

Draft Tiered Site-Specific Environmental Assessment

Regional Marine Security Center Jefferson County, Texas

Port Security Grant Program
American Recovery and Reinvestment Act
Project # 2009-Pu-R1-0410

April 2011



FEMA

Federal Emergency Management Agency
Department of Homeland Security
500 C Street, SW
Washington, DC 20472

I. Background

In accordance with 44 Code of Federal Regulations (CFR) for FEMA, Subpart B, Agency Implementing Procedures, Part 10.9, a Programmatic Environmental Assessment (PEA) for Grant Programs Directorate Project was prepared and a Finding of No Significant Impact (FONSI) was issued in July 2010, pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations promulgated by the President's Council on Environmental Quality (CEQ; 40 CFR Parts 1500-1508). This Tiered Site-Specific Environmental Assessment (SEA) is being prepared in accordance the July 2010 PEA. The focus of this Tiered SEA is on those areas of concern requiring additional discussion or analysis that are beyond the scope of the PEA.

II. Purpose and Need

Jefferson County has applied for Port Security Grant Program, American Recovery and Reinvestment Act program funding under application number 2009-PU-R1-0410. The purpose of this program is to provide for activities which help to enhance the security and safety of ports in the United States.

Jefferson County, Texas (Jefferson County) needs to improve security along the Sabine Pass Waterway by enhancing the capabilities of the Sabine Pass Port Authority complex. The ultimate goal is to be able to achieve the mission of providing 24-hour law enforcement presence on area waterways.

III. Alternatives

Two project alternatives are proposed in this SEA: 1) No Action and 2) Proposed Action Alternative- Construction of a New Regional Marine Security Center.

Under the No Action Alternative, no changes would be made to the existing security buildings at the Sabine Pass Port Authority complex and the current facilities would continue to be used. As a result of this alternative, Jefferson County would continue to have security risks.

The Proposed Action Alternative is the construction of a new Regional Marine Security Center within the Sabine Pass Port Authority complex in Sabine Pass, Jefferson County (Latitude: 29.73635, Longitude: -93.88345). The proposed project area is a vacant lot within the Sabine Pass Port Authority complex and has been previously graded and disturbed. A modern port building is located to the east of the proposed site. The Proposed Action Alternative will include the construction of a 3,200 square foot marine security building and an unpaved parking area on the site. An existing boat slip will be improved by replacing the current wood bulkheads with steel. Additionally, a covered dock with seven (7) in-water slips and finger piers will be constructed, complete with lifts and shore power stations. The new facilities will be connected to existing sewer and utility systems in the area, and this work will be conducted within the property limits of the project site. With the construction of the facilities and parking area, the total projected disturbance area will be less than 1.0 acre. Figure 1 maps the elements of the Proposed Action Alternative.



Figure 1: Site Plan for Proposed Action Alternative. Note that the fence and entry gate are not part of the FEMA-funded portion of the project.

Source: LEAP Engineering, LLC.

IV. Environmental Impacts

Discussion of the environmental impacts associated with the No Action Alternative is included in the July 2010 PEA. This document incorporates the PEA by reference. The PEA can be found in FEMA’s electronic library at <http://www.fema.gov/library/viewRecord.do?id=4143>.

FEMA’s environmental planning and historic preservation review reveals that all environmental areas of concern are appropriately accounted for in the PEA with the exception of floodplain impacts. Table 1 provides a summary of the findings for the environmental areas of concern that FEMA typically reviews.

In compliance with FEMA regulations implementing Executive Order 11988, Floodplain Management, FEMA is required to carry out the 8-step decision-making process for actions that are proposed in the floodplain per 44 CFR §9.6. Step 1 is to determine whether the project is located in the floodplain. FEMA has determined that the Proposed Action Alternative is located in a 100-year floodplain, Zone V15 (EL 13), as depicted on FIRM Community Panel 4854990070F, effective date May 4, 1992 (see Figure 2). The marine security building serves as a command center and is a critical action. Since it is located in the 100-year floodplain it is also located in the 500-year floodplain.

