

Draft Tiered Site-Specific Environmental Assessment

Port Security Operations Center Brownsville, Texas

Port Security Grant Program
Project # 2009-PU-T9-0124 IJ 2

October 2011



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 Programs 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 with 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

Rio Grande Valley Security Cooperative/Port of Brownsville has applied for Port Security Grant Program funding under application number 2009-PU-T9-0124 II 2. The purpose of this program is to provide for activities which help to enhance the security and safety of ports in the United States.

Rio Grande Valley Security Cooperative/Port in Brownsville, Texas needs to improve the ability to adequately protect one of the nation's most critical ports.

III. Alternatives

Two project alternatives are proposed in this SEA: 1) No Action and 2) Preferred Action Alternative- Construction of a Port Security Operations Center.

Under the No Action Alternative, the proposed Port Security Operations Center would not be constructed. As a result of this alternative, Port of Brownsville would not have adequate facilities for the security department / police department. The U.S. Coast Guard would also not have adequate facilities to defend their personnel and equipment from criminal activity.

The Preferred Action Alternative is the construction of a Port Security Operations Center that would include a new access road and training center. The building will house the Port's security department as well as the U.S. Coast Guard. It will provide a secure area to store security vehicles and equipment as well as provide a meeting / training place for regional security personnel. The building will also serve as an Incident Command Post as needed during response activities. The proposed site is located at 2993 Farm to Market 511, Brownsville, TX, 78521 (Latitude: 25.95046, Longitude -97.41003).

An existing building, approximately 8,800 square feet in size, would be renovated into the proposed operations center. The proposed new access road will connect the proposed operations center to an existing guard facility. It will be approximately 250 feet long and will be aligned between the coordinates 25.950673/ -97.409464 and 25.951450/ -97.409253. The road will have

limited use and will be constructed with gravel or crushed limestone to facilitate surface water infiltration.

The design of the new Port Security Operations Center will address current security deficiencies and will facilitate response activities for the Port of Brownsville and the U.S. Coast Guard.

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.

Table 1: Summary of Other Environmental Areas of Concern

Area of Concern	No Action	Preferred Action
Historic properties	No effects.	FEMA made the determination of No Historic Properties Affected by the installation of the operations center and new road because there are no identified archaeological resources located within the project parcel. It is unlikely that any intact resources would be identified due to the substantially disturbed nature of the parcel. No buildings over 45-years of age. In response to a letter submitted by FEMA dated June 23, 2011, the State Historic Preservation Office (Texas Historical Commission) indicated on July 7, 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.	Low income and minority populations are near project area. However, the proposed site improvements are anticipated to have beneficial impacts to the community.

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 Preferred Action Alternative is located within an A8 zone, an area of 100-year flooding (areas subject to a 1% or greater chance of flooding), as depicted on FIRM Community Panel 4801010350 B, effective date September 15, 1983 (Appendix A). 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. The Port of Brownsville does not have access to any land outside of the A8 Zone (The A Zone is defined as areas of 100-year flood; base flood elevations (BFE) and flood hazard factors determined. In the case of A8, the BFE is 8 feet). All adjacent parcels are commercially and privately owned. The only remaining land available to the Port of Brownsville for the construction of a new Port Security Operations Center is located within the A Zone. 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. 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 Port Security Operations Center will house the Port's security department as well as the U.S. Coast Guard. It will provide a secure area to store security vehicles and equipment as well as provide a meeting / training place for regional security personnel. The building will also serve as an Incident Command Post as needed during response activities. The current project site is already developed and it is not anticipated that the Proposed Action Alternative will encourage future development in 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 flood hazards on the proposed new structures, the Port Security Operations Center will be designed to be compliant with FEMA recommendations for construction in flood hazard areas. Port of Brownsville will incorporate into the design necessary mitigation efforts for building within a 100-year floodplain. Also, the proposed road will be constructed with gravel or crushed limestone to facilitate surface water infiltration.

