency of Natural Resources' (ANR) Department of Environmental Conservation (DEC), is described in detail in Section 3.4 Water Resources. Correspondence from USACE and VT ANR is included in Appendix B.

### **1.4.3 Section 7 of the Endangered Species Act**

The ESA provides a means for conserving the ecosystems upon which threatened and endangered species depend and a program for the conservation of such species. The ESA directs all federal agencies to participate in conserving these species and to use their authorities to further the purposes of the ESA. Specifically, Section 7(a)(1) of the ESA charges federal agencies to aid in the conservation of threatened and endangered species, and Section 7(a)(2) requires the agencies to ensure that their activities are not likely to jeopardize the continued existence of listed species or adversely modify designated critical habitats. Section 7 of the ESA (16 U.S.C. 1531 et seq.) outlines the procedures for federal interagency cooperation to conserve federally-listed species and designated critical habitats.

GSA's Section 7 consultation activities for this Draft EA are described in more detail in Section 3.5 Biological Resources and informal Section 7 correspondence between GSA and USFWS is included in Appendix B.

### **1.4.4 National Historic Preservation Act of 1966**

The NHPA [54 U.S.C. 300101 et seq.] (89 Public Law 665 [1966]) directs each federal agency, and those tribal, state, and local governments that assume federal agency responsibilities, to protect historic properties and to avoid, minimize, or mitigate possible harm that may result from agency actions. The process for identifying and assessing the effects a federal agency's actions may have on historic properties is known as the Section 106 process and is detailed in 36 CFR 800. Early consideration of historic or cultural resources in project planning and full consultation with interested parties are key to effective compliance with Section 106.

Historic properties are those that are listed in or eligible for listing in the National Register of Historic Places (NRHP). The NRHP is a list of districts, sites, buildings, structures, and objects that have been determined by the National Park Service to be significant in American history, architecture, archaeology, engineering, or culture at the local, state, or national level. Generally, a property must be at least 50 years old to qualify for listing in the NRHP (36 CFR 60.4), but there are exceptions.

The Section 106 process includes three steps: (1) initiate consultation with the primary consulting parties, (2) assess effects of the project on sites listed in or eligible for listing in the NRHP, and (3) resolve any adverse effects via design changes or mitigation.

GSA is conducting Section 106 consultation with the VT Division of Historic Preservation (i.e., the State Historic Preservation Office [SHPO]) concurrently with this Draft EA. Section 106 consultation activities for this Draft EA are described in more detail in Section 3.11 Cultural Resources. GSA is currently in the process of conducting Phase IB archaeological resources investigation for this Project, and the results of that survey and further correspondence with the VT SHPO will be included in the Final EA. GSA will continue consultation with VT SHPO beyond publication of the Final EA until all adverse effects to cultural resources are resolved. In addition, GSA contractors will be provided with an Inadvertent Discovery Plan for cultural resources and human remains, which shall be implemented if such materials are uncovered during construction. Correspondence between GSA and the SHPO is included in Appendix B.

resources and human remains, which shall be implemented if such materials are uncovered during construction. Correspondence between GSA and the SHPO is included in Appendix B.

### 1.4.5 Relevant Laws and Regulations

**Table 1.4-1** lists other relevant laws, regulations, and EOs that GSA must comply with as part of project planning and NEPA processes.

**Table 1.4-1. Other Relevant Laws and Regulations**

<b>Federal Statutes</b>
<ul style="list-style-type: none"> <li>• Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa-mm)</li> <li>• Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d)</li> <li>• Clean Air Act of 1970 as amended (42 U.S.C. 7401 et seq.)</li> <li>• Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.)</li> <li>• Energy Independence and Security Act (42 U.S.C. 17001 et seq.)</li> <li>• Energy Policy Act of 2005 (42 U.S.C. 13201 et seq.)</li> <li>• Farmland Protection Policy Act (7 U.S.C. 4201-4201)</li> <li>• Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.)</li> <li>• Migratory Bird Treaty Act (16 U.S.C. 703-712)</li> <li>• National Energy Conservation Policy Act (42 U.S.C. 8231 et seq.)</li> <li>• Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.)</li> <li>• Noise Control Act (42 U.S.C. 4901 et seq.)</li> <li>• Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.)</li> <li>• Quiet Communities Act of 1978 (42 U.S.C. 4913)</li> <li>• Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.)</li> <li>• Toxic Substances Control Act (15 U.S.C. 2601 et seq.)</li> <li>• Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs Act (42 U.S.C. 4601 et seq.)</li> </ul>
<b>State of Vermont Statutes</b>
<ul style="list-style-type: none"> <li>• Vermont Statutes Title 10 – Conservation and Development</li> <li>• Chapter 37 - Wetlands Protection and Water Res. Management (§§ 901 — 930)</li> <li>• Chapter 47 - Water Pollution Control (§§ 1250 — 1389b)</li> <li>• Chapter 48 - Groundwater Protection (§§ 1390 — 1419)</li> <li>• Chapter 49 - Protection Of Navigable Waters and Shorelands (§§ 1421 — 1428)</li> <li>• Chapter 56 – Public Water Supply (§§ 1671 — 1685)</li> <li>• Chapter 61 - Water Supply and Wastewater Permit (§§ 1951-1955 — 1957)</li> <li>• Chapter 64 - Potable Water Supply and Wastewater System Permit (§§ 1971 — 1982)</li> <li>• Chapter 123 - Protection Of Endangered Species (§§ 5401 — 5410)</li> </ul>
<b>Regulations</b>
<ul style="list-style-type: none"> <li>• 32 CFR 229 – Protection of Archaeological Resources: Uniform Regulations</li> <li>• 36 CFR 800 – Protection of Historic Properties</li> <li>• 40 CFR 6, 51, and 93 – Conformity of General Federal Actions to State or Federal Implementation Plans</li> <li>• 40 CFR 300-399 – Hazardous Substance Regulations</li> <li>• 40 CFR 1500-1508 – CEQ Regulations</li> </ul>



- Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation (48 Federal Register 44716, Thursday, September 29, 1983)

**Executive Orders**

- EO 11593 – Protection and Enhancement of the Cultural Environment
- EO 11988 – Floodplain Management
- EO 11990 – Protection of Wetlands
- EO 12088 – Federal Compliance with Pollution Control
- EO 12898 – Environmental Justice
- EO 13007 – Indian Sacred Sites
- EO 13045 – Protection of Children from Environmental Health Risks and Safety Risks
- EO 13175 – Consultation and Coordination with Indian Tribal Governments
- EO 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds
- EO 13287 – Preserve America
- EO 13327 – Federal Real Property Asset Management
- EO 13589 – Promoting Efficient Spending
- EO 13990 – Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis
- EO 14008 – Tackling the Climate Crisis at Home and Abroad
- EO 14030 – Climate-Related Financial Risks
- EO 14057 – Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability

## 2.0 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

GSA and CBP conducted several feasibility and design studies from 2019 to 2024, which led to the identification of one action alternative that meets the stated purpose and need of the Project and thus has been analyzed in detail in this Draft EA.

GSA also analyzed a “No Action” alternative, which compares the potential impacts of the action alternative with the effects that would occur if GSA continued to operate the Highgate Springs LPOE under current conditions (i.e., the status quo).

### 2.1 PROPOSED ACTION

The Project would entail the expansion and modernization of the existing Highgate Springs LPOE to provide additional capacity to accommodate the anticipated increase in traffic at the U.S.-Canada border, and to meet the functional and operational needs of GSA’s tenant agencies.

Under the Proposed Action, GSA would acquire a 57-acre property to the west of the existing LPOE, and up to 4 acres from the VAOT property south of the existing LPOE. **Figure 2.1-1** shows the Project area and the limits of the proposed permanent disturbance. The Project area includes the following: the existing LPOE, a portion of the private property to the west, and the VAOT property to the south. The Project area consists of approximately 50 acres of which around 34 acres would be permanently disturbed from the new LPOE and nearly 16 acres would be temporarily disturbed from staging of construction materials and equipment. These 34 acres of proposed permanent disturbance comprise 23 acres of currently disturbed land (built structures and landscaping) and approximately 11 acres of vegetation which would be permanently removed under the Proposed Action. Of the 16 acres of proposed temporary disturbance, approximately 4 acres comprise currently disturbed land and the remaining 12 acres are undisturbed, vegetated areas. To the extent practicable, construction personnel would make use of already disturbed land for staging purposes.

The Proposed Action would result in the demolition of all existing structures at the LPOE and the private property. Due to the site’s topography, substantial earthwork would occur in the Project area, including excavation, grading, and cut and fill operations (DBB, 2024). General excavation would primarily involve the removal of miscellaneous fill, which would utilize conventional earthmoving equipment (track-hoes, excavator, etc.). Obstructions such as remnant foundations, buried concrete, and subsurface utilities may be encountered during excavation. Where bedrock is shallow, rock excavation would be required. In such cases, line/channel drilling would be utilized to limit rock overbreak. Line drilling consists of closely spaced vertical drill holes (4 to 6 inches on center) along the line of the excavation, whereas channel drilling consists of vertical holes that overlap each other to create a continuous channel. Cut depths within inspection lanes to the north of the proposed new structures would average 3 ft and 5 ft. Isolated areas of substantial fill depths as great as 12 ft lie to the west of the proposed Commercial Building. Southeast of the proposed buildings are shallow cut and fill depths, ranging between - 2 ft and + 3 ft. Retaining walls may be needed to accommodate grade changes along the site, particularly along the western side of the site. Appropriate measures would be implemented to stabilize the work area during earthwork operations.

Dedicated disposal contractors would haul demolished materials and other construction debris offsite for disposal of standard materials. Because the buildings on the private property were constructed in 1970s and 1980s, they may contain hazardous construction materials such as asbestos containing materials and lead-based paint. Any hazardous materials would be handled in accordance with all applicable regulations and would be transported and disposed of offsite by licensed disposal contractors.

Construction of an early site package (e.g., tree clearing, demolition, site work) is anticipated to begin in 2025 and projected to be substantially completed by 2028 (Morse, 2024). Outdoor construction activities (site work, demolition, installation of utility lines, etc.) would occur in the spring, summer, and fall months and indoor work would occur in winter. Construction of the new structures would be carried out in four phases to ensure minimal disruption to port functionality as the LPOE is expected to operate full time during this period. Up to 80 construction personnel would be hired for outdoor work during Phases 2 and 3, and between 50 to 60 personnel would be hired for indoor work. Approximately 50 construction personnel would be hired for Phases 1 and 4. Once construction is completed, the staging area would be reseeded with native vegetation. A brief description of the Project phases is provided below.

- **Phase 1 (2025):** clear and grub work, site work, partial demolition of old buildings, and installation of new septic leach fields, electric power and associated infrastructure, and exterior propane/fuel/water tanks. No interior work in winter.
- **Phase 2 (2026):** construction of Commercial Building and parking lots/roads for commercial vehicles. Interior work in winter.
- **Phase 3 (2027):** GSA and tenants would move into the Commercial Building from the existing Commercial Inspection Building. Construction of the Main Building and partial construction of parking lots/roads. Interior work in winter.
- **Phase 4 (2028):** GSA and tenants would move into the new Main Building from the existing Main Building. Removal of old septic leach field, complete construction of parking lots/roads, complete demolition of all remaining old buildings, construction of Training Building, and landscaping.

The Proposed Action would result in the construction of three buildings: a two-story Main Building (serving POV and bus operations), a two-story Commercial Building (serving CBP commercial operations with associated FDA and APHIS programs, and GSA operation and maintenance programs), and a single-level Training Building located further away to the south of the Main and Commercial Buildings (including a firing range-related program) [DBB, 2024]. Together, the Main Building and Commercial Building would comprise 100,000 square feet (SF), and the Training Building would be 13,000 SF.

- **Main Building**

The visiting public in POVs would interact with CBP personnel on the eastern end of the Main Building. POV traffic would be accommodated through seven POV primary inspection booths, with POV secondary inspection and visitor parking spaces located directly behind the Main Building. The visiting public traveling via bus would interact with CBP personnel on the western end of the Main Building and would be routed through two bus lanes. A secondary inspection area for buses would be located adjacent to the Main Building. Enforcement areas for CBP officials would be centrally located for quick and easy access from both POV and bus operation areas. A northbound inspection area would be allocated on the eastern edge of this site. A central service road spine would be constructed in the north-south direction behind the Main Building which would act as the central axis between the Main and Commercial Buildings. This road would be used by CBP as well as POV vehicles directed to the APHIS lot for additional inspections. The employee parking lot would have a capacity of approximately 200 vehicles and would be located to the south of the Main Building.

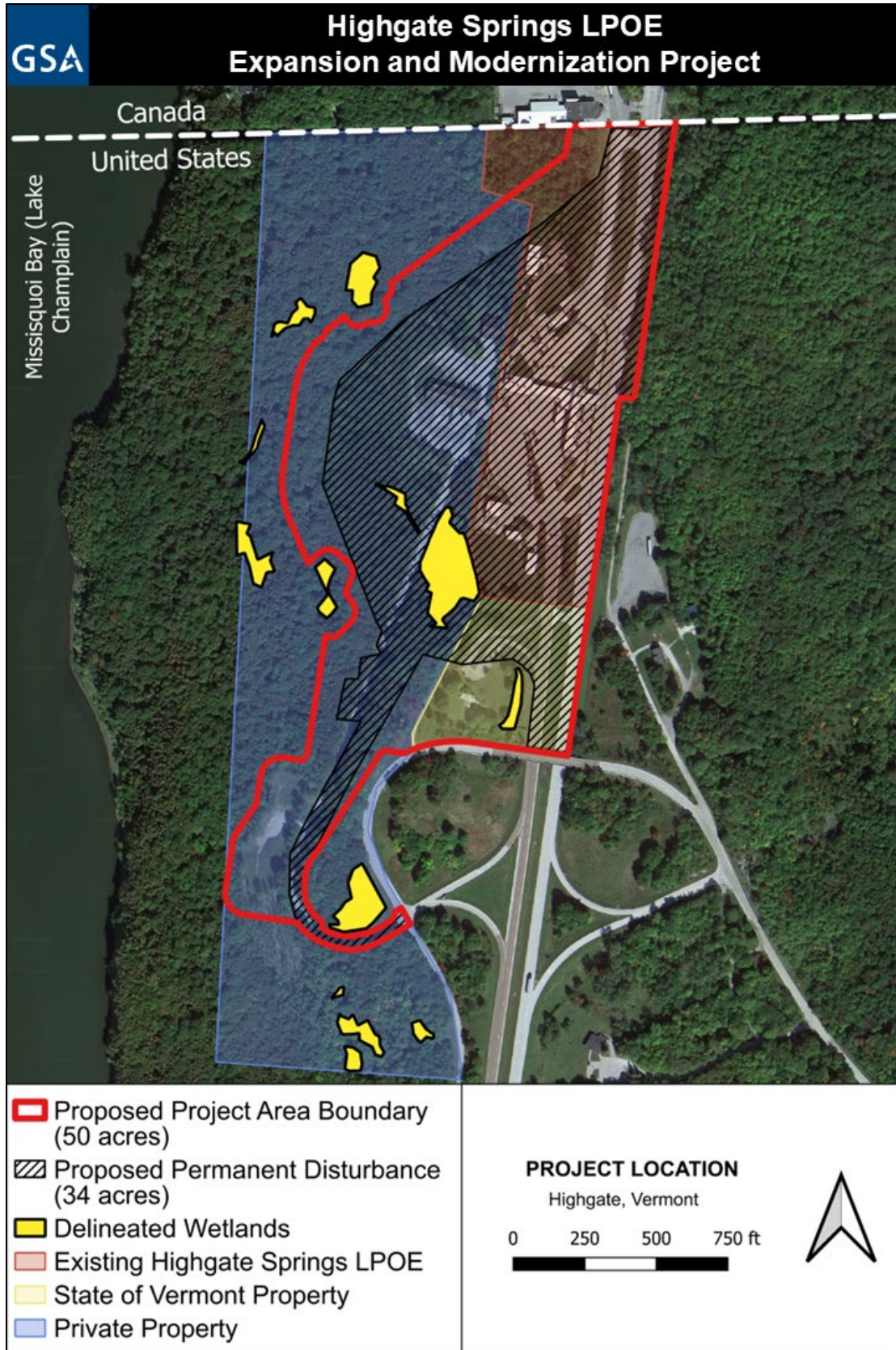


Figure 2.1-1. Project Area Under the Proposed Action

- **Commercial Building**

Commercial traffic would interact with CBP personnel on the western end of the Commercial Building. Traffic would be routed through two commercial inspection lanes and an additional lane would be in use for larger vehicles (bypass lane). The bypass lane would primarily provide access to snowplows that would be used for clearing snow during winters. FDA and APHIS would be located within the Commercial Building. The GSA service-related program would also be located within the Commercial Building with a dedicated GSA service yard along its frontage. Space would be available within the Commercial Building for building support, such as the location of a secondary inspection area for trucks, a HAZMAT containment area, an impound lot, and an APHIS inspection area. The helipad, which is currently located south of the existing Commercial Inspection Building, would move to the proposed commercial inspection lot.

- **Training Building**

A single-level Training Building would be located off a newly redesigned service road, outside the current LPOE. This building would be equipped with a firing range.

In addition to the three main structures described above, the new LPOE facility would also accommodate employee and visitor pedestrian paths to provide access to/from the buildings and parking areas. These routes would be sited such that they do not cross inspection lanes and other high traffic areas. Under the Proposed Action, adequate snow storage locations would be provided in extra queuing lanes or designated areas. These areas would be located outside of vehicle and pedestrian routes. A separate NII/VACIS building would not be constructed; however, NII technology would be incorporated in the inspection lanes.

A rejection route would be provided for trucks and buses to turn around and travel back to Canada if they were not approved to enter the U.S. The route would cross the car lanes of I-89 South and the auxiliary lanes of I-89 North before merging with the main lanes of I-89 North. Instead of merging immediately, the rejection route roadway would continue as an added lane/acceleration lane parallel to the main lanes before merging further north to prevent potential delays and queues. A rejection lane would also be provided for northbound vehicles to turn around should they be required to remain in the U.S. instead of continuing into Canada.

The newly constructed buildings on the site would require utility connections to serve the building systems. The specific utilities required to serve each building would include, but not be limited to, propane, domestic water systems, and electrical. Due to its location, the Training Building would have separate electrical service and independent water tanks.

Three groundwater wells are located on the LPOE; however, they are currently not being used as a potable water source due to high levels of contamination. Three monitoring wells are present on the LPOE that were intended to monitor the onsite leach field/wastewater system; however, they are currently not in use but are uncapped. There is one potable water well on the private property. All wells on the VAOT property are capped and, therefore, not in use. Under the Proposed Action, the groundwater wells on the LPOE and private property would continue to not be used, and the existing monitoring wells would be capped. New monitoring wells would be installed in the Project area to monitor the onsite septic system.

The new port would be designed in accordance with the *U.S. Land Port of Entry Design Guide* and would conform to GSA PBS-P100 *Facilities Standards for the Public Buildings Service* (WBDG, 2021). Through integrative design and application of sustainable design principles, the new LPOE would achieve, at minimum, a LEED® Version 4 Gold Rating and would comply with the Guiding Principles for Sustainable

Federal Buildings. Primarily, the new LPOE would address the following essential principles of sustainable design and development:

- Site development optimization which includes strategic building location and orientation, sustainable landscaping options, and natural security features to minimize impacts on the local ecosystem and surrounding community.
- Reduced nonrenewable energy consumption.
- Water resources protection and conservation. The Project may incorporate designated measures to achieve this, such as promoting the use of harvested rainwater and recycled greywater for irrigation and controlling stormwater runoff by reducing impervious surfaces and increasing onsite infiltration.

The proposed site layout and design would focus on efficient traffic flow and strong visual control of the site by ensuring appropriate alignment and configuration of vehicle inspection lanes, such that views of the drivers and LPOE officials would not be obstructed.

The Proposed Action is expected to create additional full-time positions at the LPOE for operations, maintenance, and janitorial services, including one federal GSA position and as many as ten additional contract employees. Additional full-time positions would also be created for GSA's tenant agencies at the LPOE; however, data for the tenant agencies were unavailable due to their confidential nature.

## **2.2 NO ACTION ALTERNATIVE**

The No Action Alternative assumes that no demolition of existing facilities, construction of newer, larger facilities, and expansion of LPOE operations would occur at Highgate Springs. No additional land would be acquired under the No Action Alternative. Maintenance, repairs, and alterations would occur as needed, and the operation of the existing facilities would continue as described in Chapter 1. This alternative would not meet the purpose and need of the Project as the current LPOE does not have the capacity to accommodate the projected increases in traffic at the U.S.-Canada border resulting from the completion of A-35. Although the No Action Alternative does not meet the purpose and need for the Project, this alternative is carried forward for analysis and comparison of impacts from the Project, as required by the CEQ NEPA regulations.

## **2.3 ALTERNATIVES CONSIDERED AND DISMISSED FROM DETAILED ANALYSIS**

GSA considered, but dismissed, two other build alternatives during the alternative development process. Under the first dismissed alternative, GSA proposed to acquire the 57-acre private property to the west and up to 4 acres of VAOT property to the south (EYP, 2019). GSA's tenant agencies and their operations would be co-located within one single building, except for NII and APHIS buildings, which would function as stand-alone facilities west and south of the new Main Port Building. The POV lanes would flow east of the Main Port Building, while the bus and commercial traffic lanes would flow west of the Main Port Building. This alternative involves the construction of seven POV lanes, two commercial lanes, and two bus lanes. There would be a centralized parking space for all employees. This alternative was ultimately dismissed from detailed analysis as it did not meet the operational and security needs of CBP, and obstructed critical views of vehicles approaching the LPOE.

The second dismissed alternative is similar to the Proposed Action in terms of building mass, orientation, and traffic/public flow (DBB, 2024). The primary difference is the proposed avoidance of all wetlands and their buffers in the area of study. By maintaining the isolated wetland, port operations and truck maneuvering clearances cannot extend north-south and, therefore, would extend east-west. This

alternative was dismissed because it would encroach further west than the Proposed Action and would require additional clearing of forested areas. The presence of steep topography to the west would limit the scope of expansion of the LPOE. Additionally, maintaining the isolated wetland would continue to visually obstruct CBP's line-of-site at the LPOE due to the density and height of the existing vegetation. This would reduce clear lines of sight from the buildings and the existing commercial traffic and raise security concerns. Due to the reasons cited above and the greater cost of project implementation, this alternative was dismissed from further analysis.

## 2.4 COMPARISON OF ALTERNATIVES CONSIDERED

Table 2.4-1 compares the Proposed Action and the No Action Alternative by Project elements.

**Table 2.4-1. Comparison of the Proposed Action and the No Action Alternative**

Project Elements	Proposed Action	No Action Alternative
Land Acquisition	57 acres of private property and up to 4 acres of VAOT property would be acquired.	No land acquisition would occur.
Site Preparation (Demolition)	Demolition of all existing LPOE and privately owned building structures within the Project area would occur.	No demolition would occur.
Site Preparation (Excavation, Grading, and Cut and Fill)	Site preparation would include: <ul style="list-style-type: none"> <li>• Tree clearing.</li> <li>• Soil excavation to remove miscellaneous fill in areas of deep bedrock and rock excavation in areas of shallow bedrock.</li> <li>• Cut and fill operations to enable leveling of the site topography.</li> <li>• Creation of retention walls to accommodate grade changes.</li> <li>• Staging for construction and stockpile areas would be located within the Project area.</li> </ul>	No site preparation would occur.
Construction and Expansion of the LPOE	Construction of the following: <ul style="list-style-type: none"> <li>• Main Building, Commercial Building, and Training Building.</li> <li>• Truck yard, HAZMAT containment area, impound lot, and APHIS inspection area.</li> <li>• Seven inspection lanes for POVs, two inspection lanes for buses, two inspection lanes for commercial vehicles, and one bypass lane for larger vehicles (such as snowplows).</li> </ul>	No construction or expansion of the LPOE would occur. Maintenance, repairs, and alterations would occur as needed.



Project Elements	Proposed Action	No Action Alternative
	<ul style="list-style-type: none"> <li>• Other supporting structures and facilities such as employee and visitor pedestrian paths, snow storage locations, helipad, return routes, parking lots, and utility connections.</li> </ul>	
Operation of the LPOE	<p>The new LPOE would:</p> <ul style="list-style-type: none"> <li>• Expand and upgrade inspection lanes and facilities to optimize site circulation and queuing, and handle the anticipated 30 percent increase in traffic flows.</li> <li>• Improve operational efficiency of the tenants by providing larger work spaces.</li> <li>• Establish a clear line of sight for CBP officials.</li> <li>• Have increased energy and water efficiency due to LEED® certification of new structures by incorporating sustainable design principles.</li> <li>• Meet the Project purpose and need.</li> </ul>	Existing operations of the LPOE would continue and would not meet the Project purpose and need.



### 3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

Chapter 3 describes the existing environment that may be affected by the Project, and the potential environmental consequences associated with the Proposed Action and the No Action Alternative.

#### 3.1 METHODOLOGY

This section summarizes the existing physical, biological, social, and economic conditions of the Project area. For each resource analyzed in this chapter, the bounds of the area that could be impacted by the Project are defined, and the elements or components of the resource that may be potentially affected are described. For some resources, the geographic area for analysis extends beyond the boundaries of the Project area. For other resources, the area of analysis is located within the footprint of the Project area.

The analysis of environmental consequences for each resource begins by explaining the methodology used to characterize potential effects, including any assumptions made. This analysis considers how the condition of a resource would change as a result of implementing the Project and describes the types of effects that would occur (e.g., direct, indirect, beneficial, or adverse). The significance of effects is assessed using three parameters: magnitude, duration, and extent. The types of effects and the evaluation criteria to determine the significance of effects are described below.

This Draft EA also considers cumulative effects for each resource. Cumulative effects include the direct and indirect effects of a project together with the past, present, and reasonably foreseeable future actions of other projects and are further described in Section 4.0.

##### Types of Effects

According to CEQ's NEPA regulations at 40 CFR 1500-1508, direct and indirect effects are defined as:

**Direct effects:** Effects that are caused by the action and occur at the same time and place (1508.8[a]).

**Indirect effects:** Effects that are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect effects also include "induced changes" in the human and natural environments (1508.8[b]).

Identified effects may be either adverse or beneficial. For this Draft EA, the following definitions are used:

**Adverse effects:** Those effects which are regarded as having a negative and harmful effect on the analyzed resource. An adverse effect causes a change that moves the resource away from a desired condition or detracts from its appearance or condition.

**Beneficial effects:** Those effects which are regarded as having a positive and supportive effect on the analyzed resource. A beneficial effect constitutes a positive change in the condition or appearance of the resource or a change that moves the resource toward a desired condition.

##### Evaluation Criteria

Evaluation criteria (or significance criteria) provide a structured framework for assessing effects, supporting conclusions regarding the significance of effects, and comparing effects between alternatives.

The significance of effects is determined systematically by assessing three parameters of environmental effects: magnitude (how much), duration (how long), and extent (sphere of influence). Each parameter is divided into the following levels:

**Magnitude:**

**Major** – Substantial effect or change in a resource that is easily defined, noticeable, and measurable, or exceeds a standard.

**Moderate** – Noticeable change in a resource occurs, but the integrity of the resource remains intact.

**Minor** – Change in a resource occurs, but no substantial resource effect results.

**Negligible** – The effect is at the lowest levels of detection – barely measurable but with perceptible consequences.

**None** – The effect is below the threshold of detection with no perceptible consequences.

**Duration:**

**Permanent** – The effect would last indefinitely.

**Long-term** – The effect would likely last for the duration of the Project, or for as long as the new Highgate Springs LPOE is in operation.

**Short-term** – The effect would last for the duration of the construction phase.

**Temporary** – The effect would last for a portion of the construction phase.

**Extent:**

**Regional** – Would affect the resource on a county, regional, or state level, extending well past the immediate Project area. These may also include effects that would extend beyond U.S.'s international border and into Canada.

**Localized** – Would affect the resource only in the Project area or its immediate surroundings, and would not extend into the county, region, state, or beyond the U.S.-Canada border. These also include impacts within the Town of Highgate.

**Site-specific** – Would affect the resource over a portion of the Project area.

## **3.2 LAND USE**

This section assesses the potential for existing land use patterns and development trends within the Project area to affect or be affected by the implementation of the Project. The Project would take place on parcels that include the existing LPOE, private property located west of the LPOE, and the vacant VAOT property to the south.

### **3.2.1 Affected Environment**

The Highgate Springs LPOE is one of the busiest LPOEs in New England and provides a critical link between the U.S. Northeast Seaboard and Canada. It is located on approximately 16 acres within the 20.1-acre property owned by GSA. The remaining area consists of undeveloped, vegetated land. The LPOE is just north of the Town of Highgate, VT and is bounded by the U.S.-Canada border to the north, I-89 to the east, private property to the west, and VAOT property to the south. The LPOE is predominantly surrounded by woodlands, although there is some light development located on the private property. The Highgate State Park, managed by the VT Department of Forests, Parks and Recreation, separates Lake Champlain from the private property. The private property contains an office structure, a small warehouse

to store cargo, a shed, and a paved driveway and parking area for trucks/cargo containers. The developed portion of the private property covers 3 acres; the remaining 54 acres comprise undeveloped forest. Immediately to the south of the LPOE is an empty lot, approximately 4 acres in size, owned by VAOT. This lot is currently used as a vehicle staging area and temporary fill material storage area. The area of analysis for land use is the Project area.

### **3.2.1.1 Municipal Zoning Designations**

Zoning designations in the Project area are defined in the Town of Highgate Development Regulations and are depicted by the official zoning map. The entirety of the Project area is designated as industrial-commercial (Town of Highgate, 2022) [see **Figure 3.2-1**]. This designation enables commercial uses that specifically serve industries or their employees and is intended to afford employment opportunities in manufacturing, warehousing, and service functions for the citizens of Highgate.

### **3.2.1.2 Town Plan**

The Highgate Town Plan aids decisionmakers in navigating the future development and growth of the community (NRPC, 2015). The plan outlines a commitment to sustainable growth and protection of natural assets in addition to maintaining the character of a rural, agrarian town. Goals for industrial and commercial development within the town include the following:

- Encourage clean and environmentally sound light industrial and/or commercial development in appropriate districts;
- Continue economic planning for new locally owned and operated businesses, and promote businesses that offer year-round employment and which utilize the local labor and materials; and
- Promote the importance of the village as the town's social, cultural, and economic center.



Source: Town of Highgate, 2022

**Figure 3.2-1. Zoning Designation of the Project Area and Vicinity**

## 3.2.2 Environmental Consequences

### 3.2.2.1 *Proposed Action*

The Proposed Action would include demolition and new construction within the Project area. Construction and demolition would occur in phases to maintain consistent operations at the LPOE throughout the construction period. The Project area is zoned for industrial-commercial buildings and uses, and construction within these areas would be compatible with this zoning designation and the Town of Highgate regulations and planned sustainable growth patterns, resulting in **direct, long-term, minor, localized,** and **beneficial** effects.

Expanded LPOE site operations associated with the Proposed Action would also have **direct, long-term, negligible, localized** and **regional,** and **adverse** effects. Industrial-commercial areas are typically planned with the anticipation of tax revenue generation from real estate and businesses. This is particularly relevant given the limited availability of industrial and commercial zones in Highgate. The replacement of privately-owned commercial property with federal ownership removes these revenues, approximately \$19,775 annually, from the Town of Highgate and State of Vermont tax base, representing an approximately 0.23 percent decrease in the Town of Highgate's tax base, and a 0.0021 percent decrease in the State of Vermont's tax base. This would contribute **negligible, adverse** effects to land use (see Section 3.12, Socioeconomics, for detailed discussion and analysis) (Town of Highgate, 2024; VCGI, 2023; VT AA, No Date-a; VT AA, No Date-b; VT AA, 2023; VT AA, 2024).

### 3.2.2.2 *No Action Alternative*

Under the No Action Alternative, no demolition, construction, or land acquisition would occur. Land use within the Project area would remain the same, and no privately-owned land would be transferred to federal ownership. Overall, the No Action Alternative would have **no effect** on land use.

## 3.3 GEOLOGY, TOPOGRAPHY, AND SOILS

Geology is the study of the Earth's dynamics and composition (Fairbridge, 1954; Lu, 2015). Topography refers to the three-dimensional arrangement of physical attributes (e.g., shape, steepness, height, and depth) of an area or region, including geologic features such as mountains, plateaus, and valleys (Crippen, 2010). Soil is a collective term for the inorganic and organic substrate covering bedrock which supports vegetation growth and cover, in turn providing habitat and food for animals (NRCS, 1978).

### 3.3.1 Affected Environment

The area of analysis for geology, topography, and soils is the Project area. Approximately 23 acres within the footprint of potential permanent disturbance have been previously disturbed and contain structures (including the existing LPOE and 3 acres of development on the private property), paved surfaces, and a few landscaped areas. The entirety of the VAOT property is previously disturbed. The Project area also includes 11 acres of previously undisturbed forested land within the footprint of potential permanent disturbance. Of the 16 acres of proposed temporary disturbance, approximately 4 acres comprise currently disturbed land and the remaining 12 acres are undisturbed, vegetated areas.

#### 3.3.1.1 *Geology*

The geology of the region consists of low hills and plains in the western foothills of the Green Mountains, with the area of analysis residing entirely within the Champlain Lowlands Province. The Champlain Lowland has an irregular topography with a variety of hills and low mountains and extends from Lake

Champlain to the Green Mountains (Stewart, 1974). The area of analysis is underlain entirely with sedimentary formations consisting of various sandstone<sup>1</sup>, limestone<sup>2</sup>, and dolostone<sup>3</sup> compositions (Alares, 2021). This bedrock formed sometime between the Lower Ordovician to Upper Cambrian period, roughly 500 million years ago (VT Geological Survey, 2023).

Geotechnical investigations performed at and near the Project area showed 2 to 3 feet of topsoil underlain by up to about 7 feet of fill, and finally, competent bedrock. Overall, the top of the bedrock was interpreted at depths from approximately 2.5 to 10 feet below ground surface (bgs), which is considered to be shallow (DBB, 2024). As mentioned in Section 2.1, four potable water wells and three monitoring wells are present in the Project area.

### **3.3.1.1.1 Geologic Hazards**

The area of analysis does not contain any active faults, and there are no active Quaternary faults<sup>4</sup> within 60 mi of the area of analysis (USGS, 2024). No earthquakes greater than magnitude 5.0 have occurred within 60 mi of the area of analysis within the last 100 years (Earthquake Track, 2024a). Within 60 mi of the area of analysis, earthquakes between magnitude 1.6 and 3.1 have occurred repeatedly in the last 50 years. Similar seismic activity is expected in the future (Earthquake Track, 2024b). According to the Federal Emergency Management Agency Earthquake Hazards Map, the area of analysis is determined as being within a seismic design category (which reflects the likelihood of experiencing earthquake shaking of various intensities) of “C”. Category C determines that an area could experience strong shaking, resulting in negligible damage to buildings of good design and construction, slight to moderate damage to well-built or ordinary structures, and considerable damage to poorly built structures (FEMA, 2020).

Landslides have been observed within 5 mi of the area of analysis; however, the landslides were minor in size and localized to the banks of Rock River. Other acknowledged geological hazards such as rockslides, volcanoes, avalanches, and land subsidence are not a problem in the area of analysis (VT ANR, 2024a).

### **3.3.1.2 Topography**

The area of analysis ranges from approximately 187 to 232 ft above mean sea level. The topography of the current footprint of the LPOE and VAOT property is relatively flat, and there is minimal elevation change from north to south across the entire area of analysis. The forested, west side of the private property slopes toward Lake Champlain, with a total elevation loss of 53 ft over 0.15 mi and an average slope of 8.3 percent (Google Earth, 2023) [see **Figure 3.3-1**].

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<sup>1</sup> Sandstone is a clastic rock (i.e., composed of broken pieces of older rock) formed through transportation, deposition, and compaction of sand grains.

<sup>2</sup> Limestone is a sedimentary rock composed principally of calcium carbonate.

<sup>3</sup> Dolostone is a sedimentary rock composed primarily of dolomite.

<sup>4</sup> A Quaternary fault is one that has been recognized at the surface and that has moved in the past 1.6 million years, corresponding to the Quaternary Period, which covers the last 2.6 million years (USGS, No Date-a).





Source: USGS, No Date-b

**Figure 3.3-1. Topography of the Project Area and Vicinity**

### 3.3.1.3 Soils

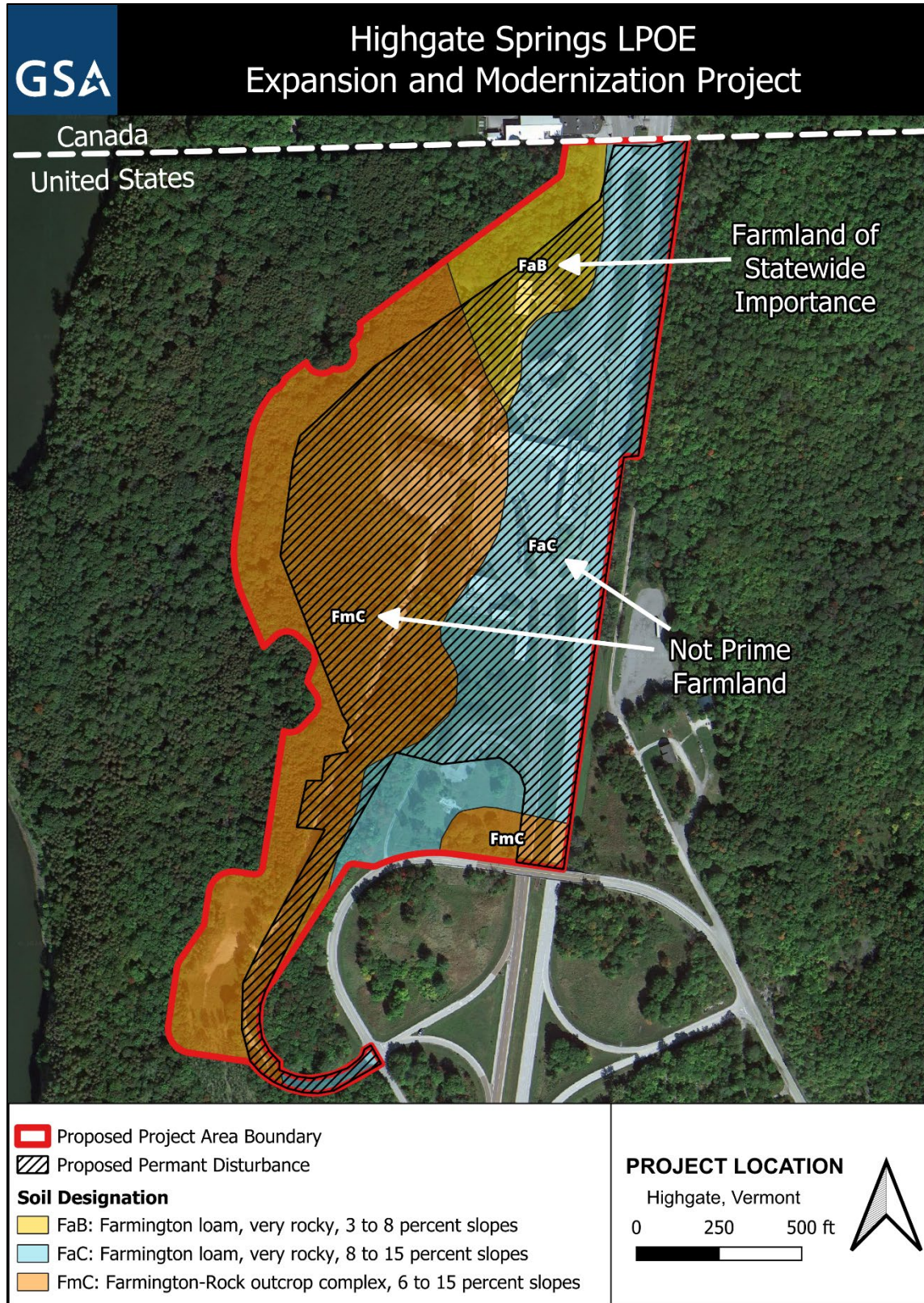
The Natural Resources Conservation Service (NRCS) classifies and provides protections to soils which contain ideal characteristics for agricultural production. Prime farmland is defined as land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. Prime farmland has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. Farmland of statewide importance is defined as those lands which do not meet the definition of prime farmland, but still economically produce high yields of crops (NRCS, 1978). Prime farmlands and farmlands of statewide importance are protected under the Farmland Policy Protection Act (FPPA), and consultation with NRCS is required for any federal action which would remove these areas from existing or future agricultural production.

Based on the NRCS Web Soil Survey, three soil associations are present within the area of analysis: (1) Farmington Loam, very rocky, 3 to 8 percent slopes, (2) Farmington Loam, very rocky, 8 to 15 percent slopes, and (3) Farmington-Rock outcrop complex, 6 to 15 percent slopes (NRCS, 2023). The slope range for each soil type is expressed as a percentage of the distance between two points. A higher slope range can increase erosion potential in a particular area. A 0 to 3 percent slope gradient is considered nearly level, 4 to 8 percent is considered gently sloping, and 9 to 16 percent is strongly sloping. The composition of the soil additionally determines the erodibility. Silt loam soils such as Farmington Loam and Farmington-Rock outcrop complex consist of moderate amounts of sand, a small amount of clay, and a large amount of silt leading to higher-than-average erodibility. Erodiability is valued with the factor, K, which ranges between 0.02 and 0.62 with higher values being more susceptible to erosion by water.

The soils found in the area of analysis are described below and shown in **Figure 3.3-2**:

- Farmington Loam - Farmington soils are shallow, somewhat excessively well-drained soils formed in till. Farmington soils are found on glaciated uplands and have potential for high surface runoff. Internal drainage is typically medium, meaning this soil complex drains at a moderate rate with little pooling or puddling, largely because of cracks in the underlying bedrock (NRCS, 2007). Farmington loam has an erodibility factor of approximately 0.32, providing a medium susceptibility to erosion by water. Around 4.4 acres of the Project area consist of soils classified as Farmington loam, very rocky, 3 to 8 percent slopes (FaB), whereas 19.2 acres of the Project area is classified as Farmington Loam, very rocky, 8 to 15 percent slopes (FaC). FaB soils are rated as farmland of statewide importance under FPPA. FaC soils are not considered prime farmland.
- Farmington-Rock outcrop complex, 6 to 15 percent slopes (FmC) - This soil complex is composed of approximately 50 percent Farmington soil and 30 percent rock outcrop complex (NRCS, 2007). Rock outcrops consist entirely of unweathered bedrock and are generally composed of cliffs and talus landforms developed in weathering rock. Farmington-Rock outcrop complex has an erodibility factor of approximately 0.32, providing a medium susceptibility to erosion by water. It has very high runoff and low drainage. Around 26.2 acres of the Project area is classified as FmC and it is not considered prime farmland.





Source: NRCS, 2023

**Figure 3.3-2. Soil Map of the Project Area**

### 3.3.2 Environmental Consequences

#### 3.3.2.1 Proposed Action

Under the Proposed Action, construction activities would begin with equipment staging and the demolition of structures in areas where earthwork (tree clearing, excavation, grading, cut and fill) is needed. To the extent practicable, existing disturbed and developed land within the proposed temporary and permanent disturbance footprints of the Project area (see **Figure 2.1-1**) would be utilized for staging construction equipment and stockpiling. Of the 16 acres proposed for temporary disturbance, 4 acres are developed. Some vegetation in previously undisturbed portions of this area may be disturbed/removed to accommodate staging.

The presence and use of heavy equipment, foot traffic from the construction personnel, and the location of materials and debris stockpiles in previously undisturbed areas would contribute to soil compaction, resulting in adverse effects to soils. Compaction decreases soil porosity, prohibiting the transfer of air and water through the soil leading to decreased vegetative productivity due to root restriction. The loss of soil structure due to compaction would adversely affect drainage patterns. Natural soil horizons would likely be lost during vegetation removal and associated site disturbances. Heavy equipment may compact or loosen and destroy the structure and function of organic and mineral soils over the long term, reducing soil moisture and likely resulting in increased runoff and erosion. Soil erosion could occur as a result of ground disturbance, leading to detachment of soils and transport of freshly disturbed surfaces in wind and stormwater runoff. This would result in **direct and indirect, long-term, minor, site-specific, and adverse** effects to soils.

Best Management Practices (BMPs) would be implemented to prevent or reduce soil erosion and runoff and other adverse effects to soils. BMPs could include temporary seeding, use of silt fencing and sediment traps, installing gravel construction entrances/exits, and other methods as determined during detailed design. Areas cleared of vegetation within the temporary limits of disturbance of the Project area would be revegetated with regionally appropriate native plant species. In the long term, plant roots would minimize erosion and sedimentation by re-stabilizing the topsoil.

As discussed in Section 2.1, substantial earthwork (vegetation clearing, excavation, grading, and cut and fill operations) would occur in the Project area. Such activities would result in substantial movement of earth, exposing the soils and fill materials to wind and stormwater runoff. Additionally, the excavated earth would be stockpiled in the staging area until disposal and would therefore be susceptible to erosion. However, the BMPs described above would be implemented to minimize adverse effects to soils, resulting in **direct and indirect, short-term, moderate, site-specific, and adverse** effects to soils within the proposed permanent area of disturbance during construction.

Due to the shallow depth to bedrock in the Project area, rock excavation would be needed in some areas. The use of line or channel drilling described above would directly affect the excavated bedrock and stress-induced damage to surrounding rock mass may occur. Practices to reduce potential effects to surrounding rock mass would be adhered to, when possible, to ensure minimal effects to geology within the Project area. As such, the **adverse** effects to geology from earthwork would be **direct, permanent, moderate, and localized**. Given the average slope of roughly 8.3 percent of the Project area from east to west, the proposed earthwork would affect the site topography by leveling the Project area in its undeveloped, western portions to accommodate the siting of LPOE structures. To the extent practicable, grading would be carried out such that the existing site hydrology is maintained and the import/export of fill is minimized. Existing grades would be met at the limits of work. As such, effects to topography would be **direct, permanent, moderate, site-specific, and adverse**.

The Proposed Action would cap and close all existing monitoring wells in the Project area. To monitor the onsite septic system, new monitoring wells would be installed under the Proposed Action. Section 3.4 Water Resources provides further information on the existing wells in the Project area. The new wells would be constructed by licensed well drillers and may require a construction permit from VT DEC. The well drillers would avoid causing undue soil erosion and effects to bedrock geology using the best available boring techniques. As such, the drilling of monitoring wells for the Proposed Action would result in **direct, permanent, moderate, localized, and adverse** effects to geology. Because the Project area is not located on any active faults and is not susceptible to landslides, the Proposed Action is not anticipated to result in any geologic hazards.

After construction of the new LPOE is completed, there would be approximately 11 acres of additional impervious surfaces (e.g., buildings, parking lots, roads) than currently exist in the Project area, though there would be some landscaped surfaces onsite. Covering soils with impervious surfaces would result in the permanent loss of soil structure and function and would increase the potential for water runoff and soil erosion. While erosion control measures would be implemented in compliance with all requirements by law, limited soil erosion could still occur as a result of increased runoff associated with the additional impervious surfaces. Overall, effects to soils in the Project area from the operation of the new, expanded LPOE would be **direct and indirect, long-term, moderate, site-specific, and adverse**.

Under the Proposed Action, approximately 1.9 acres of the Project area classified as farmland of statewide importance would be permanently converted to non-agricultural uses and an additional 1.9 acres would be temporarily affected during construction activities. GSA has completed the Farmland Conversion Impact Rating form (AD-1006) and is coordinating with the NRCS VT State Office to determine if the Project is in compliance with the FPPA (see Appendix B). NRCS' analysis of the effects to soils classified as farmland of statewide importance and their recommendation(s) would be documented in the Final EA.

### **3.3.2.2 No Action Alternative**

**No effects** to geology or topography in the Project area would occur under the No Action Alternative as there would not be any ground disturbing activities. Disturbance to soils would continue to occur as a result of regular maintenance activities (e.g., facility repairs, septic system monitoring, and landscaping). These effects would not noticeably alter soil compaction, soil horizons, runoff, or erosion within the Project area. Overall, effects of the No Action Alternative on soils would be **direct, long-term, negligible, site-specific, and adverse**.

## **3.4 WATER RESOURCES**

This section discusses the affected environment and environmental consequences that would result under each alternative for water resources in and near the Project area, including surface waters, stormwater, wetlands, and groundwater resources.

### **3.4.1 Affected Environment**

For the Proposed Action, the area of analysis for water resources is the Project area.

#### **3.4.1.1 Surface Water**

The Project area is located in the Missisquoi Bay watershed, which encompasses 767,246 acres with approximately 58 percent of the watershed located in VT and 42 percent in Quebec, Canada (VTDEC, 2021a). In VT, the watershed extends over most of Franklin County and parts of Orleans and Lamoille

Counties. The Project area is located in close proximity to the Missisquoi Bay of Lake Champlain, separated from the bay by the Highgate State Park.

Section 303(d) of CWA requires states to identify waters where current pollution control technologies alone cannot meet the water quality standards (WQS) set for that waterbody. Every two years, states are required to submit a list of impaired waters, and any additional waters that are expected to become impaired in the near future, to the U.S. Environmental Protection Agency (EPA) [EPA, 2024a]. For the State of Vermont, the DEC monitors and assesses the chemical, physical, and biological status of surface waters to determine if they meet the state's water quality standards (VTDEC, 2021a). VT DEC publishes the 303(d) List of Impaired Waters which identifies stressed, impaired, and altered waters and includes information on responsible pollutant and/or physical alterations to aquatic and riparian habitat, the stressor, and the pollutant source. Such waters become a priority of restoration through the development of Total Maximum Daily Loads (TMDLs), which specify the maximum amount of pollutant that a waterbody can receive and still meet the VT WQS. Due to historic settlement and land use patterns in the watershed, particularly agriculture, phosphorus concentrations in the Missisquoi Bay exceed the VT WQS of 0.025 milligram per liter (mg/L) of phosphorus, resulting in water quality impairment from recurring algal blooms (IJC, 2020). This has led to the development of a phosphorus TMDL for the management of the pollutant in Missisquoi Bay.

Within the Project area, stormwater runoff flows in a westerly direction toward the Missisquoi Bay. Drainage on the private property sheet flows to the west into the Highgate State Park and eventually the Missisquoi Bay.

#### **3.4.1.2 Floodplains**

The Flood Insurance Rate Map Community Panel No. 5000550005B indicates that the entirety of the Project area is located in an area of minimal flood hazard, Zone C (FEMA, 1983).

#### **3.4.1.3 Wetlands**

Based on a review of the VT Significant Wetlands Inventory (VSWI) and the U.S. Fish and Wildlife's (USFWS) National Wetlands Inventory, Langan Engineering, Surveying, Landscape Architecture and Geology, D.P.C. (Langan) conducted a field investigation and delineation of wetlands and waters of the U.S. on the LPOE, private property, and the VAOT property in August 2023 (Langan, 2023). The delineation methodology adhered to the USACE guidelines as specifically referenced in the *1987 Corps of Engineers Wetland Delineation Manual* and the *2012 Northcentral and Northeast Regional Supplement (Version 2.0)*. Results of the survey were shared with the USACE and VT DEC, and a request for an Approved Jurisdictional Determination was made to the USACE in November 2023. In April 2024, the USACE and VT DEC conducted field surveys to verify the federal jurisdictional status and the State of Vermont classification of wetlands delineated by Langan. Survey results are included in **Table 3.4-1** below. **Figure 3.4-1** presents a map of the delineated wetlands.



**Table 3.4-1. Characteristics of Delineated Wetlands**

<b>Wetland</b>	<b>Wetland Description</b>	<b>Size (acres)</b>	<b>Jurisdictional Status</b>	<b>Vermont Wetland Class</b>
A/A12	Wetland A is a forested scrub-shrub emergent wetland located in the central portion of the LPOE. Wetland A12, which is connected to Wetland A via a culvert, is a linear palustrine forested wetland into which Wetland A drains. Wetland A/A12 is considered a single feature.	1.223	Isolated, Non-Jurisdictional	Class II
B	Forested emergent wetland located in the northern portion of the site.	0.345	Isolated, Non-Jurisdictional	Class II vernal pool
C	Palustrine emergent stormwater feature located in the central portion of the site adjacent to I-89 and the U.S. Route 7 overpass. The wetland drains to a culvert beneath the overpass. This feature is a roadside ditch/swale excavated wholly in and draining only dry land.	0.154	Isolated, Non-Jurisdictional	Exempt; not a wetland
F	Seasonally ponded palustrine forested wetland located in the southern portion of the site.	0.019	Isolated, Non-Jurisdictional	Class II
G	Palustrine emergent wetland with a palustrine forested and scrub-shrub fringe located in the southern portion of the site.	0.095	Isolated, Non-Jurisdictional	Class II vernal pool
H	Palustrine forested wetland situated on a rocky landscape located in the west-central portion of the site.	0.149	Isolated, Non-Jurisdictional	Class III
I	Palustrine forested wetland located at the intersection of U.S. Route 7 and Welcome Center Road. The feature is partially ponded and drains to a roadside swale, which adjoins to a culvert beneath Welcome Center Road.	0.519	Isolated, Non-Jurisdictional	Class II
J	Vernal pool located in the southern portion of the site.	0.213	Isolated, Non-Jurisdictional	Class II vernal pool
K	Seasonally ponded wetland located in the southern portion of the site.	0.074	Isolated, Non-Jurisdictional	Class III
L	Vernal pool located in the northwestern portion of the site	0.146	Isolated, Non-Jurisdictional	Class II vernal pool
M	Linear palustrine forested wetland located adjacent to the western property line.	0.055	Isolated, Non-Jurisdictional	Class III
N	Palustrine forested wetland located adjacent to the western property line.	0.291	Isolated, Non-Jurisdictional	Class II

Source: Langan, 2023; USACE, 2024

As shown in **Table 3.4-1**, all wetlands were found to be isolated, i.e., not having a surface water connection or significant nexus to traditionally navigable water or relatively permanent water (Langan, 2023). Per USACE's Approved Jurisdictional Determination (AJD) letter dated July 18, 2024, these wetlands were confirmed to be non-jurisdictional for the purposes of Section 404 of the CWA (USACE, 2024). The AJD can be found in Appendix B.

The State of Vermont protects wetlands which provide substantial functions and values, as well as the buffer zone directly adjacent to such wetlands (VTDEC, No Date-a). Based on their functions and values, wetlands in VT are classified as Class I, II, or III and are protected by Vermont Wetlands Rules (VWR). All wetlands contiguous to wetlands shown on the VSWI are presumed to be Class II wetlands, unless identified as Class I or III wetlands (10 Vermont Statutes Annotated [V.S.A.] Section 902). Additional categories of wetlands that are regulated as Class II wetlands include the following:

- The wetland is of the same type and threshold size as those mapped on the VSWI maps: i.e., open water (pond); emergent marsh; shrub swamp; forested swamp; wet meadow; beaver pond or beaver meadow; bog or fen; and is greater than 0.5 acres in size.
- The wetland contains dense, persistent non-woody vegetation or a prevalence of woody vegetation; is adjacent to a stream, river, or open body of water; and is over 2,500 square feet in size.
- The wetland is a vernal pool that provides amphibian breeding habitat.
- The wetland is a headwater wetland.
- The wetland contains a species that appears in the Vermont Natural Heritage Inventory (VNHI) database as rare, threatened, endangered or uncommon; or is an exemplary natural community as mapped by VNHI.

Of the 13 wetlands delineated by Langan, VT DEC identified four Class II wetlands (A/A12, F, I, and N), four Class II vernal pools<sup>5</sup> (B, G, J, L), three Class III wetlands (H, K, M), and one water feature that did not qualify as a wetland under the state definition (Wetland C). Per the site survey and analysis conducted by VT DEC, Wetlands A/A12, B, F, G, I, J, L, and N were determined to provide significant function or value. Any activity within a Class II wetland or its mandated 50-ft buffer zone requires a permit from the State of Vermont. Class III wetlands do not have buffer zones and activities in such wetlands are exempt from permitting.

