

Draft Tiered Site-Specific Environmental Assessment

Port of Orange Camera Towers Orange County, Texas

Port Security Grant Program
American Recovery and Reinvestment Act
Project # 2009-PU-R1-0225

June 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 the Federal Emergency Management Agency (FEMA), Subpart B, Agency Implementing Procedures, Part 10.9, a Programmatic Environmental Assessment (PEA) for Grant Programs Directorate Programs was prepared and a Finding of No Significant Impacts (FONSI) was issued in July 2010 (Appendix B), 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.

Orange County Navigation & Port District; doing business as the Port of Orange, is an independent special district created by the Texas State Legislature in 1953. The Port of Orange is a county-wide Port Authority governed by a five (5) member elected Board of Commissioners.

The Port of Orange is a deep-water port, open to the Gulf of Mexico. It is accessed through Sabine Pass and a 25-foot channel through Sabine Lake. The Port of Orange is primarily a layberth facility (a berth used by a vessel for an extended period of time) supporting ship repair, activation/deactivation, out-porting of vessels, and long-term layups; and a landlord port supporting leased warehouse and industrial facilities.

Through the Base Realignment and Closure process, the Port of Orange acquired the Orange Naval Reserve Center which includes a 500-foot berthing pier on the Sabine River. Historically the U.S. Navy owned and operated the berthing pier, office building and numerous warehouses which are now a part of the Port of Orange's Pier Road Terminal. Approximately 100 days each year, the Navy of Mexico vessels dock at the Pier Road Terminal pier.

II. Purpose and Need

Orange County Navigation & Port District; doing business as Port of Orange has applied for Port Security Grant Program, American Recovery and Reinvestment Act program funding under application number 2009-PU-R1-0225. The purpose of this program is to provide for activities which help to enhance the security and safety of ports in the United States.

The Port of Orange needs to upgrade the existing waterfront security measures to meet current Homeland Security requirements to better monitor port activities and prevent the unlawful entry of terrorists into the U.S. While docked at the Pier Road Terminal berthing pier, Navy of Mexico crew members are granted shore leave. A service company employed by the Navy of Mexico to receive and store cargo, leases Port of Orange owned Pier Road Terminal warehouses. These are areas of concern for the Port of Orange, U.S. Coast Guard, U.S. Department of Customs, Drug Enforcement Administration, Federal Bureau of Investigation, and Joint Terrorism Task Force due to the possibility of stowaway terrorists entering the country illegally and the potential smuggling of contraband including weapons of mass destruction.

III. Alternatives

Two project alternatives are proposed in this SEA: 1) No Action and 2) Proposed Action Alternative- Installation of Security Enhancements at the Port of Orange.

Under the No Action Alternative, no changes would be made to the existing security at the Port of Orange. As a result of this alternative, the region would continue to lack prevention, detection and surveillance capabilities to monitor activities that have potential security risk. The activities at the Port of Orange Pier Road Terminal would continue to be a concern for the Port of Orange, U.S. Coast Guard, U.S. Department of Customs, Drug Enforcement Administration, Federal Bureau of Investigation, and Joint Terrorism Task Force due to the possibility of stowaway terrorists entering the country illegally and the potential smuggling of contraband including weapons of mass destruction.

The Port of Orange proposes to enhance maritime domain awareness through the installation of security enhancement fencing along the waterfront; and the installation of detection and surveillance equipment to adequately monitor warehousing and berthing activities. The Pier Road Terminal detection system will be an extension of Port of Orange's current surveillance system and will be monitored by security officers who are stationed 24 hours a day at the Port of Orange. The maritime community, including the U.S. Coast Guard and law enforcement agencies, will have the ability to utilize Pier Road Terminal surveillance cameras.

The Proposed Action Alternative is the security enhancement installation of 2,897 linear feet of perimeter fencing along the existing roadway of the facility. This will involve adding eight 14-foot utility poles set 42 inches deep, one 10-foot utility pole set 42 inches deep, and three 30-foot x 18-inch triangular free-standing towers with 5 ½-foot square concrete foundations. A 30-inch deep by 12-inch wide conduit trench will be located within 3 feet of fence line. The trench will run the length of the new fence from the furthest southern pole along the existing roadway, to the furthest northern pole. Existing electrical utilities will be utilized. All proposed ground disturbance will occur within the previously disturbed area. The Port of Orange is located adjacent to the Sabine River in Orange County (Latitude: 30.09874, Longitude: -93.72153) (Appendix A).

