



FEMA

FINDING OF NO SIGNIFICANT IMPACT

Physical Enhancements D Dock, Port of South Whidbey
Island County, Washington
Port Security Grant Program: 2009-PU-T9-L044

In accordance with 44 Code of Federal Regulations (CFR) for the Federal Emergency Management Agency (FEMA), Part 10.9, Environmental Considerations; FEMA prepared a Tiered, Site-Specific Supplemental Environmental Assessment (SEA) for the above proposed project, per Section 102 of the National Environmental Policy Act (NEPA) of 1969, as implemented per the President's Council on Environmental Quality regulations (CEQ; 40 CFR Parts 1500-1508). The Port District of South Whidbey (Port) has applied for fiscal year 2009 funding assistance from FEMA's 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. The purpose of the PSGP is to provide financial assistance for activities which help enhance the security and safety of ports in the United States. One of the purposes of the Port is to support marine security or all hazards incident response around southern Whidbey Island as part of the South Whidbey Marine Security and Resiliency Consortium. Thus, the need for the proposed project is to enhance marine security and emergency response capabilities around Southern Whidbey Island.

This SEA was tiered from and incorporates by reference a Programmatic Environmental Assessment (PEA) for Grant Programs Directorate projects and its "Finding of No Significant Impact" (FONSI) issued in July 2010. FEMA found the PEA addressed all environmental compliance concerns except Executive Order (EO) 11988, Floodplain Management and EO11990 Wetlands Protection, as implemented per 44 CFR Part 9. Since the proposed dock improvements would be in a regulated floodplain and potentially affect wetlands, the SEA provides additional analysis on project floodplain and wetland effects and informed FEMA's decision on whether to prepare an Environmental Impact Statement (EIS) or a site-specific FONSI.

Two project alternatives were evaluated in the 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. Under the No Action Alternative, the Port 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.

The Proposed Action, based upon a larger harbor improvement plan, involves physical enhancements to the harbor at Langley and includes the purchase of a 26 foot and a 30 foot marine response vessel. The small boat harbor is located at 228 Wharf Street in Langley on southeast Whidbey Island; and the Port proposes to: 1) reposition and secure an existing 400 foot concrete floating breakwater, and 2) provide access to the dock with an 80 foot gangway. The dock infrastructure has been designed to meet coastal construction standards. 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.

FINDINGS

Consistent with the PEA, the Proposed Action as described in the PSGP grant materials would not significantly adversely impact physical, water, biological, cultural, socioeconomic resources or public safety. FEMA completed the EO 11988/11990 8-step decision-making process per 44 CFR Part 9 to evaluate floodplain and wetland effects. Implementing the Proposed Action with design and permit conditions, is expected to avoid or minimize adverse effects on wetlands or the floodplain, thus the draft SEA did not identify any significant adverse impacts. Also, the Proposed Action would benefit public health and safety along the Saratoga Passage. The draft SEA was made available for public review on January 2, 2013. FEMA did not receive any substantive comments on the Draft SEA during the 15-day comment period.

The Proposed Action is selected because it will leverage the existing facilities at the Langley small boat harbor and enhance marine security and emergency response capabilities for the Consortium and around Southern Whidbey Island by mitigating strategic security risks.

CONCLUSIONS

Based on findings of the SEA, public involvement, and adherence to the project conditions set forth in this FONSI, FEMA has determined that the Proposed Action qualifies as a major Federal action that would not significantly adversely affect the quality of the natural and human environment, including floodplains and wetlands, and it does not have the potential for significant adverse cumulative effects. As a result of this FONSI, FEMA will not prepare an EIS (44 CFR Part 10.9) and the Proposed Action as described in the attached SEA may proceed.

APPROVAL



Mark G. Eberlein
Acting Environmental Officer

2-11-13

Date

MITIGATION AND CONSERVATION MEASURES

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

- The Port shall secure and comply with all applicable federal, state, and local project permitting.
- Programmatic Environmental Assessment Mitigation Measures are included as an attachment and are a condition of project implementation.
- 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.
- Excavated soil and waste material will be managed and disposed of pursuant with applicable local, state, and federal regulations. If hazardous wastes or contaminated materials are discovered during construction activities, the site work will cease until appropriate procedures and permits are implemented including characterization, handling, transport and disposal.
- In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity shall be discontinued, the area secured, and the SHPO and FEMA notified.
- Any change to the approved scope of work in the FEMA grant application and in the EA as the proposed alternative will require re-evaluation for compliance with NEPA and other laws and Executive Orders.