#### **3.4.1.4 Groundwater**

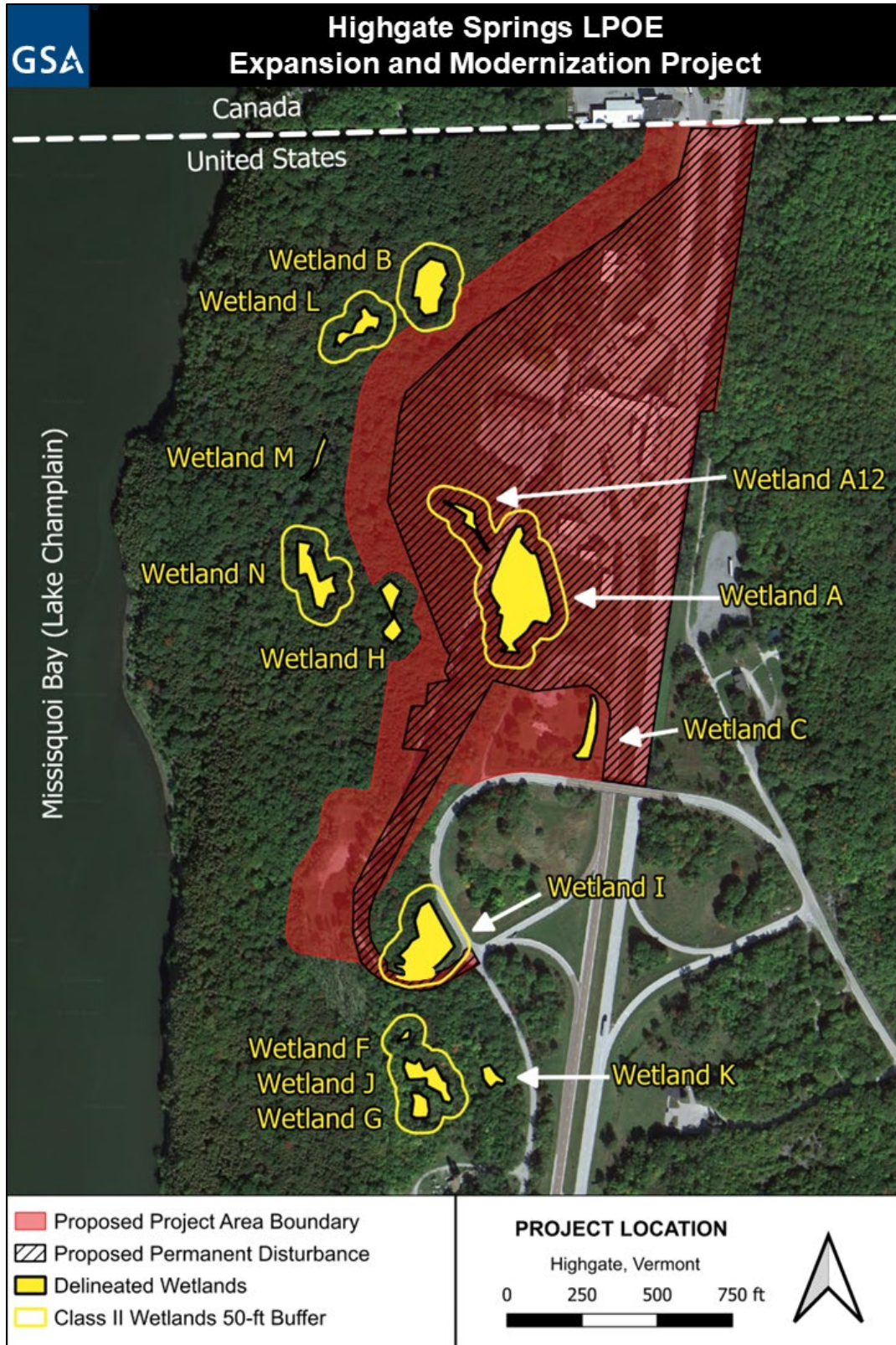
Groundwater within the Project area is relatively shallow and likely occurs less than 20 ft bgs (Alares, 2021). The estimated depth to first occurrence of groundwater at the private and VAOT properties is less than 6 ft (WSP, 2022). Groundwater flows in a westerly direction toward Missisquoi Bay (Alares, 2021). An investigation conducted by Alares Engineering of the existing LPOE in 2021 found that the local groundwater source does not directly produce potable water, and the local well water exceeds the primary and/or secondary Maximum Contaminant Level (MCL) water quality standards for the following: Radionuclides (Gross Alpha, Radium-226, and Radium-228); Chloride; Total Dissolved Solids; Sodium; Iron; Arsenic; and Total Coliforms (Alares, 2022). Three groundwater wells are located on the LPOE; however, they are currently not being used as a potable water source because the well water quality exceeds state

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<sup>5</sup> Vernal pools are small depressions in forests that fill with water in the spring and fall. They provide breeding habitat for many salamanders and frogs and have characteristic populations of fairy shrimp, fingernail clams, snails, water fleas, and copepods (VTDEC, No Date-b).

are used to monitor the onsite leach field/wastewater system. The water system on the LPOE is categorized as a Public Non-Transient Non-Community (NTNC) water system with a permit to operate issued by VT DEC. NTNC systems are defined as public water systems that are not public community water systems and that regularly serve at least 25 of the same individuals daily for more than six months per year (VTDEC, No Date-c). NTNC systems generally include schools, offices, daycares, and factories. There is one potable water well on the private property. All wells on the VAOT property are capped and, therefore, not in use.





Source: Langan, 2024

**Figure 3.4-1. Delineated Wetlands in the Project Area and its Vicinity**

## 3.4.2 Environmental Consequences

### 3.4.2.1 Proposed Action

#### 3.4.2.1.1 Surface Water

Construction-related activities associated with the Proposed Action (particularly removal of vegetation, excavation, grading, and cut and fill operations) would expose soils and sediments to possible erosion and transport by rainfall. Associated runoff during storm events would flow down the predominantly western slope of the Project area and eventually drain into Missisquoi Bay, resulting in small reductions in water quality through increased turbidity, nutrient levels, and exposure to pollutants. However, due to the implementation of construction BMPs described below, substantial stormwater runoff is unlikely to reach Missisquoi Bay from the Project area and thus would not noticeably alter nutrient concentrations, turbidity, or any other water quality indicators.

For construction under the Proposed Action, which would disturb more than 1 acre, a Construction General Permit (CGP) would be required under the National Pollutant Discharge Elimination System program. Permits contain limits on what can be discharged, monitoring and reporting requirements, and other provisions to ensure that the discharge does not harm water quality. Issuance of a CGP would be contingent upon the submission of a Stormwater Pollution Prevention Plan (SWPPP) to VT DEC. The SWPPP would include erosion prevention, sediment control, and water quality requirements of the State of Vermont in controlling stormwater runoff and pollutants during construction and post construction.

Accidental spills of chemicals, fuels, or other substances used during construction would have a low likelihood of occurring; however, if they do occur, they could contribute to small reductions in water quality in the Missisquoi Bay, depending on the volume and composition of spilled substances. Spill prevention BMPs would be implemented to reduce the risk of contaminated sediments escaping the site via erosion or the risk of spilled materials (e.g., diesel fuels or oils) escaping the site via stormwater runoff during the construction phase. Drop cloths, proper storage of chemicals, and immediate treatment of spill areas with absorbents and soil removal are examples of BMPs that are often identified in a SWPPP to mitigate the risk of spills.

These effects would occur during the estimated 3-year construction period and would end once construction activities are completed. Through the implementation of the SWPPP, the effects of construction on stormwater runoff would be minor because the risk of escape of sediments or other pollutants from the site would be minimal. The Proposed Action would have **direct, short-term, minor, localized,** and **adverse** effects to surface waters and stormwater during construction-related activities.

The replacement of approximately 11 acres of vegetated surfaces with impervious surfaces, in addition to the existing 23 acres of impervious surfaces already present in the Project area, would reduce natural stormwater percolation and attenuation processes, thereby increasing stormwater runoff associated with the LPOE. However, stormwater infrastructure for the new LPOE facility would be designed in accordance with all federal, state, and local regulations and the latest building codes to reduce runoff, minimize impervious surfaces, and promote porous paving surfaces (see Section 3.6 Utilities). Overall, **long-term** effects to surface waters and stormwater from the Proposed Action would be **direct, minor, localized,** and **adverse** due to increased impervious surface area at the site. However, the design of the stormwater infrastructure would help offset/reduce these adverse effects to some degree.

### 3.4.2.1.2 Floodplains

The Project area is located in a zone of minimal flooding and, as such, the Proposed Action would not affect floodplains.

### 3.4.2.1.3 Wetlands

The Proposed Action would fill and permanently alter 1.223 acres of Vermont Class II wetland, Wetland A/A12. The Project would also encroach upon the 50-ft buffer of Wetland I, another Vermont Class II wetland. Wetland C is exempt under VWR and would not constitute adverse effects. Additionally, while Wetlands B and L would not be directly affected, Project activities such as grading, utility installation, retaining walls, and stormwater measures (e.g., outfalls) may affect the 50-ft vegetated buffers around these wetlands. Wetlands B and L are Class II vernal pools. For any effects to Class II wetlands and associated buffers, GSA would require an Individual State Wetland Permit prior to the implementation of the Project. All other wetlands are located further outside of the Project area and would not be affected.

Due to the anticipated permanent effects to Vermont Class II wetlands, GSA would implement mitigation measures as required by the State of Vermont. Such measures may include establishing new wetlands or enlarging the boundaries of an existing wetland to compensate for the adverse effects from the Project (VT ANR, 2023a). Mitigation may also include payment of fees to a federal “in-lieu fee” program or mitigation bank approved by the state.

Because no wetlands in the Project area are jurisdictional (and therefore not regulated by the USACE), the Proposed Action would not require a CWA Section 404 permit. GSA initiated consultation with the USACE and VT DEC in November 2023 and would continue to coordinate with these agencies over the course of the Project.

Effects to Wetland A/A12 would be **direct, permanent, moderate, localized,** and **adverse** whereas effects to portions of Wetland I’s buffer would be **direct, permanent, minor, localized,** and **adverse**. Wetland I itself would not be altered. The Proposed Action would have **indirect, long-term, minor, localized,** and **adverse** effects on Wetlands B and L as they may be affected during construction due to their close proximity to the Project area. Wetlands in the Project area would be protected to the extent practicable by implementing provisions of the SWPPP. GSA would adhere to VT DEC’s permitting process to obtain an Individual State Wetland Permit prior to Project commencement and would develop a mitigation plan. Implementation of appropriate BMPs and mitigation measures is anticipated to offset the severity of effects to wetlands in the Project area.

### 3.4.2.1.4 Groundwater

Under the Proposed Action, substantial earthwork would occur to prepare the site for construction of the new LPOE facilities. Due to the occurrence of shallow groundwater throughout the Project area, contaminants (such as hazardous materials like fuel, paint, and other chemicals) may percolate into the groundwater from storm events and may adversely affect groundwater quality. This is not likely to noticeably affect groundwater quality or availability in the Project area or beyond. GSA would implement appropriate BMPs to minimize adverse effects to groundwater. The Proposed Action would result in small reductions of ground recharge from the addition of 11 acres of impervious surfaces to the Project area. However, the stormwater infrastructure design that would be incorporated into the new LPOE would promote stormwater infiltration to recharge the groundwater where feasible. The Proposed Action would result in **direct, short-term** and **long-term, minor, localized,** and **adverse** effects to groundwater. Short-term effects would result from potential infiltration of contaminants in the groundwater during

construction, whereas long-term effects would result from reductions in groundwater recharge due to the overall increase in impervious areas.

The three groundwater wells on the LPOE would continue to not be used, and all existing monitoring wells would be capped. New monitoring wells would be installed to monitor the onsite septic system. The potable water well on the private property would also be capped. Installation of new monitoring wells would only be conducted by licensed well drillers and may require a construction permit from VT DEC. Construction of monitoring wells and abandonment of existing wells would adhere to the requirements set forth in the Vermont Water Supply Rule, including, but not limited to, the following (10 V.S.A. Section 1395a[b]):

- Well drillers shall not cause undue soil erosion or water pollution, or contaminate the site with fuels, lubricants, solvents, and other pollutants. Preparations should be made in advance to contain and promptly remove any contaminants which are accidentally spilled.
- Well drillers shall not use materials or procedures which may adversely affect the public health, the drill site, and groundwater. All drilling fluids and contaminated drill cuttings, samples, or liquids shall be disposed of properly.
- All drilling equipment which may have become contaminated during a drilling operation shall be thoroughly cleaned and decontaminated before reuse.
- Monitoring wells shall be designed and constructed to prevent any migration of contaminants into uncontaminated zones.
- All abandoned wells shall be closed to prevent the contamination of ground or surface water resources, the migration of fluids, and risks to the health and safety of the public.

As such, the Project would result in **direct, short-term, minor, localized,** and **adverse** effects to groundwater quality during well installation; however, well drillers would take appropriate measures, as discussed above, to minimize adverse effects. As groundwater wells in the Project area would continue to not be used for potable and other domestic uses, no long-term effects to groundwater use are anticipated.

#### **3.4.2.2 No Action Alternative**

Under the No Action Alternative, no construction or modernization activities would occur at the current LPOE other than maintenance, repair, and alternation, as needed. Drainage and stormwater would remain unchanged from current conditions. Reductions in water quality of wetlands and groundwater in the Project area would continue to occur from stormwater runoff. As such, the No Action Alternative would have **direct, long-term, negligible, localized,** and **adverse** effects to water resources in the Project area.

### **3.5 BIOLOGICAL RESOURCES**

This section discusses the affected environment and environmental consequences that would result under each alternative for biological resources in and near the Project area, including vegetation, wildlife, and special status species. Special status species include federal- and state-listed species and migratory birds.

#### **3.5.1 Affected Environment**

The area of analysis for biological resources is the Project area. The Project area is characterized by a mixture of native forests, wetlands, disturbed roadside environments, landscaped areas, and impervious

surfaces, such as parking lots, roads and highways, and various buildings. The eastern section of the Project area contains impervious surfaces, which occupy approximately half of the Project area. The remaining Project area consists of approximately 24 acres of undisturbed vegetation.

### 3.5.1.1 Vegetation

The majority of vegetation in the Highgate Springs LPOE consists of landscaped grasses, shrubs, trees, and early successional roadside vegetation such as goldenrod (*Solidago* spp.), thistle (*Cirsium* spp.), and dandelion (*Taraxacum officinale*). The forested areas located on the private property and on the northernmost section of the existing LPOE consist of plant communities typical of the Champlain Lowlands ecoregion<sup>6</sup> (EPA, 2022a). Trees commonly occurring in the Champlain Lowlands ecoregion include northern white cedar (*Thuja occidentalis*), red and sugar maple (*Acer rubrum* and *Acer saccharum*, respectively), American beech (*Fagus grandifolia*), white oak (*Quercus alba*), and red pine (*Pinus resinosa*) (USGS, 2010; Google Maps, 2022). Vegetation in the vicinity of Project area is mostly similar to that of the Project area, with more deciduous trees present to the east as the elevation increases. Plant species occurring in and immediately surrounding the wetlands within and near the Project area consist of cattails (several species [spp.] of the genus *Typha*), sensitive fern (*Onoclea sensibilis*), St. John's wort (*Hypericum perforatum*), nettles (*Urtica* spp.), and various wetland grasses (Alares, 2021).

Adjacent to the Project area to the west is a strip of Limestone Bluff Cedar-Pine forest associated with the shore of Lake Champlain (see **Figure 3.5-1**). Limestone Bluff Cedar-Pine forest has been designated by the State of Vermont as a Significant Natural Community<sup>7</sup> (VT ANR, 2020). The best-known natural communities in VT are monitored by the VT Fish & Wildlife Department as Significant Natural Communities (VT ANR, No Date-a). The Limestone Bluff Cedar-Pine forest is a rare and threatened Significant Natural Community, with many rare and protected plants (VT ANR, 2006). The dominant tree species within Limestone Bluff Cedar-Pine forest is the northern white cedar; other tree species present may include hemlock (*Tsuga canadensis*), white pine (*Pinus strobus*), red pine, and sugar maple (VT ANR, 2006; VT ANR, No Date-b). As depicted in **Figure 3.5-1**, the strip of Limestone Bluff Cedar-Pine forest is located outside of the Project area.

A portion of the Project area (approximately 10 acres) encroaches on an approximately 80-acre "VT Habitat Block"<sup>8</sup> (VT F&W, 2014; VT ANR, 2023b). As of 2023, there are 4,214 Habitat Blocks in VT that are scored for quality and ecological importance according to the methods outlined in *Vermont Habitat Blocks and Habitat Connectivity: An Analysis using Geographic Information Systems* (VT ANR, 2023b). Habitat Blocks are used by the VT Fish and Wildlife Service Conservation Design for land conservation planning (VT ANR, 2023b; VT ANR, No Date-c). The Habitat Block that overlaps the Project area was given a relatively low score, indicating a relatively lower value for biological resources and conservation in the State of Vermont (VT F&W, 2014). As stated in Section 3.2 Land Use, the entirety of the proposed Project area is zoned as industrial-commercial, including the portion that overlaps the Habitat Block (Town of Highgate, 2022).

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<sup>6</sup> An ecoregion is a geographically defined area where ecosystems and environmental resources are generally similar (EPA, 2022a).

<sup>7</sup> A natural community is an assemblage of plants and animals recurring across a landscape in areas with similar environmental conditions (VT ANR, 2006).

<sup>8</sup> Habitat Blocks are contiguous areas of vegetative cover of at least 20 acres with little to no human disturbance within them but that are surrounded by human development, such as roads or agriculture (VT F&W, 2014; VT ANR, 2023b).





Source: VT ANR, 2024c; VT ANR, 2024d

**Figure 3.5-1. Significant Natural Community and Habitat Block Near the Project Area**

### 3.5.1.2 **Wildlife**

Small rodents such as bats, shrews, squirrels, voles, and mice (NorthWoods, No Date); meso- (i.e., mid-ranking) predators such as coyotes (*Canis latrans*), raccoons (*Procyon lotor*), skunks (*Mephitis mephitis*), woodchucks (*Marmota monax*), and beavers (*Castor canadensis*); and large mammals such as white-tailed deer (*Odocoileus virginianus*), could use the forest, wetland, and early successional habitat within the Project area for foraging. Small songbirds can forage and nest within the forested area, and birds of prey could forage within the roadside vegetation. Birds observed in the area include gulls, ducks, herons, eagles, hawks, and a variety of small passerine (i.e., perching) songbirds.

Wetlands in and near the Project area support waterfowl such as Virginia rail (*Rallus limicola*) and wading birds such as great blue heron (*Ardea herodias*); mammals such as black bear (*Ursus americana*) and bobcat (*Lynx rufus*); amphibians such as blue-spotted salamander (*Ambystoma laterale*) and pickerel frog (*Lithobates palustris*); and reptiles such as stinkpot turtle (*Sternotherus odoratus*) and smooth green snake (*Opheodrys vernalis*) (VWR Section 5.4[a], [b], [c], & [d]).

### 3.5.1.3 **Special Status Species**

According to the USFWS Information for Planning and Consultation (IPaC) online project planning tool (USFWS, 2023a) and VT ANR's Natural Resources Atlas (VT ANR, 2020), there are three species protected under Section 7 of the ESA that may occur in or near the Project area: the endangered northern long-eared bat (NLEB; *Myotis septentrionalis*), the proposed endangered tricolored bat (*Perimyotis subflavus*), and the candidate monarch butterfly (*Danaus plexippus*) [see Appendix B]. The monarch butterfly is not documented as occurring in the Project area or vicinity, and the likelihood of occurrence is low due to the high level of disturbance and limited presence of suitable habitat. Because the monarch butterfly is a candidate species, no consultation under ESA Section 7 is required.

NLEB hibernate during winter in caves or mines, called hibernacula, and roost during the summer in the crevices of live or dead trees, and occasionally in human structures (USFWS, No Date-a). Similarly, tricolored bats hibernate during winter in caves or mines, and roost during summer in the leaf clusters or lichens of live or dead trees, in pine needles, or in artificial roosts such as barns (USFWS, No Date-b).

NLEB and tricolored bat are state-listed as endangered (VT F&W, 2022a) but are not listed in the Natural Resources Atlas as occurring in the immediate vicinity of the Project area (VT ANR, 2020). There is no designated critical bat habitat within or near the Project area (USFWS, 2023a) and there are no known NLEB or tricolored bat roosting trees or hibernacula in the immediate vicinity of the Project area (USFWS, 2024a). However, GSA informally consulted with USFWS under ESA Section 7 to solicit input on the two federally listed bat species with the potential to occur in and around the Project area (see Appendix B). USFWS confirmed that tricolored bats have been detected within 3 miles of the Project area. Therefore, it is possible that individual NLEB and/or tricolored bats could occur in the forested habitat within the Project area during spring, summer, or fall (USFWS, 2024a). No federally listed plant species are known to occur in Franklin County (VT F&W, 2022b; USFWS, 2022a; USFWS, 2022b; USFWS, 2023b).

Additionally, there are no VT state-listed plant or wildlife species, or critical habitat known to occur in or near the Project area (VT ANR, 2020). Multiple plant species considered rare or uncommon in the State of Vermont are known to occur along the shore of Lake Champlain at least 100 ft outside the Project area (VT ANR, 2020). GSA contacted VT ANR to inform them of the proposed Project, request additional information, and inquire about any potential concerns. VT ANR identified nine rare or uncommon plant species that may occur in or near the Project area, listed in **Table 3.5-1**. Coordination with VT ANR regarding effects to state-listed species and habitats is ongoing and the agency's responses and recommendation(s), if any, would be documented in the Final EA. During the 2020 site evaluation survey,



no uncommon or rare species were detected within the Project area (Alares, 2021). All rare or uncommon species near the Project area are associated with the Lake Champlain shoreline at least 100 ft outside the Project area.

**Table 3.5-1. Rare and Uncommon Plant Species that May Occur Near the Project Area**

Common Name	Scientific Name	Status	State Listing Status
Purple clematis	<i>Clematis occidentalis</i>	Uncommon	Not state-listed
Climbing furnitory	<i>Adlumia fungosa</i>	Uncommon	Not state-listed
Wall rue	<i>Asplenium ruta-muraria</i>	Uncommon	Not state-listed
Shining ladies'-tresses	<i>Spiranthes lucida</i>	Uncommon	Not state-listed
Hitchcock's sedge	<i>Carex hitchcockiana</i>	Uncommon	Not state-listed
American bittersweet	<i>Celastrus scandens</i>	Uncommon	Not state-listed
Moss spp.	<i>Dicranium muehlenbeckii</i>	Rare	Not state-listed
Border meadow-rue	<i>Thalictrum venulosum</i>	Rare	Not state-listed
Graham's rockcress	<i>Boechera grahamii</i>	Rare	Not state-listed

Source: VT ANR, 2024b

Migratory birds are designated as special status species due to their protection by the Migratory Bird Treaty Act (MBTA) and EO 13186, *Responsibilities of Federal Agencies to Protect Migratory Birds*. EO 13186 clarifies the responsibilities of federal agencies to consider the effects of agency actions on birds listed under MBTA. Over 250 species of birds have been recorded in Franklin County, VT, and many are classified as migratory birds. Some species may nest within the forested habitats occurring in or near the Project area. The USFWS IPaC online project planning tool (USFWS, 2023a) identified 14 migratory bird species potentially occurring in or near the Project area, 13 of which are designated as USFWS Birds of Conservation Concern (BCCs) [see **Table 3.5-2**]. BCCs are migratory birds that, without additional conservation actions, are likely to become candidates for listing under ESA Section 7. The nesting periods for BCC species range from mid-March to early October.

Occasional transient bald eagles (*Haliaeetus leucocephalus*) may occur in the Project area and vicinity, but there are no known bald eagle nests in or near the Project area. The bald eagle was removed from ESA listing in 2007 and from the VT state list of endangered and threatened species in 2022, but it is still protected under the Bald and Golden Eagle Protection Act and the MBTA.

**Table 3.5-2. Migratory Bird Species Potentially Occurring In or Near the Project Area**

Common Name	Scientific Name	Bird of Conservation Concern?	Breeding Season
Bald Eagle	<i>Haliaeetus leucocephalus</i>	No	Dec 1 to Aug 31
Belted Kingfisher	<i>Megaceryle alcyon</i>	Yes	Mar 15 to Jul 25
Black-billed Cuckoo	<i>Coccyzus erythrophthalmus</i>	Yes	May 15 to Oct 10
Bobolink	<i>Dolichonyx oryzivorus</i>	Yes	May 20 to Jul 31
Canada Warbler	<i>Cardellina canadensis</i>	Yes	May 20 to Aug 20
Cerulean Warbler	<i>Dendroica cerulea</i>	Yes	Apr 20 to Jul 20
Chimney Swift	<i>Chaetura pelagica</i>	Yes	Mar 15 to Aug 25

Common Name	Scientific Name	Bird of Conservation Concern?	Breeding Season
Eastern Meadowlark	<i>Sturnella magna</i>	Yes	Apr 25 to Aug 31
Evening Grosbeak	<i>Coccothraustes vespertinus</i>	Yes	May 15 to Aug 10
Golden-winged Warbler	<i>Vermivora chrysoptera</i>	Yes	May 1 to Jul 20
Lesser Yellowlegs	<i>Tringa flavipes</i>	Yes	Does not breed in the area
Short-billed Dowitcher	<i>Limnodromus griseus</i>	Yes	Does not breed in the area
Upland Sandpiper	<i>Bartramia longicauda</i>	Yes	May 1 to Aug 31
Wood Thrush	<i>Hylocichla mustelina</i>	Yes	May 10 to Aug 31

Source: USFWS, 2023a

### 3.5.2 Environmental Consequences

#### 3.5.2.1 Proposed Action

Under the Proposed Action, adverse effects to biological resources would be primarily associated with the removal of available vegetation communities and wildlife habitat in the Project area and the temporary, recurring disturbance to wildlife within and immediately surrounding the Project area due to construction and demolition activities.

##### 3.5.2.1.1 Vegetation

Under the Proposed Action, all vegetation in previously undisturbed areas, including mature trees and undergrowth, would be removed where structures and roads for the expanded LPOE would be constructed. Vegetation would be permanently removed from a maximum of 11 acres of the Project area closest to the existing facilities and would be temporarily disturbed during construction on an additional 12 acres of the outer Project area to accommodate staging (see **Figure 2.1-1**). Other construction would take place in previously disturbed areas consisting of landscaped and roadside vegetation or impervious surfaces. The total footprint of the proposed development would be approximately 50 acres.

Heavy equipment may cause short-term disturbance to ground cover, grasses, and other low vegetation that is present in the temporary footprint of disturbance. Repeated disturbance of vegetation (e.g., due to vehicle passes) during these activities would damage and destroy grasses or the plants composing the forest's undergrowth. There would also be site-specific vegetation disturbance from foot traffic during vegetation clearing, construction, and demolition activities. Overall effects on vegetation would be minimized by concentrating the area of disturbance to the smallest area necessary to complete the Project.

Construction activities could potentially spread invasive plant species directly to the Project area. Additionally, construction activities would create disturbed conditions that would be susceptible to the establishment and spread of invasive species within the Project area. However, BMPs such as equipment washing and proper disposal of invasive species found during construction activities would be implemented to prevent the introduction and establishment of invasive species.

As discussed in Section 3.4 Water Resources, the Project would affect Class II wetlands (A/A12 and I) and Class II wetlands also classified as vernal pools (B and L). Vernal pools are an uncommon community in VT and provide critical breeding habitat to salamanders and frogs. Similar wetland vegetation (e.g., cattails, sensitive fern, nettles, and various wetland grasses) occurs widely throughout the region and as such, effects to wetland vegetation populations are not anticipated. Runoff from earthwork activities could damage nearby wetland vegetation and habitat in vernal pools due to potentially accelerated sedimentation of wetlands within the Project area. However, BMPs described in Section 3.3 Geology, Topography, and Soils and Section 3.4 Water Resources would be implemented to minimize erosion and potential impacts to wetland vegetation. GSA would adhere to the Individual State Wetland Permit requirements (see Section 3.4.2.1.3) and implement mitigation measures required by the State of Vermont to minimize adverse effects to the extent practicable.

Other BMPs, such as the primary use of existing roadways and other disturbed/impervious areas by construction vehicles, would be implemented during construction of the new LPOE to minimize potential adverse effects to vegetation. Additionally, effects would be mitigated in disturbed areas via replanting with native vegetation following the end of construction.

Operation of the new, expanded LPOE would minimally affect vegetation relative to existing conditions at the LPOE. Therefore, the operation and routine maintenance of the new LPOE would have no effect on vegetation.

The Proposed Action would have **direct, long-term to permanent, moderate, site-specific, and adverse** effects on vegetation. Significant Natural Community vegetation would not be affected. Populations of native plant species could experience short-term effects within the Project area. However, these plant species occur widely outside the Project area and in the region; thus, there would be no long-term effects to regional native plant populations.

### **3.5.2.1.2 Wildlife**

Adverse effects to wildlife under the Proposed Action would primarily occur due to the temporary and permanent removal of available habitat in the Project area and from the temporary disturbance of wildlife in the Project area and vicinity. Demolition and construction activities and human presence would cause displacement of and disturbance to resident wildlife for the duration of the Project. Effects would range from noise and visual disturbance during Project activities to changes in available habitat on-site over the short- and long-term. Species would be expected to return to areas where vegetation is not cleared and habitat still exists after Project activities are completed. Some species may be prevented from using the resources in the Project area due to destruction or alteration of habitat.

Under the Proposed Action, the amount of undisturbed habitat removed would be relatively small compared to the availability of potential habitat in the surrounding vicinity. Thus, population-level effects to wildlife species are unlikely. Displaced species could return to the Project area and vicinity where habitat still exists following construction.

Disturbances to wildlife would be temporary but recurring over the 3-year construction period as different buildings and structures are constructed and demolished. Construction noise and associated visual disturbance could potentially result in the temporary displacement of wildlife within and in the immediate vicinity of the Project area while humans or equipment are present. Noise can startle individual animals, cause stress, mask communication and other natural sounds, and displace animals from surrounding habitat. However, the areas surrounding the Project area generally consist of similar habitats, so any displaced animals could potentially use these similar habitats and return to the Project area and vicinity

where habitat still exists upon completion of construction. Any displacement of animals is not likely to increase their energy expenditure or resource competition outside of the range of natural variation.

During operation of the new LPOE, noise from the projected increase in traffic passing through the port would have long-term adverse effects on wildlife. However, traffic noise regularly occurs at the existing LPOE, so wildlife present in and near the Project area are not likely to experience a substantially higher level of disturbance. Wildlife would likely continue to stay away from the port, especially during periods of higher traffic.

BMPs would be implemented during the construction and operation of the new LPOE to minimize potential adverse effects to wildlife. Construction vehicles would observe maximum speed limits to minimize the possibility for any wildlife-vehicle collisions. Staging and stockpile areas would be located within or immediately adjacent to the construction footprint within the Project area to reduce the area of habitat disturbance. GSA would adhere to all applicable federal and state wildlife laws during construction and operation of the new LPOE.

The Proposed Action would have **direct, short- and long-term, minor, localized, and adverse** effects on wildlife due to the removal of available habitat and from construction- and operation-related disturbances.

### **3.5.2.1.3 Special Status Species**

As discussed in Section 3.5.1.3, NLEB and tricolored bats could occur in the suitable habitat within or near the Project area, and particularly forested areas during spring, summer, and fall. Vegetation, including potentially suitable bat roosting trees, would be permanently removed from a maximum of 11 acres of the Project area closest to the existing facilities and would be temporarily disturbed during construction on an additional 12 acres of the outer Project area. However, GSA would avoid certain Project activities (e.g., tree removal, tree trimming, and demolition of structures that could have gaps/spaces/holes that may be used as roosts) between June 1 and August 15 to prevent potential effects to juvenile bats. Potential effects to bats in or near the Project area as a result of operation of the new, modern LPOE facility would not substantially differ relative to operation of the existing LPOE. Therefore, construction activities outside the bat active season timeframe **may affect, not likely to adversely affect** NLEB and tricolored bat under the Proposed Action.

There are no known occurrences of monarch butterfly in the woodland habitat within the Project area, and approximately half of the Project area contains landscaped grasses and other disturbed habitats that lack nectar resources and are not suitable for monarch butterfly. Therefore, the Proposed Action would have **no effect** on monarch butterfly.

If any federal- or state-listed species are detected during the construction phase, work would stop, and GSA would initiate consultation with the relevant agencies. GSA would adhere to all applicable federal and state laws regulating special-status species.

Because all rare or uncommon plant species in the vicinity of the Project area are associated with the Lake Champlain shoreline at least 100 ft outside the Project area, it is unlikely that project activities would affect these species.

Bald eagles and other migratory birds may occur in or near the Project area but are unlikely to utilize the available habitat due to the high levels of disturbance and traffic, and they are not known to nest nearby. If evidence of migratory bird nesting is observed during site preparation (e.g., birds are seen carrying nesting material), GSA would conduct brief surveys to confirm the presence or absence of nests in the

Project area. Other BMPs would be implemented, such as minimizing tree removal to the greatest extent practicable and establishing an appropriate buffer around any active nests, if any are found, to protect nests from construction-related disturbance (USFWS, 2024b). Construction activities could temporarily displace migratory birds while humans or equipment are present and active, but the disturbance would not increase migratory bird energy expenditure or resource competition outside of the range of natural variation. Therefore, the Proposed Action would have **direct, short- and long-term, minor, localized, and adverse** effects on migratory birds due to the removal of potential breeding habitat and disturbance due to noise and activity during construction of the new LPOE.

### **3.5.2.2 No Action Alternative**

Under the No Action Alternative, no construction or modernization activities would occur at the current LPOE other than maintenance, repair, and alteration, as needed. No changes to wildlife, vegetation, or natural communities would be expected. Noise or other disturbances to wildlife present in the Project area or the immediate vicinity from LPOE operations would continue to occur at current levels. After completion of A-35, the ambient noise levels at the LPOE would increase due to the projected increase in traffic. Thus, effects to biological resources under the No Action Alternative would be **direct, long-term, minor, localized, and adverse**.

## **3.6 UTILITIES**

This section describes the utilities within the Project area, such as potable water supply and wastewater systems, energy systems and supply, stormwater management, and telecommunication services.

### **3.6.1 Affected Environment**

The affected environment for utilities comprises the entirety of the Project area. Currently, overhead utilities (largely power lines) cross the Highgate Springs LPOE in the north-south direction along the western property line with several light poles. Several underground utilities including water lines, sewer mains, drainage pipes, and trench drains also exist onsite (DBB, 2023b).

#### **3.6.1.1 Potable Water Supply, Sanitary Sewer, and Wastewater Systems**

The City of St. Albans Water Department currently provides potable water to the LPOE through bulk delivery via truck every two to three days due to poor water quality. The City of St. Albans provides municipal water sourced from surface water at Fairfax Reservoir and Lake Champlain (City of St. Albans, 2021). Water is transferred from trucks to storage tanks at the LPOE; the tanks are located in the basement of the Commercial Inspection Building and can store up to 10,200 gallons of water. The current water treatment systems include chlorination and filtration and use pumps to deliver the water to the distribution system, which supplies water to the rest of the LPOE (Alares, 2022). The current system is unable to operate under gravity flow, but water distribution is connected to the facility's emergency power system to support water service in the event of power loss. The LPOE is equipped with a limited fire sprinkler system but does not have fire hydrants. Historically, facility water usage has ranged from 1,700 to 1,850 gallons per day (gpd). APHIS performs sporadic washdowns of livestock that pass through the LPOE. When livestock washdowns are performed, water usage may increase to 3,400 to 5,550 gpd (Alares, 2022). Bottled water is supplied to the private property as the current source of potable water (WSP, 2022). As explained in Section 3.4 Water Resources, the groundwater wells on the LPOE, private property, and VAOT property are not used for consumption or operations.

Sanitary sewage is treated on site, with separate leach fields for the LPOE and private property. The LPOE wastewater is treated in a building located between the APHIS Inspection Facility and HAZMAT canopy

and pumped into an approximate 20,000 SF leach field behind the APHIS Inspection Facility. The leach field at the private property is in a mound north of the office building and west of the FDA building and is approximately 17,000 SF (DBB, 2023b). Three water quality monitoring wells are located on the LPOE to monitor the onsite leach field/wastewater system.

### **3.6.1.2 Stormwater Management**

The Highgate Springs LPOE is largely paved and maintains a stormwater catchment system to carry stormwater off the property (Alares, 2022). The stormwater drainage system at the LPOE includes collection structures, underground piping, and detention basins. Stormwater generally discharges from building roofs and paved areas onto grade, and drains to catch basins, detention basins, or to nearby wetlands by sheet action. Storm drainage from the LPOE is conveyed to the northern portion of the site via pipe, and discharges to a swale parallel to I-89. Drainage on the private property sheet flows to the west into the Highgate State Park (DBB, 2023b).

The existing LPOE has a storm drainage network with multiple connections to an existing 18-inch and 24-inch reinforced concrete pipe storm sewer located on the east side of I-89N. Capacity of the existing storm sewer is currently unknown (DBB, 2024).

### **3.6.1.3 Energy Systems and Supply**

Energy at the Highgate Springs LPOE is a combination of electric power, propane gas, and diesel fuel. The Swanton Village Electric Department provides electricity to the facility through overhead distribution lines. A local supplier provides propane gas in bulk (via truck) [Alares, 2022]. Electric power is used for most energy needs, while propane is used to power various appliances such as water heaters and boilers. Diesel fuel is used to power two emergency generators located within the Main Port Building (EYP, 2019). The Swanton Village Electric Department provides electricity to the private property whereas Bournes Energy supplies propane to the site (Alares, 2022). There is one decommissioned electrical power generator and one emergency generator on the private property (WSP, 2022).

The existing LPOE has one underground storage tank (UST) that stores diesel fuel for one of the generators and several propane tanks. There are two abandoned propane aboveground storage tanks (ASTs) associated with the generators on the private property.

### **3.6.1.4 Telecommunication Services**

Conduits running overhead against the site's canopy provide internet and telephone services to the Highgate Springs LPOE (EYP, 2019). The tenant agency, CBP, provides internet services for the LPOE, which are adequate for the facility. Telephone service coverage in the Project area is inadequate (Solv, 2023b; Solv, 2024). CBP operates a communications tower onsite that is critical for rapid, reliable communication transmissions for issues related to border security (DBB, 2024).

## **3.6.2 Environmental Consequences**

### **3.6.2.1 Proposed Action**

Under the Proposed Action, all existing structures within the Project area, including those within the LPOE and private property, would be demolished. Construction of new LPOE structures would occur in phases to ensure minimal disruption to port functionality, as described in Section 2.1. Utility infrastructure for the new, replacement LPOE would be installed during the first phase of construction. Construction crews would follow standard industry practices to minimize the chance of discovering unmarked utilities during construction work. These include:

- locating and marking utilities prior to demolition and site preparation; and
- coordination with utilities providers in the event of discovery of unmarked utilities.

Utility connections to the Training Building would be separate from the connections provided to the Main and Commercial Buildings. There may be **direct, short-term, minor, regional, and adverse** effects to utilities due to increase in demands for domestic water, wastewater, electricity, and propane to power and support construction activities. Outside of construction activities, there are not likely to be additional increases in utility demands during the construction period. The LPOE and associated personnel would experience minimal disruptions to functionality, thus their utility demands are expected to remain similar to current conditions.

Upon completion of construction, the expanded LPOE would require all ongoing utility services, including potable water, wastewater, electricity, propane, and telecommunication services. None of these utility loads would be expected to exceed the capacity of the municipal infrastructure, utility systems, or on-site facilities.

Lack of sustainable design has resulted in excessive energy consumption at the existing facility, especially due to large quantities of unwanted heat loss/gain in the interior spaces. Additionally, the condition of existing buildings and infrastructure at the LPOE has deteriorated over time. The new LPOE facilities would be designed and built adhering to sustainable guidelines and the latest building standards and codes, ensuring that they are more energy and water efficient compared to existing facilities.

#### **3.6.2.1.1 Potable Water Supply, Sanitary Sewer, and Wastewater Systems**

The new LPOE would continue to receive bulk deliveries of potable water from the St. Albans Water Department under the Proposed Action, which would be treated prior to consumption. The existing water storage tanks would be removed and three new 10,000-gallon storage tanks would be installed to store enough potable water needed for five days. The new LPOE would likely yield a water requirement of 20 gpd per employee per shift. The total sanitary flows for the Main, Commercial, and Training Buildings are projected to be 5,220 gpd, 3,620 gpd, and 300 gpd, respectively. The APHIS animal spray-down operations would require up to 6,600 gpd and would generate minimal sanitary flows (DBB, 2024).

The existing sanitary sewer leach fields would be decommissioned per the VT DEC Environmental Protection Rules, 2019 Section 1-930 (14). The sanitary sewer treatment for the new LPOE would be achieved via septic system and leach field and these systems would be installed per VT DEC's permitting requirements. The septic tank volume is twice the design-flow capacity, which is projected to be 10,440 gallons for the Main Building and 7,240 gallons for the Commercial Building. Because of the shallow bedrock, a mounded leach-field system would likely be needed. The Main Building and Commercial Building would have independent leach field systems to avoid the need for pumping. The leach field systems would be approximately 20,000 SF for the Main Building and approximately 14,000 SF for the Commercial Building (DBB, 2024).

Due to the increase in the number of employees at the new LPOE, the greater magnitude of LPOE operations, and the substantial increase in travelers passing through the LPOE after completion of A-35, there would be **direct, long-term, minor, site-specific and regional, and adverse** effects on potable water, sanitary sewer, and wastewater systems at the new LPOE.

#### **3.6.2.1.2 Stormwater Management**

To comply with the requirements set forth in the June 2019 Energy Independence and Security Act 438 memorandum and the VT DEC stormwater design guidelines, as well as to attain the LEED Gold



certification, stormwater management systems at the new LPOE would be designed to retain the 95<sup>th</sup> percentile storm event<sup>9</sup> (1.2 inches) onsite. Where feasible, stormwater would be retained via ground infiltration (e.g., via bioretention swales or planters) to treat surface runoff and provide retention volume. To maintain existing hydrology, bioretention areas would have overflow connections to the existing storm sewer on the east side of I-89N to divert rainwater from larger storms, adherent to permitting requirements. The existing LPOE sewer connections may be reused or replaced, pending further investigation. Detention may be required to prevent surcharge during storm events. Stormwater from the southwestern half of the Project area would be discharged to the adjacent wooded areas; VT DEC would confirm discharge locations prior to installment of discharge infrastructure. Site design would be aimed at reducing runoff, minimizing impervious surfaces, and promoting onsite infiltration (DBB, 2024). Therefore, due to the improved stormwater management infrastructure at the new LPOE, potential effects to stormwater management under the Proposed Action would be **direct, long-term, minor, localized, and beneficial**. The Proposed Action would also result in an additional 11 acres of impervious surfaces in the Project area, resulting in **direct, long-term, minor, localized, and adverse** effects due to increased stormwater runoff.

### 3.6.2.1.3 Energy Systems and Supply

The new LPOE would primarily use electricity to satisfy onsite power needs. The electrical systems would be designed in coordination with Swanton Village Electric Department to meet the load requirements of the new LPOE. A separate electrical service for the Training Building is proposed. Existing emergency generators would likely be auctioned or repurposed at other GSA properties and two new emergency generators would be installed at the LPOE. The generators would use diesel fuel. New domestic water heaters and other building equipment would be installed that would run on electricity. All existing underground and aboveground diesel fuel and propane tanks would be removed. New ASTs or USTs may be installed to store diesel fuel for the generators. As such, the increased use of electricity at the new LPOE due to expanded operations would result in **direct, long-term, negligible, regional, and adverse** effects to the local electric utility.

The new LPOE would likely use fewer quantities of fuel such as propane as most of its energy needs would be met via electricity and diesel fuel. Additionally, it would comply with the Guiding Principles for Sustainable Federal Buildings by meeting the requirements of P100 and other codes, regulations, and standards that seek to enhance building energy performance and operational efficiency, resulting in **direct, long-term, minor, site-specific and regional, and beneficial** effects.

### 3.6.2.1.4 Telecommunication Services

The new LPOE would use a hardwired internet connection obtained through a commercial internet service provider. The existing CBP tower would be relocated as necessary to allow more flexibility in the site layout, and would continue to provide a means of reliable communication to CBP. GSA may explore additional options to provide adequate phone coverage at the site. Overall, it is expected that telecommunication services would be expanded to adequately meet the requirements of the tenants at the new LPOE. Therefore, potential effects to telecommunication services under the Proposed Action would be **direct, long-term, minor, site-specific, and beneficial**.

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<sup>9</sup> The 95<sup>th</sup> percentile storm event is defined as the measured precipitation depth accumulated over a 24-hour period for the period of record that ranks as the 95<sup>th</sup> percentile rainfall depth based on the range of all daily event occurrences during this period (EPA, 2009).

### 3.6.2.2 **No Action Alternative**

Under the No Action Alternative, construction and demolition activities would not occur in the Project area. Utility demands at the LPOE, particularly for water and wastewater services, would likely increase due to the projected increase in the number of travelers passing through the LPOE after completion of A-35. Additionally, the LPOE would continue to use old, inefficient equipment for facility operations. Therefore, effects to utilities at the LPOE under the No Action Alternative would be **direct, long-term, minor, site-specific** and **regional**, and **adverse**. There would be no effects to utilities at the private property.

## 3.7 **SOLID AND HAZARDOUS MATERIALS AND WASTE**

GSA facilities generate both nonhazardous and hazardous solid waste that requires proper management under the Resource Conservation and Recovery Act (RCRA). “Solid waste” is defined under 40 CFR 261.2 as any garbage or refuse or other discarded material. “Hazardous waste” is a subset of solid waste that is defined by 40 CFR 261.3 as exhibiting hazardous characteristics of ignitability, corrosivity, reactivity, or toxicity that pose a substantial threat to human health, the environment, or both; or is listed as a RCRA hazardous waste. “Universal waste” is a subset of hazardous waste which is commonly generated from a wide variety of businesses (e.g., batteries, pesticides, mercury-containing equipment, lamps, aerosol cans, and electronics) (GSA, 2024a).

RCRA establishes a system for controlling hazardous waste through hazardous waste generator regulations that establish criteria for the identification of hazardous waste and standards for treatment and disposal. Hazardous waste in VT is regulated primarily under the authority of RCRA and the Vermont Hazardous Waste Management Regulations. The Toxic Substances Control Act (TSCA) governs chemical substances and mixtures and provides EPA with the authority to regulate the production, use, and disposal of chemicals that have the potential to cause harm to human health or the environment. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) prohibits the use of pesticides that generally pose unreasonable risks to people or the environment at federal facilities unless an exemption is requested by the agency under Section 18 of FIFRA.

EO 12088, *Federal Compliance with Pollution Control*, mandates that necessary actions be taken to prevent and control environmental pollution when federal activities or federal facilities are involved (VT ANR, 2022). Worker health and safety and public safety, managed by the Occupational Health and Safety Administration (OSHA), are key issues when dealing with hazardous materials that may affect human health and the environment.

### 3.7.1 **Affected Environment**

The area of analysis for solid waste, hazardous waste, and hazardous materials is the entirety of the Project area. The existing LPOE frequently processes commercial vehicles carrying hazardous cargo in addition to facilitating regular inspections for POVs, buses, and commercial traffic. The LPOE currently stores small quantities of hazardous materials including paints, solvents, cleaning products, and pesticides used for operation and maintenance activities. Four water ASTs, one 1,000-gallon diesel fuel UST, and one active propane AST and one abandoned propane AST are present at the LPOE. Solid waste is generated onsite at the LPOE and is collected in standard dumpsters which are emptied once a week by a solid waste contractor and hauled to a sanitary landfill for disposal.

A Phase I Environmental Site Assessment was performed in November 2022 to evaluate the properties considered for acquisition by GSA. The assessment was used to establish the history of, and existing conditions at, the private and VAOT properties to identify any environmental conditions of concern. The

assessment identified the presence of solid waste, hazardous waste, and hazardous materials on the private property. Hazardous materials such as cleaning products were observed in interior storage areas within the office building. The survey also found the presence of carpeting, tires, tarps, and landscaping material solid waste on the private property. The VAOT property was not observed to contain any solid wastes other than unused impervious surfaces and a utility pole line (WSP, 2022).

### **3.7.1.1 Chemicals Associated with Operation and Maintenance Activities**

The Highgate Springs LPOE frequently processes commercial vehicles carrying hazardous cargo in addition to facilitating regular inspections for POVs, buses, and commercial traffic. The 1994 EA for the original Highgate Springs LPOE identified an average of 12,360 shipments entering and 8,100 exiting the U.S. through the LPOE each year containing hazardous materials (GSA, 1994). Due to the increase in the number of vehicles passing through the LPOE since its construction in 1994, it is likely that the average number of shipments carrying hazardous cargo has increased in subsequent years. The presence and inspection of commercial trucks carrying hazardous materials or waste at the HAZMAT Inspection Canopy offers the greatest potential for hazardous waste and material contamination at the LPOE. For most other sources, such as small oil and gasoline leaks from POVs, a Spill Prevention, Control, and Countermeasures (SPCC) plan is in place to contain and remove accidental spills and leaks of hazardous materials. However, due to the longevity of site operations and the potential for small spills associated with routine vehicle inspections, it is still possible for contaminated soil to exist in association with the Commercial Inspection Building and/or vehicle inspection canopies.

Extensive safety measures are in place to ensure that no unauthorized entry of hazardous cargo occurs, that all hazardous cargo is properly identified through signage and documentation, and that no physical defects are present that could result in contamination either at the LPOE or during transport within the U.S. If inspection of hazardous cargo reveals leakage, appropriate measures and protocols are followed by CBP personnel. Remediation equipment (i.e., fire extinguishers) and absorbent substances are stored at the LPOE for immediate availability in the event of a spill. As the LPOE does not serve the purpose of providing long-term detention facilities for hazardous materials, neither GSA nor CBP are obligated to maintain custody of a hazardous cargo for more than 48 hours after the date of detention. After this time, the shipment is considered unclaimed or abandoned and is turned over to EPA for storage or disposition (19 CFR 12.122). LPOE personnel follow the most up-to-date regulations, guidance, and operating procedures that are relevant to inspecting and managing hazardous waste.

Hazardous materials including paints, solvents, cleaning products, and pesticides are used at the LPOE for operation and maintenance activities. Hazardous wastes from cleaning and maintenance activities, in addition to waste generated during the cleanup of oil and fuel spills, are disposed of and stored according to federal, state, and local regulations. The LPOE generates less than 220 pounds of hazardous waste per month, and it is categorized as a 'Very Small Quantity' generator (VSQG) [EPA, No Date]. VSQGs face the lowest level of required actions for hazardous waste generators, but they are still required to identify all the hazardous waste generated and ensure that hazardous waste is delivered to a facility authorized to manage it.

### **3.7.1.2 Aboveground and Underground Storage Tanks**

The LPOE currently contains one UST and multiple ASTs. There is one 1,000-gallon UST located in the Main Port Building to provide diesel fuel to an emergency generator (WSP, 2022). There are several propane and water storage tanks located on the site, including an abandoned propane AST located behind the APHIS Inspection Facility, a propane AST located behind the Wastewater Treatment Building that is

currently in use, a 1,000-gallon water AST located in the FDA Building, and three 3,400-gallon water ASTs in the Commercial Inspection Building.

The private property contains two propane ASTs previously used for powering the electrical power generator and emergency generator on the property.

### **3.7.1.3 Polychlorinated Biphenyls**

Polychlorinated biphenyls (PCBs) are organic chlorine compounds that were once widely employed as a dielectric and coolant fluid in electrical apparatuses and other technologies involving heat transfer. In 1976, concern over the toxicity and persistence of PCBs in the environment led Congress to ban their domestic production, as detailed in TSCA. The EPA has since issued PCB usage and disposal regulations and guidance (EPA, 2005).

A Phase I Environmental Site Assessment has not been performed for the Highgate Springs LPOE. However, the private property and VAOT property assessment report notes additional transformers are likely located at the LPOE. PCB contamination often occurs as a result of damaged electrical transformers that were built before 1979; as the existing LPOE was constructed between 1997 and 2005, the transformers are unlikely to contain PCBs.

During the Phase I assessment, an oil stain was observed beneath the decommissioned propane-powered electrical generator in a shed on the private property. Due to the oil stain being associated with an electrical power generator, the presence of PCBs on the private property could not be ruled out. No PCBs were observed on the VAOT property.

### **3.7.1.4 Asbestos and Asbestos Containing Materials**

Asbestos is a naturally occurring mineral fiber that was once used in a wide variety of building construction materials due to its fiber strength and heat resistance. However, disturbance or damage to ACMs can release asbestos fibers into the air, which increases the risk of lung disease when inhaled. EPA has introduced bans on a variety of specific asbestos-containing materials (ACMs) under TSCA and the Clean Air Act, examples of which include pipe insulation, flooring felt, and corrugated, commercial, or specialty paper (EPA, 2022b).

As the existing LPOE buildings were constructed between 1997 and 2005, years after Congress banned the use of ACMs in building construction, they are unlikely to contain any ACMs. The buildings on the private property were identified as potentially containing ACMs in materials such as roofing, joint compound, floor tiles, and ceiling tiles. No ACMs are present on the VAOT property (WSP, 2022).

### **3.7.1.5 Lead Based Paint and Other Lead Materials**

Lead is a highly toxic metal that was once commonly used as an ingredient in paint. Due to concerns about the toxicity of lead dust that is released when lead-based paint (LBP) is damaged, the U.S. Consumer Product Safety Commission banned LBP in residential and public properties in 1978. Structures built before 1978 are likely to contain LBP, which is classified as paint that contains greater than or equal to 0.5 percent lead by weight, or 1.0 milligram per square centimeter lead by x-ray fluorescence (EPA, 2023a).

To date, no LBP survey has been conducted at the LPOE, the private property, or the VAOT property. However, the existing buildings at the LPOE were constructed between 1997 and 2005 and thus are unlikely to contain LBP. The buildings on the private property were identified as potentially containing LBP due to their construction sometime between the 1970s and 1980s. The VAOT property does not contain any LBP.

### **3.7.1.6 Generation and Disposal of Solid Wastes**

Solid waste generated onsite at the LPOE is collected in standard trash dumpsters. The dumpsters are typically emptied once a week by a carting company under contract with GSA. The solid waste is delivered to a transfer facility and then hauled to a sanitary landfill for disposal.

## **3.7.2 Environmental Consequences**

### **3.7.2.1 The Proposed Action**

Under the Proposed Action, all existing LPOE facilities and buildings on the private property would be demolished and replaced with new construction over four distinct phases to ensure minimal disruption to port functionality. The private property contains the only buildings and sites with the potential for containing hazardous materials, including PCBs, ACMs, and LBP. Disturbance to these materials resulting in the generation of hazardous waste and the disposal of said waste would lead to **direct, short-term, moderate, localized, and adverse** effects. Thorough inspections for hazardous materials would be conducted prior to demolition, in accordance with all applicable laws and regulations. On the private property, the oil stain that could potentially contain PCBs would be remedied before construction. All identified ACMs with the potential to be disturbed during demolition activities would be abated by a licensed/accredited abatement contractor in accordance with all applicable federal, state, and local regulations. Additionally, any LBP encountered during demolition activities would be collected and disposed of in accordance with applicable laws and regulations. The EPA Lead Renovation, Repair and Painting (RRP) Rule does not apply to total demolition projects, but it is recommended that lead-safe practices are employed during demolition<sup>10</sup> (EPA, 2022c). Typical construction methods and proper adherence to BMPs would mitigate the potential for most adverse effects.

The Proposed Action would include the removal and disposal of all USTs and ASTs from the LPOE and private property, including storage tanks containing, or that previously contained, fuel such as diesel and propane. This would result in **direct, short-term, moderate, localized, and adverse** effects. If evidence of a spill or leak is identified, the contamination would be remediated, and all associated hazardous waste would be disposed of according to federal, state, and local regulations. The removal and disposal of the UST and ASTs would be conducted using licensed contractors, and all proper closure procedures would be followed.

Demolition of existing structures in the Project area and site preparation activities (excavation, cut and fill operations) would result in substantial quantities of demolition and excavation debris, fill, soils, and other solid waste, which would be stockpiled within staging areas. Standing waste may contribute to potential effects on soil and water from residual contaminant runoff. To minimize contaminant runoff, waste generated during demolition and construction activities would be removed frequently and disposed of locally. Additionally, BMPs described in Section 3.3 Geology, Topography, and Soils would be implemented. As such, the **adverse** effects to solid and hazardous waste management from demolition and construction under the Proposed Action would be **direct, short-term, moderate, and localized**.

Demolition and construction activities would require the onsite use and storage of hazardous materials, such as diesel fuel, paint, adhesives, thinners, and solvents, all of which would inherently increase the risk of an accidental spill. However, any hazardous materials associated with construction would be stored

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<sup>10</sup> EPA's 2008 Lead-Based Paint RRP Rule aims to protect the public from lead-based paint hazards associated with renovation, repair, and painting activities. The rule requires workers to be certified and trained in the use of lead-safe work practices, and requires renovation, repair, and painting firms to be EPA-certified. This rule does not apply to total demolition of a structure.

and used in accordance with federal, state, and local regulations. Additionally, construction vehicles and heavy machinery operating onsite during construction activities may occasionally contribute to small oil and fuel leaks; effects would be minimized by following BMPs, such as regular vehicle inspections and maintenance and implementing an SPCC plan. Any spills or releases of hazardous materials, pollutants, contaminants, or petroleum products could affect soil or water resources. With BMPs and regulatory controls in place, demolition and construction activities would result in **direct, short-term, negligible, site-specific, and adverse** effects from solid and hazardous waste and materials.

Once fully operational, the new LPOE is expected to experience a 30 percent increase in vehicle traffic over time (EYP, 2019). Per the VAOT traffic effects study, POV traffic at the LPOE could increase by 28 percent and commercial truck traffic could increase by 40 percent during the peak month of October (VAOT, 2016). The increase in commercial trucks traveling through the new LPOE may also lead to increased quantities of hazardous materials being transported through the LPOE and inspected at the new HAZMAT canopy, increasing the chances of leaks or spills. Any spills or releases of hazardous materials, pollutants, contaminants, or petroleum products could result in adverse effects to soil or water resources. However, the risk of contamination due to the release of hazardous material would have a low probability of occurrence because CBP would utilize the same inspection and safety procedures that are currently used. In addition, because most of the LPOE would be covered by impermeable surfaces (e.g., concrete and asphalt), any spills that do occur could be easily cleaned up in accordance with applicable laws and regulations. BMPs would be in place to minimize the chance of spill events, and any potential spill or leak would be addressed as soon as a release is noticed. However, over time, small spills of hazardous materials (e.g., oil, gasoline, or lubricant drips) could seep through cracks in the concrete or asphalt and contaminate the soil beneath resulting in **direct, long-term, negligible, site-specific, and adverse** effects.

During operation of the new LPOE, solid waste would be generated and disposed of through the same methods and contractors used at the current facility. Due to the anticipated increase in the number of vehicles and travelers through the LPOE after completion of A-35, the new LPOE may generate greater quantities of solid waste and use greater quantities of hazardous materials (e.g., cleaning and maintenance chemicals) relative to the existing facility operations, though this increase is not expected to be substantial enough to change the magnitude of effects.

Additionally, the new, expanded LPOE would also operate a firing range, resulting in the generation and disposal of ammunition waste. All brass and lead wastes shall be kept separate and stored in dedicated sealable buckets which would only be utilized for wastes from the firing range. All suitable recovered brass casings and recovered lead slugs and lead impregnated wastes would be collected and sent to an approved licensed recycling facility. 'Lead only' wastes not sent for recycling would be properly characterized in accordance with RCRA, and managed in compliance with all applicable hazardous waste storage, labeling, and disposal requirements (GSA, 2012). Overall, LPOE operations would result in **direct, long-term, minor, localized, and adverse** effects to solid and hazardous materials and waste management. The new LPOE would implement efficient waste management strategies to fulfill GSA's sustainability goals.

### **3.7.2.2 No Action Alternative**

Under the No Action Alternative, no demolition of existing facilities, construction of newer, larger facilities, and expansion of LPOE operations would occur. There would be no acquisition of new land. Maintenance, repairs, and alterations would occur as needed, and the operation of the existing LPOE would continue. Handling of solid and hazardous waste and hazardous materials would be consistent with the existing storage, use, and disposal practices and would follow all applicable statutes and regulations. Due to the projected 30 percent increase in traffic at the LPOE after completion of A-35, larger quantities

of solid and hazardous waste would be generated at the LPOE, resulting in **direct, long-term, minor, localized, and adverse** effects to solid and hazardous waste and materials management.