Step 6 is to determine whether the proposed action is practicable and to reevaluate alternatives. Per the discussion above, regarding that the proposed site will be appropriately designed for the 100-year floodplain, and the unavailability of a suitable location outside of the floodplain, 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. Port of Brownsville will issue a public notice in the regional newspaper. In accordance with 44 CFR §9.12, Port of Brownsville must also prepare and provide a final public notice 15 days prior to the start of construction activities. Documentation of the public notices are 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)(3), maintain that there shall be no new construction or substantial improvement of structures unless the lowest floor of the structure (including the basement) is at or above the level of the 100-year flood. Port of Brownsville will incorporate into the design necessary mitigation efforts for building within a 100-year flood plain.

As a result of this 8-step process, FEMA has determined that the Port of Brownsville Port Security Operations Center is in compliance with 44 CFR §9.6 because there are no practicable alternatives outside the 100-year floodplain.

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. Port of Brownsville must conclude the consultation 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.
3. In accordance with 44 CFR §9.12, Port of Brownsville 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, Port of Brownsville 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 (see Appendix C)

- Texas State Historic Preservation Office.

VII. Public Comment

The public was notified of the availability of the Draft SEA through the publication of a public notice on October 3, 2011 in Brownsville Herald. The Draft SEA document was also made available for public review on the FEMA's website at <http://www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm> and at the Cameron County Courthouse, 974 East Harrison Street, Brownsville, Texas 78520 between October 3, 2011 and October 21, 2011 during the hours of 8:00 AM to 5:00 PM Monday to Friday. The public

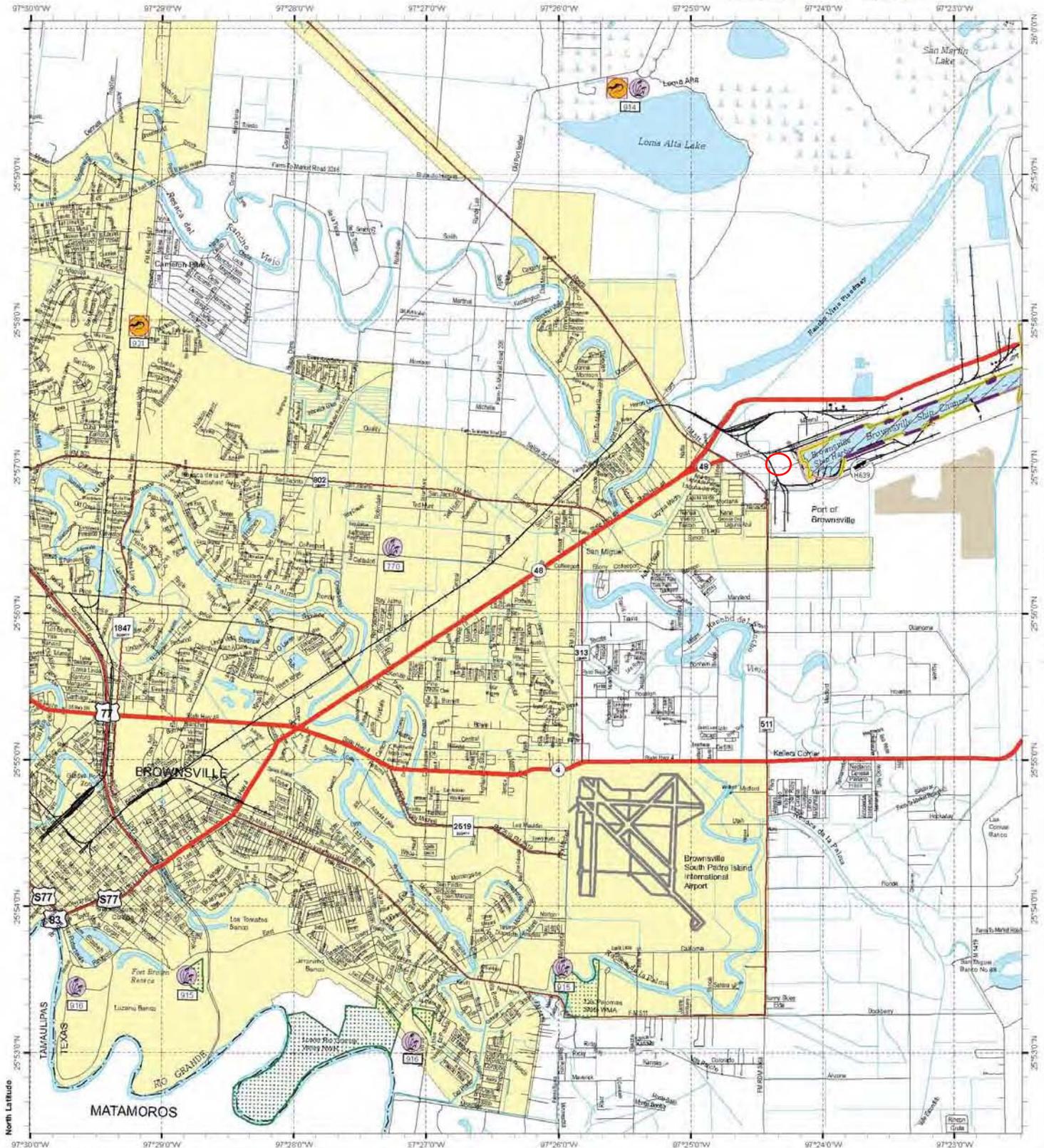
comment period will commence on the initial date of the public notice. FEMA will consider and respond to all public comments in the Final SEA.