The security enhancements also involve installing security cameras on top of self-supporting towers. Additional cameras will be mounted to the exterior of an existing on-site building. The cameras will be installed on the side of the building by mounting a vertical base plate to the exterior of the building.

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>. Environmental impacts are not anticipated to occur as a result of the No Action Alternative. Therefore, only the environmental impacts associated with the Proposed Action Alternative were evaluated in this Environmental Assessment.

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 1-1 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 AE and the floodway, as depicted on FIRM Community Panels 4805120010C and 4805120020C, both with the effective date June 5, 1997 (Appendix A). The City of Orange Floodplain Administrator has indicated that the site is within the floodplain, but not in the floodway (Appendix C). 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.

Table 1-1. 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) there would be no adverse effect to historic properties due to the camera installation and no historic properties affected due to the fencing installation under the Proposed Action Alternative. In response to a letter submitted by FEMA dated January 5, 2011, the State Historic Preservation Office (Texas Historical Commission) indicated on January 20, 2011 that No Historic Properties Affected, Project May Proceed (Appendix C).
Endangered and threatened species and critical habitat	No effects.	No effects.
Migratory birds	No effects.	No effects.
Water quality	No effects.	No effects.
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.

Step 3 is to identify and evaluate practicable alternatives to locating the proposed project in the floodplain, including alternative sites outside of the floodplain. The Port of Orange is water dependent and must be located adjacent to the Sabine River. The Port of Orange is an existing facility and in order to enhance security at that facility, the Proposed Action Alternative must take place in the floodplain where the port is already located. Therefore no practicable alternative outside of the floodplain exists.

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 Port Orange security enhancements in the floodplain could potentially increase the risk of structural damage due to high velocity riverine currents during flood events. 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. It is not anticipated that the Proposed Action Alternative will encourage additional development or occupancy of the floodplain.

Step 5 is to develop measures to minimize the impacts and restore and preserve the floodplain. In order to reduce the impact identified in Step 4 of riverine flooding on the proposed project, the security enhancement systems has been designed and will be constructed to allow elevated National Electrical Manufacturers Association (NEMA) boxes to house controls and switches necessary to operate the security cameras. These boxes and the mounts will be installed on treated telephone type poles or on steel towers anchored to a concrete base so that in the event of a flood, all major components will be safe and secure above the water. All cable and fiber will be safe and secure in-ground in conduit. The project has been engineered so that the installation of in-ground conduits and perimeter fencing will not disturb the existing levee. There will not be any exposed wire or fiber and the design has been made and will be installed in such a way that will not include typical patch panels used in this type of design. The controlling DVR is located well above potential flood damage. In addition, the City of Orange Floodplain Administrator has indicated in a letter dated April 11, 2011, that there are no issues regarding the fencing and security camera towers proposed for the Port of Orange (Appendix C). All coordination pertaining to these activities and compliance with any permit conditions must be documented and copies forwarded to FEMA for inclusion in the permanent project files.

Step 6 is to determine whether the proposed action is practicable and to reevaluate alternatives. Per the discussion above, including (1) elevating electrical security enhancements to mitigate flood risk to the security equipment and (2) the need to locate the security facilities adjacent to the Sabine River due to water dependence; the Proposed Action Alternative is the only practicable alternative.

Step 7 requires that the public be provided with an explanation of any final decision that the floodplain is the only practicable alternative. In accordance with 44 CFR §9.12, the Port of Orange must prepare and provide a final notice 15 days prior to the start of construction activities. Documentation of the final public notice is to be forwarded to FEMA for inclusion in the permanent project files.

Step 8 is to review the implementation and post-implementation phases of the proposed action to ensure that the requirements stated in 44 CFR §9.11 are fully implemented. Regulations given in 44 CFR §9.11 (d), maintain that there shall be no new construction or substantial improvements in the floodway area except for a functionally dependent use or a structure or facility which facilitates or open space use. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. FEMA has determined that the Port of Orange must be located in close proximity to water because it serves as port. Therefore, location the Proposed Action Alternative in the floodway is in compliance with 44 CFR §9.11 (d) because it represents a functionally dependent use.

