

FINDING OF NO SIGNIFICANT IMPACT ENVIRONMENTAL ASSESSMENT FOR THE REPLACEMENT OF THE PIER AND BOAT RAMP AT THE BORDER PATROL & AIR AND MARINE FACILITY, PONCE, PUERTO RICO

Introduction

The mission of U.S. Customs and Border Protection (CBP) is "To safeguard America's borders thereby protecting the public from dangerous people and materials while enhancing the Nation's global economic competitiveness by enabling legitimate trade and travel." The primary sources of authority granted to CBP agents are the Immigration and Nationality Act of 1952 (Public Law 82-414) contained in Title 8 of the *United States Code*, Aliens and Nationality, and other statutes related to the immigration and naturalization of aliens. CBP implemented the 2012–2016 Border Patrol Strategic Plan, which is a risk-based approach to border security that uses information, integration, and rapid response to achieve two overall goals: secure America's borders and strengthen CBP.

Pursuant to the National Environmental Policy Act (NEPA), CBP, a component of the Department of Homeland Security, has prepared an Environmental Assessment (EA), which is attached hereto and incorporated herein by reference to document its consideration of the potential environmental impacts for the proposed demolition and removal of the temporary structure, removal of the original concrete pier, construction of a new pier, replacement of the boat ramp, and continued operation and maintenance of the Ponce Marine Unit facility, leased and operated by CBP, in Ponce, Puerto Rico. The original concrete pier was displaced by Hurricane Maria in September 2017. A temporary structure was constructed to replace the original concrete pier in order to fulfill the immediate operational need of deploying CBP assets from the Ponce Marine Unit. The Ponce Marine Unit is a Border Patrol & Air and Marine (BPAM) facility in CBP's Ramey Sector and supports vessel inspection of foreign ships and small passenger vessels, safety and security inspections at waterfront facilities, and pollution incident investigations. The original concrete pier and boat ramp are currently in disrepair and unusable; and the temporary structure and boat ramp are inadequate in size to support two CBP vessels and, when needed, one seized vessel. CBP uses Midnight Express vessels, which total 39 feet in length. Larger SAFE 410 Apostle vessels, which total 41 feet in length, may replace the Midnight Express vessels in the near future.

Proposed Action

CBP's Proposed Action includes the demolition and removal of the temporary structure, removal of the original pier, replacement of the boat ramp, construction of a pier, and continued operation and maintenance of CBP's Ponce Marine Unit facility located at 41 Bonaire Street in the municipality of Ponce, Puerto Rico. The replacement boat ramp would be constructed in the same location as the existing boat ramp and the pier would be constructed south of the Ponce Marine Unit facility. Construction activities associated with the Proposed Action would be contained within the project area (approximately 2.65 acres – comprised of 1.05 acres of land and 1.6 acres of water) where the Ponce Marine Unit is located. Under the Proposed Action, the concrete boat ramp would be lengthened from 36 feet to 56 feet. Prior to demolition and construction of the boat ramp, a single-row coffer dam would be installed across the inlet to remove water from the area. Dredging is not anticipated as part of this project.

Following the removal of the original concrete pier and the demolition of the temporary pier structure, the new pier (approximately 205 feet in length) would be constructed with 18, 18-inch diameter hollow cylindrical steel piles that would be approximately 100 feet in length. The final length of the piles and the pile driving method are unknown at this time and would be dictated by the project's specifications. The pier top would be precast concrete spans equipped with electric power and freshwater service kiosks, LED bollard lighting, and video surveillance.

Purpose and Need

CBP needs to provide a sufficient docking and launch capability for the maintenance and repair of marine assets in accordance with their mission needs. The purpose of the proposed action is to replace the existing insufficient pier and boat ramp facility to fulfill the marine basing and operations and maintenance requirements for the Ponce Marine Unit.

The site's pier and boat ramp are used 24 hours per day, 365 days per year to access the adjacent inlet to the Caribbean Sea. As a result of age and use, the condition of the facilities have deteriorated to the point that they no longer adequately support CBP's mission requirements. In addition, Hurricane Maria caused severe damage to the facility, rendering the original concrete pier unusable. The Proposed Action would afford CBP with

- more efficient and effective means of launching, loading, and unloading boats;
- rapid detection and accurate characterization of potential threats;
- increased efficiency in surveillance and interdiction;
- long-term viability of critical infrastructure; and
- enhanced safety and security of CBP Air and Marine Operations agents.

Alternatives

Two alternatives were considered—Alternative 1: No-Action Alternative and Alternative 2: Proposed Action Alternative.

