

## **FINDING OF NO SIGNIFICANT IMPACT**

**Department of Homeland Security-Federal Emergency Management Agency**  
**Horizon Monitoring & Surveillance Facility**  
*Puerto Nuevo Port Complex, San Juan, Puerto Rico*  
**2008-GB-T8-0150 Part 4 (12030)**

### **BACKGROUND**

The Department of Homeland Security-Federal Emergency Management Agency (DHS-FEMA) plans to provide federal funding to the Puerto Rico Ports Authority (PRPA), as Grantee, and the Horizon Lines de Puerto Rico, Inc. (HLPR), as Subgrantee, for the construction of a new Security Monitoring and Surveillance Facility at the HLPR facilities located at the Puerto Nuevo Port Complex, San Juan, Puerto Rico, a medium sized port managed by PRPA. The proposed project would be funded through the Port Security Grant Program (PSGP) under the authority of the Maritime Transportation Security Act of 2002, (MTSA) as amended (46 U.S.C. §70107) and it is consistent with the SAFE Port Act (Public Law 109-347).

Pursuant to the National Environmental Policy Act and 44 CFR Part 9, DHS-FEMA and the Subgrantee evaluated alternatives to achieve enhanced security at the Puerto Nuevo Port Complex in order to address port vulnerabilities. The No Action alternative was evaluated and dismissed. The No Action alternative would not achieve port security improvements necessary to adhere to MTSA requirements. The project site is within the Special Flood Hazard Area (100-Year Floodplain) as shown on the Commonwealth of Puerto Rico and Municipalities Flood Insurance Rate Map (FIRM), Community Map Number 72000C0365J. Practicable alternatives to locating the project outside the Special Flood Hazard Area were evaluated but dismissed. The proposed facility would be located on the port's higher ground situated in the south-central portion of the port already developed to support existing Subgrantee facilities where the elevation varies between 3.0 m to 3.5 m above Mean Sea Level. The site elevations are above the Base Flood Elevation (BFE) of 2.1 m as shown on the FIRM and as a result, the lowest floor the facility as proposed would be elevated above the 100-year Base Flood Elevation (BFE).

### **PROJECT DESCRIPTION**

The proposed action would involve engineering and design, construction and equipping of a new concrete building with a 35' x 25' footprint, an above-ground septic tank, portable water tank, perimeter cyclone fence with gate, security features and building equipment, as well as other utilities at Latitude/Longitude: Lat. 18°25' 44.70" N Long. 66° 5' 38.20" W. The structure would serve as the new monitoring and surveillance structure and would be located adjacent to the existing undersized facility with the same function and also next to the Subgrantee's offices in the Puerto Nuevo Port Complex. The foundation of the proposed building would have an approximate depth of 3 feet. The proposed facility would include the operations room, conference room, restroom and storage closet and the structure would have aluminum security doors, swing-out security windows, polished cement floor, acoustic ceiling, granite counter tops, light fixtures, two (2) split unit air conditioners, a folding wall room divider and conduits for running surveillance camera wiring.

An Environmental Assessment (EA) was prepared by FEMA and the Subgrantee to assess the proposed project's impacts on the human environment in accordance with the National

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Environmental Policy Act (NEPA), the Council on Environmental Quality regulations for implementing NEPA (44 CFR Parts 1500 through 1508), and FEMA regulations for environmental consideration pertaining to NEPA compliance (44 CFR Part 10). The described action would not result in any known significant adverse impacts to geology, hydrology, air quality, floodplains, wetlands, water quality, wildlife and fisheries habitat, vegetation, socioeconomics, public safety or transportation. The proposed alternative has been reviewed, and to the best of our knowledge, does not have the potential for significant cumulative effects when combined with past, present or reasonably foreseeable future actions in the project area. The benefit of the new facility to the public outweighs the risks associated with its floodplain location. Risk of future flood damage would be minimized because it would be constructed above the BFE.

The public comment period for the federal agency's EA was from November 1-15, 2013. A public notice was posted to the Autoridad Puertos de Puerto Rico website at <http://prpa.pr.gov/noticias> and a hard copy of the EA was made available at HLPR offices. No public comments were received during the public comment period. The federal coastal zone consistency review was completed since issuance of the EA. The Puerto Rico Department of Natural and Environmental Resources concurred with FEMA's finding of no adverse coastal effect via letter dated September 16, 2013 and received by FEMA on October 17, 2013. A Final Environmental Assessment will be made available on the FEMA website including the coastal zone consistency review correspondence.

### **CONDITIONS**

The Subgrantee is responsible for obtaining all applicable local, State and Federal permits and approvals for project implementation prior to construction, and to adhere to permit conditions. Any substantive change to the approved scope of work will require re-evaluation by DHS-FEMA for compliance with NEPA and other laws and executive orders. The Subgrantee must also adhere to the following conditions during project implementation:

1. In accordance with 44 CFR Part 9 and consistent with the National Flood Insurance Program (NFIP), the Subgrantee must elevate or floodproof the facility to at/above the SFHA BFE and acquire/maintain flood insurance for the proposed building. According to the NFIP's Flood Insurance Rate Map Community Map Number 72000C0365J, effective date November 18, 2009, the proposed project area has a BFE of 2.1 meters.
2. The Subgrantee's building design must comply with the NFIP and building codes.
3. Excavated soil and waste materials will be managed and disposed of in accordance with applicable local, state and federal regulations.
4. The Subgrantee is responsible to comply with the Puerto Rico Environmental Policy Act and to fulfill the applicable environmental compliance requirements prior to construction.
5. The Subgrantee is responsible to obtain a construction permit from either the Office of Permits Administration or from the Municipality of San Juan, as applicable.
6. The Grantee and Subgrantee will follow applicable mitigation measures as identified in Section 7 of the Programmatic Environmental Assessment (PEA) for Grant Programs Directorate Project to the maximum extent possible.

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7. It is expected that the Subgrantee and its construction contractor(s) will conduct construction utilizing best management practices to limit noise, dust and sedimentation & erosion during construction.
8. Occupational Safety and Health Administration (OSHA) standards shall be followed during construction to avoid adverse impacts to worker health and safety.
9. In the event that unmarked graves, burials, human remains, or archaeological deposits are uncovered, the Subgrantee (and/or its contractor) will immediately halt construction activities in the vicinity of the discovery, secure the site, and take reasonable measures to avoid or minimize harm to the finds. The Subgrantee must inform the Grantee, FEMA and the Puerto Rico State Historic Preservation Office (SHPO) immediately. Construction work cannot resume until consultation with the SHPO is complete, and appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act and other applicable Federal and State regulations.

### **FINDINGS**

In accordance with NEPA and 44CFRPart10, based upon the findings of the EA and adherence to project conditions, FEMA has determined that the proposed action will have no significant adverse impact on the quality of the human environment. As a result of this Finding of No Significant Impact (FONSI), an Environmental Impact Statement will not be prepared and the proposed project as described in the EA may proceed. This FONSI serves as the final public notice for the proposed project.

### **APPROVED:**

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Regional Environmental Officer  
Federal Emergency Management Agency, Region II

December 5, 2013