V. Mitigation

1. Significant change, addition, and/or supplement to the approved scope of work which alters the existing use and function of the structure, including additional work not funded by FEMA but performed substantially at the same time, will require re-submission of the application prior to construction to FEMA for re-evaluation under the National Environmental Policy Act.
2. 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.
3. The Port of Orange must comply with all permit conditions and conditions required by the local floodplain management ordinance for this project. A copy of the permit and documentation of compliance with permit conditions will be forwarded to FEMA for inclusion in the permanent project file.
4. In accordance with 44 CFR §9.12, The Port of Orange 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, The Port of Orange 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 B).

VI. Agencies Consulted

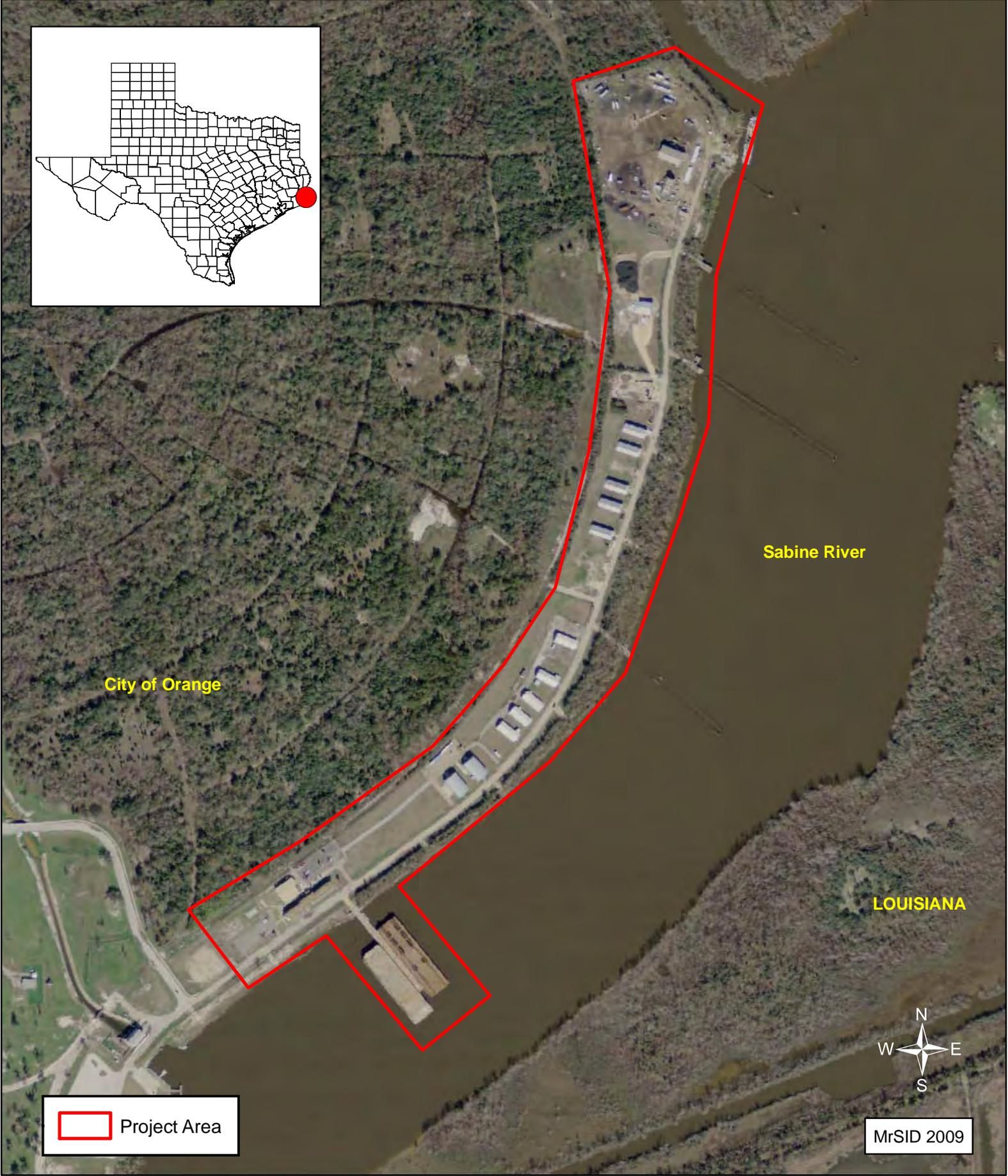
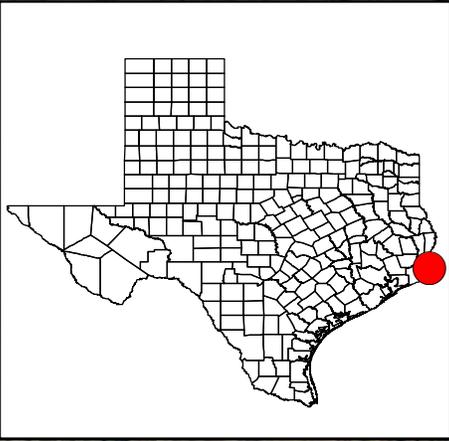
- Texas State Historic Preservation Office
- City of Orange Floodplain Administrator