Table 1: Summary of Other Environmental Areas of Concern

Area of Concern	No Action	Proposed Action
Historic properties	No effects.	FEMA determined in accordance with CFR 36 Part 800.4(d)(1) that would be no effect to historic properties due to the Proposed Action Alternative. In a response letter dated November 17, 2010, the State Historic Preservation Office (SHPO) replied that there would be a visible effect to the adjacent Sabine Pass Battlefield, however given the pre-existing buildings and structures, it was determined that the visual impacts would be minimal. Therefore the SHPO determined that there would be no adverse effect to historic properties. FEMA concurs with this determination.
Endangered and threatened species and critical habitat	No effects.	No effects.
Migratory birds	No effects.	No effects.
Water quality	No effects.	Work will occur within the waters of Sabine Pass. FEMA has determined that as the proposed project will affect a Waters of the United States, coordination with the United States Army Corp of Engineers (USACE) under Section 404 of the Clean Water Act (CWA) and/or the United States Coast Guard (USCG) under Section 10 of the Rivers & Harbors Act is required.
Coastal resources	No effects.	Based on a review of Coastal Coordination Council General Concurrence #5, FEMA has determined that the Proposed Action Alternative is deemed consistent with the goals and policies of the Texas Coastal Management Program and consistency review procedures as implemented by the Texas General Land Office.
Wetlands	No effects.	No effects.
Low-income and minority populations	No effects.	No effects.