### **3.8 TRAFFIC AND TRANSPORTATION**

#### **3.8.1 Affected Environment**

This section describes the affected environment in terms of the local traffic and transportation, specifically with regard to how vehicles utilize the LPOE when crossing the border between the U.S. and Canada.

##### **3.8.1.1 Traffic Infrastructure at Highgate Springs LPOE**

The Highgate Springs LPOE processes commuter, tourist, and commercial traffic traveling from Canada into the U.S. The LPOE is located on I-89, which consists of a two-lane, north-south freeway that begins at the border between Canada and the U.S. and serves as a continuation of Canada A-35. The LPOE is located on the interstate several hundred feet from the border, and it is one of the three busiest LPOEs in New England (GSA, 2023a).

Heading southbound from the U.S.-Canada border, I-89 connects to the LPOE approach lanes that direct traffic to the port facility buildings and the inspection lanes. Inspection lanes consist of five POV lanes and two commercial lanes as seen in **Figure 1.1-4**. The lanes only provide a few hundred feet of queue space, and all lanes require a sharp, short curve as vehicles approach the inspection booths. Bus lanes flow east of the Main Port Building, POV lanes flow west of the Main Port Building, and commercial lanes flow west of both the Main Port Building and the Commercial Inspection Facility. After vehicles have passed through the inspection points, the POV lanes combine into a single, wide lane and merge with the commercial lanes after several hundred feet. This intersection branches off into two directions. One direction heads southbound and merges with I-89 to allow vehicles to enter the U.S. The other direction directs the flow of traffic back northbound and is intended for trucks or other vehicles that were rejected from entering the U.S. In addition, parking areas are located across from the Main Building, in front of the APHIS Inspection Facility, and in front of the FDA Building. There are 60 employee parking spaces available at the LPOE, and there is insufficient space for snowplows, making snow plowing and removal difficult during busy queuing times.

##### **3.8.1.2 Local Traffic and Transportation**

In 2019, the year before the COVID-19 pandemic, the Highgate Springs LPOE processed 479,298 POVs, 3,497 buses, and 98,226 trucks. In 2023, the LPOE processed 426,597 POVs, 1,504 buses, and 94,644 trucks (DOT, 2024).

In 2015, GSA conducted a study to assess the effects of completion of A-35 on the traffic crossing the Highgate Springs LPOE. Results from this study are briefly discussed in this section. In 2015, approximately 1,236 cars and 266 trucks passed through the LPOE per day heading southbound into the U.S. as shown in **Table 3.8-1**. The annual average peak hour for overall southbound traffic traveling through the port was 12:00 PM, with an estimated 200 vehicles traveling through the LPOE during this time. For southbound passenger vehicles, travel peaks at 12:00 PM with approximately 156 vehicles traveling through. For southbound trucks, traffic peaks at about 2:00 PM with about 44 trucks, although truck numbers were also high at 10:00 AM and 12:00 PM, with 40 and 39 trucks, respectively. For cars traveling southbound, the peak months for traveling through the port were October and November, with approximately 63,000 and 62,000 cars, respectively. For trucks heading southbound, traffic tended to be more consistent year-round. The peak month for trucks passing through the port was January, with an estimated 8,400 trucks (VAOT, 2016).



**Table 3.8-1. Southbound Average Daily Highgate Springs LPOE Traffic Volumes**

Year	Southbound		
	Cars	Trucks	Total
2015	1,236	266	1,502
Projected*	1,581	372	1,953
Difference	345	106	451
% Difference	+28%	+40%	+30%

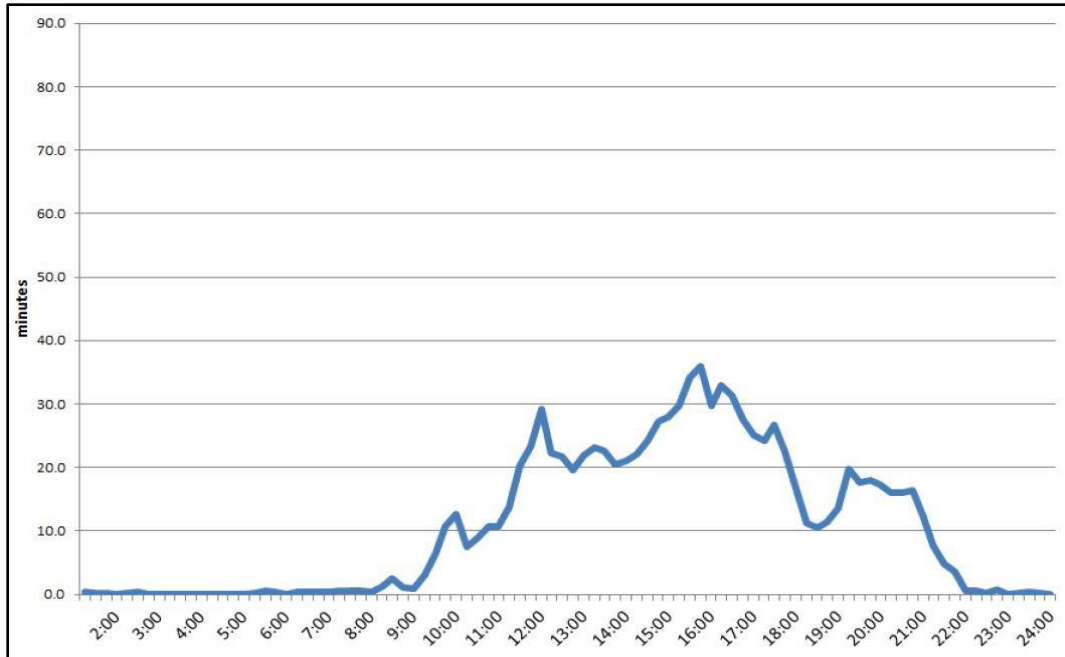
Source: VAOT, 2016

\*Projected statistics reflect the southbound traffic volumes that would likely occur after the A-35 improvements have been completed.

The current configuration results in substantial processing delays at the LPOE. The sharp, short curves restrict visibility and delay vehicles as they approach the inspection booths. The bus and commercial inspection lanes are not long enough and can block passenger vehicle queue lanes, which causes delays in processing times. Furthermore, there are not enough vehicle inspection lanes to handle the number of vehicles that pass through the LPOE, especially during peak hours and seasons. Processing times can vary depending on the time of day. Based on a site visit of the LPOE conducted in October 2014, processing times for passenger vehicles varied from about a minute to almost 40 minutes during peak hours, as seen in **Figure 3.8-1**. Processing times for commercial vehicles varied from about a minute to almost 70 minutes during peak hours, as seen in **Figure 3.8-2** (GSA, 2017).

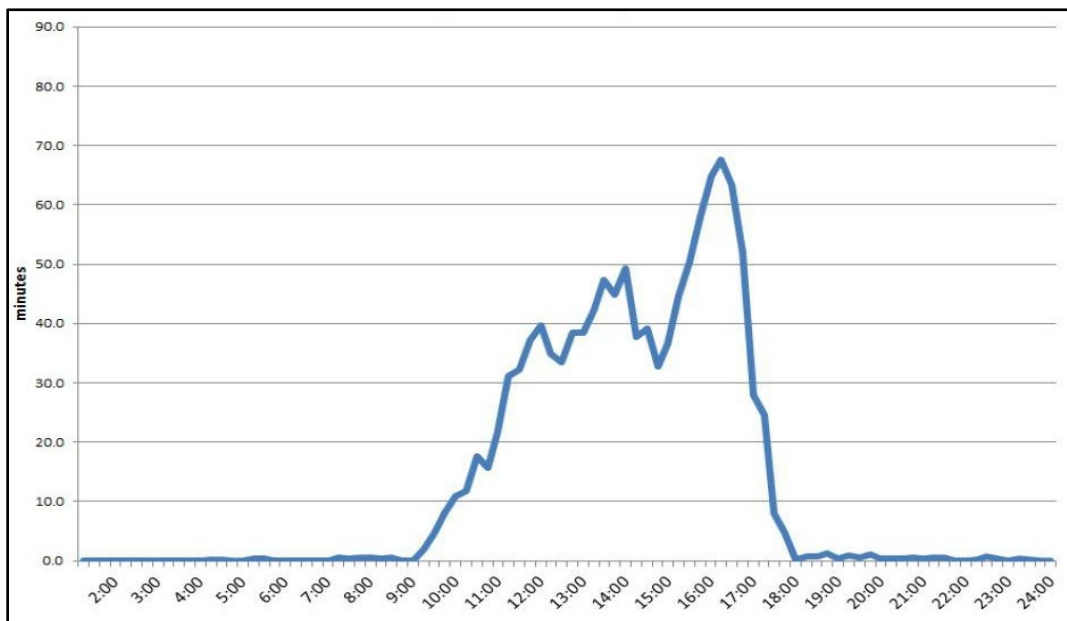
**3.8.1.3 Local Traffic and Transportation After Autoroute 35 Completion**

Upon completion of A-35, traffic in the southbound direction of the LPOE is projected to increase by 451 vehicles per day as shown in **Table 3.8-1**. In the southbound direction, approximately 345 more cars and 106 more trucks are projected to travel through the LPOE, which is a 30 percent increase in traffic flow. Peak flows for traffic traveling southbound are also projected to increase. Southbound traffic traveling during the peak hour at 12:00 PM would potentially increase by over 50 vehicles (+25 percent), which would exacerbate vehicle wait times that already occur during this period. Traffic flow during peak months for cars and trucks traveling southbound is also projected to increase. The number of southbound vehicles traveling in the peak months of October and November is projected to increase by approximately 17,500 cars (+28 percent) and 2,600 trucks (+31 percent) [VAOT, 2016].



Source: GSA, 2017

**Figure 3.8-1. Average Southbound Passenger Vehicle Wait Times (October 2014)**



Source: GSA, 2017

**Figure 3.8-2. Average Southbound Commercial Vehicle Wait Times (October 2014)**

## 3.8.2 Environmental Consequences

### 3.8.2.1 *Proposed Action*

Under the Proposed Action, all existing LPOE facilities would be demolished, new land would be acquired to the west (private property) and south (VAOT property), and new facilities would be constructed to support operations and the expected increases in traffic flow.

To handle the anticipated increases in traffic, seven POV lanes, two commercial lanes, and two bus lanes would be constructed to improve the processing efficiency of the LPOE. The lanes would consist of straighter approaches to the inspection area to enhance visibility, reduce delays, and improve the flow of traffic. POV lanes would flow east of the Main Building, while the bus lanes would flow west of the Main Building. The commercial lanes would flow west of the Commercial Building. The length of the vehicle inspection lanes from the primary inspection area to the border would increase to allow adequate space for vehicle queuing and to reduce traffic congestion. There would also be an employee parking lot with a capacity for approximately 200 vehicles located south of the Main Building, and a second area located south of the Commercial Building for other parking and facilities support, such as secondary truck inspection, impound lot, and snow storage and removal.

The demolition and construction phase would affect the traffic and transportation due to the presence of construction vehicles and equipment. Construction vehicles would likely use roadways to access demolition and construction locations, which could disrupt traffic patterns and cause delays. However, demolition of the old facilities and construction of the new facilities would be completed in four phases to minimize the disruption to the LPOE as it would remain fully operational during the demolition and construction phases. This would ensure that effects to the flow of traffic and the functionality of the LPOE during construction would be minimized to the extent possible. Overall, the Proposed Action would result in **direct, short-term, minor, localized**, and **adverse** effects to traffic and transportation due to the demolition and construction activities which would disrupt traffic patterns and cause delays.

Following construction, the LPOE would provide the additional capacity needed to accommodate the anticipated increase in traffic after A-35 completion. Two additional POV lanes, two lanes dedicated to commercial inspection, and two lanes dedicated to bus inspection would allow a higher volume of traffic to be processed at the port at any given time. The reconfiguration of the lanes around the Main and Commercial Buildings, in addition to the lanes becoming straighter and longer, would improve traffic efficiency and reduce congestion by providing more time and space for vehicles to queue in the correct lane. Improved areas for parking and facilities support would also grant more space for vehicle parking and decrease congestion. The Proposed Action would result in **direct, long-term, moderate, localized**, and **beneficial** effects to traffic and transportation due to the expansion and reconfiguration of the LPOE which would improve vehicle processing and traffic efficiency and reduce congestion.

### 3.8.2.2 *No Action Alternative*

Under the No Action Alternative, there would be no construction, demolition, expansion of transportation infrastructure, or acquisition of new land. Current traffic and transportation conditions at the LPOE would continue to persist. As a result, once A-35 has been completed, the LPOE would not be able to handle the projected traffic increases in the southbound lanes. Substantial traffic congestion would likely be expected to occur, and there would be an increase in the average vehicle processing time at the LPOE. The No Action Alternative would result in **direct, long-term, moderate, localized**, and **adverse** effects to traffic and transportation.

### 3.9 NOISE

#### 3.9.1 Affected Environment

This section characterizes sound and noise in the environment, noise metrics, regulations that apply to the Project area, and the ambient noise that exists in the Project area.

##### 3.9.1.1 Sound and Noise in the Environment

Sound can be characterized by the level and duration at which it is emitted into the environment. The level of sound refers to the amplitude of the pressure changes in the medium (i.e., air or water) it traverses, which is measured in decibels (dB), a logarithmic unit. The A-weighted decibel (dBA) is an adjusted metric used to approximate typical human hearing sensitivity by filtering out lower frequency sounds. For reference, the sound level of a normal conversation is about 60 dBA and the threshold of pain is about 140 dBA (OSHA, 2013). Sound can also be characterized by its duration or how the sound is distributed over time, such as continuous, intermittent, or impulsive (EPA, 1981).

Noise is typically defined as sound that is unwanted by both human and wildlife receivers or receptors. Unwanted sounds are those that interfere with common activities such as sleeping, communication, and concentration, or those that could cause physiological harm (Suter, 1991; EPA, 1981). Human and wildlife responses to noise vary based on the characteristics of the sound source, along with the distance and sensitivity of the receptors, which can vary based on age, general health, time of day, and activity. Depending on the sound source and sensitivity of the receptor (e.g., humans or wildlife), noise can result in noise-induced hearing loss, interference with communication, adverse effects on sleep, adverse effects on performance and behavior, non-auditory health effects, and annoyance (Suter, 1991). Wildlife use sounds to carry out basic biological functions including communication, navigation, and finding food and mates; noise can interfere with an animal’s ability to conduct these functions. Sounds commonly occurring at construction sites, their average sound level, and a human’s typical response are listed in **Table 3.9-1**.

**Table 3.9-1. Sound Levels and Common Human Responses**

<b>Common Sounds and Noises</b>	<b>Average Sound Level (dBA)</b>	<b>Typical Response (after routine or repeated exposure)</b>
Normal conversation/speech	60	Sounds at this level are typically considered intrusive
Heavy/city traffic	80-85	Sounds at this level are typically considered very annoying
Motorcycle	95	Damage to hearing possible after about 50 minutes of exposure (without protection)
Bulldozer, excavator, other construction equipment/activity	100	Hearing loss possible after 15 minutes

Source: CDC, 2019; Berger et al., 2018

##### 3.9.1.2 Noise Metrics and Regulations

Noise regulations are intended to either protect human health by regulating occupational noise hazards or to protect human health from environmental noise pollution. The Occupational Safety and Health Act of 1970 established the framework for regulating occupationally associated noise levels. OSHA is responsible for regulating noise hazards associated with occupational hearing loss, such as from the use of construction equipment. Permissible noise exposures from construction noise are set under 29 CFR

1926.52 and are presented below in **Table 3.9-2**. If sounds exceed these standards, an effective hearing conservation program is required.

**Table 3.9-2. Permissible Noise Exposures**

Duration per day (hours)	Sound Level (dBA)
8	90
6	92
4	95
3	97
2	100
1.5	102
1	105
0.5	110
< 0.25	115

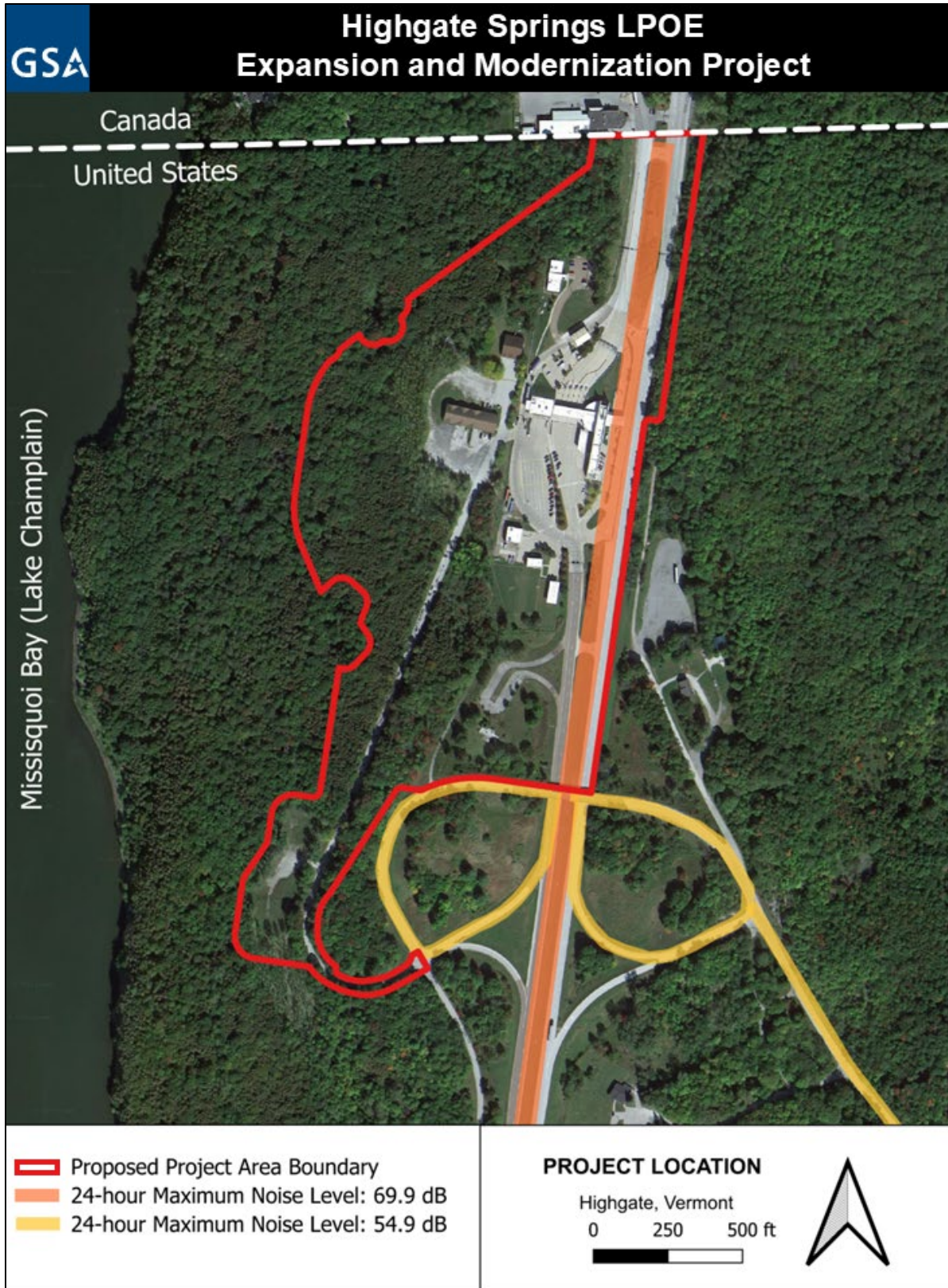
Source: eCFR, 2021 (29 CFR 1926.52)

At the federal level, EPA retains the authority to study noise pollution and its adverse effects under the Noise Control Act of 1972 and the Quiet Communities Act of 1978 (EPA, 2020). In the State of Vermont, noise is regulated by 13 V.S.A. § 1022 as a nighttime disturbance. The statute prohibits a person from disturbing or breaking the public peace through unnecessary and offensive noise, such as firing guns or blowing horns, between sunset and sunrise. This statute does not apply to sound produced by any person who has been granted permission by select government officials (VGA, No Date).

**3.9.1.3 Ambient Noise in the Project Area**

The main source of noise in the Project area is the traffic traveling through the LPOE and along I-89 (GSA, 2023a). The buildings and facilities located onsite likely generate some noise at minimal and inconsequential levels. Helicopter activity in the Project area yields higher noise levels than road traffic; however, such operations occur very infrequently. The area around the LPOE mostly consists of forest cover and agricultural land, with a very limited number of rural homes located southbound along I-89. There are also no sensitive noise receptors in the immediate vicinity of the Project area (e.g., schools, day care centers, hospitals, assisted living facilities, or areas of worship).

**Figure 3.9-1** below presents the average sound level of the I-89 traffic sources in the vicinity of the Project area over 24-hours. The map was created using data collected for the national multimodal transportation noise mapping initiative from the Federal Highway Administration, the Federal Railroad Administration, and the Federal Aviation Administration to create maps of noise levels from road, rail, and aviation noise sources. **Figure 3.9-1** shows how ambient noise in the vicinity of the LPOE is limited to the sounds generated by traffic flow along the highway. The ambient sound level over the 24-hour period within the vicinity of the Project area ranges from 45.0 to 59.9 dBA (BTS, 2018).



Source: BTS, 2018

Figure 3.9-1. Map of Local Noise from Road Sources



## 3.9.2 Environmental Consequences

### 3.9.2.1 *Proposed Action*

Under the Proposed Action, all existing LPOE facilities would be demolished, land would be acquired to the west and south, and new facilities would be constructed to support LPOE operations and the expected increases in traffic flow.

Demolition and construction activities would generate noise caused by the operation of heavy equipment, such as bulldozers, excavators, and dump trucks. Construction vehicles and equipment typically generate noise levels of 77 to 130 dBA directly at the source of the sound (Berger et al., 2018). Construction noise levels are highest within distances of 400 to 800 ft from the site of major equipment operations. The Saint-Armand/Philipsburg LPOE and a few Canadian residences are the closest structures to the Highgate Springs LPOE and within 800 ft of the Project area. As demolition and construction activities would be expected to occur frequently throughout the day, it is likely that noise levels may get relatively high during daytime periods at locations within several hundred feet of the work sites.

However, demolition and construction activities would be temporary and only last for the duration of the 3-year construction phase. Work would likely be limited to daytime hours to reduce disturbance to the surrounding areas, and disturbances would be limited to employees, visitors, and travelers to the Highgate Springs LPOE and Saint-Armand/Philipsburg LPOE, as well as the nearby Canadian residences. Construction personnel would wear hearing protection to reduce noise exposure. Noise from demolition and construction would also affect resident wildlife for the duration of such activities; see Section 3.5 Biological Resources, for more information. The Proposed Action would result in **direct, short-term, minor to moderate, localized, and adverse effects** to noise due to demolition and construction activities which would result in increased noise in and around the Project area.

Ambient noise at the LPOE would experience an increase due to the projected 30 percent increase in traffic flow after A-35 completion; however, it is not expected to exceed the noise levels for heavy traffic as noted in **Table 3.9-1** (80-85 dBA). The higher volume of vehicles passing through the LPOE and driving along I-89 would increase ambient noise levels in the area. The expansion and modernization of the LPOE would also include noise-generating facilities, such as a firing range and a helicopter landing pad. However, the firing range facility would include soundproof insulation to contain noise and limit disturbance, and the LPOE officials undergoing training at the range would wear hearing protection to limit noise exposure. Noise generated from the helicopter pad would be strictly limited to the frequency of the helicopter's operation and helicopter activity would not change relative to existing conditions. In addition, the LPOE's rural setting would limit disturbances to employees of and visitors to the port or commuters along I-89. Under the Proposed Action, there would be **direct, long-term, minor, localized, and adverse** effects to ambient noise levels due to the anticipated increase in traffic following completion of A-35. It should be noted that the increased traffic at the LPOE would result from the completion of A-35 and would occur even in the absence of the Proposed Action.

### 3.9.2.2 *No Action Alternative*

Under the No Action Alternative, there would be no construction, demolition, expansion of transportation infrastructure at the LPOE, or acquisition of new land. Once A-35 has been completed, an estimated 30 percent more vehicles would be expected to pass through the LPOE and along I-89 in both the southbound and northbound directions. The increased flow of traffic would result in greater levels of noise in the area. As there would be no upgrades or expansions to the LPOE, the port would likely struggle to process incoming and outgoing vehicles, causing traffic delays and increases in noise from traffic horns and vehicle



idling. Noise from helicopter activities would continue to occur at the existing frequency. However, the port resides in a rural area, and any noise generated would only be perceptible to employees of and visitors to the LPOE or those traveling along I-89. Noise would be expected to dissipate as traffic congestion clears and vehicles move towards the interstate. The No Action Alternative would result in **direct, long-term, minor, localized, and adverse** effects to noise.

### 3.10 CLIMATE CHANGE

Greenhouse gasses (GHGs) are components of the atmosphere that contribute to the greenhouse effect and climate change. They absorb outgoing infrared radiation (heat) rising from the Earth's surface, and thereby trap heat energy in the atmosphere, which in turn warms the planet (VTDEC, 2021b). Some GHGs – such as water vapor (H<sub>2</sub>O), carbon dioxide (CO<sub>2</sub>), and methane (CH<sub>4</sub>) – occur naturally in the atmosphere, while others result from or are augmented by human activities such as burning of fossil fuels. The accumulation of GHGs in the atmosphere increases the earth's temperature (EPA, 2024b). Federal agencies, states, and local communities address global warming by preparing GHG inventories and adopting policies that will result in a decrease of GHG emissions.

Pursuant to EO 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, agencies are encouraged to use appropriate tools and methodologies for quantifying GHG emissions for any projects they may undertake. In 2023, CEQ issued guidance to assist agencies in analyzing GHGs and climate change effects of their proposed actions under NEPA. The guidance included recommendations for disclosing climate change impacts in the form of social cost of GHG (SC-GHG), which translates climate change impacts into the more accessible metric of dollars. SC-GHG is the monetary value of the net harm to society associated with adding a small amount (typically a metric ton) of that GHG to the atmosphere in a given year (IWG-SCGHG, 2021).

#### 3.10.1 Affected Environment

Recent studies have shown that VT's climate is becoming warmer, winters are becoming warmer more quickly, and the state is experiencing greater annual precipitation on average, exposing people to climate risks and vulnerabilities. These risks include increased flooding that could damage infrastructure, heavier rainstorms that could impact farm and forestry operations, and climate-related health impacts such as heat exposure (UVM, 2021).

The VT Greenhouse Gas Emissions Inventory and Forecast reports are prepared annually to establish historic 1990 and 2005 baseline GHG levels and to track changes in emissions through time to determine progress towards the state's GHG reduction targets. Per the report published in 2024, the largest source sectors of emissions of GHG in VT were the transportation, residential commercial and industrial (RCI) fuel use, agriculture, and industrial processes sectors, as shown in **Table 3.10-1** (VT ANR, 2024e).

GHG emissions for VT totaled 8.28 million metric tons of carbon dioxide equivalent (MMTCO<sub>2e</sub>) in 2021. These accounted for a small fraction of the U.S. as a whole and were much lower compared to other states due to VT's relatively small population. The transportation sector accounts for a larger percentage of GHG emissions in VT compared to the U.S. as a whole due to the high per capita vehicle miles traveled in VT, which is influenced by the state's rural landscape. The RCI fuel use and agriculture sectors also have greater percent shares in VT than the national average due to the cooler climate of VT and the economic focus on agriculture in the state.

**Table 3.10-1. GHG Emissions by Sector in Vermont and the U.S. in 2021**

Sector	VT Emissions (MMTCO <sub>2e</sub> )	Percent of VT Total (%)	U.S. Emissions* (MMTCO <sub>2e</sub> )	Percent of U.S. Total (%)
Transportation/Mobile Combustion	3.24	39.2	1,864.0	29.4
Residential/Commercial Fuel Use	2.59	31.2	1,597.7	25.2
Agriculture	1.33	16.1	608.7	9.6
Industrial Processes	0.64	7.7	291.6	4.6
Waste	0.23	2.7	183.9	2.9
Electric Generation	0.22	2.6	1,585.0	25.0
Fossil Fuel Industry	0.03	0.5	209.2	3.3
<b>Total</b>	<b>8.28</b>	<b>100.0</b>	<b>6,340.2</b>	<b>100.0</b>

Source: VT ANR, 2024e; EPA, 2023b

\*Data from the U.S. contributions by sector was reallocated in the VT Greenhouse Gas Emissions Inventory and Forecast report to match the VT sector categories as closely as possible.

There are two main sources of GHGs in the Project area. Primarily, GHGs at the LPOE are emitted from POVs, buses, trucks, and other vehicles crossing the U.S.-Canada border. The amount of GHGs emitted per vehicle depends on several factors, including the make and model of the vehicle, fuel used, and amount of time spent in the vehicle processing lane or idling. Second, GHGs at the LPOE also result from the operation of equipment at the facility, such as emergency generators, boilers, and heating and cooling equipment. Emissions associated with electricity consumption at the LPOE would occur at the power plant or generating station providing this electricity rather than at the site itself. The LPOE does not currently maintain a GHG inventory for its operational emissions.

### 3.10.2 Environmental Consequences

#### 3.10.2.1 Proposed Action

Under the Proposed Action, all existing buildings at the LPOE and the private property would be demolished and a new facility would be constructed. GHG emissions associated with the 3-year construction phase of this alternative would primarily result from the operation of equipment used for site preparation, demolition, and construction activities, such as tractors, excavators, cranes, and bulldozers, as well as from the POVs of construction personnel traveling to and from the Project site. GHG emissions for the Proposed Action were calculated using EPA’s MOVES software. Additionally, as mentioned in Section 3.10.1, CEQ guidance on NEPA and climate change also directs agencies to provide estimates of SC-GHG associated with agency actions. GSA used the workbook designed by the National Center for Environmental Economics at the EPA, which calculates the monetized net social benefits of future reductions in GHG emissions and the net social cost of increases in GHG emissions. The full methodology of the GHG analysis and social cost calculations for this Project is included in Appendix C.

The GHG emissions from the operation of construction equipment and POVs is presented in **Table 3.10-2**. This includes the use of equipment during all phases of construction, i.e., site preparation (tree clearing, excavation, grading, and cut and fill operations), demolition, and construction. As shown in the table, the construction phase of the Proposed Action would result in the emission of 17,710.8 metric tons of CO<sub>2e</sub> of GHGs annually, and 53,132.4 metric tons of CO<sub>2e</sub> of GHGs over the 3-year construction phase of the Project. Total GHG emissions under the Proposed Action would constitute 0.21 percent of VT’s GHG

emissions (at 2021 levels) annually. The adverse effects to climate change from GHGs released during construction would be short term. It is likely that the idling time of vehicles during construction would increase due to the slight disruption to facility operations; however, construction would occur in phases in order to minimize these disruptions. Increased vehicle idling would only marginally increase GHG emissions at the LPOE. Because GHG emissions from the Proposed Action would constitute a very small fraction of VT’s total GHG emissions, these effects are expected to be negligible.

**Table 3.10-2. GHG Emissions Associated with the Proposed Action**

Key Elements of GHG Emissions	Value
Total Annual GHG Emissions	17,710.8 metric tons of CO <sub>2e</sub>
Total Project GHG Emissions	53,132.4 metric tons of CO <sub>2e</sub>
2021 VT GHG Emissions	8,280,000 metric tons of CO <sub>2e</sub>
Highgate Springs Annual Percentage of Total Annual VT GHG Emissions	0.21 %

Source: IWG-SCGHG, 2021

**Table 3.10-3** provides estimates of annual SC-GHG values for a range of discount rates. Discount rates provide a range of options for valuing future climate damages; higher discount rates lead to a lower SC-GHG value for damages occurring further into the future.

**Table 3.10-3. Social Cost of Annual GHG Emissions (millions, 2023\$)**

Discount Rate	2.5%	2.0%	1.5%
CO <sub>2</sub> , Present Value in 2025	\$5.25	\$8.86	\$15.10
CO <sub>2</sub> , Annualized Value in 2028	\$1.45	\$2.33	\$3.92
CH <sub>4</sub> , Present Value in 2025	\$0.00	\$0.00	\$0.00
CH <sub>4</sub> , Annualized Value in 2028	\$0.00	\$0.00	\$0.00
N <sub>2</sub> O, Present Value in 2025	\$2.95	\$4.46	\$7.06
N <sub>2</sub> O, Annualized Value in 2028	\$0.78	\$1.17	\$1.83
Total GHG, Present Value in 2025	\$8.40	\$13.32	\$22.17
Total GHG, Annualized Value in 2028	\$2.23	\$3.50	\$5.75

N<sub>2</sub>O = Nitrous Oxide; Source = EPA, 2024c

Upon completion of the Canadian highway A-35, traffic at the LPOE is projected to increase by about 30 percent. However, the increased capacity of the new, expanded LPOE is expected to reduce vehicle processing times, resulting in shorter wait times and little to no vehicle idling. In addition, the new LPOE would be equipped with the latest, most fuel-efficient equipment as discussed in Section 3.6 Utilities. These two factors in combination may offset some of the adverse effects to climate change from the anticipated increase in traffic at the port.

Overall, construction of the new LPOE would have **direct, short-term, negligible, regional, and adverse** effects to climate change from the operation of construction equipment and use of POVs by construction

personnel. The operation of the new LPOE would result in **direct, long-term, negligible, regional, and beneficial** effects due to reduced vehicle idling time and the use of more fuel-efficient equipment for facility operation. The projected increase in traffic at the LPOE after completion of A-35 would have **direct, long-term, negligible, regional, and adverse** effects on climate change. As such, GHG emissions associated with the Project would constitute a very small fraction of VT's annual GHG emissions and would make a negligible contribution to global climate change.

Climate change would likely cause heavier use of the heating and cooling systems at the port, resulting in more energy consumption and higher GHG emissions. Shifting rainfall patterns may increase the magnitude and frequency of annual precipitation, particularly in winter and spring (EPA, 2016). Frequent and heavy precipitation from extreme weather events could cause traffic delays and congestion and damage the LPOE infrastructure, resulting in costly repairs or replacement, which could also affect the functionality of the LPOE (EPA, 2022d). Therefore, under the Proposed Action, climate change would likely have **direct, long-term, minor, localized, and adverse** effects on the LPOE.

### **3.10.2.2 No Action Alternative**

Under the No Action Alternative, the new LPOE would not be constructed. Maintenance, repairs, and alterations would occur as needed, and operation of the existing facility would continue. Upon completion of A-35, traffic at the LPOE is expected to increase by about 30 percent. Under current conditions, the LPOE would not be equipped to handle this anticipated traffic increase, which would likely result in greater vehicle idling times due to processing delays, and subsequently greater GHG emissions from fuel combustion. The facility would continue to use outdated, underperforming equipment for facility operations. While these factors combined would result in greater GHG emissions at the LPOE compared to the Proposed Action, there would still be a negligible contribution to VT and global GHG emissions. As such, effects to climate change under the No Action Alternative would be **direct, long-term, negligible, regional, and adverse**.

The effects of climate change on the LPOE would be the same as those described under the Proposed Action; climate change would likely have **direct, long-term, minor, localized, and adverse** effects on the LPOE.

## **3.11 CULTURAL RESOURCES**

Cultural resources are associated with the human use of an area and may include archaeological sites, locations of ethnographic interest, or historic architectural properties associated with the past and present use of an area. A cultural resource can represent past cultures or present, modern-day cultures and can be composed of physical remains, intangible traditional use areas, or an entire landscape. Physical remains of cultural resources are usually referred to as archeological sites, while buildings or structures are usually referred to as historic architectural properties. Archaeological sites can be split into pre-contact and post-contact sites (PAL, 2023). Pre-contact archaeology focuses on the remains of indigenous American societies as they existed before substantial contact with Europeans and post-contact archaeology focuses on sites and structures dating from time periods since significant contact between Native Americans and Europeans. Historic architectural properties refer to properties built from the 17<sup>th</sup> century up to approximately 50 years ago (PAL, 2024).

The NHPA, as amended, sets forth national policy and procedures regarding historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for the NRHP. Section 106 of the NHPA requires federal agencies to consider the effects of their activities on such properties. Implementing regulations for Section 106 are at 36 CFR 800 (Protection of Historic Properties), which requires the

responsible federal agency, in consultation with the SHPO or Tribal Historic Preservation Officer (THPO), to determine the level of effort to identify historically significant cultural resources in the area of potential effects (APE) of the undertaking. The APE is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist” (36 CFR 800.16[d]). The Section 106 process helps ensure that the presence of historic properties, and possible effects to these properties, are considered as early as possible in the federal project planning process.

### **3.11.1 Affected Environment**

The Public Archaeology Laboratory, Inc. (PAL), on behalf of GSA, conducted a Phase 1A archaeological reconnaissance investigation in December 2022 and a Phase 1A historic architectural properties survey in January 2023. The study area included the entirety of the LPOE, private property, and VAOT property. For the purposes of the Phase 1A investigation, the APE for archaeological resources consists of the area where direct ground disturbances would occur for the new LPOE facility (i.e., the Project area). The Project’s APE for historic architectural properties is the portions of the study area that are developed and contain standing or former buildings (namely the entire LPOE and VAOT property, and a portion of the private property extending to the tree line), and any locations immediately adjacent to the study area that are within the viewshed of the new LPOE.

#### **3.11.1.1 History of the Study Area**

##### **Highgate Springs LPOE**

The original Highgate Springs border station site at the former U.S. Route 7 was built in 1935 and comprised 2.25 acres. Two wood-frame cottages, used as housing for the resident Customs and Immigration inspectors, were southwest of the main station. The site around the buildings was mostly grass lawn (PAL, 2023).

By the 1960s, a livestock inspection barn and concrete block warehouse had been added to the border station. The Highgate Springs border station was on the west side of I-89. The 1935 station was preserved, but the increased traffic volume on the highway necessitated expansion of the structure and property at the facility. By the 1980s, the two cottages had been removed and relocated to Highgate Springs and Quebec, and a bus inspection station was added to the facility. The Highgate Springs station was determined eligible for listing in the NRHP by the Keeper of the NRHP in 1986 (PAL, 2023).

In 1994, the 3-acre parcel (Tower Parcel) on the north side of the 1935 border station property contained a “derelict farmhouse and barn” close to the Canadian border. The house may have been of 19<sup>th</sup> century construction, but the concrete-block foundation suggested that the house was moved from its original location, possibly during the construction of I-89.

In the 1990s, GSA constructed a new border station complex at the site that was completed in 1997. This was later expanded in 2004 and 2005. A Section 106 Memorandum of Agreement (MOA) was developed for the demolition of the historic 1935 Highgate Springs border station and required architectural recordation, salvage of architectural elements, architectural monitoring during demolition, and development of a historic preservation plan and maintenance manual for the treatment of remaining border stations in VT, including that at Highgate Springs (PAL, 2023).

## **Private Property**

A customs broker company purchased two parcels of land from a private citizen in 1965 and the 57-acre wooded property west of the border station abutting Highgate State Park from the State of Vermont, Department of Forest and Parks in 1986. An office building was built with an access road and parking lot some time in 1975–1985 on the northeast part of the private property immediately west of the LPOE. A warehouse building was built to the south circa 1988. The two buildings are within a paved parking lot at the north end of Welcome Center Road abutting the forest to the west (PAL, 2023).

## **VAOT Property**

The State of Vermont built the VAOT Highgate Welcome Center south of the border station on southbound I-89 in 1969. The facility closed in 2009, and the building was demolished in 2012; only the concrete foundation slab remains (PAL, 2023).

### **3.11.1.2 Archaeological Reconnaissance Investigation**

#### **Known Archaeological Resources**

No archaeological sites are recorded within or adjacent to the study area. A review of the state site files indicated 12 recorded pre-contact sites within a 5-mile radius. Ten of these sites are along the Rock River floodplain and adjacent wetlands to the southwest of the study area. The other two sites are south of the study area at or near the confluence of Rock River with the Lake Champlain-Rock River Bay (PAL, 2023).

#### **Archaeological Sensitivity Assessment**

PAL's walkover survey of the study area in December 2022 was facilitated by dividing the study area parcels into smaller units and assigning a unique identifier to different land use areas (Roman numerals I–VII):

- Area I – Highgate Springs LPOE developed area (16.73 acres)
- Area II – VAOT Former Welcome Center developed area (3.45 acres)
- Area III – Highgate Springs LPOE Tower Parcel (undeveloped area; 3.37 acres)
- Area IV – VAOT highway interchange (~ 1 acre)
- Area V – Private property developed area (3.1 acres)
- Area VI – Private property former trailer parking lot (~ 1 acre)
- Area VII – Private property undeveloped forest (~ 50 acres)

Two areas within the study area (Areas III and Area VII), totaling approximately 53 acres of mostly undeveloped forest on the private property and the LPOE, were assigned archaeological sensitivity for primarily pre-contact Native American archaeological resources. Pre-contact site types could range from lithic scatters to base camps where food procurement, processing, and other habitation activities occurred. Evidence of ceremonial and sacred land uses could also be present because of the elevated landform setting along Lake Champlain/Missisquoi Bay (PAL, 2023).

Area III also contains the potential for critical post-contact Euro-American archaeological resources associated with the documented residence and outbuilding(s). The areas immediately surrounding these structural ruins contain visible twentieth-century household debris, but there could be buried structures, features, and artifact deposits relating to the 19<sup>th</sup> century occupations of the farm and possibly to the 18<sup>th</sup> century occupation(s) [PAL, 2023].

The other five geographic areas assessed (Areas I, II, IV, V, and VI) encompass approximately 26 acres of developed lands associated with the existing LPOE facility, the VAOT property and the I-89 and Route 7 highway interchange, and the private property buildings and former trailer parking lot along Welcome Center Road. Because of severe previous ground disturbances in these areas, no archaeological sensitivity for critical pre-contact and post-contact archaeological resources is assigned to these five areas (PAL, 2023).

Due to the high archaeological sensitivity of Areas III and VII, portions of which occur in the Project area, further archaeological investigations were recommended for those areas. GSA, in consultation with the VT SHPO, is in the process of developing a methodology for the Phase 1B survey. Results of this investigation and the SHPO's concurrence and recommendation(s) will be documented in the Final EA.

### **3.11.1.3 Historic Architectural Assessment**

Historic architectural properties are those aboveground resources built from the 17<sup>th</sup> century up to approximately 50 years ago. Typically, properties that are less than 50 years old are not eligible for listing in the NRHP unless they possess extraordinary significance. Although the minimum age for NRHP eligibility is generally 50 years, the Phase 1A survey included an assessment of historic properties constructed at least 45 years before GSA's anticipated date of Project construction (2025) [PAL, 2024].

The Project study area was defined as the area extending approximately 400 feet from the Project area where visual or other effects might occur. It is characterized by woods and the highway corridor and contains one non-historic house built in 2004. The recommended historic properties APE for the Project is generally a 50-foot buffer from the Project area, with two exceptions. The recommended historic properties APE follows the Project area boundary at the border with Canada on the north and it extends across the I-89 cloverleaf ramps between Welcome Center Road and Border View Road on the south and east. The east side of the Project area is defined by I-89. The west side of the APE occurs along a wooded area of dense trees.

Per PAL's Phase 1A historic architectural assessment survey, the LPOE property at 525 and 545 Welcome Center Road contains a complex of seven one- and two-story buildings. Most of the complex was constructed in 1997, but two buildings were added later: the NII/VACIS Building in 2004 and the FDA Building in 2005. The private property at 469 Welcome Center Road west of the LPOE contains three buildings: a one-story office building constructed between 1975–1985; a one-story warehouse building reconstructed circa 1988; and a small storage shed built in the late 20<sup>th</sup> century. The VAOT property at 189 Welcome Center Road south of the LPOE contains only the concrete foundation slab remains of the former VAOT Highgate Welcome Center built in 1969 and demolished in 2012 (PAL, 2024).

The Phase 1A survey concluded that no historic buildings exist within the Project area. No buildings on the LPOE property are historic, and none of the previous buildings remain on the VAOT property. The private property contains two non-historic buildings, one of which (the office building) was possibly built before 1980. There are also no historic properties outside the Project area within the APE. As such, no further historic architectural properties survey or evaluation is needed (PAL, 2024).

## **3.11.2 Environmental Consequences**

### **3.11.2.1 Proposed Action**

The Proposed Action would include the disturbance (e.g., excavation, grading) of previously undisturbed land in Areas III and VII of the Project area, as well as the demolition of all existing structures on the LPOE and the private property for construction of the new LPOE.



## Archaeological Resources

As described in Section 3.11.1.2, Areas III and VII are assigned archaeological sensitivity for primarily pre-contact Native American archeological resources. Additionally, Area III also contains the potential for critical post-contact Euro-American archaeological resources associated with the documented ruins of 19<sup>th</sup> century farmhouse and outbuilding(s). The other five assessment areas (Areas I, II, IV, V, and VI) have no archaeological sensitivity for crucial pre-contact and post-contact archaeological resources due to severe previous ground disturbances. These areas are not expected to contain belowground cultural deposits in meaningful archaeological contexts.

GSA initiated consultation with the VT SHPO in May 2023 pursuant to Section 106 of the NHPA. The SHPO approved the results of the Phase 1A archaeological reconnaissance investigation in June 2023 and agreed with the recommendation to conduct a Phase 1B archaeological investigation (including subsurface testing) of the Project APE. GSA, in consultation with the VT SHPO, is in the process of developing a methodology for the Phase 1B survey. The Phase 1B testing methodology will be designed to identify potentially significant archaeological resources in accordance with VT SHPO's Guidelines for Archaeological Investigations. Results of this investigation and the SHPO's concurrence and recommendation(s) will be documented in the Final EA.

As such, ground disturbance from construction activities may result in direct adverse physical effects to archaeological resources in the Project APE. As discussed above, GSA would survey the Project area to determine the presence and distribution of these resources. If recommended by the SHPO, GSA would develop an MOA that would include the mitigation measures to be implemented under the Proposed Action to avoid or minimize effects to archaeological resources.

Implementation of the Proposed Action may result in **no effects** to archaeological resources if no such resources are found after further investigations. If found, effects to archaeological resources under this alternative have the potential to be major in magnitude. However, with the implementation of mitigation measures developed in consultation with the VT SHPO, overall effects to these resources would be **direct, permanent, moderate, localized, and adverse**. No further effects are expected due to the operation of the LPOE.

## Historic Architectural Properties and Viewsheds

There are no historic buildings in the Project area or in the recommended APE (see **Figure 3.11-1**). Buildings that were surveyed do not possess extraordinary historic or architectural qualities that would merit eligibility for listing in the NRHP. Views of the Project area are limited to the west by a wooded area of dense trees, and there are no buildings. To the south, views are blocked by I-89 and the U.S. Route 7 overpass bridge, and there are no buildings. The east side of the Project area is defined by I-89, which is in a cut below a wooded area; there are only distant limited views through a clearing to the southeast. A non-historic house is within the viewshed of the LPOE to its southeast, on the east side of I-89. As such, the Proposed Action would have **no effects** on historic architectural properties and viewsheds.

### 3.11.2.2 No Action Alternative

Under the No Action Alternative, no construction or modernization activities would occur at the LPOE other than maintenance, repair, and alterations. No disturbances to archaeological resources are expected. There are no architectural properties on the GSA, private, and VAOT properties. Thus, **no effects** to cultural resources would occur under the No Action Alternative.



Source: PAL, 2024

**Figure 3.11-1. Recommended Historic Properties APE for the Project**

### 3.12 SOCIOECONOMICS

The analysis of socioeconomic effects identifies those aspects of the social and economic environment that are sensitive to changes and that may be affected by activities associated with the Project. Socioeconomic factors describe the local demographics, income characteristics, and employment of the region of influence (ROI) that could be potentially affected by the Project. The area in the vicinity of the LPOE has very little development; there is one adjacent private business located west of the LPOE and a few scattered residences, commercial properties, and farmlands to the south and east of the LPOE. Socioeconomic effects from the Proposed Action would occur at the existing LPOE and the adjacent private property and VAOT property that would be acquired under the Proposed Action. However, potential economic effects to employment and spending with the greatest intensity would likely occur throughout Franklin County and the adjacent Chittenden County, VT due to the presence of population centers such as the City of St. Albans (14 mi to the south of the LPOE in Franklin County) and the City of Burlington (37 mi to the south of the LPOE in Chittenden County). Therefore, Franklin County and Chittenden County are the ROIs for any direct and indirect effects that may be associated with the implementation of the Proposed Action. For purposes of comparison, the State of Vermont is defined as the region of comparison (ROC), or the “general population” as it corresponds to CEQ’s definition.

#### 3.12.1 Affected Environment

Demographic data for Franklin and Chittenden Counties are presented and compared to the State of Vermont.

##### 3.12.1.1 Population

A review of U.S. Census Bureau (USCB) data was conducted to compare the socioeconomic characteristics of Franklin and Chittenden Counties with the State of Vermont (USCB, 2010; USCB, 2015; USCB, 2020; USCB, 2021a). The population in Franklin and Chittenden Counties increased by 4.6 percent and 8.2 percent, respectively, over the 11-year period from 2010 to 2021. During the same period, total population in the State of Vermont increased by 2.7 percent (Table 3.12-1).

**Table 3.12-1. Population Growth in Franklin and Chittenden Counties and the State of Vermont from 2010 to 2021**

Population					
Location	2010	2015	2020	2021	Population Percent Change (2010 – 2021)
Franklin County	47,547	48,418	49,275	49,752	4.6%
Chittenden County	154,729	159,711	163,414	167,523	8.2%
Vermont	624,258	626,604	624,340	641,637	2.7%

Source: USCB, 2010; USCB, 2015; USCB, 2020; USCB, 2021a

##### 3.12.1.2 Labor

Labor in the ROI is discussed in this section by subtopic: civilian labor force, unemployment, and earnings (by per capita personal income and by industry compensation).

### Civilian Labor Force

The size of a county’s civilian labor force is measured as the sum of those currently employed and unemployed. People are classified as unemployed if they do not have a job, have actively looked for work in the prior four weeks, and are currently available for work. As shown in **Table 3.12-2**, from 2000 to 2021, Franklin and Chittenden Counties’ labor force increased by 9.5 percent each. Nearly half of Franklin County’s labor force commutes south every day to work in Chittenden County, resulting in a deficit in Franklin County’s available workforce and a wage imbalance between the two counties (Saint Albans Messenger, 2022). In contrast, the labor force in the State of Vermont shrunk by 1.7 percent during the same time period in part due to the state’s aging population, low growth rate, and effects of the COVID-19 pandemic; these factors in combination have led to a shift in VT’s overall workforce (VT Futures Project, 2022).

**Table 3.12-2. Civilian Labor Force 2000 – 2021**

Location	2000	2005	2010	2015	2020	2021	Percent Change in Labor Force (2010-2021)
Franklin County	24,406	25,844	27,704	27,438	27,373	26,722	9.5%
Chittenden County	84,777	86,931	94,608	95,366	96,193	92,865	9.5%
Vermont	334,033	349,520	359,696	346,515	341,138	328,214	-1.7%

Source: BLS, 2000; BLS, 2005; BLS, 2010; BLS, 2015; BLS, 2020; BLS, 2021

### Unemployment

The unemployment rate is calculated based on the number of unemployed persons divided by the labor force, where the labor force is the number of unemployed persons plus the number of employed persons. **Table 3.12-3** shows the annual unemployment rates in Franklin and Chittenden Counties, and the State of Vermont overall for the years 2000, 2005, 2010, 2015, 2020, and 2021. Unemployment rates in Franklin County were higher than the State of Vermont for years 2000, 2005, and 2021, same for the year 2015, and lower for years 2010 and 2020. Unemployment rates in Chittenden County were consistently lower than the State of Vermont from 2000 through 2021. The sharp increase in unemployment rates between 2005 and 2010 can be attributed to the 2008 economic crisis, which was part of the global financial downturn. Unemployment rates steadily decreased from 2010 onwards, before sharply increasing in 2020 due to the COVID-19 pandemic (BLS, 2000; BLS,2005; BLS 2010; BLS, 2015; BLS, 2020; BLS, 2021).

**Table 3.12-3. Unemployment Rate (%) 2000 – 2021**

Location	2000	2005	2010	2015	2020	2021
Franklin County	3.0	3.8	5.9	3.5	5.1	3.5
Chittenden County	2.3	3.1	5.0	2.7	4.7	2.8
Vermont	2.8	3.5	6.3	3.5	5.9	3.4

Source: BLS, 2000; BLS, 2005; BLS, 2010; BLS, 2015; BLS, 2020; BLS, 2021

### Per Capita Personal Income

Several measures are used to describe earnings, including per capita personal income (PCPI), total industry income, and compensation by industry. PCPI is the total personal income for county residents divided by the county’s total population. Personal income is the income received by a person from all sources, including earnings from work, interest and dividends received, as well as government transfer payments, such as social security checks. Personal income is measured before the deduction of income taxes and other personal taxes and is reported in current dollars. Personal income data are measured and reported for the county of residence.

**Table 3.12-4** shows PCPI data for Franklin and Chittenden Counties, and the State of Vermont. All dollar estimates are in current dollars (not adjusted for inflation). In 2021, the PCPI values in Franklin and Chittenden Counties were \$54,756 and \$67,921 respectively, representing a percent average annual increase of 3.87 percent and 3.40 percent, respectively, since 2000; the state’s PCPI increased 3.69 percent per year from 2000 to 2021. As such, the PCPI of Franklin County was lower than that of VT, whereas the PCPI of Chittenden County was higher than the state’s during the 21-year interval. Overall, the average state PCPI grew roughly at the same rate as the average PCPI of the ROI.

**Table 3.12-4. Per Capita Personal Income 2000 – 2021**

Location	2000	2005	2010	2015	2020	2021	Average Annual Growth Rate (2000 – 2021)
Franklin County	\$24,891	\$29,936	\$35,869	\$42,280	\$52,392	\$54,756	3.87
Chittenden County	\$33,845	\$39,754	\$46,515	\$55,263	\$65,123	\$67,921	3.40
Vermont	\$29,014	\$34,878	\$41,733	\$48,876	\$59,296	\$61,882	3.69

Source: BEA, 2022a; BEA, 2022b

### Industry Compensation

The term “Total Industry Compensation,” often used in economic data, is somewhat of a misnomer in that a portion of the “industry earnings” stems from government-related activity. For example, government and government enterprises account for 28.6 percent and 18.8 percent of the total compensation to employees in Franklin and Chittenden Counties, respectively. Nevertheless, total industry compensation provides a good picture of the relative sizes of market-related economic activity or business activity performed in a county (**Table 3.12-5**).

Income is generated by economic activity in the ROI through a variety of sectors, including various types of business, as well as the government. This income is not always received by a person living in the county; for example, a person from a neighboring county may cross county lines when commuting to work. The employee compensation by industry, however, is a measure of economic activity generated in the county, regardless of where the employee resides.

The sources of economic activity in the ROI are shown in **Table 3.12-5**. Compensation data for certain industries in the ROI were not available due to their confidential nature. The government and government enterprises, manufacturing, wholesale and retail trade, professional, scientific, and technical services, and

**Table 3.12-5. Compensation of Employees by Industry in Franklin and Chittenden Counties, VT (2021)**

Industry Description	Compensation (\$000)	
	Franklin County (% of total)	Chittenden County (% of total)
Farm	12,529 (1.1)	6,984 (0.1)
Forestry, fishing, and related activities	4,139 (0.3)	3,158 (0.0)
Mining, quarrying, and oil and gas extraction	2,291 (0.2)	3,462 (0.0)
Utilities	4,901 (0.4)	46,684 (0.6)
Construction	37,940 (3.2)	407,545 (5.0)
Manufacturing	228,943 (19.3)	837,615 (10.2)
Wholesale trade	51,610 (4.4)	361,419 (4.4)
Retail trade	101,356 (8.5)	550,023 (6.7)
Transportation and warehousing	41,226 (3.5)	162,632 (2.0)
Information	6,825 (0.6)	(D)
Finance and insurance	24,041 (2.0)	442,389 (5.4)
Real estate and rental and leasing	4,160 (0.4)	78,445 (1.0)
Professional, scientific, and technical services	44,069 (3.7)	1,102,327 (13.5)
Management of companies and enterprises	468 (0.0)	101,828 (1.2)
Administrative and support and waste management	50,868 (4.3)	344,211 (4.2)
Educational services	2,367 (0.2)	174,120 (2.1)
Health care and social assistance	166,169 (14.0)	1,326,428 (16.2)
Arts, entertainment, and recreation	1,703 (0.1)	56,111 (0.7)
Accommodation and food services	34,268 (2.9)	254,295 (3.1)
Other services (except government and government enterprises)	26,710 (2.3)	(D)
Government and government enterprises	338,884 (28.6)	1,543,879 (18.8)
<b>Total Compensation of Employees</b>	<b>1,185,467</b>	<b>8,192,751</b>

Source: BEA, 2022c; (D) denotes data not shown to avoid disclosure of confidential information.

health care and social assistance accounted for the majority of the total compensation to employees in the ROI in 2021.

### **3.12.1.3 Cross Border Trade**

Goods and services worth billions of dollars cross America's borders every day. The LPOEs in VT support the trade of more than \$2.2 billion worth of goods and services between VT and Quebec each year (GSA, 2023b). Around 68 percent of the commodities flowing southbound through the Highgate Springs LPOE include petroleum or coal products, lumber or wood products, food or kindred products, pulp paper or allied products, and farm products. Primary commodities traveling northbound via the LPOE include waste or scrap materials, electrical equipment, lumber or wood products, pulp or paper products, and rubber or miscellaneous plastics (VAOT, 2016). Traffic flowing from Canada to the U.S. directly impacts the economy in VT through commerce, trade, tourism, and community development.

