

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Announcement of an Additional Public Open House for the Draft Environmental Impact Statement for Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Border Patrol, Rio Grande Valley Sector, TX

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

ACTION: Notice of Additional Public Open House.

SUMMARY: This notice supplements information provided in the November 16, 2007, **Federal Register** Notice of Availability and Public Open House Announcement for the Draft Environmental Impact Statement (EIS) for the proposed construction, maintenance, and operation of tactical infrastructure along approximately 70 miles of the U.S./Mexico international border within the U.S. Border Patrol Rio Grande Valley Sector, Texas. In addition to the previously announced public open houses concerning the Draft EIS to be held on December 11, 2007 in McAllen, TX, and December 12, 2007, in Brownsville, TX, Customs and Border Protection (CBP) invites public participation at a third public open house to be held on December 13, 2007, at the Veterans of Foreign Wars (VFW) Post #08526 in Rio Grande City, TX.

DATES: CBP will hold three public open houses to provide information and invite comments on the proposed construction, maintenance and operation of the tactical infrastructure and the Draft EIS. The first public open house will be held on December 11, 2007, at the McAllen Convention Center in McAllen, TX. A second public open house will be held on December 12, 2007, at the Brownsville Events Center in Brownsville, TX. The third public open house will be held on December 13, 2007, at the VFW Post #08526 in Rio Grande City, TX. Each public open house will be held from 4:30 p.m. to 8 p.m. Please refer to the **SUPPLEMENTARY INFORMATION** section below for more information.

ADDRESSES: Copies of the Draft EIS can be downloaded by visiting <http://www.BorderFenceNEPA.com>, or <https://ecso.swf.usace.army.mil/Pages/Publicreview.cfm>, or requested by e-mailing: information@BorderFenceNEPA.com. To request a hard copy of the Draft EIS, you may call toll-free 1-877-752-0420.

Alternatively, written requests for information may be submitted to: Charles McGregor, U.S. Army Corps of Engineers, Engineering and Construction Support Office, 819 Taylor St., Room 3B10, Fort Worth, Texas 76102; phone: (817) 886-1585; and fax: (757) 282-7697. Hard copies of the Draft EIS can be reviewed at the McAllen Memorial Library (601 N. Main St., McAllen, TX 78501, (956) 688-3300); Speer Memorial Library (801 E. 12th St., Mission, TX 78572, (956) 580-8750); Brownsville Public Library (2600 Central Blvd., Brownsville, TX 78520, (956) 548-1055); Rio Grande City Public Library (591 E. Canales St., Rio Grande City, TX 78582, (956) 487-4389); Weslaco Public Library (525 S. Kansas Ave., Weslaco, TX 78596, (956) 968-4533); Mercedes Memorial Library (434 S. Ohio Ave., Mercedes, TX 78570, (956) 565-2371); Harlingen Public Library (410 76 Dr., Harlingen, TX 78550, (956) 216-5802); and San Benito Public Library (101 W. Rose St., San Benito, TX 78586, (956) 361-3860).

FOR FURTHER INFORMATION CONTACT: Charles McGregor, U.S. Army Corps of Engineers, Engineering and Construction Support Office, 819 Taylor St., Room 3B10, Fort Worth, Texas 76102; phone: (817) 886-1585; and fax: (757) 282-7697.

SUPPLEMENTARY INFORMATION:

Background

On September 24, 2007, Customs and Border Protection (CBP) published a Notice of Intent to Prepare an EIS in the **Federal Register** (72 FR 54276) for the proposed construction, maintenance, and operation of a tactical infrastructure along approximately 70 miles of the U.S./Mexico international border within the U.S. Border Patrol Rio Grande Valley Sector, Texas. On November 16, 2007, CBP published a Notice of Availability of the Draft EIS and Public Open House Announcement in the **Federal Register** (72 FR 64663). Additional information on the Proposed Action can be found in the Notice of Availability or by visiting the Web site <http://www.borderfencenepa.com>.