VIII. List of Preparers

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

Appendix A

Figures and Photographs

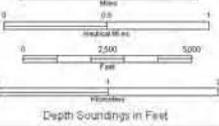


(PALMITO HILL, p.96)



Oil Spill Planning and Response Atlas
Lower Coast of Texas
Summer, 2008

The Texas General Land Office makes no representations or warranties regarding the accuracy or completeness of the information depicted on this map or the data from which it was produced. This map is not suitable for navigational purposes and does not purport to depict boundaries of private and public land.



PRIORITY PROTECTION AREA
 HIGH
 MEDIUM
 LOW

HUMAN-USE FEATURES

- Boat Ramps
- 10D - Mangrove Marsh
- 10C - Freshwater Swamps
- 10B - Freshwater Marshes
- 10A - Salt and Brackish Marshes
- 9 - Sheltered Tidal Flats
- 8C - Sheltered Scarps
- 8D - Sheltered Rocky/Kerst Chores
- 8B - Sheltered Riprap Structures
- 8A - Sheltered Solid Manned Structures
- 7 - Exposed Tidal Flats

ENVIRONMENTAL SENSITIVITY INDEX

- 6B - Exposed Riprap Structures
- 6A - Gravel or Shell Beaches
- 5 - Mixed Sand and Gravel or Shell Beaches
- 4 - Coarse-grained Sand Beaches
- 3B - Scarps and Steep Slopes in Sand
- 3A - Fine-Grained Sand Beaches
- 2D - Wave-cut Clay Platforms
- 2A - Scarps and Steep Slopes in Clay
- 1 - Exposed Walts and Other Solid Structures