### **3.12.1.3 Tax Rates and Property Values**

The State of Vermont and the Town of Highgate receive income to provide services and amenities through levying local property taxes. Reductions of local tax incomes could lead to local budget cuts or higher local taxes on remaining taxable properties. The local budget of the Town of Highgate funds items such as road repair, infrastructure, and other municipal services, while property taxes levied by the State of Vermont fund public schools and education. In Highgate for the fiscal year of 2024, the local property tax rate is 0.4967 percent for non-homestead properties and the state property tax rate for non-homestead properties is 1.7646 percent (Town of Highgate, 2024; VT AA, No Date-a). To calculate the total estimated property tax, the assessed property value was multiplied by the combined tax rate of 2.2613 percent. **Table 3.12-6** presents the total assessed property value and the total estimated yearly tax revenue (or Payment in Lieu of Taxes [PILOT] grant) for the parcels that are under consideration for acquisition under the Proposed Action.

The VAOT property is owned by the State of Vermont and the potential yearly revenue is instead based on the estimated annual value the property provides to the Town of Highgate under the State of Vermont's PILOT program. The state's PILOT program provides annual payments to local municipalities to compensate for municipal taxes they are unable to collect on state-owned buildings (VT AA, No Date-b). The VT Department of Taxes keeps an inventory of state-owned buildings for the annual calculation of PILOT payments. The VAOT property does not contain any buildings or structures and is thus not listed within the inventory (VT AA, 2024). Therefore, the Town of Highgate's total estimated yearly tax revenue (or PILOT payment) for the VAOT property is \$0.



**Table 3.12-6. Tax Values and Property Values for Properties Under Consideration for Acquisition**

Address	Parcel Use	Parcel Number	Parcel Value	State and Local Tax Rate	Estimated Yearly Tax Revenue
429 Welcome Center Road	Commercial	2039020	\$532,700	2.2613%	\$12,045.95
469 Welcome Center Road	Commercial	2039006	\$341,800	2.2613%	\$7,729.12
VAOT Property	State	N/A	N/A	N/A	N/A
<b>Total</b>	N/A	N/A	<b>\$874,500</b>	<b>2.2613%</b>	<b>\$19,775.07</b>

Source: VCGI, 2023; Town of Highgate, 2024; VT AA, No Date-a

### 3.12.2 Environmental Consequences

#### 3.12.2.1 Proposed Action

As discussed in Section 2.1, the Proposed Action would involve the acquisition of the privately-owned A.N. Deringer, Inc and the State of Vermont-owned VAOT properties adjacent to the existing LPOE; the demolition of all existing buildings at the LPOE and private property; and construction of new buildings and supporting areas and facilities.

The implementation of the Proposed Action would increase construction expenditures within the ROI for the duration of the 3-year construction phase. Construction expenditures associated with this alternative are expected to total \$169M. These revenues would result in the creation of employment opportunities for architecture/engineering (A/E) firms and construction companies. It is anticipated that up to 80 construction personnel would be hired for the Project, though this number would vary depending on the phase of the construction. Construction materials such as dirt and concrete would be sourced from local suppliers to the extent possible. The procurement of local materials and the hiring of local A/E firms and construction companies could contribute to the indirect creation of jobs within the ROI by increasing revenues at local retail stores and restaurants during the construction period, resulting in induced (i.e., third-order) economic benefits. These benefits would primarily be experienced by businesses and populations located in larger population centers in the vicinity of the Project area, such as St. Albans and Burlington. Increased employment opportunities would also result in improved health benefits to individuals directly and indirectly impacted by the Project. Jobs and income are strongly associated with beneficial health outcomes such as an increase in life expectancy, improved child health status, improved mental health, and reduced rates of chronic and acute disease morbidity and mortality (HDA, 2004; Cox et al., 2004). The Proposed Action is expected to create additional full-time positions at the LPOE for operations, maintenance, and janitorial services, including one federal GSA position and as many as ten additional contract employees. Data for the additional full-time positions created for GSA’s tenant agencies were unavailable due to their confidential nature. No populations are expected to migrate into the ROI to meet any increased demand for jobs that would occur in the short or long term.

In the short-term, businesses in VT may experience adverse effects due to the increased vehicle processing time during construction and subsequent delays in delivery of shipments. However, construction would be phased to ensure minimal disruptions to port functionality. After completion of A-35, traffic at the site is anticipated to increase by approximately 30 percent, which would result in an increase in the amount and value of goods and commodities passing through the LPOE. This increased flow of goods and

commodities from Canada, one of U.S.'s largest trading partners, could highlight VT's role in the supply chain, which may result in investments from Canadian firms and the strengthening of VT's economy and bilateral trade partnership with Quebec. Increased port capacity could potentially increase visitation from Canada and benefit the tourism industry within the City of Burlington. Increased tourism from Canada to VT could also support the development of the U.S.-Canada Aerospace Corridor, which links Vermont's \$2 billion aerospace and aviation cluster with the \$28 billion Canadian aerospace industry (ACCD, 2021).

The Proposed Action would require the acquisition of private property owned by A.N. Deringer, Inc. on Welcome Center Road. The private property is zoned for industrial-commercial development. Under the Proposed Action, GSA would acquire the private property and provide relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs Act (the Uniform Act). GSA would notify the property owner of its intent to acquire, its appraisal obligations, and other useful information. GSA would determine the amount of just compensation to be offered for the private property; this amount will not be less than the fair market value established by an approved appraisal. Additionally, GSA would offer relocation assistance services, payments, and other eligible benefits to any displaced persons<sup>11</sup> in accordance with the policies and provisions in the Uniform Act.

As mentioned in Section 3.2 Land Use, adverse effects would occur through the replacement of private property with federal property due to the loss in expected commercial and real estate tax revenue. The VAOT property is not currently taxed by the Town of Highgate or the State of Vermont, and it does not appear that any grant funds are provided for this property (VT AA, 2024). However, the local and state property tax revenues on the private property under consideration for acquisition, which is split between two parcels, represents nearly \$20,000 of annual revenue to the Town of Highgate and the State of Vermont. Based on local and state tax rates, the private property provides an estimated \$4,343.64 of annual property tax revenue for the Town of Highgate and an estimated \$15,431.43 of annual property tax revenue for the State of Vermont (Town of Highgate, 2024). For context, the Town of Highgate collected approximately \$1.9 million in general property taxes in Fiscal Year 2023 and the State of Vermont projected receiving \$727.1 million in non-homestead property taxes in Fiscal Year 2023 (Town of Highgate, 2023; VT Office of the Governor, 2023). Thus, the replacement of state and private property with federal land would represent an approximately 0.23 percent decrease in the Town of Highgate's tax base, and a 0.0021 percent decrease in the State of Vermont's tax base.

Overall, construction of the new LPOE under the Proposed Action would cause **direct, indirect, and induced, short-term, minor, regional, and beneficial** economic effects within the ROI due to the creation of A/E and construction jobs during the construction phase of the Project. These effects would be regional as personnel from one or both counties encompassing the ROI, or counties adjacent to the ROI may be hired to work on the construction site. There would be an increase in traffic congestion at the LPOE during construction, resulting in **short-term, negligible, regional, and adverse** effects to businesses in VT due to potential delays in shipment delivery. There would be **long-term, minor, localized, and adverse** effects due to the displacement of a local business, A.N. Deringer, Inc., and its replacement with federal property. There would be **long-term, negligible, localized and regional, and adverse** effects to socioeconomics due to the loss in expected commercial and real estate tax revenue from replacement of private property with federal property. Effects to cross border trade between the U.S. and Canada would be **long-term, minor,**

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<sup>11</sup> A displaced person is defined as any person (individual, family, partnership, association, or corporation) who moves from real property, or moves personal property from real property, as a direct result of the acquisition of real property as part of the LPOE project.

**regional**, and **beneficial**. There would be **long-term**, **negligible**, **regional**, and **beneficial** effects due to the creation of new jobs at the LPOE.

### **3.12.2.3 No Action Alternative**

No construction or land acquisition would occur at the LPOE and adjacent properties under the No Action Alternative. Maintenance, repairs, and alterations would occur as needed, and operation of the existing facilities would continue. Upon completion of the Canadian A-35 highway, traffic at the Highgate Springs LPOE would increase by approximately 30 percent. If operation of the LPOE continues under existing conditions, the port would not have the capacity to accommodate this increase in traffic, resulting in adverse effects to businesses in VT due to delays in shipment deliveries. However, this increase in traffic would also lead to an increase in the amount and value of goods and commodities entering the U.S. from Canada, resulting in beneficial effects to the industries in VT and cross-border trade between the two countries. As such, the No Action Alternative would result in **long-term**, **negligible** and **minor**, **regional**, and **beneficial** and **adverse** effects to socioeconomics.

## **3.13 ENVIRONMENTAL JUSTICE**

The EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The goal of “fair treatment” is not to shift risks among populations, but to identify potential disproportionately high and adverse impacts on minority communities and low-income communities and identify alternatives that may mitigate these impacts (EPA, 1998).

EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, requires that federal agencies consider as a part of their action any disproportionately high and adverse human health or environmental effects to minority populations and low-income populations. Federal agencies are required to ensure that these potential effects are identified and addressed. Additionally, EO 14030, *Climate Related Financial Risks*, requires federal investments to account for climate-related financial risks and address any disparate impacts on disadvantaged communities and communities of color.

As with the socioeconomic impacts analysis, because potential impacts with the greatest magnitude, duration, and extent would occur in Franklin and Chittenden Counties, Franklin and Chittenden Counties are defined as the ROI for any direct and indirect effects that may be associated with the implementation of the Proposed Action. For purposes of comparison, the State of Vermont is defined as the ROC, or the “general population” as it corresponds to the CEQ definition.

In this section, demographic and income data for Franklin County and Chittenden County are compared to demographic and income data for the State of Vermont. In addition, due to the site-specific nature of the Proposed Action, census tract (CT) data are then used to identify high concentration “pockets” of EJ populations near the Project Area within the ROI. The distribution of minorities and low-income populations in the vicinity of the Project Area are described below.

### **3.13.1 Affected Environment**

In this section, race and income data for Franklin and Chittenden Counties (the ROI) are compared to race and income data for the State of Vermont (the ROC). All figures and calculations are based on the USCB 2017 - 2021 USCB American Community Survey (ACS) datasets.

**3.13.1.1 Minority Populations**

The CEQ defines “minority” as including the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic Origin; or Hispanic (CEQ, 1997). The CEQ defines a minority population in the following ways:

- “...If the percentage of minorities exceeds 50 percent... (CEQ, 1997).” As this definition applies to the Project, if more than 50 percent of either Franklin County or Chittenden County populations consist of minorities, then the respective county would qualify as a population with EJ concern.
- “... [If the percentage of minorities] is substantially higher than the percentage of minorities in the general population or other appropriate unit of geographic analysis (CEQ, 1997).” For purposes of this analysis, a discrepancy of 10 percent or more between minorities (the sum of all minority groups) in either Franklin County or Chittenden County and the State of Vermont would be considered meaningfully higher, and would categorize both counties as constituting a population with EJ concern. This approach also applies to individual minority groups. A discrepancy of 10 percent or more between individual minority groups in Franklin County or Chittenden County and the percentage of individual minority groups in the State of Vermont would be considered meaningfully higher and would categorize the ROI as constituting a population with EJ concern.

As **Table 3.13-1** indicates, the ROI does not meet the regulatory definition of a minority population or minority group(s) because minorities do not represent more than 50 percent of the ROI’s total population, nor are they meaningfully higher in number than the corresponding values for the ROC (USCB, 2021a). Therefore, the ROI does not constitute a population with EJ concern on this basis.

**Table 3.13-1. Summary of Minorities in the ROI and ROC in 2017 – 2021**

Location	Total Population	Minority (%)	American Indian and Alaska Native (%)	Black or African American (%)	Asian (%)	Native Hawaiian and Other Pacific Islander (%)	Other Races (%)	Hispanic or Latino (%)
Franklin County <sup>a</sup>	49,752	6.8	0.4	0.4	0.8	0.0	3.3	1.7
Chittenden County <sup>a</sup>	167,523	12.5	0.1	2.5	4.0	0.0	3.4	2.5
State of Vermont <sup>b</sup>	641,637	8.1	0.2	1.2	1.7	0.0	3.0	2.1

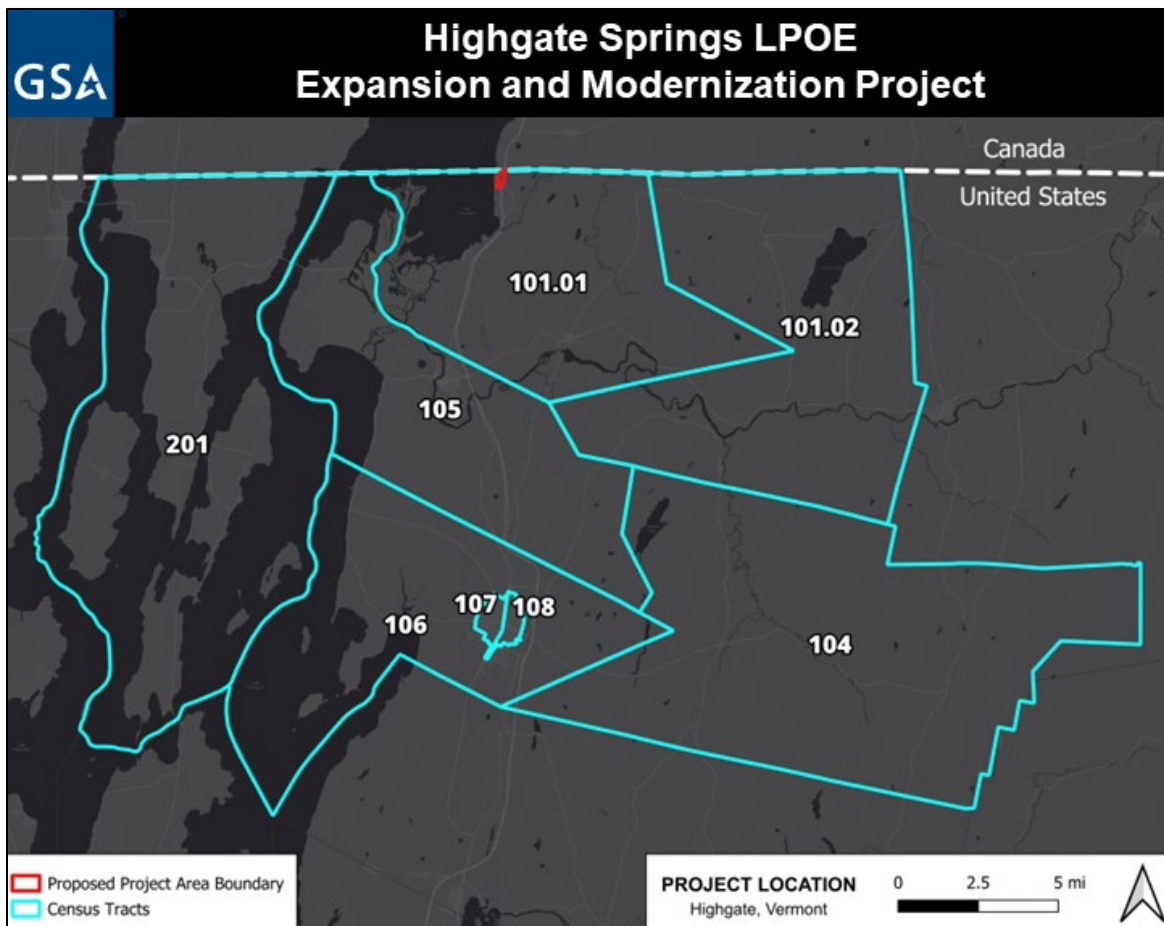
Source: USCB, 2021a; <sup>a</sup> ROI. <sup>b</sup> ROC.

Note that the sum of values for individual races and ethnicities may not add up to the total value shown in the “Minority (%)” column for some rows due to ± 0.2 percent margin of error in the dataset.

**Minority populations by CTs:** Due to the site-specific nature of the Proposed Action, in addition to describing minority populations on the county level, CT data are used to identify any high concentration “pockets” of minority populations in the vicinity of the Project area (EPA, 1998). It should be noted that although **Table 3.13-1** presents census data for a geographic area within the ROI, the ROI does not change and is still defined as Franklin and Chittenden Counties. CTs are small, relatively permanent statistical subdivisions of a county or equivalent entity, generally with a population size between 1,200 and 8,000 people (USCB, 2022).

The potential to experience delays from traffic, suffer a loss of (or gain from) employment or income, or experience adverse effects to general mental and physical health and well-being would be felt most by populations in CTs located near the Project area. The Project area is located in CT 101.01; the percentage of minorities in CT 101.01 is compared to the percentage(s) of minorities in the seven surrounding CTs to determine whether CT 101.01 constitutes a population with EJ concern using the same methodology described above for the county level analysis (see **Figure 3.13-1**).

In CT 101.01, minorities represent 6.5 percent of the total population. The percentage of minorities in CT 101.01 does not exceed 50 percent of the population; therefore, it does not constitute a population with EJ concern on this basis (see **Table 3.13-2**). To determine the percentage of minorities in the seven surrounding CTs, the aggregate estimate of minorities for the seven CTs was divided by the total population for the seven CTs. In the seven CTs directly surrounding CT 101.01, minorities represent 3.3 percent of the population. The percentage of minorities in CT 101.01 is only slightly higher than the percentage in the seven surrounding CTs. As such, CT 101.01 does not constitute a population with EJ concern on this basis.



Source: USCB, 2023

**Figure 3.13-1. Census Tracts in the Vicinity of the Project Area**

**Table 3.13-2. Summary of Minorities by Census Tract in 2017 – 2021**

Census Tract	Total Population	Minority (%)	American Indian and Alaska Native (%)	Black or African American (%)	Asian (%)	Native Hawaiian and Other Pacific Islander (%)	Other Races (%)	Hispanic or Latino (%)
101.01*	3,486	6.5	1.2	0.0	0.0	0.0	5.3	0.1
101.02	3,673	4.0	0.1	0.0	1.0	0.0	1.7	1.2
104	3,549	9.9	0.5	0.2	0.4	0.0	2.5	6.3
105	6,724	6.3	0.4	0.4	1.4	0.0	2.9	1.1
106	6,819	3.5	0.1	0.2	2.0	0.0	1.2	0.1
107	3,503	9.3	2.5	1.3	0.0	0.0	1.7	3.8
108	3,363	10.9	0.0	1.2	0.0	0.0	9.6	0.0
201	3,535	7.2	2.4	0.5	0.8	0.0	2.3	1.1
Aggregate of 7 CTs	62,986	3.3	0.0	0.2	0.5	0.0	1.4	0.8

Source: USCB, 2021b

\*The Project area is located in CT 101.01.

### 3.13.1.2 Low-Income Populations

Low-income populations are defined as households with incomes below the federal poverty level. There are two slightly different versions of the federal poverty measure: poverty thresholds defined by the USCB, and poverty guidelines defined by the U.S. Department of Health and Human Services (DHHS).

The poverty thresholds are the original version of the federal poverty measure and are updated each year by the USCB. The USCB uses a set of income thresholds that vary by family size and composition (number of children and elderly) to determine poverty status. If a family’s total income is less than the family’s threshold, then that family and every individual in it is considered in poverty. The same applies for a single individual. The official poverty thresholds do not vary geographically but are updated for inflation. EJ guidance under NEPA recommends that USCB poverty thresholds be used to identify low-income populations (CEQ, 1997). As such, this section uses USCB poverty thresholds to identify low-income populations.

Because CEQ guidance does not specify a threshold for identifying low-income populations, the same approach used to identify EJ minority populations is also applied to low-income populations. Franklin or Chittenden Counties would be defined as a low-income population or a population with EJ concern if:

- More than 50 percent of either county in the ROI consists of families or persons below the poverty threshold; or
- The percentage of low-income families or persons in either county in the ROI is substantially higher than the percentage in the State of Vermont. A discrepancy of 10 percent or more between either county and the State of Vermont would be considered meaningfully higher and would categorize the ROI as constituting a low-income population.

As **Table 3.13-3** indicates, the percentages of all people and all families below the poverty threshold in both counties constituting the ROI neither exceed the 50 percent threshold, nor are they meaningfully higher in number than the corresponding values for the ROC (USCB, 2021b; USCB, 2021c). As such, the ROI does not constitute a population with EJ concern on this basis.

**Table 3.13-3. Summary of Income and Poverty Statistics in the ROI and ROC in 2017 – 2021**

Location	People Below the Poverty Threshold (%)	Families Below the Poverty Threshold (%)
Franklin County <sup>a</sup>	9.4	6.3
Chittenden County <sup>a</sup>	11.3	5.1
State of Vermont <sup>b</sup>	10.5	6.0

Source: USCB, 2021c; USCB, 2021d. <sup>a</sup> ROI. <sup>b</sup> ROC.

**Low-income populations by CT:** CT data are used to identify high concentration “pockets” of low-income populations and describe the distribution of low-income populations in the vicinity of the Project area with more detail than county-level data (EPA, 1998). It should be noted that although **Table 3.13-4** presents census data for a geographic area within the ROI, the ROI does not change and is still defined as Franklin and Chittenden Counties. Due to the site-specific nature of the Project, low-income populations located close to the Project area (i.e., within the CT containing the Project area) would have the highest likelihood of experiencing effects from the Project. The Proposed Action is located in CT 101.01, therefore poverty statistics in CT 101.01 are compared to poverty statistics in the seven surrounding CTs.

**Table 3.13-4. Summary of Income and Poverty Statistics by Census Tract in 2017 – 2021**

Census Tract	People Below the Poverty Threshold (%)
101.01*	9.3
101.02	8.1
104	6.7
105	11.0
106	4.9
107	20.9
108	11.2
201	7.4
Aggregate of 7 CTs	14.4

Source: USCB, 2021e

\*The Project area is located in CT 101.01.

In CT 101.01, low-income populations represent 9.3 percent of the total population. The percentage of low-income populations in the immediate vicinity does not exceed 50 percent of the population; therefore, it does not constitute a population with EJ concern on this basis.

To determine the percentage of low-income populations in the seven surrounding CTs, the aggregate estimate of all persons living below the poverty threshold is divided by the total population for the seven CTs. In the seven CTs directly surrounding CT 101.01, low-income populations represent 14.4 percent of the population. The percentage of people living below poverty in CT 101.01 is lower than the seven surrounding CTs; therefore CT 101.01 does not constitute a population with EJ concern on this basis.



### **3.13.1.3 Native American Tribes**

Though the ROI does not constitute a minority population of EJ concern on the basis of the CEQ definition, VT is home to four state-recognized Western Abenaki tribes, of which the St. Francis-Sokoki Band of the Abenaki Nation of Missisquoi has its tribal offices located in Swanton Village, Franklin County, VT (UVM, No Date; Abenaki Nation, No Date). The tribe does not have any reservations in Franklin County.

The Abenaki Nation of Missisquoi comprises a community of extended families who historically inhabited the Missisquoi River and Lake Champlain, and continues to maintain ties with these lands. Members of the community would fish and hunt at and near Missisquoi Bay for their subsistence and cultural needs (Abenaki Nation, No Date). In 2020, the State of Vermont passed a bill recognizing the tribe's fishing and hunting rights in the state and allowing their members to receive free permanent fishing and hunting licenses (VTDigger, 2020). To foster and sustain traditional indigenous knowledge, members of the tribe presently engage in a variety of programs and activities aimed at deepening their understanding of their history and culture, including holding fishing derbies and community days at Missisquoi Bay in collaboration with the Missisquoi Wildlife Refuge (Abenaki Nation, No Date).

### **3.13.1.4 Additional EJ Screening**

This analysis incorporates data from EPA's Environmental Justice Screening and Mapping Tool and CEQ's Climate and Economic Justice Screening Tool to fully characterize the ROI and identify potential EJ concerns. This tool uses a combination of environmental and socioeconomic data to calculate 13 EJ indexes, which include categories such as proximity to hazardous waste, traffic, and lead paint. Higher index values indicate a higher exposure to pollution sources, a higher percentage of communities with EJ concern, or both. EPA states that "an area with any of the 13 EJ Indexes at or above the 80th percentile nationally should be considered as a potential candidate for further review." Both Franklin County and Chittenden County have no values at or above 80 percent for any of the 13 national EJ indexes (EPA, 2024d; EPA, 2024e). CEQ's Climate and Economic Justice Screening Tool revealed that the CT containing the Project area and all adjacent CTs are not considered disadvantaged. Within Franklin and Chittenden Counties, there are five CTs that are considered disadvantaged: one in the City of Saint Albans, three within the City of Burlington, and one in the CT containing the town of Richford (CEQ, 2024).

## **3.13.2 Environmental Consequences**

Consideration of the potential consequences for EJ requires three main components:

1. A demographic assessment of the affected community to identify the presence of minority populations and low-income populations that may be potentially affected;
2. An assessment of all potential effects identified to determine if any result in adverse impact to the affected environment; and
3. An integrated assessment to determine whether any disproportionately high and adverse effects exist for minority populations or low-income populations present in the ROI.

As shown in **Tables 3.13-1** and **3.13-3**, the population in Franklin and Chittenden Counties (ROI) does not constitute a population with EJ concern because the percentage of minorities and low-income communities in the ROI neither exceeds 50 percent, nor is it meaningfully greater than the corresponding percentages of minorities and low-income communities in the State of Vermont (ROC). Additionally, the ROI does not have any high concentration "pockets" of minority and low-income communities, as shown in **Tables 3.13-2** and **3.13-4**. Additional review of EPA's Environmental Justice Screening and Mapping Tool also did not reveal any populations with EJ concern within the ROI. Review of the Climate and Economic

Justice Screening Tool revealed five CTs containing disadvantaged communities within Franklin and Chittenden Counties, but all identified communities lie outside of the CTs containing and adjacent to the Project area. Thus, no direct and disproportionate adverse effects to minority and low-income populations are expected to occur in the ROI under either of the alternatives.

However, as described in Section 3.13.1.3, the St. Francis-Sokoki Band of the Abenaki Nation of Missisquoi has historic and cultural ties to Lake Champlain and areas surrounding the lake, and may experience disproportionate adverse effects from the Project, as described below.

### **3.13.2.1 Proposed Action**

No direct and disproportionate adverse effects to minority and low-income populations are expected to occur in the ROI under the Proposed Action because it does not constitute a population with EJ concern on this basis, as discussed above.

There would be short-term, adverse effects to members of the Abenaki Tribe engaged in subsistence and cultural activities in areas close to the Project area. Members of the tribe regularly engage in cultural enrichment programs and outdoor activities in and around Lake Champlain and the Missisquoi National Wildlife Refuge, such as community paddles, nature walks, and fishing programs (Abenaki Nation, No Date). If these activities were to occur close to the Project area, such as at Highgate State Park located adjacent to the private property and the portion of Missisquoi Bay bordering the state park, noise from construction activities and air emissions from the operation of construction equipment and vehicles in the Project area would result in **direct, short-term, minor, localized, and adverse** effects to tribal subsistence and cultural activities.

Members of the tribe may need to temporarily avoid fishing, hunting, and other cultural and traditional activities in the immediate vicinity of the Project area to avoid these effects. However, these effects would only occur during the construction phase and would cease upon completion of the Project. In the long term, there may be some adverse effects to tribal activities due to a slight increase in ambient noise levels from the projected 30 percent increase in traffic at the LPOE after A-35 completion; however, this is not expected to impede the tribe's sustenance and cultural activities in the vicinity of the Project area. In the **long term, adverse** effects to the tribe would be **direct, negligible and localized**.

### **3.13.2.2 No Action Alternative**

GSA would not acquire additional land under the No Action Alternative. This alternative assumes that no demolition of existing facilities, construction of newer, larger facilities, and expansion of operations would occur at the Highgate Springs LPOE. Maintenance, repairs, and alterations would occur as needed, and the operation of the existing facilities would continue. As described in Section 3.13.2, the ROI does not constitute a minority or low-income population with EJ concern and as such, there would be **no effects** to these populations under the No Action Alternative. As with the Proposed Action, there may be **direct, long-term, negligible, localized, and adverse** effects to tribal activities due to a slight increase in ambient noise levels from the projected 30 percent increase in traffic at the LPOE after A-35 completion. This is not expected to impede the tribe's sustenance and cultural activities in the vicinity of the LPOE.

## **3.14 DISMISSED RESOURCES**

**Table 3.14-1** identifies those resources that were dismissed from further analysis and the rationale for dismissal. In conducting this analysis, a qualified subject matter expert reviewed the potential direct and indirect effects of the Project relative to each environmental resource and indicated those resources which would not be measurably affected by the Proposed Action.

**Table 3.14-1. Dismissed Resources and Reasons for Dismissal**

Resource Dismissed	Rationale for Dismissal
Air Quality	<p>While some fugitive dust emissions may occur during demolition and construction activities, particularly during excavation and vegetation removal, and the operation of construction equipment may release air pollutants, emissions are not expected to exceed the National Ambient Air Quality Standards (NAAQS) [Franklin County complies with all NAAQS and is classified as an attainment area]. These emissions would be short-term in duration, occurring only during the construction period, and are not expected to affect surrounding air quality in the long term. Reasonable precautions would be implemented during construction to minimize any adverse effects to air quality, such as the use of water for dust control, covering open equipment when conveying or transporting material likely to create objectionable air pollution when airborne, and turning off vehicles and equipment when not in use.</p> <p>The LPOE is expected to experience an approximately 30 percent increase in traffic upon completion of A-35. An increased number of vehicles traveling through the LPOE would lead to greater vehicular emissions compared to existing conditions. The Project would increase processing capacity and improve traffic flow at the LPOE, which would minimize vehicle idling time and the subsequent vehicular emissions. Additionally, the new LPOE would produce fewer emissions during facility operations than the amount currently produced by the LPOE as the new buildings would adhere to all the latest building standards and codes and sustainable design. Thus, the Project would result in negligible adverse effects to air quality over the long term, and the NAAQS are not expected to be exceeded. Therefore, this resource was dismissed from further discussion.</p>
Recreation	<p>Potential recreation resources located near the Project area include Missisquoi Bay and Highgate State Park. These areas support various recreation activities, such as boating and fishing, although these activities are not commonly, if ever, accessed through the Project area (Major League Fishing, 2016).</p> <p>The Project would not affect recreational activities on or impair access to Missisquoi Bay. Thus, recreational experiences such as boating or swimming on the lake would be unaffected.</p> <p>The Highgate State Park lies adjacent to the private property and is located along the shoreline of Missisquoi Bay. However, this park does not contain trails, boat ramps, lake access, designated camping sites, or any other designated recreational opportunities (VT ANR, No Date-d). The park could potentially be used for independent recreational activities, such as backwoods hiking. The clearing of vegetation and construction activities could potentially cause short-term effects to the recreational nature of this park, such as through increased construction noise. Therefore, adverse effects to recreational resources in the short term during construction would be negligible.</p> <p>No effects to recreation are expected to occur in the long term from the operation of the new, expanded LPOE. Thus, this resource was dismissed from further discussion.</p>

<b>Resource Dismissed</b>	<b>Rationale for Dismissal</b>
Human Health and Safety	<p>Demolition and construction activities could potentially result in workplace injuries to construction workers, such as accidental slips/fall and exposure to high noise levels and pollutants from operating heavy construction machinery, or to contaminated soil from accidental fuel and/or chemical spills. OSHA requirements, such as the use of protective equipment and clothing, engineering controls, and maximum exposure limits with respect to workplace stressors such as air, noise, and spilled pollutants, in addition to other relevant federal and state regulations and industry safety standards would be observed to minimize the potential for any adverse effects to the health and safety of construction personnel. Thus, this resource was dismissed from further discussion.</p>
Visual Resources	<p>The presence of construction vehicles and equipment, along with their activities, would alter the viewshed in the area during construction. These objects are not part of the characteristic viewshed and could detract from the views of the LPOE and the surrounding forest. However, these effects would only last the duration of the Project and would cease upon conclusion of these activities.</p> <p>The new facilities and roadways would be reconfigured on the existing property and expanded into areas that were previously forested. This conversion of natural lands into developed areas would shift part of the characteristic landscape towards a more urbanized setting; however, the characteristic landscape already includes urbanized features. The expanded facilities and roadways would likely resemble those urbanized features already occurring and blend with them in the viewshed; the new facilities may even enhance the urbanized features in the viewshed given the proposed modernized look of the new buildings, depending on the perspective of the observer. Thus, this resource was dismissed from further discussion.</p>

## 4.0 CUMULATIVE EFFECTS

Cumulative effects are defined by the CEQ regulations in 40 CFR 1508.1(g)(3) as “effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.” Cumulative effects include the direct and indirect impacts of a project together with the past, present, and reasonably foreseeable future actions of other projects.

### Geographic and Temporal Scope

The geographic boundary for each resource in the cumulative effects analysis follows the geographic boundaries of direct and indirect effects for each resource analyzed in Chapter 3, unless noted otherwise for specific resources.

The temporal boundaries for cumulative effects in this analysis have three components – past, present, and future. Past cumulative effects may be captured under each resource’s Affected Environment section in Chapter 3 as past actions and their effects have contributed to the current condition of a resource; it also comprises past actions that have occurred in the vicinity and may vary by resource. Present and reasonably foreseeable future cumulative actions are included in this chapter if they are expected to overlap in space and time with the scope of this Draft EA.

### Cumulative Actions Scenario

Current and foreseeable future major actions in the vicinity of the Highgate Springs LPOE are primarily associated with the demolition, construction, and development of new and modernized replacement LPOEs along the U.S.-Canada border and roadway improvements. Current and foreseeable future projects in the vicinity of the LPOE are identified in **Table 4.0-1**. The analysis of cumulative effects to resource areas identified in Chapter 3 is presented in **Table 4.0-2**.

**Table 4.0-1. Present and Foreseeable Development Projects  
Within and Surrounding the Project Area**

Project	Lead Agency	Scope	Status
A-35 Completion	Canada Border Services Agency (CBSA)	The completion of A-35 from Saint-Sebastien, Quebec to the U.S. border at Highgate Springs comprises the final segment of a direct 311-mile four lane limited access highway between Montreal and Boston. This would provide a more efficient route linking Montreal and many markets in the U.S. New England states via I-89 (VAOT, No Date).	Construction of Phase III is ongoing and will be completed in 2025. Preliminary design studies are currently underway for Phase IV (final phase) of the project (VAOT, 2024).
Saint-Armand/Philipsburg Port of Entry	CBSA	The Project entails the anticipated replacement of the Canadian Saint-Armand/Philipsburg LPOE, which is located on the Canada-U.S. border at Highway 133/I-89. The objective of the project is to relieve congestion and speed up movement of traffic at this border crossing, traffic that is anticipated to grow substantially once construction of the remaining segment of A-35 is completed (VAOT, No Date).	Unknown
Truck Inspection Facility Construction	VAOT	VAOT is proposing to construct a truck inspection facility on the existing State of Vermont land to the south of the Highgate Springs LPOE (DBB, 2023a).	This project does not have funding at this time.
LPOE Improvement Projects in VT	GSA	The existing LPOEs and associated infrastructure at Alburgh Springs, Richford, Beebe Plain, and Norton would be modernized to improve operational efficiency, safety, and security for GSA's tenant agencies and cross-border travelers at these LPOEs.	Project timelines are as follows: <ul style="list-style-type: none"> <li>• Alburgh Springs – Construction starts Fall 2026 (GSA, 2024c)</li> <li>• Richford – Substantial completion by Winter 2028 (GSA, 2024d)</li> <li>• Beebe Plain – Substantial completion by Fall 2026 (GSA, 2024e)</li> </ul>

Project	Lead Agency	Scope	Status
			<ul style="list-style-type: none"> <li>Norton – Substantial completion by Fall 2028 (GSA, 2024f)</li> </ul>
Project 036-1(9) VT-78 Roadway Improvements	VAOT	This project entails a full reconstruction of VT Route 78 (VT-78) in Swanton, VT from near the Alburgh-Swanton town line 6.2 mi east towards the Swanton village line. The principal goals of this project are to achieve a state of good repair and address longstanding deficiencies in the existing roadway design. This facility will play a critical role as a detour while other projects are under construction (VAOT, No Date).	Construction is planned to begin in Summer 2026 (VAOT, 2024).
Rouses Point Land Port of Entry	GSA	GSA proposes to modernize and improve efficiencies at the Rouses Point LPOE as part of the 2021 Bipartisan Infrastructure Law. This facility was constructed in 1933 and has had very few improvements since. The new port will be located on an adjacent site in closer proximity to the U.S.-Canada Border to enhance security and meet current CBP LPOE Design Standard (GSA, 2024g).	Construction award anticipated in December 2024.

**Table 4.0-2. Cumulative Effects to Resource Areas**

Resource Area	Description of Cumulative Effects
Land Use	<p>Construction of the VAOT Truck Inspection Facility, in conjunction with the Proposed Action, would likely contribute beneficial cumulative effects to land use. This is the only reasonably foreseeable project included in the cumulative actions scenario (<b>Table 4.0-1</b>) subject to the zoning regulations of Highgate, and its associated project site is similarly zoned for industrial-commercial uses. Long-term, minor, localized, and beneficial effects would occur through the development of land in accordance with zoning regulations and the goals outlined in the town plan. No effects to local real estate or business tax revenues would result from the construction of the VAOT Truck Inspection Facility due to its potential location on State of Vermont land, though the overall cumulative effects due to replacement from private, taxable to federal, non-taxable land use under the Proposed Action would be long-term, negligible, localized and regional, and adverse. The cumulative effects of the proposed developments are not expected to noticeably alter the character of the Town of Highgate or the surrounding landscape of each of the project sites.</p>
Geology, Soils, and Topography	<p>Actions in conjunction with the Proposed Action that could contribute cumulative effects to geology, topography, and soils include the replacement of the Saint-Armand/Philipsburg LPOE and construction of the VAOT Truck Inspection Facility. These other actions may affect the site geology (if shallow bedrock depth is encountered) and could result in some changes to overall topography as a result of grading. Cumulative effects to geology and topography would be permanent, moderate, localized, and adverse.</p> <p>The above-mentioned projects would also impact soils through increases in impervious surface coverage and may involve substantial earthwork due to the regional topography, which would result in the loss of the soil’s ecological function, soil erosion, and soil compaction. Effects to soil structure and drainage capacity over a larger area would make it more difficult for water to drain through the soil and would result in increased runoff in the region, given the close proximity of the project sites. Although the individual area of disturbance of each project would be relatively small as compared to undisturbed soils in the vicinity, the combined area of these projects would result in the disturbance and alteration of larger localized areas of soil. The cumulative effects to soils would be long-term and permanent, moderate, localized, and adverse.</p>
Water Resources	<p>Construction of the Saint-Armand/Philipsburg LPOE and VAOT Truck Inspection Facility, in conjunction with the Proposed Action, would contribute short-term cumulative effects to water resources during construction through disturbance of soils, removal of vegetative cover, and presence of chemicals and fuels on construction sites. These actions could contribute to localized increased rates of soil erosion and chemicals which could contaminate runoff and contribute to water quality declines in receiving surface waters (Missisquoi Bay), wetlands, and groundwater recharge. However, effects would be minimal if</p>



Resource Area	Description of Cumulative Effects
	<p>erosion control and spill prevention BMPs are implemented, which would likely not result in any effects to water resources beyond the immediate vicinity of the project sites; overall, the short-term adverse cumulative effects from construction activities on water resources would be minor and localized.</p> <p>Construction of the VAOT Truck Inspection Facility may result in adverse cumulative effects to federal- and/or state-regulated wetlands. Disturbances to wetlands and their buffer zones would be localized and may range from short-term effects from construction activities, as described above, to permanent removal from filling of wetlands. Adverse effects would be offset if mitigation measures, such as establishing new wetlands or payment of fees to mitigation banks, are implemented.</p> <p>In the long term, construction projects would cumulatively result in increased impervious area, which would contribute to additional runoff volume and the prevention of groundwater recharge. However, stormwater BMPs to control the rate and volume of stormwater runoff leaving each site would presumably be implemented, resulting in minor, localized, and adverse cumulative effects to surface waters and wetlands at the greatest. Despite increased coverage of impervious surfaces, cumulative groundwater recharge effects would be negligible and would not reduce the availability of groundwater beyond local demand. It is assumed that the use of sustainable building concepts in new construction would minimize long-term adverse cumulative effects to water resources at and near the project sites.</p>
Biological Resources	<p>Projects such as the Saint-Armand/Philipsburg LPOE replacement and construction of the VAOT Truck Inspection Facility are associated with construction and operational activities and would likely contribute short-term to permanent, minor to moderate, localized, and adverse cumulative disturbances and habitat removal effects on vegetation and wildlife, including special-status species, in and adjacent to the project areas when considered in tandem with the Proposed Action, especially if they occur simultaneously. These cumulative actions would displace and disturb wildlife over a larger area, making it more difficult for wildlife to escape stressful noise, visual effects, and loss of habitat. There is a potential for the occurrence of federal- and state-listed species in and near the project areas. Effects to such species would be avoided by consulting with the relevant agencies and implementing the recommended mitigation measures. Although the individual area of disturbance of each project is small, they would cumulatively result in the removal of larger localized areas of vegetation and wildlife habitat. However, the amount of undisturbed habitat removed would still be relatively small compared to the availability of potential habitat in the surrounding vicinity. Therefore, population-level effects to plant and wildlife species are unlikely.</p>
Utilities	<p>Construction of the VAOT Truck Inspection Facility, in conjunction with the Proposed Action, would likely contribute adverse and beneficial cumulative effects to utilities. If the construction phases of the projects overlap, the combined effect may lead to increased demand for utility services and/or</p>

Resource Area	Description of Cumulative Effects
	<p>temporary interruptions in water and/or electrical services; however, it is expected that the local area utilities are currently sufficient to provide all services needed. Because a new facility would be constructed on VAOT land where currently no structures exist, the utility demands in the region would increase but are not expected to exceed the capacity of the utility providers. New buildings would be constructed in accordance with the latest building codes and, therefore, would be more energy and water efficient compared to existing structures and operations. As such, cumulative effects on utilities would be short- and long-term, minor, regional, and adverse.</p>
<p>Solid and Hazardous Materials and Waste</p>	<p>Effects on soils and hazardous materials and waste management from construction and demolition activities occurring from other projects in the vicinity, such as construction of a VAOT Truck Inspection Facility, would be short-term, moderate, localized, and adverse. This is due to the potential for accidental spills and discharge of hazardous chemicals (e.g., fuel, paints, solvents) into the surrounding environment and potential contaminant runoff from standing waste. However, by following appropriate BMPs and regulations, the likelihood of these impacts would be low as the chemicals would be used in relatively small quantities, and discharges can be easily cleaned before entering water supplies.</p>
<p>Traffic and Transportation</p>	<p>All projects identified in <b>Table 4.0-1</b> are associated with new infrastructure or upgrading existing infrastructure to improve traffic and transportation and would likely contribute short- and long-term, minor to moderate, regional, and beneficial and adverse cumulative effects. Beneficial cumulative effects would result from improvements to LPOEs which would increase their processing capacities and reduce traffic congestion and delays. Additionally, the completion of A-35 and improvements to VT-78 would improve transportation infrastructure in the region and provide better connectivity. Adverse cumulative effects may occur if construction activities associated with the Proposed Action coincide with the timing of construction activities of the nearby projects identified in the cumulative actions scenario as this may divert traffic from other, smaller LPOEs to Highgate Springs, resulting in processing delays and increased congestion in the Project area and its vicinity.</p>
<p>Noise</p>	<p>Projects such as A-35 completion, Saint-Armand/Philipsburg LPOE replacement, and construction of the VAOT Truck Inspection Facility, in combination with the Proposed Action, would contribute short-term, minor to moderate, localized, and adverse cumulative effects to noise from the operation of construction equipment and the presence of construction personnel. The magnitude of effects would depend on the timing of these projects. Upon project completion and commencement of facility operations, each action would cumulatively contribute noises in the general area, but the noises would primarily be limited to each respective site. As such, cumulative effects from noise due to facility operations would be long-term, minor, localized, and adverse.</p>

Resource Area	Description of Cumulative Effects
Climate Change	<p>All projects listed in <b>Table 4.0-1</b>, in conjunction with the Proposed Action, would contribute adverse and beneficial cumulative effects to climate change. The combined effect of the projects may lead to a short-term increase in the generation of GHGs due to fuel combustion from the operation of construction equipment, and an increase in the mobile combustion from POVs of construction personnel. Projects scheduled to occur at the neighboring LPOEs in the region would also result in short-term increase in vehicle processing times at their respective locations, which would add to these emissions due to increased vehicle idling. Some of the traffic at neighboring LPOEs may be rerouted to the Highgate Springs LPOE while the neighboring projects are under construction. This would lead to short-term, negligible, regional, and adverse cumulative effects to climate change.</p> <p>Upon project completion, the LPOEs would be able to accommodate an increased vehicle processing demand and operational emissions of GHGs from facilities would be reduced due to the use of latest available equipment, resulting in long-term, negligible, regional, and beneficial cumulative effects to climate change.</p> <p>Because this scenario is a function of a global atmospheric and earth system phenomenon (e.g., additive emissions occurring all across the world), GHG-emitting activities that occur locally (neither this project nor all of the projects included in the cumulative actions scenario) would substantially impact local or VT climate, because all of these summed emissions comprise a negligible fraction of overall global GHG emissions.</p>
Cultural Resources	<p>Construction of the VAOT Truck Inspection Facility could contribute cumulative effects to cultural resources in conjunction with the Proposed Action. These actions would involve ground disturbances such as excavation, grading, etc., which could have adverse effects to archaeological resources, if present. The agencies undertaking these projects would conduct surveys to determine the archaeological sensitivity of their respective project areas and identify the distribution of these resources in the designated APEs. All surveys and testing would occur in consultation with the required agencies or groups and appropriate mitigation measures would be developed and implemented to minimize adverse effects to the extent possible. The overall cumulative effects to cultural resources would be permanent, moderate, localized, and adverse. No cumulative effects to historic properties would occur as none are located at the project sites.</p>
Socioeconomics	<p>All projects identified in <b>Table 4.0-1</b> are associated with new development and/or improvements to existing facilities, particularly the redevelopment and expansion of existing LPOEs and associated facilities in the States of Vermont and New York. These would contribute beneficial cumulative effects on socioeconomic resources due to increased construction revenues during their respective construction periods and additional indirect and induced effects from the expenditures of salaries within the ROI. There would be beneficial cumulative effects from increased cross-border trade with Canada. When</p>

Resource Area	Description of Cumulative Effects
	<p>considered cumulatively, these projects would have substantial short-term and long-term beneficial effects on the socioeconomic resources of the area; the level of employment and revenues within the ROI would be appreciably impacted by these actions, resulting in benefits to populations residing within and beyond their respective ROIs. These projects would boost the regional economy by increasing the value of goods and commodities flowing between the U.S. and Canada due to the increase in processing capacities of LPOEs across the region. The cumulative actions scenario, in conjunction with the Proposed Action, would contribute moderate, regional, and beneficial cumulative effects to socioeconomics in the short and long term.</p> <p>There may be effects to real estate or business tax revenues for the Town of Highgate and State of Vermont if private or state, taxable land is acquired and replaced with federal, non-taxable land, resulting in long-term, negligible to minor, localized and regional, and adverse effects to socioeconomics.</p> <p>In the short term, businesses in the region may experience adverse effects due to the increased vehicle processing time during construction activities at the LPOEs and subsequent delays in delivery of shipments, resulting in negligible, regional, and adverse cumulative effects.</p>
Environmental Justice	<p>All projects identified in <b>Table 4.0-1</b> are associated with new developments and/or improvements to existing facilities, particularly the redevelopment and expansion of existing LPOEs and associated facilities in the States of Vermont and New York. Because Franklin and Chittenden Counties (the ROI) do not constitute minority and low-income populations with EJ concern, there would be no disproportionate adverse cumulative effects to these populations from the implementation of the Proposed Action in combination with the cumulative actions scenario. Cumulative actions occurring in the vicinity of Lake Champlain and the Missisquoi National Wildlife Refuge would have the potential to adversely affect the subsistence and cultural activities of the Abenaki Nation in the short term during construction, resulting in minor and localized cumulative effects from noise and air emissions. However, these effects would not persist beyond the construction phase. Once operational, these projects are not expected to interfere with tribal activities.</p>

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The following people contributed to the preparation and review of this Draft EA:

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## **APPENDIX A: SCOPING REPORT**

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**SCOPING REPORT FOR THE  
HIGHGATE SPRINGS LAND PORT OF ENTRY  
DRAFT ENVIRONMENTAL ASSESSMENT**

**PREPARED FOR:**



**GENERAL SERVICES ADMINISTRATION**

**SUBMITTED BY:**



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## ACRONYMS AND ABBREVIATIONS

A-35	Autoroute-35
APHIS	Animal and Plant Health Inspection Service
CBP	U.S. Customs and Border Protection
EA	Environmental Assessment
FDA	U.S. Food and Drug Administration
ft	Feet
GP	General Permit
GSA	U.S. General Services Administration
HAZMAT	Hazardous Material
I-89	Interstate Highway 89
IP	Individual Permit
LPOE	Land Port of Entry
NEPA	National Environmental Policy Act
POV	Privately-owned Vehicle
PSA	Public Service Announcement
U.S.	United States of America
USACE	U.S. Army Corps of Engineers
VT	Vermont
VAOT	Vermont Department of Transportation

## 1.0 INTRODUCTION

The United States (U.S.) General Services Administration (GSA) is preparing a Draft Environmental Assessment (EA) to analyze the potential impacts from the proposed expansion and modernization of the Land Port of Entry (LPOE) at Highgate Springs, Vermont (VT) [the Project]. GSA is the lead agency for the EA, acting on behalf of its federal agency tenants – U.S. Department of Homeland Security’s Customs and Border Protection (CBP), Food and Drug Administration (FDA), and U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (APHIS).

GSA conducted public scoping and held a scoping meeting as part of the National Environmental Policy Act (NEPA) process associated with the development of the Draft EA. This scoping report outlines the Project, GSA’s scoping process, and summarizes the key issues identified by members of the public and other interested parties during the scoping period held from January 3 to February 17, 2023. This document also includes the following appendices:

- Appendix A: Newspaper Affidavits and Tear Sheets
- Appendix B: Public Service Announcement
- Appendix C: Letter to Interested Parties
- Appendix D: Press Release and Social Media Posts
- Appendix E: Scoping Meeting Poster Display
- Appendix F: Scoping Meeting Handout
- Appendix G: Scoping Meeting Comment Form
- Appendix H: Scoping Meeting Sign-In Sheet
- Appendix I: Scoping Meeting Presentation Transcript
- Appendix J: Comments Submitted During Scoping Period
- Appendix K: Index of Comments

Note that this report was prepared to capture the information shared by GSA with the public during the scoping period and the public’s response to the Project proposed at that time. During the scoping period, GSA was considering two action alternatives to the Project. Between April, 2023 and May, 2024, GSA and CBP conducted several studies that proposed changes to the original designs and layouts of the new, expanded LPOE that were presented to the public at the scoping meeting. The original Project alternatives have since been eliminated from consideration and have been replaced by one action alternative, the Proposed Action, which is analyzed in detail in the Draft EA. However, this report provides an overview of the Project as it stood at the time of the scoping period.

## 2.0 PROJECT DESCRIPTION

The Highgate Springs LPOE, located approximately 40 miles north of Burlington, VT, is one of the three busiest LPOEs in New England (see **Figure 2-1**). CBP currently inspects private and commercial vehicles and truck traffic crossing into the U.S. The existing LPOE does not have the capacity to accommodate the projected increase in traffic along the U.S. Interstate Highway 89 (I-89) at the U.S.-Canada border. The Canadian government is constructing the final segment of its Autoroute-35 (A-35) between Montreal and Saint-Armand/Philipsburg, Quebec. When completed, traffic at the LPOE is projected to increase by approximately 30 percent. Additionally, current facilities and configurations at the LPOE do not meet the needs of GSA’s tenant agencies and do not allow for efficient and safe inspections of the traveling public. GSA is proposing to expand and modernize LPOE operations at Highgate Springs.

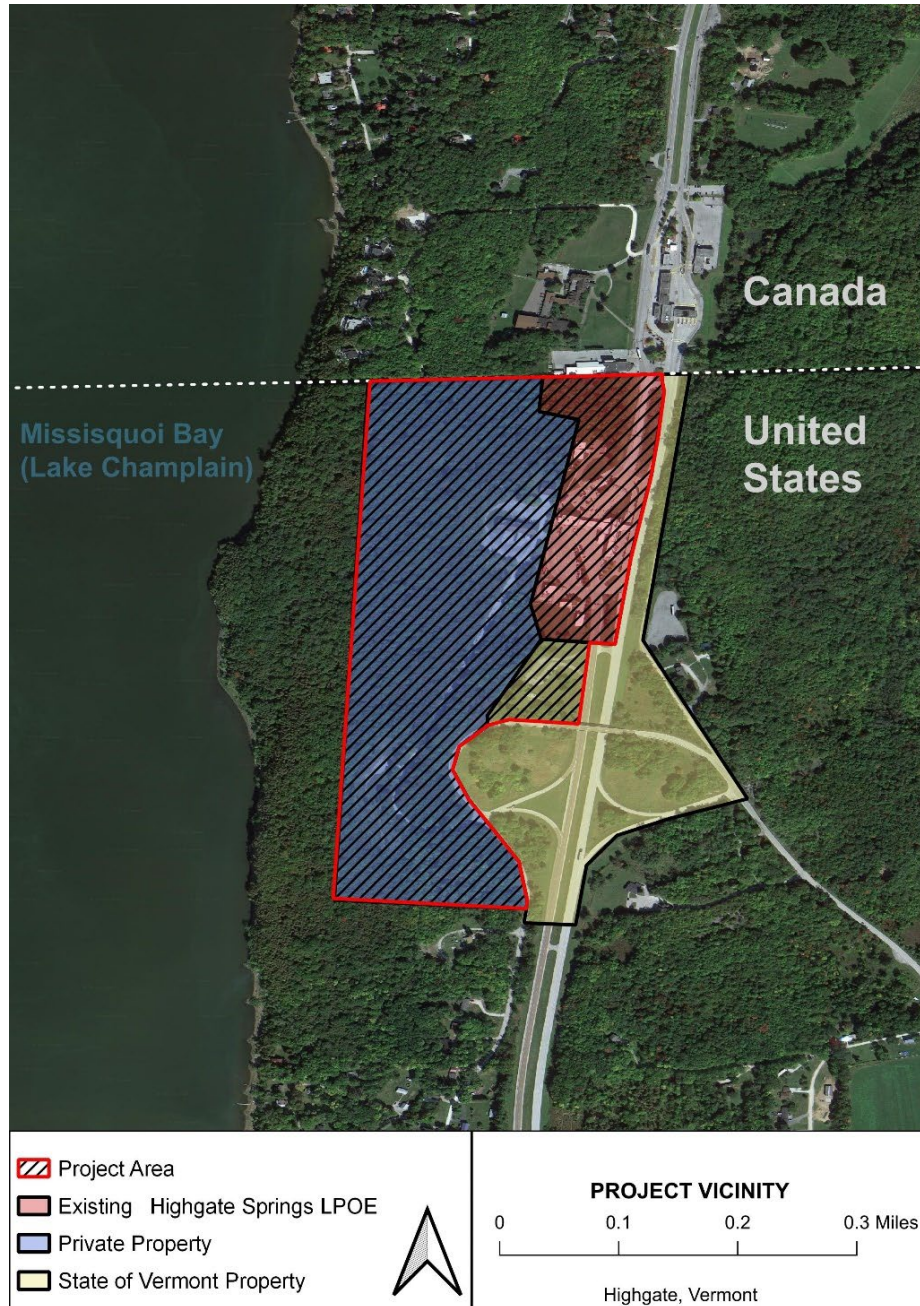


Figure 2-1. Regional Location of the Highgate Springs LPOE



## 2.1 PROJECT LOCATION

The Highgate Springs LPOE is located in Franklin County, VT and is bounded by the U.S.-Canada border to the north; I-89 to the east; Vermont Agency of Transportation (VAOT) property to the south; and private property to the west. The LPOE lies approximately 1,340 feet (ft) to the east of Lake Champlain and is predominantly surrounded by woodlands. **Figure 2-2** below shows a map of the Project area and its vicinity. The Project area includes property owned by GSA which encompasses the existing LPOE (approximately 16 acres) and undeveloped, forested area (approximately 4.1 acres), the 57-acre private property to the west which includes 3 acres of developed land and 54 acres of undeveloped, forested land, and the 4-acre VAOT property to the south consisting entirely of developed land.



**Figure 2-2. Highgate Springs LPOE Vicinity and Project Area**



## 2.2 EXISTING FACILITIES

Existing facilities at the LPOE include the Main Port Building; Commercial Inspection Building; APHIS Inspection Facility; Wastewater Treatment Building; Hazardous Materials (HAZMAT) Inspection Canopy; Non-Intrusive Inspection/Vehicle and Cargo Inspection System Building; and FDA Building. The facility was constructed in 1997 and later expanded in 2004 and 2005. The existing LPOE has four general inspection lanes for privately-owned vehicles (POV), one NEXUS primary lane, one commercial primary lane, and one bus inspection lane. There are 60 employee parking areas located across from the Main Port Building, in front of the APHIS Inspection Facility, and in front of the FDA Building. Additionally, there are six POV secondary parking spaces and ten commercial secondary parking spaces.

## 2.3 PURPOSE AND NEED

The purpose of the Project is to improve and enhance the performance, safety, security, and efficiency of operations for cross-border travelers and federal agencies at the LPOE.

The Project's need is twofold. First is the need to increase the LPOE's capacity to accommodate the projected increase in traffic along I-89 due to the construction of the final segment of A-35 by the Canadian government between Montreal and Saint-Armand/Philipsburg, Quebec. Second is the need to facilitate and accommodate the changing operations of GSA's tenant agencies by ensuring that adequate facility and infrastructure resources are available to fulfill their functions and operations.

## 2.4 PROPOSED ALTERNATIVES

The Draft EA considers two "action" alternatives and one "no action" alternative. The two "action" alternatives (Alternatives 1 and 2) would meet the stated purpose and need of the Project and are analyzed in detail in the Draft EA. Key components of the action alternatives include:

- Acquisition of parcels to the west (private property) and south (VAOT property) of the LPOE;
- Demolition of all existing buildings at the LPOE;
- Construction of new LPOE facilities;
- Construction of a firing range for CBP, a helicopter landing pad, and sufficient area for parking and facilities support (e.g., snow storage and removal); and
- Construction of additional POV primary inspection lanes and commercial primary inspection lanes, including multiple separate lanes for commercial vehicles and buses.