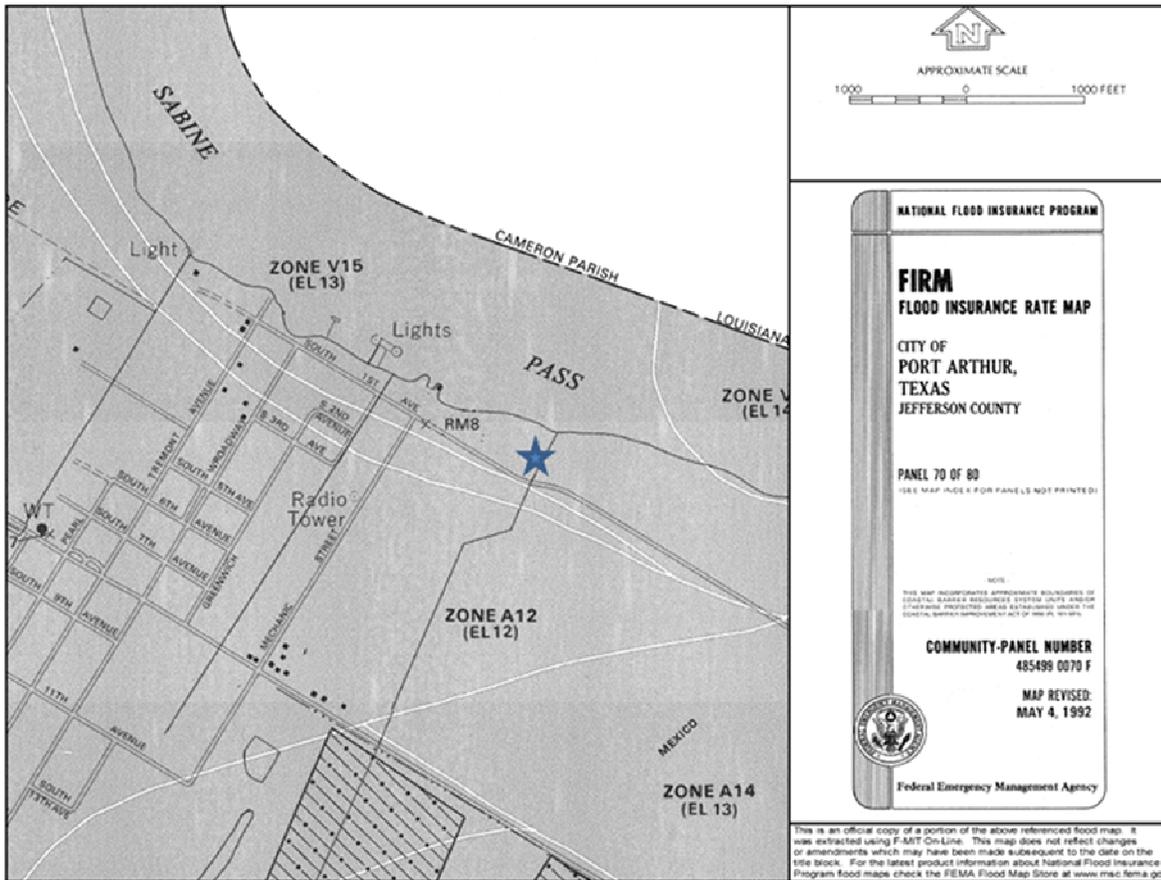


Figure 2: FIRM with Proposed Action Alternative Site.
Source: www.msc.fema.gov.

Step 2, is to notify and involve the public in the decision-making process, which will be incorporated into the notice of availability for this SEA.

Step 3 is to identify and evaluate practicable alternatives to locating the proposed project in the floodplain, including alternative sites outside of the floodplain.

Locating the facilities outside the V zone - The Sabine Pass Port Authority is providing the land needed to carry out the Proposed Action Alternative. The Port Authority does not have access to any land outside of the V Zone. For instance, the parcel of land directly across from the Proposed Action Alternative site is in the A Zone, but it is not owned by the Port Authority. In addition, this parcel of land is part of the Sabine Pass Battleground State Historical Park, and construction there may adversely impact a historic resource. In addition, much of this parcel is designated as a jurisdictional palustrine emergent, persistent, temporary flooded (PEM1A) wetland and construction there would result in adverse impacts to a regulated wetland that would require compensatory mitigation. All land that is available to the Port Authority for the construction of a new Regional Marine Security Center is located within the V Zone. Therefore no practicable alternative outside of the floodplain exists.

Security fence and access gate – The original submittal from the applicant included a security fence and access gate. Under 44 CFR 9.11(d) FEMA is prohibited from funding new construction in coastal high hazard areas (V zones), unless the construction facilitates open space use or is a functionally dependent use. The regulations define functionally dependent use as a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water (e.g. piers, bridges). The security fence and access gate is neither; therefore FEMA proposes to eliminate these facilities from funding consideration. The applicant may elect to fund them out of their own funds.

Paved parking lot – The original submittal from the applicant included a paved parking lot. FEMA proposes to substitute an unpaved parking lot for the paved parking lot that was originally planned. The unpaved parking lot would be compatible with open space use.

Step 4 is to identify impacts associated with occupancy and modification of the floodplain and support of floodplain development that could result from pursuing the Proposed Action Alternative. Building the Regional Marine Security Center in the floodplain could potentially increase the risk of structural damage due to high velocity wave action from storms. It is not anticipated that the Proposed Action Alternative will result in an increased base discharge nor should it increase the flood hazard potential to other structures. The proposed improvements to the Sabine Pass Port Authority complex are intended to support the mission of providing 24-hour enforcement presence on area waterways. The current project site is already developed and it is not anticipated that the Proposed Action Alternative will encourage future development in the floodplain.

An unpaved parking lot might reduce stormwater runoff rates, however, given the types of aggregates available for unpaved surface improvements in the region, an increase in sediment contamination of the effluent stream is likely to result if the unpaved option is pursued. Given the site's proximity to the Gulf of Mexico and the resulting size of the floodway, the increased stormwater discharge associated with an impervious surface of the paved lot will be negligible. The area is not currently subject to riverine overflows from the Sabine Neches watershed and is subject almost exclusively to flooding from increased tidal elevations associated with tropical and sub-tropical storm events.

The marine security building, parking lot, improvements to the existing boat slip, new covered dock, finger piers, lifts, and shore power stations would be at risk of damage as a result of wave action or storm surges associated with coastal storms. If the applicant elects to fund the fence and access gate out of its own funds, these facilities would be at risk of damage as a result of wave action or storm surges associated with coastal storms. Federal investment, in the form of FEMA Public Assistance or other federal disaster assistance, may be triggered in the event of a flood disaster that damages these facilities.