Public Open Houses

In addition to the two public open houses previously announced in the **Federal Register** on November 16, 2007, members of the public who wish to provide information and comments on the Draft EIS may now also attend a third open house to be held in Rio Grande City, TX. The first public open house will be held on December 11, 2007, at the McAllen Convention Center in McAllen, TX, located at 700

Convention Center Blvd., McAllen, TX. A second public open house will be held on December 12, 2007, at the Brownsville Events Center in Brownsville, TX, located at 1 Event Ctr., Brownsville, TX. The third public open house will be held on December 13, 2007, at VFW Post #08526 in Rio Grande City, TX located at 5123 Veteran's Drive, Rio Grande City, TX. Each public open house will be held from 4:30 p.m. to 8 p.m. Central Standard Time.

Notifications of these open houses were also published in the *Brownsville Herald*, *Valley Morning Star*, *The Monitor*, *La Frontera*, and *El Nuevo Herald*.

Anyone wishing to submit comments may do so orally and/or in writing at the open houses. Comments received at the open houses will be recorded and transcribed into the public record for the meeting. Commentors must include their name and address. Spanish language translation will be provided. Those who plan to attend the public open house and will need special assistance such as sign language interpretation or other reasonable accommodations should notify the U.S. Army Corps of Engineers (see **FOR FURTHER INFORMATION**) at least 3 business days in advance. Include contact information, as well as information about specific needs. Those unable to attend may submit comments as described under "Request for Comments" below.

Request for Comments

CBP requests public participation in the EIS process. The public may participate by attending public open houses and submitting written comments on the Draft EIS. CBP will consider all comments submitted during the public comment period and subsequently will prepare the Final EIS. CBP will announce the availability of the Final EIS and once again give interested parties an opportunity to review the document.

When submitting comments, please include name and address, and identify comments as intended for the Rio Grande Valley Sector Draft EIS. To avoid duplication, please use only one of the following methods:

(a) Attendance and submission of comments at the public open houses to be held December 11, 2007 at the McAllen Convention Center in McAllen, TX; December 12, 2007 at the Brownsville Events Center in Brownsville, TX; and December 13, 2007 at the VFW Post #08526 in Rio Grande City, TX.

(b) Electronically through the Web site at <http://www.BorderFenceNEPA.com>.

(c) By e-mail to: RGVcomments@BorderFenceNEPA.com.

(d) By mail to: Rio Grande Valley Tactical Infrastructure EIS, c/o e²M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031.

(e) By fax to: (757) 282-7697.

Comments on the Draft EIS should be submitted by December 31, 2007.

Dated: December 5, 2007.

Eugene H. Schied,

Assistant Commissioner, Office of Finance, Customs and Border Protection.

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5162-N-02]

Conformity Determination for the East River Waterfront Esplanade and Piers Project City of New York, New York County, NY

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: In accordance with the federal Clean Air Act General Conformity rule, the Lower Manhattan Development Corporation (LMDC) has prepared a general conformity determination (Conformity Determination) for the East River Waterfront Esplanade and Piers Project (the Selected Project) pursuant to the October 2007 National Environmental Policy Act Record of Decision and Lead Agency Findings Statement (ROD). LMDC is a subsidiary of the Empire State Development Corporation (a political subdivision and public benefit corporation of the State of New York) and is responsible, pursuant to federal statute 42 U.S.C. 5304(g) as the recipient of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant program funds, for conducting reviews of projects receiving HUD funds in accordance with 24 CFR part 58, as well as other laws and regulations. These responsibilities include compliance with the National Environmental Policy Act and the Clean Air Act, 42 U.S.C. 7401 *et seq.* (particularly sections 7506(c) and (d)), in accordance with 24 CFR 58.4 and 58.5.

The Selected Project will improve a two mile portion of the East River waterfront in Manhattan and create a City-owned public open space. The area

of the Selected Project will generally encompass the waterfront, the upland area adjacent to and under the elevated FDR Drive and South Street extending from the Whitehall Ferry Terminal and Peter Minuit Plaza on the South to East River Park on the North, as well as Pier 15, the New Market Building pier, Pier 35, Pier 36, and Pier 42. The Selected Project is fully described in the Final Environmental Impact Statement for the East River Waterfront Esplanade and Piers Project.