The "no action" alternative assumes that demolition of existing facilities, construction of newer, larger facilities, and expansion of the LPOE would not occur. GSA would not acquire additional land under this alternative. Operation of the existing LPOE would continue as it currently does.

Key differences between the Project elements of the proposed alternatives are presented in **Table 2-1** below.

**Table 2-1. Comparison of Alternative 1, Alternative 2, and No Action Alternative**

<b>Project Elements</b>	<b>Alternative 1</b>	<b>Alternative 2</b>	<b>No Action Alternative</b>
Number of lanes at the border	3 lanes	3 lanes	2 lanes
Number of POV lanes	7 lanes	6 lanes	5 lanes
Number of commercial inspection lanes	2 lanes	2 lanes	1 lane
Number of bus inspection lanes	2 lanes	2 lanes	1 lane
Number of hours all POV lanes stay open	7 hours	7 hours	4 hours
Length of POV lanes from Primary Inspection Area to the border	1,250 ft	1,280 ft	1,000 ft
Length of commercial lanes from Inspection Area to the border	1,275 ft	1,270 ft	1,075 ft
Allows for future expansion?	Yes	No	No
Meets GSA's Purpose and Need?	Yes	Yes	No

### **3.0 NOTIFICATION OF SCOPING MEETING**

Notification of the scoping meeting was accomplished using multiple channels of communication, including legal notices in a local newspaper, public service announcements (PSAs) on radio stations, letters to interested parties, press release, and social media posts.

#### **3.1 NEWSPAPERS ADVERTISEMENTS**

Two advertisements were printed in a local newspaper in the week preceding the public scoping meeting. The advertisements indicated GSA's intent to prepare an EA and conduct a public scoping meeting, provided a brief description of the Project, identified the meeting time and location, and included instructions for submitting comments. The advertisement was published in the *St Albans Messenger* on January 3 and 6, 2023. Tear sheets and an affidavit of the legal notices are included in Appendix A.

#### **3.2 PUBLIC SERVICE ANNOUNCEMENT**

Eleven radio broadcasting stations were contacted to air a PSA about the public scoping meeting. Vox Media, which owns seven radio stations, indicated that they could air PSAs on their network, but could not offer guarantees or confirmations that the PSAs were aired. A 30-second PSA was supplied to their PSA department and could have been aired on multiple local radio stations. See **Table 3-1** for a list of local radio stations owned by Vox Media that may have aired the PSA. The text of the PSA is included in Appendix B.

**Table 3-1. List of Radio Stations**

<b>Radio Station</b>	<b>Website</b>
Star 92.9	<a href="https://www.star929.com/contact-us/">https://www.star929.com/contact-us/</a>
The Game	<a href="https://www.thegamefm.com/">https://www.thegamefm.com/</a>
92.1 WVTK	<a href="https://www.921wvtk.com/">https://www.921wvtk.com/</a>
96.3 WVMT	<a href="https://www.wvmtradio.com/">https://www.wvmtradio.com/</a>
96.7 MeTV	<a href="https://metv.com/wheretowatch/affiliate?marketid=220">https://metv.com/wheretowatch/affiliate?marketid=220</a>
101.3 The Wolf	<a href="https://radiostationusa.fm/online/1013-the-wolf">https://radiostationusa.fm/online/1013-the-wolf</a>
95.5 FM Triple X	<a href="https://www.95tripler.com/">https://www.95tripler.com/</a>

### **3.3 LETTER TO INTERESTED PARTIES**

GSA sent a letter to federal agencies, state and local agencies, elected officials, and other interested parties on December 23, 2023, via email and regular mail. The letter provided background on the Project, a brief description of the proposed alternatives, scoping meeting details, and instructions on submitting comments. GSA sent a second mailing on January 10, 2023, that served as a reminder about the scoping meeting. A copy of the letter sent to interested parties is included in Appendix C. The list of agencies, organizations, and individuals identified as interested parties for the Project included the following:

#### **1) Federal Agencies**

- Environmental Protection Agency – Region 1
- Federal Highway Administration
- Food and Drug Administration
- U.S. Army Corps of Engineers – New England District
- U.S. Customs and Border Protection
- U.S. Department of Agriculture’s Animal and Plant Health Inspection Service
- U.S. Department of Transportation
- U.S. Fish and Wildlife Service

#### **2) State Government and Agencies**

- Office of Senator Bernie Sanders
- Office of Senator Peter Welch
- Vermont State Government officials (Governor, Lieutenant Governor, State Attorney General, and State Treasurer)
- Vermont Agency of Commerce and Community Development
  - Division of Historic Preservation
- Vermont Agency of Natural Resources
  - Department of Environmental Conservation
  - Department of Fish and Wildlife
  - Department of Forests, Parks, and Recreation
  - Vermont State Parks
- Vermont Agency of Transportation
  - State Highway Safety Office
- New York Department of Transportation – Region 7

### 3) Local Government

- Town of Highgate Government

### 4) Public and Private Organizations

- Champlain Valley Office of Economic Opportunity – Franklin and Grand Isle Community Action
- Franklin County Regional Chamber of Commerce
- Vermont Truck and Bus Association

### 5) International Authorities

- Canada Border Service Agency
- International Boundary Commission
- Ministère des Transports et de la Mobilité durable Quebec

### 6) Adjacent Landowners and Private Citizens

#### 3.4 PRESS RELEASE AND SOCIAL MEDIA POSTS

GSA posted a press release on its New England Region (Region 1) website on January 10, 2023, that briefly summarized the purpose of the scoping meeting and detailed the time, date, and location of the meeting. Additionally, GSA posted a social media notice on its New England Region Facebook page on January 10, 2023. The Facebook post summarized the purpose of the meeting and provided a link to the press release. GSA also posted a similar notice on its New England Region Twitter account on January 10, 2023. Screenshots of the press release, Facebook post, and Twitter post can be found in Appendix D.

## 4.0 PUBLIC SCOPING MEETING

GSA held a public scoping meeting on Thursday, January 12, 2023, from 5:30 to 7:30 PM at the St. Albans City Hall Auditorium located at 100 North Main Street, St. Albans City, VT, 05478. Seventeen people, not including GSA, CBP, and other support staff, attended the meeting.



**Figure 4-1. Participants Attending the Public Scoping Meeting**

GSA used an open house format to encourage discussion and information sharing and to ensure that the public had opportunities to speak with GSA representatives. The GSA team gave a 30-minute presentation providing background on the Project and an explanation of the NEPA process. GSA then provided an opportunity to interested attendees to submit verbal comments about the Project, which were recorded by a stenographer. An American Sign Language interpreter was available virtually to provide interpretive services.

Informational posters about the Project background, NEPA process, purpose and need, Project alternatives, areas of study, and comment submission process were provided at the meeting. Additional materials available at the scoping meeting included:

- Handouts;
- Comment forms; and
- Sign-in sheet.

The posters, handout, comment form, and sign-in sheet from the scoping meeting are included in Appendices E, F, G, and H, respectively. A copy of the meeting transcript is included in Appendix I. Video recording of the public scoping meeting and copy of the presentation slides are available on the GSA website:

<https://www.gsa.gov/about-us/gsa-regions/region-1-new-england/buildings-and-facilities/development-projects/highgate-springs-land-port-of-entry-vermont>.

## **5.0 PUBLIC SCOPING COMMENTS**

GSA invited comments to obtain input from the public, agencies, and other interested parties on the proposed expansion and modernization of the LPOE at Highgate Springs.

### **5.1 COLLECTING COMMENTS**

GSA offered multiple ways to submit comments, including comment forms, letters, emails, and spoken comments recorded at the public meeting. GSA set up a project specific email address to receive public input: [highgatesprings.lpoe@gsa.gov](mailto:highgatesprings.lpoe@gsa.gov).

### **5.2 SUMMARY OF COMMENTS**

Comments were indexed based on the source or commenter and the subject. Commenters included federal, state, or local agencies and members of the public. Each comment was cataloged based on the source of the comment and the order in which it was received. Eight commenters provided input at the public scoping meeting and eight commenters provided comments during the scoping period. A total of 48 unique comments were received. Appendix J includes all comments received during the scoping period and Appendix K includes an index of comments, including commenter type, date received, method of submission, and the nature of comment.

### **5.3 ISSUES IDENTIFIED DURING SCOPING**

Each concern or question associated with a commenter was categorized by subject. **Table 5-1** shows the number of comments received by subject and commenter type. It should be noted that some commenters provided multiple comments on the same subject; hence, the total number of commenters may not equal the total number of comments on those subjects.

**Table 5-1. Commenters and Comments by Subject**

Category	No. of Agency Commenters	No. of Public Commenters	Total Commenters	No. of Agency Comments	Number of Public Comments	Total Comments
Alternatives	4	0	4	10	0	10
Cultural Resources	0	1	1	0	1	1
Outside the Scope of the EA	0	3	3	0	6	6
Permits	1	0	1	4	0	4
Requests for Information	0	9	9	0	11	11
Socioeconomics	4	0	4	12	0	12
Traffic and Transportation	1	0	1	2	0	2
Water Resources	1	0	1	2	0	2

#### 5.4 SUMMARY OF COMMENTS BY SUBJECT

##### 5.4.1 Alternatives

Four commenters submitted ten comments regarding Project alternatives. Four comments indicated general support for the Project. Four comments specified their strong support for Alternative 1. Two comments recommended that GSA explore and evaluate all reasonable alternatives that would not only allow for upgraded facilities, but substantial expansion of travel lanes as well. One comment also encouraged GSA to evaluate its tenant agencies' future development and expansion needs in the EA.

##### 5.4.2 Cultural Resources

One commenter provided one comment on cultural resources. The comment recommended that GSA perform an archaeological study, including any excavations as needed, prior to the implementation of the Project. The comment also recommended entities that should/should not be engaged to perform the study.

##### 5.4.3 Permits

One commenter submitted four comments regarding permits and authorizations that may be needed prior to the implementation of the Project. The comment noted that a permit is required under Section 10 of the Rivers and Harbors Act for all work seaward of mean high water in navigable waters of the U.S. The commenter provided the definition of navigable waters of the U.S. subject to the requirements of Section 10 in New England, including Lake Champlain. The commenter further suggested that a permit may also be required under Section 404 of the Clean Water Act for discharges of dredged or fill materials into all waters of the U.S., including navigable waters, inland rivers, lakes, streams, and wetlands, as well as excavation/grading within these wetlands.

The commenter provided an attachment of the U.S. Army Corps of Engineers (USACE) general permits (GPs) for the State of Vermont. They noted that the New England District Corps of Engineers issues GPs for the State of Vermont to expedite reviews of minimal impact work in waters under USACE's jurisdiction.

Such activities are eligible for Self-Verification, or may require Pre-Construction Notification, as specified by the terms and conditions of the GPs. The commenter further noted that project impacts determined to be more than minimal require individual permits (IPs) and a Water Quality Certification from the Vermont Department of Environmental Conservation, and indicated the materials to be submitted to the USACE for review and approval of an IP.

#### **5.4.4 Requests for Information**

Nine commenters provided eleven requests for additional information regarding various aspects of the Project. The topics covered are summarized below:

- Number of NEXUS lanes proposed for the new LPOE;
- Number of NEXUS lanes at the current LPOE;
- Process of submitting comments to GSA;
- Area of land to be acquired for the Project;
- Area of Abenaki-owned land that would be acquired for the Project and the consideration of impacts to resources of importance to the Abenaki Nation of Missisquoi;
- Options considered by GSA to make crossing into Canada more efficient, such as the construction of a tunnel, etc.
- Consideration of technology or automation upgrades to the new LPOE;
- Current numbers for the daily, monthly, and annual traffic crossing the LPOE;
- Concern regarding merging of the traffic from seven open lanes onto a two-lane interstate system;
- Concern regarding the projected increase in traffic at the new LPOE following the completion of A-35; and
- Concern regarding bus crossing lanes from the Duty Free store in Canada and suggestion for relocating it to the other side of the road.

#### **5.4.5 Socioeconomics**

Four commenters submitted 12 comments concerning socioeconomics. The comments noted that traffic flowing from Canada to the U.S. directly impacts the Vermont economy through commerce, trade, tourism, community development, and related economic activities. Construction of a new, expanded LPOE would mitigate current vehicle crossing wait times, especially during peak traffic periods. Three comments emphasized the importance of Canada as one of U.S.'s biggest trading partners, and the need to enhance the cross-border flow of goods and people between the two countries to restore the bilateral trade to pre-pandemic levels. Per one of the comments, the U.S.-Canada bilateral trade and investment relationship is currently valued at U.S. \$1.7 trillion. The comment suggested that the Project would help transform Vermont into a supply chain hub, support the Vermont-Quebec Aerospace Trade Corridor, thereby attracting more Canadian flying passengers that travel to the Burlington International Airport to fly to other destinations, and recruit new Canadian-based foreign-direct investments to Vermont, thus strengthening economic ties with Quebec. All four commenters expressed support for the Project.

#### **5.4.6 Traffic and Transportation**

One commenter submitted two comments regarding projected traffic conditions at the LPOE. The commenter suggested that failure to expand and modernize the current Highgate Springs LPOE would

result in significant traffic delays. This could potentially lead to commuters choosing to travel through other neighboring LPOEs, or in case of non-essential travel, deciding to delay or cancel the trip.

#### **5.4.7 Water Resources**

One commenter submitted two comments regarding consideration of impacts to water resources. The commenter noted that the Project may involve work in waters under the USACE jurisdiction and may require prior authorization from the USACE. The commenter recommended that GSA conduct the delineation of any waters of the U.S. under USACE jurisdiction that are located in the Project area before implementing the Project. If necessary, GSA should hire qualified consultants to delineate wetlands in the project area in accordance with the appropriate methodology. GSA should submit data sheets supporting the wetland delineation to the USACE for review and approval. Project drawings submitted for review should include information such as the dimensions and precise locations of areas where GSA intends to place any fill material, excavate, or perform mechanized land clearing in any wetlands or waterways.



**Appendix A: Newspaper Affidavits and Tear  
Sheets**

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# SAINT ALBANS MESSENGER

Public Meeting for the Highgate Springs Land Port of Entry Environmental Assessment

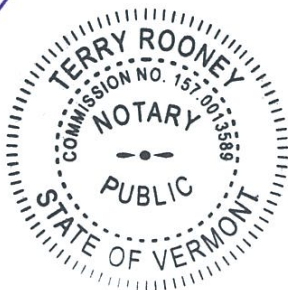
## AFFIDAVIT OF PUBLICATION

NOW COMES Brandon Coburn, an employee of OTAVKE media group deposes and says that the attached LEGAL NOTICE was published in the St Albans Messenger, a newspaper of general circulation in St. Albans, Vermont on January 3, & 6 2023.

By: Brandon S Coburn

Dated: January 6, 2023

Subscribed and sworn to before me under pains of perjury this 6 day of January, 20 23.



Terry Rooney  
Notary Public  
Printed Name: Terry Rooney  
My Commission Expires: 1/31/23



# Classifieds

Contact us to get a free quote or place an ad!

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**classifieds@samessenger.com**

www.samessenger.com  
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**FREE Listing \$100 or Less**

**SOMETIMES ERRORS OCCUR.** After placing an ad, it is your responsibility to check your ad on the first day of publication for any errors. Refunds are not issued for classified ads, but if notification is given to our department after the first day of publication, we will run your corrected ad for one extra day. We will not be responsible for more than one incorrect publication of each ad. Paid advertisement will take priority over free listings.

**NEED SOME HELP WRITING YOUR CLASSIFIED?**  
 CALL US AND WE WILL HELP WRITE YOUR AD & DESIGN IT FOR FREE

**DEADLINES**  
 Tuesday paper ..... Noon Monday  
 Friday paper ..... Noon Thursday  
**For display ads or ads requiring a proof please allow us extra time.**

## Employment & legals

### EMPLOYMENT

**Town of St. Albans, VT.**  
**Employment Opportunity Department of Public Works Road Foreman**  
**The Town of St. Albans is accepting applications for the position of Road Foreman. This position involves skilled, technical work in the maintenance, repair, and construction of town highways, facilities, and equipment. The Road Foreman works under the direct supervision of the Director of Public Works. A full job description and application may be downloaded from the Town's website at [www.stalbans-town.com](http://www.stalbans-town.com). Salary is commensurate with education and/or experience and will be in the \$27 to \$31 per hour range. Applicants must be willing to submit to pre-employment drug screening and background check if offered a position. Please send applications to Jennifer Gray Executive Assistant, Town of St. Albans, P.O. Box 37, St. Albans Bay, VT, 05481, by hand to the Town Hall offices at 579 Lake Road, St. Albans, or by email at [j.gray@stalbanstown.com](mailto:j.gray@stalbanstown.com). Vacancy is open until filled.**



### LEGALS

**Franklin West Supervisory Union** is seeking bids for student transportation services for two of our three school districts for July 1, 2023 through June 30, 2026. A detailed RFP can be found on [FWSU.org](http://FWSU.org). Please contact Randy Morton, business manager with any questions by calling 802-370-3113 or emailing [rmorton@fwsu.org](mailto:rmorton@fwsu.org).

**Public Meeting for the Highgate Springs Land Port of Entry Environmental Assessment**

The U.S. General Services Administration (GSA) will prepare an Environmental Assessment (EA) to analyze the potential impacts from the proposed construction of a replacement Land Port of Entry (LPOE) facility at Highgate Springs, Vermont.

The existing facility cannot accommodate the projected 30 percent traffic increase due to Canada's Autoroute-35 completion. Therefore, GSA is proposing to build a new facility to expand the LPOE's operations. The EA will consider two project alternatives that include acquiring land, demolishing existing facilities, and constructing new facilities, and a third alternative, wherein the current LPOE facility continues to operate under existing conditions.

The public is encouraged to attend the public meeting on Thursday January 12, 2023\* from 5:30 to 7:30 PM at: St. Albans City Hall Auditorium

100 N Main St., St. Albans, VT  
**\*In the event of inclement weather, the alternate date will be Thursday January 19, 2023. The meeting time and venue will remain unchanged. If the meeting is rescheduled, a notice will be issued at the Project website (below) by Tuesday, January 10, 2023.**

The views and comments of the public are necessary to help determine the scope and content of the EA. Written comments must be received by February 9, 2023, using one of the following methods:

- **In-Person:** At the meeting
- **Email:** [highgatesprings.lpoe@gsa.gov](mailto:highgatesprings.lpoe@gsa.gov) with subject line: "Highgate Springs LPOE EA"
- **Mail:**  
 General Services Administration  
 Attention: John Maurer  
 T.P. O'Neill Federal Building  
 10 Causeway Street,  
 11th Floor  
 Boston, MA  
 02222-1077

Project information, including a video recording of this public meeting, will be available at: <https://www.gsa.gov/highgatespringslpoe>.

[www.gsa.gov/highgatespringslpoe](http://www.gsa.gov/highgatespringslpoe).  
 For more information, please contact John Maurer, GSA Project Manager: 617-893-0345.

**PUBLIC NOTICE TOWN OF HIGHGATE LIBRARY TRUSTEES MEETING Monday, January 23, 2023 @ 3:00pm • VIRTUAL TRAINING SESSION**

**RESOLUTION**  
 RESOLVED, at a meeting of the Board of School Directors of the Fairfax Town School District held on December 5, 2022, it was determined that the public interest and necessity demand that certain school building improvements be made, namely, those Bellows Free Academy Fairfax Elementary, Middle and High School renovations, additions, replacements and upgrades identified on Exhibit A attached hereto, the aggregate estimated cost thereof being \$36,415,580; and BE IT FURTHER RESOLVED, that the cost of constructing such improvements, after application of available private, state and federal grants-in-aid, the application of reserves, and other financial assistance, should be submitted to the legal voters of the District at a special meeting thereof to be duly called and held for that purpose on January 10, 2023; and BE IT FURTHER RESOLVED, that all acts relating to the proposition of incurring bonded indebtedness and the issuance of general obligation bonds or notes of the District in the aggregate amount not to exceed Thirty-six Million Four Hundred Fifteen Thousand Five Hundred Eighty Dollars (\$36,415,580) to pay for its cost of the same, subject to reduction through the receipt of any state or federal grants-in-aid, the

application of reserves, and other financial assistance, should be submitted to the legal voters of the District at a special meeting thereof to be duly called and held for that purpose on January 10, 2023; and BE IT FURTHER RESOLVED, that all acts relating to the proposition of incurring bonded indebtedness and the issuance of general obligation bonds or notes of the Fairfax Town School District for the purpose of making said improvements within the corporate limits of the District

be in accordance with the provisions of Chapters 9 and 11 of Title 16, and Chapter 53 of Title 24, Vermont Statutes Annotated; and BE IT FURTHER RESOLVED, that the attached Warning and form of Ballot be adopted for use in connection with consideration of the above-stated proposition of making said public improvements and incurring bonded indebtedness therefor.  
 Dated: December 5, 2022  
 ATTEST:  
 District Clerk

All or a Majority of the Board of School Directors

**WARNING**  
 The legal voters of the Fairfax Town School District, Vermont, are hereby notified and warned to meet at the Middle School Gymnasium in the Town of Fairfax on Tuesday, January 10, 2023, between the hours of seven o'clock (7:00) in the forenoon (a.m.), at which time the polls will open, and seven o'clock (7:00) in the afternoon (p.m.), at which time the polls will close, to vote by Australian ballot upon the

The Vermont Agency of Transportation (VTrans) invites you to attend the rescheduled Construction Public Meeting for the Exit 16 Diverging Diamond Interchange (DDI) Project.  
**Thursday, January 12, 2023 6:30 PM**

**This meeting will be held in person at the Colchester Meeting House, 830 Main Street, Colchester, VT and virtually via Zoom Webinar:**  
<https://us02web.zoom.us/j/89281717112>  
 To dial in by phone, please call +1-646-558-8656  
 Type in the Webinar ID: 892 8171 7112  
 When joining by phone, please press \*9 to raise your hand to be called on and \*6 when asked to unmute.

The Exit 16 DDI project includes improvements to the US Routes 2/7 corridor, in the vicinity of I-89 Exit 16, to enhance mobility and safety in Colchester, Vermont. The core of the project is to reconfigure the existing tight diamond interchange to a Diverging Diamond Interchange (DDI) at I-89 Exit 16. Construction for the initial contract, awarded to S.D. Ireland Brothers Corp., may begin as early as the end of January 2023. The Public Meeting presentation will include a project overview, construction schedule and sequencing, and the anticipated impacts. Following the presentation, there will be an opportunity to ask questions of the project team, the contractor, S.D. Ireland Brothers Corp., and the blasting subcontractor, Maine Drilling & Blasting.

### FAMILY PRESERVATION SPECIALIST

The Compass Family Preservation Specialist will work as part of a team providing emergency crisis response, assessment and case planning, case management, family preservation services, and access to healthcare for at-risk youth 12-23 and their families within the St Albans DCF district. This is a full time exempt position with an annual salary of \$50,000.00 and is eligible for an excellent benefits package. This position is in St. Albans, VT.



For a complete job description and to apply, visit: <https://bit.ly/3GnwrUn>

### Bus Operators

- Free CDL training provided
- Start at \$21.75 hourly rate
- 5+ weeks of vacation
- 100% paid health, dental & vision insurance
- Uniforms provided

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Apply online today at [RideGMT.com/careers](http://RideGMT.com/careers) or pick-up an application at our offices in Burlington & Saint Albans



802.864.2282

[Jobs@RideGMT.com](mailto:Jobs@RideGMT.com)





# Employment, Legals, and Merchandise



## EMPLOYMENT

### Caregiving Help Needed Attention Seniors and Retirees

We are looking for someone to help with elderly caregiving 6 to 9 hours per week. The pay is \$25/hour. If you have patience, kindness, and thoughtfulness to assist a family member with memory care issues, please call (802) 370-6964 for more information.

### Town of St. Albans, VT.

#### Employment Opportunity Department of Public Works Road Foreman

The Town of St. Albans is accepting applications for the position of Road Foreman. This position involves skilled, technical work in the

maintenance, repair, and construction of town highways, facilities, and equipment. The Road Foreman works under the direct supervision of the Director of Public Works. A full job description and application may be downloaded from the Town's website at [www.stalbans-town.com](http://www.stalbans-town.com). Salary is commensurate with education and/or experience and will be in the \$27 to \$31 per hour range. Applicants must be willing to submit to pre-employment drug screening and background check if offered a position. Please send applications to Jennifer Gray Executive Assistant, Town of St. Albans, P.O. Box 37, St. Albans Bay, VT. 05481, by hand to the Town Hall offices at 579 Lake Road, St. Albans, or by email at [j.gray@stalbanstow.com](mailto:j.gray@stalbanstow.com). Vacancy is open until filled.



Franklin West Supervisory Union is currently seeking transportation bids for two of its three member school districts, the Fletcher and the Georgia Town School Districts. Contract period would run July 1, 2023 through July 1, 2026. All bids must be received by Randall Morton, FWSU Business Manager, at 4497 Highbridge Road, Fairfax, VT 05454 before 12:00 pm on January 16, 2023. Bids will be open at the Franklin West Supervisory Union at that time. More information is available at [fwsu.org/page/transportation](http://fwsu.org/page/transportation).

### Public Meeting for the Highgate Springs Land Port of Entry Environmental Assessment

The U.S. General Services Administration (GSA) will prepare an Environmental Assessment (EA) to analyze the potential impacts from the proposed construction of a replacement Land Port of Entry (LPOE) facility at Highgate Springs, Vermont. The existing facility cannot accommodate the projected 30 percent traffic increase due to Canada's Autoroute-35 completion. Therefore, GSA is proposing to build a new facility to expand the LPOE's operations. The EA will consider two project alternatives that include acquiring land, demolishing existing facilities, and constructing new facilities, and a third alternative, wherein the current LPOE facility

continues to operate under existing conditions. The public is encouraged to attend the public meeting on Thursday January 12, 2023\* from 5:30 to 7:30 PM at:

St. Albans City Hall  
Auditorium  
100 N Main St.,  
St. Albans, VT

\*In the event of inclement weather, the alternate date will be Thursday January 19, 2023. The meeting time and venue will remain unchanged. If the meeting is rescheduled, a notice will be issued at the Project website (below) by Tuesday, January 10, 2023.

The views and comments of the public are necessary to help determine the scope and content of the EA. Written comments must be received by February 9, 2023, using one of the following methods:

- **In-Person:** At the meeting
- **Email:** [highgatesprings.jpoe@gsa.gov](mailto:highgatesprings.jpoe@gsa.gov) with subject line: "Highgate Springs LPOE EA"
- **Mail:**

General Services Administration  
Attention: John Maurer  
T.P. O'Neill Federal Building  
10 Causeway Street,  
11th Floor  
Boston, MA  
02222-1077

Project information, including a video recording of this public meeting, will be available at: <https://www.gsa.gov/highgatespringslpoe>. For more information, please contact John Maurer, GSA Project Manager: 617-893-0345.

**The Town Clerk's Office in Highgate will have adjusted hours**

**Tuesday, January 10 from Noon – 4pm. Thank you.**

### Town of Highgate Public Notice Attention Highgate Residents:

A list of positions to be voted on by Australian ballot on Town Meeting Day 3/7/23 is available.

Please visit our website at [www.highgatevt.org](http://www.highgatevt.org) or our Facebook or Instagram pages to see the list. Consent of Candidate forms and nominating positions are due by 5pm on Jan. 30, 2023

for your name to appear on the Town Meeting Day ballot. Contact our office at 802-868-5002 or [wduablon@highgatevt.org](mailto:wduablon@highgatevt.org) for more info, or visit any of the pages listed above. Thank you.

### WARNED

Enosburg Falls Country Club Annual Stockholders Meeting.

Date: 02/26/2023  
3:00 p.m. at EFCC Club House.



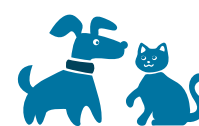
## MERCHANDISE

### Firearms, Bows, Etc

Rifle Ammunition, Reload dies for different caliber rifles, Rifles, Scopes, Ext! Call 802-309-5211 for more info!

### Personals

I am a 63 year old, Looking for a single female. Honesty and age do matter! Call 802-829-5522



## PETS

### Pets

Purebred Yorkie Puppies 14 weeks & ready to go. Vet checked. Parents on site (8 & 12lbs). Our facebook page "3 Black Puppies" (email) [csfeely@comcast.net](mailto:csfeely@comcast.net) (cell) 802 309 5613 (landline) 802 466 7984

### Wanted to Buy

**BUYING ANTIQUES Estate Merchandise, Collections. +45 Years Buying!**

Call Ed Lambert 802-528-5651 or 802-782-1223 St. Albans Fair Prices Paid



## FOR RENT

### Apartments Unfurnished

St. Albans-EP Management Corp is accepting applications for one-bedroom and two-bedroom units at Brookside I Apartments. Secure, Non-Smoking, professionally managed building. On-site coin-operated laundry. Covered parking. 24-Hour emergency maintenance. Close to town schools, interstate, and sports arena. Income limits apply. Section 8 Vouchers welcome. One-Bedroom Units \$1150/mo. Two-Bedroom Units \$1200/mo. Rent includes heat, hot water, trash removal & recycling. Tenant pays electricity, phone, internet & cable. For application call

802-775-1100 ext 2 or e-mail [amanda@epmanagement.com](mailto:amanda@epmanagement.com). Equal Housing Opportunity.

## FAMILY PRESERVATION SPECIALIST

The Compass Family Preservation Specialist will work as part of a team providing emergency crisis response, assessment and case planning, case management, family preservation services, and access to healthcare for at-risk youth 12-23 and their families within the St Albans DCF district. This is a full time exempt position with an annual salary of \$50,000.00 and is eligible for an excellent benefits package. This position is in St. Albans, VT.



**SPECTRUM**  
YOUTH & FAMILY SERVICES

For a complete job description and to apply, visit: <https://bit.ly/3GnwrUn>

## Bus Operators

- Free CDL training provided
- Start at \$21.75 hourly rate
- 5+ weeks of vacation
- 100% paid health, dental & vision insurance
- Uniforms provided

# WE ARE HIRING!



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802.864.2282



[Jobs@RideGMT.com](mailto:Jobs@RideGMT.com)



### Important Annual Notice Regarding Herbicide Use in the Maintenance of Electric Utility Rights-of-Way

The Vermont Public Utility Commission has set forth rules under [PUC Rule 3.600](#) pertaining to the use of herbicides in the maintenance of electric utility rights-of-way (ROW). Each spring, herbicide applications may begin on or after April 1st. These rules afford you important rights and duties. Vermont electric utilities maintain electric line rights-of-way with several methods, including the selective use of herbicides on trees and brush. They also encourage low-growing shrubs and trees which will crowd tall-growing species and, thus, minimize the use of herbicides. Methods of herbicide applications may include stump, stem injection, basal, soil, and foliar. Only electric utility rights-of-way that have tall-growing tree species with the potential of threatening the electric utility system are treated.

#### If you reside on or own property in Vermont within 1000' of an electric utility right-of-way:

1. **Sign up to receive written notification** from your local electric utility of plans to apply herbicide on any ROW within 1000' of your property or the property where you reside. Check nearby poles for tags identifying the utility and/or pole number, complete the form below and submit it to your local electric utility by mail before February 15<sup>th</sup>, 2023 to be added to the notification list. If determined to be qualified, you will receive notification from the utility at least 30 days prior to scheduled herbicide application.
2. **You are responsible to make your local electric utility aware** of the location of any potentially affected water supply, and of any other environmentally sensitive area where herbicide application ought to be avoided.
3. **Watch and listen for public service announcements** in newspapers and radio ads noting upcoming herbicide applications.
4. **Check with your local electric utility** regarding the vegetation management cycle near your particular line.
5. **You have the right** to request, in writing, that the utility refrain from applying herbicides in the process of clearing the right-of-way, and the utility may offer alternatives such as herbicide stump treatment or herbicide stem injections.
6. **You have the right** to refuse, in writing, the use of herbicides whatsoever at no cost to you if the type of lines in the right-of-way are **distribution lines**, bringing electric service directly to individual customers.
7. **You have the right** to refuse, in writing, the use of herbicides whatsoever by paying a \$30 administration fee if the type of lines in the right-of-way are **transmission lines** or **sub-transmission lines**, bringing electricity to or between substations.

For more details, or to ask additional questions, please contact your local electric utility, or one of the following:

Vermont Electric Power Company (VELCO) 366 Pinnacle Ridge Rd. Rutland, VT 05701 Attn: Scott Carlson (802) 353-3584	Agency of Agriculture Public Health & Ag. Resource Mgmt 116 State St., Montpelier, VT 05602 1-802-828-2431	Department of Public Service Consumer Affairs & Public Information 112 State St., Montpelier, VT 05620 1-800-622-4496
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Based on the information above, if you believe you qualify to be notified in advance of pending herbicide applications in the rights-of-way, mail the request below to your local electric company before February 15<sup>th</sup>, 2023.

Resident/Property Owner Request to be Added to Herbicide Treatment Notification Mailing List			
Name	Town/City of Affected Property		
Street Address	Home Phone Number		
Town	Work Phone Number		
State	Zip Code	O.K. to use work number? (circle one)	Yes No
Electric Utility Account Number	Best time to contact you		
Affected Property: Year-Round Residence Summer Residence Commercial Property Water Supply Organic Farm Land Other (Circle all that apply)			
Line/Pole Identification: Utility Initials	Pole Numbers		
Please fill out this request completely to help us determine if you qualify for herbicide treatment notification. MAIL THIS REQUEST TO YOUR LOCAL ELECTRIC UTILITY AT THE ADDRESS LISTED ABOVE BEFORE FEBRUARY 15 <sup>th</sup> , 2023			

## **Appendix B: Public Service Announcement**

## **PSA for Public Scoping Meeting for the Highgate Springs LPOE Environmental Assessment**

The U.S. General Services Administration, or GSA, will be preparing an Environmental Assessment to evaluate the potential impacts from the proposed construction of a new replacement Land Port of Entry facility at Highgate Springs, Vermont.

A public meeting will be held on Thursday, January 12<sup>th</sup>, from 5:30 to 7:30 PM at the St. Albans City Hall Auditorium located at 100 North Main Street. In case of inclement weather, the meeting will be rescheduled to Thursday, January 19<sup>th</sup>. If the meeting is rescheduled, a notice will be issued at [www.gsa.gov/highgatespringslpo](http://www.gsa.gov/highgatespringslpo)e by Tuesday, January 10<sup>th</sup>.

The public is encouraged to attend the meeting and provide written comments. For more information, please contact Mr. John Maurer, GSA Project Manager, at (617) 893-0345.

## **Appendix C: Letter to Interested Parties**



December 23, 2022

Dear Interested Reader,

In compliance with the National Environmental Policy Act (NEPA), the U.S. General Services Administration (GSA) will prepare an Environmental Assessment (EA) to analyze the potential impacts from the proposed construction of a new replacement Land Port of Entry (LPOE) facility at Highgate Springs, Vermont (VT). You are receiving this letter because you have been identified as an interested party and/or stakeholder for this project. We encourage you to review the project and provide comments you may have.

GSA is the lead agency for the EA, acting on behalf of its Federal agency tenants: U.S. Customs and Border Protection, Food and Drug Administration, and U.S. Department of Agriculture's Animal and Plant Health Inspection Service.

The Highgate Springs LPOE sits at the northern end of Interstate 89 (I-89) across the international border from the Canadian port of entry at St. Armand, Quebec. The LPOE, already one of the busiest ports in New England, is expected to see a 30 percent increase in traffic with the completion of Canada Autoroute-35 (A-35) connecting to I-89 at the international border. The existing LPOE facility does not have the capacity to accommodate this projected traffic increase.

GSA is proposing to acquire additional land and construct larger facilities to provide for the long-term and efficient flow of current and projected traffic volumes, including the movement of goods and people, between Highgate Springs, VT, and St. Armand, Quebec.

The EA will consider three project alternatives. Two alternatives will consider options that include the acquisition of additional land, demolition of the existing LPOE facilities, and construction of newer, larger facilities to expand the LPOE's operations. The third alternative is a "no-action" alternative where the current LPOE facility would continue to operate under existing conditions.

You are encouraged to attend and participate in the public meeting on:

**WHEN\*:** January 12, 2023, from 5:30 p.m. – 7:30 p.m.

**WHERE:** St. Albans City Hall Auditorium  
100 N Main St.  
St. Albans City, VT 05478

**\*In the event of inclement weather, the alternate date of the public meeting will be January 19, 2023. The meeting time and venue will remain unchanged. If the meeting is rescheduled, a notice will be issued at the Project website (below) by Tuesday, January 10, 2023.**





GSA New England Region

The meeting will be conducted in an open house format, where project information will be presented and distributed to the attendees.

During this meeting, the public will have an opportunity to hear about the project and learn how they can provide input on the issues that are important to the community. This input is a valuable step in the NEPA process and will be used by GSA to determine the scope and content of the EA.

Written comments must be received by Thursday, February 9, 2023, using one of the following methods:

- **In-Person:** Submit written comments at the public meeting via comment forms.
- **Email:** Send an email to [highgatesprings.lpoe@gsa.gov](mailto:highgatesprings.lpoe@gsa.gov) and reference "Highgate Springs LPOE EA" in the subject line.
- **Mail:** Send written comments to the following address:

General Services Administration  
Attention: John Maurer, GSA Project Manager  
Thomas P. O'Neill, Jr., Federal Building  
10 Causeway Street, 11th Floor  
Boston, MA 02222-1077

**Project Website:** Project information, including a video recording of this public meeting, will be available at : <https://www.gsa.gov/about-us/regions/welcome-to-the-new-england-region-1/buildings-and-facilities/development-projects/highgate-springs-vt-land-port-of-entry>

For more information, please contact Mr. John Maurer, GSA Project Manager, at (617) 893-0345 or [john.maurer@gsa.gov](mailto:john.maurer@gsa.gov).


Sincerely,

**JOHN MAURER**

Digitally signed by JOHN MAURER  
DN: C=US, O=U.S. Government, OU=General Services Administration, CN=JOHN MAURER + OID.0.9.2342.19200300.100.1.1=47001000038430  
Reason: I have reviewed this document  
Location:  
Date: 2022.12.23 14:33:10-0500'  
Foxit PDF Editor Version: 12.0.2

John Maurer  
GSA Project Manager  
General Services Administration  
Public Buildings Service, Region 1

## **Appendix D: Press Release and Social Media Posts**

 An official website of the United States government



# U.S. General Services Administration to Host Public Meeting for the New Land Port of Entry Facility at Highgate Springs, Vermont

January 10, 2023

**BOSTON** – In compliance with the National Environmental Policy Act (NEPA), the [U.S. General Services Administration \(GSA\)](#) will host a public meeting in support of an Environmental Assessment for the proposed construction of a new replacement Land Port of Entry (LPOE) at Highgate Springs, Vermont.

The public is encouraged to attend and participate in the public meeting on:

**WHEN\***: Thursday, January 12, 2023, at 5:30 p.m.

**WHERE**: St. Albans City Hall Auditorium, 100 North Main Street, St. Albans City, VT

**\*In the event of inclement weather, the alternate date will be Thursday, January 19, 2023**

The meeting will be conducted in an open house format. GSA will present project information to the attendees. The public will have an opportunity to hear about the project and learn how they can provide input on the issues that are important to the community. This input is a valuable step in the process and will be used by GSA to determine the scope and content of the Environmental Assessment.

GSA is proposing to acquire additional land and to construct a larger facility that expands and modernizes this port. The new replacement facility will allow federal inspection agencies to operate efficiently and enable the port to handle the anticipated traffic increase at the border crossing, expediting crossing times for the traveling public and businesses that rely on binational commerce.

The Highgate Springs project will incorporate sustainability features that will reduce greenhouse gas emissions, mitigate environmental impact, and simultaneously increase the mission readiness of the federal government by increasing resilience to climate change.

## Contacts

[Paul Hughes](#)

📞 [617-283-6142](tel:617-283-6142)

• [View Contact Details](#)

The new port will meet the U.S. Custom and Border Protection's (CBP) mission requirements, while improving the safety of officers and the traveling public. It will provide for an efficient flow of people and commerce, accommodating the increased traffic volume, and the additional border security measures and technologies.

**Written comments must be received by Thursday, February 9, 2023, using one of the following methods:**

- **In-Person:** Submit written comments at the public meeting via comment forms to be distributed at the meeting.
- **Email:** Send an email to [highgatesprings.lpoe@gsa.gov](mailto:highgatesprings.lpoe@gsa.gov) and reference "Highgate Springs LPOE EA" in the subject line.
- **Mail:** Send written comments to the following address:
  - U.S General Services Administration  
Attention: John Maurer, Project Manager  
Thomas P. O'Neill, Jr., Federal Building  
10 Causeway Street, 11th Floor  
Boston, MA 02222-1077

Project information, including a video recording of this public meeting, will be available at: [gsa.gov/highgatespringslpoe](https://gsa.gov/highgatespringslpoe).

The Highgate Springs Land Port of Entry – one of the busiest land ports in New England – sits across the U.S.-Canada border from the Canadian port of entry at St. Armand, Quebec. The port is at the end of Interstate 89 (I-89) and Canada Route 133 which connects to Canada Autoroute-35 (A-35).

The new facility, funded by the [Bipartisan Infrastructure Law](#), is critical due to the extension of Canada Autoroute A-35. This extension will connect to I-89 at Highgate Springs, and is expected to increase traffic through the port by approximately 30 percent.

**About GSA:**

GSA provides centralized procurement for the federal government, managing a nationwide real estate portfolio of nearly 370 million rentable square feet and overseeing approximately \$75 billion in annual contracts. GSA's mission is to deliver the best value in real estate, acquisition, and technology services across government, in support of the Biden-Harris administration's priorities. For more information, visit [GSA.gov](https://gsa.gov) and follow us at [@USGSA](https://twitter.com/USGSA) .



U.S. General Services Administration New England Region

January 10 · 🌐

News update - On Thursday: U.S. General Services Administration to Host Public Meeting for the New Land Port of Entry Facility at Highgate Springs, Vermont <http://ow.ly/XnS850MmEQt>

**BREAKING**

**NEWS**

 Like

 Comment



GSA New England @US\_GSAR1 · Jan 10



News update - On Thursday: U.S. General Services Administration to Host Public Meeting for the New Land Port of Entry Facility at Highgate Springs, Vermont [ow.ly/YsQP50MmEQu](https://ow.ly/YsQP50MmEQu)



## **Appendix E: Scoping Meeting Poster Display**





- The Highgate Springs Land Port of Entry (LPOE), located approximately 40 miles north of Burlington, is one of the three busiest LPOEs in New England.
- The existing LPOE does not have the capacity to accommodate projected increases in traffic along I-89 at the U.S.-Canada border. Additionally, some of the buildings and infrastructure at the LPOE have deteriorated over time.
- GSA is proposing to construct a larger facility that expands and modernizes the LPOE.

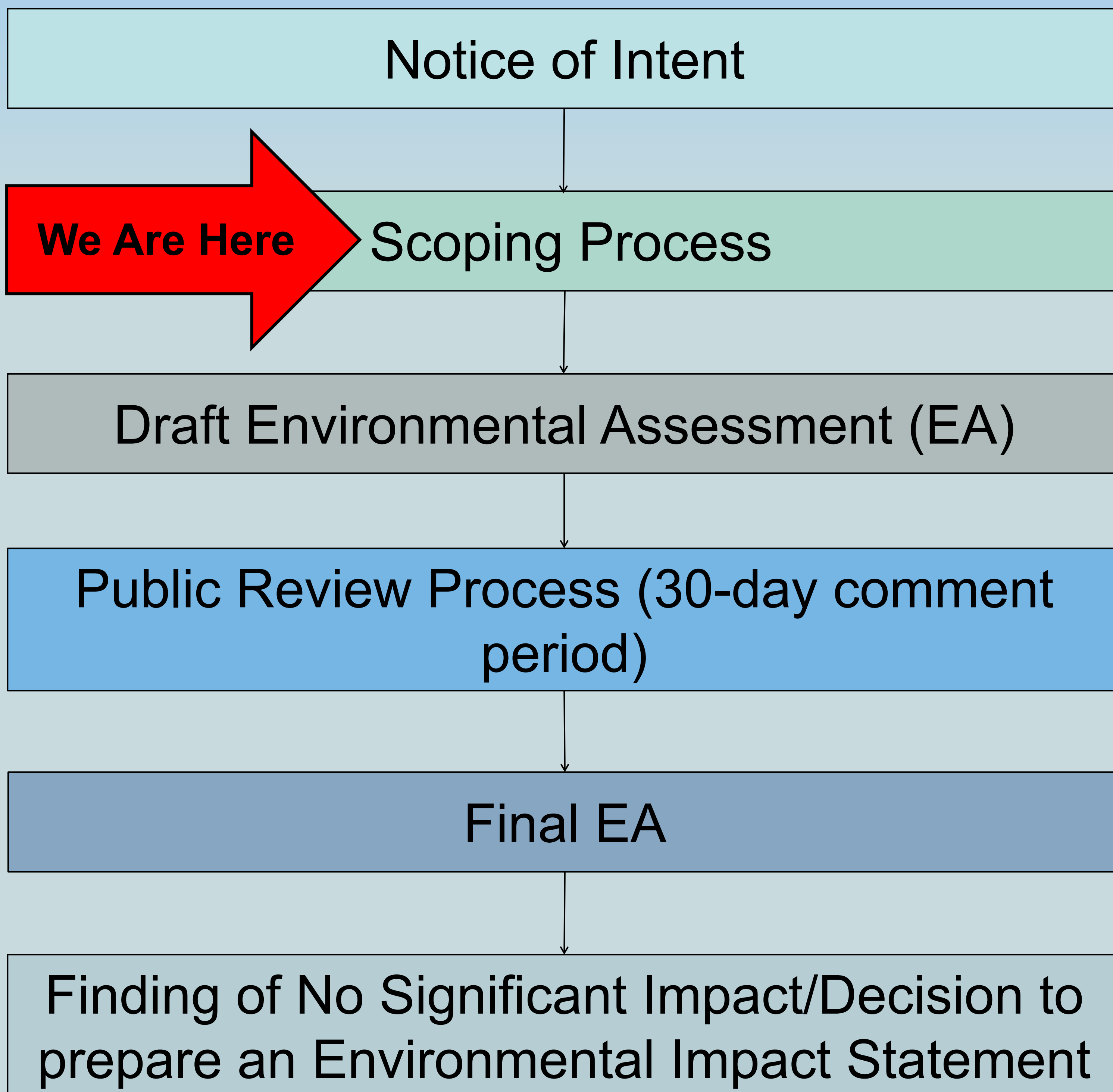




# National Environmental Policy Act (NEPA Process)



## NEPA Process



The views and comments of the public are important to the NEPA process. Your comments are necessary to help determine the area of study for the environmental analysis. The scoping process identifies specific elements of the environment that might be impacted if the project is carried out. Relevant concerns raised during scoping will be analyzed in detail in the EA.





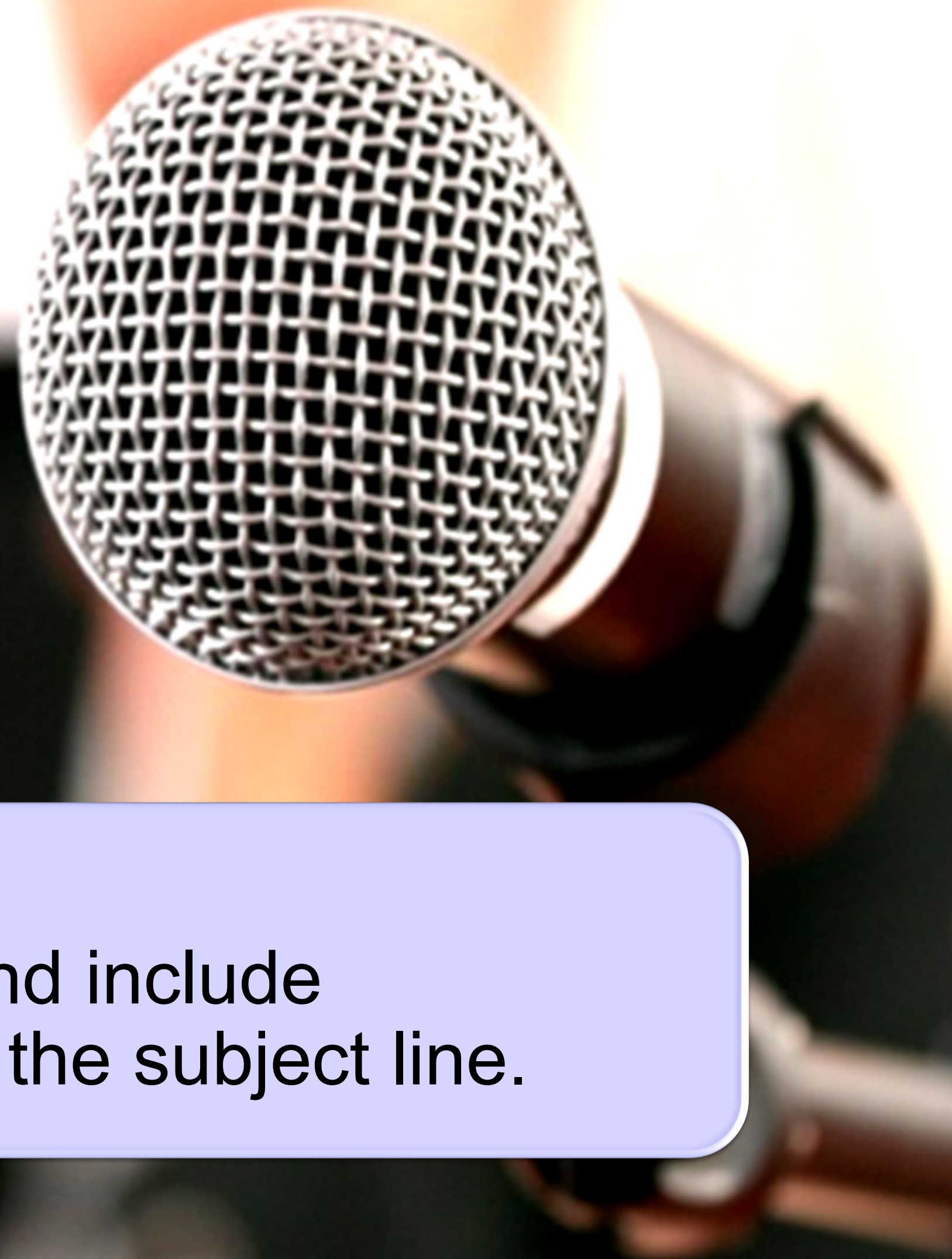
# Submitting Comments

1. Mail comments to: General Services Administration  
Attention: John Maurer, Project Manager  
Thomas P. O'Neill, Jr., Federal Building  
10 Causeway Street, 11th Floor  
Boston, MA 02222-1077

2. Fill out a comment form and leave it here with us tonight.

3. Dictate your comment to the court reporter.

4. Email comments to:  
[highgatesprings.lpoe@gsa.gov](mailto:highgatesprings.lpoe@gsa.gov) and include  
**"Highgate Springs LPOE EA"** in the subject line.







**Purpose:** To enhance the performance, safety, security, and efficiency of operations of GSA and its tenant agencies at the Highgate Springs LPOE along the U.S.-Canada border.

**Need:** The current Highgate Springs LPOE does not presently have the capacity to accommodate projected increases in traffic or the infrastructure needed to ensure efficient operations.



The EA is considering three project alternatives. The “**action**” alternatives will look at options to acquire additional land, demolish existing buildings at the LPOE, and construct newer, larger buildings to expand the LPOE’s operations. Key components of the action alternatives include:

- **Demolition of existing structures and construction of new, larger buildings;**
- **Parking and facilities support areas; and**
- **Construction of new inspection lanes for privately owned and commercial vehicles and buses.**

The EA will also analyze a “**no action**” alternative which assumes that the existing LPOE would continue to operate under current conditions.



Impacts to the following resource areas will be evaluated during the NEPA process:

- Land Use
- Soils and Geology
- Biological Resources
- Water Resources
- Utilities
- Traffic and Transportation
- Visual Resources
- Noise
- Air Quality and Climate Change
- Cultural Resources
- Socioeconomics
- Environmental Justice
- Solid and Hazardous Waste
- Human Health and Safety



## **Appendix F: Scoping Meeting Handout**



# Highgate Springs Land Port of Entry EA Public Meeting Handout

## Summary

The U.S. General Services Administration (GSA) is preparing an Environmental Assessment (EA) to analyze the potential impacts from the proposed construction of a new replacement Land Port of Entry (LPOE) facility at Highgate Springs, Vermont (VT). GSA is the lead agency for the EA, acting on behalf of its Federal agency tenants - U.S. Customs and Border Protection (CBP), Food and Drug Administration (FDA), and U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS).

## Project Background

The Highgate Springs LPOE, located approximately 40 miles north of Burlington, is one of the three busiest LPOEs in New England. The existing LPOE does not have the capacity to accommodate the projected increase in traffic along the U.S. Interstate Highway 89 (I-89) at the U.S.-Canada border. The Canadian government is constructing the final segment of its Autoroute-35 (A-35) between Montreal and St. Armand/Philipsburg, Quebec. When completed, traffic at the Highgate Springs LPOE is projected to increase by approximately 30 percent. Additionally, the condition of some of the buildings and infrastructure at the LPOE has deteriorated over time, adversely impacting the operations at the port. GSA is proposing to construct a new replacement facility that expands and modernizes the LPOE operations at Highgate Springs.

## Project Alternatives

The EA will consider three project alternatives. Two **“action” alternatives** will consist of acquiring additional land, demolishing existing LPOE facilities, and constructing newer, larger buildings to expand and modernize the LPOE's operations. The expanded LPOE would include newly constructed buildings for agency-specific operations, supporting facilities, and additional inspection lanes for privately owned and commercial vehicles.

A **“no action” alternative** is always considered. This assumes that land acquisition and the subsequent expansion and modernization of the LPOE would not occur. The Highgate Springs LPOE would continue to operate under current conditions.



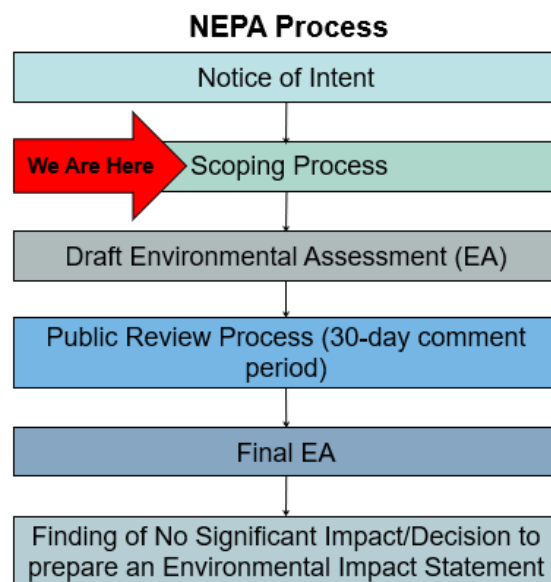




# Highgate Springs Land Port of Entry EA Public Meeting Handout

## National Environmental Policy Act (NEPA) Process

We are currently in the Public Scoping Process phase of the NEPA Process. The views and comments of the public are an important part of the NEPA process. Your comments are necessary to help determine areas of study for the environmental analysis. Your comments assist in identifying the specific elements of the environment that might be impacted if the project is carried out. Relevant concerns raised during scoping will be analyzed in detail in the EA.



## Public Comments

Written comments must be received by Thursday, February 9, 2023, using one of the following methods:

- **In-Person:** Submit written comments at the public meeting via comment forms.
- **Email:** Send an email to [highgatesprings.lpo@gsa.gov](mailto:highgatesprings.lpo@gsa.gov) and reference “Highgate Springs LPOE EA” in the subject line.
- **Mail:** Send written comments to the following address:

General Services Administration  
Attention: John Maurer, Project Manager  
Thomas P. O’Neill, Jr., Federal Building  
10 Causeway Street, 11th Floor  
Boston, MA 02222-1077

For further information, contact John Maurer, GSA Project Manager, at 617-893-0345.

**Appendix G: Scoping Meeting Comment Form**

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**Highgate Springs Land Port of Entry EA  
Comment Form**

**Thank you for your participation!**

Please comment by either mailing to the address provided; dictating to the court reporter; or submitting online at:

highgatesprings.lpoe@gsa.gov

Please reference “**Highgate Springs LPOE EA**” in the subject line of the email. Comments **MUST** be received on or before 02/09/2023 to assure full consideration during the scoping process.

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Place  
Stamp  
Here

General Services Administration  
Attention: John Maurer, Project Manager  
Thomas P. O’Neill, Jr., Federal Building  
10 Causeway Street, 11th Floor  
Boston, MA 02222-1077

Tape Here

Public participation is an essential component of the National Environmental Policy Act (NEPA) process, and GSA welcomes comments on the Environmental Assessment (EA) for the new replacement Land Port of Entry (LPOE) facility at Highgate Springs, VT.

Please fill out the following form to ensure that the analysis, and ultimately the decision, considers the affected communities’ opinions.

If you would like to be added to the mailing list and receive information about the project, please provide your email or mailing address.

Name: \_\_\_\_\_  
Affiliation (Optional): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Email: \_\_\_\_\_

Please check the box below if you would like to be informed of project updates.

Yes, mail/email to the above address.



**Appendix H: Scoping Meeting Sign-In Sheet**

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**Appendix I: Scoping Meeting Presentation Transcript**

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PUBLIC SCOPING HEARING  
IN THE MATTER OF HIGHGATE SPRINGS  
LAND PORT OF ENTRY (LPOE)  
ENVIRONMENTAL ASSESSMENT (EA)

Public Scoping Hearing held January 12, 2023  
at 6:00 p.m., at St. Albans City Auditorium  
Main Street, St. Albans, Vermont

COURT REPORTER: Sarah M. Bentley, RPR, Notary Public

CAPITOL COURT REPORTERS, INC.  
P.O. BOX 329  
BURLINGTON, VERMONT 05402-0329  
(802) 863-6067  
EMAIL: info@capitolcourtreporters.com

A P P E A R A N C E S

1  
2  
3 For U.S. General Services Administration (GSA):

4 John Maurer  
5 Paul Hughes  
6 Carey Bergeron  
7 Missy Mertz  
8 Kelly Morrison  
9 Carol Chirico  
10 Glenn Rotondo  
11 Alan Bombardier  
12 Jack Darling  
13 Brian Fuller

14  
15 For SOLV:

16 Oshin Paranjape  
17 Leon Kolankiewicz  
18

19  
20 Also Present:

21 Nancy Bertrand  
22 Robert Richard  
23 Gerald Dexter  
24 Stephen Dexter  
25 Todd Bracks  
Babette Liotte  
Zulfi Jamil  
Pete Kelley  
Haley Pero  
Zach Scheffler  
Michele Boomhower  
Thomas Renne  
Giller Croinville  
Michelle Monroe  
Nate Fornelorie  
Shawn Coleman  
Josh Crandau  
Thomas Renner

## P R O C E E D I N G S

1  
2  
3  
4 MR. KOLANKIEWICZ: Everybody, thanks for  
5 coming. We were actually going to start the  
6 presentation at 6:30, but given that we already  
7 have a sizable audience here we're not going to  
8 make them wait that long, but we thought we  
9 would give folks still on their way a chance to  
10 get here so we'll start the presentation at  
11 6:00.