Section Seven Mitigation

FEMA will require grantees and subgrantees to follow the mitigation measures in Sections 7.1 and 7.2 to the extent practicable and applicable to avoid or minimize impacts to the quality of the human environment. These mitigation measures are not required to reduce impacts below the level of significance, thereby avoiding the need to develop an EIS; rather these general measures are required by FEMA to further minimize the impacts of those actions for which impacts are already below the level of significance. If grantees or subgrantees cannot avoid or minimize the impacts, a Tiered SEA may be required. The general mitigation measures outlined in this section may be superseded by higher or more stringent standards required by the particular Federal, State or Territory, Tribe, or local government agency issuing a permit, license, or approval for the project. Additional project-specific mitigation measures may be imposed as a condition of project approval/grant award by FEMA for those projects covered by a CATEX that trigger extraordinary circumstances or those projects for which a Tiered SEA will be prepared.

7.1 Measures to avoid impacts to the human environment

1. Avoid taking actions that modify existing land use patterns;
2. Avoid undertaking projects in areas characterized by susceptibility to seismic or volcanic activity, tsunamis, landslides, mudslides, structural instability, excessive erodibility, or steep slopes;
3. Avoid undertaking projects in the floodplain;
4. Avoid undertaking projects on important farmlands;
5. Avoid undertaking projects on or near Traditional Cultural Properties (TCPs);
6. Avoid undertaking projects in wetlands;
7. Avoid undertaking projects that adversely affect historic properties, including archaeological resources;
8. Avoid undertaking projects that adversely affect threatened and endangered or special status species or critical habitat.

7.2 Minimization Measures for ground disturbing/ construction activities of up to five (5) acres

1. Follow applicable State, Territory, Tribal, and local permitting requirements for construction;
2. Water down construction site two to three times per day if dust emissions become a problem;
3. Enclose or water down exposed dirt storage piles;
4. Minimize the disturbed area and preserve vegetation to the maximum extent possible;
5. Maintain topsoil whenever possible;
6. Phase construction activities to the extent possible;
7. Control stormwater flowing to and through the project site;

8. Protect slopes by using measures such as erosion control blankets, bonded fiber matrices, turf reinforcement mats, silt fences (for moderate slopes), etc.;
9. Temporarily protect storm drain inlets until site is stabilized;
10. Retain sediment on-site and control dewatering practices by using sediment traps or basins for large areas (> 1 acre) when appropriate;
11. Establish stabilized construction entrances/exits (e.g. large crushed rocks, stone pads, steel wash racks, hose-down systems, pads);
12. Limit construction activities, including operation of heavy machinery, to normal business hours (M-F 7am-5pm);
13. Avoid engaging in construction activities within 200 feet of noise-sensitive receptors such as schools, hospitals, residential areas, nursing homes, etc.
14. Ensure adequate maintenance of equipment, including proper engine maintenance, adequate tire inflation, and proper maintenance of pollution control devices;
15. Ensure equipment at the project site uses the manufacturer's standard noise control devices (i.e., mufflers, baffling, and/or engine enclosures);
16. Reduce construction equipment idling to the maximum extent practicable;
17. Implement plans to eliminate and minimize oil or fuel spills from construction equipment;
18. Minimize the impacts of equipment staging areas;
19. Stabilize slopes promptly through temporary and permanent cover best management practices (BMPs). Following construction all remaining disturbed areas must be revegetated with locally acquired sources of native seeds and plants in a manner that returns the site to its pre-construction condition or better. Plantings are done during the optimum season for the species being planted. Any seeding carried out during the revegetation program is completed with commercially available seeds certified to be free of noxious weed seeds and other invasive species. If necessary, an irrigation system is installed to ensure establishment of the planted vegetation. The target for new plantings is an 80 percent survival rate at the end of 3 years. Invasive exotic plant species are controlled to the maximum extent practical to accomplish the revegetation effort. If the application of a chemical is required to control an invasive exotic plant species, the chemical is applied by a certified pesticide or herbicide applicator per labeled directions and in compliance with all Federal, State, and local laws and regulations.
20. When applicable adopt measures to minimize traffic impacts during construction such as providing warning signage, limit the use of public right-of-ways for staging of equipment or materials, use of flagpersons when needed, and coordinate detours if traffic access points will be obstructed.
21. Avoid engaging in construction activities within 660 feet of a bald or golden eagle nest during nesting and fledging, as nesting eagles are quite sensitive to human activities during these times.
22. Establish an inspection and maintenance approach to ensure these measures are working adequately.
23. To the extent possible, adopt other feasible measures under the EPA Guidance Potential for Reducing Greenhouse Gas Emissions in the Construction Sector.
24. Avoid archaeological sites by shifting ground disturbance in a particular area, when possible.