- State Parks/MMA
- Wildlife Refuges
- Counties
- Municipal



Project Location

DONALD L. FOUST ROAD

Main Port Entrance

MILO ROAD

Proposed Restricted Area

Proposed Road Location

Proposed Port Security Operations Center

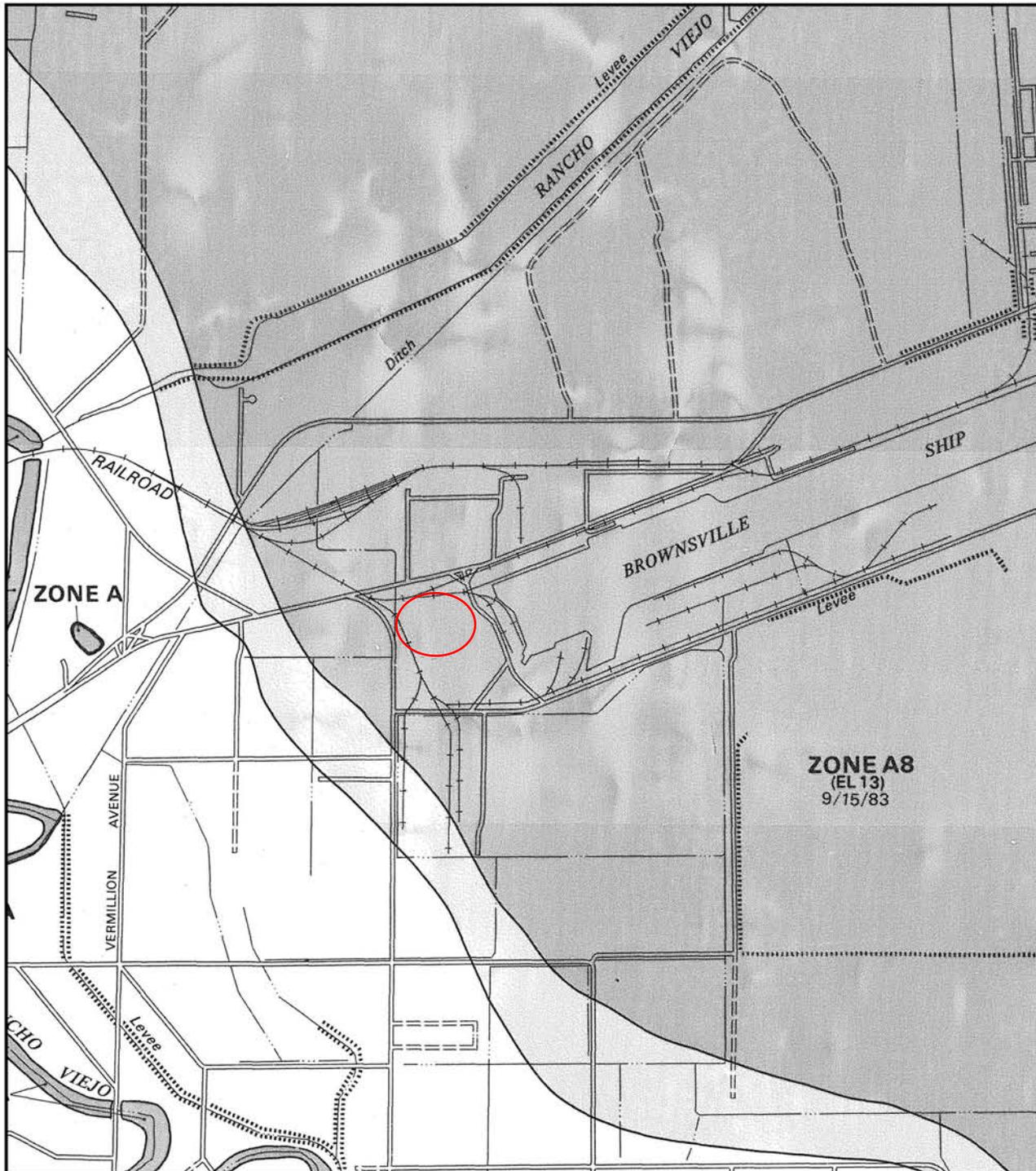
F.M. 511



Proposed Security Access Road

Please note that the RED line identifies the project path on the road. Estimated length, as presented below is approximately 250 linear feet.