12 Until then feel free to take a look at  
13 the presentations here, and we'll start at 6:00.

14 Thank you.

15 (Brief recess was taken.)

16 MR. HUGHES: Good evening, Everyone.  
17 Thank you all for coming. We are all really  
18 excited, aren't you? Should I tell a joke  
19 first?

20 All right, so good evening. My name is  
21 Paul Hughes. I'm the regional public affairs  
22 officer for GSA New England.

23 I'll be working a lot with the media in  
24 your community over the course of the next  
25 several years as we try to keep you informed



1 about all of these upcoming projects.

2 On the behalf of the U.S. General  
3 Services Administration, Welcome. Thank you for  
4 coming today.

5 And I especially would like to thank  
6 St. Albans for use of this hall to hold this  
7 meeting. We really do appreciate that.

8 Before we begin I'd also like to  
9 introduce members of your congressional  
10 delegation. Michele Monroe from Senator Welch's  
11 office, Haley Pero from Senator Sanders' office,  
12 and Thomas Renner from Congresswoman Ballard's  
13 office. Thank you all for coming tonight.

14 We look forward to the next few years up  
15 here in your community because we have a lot of  
16 things going on up here.

17 In addition to Highgate Springs, we also  
18 have four other land ports of entry in Vermont  
19 that we're going to be working on, and this is  
20 our first opportunity to engage with you as a  
21 community to let you know what we're doing and  
22 how we're going to be progressing through these  
23 projects.

24 In addition to these four ports -- five  
25 ports, excuse me, we also have a nearly

1 18 million dollar project to do renovation and  
2 energy upgrade work to the St. Albans federal  
3 building right down the street. That's going to  
4 put us up here, GSA up here in your community  
5 for the next five to seven years.

6 So if you have questions or if you have  
7 things you want to ask us as we progress, please  
8 visit our website, follows us on social media.

9 That's my personal plug because I run all  
10 the social media channels and, please, reach out  
11 to us. We'd like to answer your questions as we  
12 move forward.

13 Tonight's session is a, more of a we want  
14 your comments. We won't be taking a lot of  
15 questions but maybe some.

16 So without any further adieu, I'm going  
17 to shut up. Again, thank you all for coming.  
18 We look forward to working with you over the  
19 next several years.

20 Oshin? John?

21 MR. MAURER: Yes.

22 Thank you, Paul.

23 Good evening, Everybody, and again thank  
24 you for coming out for tonight's meeting. My  
25 name is John Maurer. I'm the project manager

1 with GSA's design construction division in  
2 Region 1.

3 Tonight this presentation will be given  
4 by SOLV, who's our consultant who has been hired  
5 to do the environmental assessment in  
6 conjunction with the land port of entry in  
7 Highgate Springs.

8 Oshin Paranjape is doing the audio/visual  
9 tonight. She's also the project manager for the  
10 project.

11 And Leon -- I don't know how to pronounce  
12 your name.

13 MR. KOLANKIEWICZ: Kolankiewicz.

14 MR. MAURER: Kolankiewicz?

15 MR. KOLANKIEWICZ: Yeah, something like  
16 that.

17 MR. MAURER: Leon will be up here in a  
18 moment as well doing a presentation.

19 For those of you who aren't familiar with  
20 GSA and what we do, GSA provides two main  
21 services to the government and to the American  
22 taxpayer. It's a federal supply service that  
23 provides services in the forms of any company  
24 that wants to do business with the government,  
25 sell things, provide services, we provide

1 contracts for those.

2 We also have a branch that runs our  
3 fleets of cars. If you see a car driving down  
4 the highway with government plates on it,  
5 chances are it comes from the GSA fleet.

6 We also have a public building service.  
7 And, in essence, GSA is the government's  
8 landlord and property manager. We operate,  
9 maintain, and oversee the design and  
10 construction of federal buildings, courthouses,  
11 and other facilities across the country.

12 Here in New England we cover all six  
13 states. We have the federal building down the  
14 street, as Paul mentioned, and one of the other  
15 unique pieces of property we operate and  
16 maintain is land ports of entry.

17 Ports of entry traditionally were located  
18 at harbors where ships came into ports, and  
19 those have expanded to airports and also land  
20 crossings as well.

21 So just up the road about 40 miles -- not  
22 40 miles -- 40 miles from Burlington is the  
23 Highgate Springs land port of entry, and we are  
24 planning on replacing that facility with a new  
25 port of entry. So tonight we'll discuss some of

1 the reasons for that.

2 As Paul mentioned, tonight's meeting will  
3 be informational. It's an opportunity for you  
4 to learn about this project and the process for  
5 it. The environmental assessment being done by  
6 SOLV is part of the planning process and gives  
7 us an opportunity to solicit input from the  
8 public to ensure that we capture concerns and  
9 issues that need to be incorporated into the  
10 project. And this is the first phase.

11 We'll get a draft copy of the  
12 environmental assessment later on and before  
13 culminating in the final assessment and report,  
14 and that will be available to the public as  
15 well.

16 And later in the presentation we'll  
17 explain how comments can be submitted both  
18 tonight and also later on after tonight's  
19 meeting.

20 Leon, would you give us an overview of  
21 the NEPA process?

22 MR. KOLANKIEWICZ: Sure.

23 MR. MAURER: Thank you.

24 MR. KOLANKIEWICZ: So thanks, Everyone,  
25 for coming out, by the way.



1           NEPA, the National Environmental Policy  
2 Act, is sometimes called the nation's Magna  
3 Carta of environmental laws, right?

4           It requires federal agencies, in essence,  
5 to look before they leap, to analyze the  
6 potential impacts of a proposed action or  
7 project before they actually go ahead and  
8 conduct that.

9           And it's an opportunity for the public to  
10 learn about the potential impacts and the  
11 alternative ways of getting a job done and to  
12 weigh in on or provide their input. And tonight  
13 this so-called scoping or outreach meeting is  
14 your first opportunity to do that on the land  
15 port of entry just to the north of us.

16           And in order to have the comments during  
17 the so-called scoping period considered, they  
18 have to be in the form of written comments. Any  
19 verbal comment made tonight will be considered,  
20 but in order to be formally considered it has to  
21 be written and submitted online, as an e-mail.  
22 We'll have something here later on showing you  
23 how to do that.

24           So as I mentioned, NEPA requires all  
25 federal agencies to analyze the potential

1 impacts of their projects and to consider  
2 alternatives ways of doing things that may  
3 reduce some of those impacts, right?

4 Agency responsibilities under NEPA  
5 include the documentation and public disclosure  
6 of environmental impacts and the alternatives  
7 that are analyzed, as we're going to get into a  
8 little bit later. There are going to be at  
9 least three alternatives analyzed in this  
10 so-called environmental assessment.

11 So we also solicit public input on  
12 project alternatives to be analyzed, what you  
13 think the important resource areas are that we  
14 should look at and the analysis and  
15 documentation, and we coordinate with other  
16 agencies such as the U. S. Fish and Wildlife  
17 Service, Vermont state agencies, Army Corps of  
18 Engineers and so forth.

19 So NEPA is considered what we call an  
20 umbrella law in the sense that other laws for  
21 protecting the nation's natural and cultural  
22 heritage go along with it to try and reduce  
23 unnecessary time, bureaucracy, what have you.

24 Three key ones that we also do as part of  
25 the NEPA process are so-called Section 7 of the

1           Endangered Species Act that requires federal  
2           agencies about to undertake an action to confer  
3           or consult with the U. S. Fish and Wildlife  
4           Service and analyze and determine whether or not  
5           there are going to be effects, potential effects  
6           on threatened and endangered species under the  
7           Federal Endangered Species Act.

8           The second one listed up here is the  
9           Section 404 of the Clean Water Act, which the  
10          U.S. Army Corps of Engineers is the primary  
11          agency charged with implementing, and that  
12          requires so-called discharge or fill into waters  
13          of the United States; navigable, so-called  
14          navigable waters and wetlands to receive a  
15          404 permit, Section 404 under the Clean Water  
16          Act.

17          And so GSA will be coordinating with the  
18          Army Corps of Engineers' local offices here to  
19          see what type of permit will be necessary, or if  
20          one will be at all, what the impacts on wetlands  
21          and waters will be.

22          And then, finally, we have Section 106 of  
23          the National Historic Preservation Act of 1966,  
24          I think it is, over the last half century,  
25          that's required all federal agencies about to

1 undertake a project to look at the potential  
2 impacts on historic properties, which can be  
3 everything from old buildings to hidden sites,  
4 prehistoric/historic properties, historic  
5 architecture, traditional cultural properties,  
6 or TCPs, that have importance to traditional  
7 communities and so forth. So that has to be  
8 done as well, and there will be a lot of  
9 coordination with the historic preservation  
10 offices of the tribes in the State of Vermont.

11 So this, in broad strokes, is the NEPA  
12 process here in five neat stacks or slices of a  
13 stack for you. We're at the beginning of this  
14 right now, the public outreach or what we call  
15 the scoping process because it helps determine  
16 what the scope of analysis is. You know, what  
17 are the parameters, what resources we're looking  
18 at, what are the potential alternatives, and  
19 what are the impacts that people are most  
20 concerned about.

21 We're going to perform this analysis  
22 after we, you know, as we get into this scoping  
23 process and information comes in from the public  
24 and from other stakeholders such as agencies,  
25 and we'll be conducting the analysis.

1           And when that is all done it's going to  
2           be written up, and we will produce a document  
3           called an environmental assessment.

4           And then we'll have a comment period,  
5           30-day comment period. We're going to be having  
6           another meeting, perhaps right here at this very  
7           location. At that time, probably sometime in  
8           the spring, is it, we're thinking? Early  
9           summer. It all depends on how it goes, but it  
10          can be as early as that.

11          So the public review process is that  
12          30-day comment period, and then we will issue a  
13          final EA and if there are no significant  
14          impacts, right?

15          And in the NEPA, National Environmental  
16          Policy Act process the point of the EA is to  
17          determine whether or not there are any  
18          significant impacts on any of the resources that  
19          I identified.

20          If there are any significant impacts,  
21          that pushes it to something called an EIS, which  
22          is the same process but a bit more involved.

23          Our anticipation is that an EA may be  
24          adequate in this case, but it all depends on how  
25          the process plays out.



1           And that decision document -- I think we  
2           can go to the next one. The purpose of the  
3           outreach process, I think I've already been  
4           through all of this. Soliciting comments. Help  
5           inform our analysis.

6           So the draft EA analysis, develop a draft  
7           EA, environmental assessment. This includes an  
8           analysis of resource areas with the potential to  
9           be impacted by the proposed action and  
10          alternatives to that action.

11          The public meeting at the time we release  
12          the draft EA. GSA will host another public  
13          meeting, as I already mentioned, to solicit  
14          comments on the document and on the project  
15          itself. We will incorporate those public  
16          comments, consider them and incorporate them in  
17          revisions to the draft EA, and then we will  
18          release a final EA.

19          After the publication of the final EA,  
20          GSA will make a decision based on the analysis  
21          in the EA. As I was saying before, if there are  
22          any anticipated significant impacts in any  
23          resource area, right? GSA will begin the  
24          preparation of an EIS; environmental impact  
25          statement.

1 Statement is a bit of a misleading term.  
2 Here's a statement, two or three sentences long.  
3 Statements are more in-depth analyses, and  
4 there's greater scrutiny, more thorough  
5 analysis, et cetera.

6 But if there are no anticipated  
7 significant impacts as a result of the analysis  
8 we're commencing now, GSA will issue a decision  
9 document.

10 We typically, we call it the record of  
11 decision, the decision document stating what our  
12 reasoning was for concluding that there were no  
13 significant impacts and identifying what the  
14 course of action will be.

15 So major contents of an EA, we start with  
16 the purpose and need for a project. We'll be  
17 getting into that in a little bit. What are we  
18 actually trying -- what's the agency trying to  
19 achieve with its proposal, with its proposed  
20 action.

21 What are the alternatives ways -- Step  
22 Two; what are the alternatives ways of pursuing  
23 that?

24 Step Three, you look at the affected  
25 environment. That doesn't mean encyclopedic

1 treatment of everything. It means looking at  
2 those resources in the geographic area that  
3 might potentially be impacted by any of the  
4 alternatives under consideration.

5 And then, four, the environmental  
6 consequences. What effects would the  
7 alternatives have?

8 And some -- you know, if we have three  
9 alternatives, for example, with regard to some  
10 resources, each of the alternatives may have the  
11 exact same effects. You can have radically  
12 different effects, depending on what the  
13 resources are.

14 Noise versus water quality, historic  
15 resources versus recreational opportunities  
16 versus socioeconomic effects, et cetera, and  
17 what can be done to try to minimize, avoid and  
18 minimize those effects, essentially called  
19 mitigation measures.

20 Project purpose and need. Am I doing  
21 this, or are you?

22 MR. MAURER: You're doing that.

23 MR. KOLANKIEWICZ: Okay.

24 So the purpose is to enhance the  
25 performance, safety, security, and efficiency of

1 operations of GSA and its tenant agencies at the  
2 Highgate Springs LPOE and on the U.S./Canadian  
3 border. And the need related to that purpose is  
4 that the current LPOE does not currently have  
5 the capacity to accommodate projected increases  
6 in traffic or the infrastructure needed to  
7 ensure efficient operations.

8 So there are times right now when it can  
9 be long waits right there, for example, coming  
10 down from Canada, and it's only going to get  
11 worse with what is anticipated to be happening  
12 up there unless this measure is undertaken.

13 So affected environment sections that I  
14 was alluding to before. These are some of the  
15 ones that we often have. A lot of these will be  
16 appearing in this document, and as we get into  
17 it we'll see if any can be dropped or others  
18 need to be added.

19 We'll have things like land use. What is  
20 the land use of the area now? What might be the  
21 effects on land use be?

22 Soils and geology. Is there any concern  
23 related to that? Contamination of ground water.  
24 The biological resources in the proposed site of  
25 the action, which is -- some of which is

1 adjacent to the existing facilities.

2 Utilities, water, electricity. What are  
3 the supplies there now? What were they  
4 proposed, be proposed to be? Would there be any  
5 wider impacts putting this new facility on, on  
6 existing utilities for the community?

7 Traffic and transportation. That is a  
8 big one for this. It's related to the very  
9 purpose and the need itself.

10 Visual resources. That may or may not be  
11 important in this area. In some projects, in  
12 national parks, for example, visual resources  
13 are a huge part of the impact to look at.  
14 Probably not so much here, but it's certainly  
15 one that we will consider whether or not we want  
16 to include.

17 Air quality and climate change. In terms  
18 of climate change, it would be not so much what  
19 the effect of that, you know, proposal are on it  
20 but what, you know, in terms of anticipated or  
21 projected climate change, what might the effects  
22 be on operation of this facility.

23 Cultural resources. That's related to  
24 the historic resources, the National Historic  
25 Preservation Act that I mentioned earlier.



1 Socioeconomics. How many jobs will be  
2 created and what will the impact be locally and  
3 regionally on the economy during the  
4 construction phase of this project? Which could  
5 last -- what is it -- two to three years, I  
6 believe.

7 MR. MAURER: I think so.

8 MR. KOLANKIEWICZ: Along those lines,  
9 yeah, at least, so there will be some employment  
10 benefits.

11 In some cases, I don't know that it would  
12 be the case here, but in some cases with big  
13 huge projects, the production of a dam, you  
14 know, where you've got thousands of employees,  
15 not all of the benefits are beneficial. There  
16 may be a shortage of housing, that kind of  
17 thing. So socioeconomics can have pros and  
18 cons.

19 Environmental justice. That's the impact  
20 of low income and minority communities.

21 Solid and hazardous waste. You know,  
22 there may be sites there right now that have to  
23 be treated with kid gloves, right, because there  
24 are hazardous materials or waste deposits there  
25 that have got to be handled properly during the

1 construction process.

2 Human health and safety, you know, for  
3 the public and workers.

4 And noise. What -- will there be noise  
5 in different communities surrounding the project  
6 from trucks going through, for example, and is  
7 that important to the people who live there? Is  
8 there a major issue?

9 So these are some of the resource areas  
10 that we often have in EAs of this magnitude.  
11 We're not saying these are ones that would be in  
12 this particular one.

13 So looking at the big picture here, after  
14 completing the impact analysis and considering  
15 public input, it's GSA's responsibility to  
16 finish the NEPA process by issuing the final  
17 environmental decision. You see public impact  
18 there on the left. Our impact analysis is  
19 informed by that, and then GSA will issue its  
20 final environmental decision.

21 So, again, there's that same diagram for  
22 some of the major steps in the NEPA process. We  
23 are at the first one right at the top; public  
24 outreach, what we call scoping; January and  
25 February, 2023.

1           And, again, that will be working on and  
2           issuing a draft EA to the public, releasing it  
3           to the public. And during that 30-day comment  
4           period there will be another opportunity to meet  
5           in person like this and to file formal written  
6           remarks, right?

7           In order to be considered and to have an  
8           impact on the decision, they really have to be  
9           written down. Then we'll issue the final -- GSA  
10          will issue at final EA and the final document.

11          So GSA welcomes all public input and has  
12          provided multiple ways to submit comments. And  
13          you can see the e-mail address here with the  
14          subject line, or it can be mailed the old way,  
15          the traditional way to the address that is right  
16          there.

17          I believe, you know, a lot of the  
18          documents will be on the website, correct?

19          MR. MAURER: Yes, and we'll have that  
20          slide.

21          MR. KOLANKIEWICZ: This presentation, I  
22          believe, will be there. So there are multiple  
23          ways to find out where to send them things and  
24          how to submit them.

25          MR. MAURER: Leon, we'll have that slide

1 at the end of the presentation.

2 MR. KOLANKIEWICZ: Yes, we'll be showing  
3 this again later.

4 All right. John?

5 Thanks, everyone.

6 MR. MAURER: Okay. That gave you a  
7 little bit of background on the project itself.  
8 This was a nice aerial view of the Highgate  
9 Springs port of entry.

10 For those of you who haven't been there  
11 or through it, let me talk about it. Okay, it's  
12 located on Interstate 89. It's about 40 miles  
13 north of Burlington, and it handles both  
14 commercial and noncommercial traffic. It's a  
15 facility that's open 24/7, and it's one of the  
16 three busiest land ports of entry in New  
17 England.

18 Not all of the ports of entry are open  
19 all of the time. Not all of them can handle all  
20 types of cargo coming through, so Highgate is  
21 exceptional in that it will handle basically  
22 everything at any time. There's a couple  
23 exceptions there, but we won't get into that.

24 It was built -- the current facility was  
25 built in 1997. It replaced one that was, I

1 think, built back in the '30s or '40s. '30s, I  
2 think. And it was expanded twice, and it's  
3 located on approximately 16 acres of land.

4 This port here. The land we own goes  
5 basically up to the Canadian border and down  
6 south to about here. This site here is the site  
7 of the former Welcome Center owned by State of  
8 Vermont.

9 This is a closer aerial view. We have  
10 seven buildings at this site total. In total  
11 there are about 44,000 square feet. There are  
12 five POV lanes, or personal vehicles, passenger  
13 vehicles, located here. The bus lane is located  
14 on the east side of the building, and commercial  
15 trucks and vehicles come through on the west  
16 side of the building over here.

17 There's four agencies that have a  
18 presence at the port. Customs and Border  
19 Protection is our main tenant there. We also  
20 have the Food & Drug Administration and APHIS,  
21 which is part of the Department of Agriculture.  
22 They inspect -- that's the Animal & Plant Health  
23 Inspection Service.

24 And GSA also has a presence there for  
25 ourselves and, also, our O-and-M contractors



1 that operate and maintain the facility for us.

2 This is a brief discussion of basically  
3 why we're doing the port now. Just north of us  
4 Canada has begun construction of a highway  
5 project along Auto Route A-35. That's a highway  
6 that was begun -- they began construction back  
7 in the 1960s, and the last segments of it need  
8 to be built.

9 Currently the highway extends all the way  
10 down to roughly here. I believe these green  
11 portions have already been done, and it's these  
12 two portions here, it's about 10 miles long,  
13 that need to be built.

14 They're currently building the first  
15 portion, and that is slated to be completed in  
16 about 2025, I believe. We haven't received a  
17 date for the completion of the final portion.

18 The issue with this highway is once it's  
19 completed we anticipate the traffic through  
20 Highgate will increase by as much as 30 percent.  
21 On an average weekday that might not be a  
22 problem, but on busy weekends during the summer,  
23 many of you have passed through there when  
24 traffic has been heavy, that will have a  
25 significant impact on wait times for traffic

1 coming through the port.

2 It's anticipated that wait times could  
3 increase to as much as 100 minutes, basically  
4 between an hour and a half and two hours for  
5 each vehicle going through the port, so that  
6 would have a huge impact on commerce and  
7 people's patience going through the port.

8 Additionally, even though the port is  
9 only about 20 years old, we're already beginning  
10 to see issues with the conditions of the  
11 buildings themselves. These have an impact on  
12 CPB's operations at the port, FDA, and APHIS.  
13 They've lowered the site's energy performance,  
14 and they've increased our costs for operating  
15 and maintaining the facility.

16 There are more repairs that need to be  
17 done, which increase the cost for us and our  
18 tenants and the taxpayers.

19 And as I mentioned, people are beginning  
20 to experience long wait times even now, so that  
21 impacts the quality of service being provided by  
22 CBP.

23 The number of inspection lanes. There's  
24 only five for passenger vehicles, one each for  
25 buses and trucks. That limits through-put

1 capacity. And the configuration of the lanes  
2 coming into the port from Canada, that kind of  
3 snaking or bend effect limits CBP's ability to  
4 anticipate traffic as it's coming through the  
5 border and what types of vehicles are arriving.

6 There's even an issue with traffic having  
7 to crisscross each other since buses which are  
8 arriving from Canada, if they stop at the  
9 duty-free facility in Canada, they then need to  
10 cross all the lanes of traffic to get to our bus  
11 inspection lane, which is on the left side of  
12 our building.

13 Similarly, trucks that come from Canada,  
14 which are in the left lane, they now need to cut  
15 across traffic to get into the right lane for  
16 where the truck inspection facility is. So  
17 we're hoping to remedy some of those issues as  
18 well with the new port.

19 The environmental assessment will analyze  
20 action and no-action alternatives. Basically  
21 what are the consequences if we do something  
22 and, well, if we decide not to do anything what  
23 are the consequences going to be?

24 The action alternatives are basically  
25 looking at what will happen if we build a new

1 port with larger facilities for CBP and the  
2 other agencies, and then what would the  
3 consequences be if we don't do anything?

4 Well, we already know there will be an  
5 impact to traffic coming through the port, but  
6 are there any other consequences that need to be  
7 considered as well?

8 This is a list of some of the key  
9 components of the action alternatives. It's  
10 likely we will need to acquire additional land  
11 adjacent to the port, demolish the existing  
12 buildings and build newer buildings, larger  
13 buildings, construct facilities for our four  
14 agencies, and provide the support facilities  
15 they need for parking and things like snow  
16 storage.

17 And then construct up to seven new POV  
18 lanes and up to four new commercial primary  
19 inspection lanes. That would increase the POV  
20 lanes by 40 percent, and it would double the  
21 number of lanes we have available for both  
22 trucks and buses.

23 So the action alternatives would require  
24 additional land. This gives an aerial view of  
25 potential directions the expansion would occur

1 in, south of the existing port and then towards  
2 the west. Again, the current site is about  
3 16 acres, so that -- we've determined that that  
4 really isn't adequate for what we need to do.

5 And this is just a comparison of a couple  
6 of alternatives in terms of the number of lanes.  
7 Not a big difference in the POV lanes or the  
8 buses and the commerce lanes, but the big  
9 difference for CBP is that one alternative  
10 allows for future expansion.

11 The other alternative is if those  
12 lanes -- if lanes were to be located between  
13 existing buildings, you're limited by how many  
14 lanes that can fit between those buildings.

15 In other words, in 20 years from now  
16 you're faced with those same problems. You  
17 can't expand and you need to tear everything  
18 down. So if we can come up with a design that  
19 allows for future expansion, that would be much  
20 more preferable.

21 That's the end of this portion of our  
22 presentation this evening.

23 Again, here are the opportunities to  
24 provide comments tonight or after tonight's  
25 meeting. We have comment cards at the back of



1 the room. Please feel free to hand me your  
2 comments on those tonight, or you can e-mail  
3 comments as well. And if you'd like put a  
4 postage stamp on something, I will get it in the  
5 mail.

6 And a couple of people have mentioned  
7 that there is a project website. That  
8 information will be posted at -- the one that  
9 went out in the letter to people/everybody was  
10 quite long. We were able to get it shortened,  
11 so this is -- if you can't remember this, at  
12 least it's easier to find it and type into your  
13 laptop.

14 So at this time do we want to go to the  
15 open house portion, Oshin, or what do we want to  
16 do?

17 Again, tonight's meeting was  
18 informational to provide you some information on  
19 the project, and we can answer some questions.

20 Again, the purpose of the meeting is for  
21 you to submit comments to us and feedback on  
22 anything that may come up as a result of this  
23 project. So we realize some things you're not  
24 going to think about tonight but it will be a  
25 few days from now when you're driving to

1           someplace and think, oh, I should have asked  
2           about such-and-such. So that's why we have  
3           additional opportunities to provide questions  
4           after tonight's meeting.

5           But if you have any comments tonight that  
6           you want to ask about, we can handle those.  
7           We're not answering questions so much about,  
8           well, have you considered putting a port here or  
9           adding the lanes here or doing this?

10          So that type of information you can  
11          submit on a comment card. We're really on the  
12          early stages of design. Actually we've just  
13          hired an architect to design the port for us, so  
14          we're really not in a position to answer design  
15          questions yet.

16          But if you have a comment about something  
17          that might be worth considering, please submit  
18          it.

19          MR. KOLANKIEWICZ: John, when can those  
20          comments be submitted until?

21          MR. MAURER: I think there's a date in  
22          February. February 9th, yes.

23          UNIDENTIFIED SPEAKER: Just for  
24          clarification, you're showing some of the  
25          alternatives. Looking at the number of POV

1 lanes --

2 MR. MAURER: Yes.

3 UNIDENTIFIED SPEAKER: So just looking  
4 for clarification. A number of the ports of  
5 entry, such as Champlain, New York, have NEXUS  
6 lanes, and there's been conversations about  
7 having a dedicated NEXUS lane for Highgate.

8 So I'm trying to understand, would that  
9 be one of those seven or one of those six, or  
10 was that not necessarily listed?

11 MR. MAURER: At this point that is  
12 subject to being corrected. My understanding is  
13 I think that would be part of the -- the NEXUS  
14 lane is included in that seven. It wouldn't be  
15 seven plus a NEXUS lane. I believe it's  
16 included in that but, again, that may be  
17 corrected.

18 UNIDENTIFIED SPEAKER: Thank you.

19 UNIDENTIFIED SPEAKER: They have a NEXUS  
20 lane now?

21 MR. MAURER: Yes.

22 MR. KOLANKIEWICZ: That's one thing that  
23 I probably neglected to say. I'm not sure we  
24 had a slide about it.

25 All of the documents have to include what

1 we call a no-action alternative. That is, where  
2 nothing changes, you continue to do things the  
3 way we are right now, so the NEXUS lane would be  
4 part of that.

5 For example, as well as everything else,  
6 just carried on into the future and what are the  
7 impacts of doing that.

8 UNIDENTIFIED SPEAKER: Simple question.  
9 The slide that has the UR; this is a question  
10 for me, GSA. Highgate Springs.LPOE. Is there a  
11 dot? Because if you put a dot it does make a  
12 difference. It could be no dot.

13 UNIDENTIFIED SPEAKER: I'm new to the  
14 north. I'll be putting the dot. I'm not going  
15 to the website.

16 MR. KOLANKIEWICZ: No dot at the end of  
17 the website.

18 UNIDENTIFIED SPEAKER: I have a question.

19 MR. MAURER: Yes.

20 UNIDENTIFIED SPEAKER: Is it too early to  
21 ask how much land, if there was a potential  
22 acquisition of land, how much land -- do you  
23 know how much land you might need, maximum  
24 amount?

25 MR. MAURER: It may not be too early to

1 ask, but it may be too early to answer.

2 Yes, and right now there's a number of  
3 things in flux that we -- so that won't be  
4 determined until we get a little bit further  
5 into design to see how things will be  
6 configured.

7 One other thing I can share is that about  
8 a year ago Vermont's Agency of Transportation  
9 began holding meetings, stakeholder meetings not  
10 only for this project but for a number of  
11 projects along the northern border in this area,  
12 into western -- to the west into New York State  
13 and to the east further into Vermont, and I  
14 don't know if we've gone as far as New Hampshire  
15 but looking along that entire border.

16 Paul Hughes mentioned that Highgate is  
17 one of five port-of-entry projects that will be  
18 done in this region. The other four ports are  
19 much smaller, but there's a significant impact  
20 economically.

21 But, also, if all those ports are being  
22 worked on at the same time, what does that do to  
23 people's options to get across at certain -- at  
24 certain times?

25 The State has a number of highway paving



1 projects, I forget the one -- the one that's  
2 south of here.

3 UNIDENTIFIED SPEAKER: Route 78.

4 MR. MAURER: Thank you. And so we're  
5 trying to coordinate those to avoid -- to try to  
6 minimize disruption. Highway projects and  
7 things like this always cause disruption, but  
8 you hate to see everything torn up at the same  
9 time just to make things difficult.

10 Also, there's competition for workers and  
11 materials if everybody is doing everything at  
12 the same time.

13 So one of the projects E-TRANS has come  
14 to us about is potential for including a truck  
15 inspection facility someplace adjacent to this  
16 port of entry. It would simplify things.  
17 Trucks coming through the port can immediately  
18 go through the State truck inspection facility  
19 to save them coming through there, getting back  
20 on the highway -- I got to get off again -- so  
21 we're working with them to find a location that  
22 suits their needs but also suits the needs at  
23 the port as well.

24 UNIDENTIFIED SPEAKER: Regarding land  
25 acquisition; land that will have to be required

1 to the right of that is Abenaki-owned land.

2 MR. MAURER: To the right?

3 Can you bring back that slide? Where  
4 would that be? Down here or --

5 UNIDENTIFIED SPEAKER: Tell him, Nancy.

6 UNIDENTIFIED SPEAKER: Well, I can tell  
7 better on -- it is this one right here. You can  
8 see it.

9 MR. MAURER: This area here?

10 UNIDENTIFIED SPEAKER: Yeah, up further.

11 MR. MAURER: This is the international  
12 boundary right here, and actually at this time  
13 we do not have any plans to -- we don't have a  
14 need to acquire land east of the interstate.

15 UNIDENTIFIED SPEAKER: Sweet.

16 MR. MAURER: So we should have the  
17 letters to interested parties before this  
18 meeting, and there was some people in this area  
19 that received them. Some people were concerned  
20 that we had designs on our property and were  
21 going to -- I got a call this afternoon from  
22 someone who owns property on the east side of  
23 the United States, and I said at this time we  
24 don't have any plans. There's no need to.

25 We're looking more to the south of the

1 existing port than west of that.

2 UNIDENTIFIED SPEAKER: But even if you go  
3 to the other direction, no matter who owns that  
4 land it's still Abenaki property one way or the  
5 other, so I mean everything has to be treated as  
6 that way.

7 MR. MAURER: Yes.

8 UNIDENTIFIED SPEAKER: For investigation  
9 into the land for bone-shakers and, you know,  
10 whatnot, to see what is there. There may be  
11 skeletons, could be artifacts.

12 MR. MAURER: If our project doesn't have  
13 any plans to disturb that area, we don't need to  
14 study those areas.

15 UNIDENTIFIED SPEAKER: Right. Any place  
16 that those get disturbed.

17 MR. KOLANKIEWICZ: And we are doing that.

18 MR. MAURER: That's part of the study  
19 that SOLV is doing for us. That's part of the  
20 environmental assessment.

21 UNIDENTIFIED SPEAKER: Going north on the  
22 east side of the highway, where you go to  
23 Canada, the Canadian border, there's always a  
24 traffic problem because it's a narrow highway,  
25 and you've got six entrances to the Canadian

1 border and you've got a truck lane that -- you  
2 get a lot of cars and trucks. It's quite a  
3 problem.

4 I go by there pretty often, and I was  
5 wondering if there was anything in the future,  
6 like a tunnel in New York. It would make it  
7 less hazardous get to the border.

8 MR. MAURER: Yes, that's a good comment.  
9 Please include that, and it's something that we  
10 can consider.

11 One of the other projects that's part of  
12 this stakeholder meeting that we've had with  
13 Vermont's Agency of Transportation, CBSA --  
14 Canada's counterpart to CBP -- is planning on  
15 upgrading their port as well north of the  
16 border. So they're looking -- they're looking  
17 at what they need to do to improve through-put  
18 at their location as well.

19 They're interested -- they will be  
20 working with us because they're interested to  
21 see what we will be doing so that they can  
22 coordinate their port renovation as well.

23 They're more constrained where they're  
24 located. They don't have as much land to work  
25 with as we do, but they're concerned about those

1 things as well.

2 UNIDENTIFIED SPEAKER: If they removed a  
3 lot of that ledge, it would give them more land.

4 MR. MAURER: Yes. Yes. That's one of  
5 the issues, the ledge to the east of their  
6 existing port. Anybody that has worked with  
7 that before, it's expensive to work with. Yes.

8 Yes. Another question?

9 UNIDENTIFIED SPEAKER: Yes. I don't know  
10 if you would have it now or maybe it's later,  
11 but just looking for any information you might  
12 have in regards to technology upgrades or  
13 automation upgrades that would occur.

14 I just raise that for like on the  
15 automation side where they currently offer lower  
16 wait times, and my understanding is that happens  
17 manually now and so it's not necessarily  
18 accurate or as accurate as folks would certainly  
19 like.

20 MR. MAURER: Yes.

21 UNIDENTIFIED SPEAKER: And just wondering  
22 if there's an opportunity to add automation in  
23 what's actually occurring on the ground?

24 And just on the technology side, as you  
25 mentioned CBSA, they utilize E-gates, electronic



1 gates, the NEXUS lane not being open often times  
2 coming into the United States at Highgate  
3 Springs, but they utilize E-gates, electric  
4 gates at St. Armand, Philipsburg, heading in,  
5 and also on the Ambassador Bridge.

6 So just trying to get a better  
7 understanding, is that something that might be  
8 incorporated or at least planned for, for future  
9 use?

10 MR. MAURER: Yes, the gentleman who was  
11 behind you here.

12 UNIDENTIFIED SPEAKER: I just moved to  
13 Vermont two weeks ago, and I'm very familiar  
14 with exactly what you're talking about.

15 Right now we're talking about the  
16 environmental assessment, and this exactly --  
17 when we start tapping the requirements, that's  
18 where I come in, and we will definitely have  
19 these technology upgrades because we're talking  
20 about opening this port in about four years or  
21 more. It's already going to be old by the time  
22 we get it done, so this is where I come in and  
23 we bring in advanced technology and make  
24 through-put easier and safer for everyone.

25 And, yes, there will be some kind of --

1           you know, you go to the website, and there's a  
2           seven-minute wait time.

3                     Because the southern border, we already  
4           have it, and we'll be capturing the requirements  
5           to include stuff like that.

6                     And, also, you know electric car charging  
7           stations, you know, so we are going to put all  
8           this technology into the new site. That's for  
9           the requirements side.

10                    Definitely, excellent question. And,  
11           yes, we are addressing that through-put and  
12           safety and just making it easier for tourists in  
13           both directions, correct.

14                    UNIDENTIFIED SPEAKER: Thank you.

15                    MR. KOLANKIEWICZ: One last one?

16                    UNIDENTIFIED SPEAKER: On the entries,  
17           what's the current numbers that they are showing  
18           for vehicles passing, let's say daily, monthly,  
19           yearly?

20                    MR. MAURER: We don't have those numbers  
21           here for you tonight. We'll see if we can get  
22           some. Those would -- would those be included in  
23           the EA?

24                    MR. KOLANKIEWICZ: They probably would  
25           be, if they're available.

1 MR. MAURER: We have to get those numbers  
2 from CBP, and we just couldn't get them for  
3 tonight.

4 I think we did include like total numbers  
5 for commerce vehicles and POVs. I know we have  
6 it someplace, but we didn't have average daily  
7 figures.

8 Well, if there are no other comments or  
9 questions, we'll wrap things up tonight.

10 You're welcome to hang around and look at  
11 the posters again, and we will be here for a  
12 while if you have any other comments you want to  
13 ask us here.

14 So, again, thank you very much for coming  
15 tonight.

16 MR. KOLANKIEWICZ: Thanks, folks.

17 (End of proceedings and end of scoping  
18 hearing at 6:48 p.m.)  
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I, Sarah M. Bentley, RPR, do hereby certify that I reported by stenographic means the scoping hearing held on January 12, 2023.

I further certify that the foregoing testimony was taken by me stenographically and thereafter reduced to typewriting, and the foregoing 41 pages are a transcript of the stenographic notes taken by me of the hearing to the best of my ability.

I further certify that I am not related to any of the parties thereto or their counsel, and I am in no way interested in the outcome of said cause.

Dated at Berkshire, Vermont, this 16th day of January, 2023.

/s/ Sarah M. Bentley

\_\_\_\_\_  
Sarah M. Bentley, RPR

## **Appendix J: Comments Submitted During Scoping Period**

**Agency of Commerce and Community Development**  
National Life Building – Davis Building, 6<sup>th</sup> Floor  
One National Life Drive  
Montpelier, VT 05620-0501  
[accd.vermont.gov](http://accd.vermont.gov)

[phone] 802-828-3211  
[fax] 802-828-3383

February 8, 2023

**Attn: John Maurer, Project Manager**  
**General Services Administration**

Dear Mr. Maurer,

The Vermont Agency of Commerce and Community Development (ACCD) is writing to state its strong support for the upgrade and expansion of the Highgate Springs, VT Land Port of Entry. Traffic that flows south from Canada directly impacts the Vermont economy through commerce, trade, tourism, community development, and related economic activities. Expanding this border crossing will help mitigate current crossing wait times, especially during peak periods, at one of the busiest crossings in New England.

As environmental impact work continues under the National Environmental Policy Act and the initial environmental assessments are developed, ACCD hopes GSA will explore all possible options that would allow for not only upgraded facilities, but significant expansion of travel lanes as well. As noted by the GSA at the EA Public Meeting held on January 12<sup>th</sup> in Saint Albans, the border crossing is underperforming due to a variety of reasons including poor alignment and visibility, as well as inadequate space for processing commercial and bus traffic.

For this reason, ACCD is strongly advocates for the Action Alternative 1 option. Expanding to 7 POV lanes (1 of which would be dedicated for NEXUS), 2 bus lanes, and 2 commercial lanes would allow for better flow at the border, especially if constructed in a way that allows for expansion in the future. Prepping the site for future development opportunities is also strongly encouraged from our view.

As Vermont seeks to grow economic ties with Canada, ACCD will continue its work to attract new businesses, increase tourism activity, and bring more Canadian travelers to the Burlington International Airport. Having an efficient and streamlined border crossing as the Autoroute-35 expansion reaches the Vermont border will be critical to our efforts. In addition to Vermont, the crossing also has significant impacts throughout New England, as the crossing is essential in the Boston and Montreal corridor. In fact, Canadian exports to the six New England states are larger than Canadian exports to China, Japan, Mexico, and France combined.

We appreciate the effort that GSA has already put into advocating for an expansion of this LPOE. We realize much work lies ahead, before any shovel goes in the ground. ACCD will continue to work alongside the Vermont Agency of Transportation to be helpful to the GSA and will support all communications needs and efforts around this project to Vermonters and the Vermont business community. Please to not hesitate to be in touch with any questions or further support you may need during this process.

Sincerely,  
Tayt Brooks  
Deputy Secretary ACCD







STATE OF VERMONT  
HOUSE OF REPRESENTATIVES  
115 STATE STREET  
MONTPELIER, VT  
05633-5201

February 9, 2023

General Services Administration  
Attention: John Maurer, Project Manager  
Thomas P. O'Neill, Jr., Federal Building  
10 Causeway Street, 11<sup>th</sup> Floor  
Boston, MA 02222-1077

Mr. Maurer,

The Franklin County Vermont legislative delegation would like to express our support for the Highgate Springs LPOE expansion project. More specifically we are in support of "Alternative 1" as listed on slide 29. The ability to further expand under this option is an essential component of long term planning. As a legislative delegation we recognize the negative impacts our communities will feel as a result of inaction. Conversely, we understand the positive impacts that this expansion will have for our region and state.

The impending completion of Canadian Autoroute-35 has the potential to increase traffic by approximately 30 percent. These additional vehicles represent significant potential economic benefits for northwest Vermont. Failure to complete the Highgate Springs LPOE expansion would result in significant traffic delays which could lead traffic to choose other ports of entry or in the case of non-essential travel it could result in a decision to not make the trip. These options hold negative economic consequences for our communities.

In closing, we believe the economic impact due to tourism, trade and other activities is significant for our region and are in full support of the much-needed expansion at the Highgate Springs LPOE.

Sincerely,

A handwritten signature in cursive script that reads "Eileen Lynn Dickinson".

Rep. Eileen "Lynn" Dickinson- Delegation Chair  
Senator Randy Brock  
Rep. Michael McCarthy  
Rep. Lisa Hango  
Rep. Wayne Laroche.  
Rep. Ashley Bartley.  
Rep. Allen Demar

Rep. James Gregoire- Delegation Vice Chair  
Senator Robert Norris  
Rep. Casey Toof  
Rep. Matthew Walker  
Rep. Carolyn Branagan  
Rep. Thomas Oliver



February 13<sup>th</sup>, 2023

Attn: John Maurer, Project Manager  
General Services Administration

Dear Mr. Maurer,

The statewide Vermont Chamber of Commerce strongly endorses the upgrade and expansion of the Highgate Springs, VT Land Port of Entry (LPOE). Not only is Canada Vermont's most important trading partner, the United States and Canada have the world's largest bilateral trade and investment relationship valued at U.S. \$1.7 trillion. Upgrading and expanding one of the three busiest LPOEs in New England will help Vermont and the Montreal to Boston I-89 Corridor recover from the COVID-19 pandemic by enhancing cross-border security and facilitating trade, including the flow of goods and people for commerce and tourism, which is vital to Vermont's manufacturing, hospitality, recreation, and retail industries.

Modernizing the Highgate Springs LPOE when Canada completes construction of the Autoroute A-35 is essential to handle an expected 30% increase in traffic and is vital to our efforts to transform Vermont into a supply chain hub. Additionally, this project will support the [Vermont - Québec Aerospace Trade Corridor](#), attract more Canadian flying passengers that travel to the Burlington International Airport to fly to other destinations, recruit new Canadian-based foreign direct investments to the State, and strengthen our ties with Québec.

For these reasons, the Vermont Chamber strongly supports the **Action Alternative 1 option**, including (7) POV Lanes, (2) Business Lanes, (2) Commercial Lanes, and **future expansion**.

The Vermont Chamber applauds the General Services Administration's efforts in support of this critically important economic development project. Along with the Vermont Agency of Commerce and Community Development and the Vermont Agency of Transportation, the Vermont Chamber will support and advocate for this project in partnership with business and government stakeholders.

For questions or additional support, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher M. Carrigan".

Christopher M. Carrigan  
Vice President  
(802) 223-0904



**DEPARTMENT OF THE ARMY**  
**US ARMY CORPS OF ENGINEERS**  
**NEW ENGLAND DISTRICT**  
**696 VIRGINIA ROAD**  
**CONCORD MA 01742-2751**

11 Lincoln Street, Room 210  
Essex Junction, Vermont 05452  
February 17, 2023

Regulatory Division  
File No. NAE-2023-00338

General Services Administration  
Attention: John Maurer, GSA Project Manager  
Thomas P. O'Neill, Jr., Federal Building  
10 Causeway Street, 11th Floor  
Boston, MA 02222-1077

Dear Mr. Maurer:

We understand you intend to construct a new replacement Land Port of Entry (LPOE) on Interstate 89 in Highgate, Vermont. Your project may involve work in waters under the U.S. Army Corps of Engineers (USACE) jurisdiction and may require prior authorization from USACE. The following is an explanation of USACE jurisdiction as defined by Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

A permit is required under Section 10 for all work seaward of mean high water in navigable waters of the United States. In New England, for purposes of Section 10, navigable waters of the United States are those subject to the ebb and flow of the tide and a few of the major waterways used to transport interstate or foreign commerce, such as Lake Champlain.

Permits are also required under Section 404 for discharges of dredged or fill material into all waters of the United States, including navigable waters, inland rivers, lakes, streams, and wetlands, as well as the excavation/grading within these waters/wetlands. In interior waters, our jurisdiction extends landward to the ordinary high water mark or to the landward limit of most wetlands, whichever is more extensive.

The term "wetlands" is defined by Federal regulations as "...those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions..." (Federal Register, November 13, 1986 33 CFR Part 328.3(b)). Wetlands generally include swamps, marshes, and bogs; however, forests and meadows that lack surface waters can also be wetlands. In addition, wetland delineations as determined for Federal, state, and local agencies might not be interchangeable.

Before doing any work on project site, please insure that you have clearly delineated, both in the field and on your drawings, the precise limits of any waters of the United States under USACE jurisdiction which are located within the project area. If necessary, a qualified wetland consultant familiar with the methodology in the 1987 "Corps of Engineers Wetlands Delineation Manual" and the Northcentral and Northeast Regional Supplement should delineate any and all wetlands on the subject property. Data sheets supporting the wetland delineation should be submitted for review. On project drawings you should clearly indicate, with dimensions, the precise location of where you intend to place any fill material (whether temporary or permanent), excavate, or perform mechanized landclearing in any such wetlands or waterway. If the project will involve work within our jurisdiction you should forward the preliminary plan/design to me so that I may then be able to make an initial determination.

The New England District Corps of Engineers issued general permits (GPs) that expedites review of minimal impact work as defined by USACE in navigable and inland waters and wetlands within the State of Vermont. Activities with no more than minimal individual and cumulative adverse environmental effects, as specified by the terms and conditions of these GPs are either eligible for Self-Verification (SV), or require Pre-Construction Notification (PCN).

If the impacts of a project are determined to be more than minimal an individual permit (IP) will be required for the project. For IPs you must submit information that thoroughly and clearly documents the need for the fill, alternatives, and mitigation possibilities. Without this information, we could not issue a permit to place the fill. Additionally, in accordance with our regulations, no permit can be issued unless it complies with the Environmental Protection Agency's 404(b)(1) guidelines. Moreover, a permit cannot be issued until you receive Water Quality Certification from the Vermont Department of Environmental Conservation.

Please reference your existing file number NAE-2023-00338 in future correspondences. If you have any questions, please contact me at your earliest convenience at (978) 318-8485.

Sincerely,

Michael S. Adams  
Senior Project Manager  
Regulatory Division

Enclosure



60 Main Street, Suite 100  
Burlington, Vermont 05401  
802-863-3489  
lccvermont.org

February 17, 2023

Attn: John Maurer  
Project Manager  
General Services Administration

Dear Mr. Maurer,

On behalf of the members of the Lake Champlain Chamber, I am writing to state our strong support for the upgrade and expansion of the Highgate Springs, Vermont Land Port of Entry.

As an organization, our mission is to create economic opportunities for all Vermonters. I am writing to you because the Vermont economy is affected by traffic from Canada through commerce, trade, tourism, and community development. Our members know that expanding the Highgate Springs Port of Entry will help mitigate current crossing wait times, especially during peak periods, at one of the busiest crossings in New England. As you move forward with planning, I ask that you prioritize not only upgraded facilities, but significant expansion of travel lanes as well. Action Alternative 1 option is the best scenario. Expanding to seven POV lanes (1 of which would be dedicated for NEXUS), 2 bus lanes, and 2 commercial lanes would allow for better flow at the border, especially if constructed in a way that allows for expansion in the future. I also suggest that ease of future development and expansion needs are planned as a part of this project.

Vermont already has strong economic ties with Canada and our member businesses foresee many opportunities to grow our economic activity in conjunction with the border. Vermont is already a location of choice for many Canadian companies seeking a US location, and we know we can increase the number of businesses with locations here. We also seek to both restore to pre-pandemic levels, and increase, tourism from Canada into Vermont. Canadian traffic into Vermont will also benefit Burlington International Airport which in turn benefits the many companies located in Vermont who utilize the airport to get to their customers. As the expansion of Autoroute-35 reaches the Vermont border, having an expanded and efficient border crossing will aid in both our efforts, as well as the rest of New England.

Our members appreciate the effort that GSA has already put into advocating for an expansion of the Highgate Springs Land Port of Entry. Please consider us a partner as you move forward with this process.

Sincerely,

A handwritten signature in black ink, appearing to read 'CZ Davis', is written over a white background.

Catherine Z. Davis, President – Lake Champlain Chamber





Highgate Springs LPOE &lt;highgatesprings.lpoe@gsa.gov&gt;

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## Highgate Springs LPOE EA

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To: highgatesprings.lpoe@gsa.gov

Mon, Feb 13, 2023 at 8:52 AM

### Highgate Springs Land Port of Entry Comments

#### Re: The Proposal to Expand to Seven Lanes

First and foremost, only two lanes are open most of the time at the five lane crossing. After talking with some retired border patrol agents, I learned there isn't enough staff to open five lanes, let alone seven. If all seven lanes are open and full, how is that traffic going to merge onto a two lane interstate system? How can you honestly say that traffic will increase 30% when 10 more miles of Auto Route 35 are completed?

#### Re: The Concern about Buses Crossing Lanes from the Duty Free Store in Canada

This could be solved by moving the store to the other side of the road and would be a much less expensive option.

#### Re: Providing EV Fueling Stations at the Border Crossing

Federal or state tax funds should not be used to support the cost of EV stations. Tax funds are not provided to border towns without gas stations. Franklin, Vermont has two border crossings and no gas station. Are the feds going to open a gas station there? I don't think so.

#### Re: The Need for an Archeological Study

If this project does go forward with this being said, any excavations will need an archeological study performed, but **not by UVM**. UVM has a history of engaging in archeological digs and not returning Indigenous remains or items. You will also need to pay someone from the Abenaki Nation of Missisquoi to be present at any digs.

[Personal information removed]





Highgate Springs LPOE <highgatesprings.lpoe@gsa.gov>

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## Highgate Springs VT LPOE -A-E solicitation

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To: "highgatesprings.lpoe@gsa.gov" <highgatesprings.lpoe@gsa.gov>

Mon, Feb 20, 2023 at 1:59 PM

Good afternoon John,

I was inquiring as to the A-E solicitation for the Highgate Springs LPOE. I saw the schedule below. Are you aware if there will be a public solicitation for A-E services for the project?

Also, wondering if A-E solicitations will be in the future, or if already procured/in procurement, for Beebe Plain, Richford, and Norton VT projects?

I wasn't certain if all four of these projects would be procured openly through [sam.gov](https://sam.gov) or if would be awarded to GSA IDIQ A-E contract holders?

### **SCHEDULED COMPLETION – Highgate Springs, VT**

- GSA submits spend plan to Congress – February 2022
- National Environmental Policy Act (NEPA) Award- September 2022
- Architect/Engineer (A/E) Design Award – December 2022
- Site Acquisition - (2023 - 2024)
- Construction Manager-as-Contractor (CMc) Award – (July 2023)
- Construction Start – (May 2024)
- Substantial Completion – (October 2027)
- Project Closeout – (November 2027)

Thanks,

[Personal information removed]



Highgate Springs LPOE <highgatesprings.lpoe@gsa.gov>

## Highgate Springs LPOE EA

4 messages

[Personal information removed]

Tue, Jan 24, 2023 at 1:00 PM

To: "highgatesprings.lpoe@gsa.gov" <highgatesprings.lpoe@gsa.gov>

Good afternoon,

I attended the very informative presentation in Saint Albans on January 12<sup>th</sup>. [Redacted] was the CMC on the successful Derby Line LPOE project; we are very interested in the Highgate project as well as the other LPOE projects in Vermont.

WE are monitoring SAM.gov. Can you provide any insight on the timing of the CMC solicitations? I want to be ready and have the resources allocated to respond.

If there is a point person (John Maurer?) for direct communication, kindly redirect me.

Thank you.

[Personal information removed]

**COMMENTS MADE DURING PUBLIC  
SCOPING MEETING**

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MR. MAURER: Yes.

UNIDENTIFIED SPEAKER: So just looking for clarification. A number of the ports of entry, such as Champlain, New York, have NEXUS lanes, and there's been conversations about having a dedicated NEXUS lane for Highgate.

So I'm trying to understand, would that be one of those seven or one of those six, or was that not necessarily listed?

MR. MAURER: At this point that is subject to being corrected. My understanding is I think that would be part of the -- the NEXUS lane is included in that seven. It wouldn't be seven plus a NEXUS lane. I believe it's included in that but, again, that may be corrected.

UNIDENTIFIED SPEAKER: Thank you.

UNIDENTIFIED SPEAKER: They have a NEXUS lane now?

MR. MAURER: Yes.

MR. KOLANKIEWICZ: That's one thing that I probably neglected to say. I'm not sure we had a slide about it.

All of the documents have to include what

1 we call a no-action alternative. That is, where  
2 nothing changes, you continue to do things the  
3 way we are right now, so the NEXUS lane would be  
4 part of that.

5 For example, as well as everything else,  
6 just carried on into the future and what are the  
7 impacts of doing that.

8 UNIDENTIFIED SPEAKER: Simple question.  
9 The slide that has the UR; this is a question  
10 for me, GSA. Highgate Springs.LPOE. Is there a  
11 dot? Because if you put a dot it does make a  
12 difference. It could be no dot.

13 UNIDENTIFIED SPEAKER: I'm new to the  
14 north. I'll be putting the dot. I'm not going  
15 to the website.

16 MR. KOLANKIEWICZ: No dot at the end of  
17 the website.

18 UNIDENTIFIED SPEAKER: I have a question.

19 MR. MAURER: Yes.

20 UNIDENTIFIED SPEAKER: Is it too early to  
21 ask how much land, if there was a potential  
22 acquisition of land, how much land -- do you  
23 know how much land you might need, maximum  
24 amount?

25 MR. MAURER: It may not be too early to

1 ask, but it may be too early to answer.

2 Yes, and right now there's a number of  
3 things in flux that we -- so that won't be  
4 determined until we get a little bit further  
5 into design to see how things will be  
6 configured.

7 One other thing I can share is that about  
8 a year ago Vermont's Agency of Transportation  
9 began holding meetings, stakeholder meetings not  
10 only for this project but for a number of  
11 projects along the northern border in this area,  
12 into western -- to the west into New York State  
13 and to the east further into Vermont, and I  
14 don't know if we've gone as far as New Hampshire  
15 but looking along that entire border.

16 Paul Hughes mentioned that Highgate is  
17 one of five port-of-entry projects that will be  
18 done in this region. The other four ports are  
19 much smaller, but there's a significant impact  
20 economically.

21 But, also, if all those ports are being  
22 worked on at the same time, what does that do to  
23 people's options to get across at certain -- at  
24 certain times?

25 The State has a number of highway paving

1 projects, I forget the one -- the one that's  
2 south of here.

3 UNIDENTIFIED SPEAKER: Route 78.

4 MR. MAURER: Thank you. And so we're  
5 trying to coordinate those to avoid -- to try to  
6 minimize disruption. Highway projects and  
7 things like this always cause disruption, but  
8 you hate to see everything torn up at the same  
9 time just to make things difficult.

10 Also, there's competition for workers and  
11 materials if everybody is doing everything at  
12 the same time.

13 So one of the projects E-TRANS has come  
14 to us about is potential for including a truck  
15 inspection facility someplace adjacent to this  
16 port of entry. It would simplify things.  
17 Trucks coming through the port can immediately  
18 go through the State truck inspection facility  
19 to save them coming through there, getting back  
20 on the highway -- I got to get off again -- so  
21 we're working with them to find a location that  
22 suits their needs but also suits the needs at  
23 the port as well.

24 UNIDENTIFIED SPEAKER: Regarding land  
25 acquisition; land that will have to be required



1 to the right of that is Abenaki-owned land.

2 MR. MAURER: To the right?

3 Can you bring back that slide? Where  
4 would that be? Down here or --

5 UNIDENTIFIED SPEAKER: Tell him, Nancy.

6 UNIDENTIFIED SPEAKER: Well, I can tell  
7 better on -- it is this one right here. You can  
8 see it.

9 MR. MAURER: This area here?

10 UNIDENTIFIED SPEAKER: Yeah, up further.

11 MR. MAURER: This is the international  
12 boundary right here, and actually at this time  
13 we do not have any plans to -- we don't have a  
14 need to acquire land east of the interstate.

15 UNIDENTIFIED SPEAKER: Sweet.

16 MR. MAURER: So we should have the  
17 letters to interested parties before this  
18 meeting, and there was some people in this area  
19 that received them. Some people were concerned  
20 that we had designs on our property and were  
21 going to -- I got a call this afternoon from  
22 someone who owns property on the east side of  
23 the United States, and I said at this time we  
24 don't have any plans. There's no need to.

25 We're looking more to the south of the

1 existing port than west of that.

2 UNIDENTIFIED SPEAKER: But even if you go  
3 to the other direction, no matter who owns that  
4 land it's still Abenaki property one way or the  
5 other, so I mean everything has to be treated as  
6 that way.