Step 5 is to develop measures to minimize the impacts and restore and preserve the floodplain. FEMA regulations at 44 CFR 9.11(d) prohibit FEMA's funding of new construction in V zones unless it is functionally dependent or facilitates open space use. Again, a functionally dependent use is a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water (e.g. piers, bridges). Ports must be located in close proximity to water but not all structures or facilities supporting the ports meet this requirement. The proposed marine security building provides command and control operational support for the port. Staff working at the center must have ready and quick access to patrol boats that are located at sufficient

depths. The main purpose of the marine security building is to provide 24-hour enforcement presence on the area waterways. Locating the facility farther away from water would interfere with the intended purpose of the facility. Therefore, the marine security building is functionally dependent.

The improvements to the existing boat slip can be considered a repair or substantial improvement of a facility, which is allowed in V zones. The new covered dock, finger piers, lifts, and shore power stations must be in close proximity to water to be able to carry out their intended purposes, and therefore are functionally dependent uses. An unpaved parking lot is compatible with and facilitates open space use and is, therefore, allowed in the V zone.

In order to reduce the impact identified in Step 4 of coastal flooding on the proposed new structures, the marine security building has been designed to be compliant with FEMA recommendations for construction in coastal high hazard areas. The structure and its supporting utilities will be elevated above the base flood elevation (BFE) on concrete columns supported by individual pile foundations. The lowest horizontal member of the structure will be at elevation 15.67' NAVD88 or roughly 2.67 ft above the BFE at the site. Elevating the marine security building on columns at this location offers operational advantages as well because personnel will be able to observe passing traffic on the shipping channel and two liquefied natural gas terminals located at Sabine Pass. The Flood Insurance Study (FIS) for the area does not establish the 500-year floodplain elevation. American Society of Civil Engineer (ASCE) publication 24-05 provides standards for elevation considerations in flood hazard areas. Under ASCE 24-05 a command center, such as the marine security building, would be classified as a Category IV structure and would require elevation of two feet above the base flood elevation. In the absence of a 500 year flood elevation standard FEMA would rely on the ASCE criteria for appropriate elevation of the marine security building. In addition, Jefferson County will be required to coordinate with the local floodplain administrator and obtain required permits prior to initiating work. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.

FEMA will undertake Step 6 and 7 after the public comment period for this Tiered SEA.

V. Mitigation

1. Project may require Section 401/404 CWA permits and/or Section 10 permits. When these permits are required, applicant must maintain documentation of compliance with applicable NWP, exemption from requirements, or obtain individual permits from USACE prior to construction, unless exempt by the NWP from pre-construction notification. Applicant must comply with all applicable permit conditions. All coordination with the USACE and the USCG must be documented and forwarded to FEMA for inclusion in the permanent file.
2. Jefferson County shall pursue an unpaved parking lot and pursue the mitigation measures in Section 7.2 of the PEA to control water pollution from construction.

3. Jefferson County must coordinate with the local floodplain administrator and obtain required permits prior to initiating work. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.
4. Jefferson County must elevate the marine security building at least two feet above the base flood elevation in accordance with ASCE 24-05 guidance for Category IV structures.
5. In accordance with 44 CFR §9.12, Jefferson County must publish a public notice 15 days prior to the start of construction activities. Documentation of the public notice is to be forwarded to FEMA for inclusion in the permanent project files.

In addition, Jefferson County will be required to comply with the conditions that are stated in the PEA FONSI, dated July 7, 2010, for the Proposed Action Alternative (see Appendix A).

VI. Agencies Consulted

Texas State Historic Preservation Office (see Appendix B)

VII. Public Comment

A public notice advertising the availability of this Draft SEA for public review and comment will be posted in The Port Arthur News and at <http://www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm>. The Draft SEA will be available at both a local repository and at <http://www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm>. A 15-day public comment period will commence on the initial date of the public notice. FEMA will consider and respond to all public comments in the Final SEA.

