

United States Senate

WASHINGTON, DC 20510-4502

September 30, 2009

Mr. Jayson P. Ahern
Acting Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW
Washington, DC 20229

Dear Acting Commissioner Ahern:

I write to comment on the *Draft Environmental Assessment for the Proposed Modernization and Operation of the Morses Line Land Port of Entry in Franklin County, Vermont*.

I understand the need to replace this port of entry that now is more than 70 years old. However, any new facility needs to be right-sized for its purpose and location. After reviewing the draft document and having staff members visit the site, I do not believe that the size and scope of this proposal fits the operational conditions at Morses Line, where Customs and Border Protection (CBP) conducted just 16,140 inspections in 2007, and the port is staffed by only two officers from 8 a.m. to 12 a.m. daily.

First, I am concerned about the lack of outreach by CBP and the Army Corps of Engineers to affected landowners and neighbors. I understand that prior to a recent inquiry by my office, CBP and the Army Corps had not contacted the adjacent landowners about the design and construction process since May, and that these landowners found out about the draft environmental assessment from an ad in a local newspaper. I appreciate that the Army Corps subsequently has set up a meeting with these landowners, and I ask and expect that they will be kept apprised of the planning, design, and construction process.

Second, I am concerned about the large amount of land envisioned for the new port of entry. I do not believe that the federal government needs to purchase 10 acres of prime farmland for this port, as there are several steps that could be taken to reduce the footprint of the project, including moving the new port closer to the existing road, streamlining the roadway's circulation pattern, and reducing the number of parking spaces. In addition, I suggest that CBP allow the adjacent landowners to continue farming any unused land surrounding the security fence at the new port.

Third, I am concerned about protecting the historic resources in the area around the Morses Line port of entry. While the draft document refers to a draft Memorandum of Agreement between CBP and the Vermont Division for Historic Preservation, I suggest that CBP make that document available to the public and expressly declare that all resources eligible or listed on the National Register of Historic Places will be preserved.

Thank you in advance for your consideration of these comments. Please let me know if you have any additional questions.

Sincerely,



PATRICK LEAHY
United States Senator