VII. List of Preparers

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

Appendix A

Figures and Photographs



City of Orange

Sabine River

LOUISIANA

 Project Area



MrSID 2009

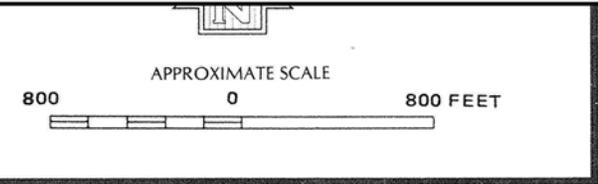
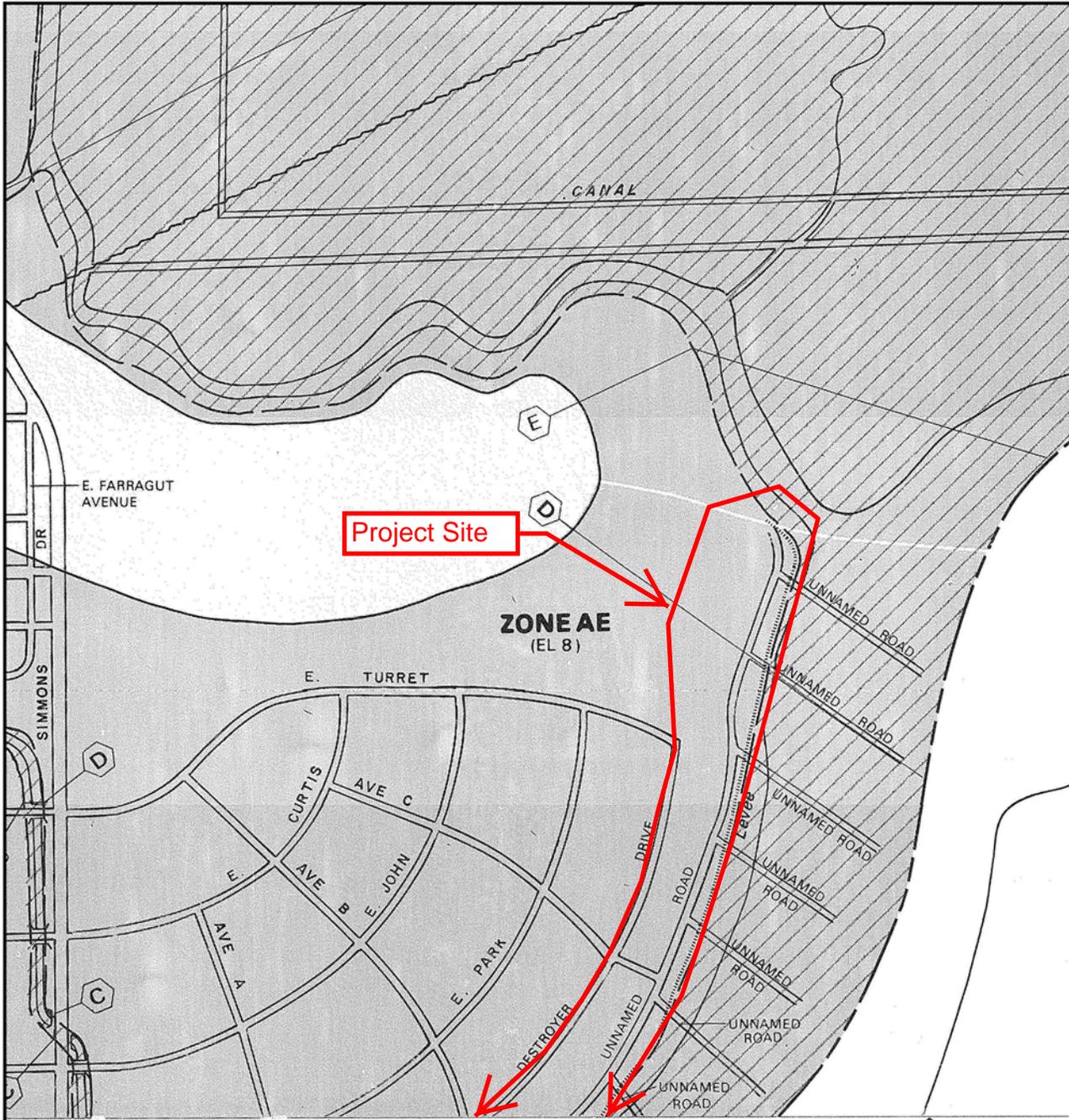
**Exhibit A
VICINITY MAP**