VIII. List of Preparers

Kevin Jaynes, CHMM, Regional Environmental Officer, FEMA Region VI
Dorothy Weir, EHP Specialist, FEMA Region VI
Alan Hermely, EHP Specialist, FEMA Region VI

Appendix A

Finding of No Significant Impact (FONSI)

Final Programmatic Environmental Assessment for the Evaluation of FEMA's Grant Programs Directorate Programs



FEMA

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

**FINAL PROGRAMMATIC ENVIRONMENTAL ASSESSMENT
FOR THE EVALUATION OF FEMA'S GRANT PROGRAMS
DIRECTORATE PROGRAMS**

BACKGROUND

In accordance with the National Environmental Policy Act (NEPA) of 1969, FEMA's regulations for implementing NEPA at 44 Code of Federal Regulations (CFR) Part 10, and the President's Council on Environmental Quality NEPA implementing regulations at 40 CFR Parts 1500-1508, FEMA prepared a draft Programmatic Environmental Assessment (PEA) to evaluate the potential impacts to the human environment resulting from typical actions funded by FEMA's Grant Programs Directorate (GPD) through the homeland security and emergency preparedness grant programs. These programs provide grant funding to States, territories, local and Tribal governments, and private entities to enhance their homeland security and emergency preparedness efforts. The PEA is incorporated by reference into this FONSI.

The PEA is intended for actions that are relatively minor in scale and typically considered for funding under the various GPD programs. The PEA evaluated two alternatives: no action and program implementation. Under the program implementation alternative, FEMA evaluated the following seven project types: planning; management and administration; training; exercises; purchase of mobile and portable equipment; modification of existing structures and facilities; and new construction. FEMA will develop Tiered Site-specific Environmental Assessments (SEA) for those GPD actions requiring evaluation under areas of concern not evaluated in this PEA, having impacts beyond those described in the PEA, requiring mitigation to reduce the level of impacts below significance, or otherwise requiring a Tiered SEA as identified in Table 5-1 in the PEA.

Notice of the availability of the PEA was published in the Federal Register on April 8, 2010, for a 30-day public comment period. Based on comments received, FEMA removed communication towers as a project type evaluated in the PEA. FEMA will develop a separate analysis tiered from this PEA to address communication towers and will provide a 15-day public comment period on that document.

CONDITIONS

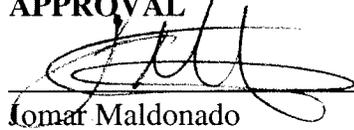
Actions under this PEA and FONSI must meet the following conditions. Failure to comply with these conditions would make the FONSI determination inapplicable for the project and could jeopardize the receipt of FEMA funding.

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 grantee and subgrantee will follow applicable mitigation measures as identified in Section 7 of the PEA to the maximum extent possible.
3. In the event that unmarked graves, burials, human remains, or archaeological deposits are uncovered, the grantee and subgrantee 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. All archaeological findings will be secured and access to the sensitive area restricted. The grantee and subgrantee will inform FEMA immediately and FEMA will consult with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) or appropriate Tribal official. 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 requirements.
4. The grantee and subgrantee must meet any project-specific conditions developed and agreed upon between FEMA and with environmental planning or historic preservation resource and regulatory agencies during consultation or coordination.
5. The grantee and subgrantee are responsible for obtaining and complying with all required local, State and Federal permits and approvals.

FINDING

Based upon the information contained in the Final PEA, the potential impacts resulting from the seven project types analyzed in the PEA, and in accordance with FEMA's regulations at 44 CFR Part 10 and Executive Orders 11988 (Floodplain Management), 11990 (Protection of Wetlands), and 12898 (Environmental Justice), FEMA finds that the implementation of the proposed action will not have significant impacts to the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) will not be prepared. This FONSI is based upon proposed actions fitting one of the seven project types described in the Final PEA and meeting all conditions prescribed for that particular project type.

APPROVAL



Omar Maldonado
Environmental Officer

Date 7/2/10



Elizabeth M. Harman
Assistant Administrator
Grant Programs Directorate

Date 7/6/10

Appendix B

SHPO Consultation



FEMA

October 14, 2010

Mark S. Wolfe
State Preservation Officer
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

RE: Jefferson County Regional Marine Security Center, Construction of a New Facility, Sabine Pass, Jefferson County, FEMA Grant #2009-PU-R1-0410

Dear Mr. Wolfe,

The Grants Programs Directorate (GPD) of the Federal Emergency Management Agency (FEMA) is providing funding, through the Port Security Grant Program (PSGP) program, to Jefferson County (Applicant) for the construction of a new Regional Marine Security Center with a marine security building and covered boat slips (Undertaking). FEMA has determined that this project constitutes an Undertaking and is initiating consultation under Section 106 of the National Historic Preservation Act in accordance with the Programmatic Agreement among FEMA, the Texas Historical Commission (SHPO), and the Governor's Division of Emergency Management dated November 30, 2005.

