

FEMA
FINDING OF NO SIGNIFICANT IMPACT
Reconstruction of the Culebra Cargo Ferry Terminal
Culebra, Puerto Rico
FEMA-4017-HMGP-PR-0030

BACKGROUND

On August 22, 2011 Hurricane Irene made landfall near the southeast coast of Puerto Rico with sustained winds of more than 70 mph. President Barak Obama declared a major disaster for the Commonwealth of Puerto Rico on August 27, 2011, authorizing the Federal Emergency Management Agency (FEMA) to provide Federal assistance in designated areas of the Commonwealth of Puerto Rico per federal disaster declaration DR-4017-PR. This is pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (Stafford Act), PL 93-288, as amended. The Puerto Rico Ports Authority (PRPA), the subrecipient, has applied to FEMA's Hazard Mitigation Grant Program (HMGP) for financial assistance for the reconstruction of the Culebra Cargo Ferry Terminal at Sardinias Bay, and the construction of an Auxiliary Cargo Ferry Terminal at San Ildefonso, Ensenada Honda Bay, Culebra, Puerto Rico. The Puerto Rico State Emergency Management Agency (PRSEMA) is the recipient partner for the proposed action.

Section 404 of the Stafford Act authorizes FEMA's Hazard Mitigation Program (HMGP) to implement long-term hazard mitigation measures after a major disaster declaration. The HMGP aims to reduce the loss of life and property due to natural disasters and enable mitigation measures to be implemented during the immediate recovery from a disaster. The program is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

This Environmental Assessment (EA) has been prepared in accordance with Section 102 of the National Environmental Policy Act of 1969 (NEPA), the President's Council on Environmental Quality (CEQ) Regulations implementing NEPA (Title 40 of the CFR, Parts 1500 to 1508). The purpose of the EA is to analyze the potential environmental impacts of the proposed project and alternatives, including a no action alternative, and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). In accordance with above referenced regulations and FEMA's regulations for NEPA and Directive Number: FD 108-1, Environmental and Historic Preservation Planning, Responsibilities and Program Requirements, FEMA is required, during decision making, to fully evaluate and consider the environmental consequences of major federal actions it funds or undertakes.

PROJECT DESCRIPTION

The Proposed Alternative is a two phase project. The first phase consists of the construction of an Auxiliary Cargo Terminal at San Ildefonso in Ensenada Honda to provide cargo service to the municipal island of Culebra during the construction of the second phase which entails the reconstruction of the Cargo Ferry Terminal at Sardinias Bay. Once the construction of the Sardinias Bay is completed, the cargo operation will relocate back to Sardinias Bay Terminal, and the Auxiliary Terminal will remain as back-up terminal. The purpose and need of the proposed project is the reconstruction of the Culebra Cargo Ramp at Sardinias Bay in order to ensure the integrity and continuity of a safe maritime transportation infrastructure; including recovery after a disruptive event, such as a natural disaster, and through the construction and

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maintenance of an Auxiliary Cargo Ferry Terminal in San Ildefonso. This situation poses a threat to the safety of passengers and operators, to the equipment and vehicles that use the facility, and to the continued well-being of the resident and transient population that depend upon this infrastructure for a living.

SUMMARY OF POTENTIAL IMPACTS AND MITIGATION

There would be a minor effect on soils and topography due to construction, and there would be no effect on geology. Construction would result in minor, short-term, adverse impacts related to noise and traffic, but these would be minimized through adherence to local regulations. There would be no adverse impacts to marine traffic during the construction period, since both passenger and cargo ferries will keep their current schedule.

There would be no impacts associated to hazardous materials at the project site, neither with project is expected to generate hazardous wastes. Construction activity would result in emissions of air pollutants and greenhouse gases, but emissions would be temporary and localized, with negligible impacts on air quality in the project area and few receptors in the zone due to prevailing trade winds and convection currents. By implementing best management practices (BMP), impacts on air quality would be negligible and there would be no long-term effects on air quality. Temporary minor effect on water quality due to re-suspension of sediments is expected during cargo ferry operation. Implementation of BMP, and docking maneuvering protocol would limit the reach of suspended sediments and would protect the existing desalination plant intake at San Ildefonso in case it comes back in operation after ten inoperative years.