APPROXIMATE SCALE

2000 0 2000 FEET

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

**CAMERON COUNTY,
TEXAS**
(UNINCORPORATED AREAS)

PANEL 350 OF 400



Proposed Project Location

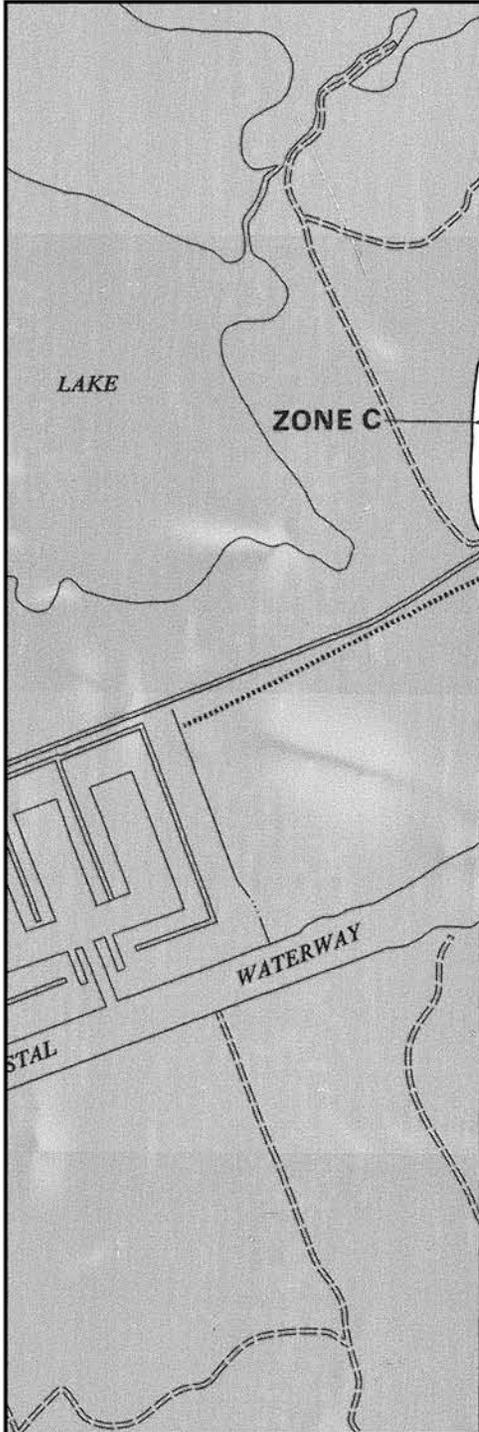
COMMUNITY-PANEL NUMBER
480101 0350 B

MAP REVISED:
SEPTEMBER 15, 1983



Federal Emergency Management Agency

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



Base Flood Elevation in Feet (EL 987)
 Where Uniform Within Zone**

Elevation Reference Mark RM7x

Zone D Boundary _____

River Mile •M1.5

**Referenced to the National Geodetic Vertical Datum of 1929

***EXPLANATION OF ZONE DESIGNATIONS**

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

NOTES TO USER

Certain areas not in the special flood hazard areas (zones A and V) may be protected by flood control structures.

This map is for flood insurance purposes only; it does not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.

For adjoining map panels, see separately printed Index To Map Panels.