Orange County Navigation and Port District
Environmental Planning and Historic Preservation
Screening Memo
American Recovery and Reinvestment Act
Port Security Grant Program

May 5, 2010



LEAP Engineering, LLC
323 Tremont
Galveston, Texas 77550



NATIONAL FLOOD INSURANCE PROGRAM

**FIRM
FLOOD INSURANCE RATE MAP**

**CITY OF
ORANGE, TEXAS
ORANGE COUNTY**

PANEL 10 OF 20
(SEE MAP INDEX FOR PANELS NOT PRINTED)

**COMMUNITY-PANEL NUMBER
480512 0010 C**

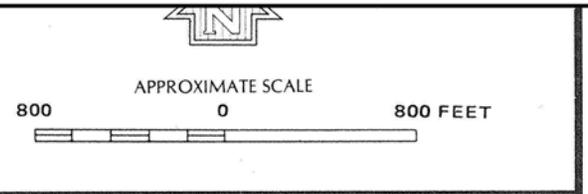
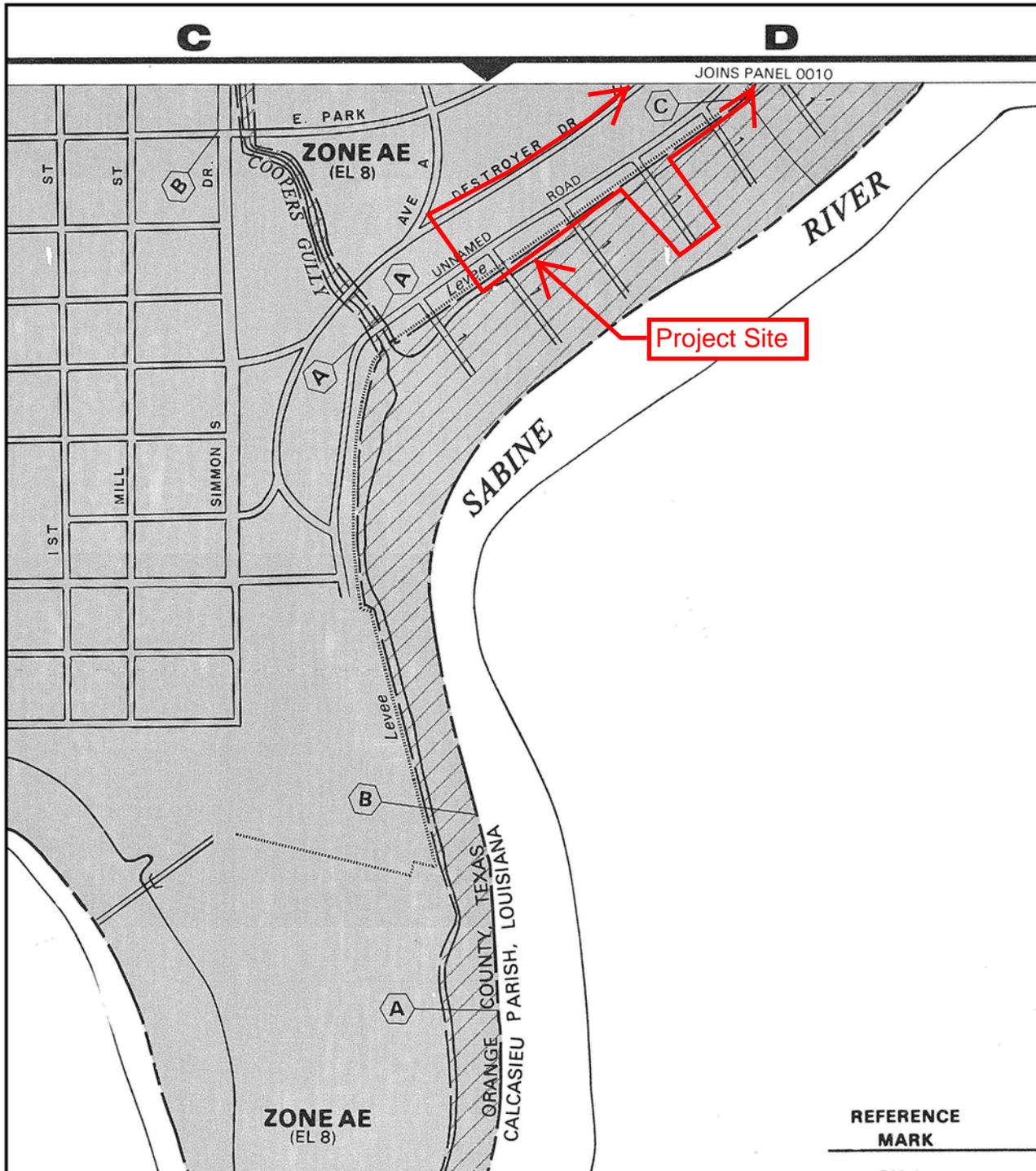
**MAP REVISED:
JUNE 5, 1997**



Federal Emergency Management Agency

JOINS PANEL 0020

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

CITY OF
ORANGE, TEXAS
ORANGE COUNTY

PANEL 20 OF 20
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
480512 0020 C

MAP REVISED:
JUNE 5, 1997



Federal Emergency Management Agency

REFERENCE
MARK

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Appendix B

Finding of No Significant Impact (FONSI)

For

**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

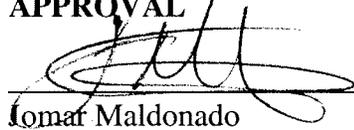
Actions under this PEA and FONSI must meet the following conditions. Failure to comply with these conditions would make the FONSI determination inapplicable for the project and could jeopardize the receipt of FEMA funding.

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