There would be no adverse effect to threatened or endangered species or critical habitat during construction and operation of the facilities by implementing conservation measures required by resource agencies. Moderate impact to historic properties from construction activity is expected. The project is conditioned to the implementation of the three protective measures: adequate buffer zone to protect historic structures; avoidance of potential impacts to historic elements; and supervision by Secretary of Interior (SOI) qualified professional. Negligible impact on climate change is expected. Potential impacts from climate change (sea level rise) upon the project area have been incorporated in the design.

The reconstruction of the Culebra Cargo Ramp and the Auxiliary Cargo Ferry Terminal is in accordance with the objectives of the Puerto Rico Coastal Management Program for infrastructure and conservation of natural areas. No impacts to wetlands are expected, as the ferry terminal location lies in a previously developed area. No impact to flood elevations is expected and the proposed project cannot fulfil its intended use anywhere but in a floodplain.

The project area contains low income and minority populations and although there would be minor, short-term, adverse, construction-related impacts, there would be no potential for disproportionately high impacts on environmental justice communities. The project would result in long term beneficial effects

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for entire project area, including minority and low-income populations, public services, and public health and service by providing safe and efficient and reliable cargo and passenger port facilities.

PUBLIC INVOLVEMENT

An electronic copy of the EA was made available by email request and for download at <http://www.prpa.gov.pr>. The public was invited to submit written comments by mail to: FEMA Region II, 26 Federal Plaza, New York, NY 10278, Attn: EHP – Reconstruction of the Culebra Cargo Ferry Terminal EA Comments Project EA Comments, or via e-mail at FEMAR2COMMENT@fema.dhs.gov.

This EA reflects the evaluation and assessment of the federal government, the decision maker for the federal action; however, FEMA has taken into consideration any substantive comments received during the public review period to inform the final decision regarding grant approval and project implementation.

PERMITS & PROJECT CONDITIONS

The subrecipient, PRPA is responsible for obtaining all applicable federal, state, and local permits and other authorizations for project implementation prior to construction and for adherence to all permit conditions. Any substantive change to the approved scope of work would require re-evaluations by FEMA for compliance with NEPA and other laws and Executive Orders (EOs). The subrecipient must also adhere to the following conditions during project implementation. Failure to comply with grant conditions may jeopardize federal funding:

1. Excavated soil and waste materials will be managed and disposed of in accordance with applicable local, state and federal regulations. If contaminated materials are discovered during construction activities, the work will cease until the appropriate procedures and permits are implemented.
2. The recipient and subrecipient agreed to the following conservation measures as conditions for the construction in both locations and the operation of the auxiliary cargo port as result of consultation with National Marine Fisheries Service (NMFS):
 - a. Turbidity barriers will be installed around in-water work areas prior to commencement of any pile-driving activities to contain any sediment suspended during pile-driving.
 - b. A Spill Prevention Control and Countermeasures Plan will be implemented to prevent hydraulic fluid, diesel, and other potential pollutants from heavy equipment from entering surface waters. The final plan must be approved by the U. S. Coast Guard (USCG) to ensure it is adequate to prevent contamination of surface waters due to accidental spills from vessels and facility operation.
 - c. A Turbidity Monitoring Plan and Erosion and Sedimentation Control Plan will be finalized in coordination with NMFS prior to commencement of any construction activities. The Erosion and Sedimentation Control Plan will be implemented for sediment and erosion control during construction of the upland sections of the San Idelfonso Auxiliary Cargo

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Port portion of the project in order to minimize the potential transport of land-based contaminants, including sediments, to nearshore waters. The Turbidity Monitoring Plans will be implemented for monitoring turbidity levels outside the turbidity barriers in Sardinias and San Idelfonso to ensure that sediment resuspension and transport outside the in-water construction footprint at each site is minimal. In the event that these plans are modified in a manner that causes an effect on the Endangered Species Act (ESA) listed species or designated critical habitats not considered in NMFS' Biological Opinion, reinitiating of ESA Section 7 consultation for the project may be necessary.