APPROXIMATE SCALE

2000 0 2000 FEET

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

**CAMERON COUNTY,
 TEXAS**
 (UNINCORPORATED AREAS)

PANEL 350 OF 400

COMMUNITY-PANEL NUMBER
480101 0350 B

MAP REVISED:
SEPTEMBER 15, 1983



Federal Emergency Management Agency

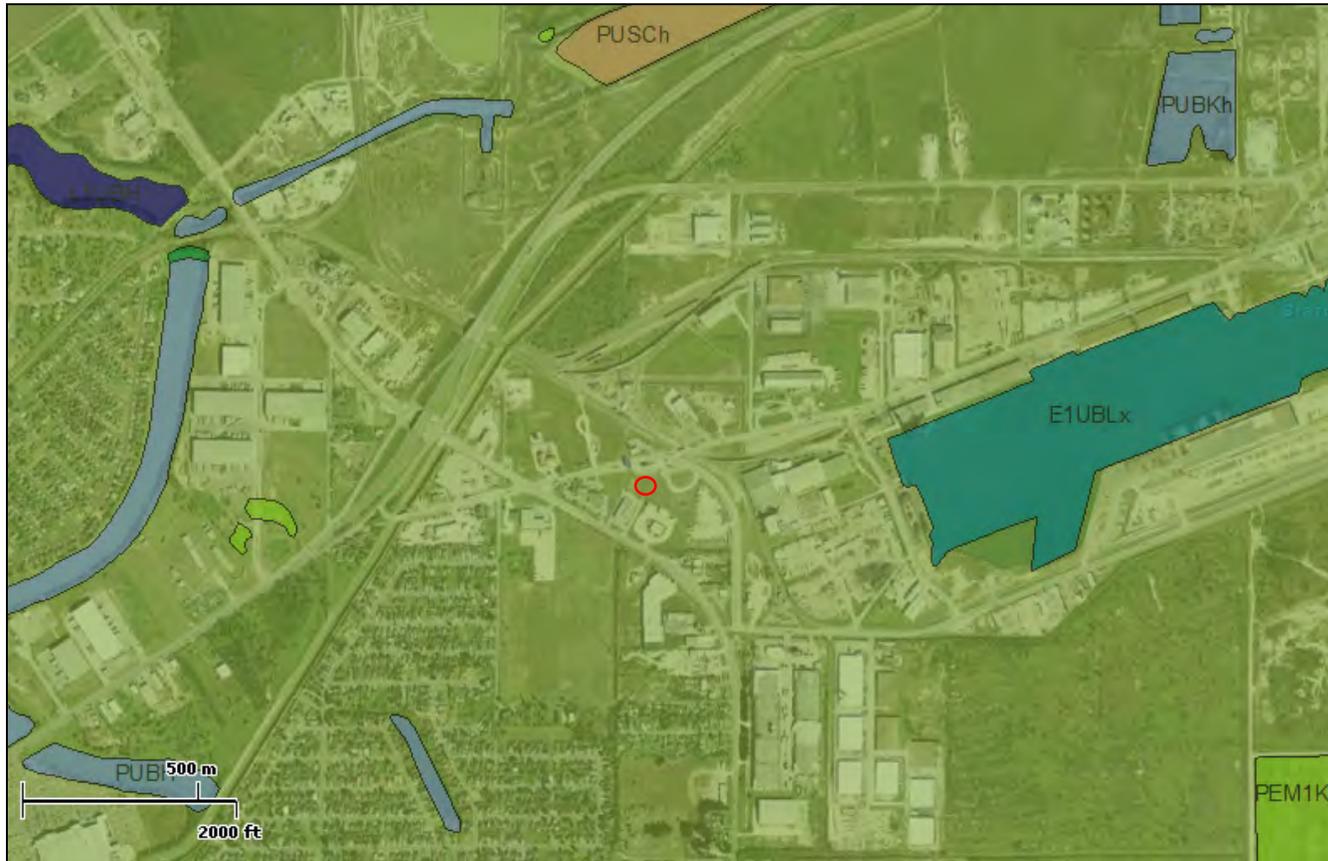
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U.S. Fish and Wildlife Service National Wetlands Inventory

Proposed Security Bu

Feb 8, 2011



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

Riparian

- Herbaceous
- Forested/Shrub

Status

- Digital
- Scan
- Non-Digital
- No Data

 approximate project site

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:
Proposed Security Bu

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

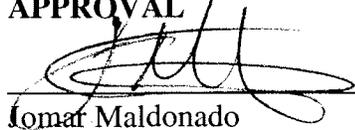
Actions under this PEA and FONSI must meet the following conditions. Failure to comply with these conditions would make the FONSI determination inapplicable for the project and could jeopardize the receipt of FEMA funding.