7 MR. MAURER: Yes.

8 UNIDENTIFIED SPEAKER: For investigation  
9 into the land for bone-shakers and, you know,  
10 whatnot, to see what is there. There may be  
11 skeletons, could be artifacts.

12 MR. MAURER: If our project doesn't have  
13 any plans to disturb that area, we don't need to  
14 study those areas.

15 UNIDENTIFIED SPEAKER: Right. Any place  
16 that those get disturbed.

17 MR. KOLANKIEWICZ: And we are doing that.

18 MR. MAURER: That's part of the study  
19 that SOLV is doing for us. That's part of the  
20 environmental assessment.

21 UNIDENTIFIED SPEAKER: Going north on the  
22 east side of the highway, where you go to  
23 Canada, the Canadian border, there's always a  
24 traffic problem because it's a narrow highway,  
25 and you've got six entrances to the Canadian

1 border and you've got a truck lane that -- you  
2 get a lot of cars and trucks. It's quite a  
3 problem.

4 I go by there pretty often, and I was  
5 wondering if there was anything in the future,  
6 like a tunnel in New York. It would make it  
7 less hazardous get to the border.

8 MR. MAURER: Yes, that's a good comment.  
9 Please include that, and it's something that we  
10 can consider.

11 One of the other projects that's part of  
12 this stakeholder meeting that we've had with  
13 Vermont's Agency of Transportation, CBSA --  
14 Canada's counterpart to CBP -- is planning on  
15 upgrading their port as well north of the  
16 border. So they're looking -- they're looking  
17 at what they need to do to improve through-put  
18 at their location as well.

19 They're interested -- they will be  
20 working with us because they're interested to  
21 see what we will be doing so that they can  
22 coordinate their port renovation as well.

23 They're more constrained where they're  
24 located. They don't have as much land to work  
25 with as we do, but they're concerned about those

1 things as well.

2 UNIDENTIFIED SPEAKER: If they removed a  
3 lot of that ledge, it would give them more land.

4 MR. MAURER: Yes. Yes. That's one of  
5 the issues, the ledge to the east of their  
6 existing port. Anybody that has worked with  
7 that before, it's expensive to work with. Yes.

8 Yes. Another question?

9 UNIDENTIFIED SPEAKER: Yes. I don't know  
10 if you would have it now or maybe it's later,  
11 but just looking for any information you might  
12 have in regards to technology upgrades or  
13 automation upgrades that would occur.

14 I just raise that for like on the  
15 automation side where they currently offer lower  
16 wait times, and my understanding is that happens  
17 manually now and so it's not necessarily  
18 accurate or as accurate as folks would certainly  
19 like.

20 MR. MAURER: Yes.

21 UNIDENTIFIED SPEAKER: And just wondering  
22 if there's an opportunity to add automation in  
23 what's actually occurring on the ground?

24 And just on the technology side, as you  
25 mentioned CBSA, they utilize E-gates, electronic

1 gates, the NEXUS lane not being open often times  
2 coming into the United States at Highgate  
3 Springs, but they utilize E-gates, electric  
4 gates at St. Armand, Philipsburg, heading in,  
5 and also on the Ambassador Bridge.

6 So just trying to get a better  
7 understanding, is that something that might be  
8 incorporated or at least planned for, for future  
9 use?

10 MR. MAURER: Yes, the gentleman who was  
11 behind you here.

12 UNIDENTIFIED SPEAKER: I just moved to  
13 Vermont two weeks ago, and I'm very familiar  
14 with exactly what you're talking about.

15 Right now we're talking about the  
16 environmental assessment, and this exactly --  
17 when we start tapping the requirements, that's  
18 where I come in, and we will definitely have  
19 these technology upgrades because we're talking  
20 about opening this port in about four years or  
21 more. It's already going to be old by the time  
22 we get it done, so this is where I come in and  
23 we bring in advanced technology and make  
24 through-put easier and safer for everyone.

25 And, yes, there will be some kind of --

1           you know, you go to the website, and there's a  
2           seven-minute wait time.

3                     Because the southern border, we already  
4           have it, and we'll be capturing the requirements  
5           to include stuff like that.

6                     And, also, you know electric car charging  
7           stations, you know, so we are going to put all  
8           this technology into the new site. That's for  
9           the requirements side.

10                    Definitely, excellent question. And,  
11           yes, we are addressing that through-put and  
12           safety and just making it easier for tourists in  
13           both directions, correct.

14                    UNIDENTIFIED SPEAKER: Thank you.

15                    MR. KOLANKIEWICZ: One last one?

16                    UNIDENTIFIED SPEAKER: On the entries,  
17           what's the current numbers that they are showing  
18           for vehicles passing, let's say daily, monthly,  
19           yearly?

20                    MR. MAURER: We don't have those numbers  
21           here for you tonight. We'll see if we can get  
22           some. Those would -- would those be included in  
23           the EA?

24                    MR. KOLANKIEWICZ: They probably would  
25           be, if they're available.



## **Appendix K: Index of Comments**

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Date	Commenter	Comment Method	Nature of Comments
<b>Agency</b>			
2/8/2023	Agency 1	Email	Alternatives; socioeconomics; request for information; traffic and transportation;
2/9/2023	Agency 2	Email	Alternatives; socioeconomics; traffic and transportation;
2/13/2023	Agency 3	Email	Alternatives; request for information; socioeconomics;
2/17/2023	Agency 4	Email	Permit; water resources
2/17/2023	Agency 5	Email	Alternatives; socioeconomics
<b>Public</b>			
1/12/2023	Speaker 1	Verbal comment at public meeting	Request for information
1/12/2023	Speaker 2	Verbal comment at public meeting	Request for information
1/12/2023	Speaker 3	Verbal comment at public meeting	Request for information
1/12/2023	Speaker 4	Verbal comment at public meeting	Request for information
1/12/2023	Speaker 5	Verbal comment at public meeting	Cultural resources; request for information
1/12/2023	Speaker 6	Verbal comment at public meeting	Request for information
1/12/2023	Speaker 7	Verbal comment at public meeting	Request for information
1/12/2023	Speaker 8	Verbal comment at public meeting	Request for information
2/13/2023	Commenter 1	Email	Cultural resources; outside of scope; request for information
2/20/2023	Commenter 2	Email	Outside of scope
2/24/2023	Commenter 3	Email	Outside of scope

## **APPENDIX B: AGENCY CONSULTATION**

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**CONSULTATION WITH THE  
U.S. FISH AND WILDLIFE SERVICE**

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July 12, 2024

Wendi Weber, Regional Director  
U.S. Fish and Wildlife Service – Northeast Region  
300 Westgate Center Drive  
Hadley, MA 01035

Dear Ms. Weber,

The U.S. General Services Administration (GSA) New England Region (Region 1) is preparing an Environmental Assessment (EA) for the construction of the new replacement Highgate Springs Land Port of Entry (LPOE) in compliance with the National Environmental Policy Act (NEPA). The Highgate Springs LPOE is located approximately 40 miles north of Burlington, VT, across the border from the Canadian port of entry at St-Armand/Philipsburg, Quebec.

The purpose of this letter is to provide the U.S. Fish and Wildlife Service (USFWS) with information about the proposed project, and species listed under the Endangered Species Act (ESA) and any designated critical habitat that may be affected by the project. With this letter, GSA requests USFWS' technical assistance in concurring with the effect determinations for the identified ESA species.

### **Project Background**

The purpose of the proposed project is to modernize and expand the Highgate Springs LPOE. The existing LPOE does not meet the current operational and security needs of our tenants. Additionally, the Canadian government is constructing the final segment of its Autoroute 35 (A-35) highway between Montreal and St-Armand/Philipsburg. When completed, traffic at the Highgate Springs LPOE is projected to increase by approximately 30 percent. The proposed project would demolish all existing buildings at the LPOE, modernize and expand the LPOE through new construction, and construct new vehicle inspection lanes for incoming traffic.

### **Project Area**

The existing LPOE encompasses approximately 16 acres of land, and GSA is considering acquiring portions of two adjacent properties to accommodate the expanded LPOE. Figure 1 (see below) shows the proposed project study area and the possible area of permanent disturbance. The project area encompasses portions of the GSA land parcel, private property to the west, and State of Vermont property to the south.

### **Species Effects Analysis**

The USFWS's Information, Planning, and Consultation (IPaC) tool determined that three ESA-listed species have the potential to occur in the project area, the endangered northern long-

eared bat (*Myotis septentrionalis*), the proposed endangered tricolored bat (*Perimyotis subflavus*), and a candidate species, the monarch butterfly (*Danaus plexippus*). The IPaC tool did not identify any designated critical habitat for these species within the project area. Therefore, GSA has made the following preliminary effect determinations for the identified species based on existing site conditions:

**Table 1. Listed Species Potentially Occurring in or Near the Project Area**

Common Name	Scientific Name	Listing Status	Preliminary Effect Determination
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Endangered	<b>No Effect.</b> GSA evaluated the latest version of the northern long-eared bat Rangewide Determination Key, which stated that the proposed action does not intersect an area where the northern long-eared bat is likely to occur, based on the information available to USFWS. GSA would like to request confirmation that northern long-eared bats, bat roosts, or hibernacula are not known to occur in or near the project area.
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	<b>No Effect.</b> There are no documented cases of tricolored bat occurring in the project area, and there is no designated tricolored bat critical habitat in or near the project area. GSA would like to request confirmation that tricolored bats, bat roosts, or hibernacula are not known to occur in or near the project area.
Monarch Butterfly	<i>Danaus plexippus</i>	Candidate	<b>No Effect.</b> The majority of the project area consists of paved surfaces, disturbed habitat such as mowed grass lawns, and forests. It is not considered likely that project activities would destroy monarch butterfly habitat or remove a substantial amount of nectar resources. GSA would like to request confirmation that milkweed habitat suitable for monarch butterfly are not known to occur in or near the project area.



### **Technical Assistance Request**

We would greatly appreciate your technical assistance in identifying any additional resources that could be affected by the proposed project and your concurrence on our preliminary effect determinations. Thank you for your consideration; I look forward to receiving your response regarding this project. Please note that GSA is also undergoing consultation with the Vermont Agency of Natural Resources for details on state-listed species. If you have any questions or concerns or would like additional information, please contact me via email at [john.maurer@gsa.gov](mailto:john.maurer@gsa.gov).

Sincerely,

**JOHN MAURER**

Digitally signed by JOHN  
MAURER  
Date: 2024.07.12 12:01:08 -04'00'

John K. Maurer, GSA Project Executive  
Vermont BIL Land Ports of Entry (1PCTB)  
U.S. General Services Administration  
Public Buildings Service  
Design & Construction Division  
Thomas P. O'Neill, Jr., Federal Building  
10 Causeway St., Room 1100  
Boston, MA 02222-1077

Cell: (617) 893-0345  
Email: [john.maurer@gsa.gov](mailto:john.maurer@gsa.gov)

#### **Attachments:**

Attachment 1: Official USFWS IPaC Report  
Attachment 2: Northern Long-eared Bat Determination Key Consistency Letter

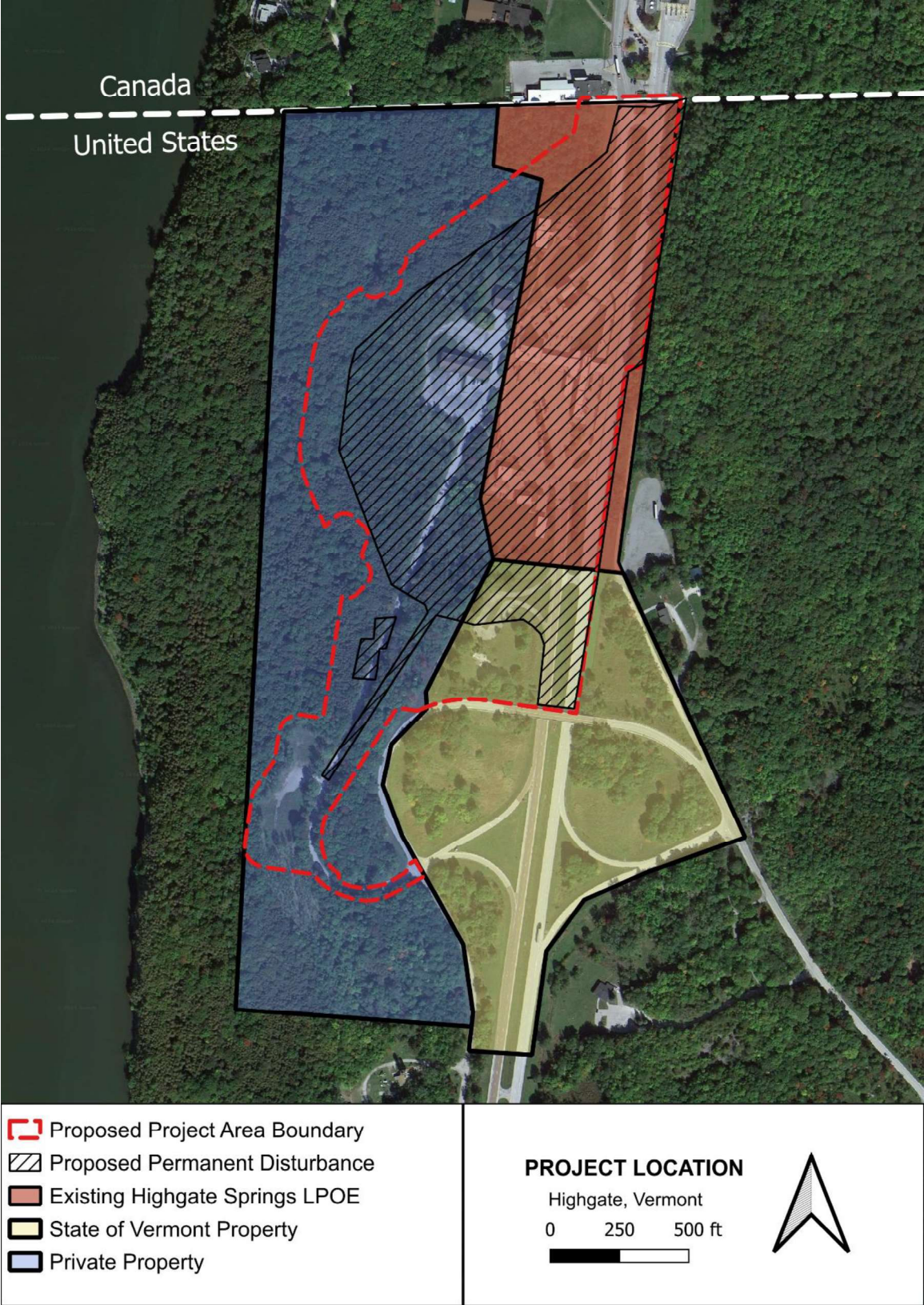


Figure 1. Highgate Springs LPOE Project Area

**Attachment 1: Official USFWS IPaC Report**



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5094  
Phone: (603) 223-2541 Fax: (603) 223-0104

In Reply Refer To:

05/22/2024 13:41:17 UTC

Project Code: 2024-0093961

Project Name: Highgate Springs Land Port of Entry Environmental Assessment

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

*Updated 4/12/2023 - Please review this letter each time you request an Official Species List, we will continue to update it with additional information and links to websites may change.*

## **About Official Species Lists**

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Federal and non-Federal project proponents have responsibilities under the Act to consider effects on listed species.

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested by returning to an existing project's page in IPaC.

## **Endangered Species Act Project Review**

Please visit the “**New England Field Office Endangered Species Project Review and Consultation**” website for step-by-step instructions on how to consider effects on listed



species and prepare and submit a project review package if necessary:

<https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review>

**\*NOTE\*** Please do not use the **Consultation Package Builder** tool in IPaC except in specific situations following coordination with our office. Please follow the project review guidance on our website instead and reference your **Project Code** in all correspondence.

**Northern Long-eared Bat - (Updated 4/12/2023)** The Service published a final rule to reclassify the northern long-eared bat (NLEB) as endangered on November 30, 2022. The final rule went into effect on March 31, 2023. You may utilize the **Northern Long-eared Bat Rangewide Determination Key** available in IPaC. More information about this Determination Key and the Interim Consultation Framework are available on the northern long-eared bat species page:

<https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>

For projects that previously utilized the 4(d) Determination Key, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective. If your project was not completed by March 31, 2023, and may result in incidental take of NLEB, please reach out to our office at [newengland@fws.gov](mailto:newengland@fws.gov) to see if reinitiation is necessary.

#### *Additional Info About Section 7 of the Act*

Under section 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to determine whether projects may affect threatened and endangered species and/or designated critical habitat. If a Federal agency, or its non-Federal representative, determines that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Federal agency also may need to consider proposed species and proposed critical habitat in the consultation. 50 CFR 402.14(c)(1) specifies the information required for consultation under the Act regardless of the format of the evaluation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/service/section-7-consultations>

In addition to consultation requirements under Section 7(a)(2) of the ESA, please note that under sections 7(a)(1) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species. Please contact NEFO if you would like more information.

**Candidate species** that appear on the enclosed species list have no current protections under the ESA. The species' occurrence on an official species list does not convey a requirement to

consider impacts to this species as you would a proposed, threatened, or endangered species. The ESA does not provide for interagency consultations on candidate species under section 7, however, the Service recommends that all project proponents incorporate measures into projects to benefit candidate species and their habitats wherever possible.

### **Migratory Birds**

In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see:

<https://www.fws.gov/program/migratory-bird-permit>

<https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

Please feel free to contact us at **newengland@fws.gov** with your **Project Code** in the subject line if you need more information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat.

Attachment(s): Official Species List

Attachment(s):

- Official Species List

## **OFFICIAL SPECIES LIST**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

### **New England Ecological Services Field Office**

70 Commercial Street, Suite 300

Concord, NH 03301-5094

(603) 223-2541



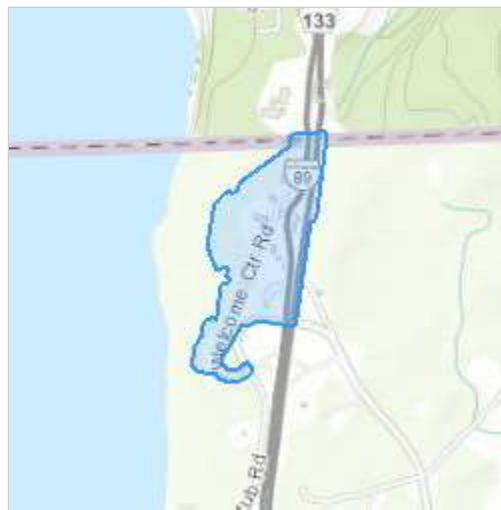
## PROJECT SUMMARY

**Project Code:** 2024-0093961  
**Project Name:** Highgate Springs Land Port of Entry Environmental Assessment  
**Project Type:** New Constr - Above Ground  
**Project Description:** The Highgate Springs LPOE is located approximately 40 miles north of Burlington, VT, across the border from the Canadian port of entry at St. Armand/Philipsburg, Quebec (QC). The LPOE encompasses approximately 16 acres of land and serves as a crossing for both commercial and non-commercial traffic. It is one of the three busiest LPOEs in New England. The main facility was constructed in 1997 and office buildings were added for FDA and CBP operations in 2004.

The Canadian government is constructing the final segment of its Autoroute A-35 highway between Montreal and St. Armand/Philipsburg. When completed in 2025, traffic at the Highgate Springs LPOE is projected to increase by approximately 30 percent; which the LPOE currently does not have the capacity to accommodate. Additionally, the condition of some of the buildings and infrastructure at the LPOE has deteriorated over time, which has adversely impacted the operations of GSA's tenant facilities at the port, lowered the site's energy performance, and increased GSA's costs for operating and maintaining the facility. As a result, GSA is proposing to construct a larger facility that expands and modernizes the LPOE to ensure that the tenant agencies are able to operate efficiently and effectively and to enable the port's ability to handle the anticipated traffic increase at the border crossing.

**Project Location:**

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@45.011553649999996,-73.08717089647664,14z>



**Counties:** Franklin County, Vermont

## ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

## **IPAC USER CONTACT INFORMATION**

Agency: Solv, LLC  
Name: Amelia Waring  
Address: 8201 Greensboro Dr  
Address Line 2: #700  
City: McLean  
State: VA  
Zip: 22102  
Email: amelia.waring@solvllc.com  
Phone: 5409586197

You have indicated that your project falls under or receives funding through the following special project authorities:

- BIPARTISAN INFRASTRUCTURE LAW (BIL) (OTHER)

**Attachment 2: Northern Long-eared Bat Determination Key  
Consistency Letter**



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5094  
Phone: (603) 223-2541 Fax: (603) 223-0104

In Reply Refer To:

06/14/2024 16:25:12 UTC

Project code: 2024-0093961

Project Name: Highgate Springs Land Port of Entry Environmental Assessment

Federal Nexus: yes

Federal Action Agency (if applicable): General Services Administration

**Subject:** Record of project representative's no effect determination for 'Highgate Springs Land Port of Entry Environmental Assessment'

Dear Amelia Waring:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on June 14, 2024, for 'Highgate Springs Land Port of Entry Environmental Assessment' (here forward, Project). This project has been assigned Project Code 2024-0093961 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

## **Ensuring Accurate Determinations When Using IPaC**

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

## **Determination for the Northern Long-Eared Bat**

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed



action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

### **Other Species and Critical Habitat that May be Present in the Action Area**

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

### **Next Steps**

Based upon your IPaC submission, your project has reached the determination of “No Effect” on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the New England Ecological Services Field Office and reference Project Code 2024-0093961 associated with this Project.

## Action Description

You provided to IPaC the following name and description for the subject Action.

### 1. Name

Highgate Springs Land Port of Entry Environmental Assessment

### 2. Description

The following description was provided for the project 'Highgate Springs Land Port of Entry Environmental Assessment':

The Highgate Springs LPOE is located approximately 40 miles north of Burlington, VT, across the border from the Canadian port of entry at St. Armand/Philipsburg, Quebec (QC). The LPOE encompasses approximately 16 acres of land and serves as a crossing for both commercial and non-commercial traffic. It is one of the three busiest LPOEs in New England. The main facility was constructed in 1997 and office buildings were added for FDA and CBP operations in 2004.

The Canadian government is constructing the final segment of its Autoroute A-35 highway between Montreal and St. Armand/Philipsburg. When completed in 2025, traffic at the Highgate Springs LPOE is projected to increase by approximately 30 percent; which the LPOE currently does not have the capacity to accommodate. Additionally, the condition of some of the buildings and infrastructure at the LPOE has deteriorated over time, which has adversely impacted the operations of GSA's tenant facilities at the port, lowered the site's energy performance, and increased GSA's costs for operating and maintaining the facility. As a result, GSA is proposing to construct a larger facility that expands and modernizes the LPOE to ensure that the tenant agencies are able to operate efficiently and effectively and to enable the port's ability to handle the anticipated traffic increase at the border crossing.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@45.011414200000004,-73.08714175643483,14z>



## DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

## QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

**Note:** Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. The action area does not overlap with an area for which U.S. Fish and Wildlife Service currently has data to support the presumption that the northern long-eared bat is present. Are you aware of other data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed NLEB acoustic detections. Data on captures, roost tree use, and acoustic detections should post-date the year when white-nose syndrome was detected in the relevant state. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

3. Does any component of the action involve construction or operation of wind turbines?

**Note:** For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

6. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

**Note:** This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

*No*

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

*No*

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

*No*

9. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

**Note:** Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

*Yes*

## **PROJECT QUESTIONNAIRE**

Will all project activities be completed by November 30, 2024?

*No*



## IPAC USER CONTACT INFORMATION

Agency: Solv, LLC  
Name: Amelia Waring  
Address: 8201 Greensboro Dr  
Address Line 2: #700  
City: McLean  
State: VA  
Zip: 22102  
Email: amelia.waring@solvllc.com  
Phone: 5409586197

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: General Services Administration

You have indicated that your project falls under or receives funding through the following special project authorities:

- BIPARTISAN INFRASTRUCTURE LAW (BIL) (OTHER)

**From:** [Cristina Clow - 1PCTB](#)  
**To:** [Oshin Paranjape](#)  
**Cc:** [Marshall Popkin - PTA](#); [John Maurer - 1PCTB](#)  
**Subject:** Fwd: [EXTERNAL] General Services Administration - Request for Informal Consultation for the Highgate Springs LPOE Project  
**Date:** Monday, August 26, 2024 12:07:31 PM

---

Hi Oshin,

Please see the below questions from USFWS regarding the Highgate consultation. GSA plans to respond to these questions from USFWS in the near future and will include SOLV in that correspondence.

Thank you,  
Cristina

----- Forwarded message -----

**From:** Dykstra, Eliese A <[eliese\\_dykstra@fws.gov](mailto:eliese_dykstra@fws.gov)>  
**Date:** Fri, Aug 2, 2024 at 1:07 PM  
**Subject:** Re: [EXTERNAL] General Services Administration - Request for Informal Consultation for the Highgate Springs LPOE Project  
**To:** [john.maurer@gsa.gov](mailto:john.maurer@gsa.gov) <[john.maurer@gsa.gov](mailto:john.maurer@gsa.gov)>

Hi John,

Thank you for submitting your project (2024-0093961) for review, I'll be your point of contact going forward for this project. After my initial review, I have a few follow-up questions and comments:

Tricolored Bat

- What is the maximum acreage of tree removal that may occur?
- Tricolored bats may roost in any suitable habitat within their current range including in trees, clumps of leaves, beard lichens hanging from trees, or in human-made structures including buildings. We are not aware of any tricolored bat observations or survey efforts in the immediate vicinity of the project area, however, this does not confirm absence. There have been many acoustic detections within less than 3 miles of the project location and we expect that tricolored bats could utilize any available suitable habitat within the project area. Because potential roosting habitat will be impacted by the project, a no effect determination is not appropriate. However, if adverse impacts to bats that may utilize roosting habitat on site can be avoided and minimized, a **may affect, not likely to adversely affect** determination would be well supported.
  - We would recommend not conducting any activities that could impact roosting tricolored bats, including tree removal, tree trimming, and demolition of structures that could have gaps/spaces/holes that may be used as roosts, during the pup season from **June 1 - August 15** (see [Summer Bat Survey](#))

[Guidelines](#) Appendix L for bat season dates in each state). Pups cannot fly and forage independently during this time period and therefore are vulnerable to any impacts to roosts they may occupy. Is it possible to implement this time of year restriction as a conservation measure? If so, please send me a revised project review request letter (replying to this email is preferred, no need to re-send to our general mailbox) that asks for USFWS concurrence with a may affect, not likely to adversely affect determination and includes the time of year restriction as a conservation measure.

- If a time of year restriction is not possible, let me know and we can coordinate further on possible alternatives such as surveys.

#### Monarch Butterfly

- Unfortunately, I don't have enough information to confirm that milkweed habitat or other suitable nectar plants are not present in the action area, although based on your description it sounds as though there is likely only minimal habitat available, if any. Because the monarch butterfly is a candidate species, no consultation under section 7 is necessary at this time. Proactive voluntary conservation measures are always encouraged, such as creating pollinator habitat or avoiding impacts to existing patches of pollinator habitat as the design is finalized.

Thanks, let me know if you have any questions,  
Eliese

**Eliese Dykstra** (*she/her*)

Fish and Wildlife Biologist  
Endangered Species Program  
U.S. Fish and Wildlife Service  
New England Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301

**New Phone Number: 603-568-4652 (mobile)**

Email: [eliese\\_dykstra@fws.gov](mailto:eliese_dykstra@fws.gov)

---

**From:** Oshin Paranjape <[Oshin.Paranjape@solvllc.com](mailto:Oshin.Paranjape@solvllc.com)>

**Sent:** Friday, July 12, 2024 3:37 PM

**To:** Weber, Wendi <[wendi\\_weber@fws.gov](mailto:wendi_weber@fws.gov)>; New England FO, FW5 <[newengland@fws.gov](mailto:newengland@fws.gov)>

**Cc:** John Maurer - 1PCTB <[john.maurer@gsa.gov](mailto:john.maurer@gsa.gov)>; Cristina Clow - 1PCTB <[cristina.clow@gsa.gov](mailto:cristina.clow@gsa.gov)>;

Missy Mertz - 3PTN <[melissa.mertz@gsa.gov](mailto:melissa.mertz@gsa.gov)>

**Subject:** [EXTERNAL] General Services Administration - Request for Informal Consultation for the

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Good Afternoon,

On behalf of the **U.S. General Services Administration (GSA)**, we would like to request your technical assistance in reviewing and concurring with the preliminary effect determination for the threatened, endangered, and/or candidate species with the potential to be impacted by GSA's proposed undertaking, per Section 7 of the Endangered Species Act. GSA is proposing to expand and modernize the Land Port of Entry (LPOE) at Highgate Springs, Vermont. The attached letter details the project background and includes the following:

1. Map of the project area;
2. Official USFWS IPaC Report; and
3. Northern Long-Eared Bat Determination Key Consistency Letter.

GSA is in the process of drafting an Environmental Assessment to analyze the social, economic, and environmental effects of the project and would appreciate your input in identifying any additional resources that may warrant consideration.

For any questions or concerns, please contact John Maurer, Project Executive, GSA at [john.maurer@gsa.gov](mailto:john.maurer@gsa.gov).

Sincerely,

Oshin Paranjape

**solv**<sup>™</sup>

Oshin Paranjape

Solv | 703 760 4801 x136

environment | energy | engineering | planning



**U.S. General Services Administration**

**Cristina Clow, AIA**

Project Manager

Design & Construction Division (1PCTB)

Public Buildings Service

Thomas P. O'Neill, Jr., Federal Building

10 Causeway Street, 11th Floor  
Boston, MA 02222-1077  
Cell: 857-276-9495  
E-mail: [crisrina.clow@gsa.gov](mailto:crisrina.clow@gsa.gov)



September 18, 2024

Eliese Dykstra, Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service – New England Field Office  
70 Commercial Street, Suite 300  
Concord, New Hampshire 03301

Dear Ms. Dykstra,

The purpose of this letter is to provide the U.S. Fish and Wildlife Service (USFWS) with information on the proposed project, the expansion and modernization of the Highgate Springs Land Port of Entry (LPOE) [#2024-0093961], undertaken by the U.S. General Services Administration (GSA) in Franklin County, VT. In response to the USFWS correspondence dated August 2, 2024, this attachment provides revised effect determinations for threatened and endangered species under Section 7 of the Endangered Species Act (ESA) that may occur in or near the proposed project area. With this letter, GSA requests concurrence from USFWS on the revised effect determinations for the identified ESA species and additional technical assistance.

### **Project Area**

The Highgate Springs LPOE is located on 16 acres within the 20.1-acre property owned by GSA (GSA property). GSA would acquire additional land to the west and south of the LPOE. The property to the west consists of approximately 57 acres of private land which GSA would acquire in its entirety. The property to the south is owned by the Vermont Agency of Transportation (VAOT). GSA may acquire up to 4 acres from VAOT. The project area includes the following: the existing GSA property, a portion of the private property to the west, and a portion of the VAOT property to the south. The project area consists of approximately 50 acres of which approximately 34 acres would be permanently disturbed from the new LPOE and nearly 16 acres would be temporarily disturbed from staging of construction materials and equipment. Approximately 11 acres of vegetation would be permanently removed under the proposed project. The attached **Figure 1** shows the proposed project area boundary and the area of permanent disturbance.

### **Project Background**

GSA is proposing to expand and modernize the Highgate Springs LPOE. The purpose of the project is to improve and enhance the performance, safety, security, and efficiency of operations for cross-border travelers and federal agencies at the LPOE. Additionally, the Canadian government is constructing the final segment of its Autoroute 35 (A-35) highway between Montreal and St-Armand/Philipsburg. When completed, traffic at the Highgate Springs LPOE is projected to increase by approximately 30 percent. Under the proposed project, GSA would acquire properties to the west and south of the LPOE, demolish all existing buildings at the LPOE and acquired properties, and construct new buildings and supporting infrastructure. Substantial earthwork would occur in the project area, including tree clearing, excavation, grading, and cut and fill operations. Three new structures would be constructed: Main Building, Commercial Building, and Training Building. The expanded LPOE would accommodate seven inspection lanes for private vehicles, two inspection lanes for buses, two inspection lanes for commercial vehicles, and one bypass lane for larger vehicles (such as snowplows). Supporting facilities would be



constructed, including employee and visitor pedestrian paths, snow storage locations, helipad, return routes, up to 200 employee parking spaces, and utility connections.

**Species Effects Analysis**

In addition to National Environmental Policy Act, the project must comply with ESA Section 7. The USFWS Information, Planning, and Consultation (IPaC) tool determined that three listed species have the potential to occur in the project area: the endangered northern long-eared bat (NLEB) (*Myotis septentrionalis*), the proposed endangered tricolored bat (*Perimyotis subflavus*), and a candidate species, the monarch butterfly (*Danaus plexippus*). The IPaC tool did not identify any critical habitat for these species within the project area. GSA has made the following preliminary effect determinations for the identified species based on existing site conditions and the USFWS correspondence email dated August 2, 2024.

**Table 1. Listed Species Potentially Occurring in or Near the Project Area**

Common Name	Scientific Name	Listing Status	Preliminary Effect Determination
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Endangered	<p><b>May Affect, Not Likely to Adversely Affect.</b>            GSA evaluated the latest version of the NLEB Rangewide Determination Key, which stated that the proposed action does not intersect an area where NLEB is likely to occur, based on the information available to USFWS. However, given the potential acoustic detection of tricolored bat in the project area vicinity, GSA conservatively assumes that NLEB may occur in the vicinity as well. Therefore, the clearing of approximately 11 acres of trees under the proposed project could affect NLEB. Under the proposed project, GSA would conduct project activities (including tree removal, tree trimming, and demolition of structures that could have gaps/spaces/holes that may be used as roosts) outside of the bat active season (i.e., outside of June 1 – August 15) to avoid or reduce the likelihood of potential effects to NLEB.</p> <p><b>GSA would like to request confirmation that NLEB roosts or hibernacula are not known to occur in or near the project area.</b></p>
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	<p><b>May Affect, Not Likely to Adversely Affect.</b>            There are no documented cases of tricolored bat occurring in the project area and there is no designated tricolored bat critical habitat in or near the project area. USFWS confirmed that tricolored bat roosts and hibernacula are not known to occur in or near the project area. However, USFWS informed GSA that tricolored bats have been acoustically detected within three (3) miles of the project area. Therefore, the clearing of approximately 11 acres of trees could affect tricolored bats. Under the Proposed Action, GSA would conduct project activities (including tree removal, tree trimming, and demolition of structures that could have gaps/spaces/holes that may be used as roosts) outside of the bat active season (i.e., outside of June 1 – August 15), as recommended by USFWS, to avoid or reduce the likelihood of potential effects to the tricolored bat.</p>

Common Name	Scientific Name	Listing Status	Preliminary Effect Determination
Monarch Butterfly	<i>Danaus plexippus</i>	Candidate	<p><b>No Effect.</b></p> <p>Most of the project area consists of paved surfaces, disturbed habitat such as mowed grass lawns, and forests. It is not considered likely that project activities would destroy monarch butterfly habitat or remove a substantial amount of nectar resources, if such resources occur onsite. USFWS could not confirm whether suitable nectar resources occur in the project area but concurred based on the project area description and map that the project area likely contains minimal to no suitable habitat. Furthermore, the monarch butterfly is a candidate species, so no consultation under ESA Section 7 is required.</p>

**GSA Response to USFWS August 2, 2024, Correspondence Regarding Tricolored Bat**

- What is the maximum acreage of tree removal that may occur?

The maximum acreage of tree removal that may occur under the proposed project is 11 acres. Most of this acreage is forested with some landscaped areas (Figure 1).

- Tricolored bats may roost in any suitable habitat within their current range including in trees, clumps of leaves, beard lichens hanging from trees, or in human-made structures including buildings. USFWS is not aware of any tricolored bat observations or survey efforts in the immediate vicinity of the project area, however, this does not confirm absence. There have been many acoustic detections within less than 3 miles of the project location and it is expected that tricolored bats could utilize any available suitable habitat within the project area. Because potential roosting habitat may be impacted by the project, a *no effect* determination is not appropriate. However, if adverse impacts to bats that may utilize roosting habitat on site can be avoided and minimized, a *may affect, not likely to adversely affect* determination would be well supported.

GSA concurs with USFWS and has determined that the project ***may affect, but is not likely to adversely affect*** tricolored bat, as shown in Table 1. GSA conservatively made this determination for NLEB, as well.

- USFWS recommends not conducting any activities that could impact roosting tricolored bats, including tree removal, tree trimming, and demolition of structures that could have gaps/spaces/holes that may be used as roosts, during the pup season from June 1 – August 15. Pups cannot fly and forage independently during this time period and therefore are vulnerable to any impacts to roosts they may occupy.

Given the presence of suitable habitat within the project area that would be partially cleared under the proposed project and the acoustic detection of tricolored bats in the project area vicinity, GSA concurs with USFWS recommended determination of ***may affect, but not likely to adversely affect*** for tricolored bat and conservatively made the same determination for NLEB. GSA would complete the above stated project activities (tree removal, tree trimming, and demolition of structures that could have gaps/spaces/holes that may be used as roosts) outside the bat active season from June 1 to August 15 to avoid and/or minimize potential adverse effects to tricolored bats and NLEB.

### **Request for Technical Assistance Regarding NLEB**

We would greatly appreciate your technical assistance in identifying any additional resources that could be affected by the proposed project and your input on our revised effect determinations for tricolored bat and NLEB. Additionally, GSA would like to request confirmation that NLEB roosts or hibernacula are not known to occur in or near the project area, as well as information on acoustic (or other) NLEB detections in the project area vicinity.

Thank you for your consideration and assistance; I look forward to receiving your response regarding this project. If you have any questions or concerns or would like additional information, please contact me via email at [john.maurer@gsa.gov](mailto:john.maurer@gsa.gov).

Sincerely,

**JOHN MAURER**  
Digitally signed by JOHN MAURER  
Date: 2024.09.18 17:34:10 -04'00'

John K. Maurer, GSA Project Executive  
Vermont BIL Land Ports of Entry (1PCTB)  
U.S. General Services Administration  
Public Buildings Service, New England Region  
Design & Construction Division  
Thomas P. O'Neill, Jr., Federal Building  
10 Causeway St., Room 1100  
Boston, MA 02222-1077

Cell: (617) 893-0345  
Email: [john.maurer@gsa.gov](mailto:john.maurer@gsa.gov)

#### **Attachments:**

Figure 1. Highgate Springs LPOE Project Area

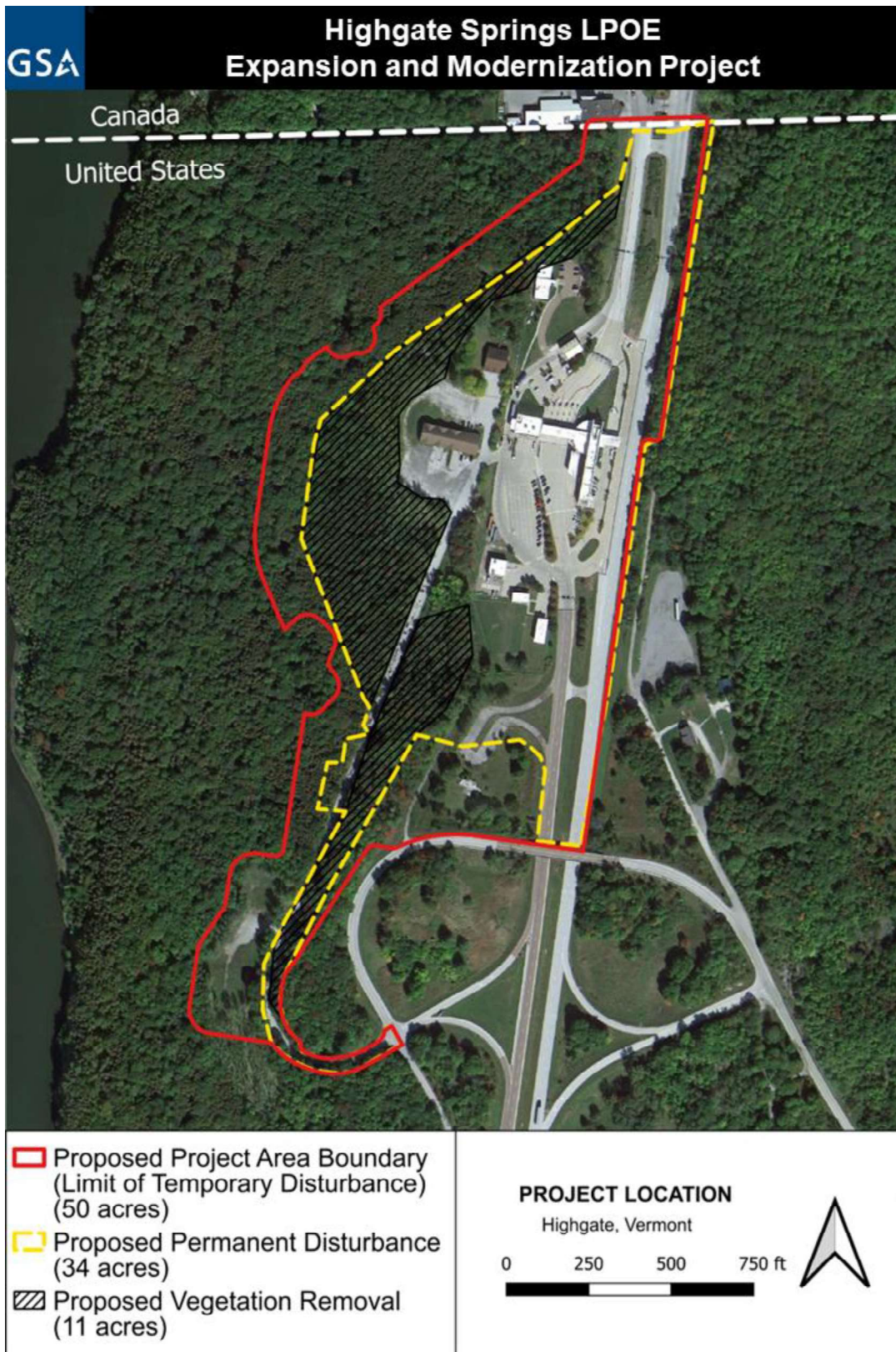


Figure 1. Highgate Springs LPOE Project Area

**U.S. ARMY CORPS OF ENGINEERS  
APPROVED JURISDICTIONAL DETERMINATION**

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DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NEW ENGLAND DISTRICT  
696 VIRGINIA ROAD  
CONCORD MA 01742-2751

July 18, 2024

CENAE-RDNH/VT-63  
Regulatory Division  
File Number: NAE-2023-00338

Mr. John Maurer  
Thomas P. O'Neill, Jr., Federal Building  
10 Causeway Street, 11<sup>th</sup> Floor  
Boston, Massachusetts 02222-1077  
Sent by email: [john.maurer@gsa.gov](mailto:john.maurer@gsa.gov)

Dear Mr. Maurer:

This letter responds to a request submitted to the U.S. Army Corps of Engineers (USACE) for a jurisdictional determination (JD) on the presence or absence of waters of the United States (U.S.), including wetlands, located at the Highgate Springs Land Port of Entry at 480 Welcome Center Road, Highgate, Franklin County, Vermont.

Angela C. Repella of this office conducted a field inspection of the site on April 16, 2024. During the inspection, areas only within the area labeled "AJD REVIEW AREA" on the enclosed plan were reviewed for potential federal jurisdiction. We have determined that Wetland A, Wetland A12, Wetland B, Wetland C, Ditch D, Ditch E, Wetland F, Wetland G, Wetland H, Wetland I, Wetland J, Wetland K, Wetland L, Wetland M, and Wetland N are not waters of the U.S. and therefore not within the jurisdiction of USACE under Section 404 of the Clean Water Act.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under USACE regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the North Atlantic Division Office at [andrew.c.dangler@usace.army.mil](mailto:andrew.c.dangler@usace.army.mil) or the following address. Mr. Dangler's phone number is (518) 487-0215.

Andrew Dangler  
Regulatory Appeals Review Officer  
North Atlantic Division – Fort Hamilton  
301 John Warren Avenue – First Floor  
Brooklyn, NY 11252-6700

Direct questions regarding the USACE appeals process to Angela C. Repella at [Angela.C.Repella@usace.army.mil](mailto:Angela.C.Repella@usace.army.mil) or 978-318-8639.



In order for an RFA to be accepted by USACE, USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by September 16, 2024. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This approved jurisdictional determination is valid for a period of five years from the date of the letter, unless new information warrants revision of the determination before the expiration date or the District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

Enclosed is an "Memorandum for Record" dated "14 June 2024" and supporting documentation explaining the basis for our jurisdictional determination.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey>.

If you have any questions, please contact Angela C. Repella, of my staff, at (978) 318-8639 or [Angela.C.Repella@usace.army.mil](mailto:Angela.C.Repella@usace.army.mil).

Sincerely,



Tammy R. Turley  
Chief, Regulatory Division

Enclosures

cc:

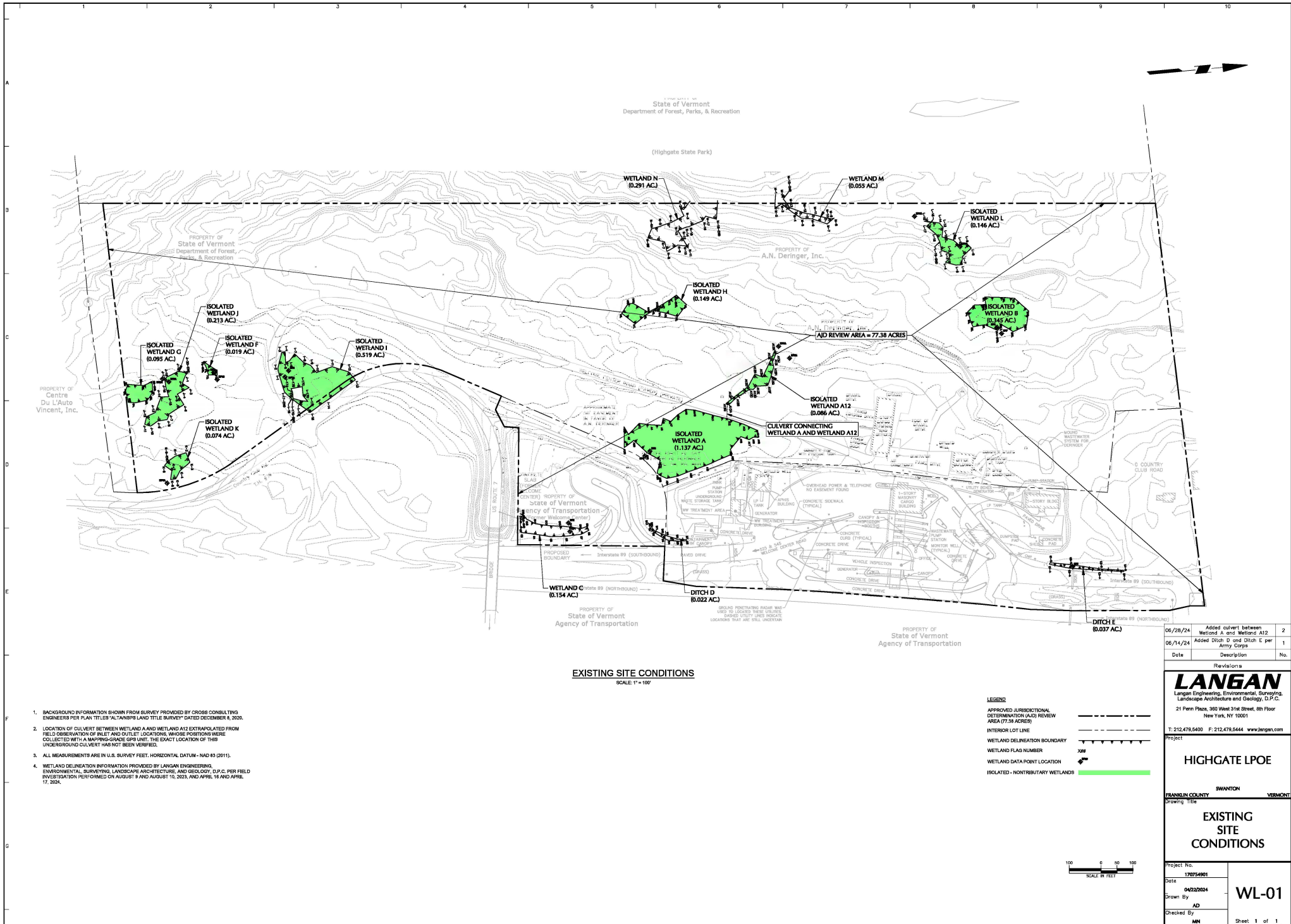
Erica Sachs, U.S. EPA, [sachs.eric@epa.gov](mailto:sachs.eric@epa.gov)

Erin Flannery Keith, U.S. EPA, [flannery-keith.erin@epa.gov](mailto:flannery-keith.erin@epa.gov)

Krystal Sewell, VTDEC Wetlands Program, [Krystal.sewell@vermont.gov](mailto:Krystal.sewell@vermont.gov)

Missy Mertz, GSA, [Melissa.mertz@gsa.gov](mailto:Melissa.mertz@gsa.gov)

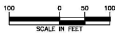
Mike Nevins, Langan, [mnevins@langan.com](mailto:mnevins@langan.com)



- BACKGROUND INFORMATION SHOWN FROM SURVEY PROVIDED BY CROSS CONSULTING ENGINEERS PER PLAN TITLES "ALTANSPI'S LAND TITLE SURVEY" DATED DECEMBER 8, 2020.
- LOCATION OF CULVERT BETWEEN WETLAND A AND WETLAND A12 EXTRAPOLATED FROM FIELD OBSERVATION OF INLET AND OUTLET LOCATIONS. POSITIONS WERE COLLECTED WITH A MAPPING-GRADE GPS UNIT. THE EXACT LOCATION OF THIS UNDERGROUND CULVERT HAS NOT BEEN VIEWED.
- ALL MEASUREMENTS ARE IN U.S. SURVEY FEET, HORIZONTAL DATUM - NAD 83 (2011).
- WETLAND DELINEATION INFORMATION PROVIDED BY LANGAN ENGINEERING ENVIRONMENTAL, SURVEYING, LANDSCAPE ARCHITECTURE, AND GEOLOGY, D.P.C. PER FIELD INVESTIGATION PERFORMED ON AUGUST 9 AND AUGUST 10, 2023, AND APRIL 16 AND APRIL 17, 2024.

**LEGEND**

APPROVED JURISDICTIONAL DETERMINATION (AJD) REVIEW AREA (77.38 ACRES)	
INTERIOR LOT LINE	
WETLAND DELINEATION BOUNDARY	
WETLAND FLAG NUMBER	
WETLAND DATA POINT LOCATION	
ISOLATED - NONTRIBUTARY WETLANDS	



Date	Description	No.
06/28/24	Added culvert between Wetland A and Wetland A12	2
06/14/24	Added Ditch D and Ditch E per Army Corps	1

Revisions

**LANGAN**  
Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.  
21 Penn Plaza, 360 West 31st Street, 8th Floor  
New York, NY 10001  
T: 212.476.5400 F: 212.476.5444 www.langan.com

Project  
**HIGHGATE LPOE**

FRANKLIN COUNTY VERMONT  
Drawing Title  
**EXISTING SITE CONDITIONS**

Project No. 170754901  
Date 04/22/2024  
Drawn By AD  
Checked By MN  
Sheet 1 of 1

**WL-01**

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: General Services Administration	File Number: NAE-2023-00338	Date: 7/18/2024
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL WITHOUT PREJUDICE	C
<input type="checkbox"/>	PERMIT DENIAL WITH PREJUDICE	D
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	E
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	F

### SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable**

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

**D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial**

You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration**

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

**F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable**

You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision you may contact:

Mr. Ryan Malterud  
Acting Deputy Chief, Regulatory Division  
U.S. Army Corps of Engineers, New England District  
696 Virginia Road  
Concord, MA 01742-2751  
Phone: (978) 318-8390  
Email: ryan.m.malterud@usace.army.mil

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:

Mr. Andrew Dangler, Regulatory Appeals Review Officer  
U.S. Army Corps of Engineers  
North Atlantic Division – Fort Hamilton  
301 John Warren Avenue – First Floor  
Brooklyn, NY 11252-6700  
Mobile: (518) 487-0215  
Email: andrew.c.dangler@usace.army.mil

**SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

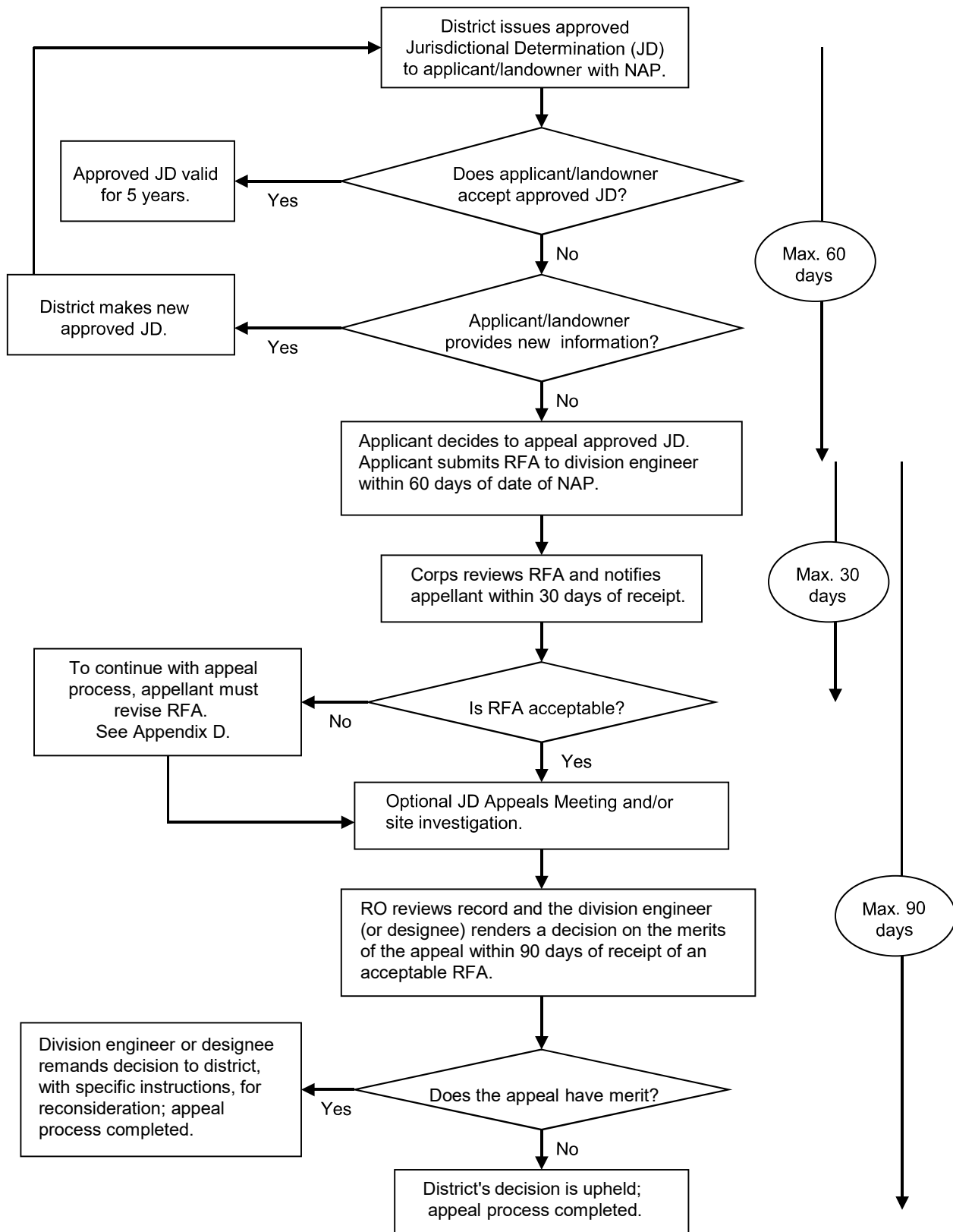
ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

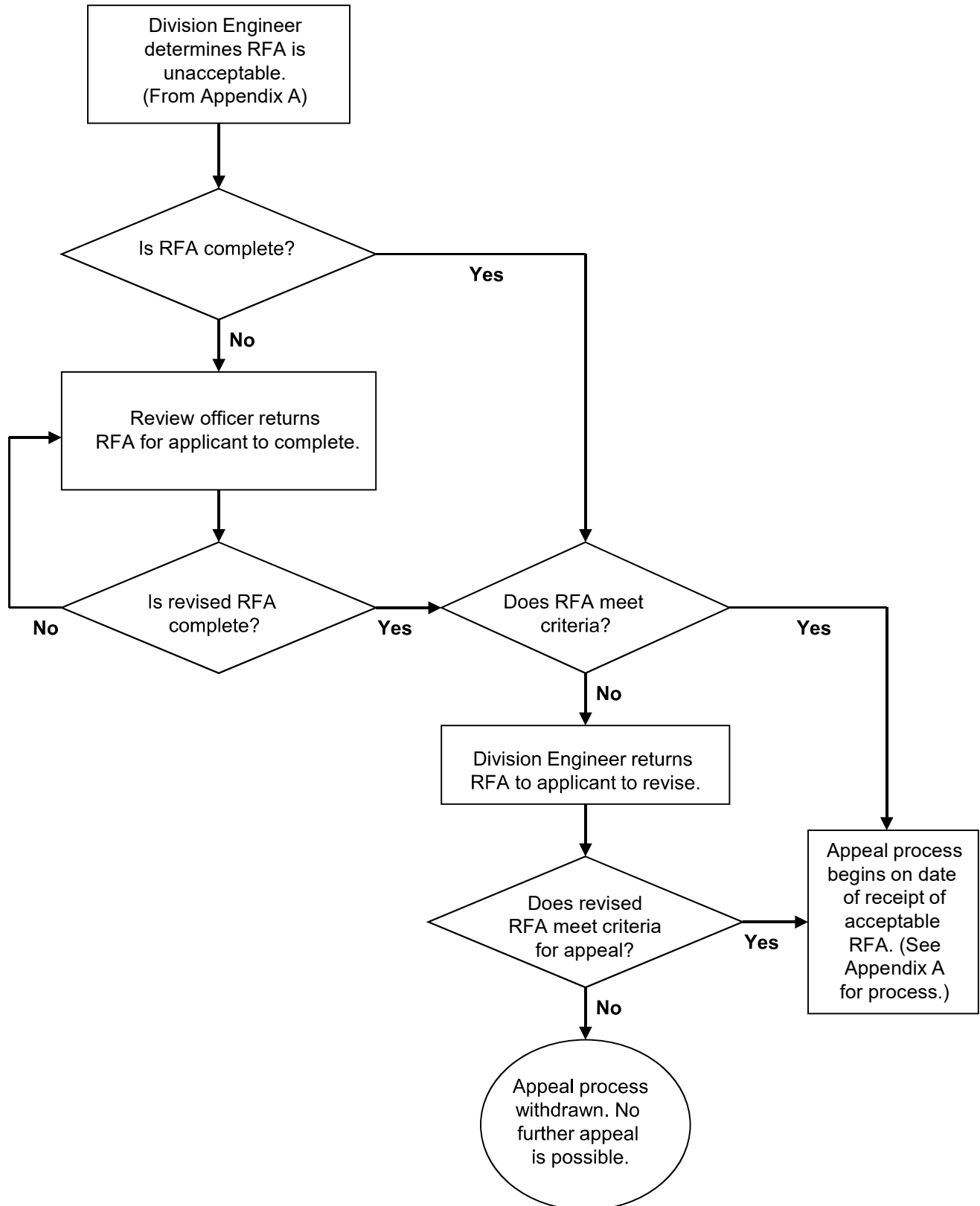
<hr/> <p>Signature of appellant or agent.</p>	Date:
Email address of appellant and/or agent:	Telephone number:



# Administrative Appeal Process for Approved Jurisdictional Determinations



# Process for Unacceptable Request for Appeal





DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NEW ENGLAND DISTRICT  
696 VIRGINIA ROAD  
CONCORD MA 01742-2751

CENAE-RD

14 June 2024

MEMORANDUM FOR RECORD

SUBJECT: U.S. Army Corps of Engineers (USACE) Approved Jurisdictional Determination in accordance with the "Revised Definition of 'Waters of the United States'"; (88 FR 3004 (18 Jan 23) as amended by the "Revised Definition of 'Waters of the United States'; Conforming" (8 Sep 23)<sup>1</sup> NAE-2023-00338

1. BACKGROUND: An Approved Jurisdictional Determination (AJD) is a USACE document stating the presence or absence of waters of the United States (U.S.) on a parcel or a written statement and map identifying the limits of waters of the U.S. on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.<sup>2</sup> AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a district engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.<sup>3</sup>

On 18 Jan 23, the Environmental Protection Agency (EPA) and the Department of the Army ("the agencies") published the "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (18 Jan 23) ("2023 Rule"). On 8 Sep 23, the agencies published the "Revised Definition of 'Waters of the United States'; Conforming", which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) ("*Sackett*").

