Tiered Site-Specific Environmental Assessment

Physical Enhancements D Docks, Port of South Whidbey, Langley, Island County, Washington

Port Security Grant Program
Project #: 2009-PU-T9-L044

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Federal Emergency Management Agency
Department of Homeland Security
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I. Background

The Port District of South Whidbey (Port) has applied for fiscal year 2009 funding assistance from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Port Security Grant Program (PSGP). The Marine Exchange of Puget Sound is the Fiduciary Agent for the PSGP for FEMA and this project. The Port proposes to use PSGP funds to partially expand the existing small boat harbor in Langley and purchase two marine response vessels. Other work that is not part of the federal action that may take place concurrently or is planned for the future includes removal of an abandoned wooden dock and expanding the harbor with additional docks to accommodate more recreational vessel moorage. The PSGP action does not depend on these other actions nor are they dependent on it being implemented.

In accordance with 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 Code of Federal Regulations (CFR) Parts 1500-1508; and 44 CFR Part 10, FEMA's NEPA implementing procedures; a Programmatic Environmental Assessment (PEA) for Grant Programs Directorate projects, which includes the PSGP, was prepared and a Finding of No Significant Impact (FONSI) issued in July 2010. The PEA and FONSI are available at: http://www.fema.gov/library/viewRecord.do?id=4143. This Tiered Site-Specific Environmental Assessment (SEA) is being prepared for the proposed harbor expansion in accordance with and to augment the July 2010 PEA. The focus of this Tiered SEA is on environmental or historic preservation resources requiring additional discussion or analysis because they are not adequately addressed in the PEA which is not site-specific.

II. Purpose and Need

The Port has applied for PSGP funding under application number 2009-PU-T9-L044. The purpose of the PSGP is to provide for activities which help to enhance the security and safety of ports in the United States. One of the purposes of the Port is to help support marine security or all hazards incident response around southern Whidbey Island as part of the South Whidbey Marine Security and Resiliency Consortium. The Consortium includes the Washington Department of Transportation Ferries Division, Island County, City of Langley, Port of Everett, Island County Fire District 3, and Island County Transit.

The Port has determined the current marine emergency response system in the vicinity is limited in its robustness, redundancy, and rapidity. Existing marine facilities may be damaged in a disaster thereby impacting their emergency function and response times, and the system's needed redundancy would be diminished. The Port has determined that the current emergency response vessel assets in the vicinity limit:

- the effectiveness of improvised explosive device detection, protection, deterrence, and response for high-risk Maritime Transportation Security Act regulated vessels and facilities;
- the capability to intercept and interdict a vessel about to be used as a weapon;
- the protection of passenger transportation facilities; and

- the ability to protect high-risk vessels during their transit around Puget Sound.

The small boat harbor at Langley, built in 1986, is strategically located for observation/surveillance and first-response and interdiction along the narrowest section of the Saratoga Passage. The Washington State Ferry terminals at Clinton and Mukilteo are located several miles to the south and southeast, and the Port of Everett and Naval Air Station Everett are located several miles to the east. Unfortunately, the existing facility constrains moorage for first-response vessels, including those that are proposed for purchase. Specifically, the harbor's size, water depths, and existing grant contract encumbrances preclude first-response vessel moorage. The lack of marine response capability in Langley may limit reasonable response times for high priority needs such as the Washington State Ferry run between Mukilteo and Clinton. Thus, the purpose of the proposed project is to enhance marine security and emergency response capabilities for the Consortium and around Southern Whidbey Island by mitigating strategic security risks.

III. Alternatives

Two project alternatives are evaluated in this draft SEA: 1) the No Action Alternative; and 2) the Proposed Action – physical enhancements of D dock and purchase of emergency response vessels. The Proposed Action herein is consistent with PEA Alternative 2: New Construction.

No Action Alternative

Under the No Action Alternative, the Port's harbor at Langley would continue to operate with its current moorage constraints. The Port would continue to assist marine emergency response and security services from alternate locations on Whidbey Island and with existing vessel assets. Marine emergency response capabilities would continue to be limited in robustness, redundancy, and rapidity in the action area.

Proposed Action

The Proposed Action includes purchase of two marine response vessels and physical enhancements to the harbor at Langley. The vessels include a 26 foot aluminum hull boat with an enclosed cabin and working bow, and a 30 foot aluminum catamaran landing craft with a walk around cabin and equipped for fire-fighting. Each of these vessels would be moored at the harbor and operated by the Island County Sheriff's Department or Fire Protection District #3. The small boat harbor is located at 228 Wharf Street in Langley on southeast Whidbey Island (Latitude 48° 02' 21.15" North, Longitude -122° 24' 11.69" West) (see Appendix A, location map). The harbor is mostly used by small recreational craft and includes a boat launch and moorage docks with 38 slips surrounded by a pile breakwater (see cover page photograph). Some commercial vessels use one of the docks. There is also a sunken tire breakwater and abandoned wooden pier in the project area, each proposed for removal as part of a larger harbor improvements project but not part of the PSGP action. The Port proposes to: 1) reposition and secure with steel H-piles and cables an existing 400 foot concrete floating breakwater, and 2) provide access to the dock with an 80 foot grated gangway (see Appendix B, Site Design). The dock infrastructure has been designed to meet coastal construction standards.