The Selected Project is located in Manhattan, New York County, which has been designated by the United States Environmental Protection Agency (EPA) as a moderate non-attainment area for particulate matter less than 10 micrometers in aerodynamic diameter (PM₁₀), a non-attainment area for particulate matter less than 2.5 micrometers in aerodynamic diameter (PM_{2.5}), and a moderate non-attainment area for the 8-hour ozone standard. New York County was previously designated by the EPA as a severe non-attainment area for the 1-hour ozone standard. The area is in attainment for all other criteria pollutants: Nitrogen dioxide (NO₂), lead, sulfur dioxide (SO₂), and carbon monoxide (CO). MDC's review has been conducted consistent with the requirements of 40 CFR Part 93, Subpart B: "Determining Conformity of Federal Actions to State or Federal Implementation Plans" issued on November 30, 1993 (as amended on July 17, 2006, to address PM_{2.5} emissions). LMDC has determined that, during the peak construction year of 2008, potential emissions for all the criteria pollutants would be below the *de minimis* thresholds established under federal regulations at 40 CFR 93.153(b) which are currently applicable in New York County. Nonetheless, the construction emissions could exceed the 25 tons per year (tpy) annual nitrogen oxides (NO_x) threshold for severe ozone non-attainment areas, which was applicable to New York County under the previous 1-hour ozone standard designation. Accordingly, LMDC has prepared its Conformity Determination to demonstrate that the federally-funded portion of the Selected Project will conform with the 1-hour ozone State Implementation Plan (SIP). Pursuant to the requirements of 40 CFR 93.153(h)(4), this notice lists the activities that are presumed to conform to the New York ozone SIP.

The Draft Conformity Determination for the Proposed East River Waterfront Esplanade and Piers Project was made available for public review beginning May 18, 2007. Notices of its availability were published in the New York State

Department of Environmental Conservation *Environmental Notice Bulletin* and newspapers of general circulation on May 30, 2007. The Draft Conformity Determination was also published in the **Federal Register** on July 27, 2007. No comments on the Draft Conformity Determination were received.

ADDRESSES: The Conformity Determination is available at the following location: Lower Manhattan Development Corporation, One Liberty Plaza, 20th Floor, New York, NY 10006. The Conformity Determination is also available on the LMDC Web site at <http://www.renewnyc.com> in the "Planning, Design & Development" section and is an exhibit to LMDC's ROD.

FOR FURTHER INFORMATION CONTACT:

Christina Hynes, Lower Manhattan Development Corporation, One Liberty Plaza, 20th Floor, New York, NY 10006; Telephone: (212) 962-2300; Fax: (212) 962-2431.

SUPPLEMENTARY INFORMATION:

A. Background

The Clean Air Act (CAA), as amended in 1990, defines a non-attainment area (NAA) as a geographic region that has been designated as not meeting one or more of the National Ambient Air Quality Standards (NAAQS). The Selected Project is located in New York County, which has been designated by the EPA as a moderate NAAQS NAA for PM₁₀, a NAA for PM_{2.5}, and a moderate NAA for ozone. The area is in attainment for all other criteria pollutants: Nitrogen dioxide (NO₂), lead, sulfur dioxide (SO₂), and carbon monoxide (CO). EPA had re-designated New York City as in attainment for CO on April 19, 2002 (67 FR 19337); the CAA requires that a maintenance plan ensure continued compliance with the CO NAAQS for former NAAs.

A State Implementation Plan (SIP) is a state's plan on how it will meet the NAAQS under the deadlines established by the CAA. In November 1998, New York State submitted its *Phase II Alternative Attainment Demonstration for Ozone*, which addressed attainment of the 1-hour ozone NAAQS by 2007 (New York submitted subsequent filings to EPA in subsequent years). On February 4, 2002, EPA approved New York's 1-hour ozone SIP (67 FR 5170).

The general conformity requirements in 40 CFR part 93, subpart B, apply to those federal actions that are located in a non-attainment or maintenance area, and that are not subject to transportation conformity requirements at 40 CFR part 51, subpart T, or part 93, subpart A,