Alternative 1: No-Action Alternative. Under this alternative, a new pier would not be constructed and the boat ramp would not be repaired or replaced. The CBP Ponce Marine Unit would continue its operation from the facility in its current condition. If this alternative is chosen, CBP's need for an updated facility in compliance with mission requirements, as well as safety and security requirements, would not be met. The existing facilities would continue to deteriorate and would not adequately support CBP's mission requirements. The No-Action Alternative will serve as a baseline against which the impacts of the Proposed Action can be evaluated. The No-Action Alternative does not satisfy the purpose and need for the project.

Alternative 2: Proposed Action Alternative. Under this alternative, the concrete boat ramp would be lengthened from 36 feet to 56 feet to replace the existing boat ramp. The new ramp would have varying slope from 7 percent to 13 percent; the maximum slope of the existing ramp is 12.6 percent. The steeper slope would increase the depth at the end of the ramp by approximately 2.5 feet, allowing the ramp to be used across a broader range of tides. The minimum thickness of the ramp, 8 inches, was determined based on the launch type, towing vehicle, and boat and trailer (SAFE 410 Apostle vessel and Ford F-550 crew cab, respectively). Prior to demolition and

construction of the boat ramp, a single-row coffer dam would be installed across the inlet to remove water from the area. Dredging is not anticipated as part of this project.

Under the Proposed Action the original concrete pier and the temporary structure would be removed. This includes first removing the top of the temporary structure and then removing the PVC pipes using a nominal-size backhoe and chain, and hauling the original concrete pier away from the project area. The new pier, constructed south of the Ponce Marine Unit, would be approximately 205 feet in length from the landward curb and fence line, not including the sloping entrance ramp and fenced entry point and approximately 10–13 feet in width. The new pier would consist of 18 hollow cylindrical steel piles (14 pier piles and 4 mooring piles), all 18 inches in diameter, that would be pointed, driven, and coated in bitumen and filled with grout once driven. Each pile would be approximately 100 feet in length, however the final length would be dictated by the project's specifications. The pile driving method is unknown at this time and would be determined prior to construction, however ramp up procedures would be implemented during pile driving activities to allow any sensitive species to leave the area. Best management practices (BMPs) and mitigation measures would be implemented to minimize impacts on aquatic species (i.e., mammals, fish, sea turtles) to the maximum extent practicable. The top 19 feet of the piles would be reinforced with a cage extending into the cast-in-place concrete pile caps. The pile caps would be 50 inches high from underside to the top deck, 53 inches wide, and approximately 11 feet long. The pilings would be inserted into the subsurface floor by using a barge-mounted diesel pile-driving rig, tugboat, and other tending boats as required.

The pier top would be constructed from several precast, pre-stressed concrete spans. The first span would start at the pier entry point and end at the first over-water pile cap, totaling 48 feet in length. All subsequent pier spans would measure 30 feet in length. The first span (48 feet) would have modular aluminum tube guardrails for fall protection, and the sides and ends of the 30-foot spans would include horizontal rubber fenders and deck cleats for vessel mooring.

In addition to mooring piles, cleats, and boat whips, the pier would be equipped with three power and freshwater service kiosks, LED bollard lighting, and video surveillance. Utilities would be routed from the main facility to the pier via a new utility trench originating at the main facility, crossing the parking lot and ending at the beginning of the pier. Installation of the trench requires saw cutting along the parking lot and the installation of 6 inches of concrete on either side of the trench frame. A 1-inch waterline would run inside the trench. A system to increase water pressure would be used to ensure that water reaches the end of the pier. Low-profile light bollards would be placed along the pier, minimizing spill light and glare into the surrounding water.

Public Involvement

CBP consulted and coordinated with Federal, state, and local agencies during the preparation of this EA. Copies of this correspondence are provided in Appendices A and B of the EA and include formal and informal coordination conducted with the following agencies:

- National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries or NMFS), Southeast Regional Office, Protected Resources Division
- NOAA Fisheries, Habitat Conservation Division
- NOAA Fisheries, Protected Resources Division, MMPA Branch
- U.S. Department of Transportation/Federal Highway Administration