Alternatives Considered but Dismissed

The Port evaluated security risks and capability gaps through an Area Maritime Security Plan, including existing response capability, facility location, site conditions, and infrastructure conditions. Alternatives to mitigating identified gaps were considered and dismissed as part of that process. For instance, the Keystone Harbor located northwest of Langley on the west side of Whidbey Island was considered as another location for improvements and determined limiting because of water depths and currents from Admiralty Inlet.

IV. Affected Environmental and Potential Impacts – Floodplain and Wetlands

The environmental impacts associated with the No Action Alternative comport with those described in the July 2010 PEA, which is incorporated by reference, thus will not be further discussed in this SEA. Furthermore, review determined that the Proposed Action's effects to the full range of environmental/historic preservation resources are adequately addressed in the PEA, with the exception of floodplain impacts. The below narrative augments the PEA's discussion of floodplain and wetland actions, describing how the Proposed Action affects or is affected by the wetlands or the floodplain.

In compliance with FEMA regulations, 44 CFR Part 9, implementing Executive Order 11988, Floodplain Management, FEMA is required to carry out an eight-step decision-making process for actions that are proposed in floodplains or wetlands. Step 1 determines whether the project is located in a floodplain or wetland. The Proposed Action is located in a Zone V also called the Coastal High Hazard Area, as depicted on FEMA's Flood Insurance Rate Map Community Panel 53029C0342E, effective date February 2, 2007 (see Appendix C). According to the US Fish and Wildlife Service's National Wetland Inventory, there are estuarine and deep water marine wetlands present (see Appendix D). The presence of Eelgrass beds has also been confirmed in the action area.

Step 2 requires the public is notified of proposed floodplain and wetland actions and given opportunity to participate in the decision-making process. Initial public involvement regarding the floodplain action began in 2010 during public Port or Langley city council meetings. Also a Joint Public Notice for the US Army Corps of Engineers (USACE) and Washington Department of Ecology permit actions was published on November 5, 2010 (see Appendix E). A public notice about the proposed project and making this draft SEA available for comment is being published in the local newspaper providing a 15-day comment period (see Appendix D).

Step 3 requires identifying and evaluating practicable alternatives to locating a project in the floodplain or modifying a wetland, including alternative sites outside of the floodplain or wetland. In addition, FEMA's regulations prohibit funding new construction in a V zones unless it is a functionally dependent use. Alternatives are discussed in Section III. The Port selected the Langley harbor alternative because: 1) of its strategic location on southeast Whidbey Island and the Saratoga Passage, 2) its proximity to the Mukilteo/Clinton ferry run, Port of Everett, and Naval Air Station, and 3) the presence of an existing harbor facility that could be modified. Staff from the Island County Sheriff's Department and Fire District 3 would have ready and quick access to emergency response vessels that will be moored at the harbor. The proposed dock constitutes new construction and is in the V zone, a normally prohibited action (44 CFR Part

9.11(d)(1)). However, a dock cannot perform its intended purpose, moorage and water access, without being located in or in close proximity to water, including the V Zone or estuarine wetlands; thus this infrastructure is considered functionally dependent to the floodplain. Moreover, the effectiveness of marine emergency response and security functions depend on their close proximity to the marine service area. Accordingly, alternatives outside of the floodplain or affecting marine wetlands would be impractical and not serve the intent of a dock, nor the purpose and need described in Section II. Therefore practicable alternatives to the Proposed Action are precluded. The No Action alternative does not adequately meet the stated purpose and need.

Step 4 requires identifying impacts associated with occupancy and modification of floodplains or wetlands and support of floodplain development that could result from the Proposed Action. Because of its location in a V Zone, the dock is potentially at risk of inundation and structural damage due to hydrostatic and hydrodynamic forces caused by high velocity wave action and storm surge. Given the dock's floating deck design is consistent with coastal construction standards, the risk of damage up to a 100 year coastal storm event is low, however more severe events may cause damage. Additional federal investment, in the form of FEMA's Public Assistance Program or other federal disaster assistance, may be triggered in the event of storm damage to the dock infrastructure. Given the small scale of the floating dock and associated gangway within the Saratoga Passage, it is not expected to cause an increase in the base flood elevation nor should it increase the flood hazard potential to other nearby marine infrastructure. The project area shoreline is already developed with commercial and recreational uses; including the existing harbor and other docks facilities already present along the Langley shoreline. Thus, the Proposed Action is not expected to encourage future development in the floodplain. A survey of the Eelgrass beds in the project area has been completed and the floating dock will be positioned to avoid mapped Eelgrass beds.