- d. Divers will backfill spud holes once the construction barge changes position. A new stormwater system will be constructed to collect and treat the first flush from each rain event at the new San Idelfonso Auxiliary Cargo Port facility.
- e. Turbidity barriers shall be constructed of a material that prevents entanglement by sea turtles and marine mammals. These barriers must be properly secured and regularly monitored to avoid entrapment of sea turtles and marine mammals.
- f. Compliance with NMFS's *Sea Turtle and Smalltooth Sawfish Construction Conditions* (dated March, 23, 2006)
- g. Compliance with NMFS's *Vessel Strike Avoidance Measures and Reporting for Mariners* (revised February 7, 2008)
- h. A protocol for the approach and departure from the auxiliary ferry terminal at San Idelfonso will be required for ferry captains. The protocol will emphasize the need for slow speed (8-10 knots) inside Ensenada Honda in part to reduce propeller impacts to seagrass and corals at the entrance to the bay and at the new facility.
- i. A 100-meter (m) safety zone will be established for monitoring for sea turtles during pile driving activities in both locations. A trained vessel crew will monitor and report observations of sea turtles within a 100-m radius of the pile driving barge. NMFS will be notified of sea turtle sightings. If a sea turtle is sighted within a 100-m radius of the pile driving activity, the activity will cease until the turtle moves out of the exclusion zone and has not been sighted for 30 minutes.
- j. The auger drilling method will be used to install steel pile casings at the San Idelfonso site in Ensenada Honda. A double casing system will be required for pile driving in Sardinias Bay.
- k. An Underwater Noise Monitoring Plan will be implemented for all pile-driving activities. The final plan will be coordinated with NMFS prior to commencement of any in-water construction activities.
- l. In-water construction work will occur during daylight hours only.
- m. The subrecipient has reported that a Quit Claim Deed will be finalized in coordination with the U.S. Fish and Wildlife Service (USFWS) because of the auxiliary cargo port's location within a portion of the Culebra Island National Wildlife Refuge. The deed will restrict use to temporary operations during the reconstruction of the existing cargo facilities in

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Sardinas Bay and, upon completion of the reconstruction of the existing facilities, use only in the event that the facility in Sardinas Bay is damaged or inoperable or cannot be used due to inclement weather or another emergency.

- n. A monitoring plan will be implemented to assess the condition of ESA-listed corals at the entrance to Ensenada Honda and seagrass beds outside the construction footprint at San Idelfonso before and after the construction and operation of the auxiliary cargo port facilities. The plan is meant to determine whether the construction and operation of the auxiliary cargo port results in impacts to ESA-listed corals and green sea turtle critical habitat in order to develop additional minimization measures for any future temporary cargo operations at this facility. The final plan will be coordinated with NMFS prior to commencement of any in-water construction activities.
 - o. A Coral Transplant Plan, including the transplant of 4 colonies of ESA-listed lobed star corals, will be implemented prior to commencement of any in-water construction at the San Idelfonso site. ESA-listed corals and other coral species are on the piles of the existing dock at the San Idelfonso site. All corals will be removed and relocated to a recipient site or sites determined in coordination with Department of Natural and Environmental Resources (DNER) and NMFS.
 - p. The coral transplant and monitoring plan shall be finalized and implemented by recipient and sub-recipient in coordination with NMFS prior to commencement of any in-water construction activities. The plan shall include detailed procedures and measures for coral colony removal and transplant from the in-water construction footprint, as well as monitoring requirements. The 4 lobed star coral colonies on the piles of the existing pier at San Idelfonso shall be relocated to a recipient site or sites selected in Ensenada Honda as part of the finalization of the plan and shall be monitored to determine transplant success.
3. The U.S. Army Corps of Engineers (USACE) or FEMA must provide NMFS with all data collected as part of additional pre-construction benthic surveys, coral transplant activities, and the implementation of monitoring of monitoring plans. This information can be submitted to nmfs.ser.esa.consultation@noaa.gov with copy to the Consultation Biologist (lisamarie.carruba@noaa.gov). Data reports should be submitted within 30 calendar days of completion of surveys, transplant, and monitoring events.
 4. During the period of construction, the recipient and subrecipient must follow the Ensenada Honda Navigational Channel Entrance ESA Corals & Fish Monitoring Plan to evaluate and avoid impacts of intensive ferry activities upon the reef located at the entrance of Ensenada Honda.
 5. The recipient and subrecipient are responsible to carry out an Assessment of Requirements for Additional Navigational Aids for Ensenada Honda to evaluate the potential conflicts of recreational vessels and the navigation channel that may require additional ATONs.
 6. The recipient and subrecipient are responsible of implementing the following conditions during construction as required by the Puerto Rico State Historic Preservation Office (PRSHPO):

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- a. adequate buffer zone to protect historic structures
 - b. avoidance of potential impacts to historic elements
 - c. supervision by SOI qualified professional
7. In the event that any archaeological resources are uncovered, the recipient and subrecipient 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 recipient and subrecipient will immediately inform FEMA of any archaeological findings and FEMA will consult with PRSHPO. Construction work cannot resume until FEMA completes consultation 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.
 8. The recipient and subrecipient must meet any project-specific conditions developed and agreed upon between FEMA and with the environmental planning or historic preservation resource and regulatory agencies during consultation and coordination.
 9. The recipient and subrecipient are responsible for obtaining and complying with all required local, State and Federal permits and its approvals.