- U.S. Army Corps of Engineers (USACE) Jacksonville District, Antilles Regulatory Section
- U.S. Fish and Wildlife Service, Caribbean Ecological Services Field Office
- Puerto Rico State Historic Preservation Office (Oficina Estatal de Conservación Histórica)
- Archeology and Ethnohistory program of the Puertorican Institute of Culture (Programa de Arqueología y Etnohistoria del Instituto de Cultura Puertorriqueña)
- Historical built heritage program of the Puertorican Institute of Culture (Programa de Patrimonio Histórico Edificado del Instituto de Cultura Puertorriqueña)
- Natural Resources Conservation Service
- Puerto Rico Aqueduct and Sewer Authority
- Puerto Rico Department of Agriculture (Departamento de Agricultura)
- Puerto Rico Department of Economic Development and Commerce
- Puerto Rico Department of Natural and Environmental Resources (Departamento de Recursos Naturales y Ambientales)
- Puerto Rico Department of Transportation and Public Works
- Puerto Rico Electric Power Authority
- Puerto Rico Environmental Quality Board (Junta de Calidad Ambiental)
- Puerto Rico Planning Board
- Puerto Rico Ports Authority
- U.S. Army Corps of Engineers, Jacksonville District, Antilles Regulatory Section
- Municipality of Ponce (Gobierno de Puerto Rico, Municipio Autonomo de Ponce, Oficina de Ordenacion Territorial)

A Notice of Availability for the draft EA and FONSI, in both English and Spanish, was published in *La Perla del Sur* newspaper on October 31 and November 7, 2018 to solicit comments on the Proposed Action and No-Action alternatives and involve the local community in the decision-making process. Substantive comments from the public and other Federal, state, and local agencies were considered and incorporated into the Final EA.

During the 30-day public review and comment period for the Draft EA and Draft FONSI, CBP accepted comments submitted by email and postal mail from the public; Federal and state agencies; Federal, state, and local elected officials; stakeholder organizations; and businesses. During the public review and comment period, CBP received two responses, which are included in Appendix B of the EA.

CBP has not concluded consultation with NOAA Fisheries, at the time of the completion of the Final EA, however CBP will continue consultation and will integrate agreed upon BMPs and mitigation measures into the Proposed Action. CBP will also obtain a Section 404 CWA permit from the USACE, as well as necessary permits from the government of Puerto Rico, prior to construction.

Environmental Consequences

The Proposed Action would be contained within an area of approximately 2.65 acres (the total project area) where CBP's Ponce Marine Unit is located. There would be no change to land use as a result of the Proposed Action and it would continue to be compatible with current land uses in the area.

Implementation of the Proposed Action would not result in disproportionate adverse human or environmental impacts on children, minorities, or low-income populations. Construction of the Proposed Action is expected to have a short-term beneficial economic impact on the regional and local economies due to temporary employment and an increase in sales from construction-related services, materials, and supplies.

The existing roadway network in the area has the capacity and is adequate to service the project. No long-term impacts on roadways or traffic would be expected.

The construction of the Proposed Action would not cause significant adverse impacts on existing geological conditions at the site. Short-term, minor, adverse, direct impacts on geological or soil resources would be expected from soil disturbances associated with trenching, grading, and construction activities—including dewatering of the boat ramp.

Short-term, minor, adverse, indirect impacts on water resources adjacent to the project site, including surface waters, could occur due to erosion and sedimentation during construction. Given the temporary nature of the potential environmental disturbances and the implementation of BMPs, the operation of the Proposed Action would not result in long-term adverse impacts on surface waters and groundwater in the area. Short-term impacts on waters of the U.S. would be expected during the construction phase of the Proposed Action. Construction of the replacement boat ramp would occur at the water's edge and in water within the jurisdictional control of USACE. A coffer dam would be installed to enable water to be pumped from the boat ramp construction area. CBP will obtain a Section 404 would coordinate with USACE and has BMPs in place for this activity. CBP will coordinate with USACE in compliance with Clean Water Act and will also obtain the necessary permits from the government of Puerto Rico, prior to construction. Given the location of the Proposed Action (waterfront) and nature of floods in the area, construction of the Proposed Action would have no effect on the flood levels outside the project site.

No federally or locally designated threatened or endangered species (i.e., marine mammals, sea turtles, and fish) were observed during the 2016 or 2018 survey. Therefore, no direct impacts on federally or locally designated threatened or endangered species or their habitats would be expected. Wildlife species in adjacent areas may be temporarily displaced during construction activities due to noise disturbances and increased human activity. However, BMPs would be implemented during construction activities to the maximum extent practicable to minimize the noise disturbances to biological species in the area.

The potential for finding pre-colonial or colonial historic properties within the project area is low; therefore no significant impacts on cultural resources from the implementation of the Proposed Action would be expected. A Phase I maritime survey, consisting of a remote-sensing survey and the collection of magnetic and acoustic data, did not identify potential submerged cultural resources. Cultural resources on land were evaluated through an inventory and a Phase IB survey,

which concluded that no historical buildings or landscapes were present at the project site. The Proposed Action consists of a low-profile undertaking with minimal visual impacts on the surrounding landscape and therefore does not have the potential to adversely affect the character of aboveground potential historic properties located in the surrounding area.