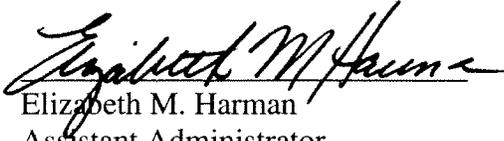
Based upon the information contained in the Final PEA, the potential impacts resulting from the seven project types analyzed in the PEA, and in accordance with FEMA's regulations at 44 CFR Part 10 and Executive Orders 11988 (Floodplain Management), 11990 (Protection of Wetlands), and 12898 (Environmental 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 C
Agency Consultation

RECEIVED

JAN 10 2011

History Programs Division

U. S. Department of Homeland Security
FEMA Region 6
800 North Loop 288
Denton, TX 76209-3698



FEMA

January 5, 2010

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

JAN 10 2011

RE: Section 106 Review Consultation
Request for Concurrence with Finding of "No Effect to Historic Resources"
Pier Road Security Enhancement, Orange County Navigation and Port District (Port of
Orange), Orange, Orange County, Texas
Latitude: 30.09866, Longitude: -93.72153
Applicant: Orange County Navigation & Port District (Port of Orange)

Dear Mr. Wolfe:

The Federal Emergency Management Agency (FEMA) proposes to provide funds to the Orange County Navigation and Port District (Applicant) under Section 601 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. FEMA grants funds under the Homeland Security Grant Program for activities which help to improve security and reduce security risks to United States ports.