FINDINGS

In accordance with NEPA and DHS Directive 108-1, 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 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:

JOHN P DAWSON

Digitally signed by JOHN P DAWSON
DN: c=US, o=U.S. Government, ou=Department of
Homeland Security, ou=FEMA, ou=People, cn=JOHN
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John Dawson

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FEMA Region II Regional Environmental Officer Representative

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Comments Received and FEMA's Response

Comment	Response
FEMA Office of Chief Counsel (OCC) suggested explaining "yes" boxes checked in the 8-Step form.	The 8-Step form is a standard FEMA document that is used in routine reviews when elaboration on the analysis is not essential to the determination. As the docks are defined by 44 CFR Part 9 as "functionally dependent" and a significant part of the island's infrastructure, floodplain analysis was identified as not necessitating extensive analysis.
FEMA OCC suggested that check boxes in the 8-Step form for steps 6 and 7 should be checked.	The substantive response to these steps is addressed by the EA itself, however all check boxes in Step 6 should reflect "yes" responses. Step 7 is addressed by the EA public notice.
FEMA OCC suggested multiple minor editorial comments on the EA for grammar and terminology.	Suggestions are taken as advisory and do not constitute substantive or significant comments to limit issuance of this FONSI.
Center for Biological Diversity, on behalf of CORALations, requested an extension of comment period until October 30, 2017, suggested learning of the call for public comments only recently.	A preliminary EA was available through PRPA at two locations for general public access since May 26, 2015. PRPA had installed posters in both English and Spanish at the Fajardo and Culebra Ferry Terminals.
Center for Biological Diversity, on behalf of CORALations, commented that the 15-day comment period did not specify the date documents were posted or how the posting was shared with the public.	The Public Notice for the Final EA was posted on September 2, 2016 in a major circulation newspaper, El Nuevo Dia, both in English and Spanish versions. The public notice specified where the environmental assessments could be viewed in person as well as the location on the PRPA website, prior to the publication of the notice.
Center for Biological Diversity, on behalf of CORALations, suggested that documents made available to the public were missing pages, referencing page numbers from an environmental assessment written by Atkins.	The Final EA was posted at the Culebra City Hall and at the Culebra Museum of History in addition to a copy held at the PRPA office in San Juan. The comment appears to refer to pages from the preliminary EA posted May 26, 2015 at the City Hall and the Culebra Public Library. The Final EA was thoroughly reviewed and edited for content and completeness by FEMA and PRPA prior to posting as well as by FEMA Office of Chief Counsel prior to the issuance of this FONSI.
Center for Biological Diversity, on behalf of CORALations, commented that the documents at located at the library were in English only and	The Final EA is primarily written in English, however multiple appendices are in Spanish, the public notices were issued in English and Spanish

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<p>suggested that this limits the ability of low-income, environmental justice, Spanish speaking community members from contributing meaningful public participation as well as placing a burden on CORALations to translate the information.</p>	<p>summarizing key information from the EA, and the posters containing important information about the proposed project and the EA located at the ferry terminals are in both English and Spanish. The absence of the proposed project is expected to be a greater hardship on Culebra residents and would be inconsistent with the principles of environmental justice. FEMA does not find this comment, in itself, to represent an extraordinary circumstance sufficient to extend the comment period.</p>
<p>Center for Biological Diversity, on behalf of CORALations, commented that there was no announcement by the Mayor of Culebra and that Puerto Rico's planning board coastal zone consistency indicated that there had been no public hearings yet.</p>	<p>The Puerto Rico Planning Board issued a public notice on February 18, 2015 requesting public comment. Comments received May 8, 2015 from the Center for Biological Diversity and CORALations were incorporated into the Final EA.</p>
<p>Center for Biological Diversity, on behalf of CORALations, suggested that the island-wide black out prevented them from contacting the local FEMA office for more information.</p>	<p>The Public Notice on the Final EA was published on September 2, 2016. The 15 days period ended September 17, 2016 or four days before the island wide power outage of September 21st.</p>