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

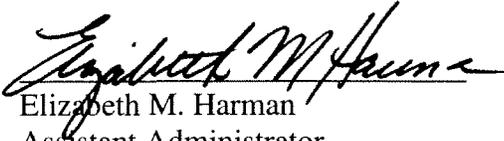
Based upon the information contained in the Final PEA, the potential impacts resulting from the seven project types analyzed in the PEA, and in accordance with FEMA's regulations at 44 CFR Part 10 and Executive Orders 11988 (Floodplain Management), 11990 (Protection of Wetlands), and 12898 (Environmental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

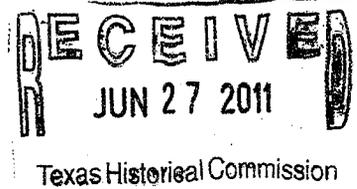
Date 7/6/10

Appendix C
Agency Consultation

U.S. Department of Homeland Security
Federal Emergency Management Agency
FEMA-1791-DR-TX
800 N Loop 288
Denton, Texas, 76309



FEMA



June 23, 2011

RECEIVED
FEMA REGION IV
JUL 15 P 12:43

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

NO HISTORIC
PROPERTIES AFFECTED
PROJECT MAY PROCEED
by *Mark Wolfe*
for Mark Wolfe
State Historic Preservation Officer
Date 7/2/11
Track#

RE: Section 106 Review for the Brownsville Port Security Operations Center, 2993 Farm to Market 511, Brownsville, TX, 78521, Grant Program Name: Port Security Grant Program, DHS Grant Award Number: 2009-PU-T9-0124 IJ 2.

Dear Mr. Wolfe,

The Grants Programs Directorate (GPD) of the Federal Emergency Management Agency (FEMA) is providing grant funding through the Port Security Grant Program to the Secretary of State's Office for the construction of a Port Security Operations Center that would include a new access road and training center (Undertaking). The building will house the Port's security department as well as the U.S. Coast Guard. It will provide a secure area to store security vehicles and equipment as well as provide a meeting / training place for regional security personnel. The building will also serve as an Incident Command Post as needed during response activities. FEMA has determined that this project constitutes an Undertaking and is initiating consultation under Section 106 of the National Historic Preservation Act.

An existing building, built in 1990, will be renovated into the proposed training center. The proposed training center will occupy the existing building's footprint of 8,800 square feet. The Port administrative building is located directly adjacent to the project area and was built in 1973. The proposed new access road will connect the proposed training center to an existing guard facility. It will be approximately 250 feet long and will be aligned between the coordinates 25.950673/ -97.409464 and 25.951450/ -97.409253. The project parcel was substantially disturbed during the initial construction of the existing facilities.

A cultural records file search in the Texas Historical Commission Archaeological Sites Atlas was conducted for known archaeological and historical sites. There are no known archaeological sites located on the parcel, nor are there any nearby properties listed as a Recorded Texas Historic Landmark, or individually listed on the National Register of Historic Places, nor as part of a designated historic district.

Mark Wolfe
June 23, 2011
Page 2

As there are no identified archaeological resources located within the project parcel, and no buildings over 45-years of old, and it is unlikely that any intact resources would be identified due to the substantially disturbed nature of the parcel, FEMA makes a determination of **No Historic Properties Affected** by the installation training center and new road. We request concurrence with this determination.

Your prompt review of this project is greatly appreciated. Should you need additional information please contact Ashley Bechtold, Historic Preservation Specialist at (940) 898-5361.

Sincerely,



Kevin Jaynes, CHMM
Regional Environmental Officer
FEMA Region VI

Enclosures
Aerial Map
Photographs