Step 5 requires developing impact minimization measures and ways to restore and preserve the floodplain or wetlands. In order to reduce the potential flood damages identified in Step 4, the dock structure is designed to meet coastal construction standards. The dock is being secured with steel anchor piles, the concrete deck is a floating design, and the gangway is grated. The floating deck will allow the dock to rise and fall with water levels including the base flood. The dock is being positioned to avoid existing Eelgrass beds. Removal of the existing abandoned wooden pier, including creosote wooden piles, will enable creation of an Eelgrass recovery area near shore, providing further mitigation for estuarine wetland impacts and helping restoring some of the local aquatic ecosystem habitat functions.

Step 6 is to determine whether the proposed action is practicable and to reevaluate alternatives. Per the discussion above; including the Proposed Action's purpose and need, functional dependency on the floodplain (and V Zone), and a dock design that meets coastal construction standards; the Proposed Action remains a practicable alternative.

Step 7 requires that the public be provided with an explanation of any final decision that the floodplain action is the only practicable alternative. Final public noticing was completed as part of making the final SEA and FONSI document available to the public.

Step 8 includes implementation of the Proposed Action following release of grant funding.

V. Agencies/Entities Consulted and Permitting

The following agencies/entities have been contacted regarding permitting, approval or consultation for the harbor enhancements:

- USACE, Seattle District
- Washington State Historic Preservation Office
- Washington Department of Ecology
- Washington Department of Fish and Wildlife
- National Marine Fisheries Service
- US Fish and Wildlife Service
- Samish Indian Nation

The Port has applied for the USACE River's and Harbor's Act Section 10 and Clean Water Act permitting through submittal of a Joint Aquatic Resources Permit application to the Washington Department of Ecology.

VI. Public Involvement

Public involvement for the PEA was completed in April and July 2010, the document may be viewed and downloaded at: *http://www.fema.gov/library/viewRecord.do?id=4143*. As discussed in Section IV, initial project public involvement has been completed. A public notice advertising the availability of the draft SEA for public review and comment was published on January 2, 2013, with a 15 day comment period. No comments were received. The final SEA and FONSI may be viewed and downloaded at the following webpage: http://www.fema.gov/library/resultSearchTitle.do;jsessionid=0EB433A8744FA3FF75D39A3DA97347CD.Worker2Public2

VII. Project Conditions and Mitigation Measures

Before and during project implementation, the Port will comply with the following conditions or mitigations measures, in addition to general conditions that are stated in the PEA FONSI, noted above:

- The dock facilities must be built per the proposed design, meeting coastal construction standards, to minimizing potential flood damage.

- The Port must secure floodplain construction permitting per the National Flood Insurance Program as implemented by City of Langley or Island County.

- The Port must implement and comply with all the terms and conditions of its USACE and WA Department of Ecology Joint Aquatic Resource Permit.

- The Port must implement and comply with all the terms and conditions of its WA Department of Fish and Wildlife Hydraulic Project Approval

- The Port must implement and comply with all the terms and conditions of its WA Department of Ecology Shoreline Substantial Development Permit.

- The Port must implement all the conservation measures outlined in the Biological Evaluation (8/14/2009) and subsequent consultation and concurrences provided by the US National Marine Fisheries Service (6/29/2012) and US Fish and Wildlife Service (6/22/2012) to protect threatened and endangered species, critical habitat, and essential fish habitat.

VIII. Conclusion

The draft SEA evaluated floodplain and wetland impacts of the Proposed Action and did not identify any significant adverse impacts to the floodplain or wetlands. Implementing the Proposed Action, along with any conditions associated with permits or approvals, is expected to avoid or minimize adverse effects associated with the action. Following public involvement, FEMA determined to issue a FONSI for the Proposed Action.

IX. References

Port District of South Whidbey Island. *FY09 PSGP Investment Justification (completed for project). 2009.*

Port District of South Whidbey Island. *Washington State Joint Aquatic Resources Permit Application Form* (completed for project). *2011*.

Port District of South Whidbey Island. *US Department of Homeland Security Grant Programs Directorate Environmental and Historic Preservation Screening Memo (completed for project).* 2011.

Federal Emergency Management Agency. *Flood Insurance Rate Map for Island County, Langley Washington, Community Panel 53029C0342E* (Firmette for project location) accessed from: https://msc.fema.gov/. December 2012.

Reid Middleton. *Port of South Whidbey Langley Small Boat Harbor Expansion Design and Plans*. November 2011.

US Fish and Wildlife Service. National Wetlands Inventory mapping, http://137.227.242.85/wetland/wetland.html. Accessed August 5, 2011.