FEMA is initiating consultation for the above referenced property in accordance with 36 CFR 800. It is proposed that federal funding through FEMA's Grants Program Directorate program be provided to the Applicant for installation of security cameras and perimeter fencing with utility trenching.

The proposed project includes installing 2,897 linear feet of perimeter fencing along the existing roadway of the facility. This will be done by adding eight 14-ft utility poles set 42 inches deep, one 10-ft utility pole set 42 inches deep, and three 30-ft x 18 inch triangular free-standing towers with 5'6" square concrete foundations. A 30 inch deep by 12 inch wide conduit trench will be located within 3 feet of fence line. The trench will run the length of the new fence from the furthest southern pole along the existing roadway, to the furthest northern pole. A 3 inch deep layer of stabilizing sand will be laid on the bottom of the trench for the conduits. Once the conduits are laid they will be covered with another 6 inches of stabilizing sand then the trench will be packed with existing fill. Existing electrical utilities will be utilized. Proposed ground disturbance will occur within the previously disturbed area.

The Applicant also proposes to purchase and install security cameras on top of the three 30-ft steel self-supporting towers, eight 14-ft treated utility poles, and one 10-ft treated utility pole install with the fencing. Three cameras will also be mounted to the exterior of an existing building. That structure was built in 1957. The cameras will be installed on the side of the building by mounting a vertical base plate to the exterior of the building. Four holes will be drilled into the concrete and anchors will be used to secure the bracket to the wall. The cameras will attach to the horizontal base plate and will be secured with stainless steel bolts.

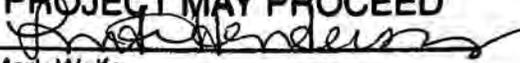
A review of the Texas Historic Sites Atlas (ATLAS) on January 4, 2011 shows the proposed Undertaking is within an area previously surveyed area in 2003. While the survey was not available in ATLAS, no sites appear to have been recorded in the project area. This area was previously owned and operated by the US Navy and was used as a berthing pier with numerous warehouses which are now part of the Port of Orange's Pier Road Terminal. It is a commercial property with parking lots, driveways, walkways & fencing. The area has been previously disturbed.

FEMA has determined that the Port of Orange is not located within a National Register of Historic Places listed or eligible district. While the existing structure, built in 1957, may have the potential to be eligible for the National Register of Historic Places, FEMA has determined, based on the method of installation, there will be **No Adverse Effect** to historic properties due to the proposed undertaking (security camera installation).

The proposed undertaking (fence installation and utility trenching) will be within previously disturbed areas with no known resources. Therefore, FEMA has determined that there will be **No Historic Properties Affected** due to the proposed undertaking and we request your concurrence with this finding.

Should you need additional information please contact Leah Anderson, Deputy Regional Environmental Officer, at (940) 383-7288.

Sincerely,

**NO HISTORIC
PROPERTIES AFFECTED
PROJECT MAY PROCEED**
by 
for Mark Wolfe
State Historic Preservation Officer
Date 20 January 2011