The new Regional Marine Security Center will be located within the Sabine Pass Port Authority complex in Sabine Pass, Jefferson County (Latitude: 29.73635, Longitude: -93.88345). The proposed project area is a vacant lot within the Sabine Pass Port Authority complex and has been previously graded and disturbed. A modern port building is located to the east of the proposed site. The Undertaking will include the construction of a 3,200 square foot marine security building with a paved parking area on the site. An existing man-made boat slip will be improved with the current wood bulkheads replaced with steel. Additionally, a covered dock with seven (7) in-water slips and finger piers will be constructed, complete with lifts and shore power stations. New security fencing and an entry gate will be installed across the access road and the southern perimeter of the marine security center. The new facilities will be connected to existing sewer and utility systems in the area. With the construction of the facilities and parking area, the total projected disturbance area will be less than 1.0 acre.

A review of the ATLAS database shows that the project area is located directly adjacent to the Sabine Pass Battleground State Historical Park. All construction activities will take place within a previously disturbed portion of the Sabine Pass Port Authority complex. There are no known archeological resources in the project area. During discussions with your staff regarding the proposed Undertaking, including both Brett Cruse and Ed Baker, it was determined that there were no concerns about the potential for this site to contain previously unknown archeological

Mark S. Wolfe
October 14, 2010
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resources. Therefore, FEMA has determined that there will be No Effect to Historic Properties due to the proposed undertaking and we request your concurrence with this finding.

Your prompt review of this project is greatly appreciated. Should you need additional information please contact Amy Barnes, Historic Specialist at (940) 383-7260.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Jaynes", with a long horizontal flourish extending to the right.

Kevin Jaynes, CHMM
Regional Environmental Officer
FEMA Region VI

Enclosures



**Exhibit B
REVISED SITE PLAN**

Jefferson County
Regional Marine Security Center
Environmental and Historic Preservation
Screening Memo

September 23, 2010



LEAP Engineering, LLC
323 Tremont
Galveston, TX 77550

TEXAS HISTORICAL COMMISSION

real places telling real stories

RECEIVED FRC MAIL ROOM
FEMA, REGION VI

November 17, 2010

2010 NOV 22 P 4: 17

Kevin Jaynes, CHMM
Regional Environmental Officer
FEMA Region VI
800 N. Loop 288
Denton, TX 76209-3698

Re: *Project review under Section 106 of the National Historic Preservation Act of 1966,
Jefferson County Regional Marine Security Center, Construction of a New Facility, Sabine Pass,
Jefferson County, FEMA Grant #2009-PU-R1-0410 (FEMA/106)*

Dear Mr. Jaynes:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Linda Henderson and Kelly Little, has completed its review of the information submitted for this project, received on October 19, 2010. It is our understanding that your agency will provide funding for the construction of a new Regional Marine Security Center within the Sabine Pass Port Authority complex. The proposed undertaking includes construction of a new marine security building with a paved parking area, improvements to existing boat slips, construction of a new covered dock with seven in-water slips and finger piers, and new security fencing and entry gate. As noted in your letter, the project area is located directly adjacent to the Sabine Pass Battleground State Historical Park. Staff has determined that the Sabine Pass Battleground is **ELIGIBLE** for listing in the National Register of Historic Places. The proposed new construction would have a visual effect on the adjacent battlefield; therefore we cannot concur with your agency's determination of No Effect to Historic Properties. However, given the pre-existing buildings and structures around the proposed site, we have determined that visual effects from the proposed project will be minimal and would have **NO ADVERSE EFFECT** on the National Register-eligible battleground. Work may proceed without further coordination with our office.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Kelly Little at 512/463-7687.**

Sincerely,


Kelly Little, Project Reviewer
for: Mark Wolfe, State Historic Preservation Officer

MW/kl

cc: Ron Ellington, Chair, Jefferson County Historical Commission

