

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)  
FINDING OF NO SIGNIFICANT IMPACT (FONSI)  
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**

**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 Tiered Site-Specific Environmental Assessment (SEA) to assess the environmental impacts that might result from the construction of the Regional Marine Security Center within the Sabine Pass Port Authority complex in Sabine Pass, Jefferson County, Texas (Latitude: 29.73635, Longitude: -93.88345), that is proposed by Jefferson County, Texas, under application number 2009-PU-R1-0410 of the Port Security Grant Program, American Recovery and Reinvestment Act. FEMA provides funds under this program for activities which help to enhance the security and safety of ports in the United States.

This SEA was tiered from, and incorporates by reference, the findings of the *Final Programmatic Environmental Assessment (PEA) for Grant Programs Directorate Programs* dated July 2010, including the Finding of No Significant Impacts (FONSI) for the PEA which was issued on July 7, 2010. The SEA focused on the area of concern that required additional analysis and was beyond the scope of the PEA. FEMA found that all environmental areas of concern are accounted for in the PEA with the exception of floodplain impacts.

FEMA determined that the site of the proposed Regional Marine Security Center is located in a 100-year floodplain, Zone V15 (EL 13), as depicted on FIRM Community Panel 4854990070F, effective date May 4, 1992. 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.

Two project alternatives were considered in the SEA: 1) No Action and 2) Proposed Action Alternative. 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 includes the construction of a 3,200 square foot marine security building and an unpaved parking area on the site. An existing boat slip would be improved by replacing the current wood bulkheads with steel. Additionally, a covered dock with seven (7) in-water slips and finger piers would be constructed, complete with lifts and shore power stations. The new facilities would 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 would be less than 1.0 acre.

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.

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.

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.

FEMA completed the 8-step decision-making process and determined that the Proposed Action Alternative meets the requirements of 44 CFR 9.11(d) that maintains there shall be no construction in the coastal high hazard area (V Zone) except for a functionally dependent use or use that facilitates open space.

A public notice was posted in The Port Arthur News and on FEMA's website (<http://www.fema.gov/plan/chp/envdocuments/ea-region6.shtm>) on April 13, 2011. Additionally, the draft SEA was available for review for a period of 15 days at the Sabine Pass Post Office, at the FEMA website, and electronically upon request. The public was invited to comment on the proposed action and the draft SEA. No comments were received from the public during the 15-day comment period.

## **CONDITIONS**

Actions under this SEA and FONSI must meet the following conditions, in addition to the conditions outlined in the PEA FONSI, dated July 7, 2010. Failure to comply with these conditions would make the FONSI determinations inapplicable for the project and could jeopardize the receipt of FEMA funding.

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.

## **FINDING**

Based upon the information contained in the final SEA, the potential impacts resulting from the proposed project analyzed in the SEA, 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.

**APPROVAL**

  
\_\_\_\_\_  
Kevin Jaynes, CHMM  
Regional Environmental Officer  
FEMA Region 6

Date 5/2/11

*for*   
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Tony Russell  
Regional Administrator  
FEMA Region 6

Date 5-3-11