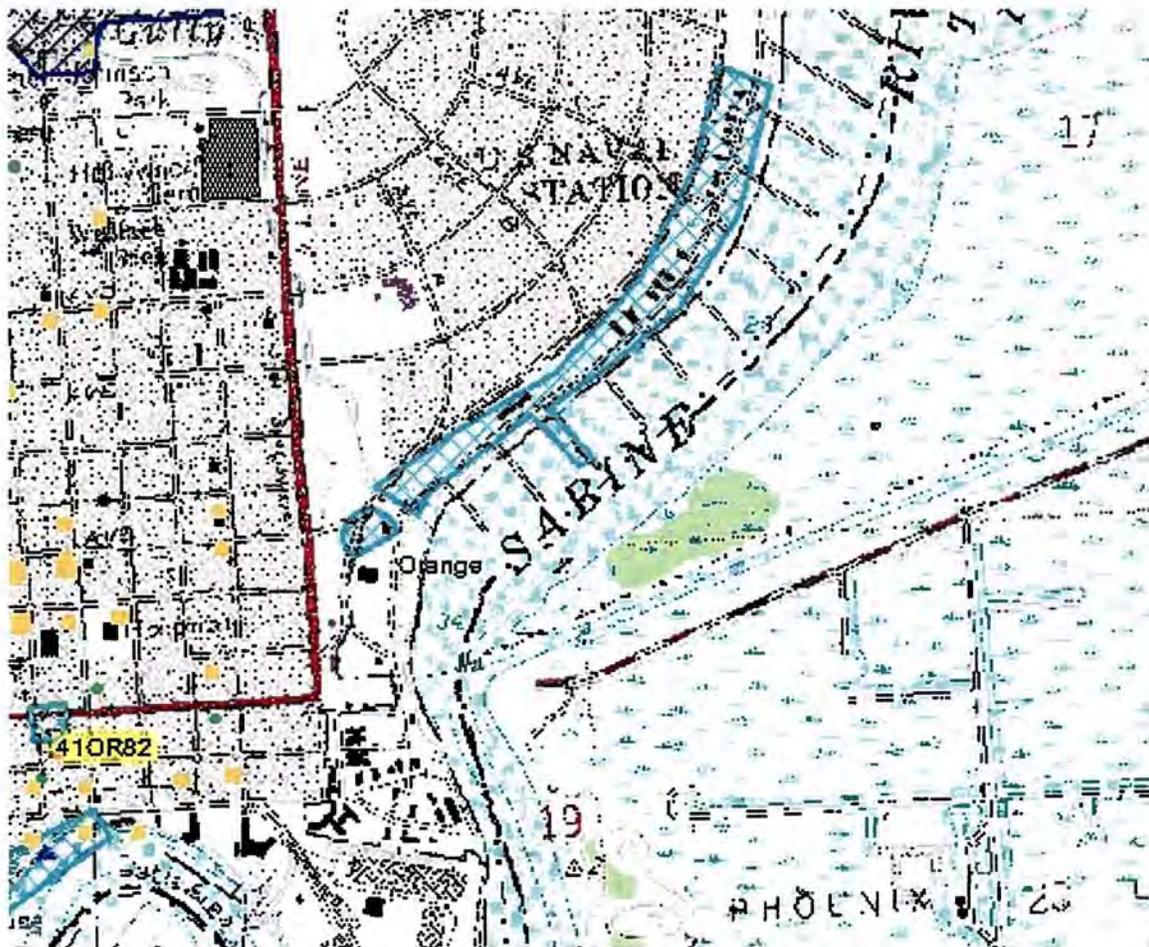

Kevin Jaynes, CHMM
Regional Environmental Officer
FEMA Region VI

Enclosures

U.S. Department of Homeland Security
Federal Emergency Management Agency
Section 106 Review: USGS Quad Location Map

Resource Name: Orange County Navigation and Port District (Port of Orange)

Resource Coordinates: Latitude: 30.09866, Longitude: -93.72153





CITY OF ORANGE
PLANNING AND COMMUNITY DEVELOPMENT

303 N. 8th Street
P.O. Box 520
Orange, Texas 77631
(409) 883.1070 | (409) 883.1034

April 11, 2011

Ms. Phillis Yeats
Port of Orange
PO box 2410
Orange, Texas 77631

RE: CONSTRUCTION ALONG PIER ROAD

The City of Orange does not have an issue with the Port installing 3,000 feet of chain link fence and fourteen (14) poles for security cameras' along Pier Road. This area is in the flood plain, but not in the flood way.

Should you have any questions or require additional information pertaining to the above, please feel free to call our office at (409) 988-7399.

Sincerely,

A handwritten signature in black ink that reads "Tom Reynolds".

Tom Reynolds, Building Official
City of Orange

TR/tc