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a USACE AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),<sup>4</sup> the 2023 Rule as amended, as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

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<sup>1</sup> While the Revised Definition of "Waters of the United States"; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

<sup>2</sup> 33 CFR 331.2.

<sup>3</sup> Regulatory Guidance Letter 05-02.

<sup>4</sup> USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

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SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), NAE-2023-00338

## 2. SUMMARY OF CONCLUSIONS

a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

(1) Wetland A (1.137 acre) – Wetland A is a mix of forested, scrub shrub, and emergent wetland that drains northwesterly into Wetland A12 via a culvert beneath Welcome Center Road. Wetland A is hydrologically connected to Wetland A12 via the culvert. Wetland A12 is a linear wetland feature with no defined outlet. Wetland A and A12 do not connect to any surface tributaries. Wetland A is not adjacent to an (a)(1) water and is not adjacent to a relatively permanent, standing, or continuously flowing body of water identified in paragraph (a)(2) or (a)(3) of the rule. Wetland A does not have a continuous surface connection to such waters. Due to this lack of surface connection to waters of the U.S., Wetland A is not jurisdictional.

(2) Wetland A12 (0.086 acre) – Wetland A12 is a linear palustrine forested wetland feature and does not have a defined outlet. The wetland dissipates into upland forest. Wetland A12 is not adjacent to an (a)(1) water and is not adjacent to a relatively permanent, standing, or continuously flowing body of water identified in paragraph (a)(2) or (a)(3) of the rule. Wetland A12 does not have a continuous surface connection to such waters. Due to this lack of surface connection to waters of the U.S., Wetland A12 is not jurisdictional.

(3) Wetland B (0.345 acre) – Wetland B is a vernal pool with no defined outlet. The feature is surrounded by upland forest and does not have a continuous surface connection to a water of the U.S. Wetland B is not jurisdictional.

(4) Wetland C (0.154 acre) – Wetland C is a palustrine emergent stormwater feature constructed in upland. The wetland is dominated by *Phragmites australis* and is located adjacent to I-89 and the U.S. Route 7 overpass. The wetland drains to a culvert beneath the U.S. Route 7 overpass. This feature is a roadside ditch/swale excavated wholly in and draining only dry land. The wetland treats stormwater from the surrounding upland development and roadways. The feature does not carry a relatively permanent flow of water and meets the definition of an excluded (b)(3) water. Wetland C is not jurisdictional.

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(5) Ditch D (0.022 acre) – Ditch D is a stormwater feature constructed in upland. It consists of a vegetated swale and treats stormwater from the surrounding upland development and roadways. The feature does not carry a relatively permanent flow of water and meets the definition of an excluded (b)(3) water. Ditch D is not jurisdictional.

(6) Ditch E (0.037 acre) – Ditch E is a stormwater feature constructed in upland. It consists of a stone-lined ditch and treats/conveys stormwater from the surrounding upland development and roadways. The ditch enters a 30” corrugated metal pipe culvert which continues to additional subsurface stormwater infrastructure. The feature does not carry a relatively permanent flow of water and meets the definition of an excluded (b)(3) water. Ditch E is not jurisdictional.

(7) Wetland F (0.019 acre) – Wetland F is a seasonally ponded palustrine forested wetland. The wetland does not have a defined outlet and is not connected to any other surface waters. Wetland F is not jurisdictional.

(8) Wetland G (0.095 acre) – Wetland G is a palustrine emergent wetland with a palustrine forested and scrub shrub fringe. The feature is a vernal pool with no defined outlet and is not connected to any other surface waters. Wetland G is not jurisdictional.

(9) Wetland H (0.149 acre) – Wetland H is a palustrine forested wetland situated on a rocky landscape and does not have a defined outlet. The feature is not connected to any other surface waters. Wetland H is not jurisdictional.

(10) Wetland I (0.519 acre) – Wetland I is palustrine forested and is situated at the intersection of U.S. Route 7 and Welcome Center Road. The feature is partially ponded and drains to a roadside swale. The roadside swale adjoins to a culvert beneath Welcome Center Road. There is no relatively permanent water at the outlet of the culvert and surface hydrology dissipates into upland on the south side of the road. Wetland I is not adjacent to an (a)(1) water and is not adjacent to a relatively permanent, standing, or continuously flowing body of water identified in paragraph (a)(2) or (a)(3) of the rule. Wetland A does not have a continuous surface connection to such waters. Wetland I is not jurisdictional.

(11) Wetland J (0.213 acre) – Wetland J is a vernal pool and does not have a defined outlet. The feature is not connected to any other surface waters. Wetland J is not jurisdictional.

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SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), NAE-2023-00338

(12) Wetland K (0.074 acre) – Wetland K is seasonally ponded, does not have a defined outlet and is not connected to any other surface waters. Wetland K is not jurisdictional.

(13) Wetland L (0.146 acre) – Wetland L is a vernal pool and does not have a defined outlet. The feature is not connected to any other surface waters. Wetland L is not jurisdictional.

(14) Wetland M (0.055 acre) – Wetland M is a linear palustrine forested feature and is not connected to any other surface waters. Wetland M is not jurisdictional.

(15) Wetland N (0.0291 acre) – Wetland N is palustrine forested, does not have a defined outlet and is not connected to any other surface waters. Wetland N is not jurisdictional.

### 3. REFERENCES

a. “Revised Definition of ‘Waters of the United States,’” 88 FR 3004 (January 18, 2023) (“2023 Rule”)

b. “Revised Definition of ‘Waters of the United States’; Conforming” 88 FR 61964 (September 8, 2023))

c. *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023)

4. REVIEW AREA: The review area is 77.38 acres in size, located at the Highgate Springs Land Port of Entry (LPOE) at Latitude 45.0123105°, Longitude -73.0878177°. The site address is 480 Welcome Center Road, Highgate, Franklin County, Vermont. USACE conducted a site visit on 16 April 2024 to review aquatic resources at the site and was accompanied by staff with the U.S. Customs and Border Protection, Vermont Department of Environmental Conservation Wetlands Program, General Services Administration, and Langen Engineering, Environmental Surveying, Landscape Architecture, and Geology, D.P.C. (see MFR dated 4/16/2024 and accompanying photos).



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SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), NAE-2023-00338

5. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED: N/A. The aquatic resources are not connected to a TNW, the territorial seas, or interstate waters.<sup>5</sup>

6. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER: N/A. The aquatic resources are not connected to a TNW, the territorial seas, or interstate waters.

7. SECTION 10 JURISDICTIONAL WATERS<sup>6</sup>: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.<sup>7</sup> N/A

8. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

a. Traditional Navigable Waters (TNWs) (a)(1)(i): N/A

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<sup>5</sup> This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established.

<sup>6</sup> 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

<sup>7</sup> This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

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- b. The Territorial Seas (a)(1)(ii): N/A
- c. Interstate Waters (a)(1)(iii): N/A
- d. Impoundments (a)(2): N/A
- e. Tributaries (a)(3): N/A
- f. Adjacent Wetlands (a)(4): N/A
- g. Additional Waters (a)(5): N/A

## 9. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

a. Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not “waters of the United States” even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).<sup>8</sup>

Wetland C is 0.154 acre in size. This wetland is a stormwater feature constructed in upland. The wetland is dominated by *Phragmites australis* and is located adjacent to I-89 and the U.S. Route 7 overpass. The wetland drains to a culvert beneath the U.S. Route 7 overpass. This feature consists of a roadside ditch excavated wholly in and draining only dry land. Wetland C functions to treat stormwater from the surrounding upland development and roadways. The feature does not carry a relatively permanent flow of water and is an excluded (b)(3) water. Wetland C is not jurisdictional.

Ditch D is 0.022 acre in size. This feature is a stormwater swale constructed in upland. See Section 2 above.

Ditch E is 0.037 acre in size. This wetland consists of a stormwater feature constructed in upland. See Section 2 above.

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<sup>8</sup> 88 FR 3004 (January 18, 2023)

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b. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

Wetland A, A12, B, F, G, H, I, J, K, L, M, and N are wetlands and waters that do not have a continuous surface connection to a jurisdictional water. See details in Section 2 above. These wetlands and waters are not jurisdictional.

10. DATA SOURCES: List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

a. 16 April 2024 site visit (see MFR dated 16 April 2024, and accompanying photographs).

b. Report compiled by Langen Engineering, Environmental, Surveying, Landscape Architecture and Geology (Langen) titled "Wetland Delineation Report" and dated "14 November 2023" including the following figures:

- a. "USGS Site Location Map" dated "8/30/2023"
- b. "Vicinity Map" dated "8/30/2023"
- c. "NWI Wetlands Map" dated "9/18/2023"
- d. "Vermont Wetlands Map" dated "9/18/2023"
- e. "Aerial Photograph 1963," "Aerial Photograph 1995," "Aerial Photograph 2008," "Aerial Photograph 2009," "Aerial Photograph 2013," "Aerial Photograph 2016," "Aerial Photograph 2018," and "Aerial Photograph 2021" dated "11/14/2023."

c. USGS Stream Stats Map, accessed 16 April 2024

d. National Regulatory Viewer Map with Lidar (undated)

11. OTHER SUPPORTING INFORMATION: N/A

12. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

**CORRESPONDENCE WITH THE  
VERMONT AGENCY OF NATURAL RESOURCES**

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**From:** [Missy Mertz - 3PTN](#)  
**To:** [Mike Nevins](#); [Cristina Clow - 1PCTB](#); [Oshin Paranjape](#); [Sarah Parks](#)  
**Subject:** Fwd: 2023-1002\_Highgate Springs LPOE Classifications  
**Date:** Friday, July 26, 2024 11:46:24 AM  
**Attachments:** [2024-04-25 Highgate Springs LPOE Wetlands Delineation CLASSIFICATIONS.pdf](#)

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Hello all,

I am guessing most of you have this email but this needs to be made part of the official record. Krystal's email may serve as the official state verification. She indicated she may try to send a letter if she can but that this email can be used for the record. So Oshin please ensure it is incorporated in the the draft EA. Thanks so much everyone.

Missy

----- Forwarded message -----

**From:** Sewell, Krystal T <[Krystal.T.Sewell@vermont.gov](mailto:Krystal.T.Sewell@vermont.gov)>  
**Date:** Tue, Jun 11, 2024 at 9:34 AM  
**Subject:** 2023-1002\_Highgate Springs LPOE Classifications  
**To:** Missy Mertz - 3PTN <[melissa.mertz@gsa.gov](mailto:melissa.mertz@gsa.gov)>  
**Cc:** Repella, Angela C NAE <[Angela.C.Repella@usace.army.mil](mailto:Angela.C.Repella@usace.army.mil)>

Hi Missy,

I apologize for the delay in getting this information over to you. The field season definitely took off running! I attached a mark-up of Mike's findings and summarized below.

- Wetland A. **CLASS II-** The wetland is contiguous to the VSWI mapped wetland.
- Wetland A12A through A12Q). This is the linear wetland which Wetland A drains into. This wetland appears to be isolated. **CLASS II-** The wetland is contiguous to the VSWI mapped wetland.
- Wetland B- **CLASS II-** The wetland is a vernal pool that provides amphibian breeding habitat.
- Wetland C- Exempt stormwater feature constructed in upland (not a wetland).
- Wetland F- **CLASS II-** The wetland is mapped on the VSWI.
- Wetland G- - **CLASS II-** The wetland is a vernal pool that provides amphibian breeding habitat.
- Wetland H- **Class III**
- Wetland I – Flags I1 through I17, located in the southern portion of the site. This wetland appears to be isolated. **CLASS II-** The wetland is of the same type and threshold size as those mapped on the VSWI maps: i.e.; open water (pond); emergent marsh; shrub swamp; forested swamp; wet meadow; beaver pond or beaver meadow; bog or fen; and is greater than 0.5 acres in size

- Wetland J – Flags J1 through J20, located in the southern portion of the site. This wetland appears to be isolated. **CLASS II- The wetland is a vernal pool that provides amphibian breeding habitat.**
- Wetland K – Flags K1 through K9, Located in the southern portion of the site. This wetland appears to be isolated. **Class III**
- Wetland L – Flags L1 through L19. Located in the northwestern portion of the site. This wetland appears to be isolated. **CLASS II- The wetland is a vernal pool that provides amphibian breeding habitat.**
- Wetland M – Flags M1 through M15. This wetland is located adjacent to the western property line. **Class III**
- Wetland N – Flags N1 through N18. This wetland is also located adjacent to the western property line **CLASS II- The wetland is of the same type and threshold size as those mapped on the VSWI maps: i.e.; open water (pond); emergent marsh; shrub swamp; forested swamp; wet meadow; beaver pond or beaver meadow; bog or fen; and is greater than 0.5 acres in size**

**Krystal T. Sewell** (she/her) | District Wetlands Ecologist

Vermont Department of Environmental Conservation

Watershed Management Division, Wetlands Program

Davis 3, 1 National Life Dr | Montpelier, VT 05620-3901

802-490-6758

<https://dec.vermont.gov/watershed/wetlands>

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For resources related to flood recovery: <https://anr.vermont.gov/flood>



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**From:** Mike Nevins <mnevins@Langan.com>  
**Sent:** Friday, May 3, 2024 5:22 PM  
**To:** Sewell, Krystal T <[Krystal.T.Sewell@vermont.gov](mailto:Krystal.T.Sewell@vermont.gov)>; Repella, Angela C CIV USARMY CENAE (USA) <[Angela.C.Repella@usace.army.mil](mailto:Angela.C.Repella@usace.army.mil)>  
**Cc:** Karen Rauscher <[krauscher@langan.com](mailto:krauscher@langan.com)>; William Wong <[WWong@spacesmith.com](mailto:WWong@spacesmith.com)>; John Maurer - 1PCTB <[john.maurer@gsa.gov](mailto:john.maurer@gsa.gov)>; Missy Mertz - 3PTN <[melissa.mertz@gsa.gov](mailto:melissa.mertz@gsa.gov)>; Cristina Clow - 1PCTB <[cristina.clow@gsa.gov](mailto:cristina.clow@gsa.gov)>; [nokeke@pagethink.com](mailto:nokeke@pagethink.com); [mwagner@pagethink.com](mailto:mwagner@pagethink.com)  
**Subject:** Highgate Wetlands

You don't often get email from [mnevins@langan.com](mailto:mnevins@langan.com). [Learn why this is important](#)

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Good afternoon Krystal and Angela, it was nice meeting with you both at the Highgate, Vermont LPOE site on April 16<sup>th</sup> during your inspection of the wetland delineation. As a result of the inspection, additional wetlands were identified and subsequently delineated and surveyed by Langan. These additional wetlands, as well as the previously delineated wetlands, are shown on the attached "Existing Site Conditions" Plan, Drawing WL-01. The additional wetland areas are as follows:

- Wetland A12A through A12Q). This is the linear wetland which Wetland A drains into. This wetland appears to be isolated.
- Wetland I – Flags I1 through I17, located in the southern portion of the site. This wetland appears to be isolated.
- Wetland J – Flags J1 through J20, located in the southern portion of the site. This wetland appears to be isolated.
- Wetland K – Flags K1 through K9, Located in the southern portion of the site. This wetland appears to be isolated.
- Wetland L – Flags L1 through L19. Located in the northwestern portion of the site. This wetland appears to be isolated.
- Wetland M – Flags M1 through M15. This wetland is located adjacent to the western property line.

Wetland N – Flags N1 through N18. This wetland is also located adjacent to the western property line

As identified above Wetlands A12A through A12 Q, I,J,K and L all appear to be isolated wetlands.

Wetlands M and N also appear to be isolated, however because they drain offsite to the west, onto State lands, we were not able to confirm whether they are isolated.

In addition to these additional wetland areas, we also collected field data at several data points and should have the data sheets for these points completed within the next week or so.

In the mean time, if you have any questions regarding the delineation feel free to contact me.

Angela, you had mentioned during our visit that Vermont Fish and Wildlife experts may be inspecting the site, including the wetlands. Has that inspection occurred yet, and if so, can you share any of their findings with us?

Thank you both, and I look forward to hearing from you.

Best regards,

**Michael Nevins**  
**Senior Project Manager**

***LANGAN***

Direct: 973.560.4877  
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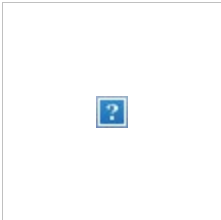
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**Missy Mertz**

*Environmental Protection Specialist*

**Portfolio Management**

100 S Independence Mall West  
Philadelphia, PA 19106

Cell: (215) 301-1246

[melissa.mertz@gsa.gov](mailto:melissa.mertz@gsa.gov)



October 8, 2024

Kathleen Taft, Regulatory Policy Analyst  
Vermont Agency of Natural Resources, Office of Planning  
Davis 2, 1 National Life Drive  
Montpelier, VT 05620-3901

Dear Ms. Taft,

The purpose of this letter is to provide the Vermont Agency of Natural Resources (VTANR) with updated information on the proposed project, the expansion and modernization of the Highgate Springs Land Port of Entry (LPOE), undertaken by the U.S General Services Administration (GSA) in Franklin County, Vermont. In response to the VTANR correspondence dated November 2, 2023, this letter provides updated project information and requests additional information on state-specific protected species and habitats, and technical assistance regarding encroachment of the project area onto Class II wetlands, vernal pools, and a Vermont Habitat Block.

### **Project Area**

The Highgate Springs LPOE is located on 16 acres within the 20.1-acre property owned by GSA (GSA property). GSA would acquire additional land to the west and south of the LPOE to accommodate the expansion. The property to the west consists of approximately 57 acres of private land which GSA would acquire in its entirety. The property to the south is owned by the Vermont Agency of Transportation (VAOT); GSA may acquire up to 4 acres from VAOT. The project area includes the following: the existing GSA property, a portion of the private property to the west, and a portion of the VAOT property to the south. The project area is approximately 50 acres, of which approximately 34 acres would be permanently disturbed from the new LPOE and nearly 16 acres would be temporarily disturbed from staging construction materials and equipment (see **Figure 1**).

### **Project Background**

GSA is proposing to expand and modernize the Highgate Springs LPOE. The purpose of the project is to improve and enhance the performance, safety, security, and efficiency of operations for cross-border travelers and federal agencies at the LPOE. Additionally, the Canadian government is constructing the final segment of its Autoroute 35 (A-35) highway between Montreal and St-Armand/Philipsburg. When completed, traffic at the Highgate Springs LPOE is projected to increase by approximately 30 percent.

Under the proposed project, GSA would acquire properties to the west and south of the LPOE as described above, demolish all existing buildings at the LPOE and acquired properties, and construct new buildings and supporting infrastructure. Substantial earthwork would occur in the

project area, including tree clearing, excavation, grading, and cut and fill operations. Three new buildings would be constructed: Main Building, Commercial Building, and Training Building. The expanded LPOE would accommodate seven inspection lanes for private vehicles, two inspection lanes for buses, two inspection lanes for commercial vehicles, and one bypass lane for larger vehicles (such as snowplows). Supporting facilities would be constructed, including employee and visitor pedestrian paths, snow storage locations, helipad, return routes, up to 200 employee parking spaces, and utility connections.

### **Site Survey Results**

In August 2023, Langan conducted a field investigation and delineation of wetlands and waters of the U.S. on the GSA property, private property, and the VAOT property based on review of the Vermont Significant Wetlands Inventory and the U.S. Fish and Wildlife's (USFWS) National Wetlands Inventory. Of the 13 wetlands delineated by Langan, the Vermont Department of Environmental Conservation (VTDEC) identified four Class II wetlands (A/A12, F, I, and N), four Class II vernal pools (B, G, J, L), three Class III wetlands (H, K, M), and one water feature that did not qualify as a wetland under the state definition (Wetland C) (see **Figure 2**). Per the site survey and analysis conducted by VTDEC, Wetlands A/A12, B, F, G, I, J, L, and N were determined to provide significant function or value.

Under the Proposed Action, approximately 11 acres of vegetation would be permanently removed under the proposed project, and approximately 1.223 acres of a Vermont Class II wetland, Wetland A/A12, would be filled and permanently altered. There would also be permanent disturbance within portions of the 50-foot buffer of Wetland I, but the wetland itself would remain intact. Additionally, approximately 10 acres of the project area encroaches on a Vermont Habitat Block. A Vermont Significant Natural Community (Limestone Bluff Cedar-Pine Forest) is outside the project area along the Lake Champlain shoreline (see **Figure 3**).

### **State-listed Species**

According to the Vermont ANR Natural Resources Atlas, there are multiple species considered rare or uncommon in Vermont that could occur in the project area or vicinity. Based on information known about the adjacent Highgate State Park parcel, VTANR provided a list of nine rare or uncommon species and three rare or uncommon Significant Natural Communities in response to GSA's October 2023 request. This information was incorporated into the Draft EA upon receipt.

However, the project area boundary has since been updated, and the proposed area of permanent disturbance within the project area boundary would encroach onto a Class II wetland and a Vermont Habitat Block (see attached **Figures 1, 2, and 3**, respectively). Therefore, GSA is writing to inform VTANR of this project, to request additional information on state-listed species and habitats that may be present in the project area or surrounding vicinity, and to request guidance regarding the wetland and Habitat Block encroachment.

Please note that GSA is continuing to undergo informal consultation with the USFWS to solicit their input under Section 7 of the Endangered Species Act on federally listed species with the

potential to occur in and around the project area, including northern long-eared bat, tricolored bat, and monarch butterfly.

### **Technical Assistance Request**

We would greatly appreciate your technical assistance in identifying any additional resources that could be affected by the proposed project given the updated project area boundary. Thank you for your consideration; I look forward to receiving your response regarding this project. If you have any questions or concerns or would like additional information, please contact me via email at [john.maurer@gsa.gov](mailto:john.maurer@gsa.gov).

Sincerely,

**JOHN MAURER** Digitally signed by JOHN  
MAURER  
Date: 2024.10.08 18:02:07 -04'00'

John K. Maurer, Project Executive  
Vermont BIL Land Ports of Entry (1PCTB)  
U.S. General Services Administration  
Public Buildings Service, New England Region  
Design & Construction Division  
Thomas P. O'Neill, Jr., Federal Building  
10 Causeway St., Room 1100  
Boston, MA 02222-1077

Cell: (617) 893-0345  
Email: [john.maurer@gsa.gov](mailto:john.maurer@gsa.gov)

### **Attachments:**

- Figure 1. Highgate Springs LPOE Project Area
- Figure 2. Delineated Wetlands In and Near the Project Area
- Figure 3. Habitat Block and Significant Natural Community In and Near the Project Area



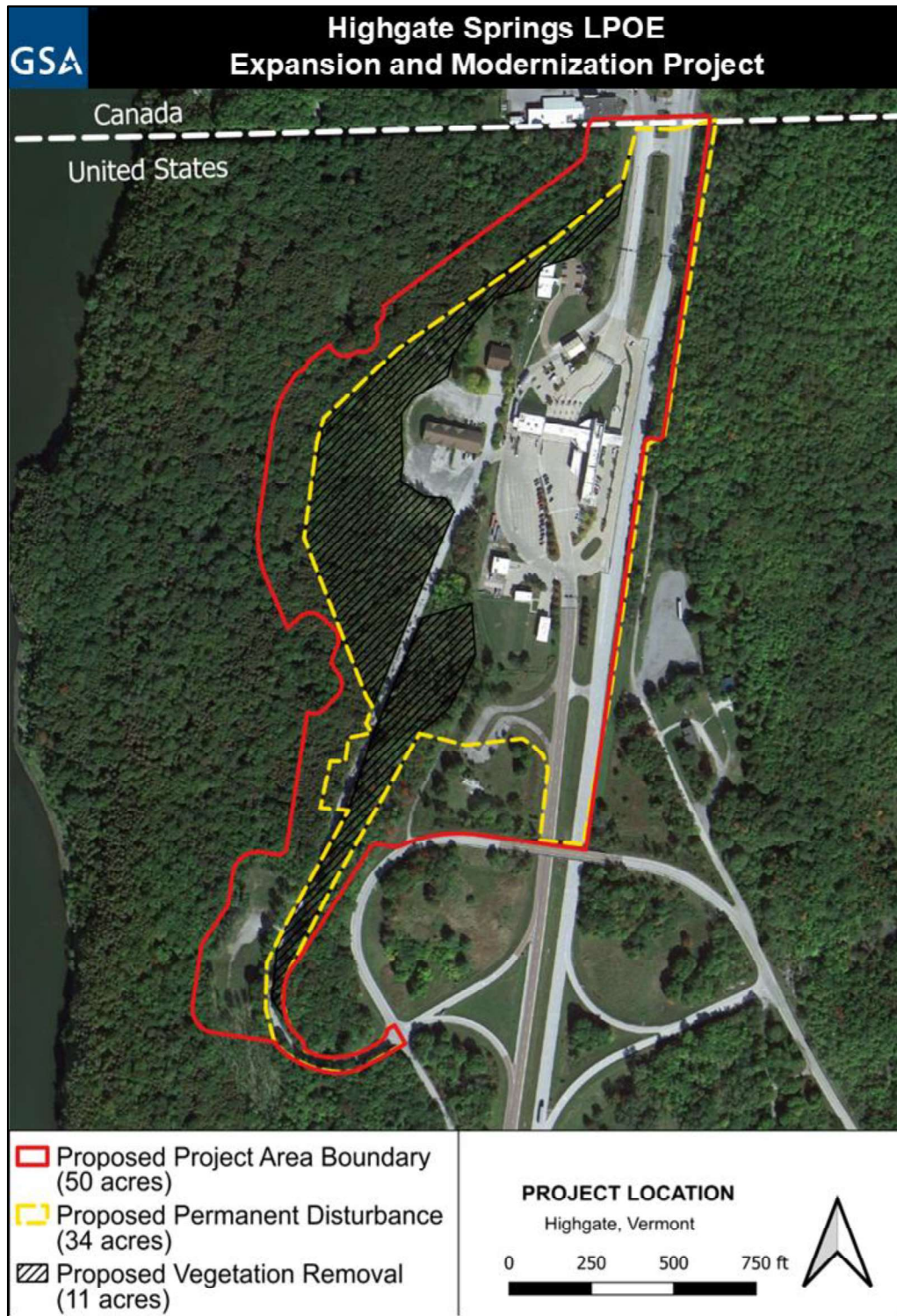


Figure 1. Highgate Springs LPOE Project Area



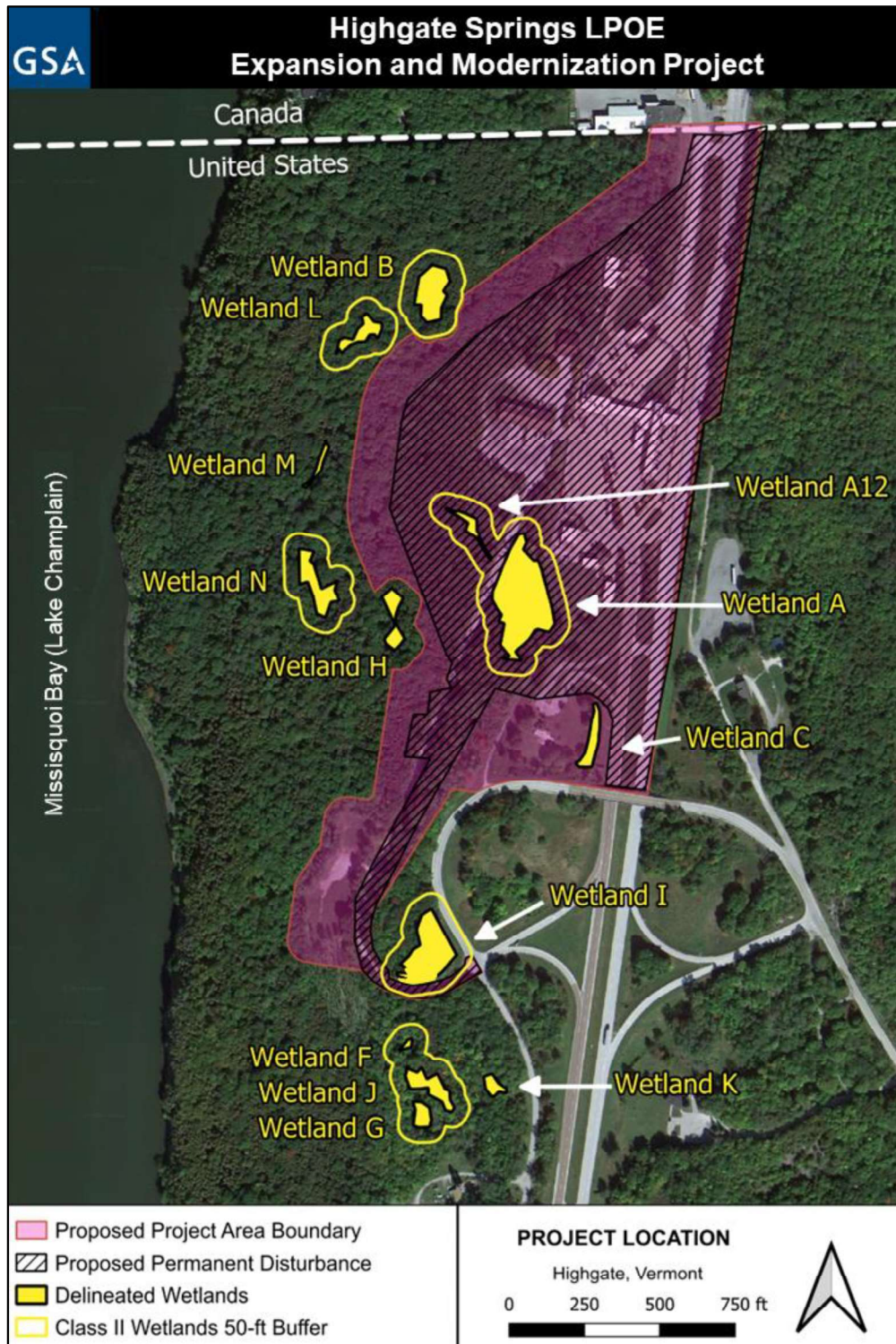
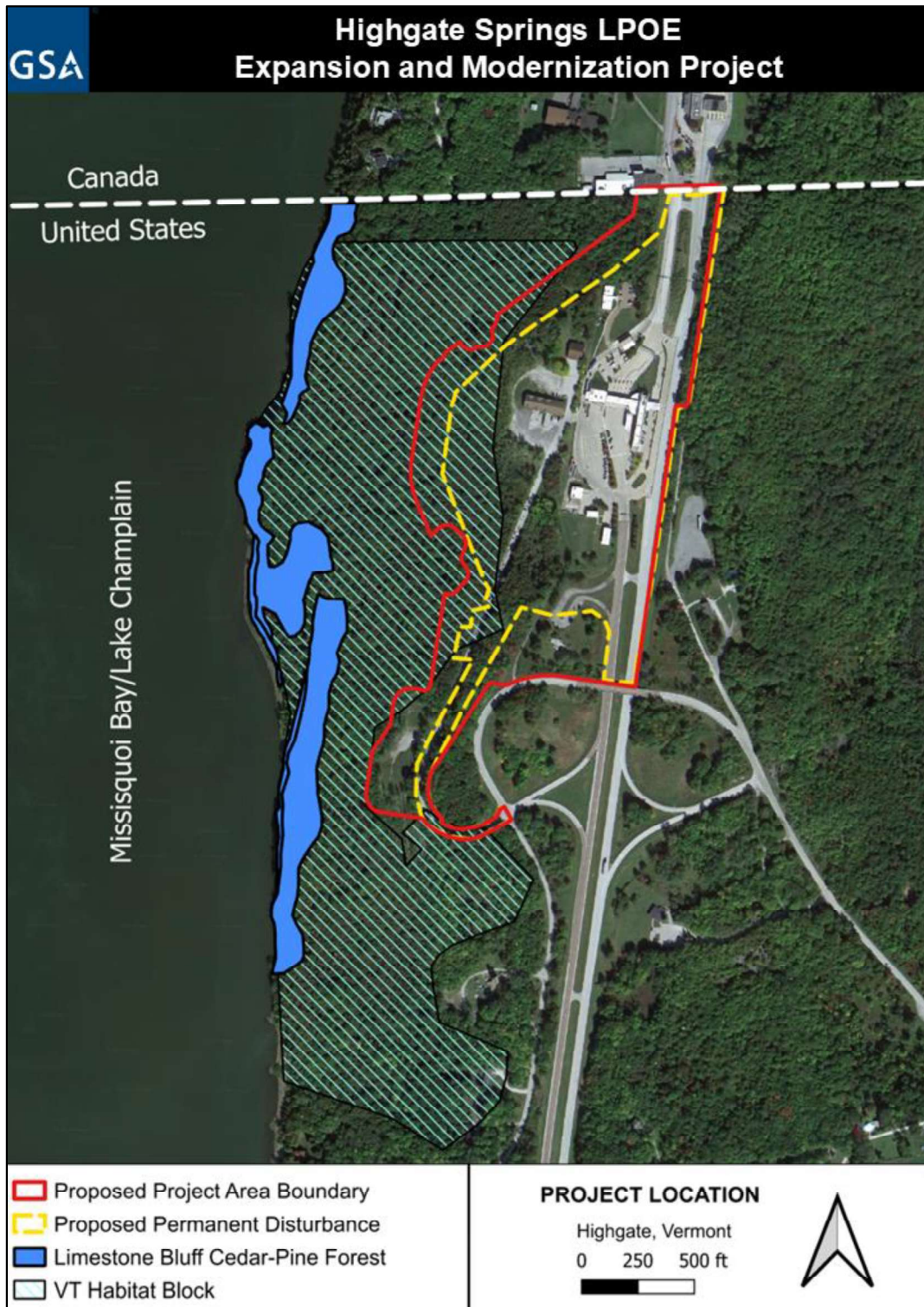


Figure 2. Delineated Wetlands In and Near the Project Area





**Figure 3. Habitat Block and Significant Natural Community In and Near the Project Area**

**CORRESPONDENCE WITH THE VERMONT  
STATE HISTORIC PRESERVATION OFFICE**

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**From:** [Cristina Clow - 1PCTB](#)  
**To:** [Oshin Paranjape](#)  
**Cc:** [carol.chirico@gsa.gov](mailto:carol.chirico@gsa.gov); [John Maurer - 1PCTB](#); [Marshall Popkin - PTA](#); [Liz Mees - 1PCT](#)  
**Subject:** Fwd: RHPO - BIL-VT-Highgate LPOE - Revised Final Architectural Report with updated APE-thank you!!  
**Date:** Friday, September 13, 2024 9:44:59 AM

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Oshin,

For your records, please see below email correspondence between GSA and the VT SHPO.

Thank you,  
Cristina

----- Forwarded message -----

**From:** **Trieschmann, Laura** <[Laura.Trieschmann@vermont.gov](mailto:Laura.Trieschmann@vermont.gov)>  
**Date:** Fri, Sep 13, 2024 at 9:14 AM  
**Subject:** RE: RHPO - BIL-VT-Highgate LPOE - Revised Final Architectural Report with updated APE  
**To:** Liz Mees - 1PCT <[elizabeth.mees@gsa.gov](mailto:elizabeth.mees@gsa.gov)>, Socinski, Greg <[Greg.Socinski@vermont.gov](mailto:Greg.Socinski@vermont.gov)>  
**Cc:** Basque, Yvonne <[Yvonne.Basque@vermont.gov](mailto:Yvonne.Basque@vermont.gov)>, Cristina Clow - 1PCTB <[cristina.clow@gsa.gov](mailto:cristina.clow@gsa.gov)>

Hi Liz

Thanks for sending this. We will be sure its reviewed and filed while Elizabeth is out.

Your new contact should be Greg Socinski for all things GSA. I have added him to this email.

Hope you are doing well. thanks so much! Laura

**Laura V. Trieschmann**

State Historic Preservation Officer

802-505-3579

---

**From:** Liz Mees - 1PCT <[elizabeth.mees@gsa.gov](mailto:elizabeth.mees@gsa.gov)>  
**Sent:** Friday, September 13, 2024 8:54 AM  
**To:** Peebles, Elizabeth <[Elizabeth.Peebles@vermont.gov](mailto:Elizabeth.Peebles@vermont.gov)>

**Cc:** Trieschmann, Laura <[Laura.Trieschmann@vermont.gov](mailto:Laura.Trieschmann@vermont.gov)>; [Yvonne.Basque@state.vt.us](mailto:Yvonne.Basque@state.vt.us); Cristina Clow - 1PCTB <[cristina.clow@gsa.gov](mailto:cristina.clow@gsa.gov)>

**Subject:** RHPO - BIL-VT-Highgate LPOE - Revised Final Architectural Report with updated APE

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Dear Elizabeth:

Hope all is well.

Was reminded that I neglected to send along the attached Revised BIL-VT-Highgate LPOE - Final Architectural Report dated July 2024.

This revised report includes an updated

*Figure 4.2 Highgate Springs LPOE historic resources Project area, study area, and recommended Area of Potential Effects*

on page 25 (page 23 of the prior report) now showing the full project area.

----- Forwarded message -----

**From:** Peebles, Elizabeth <[Elizabeth.Peebles@vermont.gov](mailto:Elizabeth.Peebles@vermont.gov)>

**Date:** Mon, Mar 25, 2024 at 11:59 AM

**Subject:** RE: RHPO - BIL-VT-Highgate LPOE - Final Architectural Report

**To:** Liz Mees - 1PCT <[elizabeth.mees@gsa.gov](mailto:elizabeth.mees@gsa.gov)>

Thanks Liz, I agree that there are no NRHP eligible above-ground historic resources in the study area but figure 4.2 confuses me – why doesn't the APE include the full project area?

Elizabeth Peebles | Historic Resources Specialist - Architecture

Vermont Division for Historic Preservation

Department of Housing and Community Development

1 National Life Drive, Davis Building, 6th Floor | Montpelier, VT 05620

802-505-1147 office | [elizabeth.peebles@vermont.gov](mailto:elizabeth.peebles@vermont.gov)

[accd.vermont.gov/historic-preservation](http://accd.vermont.gov/historic-preservation)



---

**From:** Liz Mees - 1PCT <[elizabeth.mees@gsa.gov](mailto:elizabeth.mees@gsa.gov)>  
**Sent:** Thursday, February 29, 2024 1:27 PM  
**To:** Trieschmann, Laura <[Laura.Trieschmann@vermont.gov](mailto:Laura.Trieschmann@vermont.gov)>; Peebles, Elizabeth <[Elizabeth.Peebles@vermont.gov](mailto:Elizabeth.Peebles@vermont.gov)>; [Yvonne.Basque@state.vt.us](mailto:Yvonne.Basque@state.vt.us)  
**Cc:** Carey Bergeron - LD1 <[carey.bergeron@gsa.gov](mailto:carey.bergeron@gsa.gov)>; Missy Mertz - 3PTN <[melissa.mertz@gsa.gov](mailto:melissa.mertz@gsa.gov)>; Jesse Lafreniere - 1PCT <[jesse.lafreniere@gsa.gov](mailto:jesse.lafreniere@gsa.gov)>  
**Subject:** RHPO - BIL-VT-Highgate LPOE - Final Architectural Report

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Dear Laura, Elizabeth & Yvonne:

Thank you for your prior concurrence with the Final Archaeological report for the BIL-VT-Highgate LPOE project.

Apologies - I thought I had sent along the final Architectural Report as well for the BIL-VT-Highgate LPOE project, but as I cannot find any record of doing so, I am sending for your review.

--

Thank you,  
Liz Mees, AIA, IIDA, LEED AP  
Architect, RHPO and RFAO

FAC-P/PM Level III  
Design and Construction Division 1 PCT  
Public Buildings Service  
New England Region  
US General Services Administration  
Thomas P. O'Neill Federal Building  
Ten Causeway Street, Room 1100  
Boston, MA 02222 - 1077

Mobile: 617-571-0546  
Email: [elizabeth.mees@gsa.gov](mailto:elizabeth.mees@gsa.gov)



## **U.S. General Services Administration**

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### **Cristina Clow, AIA**

Project Manager

Design & Construction Division (1PCTB)

Public Buildings Service

Thomas P. O'Neill, Jr., Federal Building

10 Causeway Street, 11th Floor

Boston, MA 02222-1077

Cell: 857-276-9495

E-mail: [cristina.clow@gsa.gov](mailto:cristina.clow@gsa.gov)

**CORRESPONDENCE WITH THE  
NATURAL RESOURCES CONSERVATION SERVICE**

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**FARMLAND CONVERSION IMPACT RATING**

<b>PART I</b> (To be completed by Federal Agency)		Date Of Land Evaluation Request			
Name of Project		Federal Agency Involved			
Proposed Land Use		County and State			
<b>PART II</b> (To be completed by NRCS)		Date Request Received By NRCS		Person Completing Form:	
Does the site contain Prime, Unique, Statewide or Local Important Farmland? <i>(If no, the FPPA does not apply - do not complete additional parts of this form)</i>		YES <input type="checkbox"/>	NO <input type="checkbox"/>	Acres Irrigated	
Major Crop(s)		Farmable Land In Govt. Jurisdiction Acres:            %		Average Farm Size	
Name of Land Evaluation System Used		Name of State or Local Site Assessment System		Amount of Farmland As Defined in FPPA Acres:            %	
				Date Land Evaluation Returned by NRCS	
<b>PART III</b> (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site					
<b>PART IV</b> (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide Important or Local Important Farmland					
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value					
<b>PART V</b> (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					
<b>PART VI</b> (To be completed by Federal Agency) Site Assessment Criteria <i>(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)</i>		<b>Maximum Points</b>	Site A	Site B	Site C
1. Area In Non-urban Use		(15)			
2. Perimeter In Non-urban Use		(10)			
3. Percent Of Site Being Farmed		(20)			
4. Protection Provided By State and Local Government		(20)			
5. Distance From Urban Built-up Area		(15)			
6. Distance To Urban Support Services		(15)			
7. Size Of Present Farm Unit Compared To Average		(10)			
8. Creation Of Non-farmable Farmland		(10)			
9. Availability Of Farm Support Services		(5)			
10. On-Farm Investments		(20)			
11. Effects Of Conversion On Farm Support Services		(10)			
12. Compatibility With Existing Agricultural Use		(10)			
TOTAL SITE ASSESSMENT POINTS		160			
<b>PART VII</b> (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100			
Total Site Assessment (From Part VI above or local site assessment)		160			
<b>TOTAL POINTS (Total of above 2 lines)</b>		260			
Site Selected:		Date Of Selection		Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>	
Reason For Selection:					
Name of Federal agency representative completing this form:					Date:





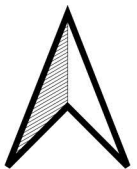
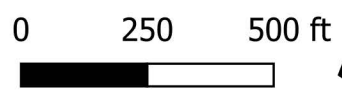
Missisquoi Bay (Lake Champlain)

Canada  
United States

- Farmland of Statewide Importance (1.9 Acres Converted Indirectly)
- Farmland of Statewide Importance (1.9 Acres Converted Directly)
- Farmland of Statewide Importance Occupied by Developed Land (0.6 Acres)
- Proposed Project Area Boundary (50 Acres)
- Proposed Permanent Disturbance (34 acres)

**PROJECT LOCATION**

Highgate, Vermont





**From:** [Thomason, Travis - FPAC-NRCS, VT](#)  
**To:** [Cristina Clow - 1PCTB](#)  
**Cc:** [Oshin Paranjape](#); [Marshall Popkin - PTA](#); [carol.chirico@gsa.gov](mailto:carol.chirico@gsa.gov)  
**Subject:** RE: General Services Administration- Request for Farmland Conversion Consultation for Highgate Springs LPOE Project  
**Date:** Tuesday, October 8, 2024 8:48:44 AM  
**Attachments:** [image001.png](#)

---

Hi Cristina –

This email confirms receipt of your request. We'll reach out to you if we need any additional information.

Thank you,  
Travis

**Travis L. Thomason**  
*State Conservationist*  
Vermont



---

**From:** Cristina Clow - 1PCTB <[cristina.clow@gsa.gov](mailto:cristina.clow@gsa.gov)>  
**Sent:** Monday, October 7, 2024 3:28 PM  
**To:** Thomason, Travis - FPAC-NRCS, VT <[travis.thomason@usda.gov](mailto:travis.thomason@usda.gov)>  
**Cc:** Oshin Paranjape <[oshin.paranjape@solvllc.com](mailto:oshin.paranjape@solvllc.com)>; Marshall Popkin - PTA <[marshall.popkin@gsa.gov](mailto:marshall.popkin@gsa.gov)>; [carol.chirico@gsa.gov](mailto:carol.chirico@gsa.gov)  
**Subject:** General Services Administration- Request for Farmland Conversion Consultation for Highgate Springs LPOE Project

Good Afternoon, Mr. Thomason,

The United States General Services Administration (GSA) is pursuing modernization and expansion of the Highgate Springs Land Port of Entry (LPOE) in Franklin County, Vermont. Because this project has the potential to convert farmland to non-agricultural use, GSA is submitting for review the attached Federal Farmland Protection Policy Act Farmland Conversion Impact Rating form.

The Highgate Springs LPOE is located on Interstate Highway 89 (I-89), and farmland of statewide importance has been identified within the potential project area. GSA requests Natural Resources Conservation Service (NRCS) review of the attached form and, as appropriate, completion of Parts IV and V of the forms; along with a determination if any further coordination is required with the NRCS for this project.

Please contact me at [cristina.clow@gsa.gov](mailto:cristina.clow@gsa.gov) or (857)276-9495 if you need additional information to complete your review or would like to schedule a site visit. A response within 30 days from the receipt of this communication would be greatly appreciated.



Sincerely,  
Cristina Clow



**U.S. General Services Administration**

---

**Cristina Clow, AIA**

Project Manager

Design & Construction Division (1PCTB)

Public Buildings Service

Thomas P. O'Neill, Jr., Federal Building

10 Causeway Street, 11th Floor

Boston, MA 02222-1077

Cell: 857-276-9495

E-mail: [cristina.clow@gsa.gov](mailto:cristina.clow@gsa.gov)

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**APPENDIX C: GREENHOUSE GAS EMISSIONS  
AND SOCIAL COST ANALYSIS METHODOLOGY**

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## Greenhouse Gas Emissions and Social Cost Analysis from Construction Activities for the Highgate Springs LPOE Project

Solv will use the U.S. Environmental Protection Agency's (EPA) MOtor Vehicle Emissions Simulator (MOVES) model to calculate greenhouse gas (GHG) emissions associated with the expansion and modernization of the Highgate Springs Land Port of Entry (LPOE) [the Project]. The assumptions and input parameters for the model are summarized below:

### Construction Timeline

- Construction activities would occur over a three-year period. Construction would begin in 2025 and would end in 2028. Outdoor construction work requiring heavy equipment (see **Table 1**) would only occur in spring, summer, and fall months (March through November). Construction would occur in four phases:
  - **Phase 1 (2025):** clear & grub work, site work, partial demolition of old buildings, and installation of new septic leach fields, electric power and associated infrastructure, and exterior propane/fuel/water tanks. No interior work in winter.
  - **Phase 2 (2026):** construction of Commercial Building and parking lots/roads for commercial vehicles. Interior work in winter.
  - **Phase 3 (2027):** GSA and tenants would move into the Commercial Building from the existing Commercial Inspection Building. Construction of the Main Building and partial construction of parking lots/roads. Interior work in winter.
  - **Phase 4 (2028):** GSA and tenants would move into the new Main Building from the existing Main Building. Removal of old septic leach field, complete construction of parking lots/roads, complete demolition of all remaining old buildings, construction of Training Building, and landscaping.
- A typical workday is assumed to be 9 am to 5 pm, or 8 hours per day.
- Construction would only occur during weekdays.

### Construction Personnel

- The number of construction personnel hired for this project would depend on the Project phase and season, and would vary between 50 to 80. For the purposes of this analysis, it is assumed that 80 construction personnel would be hired for the Project.
- Construction personnel would travel to and from the Project site in privately-owned vehicles (POVs).

### Distances Traveled

- The maximum commute distance for construction personnel is assumed to be up to 50 miles one way, or 100 miles per day. It is assumed that people living as far as Burlington may be hired for the Project.
- One-way commute distance for haul trucks (trucks shipping waste and construction materials to and from the site), delivery trucks, and other heavy-duty on-road construction vehicles listed in **Table 2**,

would vary between 50 miles to approximately 250 miles. Of the 15 on-road construction vehicles that would potentially be used for the Project, the one-way commute distance would be 50 miles for 6 vehicles, 150 miles for 6 vehicles, and 250 miles for 3 vehicles.

**Construction Equipment**

- It is assumed that the following nonroad equipment would be utilized during construction. Each equipment unit would be operated for 8 hours per day.

**Table 1 – Proposed Nonroad Construction Equipment for the Project<sup>1</sup>**

Construction Equipment	Number of Units
Large bulldozer	1
Small bulldozer	1
Front end loader	2
Road grader	1
Normal roller	1
Vibrating roller	1
Asphalt paver	1
Large hydraulic crane	1
Small hydraulic crane	2
Rubber tire tractor	2
Lift truck	4
Worker elevated lift	4
Small concrete mixer	1
Ready mix truck	2
Portable welder	4
Portable generator set	6
Mechanic’s truck	1
Dump truck	8
Portable night lights	6

- The following on-road construction vehicles would be used during construction.

**Table 2 – Proposed On-Road Construction Vehicles for the Project<sup>1</sup>**

On-Road Construction Vehicles	Number of Units
Semi water delivery trucks	2
Flatbed delivery trucks	6
Semi equipment haul truck	3
Single-axle flatbed truck	2
Fuel truck	2
Pickup truck	4

### Calculating Construction-Related GHG Emissions

- MOVES will be used to calculate emissions of carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and oxides of nitrogen (NO<sub>x</sub>) from nonroad construction equipment. MOVES provides emission factors in g/hr. and the final emissions will be calculated in metric tons.
- GHG emission from POVs and trucks will be calculated using EPA's emission factors. These are provided below:

#### POVs

- EPA fuel average economy<sup>2</sup> = 24.4 miles per gallon
- CO<sub>2</sub> emission factor<sup>3</sup> = 8.78 kg per gallon of fuel
- CH<sub>4</sub> emission factor<sup>3</sup> = 0.0068 g/mile (Assuming 2015 model year)
- N<sub>2</sub>O emission factor<sup>3</sup> = 0.0042 g/mile (Assuming 2015 model year)

#### Gasoline Light-Duty Trucks (vans, pickup trucks, SUVs)

- EPA fuel average economy<sup>2</sup> = 17.8 miles per gallon
- CO<sub>2</sub> emission factor<sup>3</sup> = 8.78 kg per gallon of fuel
- CH<sub>4</sub> emission factor<sup>3</sup> = 0.0094 g/mile (Assuming 2015 model year)
- N<sub>2</sub>O emission factor<sup>3</sup> = 0.0031 g/mile (Assuming 2015 model year)

#### Trucks

- EPA fuel average economy<sup>2</sup> = 6.8 miles per gallon
- CO<sub>2</sub> emission factor<sup>3</sup> = 10.21 kg per gallon of fuel
- CH<sub>4</sub> emission factor<sup>3</sup> = 0.0332 g/mile (Assuming 2015 model year)
- N<sub>2</sub>O emission factor<sup>3</sup> = 0.0021 g/mile (Assuming 2015 model year)

### Calculating GHG Emissions from Vehicle Idling

- Number of vehicles currently crossing the LPOE: **2019** (pre-COVID) will be used as the baseline year for obtaining the number and types of vehicles crossing the LPOE annually. This information is available at:  
<https://explore.dot.gov/views/BorderCrossingData/Monthly?%3Aembed=y&%3AisGuestRedirectFromVizportal=y>. It is assumed that the same number of vehicles would cross the LPOE during the construction phase.
- Expected idling time for each type of vehicle<sup>4,5</sup>
  - POVs – up to 40 minutes
  - Buses – up to 45 minutes
  - Commercial vehicles/trucks – up to 3 minutes
- Idling fuel use<sup>6</sup>:
  - POVs = 0.39 gallons per hour
  - Trucks/Commercial vehicles = 0.84 gallons per hour
  - Transit bus = 0.97 gallons per hour

- GHG emissions from idling:

**POVs<sup>7</sup>**

- 0.588 grams of CO<sub>2</sub> per second of fuel use
- 0.0097 mg of NO<sub>x</sub> per second of fuel use
- CH<sub>4</sub> emission factor was not available.

**Commercial vehicles/buses<sup>8</sup>**

- 21 tons of CO<sub>2</sub> annually per truck
- 0.3 tons of NO<sub>x</sub> annually per truck
- CH<sub>4</sub> emission factor was not available.

**Social Cost of GHGs**

After calculating the GHG emissions for the Project, the emissions data will be used as the input parameter to calculate the social cost of GHGs associated with the Project using EPA's workbook released in November 2023: [https://www.epa.gov/system/files/documents/2024-03/epa-sc-ghg-workbook\\_1.0.1.xlsx](https://www.epa.gov/system/files/documents/2024-03/epa-sc-ghg-workbook_1.0.1.xlsx).

For the workbook inputs, we have chosen to make the following assumptions:

- Present Value year: 2025
  - This is the year the project will commence.
- Dollar year: 2023
  - This is the most recent value provided.
- Discount rate: 2%
  - We have chosen to use a static rate, as the EPA states in the technical background of the workbook that, "For analysis with moderate timeframes (e.g., 30 years or less), the difference...will be small." The example provided thereafter shows a difference of less than 1%.
  - Our static rate options include 1.5%, 2%, and 2.5%.
  - We have chosen the middle of the road option as a conservative measure.
- Project life:
  - The project is set to commence in 2025, which is in FY25. The project is set to end in FY28.



## References

- <sup>1</sup>(Morse, 2024). Morse, Robert. APSI Construction Management. 2024. Email communication between Cristina Clow and Robert Morse.
- <sup>2</sup>(DOE, 2024). U.S. Department of Energy. 2024. Average Fuel Economy by Major Vehicle Category. Accessed September 2024 at: <https://afdc.energy.gov/data/10310>.
- <sup>3</sup>(EPA, 2024). U.S. Environmental Protection Agency. 2024. Emission Factors for Greenhouse Gas Inventories. Available online at: <https://www.epa.gov/system/files/documents/2024-02/ghg-emission-factors-hub-2024.pdf>.
- <sup>4</sup>(EYP, 2019). EYP. 2019. Highgate Springs Land Port of Entry Final Feasibility Study Report.
- <sup>5</sup>(Clow, 2024). Clow, Cristina. U.S. General Services Administration. 2024. Outstanding Questions for GSA.
- <sup>6</sup>(DOE, 2015). U.S. Department of Energy. 2015. Fact #861 February 23, 2015 Idle Fuel Consumption for Selected Gasoline and Diesel Vehicles. Accessed September 2024 at: <https://www.energy.gov/eere/vehicles/fact-861-february-23-2015-idle-fuel-consumption-selected-gasoline-and-diesel-vehicles>.
- <sup>7</sup>(DOE, No Date). Argonne National Laboratory, U.S. Department of Energy. No Date. Which Is Greener: Idle, or Stop and Restart? Comparing Fuel Use and Emissions for Short Passenger-Car Stops. Available online at: [https://afdc.energy.gov/files/u/publication/which\\_is\\_greener.pdf](https://afdc.energy.gov/files/u/publication/which_is_greener.pdf).
- <sup>8</sup>(EPA, No Date). U.S. Environmental Protection Agency. No Date. What You Should Know About Idling Reduction. Available online at: [https://archive.epa.gov/reg3artd/archive/web/pdf/truck\\_idling\\_fs.pdf](https://archive.epa.gov/reg3artd/archive/web/pdf/truck_idling_fs.pdf).