Implementation of the Proposed Action might result in short-term, minor, adverse, direct impacts from noise and air pollutant emissions associated with construction activities.

Implementation of the Proposed Action would result in long-term, moderate, beneficial, direct impacts on infrastructure due to the installation of a new pier and boat ramp. The pier would be constructed with reinforced concrete piles and both the pier and the boat ramp would have longer expected lifetimes.

The Proposed Action would result in long-term beneficial impacts on the environment from operating a facility that incorporates sustainable practices, and reducing operating costs through the use of energy efficient facilities and reductions in water-use.

Impacts on the previously discussed resources under the Proposed Action and No-Action alternatives are summarized below.

Comparison of Analyzed Impacts

Resource Area	Alternative 1—No-Action	Alternative 2—Proposed Action
Geology and Soils	Short term: No impact	Short term: Negligible, adverse
	Long term: No impact	Long term: No impact
Water Resources	Short term: No impact	Short term: Minor, adverse
	Long term: No impact	Long term: No impact
Biological Resources	Short term: No impact	Short term: Minor, adverse
	Long term: No impact	Long term: Minor, adverse
Cultural, Historical, and Archaeological Resources	Short term: No impact	Short term: No impact
	Long term: No impact	Long term: No impact
Air Quality	Short term: No impact	Short term: Minor, adverse
	Long term: No impact	Long term: No impact
Noise	Short term: No impact	Short term: Minor, adverse
	Long term: No impact	Long term: No impact
Utilities and Infrastructure	Short term: No impact	Short term: Minor, adverse
	Long term: No impact	Long term: Moderate, beneficial
Hazardous Materials	Short term: No impact	Short term: Minor, adverse
	Long term: No impact	Long term: No impact
Human Health and Safety	Short term: No impact	Short term: Minor, adverse
	Long term: Moderate, adverse	Long term: Minor, beneficial

Mitigation and Best Management Practices

The EA describes the BMPs and protection measures that would be implemented to reduce or eliminate potential adverse impacts on the human and natural environments during construction and operation of the Proposed Action and are incorporated herein by reference. Additional BMPs and mitigation measures may be developed during consultation with state and Federal agencies, following the completion of the EA, and will be incorporated into the Proposed Action. Some of the BMPs to be implemented during the construction and operation phases of the new marine facility are listed below:

- Development and implementation of a Sediment and Erosion Control Plan and a Stormwater Pollution Prevention Plan to manage stormwater runoff during construction activities. An effective combination of soil erosion and sediment controls would be in place prior to earth-moving activities to prevent sediment from leaving the site, entering a stormwater drainage, or receiving water such as Ensenada Honda.
- Good housekeeping practices and preventive maintenance during operation of the facility would be undertaken.
- Ramp up procedures would be implemented during pile driving activities to allow any aquatic species (i.e., mammals, fish, and sea turtles) to leave the area.
- A protected species observer would be present during pile driving activities to screen construction operations to ensure adherence with BMPs and advise the construction contractor as needed.
- The project work area would be surveyed for the presence of federally protected biological species at least one hour before the commencement of construction activities. If any protected species are present, the contractor would wait for the animal to leave the area by itself and be at least 100 feet from the in-water project area.
- Avoidance of construction activities during migratory bird nesting season to the extent practicable. If construction cannot occur outside the migratory bird nesting season, surveys would be conducted prior to initiation of the construction activity to determine whether nests are present within the area of impact. If active nests are identified within the vicinity of the project site, construction activities would be avoided until nestlings have fledged or the nest fails. If activity must occur, a buffer zone around the nest would be established, and no activities would occur within that zone until nestlings have fledged and left the nest area.
- Proper and routine maintenance of all construction equipment and vehicles would ensure that emissions are within design standards.
- Waste stream of contaminated media would be handled through institutional controls, which would consist of physical barriers to restrict access to the site, such as fencing and the installation of appropriate “no trespassing” signs to warn of potential hazards onsite.
- Hazardous materials and waste would be managed using applicable storage, transfer, and disposal regulations.
- Safety buffer zones would be designated around the construction site to ensure public health and safety.

Finding

Given the results of the EA and the environmental design measures to be implemented for the Proposed Action, CBP's Preferred Alternative is not expected to have a significant effect on the environment. Therefore, no additional environmental documentation under NEPA is warranted, and the preparation of an Environmental Impact Statement is not required.

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Date



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2/21/19

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